



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 2, 2021

To: Humboldt County Planning Commission

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

Subject: **GLG, LLC. Conditional Use Permit and Special Permits**
Record Number PLN-11881-CUP
Assessor's Parcel Number (APN) 210-071-013
40.4315, -123.7003 China Mine Road, Dinsmore CA.

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 2, 2021	Conditional Use Permit and Special Permits	Jordan Mayor

Project Description: GLG, LLC seeks a Conditional Use Permit for an existing 26,400-square-foot (SF) operation consisting of 19,080 SF outdoor and 7,320 SF mixed-light cannabis cultivation and onsite processing. Cultivation will occur in three areas that have been terraced to support greenhouses and 8,200 SF of full-sun outdoor cultivation activities. A total of 2,640 SF of ancillary nursery activities are proposed on two existing graded flats. Per the applicant, 80 percent of irrigation water is sourced from an onsite solar-powered well drawing water from depths of 150 to 330 feet and 20 percent from a permitted water diversion. Water is currently stored in 16 tanks totaling 86,200 gallons capacity; the applicant plans to discontinue use of water bladders and incrementally expand storage to 150,000 gallons with an additional 22 tanks to better accommodate annual water usage of 250,000 gallons (9.5 gallons/SF/year). Processing would be completed onsite in an existing 1,800-SF metal building. Power is sourced from one onsite 47-kilowatt generator and the applicant plans to upgrade to two 125-kilowatt diesel generators until fully transitioning to solar in 5 years. There is an existing solar array that provides electricity for water pumps and three new solar arrays are proposed totaling 18,700 SF to fully transition to renewable energy. Portable toilets act as the onsite waste treatment system, and an onsite wastewater treatment system is being designed to serve an existing cabin and proposed 1,200-SF building to serve as employee housing (as shown on the June 2021 revised Site Plan). Four to six full-time employees will be required for daily operations, with an additional 10 to 15 employees needed during peak operations. Special Permits (3) are needed for the decommissioning of a stream crossing, maintenance of a water diversion, and for one streamside management area (SMA) setback reduction for an existing parking area within the SMA.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the north and south sides of China Mine Road, approximately 2 miles south from the intersection of State Hwy 36 and China Mine Road, on the property known to be in Section 26 of Township 01 North, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agriculture (AG) Density: 20-160 acres per dwelling unit, Slope Stability: High instability (3)

Present Zoning: U (Unclassified)

Record Number: PLN-11881-CUP

Assessor's Parcel Number: 210-071-013

Applicant

GLG, LLC
2854 Moore
Eureka, CA 95501

Owner

Higrade, LLC
1214 E Cardinal Ln
Mt. Prospect, IL 60056

Agents

N/A

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

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

Major Issues: None

Recommended Commission Action

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State CEQA Guidelines, make the required findings for approval of the Conditional Use Permit and adopt the resolution approving the GLG Conditional Use Permit as recommended by staff and subject to the recommended conditions.

Executive Summary:

GLG, LLC seeks a Conditional Use Permit for an existing 26,400-square-foot (SF) cannabis cultivation activity consisting of 19,080 SF of outdoor and 7,320 SF of mixed-light cannabis cultivation and onsite processing in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The 45-acre parcel site is designated as Agriculture (AG) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). The cannabis cultivation occurs in three areas that have been terraced to support mixed-light and light-deprivation greenhouses. A total of 2,640 SF of ancillary nursery activities are proposed on two existing graded flats. Three annual harvests are expected from the combined outdoor and mixed-light cultivation for a growing season that extends from April through October. Power is sourced from one onsite 47-kilowatt generator and the applicant plans to upgrade to two 125-kilowatt diesel generators until fully transitioning to solar in 5 years (COA # 22). There is an existing solar array that provides electricity for water pumps and three new solar arrays are proposed totaling 18,700 SF to fully transition to renewable energy. Product will be dried and processed onsite in an existing 1,800-SF metal building. Portable toilets act as the onsite waste treatment system, but the applicant plans to install a septic system to serve an existing cabin and proposed 1,200-SF building to serve as employee housing. Four to six full-time employees will be required for daily operations, with an additional 10 to 15 employees needed during peak operations. A security gate is installed across the main access road into the property. Motion lights are in place and a security code is required to access all facilities where cannabis is processed. Special Permits (3) are needed for the decommissioning of a stream crossing, maintenance of a water diversion, and for one streamside management area (SMA) setback reduction for an existing parking area within the SMA (discussed below).

Timber Conversion and Site Remediation

A Timber Conversion Report (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in January 2019. TRC inspected five cultivation sites and four associated areas on the parcel and concluded that 1.57 acres of unauthorized tree removal or potential timberland conversion occurred for cultivation-related activities. Although the affected acreage does not exceed the 3-acre conversion exemption maximum, the site does not meet the Forestry Practices Guidelines and several mitigation measures were recommended. The Timber Conversion Report provided seven recommendations to mitigate previous conversion activities that include moving facilities out of SMAs, revegetating areas with commercial trees, stabilization of fill slopes, installation of erosion control measures, and the treatment of slash/debris. No net loss of timberlands is allowed under CMMLUO baseline conditions (December 31, 2016) evaluated in the MND. The Timber Conversion Report indicated most associated cleared areas were converted between 2005 and 2009, although cultivation sites 1 and 2 were cleared or expanded between 2016 and 2017 and 0.13 acre is prescribed for replanting as a condition of approval. TRC also prepared the Site Management Plan (SMP) for this project in August 2019 and many of the same recommendations carry over to that evaluation and are included as SMP-recommended conditions of approval below.

Water Resources

Currently, total water storage is 86,200 gallons in 16 tanks. The applicant plans to incrementally expand storage to 150,000 gallons and add an additional 22 tanks. The applicant states that the annual water usage is 250,000 gallons (9.5 gallons/SF/year). Peak demand occurs July through September. Irrigation water for the property is primarily (i.e., 80 percent) sourced from a 330-foot well capable of producing 45 gallons per minute based on a 5-hour draw down test in June 2018. The well is screened at various depths beginning at 190 feet. A second well approximately 200 feet from Mule Creek will be destroyed. The remaining 20 percent of irrigation water is sourced from a point of diversion (POD) from Mule Creek, a headwater stream. The POD on the property is used to top off water storage tanks outside of the forbearance period. Recorded water use data shall be used to determine remaining, or exact, storage needs to meet full forbearance. A final Lake or Streambed Alteration Agreement (LSAA No. 1600-2019-0059-R1) allows for a diversion rate of up to 3 gallons per minute, with an amount not to exceed 150 gallons/day between April 1 and July 31 (4,500 gallons/month), with no diversion of water allowed between August 1 and October 31. A State Water Resources Control Board (SWRCB) Division of Water Rights Certificate (H100315) is in hand for 0.61 acre-feet of irrigation use per year (199,000 gallons). The rate of diversion to storage shall not exceed the diversion rate specified for the site based on the current version of the SWRCB Cannabis Policy. The LSAA allows maintenance work on the current diversion point.

The Humboldt County's WebGIS shows one mapped headwater stream (Mule Creek) at the south end of the parcel, which flows east, then north to Butte Creek over a distance of approximately 2.5 miles. The project is within the Butte Creek Cannabis Impacted Hydrological Unit Code (HUC-12) watershed. Three additional Class III ephemeral tributaries to Mule Creek are shown flowing south to Mule Creek on the revised June 2021 Site Plan.

The SMP prepared by TRC in August 2019 evaluated whether the site is complying with the requirements of a Tier 2, Low Risk designation under the SWRCB Cannabis Cultivation Policy. This project was previously enrolled in the North Coast Regional Water Quality Control Board Order No. 2015-0023 and a Water Resource Protection Plan was prepared by Pacific Watershed Associates. A re-assessment of the project was conducted in 2019 and the SMP is instead used as the baseline assessment of requirements related to water diversion and waste discharge for cannabis cultivation. The SMP documented all cultivation areas were outside the 50-foot setbacks from Class III streams. As a condition of approval, the applicant shall implement the eight recommended mitigation measures described in the SMP:

- (1) moving facilities outside of SMAs (apart from existing parking areas to receive setback reduction),
- (2) revegetating areas with commercial tree species,
- (3) stabilizing fill slopes at multiple points around cultivation areas,
- (4) installing erosion-control-appropriate surfaces on permanent roads,
- (5) installing erosion-control-appropriate surfaces on the parking and turnaround areas within the riparian setbacks from Mule Creek,
- (6) removing hardened cement identified as 5 feet from a Class III watercourse,
- (7) improving fuel storage structures containing two 550-gallon red diesel tanks and use of additional secondary containment for all fuel canisters and motor oil containers, and
- (8) treating or removing slash/debris/inorganic waste.

Biological Resources

As part of the Timber Conversion Report (Attachment 3) prepared by TRC in January 2019, a query of the California Natural Diversity Database (search conducted 11/05/2018) showed occurrences of five special-status species within 1.3 miles of the cultivation sites and associated areas. The five species recorded were southern torrent salamander, Pacific-tailed frog, American peregrine falcon, fisher, and Pacific gilia. All species occurrences were more than 0.3 mile from the nearest cultivation site or associated area. However, it was concluded that habitat for these five species is present within the property. No northern spotted owl activity centers are known from within 1.3 miles of the cultivation sites and associated areas, though suitable habitat is present on the property.

The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and California Department of Fish and Wildlife guidance and will not negatively affect northern spotted owl or other sensitive species.

Tribal Cultural Resource Coordination

The project was referred to the Bear River Band of the Rohnerville Rancheria, who concluded that the parcel should be surveyed by a qualified archaeologist. To satisfy this request, the applicant contracted with Anthropological Studies Center who conducted a Cultural Resources Investigation dated August 2019. The survey covered 2.2 acres that was concentrated on the two main areas where cultivation activities will occur. "There was no evidence of historical or archaeological resources within the survey area, or the surveyable and disturbed terrain around it". The report also concluded that due to the steepness of the parcel, there is "little potential for buried archaeological deposits" to occur.

Access

The Assessor's Parcel Number known as 210-071-013 is accessed directly from the north side of China Mine Road, approximately 2 miles south from the intersection of State Hwy 36 and China Mine Road. According to a Road Evaluation Report prepared by Omsberg & Preston in 2018, China Mine Road is not developed to the equivalent of a category 4 road or better, although a certified engineer determined the roadway can accommodate the cumulative increased traffic from this project and five others known projects that use the road (Attachment 3). Installation of the four engineer-recommended improvements necessary to make the road meet category 4 road standards are made a condition of approval.

