



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: February 17, 2022

To: Humboldt County Planning Commission

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

Subject: **David Thomas, Conditional Use Permit and Special Permit**
Record Number: PLN-12196-CUP
Assessor's Parcel Numbers (APN): 221-201-022 and 221-171-042
575 Council Madrone Lane, Whitethorn area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 17, 2022	Conditional Use Permit and Special Permit	Megan Marruffo

Project Description: A Conditional Use Permit for 13,350 square feet (SF) of existing outdoor cannabis cultivation that is cultivated using light deprivation techniques within six (6) greenhouses, including 1,200 SF of ancillary propagation within a separate greenhouse. Irrigation water is currently sourced from a point of diversion on an adjacent parcel (APN 221-171-044); however, a 292,000-gallon rainwater catchment pond is proposed onsite to serve the project. Existing available water storage is 130,000 gallons in a series of hard-sided tanks (with 3,000 gallons for domestic use) and, with installation of the proposed pond, there would be a total of 422,000 gallons of onsite water storage. Estimated annual water usage is 120,360 gallons. Drying and processing occurs onsite within three (3) separate structures totaling 830 SF. A maximum of three (3) people will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion located on APN 221-171-044.

Project Location: The project is located in the Whitethorn area, on the north side of Wilder Ridge Road, approximately 1.36 miles northwest from the intersection of Wilder Ridge Road and Council Madrone Road, on the property known as 575 Council Madrone Lane.

Present Plan Land Use Designations: Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: Moderate instability (2) and Low instability (1).

Present Zoning: Forestry Recreation with 40-acre Minimum Special Building Site (FR-B-5(40))

Record Number: PLN-12196-CUP

Assessor's Parcel Numbers: 221-201-022 and 221-171-042

Applicant

David Thomas
P.O. Box 1791
Redway, CA 95560

Owner

Mary Balletta
P.O. Box 1201
Redway, CA 95560

Agent

Oxalis
Holly Carter
901A Redwood Drive
Garberville, CA 95542

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.

David Thomas

Record Number: PLN-12196-CUP

Assessor's Parcel Numbers: 221-201-022 and 221-171-042

Recommended Planning Commission Action:

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the David Thomas project as recommended by staff subject to the recommended conditions.

Executive Summary: David Thomas seeks a Conditional Use Permit to allow the continued cultivation of 13,350 square feet (SF) of outdoor cannabis, including 1,200 SF of ancillary propagation, in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation with 40-acre Minimum Special Building combining zone (FR-B-5(40)). The project site is comprised of two Assessor's Parcel Numbers (APNs) which together are one legal parcel (APNs 221-201-022 and 221-171-042). The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion located on an adjacent property (APN 221-171-044). Access to the site is from a driveway off Council Madrone Road, over APN 221-171-042.

Cultivation currently takes place in the northern portion of the southern property (APN 221-201-022) in six (6) greenhouses utilizing light deprivation techniques, ranging in size from 1,750 to 3,000 SF (12,150 SF total). Ancillary propagation occurs in a 1,200 SF greenhouse. Two (2) harvests are anticipated annually for a growing season that extends from April through October. Drying and processing occurs onsite within three (3) separate structures totaling 530 SF, located near the cultivation area. Up to three (3) may be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. The operation is secured behind locking metal gates at access roads and the site is normally occupied by the applicant/owner.

Cultivation Area Verification and Nursery Space

As previously discussed, the applicant is requesting 13,350 SF of cultivation, which includes 1,200 SF of ancillary propagation. Based on the County Cultivation Area Verification (CAV) performed in March 2018, 11,842 SF was verified to be in existence prior to the CMMLUO baseline date of January 1, 2016. A *Pre-Existing Investigation for the Thomas Commercial Cannabis Cultivation, Humboldt County, California* (Pre-Existing Investigation) was performed in October 2019 by Arsenault and Associates (Attachment 3), in which the pre-existing cultivation on the southern project parcel (APN 221-201-022), within the western portion of the subject property, was determined to date to 2012 and comprise 2,884 SF. As described in the Cultivation and Operations Plan (Attachment 3), this area (identified as Area G on the County's Cultivation Area Verification) was noted to be 1,825 SF in size. Accounting for this additional area verified by Arsenault and Associates, the site had a total of 12,901 SF of existing cultivation. The amount of cultivation requested under this permit (13,350 SF) is more than the pre-existing cultivation amounts included under the County's CAV and cultivation amount verified by Arsenault and Associates. Although cultivation occurs on slopes less than 15% and the parcel is more than 5 acres in size, there are no prime agricultural soils onsite, a diversionary water source is utilized, and the subject site is not zoned RA, U, FP, DF, AG, or AE, and, as a result, new cultivation cannot be considered on the subject area and the total cultivation area (including the nursery space) is limited to 11,842 SF. As a result, a recommended condition of approval is included to reduce the total square footage to a maximum of 11,842 SF of cultivation, which includes the existing 1,200 SF ancillary propagation space onsite.

Prior Onsite Relocation and Remediation

As depicted on an older version of the Site Plan (date stamp received 6/5/2020 and enclosed with the project maps), an existing full-sun outdoor cultivation area (SF illegible), located immediately east of three (3) existing greenhouses was originally proposed to be relocated into two (2) new greenhouses (25'x82' SF each, totaling 4,100 SF) along the site's eastern boundary, south and east of existing greenhouses, within an existing open area. However, per the 2021 Site Plan, only one (1) additional greenhouse was installed that was 3,000 SF in size and located adjacent to three (3) existing greenhouses in an existing open area. Although the relocation involved a change from full-sun outdoor to outdoor utilizing light deprivation techniques in a greenhouses, Planning staff is supportive of the reorganization, as it will not result in an intensification of the use.

In addition, the site's Water Resource Protection Plan (WRPP), prepared by Timberland Resource Consultants in September 2016 (Attachment 3, detailed further below under the "Water Resources" section), an existing cultivation area was observed within the southern portion of the site, near onsite watercourses, which was proposed for removal. As shown on the older Site Plan, this southern area was 2,884 SF in size and has been decommissioned. As described further below, the WRPP identifies sites requiring remediation, which includes but is not limited to removal of pots and cultivation-related spoils from the decommissioned cultivation area. As a condition of approval, the applicant will be required to implement all remaining corrective actions detailed in the WRPP.

Water Resources

Estimated annual water usage is 120,360 gallons (9.33 gal/SF) with peak demand occurring in August at approximately 22,660 gallons, per the table below.

Table 1. Estimated Average Monthly Water Usage

Month	Total Gal.
March	4,500
April	9,450
May	12,640
June	19,000
July	21,640
August	22,660
September	14,445
October	11,265
November	4,760

TOTAL: 120,360 gallons

Water for irrigation is currently provided by a point of diversion from the Mattole River on an adjacent parcel (APN 221-171-044); however, a 292,000-gallon rainwater catchment pond is proposed on the southern project parcel (APN 221-201-022) in the northwestern portion of the subject parcel. According to the Humboldt County WebGIS, slopes in this area are less than 15% and are mapped with moderate instability. Planning staffs supports development of the off-stream pond to reduce reliance on the surface water diversion from the Mattole River. Conditions of approval require the applicant to obtain a grading permit prior to construction of the pond and notify the California Department of Fish and Wildlife (CDFW). A Final Streamed Alteration Agreement (FSAA) for the pond outfall improvements must be obtained prior to construction or a letter from CDFW staff indicating a FSAA is not required. In addition, per the Site Plan, there is another point of diversion from an unnamed stream on the southern portion of the southern parcel (APN 221-201-022) that is used only for domestic use. The applicant also seeks a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion from the Mattole River for irrigation.

A *Right to Divert and Use Water* (Registration ID H500654; Certificate No. H100075) has been issued for the two (2) points of diversion by the State Water Resources Control Board (SWRCB) in June 2019 (Attachment 3). Per the water right, 0.34 acre-feet (or 110,789 gallons) of water may be diverted to storage annually from January 1st to December 31st. Storage capacity cannot exceed 0.46 acre-feet (149,891 gallons). Existing available water storage is 130,000 gallons in a series of hard-sided tanks (20 5,000-gallon and 10 3,000-gallon tanks); water storage on-site is consistent with the storage amounts authorized by the SWRCB. With the proposed rainwater catchment pond, there will be a total of 422,000 gallons of onsite water storage. This volume of storage is allowable as described the appropriative right. Once the proposed rainwater catchment pond is constructed onsite, it is anticipated there would be sufficient water available from rainwater to serve the project and the point of diversion would only be utilized as needed. Conditions of approval require the applicant to monitor water use from the point of diversion, rainwater catchment pond (once developed), and water tanks annually to demonstrate there is sufficient water available to meet operational needs.

