



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 19, 2022

To: Humboldt County Planning Commission

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

Subject: **Wood, Special Permits**

Record Number: PLN-2018-15218

Assessor's Parcel Number: 222-071-023

Southeast side of Sierra Lane, approximately 0.5 miles east from the intersection of West Moody Road and Sierra Lane, on the property known to be in the southern edge Section 21 of Township 05 South, Range 03 East, Humboldt Base & Meridian., Garberville area.

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Please contact Michael Holtermann, Planner, at (707) 268-3737, or by email mholtermann@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 19, 2022	Subject Special Permits	Contact Michael Holtermann
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Project Description: A Special Permit to allow for 43,000 square feet of outdoor cannabis cultivation where 21,740 square feet is existing outdoor cannabis cultivation, and 21,260 square feet is new outdoor cannabis cultivation. The applicant anticipates 2 harvest cycles annually. Cultivation will occur under greenhouses and full sun outdoor. Water for the project will be sourced from a 538,560-gallon rainwater catchment pond. The applicant anticipates 321,135 gallons of water will be required annually for irrigation for two cultivation cycles. Processing such as drying and curing will take place in a 700-square-foot processing building. The applicant proposes to trim and process cannabis on site in a proposed 1,800 square foot processing facility constructed to commercial standards. The applicant anticipates hiring a maximum of 6 employees to assist with operations. Power for the project will be provided by solar with a backup generator. The applicant is also applying for a special permit to allow the pre-existing cultivation to remain in cultivation areas between 15% and 30% slope.

Project Location: The project is located in Humboldt County, in the Garberville area, on the southeast side of Sierra Lane, approximately 0.5 miles east from the intersection of West Moody Road and Sierra Lane, on the property known to be in the southern edge Section 21 of Township 05 South, Range 03 East, Humboldt Base & Meridian.

Present Plan Land Use Designation: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Agricultural Exclusive (AE), Minimum building site area is 60 acres (B-5(60))

Record Number: PLN-2018-15218

Assessor Parcel Number: 222-071-023

Applicant

Boden Wood
Boden S. Wood
484 Lake Park Ave #506
Oakland, CA 94610

Owner

K N B Corporation
791 E Foothill Blvd
Upland, CA 91786

Agent

ETA Humboldt
Vanessa Valare
1165 Kings Peak Rd
Whitethorn, CA 95589

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

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Boden Wood

Record Number: PLN-2018-15218
Assessor's Parcel Number: 222-071-023

Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony:
4. Close the public hearing and adopt the resolution to take the following actions:

1) Find that the Planning Commission has considered the Addendum to the adopted EIR for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section § 15164 of the State CEQA Guidelines; 2) make all of the required findings for approval of the Special Permits; 3) and approve the Boden Wood, Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: Boden Wood seeks a Special Permit to allow for 43,000 square feet of cannabis cultivation whereas 21,740 square feet is existing cultivation, and 21,260 square feet is new cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Residential Agriculture (RA40). Cultivation will take place in the following cultivation areas:

Cultivation Area	Structures in Nexus to Cannabis	Size (sq ft)
Cultivation Area A	Open-air garden	4,505 sf
Cultivation Area B	Open-air garden	25,285 sf
Cultivation Area C	Five (5) Greenhouses	13,665 sf
Propagation	One (1) Greenhouse	4,200 sf
Processing (Drying)	One (1) Existing Structure	700 sf
Processing	One (1) Proposed Structure	1,800 sf

The applicant is proposing to relocate one existing 3,570 square foot outdoor cultivation site to a new area on the property below 15% slope, in conjunction with the proposed new cultivation. An environmental justification and restoration plan have been submitted and included as attachments.

Artificial lighting used for ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying and curing will take place in an existing 700-square-foot building. Further processing will occur off-site at a licensed processing facility. The applicant is proposing to build an 1,800 square foot processing building constructed to commercial standards. The applicant anticipates hiring a maximum of 6 employees to assist with operations. Power for the project will be provided by solar with a backup generator for emergency purposes. The applicant submitted a 24-Hour Noise Assessment prepared by KnB Corporation dated April 28, 2021 (see Attachment 3). The survey was conducted by leaving a sound level meter at the Eastern, Southern, and Northern property lines. According to the assessment the meters recorded ambient sound without interruption for a period of 24-hours. The average noise level recorded from property lines was 54.6 decibels. The average general noise came from wind.

Water Resources

Water for the project will be sourced from a 538,560-gallon rainwater catchment pond. Water storage for the project occurs in the following:

Water Storage in Nexus to Cannabis	
Water Storage	Size (gal)
Water Storage Tank	5,000 gal
Water Storage Tank	3,200 gal
Water Storage Tank	3,200 gal
Fertilizer Tank	500 gal
Pond	538,560 gal

The applicant anticipates 321,135 gallons of water will be required annually for irrigation for two cultivation cycles.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 295 permits and the total approved acres would be 80.96 acres of cultivation.

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

Seismic Safety

The subject parcel contains mapped instances of historic landslides in and around the parcel, including one occurrence mapped on an existing cultivation area. The parcel is classified a "moderate instability" area per the General Plan. as such County staff recommends a condition of approval for the preparation and submittal of an R-2 Soils Report and the implementation of all recommended measures in the report to be completed prior to commencing cultivation activities. While the site contains a pre-existing cultivation operation, the project has not been approved for an Interim Permit and the site has not been actively cultivated since 2018. Adherence to recommendations from an engineering geotechnical report (R-2) will ensure that the cultivation activities do not contribute to or exacerbate landslides or slope instability.

Pre-existing cultivation sites are located on slopes greater than 15% slope and less than 30%. The Site Management Plan prepared by ETA Humboldt states that in both pre-existing cultivation sites companion plants, native grasses, and indigenous plants grow in the area to control runoff, and no signs of wastewater runoff or erosion is present. Water lines are checked frequently for leaks or cracks. No further grading on the property is proposed or permitted in association with this cannabis permit.

Access

The property is accessed via private driveway from Sproul Creek Road. The applicant submitted a Road Evaluation Report stating that not all of the private road segments are presently developed to the equivalent of road category 4 or better. The project was referred to the Department of Public Works who commented all recommendations in Segment 2 and 3 shall be completed. Segment 4 shall also be completed up to the access point of the "Seeba Lane". The applicant shall also gravel the surface at the location of Sprowel Creek Road, where it meets the

private road for a minimum width of 20 feet and a length of 50 feet. The applicant submitted a *Site Management Plan (SMP)* prepared by ETA Humboldt, LLC dated January 18, 2019. According to the SMP, the project is classified as a Tier 1 Low Risk discharger (WDID: 1B171158CHUM). The SMP states the project is out of compliance with Vehicle Stream Crossings because there are three undersized culverts located within the first 500 feet of the private driveway. The project is conditioned for the applicant to implement and adhere to the recommendations regarding vehicle stream crossings found within the SMP (see Attachment 4). The project also has an ongoing condition to implement and adhere to all recommendations found within SMP.

Cultural Resources

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resources Investigation prepared by William Rich and Associates dated January 2020. The investigation concluded there were no significant archaeological or historic-period cultural resources, which would be considered an historical resource for the purpose of CEQA (15064.5(a)), exist in the limits of the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was certified for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

Biological Resources

According to the California Natural Diversity Data Base (CNDDDB) there are no mapped rare and endangered species located on the parcel. The nearest Northern Spotted Owl Activity Center (MEN0458) is mapped approximately 0.43-miles south from the project site. The nearest NSO observation is mapped approximately 500 feet south from the project site. Marbled Murrelet habitat is mapped approximately 0.79-miles northeast from the project site.

The applicant submitted a Biological Assessment prepared by Nor Cal Bio Surveys dated February 26, 2020. In June of 2021, California Department of Fish and Wildlife commented on the project, requesting that the project be removed from the Planning Commission agenda and be placed before the Planning Commission due to concerns regarding potential adverse impacts to the northern spotted owl (NSO). In response, Planning Department staff removed the project from the agenda pending further information determining the impacts to northern spotted owl.

The applicant submitted a report evaluating potential adverse impacts to marbled murrelets and NSO, prepared by Troy Leopardo dated October 18, 2021 with a resume attached. The submitted report concluded that the habitat associated with this project lacks suitable nesting habitat and expanding cannabis cultivation is unlikely to have adverse impacts on NSOs.

The applicant submitted a new Biological Resource Assessment and Botanical Survey prepared by Austin Theriault of ETA Humboldt dated December 28, 2021. The report analyzed thirteen sensitive species that had potential to occur on the subject parcel based on inclusion in the CNDDDB database for the area and surrounding quadrangles. The report found that habitat for sensitive species occurred onsite, although no visual identifications were made on field surveys, and no habitat modification will result from project execution as proposed.

The report also addressed biologist conducted in-season floristic surveys. Field surveys were completed April 21st, 2021 and July 1st, 2021, and no sensitive plant species were identified on

either botanical survey. The report recommends a qualified biologist assess the project areas prior to construction to confirm the presence/absence of sensitive or protected plant or animal species. The pre-construction survey shall consist of a site visit by a qualified individual familiar with the botanical and biological setting and characteristics of the Humboldt County area. Pre-construction surveys shall take place 1-2 weeks prior to any ground disturbance. This recommendation has been included as a condition of approval.

The applicant also submitted a report evaluating potential adverse impacts to marbled murrelets and NSO, prepared by Troy Leopardo dated October 18, 2021 with a resume attached. The submitted report concluded that the habitat associated with this project lacks suitable nesting habitat and expanding cannabis cultivation is unlikely to have adverse impacts on NSOs.

April Planning Commission Meeting

The project was heard on April 21, 2022 and comments from the public indicated that there was a question of whether there was any habitat for NSO in the project location and whether the proposed project would negatively impact Northern Spotted Owl and its habitat. Planning staff presented the project and identified that the report from the NSO expert had indicated that the project location was not considered habitat. The comments at the hearing led to some question about whether this was actually the case and the Planning Commission continued the hearing to allow for additional information to be submitted or clarified. Further clarification from Troy Leopardo is quoted below, with the email included as an attachment:

“Although there are historical NSO detections within 1.3 miles of this project site, located in a large natural opening, this locality was not classified as habitat due to the absence of trees. Reviewing the site, and the areas adjacent, I have concluded that no spotted owl nesting, roosting, or foraging habitat will be removed as a result of this project. Furthermore, given measures to mitigate noise disturbance and light pollution, this proposed cannabis cultivation is unlikely to impact any existing NSO that may be located on adjacent parcels, or within 1.3 miles of proposed new cultivation in existing grassland areas.”

NSO Mitigation Measures in the EIR

It's important to understand that the EIR for the CCLUO requires different standards for existing and new cannabis cultivation. Specifically, pre-existing cannabis may be allowed within NSO habitat or in proximity to NSO activity centers provided it is demonstrated by a qualified expert to not result in harassment of the species. If new cannabis cultivation is proposed within suitable NSO habitat and within 1.3 miles of a known occurrence of NSO, it may not be allowed as it is presumed that habitat removal would constitute a significant impact on the species.

The specific mitigation measures for Northern Spotted Owls in the EIR reads as follows:

“The following shall be included as performance standards in the proposed ordinance for the protection of northern spotted owl from permitted cannabis activities.

- To avoid the potential for loss of northern spotted owl and their nests, or loss or fragmentation of occupied or suitable habitat for northern spotted owl, removal of old growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-3, Sensitive natural communities, riparian habitat, old growth habitat, and wetland vegetation.
- If the area of proposed new development activities is within suitable habitat for northern spotted owl (e.g., coniferous forest), and is within 1.3 miles (average species home range) of a known occurrence of northern spotted owl, as determined by a qualified biologist, the following measures shall be followed.

- Prior to removal of any trees, or ground-disturbing activities adjacent or within suitable nesting, roosting, or foraging habitat (e.g., forest clearings) for spotted owl, a qualified biologist, familiar with the life history of the northern spotted owl, shall conduct preconstruction surveys for nests within a 1.3-mile buffer around the site as described in *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls* (USFWS 2012). Surveys shall take place between March 1 and August 31. Three complete surveys spaced at least 7 days apart must be completed by June 30. Six complete surveys over the course of 2 years must be completed to determine presence or absence of northern spotted owl.
- If northern spotted owls are determined to be absent 1.3 miles from the site, then further mitigation is not required.
- If northern spotted owls are determined to be present within 1.3 miles of the site, then it is presumed that habitat removal could cause harm to northern spotted owl populations in the area, and could result in direct take of northern spotted owls. If northern spotted owls are present within 1.3 miles of the site, proposed cultivation activities will not be permitted consistent with the General Requirement and Prohibition 4 of the Attachment A of the State Water Board Policy.
- For pre-existing cultivation sites that submitted for permitting prior to December 31, 2019 within 0.7 miles of a known northern spotted owl activity center, a qualified biologist, familiar with the life history of the northern spotted owl, shall conduct a disturbance and habitat modification assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species. If it is determined that take of the species could occur, the cultivation site will be required to participate in the Retirement, Remediation, and Relocation provisions of the proposed ordinance to relocate the cannabis cultivation to outside of the northern spotted owl activity area. Pre-existing cultivation sites that submit for permitting after December 31, 2019 will be subject to the new development provisions of this mitigation measure"

Proposed Pre-existing Cannabis Cultivation

The application includes a request for approval of 21,740 square feet of existing cultivation within 0.7 miles of an NSO activity center. Pre-existing cultivation within 0.7 miles of a northern spotted owl activity center requires a disturbance and habitat modification assessment prepared by a qualified biologist to determine the presence of the species and whether the cultivation site can operate or modify operations to avoid take of northern spotted owls. The applicant submitted a northern spotted owl and marbled murrelet assessment prepared by Troy Leopardo, who is a qualified NSO biologist, which found that the project as proposed would not result in take of the species, stating "... given the lack of detections in the area, it is reasonable to conclude that the proposed cannabis cultivation would not impact NSOs in a manner that violated State or Federal law".

Proposed New Cultivation

The application includes a request for approval of 21,260 square feet of new cultivation within 1.3 miles of a known NSO occurrence. The proposed new cultivation is required to complete two-year protocol level preconstruction surveys if two criteria are both applicable. These criteria include new development activities proposed both within suitable habitat for northern spotted owl, and within 1.3 miles of a known occurrence of northern spotted owl. While the proposed new development is within 1.3 miles of a known occurrence of northern spotted owl, it is not within suitable habitat as determined by Troy Leopardo, who stated in a clarifying communication that "Reviewing the site, and the areas adjacent, I have concluded that no spotted owl nesting, roosting, or foraging habitat will be removed as a result of this project". Further surveys to determine presence is not required as 1) for the purposes of this requirement the County is

assuming that there is presence within 1.3 miles and 2) the activity does not appear to be proposed within habitat per a qualified NSO biologist. The assumption of presence is the preferred method of considering and addressing NSO impacts as excessive NSO surveys can themselves constitute harassment.

Alternatives

Several alternatives may be considered: 1) The Planning Commission could elect to add or delete conditions of approval; 2) The Planning Commission could deny approval of the requested permit if unable to make all of the required findings; 3) The Planning Commission could elect to approve only the existing cultivation if they find that the proposed new cultivation would be located in NSO habitat.

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

Resolution Number 22-

Record Number PLN-2018-15218

Assessor's Parcel Number: 222-071-023

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Boden Wood, Special Permits.

WHEREAS, Boden Wood, submitted an application and evidence in support of approving a Special Permit for 43,000 square feet of outdoor cannabis cultivation whereas 21,740 square feet is existing outdoor cannabis cultivation, and 21,260 square feet is new outdoor cannabis cultivation with appurtenant propagation and drying activities, and a Special Permit for pre-existing cannabis cultivation on slopes between 15 and 30%;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **May 19, 2022**, 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 Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow for 43,000 square feet of outdoor cannabis cultivation whereas 21,740 square feet is existing outdoor cannabis cultivation, and 21,260 square feet is new outdoor cannabis cultivation with appurtenant propagation and drying activities, and a Special Permit for pre-existing cannabis cultivation on slopes between 15 and 30% Power for the project will be provided by solar with a backup generator. Water for the project will be sourced from a 538,560-gallon rainwater catchment pond with 550,460 gallons of water storage.

EVIDENCE: Project File: PLN-2018-15218
- 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 Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE: a) Addendum Prepared for the proposed project.

 b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information

of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) The applicant submitted a Site Management Plan prepared by ETA Humboldt, LLC dated January 18, 2019 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Biological Assessment was completed by Austin Theriault of ETA Humboldt dated December 28, 2021. The Assessment methods included a habitat assessment of the project area. The survey found that no special status plant or animal community would be significantly impacted. A Botanical Survey was also completed, and no special status plant species were identified. A NSO activity center is mapped approximately half a mile from the nearest cultivation area, and a positive NSO sighting is mapped approximately 500 feet south of the nearest cultivation area. The applicant submitted an NSO and MAMU Assessment prepared by Troy Leopardo of Leopardo Wildlife Associates dated October 18, 2021. The assessment found that expanding cannabis cultivation is unlikely to negatively impact NSOs and recommended that project related noise be kept below 50 decibels at 100 feet, and that the project maintain adherence to Dark Sky Association standards. These recommendations have been included as conditions of approval.
- f) A Cultural Resources Investigation Report was carried out by William Rich & Associates in May 2020. The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

FINDINGS FOR SPECIAL PERMIT

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

EVIDENCE a) General agriculture is a use type permitted in the Residential Agriculture (RA40) 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 AE zone in which the site is located.

EVIDENCE a) The Agricultural Exclusive (AE) or AE 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 AE zone.
- c) Humboldt County Code section 314-55.4.6 allows cultivation of up to 43,560 square feet of new outdoor cannabis and up to 43,560 square feet of new mixed-light cannabis on a parcel over 5 acres subject to approval of a Special Permit. The application for 43,000 square feet of outdoor cannabis cultivation, 21,760 square feet of which is existing outdoor cannabis cultivation, and 21,260 square feet is new outdoor cannabis cultivation, on a 67-acre parcel is consistent with this.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.6.1.1).
- b) The subject parcel has been determined to be one legal parcel (lot 20) as shown on Parcel Map recorded in Book 8 of Parcel Maps page 71.
- c) The project will obtain water from a non-diversionary water source.
- d) A Road Evaluation Report was submitted by the applicant in December 2018 certifying the entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. The project was referred to the Department of Public Works who commented all recommendations in Segment 2 and 3 shall be completed. Segment 4 shall also be completed up to the access point of the "Seeba Lane".
- e) The slope of the land where new cannabis will be cultivated is less than 15%. Pre-existing cultivation sites are present on slopes of 21.5% and 28%, as allowed in Humboldt County Code section 314-55.4.6.5.4 with approval of a special permit. The project is conditioned to conduct an R-2 soils report to ensure that cultivation activities do not contribute to or exacerbate landslides or slope instability.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 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 43,000 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is 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.

- b) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- c) Water for irrigation will be provided by a 538,560-gallon rainwater catchment pond with 11,900 gallons of hard storage tanks. The applicant anticipates 321,135 gallons of water will be required for irrigation annually for cultivation. Existing water storage onsite totals 550,460 gallons. There will be a maximum of two harvest cycles occurring annually.
- d) 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.

8. FINDING

The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

EVIDENCE

- a) The nearest Northern Spotted Owl Activity Center (MEN0458) is mapped approximately 0.43-miles south from the project site. The nearest NSO observation is mapped approximately 0.07-miles south from the project site. Marbled Murrelet habitat is mapped approximately 0.79-miles northeast from the project site.
- b) A Biological Assessment was completed by Austin Theriault of ETA Humboldt dated December 28, 2021. The Assessment methods included a habitat assessment of the project area. The survey found that no special status plant or animal community would be significantly impacted. A Botanical Survey was also completed, and no special status plant species were identified. A NSO activity center is mapped approximately half a mile from the nearest cultivation area, and a positive NSO sighting is mapped approximately 500 feet south of the nearest cultivation area.
- c) The applicant submitted an NSO and MAMU Assessment prepared by Troy Leopardo of Leopardo Wildlife Associates dated October 18, 2021. The assessment found that continued operation of the pre-existing cannabis cultivation would not constitute harassment of NSO

and that the proposed new cultivation is not located in NSO habitat. The conclusion of the analysis is that expanding cannabis cultivation is unlikely to negatively impact NSOs. The analysis recommended that project related noise be kept below 50 decibels at 100 feet, and that the project maintain adherence to Dark Sky Association standards. These recommendations have been included as conditions of approval.