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

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

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

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

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Cultural Resources Investigation was prepared by Anthropological Studies Center dated August 2019. The survey covered 2.2 acres that was concentrated on the two main areas where cultivation activities occur. "There was no evidence of historical or archaeological resources within the survey area, or the surveyable and disturbed terrain around it". The report also concluded that due to the steepness of the parcel, there is "little potential for buried archaeological deposits" to occur.
- d) A Timber Conversion Report was prepared by Timberland Resource Consultants (TRC) in January 2019. TRC inspected five cultivation sites and four associated areas on the parcel that covered 1.57 acres and concluded that 1.57 acres of unauthorized tree removal or potential timberland conversion occurred; however, the total affected area does not exceed the 3-acre conversion exemption maximum. The Timber Conversion Report provided eight recommendations to mitigate previous conversion activities that include moving facilities out of stream management areas, revegetating areas with commercial trees, stabilization of fill slopes, installation of erosion control measures, and the treatment of slash/debris.
- e) A Site Management Plan prepared by TRC in August 2019 evaluated whether the site met the standard conditions of compliance. As a condition of approval, the applicant shall implement the recommended mitigation measures described in the Site Management Plan.
- f) The site is accessed directly off of China Mine Road, approximately 2 miles south from the intersection of State Hwy 36 and China Mine Road. According to a Road Evaluation Report prepared by Omsberg & Preston in 2018, China Mine Road is not developed to the equivalent of a category 4 road or better, although a certified engineer determined the roadway can accommodate the cumulative increased traffic from this project and five other known projects that use the road. Installation of the four engineer-recommended improvements necessary to make the road meet category 4 road standards are made a condition of approval.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

EVIDENCE

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

4. FINDING

EVIDENCE

- The proposed development is consistent with the purposes of the existing AG-Zone in which the site is located.
- a) The AG-Zone is applied to areas of the County in which agriculture is the

desirable predominant use.

- b) All general agricultural uses are principally permitted in the AG-Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over one acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 7,320 SF of mixed-light and 19,080 SF of outdoor cultivation on a 45-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) To assure that the reduction of the SMA setback to accommodate the existing parking area does not significantly affect biological resources in the SMA, the parking area and all areas of vehicular use within the SMA will be rock surfaced as recommended in the SMP prepared for the property.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AG (Section 314-55.4.8.2.2).
- b) The subject parcel has been determined to be one legal parcel (lot 1) as shown on Parcel Map PM 2139 recorded in Book 18 of Parcel Maps page 145.
- c) The project will obtain water from a diversionary water source and groundwater well. Irrigation water for the property is primarily (i.e., 80 percent) sourced from a 330-foot well capable of producing 45 gallons per minute based on a 5-hour draw down test in June 2018. The well is screened at various depths beginning at 190 feet. A second well, approximately 200 feet from Mule Creek is to be destroyed. The remaining 20 percent of irrigation water is sourced from a point of diversion (POD) from Mule Creek, a headwater stream. The POD on the property is used to top off water storage tanks outside of the forbearance period. Recorded water use data shall be used to determine remaining, or exact, storage needs to meet full forbearance. Currently, total water storage is 86,200 gallons in 16 tanks. The applicant plans to incrementally expand storage to 150,000 gallons and add an additional 22 tanks. A State Water Resources Control Board (SWRCB) Division of Water Rights Certificate (H100315) is in hand for 0.61 acre-feet of irrigation use per year (199,000 gallons). The rate of diversion to storage shall not exceed the diversion rate specified for the site based on the current version of the SWRCB Cannabis Policy. The Lake and Streambed Alteration Agreement allows maintenance work on the current diversion point.
- d) The Assessor's Parcel Number known as 210-071-013 is accessed directly from the north side of China Mine Road, approximately 2 miles south from the intersection of State Hwy 36 and China Mine Road. According to a Road Evaluation Report prepared by Omsberg & Preston in 2018, China Mine Road is not developed to the equivalent of a category 4 road or better although a certified engineer determined the roadway can accommodate the cumulative increased traffic from this project and five other known projects that use the road. Installation of the four engineer-recommended improvements necessary to make the road meet category 4 road standards are made a condition of approval.
- e) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Conversion Report (Attachment 3) was prepared by TRC in January 2019. TRC inspected five cultivation sites and four associated areas on the parcel and concluded that 1.57 acres of unauthorized tree removal

or potential timberland conversion occurred for cultivation related activities. Although the affected acreage does not exceed the 3-acre conversion exemption maximum, the site does not meet the Forestry Practices Guidelines and several mitigation measures were recommended. The Timber Conversion Report provided eight recommendations to mitigate previous conversion activities that include moving facilities out of stream management areas, revegetating areas with commercial trees, stabilization of fill slopes, installation of erosion control measures, and the treatment of slash/debris. The Timber Conversion Report indicated most associated cleared areas were converted between 2005 and 2009.

- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or tribal cultural resource.

6. FINDING

The cultivation of 26,400 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on China Mine Road, approximately 2 miles south from the intersection of State Hwy 36 and China Mine Road. According to a Road Evaluation Report prepared by Omsberg & Preston in 2018, China Mine Road is not developed to the equivalent of a category 4 road or better, although a certified engineer determined the roadway can accommodate the cumulative increased traffic from this project and five other known projects that use the road.
- b) The site is in a rural part of the county where the typical parcel size is over 25-40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) The project will obtain water from a diversionary water source and well. Irrigation water for the property is primarily (i.e., 80 percent) sourced from a 330-foot well capable of producing 45 gallons per minute based on a 5-hour draw down test in June 2018. The well is screened at various depths beginning at 190 feet. A second well approximately 200 feet from Mule Creek is to be destroyed. The remaining 20 percent of irrigation water is sourced from a POD from Mule Creek, a headwater stream. The POD on the property is used to top off water storage tanks outside of the forbearance period.
- 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.

DECISION

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

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

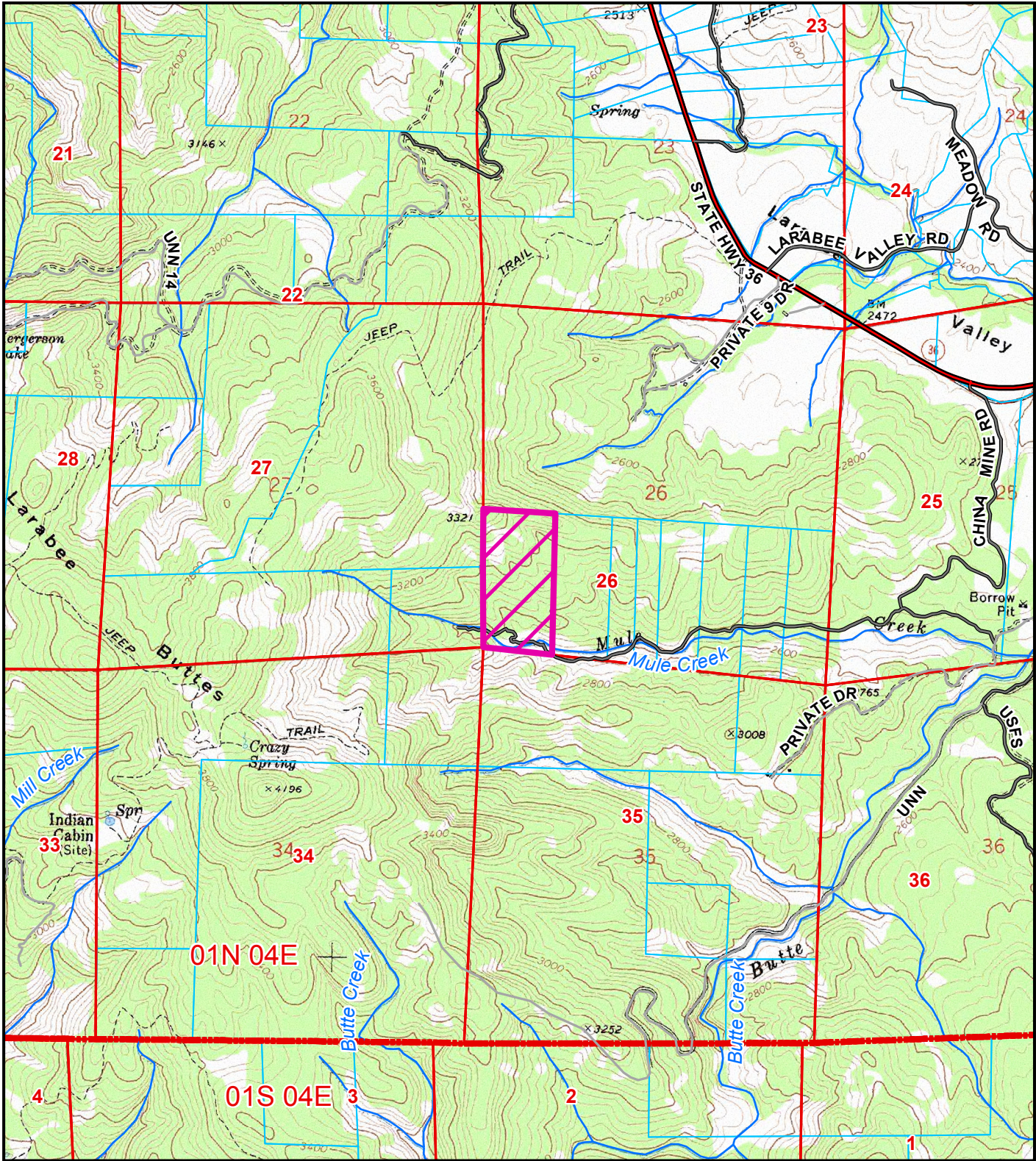
Adopted after review and consideration of all the evidence on September 2, 2021

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

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

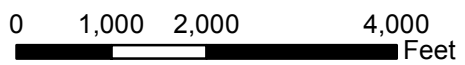
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

