



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 21, 2022

To: Humboldt County Planning Commission

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

Subject: **Dustin Silva Conditional Use Permit and Special Permit**
Record Number PLN-13264-CUP
Assessor's Parcel Numbers (APNs) 216-143-005, 216-142-006, 216-144-008, 216-143-010 (one legal parcel)
26755 Dyerville Loop Rd, Garberville

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

AGENDA ITEM TRANSMITTAL

Hearing Date April 21, 2022	Subject Conditional Use Permit and Special Permit	Contact Jordan Mayor
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Project Description: Dustin Silva seeks a Conditional Use Permit for 11,950 square feet (SF) of existing cannabis cultivation consisting of entirely of outdoor cultivation, and a 1,200-SF ancillary nursery. Mixed-light cultivation, allowed under the applicants' interim permit, is no longer proposed by this project. Water for irrigation is sourced from an onsite 487,500-gallon rainwater and spring-fed catchment pond, and two points of diversion used to fill 93,500 gallons of tank and bladder storage. Estimated annual water usage is 140,000 gallons (11.7 gallons/SF/year). Processing will be performed offsite at a third-party permitted processing facility. Power is provided by a 10-kilowatt generator and the applicant intends to develop solar power infrastructure to operate artificial lights, drying building and irrigation pump systems, including that required for domestic needs, within 3 years of permit approval (i.e., April 7, 2025). A Special Permit is also requested for ongoing maintenance of permitted water diversions.

Project Location: The project is located in Humboldt County, in the Garberville area, on the east side of Dyerville Loop Road, approximately 1.4 miles north from the intersection of Ross Road and Dyerville Loop Road, then approximately 0.6 mile east on a private road, on the property known to be in the west half of the southwest quarter of Section 01, the east half of the east half of Section 02, and the northeast quarter of the northeast quarter of Section 11, Township 04 South, Range 04 East.

Present Plan Land Use Designations: Agricultural Grazing (AG) and Special Building Site B-5(160), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Agricultural Exclusive (AE) and Special Building Site B-5(160)

Record Number: PLN-13264-CUP

Assessor's Parcel Numbers: 216-142-006, 216-143-005, 216-143-010, 216-144-008 (one legal parcel)

Applicant Dustin Silva PO Box 292 Redway, CA 95560	Owner Dustin Silva & Heather Becker PO Box 292 Redway, CA 95560	Agents NorthPoint Consulting Group, Inc. 1117 Samoa Blvd, Arcata, CA 95521
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Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

Major Issues: None

Dustin Silva

Record Number: PLN-13264-CUP

Assessor's Parcel Numbers: 216-142-006, 216-143-005, 216-143-010, 216-144-008 (one legal parcel)

Recommended Commission Action

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

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

Executive Summary: Dustin Silva seeks a Conditional Use Permit for 11,950 square feet (SF) of existing cannabis cultivation consisting of outdoor cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. Mixed-light cultivation, allowed under the applicant's interim permit, is no longer proposed by this project. The site is designated as Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE) and Special Building Site B-5(160). The cannabis cultivation occurs on two naturally flat locations on parcels APN 216-142-006 (80 acres) and 216-143-010 (38 acres). Parcel 216-144-008 (43 acres) is mostly forested and contains no cultivation-related activities, whereas parcel 216-143-005 (76 acres) contains ranch access roads leading from Dyerville Loop Road to the two cultivation areas. These parcels are one legal parcel as determined under case number CC-01-07, effective March 22, 2019. A legal easement detailed on the 2018 Grant Deed allows the applicant to access water on a fifth parcel not owned by the applicant (APN 216-142-014). Ancillary nursery cultivation shall be limited to 10% of the cultivation amount (1,200 SF) as a condition of approval (**COA #A6**). Two annual harvests are expected from greenhouses for a growing season that extends from April through October.

The property is developed with the following: a single standalone cabin (residence), a three-story shop building utilized as a residence on the top two floors and a garage/drying area on the lower floor, and an additional single-story residence and various outbuildings related to agricultural storage and production. All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure as a condition of approval (**COA #A7-A8**). Drying of harvested cannabis occurs on the ground floor of the existing shop building. The drying room is equipped with ventilation fans and dehumidifiers. The drying process takes approximately 1 week. Processing will be performed offsite at a third-party permitted processing facility. The lead cultivator runs the farm with help from his family and up to four seasonal employees. There is an existing bathroom located within a residence onsite. A septic investigation study is proposed, and if required the septic system(s) will be updated and potentially relocated according to the results of the investigation as a condition of approval and in accordance with comments received from the Division of Environmental Health (**COA #A9**). A locked entry gate is located on the driveway off Dyerville Loop Road. The entry gate remains locked at all times and access to the cultivation area is limited exclusively to employees.

Power for artificial string lights in the nursery and drying fans is currently provided by a 10-kilowatt generator. The applicant intends to develop solar power infrastructure to operate artificial lights, drying building and irrigation pump systems, and that required for domestic needs, within 3 years of permit approval (i.e., April 7, 2025) as a condition of approval (**COA #A10**). Following installation of the solar system, the use of generators will be limited to emergencies. The generator and fuels are in a secondary containment trough and protected from the elements in a shipping container with noise attenuation measures.

The property is currently part of the California Land Conservation Act of 1965, also known as the Williamson Act, which is a program for landowners to benefit from tax incentives in order to maintain agricultural activities on their project. As such, the project site has operated as a ranch for many decades and is currently utilized for ranching and livestock production in addition to cannabis operations. For instance, the rain catchment stock pond is primarily used for livestock. The project, including cannabis cultivation and all associated cannabis improvements on this and the adjacent property operated by the same applicant, is below the two-acre threshold approved by the Williamson Act Committee as not requiring specific review by the Committee. The cultivation proposed on this parcel is less than 0.3% of the total size of the legal parcel meaning that nearly the entirety of the parcel remains available for the grazing use.

Water Resources

Water for cannabis cultivation, fire suppression, and domestic use is provided by two existing surface water diversions and an existing 50-year-old 487,500-gallon stock pond filled by rainwater and seasonal spring flows. The stock pond provides approximately 50,000 gallons of the annual water demands of 140,000 gallons (11.7 gallons/SF/year). The additional 90,000 gallons of irrigation water demands are met by stored water within two bladders (50,000 and 20,000 gallons) and a total of 23,000 gallons of hard tank storage (nine tanks total). Collectively, the pond, bladders, and tanks allow for forbearance of all diversions during the dry season. Water from two points of diversion (POD) is pumped and gravity fed to storage tanks and bladders. Water from the pond is pumped and fed directly to cultivation areas.

The diverter has obtained a Right to Divert and Use Water from the State Water Resources Control Board (SWRCB), which allows the appropriation and diversion to storage of 0.989 acre-feet (322,267 gallons) annually, under Registration: H505001, Certificate: H10040 (**Attachment 3**). Per the Water Right, the rate of diversion to storage shall not exceed 42,000 gallons per day or the diversion rate specified in the current version of SWRCB's Cannabis Policy, whichever is more restrictive, and abiding by the Water Right is made a condition of approval (**COA #A11**). Water from the stock pond is pumped and fed to the gardens. The spring POD-1 on parcel APN 216-143-010 is gravity fed to water bladders and pumped to hard tank storage near the cultivation site on this parcel. The stream diversion POD-2 is from Steelhead Creek on parcel APN 216-142-014 owned by the neighbor to the east for which an access agreement is codified in the Grant Deed for the applicant's parcels. All sources of irrigation and domestic water use will be monitored as a condition of approval (**COA #A12**). A Special Permit is needed for ongoing maintenance of the diversions.

Dustin Silva is enrolled as a Tier 1, Low Risk discharger under SWRCB General Order WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (WDID 1_12CC407603). A Site Management Plan (SMP; **Attachment 3**) was developed for the property in February 2019 by NorthPoint Consulting Group, Inc. The SMP includes applicable best practicable treatment or control measures from Attachment A of the SWRCB Order, which will improve site drainage, reduce sedimentation, and control erosion. No road remediation or upgrades were deemed necessary and several stream crossings on the legacy ranch roads were noted across the four contiguous parcels. The SMP-recommended measures are made a condition of approval (**COA #A13**). The SMP showed no evidence of surface runoff associated with the existing cultivation areas entering nearby drainages. All existing and proposed cultivation areas are currently at least 50 feet from Class III drainages and 100 feet from Class II drainages, outside of the streamside management area buffers. The project site contains several small tributary creeks flowing east to Steelhead Creek, which itself is a tributary to the Eel River, and nine surface water crossings (STX) were identified as part of NorthPoint's field investigation on the project site (STX 1-9), consisting of both culverted crossings and fill crossings on seasonal access roads. The improvements noted in the SMP are made conditions of approval (**COA #A13**).

A Notification of Lake or Streambed Alteration Agreement (LSAA) was obtained with the California Department of Fish and Wildlife (CDFW) to permit the use and maintenance of the two PODs, replacement or maintenance of the nine STXs, and to notify CDFW of the proposed construction of the

stock pond spillway. LSAA No.: 1600-2019-0171-R1 was issued on November 21, 2019 providing permission to perform the work (**Attachment 3**). The LSAA states that diversion for cannabis use is authorized from November 1 to March 31 of each water year, while diversion for domestic use is authorized from January 1 to December 31. Abiding by the conditions of the LSAA, including limiting diversion rates on POD-1 and POD-2 to 3 gallons per minute, are an ongoing condition of approval (**COA #B17**). The project site is in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project, the total number of approved permits in this planning watershed would be 87, and the total approved acres of cultivation would be 41.95.

Biological Resources

There are no mapped sensitive species on the parcel and no northern spotted owl (NSO) activity centers within 5 miles of the two cultivation areas. However, lands surrounding the site are forested and could provide NSO and wildlife habitat. No special-status species have been mapped on the project parcels in the California Natural Diversity Database, although special-status amphibians and fish species could be present in Steelhead Creek. To protect aquatic resources associated with the two PODs used for irrigation sources, the final LSAA issued by CDFW requires avoidance and minimization measures to protect aquatic resources and water quality (**Attachment 3**). Addendum 10 of the LSAA also requires the catchment pond to be drained down annually during the winter to discourage and disrupt the lifecycle of the bullfrog. Draining down the pond is also required to eliminate the potential of overtopping and subsequent erosion at the outfall.

The project has been conditioned to ensure supplemental string lighting in cultivation nursery greenhouse(s) is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during the NSO critical period (March 15–July 31) or perform protocol-level surveys prior to initiating that work (**COA #A14**). Surrounding grazed grasslands could be classified as Sensitive Natural Communities; however, no grading is proposed. Per the Operations Plan, during the growing season, light spillage shall be prevented by use of blackout tarps, which will be installed and securely fastened in place 1 hour prior to dusk and retained in place 1 hour after dawn to prevent light spillage from occurring. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Since power is partially provided by onsite generators until the transition to solar power can be made, the applicant will need to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11(o), which requires noise levels be at or below 50 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service.

Tribal Cultural Resource Coordination

There are known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in 2019. The NWIC responded that their office has a record of previous cultural resources on a small portion of the project area and that the project area has the possibility of containing unrecorded archaeological site(s), and a study is recommended prior to commencement of project activities. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria also requested a cultural resource survey. William Rich and Associates prepared a Cultural Resources Investigation in November 2021. Correspondence was also conducted with the Native American Heritage Commission and tribal representatives, and a field survey was performed over the project area, encompassing 47 acres, on May 31, 2021. Field conditions and soil visibility were excellent, as the cultivation areas are generally

situated on open, grassy, graded terraces surrounded by generally steep, east-facing slopes, which are moderately densely forested with Douglas fir, tanoak, madrone, oak and other tree species.

The field survey resulted in the identification of a scatter of ancestral Native American artifacts (debitage) at one confidential location accessed via an all-terrain vehicle (ATV) trail. It is recommended that the archaeological site identified be treated as an historical resource and presumed eligible to the California Register of Historical Resources until further research can be performed to confirm or refute the presence of a subsurface deposit. Recommendations to avoid grading and other ground-disturbing activities at the identified site, while continuing use of the existing ATV access road and location for water tank storage, are provided in this report and made a condition of approval (**COA #15**).

If the recommendations in this report are adhered to, this author believes that cannabis cultivation, as described under this proposed permit, will not cause a substantial adverse change in the significance of the identified archaeological site. If cultivation methods or other conditions change, additional archaeological investigation and tribal consultation would become necessary. No further archaeological studies were recommended for permit approval, as it is currently proposed. Although this report suggests that it would be unlikely to encounter significant buried archaeological materials at this location during implementation of cannabis cultivation, it does provide guidance in the event archaeological materials are unearthed during project activities. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

The project is in Humboldt County in the Garberville area, on the east side of Dyerville Loop Road, approximately 1.4 miles north from the intersection of Ross Road and Dyerville Loop Road, then approximately 0.6 mile east on a private road, on the property known to be in the west half of the southwest quarter of Section 01, the east half of the east half of Section 02, and the northeast quarter of the northeast quarter of Section 11, Township 04 South, Range 04 East. A Road Evaluation Report with photo-documentation was prepared by the applicant and NorthPoint Consulting Group for the 1.6-mile private road, which indicates that the road is developed to the equivalent of a road category of 4. The Department of Public Works conditionally approved the project with recommendations that have been made a condition of approval (**COA #16**), including to relocate any fences outside of the county right-of-way, and to pave the access road curtain where it intersects a County Road (Dyerville Loop 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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case,

the Commission should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.

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

Resolution Number 22-

Record Number PLN-13264-CUP

Assessor's Parcel Number: 216-142-006, 216-143-005, 216-143-010, 216-144-008 (one legal parcel)

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approving the Dustin Silva, Conditional Use Permit and Special Permit.

WHEREAS, Dustin Silva, submitted an application and evidence in support of approving the continued operation of an existing 11,950-square-foot (SF) outdoor cannabis cultivation, and 1,200-SF ancillary nursery with appurtenant propagation and drying activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **April 21, 2022**, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow 11,950 SF outdoor cannabis cultivation and up to 1,200 SF of ancillary nursery. Estimated annual water usage is 140,000 gallons. Water for irrigation is partially sourced from two points of diversion (POD) and an existing 487,500-gallon stock pond. Water storage also consists of 93,500 gallons of storage in nine hard tanks and two bladders. Processing will be performed offsite at a third-party permitted processing facility. Power is provided by an onsite 10-kilowatt generator, which will convert to solar within 3 years. A Special Permit is also requested for ongoing maintenance of two PODs.

EVIDENCE: a) Project File: PLN-13264-CUP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Site Management Plan (SMP) was developed for the property in February 2019 by NorthPoint Consulting Group, Inc. to show compliance with the North

Coast Regional Water Quality Control Board Order No. 2019-0023. The improvements noted in the SMP are made conditions of approval.

- d) Estimated annual water usage is 140,000 gallons. Water for irrigation is partially sourced from two PODs and an existing 487,500-gallon stock pond. Water storage also consists of 93,500 gallons of storage in nine hard tanks and two bladders. The diverter has obtained a Right to Divert and Use Water from the State Water Resources Control Board (SWRCB), which allows the appropriation and diversion to storage of 0.989 acre-feet (322,267 gallons) annually, under Registration: H505001, Certificate: H10040.
- e) Power for artificial string lights in the nursery and drying fans are currently provided by a 10-kilowatt generator. The applicant intends to develop solar power infrastructure to operate artificial lights, drying building and irrigation pump systems, and including that required for domestic needs, within 3 years of permit approval (i.e., April 7, 2025) as a condition of approval.
- f) A Notification of Lake or Streambed Alteration Agreement (LSAA) was obtained with the California Department of Fish and Wildlife to permit the use and maintenance of the two PODs, replacement or maintenance of the nine surface water crossings, and to notify the department of the proposed construction of the stock pond spillway. LSAA No.: 1600-2019-0171-R1.
- g) There are no mapped sensitive species on the parcel and no northern spotted owl (NSO) activity centers within 5 miles of the two cultivation areas. However, lands surrounding the site are forested and could provide NSO and wildlife habitat. Grasslands could be classified as Sensitive Natural Communities; however, no grading is proposed. The project has been conditioned to ensure supplemental string lighting in cultivation nursery greenhouse(s) is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work.
- h) William Rich and Associates prepared a Cultural Resources Investigation in November 2021. Correspondence was also conducted with the Native American Heritage Commission and tribal representatives, and a field survey was performed over the project area, encompassing 47 acres, on May 31, 2021. The field survey resulted in the identification of a scatter of ancestral Native American artifacts (debitage) at one confidential location accessed via an all-terrain vehicle (ATV) trail. It is recommended that the archaeological site identified be treated as an historical resource and presumed eligible to the California Register of Historical Resources until further research can be performed to confirm or refute the presence of a subsurface deposit. Recommendations to avoid grading and other ground-disturbing activities at the identified site, while continuing use of the existing ATV access road and location for water tank storage, are provided in this report.
- i) A Road Evaluation Report with photo-documentation was prepared by the applicant and NorthPoint Consulting Group for the 1.6-mile private road, which indicates that the road is developed to the equivalent of a road category of 4. The Department of Public Works conditionally approved the project with recommendations that have been made a condition of approval.

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Agricultural Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) and Special Building Site B-5(160) Combining Zone in which the site is located.
- EVIDENCE**
- a) The AE-Zone allows for intensive agriculture and cottage industry as principally permitted uses.
 - b) All general agricultural uses are principally permitted in the AE-Zone.
 - c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 5 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 11,950-SF outdoor cannabis cultivation, and 1,200-SF ancillary nursery on the 237-acre legal parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (Section 314-55.4.8.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by case number CC-01-07, effective March 22, 2019. The cannabis cultivation occurs on two naturally flat locations on parcel APN 216-142-006 (80 acres) and 216-143-010 (38 acres). Parcel APN 216-144-008 (43 acres) is mostly forested and contains no cultivation-related activities, whereas parcel APN 216-143-005 (76 acres) contains ranch access roads leading from Dyerville Loop Road to the two cultivation areas. These parcels are one legal parcel. A legal easement detailed on the 2018 Grant Deed allows the applicant to access water on a fifth parcel not owned by the applicant (APN 216-142-014).
 - c) The project will obtain water from a diversionary water source, two points of diversion with a Right to Divert and Use Water certificate from the SWRCB (Registration: H505001, Certificate: H10040).
 - d) The site is accessed from a private road accessed off of Dyerville Loop Road maintained by Public Works. A Road Evaluation Report with photo-documentation was prepared by the applicant and NorthPoint Consulting

Group for the 1.6-mile private road, which indicates that the road is developed to the equivalent of a road category of 4. The Department of Public Works conditionally approved the project with recommendations that have been made a condition of approval.