- d) The applicant submitted a 24-Hour Noise Assessment prepared by KnB Corporation conducted from April 28, 2021 to April 29, 2021 (see Attachment 4). The survey was conducted by leaving a sound level meter at the Eastern, Southern, and Northern property lines. According to the assessment the meters recorded ambient sound without interruption for a period of 24-hours. The average noise level recorded from property lines was 54.6 decibels. The average general noise came from wind. Staff believes noise from the project will not have direct or indirect impact on any special status species. The applicant shall ensure noise generated from the project does not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.
- e) The applicant submitted a report evaluating potential adverse impacts to marbled murrelets and northern spotted owl in response to CDFW comments. The report concluded that the habitat associated with this project lacks suitable nesting habitat and expanding cannabis cultivation is unlikely to have adverse impacts on NSOs or marbled murrelet.

10. FINDING

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

EVIDENCE

- a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 295 permits and the total approved acres would be 80.96 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Boden Wood project (Application Number PLN-15218) subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on **May 19, 2022.**

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

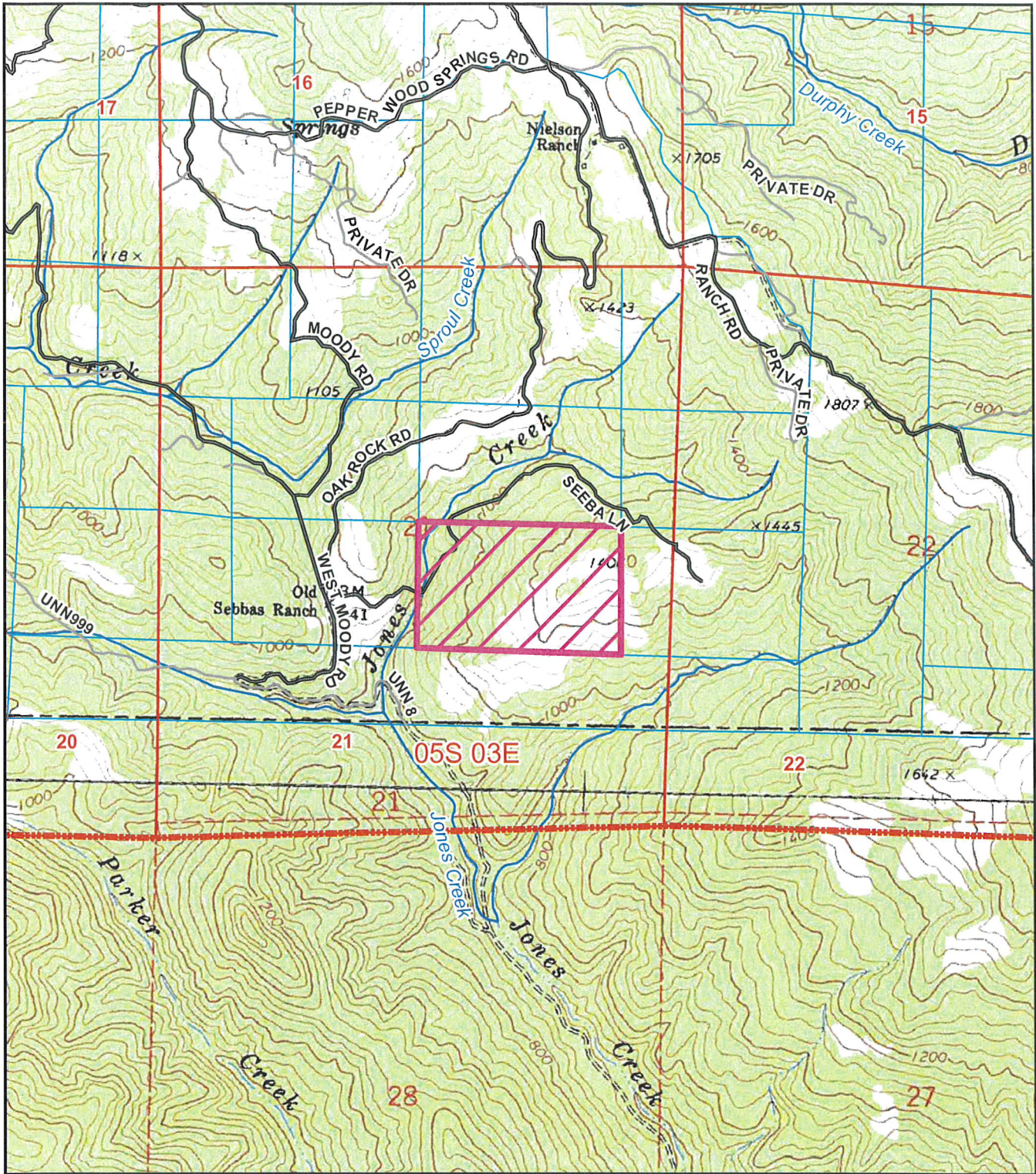
ABSENT: COMMISSIONERS:


ABSTAIN: COMMISSIONERS:

DECISION:


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


John H. Ford, Director,
Planning and Building Department



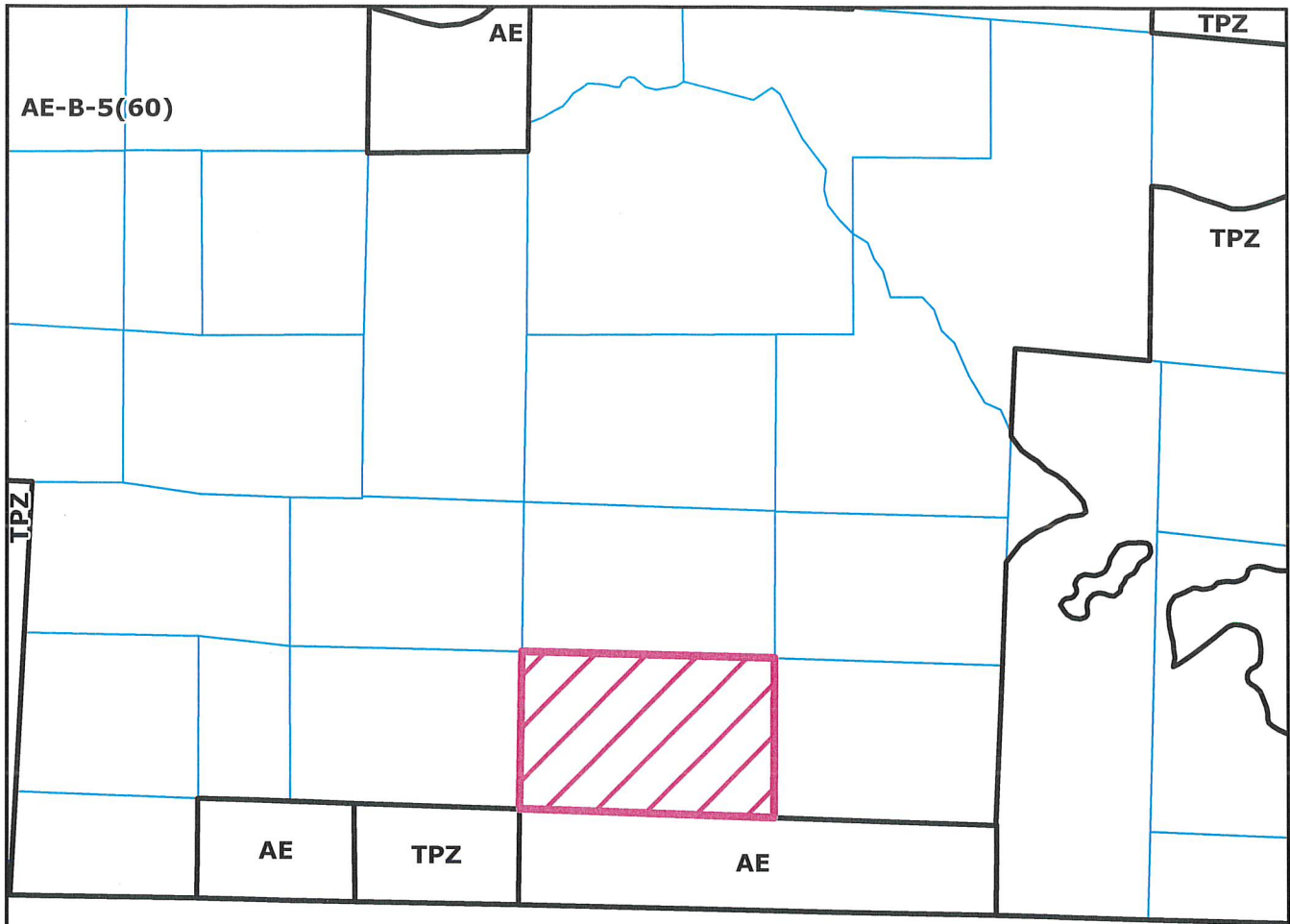
Project Area = 

**TOPO MAP
PROPOSED WOOD
Garberville AREA
PLN--2018-15218
APN: 222-071-023-000
T05S R03E S21 HB&M (GARBERVILLE)**

N


0 1,000 2,000
 Feet

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

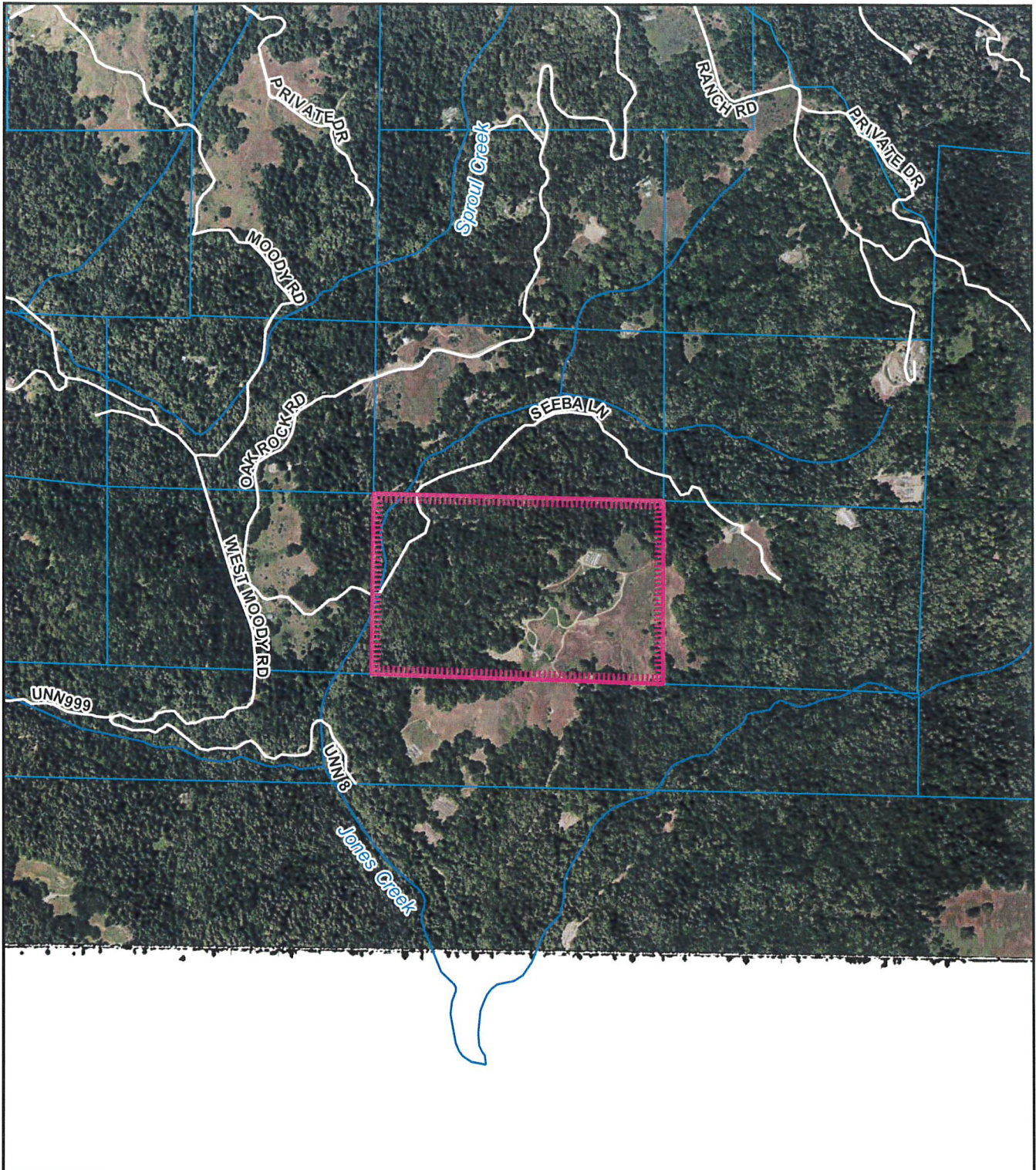


Project Area = 

ZONING MAP
PROPOSED WOOD
Garberville AREA
PLN--2018-15218
APN: 222-071-023-000
T05S R03E S21 HB&M (GARBERVILLE)



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



Project Area = 

AERIAL MAP
PROPOSED WOOD
Garberville AREA
PLN--2018-15218
APN: 222-071-023-000
T05S R03E S21 HB&M (GARBERVILLE)



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.



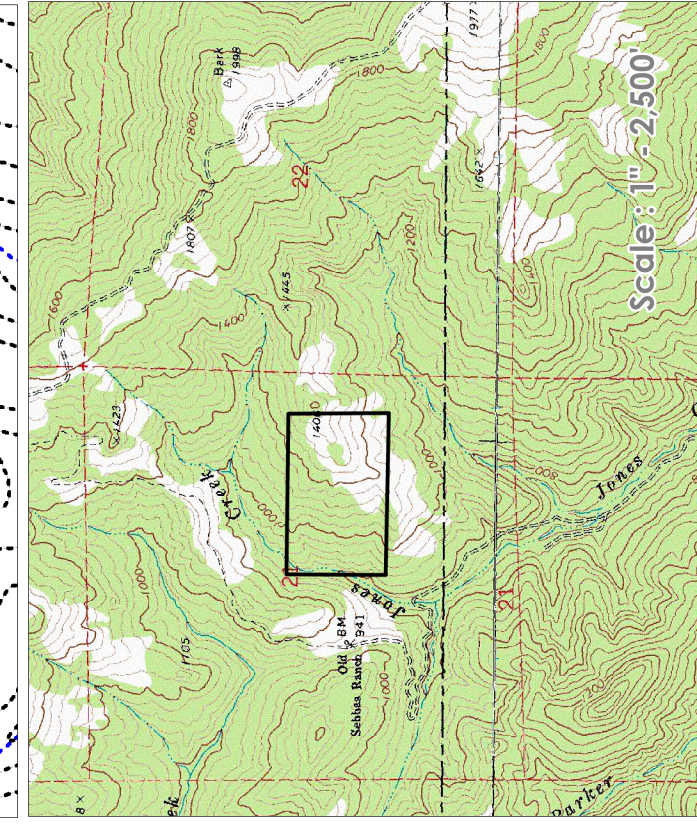
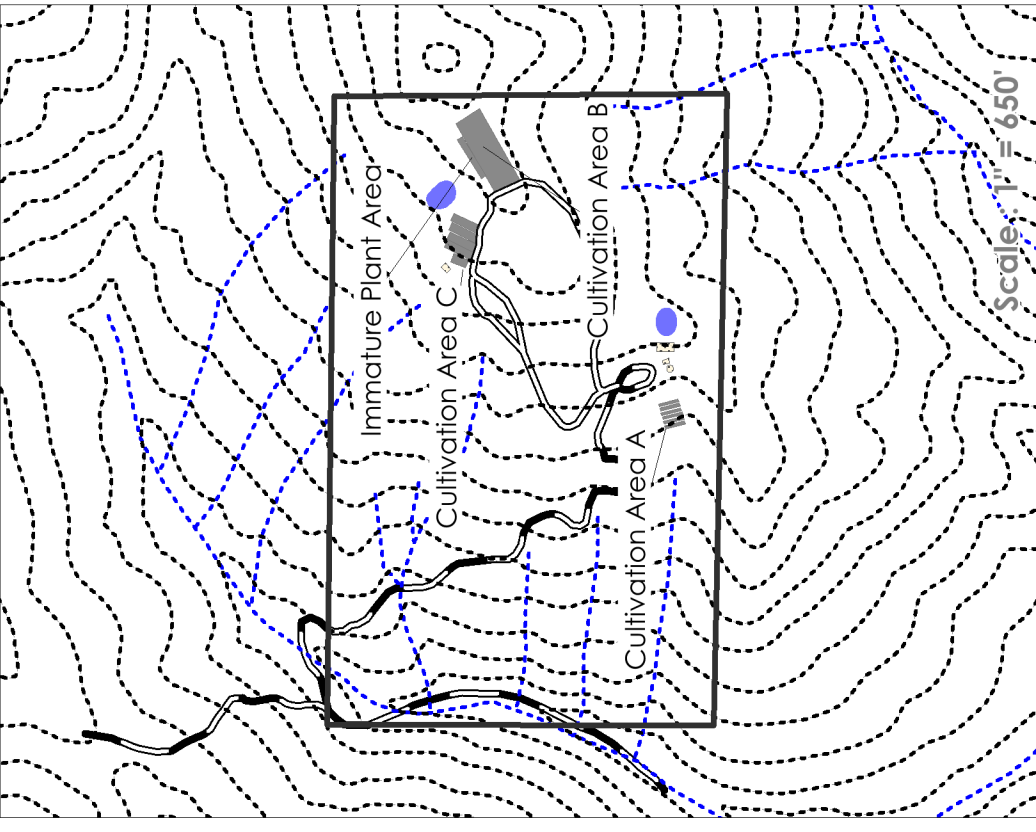
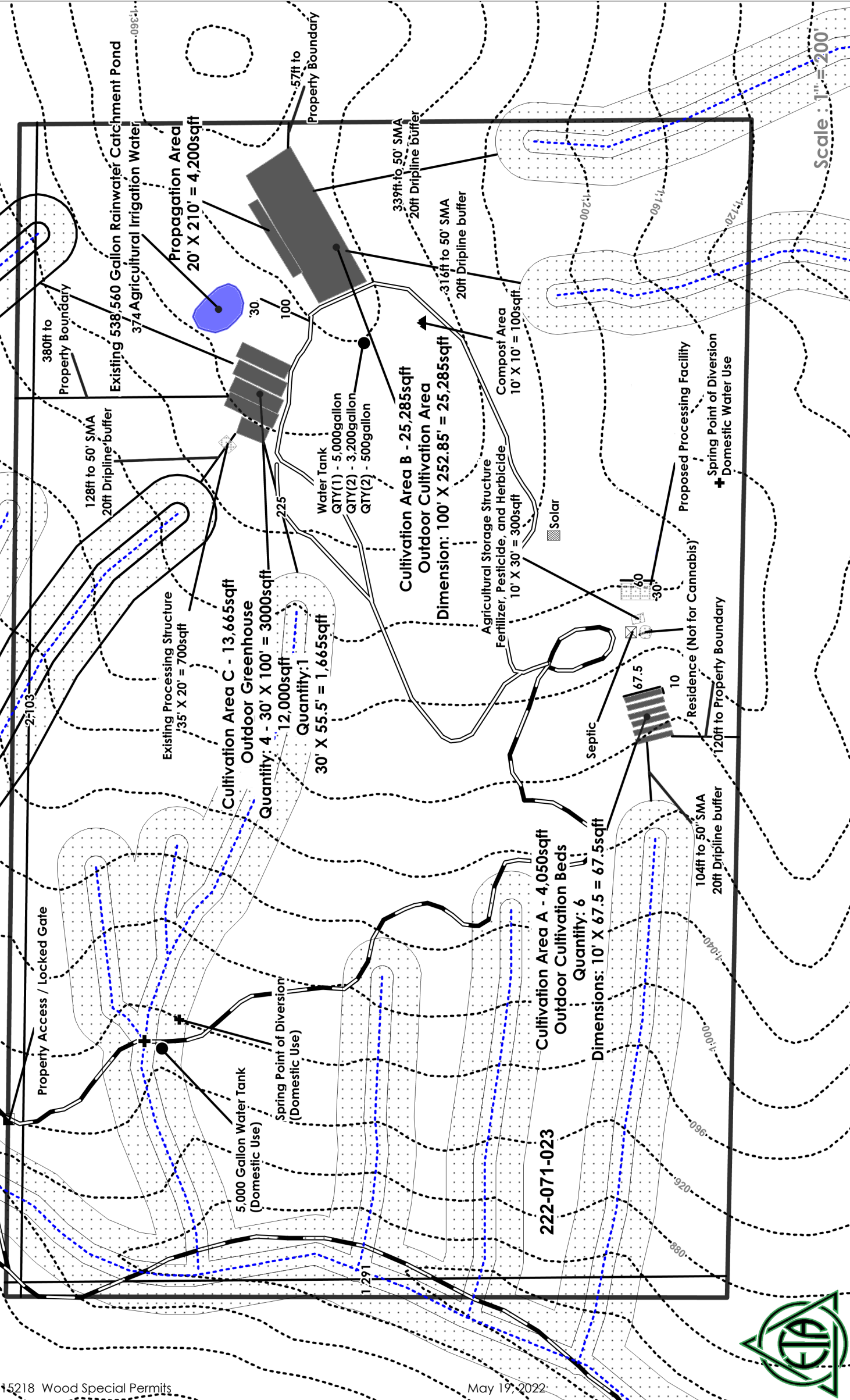
Humboldt County Plot Plan

