



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 16, 2021
To: Humboldt County Zoning Administrator
From: Cliff Johnson, Supervising Planner
Subject: **Humboldt John, LLC, Special Permits**
Record Number: PLN-11780-SP
Assessor's Parcel Number (APN): 221-061-036
3852 Thomas Road, Salmon Creek 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

Hearing Date September 16, 2021	Subject Special Permits	Contact Max Hilken
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Project Description: A Special Permit for existing 7,450-square-foot outdoor cannabis cultivation that uses light deprivation techniques. Cultivation will occur in two distinct historic cultivation areas that are to be modified to no longer encroach on the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation totals 1,385 square feet (SF). Irrigation water is sourced from a spring diversion located on APN: 211-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the modification and remediation of commercial materials associated with of four (4) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage.

Project Location: The project is located in Humboldt County, in the Salmon Creek area, on the east side of Thomas Road, approximately .61 miles North from the intersection of Salmon Creek Road and Thomas Road to a private driveway then .45 miles west from the intersection of Thomas Road and the private driveway, on the property known 3852 Thomas Road.

Present Plan Land Use Designations: Residential Agriculture (RA40) Density: 5 to 40 acres per dwelling unit, Slope Stability: High instability (3).

Present Zoning: Unclassified (U)

Record Number: PLN-11780-SP

Assessor's Parcel Number: 221-061-036

Applicant

Humboldt John, LLC
Attn: John & Nicole Keenan
PO Box 1442
Redway, CA 95560

Owner

Same as Applicant

Agents

Omsberg & Preston
Kim Preston
402 E Street
Eureka, CA 95501

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 Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Humboldt John, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Humboldt John, LLC, seeks a Special Permit to allow the continued operation of an existing 7,450-square-foot outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). The project requires a special permit for work within the SMA in conjunction with the proposed onsite relocation which includes modifications and remediation of four (4) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage. Cultivation will still occur in the two distinct historic cultivation areas however the modifications proposed will relocated all commercial cannabis materials to outside of the Streamside Management Area (SMA) setbacks. Ancillary propagation is proposed in three greenhouses (800 SF, 250 SF, and 335 SF). Two harvests are anticipated annually for a growing season that extends from May through October. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The operation will be secured behind a gated road and is not visible from the main road.

Nursery Space

As noted above, ancillary propagation associated with the operation totals 1,385 SF and occurs within three greenhouses. This equates to 19% of the total cultivation area. However, a nursery space of 10% of the cultivation area is what planning division staff and the Planning Commission have found allowable in the past, which would be equivalent to a nursery space of 750 SF.

As the current nursery space (1,275 SF) is considerably larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County, a recommended condition of approval has been included to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursely space, or 750 SF.

Onsite Relocation

The proposed project includes the onsite relocation of approximately 3,500 SF of outdoor cannabis cultivation. The work required includes the removal of all cannabis associated materials including the modification to resize or remove four (4) greenhouses utilized for cultivation and ancillary propagation, 3 building structures utilized for drying and chemical storage, and the repurposing of some of these locations as a vegetable garden outside of the SMA, and for areas of disturbance within the SMA. The land will be reseeded with native grasses and straw waddles will be utilized for erosion control while the grasses revegetate the area back to historic conditions prior to cannabis cultivation uses. The proposed location is adjacent to the existing location in relatively low degree slopes, away from seasonal drainage or onsite surface water channels. Staff are in support of this relocation as it relocates commercial cannabis activities out of and away from streamside management areas, consolidates the footprint of

cultivation, and reduces potential of sediment erosion or transportation to surface waters located on the eastern and southern portions of the property.

Grading and Erosion Control

A Preliminary Engineering Geologic Report was prepared by SHN in September 2019, which reviewed the soil stability at the proposed relocation site for cannabis cultivation. The report describes the proposed location as being situated high on a spur ridge, the slopes are primarily vegetated with grasses and brush, with pockets of forested canopy. The proposed developments will be situated on gently to moderately sloping ground, the ridge itself is generally smooth with pockets of hummocky ground on the side slopes. Soils undergoing slope creep and/or associated with earthflows are considered the primary stability hazard in this location. The report included recommendations for the design of the building pads and access road for the relocated greenhouses which include, seismic design criteria's, general site preparation and grading, engineered fill placement and compaction, and foundations. With adherence to the recommendations in the plan, the development and placement of unpaved road surfaces or graded pads that support hoop houses or other structures that are simply placed on the surface are considered low risk. The project is conditioned to adhere to the recommendations included in the Preliminary Engineering Geologic Report and provide the Humboldt County Planning Department with copies of specific configuration and grading plans pursuant to the proposed development as described.

Water Resources

The site has three (3) ponds, Pond 1 is a rainwater catchment pond utilized for irrigation and fire suppression with an estimated capacity of 124,236 gallons, Pond 2 is utilized for domestic use with an estimated capacity of 100,000 gallon, and Pond 3 is not utilized for domestic or commercial use with an estimated capacity of 21,000 gallons. Water for irrigation is provided by a spring diversion (Registration No. H503707) located on the adjacent property to the south identified as APN: 211-061-008 and a rainwater catchment pond (Pond 1) with a 124,236-gallon storage capacity onsite located immediately south of the proposed relocation site. The point of diversion is registered with the SWRCB for diversion of up to .17-acre-feet (55,394 gallons) annually. A Notification of Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0520-R1) has been received for the site under operation of law for two points of diversion located on neighboring properties, a point of diversion (pond) located onsite for domestic use, and five stream crossings. Water storage onsite consists of the 124,236-gallon rainwater catchment pond, and 32,500-gallons of hard sided tank storage for a total storage amount of 156,736 gallons. Estimated annual water usage is 120,000 gallons annually. Water storage onsite exceeds the estimated water use needs by 36,736 gallons (23%) as such additional water storage is not being requested or proposed at this time.

The Site Plan shows three mapped streams two of which class 2 Unnamed streams and one Unnamed class 3 stream with associated 50-foot and 100-foot setback distance buffers. A Water Resources Protection Plan (WRPP) was prepared by Pacific Watershed Associates in February 2017, which identified 15 standard site conditions requiring improvements to bring in line with the North Coast Regional Water Quality Control Board (NCRWQCB) and includes a Monitoring and Inspection Plan to be performed annually until all corrective measures can be implemented and confirmed as working with no sediment movement or erosion concerns. The project is conditioned to comply with the measures described in the WRPP to minimize potential impacts on water resources. Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development of a Site Management Plan (SMP), where any further recommendations for measures to protect water quality will be addressed.

Biological Resources

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) on July 8, 2021, there are no mapped sensitive species onsite. The nearest Northern Spotted Owl (NSO) observation is located approximately 1.3 miles from the site, with the nearest NSO activity center located approximately 1.9 miles from the site. Per the applicant, power is supplied by one EU6500i Honda generator that will be used for 21 days in late July and again for 21 days in September or

October for drying related uses. The generator has a reported sound displacement rating of 52-58 dB(A) at 23 feet away, which would equal 46 dB(A) at most from 100 feet away utilizing the inverse square law for sound pressure. A Natural Resources Assessment (Bio Report) was prepared by SHN on September 6, 2018. The Bio Report was comprised of a literature review and site visits conducted on May 22, 2019, by a senior wildlife biologist and staff botanist, and on July 12, 2019, by a staff botanist fulfilling appropriate seasonal surveys pursuant to CDFW protocols. The literature review included review of the CNDDDB, CDFW Biogeographical Information and Observation System (BIOS), the electronic inventory of rare and endangered vascular plants of California through the California Native Plant Society, and the Special Animals of California List (CDFW). The report focused on evaluating site conditions as it relates to the proposed relocation of the full 7,450 SF of cannabis cultivation areas to the proposed relocation location on site. The Bio Report concluded that while several special-status species have the potential to occupy the study area based on the available habitat, no special-status animal species were observed during the site visit, one special-status plant was observed during the seasonally appropriate site visits. The project is conditioned to adhere to all 13 recommendations included within the Bio Report which include but are not limited to a bullfrog management plan, vegetation clearing, creating none-development buffers around the spring, and attenuate noise production to minimize potential impacts on wildlife, plants, and natural communities.

Tribal Cultural Resources

The project is located in the Bear River Band of Rohnerville Rancheria Territory. The project was referred to the Northwest Information Center (NWIC) and Bear River Band of Rohnerville Rancheria in July 2017. A Cultural Resources Investigation was prepared in June 2019 by William Rich and Associates, Bayside, CA. Per the Report, correspondence was conducted with the Bear River Band of the Rohnerville Rancheria throughout the course of the cultural study. The Report indicates there is a high possibility of the inadvertent discovery of buried archaeological resources during ground-disturbing activities on the subject property. Further, the Report includes conditions to treat one designated area as a historical resource until further research can be performed, this site has no proposed activities. Site two is within an area proposed for minor remediation of historic cultivation areas, as such remediation activities as proposed must occur without the use of heavy equipment and should be restored in such a way that does not require excavation. The continued use of this location for commercial cannabis cultivation must also comply with the prohibition on heavy machinery or any further development such as grading as included in the amended CRS letter dated 8/17/2021 (On File). These findings have been submitted to the Bear River Band of Rohnerville Rancheria for review, with the amended CRS document being submitted 8/18/2021. The Tribe's response to the original CRS echoes the recommendations made in the report and are included as conditions of approval through the life of the project. Additional conditions require adherence to heightened inadvertent discovery language. The project is conditioned to adhere to the recommendation as described within the Cultural Resource Investigation (On-file, Confidential). To date, no additional response from Bear River Band of Rohnerville Rancheria have been received regarding the amended CRS which reviews Site 2 for continued commercial of cannabis cultivation operations.

Access

Access to the site is via a private community-maintained road that intersects the non-county-maintained portion of Thomas Road from mile 4.1 of Thomas Road. An engineered road evaluation (evaluation) was performed for the entire haul route of the project including 1.7 miles of Salmon Creek Road, 5.7 miles of Thomas Road, and the 0.4 miles of private community-maintained road from Thomas Road. The evaluation concludes that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis project identified (92). The evaluation includes 14 recommendations for road improvements including brush clearing, widening, and inclusion of signage to remind drivers to slowdown where appropriate. The project is conditioned to adhere to and implement the conditions relevant to the non-county-maintained road segments as recommended in the Road Evaluation dated 10/12/17.

Additionally, within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps include sending

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

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

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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

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

Resolution Number 21-

Record Number: PLN-11780-SP

Assessor's Parcel Number: 221-061-036

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt John, LLC, Special Permit request.

WHEREAS, Humboldt John, LLC, submitted an application and evidence in support of approving a Special Permit for an existing 7,450-square-foot outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation will occur in one consolidated location in the northeast portion of the parcel in three (3) proposed greenhouses, upon the relocation of two distinct historic cultivation areas that overlap the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation is 750 square feet. Irrigation water is sourced from a spring diversion located on APN: 211-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the removal and remediation of nine (9) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage; 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 Zoning Administrator held a duly-noticed public hearing on September 16, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: The application is A Special Permit for an existing 7,450-square-foot outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation will occur in one consolidated location in the northeast portion of the parcel in three (3) proposed greenhouses, upon the relocation of two distinct historic cultivation areas that overlap the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation is 750 square feet. Irrigation water is sourced from a spring diversion located on APN: 211-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the removal and remediation of nine (9) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage.

EVIDENCE: a) Project File: PLN-11780-SP

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

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resources Protection Plan was prepared by the applicant in February 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. As a condition of approval, the applicant will be required to prepare and submit a Site Management Plan for the project.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in July 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is 1.3 miles from the project area, however, the nearest activity center is 1.9 miles from the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) Review of aerial imagery dating back to 2004 indicates the proposed project will occur on previously disturbed areas and no timber conversion has occurred onsite after the CMMLUO environmental baseline of December 31, 2015.
- f) A Cultural Resources Investigation Report was carried out by William Rich and Associates in June 2019. The Report concluded that the site contains two locations of prehistoric resources. An additional addendum was received on 8/17/2021 prepared by the author of the original June 2019 CRS. The Report with addendum, includes several recommendations to protect the known cultural resource sites and any future sites if discovered. Conditions of approval include avoidance of one location all together, the prohibition of heavy equipment or earthwork at the second location and adhere to heightened inadvertent discovery protocols to ensure no further disturbance of any additional buried archaeological resources that may exist onsite.
- g) Access to the site is via a private access road off Thomas Road, which has been evaluated by a professional engineer as recorded in the Road Evaluation Report (Attachment 3) which concludes the road is of sufficient condition to handle the proposed and cumulative expected traffic for this project and 92 others that gain access from these roads. The project is conditioned to require the implementation of the recommendations included in the Road Evaluation Report, additionally within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps

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

FINDINGS FOR SPECIAL PERMITS

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

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

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

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

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 7,450 SF of outdoor cultivation on a 39.9-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

d) The proposed project includes a Special Permit for development in the Streamside Management Area (SMA) in conjunction with the modification and remediation of commercial materials associated with of four (4) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage. The land will be reseeded with native grasses and straw waddles will be utilized for erosion control while the grasses revegetate the area back to historic conditions prior to cannabis cultivation uses. The proposed location is adjacent to the existing location in relatively low degree slopes, away from seasonal drainage or onsite surface water channels. Staff are in support of this relocation as it relocates commercial cannabis activities out of and away from streamside management areas, consolidates the footprint of cultivation, and reduces potential of sediment erosion or transportation to surface waters located on the eastern and southern portions of the property, thus reducing the impacts of the project on the SMA from baseline conditions.

- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
 - b) The parcel was created by patent, Certificate No. 9056 dated July 22, 1903.
 - c) Water for irrigation is provided by a spring diversion (Registration No. H503707) located on the adjacent property to the south identified as APN: 211-061-008 and a rainwater catchment pond (Pond 1) with a 124,236-gallon storage capacity onsite located immediately south of the proposed relocation site. The point of diversion is registered with the SWRCB. A Notification of Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0520-R1) has been received for the site under operation of law for two points of diversion located on neighboring properties, a point of diversion (pond) located onsite for domestic use, and five stream crossings. Conditions of approval require the applicant to monitor water use from the point of diversion and rainwater catchment pond annually to demonstrate there is sufficient water available to continue to meet operational needs.
 - d) Access to the site is via a private access road off Thomas Road, which has been evaluated by a professional engineer as recorded in the Road Evaluation Report (Attachment 3) which concludes the road is of sufficient condition to handle the proposed and cumulative expected traffic for this project and 92 others that gain access from these roads. The project is conditioned to require the implementation of the recommendations included in the Road Evaluation Report, additionally within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.
 - e) The slope of the land where cannabis will be cultivated is less than 30% per review of the Humboldt County WebGIS online mapping tool.
 - f) The cultivation of cannabis will not result in the net conversion of timberland. Based on review of aerial imagery dating back to 2004, the proposed project will occur on previously disturbed areas and no timber conversion appears to have occurred onsite after the CMMLUO environmental baseline of December 31, 2015.
 - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.
- 6. FINDING** The cultivation of 7,450 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) Access to the site is via a private access road off Thomas Road, which has been evaluated by a professional engineer as recorded in the Road Evaluation Report (Attachment 3) which concludes the road is of sufficient condition to handle the proposed and cumulative expected traffic for this project and 92 others that gain access from these roads. The project is conditioned to require the implementation of the recommendations included in the Road Evaluation Report, additionally within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is provided by a spring diversion (Registration No. H503707) located on the adjacent property to the south identified as APN: 211-061-008 and a rainwater catchment pond (Pond 1) with a 124,236-gallon storage capacity onsite located immediately south of the proposed relocation site. The point of diversion is registered with the SWRCB. A Notification of Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0520-R1) has been received for the site under operation of law for two points of diversion located on neighboring properties, a point of diversion (pond) located onsite for domestic use, and five stream crossings. Conditions of approval require the applicant to monitor water use from the point of diversion and rainwater catchment pond annually to demonstrate there is sufficient water available to continue to meet operational needs.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's

2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

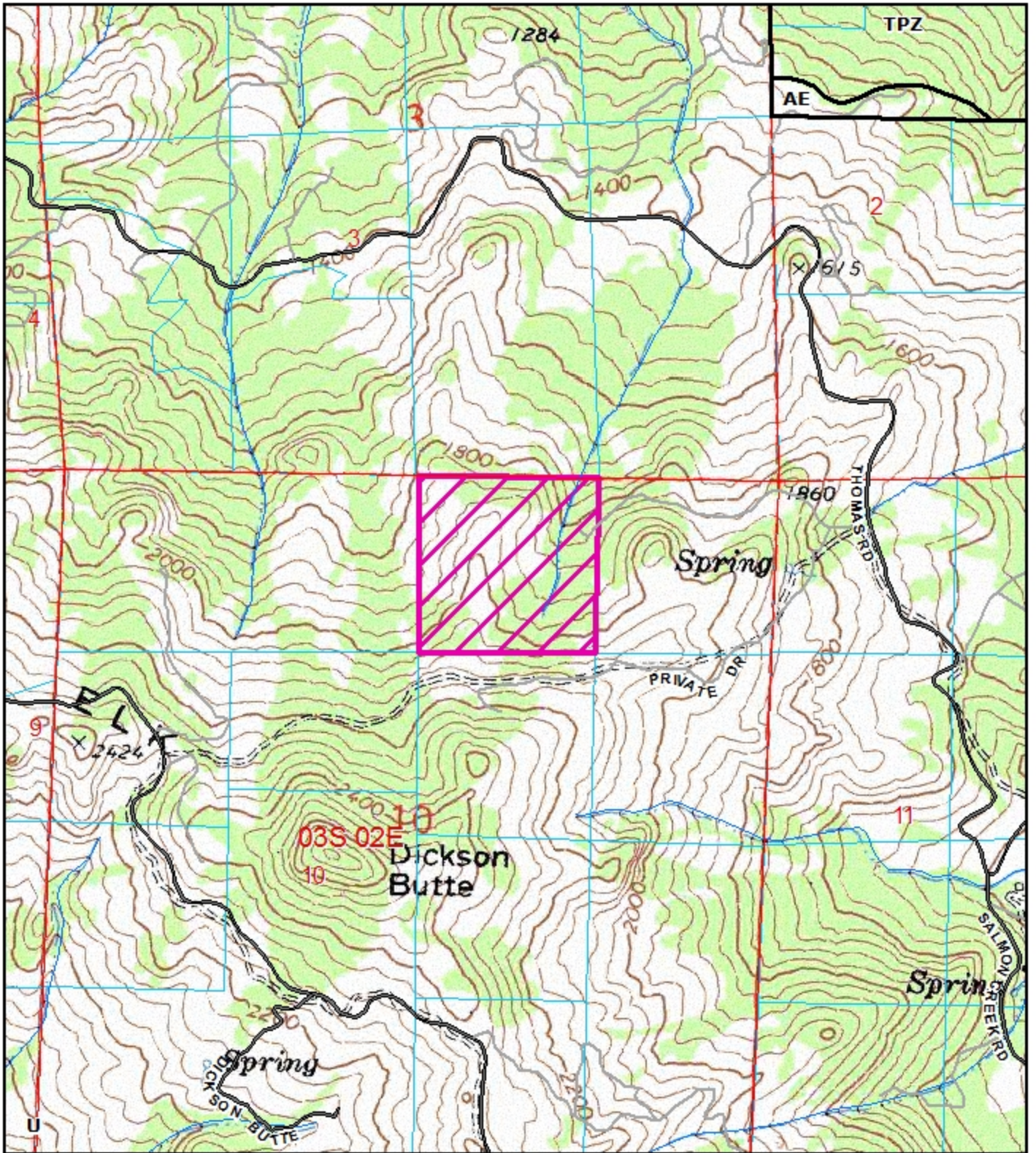
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on September 16, 2021.

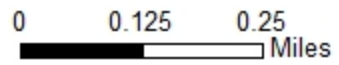
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator,
Planning and Building Department

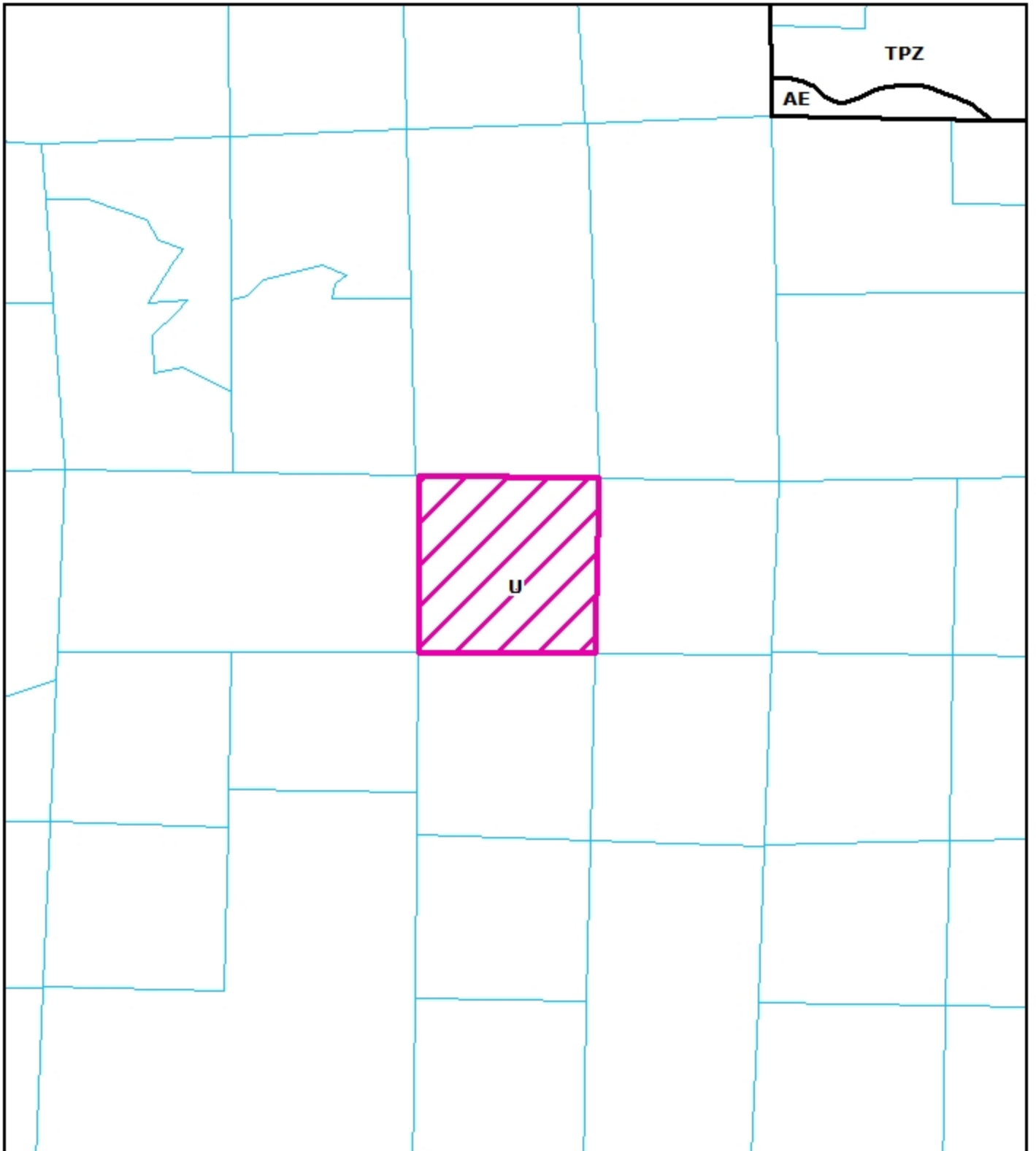


TOPO MAP
PROPOSED HUMBOLDT JOHN, LLC
SALMON CREEK AREA
SP-16-307
APN: 221-061-036
T03S R02E S10 HB&M (ETTERSBURG)