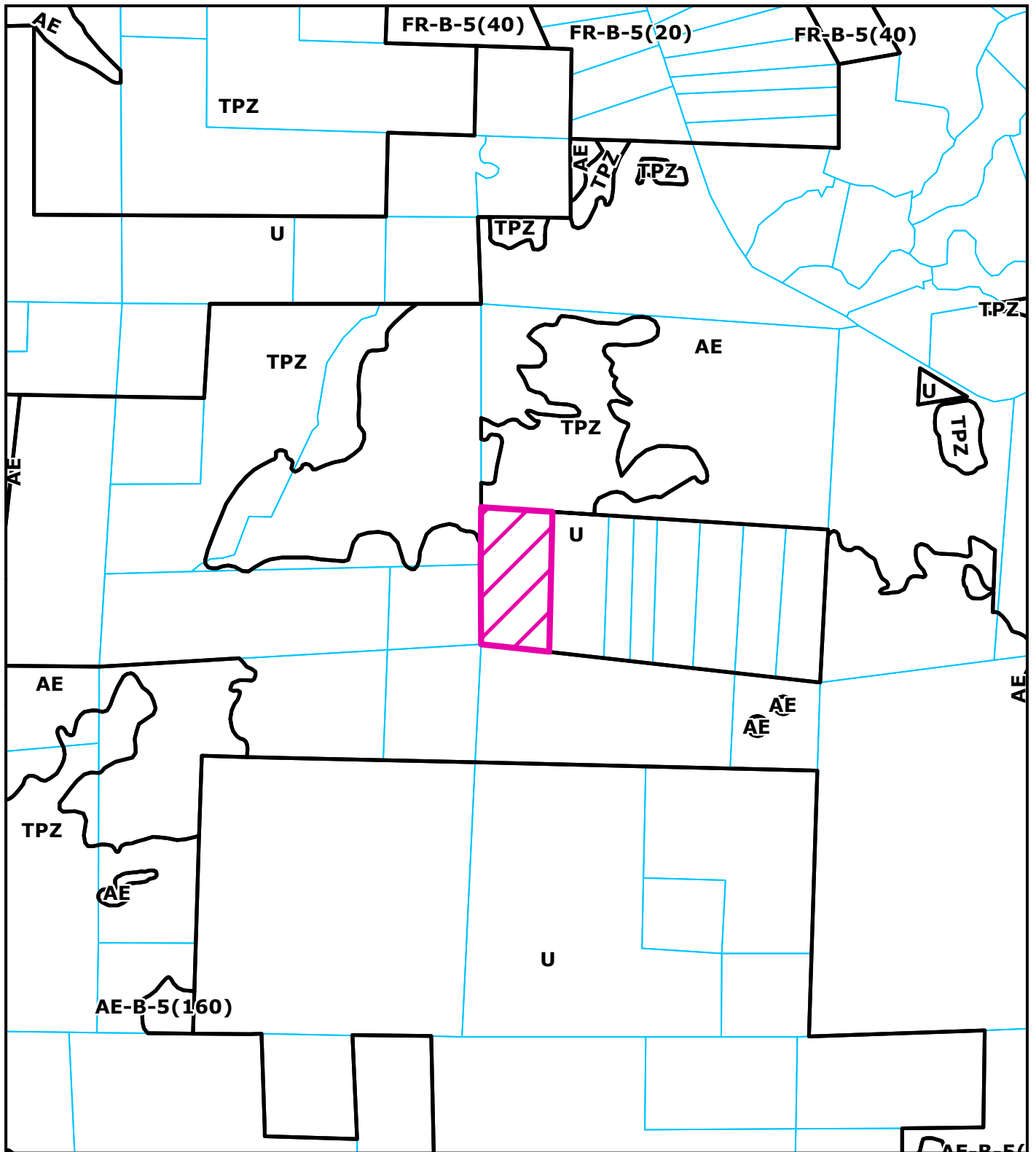


TOPO MAP
PROPOSED DAVID CRANMER
DINSMORE AREA
CUP-16-431
APN: 210-071-013
T01N R04E S26 HB&M (LARABEE VALLEY)


Project Area =


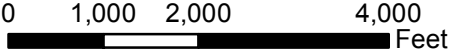


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

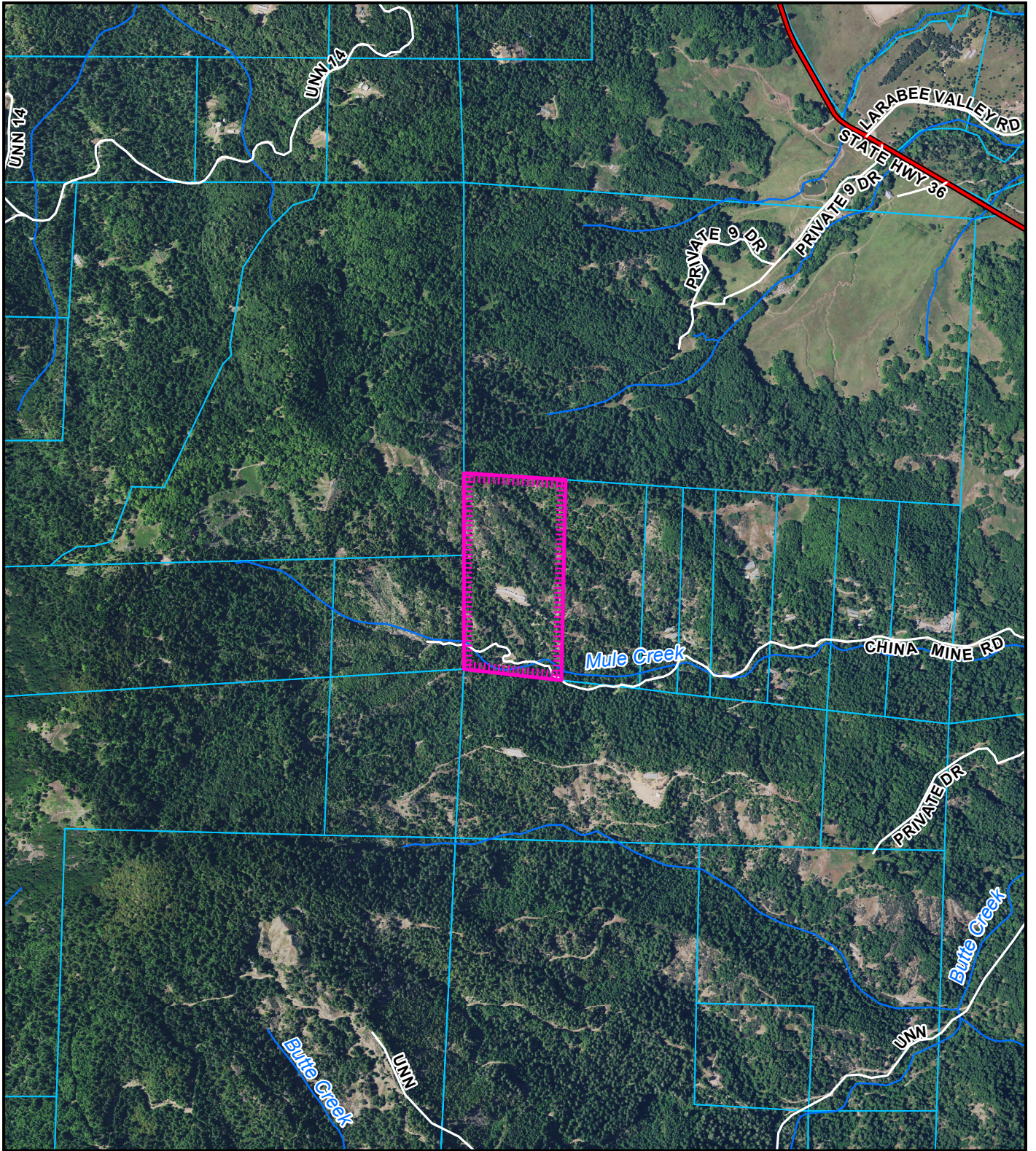


ZONING MAP
PROPOSED DAVID CRANMER
DINSMORE AREA
CUP-16-431
APN: 210-071-013
T01N R04E S26 HB&M (LARABEE VALLEY)

Project Area = 


 0 1,000 2,000 4,000 Feet


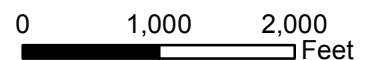
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



**AERIAL MAP
 PROPOSED DAVID CRANMER
 DINSMORE AREA
 CUP-16-431**

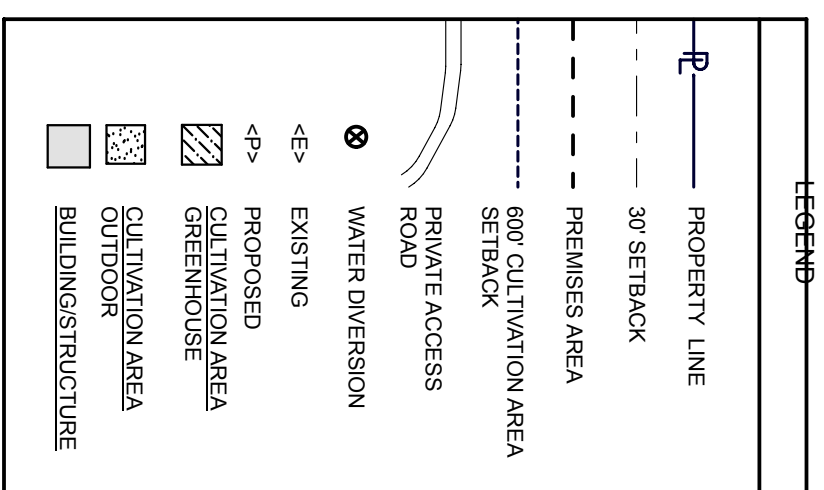
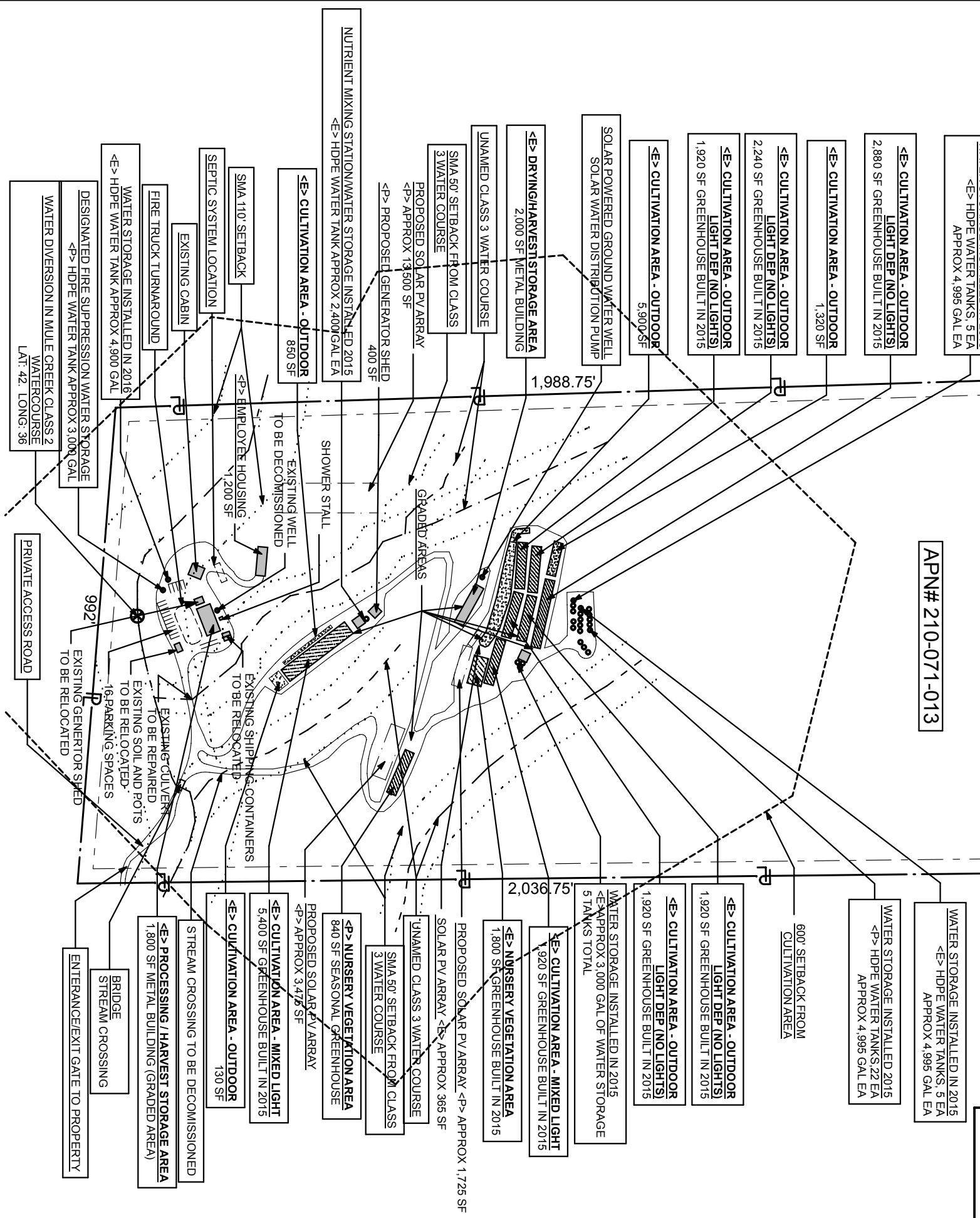
**APN: 210-071-013
 T01N R04E S26 HB&M (LARABEE VALLEY)**