APN :222-071-023

Located in Section 21, Township 5S, Range 3E Humboldt Base and Meridian, on the USGS Garberville 7.5' Quadrangle Map

PLN-2018-15218 Wood Special Permits

May 19, 2022



K n B Corporation
APN - 222-071-023

- Property Boundary
- Cultivation Area
- Stream Management Area
- Structure
- Pond
- Measurement
- Topographic 40ft. Interval

Road

- Permanent
- Seasonal
- Trail

Watercourse

- Class I
- Class II
- Class III

Property Access

- Compost
- Septic
- Solar
- Spring Point of Diversion
- Water Tank
- Water Course Crossing
- Well

Cultivation Area

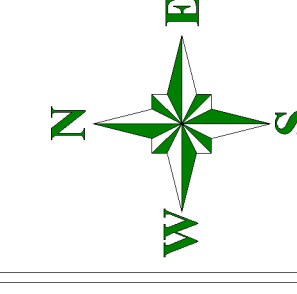
- Total Cultivation = 43,000sqft
- Pre-existing Area = 21,740sqft
- Proposed Cultivation Area = 21,260sqft
- Propagating Area Total = 4,200sqft

Cultivation Area Totals

- Cultivation Area A - Outdoor Cultivation Beds
- Total Canopy Area - 4,050sqft
- Cultivation Area B - Outdoor Cultivation Area
- Total Canopy Area 25,285sqft
- Cultivation Area C - Outdoor Greenhouse
- Total Canopy Area - 13,665sqft
- Immature Plant Area
- Total Canopy Area - 4,200sqft

Property Information

- County # :15218
- WDID-1B171158CHUM
- DWR - S025284, S025271
- SUIR - H100356
- Parcel # (APN):222-071-023-000
- Owner Name:K N B CORPORATION
- Mailing Address:791 E FOOTHILL BLVD UPLAND CA 91786
- Legal Description:PAR 20 PARMAP 942 PM BK 8 PG 71-72
- Lot Acres:67.000



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMITS ARE CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMITS OR INITIATION OF OPERATION.

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, the Department will file the Notice of Determination and will charge this cost to the project.
5. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and 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 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. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #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.

7. The applicant shall fulfill the direction and recommendations for the work that needs to be completed onsite as described in the Site Management Plan (SMP) prepared by ETA Humboldt, LLC dated May 4, 2021. The applicant shall submit verification and proof from a qualified professional that the work has been done. Final signoff from the Planning Department will satisfy this condition.
8. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall adhere and implement all recommendations in Segment 2 and Segment 3 found within the Road Evaluation prepared by Stillwater Sciences dated May 3, 2017. The applicant shall also ensure Segment 4 is completed up to the access point of the "Seeba Lane". Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
10. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
11. The applicant shall gravel the surface at the location of Sprowel Creek Road, where it meets the private driveway for a minimum width of 20 feet and a length of 50 feet. Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
12. The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Final signoff from the Planning Department will satisfy this condition.
13. While utilizing licensed third-party off-site processing facilities, the applicant shall retain receipts or similar documentation to be furnished during annual inspections.
14. The applicant shall submit and adhere to an Invasive Species Plan in order to control the spread of Pampas grass and other invasive species that have the potential to occur on the parcel. Final sign-off from the Planning Department will satisfy this condition.
15. The applicant shall install water monitoring device on each source – rainwater catchment pond if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use.
16. Prior to cultivation, an R-2 Geologic Soils Report shall be prepared for the existing and proposed development on the subject parcel. The applicant shall adhere to any recommendations in the report. The applicant is also required to submit grading permits for

all on-site grading done without the benefit of County review.

17. The applicant shall contact the local fire service provider [Sprowel Creek VFC Response Area] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (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.
19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
20. Prior to ground disturbing activities, the applicant shall submit a pre-construction Biological Assessment prepared by a qualified biologist familiar with botanical and biological setting and characteristics of Humboldt County, to confirm no presence of sensitive or protected plant or animal species. This assessment shall be completed 1-2 weeks prior to any ground disturbance and shall be subject to County review and approval. If sensitive or protected plant or animal species are identified, the applicant shall work with CDFW and the Planning Department to modify the project (which may include a reduction of cultivation space) such that no sensitive or protected plant or animal species are impacted.
21. The applicant shall submit a restoration plan for the area of relocated cannabis for Department review and approval. The applicant shall adhere to all measures in the approved restoration plan.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

3. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
8. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
9. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
10. 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.
11. 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.
12. 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).
13. 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.

14. 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).
15. 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.
16. 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).
17. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
18. Pay all applicable application, review for conformance with conditions and annual inspection fees.
19. 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.
20. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
21. 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

22. 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."
23. 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).
24. 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.
25. 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.
26. 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
27. 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.
28. 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.

29. 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.
30. 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.
31. 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.
32. 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. 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.
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 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 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service

shall be paid 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 responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.
6. 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.
7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Environmental 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.

ATTACHMENT 2

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

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

APN 222-071-023; on the southeast side of Sierra Lane, approximately 0.5 miles east from the intersection of West Moody Road and Sierra Lane, on the property known to be in the southern edge Section 21 of Township 05 South, Range 03 East, Humboldt Base & Meridian.

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

February 2022

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR 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 EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit to allow for 43,000 square feet of outdoor cannabis cultivation whereas 21,740 square feet is existing outdoor cannabis cultivation, and 21,260 square feet is new outdoor cannabis cultivation with appurtenant propagation and drying activities. The applicant anticipates 2 harvest cycles annually. Cultivation will occur under greenhouses and full sun outdoor. Water for the project will be sourced from a 538,560-gallon rainwater catchment pond. Water storage for the project totals 550,460 gallons. The applicant anticipates 321,135 gallons of water will be required annually for irrigation for two cultivation cycles. Processing such as drying and curing will take place in a 800-square-foot processing building. The applicant proposes to trim and process cannabis on site in a proposed 1,800 square foot commercial processing facility with an ADA compliant restroom. The applicant anticipates hiring a maximum of 6 employees to assist with operations. Power for the project will be provided by solar with a backup generator. The applicant is also applying for a Special Permit to allow pre-existing cultivation in cultivation areas between 15% and 30% slope.

Water for the project will be sourced from a 538,560-gallon rainwater catchment pond. Water storage for the project totals 550,460 gallons occurring in the following:

Water Storage in Nexus to Cannabis	
Water Storage	Size (gal)
Water Storage Tank	5,000 gal
Water Storage Tank	3,200 gal
Water Storage Tank	3,200 gal
Fertilizer Tank	500 gal
Pond	538,560 gal

The applicant anticipates 321,135 gallons of water will be required annually for irrigation for two cultivation cycles.

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resources Investigation prepared by William Rich and Associates dated January 2020. The investigation concluded there were no significant archaeological or historic-period cultural resources, which would be considered an historical resource for the purpose of CEQA (15064.5(a)), exist in the limits of the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

The project site is located within 0.7 miles of known Northern Spotted Owl occurrences and activity

centers and has been analyzed by a qualified NSO biologist who has determined that the operations will not negatively impact the species pursuant to the required mitigation measures in the EIR.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project in compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Cultivation and Operations Plan prepared by ETA Humboldt dated May 4, 2021.
- Site Plan prepared by ETA Humboldt dated May 4, 2021.

- Biological Survey prepared by Austin Theriault dated December 28, 2021.
- NSO and MAMU Assessment for APN 222-071-023 prepared by Leopardo Wildlife Associates dated October 18, 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR 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 as well as to allow for new cultivation activities which are adequately mitigated through compliance with the ordinance requirements.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated February 15, 2022 – **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 the agent dated February 15, 2022- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. 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. 2019-0001, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (SMP) prepared by the agent-Conditioned).
7. 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. (Not applicable)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. 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)

10. 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)
11. 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)
12. 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)
13. 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)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Road Evaluation Form prepared by the applicant dated January 8, 2020. (On file)
16. Biological Assessment prepared by ETA Humboldt, LLC., dated May 4, 2020. (On file)
17. 24-Hour Noise Assessment prepared by ETA Humboldt, LLC dated April 28, 2021. (**Attached**)
18. Relocation Justification prepared by the agent received March 29, 2022. (**Attached**)
19. Remediation Plan prepared by the agent received March 29, 2022. (**Attached**)
20. Supplemental 1 from April 21, 2022, Planning Commission Hearing (**Attached**)

Operations Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Project Description

This application is for a project located on parcel number 222-071-023 belonging solely to Boden Wood. Boden Wood is the primary cultivator and primary processor at this property.

This project will consist of 3 (three) cannabis gardens, 7 (seven) greenhouses and one vegetative greenhouse. The total pre-existing cultivation for this parcel was 26,000 sq. ft. This application is for a total of 43,000 sq. ft. Applicant is restructuring operation to reflect additional cultivation canopy due to applicant's eligibility to apply for up to one acre. All cannabis in gardens grown outdoors some under greenhouses, some in open air listed below.

All cannabis is harvested and dried on site, in a building that existed when property was purchased in 2011. Harvested cannabis is processed on site with the aid of a trim machine. Applicant is also proposing to build a new 1,800ft² processing building on the property near the residence and upgrade the existing bathroom to ADA compliance. The irrigation water source for this project is an off-stream rainwater catchment pond with a capacity of 538,560-gallons.

Applicant is also proposing to add another off-stream pond to increase rainwater catchment storage. Power for this project comes from a Solar system with emergency back-up generator.

The gardens are irrigated from the Pond and solar system is in place for power with generator backup at 20% or less.

The gardens are labeled on the map with corresponding Item numbers. All gardens are more than 200 feet from any water source or supply.

These gardens are watered on a drip irrigation system with 538,560 gallons from the pond and 17,400-gallons in hard tank water storage. Vegetation for the plants occurs on property with moderate supplemental lighting.

The cannabis is then processed by Boden Wood in according with his operations plan. All processing occur on site until another viable option is presented. I.e.; A processing center opening within a modest driving distance. Once proposed processing building is complete, it will be used for future processing.

This Project consists of 3 (three) cultivation areas with 2 (two) full term outdoor flowering gardens, 7 (seven) greenhouses, one vegetative garden and 1 (one) pond. Applicant is proposing to add another off-stream pond to increase rainwater catchment storage. There are multiple water storage tanks. There is also a water diversion for domestic use only in Jones Creek with a storage cistern, and a second domestic use spring diversion with direct diversion to the residence.

Cultivation Area A- 4505ft² of open-air cannabis, consisting of 6 (six) 10' x 67.5' garden beds harvested once per year

Cultivation Area B- 16,950ft² (75' X 226') of open-air cannabis harvested once per year

Cultivation Area C- 22,000ft² of light deprivation cultivation consisting of 7 (seven) 3,142ft² (31.42' x 100') greenhouses harvested twice per year

Propagation area- 4,200ft² greenhouse for the propagation of immature plants

700ft² Drying/Processing Shed

300ft² nutrient and pesticide storage shed

Jones Creek Spring with cistern (Domestic Use Only)

538,560-gallons rainwater catchment pond

Water Tanks

1 qty. 5,000-gallon HDPE water storage tank

2 qty. 3,200-gallon HDPE water storage tanks

2 qty. 500-gallon HDPE Water Storage Tanks

5,000-gal. Jones Creek Water Tank (Domestic Use Only)

Solar Components/Generator

Land Features

To the best of my knowledge there are no graded flats on the land. In years past I used small equipment to aid in shaping and contouring existing flats on the land. There are 4 culverts all in excellent condition and maintained regularly. There are no easements on title to my land. Garden A has a slope of 22% with the cannabis planted in the ground in trenches using a multi-storied canopy.

Garden B has a slope of between 20 and 30% on walkways between trenches. The cannabis planted in the ground in trenches using a multi-storied canopy. There are no signs of

erosion or water runoff. Site is checked on a weekly basis to monitor for performance on BMP.

Proximity

The property is 362 ft from my neighboring property line to the north, and 318 ft from the neighboring property line to the east. 386 ft to the south, and 832 ft to the west. Please see site maps. There are no schools, school bus stops, public parks, public lands, hiking trails or tribal resources within 600 ft of my property.

Tracking, Records, and Inspections

CERCC requires that the project comply with the Track-and-Trace System and local requirements. The following policies shall be implemented to ensure compliance with the CERCC and CWMP:

- A. In addition to all other tracking requirements, disposal of cannabis waste shall use the Track-and-Trace System with documentation to ensure cannabis waste is identified, weighed, and tracked while on premises and when disposed.
- B. All cannabis plant material identified as cannabis waste shall be reported in the Track-and-Trace System made within three (3) business days of the change in disposition from cannabis plant material into cannabis waste scheduled for destruction or disposal.
- C. Review of on-site cannabis, Track-and-Trace System records, cannabis waste, commercial waste, and any other records shall be available for CDFA inspection or their designated representative. Inspections shall occur at standard business hours from 8:00am to 5:00pm. Prior notice for inspections is not required by the inspecting agency.
- D. No person shall interfere with, obstruct or impede inspection, investigation or audit. This includes, but is not limited to, the following actions: Denying the department access to the licensed premises. Providing false or misleading statements.
Providing false, falsified, fraudulent or misleading documents and records, and failing to provide records, reports, and other supporting documents.
- E. Accurate and comprehensive records shall be maintained on-site for seven (7) years regarding cannabis waste which are subject to CDFA inspection that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

Trash/Refuse

Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. All trash and recycling is stored in cans with lids on a stable, flat area. The cans are secured to exclude wildlife and prevent discharge or contact with water or receiving waters. Garbage and refuse shall be disposed of at an appropriate waste disposal location. All garbage and refuse are disposed of at

an authorized municipal waste transfer station. It will be taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation.

Solid Waste/ Recycling

Solid waste and recyclables on the property will be not be stored or collected. They will be taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation. All soil will be reused and never dumped. Garbage from the grow is bags from amendments and fertilizer containers. All items will be cleaned out properly into a leach field or garden area, recycled if possible and if not removed to the transfer station. All recycling is sorted in a can with lids in the yurt until it is removed. No garbage is stored outside or unattended where animals can access.

Solid Waste and Recyclables Disposal

Redway Transfer Station
Recycling center in Humboldt County, California
Conservation Camp Rd.
Redway, CA 95560
707-923-3944
<https://www.recology.com/recology-eel-river/redway-transfer-station/>

Hazardous Waste Disposal

Humboldt Waste Management Authority
1059 W Hawthorne St.
Eureka, CA 95501
707-268-8680

Cultivation Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Cultivation Site

This project will consist of 3 cultivation areas including two full term outdoor gardens, 7 greenhouses and a vegetative space. All cannabis in gardens grown outdoors some under greenhouses, some in open air listed below. All cannabis is harvested and dried on site, in a building that existed when property was purchased.

Footprint explanation

Cultivation Area A-

This cannabis garden is an open-air garden. This garden is approx. 4,505 sq. ft. One cycle of full-term cannabis grown here. This garden sits on a slope of 19% on the trail that runs parallel to the garden. Each row of the cannabis is a terraced area with the cannabis growing directly in the ground. Each garden bed is 10' x 67.5'. Each terraced area is carefully etched into the gentle slope. There are companion plants, native grasses and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Cultivation Area B –

This is an open-air cannabis garden. The garden is approx. 16,950ft² (75' x 226'). One cycle of full-term cannabis grown in this garden. There are companion plants, native grasses and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Cultivation Area C-

This cannabis garden is a light deprivation greenhouse area. This garden is 22,000sq. ft by the perimeter of the garden. Each greenhouse is 31.42' x 100' (3142ft²) Two cycles of cannabis grown in greenhouses. This garden sits on a slope of 5-15% on the path that runs parallel to the garden. All black out plastic used as many seasons as possible and repaired instead of replaced for as long as possible. The area was not graded but shaped and flattened out a little to accommodate greenhouses on a level plain. There are companion plants, native grasses and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Immature Plants

Immature plants will be propagated from seed or purchased from a licensed nursery. When needed a section of the processing shed is used for seedling and immature plants, only minor supplemental light is used, 22w regular light bulbs.
and Propagation Area (4,200ft²) is used once light is not needed.

Cultivation Cycles

I intend to harvest the greenhouses twice. The first time in July after a Light Deprivation cycle. The second harvest in Sept/Oct with natural finish (no black out cover). The full term outdoor to be harvested once per year Sept/Oct. Also plans for personal medical plants to harvested in Sept./Oct.

Monthly Cultivation Site Activities

Month	Activities
January	Finish processing of fall harvest, trimming and storage. Plan new year. Mow cover crop. Check greenhouse for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Work on trenches/and holes for plants layer more compost in beds. Treat compost if necessary. Finishing processing last year's crop if still necessary.
March	Get clones from other permitted grow operation. Transplant and move into greenhouse with seedlings. Amend beds, fix fences, service equipment, make plan for independent contractors i.e.; painting, fence building, greenhouse fixing, etc.

April	Amend and start turning beds, prep dirt and supplies for greenhouse plants Add nematodes compost for pest prevention. Mid- April move first round of plants to greenhouses. Weed whacking, mowing, and brush cleanup.
May	Plant Long Term Plants. Spray with preventive sulfur. Treat with biodynamic preparations for pest control and mold control. Greenhouse plants switched into flower using a blackout cover mid-late May. Turn beds, fix/ replace and clean drip emitters, check timers. Double check all water systems for leaks and clogs. Put out sound sensors for rodents.
June	Hay put over each trench for water retention. Use re mesh for supports as well as bamboo stakes which are cleaned with bleach before each use. Bamboo reused for multiple years. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost. Procure next round of plants from licensed nursery.
July	Harvest greenhouse mid-month, replant with new clones from a permitted nursery. Treat plants with preventive measures. Harvested flowers to hang in garage, then to be cured and hand trimmed per processing plan.
August	Finish processing July's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance.
September	Prepare for Harvest. Clean and prepare lines and drying spaces in garage. Clean all supplies and purchase new items needed. Harvest, cure and trim as outlined above in processing plan.
October	Harvest greenhouses. Harvest Long term Plants. Process as outlined above. Pull all root-balls, pack hay and cover crop seeds on beds. Pull drip system. Check all equipment and tools for leaks and damages before storing for winter. Store all supplies possible, cleanup site.
November	Winterize water system, greenhouse and sheds. Clean up drying rooms remove all lines and debris. Put away all supplies i.e. fans, dehumidifiers. Continue processing cannabis as outlined above.
December	Start amendments for winter. Prep all water and water storage system for shut down. Clean all garden implements. Put all left over supplies away. Driveway fixing, other farm/garden maintenance.

Processing Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Processing Plan

Harvest

Cannabis will be harvested using gloves and clean tools. All cannabis will be hung to dry in the Processing buildings (on site map). Dehumidifiers and fans will aid drying in the buildings. Cannabis will be dried for 10-21 days on lines in these areas depending on weather. The rooms will have proper ventilation, fans, and dehumidifiers to maintain proper environment. Moldy cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Curing

Curing will take place after cannabis is dried on the lines. Cannabis will be visually checked for mold then placed into plastic totes for (2) weeks to two (2) months for curing. During this time the bins will be checked for mold and moisture consistency. Curing cannabis will be stored in processing buildings (on site map). Moldy or defective cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Processing

Ideally a processing center will be available to contract processing of cannabis from harvested cured product to a shelf-ready product. If not plan below would be implemented until facility became available.