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, public park, or tribal cultural resource. Public land managed by the Bureau of Land Management borders the parcel to the north, a distance approximately 320 feet from the rain catchment pond.

6. FINDING

The cultivation of 11,950 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is accessed from a private road accessed off of Dyerville Loop Road maintained by Public Works. A Road Evaluation Report with photo-documentation was prepared by the applicant and NorthPoint Consulting Group for the 1.6-mile private road, which indicates that the road is developed to the equivalent of a road category of 4. The Department of Public Works conditionally approved the project with recommendations that have been made a condition of approval.
- b) The site is in a rural part of the county where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Estimated annual water usage is 140,000 gallons. Water for irrigation is partially sourced from two PODs and an existing 487,500-gallon stock pond. Water storage also consists of 93,500 gallons of storage in nine hard tanks and two bladders. The diverter has obtained a Right to Divert and Use Water from the SWRCB, which allows the appropriation and diversion to storage of 0.989 acre-feet (322,267 gallons) annually, under Registration: H505001, Certificate: H10040.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE 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.

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

EVIDENCE The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project, the total approved permits in this Planning Watershed would be 87 permits, and the total approved acres would be 42.64 acres of cultivation.

DECISION

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

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

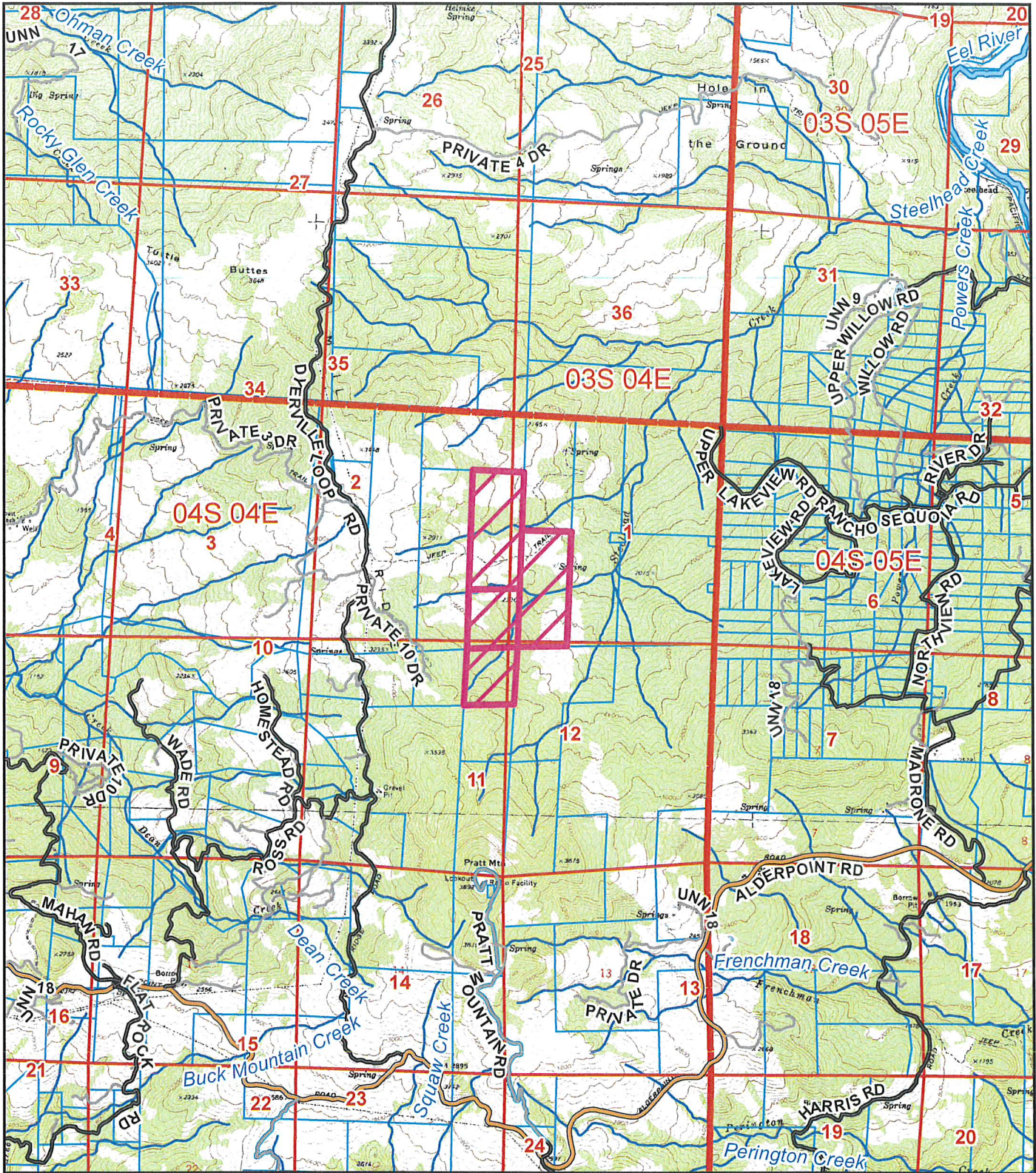
Adopted after review and consideration of all the evidence on **April 21, 2022.**

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

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

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

John Ford, Director
Planning and Building Department

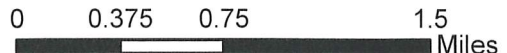


**TOPO MAP
 PROPOSED DUSTIN SILVA
 GARBERVILLE AREA
 CUP-16-1073**

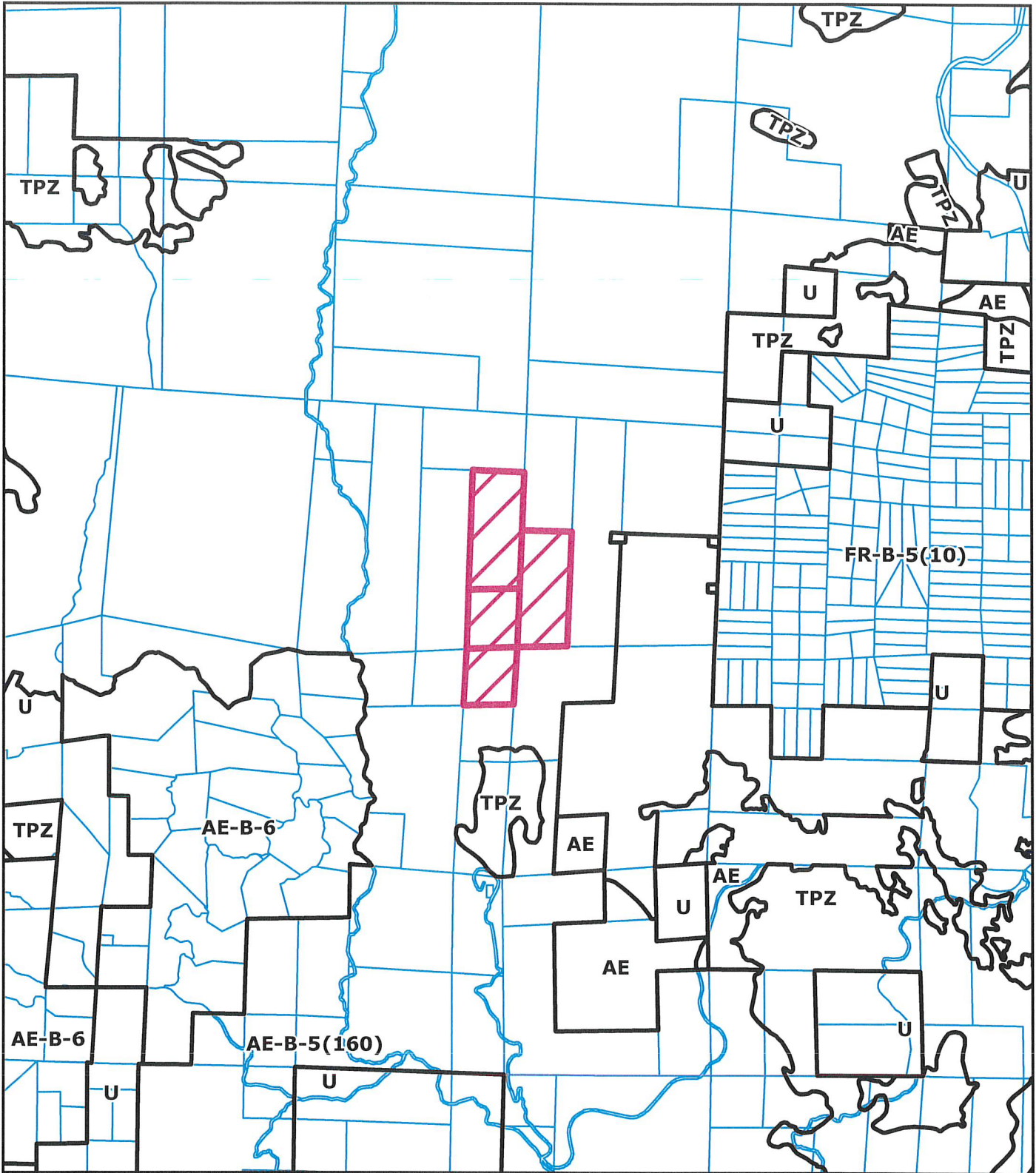
APN: 216-142-006-000; ET AL.

T04S R04E S2; S1; S11; S12 HB&M (FORT SEWARD)


Project Area = 





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



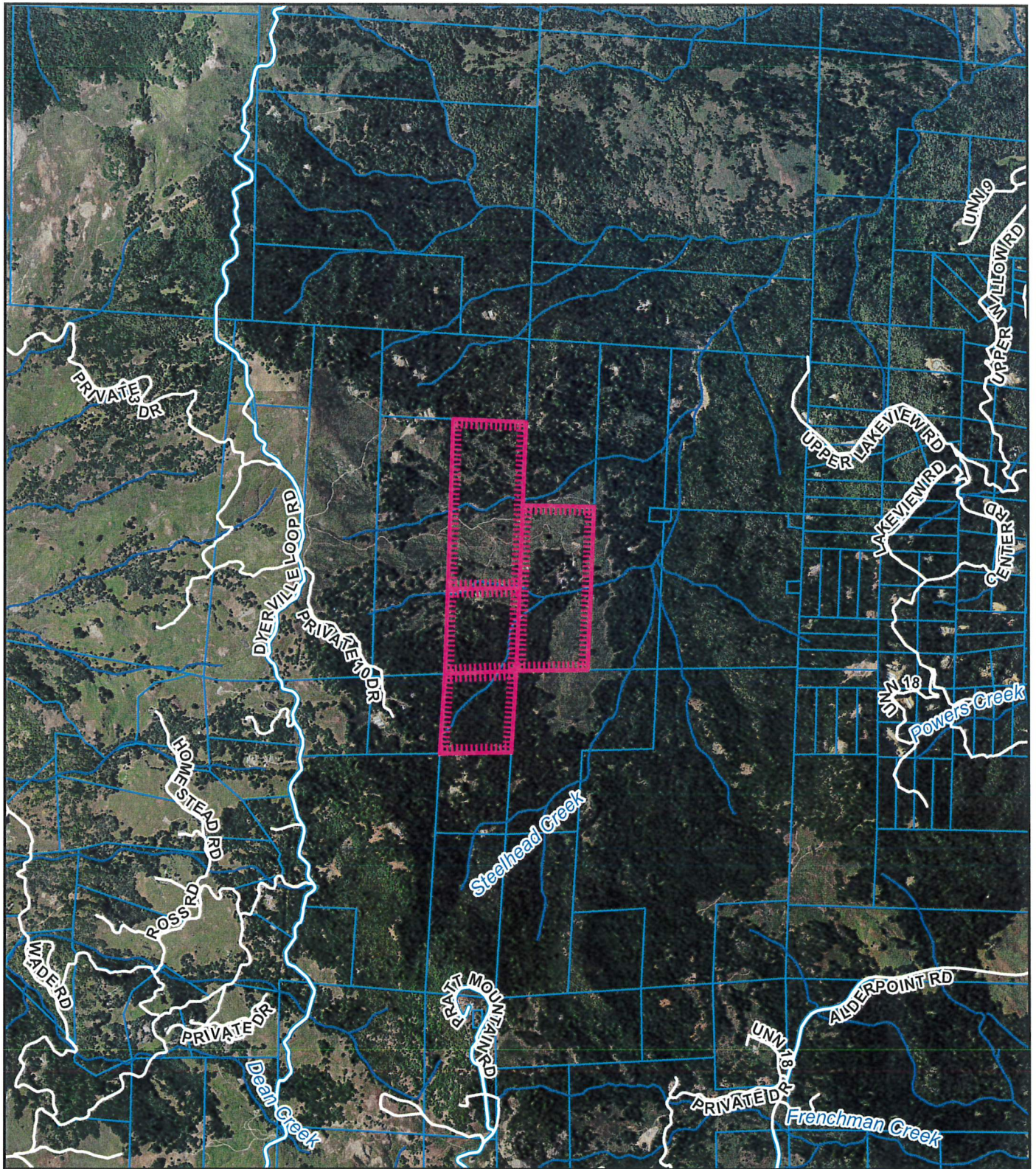
**ZONING MAP
 PROPOSED DUSTIN SILVA
 GARBERVILLE AREA
 CUP-16-1073
 APN: 216-142-006-000; ET AL.
 T04S R04E S2; S1; S11; S12 HB&M (FORT SEWARD)**

Project Area = 

N


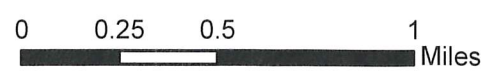
0 0.375 0.75 1.5
 Miles

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



**AERIAL MAP
 PROPOSED DUSTIN SILVA
 GARBERVILLE AREA
 CUP-16-1073
 APN: 216-142-006-000; ET AL.
 T04S R04E S2; S1; S11; S12 HB&M (FORT SEWARD)**

Project Area = 



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



VICINITY MAP
NOT TO SCALE

PROJECT DESCRIPTION:

DUSTIN SILVA IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL CANNABIS MARIJUANA LAND USE ORDINANCE (CMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 11,950 SQUARE FEET (SF) OF CULTIVATION AREA.

GENERAL NOTES:

1. DRAWING SCALE AS NOTED - WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.

IRRIGATION AND DOMESTIC WATER USE

1. WATER FOR DOMESTIC USE WILL BE SUPPLIED THROUGH A SURFACE WATER DIVERSION (SUR NO: H500501). AN EXISTING STOCK POND WILL BE THE MAIN SOURCE FOR IRRIGATION NEEDS IN 2020. CERTIFICATE NO. C005042.

SWRCB

THE SUBJECT PARCEL HAS BEEN ENROLLED FOR COVERAGE IN THE STATE GENERAL ORDER (WQ 2019-0001-DWQ).
WDID NUMBER: 1_12CC407603

LAKE AND STREAMBED ALTERATION AGREEMENT

A LAKE AND STREAMBED ALTERATION AGREEMENT HAS BEEN SUBMITTED TO CDFW, NOTIFICATION NUMBER: 1600-2019-0171-R1

CULTIVATION BUFFERS

22X34 SHEET: 1"=400'
11X17 SHEET: 1"=800'
0 200 400 800

DUSTIN SILVA BOTTOM PROPERTY SITE PLAN

APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008



PROJECT INFORMATION:

APPLICANT:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

PROPERTY OWNER:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

SITE ADDRESS:
APN: 216-142-006, 216-143-005,
216-143-010, 216-144-008
LAT/LONG 40.145, -123.6922

HUMBOLDT COUNTY SQ.FT. ALLOTMENT = 11,950 SQ.FT.
AGGREGATE CANOPY AREA = 11,910 SQ.FT.
(SMALL MIXED-LIGHT TIER 1 LICENSE = 7,064)
(SPECIALTY OUTDOOR = 4,886)

PROPERTY SIZE = ± 268 ACRES

BUILDING SETBACK

SRA	FRONT	SIDE	REAR
30'	30'	30'	30'

LEGEND:

- WATER COURSE
- STREAM MANAGEMENT AREA

SHEET INDEX:

- OP0 - SITE PLAN, VICINITY MAP, & PROJECT NOTES
- OP1 - CULTIVATION BUFFERS
- OP2 - EXISTING SITE PLAN DETAIL
- OP3 - PROPOSED SITE PLAN DETAIL

NORTHPOINT CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

DUSTIN SILVA
APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008
CULTIVATION BUFFERS

PROJECT NO.: 15
DRAWN BY: CJS
DATE: 11/21/19
SCALE: AS SHOWN
SHEET

OP1
18-140

DUSTIN SILVA

BOTTOM PROPERTY SITE PLAN

APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008



VICINITY MAP

NOT TO SCALE

PROJECT DESCRIPTION:

DUSTIN SILVA IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL CANNABIS MARIJUANA LAND USE ORDINANCE (CCMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 11,950 SQUARE FEET (SF) OF CULTIVATION AREA.

