



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: January 20, 2022

To: Humboldt County Planning Commission

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

Subject: **Soul Arc Solutions, Inc., Conditional Use Permit**
Record Number: PLN-11402-CUP
Assessor's Parcel Number (APN): 108-012-010
12035 Wilder Ridge Road, Ettersburg area

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

AGENDA ITEM TRANSMITTAL

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| Hearing Date January 20, 2022 | Subject Conditional Use Permit | Contact Max Hilken |
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Project Description: A Conditional Use Permit for 18,092 square feet (SF) of existing cannabis operation utilizing 8,000 SF mixed light techniques with the remainder 10,092 SF utilizing outdoor cultivation techniques. Water for irrigation is sourced from a diversion of the Mattole River, and an onsite pond. Annual water use is 216,700 gallons. Water is stored in one (1) 50,000-gallon hard tank, 22 5,000-gallon hard tanks, and the 130,000-gallon pond for a total of 290,000 gallons. Drying and curing would be completed on-site in a proposed 1,000-square-foot facility, with other processing (trimming) occurring off-site at a licensed facility. A maximum of 6 employees would be on-site during peak operations. Electricity is sourced from generator power with solar power proposed.

Project Location: The project is located in Humboldt County, in the Ethersburg area, on the North side of Wilder Ridge Road, approximately .5 miles North from the intersection of Wilder Ridge Road and Harrow Road, and approximately 2 miles North from the intersection of Wilder Ridge Road and a Private Drive on the property known as 12035 Wilder Ridge Road.

Present Plan Land Use Designations: Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: Moderate Instability (2).

Present Zoning: Timber Production (TPZ)

Record Number: PLN-11402-CUP

Assessor's Parcel Number: 108-012-010

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| Applicant Soul Arc Solutions, Inc. 1072 Castias Pass Road, STE 127 Carpinteria, CA 93013 | Owner Grindstone Openings Lp PO BOX 71 Whitethorn, CA 95548 | Agent Shannon Gibson 5600 West End Rd 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.

Recommended Commission Action:

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

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

Executive Summary: Soul Arc Solutions, Inc., seeks a Conditional Use Permit for continued cultivation 18,092 square feet (SF) of existing cannabis operation utilizing 8,000 SF mixed light techniques with the remainder 10,092 sf utilizing outdoor cultivation techniques, in accordance with Humboldt County Code 314-55.4 of Chapter 4 of Division 1 Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and has a combined zoning of Agriculture Exclusive (AE) and Timber Production Zone (TPZ) and minimum density site area is 40 acres. Cultivation occurs in 18 greenhouse structures with nine (9) greenhouse structures toward the north-eastern end of the parcel and another nine (9) in the central-eastern area of the parcel. These cultivation areas primarily reside within the AE zone. Drying and curing would be completed onsite in a proposed 1,000-square-foot facility, with other processing (trimming) occurring off-site at a licensed facility. The applicant is required to provide portable bathroom and handwashing facilities for the life of the project or until there are facilities that comply with the Americans with Disabilities Act (ADA) onsite. A maximum of 6 employees would be on-site during peak operations. Electricity is sourced from generator power with solar power proposed.

The applicant estimates 216,700 gallons of water is required to meet operations needs with peak usage occurring July through September averaging 48,667 gallons each month (11.98 gal/SF/year). As described, water for cannabis cultivation irrigation is provided by a surface point of diversion and the onsite pond. There is a total of 160,000 gallons of water storage provided by hard-sided tanks and additional water storage is provided by a 130,000-gallon pond on onsite. The use of the point of diversion will be supplemented by a rainwater catchment system comprised of an onsite pond. The average rainfall for the project area is 56.9 inches, based on averaging rainfall values from 2011 through 2020 as recorded by PRISM Climate Group. Impermeable surfaces such as roofs, driveways, lined ponds and, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every 1-inch of rainfall or .62 gallons per 1 SF. With a total impermeable rainwater catchment area of 5,162 sf, and an average rainfall amount of 56.9 inches, the sites potential capture amount totals 182,105 gallons per year on average or 84% of the estimated water needs annually. Rainwater that is captured onsite will be stored in the existing twenty-two (22) 5,000-gallon hard sided tanks, one (1) 50,000-gallon hard sided tank, and the 130,000-gallon catchment pond. Storage totals 290,000 gallons, which means the project has an additional 73,300 gallons (34%) of water storage above the annual water use.

The water diversion approved under the State Water Resources Control Board (SWRCB) Small Irrigation Use Registration (SIUR) Certificate H100175 (Registration #H501774); the priority of this right dates from October 19, 2017. The California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSAA) and SWRCB SIUR dictate that diversion from any POD must be confined to November 13 through March 31st. Both the SWRCB Policy and the signed LSAA require that the USGS gage 11469000, located at the Mattole River near Petrolia be checked for instream minimum flows prior to diversion. No water shall be diverted unless the State Water Board's Online Cannabis Compliance Gage Mapping Tool shows the "Diversion is Authorized" for the address. From December 15th through March 31st, no

water shall be diverted for storage unless the flow exceeds 1580 cubic feet per second. The SIUR allows for the appropriation of 0.62 acre-feet (202,028 gallons) of water annually for cannabis cultivation. The total storage of diverted water shall not exceed the annual diversion amount as described above. Water from the point of diversion is stored in both tanks and the pond. Conditions of the approval for SUIR and for this permit require the diversion to be metered to ensure the amount of diversion is within the limits allowed by the SUIR. Additionally, conditions of approval require the water to be metered when irrigation occurs to further demonstrate the amount of water used for irrigation from storage.

The 130,000-gallon pond was proposed for development under the Final Streambed Alteration Agreement (Notification NO. 1600-2016-0332-R1) as an off-stream pond and constructed in 2017 at its current location. On March 8, 2021, Homan and Associates conducted an assessment of a spillway adjacent and connected to the pond in which they determined that there was flowing water approximately 40 feet below the head of the spillway channel. The topography of the spillway has indication that the channel was clearly created by fluvial process, and the drainage is hydrologically connected to a Class III drainage that flows into the Mattole River. The applicant has submitted an extension to the FSAA for the pond with the updated understanding that the pond is to be considered an existing diversion from an unnamed tributary to the Mattole River. With the current understanding that the pond is hydrologically connected to surface waters of the state, the project is prohibited from the use of the pond as a diversionary source of irrigation until the applicant can provide proof of completion for engineering upgrades that would disconnect the pond from surface waters of the state as originally intended and described within the original FSAA.

Cultivation relocation occurred in 2017, which included relocating approximately 5,750 SF of cultivation that was grown in a location with slopes greater than 30%, and within 100 feet of three separate Class III watercourses. The cultivation was relocated to the northern cultivation site, a pre-existing open meadow and reconfigured to be cultivated within eight (8) greenhouses utilizing light deprivation techniques. The light deprivation greenhouses are expected to yield two (2) harvests per year. Because historic cultivation was mainly full sun outdoor, this permit does not authorize the use of fans or dehumidifiers in the greenhouses that contain the reorganized cultivation areas. Per the Remediation Plan prepared by Mother Earth Engineering dated May 2018, the former grow sites have had all debris removed and were fully decommissioned (Attachment 3). The report recommends ongoing revegetation and erosion control protocols which requires annual monitoring, with additional installation of erosion control and seeding/plantings on an as-needed basis per the regular self-inspections. The project is conditioned to adhere to the recommendations made in the remediation plan to ensure erosion control measures are consistent and perform as intended.

A review of the Biological Information and Observation System (BIOS) through the CDFW which includes layers depicting biological resources identified by the California Natural Diversity Database (CNDDB) depicts no endangered or protected species onsite as of October 5, 2021. A Northern Spotted Owl (NSO) activity center was depicted as 0.44 miles from the nearest cultivation area onsite and the nearest positive sighting was 0.1 miles (520 feet) away. The cultivation site that shares the 0.1 distance from NSO is located in an open meadow site, bordered by mixed coniferous forest with potentially high-quality nesting and or roosting NSO habitat. The California Department of Fish and Wildlife (CDFW) sent a Notice of Violation to the Applicant August 9, 2018, in which the violations were noted from a site visit that occurred July 12, 2017, which includes violations for an unpermitted water diversion, unpermitted stream crossing, and a section of hydrologically connected road surface. CDFW has additionally provided a referral response dated September 9, 2018 (Attachment 4), requesting additional information. Staff responded to CDFW comments on October 8, 2021 (Attachment 4) that included providing updated information including the CDFW original comments, Streambed Alteration Agreements, Site Management Plan (SMP) Site Plan, NSO Report, Road Evaluation, SMA pond review, and updated project description. The project has been conditioned to adhere to the recommendations made by CDFW aside from the request that the project transition to full sun outdoor. The northern cultivation area is conditioned to prohibit the use of generators or supplemental lighting for the protection of NSO as described below. The project is additionally conditioned to prohibit the use of lights, fans, dehumidifiers,

or heaters in the northern cultivation sites as these sites were reorganized after the established CEQA baseline.

A Northern Spotted Owl Habitat Impact Assessment was prepared March 10, 2021 (see Attachment 3) with the onsite assessment occurring on March 8, 2021. The assessment specifically focused on the potential the northern cultivation site has to impact NSO. A total of fourteen 14 owl surveys were performed 8 of which occurred between March 28, 2018, and August 23, 2018, with the remaining six (6) surveys performed between April 10, 2019, and July 18, 2019. The report concludes with mitigations for light and noise disturbance implemented, no significant impacts to the NSO are expected to occur. The report recommends that the landowners follow measures to minimize disturbance to any potential NSO, it is recommended that the landowners do not use any first or second-generation anticoagulant rodenticides in the cultivation area, to minimize any possible exposure to NSO through secondary consumption of prey species in the area. Additionally, all noise disturbance should be minimized, the use of power tools or other temporary sources of noise disturbance should occur only during daylight hours, when NSO are not likely to be foraging (in the northern cultivation area). Conditions of approval require the applicant to adhere to and implement the recommendation in the report.

Per the operations plan submitted by the applicant, no generators or supplemental lights are planned for use at the northern cultivation site, and as a result will not contribute to any significant sources of noise or light disturbance to sensitive wildlife species. Additionally, the applicant is in the process of transitioning from using generators to solar energy at the additional sites on the parcel. The applicant has since entered into an additional LSA with CDFW (Notification No. 1600-209-0859-R1) which includes approval for the replacement of an undersized culvert, rock armoring the outlet of an existing culvert, and for the work required to stabilize a recent landslide adjacent to a Class III watercourse. Work for this stabilization may include removal of remaining debris from the failed area, removal of trees and stumps from the area within ten feet of the headscarp of failure, excavation, compaction of fill, rock armoring of the inboard road ditch, and erosion control measures as necessary to minimize erosion of the landslide feature. This new LSA was authorized 1/16/2020.

As a result, the project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, any grading and earthwork activities like the re-engineering of the onsite pond, will be conducted by a licensed contractor in accordance with approved grading permits outside of the NSO breeding period February 1st – July 31st. Sound measurements are to be performed by a CDFW or County Staff Representative before commercial activities can commence that meet the described requirements. Furthermore, the project is conditioned to refrain from using synthetic netting for erosion control measures, ensure refuse is contained in wildlife proof storage and refrain (prohibited) from using anticoagulant rodenticides to further protect wildlife, adhere to the Bullfrog management plan (Attachment 3). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

The applicant submitted a Less Than Three Acre Conversion Mitigation Plan prepared by Mad River Properties, Inc. received May 25, 2018. The report includes a discussion of timber conversion occurring in 2012, 2013, and 2017, totaling 2.40 acres of timber conversion of which 0.33 which is not consistent with the Mitigated Negative Declaration (MND) adopted by the County on September 13, 2016, prepared for adoption of the CMMLUO. The MND assumed there would be no additional timber conversion associated with cannabis cultivation after January 1, 2016. Three areas of conversion are noted in the report identified as Site A, Site B, and Site C. Site A was originally converted in 2012 and further expanded in 2013 which is currently occupied by multiple permanent and temporary greenhouses, two permanent structures, a temporary structure, water tanks, a generator, and a pond. Site B was first converted in 2012 for cannabis cultivation by grading a flat in the grassland to accommodate two water bladders. Currently a greenhouse occupies the site. Lastly, Site C (north-eastern cultivation area) was converted in 2017 by grading a flat in grassland for cannabis cultivation within an area zoned Agriculture Exclusive.

The report noted that the effects these projects had on the forest were too small and insignificant to be considered a conversion. The report included the identification of 21 Road Points that at the time were in conflict with the Forest Practice Rules or have potential to cause environmental damage. The report does not include a restocking plan as would be required for the conversion occurring after January 1, 2016, thus, as a condition of approval, the applicant will provide an addendum to the Less than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) to specifically address the approximately 0.33 acres of timber land converted after 2016. The addendum will contain discussion of the ecological value of the converted forest land with specific discussion of the habitat value for Northern Spotted Owl (NSO). The report will include the number and species of trees removed. The restoration plan must include NSO habitat enhancement at a 3:1 ratio to the area converted which may include removal of invasive species, thinning, and restocking and shall include monitoring and reporting components to ensure success of the recommended remedial actions. The report will be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife.

Two streams that are tributaries to the Mattole River are located on the property. A Site Management Plan (SMP) was prepared by the applicant (Attachment 3) that includes a list of recommended best practices for erosion control, monitoring irrigation volumes to prevent runoff, and utilizing appropriate facilities for the storage of cultivation related materials consistent with the State Water Resources Control Board (SWRCB) and North Coast Regional Water Quality Control Board (NCRWQB). The applicant is enrolled in the NCRWQB and has provided documentation showing adherence to the cannabis general order WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID_12CC402929 Effective as of 05/22/2019). The applicant has a Final Streambed Alteration Agreement (Notification No. 1600-2016-0332-R1) signed September 29, 2016, with the California Department of Fish and Wildlife (CDFW) for the existing point of diversion located onsite within a tributary to the Mattole River for domestic and irrigation uses onsite (Attachment 3).

The project is located in the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The project was referred to the Northwest Information Center, Bear River Band, and the Intertribal Sinkyone Wilderness Council on 5/30/2018. A Cultural Resources Investigation was prepared in June 2017 by Alta Archaeological Consulting. Per the Report, no cultural resources were identified within the project area as a result of the fieldwork conducted on May 9, 2017. The project as designed is not anticipated to have an adverse effect on significant historical resources. Response from the Bear River Band of the Rohnerville Rancheria indicates that a previously recorded cultural site exists on the property, the recommendation was that inadvertent discovery protocol should be included as a condition of project approval. Additionally, further archaeological consultation will be required for any further developments on this property outside the scope of the proposed project. These recommendations have been included as conditions of approval for this project.

The subject property, APN 108-012-010, is accessed off of a private access road from Wilder Ridge Road. A Road Evaluation was prepared by the applicant which included a detailed overview of internal access roads that includes depictions of 39 road points to provide context to the conditions of the road. The Road Evaluation indicates the private road is developed to the functional equivalent of a road Category 4 standard and can accommodate the traffic generated from the project. The Public Works Department recommends conditional approval provided all driveways and private road intersections onto the County Road be maintained in accordance with the County Sight Visibility Ordinance and that the intersection of Wilder Ridge Road and the private access road be improved to pave the private access road for a minimum width of 20 feet and a length of 50 feet where it intersects Wilder Ridge Road. The project includes recommended conditions of approval to adhere to the conditions requested by public works.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has

prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit and Special 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 two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number: 21-
Records Number: PLN-11402-CUP
Assessor's Parcel Number: 108-012-010**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Soul Arc Solutions, Inc., Conditional Use Permit request.

WHEREAS, Soul Arc Solutions, Inc., submitted an application and evidence in support of approving a Conditional Use Permit for 18,092 square feet (SF) of existing cannabis operation utilizing 8,000 SF mixed light techniques with the remainder 10,092 SF utilizing outdoor light deprivation cultivation techniques. Water for irrigation is sourced from a diversion of the Mattole River, and 130,000-gallon pond. Water is stored in one (1) 50,000-gallon hard tank, twenty-two (22) 5,000-gallon hard tanks, and the 130,000-gallon pond for a total of 290,000 gallons. Drying and curing would be completed on-site in a proposed 1,000-square-foot facility, with other processing (trimming) occurring off-site at a licensed facility. A maximum of six (6) employees would be on-site during peak operations. Electricity is sourced from generator power with solar power proposed and;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 20, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit for 18,092 square feet (SF) of existing cannabis operation utilizing 8,000 SF mixed light techniques with the remainder 10,092 SF utilizing outdoor light deprivation cultivation techniques. Water for irrigation is sourced from a diversion of the Mattole River, and 130,000-gallon pond. Water is stored in one (1) 50,000-gallon hard tank, twenty-two (22) 5,000-gallon hard tanks, and the 130,000-gallon pond for a total of 290,000 gallons. Drying and curing would be completed on-site in a proposed 1,000-square-foot facility, with other processing (trimming) occurring off-site at a licensed facility. A maximum of six (6) employees would be on-site during peak operations. Electricity is sourced from generator power with solar power proposed.

EVIDENCE: a) Project File: PLN-11402-CUP

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

EVIDENCE: a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan was prepared by the applicant, to show compliance with the State Water Resources Control Board WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) and addresses measures outlined in both Final LSA's (Notification No's. 1600-2019-0859-R1 and 1600-2016-0332-R1). Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and both LSA's as described.
- d) A review of the Biological Information and Observation System (BIOS) through the CDFW which includes layers depicting biological resources identified by the California Natural Diversity Database (CNDDDB) depicts no endangered or protected species onsite as of 10/5/2021. A Northern Spotted Owl (NSO) activity center was depicted as 0.44 miles from the nearest cultivation area onsite and the nearest positive sighting was 0.1 miles away. The project is conditioned such that combined noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is prohibited from utilizing supplemental lighting for the use of cannabis cultivation activities and conditioned to adhere to Dark Sky Standards for 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 and will not negatively impact NSO or other sensitive species.
- e) Timber conversion occurred in 2012, 2013, and 2017, totaling 2.40 acres of timber conversion of which 0.33 which is not consistent with the Mitigated Negative Declaration (MND) adopted by the County on September 13, 2016, prepared for adoption of the CMMLUO. The MND assumed there would be no additional timber conversion associated with cannabis cultivation after January 1, 2016. Thus, as a condition of approval, the applicant will provide an addendum to the Less than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) to specifically address the approximately 0.33 acres of timber land converted after 2016. The addendum will contain discussion of the ecological value of the converted forest land with specific discussion of the habitat value for Northern Spotted Owl (NSO). The report will include the number and species of trees removed. The restoration plan must include NSO habitat enhancement at a minimum of a 3:1 ratio to the area converted which may include removal of invasive species, thinning, and restocking and shall include monitoring and reporting components
- f) A Cultural Resources Investigation was prepared in June 2017 by Alta Archaeological Consulting. Per the Report, no cultural resources were identified within the project area as a result of the fieldwork conducted on May 9, 2017. The project as designed is not anticipated to have an adverse

effect on significant historical resources. Bear River Band of the Rohnerville Rancheria indicates that a previously recorded cultural site exists on the property, the recommendation was that inadvertent discovery protocol should be included as a condition of project approval. Additionally, further archaeological consultation will be required for any further developments on this property outside the scope of the proposed project. These recommendations have been included as conditions of approval for this project.

- g) A Road Evaluation was prepared by the applicant which included a detailed overview of internal access roads that includes depictions of 39 road points to provide context to the conditions of the road. The Road Evaluation indicates the private road is developed to the equivalent of a road category 4 standard. The Public Works Department recommends conditional approval provided all driveways and private road intersections onto the County Road be maintained in accordance with the County Sight Visibility Ordinance and that the intersection of Wilder Ridge Road and the private access road be improved to pave the private access road for a minimum width of 20 feet and a length of 50 feet where it intersects Wilder Ridge Road. The project includes recommended conditions of approval to adhere to the conditions requested by public works.

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) The proposed cannabis cultivation, an agricultural product, is within land planned for agricultural purposes (Timberland (T) land use designation), consistent with the use of Open Space land for managed production of resources. The use of a Timberland 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 TPZ and AE zone in which the site is located. The majority of the cultivation is occurring within the AE-zoned portion of the parcel. The cultivation remaining within TPZ is was in existence prior to January 1, 2016.