A FSAA with the California Department of Fish and Wildlife (CDFW) was issued (Notification No. 1600-2017-0334-R1) in May 2018 for five (5) encroachments on the northern and southern project parcels. The encroachments include three (3) point of diversions (one for domestic use), removal and decommissioning of an existing stream crossing (failing 12-inch culvert) on an old ATV trail that is utilized as a foot path, and replacement of an existing wooden bridge with an 18-inch diameter by 20-foot-long culvert. As noted in the FSAA, water diverted directly from the main stem of the Mattole River was being done through use of an appropriately screened and placed submersible pump; however, this was projected to be discontinued in 2018, when water diversion was proposed to occur using a shallow (approximately 8 to 10-inch diameter and 30-foot-deep) well installed on the Mattole River floodplain. The applicant has indicated that work associated with the FSAA has been completed. By adhering to the terms and conditions of the Right to Use and Divert Water, which limits the amount of water that can be diverted and the and the FSAA, which limits the diversion amount and duration in addition to the specifying the use of intake structures that will not impact aquatic species, Planning staff determined that impacts to the watershed are minimized allowing the use of point diversion pursuant to a Special Permit.

A Water Resource Protection Plan (WRPP; WDID 1B16612CHUM) was prepared for the site by Timberland Resource Consultants in September 2016 (Attachment 3), which details existing site conditions, how the property is or will meet the provisions and requirements of the Cannabis General Order, how the applicant is implementing the best practicable treatment or control (BPTC) measures listed in the Cannabis General Order, and remediation efforts needed to bring the operation into compliance. As detailed on the WRPP map, two (2) Class II watercourses and a Class III watercourse traverse the southern portion of the site (APN 221-201-022). An additional Class III watercourse is located within the eastern and central portions of the northern project parcel (APN 221-171-042). As noted in the WRPP, the access road is rocky and well-maintained. In addition, "developed areas and cultivation areas are located along gently sloping ridgetops near roads and an existing house site." At the time of the site assessment, garbage and refuse from the prior owner was in the process of being gathered and removed by the current owners. The WRPP identifies eight (8) treatment recommendations to further protect water quality and bring the project into compliance with required standards, including but not limited to: install, repair, and maintain waterboards along the ATV trail; refrain from utilizing Segment 6 of the ATV trail; remove an existing rusted 12-inch-diameter culvert and abandon the crossing along the ATV trail; replace wooden bridge crossing with an 18-inch-diameter culvert along ATV trail; remove the prior cultivation area and associated materials within 50-feet of a Class II watercourse; relocate holding tanks and gas powered water pump to a stable location outside of required SMA buffers; increase off-stream water storage to such an amount to avoid water diversion for irrigation during the low flow period; and ensure the existing septic system meets applicable standards. The project is conditioned to implement all remaining corrective actions detailed in the WRPP.

Additional conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan.

Furthermore, conditions require the applicant adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability, which will minimize any potential impacts associated with the project and minimize runoff into nearby SMAs.

Biological Resources

There are no mapped sensitive species onsite and the nearest NSO positive observation is located approximately 1.21 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 2.41 miles away. As previously described, power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. While the outdoor cultivation areas utilize light deprivation techniques, artificial lighting (string lights) is utilized seasonally (as needed) to support the 1,200 SF onsite propagation area. The applicant will be required to implement noise and light attenuation measures. Conditions of approval also require the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access

Access to the site is via a driveway off Council Madrone Road via Wilder Ridge Road to Ettersburg-Honeydew Road to Briceland Thorne Road. Wilder Ridge Road, Ettersburg-Honeydew Road, and Briceland Thorne Road have all been identified as County-maintained roadways that meet (or are equivalent to) Category 4 road standards for cannabis projects. A Road Evaluation Report for an approximately 1-mile segment of Council Madrone Road from Wilder Ridge Road to the subject property was prepared by the applicant in October 2017 (Attachment 3), which indicates that the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. Per referral comments received from the Department of Public Works, Land Use Division, dated October 2019, any existing or proposed non-County maintained road to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the access road (Council Madrone Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Wilder Ridge Road). Additionally, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Conditions of approval require the applicant to make the required roadway improvements in accordance with Public Works' comments.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 207 permits and the total approved acres would be 73.22 acres of cultivation.

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

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

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

Resolution Number: 22-

Record Number: PLN-12196-CUP

Assessor's Parcel Numbers: 221-201-022 and 221-171-042

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the David Thomas Conditional Use Permit and Special Permit request.

WHEREAS, David Thomas submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 11,842 square feet (SF) of outdoor cannabis cultivation that is cultivated using light deprivation techniques in six (6) greenhouses, including 1,200 SF of appurtenant propagation in a separate greenhouse. Annual water use is 120,360 gallons and there will be a total of 422,000 gallons of water storage on-site in a series of hard-sided tanks and a 292,000-gallon rainwater catchment pond proposed on the southern project parcel (APN 221-201-022). Drying and processing occurs onsite within three (3) separate structures totaling 830 SF. A maximum of three (3) people will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of a point of diversion located on APN 221-171-044; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on February 17, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow an existing 11,842 square feet (SF) of outdoor cannabis cultivation that is cultivated using light deprivation techniques in six (6) greenhouses, including 1,200 SF of appurtenant propagation in a separate greenhouse. Annual water use is 120,360 gallons and there will be a total of 422,000 gallons of water storage on-site in a series of hard-sided tanks and a 292,000-gallon rainwater catchment pond proposed on the southern project parcel (APN 221-201-022). Drying and processing occurs onsite within three (3) separate structures totaling 830 SF. A maximum of three (3) people will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of a point of diversion located on APN 221-171-044.

EVIDENCE: a) Project File: PLN-12196-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have

been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WDID 1_12CC407765) was prepared for the site by Timberland Resource Consultants in September 2016 in compliance with North Coast Regional Water Quality Control Board Order No. R1-2015-0023, and a Notice of Application has been provided by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan, adhere to and implement the recommendations in the Site Management Plan, and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is approximately 1.21 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 2.41 miles away. Power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. While the outdoor cultivation areas utilized light deprivation techniques, artificial lighting is utilized to support the 1,200 SF onsite propagation area. Conditions of approval will require noise and light attenuation measures to be implemented, including requiring noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) The cultivation of cannabis will not result in the net conversion of timberland. Based on review of historic aerial imagery dating back to 2004, the subject property contains several existing open areas within the southern project parcel (APN 221-201-022), with the northern project parcel (APN 221-171-042) remaining mostly forested. It does not appear that removal of any trees has occurred in order to accommodate the proposed project.
- f) A Cultural Resources Investigation was conducted by Arsenault and Associates (date stamp received 9/4/2019; on file and confidential) in which no historical or archaeological resources were encountered. The Report concludes the project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, also recommended by the Bear River Band of the Rohnerville Rancheria, which has been included as an ongoing condition of approval.
- g) A Road Evaluation Report for an approximately 1-mile segment of Council Madrone Road from Wilder Ridge Road to the subject property was prepared by the applicant in October 2017, which identified that the road is suitable for

safe access to and from the project site. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works and improve the intersection of Council Madrone Road and Walker Ridge Road to commercial driveway standards, as well as maintain all driveways and private road intersections onto the County road in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

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

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

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

EVIDENCE a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 11,842 square feet of outdoor cultivation on a 36.69-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

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 FR (HCC 314-55.4.8.2.2).

b) APNs 221-201-022 and APN 221-171-042 comprise one legal parcel. The parcel was created in compliance with all applicable state and local subdivision regulations, as described as Parcel One and Parcel Two under Creation Deed

No. 21122, recorded December 4, 1973.