GENERAL NOTES:

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IRRIGATION AND DOMESTIC WATER USE

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SWRCB

THE SUBJECT PARCEL HAS BEEN ENROLLED FOR COVERAGE IN THE STATE GENERAL ORDER (WQ 2019-0001-DWG). WQID NUMBER: 1_12CC407603

LAKE AND STREAMBED ALTERATION AGREEMENT

A LAKE AND STREAMBED ALTERATION AGREEMENT HAS BEEN SUBMITTED TO CDFW. NOTIFICATION NUMBER: 1600-2019-0171-RT

SITE PLAN

22X34 SHEET: 1"=400'
11X17 SHEET: 1"=800'



PROJECT INFORMATION:

APPLICANT:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

PROPERTY OWNER:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

SITE ADDRESS:
APN: 216-142-006, 216-143-005,
216-143-010, 216-144-008
LAT/LONG 40.145, -123.6922

HUMBOLDT COUNTY SQ.FT. ALLOTMENT = 11,950 SQ.FT.
AGGREGATE CANOPY AREA = 11,910 SQ.FT.
(SMALL MIXED-LIGHT TIER 1 LICENSE = 7,064)
(SPECIALTY OUTDOOR = 4,886)

PROPERTY SIZE = ±268 ACRES

BUILDING SETBACK

SRA	FRONT	SIDE	REAR
	30'	30'	30'

LEGEND:

- WATER COURSE
- STREAM MANAGEMENT AREA

SHEET INDEX:

- OP0 - SITE PLAN, VICINITY MAP, & PROJECT NOTES
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- OP2 - EXISTING SITE PLAN DETAIL
- OP3 - PROPOSED SITE PLAN DETAIL

NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

DUSTIN SILVA
APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008
SITE PLAN, VICINITY MAP, & PROJECT NOTES

PROJ. NO.: 15
DRAWN BY: CJS
DATE: 11/21/19
SCALE: AS SHOWN

SHEET
OP0
1B-140



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION:

APPLICANT:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

PROPERTY OWNER:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

SITE ADDRESS:
APN: 216-142-006, 216-143-005,
216-143-010, 216-144-008
LAT/LONG: (40.145°, -123.6922°)

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BUILDING SETBACKS

SRA	
FRONT	30'
SIDE	30'
REAR	30'

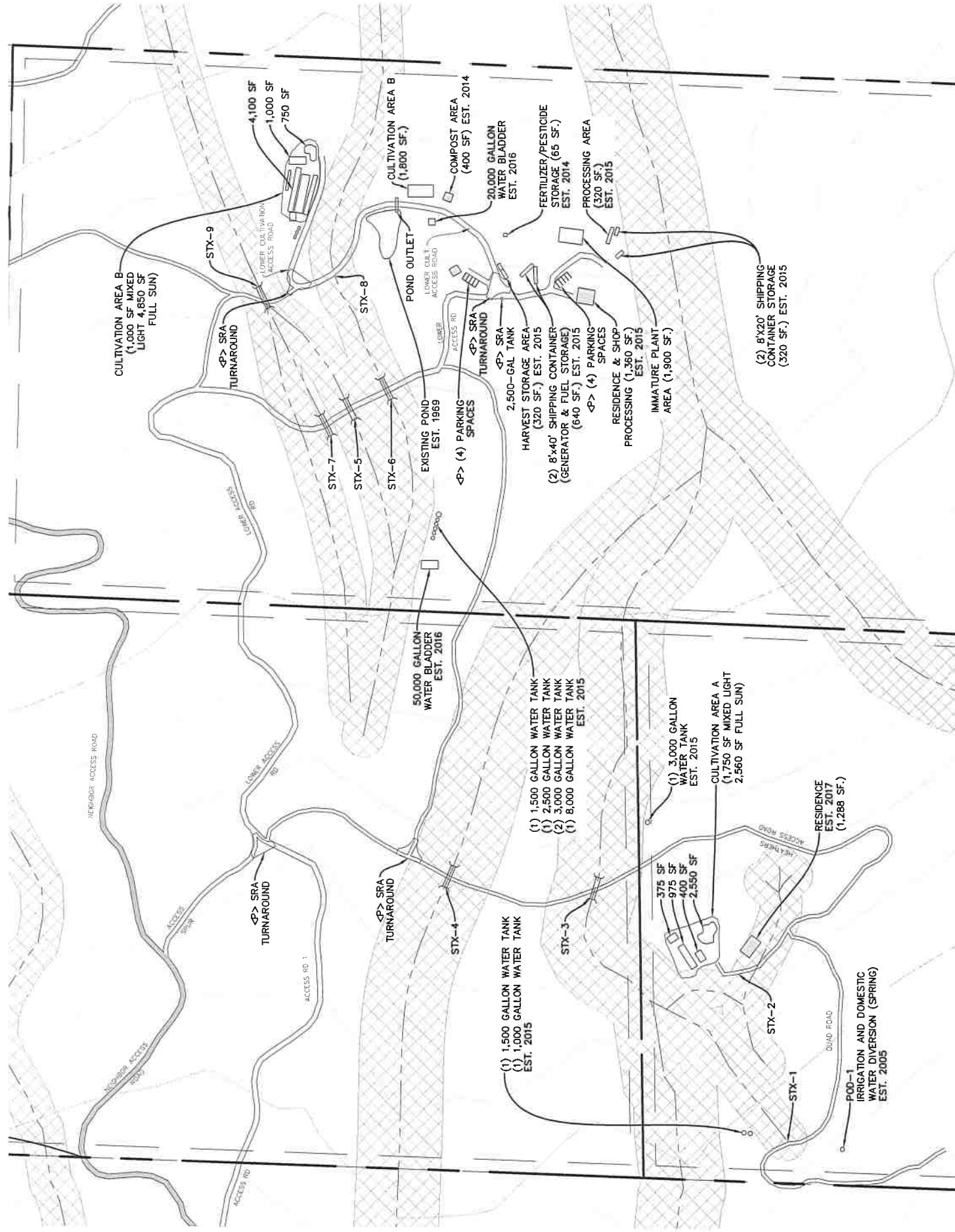
LEGEND:

- WATER COURSE
- STREAM MANAGEMENT AREA
- EASEMENT

DUSTIN SILVA

BOTTOM PROPERTY SITE PLAN DETAIL - EXISTING

APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008



EXISTING SITE PLAN DETAIL

22x34 SHEET: 1"=150'
11x17 SHEET: 1"=300'
0 75 150 300

SHEET INDEX:

- OP0 - SITE PLAN, VICINITY MAP, & PROJECT NOTES
- OP1 - CULTIVATION BUFFERS
- OP2 - EXISTING SITE PLAN DETAIL
- OP3 - PROPOSED SITE PLAN DETAIL

PROJ. NO. 216-142-006, 216-143-005, 216-143-010, 216-144-008
 DRAWN BY: CJS
 DATE: 11/21/19
 SCALE: AS SHOWN
 SHEET
OP2
 18-140

DUSTIN SILVA

APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008

EXISTING SITE PLAN DETAIL

NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

DATE	REVISIONS	DRAWN BY



VICINITY MAP
NOT TO SCALE

DUSTIN SILVA

BOTTOM PROPERTY SITE PLAN DETAIL - PROPOSED

APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008

PROJECT INFORMATION:

APPLICANT:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

PROPERTY OWNER:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

SITE ADDRESS:
APN: 216-142-006, 216-143-005,
216-143-010, 216-144-008
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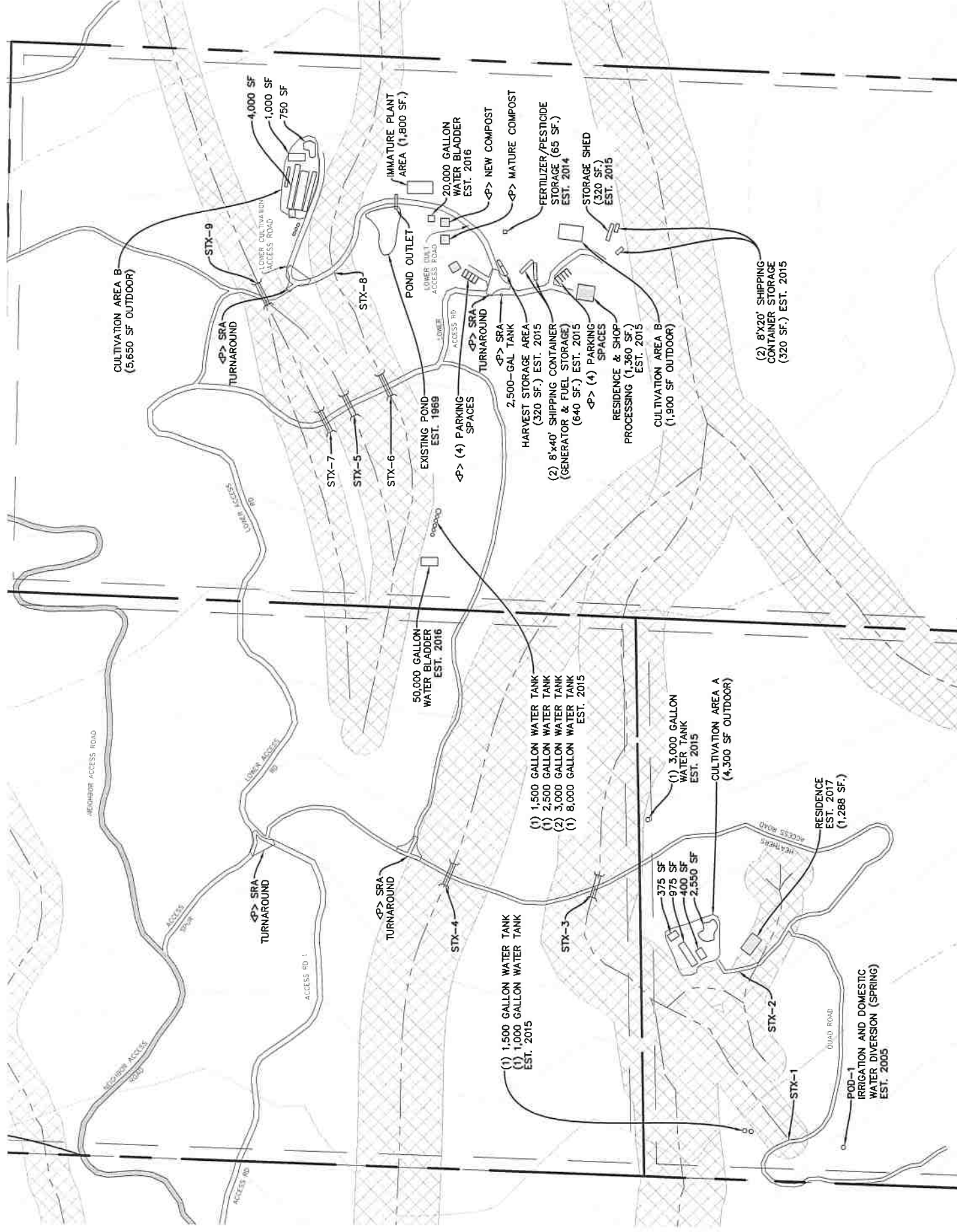
PROPERTY SIZE = ±268 ACRES

BUILDING SETBACK

SRA	
FRONT	30'
SIDE	30'
REAR	30'

LEGEND:

- WATER COURSE
- STREAM MANAGEMENT AREA
- EASEMENT



PROPOSED SITE PLAN DETAIL

22x34 SHEET: 1"=150'
11x17 SHEET: 1"=300'
0 75 150 300

SHEET INDEX:

- OP0 - SITE PLAN, VICINITY MAP, & PROJECT NOTES
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NO.	REVISIONS	DATE

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment 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 California Environmental Quality Act (CEQA) Guidelines. **Within 3 days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #19. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant's ancillary nursery space shall be limited to 10% of the permitted cultivation amount (1,200 SF).
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval 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.

8. 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.
9. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing Division of Environmental Health with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the State Water Resources Control Board (SWRCB) definition of a Tier 0 system—not impairing groundwater or surface water resources.
10. The applicant shall develop an alternative energy source on the parcel within 3 years of project approval (by March 3, 2025) that is capable of supplying 80% of the energy demands of the cultivation operation including, all nursery lighting, fans, dehumidifiers, and water pumps used for irrigation. An energy consumption plan and monitoring evidence illustrating the alternative power source installed, shall be provided to County Planning for approval.
11. The applicant shall abide by the terms and conditions of the Right to Divert and Use Water Certification H100408. The rate of diversion to storage shall not exceed 42,000 gallons per day or the diversion rate specified in the current version of SWRCB's Cannabis Policy, whichever is more restrictive.
12. The applicant shall install water monitoring device on each source—the rain catchment pond and surface water diversions, if/when utilized, and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
13. The applicant shall implement all corrective actions detailed in the Site Management Plan prepared for the project in February 2019 by NorthPoint Consulting Group, Inc., listed below, pursuant to Tier 1 enrollment under the SWRCB Cannabis Cultivation Policy, in congruence with Order WQ 2019-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
 - a. Add additional rock to the road portion between stream crossing (STX) 5 and 6, where pigs congregate to continually muck about in the road.
 - b. Install one type-1 rolling dip and recondition one existing type-1 rolling dip along the "Neighbor Access Road." The recondition dip should be reshaped so that it connects to drain the inboard ditch (IBD) relief culvert (DRC). An additional DRC is proposed to disconnect the IBD approximately 200 feet upslope of the existing rolling dip requiring maintenance.
 - c. To mitigate road surface erosion due to hillslope seepage on the road, three rocked dips should be installed to convey runoff across the road surface reducing the generation of fine sediment from vehicular traffic. The three rocked dips are prescribed for "Heather's Access Road", "Access Spur", and "Lower Access Road."
 - d. STX 1: Although functioning and hydrologically disconnected, the crossing should be reconstructed as an armored ford crossing utilizing average rock diameter of 0.75 foot. The crossing should be designed sufficiently to pass the expected 100-year design flow and prevent diversion.
 - e. STX 2: Although functioning and hydrologically disconnected, to prevent continued erosion of the pad surface and to protect the crossing from washing out in a storm event, a rocked ford crossing should be installed utilizing average rock diameter of 0.5 foot. The crossing should be designed sufficiently to pass the expected 100-year design flow and prevent diversion.
 - f. STX 3: The existing culvert should be upgraded with the installation of a 72-inch-diameter culvert, placed at natural grade of the stream channel, in the correct orientation of the watercourse flow path and at the base of fill. Install a sediment settling basing ~7 feet before

the IBD outlet to the stream channel. Install an 18-inch DRC 300 feet up the right road to drain the right IBD. Armor the new culvert inlet along left shoulder.

- g. STX 4: The crossing should be monitored for signs of failure and inspected and maintained regularly to ensure that no plugging occurs.
 - h. STX 5: The inlet is partially buried due to livestock (pig) activity in the surrounding area. The outlet of the crossing is adjacent to a small livestock enclosure (pig barn) and is conveyed across the outboard fill of the road with some plywood and two small crib logs functioning as a downspout. Rock the road surface with angular road rock to prevent muddy and erosive driving conditions on the road surface.
 - i. STX 6 & 7: The crossings should be upgraded with the installation of 24-inch-diameter culverts, sized appropriately to convey the expected 100-year flow and associated debris.
 - j. STX 8: Upgrade the crossing as an armored ford crossing utilizing average rock diameter of 1 foot. The crossing should be designed sufficiently to pass the expected 100-year flow and prevent diversion.
 - k. STX 9: The 18-inch culvert crossing is undersized and should be upgraded with the installation of a 30-inch-diameter culvert. The road bench at this location may need to be raised to accommodate the larger culvert pipe.
 - l. Pond Outlet: The pond outlet should be upgraded and constructed as an armored ford crossing utilizing average rock diameter of 0.5 foot.
14. The applicant shall avoid the northern spotted owl breeding season (March 15–July 31) when operating any heavy machinery that exceeds 50 decibels at the nearest forested habitat.
 15. The applicant shall implement the protective measures described in the Cultural Resources Report prepared by William Rich and Associates in November 2021 to avoid grading and other ground-disturbing activities at the identified site, while continuing use of the existing all-terrain vehicle access road and location for water tank storage.
 16. The applicant shall abide by the conditional approval recommendations made by the Department of Public Works to require: (1) all fences and gates be relocated outside the County right-of-way, (2) all driveways and private road intersections onto the County Road be maintained in accordance with County Code Section 341-1, *Sight Visibility Ordinance*, and (3) access road to be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects a County Road that is also rocked (Dyerville Loop Road).
 17. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
 18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
 19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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

1. The combination of background, generator, and greenhouse fan or other operational equipment noise must not result in the harassment of northern spotted owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying

Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11(o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. The light source used in the mixed-light and nursery greenhouses should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. 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.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.

12. 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 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 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. 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.
14. Compliance with all statutes, regulations, and requirements of the SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. 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).
16. Maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Streambed Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
18. 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, if applicable.
19. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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 program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing

i. Onsite housing, if any

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 10 days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- 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 Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

- Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall

be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APNs: 216-143-005, 216-142-006, 216-144-008, 216-143-010; 26755 Dyerville Loop Rd, Garberville
County of Humboldt**

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

April 7, 2022

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit for an existing 11,950 square feet (SF) of cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE). Mixed-light cultivation, allowed under the applicants' interim permit, is no longer proposed by this project. Water for irrigation is sourced from an onsite 487,500-gallon rainwater and spring-fed catchment pond, and two points of diversion used to fill 93,500 gallons of tank and bladder storage. Estimated annual water usage is 140,000 gallons (11.7 gallons/SF/year). Processing will be performed offsite at a third-party permitted processing facility. Power is provided by a 10-kilowatt generator and the applicant intends to develop solar power infrastructure to operate artificial lights, drying building and irrigation pump systems, and including that required for domestic needs, within 3 years of permit approval (i.e., April 7, 2025). A Special Permit is also requested for ongoing maintenance of permitted water diversions.

The cannabis cultivation occurs on two naturally flat locations on parcel APN 216-142-006 (80 acres) and 216-143-010 (38 acres). Parcel APN 216-144-008 (43 acres) is mostly forested and contains no cultivation-related activities, whereas parcel APN 216-143-005 (76 acres) contains ranch access roads leading from Dyerville Loop Road to the two cultivation areas. These parcels are one legal parcel as determined under case number CC-01-07, effective March 22, 2019. A legal easement detailed on the 2018 Grant Deed allows the applicant to access water on a fifth parcel not owned by the applicant (APN 216-142-014).