Cannabis Trimming, trimming will occur as cannabis becomes ready from curing process. Trimming will physically take place in processing building with plenty of ventilation and fresh air or on the back porch of the Yurt when weather permits. The applicant intends to trim with the aid of a trim machine and will hire 1-3 independent contractors with a processor's license to help. Processed cannabis will be bagged into turkey bags or sealed bags to be held until a distributor is ready. The trim or remaining leaves from processed cannabis, will be bagged into brown lawn bags and into contractor bags to be stored until needed, sold or destroyed in the

legal manner. I am proposing to build a 1,800ft² (60' x 30') processing building with an ADA compliant restroom once approved for future processing.

Processing- Independent Contractors

The applicant will need help, so independent contractors will be hired to help in their respective fields. Independent contractors will have access to parking, spacious work zone, clean supplies for task, hand washing areas with soap, bathroom with sink and toilet. All areas are kept clean and in good condition. All independent contractors will have access to personal safety equipment to meet the needs of the job for example, face mask, gloves, Tyvek suits, safety glasses, rubber boot covers etc. Additionally, the following practices will be implemented and only employ persons for hire as allowable by law. At all times workers shall have access to safe drinking water, toilets and handwashing facilities. Workers will commute daily, there are no worker sleeping facilities planned. Water for workers is provided via domestic use spring, which supplies water to the yurt. See site plan. Workers are to carpool to property using as few vehicles as possible. Applicant anticipates only one (1) To two (2) vehicles traveling the road daily.

Worker Safety Practices

Safety protocols will be implemented to protect the health and safety of employees. All employees shall be provided with adequate safety training relevant to their specific job functions, which may include:

- Employee accident reporting
- Security breach
- Fire prevention

Materials handling policies

Use of protective clothing such as long sleeve shirts, brimmed hats, and sunglasses.

Each garden site and or processing area have the following emergency equipment:

Personal protective equipment including gloves and respiratory protection are provided where necessary

Fire extinguisher

First Aid Kit

Snake Bite/Bee Sting Kit

Eye Washing Kit

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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

24 Hour Noise Assessment

KnB Corporation.

222-071-023

Survey Dates 04/28/2021-04/29/2021

This is a noise assessment survey as a supplement to an application for commercial cannabis cultivation in Humboldt county. Survey was conducted by Austin Theriault of ETA Humboldt LLC, on April 28th and 29th 2021. Equipment used for the survey was three (3) SLM-25 Sound Level Meters with Data Log.

The survey was conducted by leaving a sound level meter at the Eastern, Southern, and Northern property lines of parcel 222-071-023.

The meters recorded ambient sound without interruption for a period of 24 hours and then the equipment was retrieved and data from device was logged. The average noise level recorded from property lines was 54.6 decibels. Noise recorded was at a mostly stable level throughout the survey period with exception to some medium and large peaks, which were attributed to occasional high wind gusts. The sound level meter located on the Western property line was in a more protected place, and did not record as many gusts of wind.

Some common noises and their decibels and effects

Common Noises	Decibel level and effects on hearing
Honda EU3000 Generator (at 23' from Unit)	50-57Db- No damaging effects
Standard Dehumidifier	59.3db (at the unit)- no damaging effects 48.8db (at 10' from unit)-no damaging effects
Industrial Vent Fan (at the Unit)	64bd- no damaging effects
Normal Conversation (next to you)	60Db -No Damaging effects
Lawn Mower (while using or riding)	90Db- tolerable with minor or moderate exposure
Rock Concert Speakers (at the speaker)	120Db- Temporary or permanent damage to hearing with 1-15 minutes of continuous exposure
Jet Engine at takeoff (Within 25 meters of the craft)	140Db- Immediate pain and temporary or permanent damage to hearing

Observations

Sound Level Tester One- Eastern Property Line (40.0058, -123.8333)

Observed sounds- occasional gusts of high wind.

Average ambient sound recorded by the device was 61db.

Sound Level Tester Two- Southern Property Line (40.0038, -123.8363)

Observed sounds- occasional gusts of high wind.

Average ambient sound recorded by the device was 57db.

Sound level tester Three- Western Property line (40.0054, -123.8408)

Observed sounds- occasional gusts of wind.

Average ambient sound recorded by the device was 46db.

Relocation Justification

Applicant: Boden Wood/KNB Corporation

Location: 359 Seeba Lane Garberville, CA 95542

County: Humboldt

APN: 222-071-023

Address: 484 Lake Park Blvd. #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.923.1180

Email: etahumboldt@gmail.com

This document serves to explain the reasons and advantages to relocation of cannabis cultivation areas on this parcel.

Background and Intent-

This is a pre-existing Cannabis Cultivation operation, with a cultivation area verification of 21,470ft². One of the pre-existing cultivation areas was located in an area with slopes over 30 feet. This cultivation area needed to be moved to a different area on the parcel in order to qualify to cultivate the entirety of the pre-existing square footage. The applicant has surveyed the areas on his parcel and has found an appropriate place to move the pre-existing square footage to that is on a slope of 1-5%. This is by far an environmentally superior location. This application is for both pre-existing and new cultivation, and all proposed new cultivation areas on the parcel are located in areas of slopes measuring under 15%.

Cultivation Areas-

-Cultivation Area A is 4,505 square feet of new cultivation. This area is pre-disturbed grassland and is located on slopes under 15%.

-Cultivation Area B is 25,285 square feet and is a mix of relocated pre-existing cultivation and new cultivation. This area is pre-disturbed grassland and is located on slopes of 1-5%.

-Cultivation Area C is 13,665sqft of pre-existing cultivation and is applying for a special permit to allow for cultivation on slopes of over 15% but under 25%.

Reasons for Relocation-

A portion of the pre-existing cultivation on this parcel was located on slopes over 30%. All pre-existing cultivation on this parcel needs to be relocated to slopes under 25% to qualify for a Humboldt County Cultivation permit. The applicant has applied for a special permit to allow for Cultivation Area C to remain in its current location due to being under the required slopes. The proposed cultivation area is an ideal area for relocation due to being on a pre-disturbed (grazing) grass area with slopes ranging from 1-5%.

On-site Retirement, Relocation and Remediation Plan

Applicant: Boden Wood/ KNB Corporation

Location: 359 Seeba Lane Garberville, CA 95542

County: Humboldt

APN: 222-071-023

Address: 484 Lake Park Blvd. #506 Oakland, CA 94610

04/29/2022

Prepared By: ETA Humboldt, LLC P.O. Box 147 Phillipsville, CA 95559

This document has been prepared to address the retirement, relocation, and remediation of an area of pre-existing cultivation area that was located on slopes that exceed 30% This is referenced as Cultivation Remediation Area 1. This Cultivation Remediation Area is planned to be relocated on property to an area with a slope of less than 5%.

The legacy cultivation areas on this property 222-071-023 have not been used for any land use purposes since 2016. All cannabis related materials were removed from the legacy cultivation area of which has since naturally revegetated with native grasses. Vegetation coverage is completely established. There has been no ground disturbance in this area since 2016.

As of 2021, the only cultivation infrastructure that remains on this parcel are the hoop frames of the pre-existing greenhouses, which are located in the area that is referred to on the site map as Cultivation Area C. These hoop greenhouses will be utilized as part of the Cannabis Cultivation Permit 15218, which is in the final stages of review. This application is for a mix of pre-existing and new cultivation, and all proposed cultivation areas are located in previously disturbed grassland areas and are located on slopes of under 15%.

See Attached Photographs Below



View of Cultivation area from 2016



View of Cultivation area from 2021*

*Remaining piece of Remesh fencing was removed in 2021.

Water Irrigation and Storage Plan for 2021 (Late Start)

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Water Plan

This water plan reflects only the first season of cultivation, with an expected start date of July 1st. Water usage this season will vary based on approval date to get started and use water.

Water Storage and Usage

Overall the amount of water used by the Cannabis Gardens for this season is 198,895.5 gallons for this year, this is an estimate, to the best of my knowledge. The domestic use water is an estimate, to the best of my knowledge, to which I based my estimate on around 200 gallons a day for the house. Maximum amount of water stored on-site at any time is 555,960 gallons. The water is pumped from the pond to the storage tanks. The tanks then feed the gardens by gravity. The Yurt or residence is fed from the spring domestic # S025284.

Water Storage Tanks-

5000 gallons of water storage (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

Pond- 650,000 gallons (cannabis use)

Cistern (Domestic Use Only)

5000 gallons of domestic use only water storage

Water is pumped using a gasoline pump from the pond to main tank storage (5,000-gal cannabis use). From main tank the water can go two ways. The first way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal. cannabis use) and fertilizer tank (500-gal cannabis use), these tanks then either water or feed gardens A and B The second way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal

cannabis use) and fertilizer tank (500-gal. cannabis use), these tanks then either water or feed garden C.

Fertilizer is applied through the drip system from separate 500-gallon tanks, or by hand from 55-gallon barrels. Total water storage is 555,960-gallons. Water conservation is a top priority. Water tank and spring system was in place when I purchased the property in 2013. Pond was added as additional water catchment system in 2016. The pond is separate from all watercourses and drain flow patterns on the property. The capacity of this pond is 538,560 gallons and is filled only from rainwater.

Water Discharge

Water storage is separate from all cannabis feeding tanks. Feeding tanks are at least 200 ft from nearest water source and garden area is mostly flat with small, sloped areas in Garden B and Garden A. There are native grasses and flowers growing to work as a leach field between garden area and open meadows. Hay is spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer.

Projected Water Usage for Cannabis Garden.

Overall, the amount of water used by the Cannabis Gardens is maximum 198,895.5-gallons this year. Total estimated water usage for household/ domestic usage 73,000 gallons per year. Total estimated water usage for property approx. 271,895.5-gallons per year gallons per year. This is a super high estimate, to the best of my knowledge, the domestic 73,000 gal. use water is an estimate, to the best of my knowledge. Maximum of water stored on-site in storage tanks is 17,400 gallons. The water is pumped from the pond, measured at 538,560 according to As built pond permit from Omsberg and Preston. If the water ever started to recede, I would act accordingly to use less water.

Daily Rate at 1.5 gallons per 10ft² per watering day. Maximum water usage for the year
271,895.5-gallons
From all diversionary points.

Monthly Water Use Table

Month	Cult Area A	Cult Area B	Cult Area C	Propagati on Area	Total Cannabis Use in Gallon	Domestic household, small food Garden, animals
Jan	0	0	0	0	0	6,200
Feb	0	0	0	0	0	5,600
Mar	0	0	0	4,882.5	4882.5	6,200
Apr	0	0	24,750	4,725	29,475	6,000
May	0	0	25,575	4,882.5	30,457.5	6,200
June	0	14600	24,750	4,725	47,225	6,000
July	5155	14,600	25,575	4882.5	58162.5	6,200
Aug	5155	20300	25,575	0	53,280	6,200
Sept	4950	20300	24,750	0	50,000	6,000
Oct	4827	17251	25,575	0	47,653	6,200
Nov	0	0	0	0	0	6,000
Dec	0	0	0	0	0	6,200
Total	20,087	72,451	101,475	4882.5	198,895.5	73,000
					TOTAL	271,895.5

I have read and keep a copy in my binder of the “Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk”, “Performance Standards for all CMMLUO Cultivation and Processing Operations” and the “Legal Pest Management practices for Marijuana Growers in California”. I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.

Water Irrigation and Storage Plan

Boden Wood

Location: 3260 See Ba Ln Garberville, CA 95542

County: Humboldt

APN: 222071023

Address: 484 Lake Park Ave #506 Oakland, CA 94610

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

Water Plan

Water Storage and Usage

Overall the amount of water used by the Cannabis Gardens is 321,135.5 gallons per year, this is an estimate, to the best of my knowledge. The domestic use water is an estimate, to the best of my knowledge, to which I based my estimate on around 200 gallons a day for the house. Maximum amount of water stored on-site at any time is 555,960 gallons. The water is pumped from the pond to the storage tanks. The tanks then feed the gardens by gravity. The Yurt or residence is fed from the spring domestic # S025284.

Water Storage Tanks-

5000 gallons of water storage (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

3,200 gallons of water storage (cannabis use)

500-gallon fertilizer tank (cannabis use)

Pond- 538,560 gallons (cannabis use)

Cistern (Domestic Use Only)

5000 gallons of domestic use only water storage

Water is pumped using a gasoline pump from the pond to storage (5,000-gal cannabis use). From main tank the water can go two ways. The first way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal. cannabis use) and fertilizer tank (500-gal cannabis use), these tanks then either water or feed gardens A and B The second way the water moves is by gravity from main tank (5,000-gal cannabis use) to tank (3,200-gal cannabis use) and fertilizer tank (500-gal. cannabis use), these tanks then either water or feed garden C.

Fertilizer is applied through the drip system from separate 500-gallon tanks, or by hand from 55-gallon barrels. Total water storage is 555,960 gallons. Water conservation is a top priority. Water tank and spring system was in place when I purchased the property in 2013. Pond was added as additional water catchment system in 2016. The pond is separate from all watercourses and drain flow patterns on the property. The capacity of this pond is 538,560 gallons and is filled only from rainwater.

Domestic Water

Domestic water is sourced from two spring diversions (S025284, S025271). One spring diversion is at Jones Creek and the other water diversion is located on the southern end of the property. The Jones creek diversion has a cistern and 5,000-gallons of hard tank water storage. The southern diversion is a direct diversion into the residence. Applicant used to have a Small irrigation use right, but he has not used it and is in the process of revoking that water right.

Water Discharge

Water storage is separate from all cannabis feeding tanks. Feeding tanks are at least 200 ft from nearest water source and garden area is mostly flat with small sloped areas in Garden B and Garden A. There are native grasses and flowers growing to work as a leach field between garden area and open meadows. Hay is spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer.

Projected Water Usage for Cannabis Garden.

Overall, the amount of water used by the Cannabis Gardens is maximum 321,135.5 gallons per year. Total estimated water usage for household/ domestic usage 73,000 gallons per year. Total estimated water usage for property approx. 394,135.5 gallons per year. This is a super high estimate, to the best of my knowledge, the domestic 73,000 gal. use water is an estimate, to the best of my knowledge. Maximum of water stored on-site in storage tanks is 17,400 gallons. The water is pumped from the pond, measured at 538,560-gal on As-Built pond plans from Omsberg and Preston. If the water ever started to recede, I would act accordingly to use less water.

Daily Rate at 1.5 gallons per 10ft² per watering day. Maximum water usage for the year 394,135.5 gallons
From all diversionary points.

Monthly Water Use Table

Month	Cult Area A	Cult Area B	Cult Area C	Propagati on Area	Total Cannabis Use in Gallon	Domestic household, small food Garden,

						animals
Jan	0	0	0	0	0	6,200
Feb	0	0	0	0	0	5,600
Mar	0	0	0	4,882.5	4882.5	6,200
Apr	0	0	24,750	4,725	29,475	6,000
May	0	0	25,575	4,882.5	30,457.5	6,200
June	3150	14600	24,750	4,725	47,225	6,000
July	5155	22550	25,575	4882.5	58162.5	6,200
Aug	5155	22550	25,575	0	53,280	6,200
Sept	4950	20300	24,750	0	50,000	6,000
Oct	4827	17251	25,575	0	47,653	6,200
Nov	0	0	0	0	0	6,000
Dec	0	0	0	0	0	6,200
Total	23,237	97,251	176,550	24,097.5	321,135.5	73,000
					TOTAL	394,135.5

I have read and keep a copy in my binder of the “Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk”, “Performance Standards for all CMMLUO Cultivation and Processing Operations” and the “Legal Pest Management practices for Marijuana Growers in California”. I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
April 21, 2022

<input checked="" type="checkbox"/>	Consent Agenda Item	No. <u>E-5</u>
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Boden Wood Special Permit

Record Number PLN-2018-15218

Assessor Parcel Number 222-071-023

Garberville area

Attached for the Planning Commission's record and review is (are) the following supplementary information items:

1. Public Comment. The owner of property immediately south of the project site has submitted a letter and associated Timber and Northern Spotted Owl assessments for property surrounding the proposed project site. The property owner states that he has personally witnessed Northern Spotted Owl (NSO) on his property, most recently in October of 2020.
 - A timber assessment prepared for the property immediately south of the project site which concludes in 2015 that the property (to the south of the project site) would require at least 5-7 years of negative NSO surveys in order to determine appropriate timber harvest area due to the presence of NSO.
 - Various CDFW records dating back 25 years or so for NSO sightings in the larger contiguous forest area surrounding the project site. Some of these records are positive sightings and some are negative showing no NSO present in the area.
2. Northern Spotted Owl Assessment for the subject property and proposed project prepared by Leopardo Wildlife Associates, dated October 18, 2021. This assessment is referenced in the staff report but does not appear to have been included as an attachment to the staff report. The assessment concludes that the habitat associated with the proposed project site lacks suitable NSO nesting habitat and expanding the cultivation operation is unlikely to negatively impact NSO.
3. A more focused snippet of the Watershed Map showing the proposed project site and adjacent approved cannabis projects.
4. Satellite image showing the subject parcel and the surrounding forested area.

1

Public Comment

APRIL 15

Michael

WANT TO SUBMIT
THIS INFO FROM PAST THP
IT SEEMS THE SPOTTED OWL
IS PRESENT IN OUR FOREST
BUT NOT WHEN A THP
NEEDS APPROVAL ODD?
IN 2015 I HIRED TEC
TO DO A CRUISE
REPORT IN CLUDED

AFTER THE CRUISE I WENT
INTO THE FOREST ON THE 121 AREA
PLOT WALKED THE DRAINAGE CLOSEST
TO THE SITE AND SAW A LARGE
SPOTTED OWL HE FOLLOWED ME
ALL THE WAY DOWN THE DRAINAGE
CALLED CHRIS ASKED ABOUT IT
SAID THE OWL WAS WAITING FOR
ME TO SWING A MOUSE ON A STEM

SINCE THEN I HAVE SEE
AN OWL 2 TIMES THE
LAST WAS 2020 OCT

Michael Gaffie
Muf



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@humboldt1.com

June 26, 2015

Michael Griffin
PO Box 550663
South Lake Tahoe Ca 96155

Dear Mr. Griffin:

SUBJECT: TIMBER CRUISE REPORT FOR APN 052-020-014, APN 052-020-015 &
APN 222-171-025

Attached is the timber evaluation you requested.

If you have any questions regarding the timber cruise, please feel free to contact me anytime.
Please note the Statement of Limitations on page 3 of the cruise.

Sincerely,



Chris Carroll, RPF# 2628
Timberland Resource Consultants

Project description

Timberland Resource Consultants were hired by Michael Griffin to estimate the volume and value of timber located within APN 052-020-014, APN 052-020-015, and APN 222-071-025. A total of approximately 4 field hours was spent on May 20, 2015 estimating timber stand density. Field reconnaissance consisted of visually estimating basal areas per acre and individual trees for DBH and height in combination with evaluating the road system and other physical conditions and constraints that would affect logging cost. The landowner, Michael Griffin, accompanied the forester and showed him the property via numerous truck and ATV trails.

Timber Stand location

The field reconnaissance was conducted within APN 052-020-014 (99-acres) and APN 052-020-015 (122-acres) located in northern Mendocino County in the NE ¼ of Section 28, Township 5 South, Range 3 East, Humboldt Base and Meridian, and APN 222-071-025 (80 acres) located in Section 20 & 21, T5S, R3E, HB&M

Timber Stand Description

Based upon the short field visit, the timber is best described as densely stocked second growth tanoak intermixed with madrone, Douglas-fir, redwood, and live oak. Conifer site occupancy was densest on the lower slopes along Jones Creek and its eastern aspects. Approximate stocking was 60% tanoak/madrone; 25% Douglas-fir; and 15% redwood. Estimated QMDs were approximately 14 inches DBH for hardwoods and 16 inches DBH for conifers. Estimated conifer volume per acre is approximately 10 MBF Douglas-fir and 5 MBF redwood per acre. Total estimated conifer volume is approximately 3.315 MBF gross Scribner scale.

Value Discussion

Given the age of the timber, uneven-aged management is the only appropriate silvicultural prescription available to treat the stand. Given watercourse protection measures, present stand density and post harvest basal area requirements for stocking under the selection/group selection methods; only approximately 33% to 50% of the timber could be reasonably harvested at the present time. This equates to a harvest volume in the range of approximately 1.09 to 1.65 MBF gross Scribner scale.