Project Area =

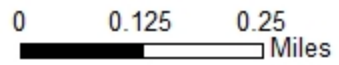


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

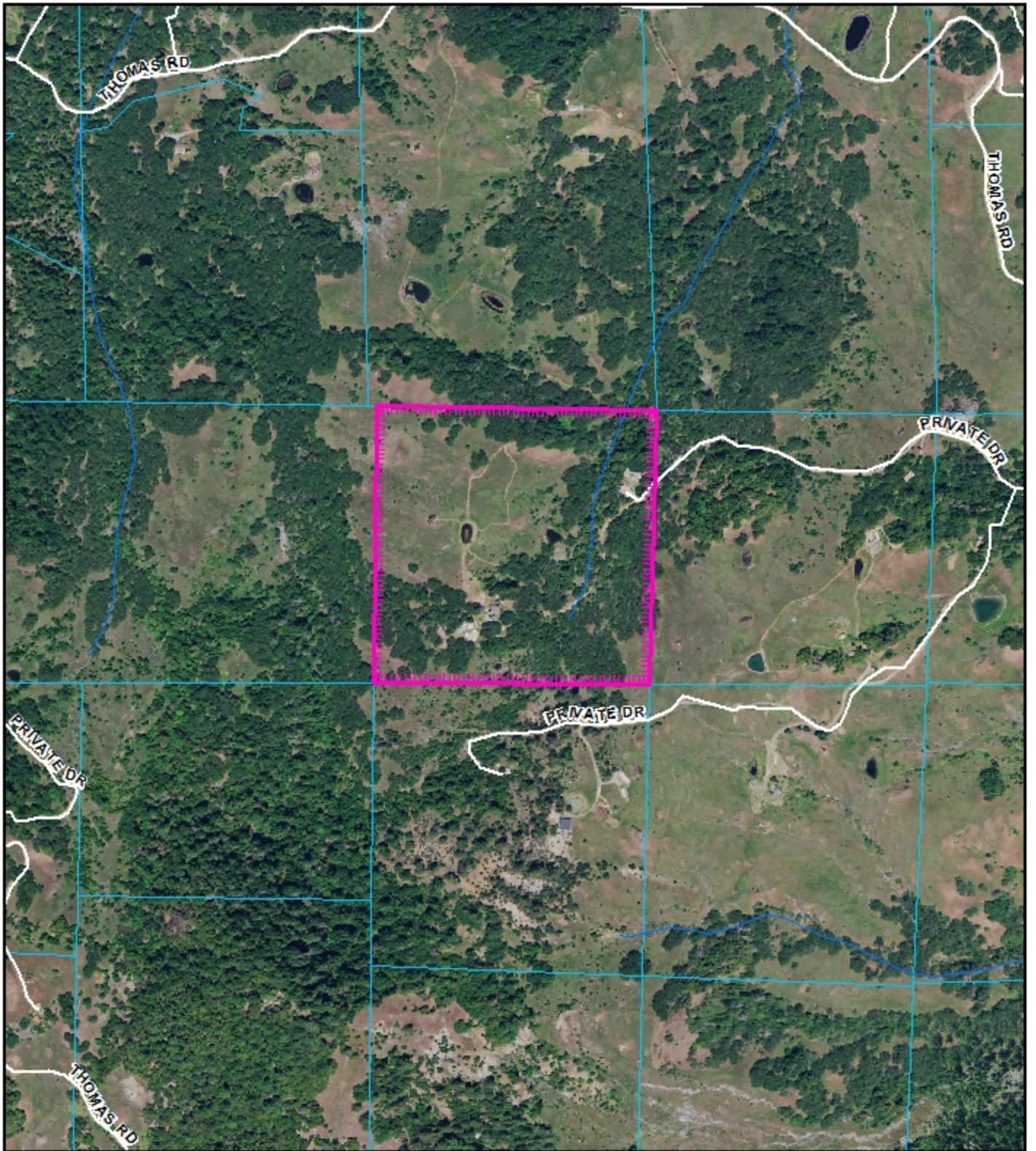


ZONING MAP
PROPOSED HUMBOLDT JOHN, LLC
SALMON CREEK AREA
SP-16-307
APN: 221-061-036
T03S R02E S10 HB&M (ETTERSBURG)


Project Area = 



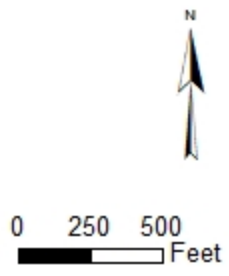
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



**AERIAL MAP
PROPOSED HUMBOLDT JOHN, LLC
SALMON CREEK AREA
SP-16-307
APN: 221-061-036
T03S R02E S10 HB&M (ETTERSBURG)**

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.



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 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. The applicant is to adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates in June 2019 and implement Heightened Inadvertent Discovery Language as described herein:
 - a. No excavation or use of heavy equipment shall be authorized within the identified WRA=02 Kennan Site.
 - b. Heightened inadvertent discovery protocols per CEQA via Humboldt County Ordinances will be implemented:
 - i. If the proposed or any other projects conducted on this property inadvertently expose cultural resources, all work shall halt within 100-feet of the find and a qualified archeologist and tribal representative(s) shall be contacted immediately to evaluate the find.
6. 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.

7. Artificial lighting used for propagation 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.
8. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan and a revised Cultivation and Operations Plan detailing and describing the following, in addition to what is currently shown and described:
 - a. Revise the square footage of the ancillary propagation area to be a maximum of 750 square feet, which equates to 10% of the cultivation area. Further, within 60 days the applicant shall remove propagation greenhouses that are in excess of this amount.
9. 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 #10 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.
10. 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 or any activity with a nexus to cannabis, any noise containment structures, and graded flats, 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.
11. The applicant shall submit a site suitability report to the satisfaction of the Division of Environmental Health (DEH), prepared by Qualified Professional, to determine the site's suitability for an onsite wastewater treatment system. Until such time that an approved onsite wastewater treatment system can be permitted, upon demonstration of site suitability from a Qualified Professional, an invoice, or equivalent documentation, shall be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall implement all corrective actions and measures detailed in Water Resources Protection Plan developed for the parcel, dated February 2017. A letter or similar communication from the North Coast Regional Water Quality Control Board (NCRWQCB) verifying that all their requirements have been met will satisfy this condition.
13. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
14. The applicant shall adhere to and implement the recommendations for road improvements for the private access road and Thomas Road as described in the Road Evaluation Report prepared by

Stillwater Sciences dated 10/12/17. A letter or similar communication from a qualified professional will satisfy this condition. Alternatively, the applicant may arrange a site visit with the Planning Department to verify this condition has been met.

15. The Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
16. The applicant shall comply with the attached CDFW Bullfrog Management Plan (Exhibit A of CDFW comments in Attachment 4) for the existing ponds. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. Fish stocking is prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code for the life of the project.
17. The applicant shall adhere to the recommendations included in the Preliminary Engineering Geologic Report prepared by SHN prepared September 2019 located on pages 4-8 under Section 5.0 and provide the Humboldt County Planning Department with copies of specific configuration and grading plans pursuant to the proposed development as described. The applicant shall submit a letter or similar communication from a licensed engineer stating that all recommendations were followed. A sign-off from the Planning Department or a final grading permit will satisfy this condition.
18. The applicant shall adhere to the recommendations included in the Natural Resources Assessment prepared by SHN received on 10/31/2019 located on pages 16 and 17 under Section 8.0. The applicant shall submit a letter or similar communication from a qualified biologist demonstrating the recommendations were followed. A sign-off from the Planning Department will satisfy this condition.
19. 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.
19. 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 existing pond, water storage containers, and point of diversion registered with the State Water Resources Control Board for irrigation (Registration No. H503707) and shall be provided annually prior to or during the annual inspection.
20. 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.
21. 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.

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

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. 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.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

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

- d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**3852 Thomas Road, Salmon Creek
County of Humboldt**

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

August 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 Special Permit for an existing 7,450-square-foot outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation will occur in one consolidated location in the northeast portion of the parcel in three (3) proposed greenhouses, upon the relocation of two distinct historic cultivation areas that overlap the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation will occur in two existing greenhouses (800 SF and 475 SF). Irrigation water is sourced from a spring diversion located on APN: 211-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the removal and remediation of nine (9) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage.

The Site Plan shows three mapped streams two of which class 2 Unnamed streams and one Unnamed class 3 stream with associated 50-foot and 100-foot setback distance buffers. A Water Resources Protection Plan (WRPP) was prepared by Pacific Watershed Associates in February 2017, which identified 15 standard site conditions requiring improvements to bring in line with the North Coast Regional Water Quality Control Board (NCRWQCB) and includes a Monitoring and Inspection Plan to be performed annually until all corrective measures can be implemented and confirmed as working with no sediment movement or erosion concerns. All approved cannabis activities would be located outside of any Streamside Management Area (SMA) and associated buffer and on slopes less than 50%. The nearest Northern Spotted Owl (NSO) observation is located approximately 1.9 miles from the site, with the nearest NSO activity center located approximately 1.6 miles from the site. Per the applicant, power is supplied by one EU6500i Honda generator that will be used for 21 days in late July and again for 21 days in September or October for drying related uses. The generator has a reported sound displacement rating of 52-58 dB(A) at 23 feet away, which would equal 46 dB(A) at most from 100 feet away. Artificial lighting will be utilized to support the two propagation areas. The applicant is conditioned to enroll with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is adherence to the recommendations made in the Cultural Resource Investigation and addendum prepared for the project and heightened inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and

ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 7,500 square feet of cultivation with ancillary propagation and drying and curing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plan prepared by Pacific Watershed Associates received 5/4/20.
- Cultivation and Operations Plan prepared by applicant received 5/4/20.
- Cultural Resources Investigation for Commercial Cannabis Cultivation prepared by William Rich and Associates received 6/11/2019.
- Engineering Geologic Report Grading and Development Project prepared SHN received 8/31/19.
- Preliminary Engineering Geologic Report proposed Grading and Development prepared by SHN dated 9/17/19.
- Initial Statement of Water Diversion and Use (No. S026315).
- Notification of Lake or Streambed Alteration (No. 1600-2018-0520-R1) received 9/11/19.

- Notice of Intent for waiver of Waste Discharge Requirements order number R1-2015-0023 dated 5/12/16.
- Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023, dated 2/1/17.
- Onsite Wastewater Treatment System (Tier 0 Declaration) for APN 221-061-036 received 6/11/20.
- Right to Divert and Use Water (registration No. H503707) right given 10/22/2018.
- Engineered Road Evaluation Reports for Salmon Creek Road, Thomas Road, Lower Samuels Ranch Loop Road, prepared by Stillwater Sciences received 1/18/18.
- Stream Buffer Assessment for APN 221-061-036) prepared by SHN dated 2/4/21.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plan prepared by Pacific Watershed Associates received 5/4/20 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by applicant received 5/4/20 - 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. (Initial Statement of Water Diversion and Use (No. S026315) – Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resources Protection Plan prepared for North Coast Regional Water Quality Control Board Order No. 2015-0023 (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates dated 2/1/17 – On file. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification of Lake or Streambed Alteration (No. 1600-2018-0520-R1) received 9/11/19 – Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation for Commercial Cannabis Cultivation prepared by William Rich and Associates received 6/11/2019 with addendum received 8/17/2021. (On file - Confidential)
16. Engineering Geologic Report Grading and Development Project prepared SHN received 8/31/19. (Attached)
17. Preliminary Engineering Geologic Report proposed Grading and Development prepared by SHN dated 9/17/19. (Attached)
18. Onsite Wastewater Treatment System (Tier 0 Declaration) for APN 221-061-036 received 6/11/20. (Attached)
19. Engineered Road Evaluation Reports for Salmon Creek Road, Thomas Road, Lower Samuels Ranch Loop Road, prepared by Stillwater Sciences received 1/18/18. (Attached)
20. Stream Buffer Assessment for APN 221-061-036) prepared by SHN dated 2/4/21. (Attached)

21. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)



Cultivation and Operations Plan

Location: 3852 Thomas Rd., Miranda, Ca 95553
APN: 221-061-009

Description of water source, storage, irrigation and projected water use.

- Irrigation water is provided by an irrigation spring and a ridge top rainwater collection pond.
- Irrigation water from the spring is diverted into storage tanks on property, 48 hours a week, starting March and continuing until May. The spring is set full time (24/7) to our storage tanks in November until February. Water from these springs are stored throughout the property in storage tanks ranging from 1,100-gallon size to 3000-gallon size. In total there are 32,500 gallons of tank storage on property. The Pond 1 the ridgetop pond is also used for irrigation This pond has an estimated storage of
- There are also 3 ponds on property. Pond 1 (nature of development unknown) is a rain water filled ridgetop pond, for emergency use. This pond is estimated at 124,236 gallons of water. Pond 2 is domestic use for the cabin. Pond 3 is not used.
- Cannabis is irrigated using ½” poly pipe with 1 GPH emitter spacing every 9”. Currently with 3600’ of irrigation line, and emitters every 9” that equals 4800 emitters. 4800 emitters at 10 minutes is equal to 800 gallons a day, based on a possible 150 day watering period, equaling 120,000 gallons of estimated water use for cannabis. This irrigation will take care of roughly 2000 cannabis plants for the duration of their lives.

Description of on-site drainage, including runoff and erosion control measures

- There were no other areas of concern. Beds are winterized at the end of the season to keep runoff to a minimum.

Protocol for proper storage and use of fertilizers, pesticides, and other regulated products utilized

- Fertilizers are stored near the cultivation areas in lidded 27-gallon tubs. If there is more fertilizer on hand than will fit in a lidded 27-gallon tub, then it is stored on a pallet covered with a tarp (during dry season), or inside the garden shed.
- Pesticides are stored in the garden shed.
- A request for relocation of the cultivation space and all cannabis related buildings. If and when this relocation is approved. Fertilizer and pesticides will be stored in a 10 x 12 shed that will be constructed in the new proposed cultivation area.

Description of cultivation activities

- In December-February we purchase a few clone varieties (4-10). The clones are raised in the immature plant rooms. The clones are grown into mother plants (used to take cuttings of new clones). As the mother plants grow, cuttings are made weekly. As the clones show roots, they are transplanted into 4" – 1 -gallon size pots. The clones will grow like this waiting to be transplanted into the ground. This will occur sometime mid to late April – early May. While the plants grow in the ground new cuttings are being taken from the mother plants. This continues through June and into July. The plants that are growing in the ground will start to have the deprivation tarps pulled on them. Changing the natural light cycle and forcing the plant into flower. These plants will be harvested sometime mid-July. Immediately following harvest, the soil will be cleaned of any old plant matter, turned, and transplanted with round two. The second round of plants will

follow the growing methods of the first round. The second round will be harvested anywhere from September to October.

- In total this cultivation site will harvest approximately 2000 plants a season. 2 rounds with 600 in cultivation area 1 and 2 rounds with 400 in cultivation area 2.