William Rich and Associates prepared a Cultural Resources Investigation in November 2021. Correspondence was also conducted with the Native American Heritage Commission, and tribal representatives, and a field survey was performed over the project area, encompassing 47 acres, on May 31, 2021. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources. The field survey resulted in the identification of a scatter of ancestral Native American artifacts (debitage) at one confidential location accessed via an all-terrain vehicle trail. Recommendations to avoid grading and other ground-disturbing activities at the identified site are made a condition of approval.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 20,084 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Email Addendum from the applicant revising the project description received 11/9/21.
- Revised Site Plan prepared by the applicant received 11/21/19.
- Revised Operations Plan prepared by the applicant received 11/21/19.
- Lake or Streambed Alteration Agreement (Notification No. 1600-2019-0171-R1) prepared by the California Department of Fish and Wildlife, dated 10/9/19.
- Right to Divert and Use Water Certificate H100408 received 11/21/19 prepared by the State Water Resources Control Board.
- Site Management Plan dated February 2019 prepared by NorthPoint Consulting Group, Inc. for the North Coast Regional Water Quality Control Board Order No. 2019-0023, received 11/21/19.
- Notice of Applicability from North Coast Regional Water Quality Control Board dated 12/26/18.
- Road Evaluation Report prepared by NorthPoint Consulting Group, Inc. dated 1/25/19, received 11/21/19.
- Public Works project referral response, dated 1/4/21.

- County Environmental Health referral response, dated 12/30/20.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
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. (Revised Site Plan prepared by NorthPoint Consulting Group received 11/21/19; **Attached**)
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. (Revised Operations Plan prepared by NorthPoint Consulting Group received 11/21/19; **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. (Notice of Right to Divert and Use Water Certification H100408 received 11/21/19; on file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Operations Plan (item 4. above))
7. Copy of Notice of Intent (NOI) and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1 or 2, North Coast Regional Water Quality Control Board Order No. 2019-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability from NCRWQCB dated 12/26/18)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not Applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Road Evaluation Report prepared by NorthPoint Consulting Group, Inc. dated 1/25/19, received 11/21/19. (**Attached**)
16. Public Works project referral response dated 1/4/21. (On file)
17. County Environmental Health referral response dated 12/30/20. (On file)



DUSTIN SILVA
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA

PROPOSED CANNABIS
CULTIVATION FACILITIES

PREPARED FOR:



November 2019

**Cultivation and Operations Manual
For**

Dustin Silva

Apps. #: 13264

APNs: 216-143-005, 216-142-006, 216-144-008, 216-143-010

PLN-13264-CUP

Proposed Commercial Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department

3015 H Street

Eureka, CA 95501

Prepared By:



NorthPoint Consulting Group, Inc.

1117 Samoa Boulevard

Arcata, CA 95521

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In Consultation with:

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November 2019

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Dustin Silva (“applicant”) is proposing to permit existing commercial cannabis cultivation activities in accordance with the County of Humboldt’s (County) Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The applicant originally applied for a Conditional Use Permit (CUP) for 43,560 square feet of pre-existing outdoor cultivation, and 12,641 pre-existing mixed-light cultivation (PLN-13624-CUP). The application includes permitting of cannabis cultivation, water storage, and appurtenant facilities. The applicant was originally issued a Zoning Clearance Interim Permit for 7,400 square feet of existing outdoor cultivation and 4,550 square feet of existing mixed-light cultivation (11,950 sf total). The Applicant is currently applying for a total of 11,950 sf of outdoor cultivation.

1.2. SITE DESCRIPTION

The project site is located off Dyerville Loop Road in the rural north coast bioregion near Garberville, CA (See Plot Plan in Appendix A). The project site primarily drains into the Steelhead Creek – Eel River HUC 12 Watershed (#180101050406). The parcel is situated on a mid-slope setting with numerous Class III watercourses draining easterly across the parcel to eventually reach Steelhead Creek, a tributary to the Eel River. The parcel has undulating topography, with slopes varying from less than 5% to greater than 50%. All proposed existing and proposed development is located on slopes of less than 30%. Site soils consist primarily of Yorknorth-Witherell complex of 30 to 50% slopes, which are well drained, gravelly loam soils, and Coolyork-Yorknorth complex of 30 to 50% slopes, which are moderately well-drained clay loam soils. There are no mapped prime agricultural soils on the parcel. The property is mostly comprised of grassland, with sparsely forested areas of conifers and oak woodland species. Land uses surrounding the parcel include farmland, livestock, ranching, undeveloped forested areas and sparse residences. The site is located in a rural area with no major populated or developed areas near the project site. Garberville, an unincorporated community of ±1,000 people is located approximately 6.3 miles to the northwest from the property. Alderpoint, an unincorporated community of ±200 people, is located approximately 4.8 miles to the southeast from the property.

1.3. LAND USE

The property is currently part of the California Land Conservation Act of 1965, also known as the Williamson Act, which is a program for landowners to benefit from tax incentives in order to maintain agricultural activities on their project. As such, the project site has operated as a ranch for many decades and is currently utilized for ranching and livestock production in addition to cannabis operations. Associated livestock infrastructure includes cattle grazing, pig barns and feeding areas, a legacy livestock pond, fencing, and agricultural storage sheds in addition to the greenhouses, storage shipping containers, water storage, and drying areas utilized for cannabis cultivation. The property is developed with the following: [a single standalone cabin (residence), a three-story building utilized as a residence on the top two floors and a garage / drying area on the lower floor, an additional single story residence and various outbuildings related to agricultural storage and production].

The subject property has a General Plan land use designation of Agricultural Grazing (AG) and is zoned Agriculture Exclusive (AE-B-5[160]). Land uses surrounding the parcel are comprised primarily of agriculture with some rural residential uses. The adjacent surrounding parcels are zoned Agriculture Exclusive (AE).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Dustin Silva has been issued a Small Mixed-Light Tier 1 and a Specialty Outdoor temporary Cannabis Cultivation License under Sole Proprietorship through the California Department of Food and Agriculture (CDFA) CalCannabis department (TML18-00133373) and (TML18-00133362), respectively. Subsequent Adult-Use annual license applications for the parcel are pending approval.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for cannabis cultivation is provided by existing surface water diversions and is stored within a combination of the legacy stockpond, hard storage tanks and bladders. The diverter has obtained a certified Small Irrigation Use Registration (SIUR) which allows for the appropriation of 0.989 acre-feet annually (SIUR Registration No.: H505001, Certificate No.: H100408).

Dustin Silva has enrolled as a Tier 1, Low Risk discharger under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities ("SWRCB Order") and been assigned WDID: 1_12CC407603. A Site Management Plan was developed for the property and submitted to the SWRCB in March of 2019.

1.4.3. HUMBOLDT COUNTY BUILDING DEPARTMENT

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

1.4.4. 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 several 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 requirement from property lines. If required by Cal Fire, a 2,500-gallon water tank with a riser to SRA specifications will be installed for fire suppression purposes.

1.4.5. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The applicant has submitted a Streambed Alteration Notification from the California Department of Fish and Wildlife (CDFW) for maintenance and upgrades to the nine (9) total onsite stream crossings, maintenance of the two (2) points of diversion, and maintenance of the existing onstream pond spillway. Due to Operation of Law, Dustin Silva has the legal authority from CDFW to proceed with the stream crossing maintenance and upgrades and all other maintenance activities as notified for in the submitted application (Notification No. 1600-2019-0171-R1).

1.4.6. CULTURAL RESOURCES

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. EXISTING CULTIVATION

The site historically contained cultivation areas including full sun and shade grown cannabis, of which 11,950 sf were able to be verified via aerial imagery in the Cultivation Area Verification produced by Humboldt County. As such, the applicant will move forward with a cultivation footprint of 11,950 sf, for which an interim permit was issued. The existing cultivation areas are described below:

- Cultivation Area A historically had approximately 1,750 sf of mixed light cultivation in a light deprivation greenhouse and 2,550 sf of full sun outdoor cultivation. This cultivation area will remain as is with respect to overall footprint, however once fully approved all cultivation in Cultivation Area A shall switch to outdoor (light deprivation) only, for a total of 4,300 sf.
- Cultivation Area B historically had approximately 2,800 sf of mixed-light cultivation and 4,850 sf of outdoor cultivation and will remain largely similar in layout. The current greenhouse space utilized as a nursery (immature plant area) shall be incorporated into the cultivation operation as a full-term outdoor greenhouse effectively switching places with an existing nursery greenhouse. The 100-sf discrepancy between the existing 1,800-sf greenhouse used for mature plants and the 1,900-sf nursery area will be met by removing 100-sf of an existing greenhouse in the main garden area of cultivation area B. Once fully approved, all cultivation in Cultivation Area B shall switch to outdoor (light deprivation) only, for a total of 7,650 sf.

Both cultivation areas are easily accessible from a wide, flat, rocked road which is maintained in good condition and meets the equivalent of Category Four Road standards.

2.2. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants will be propagated onsite in an approximately 1,800 sf greenhouse operated by the applicant (Dustin Silva). Immature plants are started in rooting media, then transferred to small individual pots. When ready, each immature plant will be transplanted directly into raised beds within hoop houses, or into smart pots / above ground pots where they will continue their 'vegetative' cycle. The juvenile plants are irrigated using hand watering methods.

2.3. OUTDOOR CULTIVATION PLAN AND SCHEDULE

Juvenile plants will be transplanted directly into raised beds or grow pots / bags with imported and cyclically amended soils. The full sun outdoor cultivation uses the primary growing season to produce one (1) flowering cycle per year beginning in the late spring through early fall. Outdoor cultivation utilizing light deprivation techniques induces up to two (2) flowering cycles per year beginning in the late spring through the late fall. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the outdoor cultivation.

2.4. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using drip irrigation and some top-feed hand watering methods as appropriate. While most irrigation needs are met with automatic drip systems, some irrigation and fertigation applications are more efficiently managed via 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 B details the irrigation activities associated with all cultivation.

2.5. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room located in the floor level of the shop building. The drying room is equipped with ventilation fans and dehumidifiers. The drying process takes approximately one week.

The dried flowers are then bucked into manageable buds and transported to an off-site processing facility for trimming, packaging, and distribution.

2.6. EMPLOYEE PLAN

Dustin Silva 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. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- Agent in Charge / Lead Cultivator: Responsible for business oversight and management. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. Additional job descriptions include but are not limited to: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities range from, 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.
- Assistant Cultivator: Provides support to the Lead Cultivator in their day to day duties and takes the lead role during times when the Lead Cultivator may be off site. This is a full-time, seasonal position.
- Seasonal Laborer: Provides cultivation, harvesting, and drying support. This is a part-time to full-time, seasonal position.

2.6.2. STAFFING REQUIREMENTS

Dustin Silva (Agent in Charge / Lead Cultivator) runs the farm with assistance from his family. In addition to the Agent in Charge / Lead Cultivator and Assistant Cultivator positions, up to two (2) part-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest season, there are an estimated total of four (4) employees on site. Four (4) parking spaces located near the existing drying building are proposed to accommodate employees.

2.6.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting and drying are 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. All cultivation staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff. Employees will have access to drinkable water located near the on-site bathroom. Drinkable water will be contained in 5-gallon bottles and will be brought to the site.

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.

2.6.4. TOILET AND HANDWASHING FACILITIES

There is an existing bathroom located within a residence on-site. A Septic Investigation Study is proposed to be performed, and if required the septic system will be updated and potentially relocated according to the results of the investigation. A Septic Investigation Study is currently underway to determine the suitability of the site's soils for a proposed septic system at the shop / drying building which will serve as the main restroom for onsite visitors or workers. In the interim time, employees will utilize a proposed ADA-compliant portable toilet that will be serviced bi-weekly. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 725 feet from a restroom facility.

2.6.5. ON-SITE HOUSING

The Agent / Lead Cultivator lives onsite with his family. Two additional residences are located on adjacent lands (within the project site) and are not part of commercial cannabis operations. The full time assistant cultivator and all seasonal employees will live off site and commute daily to the project site from nearby residential areas.

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

A locked entry gate is located on the driveway off Dyerville Loop Road. The entry gate remains locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates.

2.7.2. HOURS OF OPERATION

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

3. ENVIRONMENT

3.1.1. WATER SOURCE AND PROJECTED WATER USE

The applicant diverts water for fire protection, irrigation and domestic purposes. Irrigation water for the approximately 11,950 sf of cultivation will be primarily sourced from an approximately 6,500-sf stockpond. The stock pond predates 1969 and has been continuously utilized for livestock watering, fire suppression and incidental agricultural purposes. The pond is estimated to hold approximately 487,500-gallons of water at maximum capacity. Water is also sourced from one spring (POD-1) and one stream diversion (POD-2) (see attached Plot Plan). The historic stockpond is covered under stockpond certificate no. 5042. Dustin Silva's Small Irrigation Use Registration (#505001) covers diversion and storage of waters at POD-1 and POD-2, located at 40.1383, -123.6943 & 40.1372, -123.6823 respectively. Waters from POD-1 and 2 are utilized for irrigation, fire suppression and domestic purposes.

Annual water use for the 11,950 square feet of cannabis cultivation is approximately 0.43 acre-feet of water (~140,000 gallons). The table below is reflective of water use during a typical year, though exact amounts are subject to change due to varying conditions.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	2,500	7,500	15,000	25,000	30,000	35,000	25,000	0	0	0

3.2. WATER STORAGE

In total 581,000 gallons of water storage exist on-site in the form of the pond (487,500-gallons) and rigid plastic storage tanks and flexible water bladders (93,500-gallons). Total storage infrastructure includes the pond (487,500-gallons), one (1) 8,000-gallon tank, three (3) 3,000-gallon tanks, one (1) 2,500-gallon tank, two (2) 1,500-gallon tanks and one (1) 1,000-gallon tank) as well as flexible water bladders (1 x 50,000-gallon and 1 x 20,000 gallon capacity). For cultivation related purposes, approximately 140,000-gallons of water are estimated for annual irrigation demands, as such the project site has sufficiently built out water-storage facilities. Water from POD-1 and POD-2 is pumped and gravity fed to storage tanks and bladders. Water from the Pond is pumped and fed to the gardens.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Dustin Silva is enrolled as a Tier 2, Low Risk discharger under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (“SWRCB Order”)and has been assigned WDID 1_12CC407603. A Site Management Plan (SMP) was developed for the property in March 2019. The SMP includes applicable Best Practicable Treatment or Control (“BPTC”) Measures from Attachment A of the SWRCB Order which will improve site drainage, reduce sedimentation and control erosion.

3.3.1. SITE DRAINAGE AND RUNOFF

A site investigation for the development of the Site Management Plan showed no evidence of surface runoff associated with the existing cultivation areas entering nearby drainages. All existing and proposed cultivation areas are currently located at least 50 feet from Class III drainages and 100 feet from Class II drainages, outside of the SMA buffers.

3.3.2. EROSION CONTROL

The SMP includes erosion and sediment control BMP’s designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including: maintaining roads, replacing culverts, and adhering to best practicable treatment and controls (BPTCs). Additionally, the SMP requires mulch piles, soil piles and spoils from any grading to be stored in a designated location away from surface waters. See the SMP section titled Best Practicable Treatment and Controls for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities for complete BPTC recommendations and specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Site Management Plan and prohibition of cultivation activities within riparian buffers ensures that the watershed and surrounding habitat are protected. All cultivation areas comply with riparian setbacks. Additionally, site development and maintenance activities utilize BPTCs

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 and the SMP.

3.5. 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.

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. 2019-0001-DWQ Attachment B) is submitted electronically to the State Water Board's California Integrated Water Quality System (CIWQS) program internet website annually, following each year of continued enrollment in the Order. This monitoring and reporting program form (MRP) is due annually by March 1st to the Regional Water Board. The annual report will include data from the individual monitoring reports as per the requirements of the Order.

3.6. ENERGY AND GENERATOR USE

Dustin Silva intends to develop solar power infrastructure to operate the drying building and irrigation pump systems. It is the intention of the applicant to utilize a solar array for the production of all onsite electrical power, including that required for domestic needs. Use of on-site generators will be limited to necessary operations and emergencies and will follow all guidelines set up by Humboldt County and the State of California. The generators are centrally located to ensure the noise levels from operation do not exceed 60 decibels at the property line. The generator and fuels are located within a secondary containment trough and covered from the elements within a generator shed (shipping container).

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

Best Practicable Treatment and Controls (BPTC's) are employed when storing, handling, mixing, applying and disposing of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage area in a repurposed delivery truck 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 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 for complete BPTC specifications for the use and storage of regulated products.

3.7.2. FERTILIZERS

Nutrients and biological inoculants that may be used for cultivation include:

- Epsom Salts
- Stutzman's Chicken Manure (3-2-2)
- Dr. Earth Flower Girl Bud and Bloom Booster (3-9-4)
- Earth Juice Solution Guano Primal Harvest (0-8-1)
- Primal Harvest Fossilized Phosphate Guano (0-12-1)
- Grow Organic Cal Phos Soft Rock Phosphate (0-3-0)
- Sparetime Supply Kelp Meal (1-0-0)
- Alaska Liquid Fish Fertilizer (5-1-1)
- Down to Earth Liquid Bone Meal (0-12-0)

3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Plant Therapy
- Neem Oil
- Hydrogen Peroxide

3.7.4. FUELS AND OILS

Fuels and oils stored on site include:

- Gasoline – 45 Gallons
- Diesel – 550 Gallons

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located inside the existing garage/ drying building, enclosed within a secure area to prevent animal intrusion. Solid wastes and recycling are hauled off-site to the Eel River Resource Recovery's transfer station in Redway, CA as needed.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at designated areas. Potting soil is reamended annually and is stored within the garden areas themselves, typically within raised beds. The soils are analyzed using soil testing procedures and after consultation, amended and reused. Used pots will be collected and stored under cover of ancillary storage sheds (shipping containers) or within the drying room area upon completion of post-harvest drying activities for the winter. All packaging from soil amendments and fertilizers will be collected and disposed of at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

The water management plan includes strategies to minimize runoff by maintaining conscious watering and fertilizing practices, as well as maintaining sufficient distance and vegetated buffers from nearby surface waters to ensure that unintended runoff does not deliver to surface waters. The wide vegetated buffers are sufficient in size to prevent the delivery of nutrients and / or entrained sediment to surface waters.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individually harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the Statewide tracking systems (METRC).