The property's road system was constructed in the mid 1900's to haul logs down Jones Creek, Indian Creek, and across the South Fork Eel River at Andersonia. Although not researched, it appears that the landowner's deeded access is via Sproul Creek Road and through Old Sebbas Ranch and the Nielson Ranch. This haul route would require significant modification of the landowners existing logging roads, most of which are already located in the WLPZ. Numerous bridges would need to be installed and culvert upgrades across the entire road system. In addition, the haul route off the property up to Sproul Creek Road is very steep, with numerous switchbacks that are too tight for a logging truck. This road would require significant reconstruction to be made usable for log hauling. Assuming that the adjacent landowners cooperate and allow this reconstruction to occur, the costs for improving the haul route located on and off the property are expected to be significant.

The Natural Diversity Database shows a NSO Activity Center, MEN 458, on the property. The observation is from 2007 and a pair was documented. If there are indeed NSOs on the property, then the present rules require a Core Area of a minimum 100 acres, which could potentially result in the loss of the best timber available for harvest. Approximately 31% of the property and up to 50% of the harvestable timber volume could be lost. NSO surveys would be required to determine NSO presence and location, which would consequently determine the configuration of the protection area. However regardless of whether the NSO is re-located, removing an NSO from the database following numerous years of negative surveys has proven to be difficult to impossible. I would suspect that at least 5-7 years of negative surveys would be needed.

Given the market conditions for Douglas-fir and hardwoods, in combination with the stated conditions and constraints listed above, the property is not feasible for timber harvesting at this time.

**STATEMENT OF CONTINGENT AND LIMITING CONDITIONS
CONCERNING THE PREPARATION AND USE OF TIMBER CRUISE
INFORMATION**

Prepared by Timberland Resource Consultants

1. This information has been prepared for the sole use of Michael Griffin, Owner of the property.
2. Timberland Resource Consultants does not assume any liability for use of this information by any party other than the Owner.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the work was done. Changes due to growth, mortality, loss, depletion, or regulatory changes must be considered at any time this work is used.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The figures presented in this report should be viewed and considered in light of the time spent observing the property (4 hours) and the methodologies used. The estimates may differ from those made by others or from the results of physically measuring the trees (timber cruising), harvesting the trees, selling the property, or selling the timber. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property. The majority of the volumes mentioned were determined from property lines interpreted from County parcel boundaries overlain on USGS maps.
7. Persons using this report are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without written authorization from the Client.



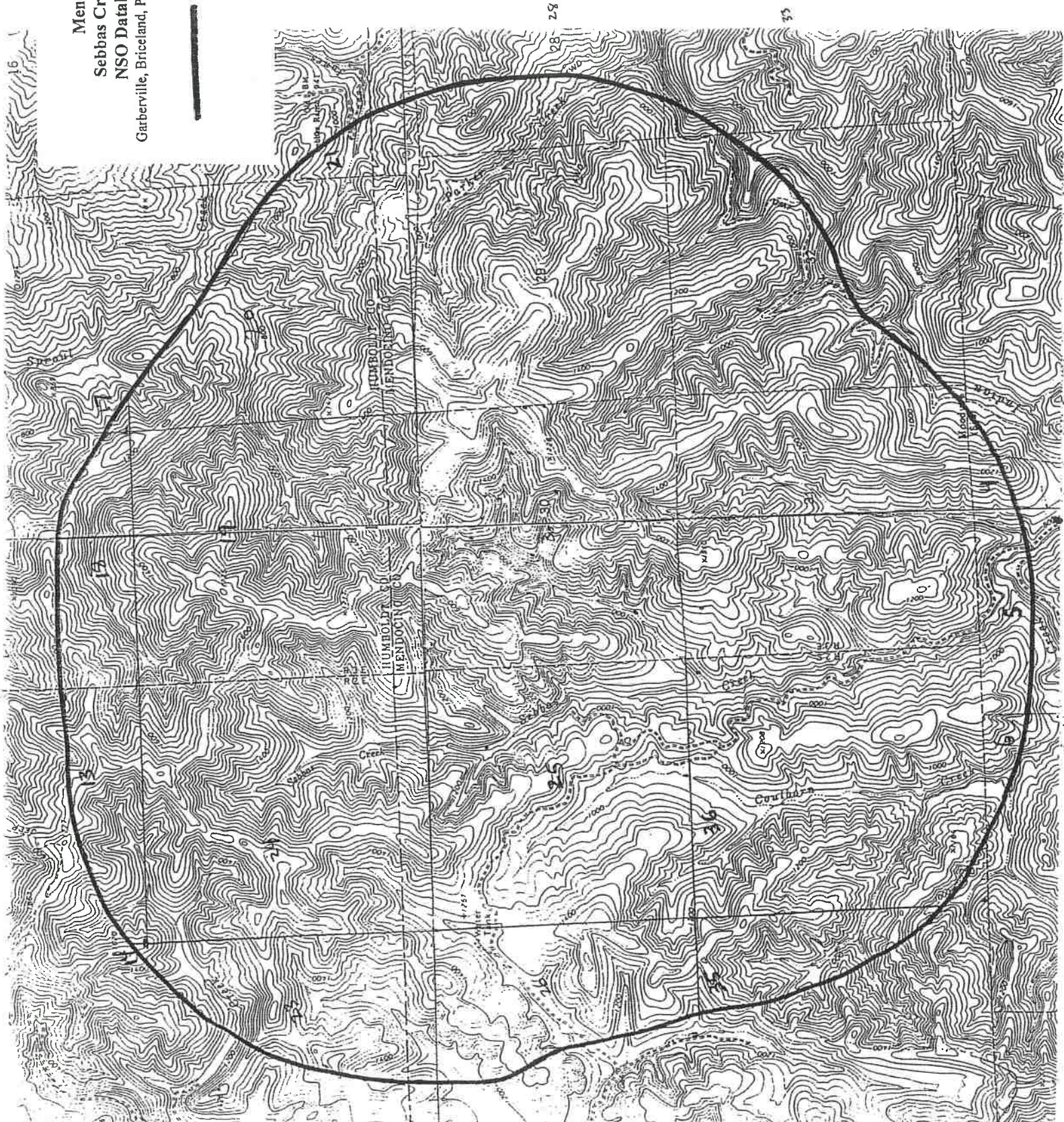
Mendes
Sebbas Creek THP
NSO Database Map

Garberville, Brice land, Piercy, Bear Harbor 7.5' Quad



Assessment Area

SPRAWL CREEK
INDIAN CREEK
JONES CREEK THP # 1-03-056
HUMPT MEN



California Department of Fish and Game
 California Department of Forestry and Fire Protection

NORTHERN SPOTTED OWL DATABASE MANAGEMENT SYSTEM

Version 2.0

December 12, 2001

REPORT #1

DATA

REPORT OF AREAS SEARCHED

COUNTY	TOWNSHIP	RANGE	SECTION	TERRITORY
HU	5S	2E	13	** NO OWLS KNOWN **
HU	5S	2E	14	HU180
HU	5S	2E	23	HU180
HU	5S	2E	24	** NO OWLS KNOWN **
HU	5S	2E	25	** NO OWLS KNOWN **
HU	5S	2E	26	HU180
HU	5S	2E	35	** NO OWLS KNOWN **
HU	5S	2E	36	** NO OWLS KNOWN **
HU	5S	3E	13	HU012
HU	5S	3E	14	HU012
HU	5S	3E	15	** NO OWLS KNOWN **
HU	5S	3E	16	** NO OWLS KNOWN **
HU	5S	3E	17	HU477
HU	5S	3E	18	HU887
HU	5S	3E	19	HU887
HU	5S	3E	20	** NO OWLS KNOWN **
HU	5S	3E	21	** NO OWLS KNOWN **
HU	5S	3E	22	** NO OWLS KNOWN **
HU	5S	3E	23	** NO OWLS KNOWN **
HU	5S	3E	24	** NO OWLS KNOWN **
HU	5S	3E	25	** NO OWLS KNOWN **
HU	5S	3E	26	** NO OWLS KNOWN **
HU	5S	3E	27	** NO OWLS KNOWN **
HU	5S	3E	28	** NO OWLS KNOWN **
HU	5S	3E	29	** NO OWLS KNOWN **
HU	5S	3E	30	** NO OWLS KNOWN **
HU	5S	3E	31	** NO OWLS KNOWN **
HU	5S	3E	32	** NO OWLS KNOWN **
HU	5S	3E	33	** NO OWLS KNOWN **
HU	5S	3E	34	** NO OWLS KNOWN **
MD	24N	18W	3	MD095
MD	24N	18W	3	MD503
MD	24N	18W	4	** NO OWLS KNOWN **
MD	24N	18W	5	** NO OWLS KNOWN **
MD	24N	18W	6	MD318

NOTE: THREE SEPERATE REPORTS ARE GENERATED IF NORTHERN SPOTTED OWL RECORDS ARE KNOWN FROM THE REQUESTED AREA. THE SECOND AND THIRD REPORTS WILL NOT PRINT IF OBSERVATIONS RECORDS ARE NOT FOUND.

RPF: GARY F. HOWARD
RQST. NO.: 2449

#: 1017

01/17/2003
Pg: 1

California Department of Fish and Game
California Department of Forestry and Fire Protection

NORTHERN SPOTTED OWL DATABASE MANAGEMENT SYSTEM

Version 2.0

December 12, 2001

REPORT #2

DATA

REPORT OF TERRITORIES FOUND

LOCALE	TWN	RNG	SECT	1/4	1/16	1/64	OWNER TYPE	YEAR	TERR.	NEST/YNG
								OWNER	VERIFIED	KNOWN
TERRITORY: HU012										
RICHARDSON GROVE	5S	3E	14	SW	SW	NW	CA	CPR	95 - P	99 - 94
TERRITORY: HU180										
LADY OF REDWOODS	5S	2E	23	NW	SE	SE	PVTI	BRN	98 - P	98 - 97
TERRITORY: HU477										
COX CR	5S	3E	8	NE	SE	SE	PVTI	BRN	98 - P	- 98
TERRITORY: HU887										
SPROUL CR	5S	3E	18	NE	SE		PVTI	BRN	98 - S	-
TERRITORY: MD095										
N FK STANDLEY CR	24N	18W	10	SE	NW	NE	PVTI	CG	00 - P	98 - 98
TERRITORY: MD318										
INDIAN CR	24N	18W	6	SE	SE	NW	PVTI	TTC	92 - S	-
TERRITORY: MD503										
INDIAN CR DIVIDE	24N	18W	3	SW	NE	NE	PVTI	CG	97 - P	-

NOTE: FOR AN EXPLANATION OF THE DATA COLUMNS, USE A "DATABASE REPORT EXPLANATION SHEET" DATED AFTER JANUARY 1, 1994.

California Department of Fish and Game
 California Department of Forestry and Fire Protection

NORTHERN SPOTTED OWL DATABASE MANAGEMENT SYSTEM

Version 2.0
 December 12, 2001

REPORT #3 DATA

REPORT OF SIGHTINGS REPORTED FOR TERRITORIES FOUND

TWN	RNG	SRCT	1/4	1/16	1/64	DATE SEEN	OBSERVER	NO. OF OWLS	AGE-SEX	NO. OF PAIR YNG.	NEST
TERRITORY: HU012											
5S	3E	0				07/01/1962	KOOPS	1	UU		0
5S	3E	0				06/06/1963	KOOPS	0			2
5S	3E	0				06/14/1973	LABELLE	4	4UU		0
5S	3E	0				06/18/1973	LABELLE	1	UU		0
5S	3E	0				06/25/1973	LABELLE	4	4UU		0
5S	3E	0				04/18/1975	A.B. 29(4):904	2	UUUU		0
5S	3E	13	SW	NE		05/19/1978	GOULD	1	UF		0
5S	3E	13	SW	W		08/14/1985	GOULD-CRABBE	0			0
5S	3E	14	NE	NE	SW	07/01/1990	STONEMAN	1	UM		0
5S	3E	14	NE	NE	W	07/01/1990	STONEMAN	1	UF		0
5S	3E	14	NE	N	C	07/17/1990	LEISTEN+ (THP)	1	UM		0
5S	3E	11	SE	SE	SE	08/01/1990	STONEMAN	2	UMUF	Y	0
5S	3E	14	NE	NE	W	09/09/1990	LEISTEN+ (THP)	1	UM		0
5S	3E	14	NE	C		06/22/1992	STONEMAN	1	UM		0
5S	3E	22	NE			06/23/1994	RICH MUNOZ	0			0
5S	3E	14	SW	SE		06/24/1994	RICH MUNOZ	1	UM		0
5S	3E	14	SW	SW	CS	06/28/1994	RICH MUNOZ	1	UM		0
5S	3E	14	SW	SW	NW	08/09/1994	RICH MUNOZ	1	UM		2
5S	3E	14	SW	SW	NW	05/03/1995	MUNOZ	1	UF		0

TERRITORY: HU180

5S	2E	23	SW	SW		01/01/1988	ELLIOTT	2	UMUF	Y	1	Y
5S	2E	23	SW	SW	E	04/03/1989	ELLIOTT	2	UMUF	Y	0	Y
5S	2E	23				01/01/1992	GONZALES	0			0	
5S	2E	14	SW	SW		05/20/1992	MAAS-ALUZAS	2	UMUF		0	
5S	2E	23	NW	NE	NE	06/17/1992	KNUTSEN-MAAS	2	UMUF	Y	0	
5S	2E	23	SW	SW	SW	04/09/1996	GALEA W.C.	2	UMUF	Y	0	
5S	2E	23	SW	SW	SE	04/10/1996	GALEA W.C.	1	UM		0	
5S	2E	23	SW			07/01/1996	GALEA W.C.	2	UMUF	Y	0	
5S	2E	23	SW	SW	SW	07/02/1996	GALEA W.C.	1	UM		0	
5S	2E	23	SE	NW	SE	07/31/1996	GALEA W.C.	1	UF		0	
5S	2E	26	NW	NE	NW	06/05/1997	LEOPARDO+GILLOT	2	UMUF	Y	2	Y
5S	2E	26	NW	NW	SW	07/10/1997	via BLM	1	UM		0	
5S	2E	26	NW	NW	SE	07/25/1997	via BLM	1	UM		0	

NOTE: FOR AN EXPLANATION OF THE DATA COLUMNS, USE A "DATABASE REPORT EXPLANATION SHEET" DATED AFTER JANUARY 1, 1994.

California Department of Fish and Game
 California Department of Forestry and Fire Protection

NORTHERN SPOTTED OWL DATABASE MANAGEMENT SYSTEM
 Version 2.0

December 12, 2001

REPORT #3

DATA

REPORT OF SIGHTINGS REPORTED FOR TERRITORIES FOUND

TWN	RNG	SECT	1/4	1/16	1/64	DATE SEEN	OBSERVER	NO. OF OWLS	AGE-SEX	NO. OF PAIR YNG.	NEST
5S	2E	26	NW	NE	NW	07/26/1997	via BLM	2	UMUF	Y	2
5S	2E	23	NW	SE	SE	05/06/1998	GILLOTT	2	UMUF	Y	0 Y

TERRITORY: HU477

5S	3E	8	SE	SE	SW	01/01/1991	KNUTSEN-ALUZAS	2	UMUF	Y	0
5S	3E	9	SW	S		05/15/1991	LEISTEN+ (THP)	1	UM		0
5S	3E	17	NE	NE	NW	05/15/1991	LEISTEN+ (THP)	1	UF		0
5S	3E	17	NE	NE	NW	05/16/1991	LEISTEN+ (THP)	2	UMUF	Y	0
5S	3E	9	SW	NW	E	06/04/1991	LEISTEN+ (THP)	1	UM		0
5S	3E	8	SE	SE	SW	03/27/1992	GALEA	1	UM		0
5S	3E	8	SE	SE	SW	03/28/1992	KNUTSEN-MAAS	2	UMUF	Y	0
5S	3E	8	SE	SW	NE	04/30/1992	GALEA	1	UF		0
5S	3E	8	SE	SW	NE	05/01/1992	KNUTSEN	1	UF		0
5S	3E	8	SE	SW	NE	06/17/1992	GALEA	1	UF		0
5S	3E	8	SE	NE	SE	05/01/1997	LEOPARDO+GILLOT	2	UMUF	Y	0
5S	3E	17	NW	NE	NE	05/07/1997	GILLOTT	1	UM		0
5S	3E	8	SE	NE	NW	03/03/1998	LEOPARDO-GILLOT	1	UM		0
5S	3E	8	SE	NE	CN	04/21/1998	GILLOTT	2	UMUF	Y	0
5S	3E	8	NE	SE	SE	06/18/1998	via LEOPARDO	2	UMUF	Y	1
5S	3E	8	SE	NE	SC	07/10/1998	LEOPARDO	1	UF		2
5N	1E	26	SE	SE	NW	01/01/1999	PACIFIC LUMBER	2	UMUF	Y	0

TERRITORY: HU887

5S	3E	19	NE	NE	NE	04/30/1997	LEOPARDO+GILLOT	1	UM		0
5S	3E	18	NE	SE		03/09/1998	LEOPARDO-GILLOT	1	UM		0

TERRITORY: MD095

24N	18W	10	NE	SE	S	05/15/1989	GOULD+	1	UM		0
24N	18W	10	SE	NE	S	05/15/1989	SCHNITZEL+	1	UF		0
24N	18W	10	SE	NE	NE	06/14/1989	ROBERTS+	1	UU		0
24N	18W	11	SW	NW	NW	06/16/1989	ROBERTS+	1	UU		0
24N	18W	10	SE	NE		07/05/1989	ROBERTS-AMBROSE	2	UMUF		0
24N	18W	10	SE	NE	NE	07/06/1989	ROBERTS-AMBROSE	2	UMUF		0
24N	18W	10	NE	SE	C	03/14/1990	STEVENS+	1	UM		0
24N	18W	10	SE	NE	SE	03/15/1990	STEVENS+	2	UMUF	Y	0
24N	18W	10	NE	SE	SW	05/02/1990	STEVENS+	2	UMUF	Y	0 Y

NOTE: FOR AN EXPLANATION OF THE DATA COLUMNS, USE A "DATABASE REPORT EXPLANATION SHEET" DATED AFTER JANUARY 1, 1994.