EVIDENCE a) The Agriculture Exclusive Zone is intended to be applied in fertile areas of the County in which all general agricultural use and accessory agricultural structures are a principally permitted use. Agricultural uses and accessory agricultural structures are a principally permitted uses within the Timberland Production Zone.

b) Agricultural uses are principally permitted in the AE zone and general agriculture is a compatible use in TPZ.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for an existing 18,092 square feet (SF) of outdoor cannabis on an 86-acre parcel is consistent with this.

d) Conditions of approval require the applicant to adhere to and implement

the projects and recommendations contained in both Final LSA's and provide evidence to the Planning Department that the projects included in the Final LSA's are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

- e) On March 8, 2021, Homan and Associates conducted an assessment of a spillway adjacent and connected to the pond in which they determined the topography of the spillway has indication that the channel was clearly created by fluvial process, and the drainage is hydrologically connected to a Class III drainage that flows into the Mattole River. The project is prohibited from the use of the pond as a diversionary source, the project is conditioned such that the applicant shall provide proof of completion for engineering upgrades that would disconnect the pond from surface waters of the state as originally intended and described within the original FSAA. Until such time the project is limited to the cultivation of 16,864 sf of total cultivation area that can be supported by the Point of Diversion associated with the project.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations per Current Deed #2013-13486.
- c) The subject property, APN 108-012-010, is accessed off of a private access road from Wilder Ridge Road. A Road Evaluation was prepared by the applicant which included a detailed overview of internal access roads that includes depictions of 39 road points to provide context to the conditions of the road. The Road Evaluation indicates the private road is developed to the equivalent of a road category 4 standard. Conditions of approval require the applicant to obtain an encroachment permit and improve the intersection of the private access road with Wilder Ridge Road as required by the Department of Public Works.
- d) Per review of the Humboldt County WebGIS portal, the slope of the land where cannabis will be cultivated is less than 30%.
- e) Timber conversion occurred in 2012, 2013, and 2017, totaling 2.40 acres of timber conversion of which 0.33 which is not consistent with the Mitigated Negative Declaration (MND) adopted by the County on September 13, 2016, prepared for adoption of the CMMLUO. The MND assumed there would be no additional timber conversion associated with cannabis cultivation after January 1, 2016. Thus, as a condition of approval, the applicant will provide an addendum to the Less than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) to specifically address the approximately 0.33 acres of timberland converted after 2016. The addendum will contain discussion of the ecological value of the converted forest land with specific discussion of the habitat value for Northern Spotted Owl (NSO). The report will include the number and species of trees removed. The restoration plan must include NSO habitat enhancement at a minimum of a 3:1 ratio to the area converted which may include removal of invasive species, thinning, and restocking and shall

include monitoring and reporting components

- f) Water for cannabis cultivation irrigation is provided by a point of diversion and an onsite pond. A right to Divert and Use Water has been certified to allow for the diversion of surface water (202,028-gallons) during the wet season and storage of the surface water during the forbearance period Certificate H100175 (Registration #H501774) (Attachment 3). The existing irrigation system utilizes one 130,000-gallon pond for a rainwater capture potential of 182,105 gallons. The applicant is required to have a minimum of 215,700 gallons of water storage to meet forbearance requirements from April 1 through October 31 based on the 216,700 gallons as described within the Operations Plan (Attachment 3). Storage onsite including the twenty-two (22) 5,000-gallon hard tanks and one (1) 50,000-gallon hard tank in addition to the 130,000-gallon pond totals 290,000 gallons which means the project has an additional 74,300 gallons (25%) of water storage above the minimum requirement. The project is prohibited from the use of the pond as a diversionary source, the project is conditioned such that the applicant shall provide proof of completion for engineering upgrades that would disconnect the pond from surface waters of the state as originally intended and described within the original FSAA. Until such time the project is limited to the cultivation of 16,864 sf of total cultivation area that can be supported by the Point of Diversion associated with the project.
- 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 property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 18,092 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) A Road Evaluation was prepared by the applicant which included a detailed overview of internal access roads that includes depictions of 39 road points to provide context to the conditions of the road. The Road Evaluation indicates the private road is developed to the equivalent of a road category 4 standard. Conditions of approval require the applicant to obtain an encroachment permit and improve the intersection of the private access road with Wilder Ridge Road as required by the Department of Public Works.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for cannabis cultivation irrigation is provided by a point of diversion and an onsite pond. A right to Divert and Use Water has been certified to allow for the diversion of surface water (202,028-gallons) during the wet

season and storage of the surface water during the forbearance period Certificate H100175 (Registration #H501774) (Attachment 3). The existing irrigation system utilizes one 130,000-gallon pond for a rainwater capture potential of 182,105 gallons. The applicant is required to have a minimum of 215,700 gallons of water storage to meet forbearance requirements from April 1 through October 31 based on the 216,700 gallons as described within the Operations Plan (Attachment 3). Storage onsite including the twenty-two (22) 5,000-gallon hard tanks and one (1) 50,000-gallon hard tank in addition to the 130,000-gallon pond totals 290,000 gallons which means the project has an additional 74,300 gallons (25%) of water storage above the minimum requirement. The project is prohibited from the use of the pond as a diversionary source, the project is conditioned such that the applicant shall provide proof of completion for engineering upgrades that would disconnect the pond from surface waters of the state as originally intended and described within the original FSAA. Until such time the project is limited to the cultivation of 16,864 sf of total cultivation area that can be supported by the Point of Diversion associated with the project.

- e) A Site Management Plan was prepared by the applicant, to show compliance with the State Water Resources Control Board WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) and addresses measures outlined in both Final LSA's (Notification No's. 1600-2019-0859-R1 and 1600-2016-0332-R1). Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and both LSA's as described.

7. FINDING

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

EVIDENCE

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

FINDING

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

EVIDENCE

project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 195 permits and the total approved acres would be 69 acres of cultivation.

DECISION

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

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

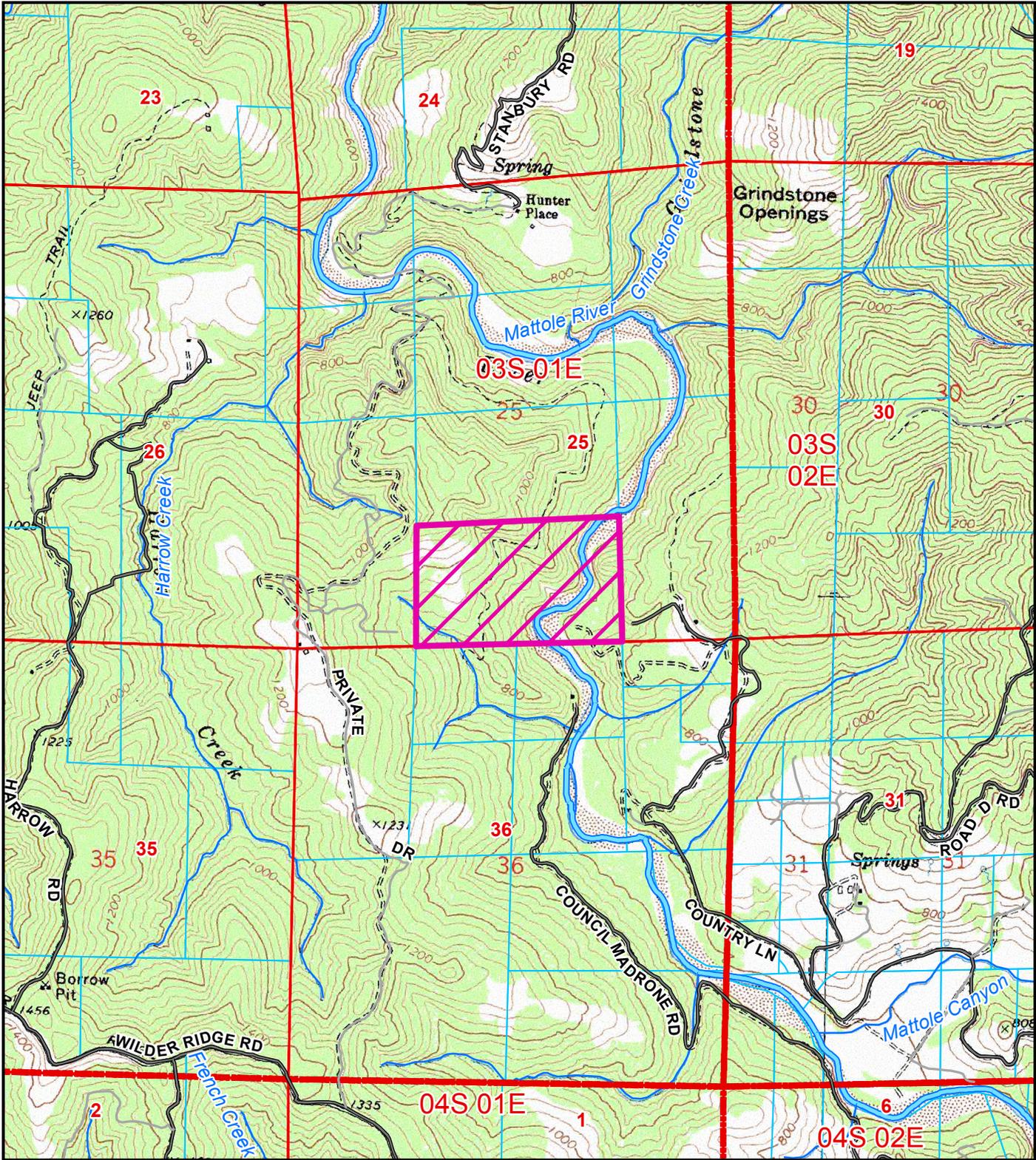
Adopted after review and consideration of all the evidence on January 20, 2022.

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



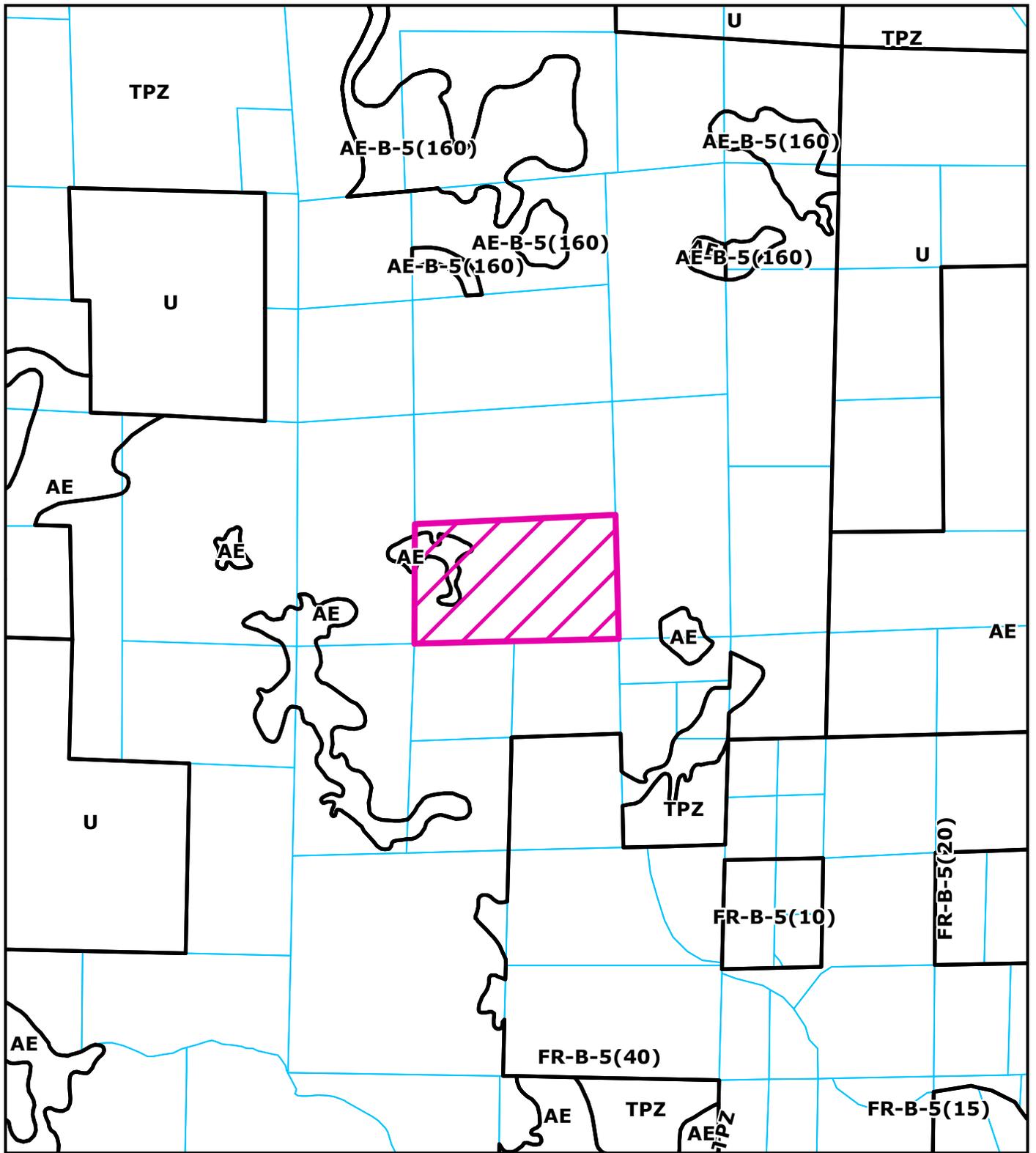
Project Area = 

TOPO MAP
PROPOSED CANIGOU INC
ETTERSBURG AREA
CUP-16-242
APN: 108-012-010
T03S R01E S25 HB&M (HONEYDEW)



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





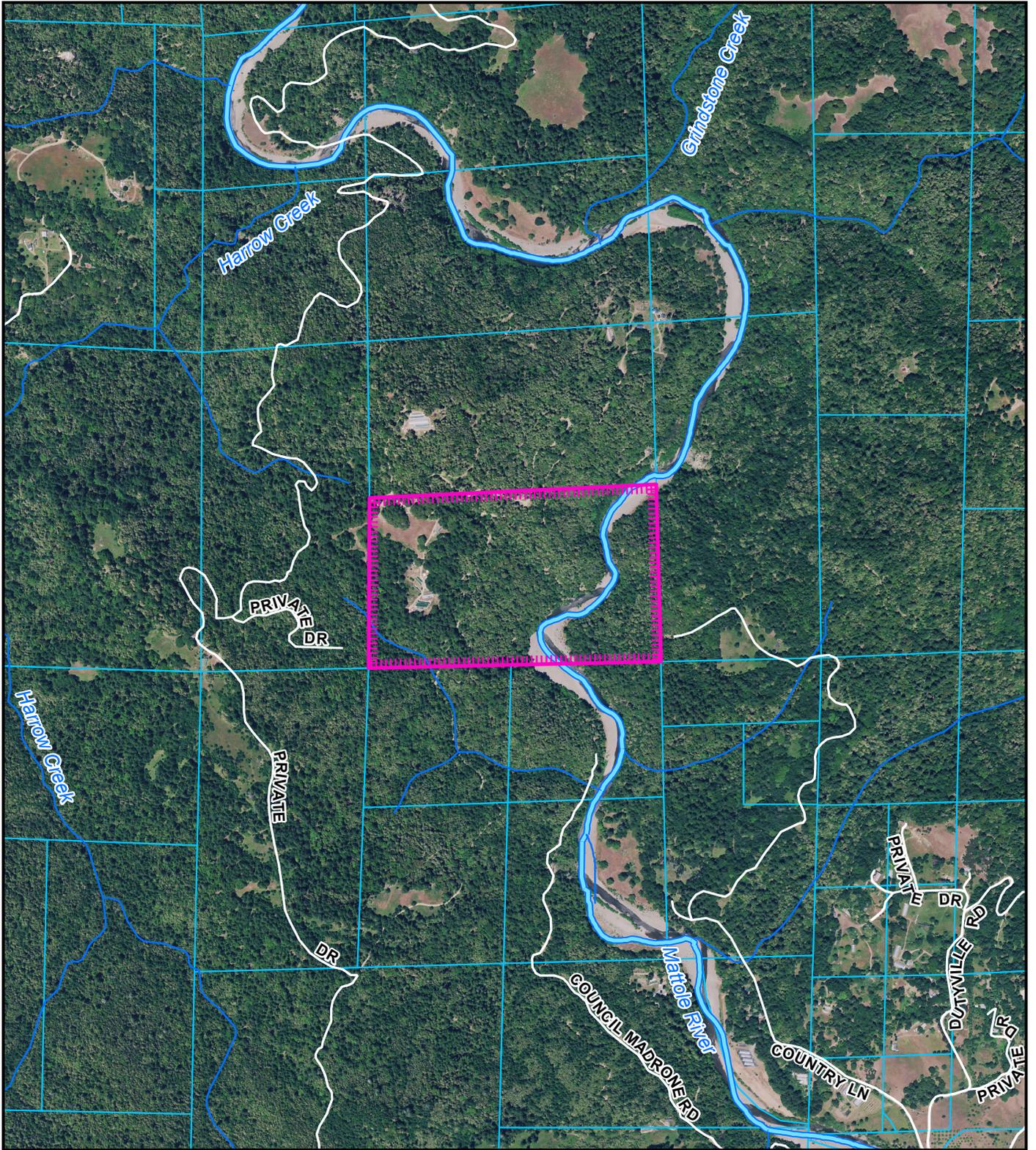
Project Area = 

ZONING MAP
PROPOSED CANIGOU INC
ETTERSBURG AREA
CUP-16-242
APN: 108-012-010
T03S R01E S25 HB&M (HONEYDEW)



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.

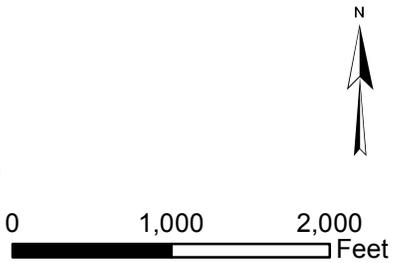




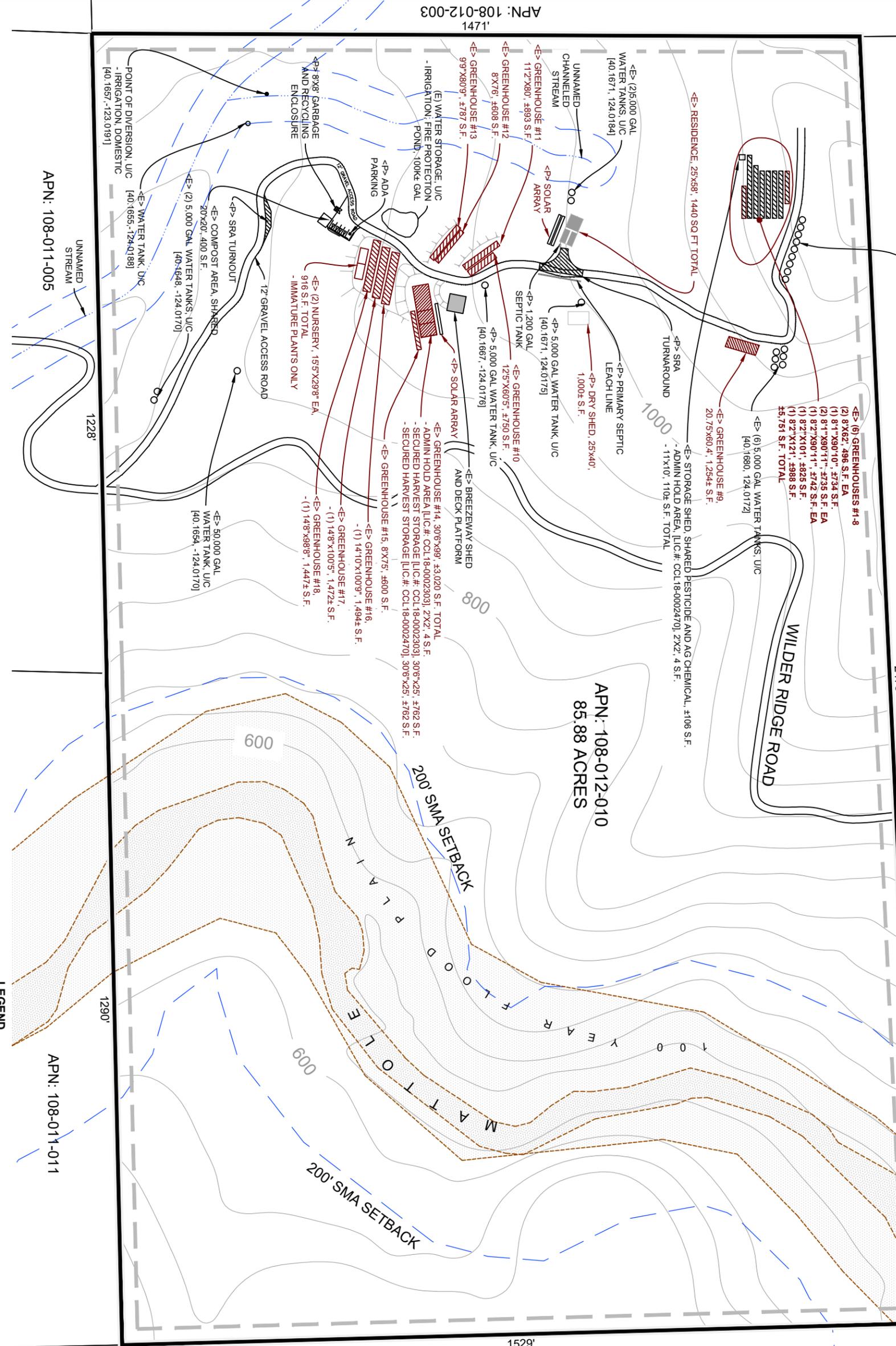
AERIAL MAP
PROPOSED CANIGOU INC
ETTERSBURG AREA
CUP-16-242
APN: 108-012-010
T03S R01E S25 HB&M (HONEYDEW)

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.



<-> (9) 5,000 GAL WATER TANKS, U/C [40.1682, -124.0179] APN: 108-012-009 2473'



| CANOPY AREA ID | CANOPY DIMENSIONS (FT) | CANOPY AREA (SQ FT) |
|---------------------------|------------------------|---------------------|
| 1 | 8' x 62' | 496 |
| 2 | 81" x 90'10" | 734 |
| 3 | 81" x 90'11" | 735 |
| 4 | 81" x 90'11" | 735 |
| 5 | 82" x 90'11" | 742 |
| 6 | 82" x 101' | 825 |
| 7 | 82" x 121' | 988 |
| 8 | 8' x 62' | 496 |
| 9 | 209" x 605" | 1254 |
| 10 | 125" x 605" | 750 |
| 11 | 112" x 80' | 893 |
| 12 | 8' x 76' | 608 |
| 13 | 99" x 80'9" | 787 |
| 14 | 306" x 99" | 3020 |
| 15 | 8' x 75' | 600 |
| 16 | 14'10" x 100'9" | 1484 |
| 17 | 14'8" x 100'5" | 1472 |
| 18 | 14'8" x 98'8" | 1447 |
| TOTAL CANOPY AREA (SQ FT) | | 18,076 |

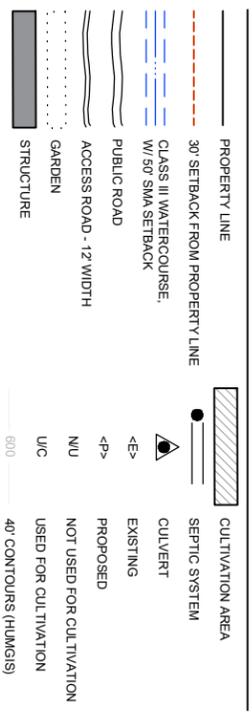
DIRECTIONS TO SITE:

1. FROM GARBERVILLE, CA, TAKE BRICELAND ROAD TO ETTERSBURG ROAD/ETTERSBERG HONEYDEW ROAD, 12.8 MILES.
2. STAY RIGHT TO STAY ON ETTERSBURG ROAD, 5.9 MILES.
3. CONTINUE ONTO WILDER RIDGE ROAD, 0.4 MILES.
4. TURN RIGHT ONTO COUNCIL MADRONNE ROAD, 2.6 MILES.
5. ARRIVED AT PROPERTY.