4.2. PRODUCT INVENTORY AND TRACKING

In addition to the Statewide cannabis product and inventory tracking system, an internally-developed system of inventory and tracking is utilized. The Agent in Charge / Lead Cultivator ensure all cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest 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
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

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

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

APPENDIX A: SITE PLAN

APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc.)												
	Road maintenance												
Irrigation Activities	Culvert and inboard ditch maintenance/inspection												
	Cover soil beds and seed / straw with cover crop												
Pre-cultivation Activities	Irrigation of juvenile plants/clones												
	Irrigation of flowering plants												
	Transplant clones into beds												
	Amend soil in beds												
Outdoor Cultivation and Harvest Schedule	Import new cultivation soil												
	Outdoor Cultivation Cycle												
	Harvest activities												
	Drying Activities												
Staffing Presence	Agent in Charge / Lead Cultivator												
	Assistant Cultivator												
	Seasonal Laborers												

APPENDIX C: REFERENCES

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State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.
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State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.
<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: Dustin Silva APN: 216-142-006

Planning & Building Department Case/File No.: Apps# 13264

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

From Road (Cross street): Dyerville Loop Road

To Road (Cross street): Private Road

Length of road segment: 1.64375 miles Date Inspected 01/25/19

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

Check one of the following:

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

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

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

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

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

Signature

1/26/2019

Date

Name Printed Greyson Adams



Humboldt County Department of Public Works
1106 Second Street
Eureka, CA 95501

Subject: Dustin Silva – Humboldt County APN: 216-142-006 - Apps no.: 13264

Road Evaluation Report photos

The approximately 1.64-mile road network on the property is well maintained and in good condition. The road varies between ridge nose descents and on contour grades. Parts of the road network are used to access adjacent properties, and other parts are private and are only utilized to access cannabis cultivation areas. The roads used to access cannabis cultivation areas proposed in the application are generally between 14-20 feet wide, with some pinch points. The road descends from a ridge top to a mid-slope pastureland setting and features excellent visibility. Portions of the road less than 20' wide are easily visible to oncoming traffic from both directions and there are no narrow blind corners that could cause a traffic incident. Additionally, there are numerous turn-out areas along the road network, providing adequate access for cars to pass one another.

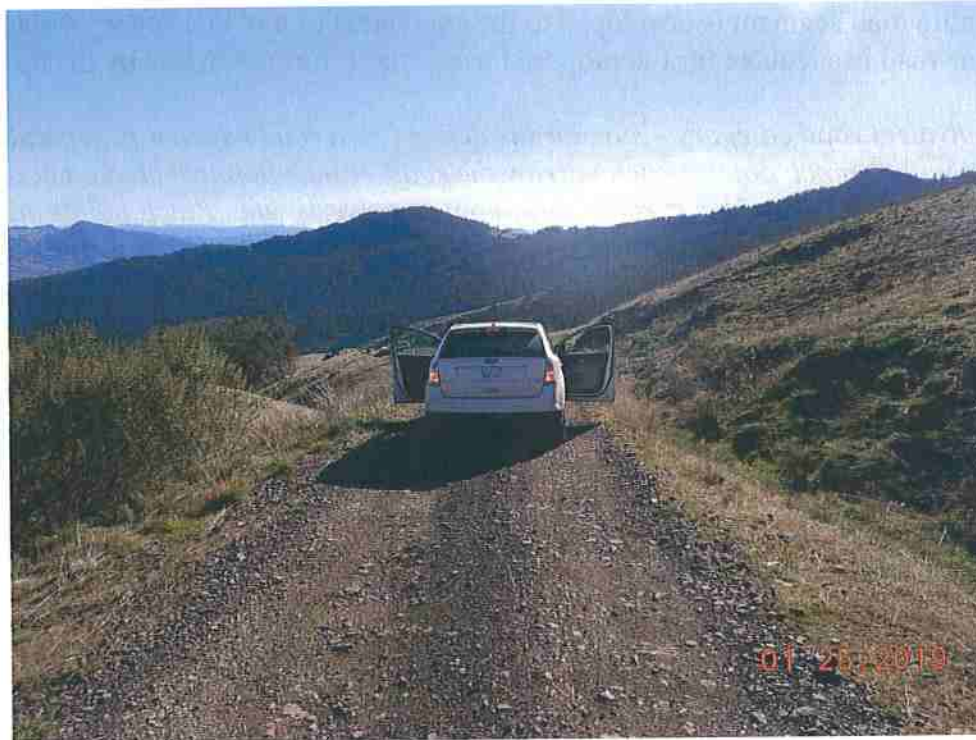


Figure 1: RP-1 on private drive. Road is utilized by applicant for access to the property and by adjacent landowners for private property access.



SITE MANAGEMENT PLAN



In fulfillment of
Order WQ 2017-0023-DWQ
General Waste Discharge Requirements for Discharges of Waste Associated with
Cannabis Cultivation Activities

Prepared for:
Dustin Silva - Bottom Property
and
California State Water Resources Control Board



Tier 1, Low Risk Discharger
WDID: 1_12CC407603



Prepared by:
Greyson Adams
greyson@northpointeureka.com
707-798-6438
February 2019

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INTRODUCTION

This Site Management Plan (SMP) has been developed to satisfy the requirements of the Tier 1 enrollment conditions in the State Water Resource Control Board (SWRCB) Order No. WQ 2017-0023-DWQ (Order). The purpose of the Order is to implement the Cannabis Policy requirements for waste discharges associated with cannabis cultivation. The Policy provides a structure for managing water quality and instream flow impacts associated with cannabis cultivation. It also establishes criteria for personal use and site conditional exemptions and includes a tiered approach for permitting discharges of waste. All eligible dischargers developing land for cannabis cultivation activities are required to enroll in the program under the Order. Dischargers must implement Best Practical Treatment or Control (BPTC) measures and submit technical and monitoring reports to assure compliance with the Order. The SMP describes how the discharger is complying with the applicable BPTC measures listed in the Policy and how they are being implemented property-wide.

SITE INFORMATION

Registrant: Dustin Silva
P.O. Box 292
Redway, CA, 95560

Site

Address: Private Drive off Dyerville Loop Road

Parcels: Assessor Parcel Number: 216-143-005-000
Lat/Long: 40.1450°, -123.6922°

Assessor Parcel Number: 216-142-006-000
Lat/Long: 40.1409°, -123.6876°

Assessor Parcel Number: 216-144-008-000
Lat/Long: 40.1346°, -123.6925°

Assessor Parcel Number: 216-143-010-000
Lat/Long: 40.1387°, -123.6923°

Zoning: General Plan: AG – Agricultural Grazing
Use code description: Ag Preserve, Vacant.
(as per Humboldt Co. Webgis)
Zone: AE-B-5(160) – Agriculture Exclusive

Acreage: 216-143-005 (76 acres assessed as per HumCo.WebGIS)
216-142-006 (80 acres assessed as per HumCo WebGIS)

216-144-008 (43 acres assessed as per HumCo WebGIS)
216-143-010 (38 acres assessed as per HumCo WebGIS)

Total Disturbed Area = 18,738 sf (0.43 acres)

Location: The project is located off of Dyerville Loop Road. From Eureka, CA travel south on US HWY 101 for approximately 66 miles before arriving in Redway, CA. Take Alderpoint road and travel for approximately 7 miles before taking a left onto Dyerville Loop Road. Travel down Dyerville Loop road for approximately 3.2 miles before arriving at the gate on the right hand side. The gate leads through private property. Travel down the private road for approximately 0.6 miles before arriving at the enrolled property.

Site Description: The site is located within the Steelhead Creek watershed. Steelhead Creek is known to support Steelhead, an anadromous fish species. Steelhead Creek is a tributary to the Eel River which bears Steelhead, Chinook, coho and sea-run cutthroat trout. The enrolled property consists of four parcels: 216-142-006 (80 acres), 216-144-008 (43 acres), 216-143-010 (38 acres) and 216-143-005 (76 acres) measuring in total approximately 237 acres (as assessed) and is hereafter referred to as the “Project Site”. The Project Site contains several small tributary creeks to Steelhead Creek which itself is a tributary to the Eel River. The parcels comprising the Project Site run lengthwise north to south and are approximately 2,603 feet in width by approximately 6,060 feet in length.

The Project Site is zoned Agriculture Exclusive (AE-B) for agricultural use and has a Humboldt County General Plan Land Use description of Agricultural Grazing (AG). The Project Site is primarily comprised of meadowed pasture lands with riparian forested lands. Forest lands are composed of fir, Oak and other coniferous species and cover approximately 40% of the Project Site. Development and cultivation activities are outside of riparian areas and primarily occur on naturally occurring meadows and pasture lands. Buildings on the Project Site include several small residences, storage buildings, livestock enclosures (barns and sheds) and a 30’x40’ shop building currently being constructed at the time of the site investigation conducted by NorthPoint Consulting in January of 2019. The climate is characterized by hot dry summers and cool mild winters with occasional snowfall. Rainfall for the region averages 68-inches per year as measured at the City of Garberville, located approximately 6.15 miles southeast of the Project Site. The parcels descend in elevation toward Steelhead Creek from the ridgetop of “Mail Ridge”. Cultivation operations on the Project Site consist of full sun cultivation in hoop houses, greenhouses and full-sun “outdoor cultivation”. All cultivation occurs in raised beds and above ground grow pots.

In total there exists approximately 13,110 sf of cultivated area, 1,200 sf of which is composed of nursery space (immature plants) within a standalone greenhouse.

In total, 117,500 gallons of water storage exist on-site in the form of rigid plastic storage tanks (one (1) 8,000-gallon tank, five (5) 4,800-gallon tanks, three (3) 3,000-gallon tanks, one (1) 2,500-gallon tank, two (2) 1,500-gallon tanks and one (1) 1,000-gallon tank) and flexible water bladders (1 x 50,000-gallon and 1 x 20,000-gallon capacity). An estimated value of 0.029 acre-feet (9,600-gallons) of storage volume in rigid plastic tanks is proposed to be added to meet irrigation demands for the duration of the forbearance period. Total storage volumes will be increased through the current year (2019) and are proposed to be installed in full by 2019 to meet forbearance requirements for the coming cultivation season. Water for domestic and irrigation purposes on the Project Site is sourced from two surface water diversions, one from an unnamed tributary (POD-1) and the second from Steelhead Creek (POD-2). Water is drafted for irrigation, domestic purposes and fire suppression. Both sources have been registered under an appropriative right through the California Division of Water Rights (DWR) Small Irrigation Use Registration (SIUR) program, registration No.: H505001, Certificate No.: H100408.

TIER AND RISK DESIGNATION

The Cannabis Policy provides criteria for evaluating threats to water quality for cannabis cultivation sites based on three site characteristics: proximity to water body, total disturbed area, and slope of the disturbed area. Based on the criteria and site characteristics the subject property is designated as a **Tier 1 Discharger**. The total disturbed area is 0.43 acres (Table 1). The primary sum of disturbed area on the parcel is represented by cultivation areas followed by storage structures & appurtenant buildings, water storage facilities, and then road sections in descending order of size. Cultivation takes place on natural flat areas with mild topographic relief. As such, significant earthwork was not required for the development of the garden sites.

In addition, a risk designation is assigned based on the slope of the disturbed areas and proximity to a waterbody. Based on these parameters, the subject property is designated as a **Low Risk** site. The total disturbed area of 0.43 acres exists on the Project Site, all of which is located on slopes less than 30%. All cultivation areas consisting of 13,110 sq. ft are located outside of any riparian buffer zones of surface waters within the Steelhead Creek watershed, a Class I watercourse (Table 1).

Table 1: Disturbed Area Size, Slopes, and Setbacks

Disturbed Area Type	Area (ft ²)	Disturbed Area Slope	Distance to Water Body (ft.)	Water Body Type
Cultivation Areas	13,110	14%	>50	Class III Watercourse
Structures (storage)	2,160	13%	>200	Class III Watercourse

Water Storage Tanks and Bladders	1,888	17%	>130	Class III Watercourse
Road / portions needing upgrades / remediation	1,280	16%	-	-
Cannabis Wastes	300	10%	>100	Class II
Total Disturbed Area	18,738	15%	-	-

The main road used to access the parcel is a private road accessible from Dyerville Loop Road. From Highway 101 at Garberville, take Alderpoint Road for approximately 7 miles before arriving at Dyerville loop Road on the left-hand side. Take Dyerville Loop Road for approximately 3.2 miles before arriving at a locked gate on the right-hand side. Descending through the gate, travel downhill for approximately 0.6 miles before arriving at the first of the 4 parcels of the Project Site. All cultivation takes place on naturally occurring flats. Cultivation activities on the Project Site take place outside of all the riparian buffer zones on the property. Occupying a mid-slope setting, there are several surface water crossings on connecting access roads. Main access roads leading down from Dyerville Loop Road mostly occupy ridgetop settings and do not cross surface waters.

Minor disturbance area is represented by road portions requiring upgrading and storage structures utilized for cultivation operations on the Project Site. This parcel was historically utilized for ranching and agricultural activities. Most of the road network on the parcel is pre-existing, presumably from legacy ranching activities.

Disturbance areas calculated as part of the impacts on the Project Site have been taken to include cultivation sites, road portions which require remediation to prevent erosion, composting locations and accessory buildings including a shop and drying building with four (4) shipping containers (storage and generator housing). The road sections on the Project Site are generally in good condition, with minimal erosion related issues. The roads are comprised of native material driving surfaces, some of which appear to have been rocked in the past. No direct delivery of sediment to any surface waters as a result of road surface erosion was noted on the Project Site. In general, the roads contain numerous water bars with occasional rolling dips. Many of these structures are functioning but worn and require maintenance. Overall, the road surface appears to be in moderate to good shape. Several rolling dips have been prescribed as part of this Site Management Plan (SMP) to prevent continued erosion along the road surface. In general, roads on the Project Site are maintained according to the guidance provided by the *Handbook for Forest, Ranch, and Rural Roads* (Weaver, Weppner & Hagans, 2015) (“Roads Handbook”). Thus, as described in section 1.1.2 below, only that portion of the road not meeting the design criteria for road performance has been included in the total disturbed area. A total disturbed area of 18,738 sf (0.43 acres) has been identified as part of this SMP. See the disturbed area map in Appendix B for specific areas included in the disturbed area.

BEST PRACTICAL TREATMENT OR CONTROL (BPTC) MEASURES

BPTC measures are being utilized as part of the road maintenance program to protect water quality. The *Solid Waste Management, Construction Site Best Management Practices Manual* by the CA Department of Transportation (Caltrans) is referenced for the correct installation, maintenance, and monitoring of all applicable erosion control and sediment capture BPTC measures.

All straw mulch must be free of noxious weeds and all seed/plants must be non-invasive. A list of prohibited species can be found in the CA Invasive Plant Council's database. Erosion control measures shall not include synthetic monofilament netting, including photo- and biodegradable plastic netting. All netting shall be made of jute, coir fiber, hemp, or another product without welded weaves.

A schedule of BPTC measures to be implemented and maintained throughout the site is shown in Appendix C, and Appendix D includes specifications for BPTCs.

1. SEDIMENT DISCHARGE BPTC MEASURES

1.1. SITE CHARACTERISTICS

1.1.1. SITE MAP

The site map shows all relevant site features: streams, stream crossings, storage areas, roads, buildings, domestic wastewater treatment system, cultivation areas, and other disturbed areas related to cultivation activities. Erosion prevention and sediment control BPTC measures are identified on the site map (see Appendix A).

1.1.2. ROAD CONDITIONS

The Project Site is accessed via County maintained roads off CA Highway 101 (Alderpoint Road thence Dyerville Loop Road). The road network on the parcel was previously developed as part of legacy ranching activities and consists of native material roads with rock. The roads can be broken into two categories, primary access roads which run upslope and downslope, and secondary access roads which run perpendicular to the slope, approximately along contours that provide access to the residences, cultivation areas and outbuildings on the Project Site.

One (1) type-1 rolling dip is prescribed on "Neighbor Access Road" to prevent continued erosion of the road surface. Three (3) rocked dips are prescribed along "Heather's Access Road, "Access Spur", and "Lower Access Road" respectively where hillslope seeps were observed creating wet and muddy conditions along the running surface of the roads. One (1) existing rolling dip along "Neighbor Access Road" was observed to be in poor condition and has been recommended for reshaping with the additional recommendation to drain the inboard ditch which was conveying ditch flow for approximately 300 ft upslope of the existing drainage feature. An additional ditch relief culvert is prescribed to disconnect the IBD approximately 200-feet up "Neighbor Access Road"

from the location of the existing rolling dip to be reconditioned. Finally, a portion of road located between STX-5 & 6 was observed to be wet and muddy due to the presence of livestock animals (pigs). This portion of road has been prescribed to be rocked for approximately 680 sf to prevent continued erosion of the road surface and to mitigate for possible sediment delivery to the nearby watercourses.

One driveway (*Access Road #1*) is used as part of operations on the Project Site. The main entrance road receives approximately 4 daily vehicle trips in the peak season (May - October) and 0-2 daily vehicle trips in the winter season. The driveway provides access to “Neighbor Access Road” which connects to adjoining parcels and is reported to be utilized by a neighbor. The frequency of traffic from adjacent property owners is unknown. During NorthPoint’s field investigation in January, two neighbor vehicles were observed on the main access road at one point during the approximately 6.5-hour site inspection. All other roads on the Project Site are constructed with native materials and legacy road rock. Additional road maintenance is prescribed in section 1.2.1. below.