California Department of Fish and Game
 California Department of Forestry and Fire Protection

NORTHERN SPOTTED OWL DATABASE MANAGEMENT SYSTEM

Version 2.0

December 12, 2001

REPORT #3

DATA

REPORT OF SIGHTINGS REPORTED FOR TERRITORIES FOUND

TWN	RNG	SECT	1/4	1/16	1/64	DATE SEEN	OBSERVER	NO. OF OWLS	AGE- SEX	NO. OF PAIR YNG.	NEST	
24N	18W	10	NE	SE	SW	06/18/1990	STEVENS+	2	UMUF	Y	0	Y
24N	18W	10				06/18/1990	GP-BANDING DATA	1	AF	Y	0	
24N	18W	10	NE	SE	SW	07/15/1990	STAFFORD+	2	UMUF	Y	0	Y
24N	18W	10	NW	SE	SW	04/11/1991	STAFFORD+	1	UM		0	
24N	18W	10	NE	SE	SW	04/12/1991	STAFFORD+	2	UMUF	Y	0	Y
24N	18W	10	NE	SE	SW	06/18/1991	STAFFORD+	2	UMUF	Y	1	
24N	18W	10	NE	SE	SW	07/30/1991	STAFFORD+	2	UMUF	Y	1	
24N	18W	10	SE	NE	NW	04/22/1992	AMBROSE+	2	UMUF	Y	0	
24N	18W	10	SE	NE	NW	06/04/1992	HINES	2	UMUF	Y	0	
24N	18W	10	SW	NW	NW	06/23/1992	AMBROSE+	2	UMUF	Y	0	
24N	18W	10	SE	NE	SW	07/08/1992	AMBROSE+	1	UM	Y	0	
24N	18W	10	SE	NW	NE	07/08/1992	AMBROSE+	1	UF	Y	0	
24N	18W	10	SE	NW	NE	03/30/1993	AMBROSE+	2	UMUF	Y	0	Y
24N	18W	10	SE	NW	NE	06/23/1993	AMBROSE+	2	UMUF	Y	0	Y
24N	18W	10	SE	NW	NE	03/21/1994		2	UMUF	Y	0	
24N	18W	10	SE	NW	NE	03/21/1994	HAYES	2	UMUF	Y	0	Y
24N	18W	10	SE	NW	NE	03/22/1994		2	UMUF	Y	0	
24N	18W	10				04/11/1994	MONTGOMERY+	0			0	
24N	18W	10	SE	NE	NW	06/15/1994	HAYES+	1	UU		0	
24N	18W	10	SE	NE	NW	06/29/1994	HAYES	2	UMUF	Y	0	
24N	18W	10	SE	NE	NE	08/04/1994	HAYES	1	UM		0	
24N	18W	10				04/20/1995	GP	0			0	
24N	18W	10				06/28/1995	GP	0			0	
24N	18W	10				07/10/1995	GP	0			0	
24N	18W	10	SE	NW	NE	07/19/1995	GP	2	UUUU		0	
24N	18W	10				07/24/1995	GP	0			0	
24N	18W	10	NW	NE	NE	08/01/1995	GP	1	UM		0	
24N	18W	10				08/09/1995	GP	0			0	
24N	18W	10				04/02/1996	GP-WRIGHT+	0			0	
24N	18W	10	SE	NE	NE	04/22/1996	GP-WRIGHT+	1	UU		0	
24N	18W	10	SE	SE	SE	04/22/1996	GP-BURNETT	1	UM	Y	0	
24N	18W	11	SW	NW	SE	04/22/1996	GP-BURNETT	1	UF	Y	0	
24N	18W	10	NE	NW	SW	05/06/1996	GP-WRIGHT+	1	UM		0	
24N	18W	10	SW	NE	NW	05/06/1996	GP-WRIGHT+	1	UM		0	
24N	18W	11				05/06/1996	GP	0			0	
24N	18W	10				06/03/1996	GP-WRIGHT+	0			0	

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TWN	RNG	SECT	1/4	1/16	1/64	DATE	OBSERVER	NO. OF OWLS	AGE- SEX	NO. OF PAIR YNG.	NEST
24N	18W	3	SW	SW	SE	06/10/1996	GP-BELL	1	UF		0
24N	18W	10				06/10/1996	GP-WRIGHT	0			0
24N	18W	3	SW	SE	SW	06/10/1996	GP-LUNDBY+	2	UMUF	Y	0
24N	18W	10	SE	NW	NE	06/17/1996	GP-GRAGG	1	UF		0
24N	18W	10				06/24/1996	GP	0			0
24N	18W	10				07/01/1996	GP	0			0
24N	18W	10				03/27/1997	HINES	0			0
24N	18W	10	SE	NW	NW	04/07/1997	HINES	1	UF		0
24N	18W	10	SE	NW	NW	04/07/1997	HINES	1	UM		0
24N	18W	10	SE	NW	NE	05/08/1997	BELL	2	UMUF	Y	0
24N	18W	10	SE	NW	NE	05/19/1997	FROLA	1	UU		0
24N	18W	10	SE	NW	NE	06/02/1997	GRAGG	2	UMUU		0
24N	18W	10	SE	NW	NE	06/04/1998	SC	2	UMUF	Y	1 Y
24N	18W	10	NE	SW	SE	06/19/1998	JA, CA, BA	2	UMUF	Y	2
24N	18W	10	SE	NW	SE	07/20/1998	JA, CA, CA	1	UM		1
24N	18W	10	NE	SW	SE	05/25/1999	SF, MS	1	UF		0 N
24N	18W	10				06/17/1999	SF	0			0
24N	18W	10				06/24/1999	SF	0			0
24N	18W	10	SE	NW	SW	07/15/1999	JG	1	UM		0
24N	18W	10				08/02/1999	SF	0			0
24N	18W	10				08/09/1999	SF	0			0
24N	18W	10				08/25/1999	SF	0			0
24N	18W	10	NW	NW	SE	05/11/2000	GRAGG	1	UM		0
24N	18W	10	SE	SE	NE	06/08/2000	BROWN	1	UM		0
24N	18W	10	NE	NW	SE	06/28/2000	BROWN	1	UF		0

TERRITORY: MD318

24N	18W	6	SE	NE	SE	07/02/1992	AMBROSE+	1	UM		0
24N	18W	6	SE	NW	SE	07/08/1992	AMBROSE+	1	UM		0
24N	18W	6	SE	SE	NW	07/08/1992	AMBROSE+	1	UF		0
24N	18W	4				04/07/1993	AMBROSE+	0			0
24N	18W	5				04/21/1993	AMBROSE+	0			0
24N	18W	5				06/28/1995	GP	0			0
24N	18W	5				07/03/1995	GP	0			0
24N	18W	5				07/10/1995	GP	0			0
24N	18W	5				05/06/1996	GP-BURNETT	0			0

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TWN	RNG	SECT	1/4	1/16	1/64	DATE SEEN	OBSERVER	NO. OF OWLS	AGE-SEX	NO. OF PAIR YNG.	NEST
24N	18W	5				06/10/1996	GP-BURNETT	0		0	
24N	18W	5				06/17/1996	GP-BELL+	0		0	
24N	18W	5				06/24/1996	GP-GRAGG+	0		0	
24N	18W	5				07/01/1996	GP-GRAGG+	0		0	

TERRITORY: MD503

24N	18W	3				05/06/1996	GP	0		0	
24N	18W	3	SW	SE	NE	06/03/1996	GP-BELL+	1	UF	0	
24N	18W	4				06/03/1996	GP	0		0	
24N	18W	3	SW	NE	NW	06/10/1996	GP-BELL	1	UF	0	
24N	18W	4				06/10/1996	GP	0		0	
24N	18W	3	NW	SE	NW	06/17/1996	GP-BELL	1	UF	0	
24N	18W	3	NW	SW	SW	06/17/1996	GP-BELL+	1	UF	0	
24N	18W	4				06/17/1996	GP	0		0	
24N	18W	3	SW	SE	NW	06/24/1996	GP-BELL+	2	UMUF	Y	0
24N	18W	4				06/24/1996	GP	0		0	
24N	18W	3	NW	SE	SE	07/01/1996	GP-LUNDEY+	1	UM	0	
24N	18W	3	SW	SW	NW	07/01/1996	GP-LUNDEY+	1	UF	0	
24N	18W	4				07/01/1996	GP	0		0	
24N	18W	3	SW	NE	NE	03/27/1997	BELL	2	UMUF	Y	0
24N	18W	3	SW	NE	NW	03/27/1997	BELL+HINES	2	UMUF	Y	0
24N	18W	3	SW	NE	NW	04/07/1997	BELL	1	UM	0	
24N	18W	3	SW	NE	SW	04/07/1997	BELL	2	UMUF	0	
24N	18W	3				04/29/1997	BELL	0		0	
24N	18W	3				05/07/1997	BELL	0		0	
24N	18W	3				05/19/1997	BELL	0		0	
24N	18W	3				05/28/1997	BELL	0		0	
24N	18W	3				07/02/1997	BELL	0		0	
24N	18W	3				06/09/1998	JG	0		0	
24N	18W	3				06/30/1998	JG	0		0	
24N	18W	3				07/30/1998	JG	0		0	
24N	18W	3				08/06/1998	MS	0		0	
24N	18W	3				08/13/1998	MS	0		0	
24N	18W	3				08/20/1998	RN	0		0	
24N	18W	3				06/17/1999	MS,AB	0		0	
24N	18W	3				06/24/1999	AB,SP	0		0	

NOTE: FOR AN EXPLANATION OF THE DATA COLUMNS, USE A "DATABASE REPORT EXPLANATION SHEET" DATED AFTER JANUARY 1, 1994.

RPF: GARY F. HOWARD
RQST. NO.: 2449

#: 1017

01/17/2003
Pg: 6

California Department of Fish and Game
California Department of Forestry and Fire Protection

NORTHERN SPOTTED OWL DATABASE MANAGEMENT SYSTEM

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TWN	RNG	SECT	1/4	1/16	1/64	DATE SEEN	OBSERVER	NO. OF OWLS	AGE- SEX	NO. OF PAIR YNG.	NEST
24N	18W	3				07/15/1999	AB,MS,JG	0		0	
24N	18W	3				08/02/1999	AB	0		0	
24N	18W	3				08/09/1999	SF	0		0	
24N	18W	3				08/25/1999	MS	0		0	
24N	18W	3				04/25/2000	GRAGG, STOLFAS	0		0	
24N	18W	9				04/25/2000	GRAGG, STOLFAS	0		0	
24N	18W	3				05/11/2000	FULLERTON	0		0	
24N	18W	3				06/08/2000	BROWN, GRAGG	0		0	
24N	18W	3				06/28/2000	GRAGG	0		0	
24N	18W	10				06/28/2000	GRAGG	0		0	
24N	18W	3				07/11/2000	BROWN	0		0	
24N	18W	3				07/19/2000	BROWN	0		0	

NOTE: FOR AN EXPLANATION OF THE DATA COLUMNS, USE A "DATABASE REPORT
EXPLANATION SHEET" DATED AFTER JANUARY 1, 1994.

Occurrence and Status Inside Assessment Area: Murrelet habitat is not present in or adjacent to this THP. Although surveys have not been conducted in this assessment area, murrelet presence in this assessment area is considered unlikely due the absence of suitable habitat.

Mitigation: Not applicable to this species. No significant impact to this species is expected as a result of this THP.

11. **NORTHERN SPOTTED OWL (Strix occidentalis caurina)**

Status: Federally Threatened and BOF "Sensitive Species"

Key Habitat: Requires mature forest patches with permanent water and suitable nesting trees and snags (CDF&G 1990). In northern California the spotted owl also occurs in younger forest types (USDA 1993).

Occurrence and Status Inside Assessment Area: NSO activity centers have been located in this assessment area. The status of NSO's in this assessment area will be reconfirmed. Consultation for this species will be conducted with the California Department of Fish and Game (CDF&G) and a Determination of No-Take will be provided prior to second review of this THP.

Mitigation: The specific protection required by CDF&G will be implemented. No significant impact to this species is expected as a result of this THP.

The following plant species was determined to have potential habitat within the assessment area:

12. **Astragalus agnicidus HUMBOLDT MILK-VETCH**
(perennial herb/Leguminosae or Fabaceae)

Status: A federal category 1 candidate species, a California State listed endangered plant and a CNPS "list 1B" species.

7.5' Quads.: Miranda (617A)

Habitat: The following habitat attributes are given for the Humboldt milk-vetch: disturbed openings in the Broadleaved Upland Forest habitat type (Skinner and Pavlik 1994), open soil in woodlands around 750 meters or 2500 ft. in elevation (Hickman 1993), and disturbed woods around 2500 feet in elevation (Munz 1970).

Flowering: June-August

Key Features: An erect stem 1-3 feet, sparsely hairy, leaves not tendril-bearing, 13-27 leaflets and a dense spike-like inflorescence of pea-like flowers.

Occurrence: The range of the Humboldt milk-vetch is the Outer North Coast Ranges in southern Humboldt County (Hickman 1993). No field presence was noted in the botanical assessment area during field review.

Mitigation: Not applicable, as habitat was marginal (a Mixed Evergreen Forest with a predominately closed-canopy and little or no photosynthetic

Date: 5/10/95

To: Theodore Wooster, Environmental Specialist
California Department of Fish and Game

THP # 195-236-HUM

Extension of No-Take Certification For Northern Spotted Owl

On 12/29/94 you signed a No-Take certification for northern spotted owl for THP Hortsock 95 THP, Plan name Hortsock 95 THP, County Humboldt + Mendocino

Since then, we have surveyed for NSO's on the following dates 5/3/95, _____, and _____.

Results of this calling are as follows: Richardson's Grove
50's were relocated in same location as in 1994.
After monitoring female it appears the pair are
not nesting this year.

Detailed survey sheets are attached as appendices.

Name Rich Munoz
Company COOMB'S TREE FARM

Attachments

I have reviewed the NSO survey data for 1995 and find that it is sufficient to insure continuation of the No-Take determination until March 1 of 1996.

Theodore W Wooster
Theodore Wooster
Date 5/10/95

PLAN NAME Hartsook 95 THP

NSO ASSIGN # _____ ORIG # _____
THP # _____

Date Referral Received by DFG: 12/16/94 Date RPF Notified: _____ Alternative Used: _____
Date Referral Received by CDF: _____ USGS Quad Name Perry + Harberville Quad
(Date Referral Received by Designated Biologist: 12/11/94 (DB fill in)) WT.5" (115"

CALIFORNIA DEPARTMENT OF FISH AND GAME
NORTHERN SPOTTED OWL CONSULTATION CHECKLIST

A1 Plan Submitter Coombs Tree Farm
Consultation Information Submitter Munoz
Watershed/Tributaries Eel River; South Fork of; Hartsook Creek
Township T5S Range R3E Sections 22423 County Humboldt + Mendocino Counties

Plan Acres/Silviculture 260 acres - 200 CC; 60 thinning (CC mount-like SW3 c

A2 Document Review Submitted Needed Explanation _____
Plan Description _____
Planimetric/Topographic Map _____
Habitat Map (acres/location) _____
Aerial Photos (if available) Source: Coombs Series/Date: 1984 #: _____
NSO Location Map (1.3 Miles) WAC Nest/Roost: 1992
DataBase (CDF Printout) Date/Results: 12/22/94
(DFG Territory #) HU 012
(submit database printout with referral request and consultation checklist)

Survey Data Results located pair + egg
1992, 1993 + 1994. see rept. 6/23/94, 6/24/94, 6/28/94
8/9/94 RM - pair located

A3 Field Review
Review Participants Theodore Wooster + Richard Munoz
Adequate Review Routes () no (X) yes Date 12/29/94 Explain _____
Accurate Maps () no (X) yes Explain _____
Accurate Habitat Mapping () no (X) yes Explain _____
Adequate Surveys () no (X) yes Explain _____

Habitat Characteristics young second growth Douglas fir and tan oak with scattered residual fir and pockets of brush

PLAN NAME Hartbrook 95

NSO ASSIGN # _____ ORIG # _____
THP # _____

Project Evaluation

B1 NSO's detected within 1.3 miles of operations area? () no () yes Date last detected 8/9/94

NSO's present now? () unknown () yes: () onsite () 500' () 1000' () 0.7mi () 1.3mi

Will NSO habitat retention standards be met post-harvest? () no () yes Describe post-harvest habitat characteristics to support NSO's: CC areas will be more like SW2 + should remain forage. In general the plan will only be burned where there are excess piles of tan oak. Overall forage should improve as habitat for woodrats is increased by new slash on the ground.

Estimated Habitat Retention Acres (pre/post harvest):

	500'	1000'	0.7mi	1.3mi
Nest	<u>1</u>	<u>1</u>	<u>1</u>	<u>363 / 363</u>
Roost	<u>1</u>	<u>1</u>	<u>1</u>	<u>1,094 / 1,050</u>
Forage	<u>1</u>	<u>1</u>	<u>1</u>	<u>1,192 / 1,095</u>
Maximal Non-Habitat	<u>1</u>	<u>1</u>	<u>1</u>	<u>205 / 346</u>

B2 Is this consultation for more than one (1) THP? () no () yes

List all known NSO consultations within 1.3 mi of this survey area Med Cal THP, Dimmick THP, Sawmill Creek THP

B3 Will the proposed plan significantly disrupt, impair or modify (if YES or UNK, explain in B4):

	NO	N/A	UNK	YES
a. Local Movement (onsite or within 0.5 mi of NSO)	<input checked="" type="checkbox"/>	—	—	—
b. Dispersal Opportunity (within 1 mi of NSO)	<input checked="" type="checkbox"/>	—	—	—
c. Prey Base (within 0.5 mi of NSO)	<input checked="" type="checkbox"/>	—	—	—
d. Foraging Habitat	<input checked="" type="checkbox"/>	—	—	—
e. Roosting Structure	<input checked="" type="checkbox"/>	—	—	—
f. Roosting Behavior	<input checked="" type="checkbox"/>	—	—	—
g. Nesting Structure	<input checked="" type="checkbox"/>	—	—	—
h. Nesting Behavior	<input checked="" type="checkbox"/>	—	—	—
i. Other (predation, exposure, etc.)	<input checked="" type="checkbox"/>	—	—	—

B4 Comments (evaluate adequacy of information provided, compliance with accepted guidelines, and features specific to this survey area) Pair of NSO's in area are associated with Richardson State Park

(Name of preparer for Parts A & B, if different from designated biologist: _____)

PLAN NAME Hartbrook 95

NSO ASSIGN # _____ ORIG # _____
THP # _____

Consultation Determination

(ENTRIES ON THIS PAGE CAN BE COMPLETED ONLY BY DESIGNATED BIOLOGIST) (cross out inappropriate language and initial above each cross out):

Pursuant to the Protocol for Surveying Proposed Management Activities that may impact Northern Spotted Owls, endorsed and revised by the U.S. Fish and Wildlife Service (USFWS) on March 17, 1992, subsequent revisions to the protocol issued by the USFWS, and other scientific information available to me, I ~~have~~^{have not} verified in the field the information submitted and have concluded that:

- C1 The information provided ~~is~~^{is not} sufficient to complete my evaluation.
- C2 The surveys provided to me ~~do~~^{do not} conform to the Protocol issued and revised by USFWS.
- C3 The information provided to me and the field review of the plan and surrounding area lead me to conclude that:
 - C3-1. The plan area ~~is~~^{is not} suitable northern spotted owl habitat;
 - C3-2. The project area and surrounding habitat ~~has~~^{has not} been adequately evaluated for the presence of northern spotted owls;
 - C3-3. The potential that undetected northern spotted owls or northern spotted owl territories exist in or near the plan ~~is~~^{is not} likely; and
 - C3-4. The potential for this plan to result in the "unauthorized incidental take" of a northern spotted owl ~~is~~^{is not} likely.

A determination that the potential for unauthorized incidental take has been minimized (C3, above) remains valid until the start of the breeding season in the year 1995. For operations to be conducted after the start of the breeding season in that year, surveys must be completed during the breeding season prior to the start of operations and submitted for re-evaluation.

This consultation checklist applies to a plan or proposal that (initial applicable findings):

- C4() Does not need to be revised to minimize unauthorized incidental take.
- C5() Has been revised to minimize unauthorized incidental take, as described in the attached comments.
- C6() Requires revisions in order to minimize unauthorized incidental take, as described in the attached comments.
- C7() For which the consultation checklist cannot be completed until additional information is submitted (Sections 919.10(C), 939.10(C)). The necessary information is described in the attached comments.

