



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: June 3, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Nathan Smith Special Permits**
Record Number: PLN-2018-15295
Assessor's Parcel Number: 522-115-002
Willow Creek area

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Please contact Megan Acevedo, Planner I, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 3, 2021	Special Permits	Megan Acevedo

Project: A Special Permit for 4,992 ft² of pre-existing mixed-light and 21,294 ft² of pre-existing outdoor commercial cannabis cultivation, with 2,620 ft² of ancillary propagation space. An additional Special Permit is being requested to reduce the 600 foot setback to the Six Rivers National Forest, and another Special Permit to allow cultivation on pre-existing slopes between 15% and 30%. Water is currently sourced from a water diversion, and the applicant will have two years from the date of approval to provide water from a non-diversionary water source. The applicant plans to have a well drilled on-site this year, and will install a rainwater catchment pond in the event that the well comes up dry or is determined to be hydrologically connected. Total anticipated annual water needed for irrigation is 145,000 gallons. Total existing water storage on-site is 26,250 gallons in hard water tanks. The applicant plans to install 10,050 gallons of future water storage in hard water tanks, and will construct a 192,252-gallon pond in the event that the well comes up dry or is determined to be hydrologically connected. Drying and curing will occur on-site and further processing will occur off-site at a license processing facility. There will be up to four employees required to run operations on-site, and the existing Residence is being proposed as on-site employee housing. Power is provided by solar power from existing solar arrays, and there is one emergency backup generator. Since the project is considered pre-existing, they will have two years from the date of approval to meet all conditions for the project approval.

Project Location: The project is located in Humboldt County, in the Willow Creek area, on both sides of Beebe Ranch Road, approximately 2.5 miles north from the intersection of Beebe Ranch Road and Brannan Mountain Road, on the property known to be in the southwest quarter of Section 18 of Township 07 North, Range 05 East, Humboldt Base & Meridian.

Present Plan Land Use Designations Timberland (T), 2017 General Plan, Density: Range is 40 to 160 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Timberland Production Zone (TPZ)

Record Number: PLN-2018-15295

Assessor's Parcel Number: 522-115-002

Applicant

Nathan Smith
33683 Garnet Ct.
Potomac, MT 59823

Owner

Nathan Smith
33683 Garnet Ct.
Potomac, MT 59823

Agent

Brittney Crosby
Soule Street
Eureka, CA 95503

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

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

Major Issues: None

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Nathan Smith Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for 4,992 ft² of pre-existing mixed-light and 21,294 ft² of pre-existing outdoor commercial cannabis cultivation, with 2,620 ft² of ancillary propagation space. An additional Special Permit is being requested to reduce the 600 foot setback to the Six Rivers National Forest, and another Special Permit to allow cultivation on pre-existing slopes between 15% and 30%. Water is currently sourced from a permitted water diversion, and the applicant will have two years from the date of approval to provide water from a non-diversionary water source. Drying and curing will occur on-site and further processing will occur off-site at a license processing facility. There will be up to four employees required to run operations on-site, and the existing Residence is being proposed as on-site employee housing. Power is provided by solar power from existing solar arrays, and there is one emergency backup generator. Since the project is considered pre-existing, they will have two years from the date of approval to meet all conditions for the project approval.

There are four existing graded flats on the parcel where cannabis cultivation is proposed, and one graded flat where the pond is proposed. Analysis of the existing flats prior to January 2016 was done using Google Earth Pro's path elevation tool. It has been determined that proposed Cultivation Areas #1, #2, and #3 shown on the Site Plan had existing slopes greater than 15% but less than 30%. Cultivation Area #4 and the pond location were determined to have existing slopes of less than 15% prior to January 2016. A site considered as pre-existing is allowed to have cannabis cultivation on slopes between 15% and 30% per section 55.4.6.5.4 of the CCLUO, with a Special Permit. Additional grading occurred at these locations post 2016, and the applicant is conditioned to retroactively permit all grading that has occurred on the parcel with engineered grading plans.

Drying and curing will occur on-site, and trimming will occur off-site at a licensed processing facility. The applicant plans to utilize the existing Residence on-site for employee housing, which is equipped with an existing septic system. The existing septic system has not been permitted, and the applicant is conditioned to have an assessment done for the existing system and retroactively permit the OWTS with the Department of Environmental Health (DEH). The applicant is also proposing portable toilets and hand washing stations to be used on-site for additional facilities near Cultivation Area #4. The project was referred to DEH on January 26, 2021. The Department commented on the project on January 28th stating that there was no record of a well, and that the applicant will need to destroy the well or legalize it. There was a previous well drilled on the site that came up dry, and the applicant is required to destroy the well per State standards. The applicant does plan to have another well drilled on-site and will have the well permitted appropriately with DEH. Additional comments from DEH included the condition that the applicant provide receipts for proof of serviced portable toilets on-site.

There are a total of four (4) greenhouses that will be used for mixed-light cultivation, and a total of fourteen (14) greenhouses to be used for outdoor cultivation which will utilize light-deprivation techniques without the use of supplemental lights. There are an additional three (3) greenhouses that will be used for ancillary propagation space on-site, and one more hoop house that will be used for drying. There is an existing 24'x30' Drying & Harvest Storage building, and one 8'x44' Drying & Harvest

Storage building on-site. The project was referred to the Building Division on January 26, 2021, and the applicant had a Building inspection conducted on May 10th 2021. Comments from the Building inspection recommended approval for the project based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained. The applicant is conditioned to obtain permits for all structures with a nexus to cannabis, including but not limited to: four (4) mixed-light greenhouses, fourteen (14) outdoor light-deprivation greenhouses, three (3) ancillary propagation greenhouses, one (1) drying hoophouse, two (2) drying buildings, and one (1) on-site Residence for employee housing.

Photos from the Building inspection showed a mobile trailer located on the property with an outdoor shower room, a latrine located near the Residence, fuel tanks which were not included in the Site Plan, and significant amount of solid waste on the property. Per the Humboldt County Code, the applicant is not allowed to have trailers used for on-site housing, is conditioned to not use the trailer as an on-site Residence, and the trailer may only be used as a break area. The latrine is also not allowable by DEH, and the agency commented on the project that the applicant shall discontinue the use and decommission the pit privy on-site. The applicant is conditioned to contain and dispose of all solid waste properly. Lastly, the applicant shall add the locations for all fuel tanks and their size on the Site Plan, and shall contact DEH to begin the permitting process for all hazardous materials on-site.

Setbacks

The subject parcel is surrounded by Six Rivers National Forest (SRNF), and the applicant is requesting a Special Permit to allow a setback reduction to SRNF. The nearest cultivation area to SRNF is near the southern parcel line which has been verified to be approximately 73 feet to the shared parcel line. The application was referred to the US Forest Service on January 26, 2021. The agency replied on February 1, 2021, requesting denial for the project, and commented that the Forest Service is against any waiver of the 600 foot setback to public lands as Forest Service surrounds the parcel.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The applicant will be utilizing 100% solar power for the project, and will be restocking and restoring one previous cultivation area that is not planned for future use. Further, the processing facility will be powered by an on-site PG&E connection. Further, the project is conditioned to comply with International Dark Sky Standards, and shall not result in light-pollution. The applicant also plans to construct a rainwater catchment pond for future irrigation needs. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

Timber Conversion

The applicant has submitted a Timber Conversion Report (TCR) that was prepared by a Registered Professional Forester (RPF) with Timberland Resource Consultants, dated September 2019. The report states that 2.12 acres of timberland was converted for cannabis cultivation, which does not exceed the 3-acre conversion exemption maximum. Most of the site was expanded to its present size between 2012-2014, and Cultivation Area #5 was expanded between November 2015 and May 2016. The report also states that the conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules, and includes several recommendations for the project which are included in the Conditions of Approval for the project. The recommendations in the report include: treatment of all slash, woody debris and logs at all cultivation sites except Cultivation Area 3b and Cultivation Area 4, and along existing access roads re-opened in association with cultivation site development and use, specifically between Cultivation Area 3b and 3; remove unstable fill at Cultivation Area 1 and Cultivation Area 5, and shall be reconstructed and thoroughly compacted in approximately one-foot lifts and shall be no greater than 65% unless properly engineered; the steep segment of road shown on the attached maps need permanent drainage facilities installed to minimize soil erosion and slope instability; any converted cultivation area not approved for future cannabis cultivation or related activities be restored and restocked with conifers to improve timberland

production. There is one pre-existing cultivation area that will be decommissioned (shown on the Site Plan), and the applicant shall adhere to the Restocking Plan that was prepared by Timberland Resource Consultants, and shall restock the area with Douglas Fir seedlings at no less than 10-feet by 10-feet. The project was referred to CalFire on January 26, 2021, and the agency commented that the department concurs with the mitigations proposed within the TCR.

Water Resources

Water for the site has historically been sourced from a water diversion (Claimed Water Right ID S026576), and the applicant will have two years from the date of approval to provide water from a non-diversionary source. The applicant has applied for a Small Irrigation & Use Registration for two diversions on the property, but only Claimed Water Right S026576 is shown as active and the applicant shall only divert from S026576. Furthermore, the applicant shall continue to work with the California Department of Fish & Wildlife (CDFW) in order to obtain a temporary Lake or Streambed Alteration Agreement for the diversion, and is required to comply with the terms of a final agreement with CDFW. As well, the applicant shall work with CDFW on the future decommissioning of the two diversion locations on-site.

The applicant plans to have a well drilled on-site this year. The applicant shall submit a Well Completion Report for the well once it is available, along with a letter from a qualified professional (hydrologist or the well driller) to determine whether the well is hydrologically connected. The applicant will install a rainwater catchment pond in the event that the well comes up dry, is determined to be hydrologically connected, or is determined to not produce enough water to meet the needs for cannabis irrigation on-site. Total anticipated annual water needed for irrigation is 145,000 gallons. Total existing water storage on-site is 26,250 gallons in hard water tanks, and the applicant plans to install 10,050 gallons of future water storage in hard water tanks for a total of 36,300 gallons. The applicant will construct a 192,252-gallon pond in the event that the well comes up dry or is determined to be hydrologically connected, which would increase the total water storage on-site to 228,552 gallons. In the event that the applicant moves forward with constructing the pond on-site, the applicant shall have a grading plan prepared by a qualified engineer for the pond and permit the pond with the Building Division.

There is one known Class II unnamed stream that runs through the northern section of the parcel, and there may be additional watercourses located on the property that are not shown on the Humboldt County Web GIS. All cultivation areas have been determined to be outside of the Streamside Management Area (SMA) for the known Class II stream, and seem to be outside of any other potential watercourse SMA's on-site. The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ for waste discharge requirements. A Notice of Applicability letter was sent to the applicant from SWRCB, dated October 7, 2020, showing WDID: 1_12CC427373. The project site was enrolled as a Tier 2 Low Risk site, and the applicant is required to have a Site Management Plan (SMP) prepared to address any mitigation or remedial actions for compliance with the Order. The applicant is conditioned to provide a copy of the final SMP report to the Planning Department when available, and to adhere to the recommendations within the report.

Biological Resources

The project site is located in an area that is mapped for rare and endangered amphibian species. The applicant submitted a *Biological Assessment* prepared by Leopardo Wildlife Associates, dated March 8, 2019. The report discusses that a biological reconnaissance survey was conducted on February 8, 2019. Additionally, the report states that there is a mapped Northern Spotted Owl Activity Center (NSO) within 0.5 miles of the project site. The report concludes that the biological Assessment found no plant or animal community potentially impacted by proposed activities in a manner that would be significant, and preconstruction surveys and/or biological monitoring for this project is not necessary. The Timber Conversion Report that was prepared for the project also included that no sensitive species were detected near the cultivation sites, and states that there is adequate NSO habitat. Furthermore, the applicant is conditioned to restore and restock the decommissioned cultivation area.

The project was referred to CDFW on January 26, 2021, and no response was received. The applicant has submitted a Lake or Streambed Alteration Notification with CDFW, and the applicant is still working

with the department to receive a Final Streambed Alteration Agreement. As stated above, the applicant is conditioned to work with CDFW in order to receive a temporary Streambed Alteration Agreement for the potential two years of water diverted under Claimed Water Right S026576, and shall adhere to the conditions set within the Final Agreement. As well, in the event that the applicant constructs the proposed pond on-site, the applicant shall implement and comply with the CDFW Bullfrog Management Plan (Attached), and comply with CDFW reporting requirements.

The generator on-site is to be used for emergency purposes only, and shall be enclosed within a permanent shed location. A condition of approval for the project requires the construction or maintenance of noise containment structures for all generator's future permanent locations, and these locations must be shown on an updated Site Plan submitted to the Planning Department. Future generator sheds must be permitted with the Building Department, have a concrete floor designed to incorporate containment for fuel leaks and spills. Additionally, the applicant shall ensure that the generator does not exceed 50 decibels at either 100 feet or the nearest canopy, whichever is closer, and this is included in the Ongoing Conditions of Approval for the project.

Additional measures required to mitigate effects on wildlife include adhering to International Dark Sky standards for all mixed-light and propagation greenhouses on-site. The applicant shall ensure that no light escapes from greenhouses utilizing supplemental lights between the hours of dawn and dusk for the life of the project, and this is included in the on-going Conditions of Approval for the project.

Noise

Section 55.4.12.6 of the CCLUO states that Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. The applicant is conditioned to take twenty-four hour ambient noise levels at three or more property lines when all cannabis related activities are not in operation, and provide results with each assessment location to the Planning Department. Furthermore, the applicant is conditioned to not exceed more than three decibels over the assessed ambient noise level at each assessed parcel line location.

Energy

The applicant will have solar panels located at each cultivation site, and the project will be entirely powered by solar. There will be one generator on-site for emergency backup purposes.

Tribal Cultural Resource Coordination

The project was referred to the Hoopa Valley Tribe and the Tsnungwe Council on January 26, 2021, and no response was received from either tribe. A *Cultural Resource Investigation Report* was prepared by William Rich, M.A, RPA with William Rich and Associates, dated March 2020. The report concluded that no significant archaeological or historic-period cultural resources exist within the limits of the project area, and recommended protocols for inadvertent discovery. The report to was forwarded to the Hoopa Valley Tribe and the Tsnungwe Council, and no comments were received. The applicant is conditioned to adhere to the inadvertent discovery protocols recommended within the Cultural Resource Investigation Report, which is included in the Ongoing Conditions for the project.