GENERAL NOTES:

1. NO GRADING.
2. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE.
3. NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET.
4. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES WITHIN 600 FEET.

LEGEND



NOTE:

1. GREENHOUSE #14 IS USED IN FULL FOR CULTIVATION DURING GROW SEASON. DURING OFF-SEASON, ADMIN HOLD AREA AND SECURED HARVEST STORAGE FOR EACH LICENSE ADDED AS SHOWN.

APN: 108-012-012

APN: 108-012-010-000
 ADDRESS: 12019 WILDER RIDGE ROAD WHITETHORN, CA 95589
 APPLICANT: SOUL ARC SOLUTIONS, INC.
 ADDRESS: 1072 CASITAS PASS ROAD #127, CARPINTERIA, CA 93013

PLOT PLAN

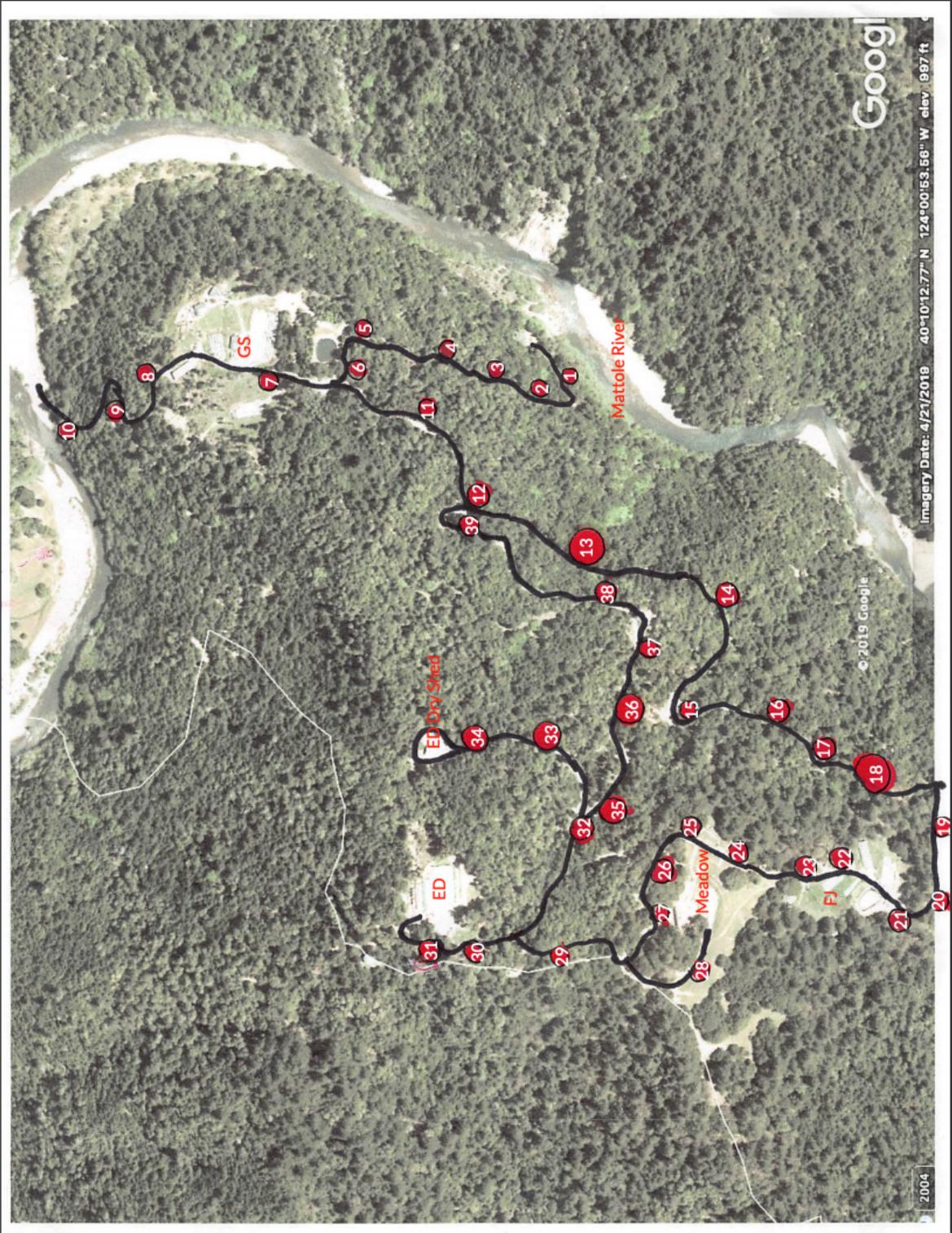
SHEET NO.

1

OF 1

Road Point Condition Descriptions

| RP # | Description |
|------|--------------------------|
| 1 | rolling dip |
| 2 | rolling dip |
| 3 | culvert -24 inch |
| 4 | rolling dip |
| 5 | rolling dip |
| 6 | rolling dip |
| 7 | culvert -12 inch |
| 8 | rolling dip |
| 9 | rolling dip |
| 10 | rolling dip |
| 11 | rolling dip |
| 12 | rolling dip |
| 13 | rolling dip |
| 14 | rolling dip |
| 15 | culvert -30 inch |
| 16 | culvert -6 inch |
| 17 | culvert -24 inch |
| 18 | culvert -24 inch |
| 19 | culvert -12 inch |
| 20 | rolling dip |
| 21 | rolling dip |
| 22 | rolling dip |
| 23 | rolling dip |
| 24 | rolling dip |
| 25 | rolling dip |
| 26 | rolling dip |
| 27 | rolling dip |
| 28 | rolling dip |
| 29 | rolling dip |
| 30 | rolling dip |
| 31 | rolling dip |
| 32 | 2 culverts -24 inch each |
| 33 | rolling dip |
| 34 | rolling dip |
| 35 | rolling dip |
| 36 | culvert 24 inch |
| 37 | rolling dip |
| 38 | rolling dip |
| 39 | rolling dip |



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #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 shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage, graded flats, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall improve the intersection of Wilder Ridge Road and the private access road as follows:

- a. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road; OR
 - b. If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
 - c. All driveways and private road intersection onto the County Road shall be maintained in accordance with County Code Section 34-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
8. Portable toilet and handwashing facilities shall be utilized for cultivation staff. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
 9. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
 10. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant shall submit a letter or similar communication from a qualified professional (e.g. civil engineer or Registered Professional Forester) that the improvements were completed as recommended in the *Site Management Plan* dated May 22, 2019. A sign-off from the Planning Department will satisfy this condition.
 11. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
 12. The applicant shall provide an addendum to the less than Three Acre Conversion Mitigation Plan prepared by a registered Professional Forester (RPF) to specifically address the approximately 0.33 acres of timberland converted after 2016. The addendum shall contain discussion of the ecological value of the converted forest land with specific discussion of the habitat value for the Northern Spotted Owl (NSO). The report will include the number and species of trees removed as accurately as possible and include a restoration plan that focuses on NSO habitat enhancement with replanting at a 3:1 ratio based on the area converted which may include removal of invasive species, thinning, and/or restocking. The Restocking Plan shall include a monitoring and reporting component to ensure success of the recommended remedial actions. The report will be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife.

13. The applicant shall adhere to all terms and conditions of the Right to Divert and Use Water (Certificate No. H100175) has been issued by the State Water Resources Control Board (SWRCB) for use with the spring diversion.
14. The applicant shall adhere to and implement both Final Streambed Alteration Agreement's issued by CDFW (Notification No's. 1600-2019-0859-R1 and 1600-2016-0332-R1). Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
15. The applicant is required to adhere to the recommendations made in Section 6, Pages 5-6 of the Remediation Plan Report prepared by Mother Earth Engineering dated May 2018. A report by a qualified professional shall be submitted within two years of project approval to the Humboldt County Planning Department indicating success based on the success criteria provided on page 6 of the Remediation Plan Report or an addendum to said report providing additional measures and remediation actions to achieve success as described.
16. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
17. All artificial lighting including greenhouse, security, and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
18. The applicant shall request employee Fire Safety Training from Telegraph Ridge Fire Protection District annually prior to June 1st of each year and again prior to Harvest if additional employees are hired mid-season. A letter or similar form of communication from the Telegraph Ridge Fire Protection District indicating training has been performed or a lack of capacity to perform fire safety training annually submitted to the Humboldt County Planning Department shall satisfy this condition.
19. Prior to continuing use of the pond for irrigation, the applicant shall provide proof of completion for engineering upgrades that would disconnect the pond from surface waters of the state as originally intended and described within the original FSAA. Until such time the project is limited to the cultivation of 16,864 sf of total cultivation area that can be supported by the Point of Diversion associated with the project. A letter or similar communication from professional engineer and CDFW representative confirming completion of the pond re-engineering does meet the goal to disconnect the pond from surface water of the state shall be submitted to the Planning Department. A sign-off from the Planning Department will satisfy this condition.
20. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.

21. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
22. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the point of diversion, and amount of water available in storage tanks and stored within the onsite pond as diverted from the approved point of diversion and shall be provided annually prior to or during the annual inspection.
23. 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.
24. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
25. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
26. The applicant shall discontinue the use of all generators except for backup purposes by December 31, 2025. Beginning on January 1, 2026 all power shall be provided through renewable energy sources.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
3. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility. control
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. 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.
8. 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.
9. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
10. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
11. 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.
12. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
13. 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).
14. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
15. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).

16. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
17. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
18. Show continual use of portable bathroom facilities prior to the annual inspection of the permit.
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;

- (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

28. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

29. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

30. 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.

31. 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.

32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
33. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #32 and 33 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 108-012-010; Approximately 1.5 miles north from the intersection of Alderpoint Road and Dyerville
Loop Road, on the property known to be in Section 35, Township 03 South, Range 04 East, Alderpoint
County of Humboldt**

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

November 2021

Background

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

The modified project involves a Conditional Use Permit (PLN-11402-CUP) for 18,092 square feet of existing cannabis operation utilizing outdoor light deprivation cultivation techniques. Water for irrigation is sourced from a diversion of the Mattole River, and catchment pond. Water is stored in one (1) 50,000-gallon hard tank, twenty-two (22) 5,000-gallon hard tanks, and the 130,000-gallon catchment pond for a total of 290,000 gallons. Drying and curing would be completed on-site in a proposed 1,000-square-foot facility, with other processing (trimming) occurring off-site at a licensed facility. A maximum of six (6) employees would be on-site during peak operations. Electricity is sourced from generator power with solar power proposed. A Special Permit is also requested for continued use of a Point of Diversion from an Unnamed tributary of the Mattole River.

Cultivation relocation occurred in 2017 which included relocating approximately 5,750 sf of cultivation that was grown in a location with slopes greater than 30%, and within 100 feet of three separate Class III watercourses. The cultivation was relocated to the northern cultivation site, a pre-existing open meadow and reconfigured to be cultivated within eight (8) greenhouses utilizing light deprivation techniques. The light deprivation greenhouses are expected to yield two (2) harvests per year. Per the Remediation Plan prepared by Mother Earth Engineering dated May 2018, the former grow sites have had all debris removed and were fully decommissioned (Attachment 3). The report recommends ongoing revegetation and erosion control protocols which requires annual monitoring, with additional installation of erosion control and seeding/plantings on an as-needed basis per the regular self-inspections. The project is conditioned to adhere to the recommendations made in the remediation plan to ensure erosion control measures are consistent and perform as intended.

Two streams that are tributaries to the Mattole River are located on the property. A Site Management Plan (SMP) was prepared by the applicant (Attachment 3) that includes a list of recommended best practices for erosion control, monitoring irrigation volumes to prevent runoff, and utilizing appropriate facilities for the storage of cultivation related materials consistent with the State Water Resources Control Board (SWRCB) and North Coast Regional Water Quality Control Board (NCRWQB). The applicant is enrolled in the NCRWQB and has provided documentation showing adherence to the cannabis general order WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID_12CC402929 Effective as of 05/22/2019). The applicant has two Final Streambed Alteration Agreements (Notification No. 1600-2016-0332-R1 and 1600-2016-0332-R1) with the California Department of Fish and Wildlife (CDFW) for the existing point of diversion located onsite within a tributary to the Mattole River for domestic and irrigation uses onsite.

A review of the Biological Information and Observation System (BIOS) through the CDFW which includes layers depicting biological resources identified by the California Natural Diversity Database (CNDDDB)

depicts no endangered or protected species onsite as of October 5, 2021. A Northern Spotted Owl (NSO) activity center was depicted as 0.44 miles from the nearest cultivation area onsite and the nearest positive sighting was 0.1 miles away. The cultivation site that shares the 0.1 distance from NSO is located in an open meadow site, bordered by mixed coniferous forest with potentially high-quality nesting and or roosting NSO habitat. All light used in the nursery greenhouses will be covered with an opaque black-out tarp so that no light escapes during the night. The project will follow all applicable rules of Dark Sky Standards. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include relocating cultivation to an environmentally superior location, restoration of 0.51 acres of converted timberland, water conservation techniques to avoid excess evaporation, and site drainage, erosion, and runoff control measures implemented in accordance with the Site Management Plan for the site to protect water quality. Additionally, all development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors. No timber conversion has occurred beyond the 3-acre conversion exemption.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 30,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency

recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Modified Site Plan prepared by Mother Earth Engineering; Inc. dated 3/2/2021;
- *Cultivation and Operations Plan*, updated by Soul Arc Solutions, Inc. dated 6/7/2021;
- Right to Divert and Use Water, Certificate H100175, issued by the State Water Resources Control Board, Division of Water Rights, dated 10/19/2017;
- Water Resources Protection Plan prepared by Manhard Consulting, received 9/12/2017;
- Site Management Plan, prepared by Applicant, dated 5/22/2019;
- *Less than Three Acre Conversion Evaluation* prepared by Mad River Properties, Inc., received 5/25/2018;
- Notice of Applicability, Waiver of Waste Discharge Requirements Order No. R1-2015-0023, received 5/8/2018;
- Water Availability Analysis – Small Irrigation Use Registration prepared by Manhard Consulting, dated 4/12/2016;
- Remediation Plan Report for APN 108-012-010 prepared by Mother Earth Engineering received 5/8/2018;
- Road Evaluation for private onsite road network dated 10/23/2017 including road point condition descriptions prepared by Applicant, dated 11/04/2020;
- Notice of Violation prepared by the California Department of Fish and Wildlife, dated 8/9/2018;
- Notification of Streambed Alteration Agreement with California Department of Fish and Wildlife (Notification No. 1600-2016-0332-R1) received 6/27/2017;
- Notification of Streambed Alteration Agreement with California Department of Fish and Wildlife (Notification No. 1600-2016-0332-R1) authorized 1/16/2020; and
- Restocking, Restoration and Monitoring Plan for APN 108-012-010 prepared by Hohman and Associates dated March 5, 2021.

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 Transfer form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. **(Attached)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(Attached)**
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Attached** - Right to Use and Divert Water; On file - Initial Statement of Water Diversion)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(Attached** – Notice of Applicability and *Site Management Plan*, prepared by Applicant, dated 5/22/2019. Condition of Approval – Maintain enrollment in State Cannabis Cultivation Program for the life of the project).
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (On file – Notification of Lake or Streambed Alteration (Notification No. 1600-2016-0332-R1 and 1600-2016-0332-R1); Condition of Approval – Provide copy of Final Streambed Alteration Agreement (Notification No. 1600-2016-0332-R1 and 1600-2016-0332-R1) and comply with recommendations)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(Attached - Less Than Three Acre Conversion Mitigation Plan prepared by Mad River Properties, Inc., received May 25, 2018, which includes a Timber Harvest Plan prepared by Richard French dated March 12, 2002. Restocking, Restoration and Monitoring Plan for APN 108-012-010 prepared by Hohman and Associates dated March 5, 2021)**
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file and confidential).
15. Road Evaluation Report prepared by Applicant dated May 18, 2018. **(Attached)**
16. Road Point Condition descriptions prepared by Applicant dated November 4, 2020. **(Attached)**
17. Remediation Plan Report for APN 108-012-010 prepared by Mother Earth Engineering received 5/8/2018. **(Attached)**
18. Water Availability Analysis – Small Irrigation Use Registration prepared by Manhard Consulting, dated April 12, 2016. **(Attached)**
19. *Restocking, Restoration and Monitoring Plan for APN 108-012-009* prepared by Hohman and Associates dated March 5, 2021. **(Attached)**
20. Notice of Violation prepared by the California Department of Fish and Wildlife, dated 8/9/2018. **(Attached)**

21. Assessment of SMA Spillway for Pond Site on APN: 108-012-010 prepared by Hohman and Associates dated March 10, 2021. (**Attached**)

**SOUL ARC SOLUTIONS, INC.
CULTIVATION AND OPERATIONS PLAN
HUMBOLDT COUNTY, CA**

EXISTING COMMERCIAL CANNABIS CULTIVATION

APN: 108-012-010-000

PREPARED FOR:



UPDATED June 2021

**Cultivation and Operations Plan
For
Soul Arc Solutions, Inc.
12019 Wilder Ridge Road
Ettersburg, CA 95542
APN: 108-012-010-000**

Existing Commercial Cannabis Cultivation

Lead Agency:
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Originally Prepared By:
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April 2017

Updated by:
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Updated December 2020
Updated June 2021

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1. PROJECT SUMMARY

1.1. PROJECT NARRATIVE

Soul Arc Solutions, Inc. (“Soul Arc”) 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), Ordinance No. 2544. The project requires a Conditional Use Permit for approximately 18,092 square feet (sf) (8000 sf mixed light, 10,092 sf outdoor) of commercial cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation including greenhouses, hoop-houses, and supporting infrastructure. The applicant aims to become fully compliant with State and local cultivation regulations.

The Project is located at 12019 Wilder Ridge Road, outside of Ettersburg (APN 108-012-010-000). The subject parcel is approximately 86 acres in size (per the County of Humboldt’s WebGIS), having moderately steep to extremely steep terrain of slopes from greater than 15% gradient in areas to greater than 40% gradient in areas. The majority of the property is fir forest, mixed with madrone and tan oak, with the Mattole River running North to South through the property. A single family residence, approximately 1,440 square feet in size exists on the property, and agriculture exempt structures accessory to activities also exist on the property.

The subject property is located outside of the Coastal Zone, and has a Humboldt County General Plan designation of Timber Production (T-FRWK), and is zoned Agriculture Exclusive and Timber Production Zone (AE;TPZ). The property contains no prime farmland according to the Humboldt County WebGIS. Land uses surrounding the parcel are all composed of Timber Production. The surrounding parcels are zoned Agricultural Exclusive (AE), and Timber Production Zone (TPZ).

The applicant requests the relocation of existing above ground pots to a central location and replace the above ground pots with beds.

1.2. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Soul Arc shall comply with all applicable State of California Commercial Cannabis laws and regulations including The Business and Profession Code Division 10 (BPC) and California Code of Regulations, Title 3. Food and Agriculture, Division 8. Cannabis Cultivation, Chapter 1. Cannabis Cultivation Program (CDFA CalCannabis Regulations).

Soul Arc has held valid licenses from CDFA CalCannabis since temporary state licenses became available in 2018. In 2019, Soul Arc transitioned from temporary licenses to provisional licenses. On this parcel, Soul Arc currently holds two (2) small mixed-light tier 1 licenses, license numbers CCL18-0002303 and CCL18-0002470.

1.2.1. STATE WATER RESOURCES CONTROL BOARD

Tristan Strauss, owner and operator of Soul Arc, has secured the right to divert and use water from the State Water Resources Control Board, Cannabis Small Irrigation Use Certificate ID number H100175. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.62 acre-feet per year. The rate of diversion shall not exceed 42,000 gallons per day or the diversion rate specified in the current version of the State Water Board’s Cannabis Policy, whichever is more restrictive.

Soul Arc shall comply with current State Water Board policy and reporting requirements. At Humboldt County's request, annual reporting records shall be provided.

1.2.2. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Beginning in 2016, Soul Arc has maintained enrollment with the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program. In 2016, Soul Arc enrolled under Order No. R1-2015-0023. Soul Arc has since transitioned to enrollment under General Order No. WQ 2019-001-DWQ. In 2020, Soul Arc expanded this parcel's existing general enrollment to include two adjacent parcels (APN 108-012-009-000 and APN 108-012-008-000), also operated by Soul Arc. Soul Arc is currently classified as Tier 2, low -risk , WDID#1_12CC402929. In accordance with the Notice of Applicability and waste discharge requirements, Soul Arc has submitted a Site Management Plan and a Nitrogen Management Plan to the NCRWQCB. Copies of these technical reports have been provided to Humboldt County Planning Department as part of this application. Soul Arc will continue to meet all general order requirements and reporting obligations.

1.2.3. HUMBOLDT COUNTY BUILDING DEPARTMENT

Building permits shall be obtained from the Humboldt County Building Department for proposed and existing structures and supporting infrastructure (including septic systems) and grading activity upon approval of the Conditional Use Permit.

1.2.4. CAL FIRE

Soul Arc shall follow mitigation measures proposed by the Registered Professional Forester working on this project to maintain good standing with CALFIRE

1.2.5. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Tristan Strauss, owner and operator of Soul Arc, has entered into two (2) Lake and Streambed Alteration Agreements (LSAA) with the California Department of Fish and Wildlife (CDFW) for this parcel. Copies of these LSAA's have been provided to Humboldt County Planning as part of this application.

In 2016, LSAA 1600-2016-0332-R1 was entered into covering the existing diversion from an unnamed tributary to the Mattole River, existing storage in tanks, development of an offstream pond, and maintenance of instream structure.

In 2019, LSAA 1600-2019-0859-R1 was entered into covering three encroachments, including upgrading an undersized culvert, adding erosion control, and stabilizing a landslide area. CDFW visited the site in 2019 before the LSAA was approved. On CDFW's suggestion, Soul Arc had professional geologist Lindberg Geologic Consulting visit the site and have been following the recommended plan written for the slide. The 2019 LSAA also included two (2) provisions related to the existing pond. Soul Arc shall conduct and submit to CDFW annual bullfrog surveys and install wildlife entrapment prevention in the form of a deer ladder by December 31st, 2020.