Processing Plan

- Curing of the cannabis will take place on property. Each cultivation area has its own curing building. The curing process begins by hanging sections of the plant onto bailing wire in the curing shed. The room is kept at a 82 degree temperature the first couple days. The remainder of the curing the temperature is kept at 70 degrees. The plants hang there for approximately 2 weeks. Once the plant is dry it the flower is cut from the stem bagged up and awaits manicuring.
- The flowers will be manicured off site.
- Both curing buildings have operating fans, heaters, and dehumidifiers in them. The curing building for cultivation site 1, has electricity provided by solar. The curing building for cultivation site 2 uses a Honda 6500 EU for electricity. This generator reads 52 – 58 dB(A) at 23 feet (7 meters). The generator is housed in a generator shed.

Schedule of activities during each month of the growing and harvesting season, including projected generator use

- Jan – Feb: Cut clones weekly for beginning of season. Transplant any rooted clones into 4” or 1 – gallon pots.
- March – April: Cut clones weekly. Transplant any rooted clones into 4” or 1 - gallon pots. Begin planting first round into the ground.

- May – June: Finish planting round one. Start pulling deprivation curtains in June. Continue cutting clones for round two and transplant all rooted clones into 4” or 1 – gallon pots.
- July – August: Start harvesting first round. Start pulling light deprivation tarps. Continue cutting clones and transplanting rooted clones. Transplanting of second round begins in late July through August.
- Sept – Oct: Light deprivation tarps are being used. Harvesting of round two to start. Decide which mother plants are going to be kept for next year.
- Nov – Dec: Clean up garden. Put to sleep using different methods i.e. cover crops, chicken manure, compose, cardboard layering... Shop for new mother plants. Start cutting clones for next season.

Security Plan

- The property is located behind a locked gate and a mile of driveway off of the road. There is no visual of the cultivation areas except by air.
- The property is occupied by full time residents.

Employee and staffing

- The farm will be staffed by the owners only. Myself Nicole Keenan, and my husband John. At this time this will be the only staff on hand.

Generator

- There is a EU6500i Honda generator at cultivation site 2. This will be used for 21- days in late July and again for 21 days in September or October. This generator has a dB(A) rating of 52-58 dB at 23 feet away (7 meters).

On site sanitation

- There is a hand washing basin with hot and cold water located in cultivation area 2.
- The house bathroom is used for cultivation area 1.

Water forbearance requirements

- Water is pulled for the irrigation 48 hours a week. Drip irrigation and water timers ensure consistent and economical use of water.
- The LSAA for this property has been granted under operation of law.

Request for full 7450 SQFT of cultivation space relocation

- Please note on the submitted property map the location of proposed relocation. I believe this relocation would benefit everyone involved (plants, animals, waterways, and the cannabis).
- The proposed location is on the top of a bluff. This area is not steep, and it is not near any seasonal drainage streams.
- The relocation would save on water use. Needing 3000' of irrigation line as opposed to 3800'. Using approximately 20,000 gallons less water a year.
- The relocation would allow for more streamlined farming to take place.
- Once relocation and a grading permit is approved the 150' x 125' flat could be put into place. Here we will build (2) 25'x100' and (1) 24.5'x100' Greenhouses.
- Grading for new flat is hoping to happen before the end of the 2020 dry season. With greenhouse construction and the construction of a 1500 SQFT cannabis dry and storage building to begin at completion of flat construction. Hoping to be completed by the end of the 2021 year. *Assuming the project is approved during the early 2020 dry season.
- Desire to add 2550 SQFT of cultivation space to preexisting 7450 SQFT totaling 10,000 SQFT of cultivation at new cultivation location, once cultivation permitting opens up again for the Salmon Creek Watershed.

Decommissioning of current cultivation space

Cultivation Area #1

- The 1200 SQFT greenhouse will remain in place and be used for food propagation. The 654 SQFT and 275 SQFT greenhouses will be dismantled and the beds will remain for food and flower propagation. The 1701 SQFT and 829 SQFT greenhouses will be

dismantled and the soil will be removed, and ground will be returned to the gravel driveway it once was.

Cultivation Area #2

- The 800 SQFT and the 475 SQFT greenhouse will remain and will become the immature plant area and the current 15' x 25' immature plant area will be dismantled and will be turned into part of the access road for the proposed relocation cultivation site. The 120 SQFT, 440 SQFT and 342 SQFT greenhouses will be dismantled and the bed is to remain and be used for food propagation. The 2 – 195 SQFT greenhouses will be dismantled and the beds will be planted with a mixture of fruit trees and perennial plants, grass seed and or mulch will be used to landscape this area. The 210 SQFT greenhouse will be removed and the land will be reseeded with grass seed and use straw as erosion control to be restored to original landscape.

Buildings used for cannabis storage and drying

- All current buildings used in cannabis drying, storage, and pesticide fertilizer storage will be decommissioned and used for household use, as soon as the new buildings are approved for building and constructed.

11780



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501
www.wildlife.ca.gov

GAVIN C. NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 23, 2019

Nicole Keenan
P.O. Box 1442
Redway, CA 95560
707-499-2269
keennanicolem@gmail.com

**Subject: Notification of Lake or Streambed Alteration No. 1600-2018-0520-R1
Keenan Diversion and Crossings Project impacting unnamed Tributaries to
Salmon Creek, Tributary to South Fork Eel River; Humboldt County
Assessor's Parcel Number 221-061-036.**

Dear Nicole Keenan:

On August 30, 2018 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On October 03, 2018 the Department received additional information. CDFW had until November 02, 2019, to determine if your notification was complete.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete, if the Department determines that an Agreement is required for the project. An Agreement would be required if the Department determined that your project could substantially adversely affect an existing fish or wildlife resource. Therefore, the Department had until January 01, 2019 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

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

Your notification includes, but is not limited to, the following information:

Conserving California's Wildlife Since 1870

ID	Latitude/Longitude	Description
Point of water Diversion (POD)-1	40.2191, -123.9371	<p>The notification states: <i>The diversion involves taking water from a pipe which is buried in the ground. The intake is located at an unnamed spring on a neighboring parcel (APN: 221-061-008) at 40°13'8.80"N, 123°56'13.63"W. The diversion was installed by a previous property owner, and little is known about its specific characteristics or infrastructure. The point of diversion intakes water from the ground, water is then gravity fed to a series of rigid water storage tanks. All diverted water is used for the irrigation of roughly 7,450 square feet of cannabis.</i></p>
POD-2	40.2174, -123.9423	<p>The notification states: <i>The diversion was initiated in 2010. The diversion involves taking water from a pipe which is buried in the ground. The intake is located at an unnamed spring on a neighboring parcel (APN:221-061-007) at approximately 40°13'2.63"N, 123°56'31.90"W (see Figure 2). The point of diversion intakes water from the ground, which is then gravity fed to a series of rigid water storage tanks. All diverted water is used for domestic supply to the house.</i></p>
POD-3 / Pond	40.2219, -123.9373	<p>The notification states: <i>The diversion is the dike of the instream pond. The intake is located at the pond within the parcel at approximately 40°13'18.87"N, 123°56'14.30"W. Diverted water is used for domestic water supply to the one bedroom cabin. Based on communication with the landowner the pond has been in existence since before 2003. The pond is unlined (approximately 8ft. deep, 0.56 acre feet capacity), located on a Class III stream and collects storm flows and direct rainfall. The pond is stable and well-constructed with a spillway that drains to a Class II watercourse downslope (Figure 2). Water stored in the pond is used for domestic purposes (for 2 people) from January 1 to December 31. The pond will be inspected by a licensed engineer to determine if the construction meets Humboldt County building codes, factor of safety, and to determine if the embankment and spillway are appropriately designed. Additionally, the pond may need to be retroactively permitted with the Humboldt County Planning/Building Department (HCPBD). It is recommended that the landowner contact the HCPBD with any questions regarding permitting.</i></p>
Crossing-1	40.2207, -123.9382	<p>The notification states: <i>A Class III watercourse is conveyed through a 24-inch diameter plastic culvert. The culvert inlet is slightly crushed from the weight of the surrounding rock armor, however, this does not appear to have any impacts to the culvert capacity. The culvert is short in the fill and lacks barrel extension at the outlet, however erosion is minor due to the presence of rock armor. The inlet, outlet, outboard fill, and the right bank below the outlet are well</i></p>

		<p>armored and stable. The culvert is sized to handle 100 year stream flow and associated debris with a low erosion potential and future sediment delivery risk posing a low threat to water quality. Additionally, there is the potential for diversion down the right road due to a lack of road drainage features. Approximately 90 feet of left road is hydrologically connected and is capable of delivering sediment to the stream. The culvert is adequately sized to pass 100 year stream flows and associated debris and does not need to be upgraded. A critical dip will be installed on the right hinge line to prevent diversion in the event the culvert fails or becomes plugged.</p>
Crossing-2	40.2224, -123.9358	<p>The notification states: A Class III watercourse is conveyed through a 36-inch diameter plastic culvert. There is a two foot plunge pool below the culvert outlet because the culvert is installed high in the fill. The culvert is sized to handle 100 year stream flow and associated debris with a low erosion potential and future sediment delivery risk posing a low threat to water quality. Approximately 540 feet of left road and 75 feet of right road are hydrologically connected and capable of delivering sediment to the stream. The culvert is adequately sized to pass 100 year stream flows and associated debris and does not need to be upgraded. Rolling dips will be installed on both the road approaches to reduce surface erosion and hydrologic connectivity.</p>
Crossing-3	40.2225, -123.9366	<p>The notification states: A Class II watercourse on an abandoned road. The stream is conveyed through a crushed, 24-inch steel culvert. The culvert is crushed due to insufficient road fill over the pipe. There is a 3 foot plunge to a pool at the outlet onto rock armor and which exhibits minor erosion. The culvert is undersized to pass the 100-year peak streamflow and associated debris. Additionally, approximately 70 feet of right road is hydrologically connected and is capable of delivering a minor amount of sediment to the stream. The crossing will be decommissioned with the remaining road fill and culvert removed. A 4 foot wide stream channel will be established and the side slopes will be laid back to a stable 2:1 angle. All disturbed areas capable of delivering sediment to a watercourse will be seeded with barley or wheat based erosion control seed not containing annual or perennial ryegrass and mulched with weed-free straw at a rate no less than 50 lb/acre of seed and 4,000 lb/acre of straw. Any spoils generated during construction will be stored locally and mulched to prevent surface erosion.</p>
Crossing-4	40.2227, -123.9371	<p>The notification states: A Class II watercourse, located on an abandoned road. The stream originates from Pond #3 approximately 250 feet upslope, is conveyed through a buried/crushed 12-inch culvert. Between Stream Crossing #3 and #5 there is a wetland area where the road surface once was (Photos 13-14). The crossing will be decommissioned with the remaining road fill and culvert removed. A 4 foot wide stream channel will be established and the side slopes will be laid back to a stable 2:1 angle. All disturbed areas capable of delivering sediment</p>

		<p><i>to a watercourse will be seeded with barley or wheat based erosion control seed not containing annual or perennial ryegrass and mulched with weed-free straw at a rate no less than 50 lb/acre of seed and 4,000 lb/acre of straw. Any spoils generated during construction will be stored in a stable location and mulched to prevent surface erosion.</i></p>
<p>Crossing-5</p>	<p>40.2228, -123.9371</p>	<p>The notification states: A Class II watercourse, located on an abandoned road. The stream originates from Pond #3 approximately 260 feet upslope. There is no formal drainage structure at this crossing and an active headcut has formed at the outboard road. The road disappears beyond this location and is not in use. Between Stream Crossing #3 and #5 there is a wetland area where the road surface once was (Photos 15-16). The crossing will be decommissioned with the remaining road fill excavated. A 4 foot wide stream channel will be established and the side slopes will be laid back to a stable 2:1 angle. All disturbed areas capable of delivering sediment to a watercourse will be seeded with barley or wheat based erosion control seed not containing annual or perennial ryegrass and mulched with weed-free straw at a rate no less than 50 lb/acre of seed and 4,000 lb/acre of straw. Any spoils generated during construction will be stored in a stable location and mulched to prevent surface erosion.</p>

The Notification also states that:

- the maximum instantaneous rate of water withdrawal from each POD will not exceed 1.39 gallons per minute.
- Instream work will be limited to June 15 – October 1 and will be completed by the year 2023.
- Standards of work will conform to CDFW California Salmonid Stream Habitat Restoration Manual Part X and the Handbook for Forest, Ranch and Rural Roads, and will occur during the summer months. Care will be taken not to unnecessarily disturb the native channel outside of the identified areas. Fill to be permanently removed will be stored in designated locations with no risk of sediment delivery. All disturbed areas where sediment delivery from surface erosion processes is feasible will be seeded and mulched to reduce surface erosion and transport processes. The proposed stream crossing treatments associated with this project will occur on in-use roads. All disturbance associated with this project will be limited to the road and immediately adjacent stream channel reaches as necessary to improve/remove road drainage, stormproof the stream crossings, and prevent sediment delivery to watercourses. When necessary, water will be pumped around all stream excavations to be restored prior to backfilling with native material to prevent delivery of turbid water to the downstream channel (See PWA typical drawing). Work will only occur during the period of June 15 through October 1 (or first significant rainfall) to limit and avoid

impacts to aquatic habitat. Vegetation will only be removed from sites where it is growing on anthropogenically placed fill material, where erosion is likely to deliver to active watercourses, or where necessary for the implementation of effective storm-proofing treatments. Additionally, the landowner will become familiar with the identification of bullfrogs during all life stages of the animal. No less than three surveys will be conducted by the landowner during the months of March-July to determine bullfrog presence. Survey efforts will include listening for bullfrog calls and slowly walking the complete perimeter of each pond at night (dusk or later) while shining a flashlight to detect movement and eye-shine. Daytime monitoring may also be conducted. If bullfrogs are determined to be present, CDFW will be notified. If bullfrogs are determined to be present, two or more removal methods may be employed for controlling bullfrogs, including manual direct removal and/or pond de-watering. These measures will only be employed if bullfrogs are identified during monitoring efforts or through incidental observation. Direct manual removal tools that may be used include hand-held dip nets, grabs, paddles and lights. No frogs or tadpoles will be removed and kept as pets. Capture will be conducted in compliance with CDFW codes and regulations as follows: Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T14) section 5.05(a) (28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle. Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining. Pond dewatering may be used as an effective means of controlling bullfrogs. The pond may be drained in September or October to successfully interrupt bullfrog tadpole development. For draining efforts to control bullfrog populations, the pond should remain completely dry for a minimum of two weeks. While draining occurs, direct removal efforts will be employed as described above. A written log will be kept of management efforts and will be provided to CDFW's regional office at the end of each calendar year if management efforts are required. The written log shall include: 1) the date and time of each management effort and, 2) approximate number of each bullfrog life stage removed per effort.

This letter does not retroactively permit any stream crossings, water diversions or other encroachments not described above. No other projects that may be subject to FGC1602 were disclosed.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place

Nicole Keenan
August 23, 2019
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where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

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

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Notification, provided CDFW: a) provides advance notice; and b) allows the Applicant or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until January 01, 2024, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Greg O'Connell, Environmental Scientist at gregory.oconnell@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ec:

Nicole Keenan, keenannicole@gmail.com

Pacific Watershed Associates
Courtney Sundberg, courtneys@pacificwatershed.com

Nicole Keenan
August 23, 2019
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North Coast Regional Water Quality Control Board Water Board, Cannabis
Cultivation Program
NorthCoast.Cannabis@Waterboards.ca.gov

State Water Resources Control Board, Division of Water Rights
cannabisreg@waterboards.ca.gov

California Department of Fish and Wildlife
Greg O'Connell, gregory.oconnell@wildlife.ca.gov

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2018-0520-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

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

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

OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist Greg O'Connell at gregory.oconnell@wildlife.ca.gov

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

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

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

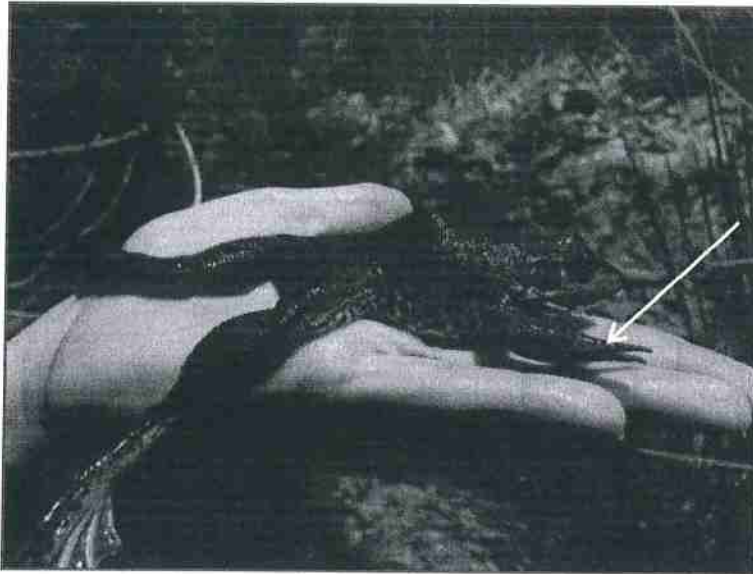
REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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



August 23, 2019

Nicole Keenan
P.O. Box 1442
Redway, CA 95560
707-499-2269
keenannicolem@gmail.com

**Subject: Notification of Lake or Streambed Alteration No. 1600-2018-0520-R1
Keenan Diversion and Crossings Project impacting unnamed Tributaries to
Salmon Creek, Tributary to South Fork Eel River; Humboldt County
Assessor's Parcel Number 221-061-036.**

Dear Nicole Keenan:

On August 30, 2018 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On October 03, 2018 the Department received additional information. CDFW had until November 02, 2019, to determine if your notification was complete.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete, if the Department determines that an Agreement is required for the project. An Agreement would be required if the Department determined that your project could substantially adversely affect an existing fish or wildlife resource. Therefore, the Department had until January 01, 2019 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

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

Your notification includes, but is not limited to, the following information:

ID	Latitude/Longitude	Description
Point of water Diversion (POD)-1	40.2191, -123.9371	<p>The notification states: <i>The diversion involves taking water from a pipe which is buried in the ground. The intake is located at an unnamed spring on a neighboring parcel (APN: 221-061-008) at 40°13'8.80"N, 123°56'13.63"W. The diversion was installed by a previous property owner, and little is known about its specific characteristics or infrastructure. The point of diversion intakes water from the ground, water is then gravity fed to a series of rigid water storage tanks. All diverted water is used for the irrigation of roughly 7,450 square feet of cannabis.</i></p>
POD-2	40.2174, -123.9423	<p>The notification states: <i>The diversion was initiated in 2010. The diversion involves taking water from a pipe which is buried in the ground. The intake is located at an unnamed spring on a neighboring parcel (APN:221-061-007) at approximately 40°13'2.63"N, 123°56'31.90"W (see Figure 2). The point of diversion intakes water from the ground, which is then gravity fed to a series of rigid water storage tanks. All diverted water is used for domestic supply to the house.</i></p>
POD-3 / Pond	40.2219, -123.9373	<p>The notification states: <i>The diversion is the dike of the instream pond. The intake is located at the pond within the parcel at approximately 40°13'18.87"N, 123°56'14.30"W. Diverted water is used for domestic water supply to the one bedroom cabin. Based on communication with the landowner the pond has been in existence since before 2003. The pond is unlined (approximately 8ft. deep, 0.56 acre feet capacity), located on a Class III stream and collects storm flows and direct rainfall. The pond is stable and well-constructed with a spillway that drains to a Class II watercourse downslope (Figure 2). Water stored in the pond is used for domestic purposes (for 2 people) from January 1 to December 31. The pond will be inspected by a licensed engineer to determine if the construction meets Humboldt County building codes, factor of safety, and to determine if the embankment and spillway are appropriately designed. Additionally, the pond may need to be retroactively permitted with the Humboldt County Planning/Building Department (HCPBD). It is recommended that the landowner contact the HCPBD with any questions regarding permitting.</i></p>
Crossing-1	40.2207, -123.9382	<p>The notification states: <i>A Class III watercourse is conveyed through a 24-inch diameter plastic culvert. The culvert inlet is slightly crushed from the weight of the surrounding rock armor, however, this does not appear to have any impacts to the culvert capacity. The culvert is short in the fill and lacks barrel extension at the outlet, however erosion is minor due to the presence of rock armor. The inlet, outlet, outboard fill, and the right bank below the outlet are well</i></p>

		<p><i>armored and stable. The culvert is sized to handle 100 year stream flow and associated debris with a low erosion potential and future sediment delivery risk posing a low threat to water quality. Additionally, there is the potential for diversion down the right road due to a lack of road drainage features. Approximately 90 feet of left road is hydrologically connected and is capable of delivering sediment to the stream. The culvert is adequately sized to pass 100 year stream flows and associated debris and does not need to be upgraded. A critical dip will be installed on the right hinge line to prevent diversion in the event the culvert fails or becomes plugged.</i></p>
Crossing-2	40.2224, -123.9358	<p><i>The notification states: A Class III watercourse is conveyed through a 36-inch diameter plastic culvert. There is a two foot plunge pool below the culvert outlet because the culvert is installed high in the fill. The culvert is sized to handle 100 year stream flow and associated debris with a low erosion potential and future sediment delivery risk posing a low threat to water quality. Approximately 540 feet of left road and 75 feet of right road are hydrologically connected and capable of delivering sediment to the stream. The culvert is adequately sized to pass 100 year stream flows and associated debris and does not need to be upgraded. Rolling dips will be installed on both the road approaches to reduce surface erosion and hydrologic connectivity.</i></p>
Crossing-3	40.2225, -123.9366	<p><i>The notification states: A Class II watercourse on an abandoned road. The stream is conveyed through a crushed, 24-inch steel culvert. The culvert is crushed due to insufficient road fill over the pipe. There is a 3 foot plunge to a pool at the outlet onto rock armor and which exhibits minor erosion. The culvert is undersized to pass the 100-year peak streamflow and associated debris. Additionally, approximately 70 feet of right road is hydrologically connected and is capable of delivering a minor amount of sediment to the stream. The crossing will be decommissioned with the remaining road fill and culvert removed. A 4 foot wide stream channel will be established and the side slopes will be laid back to a stable 2:1 angle. All disturbed areas capable of delivering sediment to a watercourse will be seeded with barley or wheat based erosion control seed not containing annual or perennial ryegrass and mulched with weed-free straw at a rate no less than 50 lb/acre of seed and 4,000 lb/acre of straw. Any spoils generated during construction will be stored locally and mulched to prevent surface erosion.</i></p>
Crossing-4	40.2227, -123.9371	<p><i>The notification states: A Class II watercourse, located on an abandoned road. The stream originates from Pond #3 approximately 250 feet upslope, is conveyed through a buried/crushed 12-inch culvert. Between Stream Crossing #3 and #5 there is a wetland area where the road surface once was (Photos 13-14). The crossing will be decommissioned with the remaining road fill and culvert removed. A 4 foot wide stream channel will be established and the side slopes will be laid back to a stable 2:1 angle. All disturbed areas capable of delivering sediment</i></p>

		<p><i>to a watercourse will be seeded with barley or wheat based erosion control seed not containing annual or perennial ryegrass and mulched with weed-free straw at a rate no less than 50 lb/acre of seed and 4,000 lb/acre of straw. Any spoils generated during construction will be stored in a stable location and mulched to prevent surface erosion.</i></p>
Crossing-5	40.2228, -123.9371	<p>The notification states: <i>A Class II watercourse, located on an abandoned road. The stream originates from Pond #3 approximately 260 feet upslope. There is no formal drainage structure at this crossing and an active headcut has formed at the outboard road. The road disappears beyond this location and is not in use. Between Stream Crossing #3 and #5 there is a wetland area where the road surface once was (Photos 15-16). The crossing will be decommissioned with the remaining road fill excavated. A 4 foot wide stream channel will be established and the side slopes will be laid back to a stable 2:1 angle. All disturbed areas capable of delivering sediment to a watercourse will be seeded with barley or wheat based erosion control seed not containing annual or perennial ryegrass and mulched with weed-free straw at a rate no less than 50 lb/acre of seed and 4,000 lb/acre of straw. Any spoils generated during construction will be stored in a stable location and mulched to prevent surface erosion.</i></p>

The Notification also states that:

- the maximum instantaneous rate of water withdrawal from each POD will not exceed 1.39 gallons per minute.
- Instream work will be limited to June 15 – October 1 and will be completed by the year 2023.
- Standards of work will conform to CDFW California Salmonid Stream Habitat Restoration Manual Part X and the Handbook for Forest, Ranch and Rural Roads, and will occur during the summer months. Care will be taken not to unnecessarily disturb the native channel outside of the identified areas. Fill to be permanently removed will be stored in designated locations with no risk of sediment delivery. All disturbed areas where sediment delivery from surface erosion processes is feasible will be seeded and mulched to reduce surface erosion and transport processes. The proposed stream crossing treatments associated with this project will occur on in-use roads. All disturbance associated with this project will be limited to the road and immediately adjacent stream channel reaches as necessary to improve/remove road drainage, stormproof the stream crossings, and prevent sediment delivery to watercourses. When necessary, water will be pumped around all stream excavations to be restored prior to backfilling with native material to prevent delivery of turbid water to the downstream channel (See PWA typical drawing). Work will only occur during the period of June 15 through October 1 (or first significant rainfall) to limit and avoid

impacts to aquatic habitat. Vegetation will only be removed from sites where it is growing on anthropogenically placed fill material, where erosion is likely to deliver to active watercourses, or where necessary for the implementation of effective storm-proofing treatments. Additionally, the landowner will become familiar with the identification of bullfrogs during all life stages of the animal. No less than three surveys will be conducted by the landowner during the months of March-July to determine bullfrog presence. Survey efforts will include listening for bullfrog calls and slowly walking the complete perimeter of each pond at night (dusk or later) while shining a flashlight to detect movement and eye-shine. Daytime monitoring may also be conducted. If bullfrogs are determined to be present, CDFW will be notified. If bullfrogs are determined to be present, two or more removal methods may be employed for controlling bullfrogs, including manual direct removal and/or pond de-watering. These measures will only be employed if bullfrogs are identified during monitoring efforts or through incidental observation. Direct manual removal tools that may be used include hand-held dip nets, grabs, paddles and lights. No frogs or tadpoles will be removed and kept as pets. Capture will be conducted in compliance with CDFW codes and regulations as follows: Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T14) section 5.05(a) (28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle. Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining. Pond dewatering may be used as an effective means of controlling bullfrogs. The pond may be drained in September or October to successfully interrupt bullfrog tadpole development. For draining efforts to control bullfrog populations, the pond should remain completely dry for a minimum of two weeks. While draining occurs, direct removal efforts will be employed as described above. A written log will be kept of management efforts and will be provided to CDFW's regional office at the end of each calendar year if management efforts are required. The written log shall include: 1) the date and time of each management effort and, 2) approximate number of each bullfrog life stage removed per effort.