Access

The parcel is accessed by Beebe Ranch Road from Brannon Mountain Road which is partially county maintained. The applicant submitted a *Road Evaluation Report* form for both the non-county maintained portion of Brannon Mountain Road, and for Beebe Ranch Road, which both checked box 2 indicating that the roads are developed to the equivalent of a road category 4 standard. Both Brannon Mountain Road and Beebe Ranch Road are Forest Service roads, and therefore the applicant is not required to make any modifications to the access roads. The project was referred to the US Forest Service on January 26, 2021, and the agency replied with the standard comments stating that they cannot authorize the transportation of cannabis on Forest Service lands.

The project was referred to the Department of Public Works on January 26, 2021. The Department replied on March 10, 2021, recommending conditions of approval for the project. Conditions of approval included for the project are: all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and the access road shall be paved for a minimum width of 20 feet and a minimum length of 50 feet (or break in slope) where it intersects the County maintained road.

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 Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-2018-15295
Assessor's Parcel Number: 522-115-002**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Nathan Smith Special Permits.

WHEREAS, Nathan Smith, A Special Permit for 4,992 ft² of pre-existing mixed-light, 21,294 ft² of pre-existing outdoor commercial cannabis cultivation, with 2,620 ft² of ancillary propagation space, drying activities, an additional Special Permit to reduce the 600 foot setback to the Six Rivers National Forest, another Special Permit to allow cultivation on pre-existing slopes between 15% and 30%;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. 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 Zoning Administrator held a duly noticed public hearing on June 3, 2021 and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING:

Project Description: A Special Permit for 4,992 ft² of pre-existing mixed-light and 21,294 ft² of pre-existing outdoor commercial cannabis cultivation, with 2,620 ft² of ancillary propagation space. An additional Special Permit to reduce the 600 foot setback to the Six Rivers National Forest, and another Special Permit to allow cultivation on pre-existing slopes between 15% and 30%. Water is sourced from a permitted water diversion, and the applicant will have two years from the date of approval to provide water from a non-diversionary source. The applicant plans to have a well drilled on-site this year, and will install a rainwater catchment pond in the event that the well comes up dry or is determined to be hydrologically connected. Total anticipated annual water needed for irrigation is 145,000 gallons. Total existing water storage on-site is 26,250 gallons in hard water tanks. The applicant plans to install 10,050 gallons of future water storage in hard water tanks, and will construct a 192,252-gallon pond in the event that the well comes up dry or is determined to be hydrologically connected. Drying and curing will occur on-site and further processing will occur off-site at a license processing facility. There will be up to four employees required to run operations on-site, and the existing Residence is being proposed as on-site employee housing. Power is provided by solar power from existing solar arrays, and there is one emergency backup generator. Since the project is considered pre-existing, they will have two years from the date of approval to meet all conditions for the project approval.

EVIDENCE: a) Project File: PLN-2018-15295

2. FINDING:

The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

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 EIR. 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 Notice of Applicability letter, dated October 7, 2020, as proof of enrollment in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ under WDID: 1_12CC427373. The project site was enrolled as a Tier 2 Low Risk site, and the applicant is required to have a Site Management Plan (SMP) prepared.
- d) A Timber Conversion Report and Restocking Plan dated September 2019 was prepared by Timberland Resource Consultants which demonstrates how previously unauthorized timber conversion was not consistent with the Forest Practices Act. The report includes several recommendations which have been included in the Conditions of Approval for the project, and CalFire has signed off on the mitigations proposed.
- e) A Cultural Resource Investigation Report was prepared by William Rich, M.A., RPA with William Rich and Associates, dated March 2020. The report concluded that no significant archaeological or historic-period cultural resources exist within the limits of the project area, and recommended protocols for inadvertent discovery.
- f) A Biological Assessment prepared by Leopardo Wildlife Associates, dated March 8, 2019. The report discusses that a biological reconnaissance survey was conducted on February 8, 2019. The report concludes that the biological Assessment found no plant or animal community potentially impacted by proposed activities in a manner that would be significant, and preconstruction surveys and/or biological monitoring for this project is not necessary.

FINDINGS FOR SPECIAL PERMITS

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 Timberland (T) 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.
- b) The adjacent public land is subject to the Land and Resource

Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. All power will be sourced by 100% renewable sources, and the applicant will be restocking and restoring a previous cultivation site not proposed for future use.

The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and will move away from utilizing a water diversion within two years of approval. The applicant plans to construct a rainwater catchment pond for future irrigation needs. The applicant will use a drip irrigation method and in-ground planting to encourage water conservation.

Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources report provided recommendations related to the avoidance of sensitive tribal cultural resources. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

4. FINDING

The proposed development is consistent with the purposes of the existing TPZ zone in which the site is located.

EVIDENCE

- a) The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which general agriculture uses are the desirable uses.
- b) All general agricultural uses are principally permitted in the TPZ zone.
- c) Humboldt County Code Section 314-55.4.6.5 allows for Pre-Existing Cultivation Sites that meet all other Eligibility and Siting Criteria and Performance Standards, may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a Resource Production, General Plan land use designation or Residential land use designation requiring parcel sizes on more than 5 acres. The application for 4,992 ft² of pre-existing mixed-light and 21,294 ft² of pre-existing outdoor commercial cannabis cultivation on a 147-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.6.5).
- b) Humboldt County Code Section 314-55.4.6.5.4 allows a pre-existing cultivation site to be located on slopes greater than 15 percent but not exceeding 30 percent with a Special Permit. All cultivation areas have

been determined to have less than 30% slope.

- c) The subject parcel has been determined to be one legal parcel as described in Patent 10151.
- d) The project has two years from the date of approval to obtain water from a non-diversionary water source with a Provisional Permit.
- e) A Timber Conversion Report and Restocking Plan dated September 2019 was prepared by Timberland Resource Consultants which demonstrates how previously unauthorized timber conversion of 2.12 acres was not consistent with the Forest Practices Act. The report includes several recommendations which have been included in the Conditions of Approval for the project, and CalFire has signed off on the mitigations proposed. No additional trees will be removed.
- f) The parcel is accessed by Beebe Ranch Road from Brannon Mountain Road which is partially County maintained. Beebe Ranch Road and the non-County maintained portion of Brannon Mountain Road are Forest Service roads. The applicant has submitted a Road Evaluation Report form for both Beebe Ranch Road and the non-County maintained portion of Brannon Mountain Road, selecting box 2 indicating that the roads are developed to the equivalent of a road category 4 standard.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). 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, or Tribal Cultural Resource. County GIS indicates that cultivation areas are within 270 feet of adjacent undeveloped parcels owned by Six Rivers National Forest. However, as the parcels are managed for open space and/or wildlife habitat purposes, no future residential development is anticipated.
- h) The project is located within 600 feet of a Public Park, the Six Rivers National Forest, and the applicant is applying for a Special Permit to reduce the 600 foot setback to public lands, per Section 55.4.6.4.4 (f).

6. FINDING

EVIDENCE Cultivation of 4,992 ft² of pre-existing mixed-light, 21,294 ft² of pre-existing outdoor commercial cannabis cultivation, and on-site processing 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 in a rural part of the County where the typical parcel size is over 100 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, 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.
- b) The location of the proposed cannabis cultivation is more than 300 feet to the nearest off-site residence.
- c) The project will have a provisional permit, and the applicant will have two years to source water from a non-diversionary source. The applicant plans to drill a well on-site this year, and will construct the proposed 192,252-gallon rainwater catchment pond in the event that the well comes up

dry or the well is considered to be hydrologically connected.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

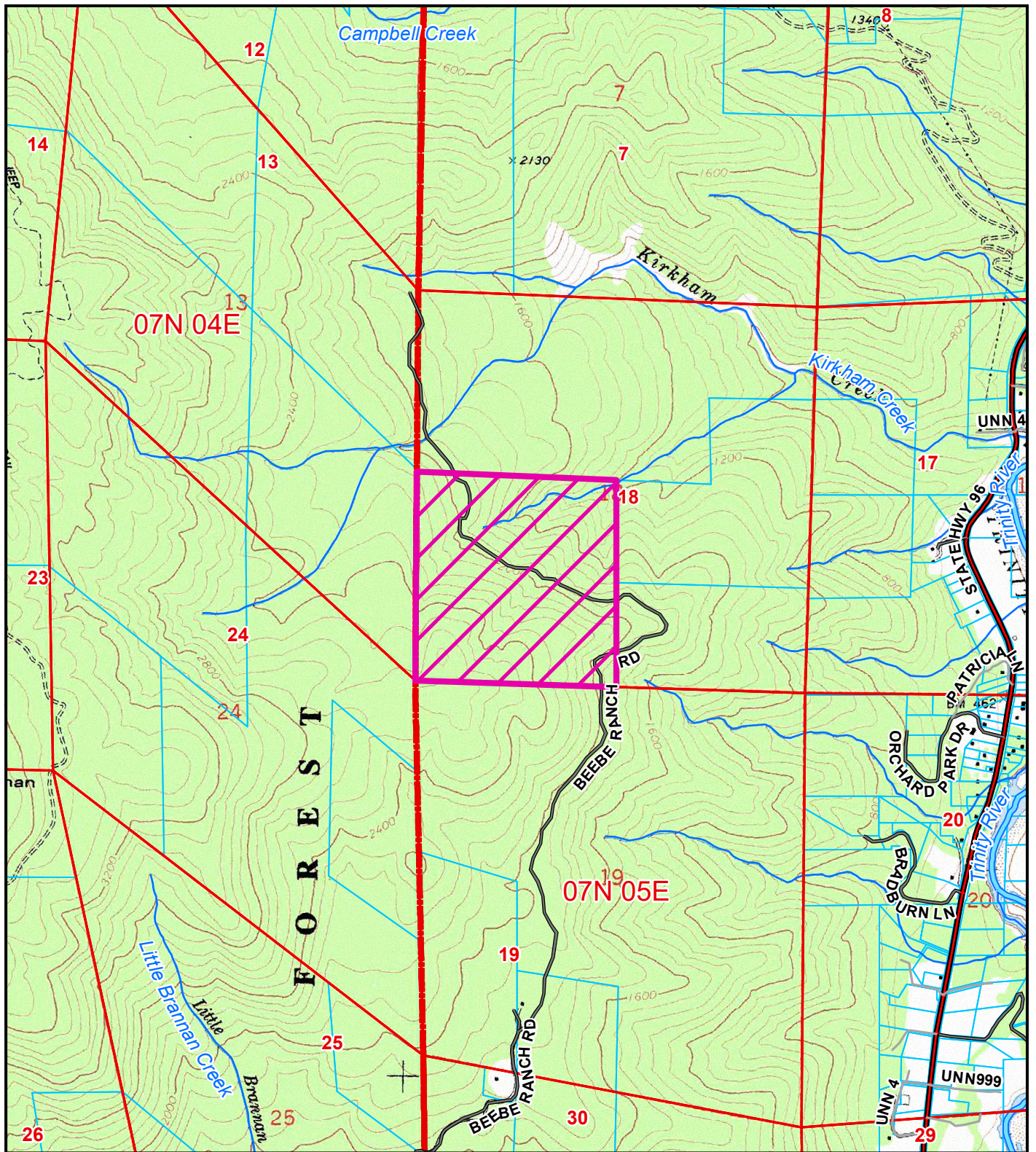
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Nathan Smith based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on June 3, 2021.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator, Planning and Building Department

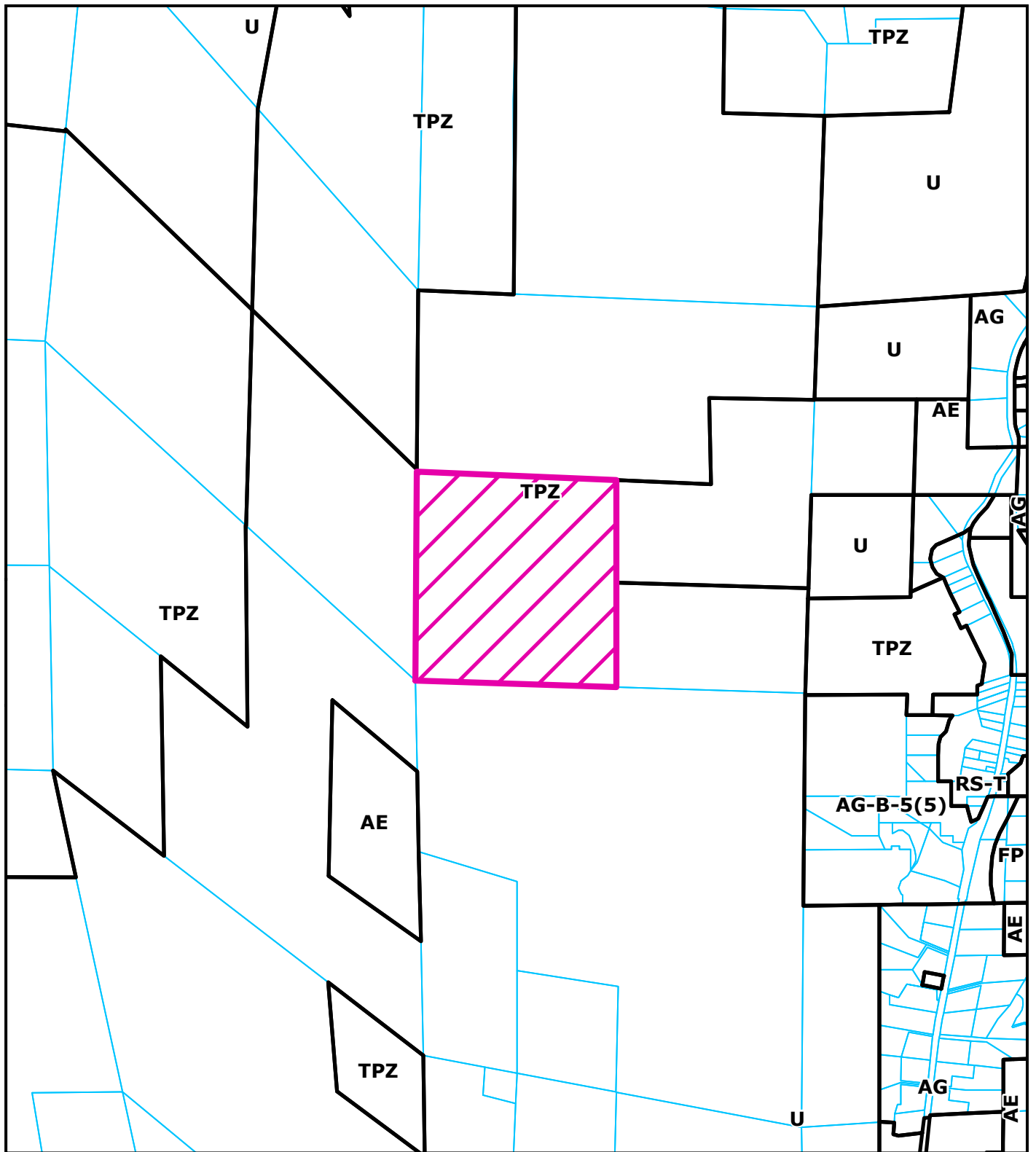


Project Area = 

TOPO MAP
PROPOSED SMITH
Willow Creek AREA
PLN--2018-15295
APN: 522-115-002-000
T07N R05E S18 HB&M (WILLOW CREEK)

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.