1.3. AUTHORIZATION FOR COUNTY OF HUMBOLDT STAFF

Per the County of Humboldt's *Commercial Medical Marijuana Land Use Ordinance No. 2544 and No. 2559* (CMMLUO) §314-55.4, the *Soul Arc Solutions, Inc. Cultivation and Operations Plan* contains the required information for operating medical and commercial cannabis cultivation facilities within the limits of the County of Humboldt. The operations detailed in the plan follow the operating standards

described in CMMLUO §314-55.4.10 and 314-55.4.11.

Soul Arc is committed to maintaining all necessary permits. Staff at Soul Arc is required to adhere to the *Soul Arc Solutions, Inc. Cultivation and Operations Plan* to ensure compliance with state and local regulations. Through this application, the applicant authorizes the County of Humboldt, its agents and employees, to seek verification of the information contained with this application, including verification of the operations as described in the *Soul Arc Solutions, Inc. Cultivation and Operations Plan*.

Soul Arc consents for onsite inspection of the parcel by County officials at a prearranged date and time in consultation with the applicant prior to issuance of any permit and once annually thereafter. Soul Arc acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation in the event that environmental conditions, such as sustained drought or low flows in the watershed, shall not support diversions for irrigation. Soul Arc also acknowledges that the County reserves the right to engage with local Tribes before consenting to issuance of any permit.

2. OPERATIONS PLAN

2.1. WATER SUPPLY, STORAGE, AND PROJECTED WATER USE

Water for this project is provided by a rainwater catchment pond and seasonal surface diversion.

Tristan Strauss, owner and operator of Soul Arc, has secured the right to divert and use water from the State Water Resources Control Board, Cannabis Small Irrigation Use Certificate ID number H100175. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.62 acre-feet per year. Per the water right, the rate of diversion 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. The signed LSAA further restricts the diversion rate to 160 gpd November 13th-December 13th, 2,260 gpd December 14th-March 31st.

Soul Arc shall only divert water during times compliant with the signed CDFW LSAA and the State Water Board’s current Cannabis Cultivation Waste Discharge Regulatory Program. Current State Water Board policy states the Surface Water Wet Season Diversion Period diversion occurs between November 1st thru March 31st annually. The signed LSAA further restricts the diversion period to begin November 13th annually. Both State Water Board Policy and the signed LSAA require that the USGS gage 11469000, located at the Mattole River near Petrolia, be checked for instream minimum flows prior to diversion. No water shall be diverted from November 1st thru December 15th unless the State Water Board’s Online Cannabis Compliance Gage Mapping Tool shows the “Diversion is Authorized” for the address. From December 15th thru March 31st, no water shall be diverted for storage unless the flow exceeds 1580 cubic feet per second.

Current water storage is approximately 290,000-gallon; 130,000-gallon rainwater catchment pond and 160,000 gallons of hard storage in above ground tanks includes one (1) 50,000-gallon tank and twenty-two (22) 5,000 gallon tanks

| Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|-----|-----|------|-------|--------|--------|--------|--------|--------|--------|-----|-----|
| 0 | 0 | 1000 | 7200 | 15,000 | 37,500 | 51,000 | 50,000 | 45,000 | 10,000 | 0 | 0 |

2.2. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Soul Arc originally enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023 in 2016. Since then, Soul Arc has transitioned to enrollment under General Order No. WQ 2019-001-DWQ. In 2020, Soul Arc expanded this parcel's existing general enrollment to include two adjacent parcels (APN 108-012-009-000 and APN 108-012-008-000), also operated by Soul Arc. Soul Arc is currently classified as Tier 2, low -risk , WDID#1_12CC402929. In accordance with the Notice of Applicability and waste discharge requirements, Soul Arc has submitted a Site Management Plan and a Nitrogen Management Plan to the NCRWQCB. Copies of these technical reports have been provided to Humboldt County Planning Department as part of this application.

2.2.1. SITE DRAINAGE AND RUNOFF

The site is located on a ridge with mild to extreme slopes that drain toward the south-east region of the property and into the Mattole River. The western region of the property drains to the south west into tributaries of the Mattole River. Two (2) short, class III tributaries extend from 100'+ below the cultivation development into a class II stream along the western side of the property. Three (3) class III drainages direct flows from above the neighborhood road to the Mattole river at the eastern edge of the property. Between the developed area and all focused drainages there are significant vegetated buffer areas that prevent sediment delivery.

There are three (3) roads on the property totaling ~ .92 mile in length. The main neighborhood road is maintained by association and has been graded, treated, and maintained in good shape. Stormwater is 90% drained by the out-slopping, rolling dips have been installed to further facilitate effective drainage. Rolling dips have been installed every 500 feet and were designed and prescribed by Mother Earth Engineering. Water discharges into the natural watercourse. All culverts and ditches are kept clear from sediment and debris.

There are five (5) stream crossings on the property, all stream crossings have culverts. All culverts have been evaluated and sized by Professional Engineers (Manhart Consulting and Mother Earth Engineering) in consultation with CDFW. Since initial evaluation in 2016, culverts have been replaced to accommodate 100-year storm events.

2.2.2. EROSION CONTROL

In 2016, a Water Resource Protection Plan (WRPP) was prepared by Manhart Consulting. It included erosion and sediment control Best Management Practices (BMP's) designed to prevent, contain, and reduce sources of sediment. Soul Arc followed all corrective action plans prescribed by the original WRPP and has continued maintenance.

As a requirement of the current State Water Board's Cannabis Cultivation Waste Discharge Regulatory Program, Soul Arc has prepared a Site Management Plan detailing erosion and sediment control measures. The Site Management Plan has been provided to the Humboldt County Planning Department and details the current Best Practicable Treatment or Controls (BPTCs) being applied on the parcel.

2.2.3. ROAD USE AND MITIGATION STRATEGY

Soul Arc has completed its initial road repair and maintenance activities. Where practical, roads are

out sloped, and rolling dips have been inserted at regular intervals as required for standard maintenance for logging roads. All outlets for water are clear of debris and allow free flow of water from the road surface. All berms have been removed. All roads on the property are shale based and in the process of being rocked. Seasonal maintenance shall include regrading of out slopes and rolling water bars to ensure good run off. Soul Arc shall also replace rock where necessary.

Soul Arc shall conduct road maintenance inspections prior to the onset of the winter period and during and after any and all *major rain events*. Soul Arc considers a *major rain event* to be any rainfall above one half inch (1/2")/day or one inch (1")/seven (7) days of precipitation. This inspection shall include observing existing features for any minor or major issues, such as rolling dips, standing water in outlets, and the diversion of water running directly down and eroding the road surface. Ineffective erosion control measures shall be repaired or replaced immediately. Records of inspections and repairs shall be kept on site.

Soul Arc shall implement procedures to reduce traffic on our roads. Transportation and deliveries of cannabis and associated supplies shall be delivered in bulk to minimize road impacts. By processing offsite, Soul Arc shall mitigate the need for a large number of employees for processing, therefore, reducing the number of daily trips to the property.

Soul Arc shall encourage ride-sharing to and from the site by employees. All employees shall be trained on the ride-share and trip minimization policy and be required to sign a pledge to adhere to all driving and road use policies set by Soul Arc. Speed limit signs are posted and compliance with the speed limit policy shall be enforced.

2.3. WATERSHED AND HABITAT PROTECTION

Mad River Properties and Hohman and Associates have prepared a Biological Assessment for the property including a two-year Northern Spotted Owl Survey. Soul Arc shall follow all mitigations recommended by the report. A copy of the report has been submitted to the Planning Department and CDFW.

2.4. USE AND STORAGE OF REGULATED PRODUCTS

The State of California Agricultural Department, as well as the Humboldt County Agricultural Department, recognizes the need for use of pesticides and fungicides. Soul Arc shall employ best management practices when storing, handling, mixing, application and disposal of all pesticides/fungicides. Soul Arc shall also only engage the use of pesticides and fungicides that have been approved by state or county agricultural departments, ordinances and initiatives.

Soul Arc shall follow required regulations in the storing, handling, mixing, application and disposal of any and all pesticides. Soul Arc shall employ at least one supervisor who maintains a current Private Applicators Certification issued through the Humboldt County Agricultural Department. Training of employees in the storing, handling, mixing, application, disposal and emergency spill containment and clean up procedure shall be sole responsibility of the supervisor holding the Private Pesticide Applicators License.

All nutrients, pesticides and fungicides shall be stored in accordance with manufacturer's instructions. In addition, at any place where pesticide/fungicide are to be stored, handled, mixed, applied or disposed, Soul Arc shall provide saline eye wash stations, emergency containment, and clean up kits as prescribed in the State of California Agricultural Department Pesticide Applicators

License handbook. Fertilizers and pesticides currently used on-site are listed in the table below.

| Product | Type |
|--|-----------------------|
| Fertilizers | |
| Maxsea grow (16-16-16) | Dry fertilizer |
| Maxsea bloom (3-25-25) | Dry fertilizer |
| Grow more (0-50-30) | Dry fertilizer |
| Solstice part A (14-0-8) | Dry fertilizer |
| Grow more (20-20-20) | Dry fertilizer |
| Solstice part B (3-13-17) | Dry fertilizer |
| Solstice bloom (0-35-29) | Dry fertilizer |
| Hi-Phos Bat Guano | Dry fertilizer |
| Dr Earth (5-0-2) | Dry fertilizer |
| Soilscape Solutions Foundational Formula (5-5-2) | Soil Amendment |
| Potent Growth (5-2-2) | Soil Amendment |
| Cal. Mag. Plus (2-0-0) | Liquid fertilizer |
| Botanicare grow (3-2-4) | Liquid fertilizer |
| Molasses (1-0.1-3) | Liquid fertilizer |
| | |
| Pesticides | |
| Grandevo | dry bioinsecticide |
| Botanigard | Dry bioinsecticide |
| Regalia | Liquid biofungicide |
| Venerate | Liquid bioinsecticide |
| Sulfur | micronized sprayer |
| Zerotol/Oxidate 2.0 | Liquid fungicide |
| Plant Therapy | Liquid pesticide |
| PyGanic | Liquid pesticide |

Diesel fuel shall be stored in approved tanks with secondary containment. A total of 1100 gallons of diesel fuel shall be stored in two 550 gallon tanks.

Propane fuel shall be stored in 5 and 10 gallon tanks which shall be properly anchored and secured.

Bleach and rubbing alcohol, for cleaning purposes, (approximately 2 gallon of each) shall be stored within secondary containment in the secure harvest area.

Generator maintenance, including motor oil and coolant changes, may be performed on-site. Soul Arc has registered with the Department of Toxic Substances Control as a hazardous waste generator, California EPA Identification Number CAL000446954.

Approximately 5 gallons of motor oil and 5 gallons of coolant may be stored in the petroleum product storage shed.

Soul Arc has enrolled with the Humboldt County Division of Environmental Health as the Certified Unified Program Agency (CUPA) and shall comply with all inventory reporting and response plan requirements through the California Environmental Reporting System (CERS).

A copy of the Cultivation and Operations Plan shall be kept on site and shall contain all Safety Data Sheets (SDS) for all products used on site.

2.5. WASTE MANAGEMENT PLAN

2.5.1. SOLID WASTE MANAGEMENT

An 8' x 8' trash enclosure with 6 covered waste and recycling bins is located adjacent to the parking area south west side of the project site.

A trailer with side walls and cover shall be utilized for transportation of waste.

Waste shall be removed from the property every 2 weeks and as needed and be transported to Redway Waste Authority transfer station and/or Eel River Disposal.

2.5.2. WASTEWATER MANAGEMENT

On-site wastewater treatment has been designed for the existing one-bedroom residence in original consultation with Manhard Consulting. This project, and all designs and engineered plans, have been passed to Mother Earth Engineering.

Restroom access shall be available for all employees south of the proposed cultivation areas. The septic system has been designed to accommodate a peak count of 6 employees which may occur during the harvest season. During the rest of the year, there shall be a peak of approximately 4 employees. Proposed loading is based on a conservative 40 gpd per employee, and results of investigation provided a loading rate of 0.4 gpd/sq. ft. The proposed primary treatment leach field consists of two 40-foot trenches. The reserve treatment has been designed as an infiltrator system with two 60-foot trenches.

Upon approval, and in the process of application for building permits, Soul Arc shall file the application for permit and the complete design for on-site wastewater treatment with the County Department of Environmental Health.

Prior to septic system installation, Soul Arc shall provide portable toilets for employee use. These portable units shall be serviced every two weeks and as needed.

2.6. EMPLOYMENT PLAN

2.6.1. ALATORRE-ZENOVICH-DUNLAP-BERMAN AGRICULTURAL LABOR RELATIONS ACT STATEMENT

Soul Arc 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.

2.6.2. CALIFORNIA AGRICULTURAL EMPLOYER COMPLIANCE

Soul Arc shall comply with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.6.3. EMPLOYEE SUMMARY

Soul Arc intends to employ an estimated total of approximately three (3) employees at the project site at any given time. A peak of (4) employees during the cultivation season and a peak of four (6) employees during the harvest seasons are expected.

All Soul Arc employees shall be required to wear a Soul Arc-issued photo ID badge on a lanyard at all times while working at the cultivation site. Management employees shall be required to read the *Soul Arc Solutions, Inc. Cultivation and Operating Plan* and all employees shall receive the *Soul Arc Employee Handbook*.

2.6.4. EMPLOYEE SAFETY PRACTICES

All employees shall be trained on proper safety procedure. This training shall include but not be limited to: fire safety, proper harvesting techniques, use of harvesting equipment, use of rubber gloves and respirators, proper hand washing guidelines and an Emergency Procedures Plan in case of emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the designated 24-hour site contact shall be posted in a conspicuous place. Soul Arc shall provide personal protection equipment to all employees as needed. Soul Arc shall provide Saline Eye Wash Stations. Soul Arc shall also provide each Employee with a written copy of emergency procedures and contact information. A copy of the Operations Plan shall be kept on site and shall contain all safety data sheets (SDS).

As of December 2019, Soul Arc is in compliance with CDFA CalCannabis regulations Article 2 §8102(bb), having one supervisor and one employee successfully completed a Cal-OSHA 30-hour general industry outreach course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course. Copies of the training certificates shall be provided upon request.

2.6.5. TOILET AND HANDWASHING FACILITIES

Soul Arc shall install one (1) ADA-compliant restroom. The restroom shall be clearly marked and well lit. It shall include a working flush toilet as well as a sink with hot and cold running water. Antibacterial Liquid Soap and paper hand towels shall be made available. Above the sink in a conspicuous place a “*Before Returning to Work*” hand washing procedure placard shall be posted.

Prior to permitted septic installation, Soul Arc shall provide and maintain portable toilets and

handwashing stations with antibacterial liquid soap and paper hand towels.

2.6.6. PLUMBING AND SEPTIC SYSTEM

See section 2.5.

2.6.7. DRINKING WATER

Soul Arc provides safe, clean, purified drinking water via 20 (5) gallon water jugs dispensed by sport style water cooler. Clean disposable paper cups shall be made available to all employees.

2.6.8. ON-SITE HOUSING

A single family residence is proposed for onsite housing and security purposes. No other residential structures are proposed.

2.7. SECURITY PLAN

There is a locked gate at the intersection of Wilder Ridge Road and the private road and a second locked gate located at the entrance to the parcel. *No Trespassing* signs are posted near the gate. Soul Arc has security cameras at the entrance to the cultivation site and dry facility.

All potential employees shall be subject to a criminal background check prior to employment. Employees shall be issued a company issued ID badge and shall be required to display the badge at all times while working at the subject property.

3.0. CULTIVATION PLAN AND PROCESSING PLAN

3.1. CULTIVATION PLAN

3.1.1. PLANTING METHODS AND CULTIVATION ENCLOSURES

The cultivation currently occurs using hoop houses and greenhouses. All hoop houses and greenhouses utilize light deprivation to produce up to three (3) flowering cycles per year. All plants shall be tracked in accordance with the California Cannabis Track and Trace (CCTT) system.

3.1.1.1. HOOP HOUSES

The hoop houses utilized on-site are primitive consisting of pvc tubing arched over raised beds with a removable, plastic tarp. All hoop houses do not have fans, some may have lights, and all are used for light deprivation cultivation. Current configuration of sixteen (16) hoop houses includes 13,806 square feet comprised of two (2) 8'x62', one (1) 8'1"x 80"10", two (2) 8'1"x 90'11", one (1) 8'2"x90'11", one (1) 8'2"x101", one (1) 8'2"x121', one (1) 12'5"x 60'5", one (1) 11'2"x80', one (1) 8'x76', one (1) 9'9"x 80'9", one (1) 8'x75', one (1) 14'10"x100'9", one (1) 14'8"x100'5", and one (1) 14'8"x98'8".

There is currently one (1) 12'x40' hoop house, 480 sf, used for immature plants only. In the future, Soul Arc may apply for a larger nursery area on this site or propose a larger nursery site on an adjacent parcel. It is understood that the new area would have to be approved prior to nursery expansion.

3.1.1.2. GREENHOUSES

There are two cultivation structures considered more permanent than the primitive hoop houses creating a 4,274 sf of combined cultivation area, one (1) 30'6"x99' greenhouse, and one (1) 20.75'x60.4' greenhouse. Each greenhouse is ventilated by intake and exhaust fans, may have lights, and are used for light deprivation cultivation.

3.1.2. FERTIGATION PRACTICES

Soul Arc shall implement water resource management strategies to address water needs for the commercial cannabis cultivation described herein. This plan may include but not be limited to:

- Annual forbearance as determined by a *Water Availability Analysis*
- Following all guidelines in the LSAA for the water diversion works and storage
- Maintaining good standing enrollment in the State Water Resources Control Board Cannabis Cannabis Cultivation Waste Discharge Regulatory Program
- Monitoring and reporting all water use as required

Soul Arc shall incorporate current advanced irrigation systems designed to conserve water to the maximum feasible extent. Systems shall rely primarily on time- drip irrigation, utilizing hand watering as needed.

A proprietary nutrient solution shall be prepared as needed at time of application. The solution is formulated by manufacturer instructions. SDS and manufacture labels shall be available onsite.

Fertigation of plants shall occur initially via hand water while plants are in the vegetative growth state. At this stage the plants are juvenile and planted in a container; therefore, the amount of fertigation needed is better controlled via hand watering. This shall occur in the immature plant area.

Prior to flowering, plants shall be moved to designated cultivation canopy areas that shall be irrigated and fertilized using drip emitters specifically tailored to the application. Drip irrigation shall be installed and utilized prior to May 15th annually.

3.1.3 . CULTIVATION PLAN AND SCHEDULE

February 1 - May 15: Initial Transplant

A State-licensed Nursery shall provide all clones for cultivation. Upon arrival, the *General Manager* shall examine the clones and approve initial planting to begin.

Upon approval, the *Initial Transplant* shall commence. The rooted clones shall be planted directly into 4-5 inch cups and housed in the immature plant area. This point in the cultivation process is most often referred to as the 'vegetative' cycle. Due to container and plant size, utilizing a hand watering method is most effective. The *Initial Transplant* phase lasts from one to three weeks depending on the desired outcome

When the plants have achieved desired height and plant growth density for final transplant, the plants are immediately planted in raised beds or pots. Due to the increase in container size and increase in daylight hours, the plants shall continue to grow in a vegetative state for two to four (2-4) weeks. The approximate desired height and growth density would be three to four feet (3'-4'). Upon final transplant into either raised beds, a drip irrigation/fertilization system shall be implemented. Once this desired height and vegetative growth density has been achieved the Light

Deprivation Phase begins.

April 1 - July 1: Light Deprivation Phase

Taking into account factors such as height, growth density and overall health of the plant, the *Cultivation Lead* shall determine the exact date for the Light Deprivation process to begin. Once that date is determined, 100% light resistant, specifically designed tarps shall be manually pulled over the outside of the hoop houses. This process shall reduce the daylight hours from approximately fifteen (15) hours of daylight to the desired twelve (12) hours of daylight and twelve (12) hours of darkness to induce flowering. During the first two weeks of Light Deprivation, the plants shall enter into a transitional phase. During this transitional phase plants shall continue vegetative growth while transitioning into flowering.

It is not uncommon for plants to obtain 25% of their entire height and vegetative growth density during the transitional phase. Once the plants enter into the final bloom or flowering phase, they shall begin to expend energy into the production of flowers, therefore, ceasing vegetative growth and begin to flower. The entire flowering process, including the transitional and final bloom phases, shall last forty-nine (49) to sixty-five (65) days depending on strain variation and weather conditions.

July 1-15: First Harvest and Replanting

Once the Light Deprivation Phase has concluded and the plants are at their peak, harvest procedures shall be initiated (see *Harvesting/Processing Plan* for harvesting and processing procedure). The raised beds shall be turned and amended. All amendments used are in accordance with Humboldt County and State of California Department of Agriculture compliance. SDS are recorded into the General Managers Handbook. New clones shall be propagated onsite or be transferred from a state licensed Nursery.

Due to the length of daylight hours, the plants shall continue in a vegetative state for approximately one month. Plants shall be planted using the same methodology as with the Initial Transplant Phase. Final Transplant shall occur when deemed appropriate, usually seven to 14 days from initial transplant.

August 14 - November 30: Final Transplant /Natural Flowering Cycle and Harvest Two Phase

Once the Final Transplant Phase has been initiated by the *Cultivation Lead*, the plants are fertilized with a proprietary feeding program. All fertilizers and supplements used are in accordance with Humboldt County and State of California Department of Agriculture compliance. SDS are recorded into the Cultivation Handbook.

Due to the natural decline in daylight hours, approximately 2 -3 weeks after the Re-Planting Phase has begun the plants shall begin to flower naturally. This natural drop in light shall negate the need for Light Deprivation Techniques. As in the Light Deprivation Phase, the plants shall go through the transitional phase and final bloom phase. Once the plants enter into the bloom phase they shall be fertilized using a proprietary high phosphorus feeding program. All fertilizers and supplements used are in accordance with Humboldt County and State of California Department of Agriculture compliance. SDS are recorded into the Cultivation Handbook. Once the plants are through the final bloom phase and have reached peak potential, Harvest Two shall be initiated (see *Harvesting/Processing Plan* for harvesting and processing procedure).

November 30 - February 1: Repair, Upgrade and Recondition Phase

Soul Arc shall inspect all hoop houses and covers for wear and replace as necessary. The irrigation system shall be inspected and repaired or replaced, as appropriate. Refilling of irrigation tanks shall commence in accordance with the Small Irrigation Use Registration and conditions of the Department of Fish and Wildlife (DFW) Lake or Streambed Alteration Agreement (LSAA). Winter road and site maintenance shall begin in line with procedures outlined in the *Site and Road Maintenance Plan*.