Project Area = 



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

- GENERAL NOTES :**
1. PROPERTY IS SERVED BY AN ON SITE SEPTIC SYSTEM
 2. NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET.
 3. PARCEL LINES AND BUILDING LOCATIONS ARE APPROXIMATE
 4. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINE
 5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
 6. **ALL TRAILERS TO BE REMOVED**



CULTIVATION AREA CALCULATIONS

CULTIVATION AREA OUTDOOR - LIGHT DEP (NO LIGHTS)	1,920 SF GREENHOUSE - EXISTING
	1,920 SF GREENHOUSE - EXISTING
	1,920 SF GREENHOUSE - EXISTING
	2,240 SF GREENHOUSE - EXISTING
	2,880 SF GREENHOUSE - EXISTING
10,880 SF TOTAL - OUTDOOR LIGHT DEPS (NO LIGHTS)	
CULTIVATION AREA - OUTDOOR	130 SF OUTDOOR - EXISTING
	850 SF OUTDOOR - EXISTING
	5,900 SF OUTDOOR - EXISTING
	1,320 SF OUTDOOR - EXISTING
8,200 SF TOTAL - OUTDOOR	
CULTIVATION AREA - MIXED LIGHT	5,400 SF GREENHOUSE - EXISTING
	1,920 SF GREENHOUSE - EXISTING
7,320 SF TOTAL - OUTDOOR	
TOTAL CULTIVATION SF	7,320 SF = MIXED LIGHT
	10,880 SF = OUTDOOR LIGHT DEP (NO LIGHTS)
	8,200 SF = OUTDOOR
	26,400 SF = TOTAL CULTIVATION

1

SITE PLAN

SCALE: 1:3000

SITE PLAN
APN # 210-071-013
APPLICATION #11881

Project	GLG	Scale:	Date	12/25/18
Location	APN# 210-071-013	Project No.	Reference / Sheet	
Title	PROPERTY DIAGRAM	Field Notice No.	Dwg. No.	
			Page 14	

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary county and state permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #21. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures 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.
7. Processing in the metal building in its current configuration cannot be permitted for an ongoing basis. The building must be upgraded to F-1 Occupancy standards for commercial structures with ADA parking and an ADA restroom. Alternatively, processing may take place at a licensed off site processing facility.

8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
9. The applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. The applicant shall install water monitoring device on each source—the well, the surface diversion if/when utilized, and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
11. Within 90 days of project approval the applicant shall submit a revised site plan that exhibits the location of the proposed 22 additional water tanks.
12. The applicant shall obtain a permit from the North Coast Unified Air Quality Management District (NCUAQMD) for the existing 47-kilowatt generator, if applicable, and the two planned 125-kilowatt diesel generators. A letter or similar communication from the NCUAQMD will satisfy this condition.
13. The applicant shall implement correction actions detailed in the referral response from Health and Human Services Department regarding proof that portable toilets are available for cultivation staff and that an onsite waste treatment system is installed prior to any processing activities taking place.
14. The applicant shall incorporate the recommendations made by the California Department of Forestry and Fire Protection (Cal Fire) regarding Fire Safe Standards including incorporating recommended signage on building numbers and fuel modification standards.
15. The applicant shall install sufficient water storage to allow for full forbearance of summertime diversions in coordination with annual monitoring requirements with the State Water Resources Control Board (SWRCB).
16. The applicant shall implement and abide by all permit conditions detailed in Lake and Streambed Alteration Agreement Notification No. 1600-2019-0059-R1 limited to two encroachments, a water diversion from Mule Creek for domestic and irrigation uses and the decommissioning of a stream crossing by removing approximately 1–2 cubic yards of fill in the stream channel and to implement stream restoration through native revegetation. A letter from the California Department of Fish and Wildlife that the stream restoration project has been completed shall satisfy this condition.
17. The applicant shall implement all corrective actions detailed in the Timber Conversion Report prepared for the site in January 2019 by a Registered Professional Forester with Timberland Resource Consultants (TRC). The applicant shall implement the recommended mitigation measures including:
 - a. Removing all cultivation-related project materials (including all cannabis plants, structures, soils spoils, fence line, and any other cultivation-related project materials) from within 50 feet of the bank of unnamed Class III watercourse east of the site containing the drying and processing building, generator shed, fuel storage area, and materials storage area 1.
 - b. Replant the materials storage area 1 streamside management area with native trees to California Forestry Practices Rules stocking standards (14 California Code of Regulations Section 1071). Replanting approximately 0.11 acre at this site requires approximately 50 seedlings. Seedling survival shall be monitored for 3 years and if seedling success is less than 55 percent, the planting will be repeated. The applicant shall furnish annual monitoring reports to Humboldt County Planning for approval of this condition.
 - c. Remove all cultivation infrastructure, materials, and waste (including all cannabis plants,

structures, soils spoils, fence line, and any other cultivation-related project materials) within 150 feet of the bank of the Class I Mule Creek south of the site.

- d. Replant the cleared 0.02 acre of area within 150 feet of Mule Creek with approximately 10 seedlings and monitor and replant if necessary (as in "b." above).
- e. Stabilize the southwestern fillslope at cultivation site 2 by either pulling back ~100 feet of the southwestern fillslope to a 2:1 slope (less than 65 percent slope) to prevent further erosion or consult with a licensed engineer or geologist to inspect and assess the fillslope in its existing condition. The fillslope should be seeded and mulched to stabilize erodible fill.
- f. Remove slash and woody debris piles in the appropriate time of year from areas adjacent to cultivation sites 2, 4, and 5, as well as adjacent to the water storage area, the drying and storage/processing buildings, and the materials storage area 1. Slash and woody debris can be removed using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site. The applicant shall furnish a post removal report to Humboldt County Planning for to satisfy this condition.

18. The applicant shall implement all corrective actions detailed in the Site Management Plan prepared for the site in August 2019 by TRC to evaluate if the site met the standard conditions of compliance. The applicant shall implement the recommended mitigation measures including:

- a. moving facilities outside of stream management areas (apart from existing parking areas and buildings to receive setback reduction),
- b. revegetating areas with commercial tree species,
- c. stabilizing fill slopes at multiple points around cultivation areas,
- d. installing erosion-control-appropriate surfaces on permanent roads,
- e. installing erosion-control-appropriate surfaces on the parking and turnaround areas within the riparian setbacks from Mule Creek,
- f. removing hardened cement identified as 5 feet from a Class III watercourse,
- g. improving fuel storage structures containing two 550-gallon red diesel tanks and use of additional secondary containment for all fuel canisters and motor oil containers, and
- h. treating or removing slash/debris/inorganic waste.

A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.

19. The applicant shall implement all corrective actions detailed in the Road Evaluation Report prepared by Omsberg & Preston for China Mine Road in 2018. Specifically, the engineer identified four sections of roadway requiring widening for a cumulative length of 500–600 feet.

- a. Two of these sections that require widening (M.P. 0.6 and M.P. 2.4) are at crested vertical curves and do not have adequate sight distance.
- b. A third section of widening (M.P. 1.2) is a 300-foot narrow section without turnouts.
- c. The fourth section (M.P. 2.0) needs to have a turnout cleared of brush and rocked (without grading).
- d. The listed road improvements are in excess of 50 cubic yards and therefore shall likely require a grading permit to implement, either by the applicant or a neighborhood road association.
- e. Documentation of the improvements made by a professional engineer are to be furnished to Humboldt County Planning as a condition of approval.

20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

22. The use of generators as a primary power source for cannabis and cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.

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 as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The light source used in the greenhouses shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. The applicant shall implement and abide by all current or future permit conditions detailed in the Lake and Streambed Alteration Agreement Notification No. 1600-2019-0059-R1.
5. The applicant shall abide by the terms and conditions of the Right to Divert and Use Water Certification H100315.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.

11. 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.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
13. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
14. 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.
15. Compliance with all statutes, regulations, and requirements of the SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
16. 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).
17. Maintain enrollment in Tier 1 or 2 certification with State Water Quality Control Board Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by Cal Fire, if applicable.
19. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.