0 1,000 2,000 4,000 Feet



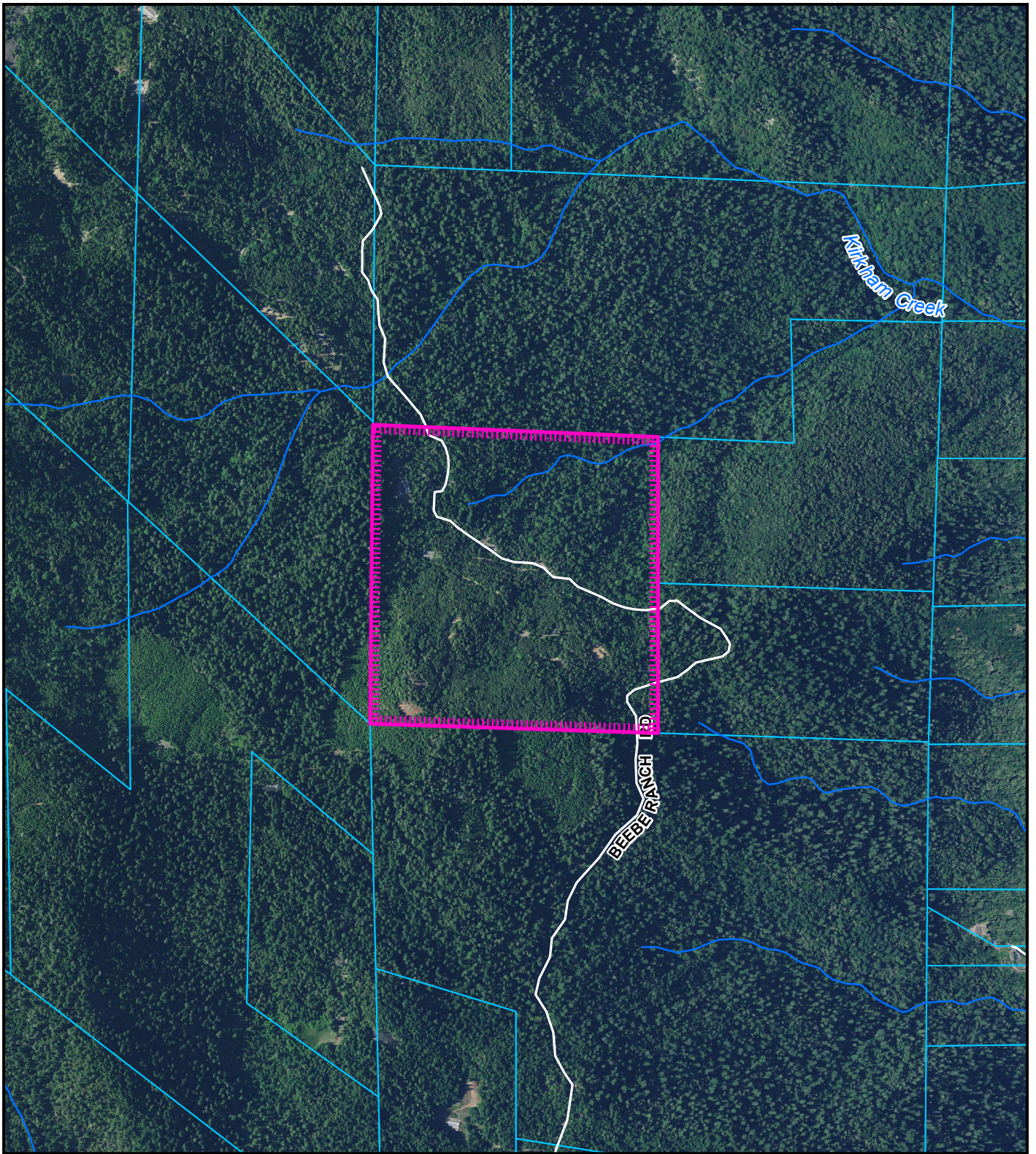
Project Area = 

**ZONING MAP
PROPOSED SMITH
Willow Creek AREA
PLN--2018-15295
APN: 522-115-002-000
T07N R05E S18 HB&M (WILLOW CREEK)**

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.

0 1,000 2,000 4,000 Feet





Project Area = 

**AERIAL MAP
PROPOSED SMITH
Willow Creek AREA
PLN--2018-15295
APN: 522-115-002-000
T07N R05E S18 HB&M (WILLOW CREEK)**



0 1,000 2,000 Feet

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.



OWNER & APPLICANT INFO:

NATHAN SMITH
AGREENHOMES@GMAIL.COM
MAILING ADDRESS:
33663 GARNET COURT
POTOMAC, MT 99823
PROJECT LOCATION:
APN: 522-115-002-000
BEEBE RANCH RD.
WILLOW CREEK, CA
160 ACRES - TIMBER PRODUCTION ZONE
COUNTY APPLICATION # 15295

CULTIVATION AREA

AGGREGATE CANOPY = 28,916 SQ.FT
IMMATURE PLANT = 2,630 SQ. FT.
MIXED LIGHT = 4,992 SQ. FT.
OUTDOOR = 21,294 SQ.FT.

WATER SOURCES & USE

EXISTING:
POD 1: -123.6660632, 40.97631305
(DOMESTIC & IRRIGATION)
POD 2: -123.6661841, 40.97775966
(DOMESTIC & IRRIGATION)
PROPOSED:
WELL: 40.9725633, -123.666433
(DOMESTIC & IRRIGATION)
STATE WATERBOARDS
WID0: 1.192C427373
SULC: 5026576

WATER STORAGE & USAGE

(E) TANK A = 300 GAL (NUTRIENTS)
(E) TANK B = 2,500 GAL (IRRIGATION)
(E) TANK C = 2,500 GAL (IRRIGATION)
(E) TANK D = 5,000 GAL (IRRIGATION)
(E) TANK E = 300 GAL (NUTRIENTS)
(E) TANK F = 1,550 GAL (IRRIGATION)
(E) TANK G = 2,500 GAL (IRRIGATION)
(E) TANK H = 3,000 GAL (IRRIGATION)
(E) TANK I = 300 GAL (NUTRIENTS)
(E) TANK J = 5,000 GAL (IRRIGATION)
(E) TANK K = 3,000 GAL (IRRIGATION)
(E) TANK L = 300 GAL (NUTRIENTS)
TOTAL EXISTING STORAGE = 26,250 GALLONS

PROPOSED WATER STORAGE: 202,302 GALLONS
(TANKS 10,050 GAL - POND 192,252 GAL)

AREA #1
5,000 GAL TANK
1,500 GAL TANK
AREA #3
2,500 GAL TANK
AREA #4
1,050 GAL TANK
192,252 GAL RAIN CATCHMENT POND (BOXBOX)

TOTAL EXISTING AND PROPOSED WATER STORAGE:

228,552 GALLONS

ACCESSIBILITY

PARKING SPACES: 5 TOTAL (2 EXISTING & 3 PROPOSED)
SRA TURNAROUND: LOCATED AT AREA 1 ENTRANCE
SRA TURNAROUND: LOCATED SOUTH OF AREA 4
ROAD SIGNS: BEEBE RANCH ROAD @ BRANNAN MOUNTAIN RD.
EASMENT: EXISTING EASEMENT ON BEEBE RANCH ROAD.



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 30 days of approval the applicant shall submit a revised Site Plan to include the existing fuel tanks and their capacities, as well as the permanent location for the backup generator shed.
6. 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 #7 through #27. 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.
7. The applicant shall discontinue the use of and decommission the pit privy on-site. Photos and a letter or similar communication from the Department of Environmental Health verifying the decommissioning of the pit privy in compliance with DEH shall satisfy this condition.
8. The applicant is conditioned to contain and dispose of all solid waste existing on the property (including but not limited to plastics, monofilament netting, pots, grow bags, water lines, spent soil, etc.) properly.
9. The applicant shall permit the existing septic system within the Residence on-site, shall have an assessment done for the existing system and retroactively permit the OWTS with the Department of Environmental Health (DEH).

10. There was a previous well drilled on the site that came up dry, and the applicant is required to destroy the well per State standards. A letter or similar communication with the Department of Environmental Health verifying that the well has been destroyed in compliance with State standards shall satisfy this condition.
11. The applicant shall continue to work with the California Department of Fish & Wildlife (CDFW) in order to obtain a temporary Lake or Streambed Alteration Agreement for the diversion (S026576), and is required to comply with the terms of a final agreement with CDFW.
12. The applicant shall move away from utilizing the permitted water diversion (S026576) for cannabis irrigation within two years of the permit approval date, and shall work with CDFW on the decommissioning of both points of diversion on the property.
13. The applicant shall submit a Well Completion Report to the Planning Department when available, along with a letter from a qualified professional determining whether the well is hydrologically connected to surface water or not.
14. In the event that the well comes up dry, is considered to be hydrologically connected to surface water, or is determined to not produce at a rate sufficient to supply the applicant with the annual water needs for cannabis irrigation, the applicant shall permit and construct the proposed 192,252-gallon rainwater catchment pond on-site with the Building Division.
15. In the event that the applicant constructs the proposed pond on-site, the applicant shall implement and comply with the CDFW Bullfrog Management Plan, and comply with CDFW reporting requirements.
16. The applicant shall adhere to the recommendations within the Timber Conversion Report, and shall: conduct treatment of all slash, woody debris and logs at all cultivation sites except Cultivation Area 3b and Cultivation Area 4, and along existing access roads re-opened in association with cultivation site development and use, specifically between Cultivation Area 3b and 3; remove unstable fill at Cultivation Area 1 and Cultivation Area 5, and shall be reconstructed and thoroughly compacted in approximately one-foot lifts and shall be no greater than 65% unless properly engineered; the steep segment of road shown on the attached maps need permanent drainage facilities installed to minimize soil erosion and slope instability; any converted cultivation area not approved for future cannabis cultivation or related activities be restored and restocked with conifers to improve timberland production. As well, the applicant shall adhere to the Restocking Plan that was prepared by Timberland Resource Consultants, and shall restock the area with Douglas Fir seedlings at no less than 10-feet by 10-feet. A letter or similar communication with Timberland Resource Management, or other qualified Registered Professional Forester, verifying that all recommendations have been met will satisfy this condition.
17. The applicant shall retroactively permit all grading that has occurred on the parcel, and shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
18. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: four (4) mixed-light greenhouses, fourteen (14) outdoor light-deprivation greenhouses, three (3) ancillary propagation greenhouses, one (1) drying hoophouse, two (2) drying buildings, one (1) future generator shed, and one (1) on-site Residence for employee housing, or any other activity with a nexus to cannabis. 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.

19. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
20. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and the access road shall be paved for a minimum width of 20 feet and a minimum length of 50 feet (or break in slope) where it intersects the County maintained road.
21. The applicant shall submit a Site Management Plan (SMP) developed for the parcel, prepared pursuant to Tier 2 Low Risk enrollment under the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order), and shall adhere to the recommendations within the SMP. A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
22. The applicant is conditioned to take twenty-four hour ambient noise levels at three or more property lines when all cannabis related activities are not in operation, and provide results with each assessment location to the Planning Department.
23. The applicant shall submit receipts or other equivalent documentation for service of the portable toilets on-site.
24. The applicant shall provide evidence that the project has fully integrated solar power as the primary source of energy.
25. The structures identified as residences on the site plan shall not be used by employees or inhabited by collective members (other than the resident family) until all necessary local and/or state permits and approvals are secured.
26. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
27. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. No generators shall be used for the continued operations of cannabis cultivation on-site, but can have one generator only for emergency backup purposes. The applicant shall ensure that the emergency generator does not exceed 50 decibels at either 100 feet or the nearest canopy, whichever is closer.
2. Per section 55.4.12.6 of the CCLUO states that Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. The applicant is conditioned to not exceed more than three decibels over the assessed ambient noise level at each assessed parcel line location for the life of the project.

3. 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.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.2. and B.3., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. The applicant is not allowed to have trailers used for on-site housing, is conditioned to not use the trailer as an on-site Residence, and the trailer may only be used as a break area.
6. In the event that the applicant constructs the proposed pond on-site, the applicant shall implement and comply with the CDFW Bullfrog Management Plan, and comply with CDFW reporting requirements.
7. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
8. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
10. The use of anticoagulant rodenticide is prohibited.
11. 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.
12. 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.
13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
14. 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.

15. 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.
16. 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.
17. 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).
18. Maintain enrollment in Tier 1, 2, or 3, certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. 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).
20. 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.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. Pursuant to Business and Professions Code section 26051.5(a)(8), 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."

28. 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).
29. 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.
30. 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.
31. 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

32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO 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.
33. 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 55.4.5.8.
34. 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.
35. 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.
36. 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 CCLUO 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - The specific date on which the transfer is to occur;
 - Acknowledgement of full responsibility for complying with the existing permit; and
 - Execution of an Affidavit of Non-diversion of Commercial Cannabis.
37. 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:

- Pursuant to Section 314-55.5.7 and 314-55.4.6.5.7 of the CCLUO, 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 314-55.4.5.8 of the CCLUO.

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 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.

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

ATTACHMENT 2

**CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018**

APN 522-115-002, Willow Creek area, County of Humboldt

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

May 2021

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

Project Description: A Special Permit for 4,992 ft² of pre-existing mixed-light and 21,294 ft² of pre-existing outdoor commercial cannabis cultivation, with 2,620 ft² of ancillary propagation space. An additional Special Permit is being requested to reduce the 600 foot setback to the Six Rivers National Forest, and another Special Permit to allow cultivation on pre-existing slopes between 15% and 30%. Water is currently sourced from a water diversion, and the applicant will have two years from the date of approval to provide water from a non-diversionary water source. The applicant plans to have a well drilled on-site this year, and will install a rainwater catchment pond in the event that the well comes up dry or is determined to be hydrologically connected. Total anticipated annual water needed for irrigation is 145,000 gallons. Total existing water storage on-site is 26,250 gallons in hard water tanks. The applicant plans to install 10,050 gallons of future water storage in hard water tanks, and will construct a 192,252-gallon pond in the event that the well comes up dry or is determined to be hydrologically connected. Drying and curing will occur on-site and further processing will occur off-site at a license processing facility. There will be up to four employees required to run operations on-site, and the existing Residence is being proposed as on-site employee housing. Power is provided by solar power from existing solar arrays, and there is one emergency backup generator. Since the project is considered pre-existing, they will have two years from the date of approval to meet all conditions for the project approval.