This letter does not retroactively permit any stream crossings, water diversions or other encroachments not described above. No other projects that may be subject to FGC1602 were disclosed.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place


where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

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

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Notification, provided CDFW: a) provides advance notice; and b) allows the Applicant or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until January 01, 2024, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Greg O'Connell, Environmental Scientist at gregory.oconnell@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ec:

Nicole Keenan, keennanicolem@gmail.com

Pacific Watershed Associates
Courtney Sundberg, courtneys@pacificwatershed.com

Nicole Keenan
August 23, 2019
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North Coast Regional Water Quality Control Board Water Board, Cannabis
Cultivation Program

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California Department of Fish and Wildlife

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

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

OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist Greg O'Connell at gregory.oconnell@wildlife.ca.gov

Direct Removal

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

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
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In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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



Onsite Wastewater Treatment System

Tier 0 Declaration

APN: 221-061-036

On May 22, 2018 the onsite wastewater treatment system serving the residence on the aforementioned parcel was inspected. The system consisted of a 1,200 gallon plastic septic tank followed a gravity-fed leachfield of uncertain dimensions.

An approximately 170 gallon "slug" of water was added into the septic tank at the time of inspection and it was discharged to the leachfield without any indication of performance deficiency.

The septic tank was pumped by a licensed pumping service following the inspection.

The leachfield trenches are situated off of the residence in an undisturbed lawn area (see attached photo). The leachfield area was found to be dry with no evidence of moisture or ground surface anomalies.

The septic tank and leach-field are located within the developed curtilage at the edge of a forest clearing where the natural ground slopes in a uniform manner gently northward. Impacts from stormwater runoff are very unlikely under these topographic conditions.

The septic tank and leachfield meet all applicable set-back requirements and there is more than ample area available for reserve leach-field designation on the 40 acre parcel.

The septic tank and leachfield serves the residence exclusively with no other activity contributing to daily effluent flows.

Soils normally encountered in this region of Humboldt County have proven suitable for the installation of a conventional gravity fed leach field such as the one serving the subject residence. There is ample suitable area on the parcel to develop a replacement disposal field if ever needed.

The existing septic tank and leachfield are sited appropriately and show no signs of performance deficiencies therefore qualifying for a Tier 0 designation under the Humboldt County Local Agency Management Plan.



State of California
Department of Public Health
Registered Environmental
Health Specialist



Issued pursuant to California Health and Safety Code, Section 106200-106735

Biennial Renewal - Expires December 31, 2019

REGISTRATION NUMBER: 5747

MR DAVID E SPINOSA

Signature



APN: 221-061-036 – approximate location of septic tank and leachfield serving residence



APN: 221-061-036

Septic Tank location at main house



APN: 221-061-036

Onsite Wastewater Treatment System

Tier 0 Declaration

APN: 221-061-036 (Cabin)

The onsite wastewater treatment system serving a small cabin on the aforementioned parcel consists of a 1,500 gallon concrete septic tank followed by two gravity-fed leachfield trenches containing plastic chambers. One trench is 80 feet in length and the other is 40 feet. The trenches are situated off of the residence in an undisturbed lawn area (see attached photo). The leachfield area was found to be dry with no evidence of moisture or performance deficiencies noted.

The septic tank and leach-field are located within the developed curtilage at the edge of a forest clearing where the natural ground slopes in a uniform manner gently northward. Impacts from stormwater runoff are very unlikely under these topographic conditions.

The septic tank and leachfield meet all applicable set-back requirements and there is more than ample area available for reserve leach-field designation on the 40 acre parcel.

The septic tank and leachfield serves the cabin exclusively with no other activity contributing to daily effluent flows.

Soils normally encountered in this region of Humboldt County have proven suitable for the installation of a conventional gravity fed leach field such as the one serving the subject cabin. There is ample suitable area on the parcel to develop a replacement disposal field if ever needed.

The existing septic tank and leachfield are sited appropriately and show no signs of performance deficiencies therefore qualifying for a Tier 0 designation under the Humboldt County Local Agency Management Plan.



State of California
Department of Public Health
Registered Environmental
Health Specialist



Issued pursuant to California Health and Safety Code, Section 106800-106735

Biennial Renewal - Expires December 31, 2019

REGISTRATION NUMBER: 5747

MR DAVID E SPINOSA

Signature



APN: 221-061-036 – approximate location of septic tank and leachfield serving cabin



APN: 221-061-036

Septic tank location shown off corner of Cabin



APN: 221-061-036

View standing at Cabin septic tank overlooking leachfield area
September 16, 2021

Onsite Wastewater Treatment System

Tier 0 Declaration

APN: 212-301-009

On May 22, 2018 the onsite wastewater treatment system serving the residence on the aforementioned parcel was inspected. The system consisted of a 750 concrete septic tank followed a gravity-fed leachfield of uncertain dimensions.

An approximately 170 gallon "slug" of water was added into the septic tank at the time of inspection and it was discharged to the leachfield without any indication of performance deficiency.

The septic tank was pumped by a licensed pumping service following the inspection.

The leachfield trenches are situated off of the residence in an undisturbed lawn area (see attached photo). The leachfield area was found to be dry with no evidence of moisture or ground surface anomalies.

The septic tank and leach-field are located within the developed curtilage at the edge of a forest clearing where the natural ground slopes in a uniform manner gently northward. Impacts from stormwater runoff are very unlikely under these topographic conditions.

The septic tank and leachfield meet all applicable set-back requirements and there is more than ample area available for reserve leach-field designation on the 18 acre parcel.

The septic tank and leachfield serves the residence exclusively with no other activity contributing to daily effluent flows.

Soils normally encountered in this region of Humboldt County have proven suitable for the installation of a conventional gravity fed leach field such as the one serving the subject residence. There is ample suitable area on the parcel to develop a replacement disposal field if ever needed.

The existing septic tank and leachfield are sited appropriately and show no signs of performance deficiencies therefore qualifying for a Tier 0 designation under the Humboldt County Local Agency Management Plan.



State of California
Department of Public Health
Registered Environmental
Health Specialist



Issued pursuant to California Health and Safety Code, Section 106600-106735

Biennial Renewal - Expires December 31, 2019

REGISTRATION NUMBER: 5747

MR DAVID E SPINOSA

Signature



APN: 212-301-009 – approximate location of septic tank and leachfield serving residence



APN: 212-301-009

Septic tank location alongside residence



APN: 212-301-009

Leachfield area shown just over fence



#1 IN THE #2 BUSINESS!

1810 Murray Road, McKinleyville, CA 95519
(707) 839-2270 / Fax: (707) 839-2112
License #1022884
E-mail: info@stevesseptic.com



Onsite Wastewater Treatment System
Inspection Report

Ordered by Whom: Nicole Keenan
Send Copy to:
Site Address: 3852 Thomas Rd
Miranda
Phone: 499-2209

Date/Time Scheduled: 5-22-18
Fax to:
Billing Address: email to:
keenanmicole@gmail.com
Phone:

A. General Information: (Obtain as much as possible when inspection ordered)
Was a Homeowner Questionnaire completed?
Additional Comment:

Inspector Signature:

- 1.) Age of wastewater treatment system: years.
2.) Number of people occupying dwelling: Currently: Anticipated:
3.) Number of bedrooms in dwelling:
4.) Has there ever been a backup in the house?
5.) List any known repairs made to the system:
6.) Has the system recently been inspected by others?
7.) Is there a service contract for system components?
8.) Date the treatment tank last pumped: At what frequency? Company:

The above information is true to the best of my knowledge.

Owner Date

B. System Type

1.) Components of Wastewater Treatment System (complete as necessary)

Pretreatment Unit 1: plastic [1200] [gallons or gpd]

Pump: Pump Tank 1: _____ / _____ gpm/tdh [_____] [gallons]

Pretreatment Unit 2: _____ [_____] [gallons or gpd]

Pump: Pump Tank 2: _____ / _____ gpm/tdh [_____] [gallons]

Soil Treatment Unit: gravity [_____] [square feet]

Additional Components:

3.) Gray-water run-off or drainage system?

None Surface Subsurface Discharge

Comments:

C. Evaluation Procedures: (Check the appropriate boxes)

Locate, access and open the septic tank cover

Yes No

If at grade, is the cover "secure?"

Yes No

Can surface water infiltrate into the tank?

Yes No

Any indicators of previous failure?

Yes No

Inspect lid, inspect level, measure sludge and scum

Yes No

Does tank have an effluent filter?

Yes No

Was effluent filter cleaned?

~~Yes No~~

Run an operation test

Yes No

Gallons added in the test 170 gallons

Pumped out primary treatment tank?

Yes No

Listen and observe for backflow into the tank from the outlet pipe

Comments: _____ Initial: _____

Caution: Do not pump treatment tank if there is evidence of a malfunction in any portion of the system.

Please Note: Our Company cannot complete a full inspection without pumping out the primary treatment tank.

Inspect the condition of the primary treatment tank

Yes No

(i.e. cracks, infiltration, deterioration or damage)

Inspect the integrity of the inlet and outlet baffles

Yes No

(i.e. deterioration or damage)

NEVER enter the septic tank unless proper confined space entry procedures are followed.

Does the system contain a dosing or pump tank, ejector or grinder pump?

Yes No

If so, did you check integrity of the tank (cracks, infiltration, etc?)

Yes No

Is the pump elevated off the bottom of the chamber?

Yes No

- ~~Does the pump work?~~ Yes No
- ~~Is there a check valve?~~ Yes No
- ~~Is there a purge hole?~~ Yes No
- ~~Is there a high water alarm?~~ Yes No
- ~~Does the alarm work?~~ Yes No
- ~~Do electrical connections appear satisfactory?~~ Yes No
- ~~Did you clean the pump tank?~~ Yes No
- ~~Is there a dosing meter reading?~~ Yes No

Probe the soil treatment area Yes No
Check for excessive moisture, odor and/or effluent

Type of Distribution: Gravity Pressure

Is There:

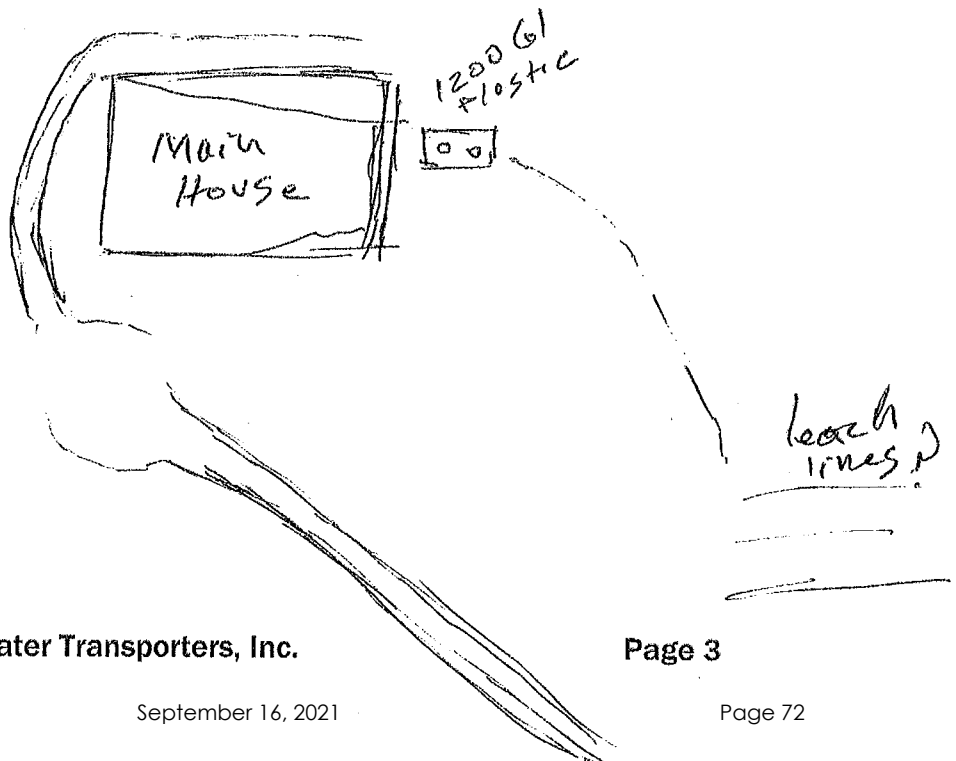
- Any indication of a previous failure? Yes No
- Seepage visible on the lawn? Yes No
- Lush vegetation present? Yes No
- Ponding water in the distribution media? Yes No
- Even distribution of effluent in the field? Yes No

Determine approximate distance between water well and soil treatment area.
 Approximate distance is very far feet.