23. Per Section 314-81.1.1.1 HCC, recreational vehicles (i.e. travel trailers) shall be used as residences only in manufactured home parks and special occupancy parks, or in any public camping area, thus may not be used as residences for farm employees or operators.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. 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

26. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. 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).
28. 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.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

30. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
31. Term of Commercial Cannabis Activity Conditional Use Permit and Special Permit. Any Commercial Cannabis Cultivation Conditional Use and Special Permits issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 10 days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit and Special Permits, 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.
33. 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.
34. 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.
35. 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.

36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

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

ATTACHMENT 2

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

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

**APN 210-071-013; 40.4315, -123.7003 China Mine Rd, Dinsmore
County of Humboldt**

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

August 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit for an existing 26,400-square-foot (SF) operation consisting of 19,080 SF outdoor and 7,320 SF mixed-light cannabis cultivation and onsite processing. Cultivation will occur in three areas that have been terraced to support greenhouses and 8,200 SF of full-sun outdoor cultivation activities. A total of 2,640 SF of ancillary nursery activities are proposed on two existing graded flats. Per the applicant, 80 percent of irrigation water is sourced from an onsite solar-powered well drawing water from depths of 150 to 330 feet and 20 percent from a permitted water diversion. Irrigation water is sourced from a permitted diversion on a Class I watercourse and well, and 86,200 gallons of existing hard tank storage in 16 hard tanks. The applicant is proposing to install 22 additional 5,000-gallon tanks for a total storage of 150,000 gallons in order to fully meet estimated annual water usage of approximately 250,000 gallons, demand of which peaks in July through September. Bucking and drying will occur in an existing shed. Additional processing will also occur onsite. Power is sourced from one onsite 47-kilowatt generator; the applicant plans to upgrade to two 125-kilowatt generators until fully transitioning to solar in 5 years. There is an existing solar array that provides electricity for water pumps and three new solar arrays are proposed totaling 18,700 SF to fully transition to renewable energy. Product will be dried and processed onsite in an existing 1,800-SF metal building. Four to six full-time employees will be required for daily operations, with an additional 10 to 15 employees needed during peak operations. Portable toilets act as the onsite waste treatment system, but the applicant plans to install a septic system to serve an existing cabin and proposed employee housing (as shown on the June 2021 revised Site Plan). Special Permits (3) are needed for the decommissioning of a stream crossing, maintenance of a water diversion, and for one streamside management area (SMA) setback reduction for an existing parking area within the SMA.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND-recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Site Plan (revised) prepared by the applicant received June 2021.
- Cultivation and Operations Plan prepared by the applicant and the Addendum received 5/3/2021.
- Road Evaluation Report Parts A. and B. from Omsberg & Preston dated 6/22/2021.
- Road Evaluation Supporting Information from Omsberg & Preston dated 12/6/2018.
- Site Management Plan dated 8/20/2019 prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Timber Conversion Report dated 1/23/2019 prepared by Timberland Resource Consultants.
- Lake and Streambed Alteration Agreement (Notification No. 1600-2019-0059-R1) prepared by the California Department of Fish and Wildlife dated 7/2/2019.
- Well Completion Report dated 7/27/2018.
- Right to Divert and Use Water Certificate H100315 prepared 10/19/2017 by the State Water Resources Control Board.
- Cultural Resources Report dated August 2019 prepared by Anthropological Studies Center.
- California Department of Forestry and Fire Protection project referral response dated 12/4/2017 and 12/21/2017.
- Health and Human Services Environmental Health Division project referral dated 10/11/2017.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (on file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by the applicant received 5/3/2021 revised June 2021 – **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 applicant (received 9/29/2018) and the Addendum received 5/3/2021 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Right to Divert and Use Water; Certificate H100315 – on file).
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4. above).
7. Copy of Notice of Intent (NOI) and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Site Management Plan prepared by Timberland Resource Consultants dated 8/20/2019 – **Attached**).
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, affects the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2019-0059-R1 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (**Attached**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report dated 1/23/2019 and prepared by Timberland Resource Consultants – **Attached**)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Cultural Resources Investigation dated August 2019 and prepared by Anthropological Studies Center. (On file)
17. Road Evaluation Report Part A. and B. from Omsberg & Preston and Road Evaluation Supporting Information from Omsberg & Preston dated 6/22/2021 and 12/6/2018, respectively (**Attached**).

Cultivations and Operations Plan

Schedule of monthly growing activities:

Nov. – Dec. – planting mother plants and popping seeds which become mothers

Jan. – Mar. – cutting and transplanting clones

Apr. – weather permitting, all plants go into an outside nursery to reduce energy usage and harden off plants

May – greenhouses with low-wattage supplemental LED's (a.k.a. mixed-light) are planted and flowering begins

Jun. – full sun plants are planted

Jul. – greenhouses are harvested, processed and replanted with another round of plants

Sep. – Oct. – full sun and greenhouses are harvested and processed

Generator usage: Currently we utilize a 47 kw generator and plan to upgrade to 2 x 125kw generators that will be used on average 3-6 hours daily from Jan. to May. Generators will not be used May-Oct. and then 3-6 hours on average Nov.-Dec. Diesel generators will provide power for the first year. Plans are being rendered to build an efficient solar array with state-of-the-art battery backup. In addition, a PG&E power hookup will be established in the near future.

Irrigation schedule: On average monthly water usage of 20k gallons and approximately an annual usage of 250k gallons of water. Watering occurs every other day. We utilize patented water saving technology that will reduce water waste by approximately 25%. Water usage will reduce over time as best methods are developed.

Irrigation Plan: We have invested in water saving sub-surface automated irrigation technology all greenhouses and gardens. During the heart of the outdoor cultivation season, May-Oct., we begin our work day at 5:30am. Our standard operating procedure (SOP) includes completing all

Attachment

watering no later than 11 am daily to reduce evaporation associated with hotter parts of the day.

When we hand water occasionally for a variety of reasons due to irrigation maintenance, malfunction or sediment rich watering (e.g. compost teas do not emit through drip line well), we seek to finish before 11 am and abide by “agronomic rates”.

Water source: Water is sourced from a permitted 320 gallon, 41 gpm well located on the property.

Water Storage: Water storage consists of an above-ground 5050-gallon tank totaling 86,200 gallons. Historic bladders are being removed and there are plans to incrementally expand storage to 150,000 gallons.

Parking spaces for employees: approximately 16 parking spaces available.

Processing Plan: Number of employees involved in processing operations consist of 4-6 full-time employees (or permanent) with an emphasis on packaging, processing pre-rolled joints and labeling. In addition, 10-15 part-time employees (or seasonal) focused on trimming, bucking and other assigned tasks. Currently all processing is done in the barn which includes harvest storage, general processing, and serves as a vegetation area as seen on the attached site plan.

Security Plan: Our security system includes locked gates and LED motion lights at one primary entry point and a secondary access point. All facilities, housing, curing, vegging and processing, require a code for entry.

Electricity plan: Currently we are efficiently allocating generator usage and are planning to provide 80% renewable energy to our project by installing solar panels to meet energy requirements described in section 314-55.4.8.3 of the Zoning Code. We are utilizing energy efficient LED lighting to reduce electrical consumption by approximately 30%. Energy efficient par sensor controllers and automated controllers sense the light level of the canopy and are set to

Attachment

only turn lights on when it is at a level necessary for supplemental lighting. The automated greenhouse technology further reduce the need for electrical lighting by only using supplemental lighting to minimize the use of artificial lighting. All other electricity aside from lighting will be powered by a solar array. We plan to reach the 80% renewable energy requirement within the following three years. We intend to invest annually towards our renewable energy plan.

Site Drainage Description: We've consulted with licensed geologists and consultants and have been informed that we are in compliance in terms of buffers respecting various class creeks and have sufficient physical buffers and space to prohibit water runoff and sediment to reach surface waters.

Runoff and Erosion Control Measures: Besides using the latest information and agronomic rates, we use water bars, rolling dips, erosion wattles and natural filtration and erosion mediators, like planting grass seed. We have planted over 2000 lbs. of erosion control seed in order to do our part in preventing erosion and sediment infiltration into sensitive habitats and waterways.

Detailed measures to ensure protection of watershed and nearby habitat: Aside from our efforts detailed above, additional measures range from property sized catchment of fuels, amendments, nutrient, pesticides, and all other products respecting creek buffers as prescribed by licensed consultants and conversations with the county on the phone. All greenhouse floors are pervious.

Protocols for proper storage of fertilizers, pesticides, and other regulated products:

We keep regulated products in labeled totes and in a locked room. Excess is brought into hazardous waste disposal and we are actively seeking to comply and have safer handling practices.

Attachment

Description of Cultivation Activities: Mixed light includes an initial planting in April that relies on LED light bulbs to keep plants in the vegetation state during the month of April, after which in May flowering is induced with the use of light deprivation techniques and minimal supplemental lighting. This flowering cycle completes in July. Plants set aside to replace the harvested light dep are kept under the same low wattage LED light bulbs in April, May and early June to avoid premature flowering. After early/mid-June, there is enough natural daylight to stop supplementing and we rely on natural light cycles through the end of September to mid-October. We then use supplemental lighting from mid-October till the end of November. We do operate a greenhouse nursery year round that consists of 66 350-750 watt LED fixtures. All lighting will be controlled by sensors that efficiently monitor light levels and allocate supplemental lighting as necessary.

Number of cultivation cycles for mixed light: Our infrastructure allows only for 3 cycles during April through November.

Sanitation Facilities Plan

1C Existing: The current sanitation facilities are portable toilets that have been established and serviced since 2014 by B&B Portable Toilets LLC. Please see attached receipt.

Proposed: ADA compliant bathrooms hooked up to a septic system are currently being prepared by Omsberg & Preston Civil Engineering.



Cultivation Plan Addendum 5.1.21

- 1) We are proposing the same amount of Cultivation sf allowed by our Interim Permit which is 26,400 sf. We will have 7,320 sf of mixed light cultivation, 10,880 sf of outdoor light dep cultivation with no supplemental lights in our existing greenhouses, and 8,200 sf of outdoor cultivation. Please see our revised Site Plan which shows which existing greenhouses will be used for outdoor light dep cultivation with no supplemental lighting. We will not be increasing any power or water usage in our existing light dep greenhouses, therefore we will not have any additional environmental effects from our existing light dep greenhouses. Our original water usage calculation accommodated for our existing light dep greenhouses.
- 2) We will have 2,640 sf of ancillary propagation on site. Please see our revised site plan showing the location and size of our nursery spaces.
- 3) We will be trimming on site and will attach an ADA bathroom in our existing commercial building. See location on revised site plan
- 4) As of now PGE may not be feasible, so we plan to provide power with a new solar array and a back-up generator. We plan to transition to our renewable energy grid within the next 5 years.