Timber Conversion

The applicant has submitted a Timber Conversion Report (TCR) that states 2.12 acres of timberland was converted for cannabis cultivation, which does not exceed the 3-acre conversion exemption maximum. The report also states that the conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules, and includes several recommendations for the project which are included in the Conditions of Approval for the project. The recommendations in the report include: treatment of all slash, woody debris and logs at all cultivation sites except Cultivation Area 3b and Cultivation Area 4, and along existing access roads re-opened in association with cultivation site development and use, specifically between Cultivation Area 3b and 3; remove unstable fill at Cultivation Area 1 and Cultivation Area 5, and shall be reconstructed and thoroughly compacted in approximately one-foot lifts and shall be no greater than 65% unless properly engineered; the steep segment of road shown on the attached maps need permanent drainage

facilities installed to minimize soil erosion and slope instability; any converted cultivation area not approved for future cannabis cultivation or related activities be restored and restocked with conifers to improve timberland production. There is one pre-existing cultivation area that will be decommissioned (shown on the Site Plan), and the applicant shall adhere to the Restocking Plan that was prepared by Timberland Resource Consultants, and shall restock the area with Douglas Fir seedlings at no less than 10-feet by 10-feet. The project was referred to CalFire on January 26, 2021, and the agency commented that the department concurs with the mitigations proposed within the TCR.

Water Resources

Water for the site has historically been sourced from a water diversion (Claimed Water Right ID S026576), and the applicant will have two years from the date of approval to provide water from a non-diversionary source. The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ for waste discharge requirements. A Notice of Applicability letter was sent to the applicant from SWRCB, dated October 7, 2020, showing WDID: 1_12CC427373. The project site was enrolled as a Tier 2 Low Risk site, and the applicant is required to have a Site Management Plan (SMP) prepared to address any mitigation or remedial actions for compliance with the Order.

Biological Resources

The project site is located in an area that is mapped for rare and endangered amphibian species. The applicant submitted a *Biological Assessment* prepared by Leopardo Wildlife Associates, dated March 8, 2019. The report discusses that a biological reconnaissance survey was conducted on February 8, 2019. Additionally, the report states that there is a mapped Northern Spotted Owl Activity Center (NSO) within 0.5 miles of the project site. The report concludes that the biological Assessment found no plant or animal community potentially impacted by proposed activities in a manner that would be significant, and preconstruction surveys and/or biological monitoring for this project is not necessary. The Timber Conversion Report that was prepared for the project also included that no sensitive species were detected near the cultivation sites, and states that there is adequate NSO habitat. Furthermore, the applicant is conditioned to restore and restock the decommissioned cultivation area.

The project was referred to CDFW on January 26, 2021, and no response was received. The applicant has submitted a Lake or Streambed Alteration Notification with CDFW, and the applicant is still working with the department to receive a Final Streambed Alteration Agreement. As stated above, the applicant is conditioned to work with CDFW in order to receive a temporary Streambed Alteration Agreement for the potential two years of water diverted under Claimed Water Right S026576, and shall adhere to the conditions set within the Final Agreement. As well, in the event that the applicant constructs the proposed pond on-site, the applicant shall implement and comply with the CDFW Bullfrog Management Plan (Attached), and comply with CDFW reporting requirements.

The generator on-site is to be used for emergency purposes only, and shall be enclosed within a permanent shed location. A condition of approval for the project requires the construction or maintenance of noise containment structures for all generator's future permanent locations, and these locations must be shown on an updated Site Plan submitted to the Planning Department. Future generator sheds must be permitted with the Building Department, have a concrete floor designed to incorporate containment for fuel leaks and spills. Additionally, the applicant shall ensure that the generator does not exceed 50 decibels at either 100 feet or the nearest canopy, whichever is closer, and this is included in the Ongoing Conditions of Approval for the project.

Additional measures required to mitigate effects on wildlife include adhering to International Dark Sky standards for all mixed-light and propagation greenhouses on-site. The applicant shall ensure that no light escapes from greenhouses utilizing supplemental lights between the hours of dawn and dusk for the life of the project, and this is included in the on-going Conditions of Approval for the project.

Noise

Section 55.4.12.6 of the CCLUO states that Noise from cultivation and related activities shall not result in

an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. The applicant is conditioned to take twenty-four hour ambient noise levels at three or more property lines when all cannabis related activities are not in operation, and provide results with each assessment location to the Planning Department. Furthermore, the applicant is conditioned to not exceed more than three decibels over the assessed ambient noise level at each assessed parcel line location.

Energy

The applicant will have solar panels located at each cultivation site, and the project will be entirely powered by solar. There will be one generator on-site for emergency backup purposes.

Tribal Cultural Resource Coordination

The project was referred to the Hoopa Valley Tribe and the Tsnungwe Council on January 26, 2021, and no response was received from either tribe. A *Cultural Resource Investigation Report* was prepared by William Rich, M.A, RPA with William Rich and Associates, dated March 2020. The report concluded that no significant archaeological or historic-period cultural resources exist within the limits of the project area, and recommended protocols for inadvertent discovery. The report to was forwarded to the Hoopa Valley Tribe and the Tsnungwe Council, and no comments were received. The applicant is conditioned to adhere to the inadvertent discovery protocols recommended within the Cultural Resource Investigation Report, which is included in the Ongoing Conditions for the project.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize 4,992 ft² of mixed-light and 21,294 ft² of outdoor cannabis cultivation and to construct minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible

agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation & Operations Plan prepared by Brittney Crosby, dated May 14, 2021.
- Site Plan prepared by Brittney Crosby, dated May 14, 2021.
- Timber Conversion Report and Restocking Plan that was prepared by a Registered Professional Forester (RPF) with Timberland Resource Consultants, dated September 2019.
- Initial Statement of Water Diversion and Use for Claimed Water Right S026576.
- A Notice of Applicability letter, dated October 7, 2020, showing WDID: 1_12CC427373.
- A Biological Assessment prepared by Leopardo Wildlife Associates, dated March 8, 2019.
- A Cultural Resource Investigation Report was prepared by William Rich, M.A, RPA with William Rich and Associates, dated March 2020.

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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a new 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 EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

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 EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. **(Attached with 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. **(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. **(Attached)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
7. Copy of Notice of Applicability letter dated October 7, 2020 for proof of enrollment under in the State Resources Water Quality Control Board (SWRQCB) under the General Order WQ 2019-0001-DWQ under WDID: 1_12CC427373. **(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. (Condition of approval)
9. If the source of water is a well, a copy of the County well permit, if available. (Condition of approval)
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. Timber Conversion Report and Restocking Plan that was prepared by a Registered Professional Forester (RPF) with Timberland Resource Consultants, dated September 2019. **(Attached)**
16. Road Evaluation prepared for Brannon Mountain Road, dated May 12, 2021. **(Attached)**
17. Road Evaluation prepared for Beebe Ranch Road, dated May 12, 2021. **(Attached)**
18. A Biological Assessment prepared by Leopardo Wildlife Associates, dated March 8, 2019. (Confidential & On-file)
19. Cultural Resource Investigation Report was prepared by Nick Angeloff Archaeological Research and Supply Co., dated August 2019. (Confidential & On-file)

BEBEE HOLDINGS, LLC

Cultivation and Operations Manual Humboldt County, CA

Proposed Commercial Cannabis
Cultivation Facilities



MAY 2021

PREPARED FOR:

**BEEBE HOLDINGS, LLC
APN No. 522-115-002-000**

Proposed Commercial Cannabis Cultivation Facility

LEAD AGENCY:

Humboldt County Planning Department
3015 H Street
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PREPARED BY:

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MAY 2021

OPERATIONS MANUAL

BEEBE HOLDINGS, LLC

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

BEEBE HOLDINGS, LLC is proposing to permit existing cannabis cultivation activities in accordance with the County of Humboldt's (County) Commercial Cannabis Land Use Ordinance (CCLUO).

The project is seeking a Special Permit for one parcel utilizing a total of 28,933 square feet (sf) of commercial cannabis cultivation, which includes 5,000 SF of Mixed Light, 21,303 SF of Outdoor Cultivation and 2,630 SF of Nursery Propagation, under the 2.0 Humboldt County Ordinance.

The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including hoopouses and a building used for Drying cannabis , Harvest Storage and future processing.

1.2. SITE DESCRIPTION

The Project is located at APN 522-115-002-000 just northeast of the community of Willow Creek. The subject parcel is approximately 160 acres in size (per the County of Humboldt's WebGIS), having varying topography, all cultivation activity sites are located within 5 graded flats on the parcel that occupy the north west, central, southwest and south east sections of the parcel. Beebe Ranch Road bisects the parcel as it runs from the south east corner to the north west corner. All cultivation activities occur to the west of the Beebe Ranch Road and are accessed via old logging roads. The northeastern portion of the parcel is heavily wooded with steep slopes and an Unnamed Class II watercourse run from north northwest to the northeast corner. The property is developed with one existing residence, shop building, harvest storage shed, metal container, and a shed.

1.3. LAND USE

The subject property has a General Plan designation of Timberland (T) as identified by the Humboldt County General Plan and is zoned Timberland Production Zone (TPZ) . Land uses surrounding the parcel consist primarily of Public Lands (P) and Timberland (T) of residential, timber and agriculture. The surrounding parcels are zoned Unclassified (U) and Timber Production Zone (TPZ).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

BEEBE HOLDINGS, LLC is currently in the application process with Cal-Cannabis under the CDFA. Approval pending local authorization and annual license fees.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Potable water will be provided via office-type water cooler with bottled water from town.

Water for cultivation use has historically been sourced by an onsite creek with two points of diversion. SUIR Water Rights have been in place since 2015 ID: S026577 and S026576.

The applicant is on the list with Fishe Drilling to return to the property Spring 2021 for a second attempt at hitting water. A water dowser has inspected the property, identified and marked a location for non hydrologically connected water.

If there is no water found on the second attempt, Applicant has planned to install a rain-catchment pond (80' x 80') with a 210,000 gallon capacity.

Water for domestic use is provided by an on-site spring. Appropriate water rights with the State of California Water Resources Control Board will be filed and a CDFW 1600 notification has been submitted for this source.

Beebe Holdings, LLC is registered as a Tier 2 - Low Risk site with the SWRCB under the Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ) *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for the Discharges of Waste associated with Cannabis Cultivation*. [App No.427373 - WDID: 1_12CC427373]

1.4.3. CAL-FIRE

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

1.4.4. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) has been applied and paid for. EPIMS-HUM-13609-R1C - awaiting Final Draft as CDFW gets confirmation from HCPD that applicant can temporarily use a diversion for water.

1.4.5. HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the proposed Cultivation for a Zoning Clearance Certificate, in accordance with the Humboldt County Planning Departments *Commercial Cannabis Land Use Ordinance* (CCLUO).

1.4.6. CULTURAL RESOURCES

A cultural resource study was performed in February 2020 by William Rich and Associates. If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1 PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated on site from ‘mother plants’ that demonstrate the desired genetics for the specific cannabis strain. Mother plants will remain in the vegetative stage solely for propagation during the early spring and summer. Some mother plants with strong genetics will be brought to flower for seed production only. Cuttings are sampled from the mother plants and rooted into a growing medium, typically oasis cube trays, to produce ‘clones.’ The rooted clones are placed into the nursery, and after 3 weeks they are transplanted directly into one (1) gallon plastic containers (see Appendix A for nursery locations). The juvenile plants are irrigated using hand watering methods. After 3 more weeks the clones are then transplanted directly into raised beds with a soil and perlite medium, in a hoophouse where they continue their ‘vegetative’ cycle.

The propagation will take place in designated NP Hoophouses. There is a mom area, and a rooting area within the hoophouse. All mom’s are designated in METRC track and trace, while the cuttings are grouped in

immature plant lots of 100 until they are flowering, in which they will each be assigned an individual tag.

2.2 CULTIVATION PLAN AND SCHEDULE

The proposed mixed light and outdoor cultivation will occur on 4 graded flats within hoophouses. Cultivation hoop houses are made from pvc construction on grade.

Mixed Light Cultivation will occur in Area #1 and Area#2 for a total of 4,992 SF. Plants are grown directly in soil in contained raised beds. The following hoophouses will utilize a combination of artificial light and light deprivation to produce up to two (2) flowering cycles per year.

The Mixed Light (ML) hoophouses will be:

Area #1

(E) ML 1: 17' X 78' = 1,326 SF

(E) ML 2: 17' X 78' = 1,326 SF

Area #2

(E) ML 3: 16' X 78' = 1,248 SF

(E) ML 4: 14' X 78' = 1,092 SF

The Light Deprivation (OD) hoophouses will be:

Area #1

(E) OD 1: 18' X 78' = 1,404 SF

(E) OD 2: 18' X 78' = 1,404 SF

Area #2

(E) OD 3: 11' X 78' = 858 SF

Area #3

(E) OD 4: 12' x 35' = 420' SF

(E) OD 5: 18' X 98' = 1,764 SF

(E) OD 6: 18' X 64' = 1,152 SF

(E) OD 7: 18' X 98' = 1,764 SF

(E) OD 8: 18' X 98' = 1,764 SF

(E) OD 9: 18' X 118' = 2,124 SF

Area #4

(E) OD 10: 18' X 98' = 1,764 SF

(E) OD 11: 18' X 98' = 1,764 SF

(E) OD 12: 18' X 98' = 1,764 SF

(E) OD 13: 18' X 98' = 1,764 SF

(E) OD 14: 18' X 88' = 1,584 SF

NURSERY PROPAGATION AREAS

(P) NP 1: 20' X 50' = 1,000 SF

(P) NP 2: 20' X 60' = 1,200 SF

(E) NP 3: 12' X 35' = 420 SF

TOTAL MIXED LIGHT = 4,992 SF

TOTAL LIGHT DEPRIVATION = 21,303 SF

TOTAL ACCESSORY NURSERY = 2,620 SF

2.3 HARVESTING AND DRYING

2.3.1 HARVESTING

Plantings that are ready for either partial plant harvest (manicure) or whole plant harvest are to be cut / manicured, are transferred to the processing facility where they are weighed wet and recorded as Harvest Batches for METRC compliance.