3.1.4. GENERATOR USE PLAN

Due to the remote location and off the grid nature of the site, it shall be necessary for Soul Arc to employ the use of a generator for power. Soul Arc shall limit generator use to an as needed basis following all guidelines set up by Humboldt County and the State of California. Any generators shall be located over one hundred feet from the property line to ensure the noise level shall not exceed 50 decibels at the property line. Potential noise impacts to protected species have been identified as part of the Biological Assessment and the generator sites have been adjusted accordingly. The generator located on site is currently housed in an enclosure with secondary containment. Every effort shall be made to insulate the enclosure to reduce noise.

Generator use is minimized from the months of February to December. Solar-powered electricity shall be preferentially used. Soul Arc shall make an effort to transition to solar as the onsite cabin is permitted and septic is developed. See Section 2.4. for details on the storage of generator fuel.

3.1.5. PERFORMANCE STANDARDS FOR MIXED-LIGHT CULTIVATION

Soul Arc shall shield mixed-light greenhouses so little to no light escapes. Light shall not escape at a level that is visible from the neighboring properties between sunset and sunrise. This shall be achieved using the same black out curtains used for light deprivation. Soul Arc shall be responsible for training all employees in compliance with the International Dark Sky Association standards for Lighting Zone 0. Copies of all training materials and a ledger showing which employees received the training shall be kept on site. No employees shall be assigned shifts which include the 30 minutes before sunrise and sunset until they have received Dark Sky training.

3.1.6. INVENTORY AND TRACK AND TRACE

Soul Arc participated in the 2018 Humboldt County CalOrgions Trace and Trace Program and began participation in the CCTT system, Metrc, in 2019 upon receiving provisional state licenses and being credentialed into the system. Since 2019, Soul Arc has tracked over 26,000 plants through Metrc on this property. Soul Arc shall continue to comply with all CCTT regulations.

3.2. HARVESTING PLAN

Harvesting shall be done by hand, employing seasonal help as needed. Employees shall be trained on the methods by which each plant is to be harvested. Soul Arc shall provide all harvest workers with personal protective equipment as needed.

Each harvest batch shall be assigned a unique harvest batch name which will be associated with all Metrc UIDs for each individual plant, or portion thereof, contained in the harvest batch.

Each harvest shall be weighted and recorded in accordance with CDFA Calcannabis regulations and recorded in Metrc.

3.3. PROCESSING PLAN

For this section, the definition of processing shall be consistent with the CDFA CalCannabis regulations Article 1. §8000(ab) “Process,” “Processing,” and “Processes” mean all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of cannabis or non manufactured cannabis products.

3.3.1. DRYING AND CURING

Prior to entering the on-site drying and curing facilities, each harvest batch shall be examined, weighed, and recorded in accordance with applicable CCTT system requirements. Whole plants and branches shall be hung on lines and racks in dry facilities to air dry and cure. Air shall be circulated and conditioned utilizing fans and dehumidifiers. As feasible, each harvest batch shall be kept separated and distinct.

The drying and curing process takes between seven (7) and ten (10) days. Once the material has reached the desired consistency the dried and cured flowers shall be packaged to be transported offsite for further processing.

All post drying/curing processing (i.e. trimming) shall occur offsite at a state licensed third-party processing facility.

3.3.2. TRIMMING

Under this application, Soul Arc processing activities shall consist solely of drying, curing, grading, storing, and packaging for transport. Soul Arc shall continue to use a state licensed third-party processing facility for all other processing services, including trimming. The Humboldt County Planning Department shall be notified of any and all future plans to alter this processing plan.

3.4. TRANSPORTATION AND DISTRIBUTION PLAN

Off-site transportation and distribution shall be conducted by a third party state licensed distributor. Shipping manifests for all transfers shall be created using the CCTT. The manifest shall conform to all requirements in the BPC and CDFA CalCannabis regulations including such details as:

- Origin and destination premises
- Date
- Estimated time of departure
- Estimated time of arrival
- Description of each item
- Individual unit weight or counts

Prior to transport, Soul Arc shall verify the physical packages being transported are accurately reflected on the transport manifest.

RESOURCES FOR ORIGINAL CULTIVATION AND OPERATIONS PLAN

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

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<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016.
<<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*.
http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007. <<http://www.boe.ca.gov/news/pdf/173.pdf>>

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>

ADDITIONAL REFERENCES FOR DECEMBER 2020 REVISION

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California Code Of Regulations, Title 3. Food And Agriculture, Division 8. Cannabis Cultivation, Chapter 1. Cannabis Cultivation Program

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Soul Arc Solutions, Inc
Pesticide Storage, Handling and Application Plan

All pesticides, disinfectants, fungicides and agricultural chemical products used by Soul Arc, shall maintain strict compliance with standards imposed by the Santa Barbara County Agricultural Commissioner, the California Department of Pesticide Regulation, and the US Environmental Protection Agency. Soul Arc shall employ at least one supervisor who maintains a current Private Applicators Certification (“PAC”) with the Santa Barbara County Agricultural Commissioner. This certificate shall be posted and available for view by any regulatory agency deemed appropriate by Santa Barbara County or State of California.

Storage

All pesticides, disinfectants, fungicides and agricultural chemicals shall be secured in appropriate locked and labeled housing and accessed only by employees that have received appropriate training by the qualified PAC holder. Storage shall be consistent with label recommendations to prevent breakdown, contamination, and prevent fire hazards. All hazardous materials shall be stored in secondary containment. Training shall include, at minimum, handling, application, and disposal of each product.

Handling

The handling of pesticides/fungicide shall be done in accordance with Santa Barbara County Agricultural Commissioner, the California Department of Pesticide Regulation, and the US Environmental Protection Agency guidelines. Handling can include, transportation from retail outlet to cultivation site, logging and entering into secured storage, mixing, preparation, transport to application locations onsite, loading or applying (including flagging), and disposal. Handling shall also include maintaining, servicing, repairing, cleaning, or handling equipment that may contain pesticide residues, working with opened (including emptied but not rinsed) containers of pesticide, and adjusting, repairing, or removing treatment site coverings.

Prior to allowing any employee to perform any activity that is considered handling, Soul Arc shall ensure they have received proper yearly pesticide handler training. All pesticide training shall be conducted by a professional Ag Environmental Health and Safety trainer or other qualified professional. Training shall be conducted in a language understood by employees but shall include english sight words that may be contained on pesticide labels. Training shall include safety procedures, including recognition of the effects of exposure, and protocols in the event of a release or threatened release of a hazardous material. Annual training shall be specific to chemicals handled onsite and updated before each new class of pesticides is handled.

Soul Arc shall maintain onsite, in clearly marked and accessible locations, any materials deemed

necessary for clean up, spill containment, and/or abatement. Spill kits shall be located adjacent to storage areas and throughout the facility. Any spills or accidental personnel exposure shall be reported to the appropriate agencies as dictated by the Spill Prevention and Response Plan. Instructions on how to handle and dispose of materials used for spill contaminants shall be covered as part of employee training.

Application

Any pesticide products shall be applied by trained personnel in accordance with PAC criteria and Pesticide Handler Safety - California Code of Regulations, Section 6724. These products shall be limited to safe chemicals recognized by the Santa Barbara County Agricultural Commissioner, the California Department of Pesticide Regulation, and the US Environmental Protection Agency for use on cannabis. Copies of all SDSs and labels shall be clearly identified and maintained onsite at all times. Soul Arc shall maintain eyewash stations wherever pesticides are stored and throughout the facility if protective eyewear is required by the pesticide label.

All pesticide applications shall be recorded in the Pesticide Specific Application Binder or Log and reported monthly to the Santa Barbara County Agricultural Commissioner's Office. Soul Arc shall provide annual notifications of pesticide use to all schools located within ¼ mile of the facility. If, at any time during a year, Soul Arc begins to use a new pesticide, Soul Arc shall provide all schools within the ¼ mile radius 48 hour notice prior to the commencing use of the new chemical.

All applications shall be done in accordance with training by the PAC holder and any and all label instructions. The greatest risk of exposure occurs during mixing and application and when entering or working in an area too soon after application. Proper Personal Protective Equipment ("PPE") shall be provided by Soul Arc to be worn and available at all times during application of any and all pesticides/fungicides. PPE shall be stored separate from pesticides and in manor that maintains the integrity of the PPE, keeps it clean and dry and protected from extreme temperatures and bright light. Employee training on the appropriate use of PPE shall be documented and training records shall be maintained.

A preventive application program, per manufacturer's directions and label requirements, shall be established from the onset of the plants initial transplant. Application frequency shall vary with each phase of growth or infestation pressure. Pesticide application shall end in accordance with Pre Harvest Interval ("PHI") label requirements. PHI shall dictate the minimum time between the last application of a pesticide and when the crop can be harvested.

During application, factors such as wind, temperature and humidity shall be taken into account. This shall ensure that the pesticide/fungicide is used in the most efficient manner and shall mitigate drift. Pesticides shall be applied using a variety of methods including, but not limited to, atomizer, backpack sprayer, hydraulic sprayer, and air less sprayer. Nozzle types and pressure settings shall be determined by manufacture directions and accordance with CDPR-General Drift Minimization and

Santa Barbara County Agricultural Commissioner's Office guidance. Soul Arc shall install and maintain saline eye wash stations throughout the facility if using any pesticides that dictate protective eyewear be worn during application.

Soul Arc shall provide access to decontamination stations to all employees with appropriate materials for decontamination. Soul Arc shall guarantee there is at least 3 gallons of clean water per employee per day for handwashing. Each decontamination site shall have soap, single use towels, and extra clean coverall. Hand sanitizing gels or liquids shall not be a substitute for soap and water. Decontamination sites shall be located in the area pesticides are mixed and loaded and shall not be not more than ¼ mile apart. Employees shall be notified of all decontamination stations prior to handling pesticides.

The use and application of pesticides shall not conflict with the registered labeling delivered with the pesticide or any conditions of a registered materials permit issued by the Commissioner. All All pesticides registered with the U.S. EPA have the phrase "It is a violation of Federal law to use this product in a manner inconsistent with its labeling." In other words, the label is the law

Disposal

Any mixed solutions shall be used to their entirety. When mixing pesticides, empty liquid containers shall be triple rinsed and the rinsate shall be poured into the spray tank for application to the target site. In the event there is a surplus of used mixed solution, it shall be disposed of according to guidelines set forth by the Santa Barbara County Agricultural Commissioner, the California Department of Pesticide Regulation, and the US Environmental Protection Agency. After the applicator has finished application, any PPE used shall be inspected, cleaned according to label guidelines, and stored for reuse. Any PPE not suitable for reuse or that doesn't pass inspection shall be discarded and disposed according to label guidelines. All bottles, containers, or receptacles that have come into contact with, or contained, any product that falls under the state's guidelines for pesticides, disinfectants, fungicides and agricultural chemicals shall be washed, rinsed and disposed of according to strict local, State, and Federal guidelines. Prior to disposal, all rinsed containers shall be stored in a locked container.

Emergency Procedures Instructions

The first priority in the event of an emergency is for the safety of all people present. Move quickly out of area danger. Meet at assigned meeting place to get a headcount. Enact Emergency Procedures.

Emergency Contact Information

**Onsite Emergency Contact(s): Tristan Strauss - Primary
(805) 881-3102 /24-Hour Phone**

Emergency Response Contact(s):

| | |
|---------------------------------------|-----------------------|
| Fire/Paramedics/Police/Hazmat: | 911 |
| Honeydew Cal Fire | (707)629-3344 |
| Honeydew VFD CB Channel 9 / | (707)629-3445 |
| Poison Control (24/7) | 1-800-222-1222 |
| National Spill Response Center | 1-800-424-8802 |
| Humboldt County Sheriff | (707)445-7251 |
| Humboldt County HazMat | (707)445-6215 |
| Humboldt County Ag Dept. | (707)441-5260 |

Local Emergency Medical Facility **Jerold Phelps Community Hospital**
733 Cedar St,
Garberville , CA 93013 (707) 923-3921

Dial 911 for Fire/Police/Ambulance:

- Tell the operator which emergency service you want
- Wait until the service answers
- Give the following address: 12019 Wilder Ridge Road, Ettersburg - APN 108-012-010-000
- Do not hang up until told to do so by the 911 Operator

Fire and Emergency Procedures Checklist

- Evacuate people from the area
- If it is safe to do so, switch off power to all equipment
- Call the fire department (dial 911)
- If a small fire, use your fire extinguisher if it is safe to do so – try to contain and extinguish the fire
- If the fire is near a fuel tank, do not attempt to extinguish the fire – retreat to a safe distance
- Be prepared to direct the fire service to the scene

Spill Prevention and Response Plan

How to prevent spills:

Hazardous Substance Management: All hazardous substances, including chemical wastes, are to be managed in a way that prevents release. The following general requirements are to be followed. They include:

- *Container Management*:
 - All hazardous substance containers must be in good condition and compatible with the materials stored within.
 - All hazardous substance containers must be accessible and spacing between containers must provide sufficient access to perform periodic inspections and respond to releases.
 - Empty hazardous substance containers (drums) must have all markers and labels removed and the container marked with the word 'empty'.
 - Any spills on the exterior of the container must be cleaned immediately.
 - Flammable materials stored or dispensed from drums or totes must be grounded to prevent static spark.
 - Do not overfill waste drums. 4" of headspace must remain to allow for expansion.
- *Good Housekeeping*:
 - All hazardous substances must be stored inside buildings or under cover.
 - Store hazardous substances not used daily in cabinets, or in designated areas.
 - All chemicals that are transferred from larger to smaller containers must be transferred by use of a funnel or spigot.
 - All hazardous substance containers should be closed while not in use.
 - Use drip pans or other collection devices to contain drips or leaks from dispensing containers or equipment.
 - Implement preventative maintenance activities to reduce the potential for release from equipment.
 - Immediately clean up and properly manage all small spills or leaks.
 - Periodically inspect equipment and hazardous substance storage areas to ensure leaks or spills are not occurring.
 - Use signage to identify hazardous substance storage or waste collection areas.
 - Keep all work areas and hazardous substance storage areas clean and in good general condition.
- *Secondary containment*:
 - In the event that bulk chemicals (>55 gallons) or hazardous substances are present on site, store within appropriate secondary containment.
 - Secondary containment should be checked periodically, and any spills identified in secondary containment must be immediately cleaned up and removed.
- *Marking/labeling*:

- Ensure all hazardous substances, including chemical wastes, are properly marked and labeled in accordance with all federal, state and local regulations.
- Ensure that hazardous substances transferred to small containers are marked with the chemicals name (example- “Isopropyl Alcohol”) and hazard (example- “Flammable”)

Employee Training: All employees must receive periodic training on the proper handling of hazardous substances, spill prevention practices, and emergency response procedures. Training must include a review of the spill prevention and emergency response plan, and a review of location and use of emergency response equipment. Training can be recorded through safety committee meetings, staff training logs, or other equivalent record keeping.

Any employees that work with pesticides or are fieldworkers in or around an application site shall receive annual training.

Hazardous Substance Inventory: An inventory must be maintained for all hazardous substances stored in quantity (<55 gallons), and/or list of locations where non-bulk hazardous substances are stored (flammable lockers- shop floor).

Spill Response Equipment: Spill response equipment must be maintained and located in areas where spills are likely to occur. Spill kits should provide adequate response capabilities to manage any anticipated spill or release. The following general requirements are to be followed:

- Stock spill clean up kits that are compatible with the hazardous substances stored on site;
- Locate spill kits in areas where spills are likely to occur (loading docks, chemical storage areas, locations where hazardous substance are being transferred);
- Spill kits should be sized to managing an anticipated release (spill equal to the largest container);
- Emergency response equipment should be inspected periodically to ensure that the spill kit is complete.

Response actions in the event of a spill or release:

In the event of a hazardous substance spill or release, immediately take the following measures to keep the spill from entering sewer or storm drains, spreading off-site, or affecting human health. In all cases caution and common sense must be maintained with the primary goal being to prevent and/or limit personal injury.

Stop, contain, and clean up the chemical spill if:

- The spilled chemical and its hazardous properties have been identified;
- The spill is small and easily contained;

- Responder is aware of the chemicals' hazardous properties.

If a spill cannot be controlled or injuries have occurred due to the release the following procedures should be implemented:

- Summon help or alert others of the release;
- Evacuate immediate area, and provide care to the injured - Call 911;
- If potential fire or explosion hazards exist initiate evacuation procedures - Call 911;
- Respond defensively to any uncontrolled spills:
 - Use appropriate personal protective equipment when responding to any spill;
 - Attempt to shut off the source of the release (if safe to do so);
 - Eliminate sources of ignition (if safe to do so);
 - Protect drains by use of adsorbent, booms or drain covers (if safe to do so).
- Notify onsite emergency contact(s);
- Coordinate response activities with local emergency personnel (fire/HAZMAT);
- Be prepared to provide SDS information to fire department, EMT, hospital or physician;
- Notify appropriate agency if a release has entered the environment.

Evacuation Procedures:

In the event of a hazardous substance release that has the potential for fire, explosion or other human health hazards the following procedures shall be implemented:

- Facility staff shall be notified of evacuation by one or more of the following method(s): **[Verbal, Alarm, Phone]**.
- Notification to emergency services shall be performed- Call 911.
- Facility staff shall follow predetermined evacuation routes and assemble at designated areas. Evacuation maps must be displayed throughout the facility.
- Individuals responsible for coordinating evacuations must confirm if the business has been completely evacuated.
- Facility staff shall be made familiar with evacuation procedures during new employee orientation, and annual training thereafter.
- Designated emergency response contacts shall coordinate all activities with outside emergency personnel.

Spill Cleanup and Disposal:

In the event of a hazardous substance release, spill cleanup materials are to be properly characterized to determine if it designates as dangerous waste. The designated onsite emergency contact shall determine the waste status prior to disposal.

Incident Reporting

Every accident resulting in injury or damage to farm property must be reported to management immediately.

- Respond to the accident promptly and positively
- Collect relevant information about the accident
- Develop and take remedial actions
- Complete insurance claims and reports required

First Aid

- A first aid kit must be kept on the premises and maintained
- All staff must know basic first aid procedures

Minor Injury Accidents

- Minor cuts and abrasions must be attended to immediately
- If in doubt contact a physician or call 911

Serious Injury Accidents

- Call an ambulance immediately (dial 911)
- Seek the assistance of any first responder
- Stabilize Victim
- Advise your manager

Property Damage

- All damage to farm property must be reported to the manager

Emergency First Aid Procedures

Control of Bleeding

- Direct pressure – use hand(s).
- Elevate (raise) the limb(s)
- Apply a pad and firm bandage.
- If necessary use clean rags or clothing.

Remember!!

- ***Always check circulation below the bandage!***
- ***If there is tingling, numbness or blueness
loosen the bandage.***

Management of Burns

- Cool the burnt area with cool water for 10-15 minutes
- If necessary, cover the burn with a clean dressing or plastic wrap before removing person to medical aid.

Remember!!

- ***Do not burst blisters.***
- ***Do not remove clothing that is stuck.***
- ***Do not apply creams***

Management of Eye Injuries

Foreign substances in the eye(s)

- Wash the eye(s) with saline eye wash or clean water.
- If the foreign body is stuck to the eye DO NOT attempt remove.
- Place covering over the eye and obtain medical attention.

Management of Chemicals in Eye(s)

- Wash the eye(s) with clean cool water for at least 15 minutes.
- Wash from near the nose outward.
- Always wash under the upper eyelid.
- Obtain medical attention

Breathing

If a person is breathing but unconscious, turn them on their side to prevent tongue swelling or vomit from obstructing the airway.

If person is not breathing

- ***Check airway for blockage and clear***
- ***Call 911***
- ***Administer CPR***

Location of Firefighting Equipment, Spill and First Aid Kits

Fire extinguishers and spill kits are located in the following places:

- All Generator Sheds
- Cultivation Site
- Fertilizer/ Ag Chemical Storage Site
- Drying/ Curing Facility

A full first aid kit is located in the Drying/Curing Facility



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H501774*

CERTIFICATE *H100175*

Right Holder: *Tristan Strauss
15 North Bay View Drive
Samoa, CA 95564*

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 *06/27/2018*. 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) |
|------------------------|----------------|---------------|---------------|-----------|-------------|----------|---------------------------------|
| Strauss pump diversion | Unnamed Spring | Mattole River | Mattole River | 40.165551 | -124.018983 | Humboldt | 108-012-010 |

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, Aesthetic, Fire Protection | Humboldt | 108-012-010 | 18092 |

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *07/25/2018*. The place of use is shown on the map filed on *07/25/2018* 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 **0.62 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 0.62 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;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to 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.

Dated: 07/25/2018 11:26:43

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North Coast Regional Water Quality Control Board

March 16, 2018

WDID: 1B16166CHUM

Tristan Strauss
PO Box 38
Samoa, CA 95564

Notice of Applicability, Waiver of Waste Discharge Requirements Order No. R1-2015-0023 for Humboldt County APN(s) 108-012-010-000

This letter serves as notification of enrollment under Order No. R1-2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order). The North Coast Regional Water Quality Control Board (Regional Water Board) has received your initial fee required to enroll for coverage as a Tier 2 site under the Order. Your enrollment is effective as of February 19, 2016 (Effective Date). We have entered the information from your enrollment documents into the California Integrated Water Quality System (CIWQS), which is available at https://www.waterboards.ca.gov/water_issues/programs/ciwqs/. You have been assigned an identification number associated with your enrollment, WDID No. 1B16166CHUM. You must retain a copy of the Order, Notice of Intent (NOI), Monitoring and Reporting Program (MRP) and associated monitoring documentation at the enrolled site, and make them available to Regional Water Board staff on request.

You must complete and submit the reporting form portion of the MRP (Annual Report) to the Regional Water Board by March 31st of each year. The 2017 Annual Report is due by March 31, 2018. Effective January 26, 2018, the submission process for Annual Reports is now completely electronic. For those otherwise in compliance with the Order, submittal of the Annual Report within 30 days of the deadline (i.e. received by April 30, 2018) will not be considered an enforcement priority. We have created a fillable PDF form to streamline the annual reporting process. The form has been reduced to two pages and additional clarification has been added in sections that appeared to have caused confusion in previous versions. You must download and complete the fillable PDF form using Adobe Reader from the NCRWQCB website at:
<https://www.waterboards.ca.gov/northcoast/CannabisAnnualReport.html>.