1.1.3. WATER BODIES, STREAM CROSSINGS, RIPARIAN SETBACKS

The Project Site occupies a mid-mountain slope setting and drains eastward to Steelhead Creek, a Class I tributary to the Eel River.

Nine surface water crossings were identified as part of NorthPoint’s field investigation on the Project Site (STX-1 – STX-9) consisting of both culverted crossings and fill crossings on seasonal access roads. The fill crossings occupied low fill volume areas of the road and lack formal conveyance structures. All identified fill crossings had additional road rock installed as part of the road fill but were not constructed to typical design criteria required of rocked ford crossings.

Water is sourced from two surface water points of diversion (PODs-1 & 2) Both PODs are drafted from for domestic, livestock, irrigation and fire suppression uses. Each POD consists of a screened inlet connected to a 1-inch polyethylene line (polyline). POD-1 consists of a screened inlet positioned within the channel of a small spring fed CIII watercourse which takes water by means of gravity and sends diverted water to a series of rigid plastic holding tanks and bladders for storage via a 1-inch polyline. Water is then gravity fed to the respective gardens and residences. POD-2 consists of a screened inlet positioned within the channel of Steelhead Creek, from which water is taken by means of gravity and diverted to a 50,000-gallon storage bladder and further distributed to a series of rigid plastic holding tanks. From here water is gravity fed to the gardens, residence and shop building below.

A historic livestock pond collects rainwater and is fed by a seasonally active spring lower on the Project Site. This off-stream pond has an outlet similar in construction to the aforementioned fill crossings (additional road rock on the roads running surface) but lacks an engineered spillway. This pond is not used as part of cultivation operations at this time but is desired as a storage location. The existing spillway outlets to a grassy meadow, no channelization was noted below the pond outlet.

A Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) has been submitted to address the use of the two PODs, the surface water crossings (STXs 1-9) and to notify the department of the proposed construction of the stock pond spillway. The proposed use of the pond as a storage location for irrigation waters has also been included in the LSAA (Notification no. 1600-2019-____-R1).

All cultivation areas, storage facilities and stockpiled materials on the Project Site are outside of the riparian buffer zones of any nearby surface waters (Springs). Field observations indicate that cultivation activities and developments on the Project Site do not represent an immediate threat to water quality. Good housekeeping practices could be improved on the Project Site, but do not appear to represent a threat to natural resources.

1.1.4. SOIL DISTURBANCE

Soil disturbance on the Project Site is minimal in nature and is mostly constrained to road development on the project site. Cultivation areas are located on naturally occurring flat locations. Observations within the gardens indicate that minor amounts of earthwork have occurred in the past but appear generally minimal in scope. All cultivation areas are thickly vegetated with grasses and some shrubs. No instabilities nor past or expected future failures as a result of any earthwork were visibly apparent (scarps, slumping, pressure cracks, etc.). The inclusion of cut and fill earthwork represents only a minor component of any of the cultivation areas which are primarily sited upon native grade.

The most significant soil disturbance observed onsite is the road portion between STX -5 & 6, where pigs congregate to continually muck about in the road. This portion of road has been rocked in the past as per personal communications with the landowner but could benefit from additional road rock to reduce the amount of dirt and mud that is present. This road surface mud / erosion represents a threat to water quality as the specific portion of road is constrained between two CIII crossings. BMPs should be installed as per the Order to ensure that operations on the Project Site pose no threat to water quality.

1.2. SEDIMENT EROSION PREVENTION AND SEDIMENT CAPTURE

1.2.1. EROSION PREVENTION BPTC MEASURES

1.2.1.1. ROADS

To break up erosive flow and mitigate road surface erosion, one (1) type-1 rolling dip will be installed and one existing type-1 rolling dip should be reconditioned along *Neighbor Access Road*. The existing rolling dip to be reconditioned should be reshaped such that dip axis connects to drain the inboard ditch. An additional DRC is proposed to disconnect the IBD approximately 200-feet upslope of the existing rolling dip requiring maintenance. See Appendix A for recommended locations. To mitigate road surface erosion due to hillslope seepage on the road, three (3) rocked dips should be installed to convey runoff across the road surface reducing the generation of fine sediment from vehicular traffic. The three rocked dips are prescribed for *Heather's Access road, Access Spur, and Lower Access Road*, see Appendix A for the recommended locations. Finally, a portion of road located between STX-5 & 6 was observed to be wet and muddy due to the presence of livestock animals (pigs). This portion of road has been prescribed to be rocked for approximately 680 sf to prevent continued erosion of the road surface and to mitigate for possible sediment delivery to the nearby watercourses (see Appendix A for the recommended location).

Erosion prevention measures along the access roads will be implemented during the dry summer months. The road construction standards described in the "Roads Handbook" will be adhered to for all road improvements. See Appendix C for the Schedule of BPTC Implementation and Maintenance.

1.2.1.2. DISTURBED AREAS

All cultivation activities occur on naturally created flats. All roads and developed or disturbed areas appear relatively stable and settled, with no obvious indicators of failure (scarping, cracking, slumping) visibly apparent on any exposed surfaces. All cultivation area surfaces and fill slopes are well vegetated. There is little bared soils on the project site. The largest portion of disturbed area not covered by a cultivation facility (hoop house, storage building, etc.) lacking vegetation are those road surface portions requiring maintenance. The mitigation of potential erosion at these locations will consist of shaping, compacting and rocking the road surfaces. Inboard and outboard portions of the road fill where upgrades to the road surface denude existing vegetation shall be reseeded with erosion control seed and mulched with straw hay. Livestock shall be kept from entering the area until adequate seed recruitment has occurred (70% coverage). Any exposed soil within disturbed areas will be seeded and mulched with straw and erosion control seed as

described in section 1.1.4, above. All existing live mulch will be maintained as feasible. In addition to erosion control seed being applied, hay mulch will be applied over the seed for protection from physical erosion (wind & precipitation). Additionally, the seed and straw will protect the bare earth pad surfaces from physical erosion during the interim period as vegetation is re-established. There are no planned areas for disturbance / development at this time as part of continued operations on the Project Site.

1.2.1.3. **STREAMS AND STREAM CROSSINGS**

Nine (9) surface water crossing exists on the Project Site. All surface water crossings on the Project Site have been addressed and notified for in the submitted LSAA (see attached). An additional notification point provided within this document and the submitted LSAA is the pond outlet, which crosses an access road.

STX-1: Located at: 40.139513°, -123.693828°, STX-1 consists of a small, near origin CIII watercourse which crosses a quad road at a dipped crossing. POD-1 is located just upstream of this crossing site. The rocked and native material road is dipped and well-rocked with angular 2" to 4" diameter chert rock through the crossing. This crossing location does not exhibit diversion potential. Minor evidence of erosion of the road bed and outboard edge of the road was noted. The addition of rock at some point in the past has contributed to the stamina of the crossing, which appeared to be functioning as intended with minimal erosion. Flood flows in this area are expected to be minimal as the basin draining to the crossing site is 2.43 acres in total area. The crossing experiences minimal traffic and is only occasionally travelled by a quad when access to the diversion works is required. Using the nomograph provided in Cafferata et al, 2017 for sizing rip rap (page 50, section IX., Rock Armored Crossing Design, 3. Simplified Approach to Design Rock Riprap Under Overtopping Flows), it appears that the crossing lacks sized rock armor sufficient in size to resist forces from the expected 100-year event.

The crossing should be reconstructed as an armored ford crossing utilizing average rock diameter (d50) of 0.75 ft. The crossing should be designed sufficiently to pass the expected 100-year design flow and prevent diversion. See Appendix D: Pages 1-3 for "armored ford crossing".

STX-2 Located at: 40.139984°, -123.692690°, STX-2 consists of a small, ephemeral near origin CIII watercourse which crosses a driveway access road. The ephemeral watercourse passes through

a dipped-out portion of the pad surface lacking rock armor. The dipped proportion of the pad is sufficient in depth to prevent expected storm flows in a 100-year event from diverting. This particular watercourse has characteristics similar to that of a spring which does not leave the property. Upslope of the pad surface, water emerges from the hillside at the base of an abandoned road bench, continues downslope for a short distance (approximately 120-feet) before encountering the pad surface. Downslope of the pad surface the watercourse winds around an existing residence before laying out sediments in an adjacent gently sloping meadow. At this point evidence of channelization and further sediment transport abilities dissipate and the stream is no longer identifiable.

The ephemeral watercourse does not deliver sediment downstream and is not significantly impacted by the occasional contribution of vehicle traffic on the driveway surface. To prevent continued erosion of the pad surface and to protect the crossing from washing out in a storm event, a rocked ford crossing should be installed utilizing average rock diameter $d(50)$ of 0.5 ft. The crossing should be designed sufficiently to pass the expected 100-year design flow and prevent diversion. See Appendix D: Pages 1-3 for “armored ford crossing”.

STX-3: Located at: 40.141084° , -123.692180° , STX-3 consists of a 48-inch diameter culvert which conveys a CII watercourse through an access driveway. The existing culvert receives inboard ditch (IBD) flow from the right road which has begun to erode the inboard portion of the right road fill adjacent to the culvert inlet. The left road receives flow from an ephemeral drainage which winds in toward the inlet and has begun to produce light scour of the left inboard fill adjacent to the culvert inlet. The culvert inlet appears to be the natural confluence point of the two watercourses, therefore it is not recommended that the ephemeral drainage be culverted across the road network. The culvert itself is slightly askew to the natural orientation of the channel. The askew projection of the inlet combined with the contribution of flow from the ephemeral drainage along the left hinge-line of the crossing has created a small backwater pool. The outlet of the crossing has decent barrel projection but is not at grade and outlets onto large riprap. No erosion was noted resulting from the projecting, high in the fill outlet. Drainage area calculations and field observations indicate that the culvert is undersized for the expected 100-year stream flow event and associated debris. The channel did not appear to contain significant amounts of mobilizing wood or woody debris but did contain a bedload with approximately 0.15 to 1-foot diameter rocks and cobbles. The current culvert structure

appeared to be in good shape and featured a 10-inch rust line. There is no diversion potential at this location.

To upgrade STX-3, the existing culvert should be upgraded with the installation of a 72-inch diameter culvert, placed at natural grade of the stream channel, in the correct orientation of the watercourse flow path and at the base of fill. To address the potential for erosion along the short IBD section approaching from the right road, a sediment settling basin will be constructed adjacent to the inlet along the IBD approximately 7-feet before the IBD outlets to the stream channel. To disconnect flow associated with the right IBD, an 18-inch ditch relief culvert (DRC) will be installed approximately 300-feet up the right road. To address the erosion of the left-hand inboard fill associated with the ephemeral drainage and the askew projection of the inlet approximately 5-yds³ of 0.5 to 1.5-foot diameter riprap shall be installed along the left shoulder of the inlet when the new culvert is installed. The rock armor shall be keyed in with the largest stones emplaced first to prevent displacement and to allow for settling as designed. The natural dip in the road fill eliminates diversion potential and precludes the need for a critical dip. The crossing should be monitored for signs of failure and inspected and maintained regularly to ensure that no plugging occurs.

STX-4: Located at: 40.141870°, -123.692195°, STX-4 consist of a 48-inch diameter culvert which conveys a CII watercourse through a driveway access road. The Culvert is well-installed and appears to be functioning adequately with no signs of excessive wear or erosion resulting from the installation. The inlet is open and clear of obstructions and features rock armor surrounding the inboard fill portion of the road bench flanking the culvert inlet. No significant mobile woody debris was observed upstream of the inlet. The stream was observed to contain a bedload with approximately 0.1 to 0.5-foot diameter rocks and cobbles. The conveyance structure features a 6-inch rust line and no signs of excessive wear or age. The culvert is set slightly high in the fill (approximate 1-foot drop at the outlet) which has resulted in a scour pool developing below the outlet. No diversion potential is present at this crossing location. Drainage area calculations indicate that the existing conveyance structure is approximately sized adequately for the expected 100-year streamflow event and associated debris (49-inch culvert recommended) with a Headwall to Culvert diameter ration (HW/D) = 0.75. The construction of the crossing provides for the possibility of a HW/D = 1, for which a culvert diameter of 46-inches is recommended.

The crossing should be monitored for signs of failure and inspected and maintained regularly to ensure that no plugging occurs.

STX-5: Location: 40.142769°, -123.688113°, STX-5 consists of a small forked branch of an ephemeral CIII watercourse which crosses under an access road via a 12-inch diameter steel culvert. The culvert is set at grade and appears to be functioning adequately. The inlet is partially buried due to livestock (pig) activity in the surrounding area. Drainage area calculations and field observations indicate that culvert is sized appropriately to convey the expected 100-year streamflow event and associated debris. There is no diversion potential associated with this crossing. The outlet of the crossing is adjacent to a small livestock enclosure (Pig barn) and is conveyed across the outboard fill of the road with some plywood and two small crib logs functioning as a downspout. From the culvert outlet, the flow path exits the crib log downspout and enters a gully which appears to have formed sometime in the past due to a previous stream meander or road related erosional feature which is no longer active. The outlet is perched on the high bank of the gully which could contribute to erosion.

The crossing should be cleaned at the inlet of aggraded sediment and mud, and monitored and kept clear. Rock the road surface with angular road rock to prevent muddy and erosive driving conditions on the road surface.

STX-6: Location: 40.142668°, -123.687975°, STX-6 consists of a 12-inch diameter culvert inlet which outlets an ephemeral CIII watercourse through an access road. Flow exits the culvert via a 30-inch diameter culvert outlet adjacent to a livestock enclosure (pig pen) and is placed at grade and in the natural orientation of the stream channel. The culvert inlet has rock armor adjacent to the inlet. There is minor diversion potential to the right of the crossing. Drainage area calculations indicate that the crossing is undersized for the expected 100-year stream flow event and associated debris.

The crossing should be upgraded with the installation of a 24-inch diameter culvert, sized appropriately to convey the expected 100-year design flow and associated debris. The culvert should be set at the natural grade of the water course, in the correct orientation of the flow path and at the base of fill. A critical dip should be installed along the right hinge line of the crossing to prevent diversion in the event of a culvert failure.

STX-7: Location: 40.143042°, -123.688314°, STX-7 consists of a 12-inch diameter culvert which passes an ephemeral CIII watercourse through an access road. The crossing appears to be functioning adequately however drainage area calculations indicate that the

culvert is undersized for the expected 100-year streamflow event and associated debris. The near origin drainage does not exhibit any signs of woody debris in transport, and the bedload features quite small gravels with some cobbles. There is minor diversion potential to the right.

The crossing should be upgraded with the installation of a 24-inch diameter culvert, set at grade and in the base of fill and aligned in the natural orientation of the stream flow path. A critical dip should be installed along the right hinge-line of the crossing to prevent diversion in the event of a culvert failure.

STX-8: Location: 40.142824°, -123.686916°, STX-8 consists of a CIII watercourse which crosses a seasonally utilized access road at a naturally dipped location. The road is dipped and well rocked with angular 2" to 6" diameter chert rock through the crossing and does not exhibit diversion potential. The low volume road prism and naturally dipped area are well suited for a ford crossing, as a culvert pipe would require the importation of significant amounts of fill material. No significant erosion of the road bed or surrounding fill material was noted. The addition of rock at some point in the past has contributed to the strength of the crossing which appeared to be functioning as intended with minimal erosion. Flood flows in this area are expected to be minimal as the basin draining to the crossing site is 7.18 acres in total area. The crossing experiences fairly minimal traffic and is most frequently travelled in the dry season to access the lower garden site. Using the nomograph provided in Cafferata et al, 2017 for sizing rip rap (page 50, section IX., Rock Armored Crossing Design, 3. Simplified Approach to Design Rock Riprap Under Overtopping Flows), it appears that the crossing lacks sized rock armor sufficient in size to resist erosive and shear tractive forces from the expected 100-year event.

The crossing should be reconstructed as an armored ford crossing utilizing average rock diameter (d50) of 1 ft. The crossing should be designed sufficiently to pass the expected 100-year design flow and prevent diversion. See Appendix D: Pages 1-3 for "armored ford crossing".

STX-9: Location: 40.143273°, -123.687262°, STX-9 features an existing 18-inch diameter culvert placed slightly short and slightly above grade. The stream gradient at the crossing is quite low, with a depositional fan of fine sediment laid out upstream of the inlet of the crossing. The outlet of the crossing is approximately 2-inches above grade and outlets onto rock armor sufficient in scope to prevent downcutting at the outlet. Drainage area calculations indicate that the culvert is undersized to pass the expected 100-

year streamflow event and associated debris. No diversion potential is present at this site. Approximately 30-feet of inboard ditch deliver flow to the inlet of the channel. Significant erosion related to the IBD contribution was not observed.

Upgrade the crossing with the installation of a 30-inch diameter culvert, set at grade and at the base of fill in the natural orientation of the stream channel. The road bench at this location may need to be raised to accommodate the larger culvert pipe.

Pond Outlet: Location: 40.142432°, -123.686430°, while not a stream crossing, the legacy pond outlet consists of a rocked fill crossing across an access road. The pond outlet leads to a broad, grassy swale which dissipates flow from the spring and rainwater fed pond. The outlet consists of a dip in the road bench which circumnavigates the legacy landscape feature. Smooth rock (1-4" diameter) has been emplaced in the dip in an early attempt to prevent erosion. Using the nomograph provided in Cafferata et al, 2017 for sizing rip rap (page 50, section IX., Rock Armored Crossing Design, 3. Simplified Approach to Design Rock Riprap Under Overtopping Flows), it appears that the crossing lacks sized rock armor sufficient in size to resist erosive and shear tractive forces from the expected 100-year event. Field observations of the outboard fill of the dam wall as well as the running surface of the road indicate that these measures have been adequate to prevent erosion of the road surface and fill portion of the dam wall.

The pond outlet should be upgraded and constructed as an armored ford crossing utilizing average rock diameter (d50) of 0.5 ft. The crossing should be designed sufficiently to pass the expected 100-year design flow and prevent diversion. See Appendix D: Pages 1-3 for "armored ford crossing or spillway".