Explain answers as necessary:

D. Sketch of System

For reproducible results, show dimensions from structures that will not change, such as corners or the house. Show details, such as the rod, in relation to the house to get the correct orientation. Show all located components.



E. Checklist Summary

- 1.) Pretreatment Unit 1 is in Excellent Satisfactory Poor condition.
 Pretreatment Unit 2 is in Excellent Satisfactory Poor condition.
Comments:

2.) Soil Treatment area is in:
Rating:

Division of Environmental Health Standards:

<input type="radio"/> Excellent Condition <i>Comments:</i>	No noticeable rise in water level during filling.
<input checked="" type="radio"/> Good Condition <i>Comments:</i>	Maximum water level rise of about 1-inch, with rapid decline to initial level within 5-minutes after end of filling.
<input type="radio"/> Satisfactory Condition <i>Comments:</i>	Maximum water level rise of about 2-inches, with decline to initial level within about 15-minutes after end of filling.
<input type="radio"/> Marginal Condition <i>Comments:</i>	Maximum water level rise of about 3-inches, with decline to initial water level within 30-minutes after end of filling.
<input type="radio"/> Poor Condition <i>Comments:</i>	Water level rise of more than 3-inches, with decline not reaching initial level within 30 minutes after end of filling.
<input type="radio"/> Failed <i>Comments:</i>	Water level rise of more than 3-inches, with no noticeable decline within 30-minutes after end of filling.

3.) Pump and pump tank is in Excellent Satisfactory Poor condition.
Comments: N/A

F. Disclaimer

Based on what we were able to observe and our experience with onsite wastewater technology, we submit this Onsite Wastewater Treatment System Inspection report based on the present condition of the onsite wastewater treatment system. Steve's Septic Service has not been retained to warrant, guarantee, or certify the proper functioning of the system for any period of time in the future. Because of the numerous factors (usage, soil characteristics, previous failures, etc.) which may effect the proper operation of a wastewater treatment system, this report shall not be construed as a warranty by our company that the system will function properly for any particular buyer. Steve's Septic Service **DISCLAIMS ANY WARRANTY**, either expressed or implied, arising from the inspection of the wastewater treatment system or this report. We are also not ascertaining the impact the system is having on the environment.



1810 Murray Road, McKinleyville, CA 95519
(707) 839-2270 / Fax: (707) 839-2112
E-mail: info@stevesseptic.com

 Saul Santamaria
Signature
 Saul Santamaria
Print Name



11780
221-061-036



Reference: 018096

Stream Buffer Assessment

On behalf of Humboldt John, LLC, Sean Rowe, a qualified SHN botanist has prepared the following assessment of stream setbacks in relation to cultivation areas at 3852 Thomas Rd, near Miranda, CA (Assessor's parcel number [APN] 221-061-036).

The stream setback assessment resulted in the placement of flags, where overlap was observed to aid in future protection of watercourses.

Existing Conditions of Streams

Streams which occur near cultivation areas are consistent with intermittent and seasonal flow patterns and respond directly to precipitation events. Vegetation directly adjacent or occurring on banks was found to be a combination of facultative wetland and facultative upland species (Photos 1 and 2). Perennial and non-native invasive annual species were detected within the stream's area of hydrological influence. Waterways throughout the premises occur in oak woodland stands and do not have emergent palustrine wetlands near the cultivation areas. These streams predominantly do not exhibit vegetative indicators for Ordinary High Water Mark, where the action of water would facilitate distinct characteristics of the adjacent upland area.

Cultivation Area #1

Cultivation Area #1 (Figure 1) contains two portions which overlap the 50-foot stream setback, as measured from the top of bank (Photo 3). Watercourses have an effective buffer of upland vegetation and a fence, which contains agricultural operations. Fence lines only encompass cultivation areas and do not impede wildlife corridors related to the streamside habitat.

Cultivation Area #2

Cultivation Area #2 (Figure 1) contains two portions which overlap the 50-foot stream setback, as measured from the top of bank (Photo 4). One area within the setback is not used for cultivation and is, therefore, not shown on Figure 1. The portion used for cultivation is illustrated with the setback line overlapping it. Watercourses have an effective buffer of upland vegetation and a fence, which contains agricultural operations. Fence lines only encompass cultivation areas and do not impede wildlife corridors related to the streamside habitat.

Relocation Area

An area north of Cultivation Area #2 and west of Cultivation #1 (Figure 1) is proposed for cultivation relocation. The relocation area does not contain any streamside management areas and is located on a convex landform containing herbaceous, annual, and perennial vegetation. A man-made pond is in this section of the premises and does not exhibit indicators of being hydrologically connected to a watercourse.





Photo 1. Watercourse to the west of Cultivation Area #1. Note upland vegetation.



Photo 2. Watercourse to the east of Cultivation Area #1.



Photo 3. Cultivation Area #1 stream setback.



Photo 4. Cultivation Area #2 stream setback.



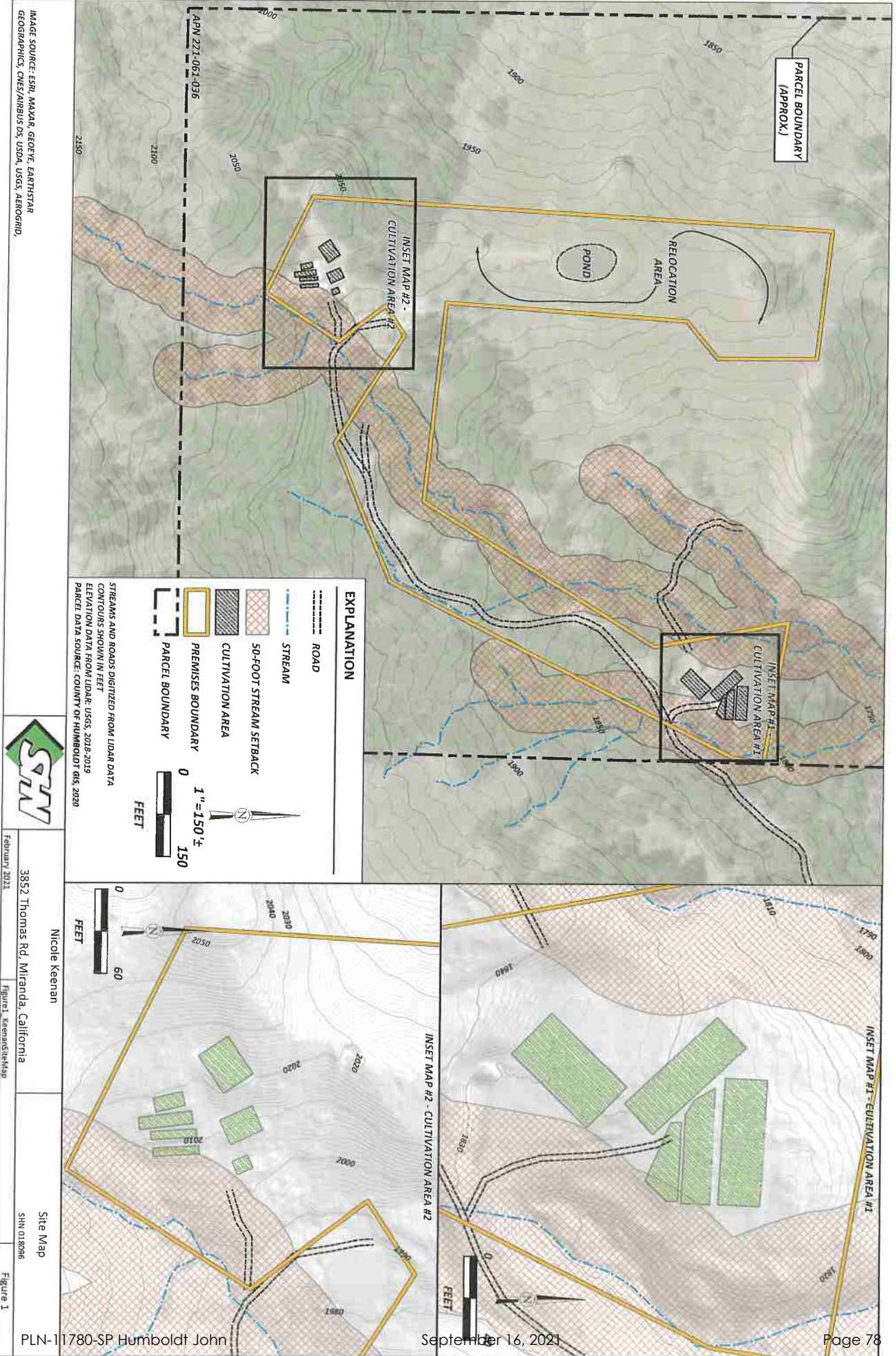


IMAGE SOURCE: ESRI, MAXAR, GEOTIC, EARTHSTAR
GEOGRAPHICS, CNES/AIRBUS DS, USDA, USGS, AEROGHND



Nicole Keenan
3852 Thomas Rd, Miranda, California
February 2021
Figure 1, KeenanSiteMap

Site Map
SNV 018096
Figure 1

EXPLANATION

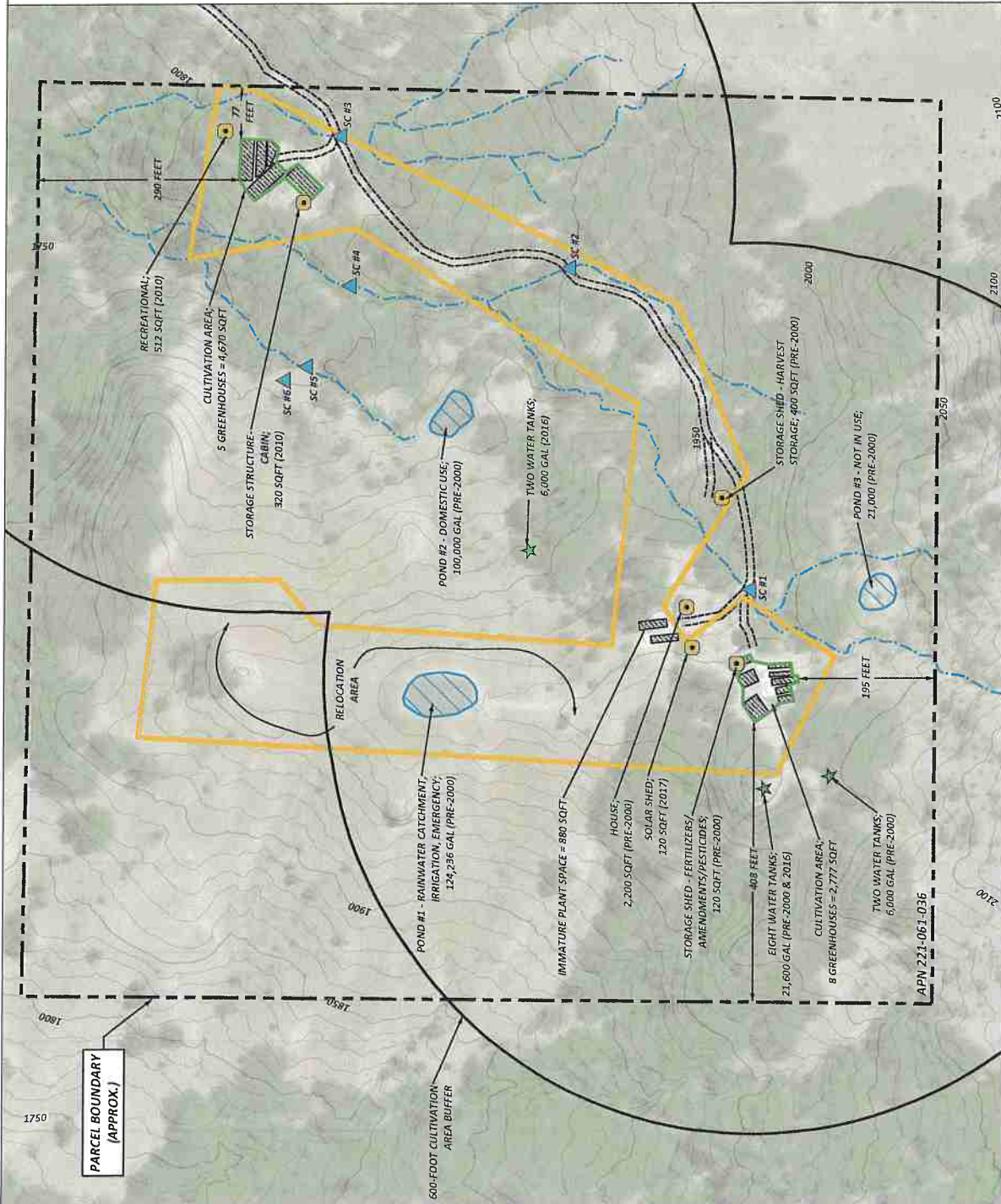
- ★ WATER STORAGE
- STRUCTURE
- ▲ STREAM CROSSING (SC #1)
- STREAM
- ACCESS ROAD
- ▭ PONDS
- ▭ CULTIVATION AREAS
- ▭ GREENHOUSE OR OUTDOOR CULTIVATION AREA
- ▭ PREMISES BOUNDARY
- ▭ PARCEL BOUNDARY