2.3.2 DRYING, CURING & GRADING

The Harvest Batches are moved into the drying room, grouped according to Batch with their flowering branches removed and suspended. The drying room equipped with ventilation fans and dehumidifiers. The drying process takes approximately one week.

DRY HARVEST STORAGE - Drying will occur in existing drying sheds as denoted on the Plot Plan.

2.3.3 BUCKING

Once the Harvest Batch has dried, the dried flower is then bucked into manageable buds, weighed and packed in plastic containers with

lids and recorded in METRC. These are now identified as a product and get a new Product Tag. Final Products are securely stored until transported to an off-site processing facility until the onsite processing facility construction is complete.

2.4 IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using hand watering and drip line watering methods. BEEBE HOLDINGS, LLC maintains that irrigation and fertigation is more efficiently managed via combining drip irrigation and hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation.

2.5 PROCESSING PLAN

2.5.1 PROCESSING FACILITY

No cannabis processing will occur on site until the completion of compliant processing building on site. Beebe Holdings, LLC will contract with a licensed off-site processing facility and/or sell bulk cannabis to other commercial cannabis licensees.

2.6. EMPLOYEE PLAN

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

2.6.1 STAFFING REQUIREMENTS

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

2.6.1.1 JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- Agent in Charge: Responsible for business oversight and management of the project. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.

- Lead Cultivator: Oversight and management of the day to day cultivation of commercial cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- Seasonal Laborer: Provides cultivation, harvesting, drying and bucking.

2.6.2 EMPLOYEE TRAINING AND SAFETY

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

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

2.6.3 TOILET AND HANDWASHING FACILITIES

The restroom in the residence on site will be available and stocked with. Anti-bacterial Liquid Soap and paper hand towels until installation of porta-toilet including hand washing station.

2.6.4 DRINKING WATER SOURCE

BEEBE HOLDINGS, LLC will also provide safe, clean, purified drinking water via store bought individual sealed bottled water bottles as well as an upright office style water cooler. Clean disposable paper cups will be made available to all employees.

2.6.5 ONSITE HOUSING

The existing residence located on site is available for use by the on-site employees. The remainder of full-time and seasonal employees live off site and commute daily to the cultivation site.

2.6.6 PARKING PLAN

See plot plan for parking locations. There are currently 2 parking spaces in front of the residence and 3 spaces next to the drying shed and shipping container.

3. SECURITY PLAN

3.1 FACILITY SECURITY

The entrance gates are to remain locked at all times and access to the cultivation area is limited exclusively to employees. All lighting will be designed and located so that direct rays are confined to the property and provide the best quality lighting for security cameras. Security cameras and alarm system will be installed at entrances to the property, the cultivation area, Dry Harvest Storage and Loading / Unloading Zones.

3.1.1 UNAUTHORIZED ACCESS PREVENTION

3.1.1.1 PERIMETER

The cultivation facilities, including greenhouses are enclosed in a secure privacy fence. The entrance gates are to remain locked at all times and only accessible by Authorized Personnel or authorization through Authorized Personnel for Transporters and Sub-Contractors.

3.1.1.2 CONSTRUCTION

The exterior of cultivation areas and processing facility will have low intensity exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property and provide the best quality lighting for security cameras.

3.1.1.3 AUTHORIZED PERSONNEL

All Authorized Personnel, Suppliers and Visitors, upon first time arrival will be required to register with the Facility and receive a Laminated Identification if required. Access Levels throughout the Premises will vary on persons responsibility to corresponding processes. All Authorized Personnel are required to wear Identification Badge assigned by company at all times while on property and any Contractors or Sub-contractors, vendors or distributors must at minimum wear a visible name tag while in Limited Access Areas (if required).

3.1.1.4 SECURITY MONITORING MAINTENANCE

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

3.1.1.5 SUSPICIOUS ACTIVITY

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

3.1.2 THEFT AND DIVERSION MEASURES

3.1.2.1 INVENTORY & PERSONNEL TRACKING

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

3.1.2.2 ACCESSIBILITY TO LIMITED ACCESS AREAS

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

3.1.2.3 DIVERSION RISKS

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

3.1.2.4 SECURING OF ELECTRONIC RECORDS

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

3.1.3 VIDEO SURVEILLANCE MEASURES

3.1.3.1 SYSTEM REQUIREMENTS

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

3.1.3.2 REMOTE ACCESS

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

3.1.3.3 INTERFERENCE PREVENTION

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

3.1.3.4 SPECIFIED CANNABIS ACTIVITY AREAS

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

- 1.) Cultivation Sites
- 2.) Weigh Stations
- 3.) Dry Harvest Storage Area
 - a.) Entry & Exit
 - b.) Loading and Unloading Zone
 - c.) Inventory Storage Area

3.2 FACILITY HOURS OF OPERATION

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

4. ENVIRONMENT

4.1 WATER SOURCE & PROJECT WATER USE

4.1.1 SOURCE

Water for domestic use will be provided from the on-site spring. Applicant has obtained an ISDU and an SUIR from the State Water Boards.

Water for irrigation use will be provided by the two spring diversions until the proposed groundwater well is drilled and available.

Applicant has proposed an additional 10,050 gallons of Hard Plastic Storage Tanks as well as a rain catchment pond.

The proposed rain catchment pond size is approximated at 80' wide by 80' feet long and 8' at the deepest point, giving it 6,400 square feet of surface area and a volume capacity of 192,250 gallons. The average rainfall for the Willow Creek area is 54" per year which would have the potential of collecting 215,000 gallons. If the applicant utilizes the structures onsite it would add 1,864 square feet of surface area and an additional 62,700 gallons of harvested water.

See site map for POD locations.

4.1.2 USE

BEEBE HOLDINGS, LLC utilizes water management strategies such as hand watering/drip emitters to conserve water use.

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

Estimated water use for cultivation irrigation is 145,000 gallons per year.

Table 3.1: Estimated Annual Irrigation Water Usage											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
-	-	-	7,500	10,000	30,000	30,000	30,000	22,500	15,000	-	-

4.2 WATER STORAGE

Water storage will be provided in tanks. There are four (4) 300-gallon tanks, one (1) 1,550 gallon tank, three (3) 2,500-gallon tanks, two (2) 3,000-gallon tanks, two (2) 5,000-gallon existing water tanks for a total of 28,950 - gallons of hard water storage. Applicant has proposed an additional 10,050 gallons of Hard Plastic Storage Tanks.

If the applicant does not obtain the proposed non hydrologically connected well, then the client proposes to install a 192,252 gallon water catchment pond near cultivation site #4 and will increase the total water storage capacity (including the additional proposed hard plastic water tanks) to 231,252 gallons.

Cultivation irrigation use ~ 226,252 gallons of storage

Domestic use : 2,500 gallons of storage.

Fire use : 2,500 gallons of storage

4.3 SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Beebe Holdings, LLC, will enroll with the California State Water Resource Control Board (SWRCB) in accordance with the Cannabis Cultivation General Order as a Tier 1 site, and a Site Management Plan (SMP) will be developed utilizing best management practices (BMP's) in accordance with the SWRCB's recommendations.

4.3.1 SITE DRAINAGE

The gravel roads on the property are armored. The existing and proposed hoopouses are located away from riparian zones. Fertilizers and pesticides are currently stored in a storage shipping container with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Cultivation facilities will meet all required setbacks from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented, including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

4.3.2 SITE RUNOFF

Cultivation facilities will meet all required setbacks from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

4.3.3 EROSION CONTROL

Beebe Holdings LLC, will utilize best management practices including but not limited to:

1. Maintenance of roads, including rocking and armoring.
 2. Proper management of solid, liquid and cultivation waste
- Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.

3. Irrigation and application of fertilizers will be applied at agronomic rates.
4. Regulated products will be safely stored with secondary containment (see section 3.7)

4.4 WATERSHED AND HABITAT PROTECTION

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the SWRCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

An Invasive Species Control plan was conducted and no invasive plant or wildlife species were observed. Refer to the appended technical report from a biologist.

4.5 MONITORING AND REPORTING

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

Onsite monitoring shall occur:

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

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

4.6 ENERGY PLAN

Electricity for cultivation and domestic uses is provided by solar panels with back up generators. Use of back up generators are limited to the winter, rainy days, and power outage events, and follows all guidelines set up by Humboldt County and the State of California. All generators are located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generators and gasoline fuel are located within a secondary containment trough.

Solar panels, charge controllers and batteries linked to inverters that are used to operate high efficiency water pumps, fans and compost tea brewing air pumps. Other Alternative energy sources such as micro hydro are being researched for feasibility to improve power availability. It is both intended and required that this project is operated via alternative energy.

There are a total of thirteen (13) 260 watt solar panels in operation in three different locations on property. See site plan for reference.

Energy Budget:

The mixed light operation is a two cycle light deprivation. To achieve this, one 9 watt LED will be used every 16 to 20 feet to maintain a continuous light cycle of 16-18 hours during vegetative growth. To induce flowering, blackout tarps will be used to reduce daylight to 12 hours. For an ~ 80' hoop house, the first LED will be placed at 10' the next at 30, then at 50' and the final bulb is placed at 70'.

Site 1 Mixed light: 2,652 SF

(E) 2 Hoop Houses 18 'x 78' = 8 LED x 9W= 72 Watts

(P) 1 Hoop House 20' x 50' = 8 LED x 9W= 72 Watts

Total wattage = 144 Watts x 4 hours per day

Site 2 Mixed light: 2,340 SF

1 Hoop House 16' x 78' = 4 LED x 9 Watts = 36 watts

1 Hoop House 14' x 78' = 4 LED x 9 Watts = 36 Watts

Total Wattage = 72 Watts x 4 hours per day

Generators will be used as a back-up power source.

4.7 NOISE CONTROL MEASUREMENTS

The generators will be located in the generator sheds to ensure the noise level does not exceed 50 decibels measured at 100 feet. The generator and diesel fuel are located within a secondary containment trough.

Ventilated enclosures will be used as necessary to mitigate generator noises.

4.8 LIGHT POLLUTION CONTROL MEASURES

String lights are used in the nursery and mixed light hoop houses and are used in conjunction with black out tarp to ensure the site meets International Dark Sky Standards.

4.9 BEST MANAGEMENT PRACTICES

4.9.1 USE AND STORAGE OF REGULATED PRODUCTS

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

4.10 FERTILIZERS, PESTICIDES AND FUNGICIDES

4.10.1 FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- ☐ Bat Guano – 0.1 lbs/sf
- ☐ Oyster Flower – 0.1 lbs/sf
- ☐ Sea Kelp – 0.1 lbs/sf
- ☐ Dolomite – 0.1 lbs/sf
- ☐ Greensand – 0.1 lbs/sf
- ☐ Dr. Earth Bud + Bloom – 0.1 lbs/sf
- ☐ Dr. Earth All-purpose 0.1 lbs/sf

Seasonal soil amendments (immediately mixed into soil):

- Oystershell

4.10.2 PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Neem Oil – 20 Gallons

4.10.3 FUELS AND OILS

Fuels and oils stored on site include:

- Ethyl Alcohol – 1 Gallon

4.11 WASTE MANAGEMENT PLAN

4.11.1 CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves will be composted or burned on site or hauled off site. Spent soil to be planted with a cover crop in the winter and amended in place during the spring. A soils testing service is utilized to check nutrient levels and provide recommendations for proper amendments to re-condition soil. After consultation and testing, the soils will be amended and reused. Used pots will be collected and stored for the winter. All packaging from soil amendments and fertilizers will be collected and disposed of at an appropriate facility.

4.11.3 MATERIALS MANAGEMENT AND WASTE PLAN

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

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

Trash and recycling containers are located near the greenhouses. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week.

4.11.4 WASTEWATER MANAGEMENT PLAN

Dripline and hand watering methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are designed to capture any runoff from irrigation for reuse in the fertilization holding tank.

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

4.11.5 STORM-WATER MANAGEMENT PLAN

See appended Site Management Plan and Department of Fish and Wildlife Lake and Streambed Alteration Agreement regarding the sizing of culverts and storm-water discharge best management practices.

4.11 INVASIVE SPECIES CONTROL PLAN - An Invasive Species Control Plan has been included in an Initial Study prepared by Leopardo Wildlife Associates.

5. PRODUCT MANAGEMENT

5.1 PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the applicants company logo , and will include tracking ID's provided by the CDFA's Cal Cannabis Track & Trace System.

5.2 PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge ensures all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product UID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

5.3 TRANSPORTATION AND DISTRIBUTION

Applicant is proposing as part of the project to have a Transport Only and Self-Distribution Only licence in accordance with State and Local regulations. All product packages will be transported / distributed by the applicant from the on-site holding facility to next destination. Prior to departure, a transport manifest will be created by the self distributor/transporter and will include:

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

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

State Water Resources Control Board
DIVISION OF WATER RIGHTS

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Diverter Information			
Diverter Name(s) Calyx Mountain Inc.			
Mailing Address 2770 Terrace Ave	City Arcata	State CA	Zip 95521
Phone Number 703-625-8205	Email Address (if available) concretekitten@hotmail.com		

Person Filing Statement			
(If different from diverter information above)			
Person Filing Statement Name			
Mailing Address	City	State	Zip
Phone Number	Email Address (if available)		

Land Owner Name			
Land Owner Name Nathan Smith			
Mailing Address 33683 Garnet Ct	City Potomac	State MT	Zip 59823
Phone Number 406-546-2244	Email Address (if available) 4greenhomes@gmail.com		

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

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

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

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

Or email to

DWR-statements@waterboards.ca.gov

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at
http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/.

Revised June 2017

Initial Statement of Water Diversion and Use

Page 2 of 4

Section 1: Type of Claim

(Select all that apply to the type of claim(s) under which you are diverting water)

☒ Riparian ☐ Pre-1914 ☐ Court Decree* ☐ Pending Appropriative Application* ☐ Pueblo ☐ Other*: _____

*If you checked Court Decree, Pending Appropriative Application, or Other, list the Decree Number, Application ID Number or Status or provide an explanation

List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345)

Kirkham Creek: "The right to take water from Kirkham Creek within the northeast quarter of section 13."