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501

STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2019-0059-R1

Unnamed Tributaries to and including Mule Creek, Tributary to the Little Van Duzen River, Van Duzen River, Eel River and the Pacific Ocean

Neal Patel
Patel Water Diversion and Stream Crossings Project
2 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Neal Patel (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on February 1, 2019, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Van Duzen River watershed, approximately 6 miles east southeast of the town of Bridgeville, County of Humboldt, State of California. The project is located in Section 26, T01N, R04E, Humboldt Base and Meridian; in the Larabee Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 210-071-013; latitude 40.4288 N and longitude 123.7008 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to two (2) encroachments (Table 1). One (1) encroachment is for water diversion from Mule Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion

infrastructure according to a Diversion Infrastructure Plan approved by the Department. One (1) proposed encroachment is to decommission a stream crossing by removing approximately 1-2 cubic yards of fill in the stream channel and to implement stream restoration through native revegetation.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Decommission Stream Crossing and Stream Restoration (Notification Map Point 1)	40.4293, -123.6993	Decommission stream crossing and implement stream restoration. Permittee shall provide a Restoration Plan within 60 days for CDFW approval.
Point of Diversion-1 (POD-1)	40.4288, -123.7008	Instream water diversion will be authorized according to a CDFW approved Diversion Infrastructure Plan . Permittee shall submit a Diversion Infrastructure Plan within 60 days of the effective date of this Agreement. During the diversion season, Permittee shall bypass 90% of stream flow. Rate of diversion shall be no more than 3 gallons per minute . Permittee shall implement seasonal diversion minimization and limit total daily diversion to 150 gallons per day from April 1 – July 31 . Permittee shall implement a forbearance period of August 1 – October 31 , when no water diversion shall take place.

Permittee has disclosed other encroachments that are not part of this Agreement:

- Notification Map Point 2: Permanent bridge
- Notification Map Point 3: 60" diameter, 20' long culvert
- Notification Map Point 4: Skid trail crossing

These encroachments shall be evaluated by CDFW during a site inspection, and if determined that instream work is necessary, the Permittee shall notify for the encroachments.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey

(*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to water quality:

increased water temperature;
reduced instream flow;
temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

loss or decline of riparian habitat;
direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process:

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 Other Agency Permitting Requirements. The U.S. Army Corps of Engineers (Corps) has permitting requirements for certain instream projects under Section 404 of the Federal Clean Water Act. If this project features the placement of dredged or fill materials into the channels of streams (below the ordinary high-water mark) that are waters of the United States, a permit may be required by the Corps. If your project needs a permit from the Corps, you will also need to obtain a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act from the Regional Water Quality Control Board (Regional Water Board). In addition, if your project will involve disturbance within or discharges of pollutants to waters of the State of California, the Regional Water Boards may require a permit, whether or not the Corps requires a permit. If there is any question regarding the possibility of the project meeting the above limitations, the Permittee should contact the Corps and the Regional Water Board prior to beginning work. This Agreement in no way represents permitting requirements by the Corps or the Regional Water Board. It is the responsibility of the Permittee to contact the Corps, and to comply with the provisions of any Section 404 permit issued, if required by the Corps. Similarly, it is the responsibility of the Permittee to contact the Regional Water Board and to comply with the provisions of any Section 401 Certification, Regional Water Board Waste Discharge Requirements or waiver of Waste Discharge Requirements issued by the Regional Water Board.
- 1.7 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.8 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later

than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**

- 1.9 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on February 1, 2019.
- 2.2 Listed Species. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 Foothill Yellow-Legged Frog (FYLF) Avoidance. To avoid take of FYLF during its CESA candidacy period, the Permittee shall:
 - A. Conduct a Pre-Construction Survey. Within 3-5 days prior to entering or working at the Project Site, a qualified biologist shall examine the project site to determine the presence/absence of standing or flowing water, and the presence and/or the potential for presence of FYLF adults, juveniles, tadpoles or egg masses within the project area and 150 feet upstream and downstream. Prior to commencing work, Permittee shall provide to CDFW for review preconstruction survey notes and observations.
 1. If FYLF are found during the pre-construction survey, Permittee shall:
 - a) Consult CDFW immediately by either telephone or e-mail and provide a short description of observations, including a count of individuals and

the life stage(s), conditions at the site, and other aquatic species observed; and

- b) Either propose site-specific mitigation measures that will be utilized to avoid take or obtain an Incidental Take Permit (ITP) if take of FYLF cannot be avoided. Instream work shall not commence until CDFW has provided written approval of the proposed avoidance measures or an ITP has been issued.
2. If no FYLFs are found during the pre-construction survey and no surface water is present in the project area, work may commence without further surveys.
 3. If no FYLFs are found but surface water is present during the pre-construction survey, *or if surface water becomes present at any time during the work period*, a qualified biologist shall survey the work site each day before commencement of work activities where equipment and/or materials may come in contact with FYLFs, streams, or riparian habitat.
 4. If FYLFs are observed at any time during the construction season, work in the immediate area shall be halted, CDFW immediately consulted, and conservation measures developed and agreed to by CDFW prior to recommencing work.

B. Qualified Biologist. A qualified biologist is an individual who is experienced in construction level biological monitoring, knowledgeable in the biology, natural history, habits and behaviors of the FYLF, and who is able to recognize all age classes of FYLF relative to other amphibians in the project area. A qualified biologist shall have academic and professional experience in biological sciences or resource management activities. At least 15 days prior to commencement of Project-related surveys for FYLFs, Permittee shall provide to CDFW for review and approval the names and qualifications of individuals requesting qualified biologist status.

C. Decontamination. The Permittee is responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water or FYLFs. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol.

D. Night Lighting and Water Drafting. Night lighting and drafting of water for road work is not authorized by this Agreement.

- 2.4 Nesting Birds. Actively nesting birds and their nests shall not be disturbed by project activities. If construction, grading, vegetation removal, or other project-related improvements are necessary during the nesting season of protected raptors and migratory birds (**March 1 through August 15**), the Permittee shall notify CDFW of proposed work and a focused survey for bird nests and/or nesting behavior shall be conducted by a qualified biologist within seven days prior to the beginning of project-related activities. Surveys should encompass the area up to 50 feet from disturbance to account for songbirds, and up to 250 feet from disturbance for raptors. If a nest is found or suspected to be present, Permittee shall consult with CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in project-related work of seven days or longer occurs, another focused survey, and if required, consultation with CDFW shall be required before project work can be reinitiated.

Project Timing

- 2.5 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.6 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW **at least 10-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 15.
- 2.7 Work Completion. The proposed work shall be completed by no later than **October 15, 2020**. Extensions to this date may be granted on a case by case basis as a minor amendment requested at least 30 days prior to this date. Failure to complete work by this date may result in suspension or revocation of this Agreement. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

Vegetation Management

- 2.8 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.9 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of Authorized Activity to

the use of hand tools. Vegetation management shall not include treatment with herbicides.

General Stream Protection Measures

- 2.10 Fish and Aquatic Amphibians. If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.
- 2.11 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.12 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.13 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.14 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.15 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.16 Clean-up. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

2.17 Erosion Control Measures

2.17.1 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.17.2 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

2.17.3 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

2.17.4 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament 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.

- 2.18 Waste Containment and Disposal. Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use. Photo documentation of newly installed storage containers shall be included in the Work Completion Report.
- 2.19 Site Management Plan. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

Water Diversion

- 2.20 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.21 Bypass Flow. The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.22 Seasonal Diversion Minimization. No more than **150 gallons in any one day** shall be diverted (intended for household domestic use) during the low flow season from **April 1 to July 31** of each year. Permittee shall implement a forbearance period of August 1 – October 31, when no water diversion shall take place. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.23 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.23.1 A log including the date, time and quantity of water diverted from the POD.
- 2.23.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.23.3 Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, §

2925).

2.24 Water Management Plan. The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement.

Water Diversion Infrastructure

2.25 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.

2.26 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.

2.27 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.

2.27.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet.

2.27.2 The intakes screen shall be designed so that approach velocity is no more than 0.1 foot per second (fps). Approach velocity is the velocity of the water perpendicular to the screen face measured three inches in front of the screen surface.

2.27.3 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.

2.27.4 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.

2.27.5 The screen shall be designed to distribute the flow uniformly over the entire

screen area.

- 2.27.6 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.28 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.29 Intake Maintenance. Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed
- 2.30 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.31 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.32 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.33 Diversion Infrastructure Plan (DIP). The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the **Water Diversion Infrastructure** conditions will be achieved under this Agreement.

Diversion to Storage

- 2.34 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.35 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop

WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.

2.36 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

2.37 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.

2.38 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

2.39 Road Approaches. The Permittee shall treat road approaches to new or reconstructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.

2.40 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.41 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.42 Crossing Maintenance. The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize

surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.

2.42.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow

2.42.2 No heavy equipment shall enter the wetted stream channel.

2.42.3 No fill material, other than clean rock, shall be placed in the stream channel.

2.42.4 Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high water level.

2.42.5 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.43 Isolation of Work Site. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Permittee shall adhere to the following conditions:

2.43.1 Stream Diversion. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.43.2 Coffer Dams. Prior to the start of construction, Permittee shall isolate the work area. Cofferdams shall be installed to divert stream flow; isolate and dewater the work site; catch and retain sediment-laden water; and minimize sediment transport downstream. Water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately. Permittee shall use only clean, non-erodible materials such as sand bags, on-site rock, and/or plastic sheeting. Mineral soil shall not be used in the construction of cofferdams.

2.43.3 Stranded Aquatic Life. Once coffer dams are installed, a qualified biologist or other qualified professional trained to identify listed species shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take

or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

2.43.4 Dewatering. Permittee shall catch and retain sediment-laden water and minimize sediment transport downstream. Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.43.5 Remove any Materials upon Completion. Permittee shall remove any turbid water and sediment present in the work area prior to restoring water flow through the project site and place them in a location where they cannot enter the Waters of the State. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.43.6 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.44 Culvert Installation.

2.44.1 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.44.2 If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is discouraged.

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps

2.44.3 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.44.4 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as

needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.44.5 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe and shall be compacted.

2.44.6 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.44.7 Project Inspection. The Project shall be inspected by a licensed professional to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

2.45 Fords, Armored Fill and Vented Crossings.

2.45.1 Fords, armored and vented crossings are considered permanent watercourse encroachments and shall be designed and sized to accommodate the 100-year flood flow plus associated sediment and debris.