NICOLE KEENAN
 3852 THOMAS ROAD, MIRANDA, CALIFORNIA
 APN 221-061-036-000

THERE ARE NO KNOWN NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, OR OFF-SITE RESIDENCES WITHIN 300 FEET

STREAMS AND ROADS DIGITIZED FROM LIDAR DATA
 CONTOURS SHOWN IN FEET
 ELEVATION DATA FROM LIDAR: USGS 2018-2019
 PARCEL DATA SOURCE: COUNTY OF HUMBOLDT GIS 2020
 IMAGE SOURCE: ESRI, MAXAR, GEOEYE, Earthstar Geographics, CNES/AIRBUS DS, USDA, USGS, AERGRID, IGN, AND THE GIS USER



Nicole Keenan
 3852 Thomas Rd, Miranda, California
 February 2021

Site Plan
 APN 221-061-036-000
 SHN 018096

Figure 1



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H503707

CERTIFICATE H100318

Right Holder: *Nicole Keenan*
3852 North Thomas Road
Miranda, CA 95553

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 10/22/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Unnamed Stream	Salmon Creek	40.219122	-123.937155	Humboldt	211-061-008

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	Humboldt	211-061-036	0.17

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 11/06/2018.

The place of use is shown on the map filed on 11/06/2018 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 0.17 **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 1.1 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

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.

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: 11/06/2018 06:58:17

© 2018 - State Water Resources Control Board

[SUMMARY OF FINAL SUBMITTED VERIFICATION]

REPORT OF REGISTRANT FOR 2018

Primary Owner: NICOLE KEENAN
 Primary Contact: PACIFIC WATERSHED ASSOCIATES

Date Submitted: 04/08/2019

Application Number: H503707
 Certificate Number: 100318

Source(s) of Water	POD Parcel Number	County
Unnamed Spring	211-061-008	Humboldt

MAX Direct Diversion Rate: 10 Unknown Units
 MAX Collection to Storage: 0.17 AC-FT
 Face Value: 0.17 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fire Protection			
Recreational			
Fish and Wildlife Protection and/or Enhancement			
Irrigation			
Aesthetic			

1. Certificate Review

I have reviewed my water right certificate	Yes
--	-----

2. Compliance with Registration Terms and Conditions

I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	

3. Changes to the Project

Intake location has been changed	
Description of intake location changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4-6. Registered Project Status

Project Status	Not Complete
6a. Construction work has commenced	Yes
6b. Construction is completed	Yes
6c. Beneficial uses of	No

water has commenced	
6d. Explanation of work remaining to be done	This project is ongoing, as this is a farm, a cannabis cultivation site. The water use per year varies based upon the weather each season gives us. Our estimated water use was .17 acre/ft/yr. I am not sure how accurate of an estimate it was. There are water meters now installed, which will allow real time comparison. I would estimate my water use to be .3 acre/ft/yr or lower.
6e. Estimated date of completion	12/31/2060

7. Purpose of Use

Irrigation	
------------	--

8. Maximum Rate of Diversion

Month	Rate of Diversion (Gallons Per Day)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

9. Amount of Water Diverted and Used

Month	Amount directly diverted (Acre-Feet)	Amount diverted or collected to storage (Acre-Feet)	Amount used (Acre-Feet)
January	0	0.08	0.0015
February	0	0.04	0.0015
March	0	0.04	0.0015
April	0	0.04	0.003
May	0	0	0.038
June	0	0	0.038
July	0	0	0.05
August	0	0	0.078
September	0	0	0.076
October	0	0	0.001
November	0	0	0.001
December	0	0.05	0.001
Total	0	0.25	0.2905
Type of Diversion	Diversion to Storage Only		
Comments	Water is diverted for farming cannabis cultivation.		

Water Transfers

9d. Water transfered	No
9e. Quantity transfered (Acre-Feet)	

9f. Dates which transfer occurred	/ to /
9g. Transfer approved by	

Water Supply Contracts	
9h. Water supply contract	No
9i. Contract with	
9j. Contract number	
9k. Source from which contract water was diverted	
9l. Point of diversion same as identified water right	
9m. Amount (Acre-Feet) authorized to divert under this contract	
9n. Amount (Acre-Feet) authorized to be diverted in 2018	
9o. Amount (Acre-Feet) projected for 2019	
9p. Exchange or settlement of prior rights	
9q. All monthly reported diversion claimed under the prior rights	
9r. Amount (Acre-Feet) of reported diversion solely under contract	

Measurement Attachments			
Measurement ID Number	File Name	Description	Size
No attachments			

Measurement Data Files			
Measurement ID Number	File Name	Description	Size
No data files			

11. Storage					
Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Additional Remarks
I am not taking 10 acre feet annually so I am confused to why it is telling me I am required to measure my intake/use of water. I do have a meter on my out, it has been installed for one month April 1, 2019 and we used 200 gallons for the month of March 2019.

Attachments		
File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Nicole
Last Name	Keenan
Relation to Water Right	Primary Owner of Record
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

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	✓	Additional Review Required	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Comments	Attached – includes staff response to comments
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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

Th.



7/19/2017

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, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified School District School District

Applicant Name Humboldt John, LLC **Key Parcel Number** 221-061-036-000

Application (APPS#) 11780 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-307

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 8/3/2017

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: see attached comments, and requirements.

DATE: 8-1-17

PRINT NAME: Patrick McTigue



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.: 44143

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: all ADA requirements are also required which includes Bathrooms, access (Ramps doorways) Signage and Parking.

Name: Patrick [Signature]

Date: 8-1-17

Note: Remember to take photographs and then save them to the Planning's application number.



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

DEH, 7-20-17
received

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0123

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified School District School District

Applicant Name Humboldt John, LLC **Key Parcel Number** 221-061-036-000

Application (APPS#) 11780 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-307

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 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:

Conditional Approval

DISTRIBUTED

Comments:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve cultivation staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite septic serving the dwelling.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 9/15/2017 **Recommendation By:** Mario Kalson





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: Cannabis Planner, Planning & Building Department
FROM: Ken Freed, Assistant Engineer
DATE: 9-07-2017
RE: **NOTICE OF INCOMPLETE APPLICATION**
APPLICATION No. 11780; APN 221-061-036

The Department has received a greater number of projects than can be processed in the time frame provided. The Department is providing the following abbreviated review of the project. **Once the requested information has been provided, please re-refer the project to the Department.**

All boxes that are checked apply.

- (1) Prior to the project being presented to the Planning Commission or the Zoning Administrator, it is recommended that the project should be referred to:
 Caltrans; Bureau of Land Mgmt.; US Forest Service; City of _____

Prior to the project being presented to the Planning Commission of the Zoning Administrator, the following must be done:

- (2) Applicant shall submit a completed Public Works Road Evaluation Report form for each road that is used to access the subject property. The applicant shall provide a "google earth" type map showing the locations of the road being evaluated that is indexed to each Road Evaluation Form. Road evaluations are needed for all roads that access off of Salmon Creek Rd (starting at Maple Hills Road)
 Including Salmon Creek Rd & Thomas Rd (county) & Thomas Rd (not county)

A Road Evaluation Report form is available from the Land Use Division. The Department recommends that the applicant make an appointment with staff to go over the road evaluation process.

- The submitted Road Evaluation Form(s) is(are) inadequate. See attached road evaluation report response for comments.
- (3) Applicant shall submit Airspace Clearance Form. The subject property is located within the area covered by County Code section 333-1 et seq., the applicant shall submit evidence that the project complies or will comply with County Code.
 The submitted Airspace Clearance Form is inadequate. See below for comments.
- (4) The subject property has deferred subdivision improvements that must be completed. Prior to the project being presented to the Planning Commission or the Zoning Administrator for approval or prior to the issuance of any building permits, whichever occurs first.

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: July 20, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Humboldt John, LLC
APN: 221-061-036-000
Area: Salmon Creek
Case Numbers: SP16-307

Humboldt County Application #: 11780
Type of Application: Special Permit
Date Received: 7/20/2017
Due Date: 8/3/2017

Project Description: A Special Permit for 7,450 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from an existing spring. Total water storage is approximately 155,161 gallons consisting of a storage pond (124,236 gallons) and several different sized plastic tanks (30,925 gallons). The Applicant states that the site reaches two (2) cultivation cycles per year. Drying is done in an on-site drying shed, with trimming and other processing completed at a licensed off-site facility. Two (2) employees are needed for cultivation year-round. All electricity is provided by existing on-site solar panels.

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.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert 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. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Monday, August 21, 2017 3:41 PM
To: Planning Clerk
Cc: Bauer, Scott@Wildlife
Subject: Humboldt John LLC. Special Permit Application-APPS 11780
Attachments: Exhibit A_Draft Bullfrog Management Plan-CEQA_2017_0302_Humboldt-John.docx

To Whom It May Concern,

Thank you for referring the Humboldt John LLC. Special Permit application (APPS 11780, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of a Special Permit for 7,450SF of existing outdoor cannabis cultivation on APN: 221-061-036.

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 are comments intended to assist the Lead Agency in making informed decisions early in the planning process.

- This referral does not contain sufficient information to conduct meaningful environmental review. CDFW recommends a biological assessment of the property by a qualified, experienced person to identify whether there are special status plant or wildlife species present onsite.
- The referral materials state that the project is served by a surface water source. The CDFW Eureka field office does not have a record of a LSAA for this diversion. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602.
- The referral materials state that there is a constructed pond onsite for the use of cannabis cultivation. CDFW recommends as a condition of project approval, that the applicant provide a bullfrog management plan to the CA Department of Fish and Wildlife (see-attached Exhibit A).
- The referral materials state that the applicant contains 7,450SF of existing cannabis cultivation. Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 3,000SF. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0302-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

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

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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

From: [Max C. Hilken](#)
To: ["Michael.VanHattem@wildlife.ca.gov"](mailto:Michael.VanHattem@wildlife.ca.gov)
Cc: [Meghan Ryan](#); [Johnson, Cliff](#)
Subject: Response to CDFW comments on App 11780, Humboldt John, LLC, APN: 221-061-036
Date: Wednesday, September 1, 2021 1:50:00 PM

Good afternoon, Michael Van Hattem - I hope this email finds you well. Below are my responses to CDFW comments for APP #11780 Humboldt John, LLC.

1. A Natural Resource Assessment (Biological Report) was performed by SHN on September 6, 2018 (attached).
2. The applicant is conditioned to adhere to and implement all the requirements as included in the Final Streambed Alteration Agreement (Notification No. 1600-2018-0520-R1) (attached).
3. The project is conditioned to adhere to and implement the Bullfrog management plan.
4. A Cultivation Aerial Verification (CAV) has been performed for this project, County Staff support the 7,450 SF of cultivation as existing prior to January 1, 2016 (attached).
5. The project is conditioned to include proper waste management, prohibition on synthetic materials used for erosion control, noise and light attenuation (International Dark Sky standards and 50dba limit), and adherence to the Bullfrog management plan for the protection of any potential sensitive species (none shown when using BIOS onsite – per 2021).

For ease of review, I am including the CDFW original comments, LSAA, Water Resources Protection Plan (WRPP), Right to Diver and Use Water, updated Site Plan (additional details are required as conditioned), Stream Buffer Assessment, and updated project description (below).

Project Description:

A Special Permit for existing 7,450-square-foot outdoor cannabis cultivation that uses light deprivation techniques. Cultivation will occur in two distinct historic cultivation areas that are to be modified to no longer infringe on the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation totals 1,385 square feet (SF). Irrigation water is sourced from a spring diversion located on APN: 211-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the modification and remediation of commercial materials associated with of four (4) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage.

Please let me know if you have any questions or need any additional information.

Best,
Max Hilken

I'm using Adobe Acrobat.

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