Section 2: Water Course Description

Water Course Name at the Point of Diversion (POD)

Unnamed Spring

Water Course is tributary to

Kirkham Creek

Section 3: Point of Diversion and Legal Land Description

Provide the location of the POD using one of the following methods (check one box and enter data if applicable)

☒ Latitude/Longitude Measurements: Latitude: 40.977789 Longitude: -123.664622☐ California Coordinate System (NAD1983) North: _____ East: _____ Zone: _____☐ USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify Point of Diversion)

Assessor's Parcel Number (APN) where Point of Diversion is located (if APN has been assigned)

County

Provide Public Land Description to nearest 40 acres (if assigned)

NE ¼ of the SW ¼ of Section 18 Township 7N Range 5E B&M Humboldt

Section 4: Place of Use Description

(Check boxes indicating each map to be provided)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

☐ USGS Topographic Map ☒ County Assessor's Parcel Map ☐ Map with identifiable landmarks

Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigated crops, campground, etc.)

Domestic water supply, cannabis cultivation, and for irrigated crops

Assessor's Parcel Number(s), where the water was used (if APNs have been assigned)

522-115-002

Section 5: Purpose of Use Description

(Select all that apply)

☒ Irrigation
Number of acres:

3/8 acre

☒ Domestic
Maximum number of persons served:

20

☐ Stock watering
Number and type of stock:☐ Other
Explain:

S026576

Initial Statement of Water Diversion and Use

Page 3 of 4

Section 6: Special Use

(If you have selected Yes to the question below, please fill out **Special Use Attachment** at the end of this form)

During the previous calendar year, were you using any water diverted under this statement for the cultivation of cannabis?



Yes



No

Section 7: Diversion Works Description

Name of Diversion Works, if you wish to name (e.g. Bob's Pump)

Year in which diversion began, to the best of your knowledge. (Specify single year)

2002

Type of Diversion Facility. (Select one only)*

*A separate Initial Statement of Water Diversion and Use must be filed for EACH diversion



Gravity



Water Course Pump



Well Pump



Other: _____

Direct Diversion Information

Do you directly divert water?

(Direct refers to water taken and used immediately)

If Yes, identify Direct Diversion Works flow rate and Unit



Yes



No

Rate: _____



Cubic Feet per Second



Gallons per Minute



Gallons per Day

Storage Diversion Information

Do you divert to storage?

(If no, skip to Section 8)

If Yes, identify type of Storage



Yes



No



On-stream Storage (if on-stream, fill in Subsection A below)



Off-stream Storage (if off-stream, fill in subsections A and B below)

(A) Capacity of Storage Tank(s) or Reservoir identified in Acre-Feet or Gallons

Quantity: 29,500

Gallons



Acre-Feet

(B) Maximum Diversion Rate of Storage Diversion Works

Rate: 991.5

Cubic Feet per Second



Gallons per Minute



Gallons per Day

Section 8: Quantity of Water Diverted

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: 2016

Measurement provided in:



Gallons



Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	6,250	7,500	10,000	30,000	30,000	30,000	22,500	15,000	7,500	0	

Section 9: Maximum Rate of Diversion per month

(If data is available)

Data being provided for calendar year: _____

Measurement provided in:



Cubic Feet per Second



Gallons per Minute



Gallons per Day

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Section 10: Recent Water Use

Provide data of annual water use in recent years

Minimum: 158,750

Gallons



Acre-Feet

Maximum: 210,000

Gallons



Acre-Feet

S026576

Initial Statement of Water Diversion and Use

Page 4 of 4

Section 11: Water Conservation Efforts/Conjunctive Use

(Answer only fields applicable to your diversion)

Are you currently employing any methods of water conservation?

☒ Yes ☐ No

If Yes, describe any water conservation efforts in use:

drip irrigation in beds, and shade technique

Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?

☐ Yes ☒ No

Are you using groundwater in lieu of surface water?

☐ Yes ☒ No**Section 12: Water Diversion Measurement**

As a diverter, you may be required to measure your diversion rate and use of water. Details on your obligation to measure diversions are located at http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml or in the instructions at the end of this form on page 5 of 5.

I have reviewed the measurement requirements; I certify that I understand and will comply with the measurement regulations.

(Initial here to certify)

KL

Based on the measurement regulations, check the appropriate box below:

☐ I am **required** to measure as of the date this form is submitted☒ I am **not required** to measure as of the date this form is submitted

Additional information regarding measurement of diversions

- If you are required to measure your diversion, you will need to provide information about your measurement device, the accuracy of your device, method of installation and other questions on a supplemental statement of water diversion and use during the next calendar year. Samples of questions regarding measurement for supplemental statements are located at http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/docs/statement.pdf
- If you have or will be cultivating cannabis, measurement of your diversions and storage will be required in accordance with the Cannabis Cultivation Policy (Policy), which is currently under development. Updates on the Policy are located at http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml

Section 13: Signature

I declare that the information in this report is true to the best of my knowledge and belief.

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, §5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 OF EACH YEAR OR IF THERE IS A CHANGE IN THE NAME OF ADDRESS OF THE DIVERTER. (Wat. Code, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §5107.)

Signature:



Date: June 24, 2017

Printed Name: Kelly

J

LaRose

(first name)

(middle name)

(last name)

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

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

Cannabis Cultivation Information												
(This section should only be filled out if Yes was selected in Section 6: Special Use regarding the prior year usage of diverted water for cannabis cultivation)												
Subsection 1: Special Use												
Provide the calendar year associated with reporting under this water right: 20 <u>16</u>												
Provide the total amount of water used under this water right for cannabis cultivation during the calendar year Quantity <u>158750</u> <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet												
Subsection 2: Cultivation Size and Lighting Conditions												
Provide the APN(s) for all parcel(s) where cannabis is cultivated with water used under this right: <u>522-115-002</u>												
Provide the amount of cannabis cultivated under this water right during the calendar year by lighting condition type.												
	Indoor	Outdoor	Mixed Light									
Cultivated canopy size in square feet		36,000		Square Feet								
Total number of plants harvested during the calendar year		6,000		Plants harvested								
Number of Harvests		1		Harvests								
Subsection 3: Watering Method												
Check all irrigation methods that have been used to cultivate cannabis? (Check all that apply)												
<input checked="" type="checkbox"/> Hand water <input checked="" type="checkbox"/> Drip/micro-spray irrigation <input type="checkbox"/> Flood Irrigation <input type="checkbox"/> Row Irrigation <input type="checkbox"/> Other: _____												
Subsection 4: Commercial Use												
Is your cultivation of cannabis a commercial cannabis activity? <input checked="" type="radio"/> Yes <input type="radio"/> No												
If you intend to apply for a license under California Department of Food and Agriculture's Medical Cannabis Cultivation Program, your response will help the State Water Board to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.												
Subsection 5: Quantity of Water Diverted for the Purpose of Cannabis Cultivation												
Provide monthly diversion data specific to the cultivation of cannabis. If this is the same data as identified in the Initial Statement of Water Diversion and Use: Section 8: Quantity of Water Diverted, check this box <input checked="" type="checkbox"/> and leave the rest of this subsection blank.												
Data being provided for calendar year: _____ Measurement provided in: <input type="radio"/> Gallons <input type="radio"/> Acre-Feet												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total

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

The Special Use Attachment is required to be completed and submitted along with the Initial Statement of Water Diversion and Use by any diverters that use water is for cannabis cultivation. The following instructions provide a basic description of the information requested on the Special Use Attachment.

1. Special Use

Indicate the year for which you are reporting (typically the previous calendar year as marked on the Initial Statement of Water Diversion and Use Section 8). Provide the total amount of water used under this water right and irrigated area of cannabis cultivation during the prior calendar year.

2. Cultivation Size and Lighting Conditions

Complete this section with the requested information regarding the cultivation canopy size, number of plants harvested during the calendar year, and number of harvests. If there are multiple cultivation areas, provide the totals for all cultivated areas in this section. Use the following definitions to help determine the cultivation lighting methodology:

Lighting Condition Definitions:

Outdoor - 'Outdoor' should be selected for cultivation that does not use any artificial lighting.

Indoor - 'Indoor' should be selected for cultivation that uses artificial lighting exclusively.

Mixed Light - 'Mixed Light' should be selected for cultivation that uses a combination of natural and artificial lighting.

3. Watering Method

Provide the irrigation method(s) that were used to cultivate cannabis. If other methods were used, explain in the box provided.

4. Commercial Use

Indicate whether the cultivation of cannabis is for a commercial cannabis activity.

5. Quantity of Water Diverted for the Purpose of Cannabis Cultivation

Provide the quantity of water used for each month in the year you are reporting. If you did not divert water in a particular month, enter "0". Beginning January 1, 2012, monthly measurement records of water diversion must be made using the best available technologies and best professional practices.

Additional Definitions:

Cultivation- 'Cultivation' means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical cannabis. (Bus. & Prof. Code, § 19300.5, subd. (k).)

Cannabis- 'Cannabis' means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' also means the separated resin, whether crude or purified, obtained from cannabis. 'Cannabis' also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. 'Cannabis' does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, 'Cannabis' does not mean 'industrial hemp' as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. (Bus. & Prof. Code, § 19300.5, subd. (f).)

Total Amount of Water Used Under this Water Right- Water Code Sections 1840(c)(4) and 5103(f)(2) require a person who diverts water to report the amount of water used for cannabis cultivation.

Total Irrigated Acreage- California Code of Regulations, title 23, sections 920(c)(8)(A), 925(c)(3)(A), and 929(c)(3)(A) require a person who files a supplemental statement of water diversion and use or files an annual report for a permit or license to provide the purpose(s) for which water was diverted and used including irrigation crop type and acreage.

Commercial Cannabis Activity- A 'Commercial Cannabis Activity' includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of medical cannabis or a medical cannabis product. (Bus. & Prof. Code, § 19300.5, subd. (j).)

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

California law requires each person or entity that diverts and uses surface water to file a Statement of Water Diversion and Use (Statement) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), unless the diversion falls into one of the categories described in Water Code section 5101. In particular, those persons who have a permit or license to appropriate water on file with the State Water Board need not file a Statement. Other than for the specific situations exempted from filing in section 5101, an initial Statement must be filed if water was diverted for use in the preceding year under a claim of riparian right or pre-1914 appropriative water right (initial water diversion commenced prior to the establishment of the State Water Commission on December 19, 1914) and no initial Statement is already on file with the Division for the diversion.

Failure to file a Statement for each diversion that occurred after January 1, 2009, may result in civil liabilities that carry a maximum fine of \$1,000 plus \$500 for each day the violation continues if the violation is not corrected within 30 days of notification of the violation. (Wat. Code, § 5107, subd. (c)(1)). In addition, any person who makes a willful misstatement on a Statement commits a misdemeanor punishable by a fine not to exceed \$1,000 or by imprisonment in the county jail for not more than six months, or both. (Wat. Code, § 5107, subd. (a)). Water diverters must file Statements with the State Water Board prior to July 1 of the year succeeding the year of the diversion. (Wat. Code, § 5101).

PRIOR TO FILLING OUT FORM

Use this guide to determine if you need to file an Initial Statement of Diversion and Use. This information can also be found in Water Code, sections 5100-5107. You do **not** need to file a Statement if any of the following conditions are true:

The diversion is from a spring that does not flow off the property on which it is located and from which your aggregate diversions do not exceed 25 acre-feet in any year;

The diversion is covered by a permit or license to appropriate water that is on file with the Division;

The diversion is covered by a registration for small domestic, small irrigation or livestock stockpond uses;

The diversion is covered by a State Water Board stockpond certificate issued for ponds with a storage capacity of less than 10 acre-feet;

A notice is on file with the State Water Board for the recordation of groundwater extractions and diversions in Los Angeles, Riverside, San Bernardino or Ventura Counties;

A diversion is regulated by a Watermaster appointed by the Department of Water Resources and included in annual reports filed with a court or the State Water Board by a Watermaster, which reports identify the persons who divert water and describe the general purposes and the place, the use, and the quantity of water that has been diverted from each source;

A diversion is included in annual reports filed with the court or State Water Board by a Watermaster appointed by a court or filed pursuant to statute to administer a final judgment determining rights to water, for which reports identify the persons who have diverted water and give the general place of use and the quantity that has been diverted from each source.

NOTICE PURSUANT TO INFORMATION PRACTICES ACT OF 1977 (CIV. CODE, § 1798.17)

The State Water Resources Control Board, Division of Water Rights, is requesting personal information about the diverter and the person filing the Statement of diversion and use.

The agency official responsible for this system of records is Eloise Berryman, Staff Services Manager I, whose business address is 1001 I Street, 14th Floor, Sacramento, CA 95814 and whose business telephone is (916) 341-5347.

Upon request, the agency official shall inform an individual regarding the location of his or her records and the categories of any persons who use the information in these records.

The State Water Resources Control Board is empowered to require the submission of personal information by Water Code, section 5103, subdivision (a).

The submission of the name and address of the diverter and person filing the Statement is mandatory. The submission of the phone number and e-mail address of the diverter and person filing the Statement is voluntary.

The submission of the name and address of the land owner is voluntary.

Failure to provide the mandatory information can result in the imposition of administrative civil liability in the amount of \$1,000 plus \$500 per day for each additional day on which the violation continues if the person fails to cure the violation within 30 days after the State Water Resources Control Board has called the violation to the attention of the person.

This personal information is collected to facilitate better water management by the State Water Resources Control Board.

The State Water Resources Control Board does not know of or foresee any disclosures of personal information pursuant to Civil Code, section 1798.24, subdivisions (e) or (f).

Any member of the public may inspect the information collected in this form by contacting the State Water Resources Control Board, Division of Water Rights by mail at P. O. Box 2000, Sacramento, CA 95812-2000, by fax at (916) 341-5400, by telephone at (916) 341-5300 or by e-mail at dwr@waterboards.ca.gov, or by appearing in person at the State Water Resources Control Board, Division of Water Rights file room located at 1001 I Street, 2nd Floor, Sacramento, CA 95814 during normal business hours. Some information provided on this form, as well as an electronic copy of your submission, will be posted to the Division's Electronic Water Rights Information Management System (eWRIMS), a publicly-accessible database of water diverter and diversion information.

FREQUENTLY ASKED QUESTIONS

Q. Why do I need to submit a Statement of my diversion?

A. Water Code, section 5101 requires every person who diverts water to file a Statement with the State Water Board.

Q. When should I file my Statement?

A. A Statement must be filed prior to July 1 for a diversion that takes place in the prior year. For example, if water is diverted any time in annual year 2012, a Statement must be filed on or after January 1, 2013 but no later than June 30, 2013. A separate Statement should be completed for each point of diversion.

Q. What happens after I submit my Statement?

A. Once an initial Statement is received, the Division will assign it a Statement number. If a Statement is missing required information, the Division may notify the diverter. All correspondence concerning these Statements should refer to the assigned Statement number.