- c) Water for irrigation is currently provided by a point of diversion from the Mattole River on an adjacent parcel (APN 221-171-044); however, a 292,000-gallon rainwater catchment pond is proposed on the southern project parcel (APN 221-201-022). The proposed off-stream pond would be located on slopes less than 15%. Planning staff supports development of the off-stream pond to reduce reliance on use of surface water for irrigation. In addition, per the Site Plan, there is another point of diversion from an unnamed stream on the southern portion of the southern parcel (APN 221-201-022) that is used only for domestic use. A *Right to Divert and Use Water* (Registration ID H500654; Certificate No. H100075) has been issued for the two (2) points of diversion by the State Water Resources Control Board (SWRCB) in June 2019 (Attachment 3). Per the water right, 0.34 acre-feet (or 110,789 gallons) of water may be diverted to storage annually from January 1st to December 31st. Storage capacity cannot exceed 0.46 acre-feet (149,891 gallons). Existing available water storage is 130,000 gallons in a series of hard-sided tanks (20 5,000-gallon and 10 3,000-gallon tanks), and, with the proposed rainwater catchment pond, there will be a total of 422,000 gallons of onsite water storage. This volume of storage is allowable as described the appropriative right. Once the proposed rainwater catchment pond is constructed onsite, it is anticipated there would be sufficient water available from rainwater to serve the project and the point of diversion would only be utilized as needed. Conditions of approval require the applicant to monitor water use from the point of diversion, rainwater catchment pond (once developed), and water tanks annually to demonstrate there is sufficient water available to meet operational needs.
- d) A Road Evaluation Report for an approximately 1-mile segment of Council Madrone Road from Wilder Ridge Road to the subject property was prepared by the applicant in October 2017, which identified that the road is functionally appropriate for the expected traffic. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works and improve the intersection of Council Madrone Road and Walker Ridge Road to commercial driveway standards, as well as maintain all driveways and private road intersections onto the County road in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
- e) The slope of the land where cannabis will be cultivated and the 292,000-gallon off-stream pond will be constructed is less than 15%, as per the Humboldt County WebGIS. Prior to construction of the 292,000-gallon off-stream pond, conditions of approval require the applicant to obtain grading permits from the Humboldt County Building Inspection Division and notify CDFW to determine if a FSAA is required for construction of the pond outfall.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Based on review of historic aerial imagery dating back to 2004, the subject property contains several existing open areas within the southern project parcel (APN 221-201-022), with the northern project parcel (APN 221-171-042) remaining mostly forested. It does not appear that removal of any trees has occurred in order to accommodate the proposed project.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING The cultivation of 11,842 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
 - b) The site is in a rural part of the County where the typical parcel size is over 9 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
 - c) Irrigation water is currently sourced from a point of diversion on an adjacent parcel (APN 221-171-044) that has been registered with the State Water Resources Control Board and California Department of Fish and Wildlife. However, a 292,000-gallon rainwater catchment pond is proposed onsite to serve the project.
 - 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 is currently developed with one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized on this parcel.

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

- EVIDENCE**
- a) The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 207 permits and the total approved acres would be 73.22 acres of cultivation.

DECISION

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

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

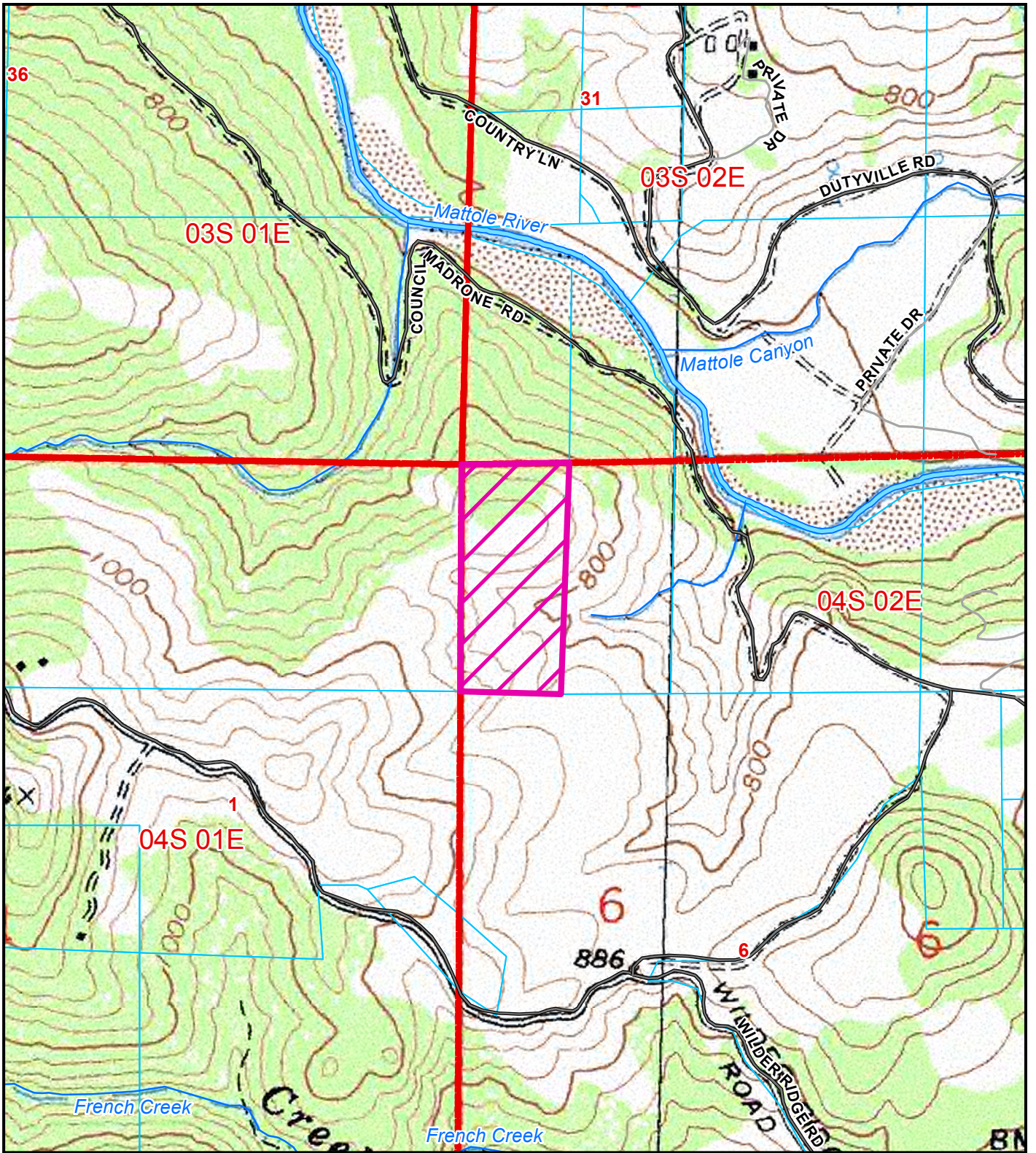
Adopted after review and consideration of all the evidence on **February 17, 2022**.