JOHN W. CORRETT, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER
3550 Skylark Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



2017-0023-DWQ) must apply for coverage under the Statewide Cannabis General Order by July 1, 2019, through the online enrollment portal (available at: <https://public2.waterboards.ca.gov/cgo>). Dischargers enrolled under the Regional Water Board Order may retain the reduced setbacks applicable under the Order for existing cultivation areas unless the Regional Water Board Executive Officer determines that the reduced setbacks are not protective of water quality. However, any new development or expansion to cannabis cultivation areas or other cannabis related activities must comply with the riparian setbacks in the Statewide General Order.

If there is a change in ownership or operation of the site, you must immediately notify the Regional Water Board and transfer into the Statewide Cannabis General Order. Notification of a change in ownership or operation of the site may be submitted to: NorthCoast.Cannabis@waterboards.ca.gov. In the notification please include the contact information for the new owner or operator, and provide documentation showing that the new owner or operator has been given notice of the existence of this Order.

Finally, be aware that enrollment under this or any other Water Board order does not in any way authorize, endorse, sanction, permit, or approve the cultivation, possession, use, sale, or other activities associated with cannabis. Enrollment under this Order does not preclude the need for permits that may be required by other governmental agencies, nor does it supersede any requirements, ordinances, or regulations of any other regulatory agency.

All monitoring report submissions and questions regarding compliance and enforcement should be directed to NorthCoast.Cannabis@waterboards.ca.gov or 707-576-2676.

Sincerely,


FOR: 

2018.03.16 14:59:57 PDT

Matthias St. John
Executive Officer

1B16166CHUM_Tristan_Strauss_Manhard Consulting_Tyler Ledwith_NOA_R1-2015-0023'

APN: 108-012-010
APPS# 11402

Mad River Properties, Inc.

2660 Clay Road McKinleyville, CA 95519; (707) 496-0054

Canigou INC.
Tristan Strauss
P.O. Box 38
Samoa CA, 95564



Strauss Canigou Less Than Three Acre Conversion Mitigation Plan

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

1. Contact Information

a. Timberland/Timber Owner of Record:

Solimar LLC
15 Bay View Ave.
Samoa, CA 95564

b. Registered Professional Forester Preparing Report:

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

2. Location of Project

a. Site Address: 12023 Wilder Ridge Rd, Honeydew CA, 95545

b. Community Area: Honeydew

c. Assessor's Parcel No(s): 108-012-010

d. Parcel Size(s): 80 Ac.

Strauss Canigou Conversion Mitigation Plan

3. Project Description

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

The Strauss Canigou property is within a Douglas fir/tanoak forest. The surrounding forest composition consists primarily of even-age second growth Douglas-fir, tanoak, and Pacific madrone with a minor amount of other hardwood species. All species combined (conifer & hardwood) basal area is approximately 260 square feet (sq. ft.) per acre with closed canopy. The property is zoned Agriculture Exclusive (AE) and Timber Production (TPZ).

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

The property does contain a class I and several class II and class III watercourses that require WLPZ or ELZ protection (riparian buffer). As per the Forest Practice Rules, the riparian buffer requirements are listed as follows:

Class I standard watercourse 14CCR 916.9(f): (within the Coastal Anadromy Zone)

ZONE WIDTHS:

Channel Zone = channel between the WTL.

30' Core Zone and 70' Inner Zone (100' Riparian Buffer)

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

ZONE WIDTHS:

Channel Zone = channel between the WTL.

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

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

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

Class III watercourse 14CCR 916.9(h): (within the Coastal Anadromy Zone)

ELZ WIDTHS (Riparian Buffer):

30 ft. for side slopes <30%

50 ft. for side slopes >30%

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

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

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

Property boundary note; Hohman and Associates/Mad River Properties Inc. did not conduct an investigation on a legal survey of the property. The property boundary on the ground does not match Humboldt County's Parcel Map. Two property corner markers for this and the adjacent property have been located in the field and 'way-pointed'. Also, the neighbor's (APN; 108-012-008) boundary has been surveyed by Kolstad Land Surveyors. The boundary location but not

sharp on this parcel has been adjusted to match the way-pointed corners and local boundaries found by Kolstad Land Surveyors.

There are three sites, totaling 2.40 acres of converted land on the property (see table below).

| Site | Year Converted | Year Expanded | Acres |
|------|----------------|---------------|-------|
| A | 2012 | 2013 | 2.00 |
| B | 2012 | 2013 | 0.07 |
| C | 2017 | | 0.33 |

4 & 5. Analysis of Consistency between Unauthorized Conversion and Applicable Forest Practice Rules.

Site A (The Old Homestead)

History: This site was originally an old homestead evident by the old fruit trees. Two sites were first used for cannabis cultivation in the grassland zoned AE in 2011 or 2012. During the following year the sites were expanded into a single two acre site. The site is currently occupied by multiple permanent and temporary greenhouses, two permanent structures, a temporary structure, water tanks, a generator, and a pond. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is within a class III riparian buffer, but not any structures or greenhouses. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. The majority of the site is zoned Agriculture Exclusive (AE). Ownership at the time of the initial illegal conversion and expansion was James de Cordova.

Numbers of acres converted without 14CCR1104.1: **1.54**

Site B (The Little Greenhouse)

History: The site was first converted in 2011 or 2012 for cannabis cultivation by grading a flat in the grassland to accommodate two water bags. Currently a 10' by 80' greenhouse occupies the site. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within any riparian buffers. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. Ownership at the time of the initial illegal conversion was James de Cordova.

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

Site C (The Upper Garden)

History: The site was first converted in 2017 by grading a flat in grassland for cannabis cultivation. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. The site is zoned Agriculture Exclusive (AE). Ownership at the time of the initial illegal conversion was James de Cordova.

Numbers of acres converted without 14CCR1104.1: **0.33**

Disclosers: The effects these projects had on the forest were too small and insignificant to be considered a conversion.

- 1) A set of 5,000 gallon water tanks are currently on a flat in the forest that is too small and insignificant to be considered a conversion site. Some grading has occurred, but the forest canopy still has complete closer.
- 2) A concrete slab and 50,0000 gallon water tank were installed in the forest. It doesn't appear that any grading occurred; the surrounding forest canopy is about 60% closed. The water tank sits about 30' from an unstable area.

Mitigations for Project: Road Points (RP) are specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Road Points have been identified from where the access road enters the property to and around the conversion sites.

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

RP#2: Unstable area with existing 18" cross-drain. Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#3 Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

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

RP#5: Drain surface drainage and hazard reduction. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. Remove slash pile by pile and burn, lop and scatter, or chip to reduce fire potential, potential fire severity, and pest habitat. 14CCR 923.5, 14CCR 917

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

RP#7: Drain surface drainage. Install rocked rolling dip leading to French drain that drains west between cut-bank and greenhouse. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

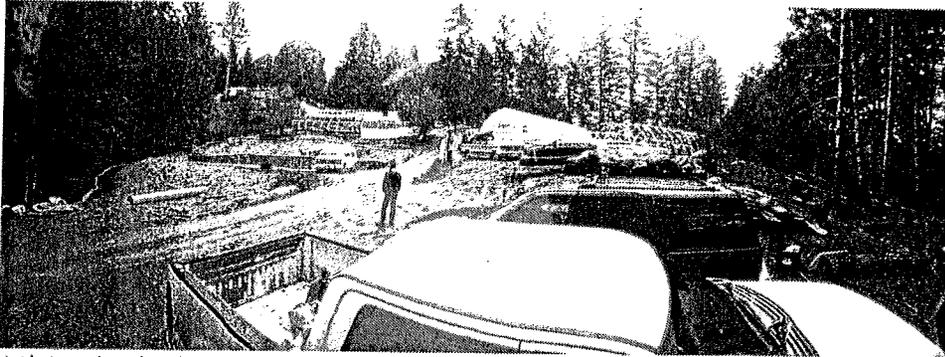
RP#8: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#9: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

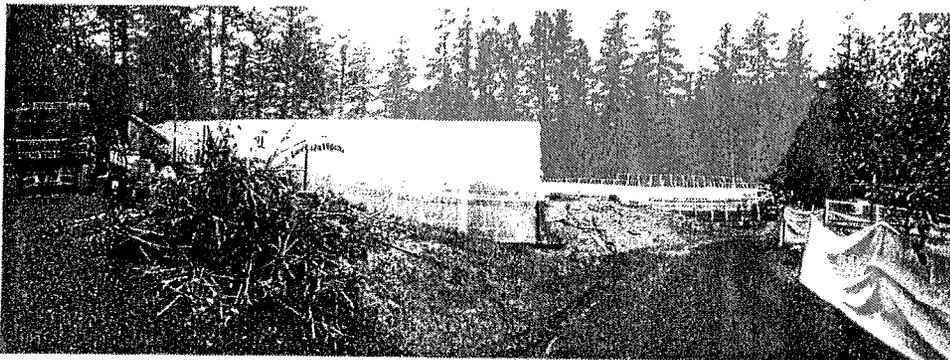
- RP#10: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#11: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#12: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#13: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#14: Drain surface drainage. . Out-slope road prism between RP#15 and north property line. Install rocked rolling dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#15: Class II watercourse crossing with existing plastic 28" culvert. Culvert adequately sized for 100 year rain event. Install critical dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#16: Drain surface drainage. Outslope road prism between RP#15 and RP #16. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#17: Class III watercourse crossing with existing 18" metal culvert. Culvert adequately sized for 100 year rain event. Install critical dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#18: Class III watercourse crossing with existing 12" metal culvert. Culvert is too narrow for 100 year rain event. Replace with 18" culvert, armor inlet and outlet with 4" to 10" diameter rock. Install critical dip and line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#19 Drain surface drainage. Outslope road prism between RP#18 and RP #20. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#20: Class III watercourse crossing with existing 24" plastic culvert. Culvert adequately sized for 100 year rain event. Install critical dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5
- RP#21: Class II watercourse crossing with existing culvert. Replace with 58" diameter or larger culvert to prevent plugging during a 100 year rain event. Install critical dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

6. Photos, Figures, and Maps

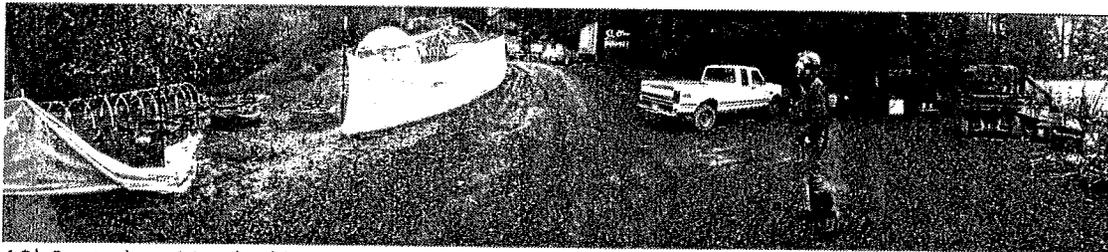
Site A (The Old Homestead)



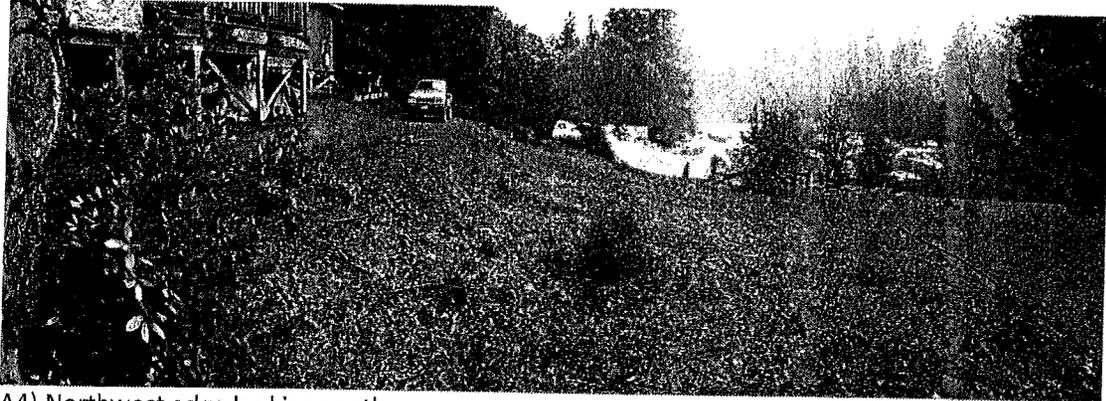
A1) South edge looking north



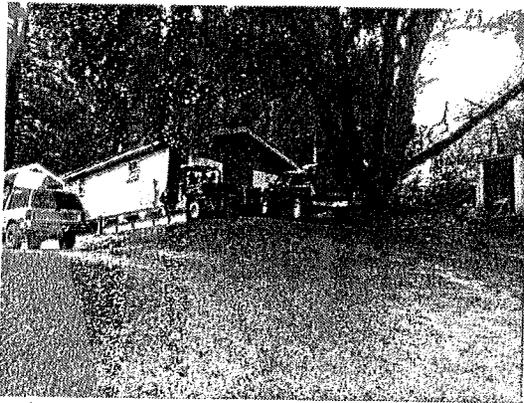
A2) Central position looking south



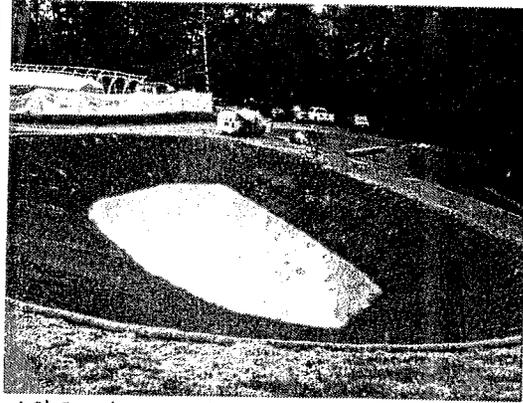
A3) Central position looking north



A4) Northwest edge looking south

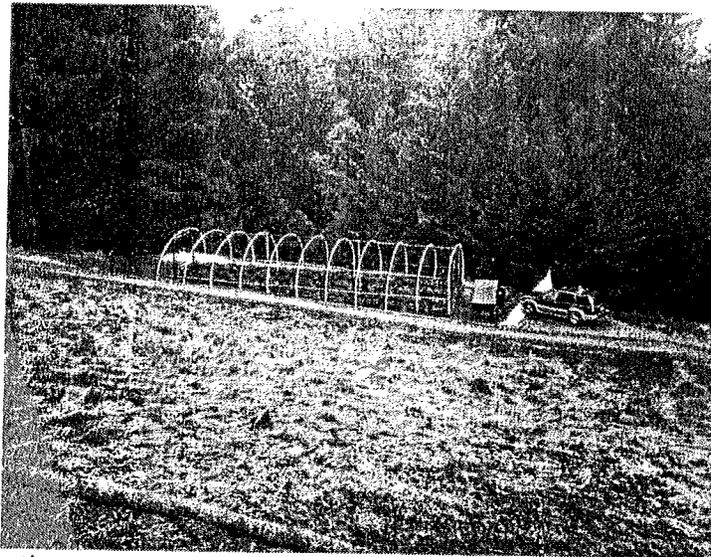


A5) North position looking northwest



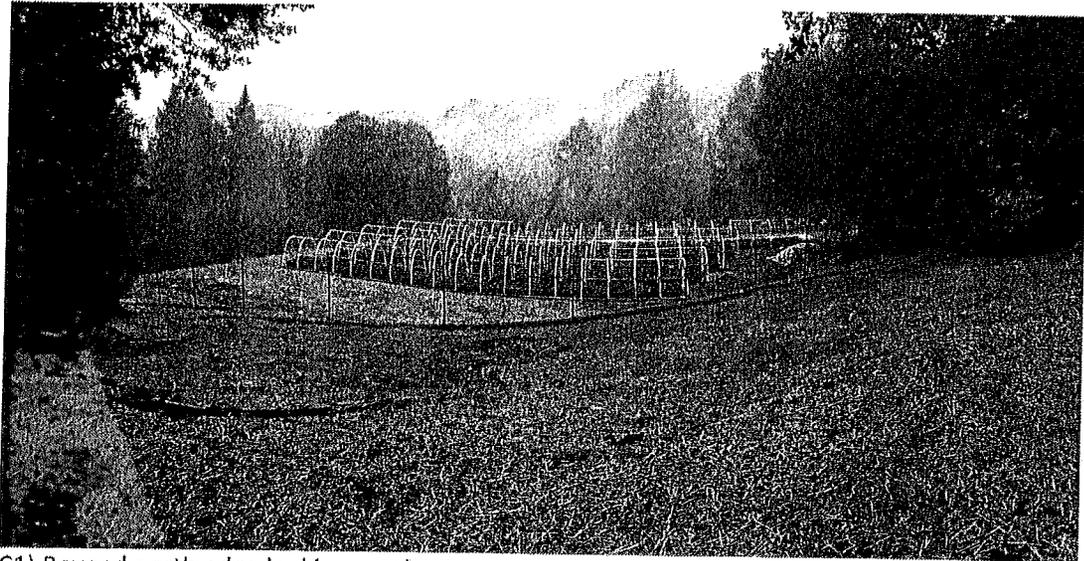
A6) Southwest edge looking southeast

Site B (The Little Greenhouse)



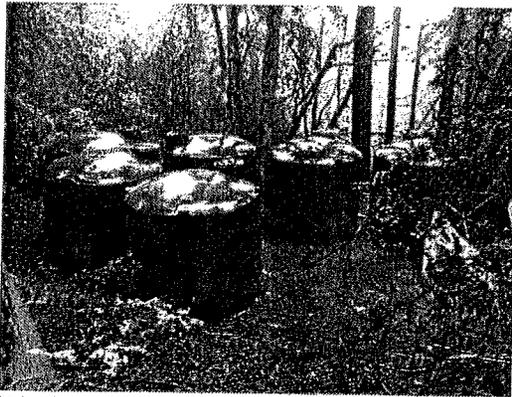
B1) Beyond west edge looking east

Site C (The Upper Garden)