2.45.2 Fords, armored and vented crossings and hydrologically-connected road approaches shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.

2.45.3 Fords, armored and vented crossings shall be sufficiently out sloped to minimize aggradation of suspended sediments at the crossing.

2.45.4 The lowest point of fords, armored and vented crossings shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bank-full and to avoid diversion potential.

2.45.5 Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fill slope to resist movement during a 100-year storm event.

- 2.45.6 If maximum fill heights exceed 15 feet or fills exceed 500 cubic yards of fill, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 of Cafferata et al (2017).
- 2.45.7 Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent significant scour or removal of armor during high flows. Scour is expected through road surface rock cap.
- 2.45.8 Fords shall only be used when the fording surface is dry.
- 2.45.9 Project Inspection. The Project shall be inspected by a licensed professional to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.1.1 Prior to commencing work, Permittee shall provide to CDFW for review preconstruction FYLF survey notes and observations.
- 3.2 Work Completion. The proposed work shall be completed by no later than **October 15, 2020**. Extensions to this date may be granted on a case by case basis as a minor amendment requested at least 30 days prior to this date. Failure to complete work by this date may result in suspension or revocation of this Agreement. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.2.1 Wildlife Entrapment Prevention for Reservoirs. A notice of completed work, with supplemental photos, shall be submitted to CDFW
- 3.2.2 Photo documentation of newly installed storage containers shall be included in the Work Completion Report. A notice of completed work, with supplemental pictures, shall be submitted to CDFW **within seven (7) days**

of project completion as part of the work completion report.

- 3.3 Project Inspection. The Project shall be inspected by a licensed professional to ensure that the stream crossings were installed as designed and/or the stream restoration was implemented as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501
- 3.4 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.
- 3.5 Water Management Plan. The Permittee shall submit a **Water Management Plan** within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.6 Diversion Infrastructure Plan. The Permittee shall submit **Diversion Infrastructure Plan** within **60 days** from the effective date of this Agreement. Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan. This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501
- 3.7 Stream Restoration Plan. The Permittee shall submit a **Stream Restoration Plan** to CDFW for approval **within 60 days** from the effective date of this Agreement. The Stream Restoration Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.8 Site Management Plan. The Permittee shall submit to CDFW the project's current draft of the Site Management Plan within 60 days from the effective date of this agreement. Permittee shall also submit subsequent revisions and updates to the Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines. If the Site Management Plan is still in preparation, then Permittee shall provide a response with an expected timeframe for delivery. In any event, the Site Management Plan shall be provided to CDFW by no later than September 29, 2019.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Neal Patel
2854 Moore Rd.
Eureka, California 95501
(847) 456-0773
nealpatelnbs@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2019-0059-R1

LIABILITY

Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.


AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR NEAL PATEL

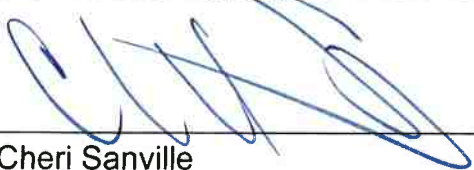


Neal Patel

5/14/2019

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Cheri Sanville
Senior Environmental Scientist Supervisor

7/2/19

Date

Prepared by: Andrew Orahoske, Environmental Scientist, May 1, 2019

State of California
Well Completion Report
 Form DWR 188 Submitted 8/8/2018
 WCR2018-006576

Owner's Well Number Well #2 Date Work Began 07/26/2018 Date Work Ended 07/27/2018
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 18/19-0016 Permit Date 07/12/2018

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>HIGRADE,LLC, NEAL PATEL</u>	Activity <u>New Well</u>
Mailing Address <u>2854 MOORE AVE.</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>EUREKA</u> State <u>CA</u> Zip <u>95501</u>	

Well Location	
Address <u>0 CHINA MINE RD</u>	APN <u>210-071-013</u>
City <u>BRIDGEVILLE</u> Zip <u>95526</u> County <u>Humboldt</u>	Township <u>01 N</u>
Latitude _____ N Longitude _____ W	Range <u>04 E</u>
Deg. Min. Sec. Deg. Min. Sec.	Section <u>25</u>
Dec. Lat. <u>40.4315</u> Dec. Long. <u>-123.7003</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>70</u> (Feet below surface)
Drilling Method <u>Downhole Hammer</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>330</u> Feet	Water Level <u>65</u> (Feet) Date Measured <u>07/27/2018</u>
Total Depth of Completed Well <u>330</u> Feet	Estimated Yield* <u>45</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>5</u> (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface	Feet to Feet	Description
0	2	TOP FILL
2	60	BROWN SHALE AND CLAY
60	75	BROWN SHALE
75	150	BLACK SHALE
150	330	BLACK SHALE WITH QUARTZ

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	50	Blank	Low Carbon Steel	N/A	0.188	8.625			*
2	0	150	Blank	PVC	N/A	0.291	4.95			*
2	150	170	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	170	190	Blank	PVC	N/A	0.291	4.95			*
2	190	210	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	210	230	Blank	PVC	N/A	0.291	4.95			*
2	230	250	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	250	270	Blank	PVC	N/A	0.291	4.95			*
2	270	290	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	290	310	Blank	PVC	N/A	0.291	4.95			*
2	310	330	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*

Annular Material

Depth from Surface Feet to Feet	Fill	Fill Type Details	Filter Pack Size	Description
0	50	Bentonite	Non Hydrated Bentonite	3/8 HOLE PLUG
50	330	Other Fill	See description.	NO ANNULAR FILL

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet	Borehole Diameter (inches)	
0	50	14
50	330	7.875

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	WATSON WELL DRILLING, INC.		
	Person, Firm or Corporation		
Address	500 Summer Street	Eureka	CA 95501
		City	State Zip
Signed	electronic signature received	08/08/2018	1014048
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	
			W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: GLG, LLC APN: 210-071-013

Planning & Building Department Case/File No.: PLN-11881-CUP

Road Name: CHINA MINE ROAD (complete a separate form for each road)

From Road (Cross street): STATE HIGHWAY 36

To Road (Cross street): APN 210-071-013

Length of road segment: +/- 2 MILES miles Date Inspected: 10-30-2018

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

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature Kimberly D. Preston

Date 6-22-2021

Name Printed KIMBERLY D. PRESTON

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: CHINA MINE ROAD Date Inspected: 10-30-2018 APN: 210-071-013
 From Road: STATE HWY 36 (Post Mile 4-0.0) Planning & Building
 To Road: APN 210-071-013 (Post Mile 4-2.0) Department Case/File No.: PLN-11881-CUP

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) 5 APPROVED

ADT: < 400 Date(s) measured: ESTIMATED ONLY

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400). Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO A Policy on Geometric Design of Highways and Streets, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400) for guidance.)

A. Pattern of curve related crashes.

Check one: No. Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: No. Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: No. Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: No. Yes (check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: No. Yes.

F. Need for turn-outs.

Check one: No. Yes, see attached sheet for PM locations.

(See Road Evaluation, 12-6-2018, on file w/ DPW)

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Kimberly D. Preston
 Signature of Civil Engineer

6.22.2021
 Date



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at (916) 227-7205.



December 6, 2018

17-1961

Robert Bronkall
Humboldt County Department of Public Works
1106 2nd St
Eureka, CA 95501

Re: Road Evaluation for HiGrade LLC
(CMMLUO APPS #11881; APN 210-071-013)

Dear Bob,

On October 30, 2018 Stephen G. Nesvold PE, and Ethan Amezcua, engineering technician completed a road evaluation for China Mine Road, a private road off of State Highway 36 that leads to the applicant's parcel (APN 210-071-013; Section 26, Township 1N, Range 4E).

This evaluation was undertaken to determine if this road meets the intent of the Road Category 4 standard (18'-20' wide travel way). Narrow spots with adequate sight distance meet the intent of Road Category 4. Without road improvements, this road does not meet this standard.

In order to meet this standard, four (4) sections of roadway require widening for a cumulative length of 500'-600'. Two (2) of these sections that require widening (M.P. 0.6 and M.P. 2.4) are at crested vertical curves and do not have adequate sight distance. A third section of widening (M.P. 1.2) is a 300' narrow section without turnouts. The fourth section (M.P. 2.0) needs to have a turnout cleared of brush and rocked (without grading). See photos, attached.


The listed road improvements are in excess of 50 C.Y. and therefore require a grading permit. A detailed Grading, Drainage & Erosion Control Plan will be needed. Once road improvements are completed, China Mine Road will meet the intent of a Road Category 4 standard.

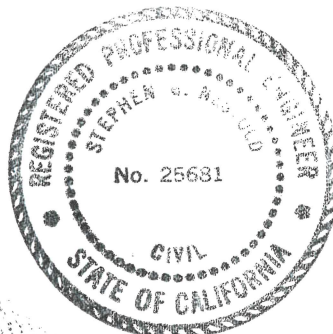
It was apparent that this road is currently being maintained. The road surface looked to be in good shape and the road drainage controlled. Assessment of the culverts are not a part of this report.

If you have any questions or comments, please don't hesitate to contact me.

Thank you.

Sincerely,


Stephen G. Nesvold PE
RCE 25681



Road Evaluation – Supporting Information (Imagery)

China Mine Road

October 30, 2018

Steven Nesvold, C.E. and Ethan Amezcua

Mile 0.2, 2+15+2=19ft wide road prism; good visibility and sight distance.

Forward



Mile 0.4, 4+12+1=17ft wide road prism; Pinch point with good visibility and sight distance (turnouts forward and backward)

Forward



Mile 0.6, 1+13+2=16ft wide road prism at crest vertical curve; needs 5' of widening along right shoulder for 150' with rock. Place cutslope material upstation, uniformly on roadway.

Forward



Mile 0.8, 0+14+1=15ft wide road prism with good visibility and sight distance (turnouts forward and backward).

Forward



Mile 1.2, 0+14+1=15ft wide road prism; pinch point with good visibility and sight distance requires 4ft of widening on right for approximately 300ft; requires tree removal (approximately 7x10" Fir trees) and a rocked road surface. Turnouts forward and backward.

Forward



Mile 2.1, 1+12+1=14ft wide road prism – clear brush on left to improve sight distance.

Forward



Mile 2.4, 0+12+0=12ft wide road prism at crest vertical curve – clear trees on right and widen 6' right (left on photo).

Backward



Mile 1.8, 10+15+5=30ft wide road prism – clear brush upstation on right to improve sight distance at upstation pinch point.