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

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

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

 John Ford, Director
 Planning and Building Department

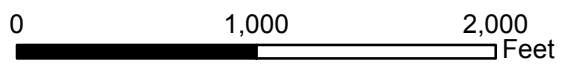


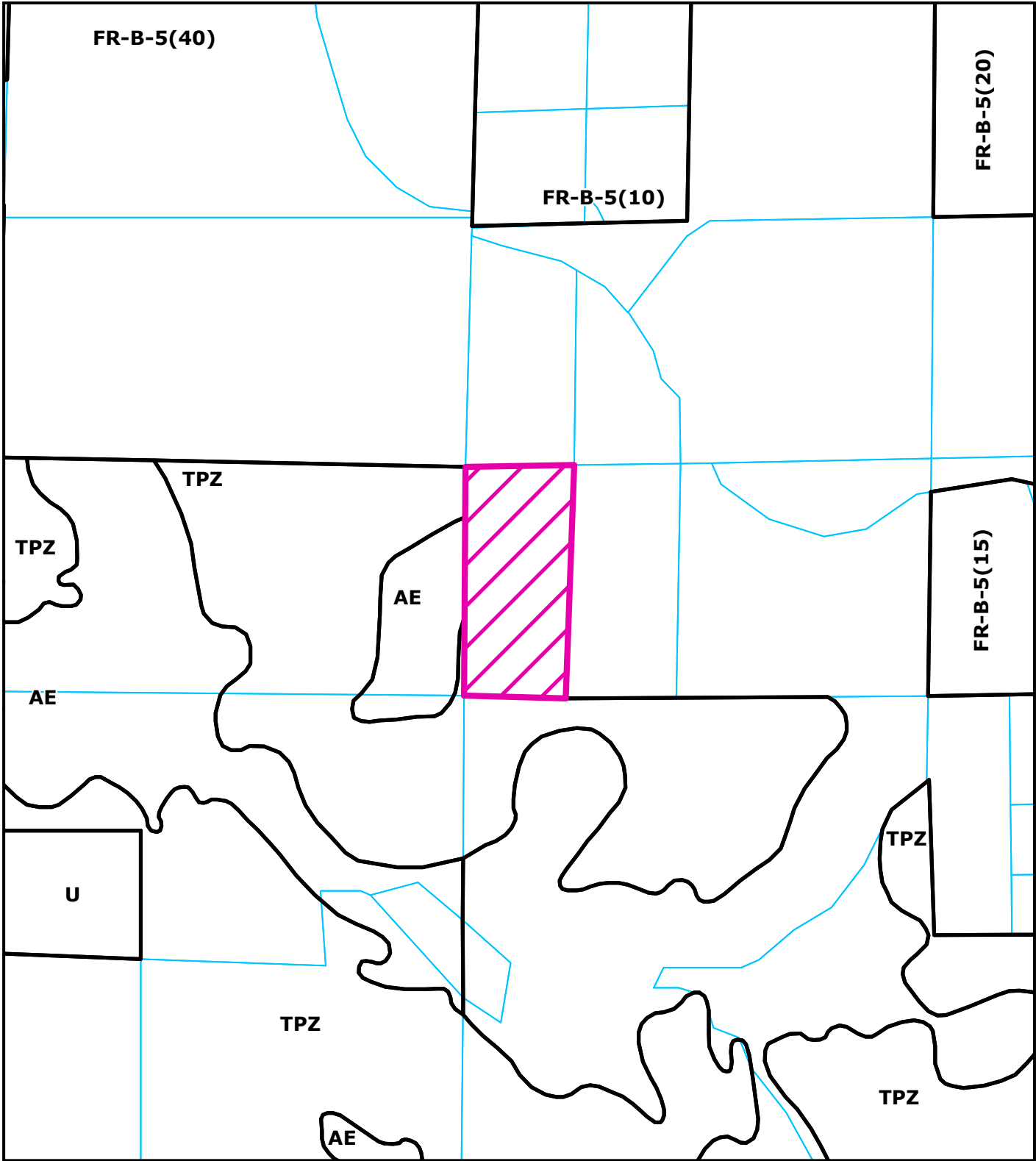
TOPO MAP
PROPOSED MARY BALLETTA
WHITETHORN AREA
CUP-16-563
APN: 221-201-022-000
T04S R02E S6 HB&M (HONEYDEW)

Project Area = 



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



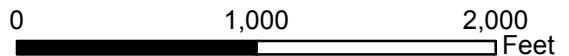


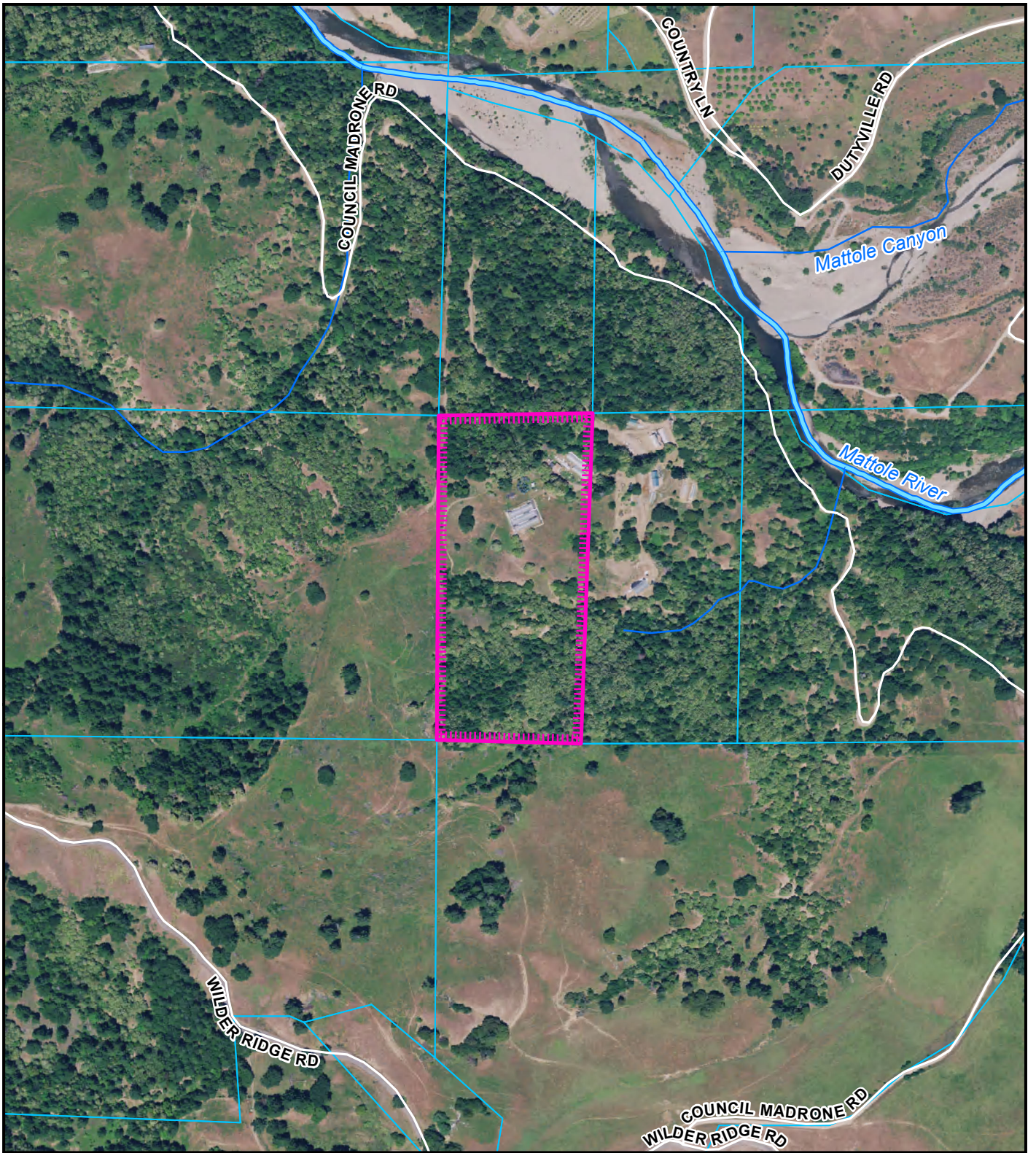
Project Area = 

ZONING MAP
PROPOSED MARY BALLETTA
WHITETHORN AREA
CUP-16-563
APN: 221-201-022-000
T04S R02E S6 HB&M (HONEYDEW)



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



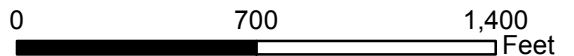


Project Area = 

**AERIAL MAP
 PROPOSED MARY BALLETTA
 WHITETHORN AREA
 CUP-16-563
 APN: 221-201-022-000
 T04S R02E S6 HB&M (HONEYDEW)**






















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



Site Plan

APN 221-201-022 & 221-171-042

-  Property Boundary
-  Outdoor Cultivation
-  Outdoor Nursery
-  Structure
-  SRA Turnaround
-  Parking Area
-  Riparian Buffer Zone
-  Permanent Road
-  Seasonal Road
-  ATV Trail
-  Foot Path
-  Class I Watercourse
-  Class II Watercourse
-  Class III Watercourse
-  Watercourse Crossing
-  Property Entrance/Exit
-  Point of Diversion
-  [P] Rain Catchment Pond
-  Water Tank