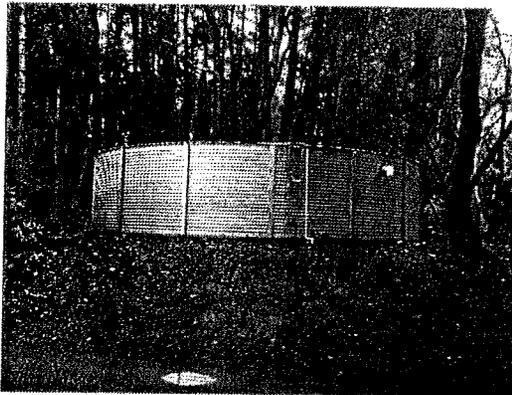


C1) Beyond north edge looking south

Disclosers



Discloser 1) Northeast corner of property

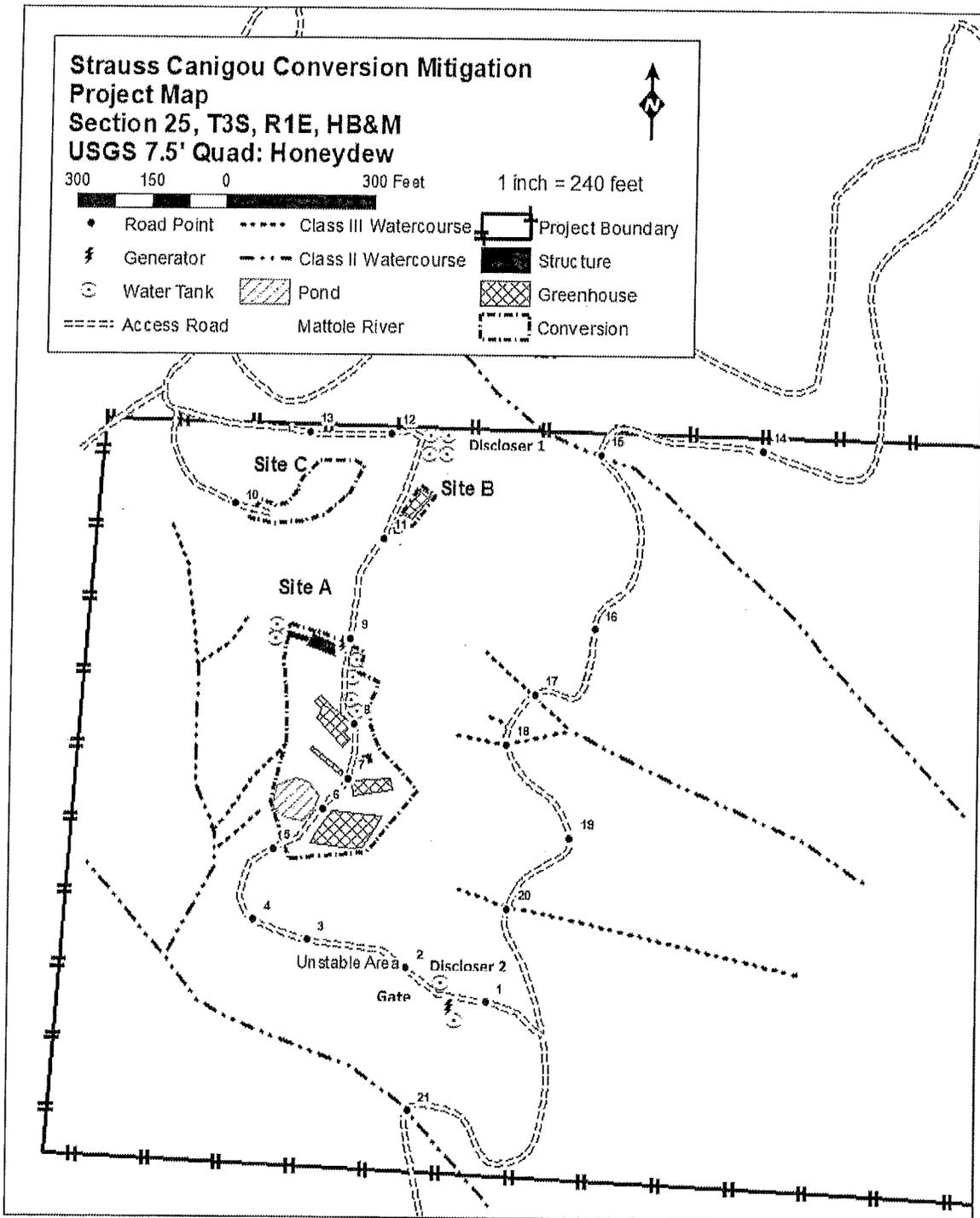


Discloser 2) Southeast corner of property

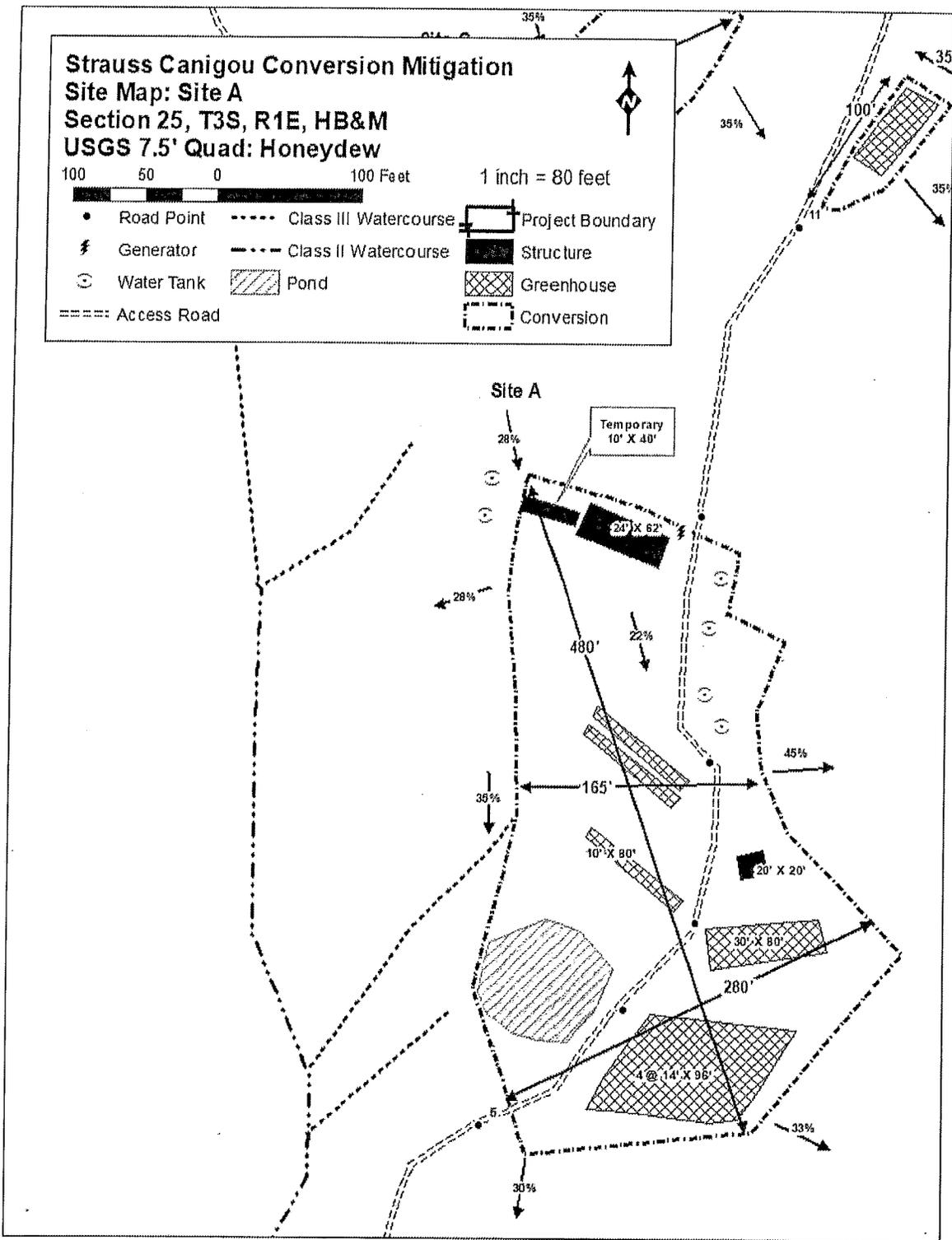
Strauss Canigou Conversion Mitigation Plan



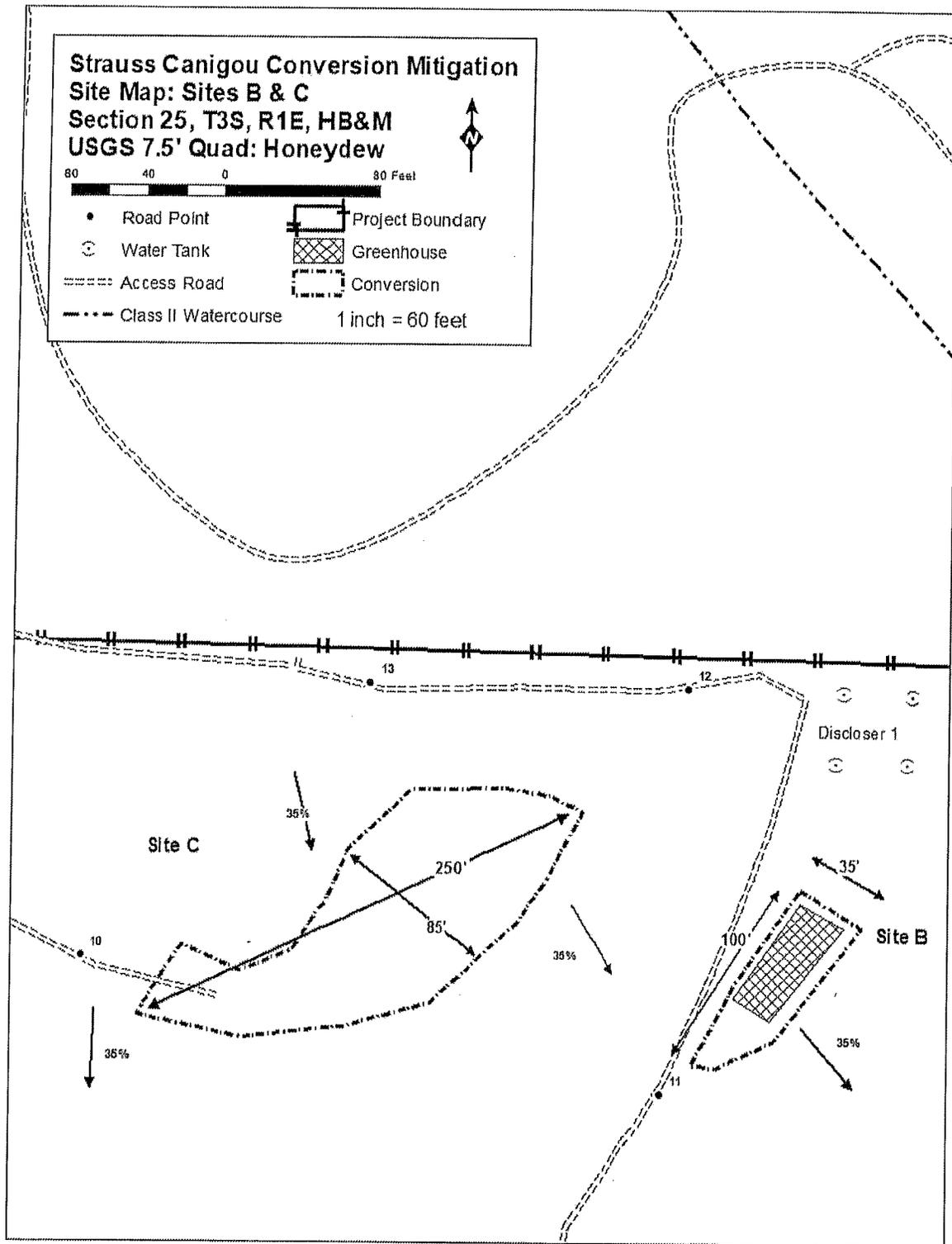
Strauss Canigou Conversion Mitigation Plan



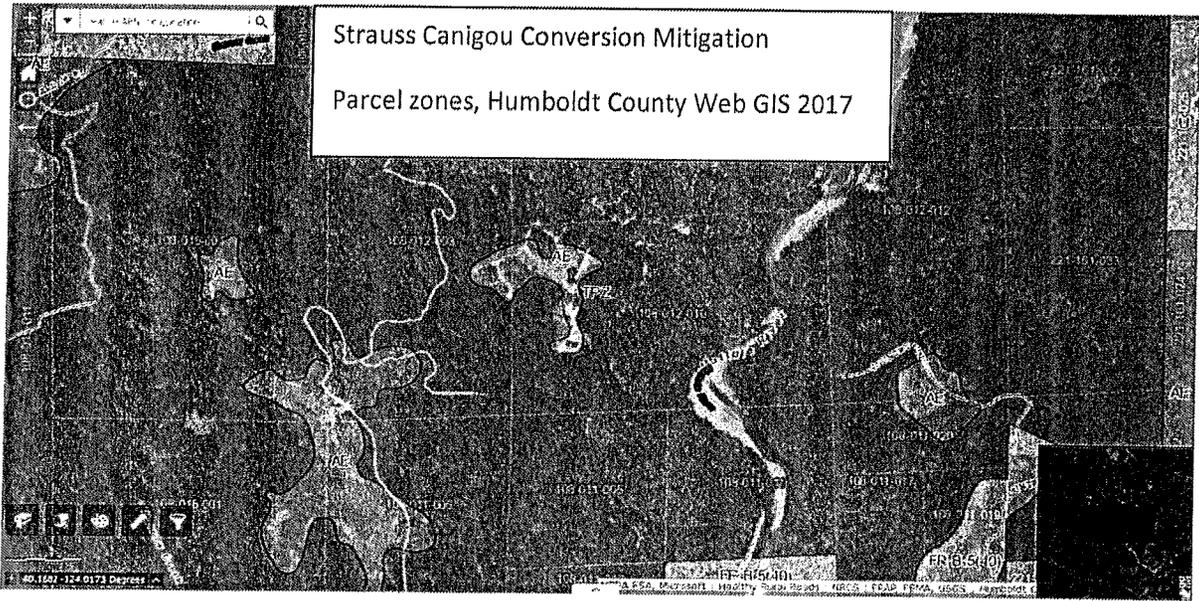
Strauss Canigou Conversion Mitigation Plan



Strauss Canigou Conversion Mitigation Plan



Strauss Canigou Conversion Mitigation Plan



ORDER NO.
ESCROW NO. 30001056-002

Dated: October 5, 2017

Esmeralda Partners LP, a California Limited Partnership

James de Cordova
James de Cordova, general partner

James Howard de Cordova
James Howard de Cordova, as an individual

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

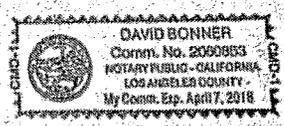
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

On 10/26/2017 before me, DAVID BONNER
a Notary Public, personally appeared JAMES DE CORDOVA AKA JAMES HOWARD DE CORDOVA
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



INDEX NO.
ESCROW NO. 30001056-002

EXHIBIT A
Legal Description

PARCEL ONE

The Southeast quarter of the Southwest Quarter and the Southwest Quarter of the Southeast quarter of Section 25, Township 3 South, Range 1 East, Humboldt Meridian.

PARCEL TWO

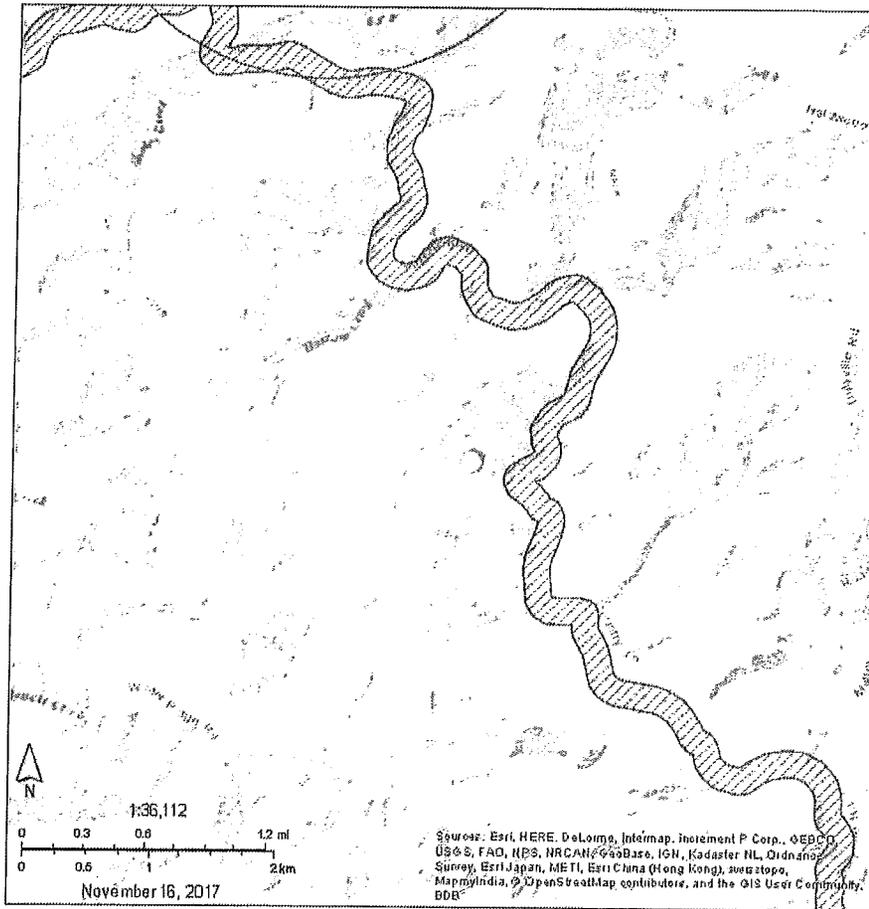
A non-exclusive right of way 30 feet wide for ingress, egress and public utilities over, upon and within existing private road lying within the following described parcel of land:

- (a) The East half of northwest quarter, the northeast quarter of southwest quarter, and the west half of southwest quarter, all in Section 36, Township 3 South, Range 1 East, Humboldt Meridian.
- (b) All that portion of Lot 4 of Section 1, Township 4 South, Range 1 East, Humboldt Meridian, lying northerly of the County Road, sometimes known as the Eitersburg-Honeydew Road.

The centerline of which road is shown and more particularly described on that certain Record of Survey filed in the Office of the County Recorder of Humboldt County on January 24, 1972 in Book 27 of Surveys at page 118.

APN: 108-012-010

Strauss Canigou Conversion Mitigation



| | | | |
|--|----------------------------------|------------------------------|----------------------------------|
| California Natural Diversity Database (CHNDD) Commercial [ds85] | Animal (non-specific) | Aquatic Comm. (80m) | Multiple (circular) |
| Plant (80m) | Animal (circular) | Aquatic Comm. (specific) | Sensitive EO's (Commercial only) |
| Plant (specific) | Terrestrial Comm. (80m) | Aquatic Comm. (non-specific) | |
| Plant (non-specific) | Terrestrial Comm. (specific) | Aquatic Comm. (circular) | |
| Plant (circular) | Terrestrial Comm. (non-specific) | Multiple (80m) | |
| Animal (80m) | Terrestrial Comm. (circular) | Multiple (specific) | |
| Animal (specific) | | Multiple (non-specific) | |

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Printed from 11p102017.dwg

7. References

California Forest Practice rules, 2017; Title 14, California Code of Regulations, Chapters 4, 4.5, and 10

California Natural Diversity Database, September 20, 2017, <http://bios.dfg.ca.gov>

Parcel Quest Data – County Assessor information; <http://pqweb.parcelquest.com>

Humboldt County Web GIS, November 2017, <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE
PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN

Prepared by Hohman & Associates/Mad River Properties Inc.

1. This information has been prepared for the sole use of the **Landowner of Record**, for the express purpose of submitting the document to CAL Fire and the local county planning department.
2. Hohman and Associates/Mad River Properties Inc. does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Hohman and Associates/Mad River Properties Inc. did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Hohman and Associates/Mad River Properties Inc. at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local state or county agencies.
7. Hohman and Associates/Mad River Properties Inc. shall not be responsible for the supervision of mitigation operations following approval of the conversion plan.

Landowner of Record: Tristan Strauss

Signature:  Date: 12-11-2017

Registered Professional Forester: Stephen Hohman RPF #2652

Signature:  Date: 12-19-2017

Strauss Canigou Conversion Mitigation Plan



Remediation Plan Report

12019 Wilder Ridge Road, Garberville, CA 95542

APN 108-012-010

Prepared For:

Canigou Inc

May 2018

Prepared By:



MOTHER EARTH ENGINEERING

920 Samoa Boulevard, Suite 210

Arcata, CA 95521

707.633.8321

www.motherearthengineering.com

1 PROJECT LOCATION

This project is located at 12019 Wilder Ridge Road, Garberville, CA 95542.

Humboldt County APN: 108-012-010

Cannabis Apps#: 11402

2 PROJECT DESCRIPTION

This project is for a conditional use permit for 18,092 ft² of existing cannabis cultivation: 10,092 ft² of existing outdoor and 8,000 ft² of existing mixed light cultivation.

3 BASIS OF ONSITE RELOCATION

Onsite relocation that occurred was based on agent consultation with regards to Regional Waterboard enrollment and was documented during the period of February to September 2016.

The applicant was an early enrollee in the Regional Water Board's Cannabis Program (R1-2015-023). Manhard Consulting was the agent for the applicant from February 2016 to February 2018, and oversaw all aspects of permitting, compliance, and registrations. The initial Notice of Intent (NOI) was signed by the applicant and submitted to the Regional Board in February 2016. The Water Resources Protection Plan (WRPP) prepared by Manhard was dated August 2016. MRP and fees remitted in September 2016, finalizing enrollment. The WRPP discusses the onsite relocation of cultivation areas to a more gently sloped grassland area in order to realign the road away from streams and pond. This discussion of onsite Relocation can be found in the WRPP Page 3- paragraph 3, page 8- paragraph 1, and WRPP map C-1. The WRPP is approximately 187 pages and is included as an electronic attachment. The applicant began to implement the WRPP in early 2017, before and during the year's growing season.

4 METHODS

Field visit was conducted on April 11, 2018 to inspect the remediated areas, relocation site, and assess the parcel for overall compliance with Water Board, County and California Department of Fish and Wildlife (CDFW) regulations.

5 ENVIRONMENTAL SUPERIORITY OF RELOCATION SITE

Based on site investigation the relocation site was found to be environmentally superior to the former grow site. This is primarily due to reduced slopes and additional distance to riparian areas which reduce overall impacts to water quality. The sections below summarize the key areas of environmental superiority with respect to the relocation site.

5.1 SUPERIOR SLOPES

The former grow site was located on slopes of approximately 30% and located approximately 100 feet from 3 separate class three watercourses. The relocation site is located in an open grassland area with slopes of less than 15% and is located over 200 feet from one single class three watercourse. The reduced slopes of the relocation site allows for stormwater runoff to attenuate and dissipate much more quickly and completely than areas with steeper slopes.

5.2 SUPERIOR VEGETATION BUFFERS

The relocation site is in an open grassland area that is surrounded by a natural, completely grassy vegetated buffer of approximately 200 feet in width in the downslope areas. In contrast, the former grow site contains a mixture of grassed areas as well as partially canopied areas on the downslope side. In the partially canopied areas, the ground cover is a combination of forest duff and woody debris with limited vegetative ground cover or shrubs. This type of ground cover is more erosive than fully grassed areas. Also, this type of ground cover in combination with steeper slopes increases the likelihood of erosion and sediment transport. Therefore the open grassland area of the relocation site presents a superior configuration of naturally vegetated buffers to minimize erosion and attenuate runoff and sediment transport.

5.3 SUPERIOR RIPARIAN BUFFERS

The relocation site provides enhanced riparian buffers over the former grow site. These enhanced riparian buffers, while not required, are very beneficial for environmental protection when considering the specific site location. The project site is less than 0.25 miles from the Mattole River, and former outdoor grow areas, while meeting the Regional Water Board's setback criteria, are located within 100ft of three separate Class III watercourses that discharge directly to the Mattole River. The relocation site increases the distance of the riparian buffer by a factor of 100% - doubling its width to 200ft. In addition, the relocation site is proximate to one, single watercourse, rather than three which further minimizes risk of potential impact to proximate watercourses. The increased distance of the relocation site from the nearest watercourse, coupled with its more gently sloping characteristics provides superior conditions – greater ability to dissipate flow and attenuate sediment and constituents- in order to enhance protection of riparian areas.

5.4 SUPERIOR BUFFERS FROM SENSITIVE SPECIES

A search of CDFW's BIOS system was conducted for the project area. According to the California Natural Diversity Database, the rare and sensitive species mapped proximate to the subject parcel is Steelhead Trout. See Figure 1 below. Due to the site's proximity to the Mattole River, and also due to the former

grow site's proximity to unnamed Class III tributary to the Mattole River, enhanced riparian buffers provide enhanced buffers to sensitive species in the project vicinity. Therefore, the relocation site is an environmentally superior to alternative to the former grow site as the enhanced buffers can potentially reduce impacts to sensitive species.