1.2.1.4. WINTERIZATION

Winterization measures will be implemented annually by November 1st and interim erosion prevention BPTC measures will be utilized as needed throughout the year. To prevent erosion and sediment transport to streams, numerous measures for soil stabilization, runoff management, erosion and sediment prevention/retention are utilized throughout the seasonally dry period and prior to the onset of winter. Section 5 "Winterization BPTC Measures" has more information on proposed actions to protect water quality in the winter season.

1.2.2. SEDIMENT CAPTURE BPTC MEASURES

1.2.2.1. ROADS, STREAM CROSSINGS, AND SOIL DISTURBANCE

Cultivation operations on the Project Site are well sited and sufficiently far from surface waters to prevent delivery of

sediment. Cultivation occurs in above ground raised beds and in above ground soil bags and grow pots. Soil is amended annually and reused each season. In the event soil is to be “piled” to be reamended, proper BPTCs must be utilized to properly winterize the site. To properly winterize any soil piles on the Project Site, surround the pile with straw wattles and utilize cover crops or tarps to prevent precipitation and runoff from mobilizing sediment and the constituent components of many potting soils. If winter conditions preclude the use of cover cropping throughout the wet weather season, tarps or a constructed roof covering will be utilized to prevent piles from washing away and remaining nutrients from leaching into groundwater. Straw wattles will be utilized around soil piles to further mitigate sediment transport during wet weather events. Raised beds containing potting soils and other growing media will be cover cropped or covered with an impermeable membrane (tarp, plastic sheeting, etc.) to prevent possible transport and delivery of sediment and to prevent leachate of residual nutrients and fertilizers into the groundwater.

See 1.2.1.1 for road related BPTCs and prescribed treatments.

The flats utilized for cultivation on the Project site are extensively vegetated to protect against erosion. No evidence of erosion of the cultivation areas themselves was noted during NorthPoint’s field investigation of the Project Site.

Stockpiled materials for construction and road maintenance will continue to be stored in stable locations and contained using appropriate BPTC measures. Other sediment control measures may be installed as needed to prevent discharges from entering waters of the state. See Appendix C for the schedule of all sediment control BPTC measures being employed on site.

1.2.3. MAINTENANCE ACTIVITIES – EROSION PREVENTION AND SEDIMENT CAPTURE

1.2.3.1. MONITORING

All long-term and interim erosion prevention and sediment capture BPTC measures that have been implemented will be monitored for effectiveness once monthly at a minimum (Table 1.2.3.1). Any vegetation planted on previously disturbed areas will be monitored for success and replanted as necessary. The cultivator will monitor erosion and sediment control measures during and after each storm event that produces at least 0.5 in/day or 1 in/7 days of precipitation. In addition, winterization measures that are implemented will be monitored for effectiveness (inspected during the first major winter storm

event) before the site is closed for the winter. See Appendix H for a log of monthly BPTC monitoring and maintenance records.

Table 1.2.3.1. BPTC Effectiveness Monitoring

Monitoring Requirements	Description	Monitoring Frequency
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.	October - May
Tier Status Confirmation	Report any change in the tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate).	Annually

1.2.3.2. MAINTENANCE

Year-round maintenance of all erosion prevention and sediment capture measures is required. All existing measures shall be maintained, repaired, or replaced as needed. Exotic or invasive species found in revegetated or disturbed areas shall be removed. Remaining exposed soil shall be reseeded/revegetated and have 2-4" of weed-free mulch reapplied. Any captured sediment in inboard ditches/drainageways, culvert outfalls, or against silt fences/straw wattles will be removed and stabilized on a designated flat area. The sediment may be used for site improvement where it will not threaten water quality. Interim measures for sediment retention, such as mulching and wattling, require more regular monitoring and maintenance. See Appendix H for a log of monthly BPTC monitoring and maintenance records.

2. FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE BPTC MEASURES

2.1. CULTIVATION PRODUCT STORAGE, USE, AND DISPOSAL

2.1.1. STORAGE

The Project Site requires additional housekeeping practices to achieve compliance with the requirements of the Order for storage, use and disposal of fertilizers, pesticides and herbicides. Adjacent to Heather's house, fertilizer containers, buckets and bags (manure) were observed in various locations. Several containers which appeared to be empty were sited on native material adjacent to STX-2. Additional fertilizer containers were observed adjacent to the lower shop building near cultivation area 2 (CA-2) and one of the residences. The containers, while appearing empty, lacked cover and secondary containment, and should be stored in an appropriate location as per the Order. No other fertilizers or agricultural

chemicals were observed outside of the designated storage facility during NorthPoint's field investigation of the Project Site. At CA4, fertilizers and other agricultural chemicals are stored within metal enclosures (JOBBOX) style boxes. Additional fertilizers and chemicals are stored in 8-foot by 20-foot shipping container (Conex box), which is sheltered and secured from both the elements and wildlife. Fertilizers and pesticides are being stored in a separate location from petroleum products within a sealed refrigerator truck. No rodenticides are currently reported as being used on site. At the end of the season, any unused liquid fertilizer or pesticide products should be stored in secondary containment and applied the following year (see Site Map in Appendix A for storage locations). Soil and fertilizers may temporarily be stored in or near the greenhouses within 48 hours prior to being applied but should be removed immediately post use to a secure location where they pose no threat of delivery to surface waters or leachate to groundwater.

Appropriate BPTC measures shall be utilized when storing, handling, mixing, applying, and disposing of all fertilizers, pesticides, herbicides, and rodenticides. Each year an inventory is conducted prior to the beginning of the grow season and necessary products are delivered to the site as needed. See Appendix G for a list of fertilizers and pesticides/herbicides used on site.

2.1.2. APPLICATION

Mixing of fertilizers in small storage tanks is conducted in a designated area where the mix will not enter surface waters. For all plants, the mix is applied via controlled hand watering. Spent soil is amended and reused as needed. The application of any agricultural chemical products is conducted according to the manufacturer's recommendation.

2.1.3. DISPOSAL AND SPILL PREVENTION/CLEANUP

Trash and recycling containers are located near the existing residences and are not well contained to prevent surface water contamination and wildlife intrusion. Additional housekeeping is required to ensure compliance with the Order. Soil is reportedly cycled yearly and is only stored temporarily. During NorthPoint's site inspection, all soils were staged within their respective cultivation areas in raised beds and grow bags / smart pots. Spent product containers shall be carefully transferred from the mixing area to the refuse area. A spill kit with plenty of sorbent pads will be kept on site in the event of a spill. All trash, empty product containers, and other recycling are hauled off-site on regular or weekly intervals to the nearest Waste Management Facility.

3. PETROLEUM PRODUCT BPTC MEASURES

3.1. PETROLEUM STORAGE, USE, AND DISPOSAL

Table 3.1. Petroleum Product List, Storage, and Use

Petroleum Product	Delivery Period	Storage Method	Use Type
Gasoline / Diesel	As needed throughout the year	550-gallon storage tank within secondary containment in sealed shipping container & 2-5 gallon cans.	Power for water pump and generators
Lubricants	As needed throughout the year	In storage shed within secondary containment	Equipment maintenance
Propane	As needed	5-20-gallon propane tanks	Domestic (heating, cooking, etc.)

3.1.1 STORAGE

A legacy 1,000-gallon fuel storage tank was observed onsite adjacent to the chert rock quarry near the shop building on the project site. The fuel tank did not appear to be in use. If the tank is not in use, and is empty, it should be visibly capped / sealed with a dated message (EMPTY -NOT IN USE) plainly posted on the tank. Several small 5-gallon gasoline cans were observed lying on the native ground lacking secondary containment and adequate cover. No other petroleum related products were observed on the project site. Several trailer mounted generators are utilized at various places on the project site to provide power to the off-grid parcel. A large generator was observed to be housed within a CONEX box (Shipping container). Fuel for the generator is supplied by a 550-gallon fuel storage tank. The fuel tank has a built in secondary containment vessel, and is housed completely within the cover of the shipping container. This generator had appropriate coverage within the shipping container but it is unconfirmed if the generator had appropriate secondary containment. As per the Order, petroleum products must have secondary containment sufficient in volume to contain the entire stored volume of fuels.

As per the Order, all petroleum containers must be stored within secondary containment and under cover sufficient to prevent precipitation from filling the freeboard of the containment vessel or berm. It is the intention of the operator to both cover and provide secondary containment for all petroleum storage to comply with the Order.

Vehicles and machines are regularly monitored for leakage and when not in use are being stored in a location outside riparian setbacks. Farm equipment and related tools and chemicals are stored within the shop building in a designated farm / tool / equipment storage location.

3.1.2. APPLICATION

Fueling and maintenance of the water pump, cars, and other machines is being conducted in a designated area that prohibits discharge to waters of the state.

3.1.3. DISPOSAL AND SPILL PREVENTION/CLEANUP

Special care is taken when transporting and handling all petroleum products. No spill prevention was available on the Project Site at the time of NorthPoint's field investigation. Discussions with the operators and property owner indicate that moving forward, spill prevention/cleanup BPTC measures will be utilized; a spill kit with plenty of sorbent pads shall be kept on site in the event of a spill. Spill kits shall be kept in areas where fuel transfers or refueling is expected to occur. Spent petroleum products and related trash are kept in secondary containment, specifically for hazardous waste, before being transferred to the waste management facility. No waste oil or petroleum products were observed onsite during the field investigation.

4. TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

4.1. HOUSEHOLD TRASH AND CULTIVATION-RELATED WASTE

All trash / refuse generated on site is currently in placed in lidded plastic storage bins as well as plastic bags. These trash areas are not well secured, and various garbage items were observed adjacent to the residences and cultivation areas on the project site, most notably at Heather's House and the Shop building. Trash and recycling should be kept and stored in a storage location that prevents both elemental and wildlife intrusion (storage shed, shipping container, etc.). These enclosed and designated areas designed to prevent contact with wildlife and precipitation will ensure compliance with the Order. Expected trash/refuse generated on site will be comprised of domestic wastes including food and sanitation items as well as cultivation related wastes (empty nutrient containers, associated packaging and consumable items). All trash items shall henceforth be kept in a designated area near the residences (see site map in Appendix A) where it will not migrate or leach into waters of the state. Cultivation-related organic wastes are stored in a designated area and stabilized with the appropriate BPTC measures (see appendix A, Site Plan for location). Cultivation wastes are then taken to the nearest waste management facility along with all other disposable wastes generated onsite at regular (weekly) intervals. Wastes shall not be stored onsite for prolonged periods of time.

4.2. RESIDENTS, EMPLOYEES, AND VISITORS

Approximately 3 residents are on site during the growing season, and the farm is run as a family operation with no reported employees. The property is occupied by the inhabitants year-round.

4.2.1 DOMESTIC WASTEWATER – GENERATION

The residences and shop building produce greywater from the kitchen sinks and bathing facilities. The Project Site produces blackwater from the

restroom facilities within the domestic residences. The residences are connected to septic systems, the permit statuses of which are presently unknown. Portable toilets may be brought onsite and serviced at regular intervals should the existing systems be inadequate for the use levels. The portable toilets will ensure that the sanitary needs of the workers are met while satisfying the waste water requirements of local and state agencies while the septic systems are permitted or redesigned such that they may be permitted by the Humboldt County Department of Environmental Health (DEH).

4.2.2 DOMESTIC WASTEWATER - DISPOSAL

Household greywater and wastewater generated from the kitchen sink and toilet in the residences are disposed of via a septic system adjacent to each building. Each septic system was reportedly built to code as per comms. with the landowner. The current system will be inspected by a septic professional and will be improved if necessary for permitting through DEH. In the interim, portable toilets may be delivered to the Project Site and will be serviced as needed by a licensed company. See the site map in Appendix A for locations of wastewater treatment and portable toilet locations. The cultivator shall make sure that no substances that are hazardous to fish and wildlife (e.g. trash, paint, concrete washings, treated wood) are used, located, or disposed of where they can contaminate waters of the state. Human and animal waste shall also be disposed of properly.

5. WINTERIZATION BPTC MEASURES

5.1. ACTIVITIES AND MAINTENANCE

5.1.1 ROADS AND STREAM CROSSINGS

Appropriate erosion prevention and sediment control measures will be installed, maintained, and monitored for effectiveness prior to the winter season. Road work requiring heavy machinery (rolling dip installation and reconditioning), shall be conducted only during the dry season, unless the cultivator is authorized by an agency with jurisdiction to make emergency repairs. The *Neighbor Access Road* exhibits excessive sheet flow length that will be broken up with the installation of one type-1 rolling dip and the reconditioning of one existing but worn-down rolling dip (see Appendix A for proposed location). The access roads (*Access Spur, Heather's Access Road and Lower Access Road*) exhibits road surface erosion related to hillslope seepage and will be treated with the installation of three (3) rocked dips (see Appendix A for proposed locations). A portion of *Lower Access Road* between STX-5 & 6 was observed to be wet and muddy due to the presence of livestock animals (pigs). This portion of road has been prescribed to be rocked for approximately 680 sf to prevent continued erosion of the road surface and to mitigate for possible sediment delivery to the nearby watercourses. Finally, numerous existing water bars were noted along all access roads,

but should be reshaped each year before the onset of the winter period. Nearly all water bars were observed to be extremely worn and partially (but adequately) functioning at the time of NorthPoint's field investigation.

Winterization of the access roads includes temporary and long-term runoff management. Winterization of the site will include the installation of appropriate BPTC measures relevant to the mitigation of sheet flow and erosion on the graded pads which contain bare or exposed soils. Additional measures include the installation of straw wattles at location where pervasive erosion or excess sheet flow is observed.

All winterization BPTC measures will be monitored and maintained prior to site closure for the winter.

5.1.2. DISTURBED AREAS

Areas that have exposed soil shall be seeded and mulched to prevent erosion and sediment delivery to any waterbody. Any revegetation shall take place at the onset or at the end of the precipitation season to ensure establishment. Exposed slopes shall have linear sediment controls, such as wattles or silt fences, to interrupt sheet flow lengths. All disturbed areas will be inspected for potential and active erosion issues. Such sites will be repaired/controlled as needed using appropriate BPTC measures. For all areas of concern, if any BPTC measures cannot be installed prior to winter, the Regional Water Board must be contacted to establish a compliance schedule to protect water quality. At the time of Northpoint's field investigation, no "disturbed areas" that threatened to deliver sediment to surface waters were identified outside of the previously listed road section along lower access road.

The pads upon which cultivation was occurring were well vegetated. Proposed road upgrades and BPTC implementation on the Project Site (stream crossing upgrades) are expected to disturb existing vegetation and must be revegetated with erosion control seed and mulched to protect against erosion. BPTCs should include the use of seed and straw mulch or hydroseed and staked straw wattles or silt fences on the toe of fill at the break in slope to prevent sheet flow from carrying entrained particulate from exposed soils. As per Attachment A (pg. 47, no. 128) cannabis cultivators shall apply linear sediment controls along the toe of the slope, face of the slope and at the grade breaks of exposed slopes to comply with sheet flow length restrictions. For slopes (percent slope) between 25-50%, sheet flow length shall not exceed 15-feet. Thus, at each break in slope, toe of slope, or unbroken length of disturbed slope measuring 15-feet in length or greater, a linear sediment control must be utilized until vegetation is re-established such that sheet flow does not result in erosion or scour of bare soil. This degree of slope exposure is expected when upgrading some of the stream crossings.

5.1.3. STORAGE AND STOCKPILED MATERIALS

5.1.3.1. CULTIVATION-RELATED PRODUCTS AND WASTE

All fertilizers, pesticides, herbicides, and rodenticides need to be stored where they will not enter surface waters or pose a threat to wildlife. The cultivator will have all liquid products stored in secondary containment and stored along with all other cultivation-related products, protected from the elements. Waste associated with cultivation will be removed from the site and taken to the nearest waste transfer facility prior to closing the site for winter.

5.1.3.2. VEHICLES, MACHINES, AND PETROLEUM PRODUCTS / WASTE

Prior to winter, any remaining vehicles or machines on-site will be stored out of the elements where any potential leaks will not enter surface waters or pose a threat to wildlife. All storage facilities will be locked to prevent wildlife intrusion. Petroleum products will be kept in compatible secondary containment within their own storage container. Any spent petroleum containers and related trash will be removed and appropriately disposed of at the nearest waste management facility.

5.1.3.3. STOCKPILED MATERIALS

Appropriate BPTC measures shall be used for all stockpiled materials that have the potential to migrate to surface waters or that may be hazardous to wildlife. Stockpiled materials include bark, sawdust, potting soil, amendments, rock, compost, treated wood, polytube and other irrigation equipment, greenhouse plastic sheeting, and any other materials used for cultivation and site development, improvement, and management. They shall be stabilized in an upland area, covered, and/or stored in a storage shed/container.



VICINITY MAP
NOT TO SCALE

PROJECT DESCRIPTION:

THE PROJECT SITE IS IN THE STEELHEAD WATERSHED. THE SITE IS ENROLLED IN THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD GENERAL ORDER 2018-0023-DWQ AS A TIER-1, LOW RISK DISCHARGER.

PROJECT INFORMATION:

APPLICANT:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

PROPERTY OWNER:
DUSTIN SILVA
P.O. BOX 292
REDWAY, CA 95560

SITE ADDRESS:
APN: 216-142-006, 216-143-005,
216-143-010, 216-144-008
LAT/LONG 40.145, -123.6922

HUMBOLDT COUNTY SQ.FT. ALLOTMENT = 11,950 SQ.FT.
AGGREGATE CANOPY AREA = 11,910 SQ.FT.
(SMALL MIXED-LIGHT TIER 1 LICENSE = 7,064)
(SPECIALTY OUTDOOR = 4,886)

PROPERTY SIZE = ±268 ACRES

SHEET INDEX:

SMP1 - SITE MANAGEMENT PLAN MAP
SMP2 - SITE PROPERTY DETAIL

GENERAL NOTES:

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.