Forward

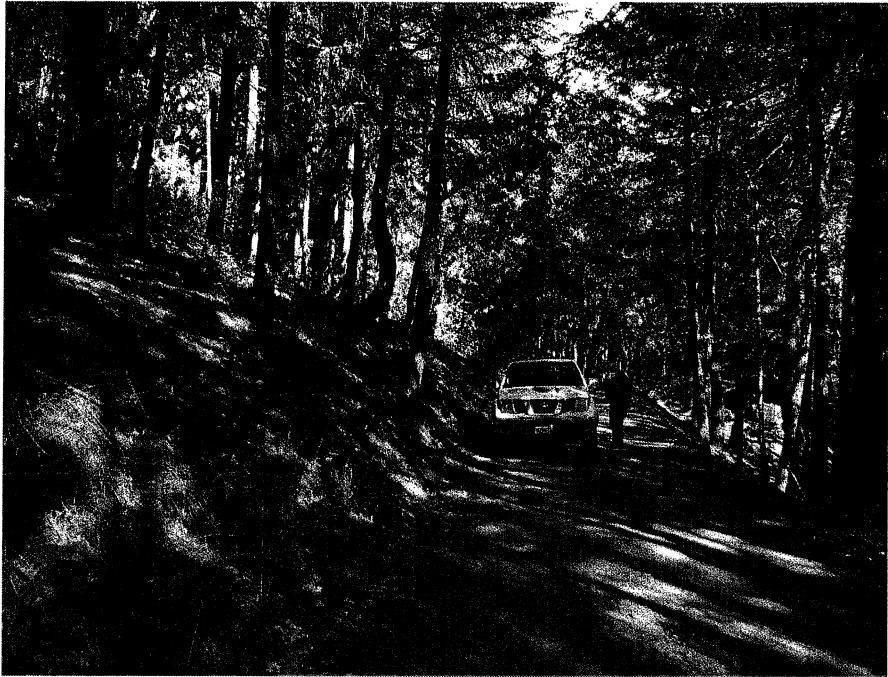


Mile 2.0, 0+14+1=15ft wide road prism next to turnout – clear and rock turnout on left – no grading required. Turnouts forward and backward.

Forward



Backward



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
Cal Fire	✓	Comments	Attached
California Department of Fish & Wildlife		No Response	
Northwest Information Center		No Response	
Bear River Band of the Rohnerville Rancheria	✓	Further Study	On file and confidential
Humboldt County Sheriff Office		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
Fortuna Union High School District		No Response	
Bridgeville Fire Protection District		No Response	
Bridgeville School District		No Response	
CalTrans		No Response	



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



10/11/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Bridgeville School District, Fortuna Union High School District, Bridgeville Fire Protection District

210-071-013

Applicant Name David Cranmer **Key Parcel Number** 210-071-013-000

Application (APPS#) 11881 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-431

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 10/26/2017
 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 6/26/18

PRINT NAME: Rudy Marenghi



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46716/11881
Parcel No.: 210-071-013
Case No.: CUP16-431

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

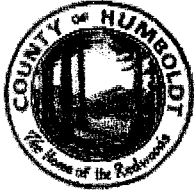
- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.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

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show the propane tank, processing building to include propagation, water bladder replaced by a 2.5K gallon water tank, generator shed on west end of processing building, cabin on west side of generator shed, trailers as to be removed, the shower stall, nutrient storage shed NE side of processing building, (3) existing outdoor CA's east of GH 1 and property line setback to nearest CA, GH 2 as 20x16, GH 3 as 20x114, outdoor CA south of GH 4 and 5, outdoor CA west of GH 1, all existing/proposed water tanks, all grading over 50 cubic yards, ~~and~~ all grading on slopes over 15%, and proposed drying building.

Name: Rudy Mavenghi

Date: 6/26/18

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



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

DEH received
10-11-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0886

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Bridgeville School District, Fortuna Union High School District, Bridgeville Fire Protection District

Applicant Name GLG, LLC **Key Parcel Number** 210-071-013-000

Application (APPS#) 11881 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-431

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

DISTRIBUTED

3-27-18 Page 70 2746



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 03-14-2018

RE:

Applicant Name	David Cranmer	
APN	210-071-013	
APPS#	11881	CUP16-431

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review item #2 on Exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # 11881

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS – PART 1. Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

[X] YES [] NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. ROADS – PART 2. Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

[X] YES [] NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. ROADS – PART 3. Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? [] YES [] NO

If YES, a Road Evaluation Report must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the Road Evaluation Report form must be completed.

- 4. Deferred Subdivision Improvements. Does the project have deferred subdivision improvements? [] YES [] NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. AIRPORT- PART 1 (ALUCP). Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? [] YES [] NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

Exhibit "D"

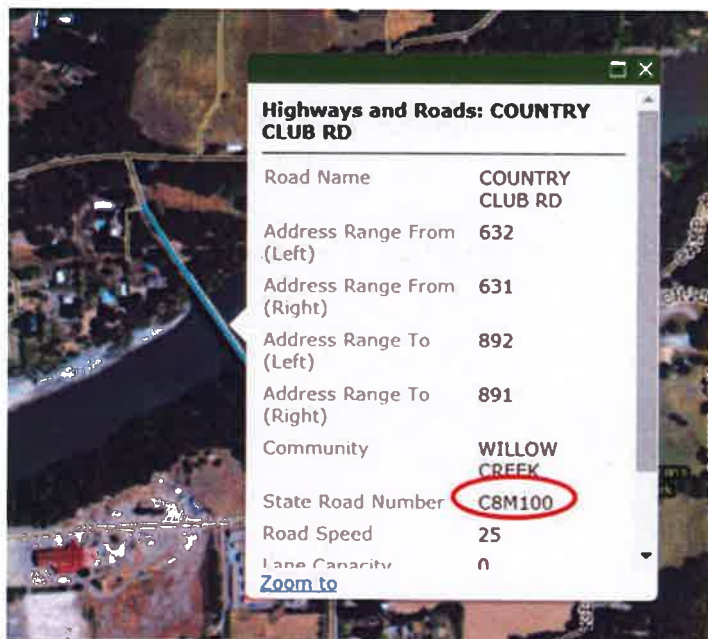
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

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

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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

Ref: 7100 Planning
Date: October 20, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Cranmer, David
APN: 210-071-013-000
Area: Dinsmore
Case Numbers: CUP16-431

Humboldt County Application #: 11881
Type of Application: Conditional Use Permit
Date Received: 10/12/2017
Due Date: 10/26/2017

Project Description: An application for a Conditional Use Permit for an existing 18,600 square foot outdoor and 7,800 square foot mixed-light medical cannabis cultivation is requested. Irrigation water is sourced from an on-site well. Water is stored in nine (9) tanks totaling 86,200 gallon capacity. The Applicant states that the annual water usage is 250,000 gallons. Processing including curing, will be done on-site. Power is sourced from an on-site generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

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

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

ATTACHMENT 5
PUBLIC COMMENT

McClenagan, Laura

Subject: Voice Mail (1 minute and 47 seconds)

From: WIRELESS CALLER <+17076726264>

Sent: Monday, August 23, 2021 11:30 PM

To: Mayor, Jordan

Subject: Voice Mail (1 minute and 47 seconds)

Hi, my name is doesn't matter what my name is my phone number 776726264 and I'm calling in regard to a note I got in the mail. Look for a plan. I see record number PLN 11881, Dash CUP, uhm, assessor parcel number. Anyway, there's a plan for someone to grow like 25,000 plants in my neighborhood of my already run Dry Creek. Water diversions permitted. Politicians need to quit running this show of giving out marijuana permits. We need scientists involved have depleted the water since this started. I used to have a knee high Creek. Now its non-existent come July. And I would have voice some concerns about this. I would like to know Uhm name of the person that's running this operation. Uhm, assessor parcel #210 Zero 71013 who's name is on this property and I have questions about. The water use said it's something like right now. There's a lot to read here. Anyway, I'll get my questions documented and I need to know whose land this is I'm a neighbor, my name, my number is 776726264.

You received a voice mail from [WIRELESS CALLER](#).

McClenagan, Laura

Subject: Voice Mail (3 minutes and 1 second)

From: HARDER DAVID <+17077773669>

Sent: Tuesday, August 24, 2021 8:40:18 PM

To: Mayor, Jordan <Jordan.Mayor@icf.com>

Subject: Voice Mail (3 minutes and 1 second)

Hello Mayor Jordan, my name is Elizabeth Henry and I am calling in regards two ay permitted a permitting process for large marijuana grow that's happening in my watershed. The record number PLN 11881 Dash CUP I don't know what the project title is, but I have a lot of concerns about it. Is that the head of the water about what are the? Towards the beginning of the Creek, it's at the very beginning of the Creek, there, looking at growing 25,000 plants and permitted water diversions from the Creek Creek bed has been dry since July, and this, as is not really the norm, but it's becoming the norm, and it's been this way since 2015 where it suddenly dropped from knee deep deep to below surface. Is there a environmental impact report on this, or is this going to be exempt from environmental review? What they're doing to our water? There are two miles worth of residents below this farm farm goes by the name of High Grade LLC. The depend on this water. And forward I own the personal number 12 I think, and I think this is personal number 13, a parcel numbers of this. Sorry, I have attention deficit disorder. Have a hard time reading and I didn't take adequate notes. My number is 77777369. And have concerns that this will impact my water here now. This hygrade the LLC there legibly located out of Illinois. I am a 30 year year round resident here. I depend on this water I depend on what happens to the environment here and I have a lot of concerns with somebody. Other state having this large scale industry grow in my little neighborhood on my little Creek. Alright, my name is Elizabeth Henry 7777736 sixnine. There's a parcel number here it is 210 zero 71013 my parcels numbers 012. Thank you.

You received a voice mail from [HARDER DAVID](#).

Giannini, Trip

From: Cat Henry <betsyhenry.cat@gmail.com>
Sent: Tuesday, August 24, 2021 4:15 PM
To: Planning Clerk
Subject: Public Comment on permit processing. PLN-11881-CUP. Parcel 210-071-013. Hearing 9/02/2021 6pm

The corporation proposing this cannabis grow is located at the headwaters of Mule Creek. Several residents below this property depend on this water for domestic use. The creek has been dry since mid July. The multiple Wells and water diversions being permitted for irrigation are having a devastating effect on the water table. Has this plan filed an Environmental Impact Report? Is it exempt from environmental review as other nearby permitted cannabis farming has been? (~2018) Ascension Farms LLC parcels 210-063-002, 210-074-001.

I feel that more environmental Impact regulation is needed. I am a 30 year resident of this neighborhood and have seen significant changes in the creek level with the unregulated excavating done upcreek since 2014.
Elizabeth Henry.