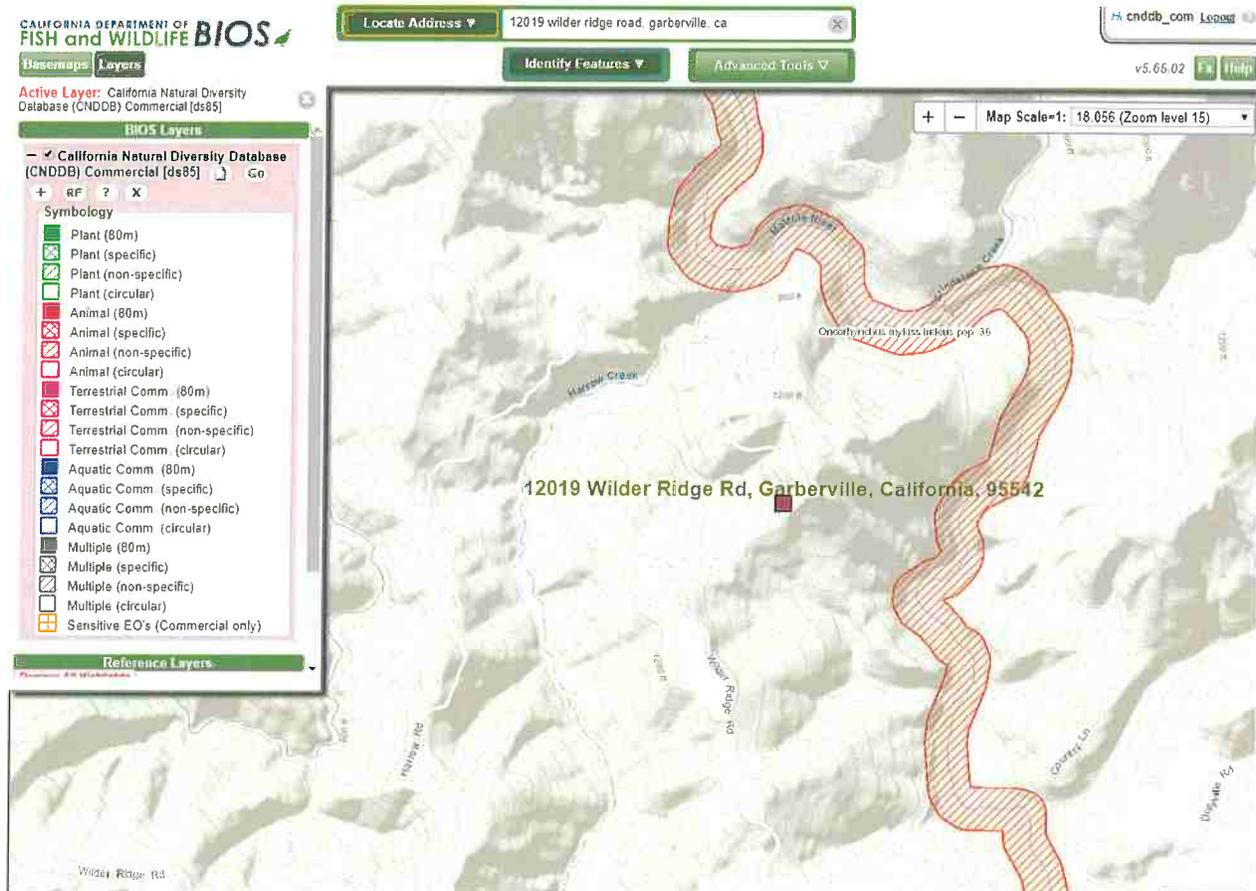


Figure 1 – Screenshot of CDFW Bios Database output for project area. The nearest mapped rare/sensitive species is Steelhead Trout (Mattole River).

5.5 IMPROVED SOLAR ACCESS

The relocation site is located in an open grassland area. The former grow site is located in an existing clearing surrounded by tree canopy at its perimeter. The perimeter canopy creates partial shading of the former grow site during certain times of year, and thus sub-optimal growing conditions. The relocation site does not have any shading issues. The improved solar aspect of the relocation site will allow for more efficient cultivation thus reducing energy impacts. Without any increase to the amount of fertilizers/amendments, there will be an increased yield (pounds) of cannabis per square foot, simply due to the relocation site's increased access to solar radiation.

5.6 REDUCED IMPACTS TO WATER QUALITY

The relocation site provides reduced impacts to water quality over the former grow site. Sediment deposition impairs waterways and increases water temperatures affecting the health of riparian species.

The relocation site and surrounding buffers provide superior dissipation and attenuation of storm water and sediment flows. This significantly reduces the potential for sediment transport and delivery to nearby watercourses and the Mattole River over the former grow site.

6 REMEDIATION AND MONITORING PROTOCOL

6.1 BEST MANAGEMENT PRACTICES (BMPs)

Best Management Practices for operations, work, construction, erosion control and other elements will be followed at all times as stipulated by:

1. Regional Water Board – Order R1-2015-0023, Appendix B
2. California Department of Fish and Wildlife
3. State Water Board Cannabis General Order

6.2 REMEDIATION OF FORMER GROW SITES

At the 4/11/18 site visit, the former grow sites that were relocated were observed to have been decommissioned with all debris removed. Ongoing remediation requires monitoring of erosion control and revegetation measures, with additional installation of erosion control and seeding/plantings on an as-needed basis per regular self-inspections. Applicant shall refer to their WRPP and 1) assure that the WRPP is fully implemented 2) follow BMP installation and monitoring protocols as prescribed in WRPP.

6.3 REVEGETATION OF RELOCATION SITE

During the 4/11/18 site visit, exposed soils at the relocation site were observed to be 30-50% revegetated. The relocation site was surrounded by grassland area buffers greater than 200ft in width. There was no evidence of sediment transport, and the cultivation area appeared to be well attenuated by natural buffers. For the relocation site, ongoing revegetation and erosion control protocols should be followed as outlined in the Manhard WRPP, and the area should be monitored per the protocol outlined in the section below.

6.4 MONITORING AND CRITERIA FOR SUCCESS

Additional to routine monitoring required by the Water Board, the following ongoing monitoring protocol shall continue for a minimum of three years. Both the relocation site and remediated former grow site shall be monitored. The following monitoring and implementation schedule shall be followed annually:

1. One month prior to commencing season's cultivation activities
 - a. Self Inspection with Documentation
2. After self-inspection and before commencing season's cultivation activities
 - a. Implementation of additional corrective as needed per self inspection
 - b. Document all measures installed per item 2.a above.
3. Mid-season

- a. Self Inspection with Documentation
4. October 1st
 - a. Self Inspection with Documentation
5. October 1st- 15th
 - a. Implementation of additional corrective as needed per self inspection.
 - b. Document all measures installed per item 2.a above.
6. By December 15th
 - a. Self Inspection with Documentation
7. Winter wet weather monitoring
 - a. Self Inspection with Documentation following any rainfall event with an intensity of 3 inches of precipitation or greater in 24hours.

The following success criteria shall be utilized:

- All exposed soils in disturbed areas shall be revegetated. Revegetation of all exposed soils in disturbed areas to 70% coverage or better.
- No evidence of significant sediment transport during post wet-weather event monitoring.



August 9, 2018

Certified Mail:

#7011 3500 0002 2331 2981

Tristan Strauss
 Solimar LLC
 15 N Bay View Ave,
 Samoa, CA 95564

Subject: Notice of Violation of Fish and Game Code Sections 1602 and 5650 in
 Conjunction with Cannabis Cultivation

Dear Mr. Strauss:

On July 12, 2017, Department of Fish and Wildlife (Department) staff visited your parcel (APN#: 108-012-010) located adjacent to the Mattole River in Humboldt County, CA. During the site visit, Department staff observed the activities described below, which are violations of Fish and Game Code (FGC) sections 1602 and 5650. Staff also observed evidence of cannabis cultivation in conjunction with this activity. The list of FGC violations below is not comprehensive; therefore, the Department requests a full evaluation of the parcel for all jurisdictional projects and requires notification pursuant to FGC Section 1602.

| Violation # | FGC Violation | Latitude/Longitude | Description |
|-------------|---------------|--------------------|---|
| 1 | 1602 | 40.1655, -123.0193 | Unpermitted water diversion resulting in; (1) substantial diversion and obstruction of natural flow of a stream and (2) substantial change to the bed and banks of a stream. |
| 2 | 1602 | 40.1681 -124.0160 | Unpermitted stream crossing, resulting, in substantial change to bed and banks of a stream. |
| 3 | 5650 | 40.1683 -124.0153 | Hydrologically connected road surface, resulting in water pollution from 1) discharge of sediment from road runoff and 2) placement of sediment where it can pass into waters of the State. |

Conserving California's Wildlife Since 1870

FGC Section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC Section 1602 without first notifying the Department violates Section 1602.

In the Department's view, notification under FGC Section 1602 was required because the activities substantially altered the banks and obstructed Unnamed Tributaries to the Mattole River. However, the Department was unable to locate a notification for these activities.

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.

A person who violates FGC sections 1602 and 5650, in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC Section 1602, and \$20,000 for each violation of FGC Section 5650. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e).) Also, the District Attorney or the Attorney General may enforce a violation of FGC Section 1602 and FGC Section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC Section 1602 or 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602 and 5650 criminally. Under FGC Section 12000, each violation is a misdemeanor.

As a first step to address this matter, the Department requests you contact scientific staff at 707-441-2077 within 14 days of the date of this letter. The Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for the activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC sections 1602 or 5650, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

Tristan Strauss
August 9, 2018
Page 3 of 3

The Department appreciates your cooperation.

Sincerely,

WARDEN BRENDAN LYNCH #810

Warden Brendan Lynch
Watershed Enforcement Team

cc: Brendan Lynch, Scott Bauer, Laurie Harnsberger, Kalyn Bocast
California Department of Fish and Wildlife
brendan.lynch@wildlife.ca.gov, scott.bauer@wildlife.ca.gov,
laurie.harnsberger@wildlife.ca.gov, kalyn.bocast@wildlife.ca.gov

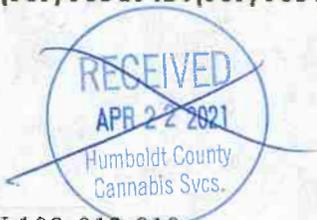
Diana Henriouille-Henry and Adona White
Northcoast Regional Water Quality Control Board
diana.henriouille@waterboards.ca.gov, adona.white@waterboards.ca.gov

John Ford, Robert Russell, and Steven Santos
Humboldt County Planning and Building Department
jford@co.humboldt.ca.us, rrussell@co.humboldt.ca.us,
sasantos@co.humboldt.ca.us



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

11402



March 10, 2021

Soul Arc Solutions
APN: 108-012-010

Re: Assessment of Spillway SMA for Pond Site on APN 108-012-010

Hohman and Associates Forestry Consultants conducted an assessment of a spillway adjacent and connected to an existing pond site on APN 108-012-010 for Soul Arc Solutions. Humboldt County has requested an accurate mapping of the Streamside Management Area (SMA) to illustrate the relationship to and location of the pond and associated spillway.

Assessment Methods

Hohman and Associates conducted an on-site field investigation of the channel/spillway to assess presence/absence of riparian and wetland indicator vegetation. Any indication of perennial or seasonal stream flow and/or water was also inspected to determine if the existing pond on the parcel is constructed within the SMA. As per Humboldt County [Humboldt County Code (HCC) 314-61] the SMA for a Class III (intermittent stream) drainage would be 50 ft. from the "top of bank or edge of riparian drip-line whichever is greater" [HCC 514-61.1.7.6.2.2].

Conclusions

During the on-site assessment on March 8, 2021 Hohman and Associates determined that there was flowing water approximately 40 feet below the head of the spillway channel. The topography of the spillway has indications that the channel was clearly created by fluvial processes, and the drainage is hydrologically connected to a Class III drainage that flows into the Mattole River. Riparian and wetland indicator species were observed on the lower sections of the channel. The existing pond site is 20 feet from the bank of the spillway which is classified as a Class III drainage. As of March 8, 2021, there was no sign or indication of fluvial transport of sediment or organic matter within the channel or spillway as a result of the existing pond. The pond is connected to the spillway by a culvert which is rocked at the exit site of the culvert. See attached site photos.

Hohman and Associates have mapped out the SMA of the Class III spillway. Based on our professional judgement, the existing pond site is within the 50 ft. SMA and the spillway is hydrologically connected to the waters of the state. See attached map.

Please contact us by phone or email if you have any further questions.

Sincerely,

Corrina Kamoroff
Biologist
Hohman and Associates Forestry Consultants



Soul Arc Solutions
SMA
APN: 108-012-010

Sec. 25: T3S, R1E; HB&M;
Humboldt County
Located on the Honeydew 7.5' USGS
Quadrangles

-  SMA
-  Pond
-  Class III



Contour Interval: 40'
1 inch = 76 feet

Hohman And Associates Forestry Consultants
Date: 3/10/2021



Soul Arc Solutions
 APN: 108-012-010

 108-012-010
 Pond

Sec. 25: T3S, R1E; HB&M;
 Humboldt County
 Located on the Honeydew 7.5' USGS
 Quadrangles



Contour Interval: 40'

Hohman And Associates Forestry Consultants
 Date: 3/10/2021

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

| Referral Agency | Response | Recommendation | Location |
|--|-----------------|-----------------------|---|
| Building Inspection Division | ✓ | Conditional approval | Attached |
| Division Environmental Health | ✓ | Approval | Attached |
| Public Works, Land Use Division | ✓ | Conditional approval | Attached |
| CAL FIRE | ✓ | Conditional approval | Attached |
| California Department of Fish & Wildlife | ✓ | Comments | Attached – Planning staff response to comments |
| Northwest Information Center | ✓ | Further study | On file and confidential |
| Bear River Band of the Rohnerville Rancheria | ✓ | Comments | On file and confidential |
| Intertribal Sinkiyone Wilderness Council | | No response | |
| Regional Water Quality Control Board | | No response | |
| Southern Humboldt JT Unified School District | | No response | |
| Humboldt County Sheriff | | No response | |
| Humboldt County Agricultural Commissioner | | No response | |
| Humboldt County District Attorney | | No response | |
| North Coast Unified Air Quality Management District | | No response | |
| North Coast Regional Water Quality Control Board | | No response | |
| State Water Resources Control Board – Division of Water Rights | | No response | |
| Telegraph Ridge Volunteer Fire Protection District | ✓ | Conditional approval | Attached |



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

9/5/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District Fire Protection District, Southern Humboldt Joint Unified School District School District, Humboldt County Sheriff, State Water Resources Control Board, Division of Water Rights

108-012-010

Applicant Name Canigou Inc **Key Parcel Number** 108-012-010-000

Application (APPS#) 11402 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-242

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

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

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

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

Return Response No Later Than 9/20/2017

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

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 2/9/18

PRINT NAME: Rudy Marenghi



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 45246/11402 (APPS #)
Parcel No.: 108-012-010
Case No.: CUP16-242

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

Existing operation appears to have expanded, see comments: _____

Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

Proposed new operation has already started.

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

Other Comments: Revise plot plan to show CA in front of GH5, proposed 50K gal tank as existing, 8,400 sqft CA as existing, actual sqft of GH 4 (20x80), mixing tank in front of GH 4, 6 5k gal tanks near GH 4 as existing, existing near GH 4 → 5K gal tank as not there, all individual GH'S drawn and numbered. Will need soils report and grading, erosion, and sediment control plan by engineer.

Name: Rudy Marenghi

Date: 2/9/16

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



HUMBOLDT COUNTY
 PLANNING AND BUILDING DEPARTMENT
 CURRENT PLANNING DIVISION
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7341

RECEIVED

17/18-0579

SEP 06 2017

9/5/2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District Fire Protection District, Southern Humboldt Joint Unified School District School District, Humboldt County Sheriff, State Water Resources Control Board, Division of Water Rights

Applicant Name Canigou Inc **Key Parcel Number** 108-012-010-000

Application (APPS#) 11402 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-242

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

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

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

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

Return Response No Later Than 9/20/2017 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: _____



DATE: 12/28/17
 * PLN-11402-CUP Soul Arc Solutions

PRINT NAME: Ben Dolf
 January 20, 2022



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

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
 BUSINESS 445-7652
 ENGINEERING 445-7377
 FACILITY MAINTENANCE 445-7493

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

LAND USE 445-7205



LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03-01-2018

RE:

| | |
|----------------|-----------------|
| Applicant Name | CANIGOU INC |
| APN | 108-012-010 |
| APPS# | 11402 CUP16-242 |

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report for the private access road. (It is incorrectly labeled as WILDER RIDGE RD) Applicant states road is equivalent to a CAT 4 road.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11402

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION: AT WILDER RIDGE RD

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

6/8/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District Fire Protection District, Southern Humboldt Joint Unified School District School District, Humboldt County Sheriff, State Water Resources Control Board, Division of Water Rights

Applicant Name Soul Arc Solutions, Inc. Key Parcel Number 108-012-010-000

Application (APPS#) 11402 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-242

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

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

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

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

Return Response No Later Than 6/23/2018

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

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____

PRINT NAME: _____

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

Ref: 7100 Planning
Date: September 18, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Canigou Inc.
APN: 108-012-010-000
Area: Etnersburg
Case Numbers: CUP16-242

Humboldt County Application #: 11402
Type of Application: Conditional Use Permit
Date Received: 9/7/2017
Due Date: 9/20/2017
APN 108-012-010-000

Project Description: A Conditional Use Permit for a commercial medical cannabis cultivation consisting of 10,092 square feet (sf) existing outdoor and 8,000 square feet of existing mixed light with a proposed new mixed light cultivation of an additional 2,208 square feet. The total proposed cultivation area is 20,300 square feet, to occur in six (6) greenhouses and one (1) open-air outdoor cultivation area. The estimated 290,000 gallons of irrigation water needed annually is provided by a register Point of Diversion and will be stored in a proposed catchment pond of 70,000 gallons and proposed tank storage of 154,000 gallons with a total proposed storage of 224,000 gallons. Processing will occur on-site within an ADA compliant proposed 1200 square foot facility and a generator provided power.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Luther, Stephen

From: Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>
Sent: Wednesday, September 05, 2018 1:11 PM
To: Luther, Stephen
Cc: Karee Kelsen
Subject: Applications 11402 and 11598

Stephen,

As we discussed this morning, the permits associated with Application numbers 11402 Soul Arc Solutions and 11598 Canigou, Inc. are in good standing with CALFIRE. The mitigation proposed by the RPF working for the project proponent is acceptable at this time. Future timberland conversion by the landowner will be evaluated for compliance with the Forest Practice Rules and County Codes for timberland conversion on lands zoned TPZ or otherwise capable of growing timber.

Please feel free to call me and a copy of this email can be put in both files and is considered an update to the past referral comments.

Tim Meyers
Forester I, RPF #2813
Department of Forestry and Fire Protection

CAL FIRE
Weott Resource Management
Humboldt-Del Norte Unit
Office (707) 946-2204
Cellular (707) 599-6433
tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov



**California Department of Fish and Wildlife
CEQA Referral Checklist**

| | | | |
|---|--|--|---|
| Applicant: Canigou Inc. | | Date: 10/9/2018 | |
| APPS No.: 11402 | APN: 108-012-010 | DFW CEQA No.: 2017-0701 | Case No.: CUP16-242 |
| <input checked="" type="checkbox"/> New | <input checked="" type="checkbox"/> Existing | <input checked="" type="checkbox"/> Mixed-light (SF): 10,208 | <input checked="" type="checkbox"/> Outdoor (SF): 10,092 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR |

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Aerial imagery suggests, and onsite review confirms, that the cultivation area has been expanded significantly post January 1, 2016 (see attached maps). CDFW requests clarification from County Staff on whether this concern has been addressed and/or resolved prior to consideration of Permit approval.

The Department issued a Notice of Violation to the applicant for failure to submit a Notification of Lake or Streambed Alteration for jurisdictional items. The Department requests that the applicant submit a Notification prior to consideration of Permit approval.

Upon site review it was identified that road grading along the access road (on parcel) contributed to a landslide that delivered a substantial quantity of sediment to a Class II stream. The area of concern (see 2018 map attached) does not appear to be identified or addressed in the WRPP. The Department requests that this item be addressed prior to consideration of Permit approval.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section

1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.

- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- Conduct a baseline biological assessment of the property to determine the potential for rare species or sensitive natural communities to be present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should develop a nine-quad search and conduct appropriate surveys in all areas that have the potential to be directly and indirectly impacted by the project and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.
- The Project proposes to utilize mixed-light cultivation within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potentially occupied habitat. CDFW requests that no mixed-light cultivation methods be permitted at this site. CDFW further requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat, prior to consideration of Project approval. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft and removal of light fixtures from greenhouses. CDFW further requests that proof of mixed-light use prior to the CEQA baseline be provided.
- Aerial imagery and referral materials suggest that full-sun outdoor and light deprivation cultivation methods were utilized prior to January 1, 2016. CDFW requests either proof of prior mixed-light use or that mixed-light cultivation methods be omitted and not authorized as part of the project.

Please note the following information:

- Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 15,000 square feet. CDFW requests that the cultivation area requested by the applicant be reconsidered prior to Project approval.
- Aerial imagery suggests that all/part of the proposed project has been implemented prior to Project approval. CDFW requests that the project be placed on hold and that all activities cease until appropriate environmental review has occurred.
- CDFW requests an assessment of the access road leading to the project site, prior to Project approval to identify nonpoint source pollution that may affect fish and wildlife (e.g. landslide mentioned above).
- Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ The referral materials and ancillary information suggest that there is a recently illegally constructed rainwater catchment pond onsite. CDFW requests:
 - That the pond be inspected by a qualified Engineering Geologist to ensure that the pond was constructed adequately and does not have potential to fail and deliver to the nearby Class II Stream.
 - That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
 - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood).
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal Rainbow Trout (*O. mykiss irideus*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov .

Please confirm that you have received this email.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

Strauss, APN: 108-012-010, APPS: 11402, CEQA-2017-0701, Imagery Date: May 2018, Approximately 31,200SF Cultivation

- Major_CA_Streams_3_R1_Coast
- NSO_Buffer05mile
- NSO_Buffer07mile
- Landslide

De Cordova James H

Matole River

0 0.05 0.1 0.2 Miles



Strauss, APN: 108-012-010, APPS: 11402, CEQA-2017-0701, Imagery Date: Sept. 2015, Approximately 15,000SF Cultivation

- Major_CA_Streams_3_R1_Coast
- NSO_Buffer05mile
- NSO_Buffer07mile

De Cordova James H

Mattola River



9/18 VC



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



9/5/2017

PROJECT REFERRAL TO: Telegraph Ridge Fire Protection District Fire Protection District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Telegraph Ridge Fire Protection District Fire Protection District, Southern Humboldt Joint Unified School District School District, Humboldt County Sheriff, State Water Resources Control Board, Division of Water Rights

Applicant Name Canigou Inc **Key Parcel Number** 108-012-010-000
Application (APPS#) 11402 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-242

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

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

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

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

Return Response No Later Than 9/20/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Request phone or email contact info;
request employee Fire Safety training. Fire Standpipe

DATE: 9/18 PRINT NAME: Laura Cochrane