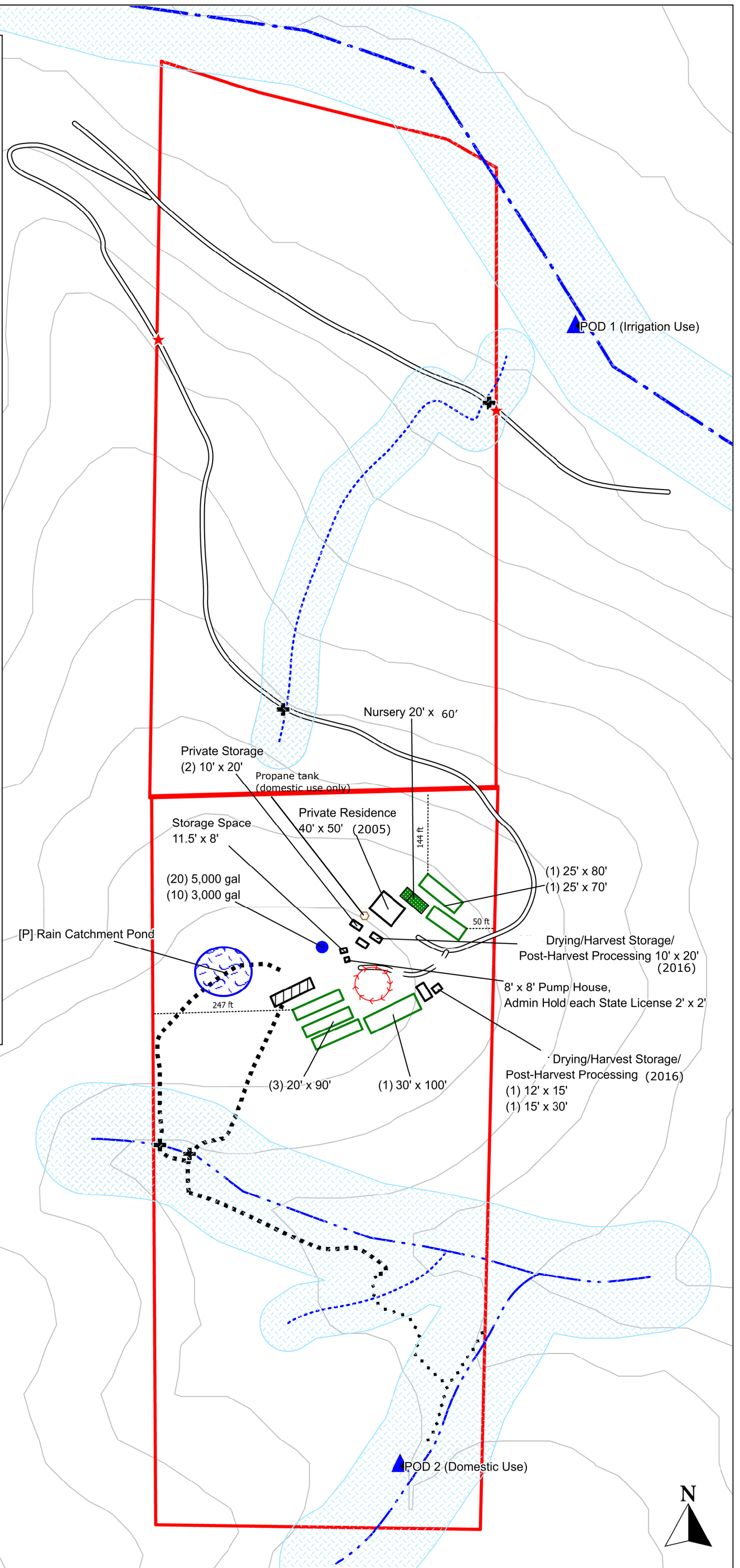
Project Information:
 Applicant/Property Owner: David Thomas
 Parcel Size: 20 acres
 APN(s): 221-201-022 & 221-171-042
 APPS #: 12196
 Zoning: RA40
 Cultivation Area: 12,150 SqFt
 Nursery Area - 1,200 SqFt

Directions: In the Whitethorn area, on the north side of Wilder Ridge Rd, approximately 1.36 miles northwest from the intersection of Wilder Ridge Rd and Council Madrone Rd, on the property as 575 Council Madrone Lane, Whitethorn. For planning purposes only.

This is not a boundary survey.

No schools, school bus stops, places of worship or tribal cultural resources are located within 600 feet of Cultivation Areas.

Map Scale 1" = 175'



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall record a contingent easement to allow conveyance of water from the point of diversion from Assessor Parcel Number (APN) 221-171-044 to allow for cultivation to continue as described by this application if the subject parcels are sold and operated by different entities. The contingent easement will specify that in the event APN 221-171-044 is sold, an easement will be granted along with the property transfer. The applicant shall provide a copy of the contingent easement to the Planning Department for review and approval prior to recording. The recorded easement and a sign-off by the Planning Department will satisfy this condition.
6. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. All areas of ground disturbance, including location of outdoor cultivation area and its size, Location of propagation area,(pots), Propane Tank, property slope and SRA fire hydrant location.
 - b. All decommissioned cultivation areas.
 - c. Revise the total square footage to a maximum of 11,842 SF of onsite cultivation, which includes the existing 1,200 SF ancillary propagation space onsite.
 - d. Directions to nearest public road or vicinity map, and Property address.
7. 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 #8 through #15.

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.

8. The applicant shall secure building and grading 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, off-stream pond and other existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall improve the intersection of Council Madrone Road and Wilder Ridge Road to commercial driveway standards. Specifically, the access road (Council Madrone Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Wilder Ridge Road). The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
10. All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
11. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
12. The applicant shall adhere to all terms and conditions of the *Right to Divert and Use Water* (Registration ID H500654; Certificate No. H100075) issued by the State Water Resources Control Board (SWRCB) in June 2019 for use of the point of diversion from the Mattole River for irrigation and spring diversion from an unnamed spring for domestic use.
13. The applicant shall adhere to and implement the Final Streambed Alteration Agreement (Notification No. 1600-2017-0334-R1) issued by CDFW in May 2018. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
14. The applicant shall submit a new notification to the California Department of Fish and Wildlife or amend the previous agreement for construction of the off-stream pond outfall that includes a Bullfrog Management Plan. The applicant shall obtain a Final Streambed Alteration or modification of the current agreement prior to construction of the pond. If applicable, reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. Alternatively, the applicant can submit a letter or similar communication from CDFW that a new FSAA or modification to the previous agreement is not required. A sign-off from the Building Department will satisfy this condition.

15. The project is conditioned to implement all remaining corrective actions detailed in the following reports to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs:
 - a. Water Resource Protection Plan (WRPP; WDID 1B16612CHUM) prepared by Timberland Resource Consultants in September 2016.

The applicant shall submit a letter or similar communication from a qualified professional stating the recommendations are completed as described by the WRPP. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the improvements are completed as described. A sign-off from the Planning Department will satisfy this condition.

16. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. The generator is only for emergency use only. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard.
17. For the life of the project, all artificial lighting, including security and propagation area lighting, shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No use for artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard.
18. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
19. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
20. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is currently limited to the use of the point of diversion on APN 221-171-044 and amount of water available in storage tanks; then use of the rainwater catchment pond and storage tanks (once developed), and shall be provided annually prior to or during the annual inspection.
21. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
22. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Timber Conversion Report prepared by Timberland Resource Consultants (TRC) July 4, 2019, and received November 8, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the

Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
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 (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

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

- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- 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.

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

Informational Notes:

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

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

ATTACHMENT 2

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

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

**APNs 221-201-022 and 221-171-042; 575 Council Madrone Lane and Section 6 of Township 04 South,
Range 02 East, H.B.&M., Whitethorn
County of Humboldt**

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

February 2022

Background

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

The modified project involves a Conditional Use Permit for an existing 13,350 square feet (SF) of existing outdoor cannabis cultivation that is cultivated using light deprivation techniques within six (6) greenhouses, including 1,200 SF of ancillary propagation within a separate greenhouse. Irrigation water is currently sourced from a point of diversion on an adjacent parcel (APN 221-171-044); however, a 292,000-gallon rainwater catchment pond is proposed onsite to serve the project. Existing available water storage is 130,000 gallons in a series of hard-sided tanks and with installation of the proposed pond, there would be a total of 422,000 gallons of onsite water storage. Estimated annual water usage is 120,360 gallons (9.33 gal/SF). Drying and processing occurs onsite within three (3) separate structures totaling 830 SF. A maximum of three (3) people will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion located on APN 221-171-044.

The project site contains riparian habitat associated with two (2) Class II watercourses and a Class III watercourse that traverse the southern portion of the site (APN 221-201-022), with an additional Class III watercourse located within the eastern and central portions of the northern project parcel (APN 221-171-042). All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. The Nearest Northern Spotted Owl (NSO) positive observation is located approximately 1.21 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 2.41 miles away. Artificial lighting is used to support the 1,200-square-foot propagation area. The project utilizes power provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. Conditions of approval require the applicant use light and noise attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Cultural Resources Investigation prepared by Arsenault and Associates (date stamp received 9/4/2019) and the Bear River Band of the Rohnerville Rancheria.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has

been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 13,350 square feet of cultivation with ancillary propagation, drying, and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

1. Site Plans, received 6/5/20 and 9/22/21.
2. Cultivation and Operations Plan, received 6/5/20, with subsequent amendments received 4/12/21 and 9/22/21.
3. Right to Divert and Use Water (Registration ID H500654; Certificate No. H100075), issued by the State Water Resources Control Board (SWRCB), dated 6/1/18.
4. Water Resource Protection Plan (WRPP; WDID 1B16612CHUM) prepared by Timberland Resource Consultants, dated 9/1/16, for the North Coast Regional Water Quality Control Board Order No. R1-2015-0023.
5. Final Streambed Alteration Agreement (Notification No. 1600-2017-0334-R1), issued by the California Department of Fish and Wildlife, dated 5/16/18.
6. Notice of Applicability (WDID: 1_12CC41485) issued by the North Coast Regional Water Quality Control Board, dated 12/26/19.
7. Road Evaluation Report for Council Madrone Road prepared by the applicant, dated 10/20/17.
8. A Pre-Existing Investigation for the Thomas Commercial Cannabis Cultivation, Humboldt County, California prepared by Arsenault and Associates, dated 10/1/19.