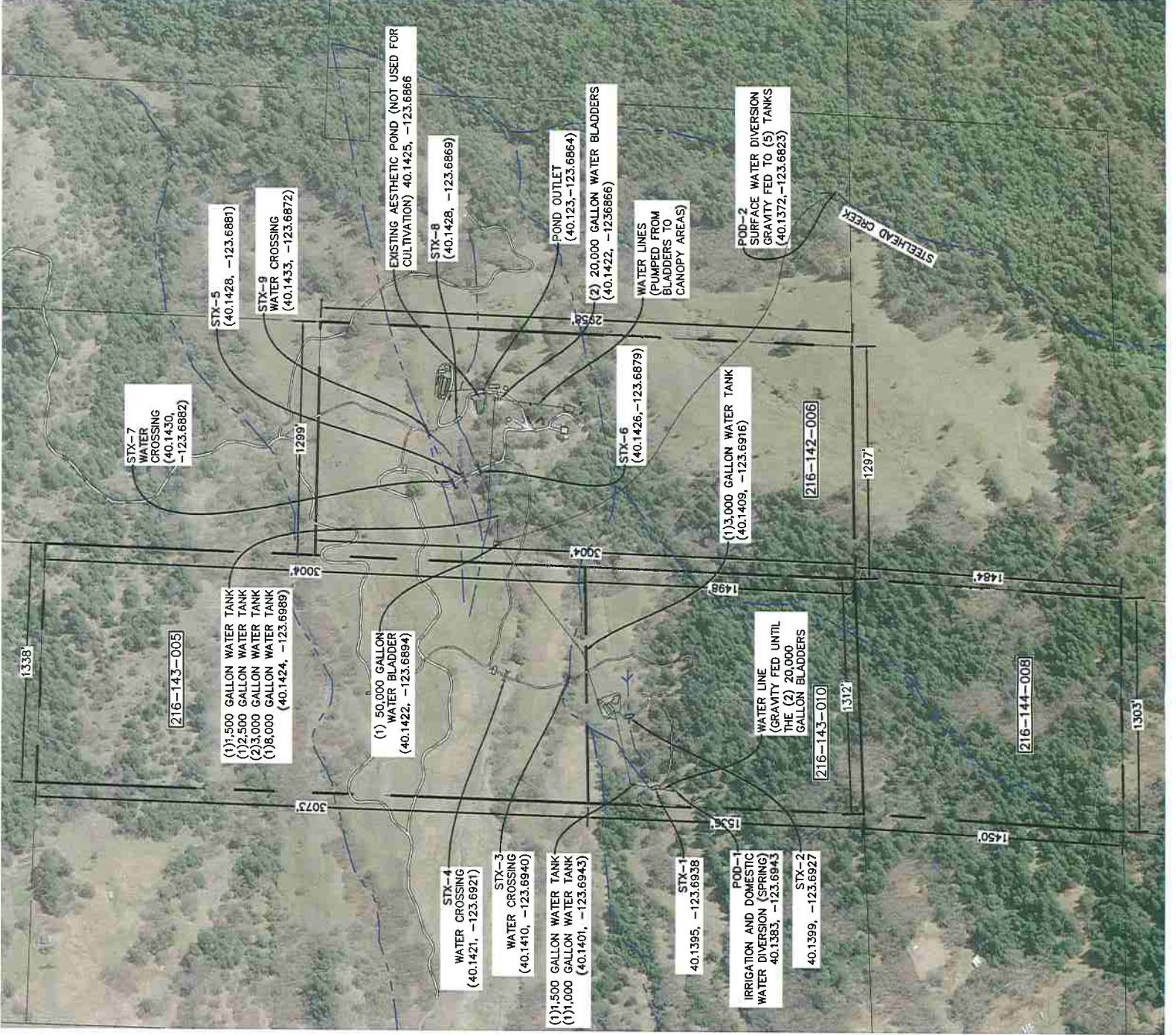


PLOT PLAN

22X34 SHEET: 1"=400'
11X17 SHEET: 1"=800'
0 200 400 600

DUSTIN SILVA BOTTOM PROPERTY SITE MAP FOR SMP

APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008



DATE	
REVISIONS	

NORTHPOINT
CONSULTING GROUP, INC.
317 3rd Street, Ste. 15 Eureka, CA 95501

DUSTIN SILVA - LOWER AGREEMENT
SITE MANAGEMENT PLAN MAP
APN: 216-142-006, 216-143-005, 216-143-010, 216-144-008

PROJ. NO.: 216-142-006
DRAWN BY: PHH
DATE: 7/18/19
SCALE: AS SHOWN
SHEET: SMP1
1B-140





October 29, 2019

Dustin Silva
P.O. Box 292
Redway, CA 95560
sildust@gmail.com

**Subject: Notification of Lake or Streambed Alteration No. 1600-2019-0171-R1
Silva Water Diversion, Pond and Stream Crossings
Humboldt County Assessor's Parcel Numbers 216-142-006; 216-143-010;
216-143-005; 216-144-008**

Dear Dustin Silva:

On March 7, 2019 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On April 19, 2019 CDFW received a revised notification in response to an Incomplete Letter dated April 4, 2019. On May 19, 2019, your Notification was deemed complete due to the passage of 30 days with no action taken by CDFW to incomplete your Notification.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete. Therefore, the Department had until **July 18, 2019** to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Your notification includes the following information: The only projects notified for and therefore covered by this letter are 9 crossings, 2 points of diversion, and maintenance of a pond outlet. Stream Crossing 1 (40.139513, -123.693828) is a dipped crossing on a stream with minimal rock armor which will be made into an armored rock ford. Stream Crossing 2 (40.139984, -123.692690) is a dipped crossing on a stream with minimal rock armor which will be made into a rockford crossing. Stream Crossing 3 (40.139984, -123.692690) is an undersized 48-inch diameter culvert on a stream which will be replaced with a minimum 72-inch diameter culvert. Stream Crossing 4 (40.141870, -123.692195) is an existing 48-inch diameter culvert on a stream. Now work was proposed and no work is authorized. Stream Crossing 5 (40.142769, -123.688113) is a partially buried 12-inch diameter culvert on a stream, the inlet will be cleaned and the crossing reinforced. Stream Crossing 6 (40.142668, -123.687975) is an undersized 12-inch diameter culvert on a stream that will be replaced with a minimum 24-inch diameter culvert. Stream Crossing 7 (40.14304, -123.688314) is an undersized 12-inch diameter culvert on a stream that will be replaced with a minimum 24-inch diameter culvert. Stream Crossing 8 (40.142824, -123.686916) is a dipped crossing on

Conserving California's Wildlife Since 1870

a stream with minimal rock armor which will be made into an armored rock ford. Stream Crossing 9 (40.143273, -123.687262) is an 18-inch diameter culvert on a stream that will be replaced with a minimum 30-inch diameter culvert. Stream Crossing/Pond Spillway located at (40.142432, -123.686430) is a rocked fill crossing across an access road that will be converted to an armored ford crossing.

POD 1 (40.142542, -123.686882) is a water diversion from an unnamed tributary to Steelhead Creek with a diversion rate not to exceed 3 gallons per minute. Diversion for cannabis irrigation is authorized from November 1 to March 31 while diversion for domestic use is authorized from January 1 to December 31. POD 2 (40.137498, -123.682300) is a water diversion from a class I stream, Steelhead Creek, with a diversion rate not to exceed 3 gallons per minute. Diversion for cannabis irrigation is authorized from November 1 to March 31 while diversion for domestic use is authorized from January 1 to December 31.

This letter does not retroactively permit any stream crossings, water diversions, pond building or other encroachments not described above. The following features were disclosed but are not covered as projects. A well located at Lat/Long 40.1199410, -123.9571350. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

Aerial imagery and the map provided indicate the possibility of a hydrological connection between the pond and an unnamed tributary of Steelhead Creek as well as at least four other undisclosed stream crossings on parcel. This letter does not authorize any maintenance, reconstruction or replacement of this pond or the crossings. Any work will require separate Notification.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with these projects, **they must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter. Please refer to the April 19, 2019 revised notification for all proposed work.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or

place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Notification, provided CDFW: a) provides advance notice; and b) allows the Applicant or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until **July 18, 2024**, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Andrew Orahoske, Environmental Scientist at andrew.orahoske@Wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ec: Northpoint Consulting, greyson@northpointeureka.com

North Coast Regional Water Quality & State Water Resources Control Board

NorthCoast.Cannabis@Waterboards.ca.gov

Jonathan Pham Jonathan.Pham@Waterboards.ca.gov, Jane Ling

Jane.Ling@Waterboards.ca.gov, Stormer Feiler Stormer.feiler@waterboards.ca.gov

Humboldt County Planning and Building Department

Cliff Johnson, CJohnson@co.humboldt.ca.us



Figure 2: RP-2 on private drive. Road is utilized by applicant for access to the property and by adjacent landowners for private property access.



Figure 3: RP-3 on private drive. Road is utilized by applicant for access to the property and by adjacent landowners for private property access.





Figure 4: RP-4 on private drive. Road is utilized by applicant for access to the property and by adjacent landowners for private property access.

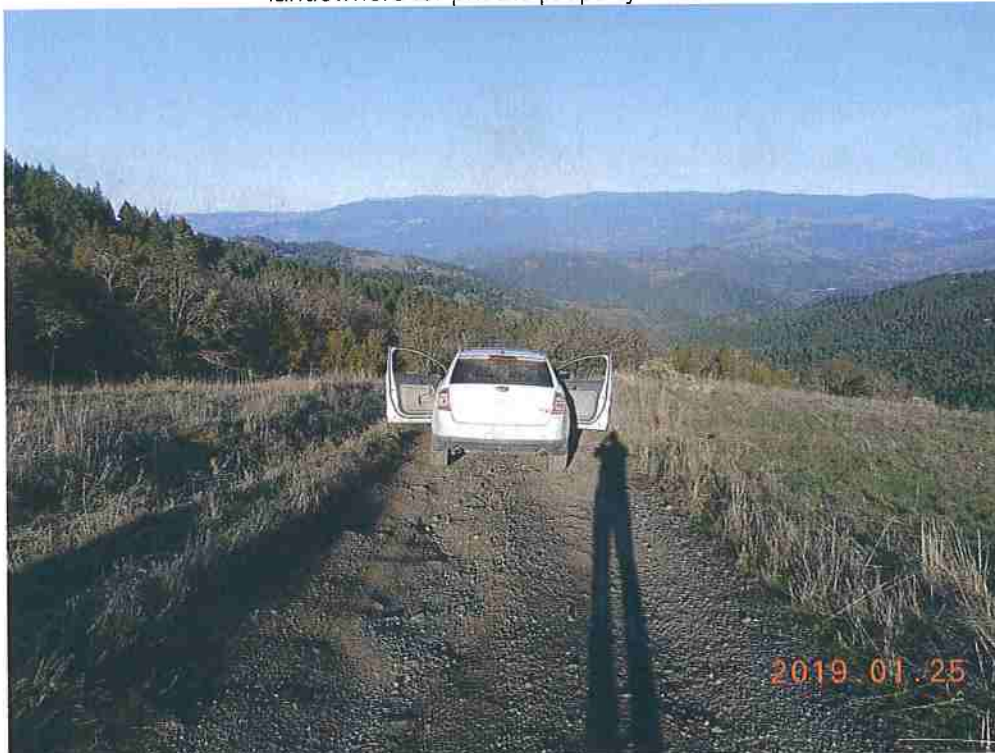


Figure 5: RP-5 on private drive. Road is utilized by applicant for access to the property and by adjacent landowners for private property access. This portion of the road is not typically travelled by the applicant.





Figure 6: RP-6 on private drive. Road is utilized by applicant for access to the property and by adjacent landowners for private property access. This portion of the road is not typically travelled by the applicant.



Figure 7: RP-7 on private drive. Utilized by the applicant for access to the property.





Figure 8: RP-8 on private drive. Utilized by the applicant for access to the southern portion of the property.



Figure 9: RP-9 on Private Drive. Utilized by the applicant to access the southern portion of the property.





Figure 10: RP-10 on Private Drive. Utilized by the applicant to access the eastern portion of the property.



Figure 11: RP-11 on Private Drive. Utilized by the applicant to access the eastern portion of the property.





Figure 12: RP-12 on Private Drive. Utilized by the applicant to access the eastern portion of the property.



Figure 13: RP-13 on Private Drive. Utilized by the applicant to access the eastern portion of the property.





Figure 14: RP-14 on Private Drive. Utilized by the applicant to access the eastern portion of the property.



Figure 15: RP-15 on Private Drive. Utilized by the applicant to access the eastern portion of the property.





Legend

-  Access Road
-  Road Evaluation Points

Road Evaluation Report for 216-142-006

Private drive off Dyerville Loop Road
Apps. No.: 13264
Case No.: CUP16-1073

Road Evaluation Report for 216-142-006

Private drive off Dyerville Loop Road

Apps. No.: 13264

Case No.: CUP16-1073

APN: 216-143-010

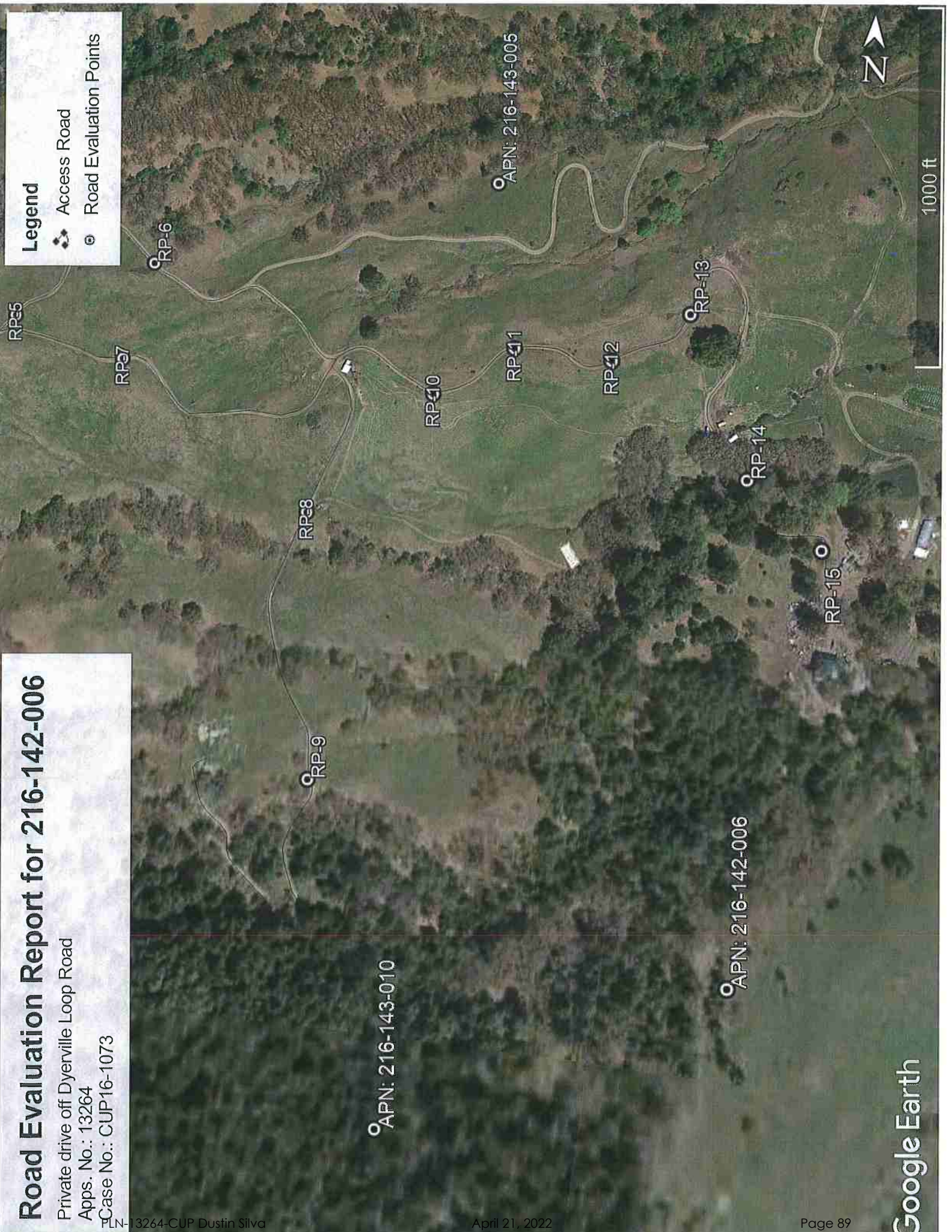
APN: 216-142-006

APN: 216-143-005

Legend

Access Road

Road Evaluation Points



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	✓	Comments	On File (Accela)
Division Environmental Health	✓	Conditional Approval	On File (Accela)
Public Works, Land Use Division	✓	Conditional Approval	On File (Accela)
Cal Fire	✓	No comments	On File (Accela)
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	Coordination meeting notes – on file.
County Counsel		No Response	
Humboldt County Sheriff Office	✓	Rejected	On File (Accela)
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights	✓	Approved	Attached
FPD Telegraph Ridge		No response	
Southern Humboldt JUSD		No response	



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H505001*

CERTIFICATE *H100408*

Right Holder: *Dustin Silva
PO Box 292
Redway, CA 95560*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *12/12/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD (POD-1)	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.139336	-123.694303	Humboldt	216-143-010
POD-2	Steelhead Creek	Steelhead Creek	Eel River	40.130522	-123.701118	Humboldt	216-142-014
POD-3	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.137059	-123.682417	Humboldt	216-143-007
POD-4	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.153626	-123.703363	Humboldt	216-143-007
POD-5	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.153200	-123.703660	Humboldt	216-144-004
POD-6	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.131639	-123.70295	Humboldt	216-144-004

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	216-143-010	0.086
Irrigation, Fire Protection	Humboldt	216-142-006	0.188
Irrigation, Fire Protection	Humboldt	216-143-007	0.36

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *01/07/2019*. The place of use is shown on the map filed on *01/07/2019* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.989 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.99 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.

7. Diversion works shall be constructed and water applied to beneficial use with due diligence.

8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)

9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.

10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.

11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.

13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

- a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
- b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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