Q. How often do I need to report usage in subsequent years?

A. Supplemental Statements **must** be filed every year and **must** be filed online with the Division prior to July 1 of the year succeeding the year of the diversion.

Q. How can I update or make changes to my information?

A. Changes in the name and address of the person diverting the water must be reported on a Supplemental Statement, regardless of whether the changes occurred during a reporting year. If the location of the existing point of diversion as identified on the Statement or Supplemental Statement has changed, the new location must be reported on the Supplemental Statement. If there is a new point of diversion, a separate Statement must be filed with the Division.

Q. Do I need approval from any other agencies to divert water?

A. You are responsible for ensuring all proper permits from local, state or federal agencies are acquired. A separate Initial Statement must be filed for each individual diversion point from which water is diverted as set forth in Water Code, section 5102. The following instructions will provide a basic description of the information requested on the Initial Statement of Water Diversion and Use Form.

Diverter Information

The diverter is the party responsible for the water diversion. As the diverter you are required to provide your name, or company name, a valid mailing address and other appropriate contact information. If someone other than the diverter filed the Statement, that person must also provide his or her name, address and other appropriate contact information.

1. Type of Claim

Indicate the type of claim you are filing. See the claim descriptions below if you are unsure of the type of right you are claiming to divert water under. The following are general descriptions of the types of water rights that a user may claim use under when filing a Statement:

Riparian: A riparian right enables an owner of the land bordering a natural lake or stream to take water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. A riparian water right, like all water rights in California, is subject to Article X, section 2 of the California Constitution, which prohibits waste and unreasonable use of water, including the unreasonable method of use or diversion of water. Riparian rights may be used to divert the natural flow of a stream but typically may not be used to (1) store water for later use (2) divert water which originates in a different watershed (3) divert water released from storage, or (4) divert return flows from groundwater use.

Pre-1914 Appropriative: A pre-1914 appropriative right is for diversions that have been under continuous use since prior to December 19, 1914. After the formation of the California Water Commission in December 1914, new appropriators have been required to obtain a permit or license from the State Water Board or its predecessors.

Court Decree: An adjudicated right is one in which a court or the State Water Board has determined, by decree, the amount of use allowed to landowners within the adjudicated stream area. You must file a Statement if you are in an adjudicated area if a Watermaster is not filing reports on your behalf. Indicate the decree number when filing a Statement on a court decree claim.

Pending Appropriative: An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. If you have filed an application for a water right permit and are not yet permitted, but are diverting water, you are required to file a Statement. Indicate the corresponding application ID number on the designated line.

2. Water Course Description

Indicate the name of the body of water from which you are diverting water and the body of water it is a tributary to (the name of the larger stream or river the water source flows to downstream). Use the source name shown on a United States Geological Survey (USGS) topographic map. If there is no name, use "Unnamed" Stream or Spring.

3. Point of Diversion and Legal Land Description

Provide the location of the point of diversion (the location from which you are taking water from the stream), using one of the following methods: 1) identifying the location by latitude and longitude measurements, 2) identifying the location using the California Coordinate System, or 3) depicting the location of the diversion works on a USGS topographic map attached to your Initial Statement. Each separate diversion point should be reported on separate forms. If the property has not been assigned an Assessor's Parcel Number (APN) by the County Assessor, you must provide the public land description to the nearest 40-acre subdivision. This information is shown on a USGS topographic map, and on your property deed. You may submit a single map showing both the point of diversion and the place of use. Maps can be found at: <http://www.store.usgs.gov>.

4. Place of Use Description

Provide a general description of the area where the water is used, and all assessor's parcel numbers associated with the place of use. You **MUST** submit either a USGS topographic map, a county assessor map, or a map with identifiable landmarks depicting the place of use. If you are also using a map for identifying the point of diversion, you can represent both the point of diversion and places of use on a single map. Maps can be found at: <http://www.store.usgs.gov>

5. Purpose of Use

Indicate the purpose of use for the diverted water. Examples of purposes of use are: cannabis cultivation, domestic, dust control, fire protection, fish/wildlife protection and enhancement, fish culture, frost protection, heat protection, incidental power, industrial, irrigation, milling, mining, municipal, power, recreational, snow making, stock watering, etc. Also indicate the number of acres irrigated, number of persons served for domestic use, number of animals watered, etc.

6. Special Use

Complete questions regarding cannabis cultivation. If your diversion is used in any part for cannabis cultivation, select "Yes", and complete the Special Use Attachment, which is required to be submitted with the Initial Statement of Water Diversion and Use Form. Refer to the Special Use Attachment Instructions for additional information on completing this form.

7. Diversion Works Description

A direct diversion is identified as water taken from a water source, such as a surface stream or subterranean stream, and used without being placed into storage.

A diversion to storage is defined as water diverted to storage facility such as a pond, dam, or tank, including on-stream storage. The maximum capacity of the diversion works is the maximum output available for a pump or other diversion works from the source to the storage facility. If you store water and know the storage capacity, indicate it in gallons or acre-feet.

If you do not know the actual storage capacity of a reservoir or pond, you can use the following formula to estimate it: Multiply the surface area (in acres) by the maximum depth of the reservoir (in feet) then multiply that by 0.7.

8. Quantity of Water Diverted

Provide the quantity of water diverted for each month in the year you are reporting. If you did not divert water in a particular month, enter "0". Beginning January 1, 2012, monthly measurement records of water diversion must be made using the best available technologies and best professional practices.

9. Maximum Rate of Diversion

Provide the year in which you diverted at your highest rate, the month you divert the most water, and the maximum rate of diversion. If precise measurements are not available, provide an estimated maximum diversion rate. The maximum rate of diversion may be provided in gallons per minute, gallons per day, or cubic feet per second units.

10. Recent Water Use

Provide the annual amount of water used in recent years. If precise measurements are not available, provide an estimated annual usage.

11. Water Conservation Efforts/Conjunctive Use

Complete Water Conservation and Conjunctive use questions. Explain response if necessary.

12. Water Diversion Measurement

All water right holders who divert more than 10 acre-feet of water per year are required to measure the water they divert. A diverter may choose any measuring device, or combination of devices, that meet the measurement and monitoring requirements of the regulation.

Additional information about measurement devices, implementation schedules and related requirements can be found at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml

The measurement and monitoring requirements are summarized in the following table:

Type of Diversion (af = acre-feet)	Installation Deadline	Required Accuracy	Required Monitoring Frequency	Qualifications For Installation And Certification
Direct Diversion \geq 1,000 af/year or Storage \geq 1000 af	January 1, 2017	10%	Hourly	Engineer/Contractor/Professional
Direct Diversion \geq 100 af/year or Storage \geq 200 af	July 1, 2017	10%	Daily	Engineer/Contractor/Professional
Storage \geq 100 af	July 1, 2017	15%	Weekly	Engineer/Contractor/Professional
Direct Diversion $>$ 10 af/year or Storage \geq 50 af	January 1, 2018	15%	Weekly	Individual experienced with measurement and monitoring
Storage $>$ 10 af	January 1, 2018	15%	Monthly	Individual experienced with measurement and monitoring

For all diverters, initial the box to certify that you have read and will comply with the measurement regulations.

Check the appropriate box to indicate whether you are required or not required to measure your diversion of water under the claimed right. All water right holders who divert more than 10 acre-feet of water per year are required to measure the water they divert.

13. Signature and Important Information

The form must be legible and signed by the person completing the form. The company name is required, if applicable.

SUBMITTING YOUR STATEMENT

Attach the Initial Statement of Water Diversion and Use form to your map(s) and any other supporting documentation. You may submit multiple forms in the same envelope if each diversion work has been labeled.

Please send completed Initial Statement form and supporting documents to:

Mail: *State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000*

Email: DWR-statements@waterboards.ca.gov

FAX: (916) 341-5400

Forms must be legible and contain readable maps.

Beebe Ranch Rd, Willow X

search results for Be...

Measurement

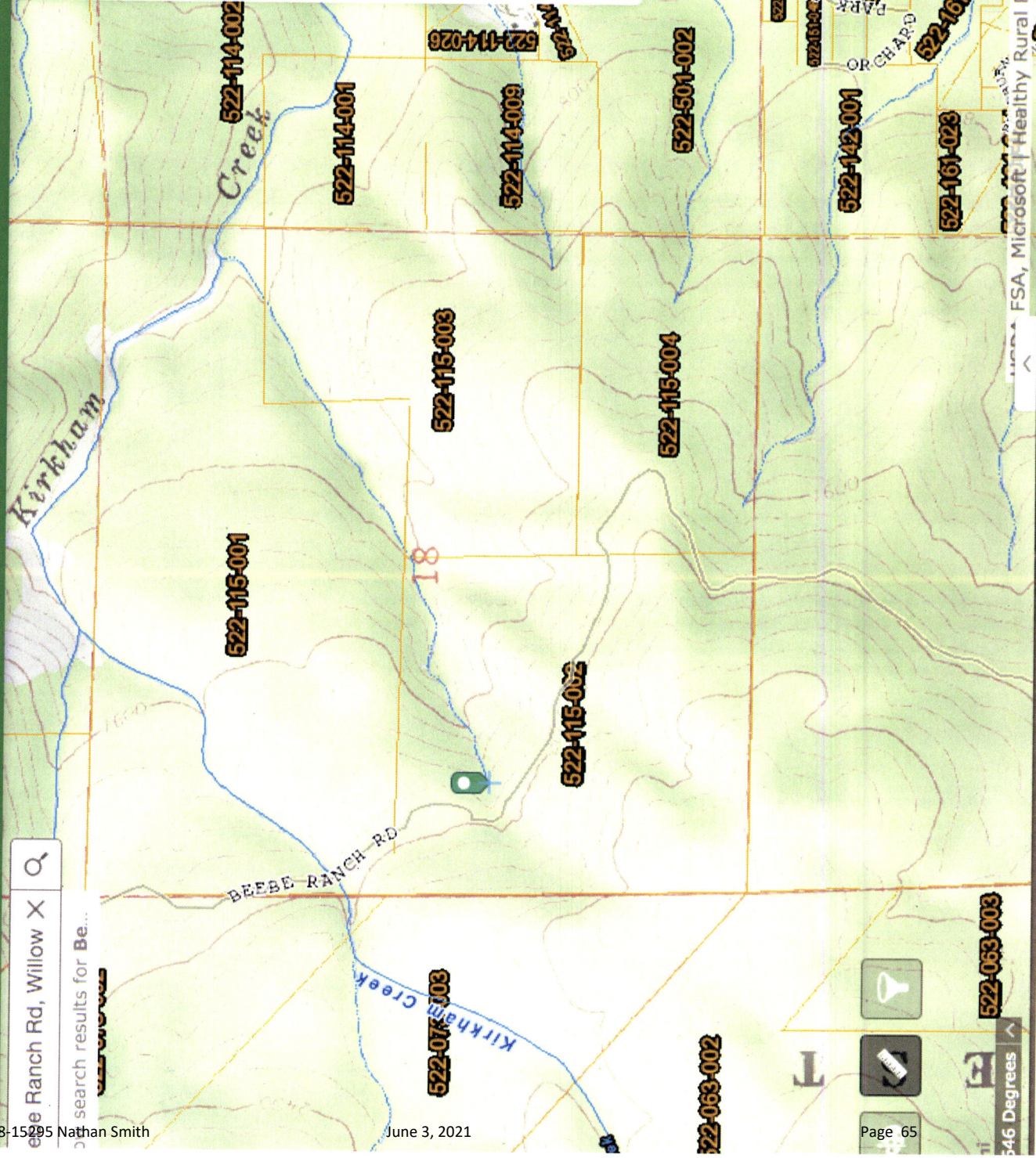
Degrees

Measurement Result

Longitude

-123.664622

-123.664622



S026576

Beebe Ranch Rd, Willow X

search results for Be...



Measurement



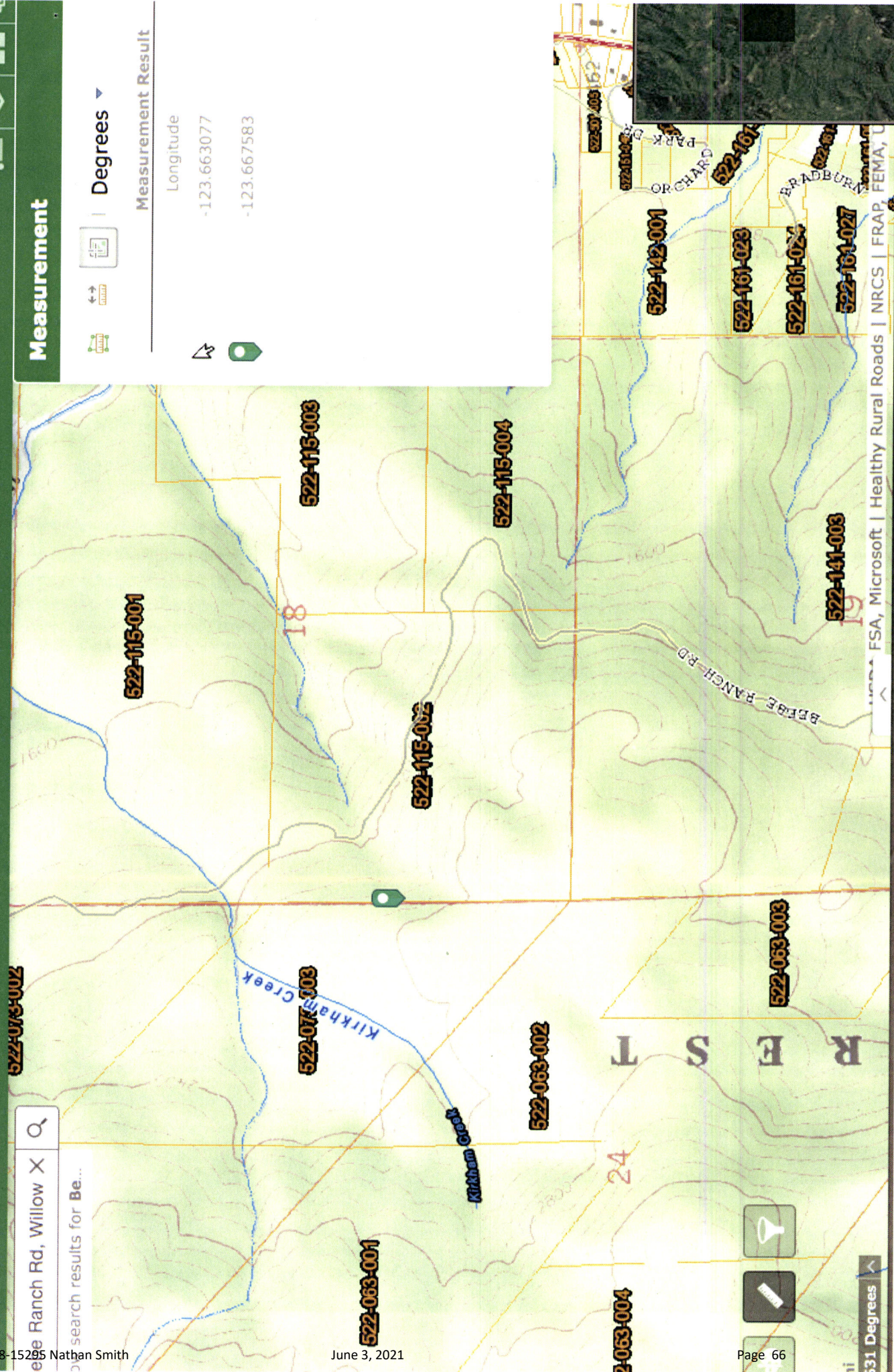
Degrees

Measurement Result

Longitude

-123.663077

-123.667583



Borsh, Christopher@Waterboards

From: Kalla Jr <concretekitten@hotmail.com>
Sent: Tuesday, June 27, 2017 3:04 PM
To: WB-DWR-Statements
Cc: 4greenhomes@gmail.com, Maddy Rueda
Subject: Initial Statement of Diversion
Attachments: init stat Nate2 copy 2.pdf; init stat Nate1.pdf; Screen Shot 2017-06-25 at 8:58:20 PM.png; Screen Shot 2017-06-25 at 8:54:57 PM.png

To Whom it May Concern:

Please see the attached 2 "Initial Statement of Water Diversion and Use" and maps for property APN 522-115-002.