9. Cultural Resources Investigation for the Western Thomas Commercial Cannabis Cultivation, Humboldt County, California conducted by Arsenault and Associates, date stamp received 9/4/19 (on file and confidential).

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. **(Attached)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(Attached** - Cultivation and Operations Plan, received 6/5/20, with subsequent amendments received 4/12/21 and 9/22/21)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Attached** – Right to Divert and Use Water (Registration ID H500654; Certificate No. H100075), issued by the State Water Resources Control Board (SWRCB), dated 6/1/18)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for North Coast Regional Water Quality Control Board Order No. 2015-0023 (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(Attached** - Water Resource Protection Plan (WRPP; WDID 1B16612CHUM) prepared by Timberland Resource Consultants, dated 9/1/16, and Notice of Applicability (WDID: 1_12CC41485) issued by the North Coast Regional Water Quality Control Board, dated 12/26/19)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. **(Attached** – Final Streambed Alteration Agreement (Notification No. 1600-2017-0334-R1), issued by the California Department of Fish and Wildlife, dated 5/16/18)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable).

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



AAPS:12196

CMMLUO SITE/OPERATIONS OVERVIEW

APN: 221-201-022/221-171-042

Project Description: The applicant is seeking approval under the Humboldt County CMMLUO to allow continued outdoor cannabis cultivation up to **12,900 ft²** as confirmed from County CAV determinations and the **Pre-Existing Investigation (M. Arsenault, 10/01/2019)** included with this submission. Currently water is sourced from Surface Diversions addressed in CDFW documents and recognized as SS: S026345 by the SWRCB. **Domestic water for residence/workers** is supplied from POD 1.

The project **does not entail the use of generators** as PG&E serves the residential property. Operations are carried out by applicant and individuals who reside at the adjoining parcel. **No vehicular use is required for operators to tend cultivation** as the cultivation areas are within short walking distance to neighboring residence.

A **1,300 ft² propagation nursery** is also proposed.

The applicant acknowledges that approval being is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described and, may also require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined to be out of compliance with any applicable regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a *“Provisional Clearance or Permit”* and corrective action is initiated to achieve compliance under agreed upon terms.

Parcel Information: The subject parcel (APN: 221-201-022) is approximately 19 acres and zoned FR-B-5(40) with RA40 framework designation.

Topography/Landscape: The subject parcel sets on a gentle east facing hillside. Development on the parcel is situated near the NE portion of the parcel with the central area comprised of natural grassland.

Surface Water Features: There are two (2) Class II watercourses and one (1) Class III watercourse identified on the subject parcel.

Roads/Stream Crossings/Easements: Interior road conditions were assessed in the development of a Water Resource Protection Plan (WRPP) included with this submission. The WRPP prescribes corrective measures for the road deficiencies identified in the protection Plan. Two crossings requiring corrective measures were noted in the WRPP.

Utilities: Electric power is supplied by PG&E. The residence is served by a conventional septic tank/leach-field system.

Water Supply: Domestic and Agricultural Water are sourced from surface water diversions. The diversions are addressed in the CDFW 1600 agreement included with this submission.

POD # 1 supplies domestic water. It is located near the south east parcel corner.

POD # 2 & 3 are near the north east corner of the subject parcel in the main stem of the Mattole River. A description of their current use and intended disposition is contained in the 1600 agreement Addendum included.

An engineered design for a rain catchment pond with an approximate capacity of 292,000 gallons is underway.

All state and local documentation demonstrating the legal authorization for the ongoing use of the existing water source and/or other potential water sources shall be provided when available.

Water Storage: Hard Plastic Storage Tanks with the following capacities

20 – 5,000 gallon

10 – 3,000 gallon (one of which is dedicated for Fire Suppression)

An engineered design for a **rain catchment pond** with an approximate capacity of 300,000 gallons is underway. It shall be developed under permit from Humboldt County Building Division.

Residence: The subject parcel is developed with a single-family residence approximately 25' x 45'; further details are available through the Humboldt County Appraiser.

Other Structures/Facilities: There are other accessory Ag sheds located within the developed curtilage.

Cultivation Area(s): Proposed cultivation will be located within natural clearings located near the central/north-east portion of the parcel. An additional **1,300 ft²** propagation nursery is proposed.

The initial County CAV identified 11,842 ft² of outdoor cultivation on the subject parcel; with the majority (**10,017 ft²**) of this area located at the **north-eastern** portion of the parcel. The remaining portion (11,842 ft²-10,017 ft²) is designated **G** on CAV imagery and it is located near the southwest portion of the parcel.

The initial County CAV assigned 1,825 ft² to area **G**. The aforementioned **Pre-Existing Investigation (M. Arsenault, 10/01/2019)** concluded that 2,884 ft² of outdoor cultivation occurred in area **G** prior to 2016. Given that the findings from the **Investigation** were based on site-specific evaluations the proposed pre-2016 cultivation in area **G** is presumed to be 2,884 ft².

Adding the revised area **G** square footage (2,884 ft²) to the 10,017 ft² CAV-identified area in the north-eastern parcel corner yields **12,901 ft² of pre-2016 cultivation**. Area **G** has been decommissioned due to the close proximity of a watercourse.

The unauthorized addition of three (3) greenhouses (each measuring 20' x 90') occurred post 2016. The total square footage of the three (3) greenhouses is 5,400 ft². Penalties were paid to the county for this activity.

The applicant proposes to utilize the three (3) greenhouses totaling 5,400 ft² to relocate the decommissioned 2,884 ft² from area **G** and 2,516 ft² from the *north-eastern* area.

An additional 4,100 ft² is proposed to be relocated from the *north-eastern area* to a nearly level natural clearing approximately 150 feet southwest. It will be located in two (2) hoop structures each measuring 25' x 82'

Reducing the *northern-eastern* area by the aforementioned 2,516 ft² + 4,100 ft² = 6,616 ft² yields:

$$10,017 \text{ ft}^2 - (2,516 \text{ ft}^2 + 4,100 \text{ ft}^2) = \underline{3,401 \text{ ft}^2 \text{ remaining in } \textit{northern-eastern} \text{ area.}}$$

The 3,401 ft² remaining in the *north-eastern area* will be allocated within two (2) separate hoop structures with the following dimensions:

$$20' \times 70' = 1,400 \text{ ft}^2$$

$$25' \times 80' = 2,000 \text{ ft}^2$$

Totaling 3,400 ft²

An existing hoop structure is proposed to be increased from 800 ft² to 1,300 ft² for use as a propagation nursery.

The reduction of the *north-eastern area* shall be accomplished through decommissioning portions of peripheral cultivation (such as areas **A, D & F** CAV imagery) within the residential curtilage to minimize encroachment into surrounding woodland areas:

The proposed cultivation shall occur in an area spanning approximately 100 yards.

Use of the three (3) – 20' x 90' greenhouses and two (2) – 25' x 82' hoop structures is an environmentally superior cultivation option for this specific proposal as it eliminates/decommissions improperly sited cultivation encroaching into streamside buffer zone/woodland areas (as previously mentioned) and places it where native ground slopes are less than 15% in a natural clearing sufficiently setback from woodlands/watercourses. A review of the **CNDDb** website found no sensitive species near the relocation greenhouses.



Decommissioned Cultivation Area

The photo above shows area **G** (referenced previously) following the decommissioning of the 2,884 ft² outdoor cultivation. The cultivation was relocated due to close proximity of nearby watercourses. Grow bags were primarily used on the ground surface with intermixing of inground holes. Disturbance to this area to support legacy cultivation was negligible. With the removal of all cultivation related materials the area shall remain undisturbed allowing repopulation by surrounding biota.

Site assessment in the development of the Water Resource Protection Plan determined that there is no hydrologic connectivity via surface water flow between the cultivation areas and downstream watercourses.