This consultation checklist ~~does~~^{does not} include additional pages as indicated below:

- C8() Comments describing necessary revisions or information, DFG 726-FORM 3A.5 (number of pages _____).
- C9() Confidential site information, DFG 726-FORM 3B.5 (number of pages designated) (may include Spotted Owl Observation Report Form)

Form Distribution:

- Original
- Copies Designated Biologist
- RPF
- CDF (Referral Office)
- DFG (NSO Consultation Coordinator)

Signature Theodore W Wooster
Designated Biologist

Print Name Theodore W Wooster

Date Completed 12/29/94

THP # 1-92-270 HUM/MEN

THP # _____
Alternative Used # B
Assignment # 518

California Department of Fish and Game
Spotted Owl Plan Review Checklist/Worksheet

A. Spotted Owl Plan Name (if any) MEDICAL RANCH THP
Plan Submitter SIM SORRESEN
Watershed/Tributaries LAKE RIVER, INDIAN CK
Township 55 Range 3E Section 22,26,27,34 County HUM
Operation Acres 350 Silvicultural Method (acres) SECTION OF MUDPIPER
INTERMEDIATE STRUCTURE
Dates:
Received by DFG 11/22/91 Received by Designated Biologist _____
RPF Notified 12/6/91
Plan Reviews 12/12/91 Field Inspections 12/12/91
Field Review Participants (name/organization) NIJUSEN, SORRESEN

A1. Document Review

(Check adequacy of plan content) (Briefly describe adequacy or relevance)

- a. Map of Habitat Types SHOWS W/R/P ONSITE TO 0.2 miles
- b. Map Readability/Clarity OK
- c. Map and Plan Content for Proposed Operations (haul, cable, tractor roads and landings, project scheduling, site preparation, preproject descriptions) TRACTOR
- d. Description of Probable Project Results (stems/acre, stem size and age, canopy closure, understory, ground disturbance, species composition) MIN 40% CANOPY
POST HARVEST
- e. Map and Plan Content for Key Components (potential or actual nesting, roosting, feeding)

	nesting	roosting	feeding
1. Pre-harvest acres	<u>65</u>	<u>40</u>	<u>245</u>
2. Post-Harvest acres	_____	_____	<u>350</u>

AUG 18 1992

Jo

Plan Name MEDCALF RANCH THP # _____

Alternative Used # 6
Assignment # 518

- f. Database Information
 - 1. CDF printout (yes ()no) 1 HT > 1.3 mi FR BOUND
 - 2. Other materials _____
- g. Mapped Known Owl Nest Sites and Roost Areas
(on & off site within 1.3 miles of plan perimeter)
NONE WITHIN 1.3
- h. Calling Response Results/Dates NO SURVEYS
(attach list and location map)
- i. Aerial Photos 1988

A2. Field Review

Is a field review requested/necessary? ()yes ()no
(if no, explain) CONDUCTED BY DAVE NELSEN

- a. Was the review route adequate? ()yes ()no
Date of field review 12/12/92
- b. Were owls detected? ()yes (no)
(attach owl occurrence sighting reports)
- c. Maps accurate? (yes ()no)
(if no, attach map/describe and note changes on map)

B. Project Evaluation/Significant Observations Yes No N/A Unknown
(if yes, describe in comments section 8(c))

a. Will timber operations significantly disrupt or impair:				
1. Local movement (on site & within 1/2 mile)	---	<input checked="" type="checkbox"/>	---	---
2. Dispersal opportunities (within 1 mile of known owls)	---	<input checked="" type="checkbox"/>	---	---
3. Prey base (within 1/2 mile of known owls)	---	<input checked="" type="checkbox"/>	---	---
4. Foraging habitat	---	<input checked="" type="checkbox"/>	---	---
5. Roosting structure	---	---	---	---
6. Roosting behavior	---	---	---	<input checked="" type="checkbox"/>
7. Nesting structure	---	---	---	<input checked="" type="checkbox"/>
8. Nesting behavior	---	---	---	<input checked="" type="checkbox"/>
9. Microclimate (on site, short or long term)	---	---	---	<input checked="" type="checkbox"/>
10. Other (ie, predation, storm exposure, etc.)	---	---	<input checked="" type="checkbox"/>	---

b. Is this a Spotted Owl area plan review for more than one THP? ()yes (no)
(If yes, is a map attached which adequately describes each proposed THP area? ()yes ()no).

Received CDF
REGION 1

AUG 18 1992

Plan Name MEDCALF RANCH

THP# _____
Alternative Used B
NSO Assignment# 518 Rev# 21

Township SS Range 3E Section 27,34
22,26 County Hum Acres 350

Pre Last Consultation 1/15/92 Determination Last Consultation INSUF INFO TAKE

Comments RECEIVED 1992 NSO SURVEY RESULTS FROM RPF
ON 6/23/92. REPORTED RESULTS INDICATE THAT NO NSO'S
RESPONDED.

C. Pursuant to the Protocol for surveying proposed management activities that may impact northern spotted owls, endorsed and revised by the U.S. Fish and Wildlife Service on March 17, 1992, I have concluded that:

1. The information provided ^ais/~~is not~~ sufficient to complete my evaluation.
2. The information provided and observations ^{Based} upon field review lead me to conclude that the proposed activities ~~will~~ will not likely result in the "take" of a northern spotted owl as described in the Federal Endangered Species Act and the Forest Practice Rules.

(* cross out inappropriate language and initial above cross out.)

For a "no take" determination, the determination is valid until the start of the breeding season in the year 1993. For operations conducted after the year 1992, surveys must be conducted in the breeding season immediately prior to operating and submitted to DFG for evaluation.

Initial if applicable:

- ab This consultation checklist applies to a plan or proposal that does not need to be changed to avoid a "take".
- () This consultation checklist applies to a plan or proposal that has been changed to avoid a "take".
 - () This consultation checklist applies to a plan or proposal that requires changes to avoid a "take". Required changes are described in the attached comments.
 - () This consultation checklist applies to a plan or proposal for which additional information is necessary to complete the determination [Section 919.10(c) or 939.10(c)]. Required information is described in the attached comments.
 - () Additional pages are attached (number of pages _____). (Include plan name, THP#, NSO Assignment#, and Rev# on all attached pages).

Received CDF
REGION 1

AUG 5 1992

Reviewer ARMANDO GONZALES
Designated Biologist

Signature [Signature]

Date Completed 6/26/92

RESOURCE MANAGEMENT

- Copies to:
- { } RPF
 - { } CDF (Referral Office)
 - { } ESD (HQ, Sacramento)
 - { } DFG (Referral Coordinator)

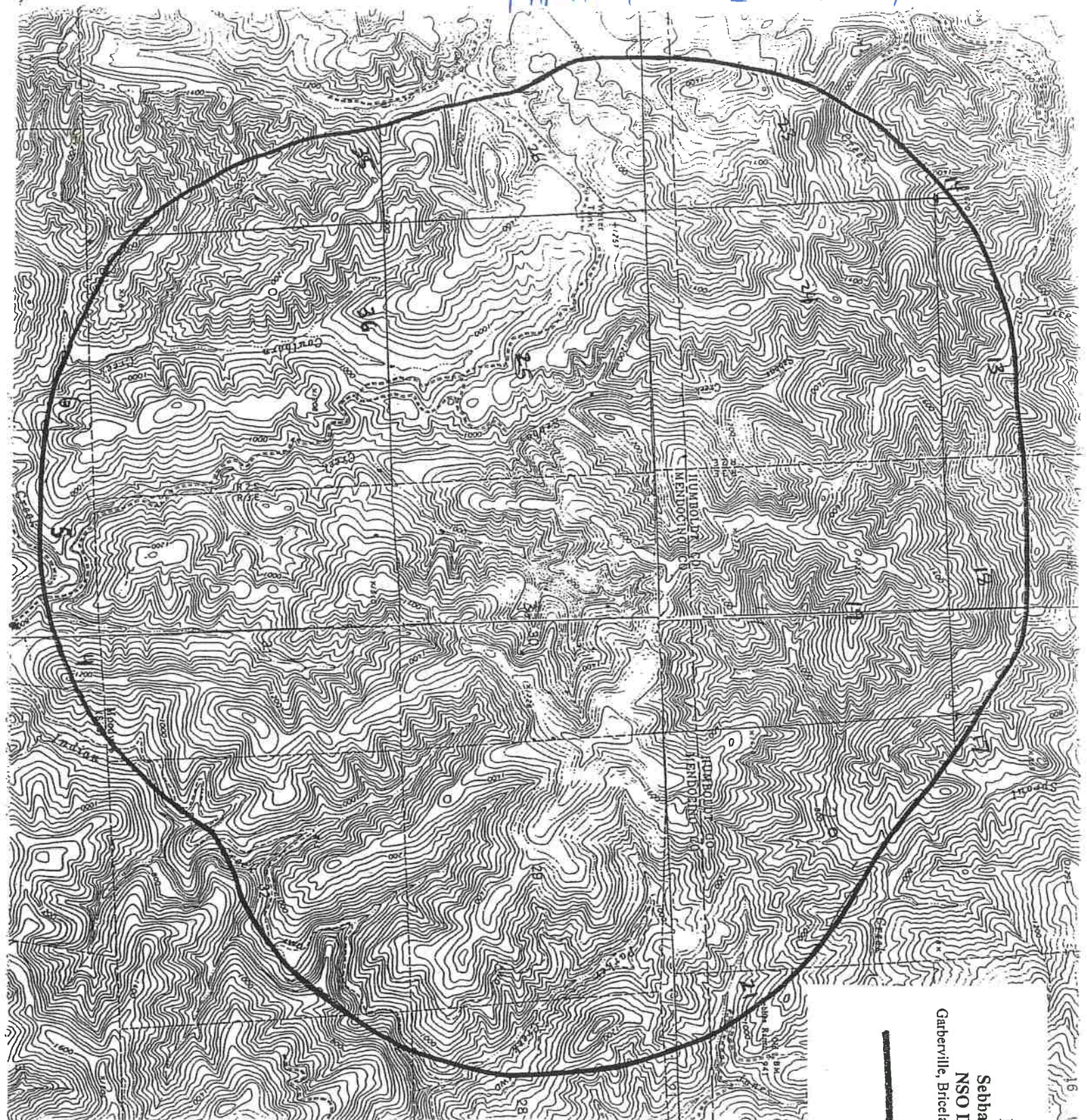
CDF

29

Received CDF
REGION 1

AUG 18 1992

THP# 1-92-270 Hum/Med



Mendes
Sebas Creek THP
NSO Database Map
Garberville, Briceland, Percy, Bear Harbor 7.5' Quad

Assessment Area

N

Northern Spotted Owl Assessment



October 18, 2021

Vanessa Valare
ETA Humboldt
P.O. Box 147
Phillipsville, CA 95559

RE: K n B Corporation NSO and MAMU Assessment for APN 222-071-023

Dear Vanessa,

As you requested, I have prepared a report evaluating potential adverse impacts to marbled murrelets (MAMU) (*Brachyramphus marmoratus*) and northern spotted owls (NSOs) (*Strix occidentalis caurina*) resulting from proposed K n B Corporation cannabis cultivation on APN 222-071-023.

A qualifying “Spotted Owl Expert” (SOE), as per 14 CCR §895.1 of the Z’berg-Nejedly Forest Practice Act (Public Resources Code Section 4551 et seq.), also known as the California Forest Practice Rules (FPRs), I have been involved with northern California forest-wildlife issues since 1990. And in addition to extensive experience conducting protocol level surveys for these species, the attached resume shows my knowledge of environmental regulations and policy.

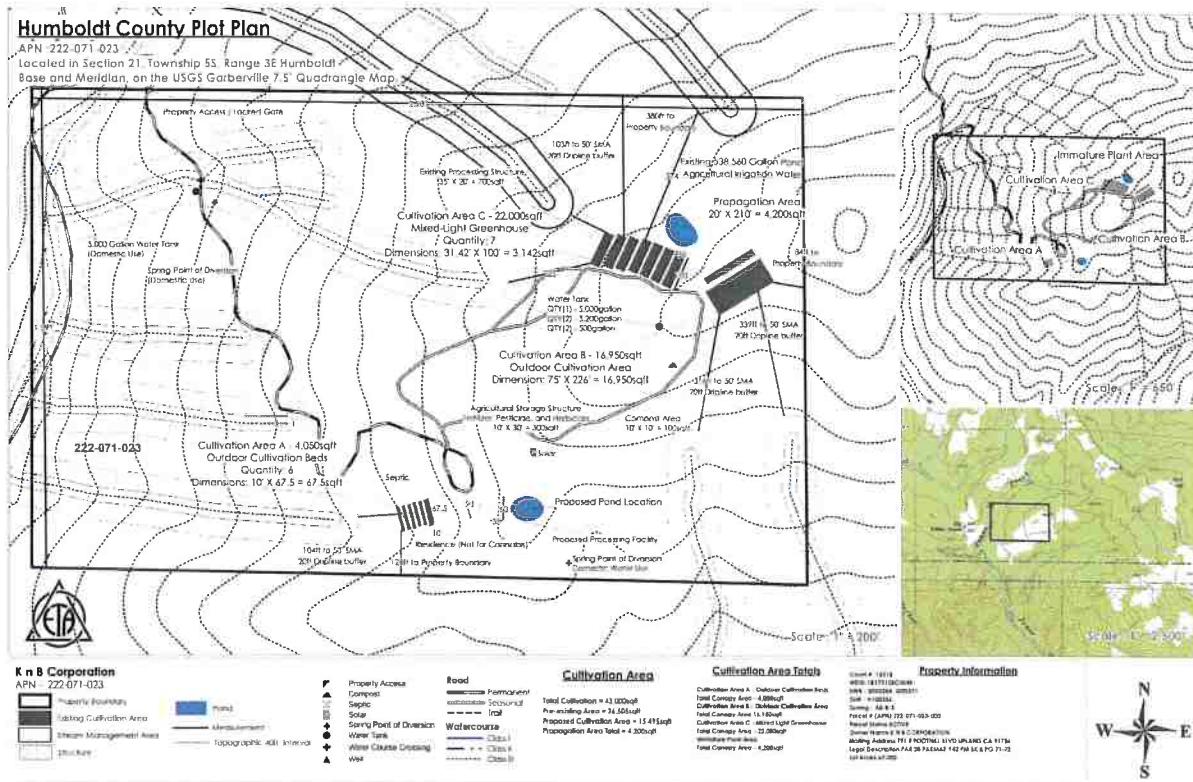
As such, in addition to evaluating existing habitat conditions in terms of NSO and MAMU suitability, this report examines relevant surveys and historical metadata. Review of protection measures adopted for these species by Humboldt County’s Commercial Cannabis Land Use Ordinance (CCLUO) also outlines the legal framework behind a determination of take. Streamlining the evaluation of potential impacts, this report builds upon (tiers) documentation for previously approved environmental analysis. Specifically, this assessment relies on NSO and MAMU information submitted for nearby cannabis cultivation associated APN 222-071-028, application number 17171.

Project Area and Environmental Setting

This project is located about seven miles south-southwest of Garberville, in southern Humboldt County, Section 21, Township 5 South, Range 3 East, Humboldt Base Meridian. On a 67-acre parcel zoned as Agriculture Exclusive, at an elevation between 1,250 and 1,400 feet. it involves expanding previously permitted cannabis cultivation situated in a natural clearing. Specifically, Boden Wood, the owner, is seeking to expand existing permitted cannabis growing, increasing the total cultivation area from 26,505 square feet (sq. ft.) to 43,000 sq. ft.

Shown in Figure 1, below, in a map previously provided the County, this project is made up of three sections. Cultivation Area A involves 4,050 sq. ft. outdoor cultivation in six beds, Cultivation Area B entails 6,950 sq. ft. outdoor cultivation, and Cultivation Area C contains 22,000 sq. ft. of Mixed-light cultivation in seven greenhouses. All within 1,000' for an existing, unrelated residence, this project also includes adding a 4,200 sq. ft. structure for Propagation Area. A small structure for agricultural storage, and an additional irrigation pond are also proposed.

Figure 1 – Project Area



In accordance to the California Wildlife Relationship System (Mayer and Laudenslayer 1988), the habitat associated with this project can be classified Annual Grassland. However, bordered by early mid-seral Douglas-fir that is encroaching on what historically used to be ridgetop grasslands, review of aerial photography obtained from the National Agriculture Images Program (NAIP) indicates that there is potential NSO habitat in close proximity to this project. Visiting this site with Austin Theriault on July 1 of 2021; because the habitat associated with this project is unsuitable for MAMUs, concern for this species has been dropped. Information relating to the absence of MAMU at this locality has been submitted for nearby cannabis cultivation associated APN 222-071-028.

In Northern Spotted Owl Take Avoidance Analysis and Guidance for Private lands in California - Attachment A: Take Avoidance Analysis-Coast Redwood Region, the U.S. Fish and Wildlife Service (USFWS) defines three NSO habitat types, High-Quality Nesting/Roosting Habitat, Nesting/Roosting Habitat, and Foraging Habitat. However, in establishing minimum habitat retention guidelines for NSO core-areas, the Service is also careful to emphasize the importance of considering habitat in terms of its spatial extent, and proximity to the other habitat types.

“Because forest stands used by NSO are naturally variable structurally, management based on stand average values is unlikely to adequately describe suitable habitat at a scale that is meaningful to NSO...the habitat definitions provided below are intended for application at the scale of roughly 20 acres.” (USFWS 2019)

Regulatory Setting

Proposition 64 (the California Marijuana Legalization Initiative) gives Lead Agencies the right to make their own cannabis rules. Measures originally adopted by Humboldt County required noise sources measured at the property line to be no more than 60 decibels. Furthermore:

“Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.”

Nevertheless, HCPBD’s Cannabis Service Division has since adjusted its policy. Limiting noise generated from cannabis activities in excess of 50dB, at 100 feet or the edge of habitat, and adopting standards for NSO protection requiring the mitigation of impacts on owls out to 1.3 miles. However, disturbance guidelines provided by the U.S. Fish and Wildlife Service (USFWS) for timber harvesting are significantly less restrictive than those adopted by the CCLUO. According to Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (USFWS 2020), noise may reach the level of take when one of the following conditions is met:

- *Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB)*
- *Project-generated sound, when added to existing ambient conditions, exceeds 90 dB*
- *Human activities occur within a visual line-of-sight distance of 330 feet or less from a nest.*

Cannabis cultivators applying for an Annual License from the California Department of Food and Agriculture must also address potentially significant adverse environmental effect in accordance to CEQA. Although not directly regulating land use, as a blueprint for determining the significance of environmental impacts, CEQA requires state and local agencies to follow a protocol of analysis and public disclosure. Consequently, potential impacts to NSOs have been evaluated according to standards provided by the FPRs. Functionally equivalent to CEQA, these rules provide firmly established thresholds of significance for these species that are functionally equivalent to CEQA.

Survey Methodology

While the California Department of Forestry and Fire Protection (CAL FIRE) require that potential harmful effects on NSOs of timber harvesting be addressed out as far as 1.3 miles, because this project does not substantially modify NSO habitat, my assessment of adopts a less rigorous assessment method recommended by their protocol:

“Where there is existing NSO habitat prior to harvesting and that habitat will continue to function equally after harvest (no downgrade), surveys only need to cover harvested areas, and areas out to a distance of 0.25 miles (assuming any NSO nesting within 0.25 miles of the harvest area will be detected and protected, and any NSO using the area for foraging will continue to be able to do so).” (USFWS 2019)

Located in open grasslands, this project does not involve habitat degradation. However, bordering private timberlands, it has a history of NSO surveying reflected in metadata provided by the California Natural Diversity Data Base (CNDDDB). As such, in addition to reviewing NSO survey information provided by the California Natural Diversity Data Base (CNDDDB) dating back to 1994, my determination of potential impacts to NSOs relies in large part on a habitat evaluation. Consequently, by comparing aerial photography obtained from the NAIP, against prevailing stand conditions, the habitat suitability within a quarter mile of this project was assessed in accordance to USFWS protocol.

Survey Results and Discussion

In accordance to the CNDDDB, there is only one active NSO Territory within 1.3 miles of this project. Last detected approximately 0.5 miles to the south southeast in 2015, a single male owl attributed to MEN0458 was reported approximately 500 feet to the south in 2001. However, recorded on a quarter-section centroid basis, this twenty-year-old detection is likely does not reflect an actual location. Indeed, NSO detections this old should reasonable be regarded as anecdotal, because according CNDDDB disclaimer:

“The data represented on this site vary in currentness, accuracy, scale, completeness, and extent of coverage, and have been contributed from various sources. We highly recommend reviewing available metadata prior to interpreting these data.”

Although initially believed to be old growth dependent, NSOs were later found to be common in younger forest types of northern California (USDA 1994). However, not only is the area within a ¼ mile of this site below the minimum threshold recommended by the USFWS for NSO core-areas, the forest adjacent to this project lacks the structural threshold for Nesting/Roosting Habitat, 100 square feet basal area and six percent canopy cover from trees 11 inches or larger (USFWS 2019). As such, given the lack of detections inside this area, it is reasonable to conclude that the proposed cannabis cultivation will not impact NSOs in a manner that violated State or Federal law.

Nevertheless, rather than habitat encroachment, or regulated cannabis cultivation, competition from exotic-invasive barred owls (*Strix varia*) is now regarded as the largest threat to the California NSO population (USFWS 2011). Conducting northern California NSO surveys for nearly thirty years, I estimate Humboldt County has lost up to half of its nesting pairs to competition with this invasive exotic species. However, short of removing barred owls, I have been unable to find a justification for mitigating potential impacts of cannabis cultivation as far as 1.3 miles away.

Conclusion and Recommendations

The habitat associated with this project lacks suitable nesting habitat, and with no record of owls ever having roosted or nested within ¼ miles, expanding cannabis cultivation is unlikely to negatively impact NSOs. However, in compliance with the CCLUO, cannabis cultivation noise levels should be monitored to assure that operations are kept below the 50 decibel (dB) threshold for NSO disturbance, at 100 feet. Furthermore, greenhouse structures utilizing artificial light should also be monitored, making sure that they are covered with tarps in adherence to Dark Sky Association guidelines for Lighting Zone 0 and Lighting Zone 1.