Thank You,
Kelly LaRose

Initial Statement of Water Diversion and Use

Page 4 of 4

Section 11: Water Conservation Efforts/Conjunctive Use

(Answer only fields applicable to your diversion)

Are you currently employing any methods of water conservation?

☒ Yes ☐ No

Are you currently employing any methods of water conservation in use drip irrigation in beds, and shade technique

Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water produced by waste to a degree that is commercially attractive, such as water for other beneficial uses?

☐ Yes ☒ No

Are you using groundwater in lieu of surface water?

☐ Yes ☒ No

Section 12: Water Diversion Measurement

As a diverter, you may be required to measure your diversion rate and use of water. Details on your obligation to measure diversions are located at http://www.waterboards.ca.gov/waterdiversion/water_diversion_measurement_instructions at the end of this form on page 5 of 5.

I have reviewed the measurement requirements, certify that I understand and will comply with the measurement requirements.

(Initial here to certify)
KL

Based on the measurement requirements, check the appropriate box below:

☐ I am required to measure as of the date this form is submitted☒ I am not required to measure as of the date this form is submitted

Additional information regarding measurement of diversions:

- If you are required to measure your diversion, you will need to provide information about your measurement device, the accuracy of your device, method of installation and other questions on a supplemental statement of water diversion and use during the next calendar year. Samples of questions regarding measurement for supplemental statements are located at http://www.waterboards.ca.gov/waterdiversion/water_diversion_measurement_instructions/SupplementalStatement.pdf.
- If you have or will be cultivating cannabis, measurement of your diversions and storage will be required in accordance with the Cannabis Cultivation Policy (Policy), which is currently under development. Updates on the Policy are located at http://www.waterboards.ca.gov/waterdiversion/water_diversion_measurement_instructions/water_diversion_instructions.

Section 13: Signature

I declare that the information in this report is true to the best of my knowledge and belief.

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (WAT. CODE, §5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 ON EACH YEAR OR IF THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (WAT. CODE, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (WAT. CODE §5107.)

Signature

Kelly

J

Date

June 24, 2017

Printed Name

(first name)

(middle name)

LaRose

(last name)

No

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North Coast Regional Water Quality Control Board

October 7, 2020

WDID:1_12CC427373

NATHAN SMITH
33683 GARNET COURT
POTOMAC, MT 59823

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

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

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

Sincerely,

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

201007_2L_1_12CC427373_BEEBE_RANCH_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, NATHAN SMITH, HUMBOLDT COUNTY APN(s) 522-115-002-000

NATHAN SMITH (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on August 28, 2020, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC427373**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

2. SITE-SPECIFIC REQUIREMENTS

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

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

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

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

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

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

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;

- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by November 25, 2020, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

4. MONITORING AND REPORTING PROGRAM

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

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

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

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

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

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

STATE DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: **Nathan Smith** APN: **522-115-002-000**

Planning & Building Department Case/File No.: **APPS #15295**

Road Name: **BRANNAN MOUNTAIN RD** (complete a separate form for each road)

From Road (Cross street): **TRINITY RIVER HWY 96**

To Road (Cross street): **BRANNAN MOUNTAIN RD**

Length of road segment: **2.2 MILES** miles Date Inspected: **05/04/20**

Road is maintained by: ☒ County ☐ Other
(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.

DocuSigned by:

B Crosby
Signature

5/12/21

Date

Brittney Crosby

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.

DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**PART A:** *Part A may be completed by the applicant*Applicant Name: **Nathan Smith** APN: **522-115-002-000**Planning & Building Department Case/File No.: **APPS #15295**Road Name: **BEEBE RANCH ROAD** (complete a separate form for each road)From Road (Cross street): **BRANNAN MOUNTAIN ROAD**To Road (Cross street): **BEEBE RANCH ROAD**Length of road segment: **3.2 MILES** miles Date Inspected: **05/04/20**Road is maintained by: ☐ County ☒ Other **FOREST SERVICE**
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

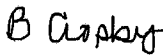
Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.**Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, 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.

DocuSigned by:


Signature**5/12/21**

Date

Brittney Crosby

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.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Cal FIRE	✓	Approved	Attached
Northwest Information Center	✓	Further Study	On-file and Confidential
County Sheriff	✓	Approved	On-file
US Forest Service	✓	Recommend Denial	On-file
Tsnungwe Council		No Comments	
Hoopla Valley Tribe		No Comments	
California Department of Fish & Wildlife		No Comments	
Klamath-Trinity Joint Unified School District		No Comments	
CA State Water Resources Control Board – Division of Water Rights		No Comments	
Regional Water Quality Control Board		No Comments	
Willow Creek Fire Protection District		No Comments	
NCUAQMD		No Comments	
District Attorney		No Comments	
Ag Commissioner		No Comments	

M/Tom



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

4/26

1/26/2021

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, US Forest Service, FPD: Willow Creek, RWQCB, NCUAQMD, School District: Klamath-Trinity JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Hoopa Valley Tribe, NWIC, Tsungwe Council

Applicant Name Nathan Smith **Key Parcel Number** 522-115-002-000

Application (APPS#) PLN-2018-15295 **Assigned Planner** Megan Acevedo

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: 2/10/2021

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

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

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

Other Comments:

See BLD check list attached
Photos & Videos in Acker

DATE:

5-10-2021

PRINT NAME:

Tom Deberstein

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-2018-1529_____ APN_____ 522-115-002

The following comments apply to the proposed project, (check all that apply).

- ☐ Site plan appears to be accurate.
- ☒ Site plan is not accurate, submit revised site plan showing the following items:
- ☒ All grading including ponds and roads,
 - ☐ Location of any water course including springs,
 - ☒ All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - ☒ Engineered As-Built Grading Plans

- _____
- ☐ _____
- ☐ Existing operation appears to have expanded as follows: _____
- _____
- _____
- ☐ Proposed new operation has already started.
- ☐ Development is near a wet area. If yes, distance from development: _____
- ☐ Development is near a Stream side Management Area (SMA). If yes, distance from development: _____

☒ Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.

- ☒ Other Comments: Large amount of As-Built grading. New Grading and road improvements done the week before my visit on May 3, 2021 at Area 3 & 3A. Roadway blocking drainage, no culvert at Area A. Flats sliding downhill in areas.
- _____
- _____
- _____

PLN-2018-1...

STATUS

LOCATION

CONTACT

WORKFLOW

Smith - SP2 for ex...
A Special Permit (...

> Reviewing for ...
04/06/2021 by ...

> Willow Creek

> Brittney Crosby

> 19 total Task

1 completed
4 active

Cancel

Help

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (8)

Payment

Workflow History (61)

Comments (6)

Documents (47)

Conditions of Approval (0)

Task
Environmental Health

Due Date

Assigned Date

Assigned to Department
Environmental Health

Assigned to

Status
Approved with Conditions

Action by Department
Environmental Health

Action By
Adam Molofsky

Status Date
01/28/2021

Start Time

End Time

Hours Spent
0.0

Billable
No

Overtime
No

Comments
Previous WF Value: Approved with Conditions.
Previous Comment: 1) DEH has no record of the well proposed as source of water. Owner shall either provide evidence of permit construction approval, destroy the well, legalize the well through installation of new sanitary surface seal, or provide compelling evidence that the well was installed prior to February, 1973.
2) Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilets to cultivation areas or install a permitted Onsite Wastewater Treatment System associated with a permitted structure.

Time Tracking Start Date

Est. Completion Date

In Possession Time (hrs)

Display E-mail Address in ACA
No

☐ Display Comment in ACA

Comment Display in ACA
☐ All ACA Users

☐ Record Creator

☐ Licensed Professional

☐ Contact

☐ Owner

Estimated Hours
0.0

Action
Updated

Workflow Calendar
Workflow Blockout



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MANAGEMENT 445-7493

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Acevedo, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03/10/2021

RE:

Applicant Name	NATHAN SMITH
APN	522-115-002
APPS#	PLN-2018-15295-SP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted an unsigned road evaluation report not for the subject parcel, dated 4/24/2018, with Part A –Box 2 checked, certifying that the road is equivalent of a road category 4 standard.

It appears that the applicant has combined two road evaluations into one report. Applicant should provide a separate report for each road. The report evaluation incorrectly states that the County maintains Beebe Ranch Road.

The intersection of Beebe Ranch Road with the Brannon Mountain Rd (County maintained) will require modification in order to comply with County Code.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15295

- ☒ COUNTY ROADS- PROXIMITY OF FARMS:
Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
- ☐ COUNTY ROADS- FENCES & ENCROACHMENTS:
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- DRIVEWAY (PART 1):
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ COUNTY ROADS- DRIVEWAY (PART 2):
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a minimum length of 50 feet (or to break in slope).
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- DRIVEWAY (PART 3):
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ COUNTY ROADS- PRIVATE ROAD INTERSECTION:
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a minimum length of 50 feet (or to break in slope) where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

Additional Review is Required by Planning & Building Staff

Please re-refer the project to the Department when all of the requested information has been provided.

☒ COUNTY ROADS- MISSING/INCOMPLETE ROAD EVALUATION REPORT(S)

Road Evaluation Report(s) for the following County maintained road(s) were not provided:

Road Name	Part B Road Evaluation Report Required?
Brannon Mountain Road [From Creekside Lane (P.M. 0.4 to Beebe Ranch Rd]	<input checked="" type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES

The Department cannot recommend approval of the project until the Road Evaluation Report(s) adequately address the County road(s).

☐ COUNTY ROADS- INADEQUATE ROAD EVALUATION REPORTS:

The Department cannot support the proposed recommendations within the Road Evaluation Reports for the following County maintained roads:

The Department cannot recommend approval of the project until the Road Evaluation Reports adequately addresses the County road. The applicant's civil engineer is advised to contact the Department for details.

☐ COUNTY ROADS- ON-SITE PARKING & INTERNAL TRAFFIC CIRCULATION PLAN:

The Department has reviewed the proposed on-site parking area(s) and internal traffic circulation plan(s) pursuant to County Code Section 313-109.1.3.2.5 (Coastal) and 314-109.1.2.2.5 (inland). The Department cannot support the proposed parking area and traffic circulation plan. The applicant must submit a realistic parking plan to the Department for review.

// END //

Exhibit "D"

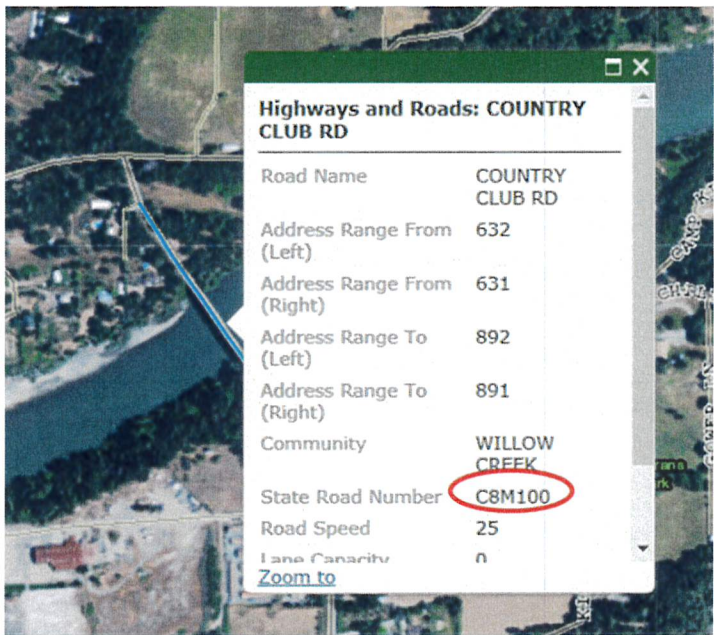
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD
A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Barrys Road	5J020	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Butler Valley Road	F5J031	All
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then continues as USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.5
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained] continues as a non-County maintained road
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Patterson Road	C3M130	All
Price Creek Road	3G075	Blue Slide Creek Rd to PM 2.0
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Showers Pass Road	6G010	PM 0.0 to PM 4.0 and PM 17.0 to PM 19.1
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11 (At Old Briceland Road)
Sprowel Creek Road	6B095	Old Briceland Rd to PM 7.22 [End of County maintained]
Tim Mullen Road	5J010	PM 0.0 to PM 2.07 [End of County maintained]
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
Wallan Road	6B166	Alderpoint Rd to PM 1.29 [End of County maintained]
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Cemetary Road	8D020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Harris Road	8B020	All
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.5 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
Price Creek Road	3G075	P.M. 2.0 to P.M. 3.45
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Showers Pass Road	6G0100	P.M. 4.0 to P.M. 17.0
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

ATTACHMENT 5
BULLFROG MANAGEMENT PLAN

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0055-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.

MANAGEMENT METHODS

Two removal 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. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at kalyn.bocast@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 **two** 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

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting

stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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