Preventative measures prescribed in the WRPP do not preclude the need for Cultivation Areas or other manmade features on the subject parcel to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control regulations and requirements.

Peak Water Demand: The projected peak water demand to maintain plant growth during the warm summer months is approximately 22,660 gallons per month. The “Monthly Water Use” Table below shows projected water use throughout the growing season. Agricultural water use is being monitored, recorded and reported in compliance with state requirements

December through February: No Water Use

Month	Total Gal.
<i>March</i>	<i>4,500</i>
<i>April</i>	<i>9,450</i>
<i>May</i>	<i>12,640</i>
<i>June</i>	<i>19,000</i>
<i>July</i>	<i>21,640</i>
<i>August</i>	<i>22,660</i>
<i>September</i>	<i>14,445</i>
<i>October</i>	<i>11,265</i>
<i>November</i>	<i>4,760</i>

Irrigation Method(s): Irrigation is accomplished by use of drip lines. The flow to drip lines is regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

Irrigation Runoff/Erosion control: Irrigation runoff from cultivation areas is minimized by the use of carefully regulated drip irrigation to prevent any overwatering or residual discharge of nutrient solutions outside of the “targeted” root zone. In the unlikely event that residual discharge did occur, it would be absorbed upon contact with permeable soil surrounding the cultivation area. Cultivation activities are limited to the immediate area surrounding cultivation areas and conducted so materials are kept confined. The ground surface within and around the cultivation areas is nearly level and managed year-round to prevent any movement of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area.

Watershed Protection: The proposed Cultivation Areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Sheet flow of rainwater or transport of cultivation byproducts over permeable, gently sloped, permeable soils in and around the cultivation area is unlikely. Natural vegetative buffers have been maintained on native ground slopes around the entire perimeter of developed areas.

Watershed protection will be ensured by adherence to measures prescribed in the Water Resources Protection Plan and ongoing site monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Upon completion of seasonal cultivation, management measures to protect soil in and around cultivation areas shall be implemented including seeding with cover crop and/or native grass where applicable and placement of straw wattles.

Light Spillage from propagation nursery shall be prevented by secure placement of black-out tarps any time lights are in use between - 1 hour prior to dusk and 1 hour after dawn.

Fertilizers, Pesticides, other Regulated products:

List and describe machinery and equipment used for cultivation and associated activities.

Fans

Describe equipment service and maintenance; including where it is done.

NA

List and describe petroleum products and automotive fluids used onsite-Indicate amounts normally stored and how/where they are stored.

NA

List and describe compressed gases, cleaners, solvents and sanitizers used- indicate amounts normally stored and how/where they are stored.

Regular non-toxic household cleaners in original domestic-use containers and 1 quart rubbing alcohol stored on shelves in the residence and/or shed.

List and describe fertilizers, soil amendments, pesticides, herbicides and rodenticides used.

Indicate the amount normally stored and how/where they are stored

Products	The products listed are primarily used at the start of the cultivation season. Any product remaining after initial start-up is kept securely protected in original packaging/containers atop pallets inside the Ag storage shed. Quantities of products stored may range from 250 to 350 pounds.
Black Gold Soil	
Rainbow Grow – Earth Juice	
Dr. Earth – All Purpose	
Composted Steer Manure	
Worm Castings	
Bat Guano	
Tri-Fecta - stored in 1 quart container on shelf inside Ag shed in original container	
Green-clean - stored in 1 quart container on shelf inside Ag shed in original container	

Fertilizer and amendment use is monitored and reported annually under requirements set forth in Appendix C, RWQCB Order No. R1-2015-0023

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require; submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

Cultivation Related Wastes: Cultivation related wastes are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional lid trash containers along with domestic garbage and hauled to an approved transfer station/disposal facility as needed.

Soils Management: The applicant shall refurbish existing soil to the greatest extent practicable upon completion of cultivation. The goal is to use 100% organic amendments in the refurbishment process. An appropriate “cover-crop” shall be sown in and around the cultivation area following completion of crop harvest. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over and into native top-soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. No spent soil shall be dumped off-site. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Human Waste: A conventional Onsite Sewage Disposal System serves the residence and it is in very close proximity to all cultivation activity.

Cultivation Operations/Practices: Operation is carried out by applicant and two other individuals residing on the adjoining parcel. No extra vehicle travel/use is expected.

January	Monitor culverts and evaluate site maintenance requirements, plant cover crops
February	Ongoing site and infrastructure maintenance
March	General site maintenance and preparation.
April	Establish clones/seedlings in propagation nursery
May	Transplant young plants to appropriate containers, continue garden preparation and site maintenance
June	Full term plants set, initiate 1 st round light dep. – Ongoing garden care and site maintenance.
July	Ongoing garden care, monitor water supply, etc.
August	Ongoing garden care, monitor water supply, etc. – Start harvest 1 st round.
September	General garden care
October	Begin 2 nd round harvest, start site clean-up
November	start site preparations for winter.

Processing: Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the Ag/ Shop Building on APN: 220-201-021 (APPS# 11832 - same applicant) where they are hung to dry. **The applicant is pursuing approval through the County to transfer harvested plants to the adjoining parcel to undergo drying. It is the understanding of the applicant that the State approval of this measure requires prior approval at the County level.** The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

Further Processing shall be completed at an off-site licensed third-party facility until such time as approved facilities on APN:220-201-021 can be brought into compliance with applicable state/county requirements relative to the aforementioned Special Permit application. Currently, assessment of existing structures and/or supplemental development to achieve compliance is underway.

Security: Access to the parcel is restricted by locking metal gates at access roads. The site is normally occupied by the applicant/owner.

Council Madrone Farms, LLC
April 12, 2021



12196 - Hill

The water right H500654 supplies water rights to this property and the contiguous APN 221-201-022.]

Other alterations:

Areas for nursery activities, propagation and holding vegetative plants prior to planting in the flowering area total 1200 sq ft, and supports this property, contiguous permit 11832/APN 221-121-013, and mutually held permits 12179/APN 221-121-001 and 11751/APN 221-121-013 as a part of a future nursery license spanning this property and contiguous property, APN 221-201-021.

Processing: Drying and harvest storage may occur in on site ag exempt structures as needed, and may serve contiguous permit 11832/APN 221-121-013, or the mutually held permits 12179/APN 221-121-001 and 11751/APN 221-121-013, as a part of a future processing license spanning this property and contiguous property, APN 221-201-021.

Additional post-harvest activities may be done at off-site licensed processors/manufacturers.

12196 - Hill

The water right H500654 supplies water rights to this property and the contiguous APN 221-201-021. There are twenty (20) 5,000 and nine (9) 3,000 gallon storage tanks for cultivation activities, totaling 127,000 gallons of current storage. A proposed pond for 292,000 gallons has been engineered and will begin permitting after cannabis permit approval, to be completed within two years.

One (1) 3,000 gallon tank stores domestic water supply.

Other alterations:

Nursery: Areas for nursery activities, propagation and holding vegetative plants prior to planting in the flowering area total 1200 sq ft, and supports this property, contiguous permit 11832/APN 221-121-013, and mutually held permits 12179/APN 221-121-001 and 11751/APN 221-121-013 as a part of a nursery operations spanning this property and contiguous property, APN 221-201-021.

Processing: Drying and harvest storage may occur in on site ag exempt structures on site as needed. These areas may serve contiguous permit 11832/APN 221-201-021.

Drying, processing and storage may take place as a part of a future processing license spanning this property and contiguous property, APN 221-201-021 to serve these parcels and mutually held permits on parcels 221-121-013 and 221-121-001.

Additionally, post-harvest activities may be done at off-site licensed processors/manufacturers or on the contiguous parcel when available. Post-harvest processing will occur on site in the notated areas until such time as building permits and licensing is completed.

The work for the CDFW agreement has been completed; a report and notification for extension is attached.