Sincerely,

Troy Leopardo



Leopardo Wildlife Associates
145 Liscom Hill Road
McKinlyville, CA 95519
(707) 502-9357
leowild@prodigy.net

Sources and Literature Cited

California Department of Fish and Wildlife. 2021. Natural Diversity Data Base Spotted Owl Data Viewer. October 5, 2021 Report

Mayer, K.E and William F. Laudenslayer (1988). A Guide to Wildlife Habitats of California. California Dep. Of Forestry and Fire Protection, Pacific Southwest Forest and Range Experiment Station (Berkeley, Calif.)

U.S. Department of Agriculture. 1994. Final supplemental environmental impact statement on management of habitat for late-successional and old-growth forest related species within the range of the northern spotted owl. USDA Forest Service, Portland, Oregon, and USDI Bureau of Land Management, Portland, Oregon.

U.S. Fish and Wildlife Service. 2011. Revised Recovery Plan for the Northern Spotted Owl (*Strix occidentalis caurina*). U.S. Fish and Wildlife Service. Portland, Oregon. Xvi+258pp.

U.S. Fish and Wildlife Service. 2020. Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.

U.S. Fish and Wildlife Service. 2019. Northern Spotted Owl Take Avoidance Analysis and Guidance for Private lands in California Attachment A: Take Avoidance Analysis-Coast Redwood Region. U.S.

U.S. Fish and Wildlife Service. 2012 Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls. Endorsed by the U.S. Fish and Wildlife Service February 2, 2011 Revised January 9, 2012.

RESUME

Troy Leopardo

WILDLIFE BIOLOGIST

McKinleyville, California 95519

leowild@prodigy.net 707 502 9357

A northern California private consulting biologist with thirty years of experience, Troy has particular expertise with design and implementation of surveys for threatened and endangered species, as well as environmental regulations, policy and law

EDUCATION

Bachelor of Science in Wildlife Management from Humboldt State University, with a Range Management emphasis and upper division courses in Waterfowl and Wildlife Diseases (1988)

PROFESSIONAL EXPERIENCE

Leopardo Wildlife Associates (LWA), McKinleyville, California (Since 1997)

Senior biologist and owner of small consulting firm providing biological services for private and public landowners throughout northern California. Focused on biological field investigations and analysis pursuant to the California Environmental Quality Act (CEQA) and Forest Practice Regulations (FPRs), I conduct surveys for State and federally listed species. Predominantly northern spotted owls, but also seasonally appropriate surveys for migratory nesting birds, as well as sensitive amphibians and mammals. Other duties include Environmental Monitoring and Storm Water Pollution Prevention Planning (SWPPP). Supervising as many as 10 biologists and technicians on a project-to-project basis, prominent **clients include:**

- **Soper Company:** Consulting biologist responsible for company holdings in Northwestern California. Provide scientific review and legal analysis in support of Timber Harvest Plans (THPs) in accordance with CEQA and the FPRs. Implement wildlife surveys, evaluate and map habitat, assess biological impacts, and design mitigations for federally endangered species such as the northern spotted owl (NSO) and California Red-legged Frog (1998 to present)
- **Barnum Lumber Company:** Supervised NSO surveys on 25,000-acre ownership in Humboldt Mendocino Counties; designed and implemented surveys for other sensitive and protected species such as Bald Eagle and Northern Goshawk. Conduct scientific review and legal analysis in support of THPs. Designed forest habitat classification system for company GIS (1997 to present)
- **Green Diamond Resource Company:** contract NSO surveys on 15,800-acre tract (2019-2021)
- **Timberland Resources Consultants:** Prepared CEQA documentation for commercial cannabis projects according to Humboldt County Commercial Cannabis Land Use Ordinance (2019- 2021)
- **Sequoia Ecological Consulting:** Planned and implemented surveys for Northern Goshawk, California Spotted Owl, and Great Gray Owl as sub-contractor for Pacific Gas & Electric (PG&E) at Lyons Reservoir, Sand Bar Dam, and Philadelphia Weir (2012 to 2014), Migratory Bird Treaty Act (MBTA) surveys and environmental monitoring for gas line replacement and vegetation removal (2016 and 2018)
- **Humboldt County Public Works:** Biological Assessment (BA) for the Honeydew Bridge Replacement Project, McKay Community Forest NSO Monitoring, and MBTA Surveys for County road construction (2013 - 2016)
- **Hambro Forest Products:** Prepared BA for contested THP involving sensitive vegetation communities and special status species in the California Coastal Zone (2017)
- **Redwood National and State Park:** Awarded Marbled Murrelet and NSO survey contract in Redwood National Park; successfully implemented and administrated field surveys in the Lost Man Creek study area involving 2,500 acres located near Orick, California (2006 and 2007)
- **Gualala Redwoods, Inc.:** Carried out THP related wildlife surveys and documentation associated with this 28,000-acre timber company located in coastal Mendocino and Sonoma Counties; implemented field investigations for spotted owl and marbled murrelet. Conducted agency consultation according to CESA and ESA (1999 to 2006)

...

PROFESSIONAL EXPERIENCE, LWA Clients...Continued

● **MHA Environmental Consulting, Inc.:** Environmental consultant for PG&E as a MHA sub-contractor; planned and implemented pre-construction surveys for sensitive wildlife, designed mitigation measures and directed environmental monitoring for the Fairhaven-Arcata Tower Replacement Project involving the airlifting of equipment into sensitive beach dune habitat containing Endangered Plants on the Samoa Peninsula in Humboldt County. Acting SWPPP Project Leader and Hazardous Materials and Water Pollution Control Manager for the Humboldt-Arcata 60 kV Reconstruction Project (2003 to 2006)

Natural Resources Management Corporation (NRM) (1990 – 1997)

NRM lead biologist, and instrumental in establishing environmental consulting branch of this northern California forestry-consulting firm. Directed a staff of natural resource professionals; trained and supervised up to 12 seasonal employees in a wide variety of environmental tasks, emphasizing surveys for threatened and endangered species. Conducted aerial photograph interpretation and habitat mapping; performed National Environmental Policy Act (NEPA) documentation, as well as ESA and CEQA analysis. Developed a method of assessing biological impacts and cumulative effects for THPs that later became industry standard. Successfully planned and implemented the completed the following projects:

- Biological Analysis (BA) and Wildlife portion of Environmental Assessment for the Robinson project; conducted field investigations for this 500-acre USFS Timber Sale on Plumas NF
- Designed Old-Growth Habitat Model for Pacific Lumber Company's MSHCP
- Directed biological surveys and documentation according to the California THP process; analyzed biological impacts, designed mitigations, and mapped habitats for over 40 THPs
- Private Consulting Biologist (PCB) authorized by the California Department of Fish and Game to issue "No Take" determinations for NSOs; analyzed over 50 THPs for potential owl impacts in accordance with CEQA and ESA
- Conducted surveys and prepared consultations for state and federally listed wildlife species, such as the Marbled Murrelet, the Bald Eagle, the Peregrine Falcon, and the California Red-legged Frog
- Planned and implemented field investigations for non-listed species of concern, such as the Northern Goshawk, the Pacific Fisher, Del Norte Salamander, Southern Torrent Salamanders and Northern Red-legged Frogs
- Wrote Biological Resources section for the Humboldt County Dump Siting Study, analyzed potential biological impacts of five proposed dump sites in Humboldt County
- Directed implementation of Marbled Murrelet surveys in Timber Sale areas on the Mad River and Gasquet Ranger Districts in Six Rivers National Forest

Mt. Hood National Forest, Estacata, Oregon (1990)

Directed NSO inventory program on the Estacata RD, fought wildfires in eastern Oregon.

Rouge River-Siskiyou National Forest, Gold Beach Oregon (1988-1990)

Supervised NSO inventory program on the Gold Beach Ranger District; classified late seral habitat using aerial photo interpretation; planned and implemented habitat improvements for Wild Turkey, Peregrine Falcon and Roosevelt Elk. Participated in fisheries projects, such as stream surveys, construction of in-stream fish habitat structures, salmonid brood stock collection, egg hatch-box maintenance, and spawning surveys.

RELEVANT TRAINING AND WORKSHOPS

CEQA for RPFs: A California Licensed Foresters Association Workshop (2009)

Caltrans Certified Storm Water Pollution Prevention Plan (SWPPP) Training (2007)

California Department of Fish and Game Forest Amphibian Identification Training (1994)

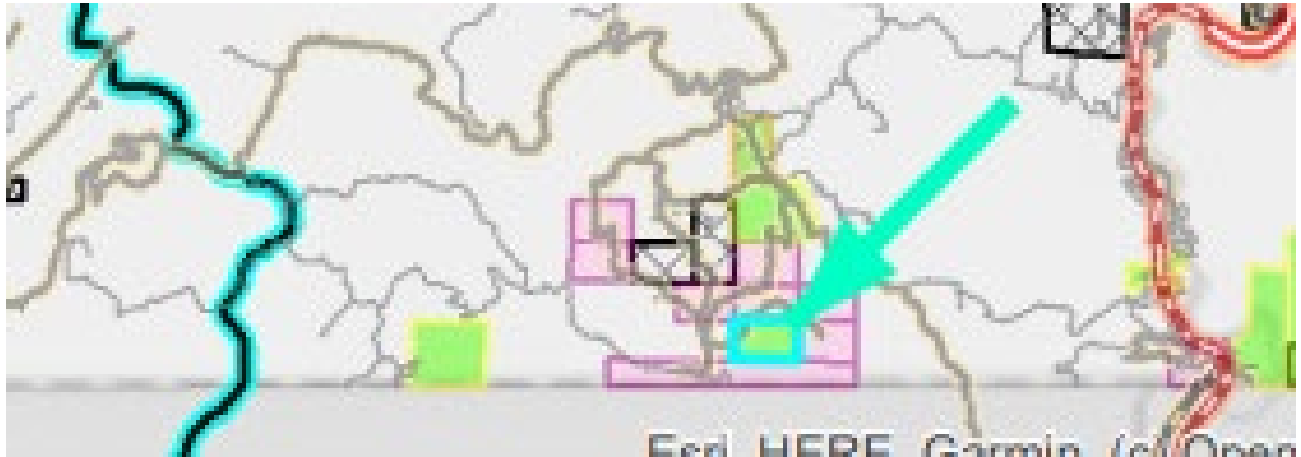
PROFESSIONAL AFFILIATIONS

The Wildlife Society: California North Coast Chapter Programs Committee Chairman (1997-2000)

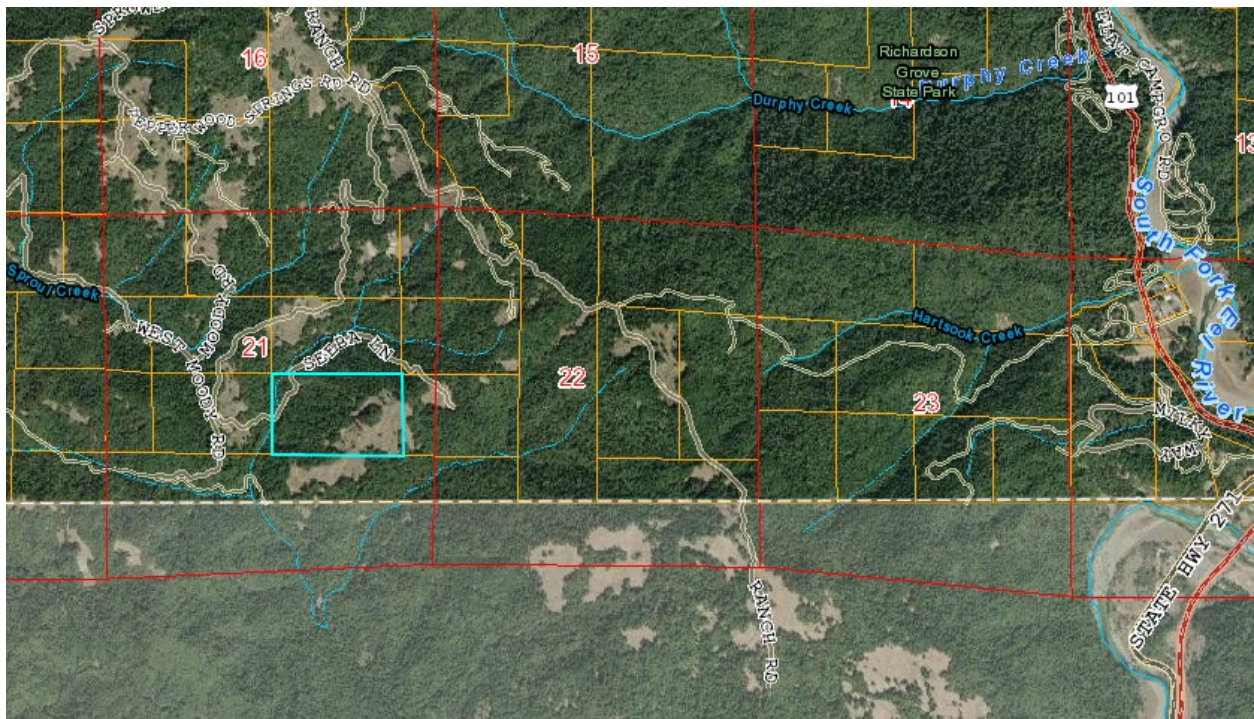


3 and 4
Additional Maps

Focused portion of the Watershed Map. Note that there are approved cannabis cultivation permits on properties immediately to the north, east, and south of the project site. The permit to the east is a retirement site and so no cultivation is authorized on that property. The other cannabis cultivation permits in the surrounding area were approved for existing cultivation amounts of 10,000 sf or less.



Satellite Image of the surrounding forested area. Note that Richardson Grove State Park is approximately 1 mile to the northeast.



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	✓	Accepted w Conditions	On file
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
California Department of Fish & Wildlife	✓	Further Study	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Sheriff	✓	Approved	On file
Bear River Band Rancheria	✓	Conditional Approval	On file and confidential
CA Division of Water Rights	✓	Approved	Attached
Intertribal Sinkyone Wilderness Council		No response	
Sprowel Creek VFC		No response	
Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
AG Commissioner		No response	
Southern Humboldt Joint Unified School District		No response	
District Attorney		No response	
County Counsel		No response	



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

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

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

ON-LINE

WEB: CO HUMBOLDT CA US

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 07/05/2019

RE:	Applicant Name	BODEN WOOD
	APN	222-071-023
	APPS#	PLN-2018-15218

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Planning Division on December 21, 2018, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations in Segment 2 and 3 be completed. In addition, all recommendations in Segment 4 up to the access point of the “Seeba Lane”.

Report does not include access road “Seeba Lane” to subject parcel.

Note: Applicant has submitted a report used for a different application. It is suggested that the applicant provide the necessary road evaluation report form for the subject parcel application or provide an addendum letter from the engineer stating that the addition of this project does not change the Engineers recommendations.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15218

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT END OF COUNTY MAINTAINED RD)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

From: Orahoske, Andrew@Wildlife
To: [Johnson, Cliff](#); [Ford, John](#); [Planning Clerk](#)
Cc: Sanville, Cheri@Wildlife
Subject: CDFW Comments RE: PLN-2018-15218
Date: Wednesday, June 2, 2021 3:18:03 PM

Dear Humboldt County Planning Department,

On behalf of the California Department of Fish and Wildlife, I am submitting the following comments for PLN-2018-15218, a cannabis cultivation project proposed under the Commercial Cannabis Land Use Ordinance (CCLUO).

First, we respectfully request that this project be pulled from the Zoning Administrator's agenda, and instead placed on the Planning Commission agenda at a future date.

Second, we respectfully request additional information on how the county determined that this project is consistent with the CCLUO with respect to the protections for Northern Spotted Owl included in the CCLUO and the associated Environmental Impact Report (EIR). The project description for PLN-2018-15218 states the county proposes to issue a "Special Permit to allow for 43,000 square feet of new and existing outdoor cannabis cultivation where 10,870 square feet is existing, and **32,130 square feet is new cultivation.**"

As explained in more detail below, the plain language of the CCLUO & EIR are in conflict with this proposal since there is a mapped Northern Spotted Owl activity center (MEN-0458) within approximately 2600 feet, much closer than the 1.3 mile radius that is specifically prohibited in the CCLUO. Therefore, we respectfully request further consultation on this matter.

Relevant Background from CCLUO and EIR

The EIR for the CCLUO determined that cannabis cultivation activities in Humboldt County are having adverse impacts to Northern Spotted Owl, a species that is listed as threatened under both the California and federal Endangered Species Acts. For example, the EIR states:

"Project implementation associated with potential impacts to habitat and vegetation removal could disturb nesting northern spotted owls if they are present, potentially resulting in nest abandonment, nest failure, or mortality of chicks or eggs. Additionally, human presence associated with construction of cultivation sites, roads, and cultivation activities could result in increased noise and visual disturbance to nesting raptors. CDFW conducted a spatial analysis of existing cannabis cultivation sites and County cannabis permit application data to determine proximity of known and historic northern spotted owl occurrences that could be impacted by noise and visibility of the cultivation. Based on the CDFW's analysis, 53 cannabis projects (sites) have activities within 40 meters of a northern spotted owl activity center, 525 cannabis projects occur within 0.7 mile, and 1184 occur within 1.3 miles (CDFW 2017). The potential loss of northern spotted owls and their nests would be a potentially significant impact.

"In addition to direct impacts to the species, new cannabis-related development under the proposed ordinance result in the loss or fragmentation of northern spotted owl habitat. This would also be a potentially significant impact."

Final Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, State Clearinghouse #: 2017042022, at chapter 2, page 56.

Available at: <https://ceqanet.opr.ca.gov/2017042022>

In order to avoid these impacts the CCLUO included specific protections for Northern Spotted Owls and their habitat. For pre-existing cultivation sites, the CCLUO provided for further analysis in concert with CDFW. CCLUO, Section 55.4.12.1.10 states:

During permitting of pre-existing cultivation sites, the Department shall determine the necessity and focus of any biological evaluations required in concert with consultation with the California Department of Fish and Wildlife. For pre-existing cultivation sites that submitted for permitting prior to December 31, 2019 within 0.7 miles of a known northern spotted owl activity center, a qualified biologist, familiar with the life history of the northern spotted owl, shall conduct a disturbance and habitat modification assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species. If it is determined that take of the species could occur, the cultivation site will be required to participate in the Retirement, Remediation, and Relocation provisions of the proposed ordinance to relocate the cannabis cultivation to outside of the northern spotted owl activity area.

For new cannabis cultivation sites, recognizing the direct, indirect and cumulative impacts of existing sites, the EIR for the CCLUO goes even further to safeguard the Northern Spotted Owl and its habitat. The EIR concludes:

If northern spotted owls are determined to be present within 1.3 miles of the site, then it is presumed that habitat removal could cause harm to northern spotted owl populations in the area, and could result in direct take of northern spotted owls. **If northern spotted owls are determined to be present within 1.3 miles of the site, proposed cultivation activities will not be permitted** consistent with the General Requirement and Prohibition 4 of the Attachment A of the State Water Board Policy.

Final Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, State Clearinghouse #: 2017042022, at chapter 2, page 59. Available at: <https://ceqanet.opr.ca.gov/2017042022>

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

7/1/2019

Project Referred To The Following Agencies:

Building Inspections, AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, FPD: Sprowel Creek VFC, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Boden Wood **Key Parcel Number** 222-071-023-000

Application (APPS#) PLN-2018-15218 **Assigned Planner** Meghan Ryan

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: 7/16/2019

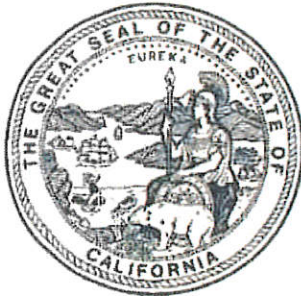
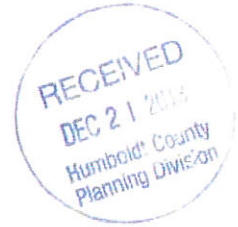
Planning Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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

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

Other Comments: Has water Right. Application H 503953
Certificate H100356

DATE: 7/18/19 PRINT NAME: Cheyene Keniston



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H503953

CERTIFICATE H100356

Right Holder: *Boden Wood*
 3260 See Ba Lane
 Garberville, CA 95542

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 11/19/2018. 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	Jones Creek	Indian Creek	40.007285	-123.839844	Humboldt	222071023

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Aesthetic, Fire Protection	Humboldt	222-071-023	0.87

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 11/29/2018.

The place of use is shown on the map filed on 11/29/2018 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 **1.25 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 1.481 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd)** or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.

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

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

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

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

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 11/29/2018 12:52:16

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