GAVIN NEWSOM
GOVERNOR



JARED BLUMENTHAL
SECRETARY FOR
ENVIRONMENTAL PROTECTION



APPS: 12196

North Coast Regional Water Quality Control Board

December 26, 2019

WDID:1_12CC414185

DAVE THOMAS
PO BOX 1791
REDWAY, CA 95560

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Kason Grady
On Behalf Of
Water Boards

2019.12.27 15:53:35 PST

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

191226_1L_1_12CC414185_1B161663CHUM_Ettersberg_NOA_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

6950 Skyline Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, DAVE THOMAS, HUMBOLDT COUNTY APN(s) 221-201-021, 221-171-044, 221-201-022 & 221-171-042

Dave Thomas (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on April 05, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC414185**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161663CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by July 03, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board/decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

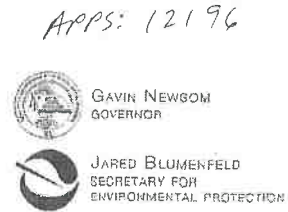
According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us



APPS: 12196

State Water Resources Control Board

October 3, 2019

DAVE THOMAS
PO BOX 1791
REDWAY, CA 95560

In Reply Refer to:
SS: S026345

Dear Dave Thomas:

NEW PRIMARY DIVERTER INFORMATION FOR STATEMENT OF DIVERSION AND USE:

S026345

Diverter of Record Information

The Division of Water Rights (Division) received notification on September 20, 2019 that DAVE THOMAS is the primary diverter of the property served by the statement S026345 as of September 16, 2019. A copy of this water right can be obtained by searching for your water right number from the Division's website at: <http://www.waterboards.ca.gov/ewrims>

You are herein advised that unless the Division is informed in writing to the contrary within 30 days of the date of this letter, the Division records will show ownership as follows:

Primary Diverter:	DAVE THOMAS
Agent/Responsible Party:	TIMBERLAND RESOURCE CONSULTANTS

If you have any questions regarding your water right(s) please contact the Fee and Data Management Unit at (916) 341-5431 or send an email to eloise.berryman@waterboards.ca.gov.

Sincerely,

Eloise Berryman, Manager
Reporting and Data Management Unit
Division of Water Rights

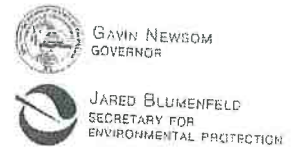
Enclosure (s):
Statement Password Letter Due July 1
Statement Fact Sheet

cc: MARK BALLETA
PO BOX 192
MIRANDA, CA 95553

TIMBERLAND RESOURCE CONSULTANTS
ATTN CHRIS CARROLL
165 S FORTUNA BLVD
FORTUNA, CA 95540

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



State Water Resources Control Board

ANNUAL WATER USE REPORTING FOR STATEMENT DIVERSION AND USE

IMPORTANT: PLEASE KEEP FOR YOUR RECORDS

All reports must be completed online through the State Water Board's Report Management System (RMS); paper copies are not available.

Log in at https://rms.waterboards.ca.gov/

User ID (Water Right ID):	Password (Reporting Identifier):
S026345	FY8MVN

Report Due Date: July 1, 2020

Notification to New Primary Owner of Reporting Requirements

Each calendar year, water right holders are required to report their water use online. The California Water Code chapter 2.7, section 348 authorizes the State Water Resources Control Board to require online reporting of water diversions. The report for the previous calendar year may not be complete. If you extracted water during the previous calendar year, please report your water use.

The Division of Water Rights will send reminders via postal mail when the annual report is due.

If you have any questions regarding online reporting please contact Water Rights at 916-341-5431 or e-mail at ewrims@waterboards.ca.gov.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

State Water Resources Control Board

Ownership Rights and Responsibilities for Statements of Water Diversion and Use

The State Water Resources Control Board's Division of Water Rights (Division) processing of a change in ownership is an administrative procedure and does not constitute a technical review of diversion or beneficial use of water under this right.

About your Statement

A copy of the initial statement can be obtained by searching for your statement number from the Division's website at: <http://www.waterboards.ca.gov/ewrims> or by contacting the Division at the phone number or email address listed below.

Designation of Mail Receiver or Notification of Address Change

One party must be designated to act as a mail receiver to represent all parties of the water right. Once a mail receiver is established, notice to the primary owner or agent is considered notice to all owners, co-owners and the agent. When a mail receiver is not identified, the Division identifies the primary owner based on the majority ownership of the place of use and/or ownership of the point of diversion. All parties, however, have an opportunity to mutually designate another representative by signing and returning a Contact Information Update form that is available at: https://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership/.

If you have questions about ownership or contact information updates, please email changerequest@waterboards.ca.gov.

Annual Reporting of Water Diversion and Use

The Division requires annual reporting of water diversion and use under statements. All reports must be completed online through the Division's Report Management System (RMS); paper copies are not available. Reports for the previous calendar year (January 1 – December 31) are due the following year no later than July 1. If you are the primary owner of this water right, further information about your user ID and password is enclosed with this letter.

Questions

If you have any questions regarding your Statement of Water Diversion and Use, please contact the Statements Unit at (916) 445-2812 or email us at: dwr-statements@waterboards.ca.gov

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H500654

CERTIFICATE H100075

Right Holder: David Lee Thomas
540 Council Madrone Road
Whitethorn, CA 95589

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 03/26/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Table with 8 columns: Name of Diversion, Source, Tributary To, Thence, Latitude, Longitude, County, Assessor's Parcel Numbers (APN). Rows include POD #2 and POD #1 with details on Mattole River and Unnamed Stream.

- 2. Purpose of Use and 3. Place of Use

Table with 3 columns: 2. Purpose of Use, 3. Place of Use (County, Assessor's Parcel Numbers (APN)), Acres. Rows include Irrigation, Fire Protection for both Mattole River and Unnamed Stream.

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/01/2018. The place of use is shown on the map filed on 06/01/2018 with the State Water Board.

- 4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.34 acre-feet per year to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.46 acre-feet. The rate of diversion to storage shall not exceed 42,000 gallons per day (gpd) or the diversion rate

specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

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

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

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at: <https://www.waterboards.ca.gov/cannabis> (<https://www.waterboards.ca.gov/cannabis>).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
- a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 06/01/2018 15:47:42

© 2020 - State Water Resources Control Board

**Water Resource Protection Plan
For
WDID #1B16612CHUM**

Submitted to:

Mark Balletta
P.O. Box 192
Miranda, California 95553

Prepared by:

Timberland Resource Consultants
165 South Fortuna Blvd
Fortuna, CA 95540

9-1-2016



Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the discharger, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of reviewing available CGS Geomorphic Features Maps, Geology Maps, and historic aerial photos. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Identified Sites Requiring Remediation (See Standard Conditions Assessment)

Unique Map Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
ATV Trail Segment 05	Poorly drained ATV Trail	A(1)(b) A(1)(d)	N/A	Install, repair, and maintain waterbars.	2	11/15/16	
ATV Trail Segment 06	Rutted ATV Trail located in shallow swale	A(1)(d)	N/A	Refrain from use of this ATV Trail.	2	11/15/16	
Map Point 03	Existing ATV Trail Crossing of Class II Watercourse (12 inch rusted culvert)	A(2)	N/A	Remove rusted 12 inch culvert. Abandon crossing.	3	11/15/17	
Map Point 04	Existing ATV Trail Crossing of Class II Watercourse (small wooden bridge)	A(2)	N/A	Replace wooden bridge crossing with an 18 diameter permanent culvert.	4	Shortest time possible, no later than 5 years.	
Cultivation Area To Be Removed	Past cultivation area within 50 feet of a Class III watercourse	A(3)	N/A	Remove pots and cultivation related spoils and dispose, store, or reuse near the current cultivation areas, far from the watercourses.	3	11/15/17	
Holding Tanks / Water Pump	Holding tanks and water pump located on overhanging bank above / adjacent to a Class II Watercourse	A(1)(c) A(5) A(9)	N/A	Relocate holding tanks to a stable location where there is no risk of the tanks falling into the watercourse. Relocate the gas powered water pump to a stable location at least 100 feet from the nearest Class II watercourse and at least 50 feet from the nearest Class III watercourse.	3	11/15/17	
Water Storage Tanks	Available irrigation water storage on the property.	A(5)(c) and (e)	N/A	Increase offstream water storage to a sufficient amount to avoid surface diversion for irrigation during the low flow period (May 15 – Oct). Prepare and submit a Streambed Alteration Notification to CDFW, and register water use and storage with the Dept of Water Rights.	3	11/17/17	
House	Septic system	A(11)	N/A	Ensure septic systems meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy.	4	Shortest time possible, no later than 5 years.	

Instream work at Map Points 03, 04, and existing or proposed PODs require an approved Lake and Streambed Alteration Permit from CDFW.

Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

Inspection Personnel Contact Information:

Ron Pelletier
Timberland Resource Consultants
165 South Fortuna Blvd, Fortuna CA 95540
707-725-1897

Monitoring Plan Reporting Requirements

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF WATER RESOURCE PROTECTION PLAN

Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APN 221-201-022 and APN 221-171-042 at the request of the discharger. The entire cultivation operation is contained within APN 221-201-022.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.



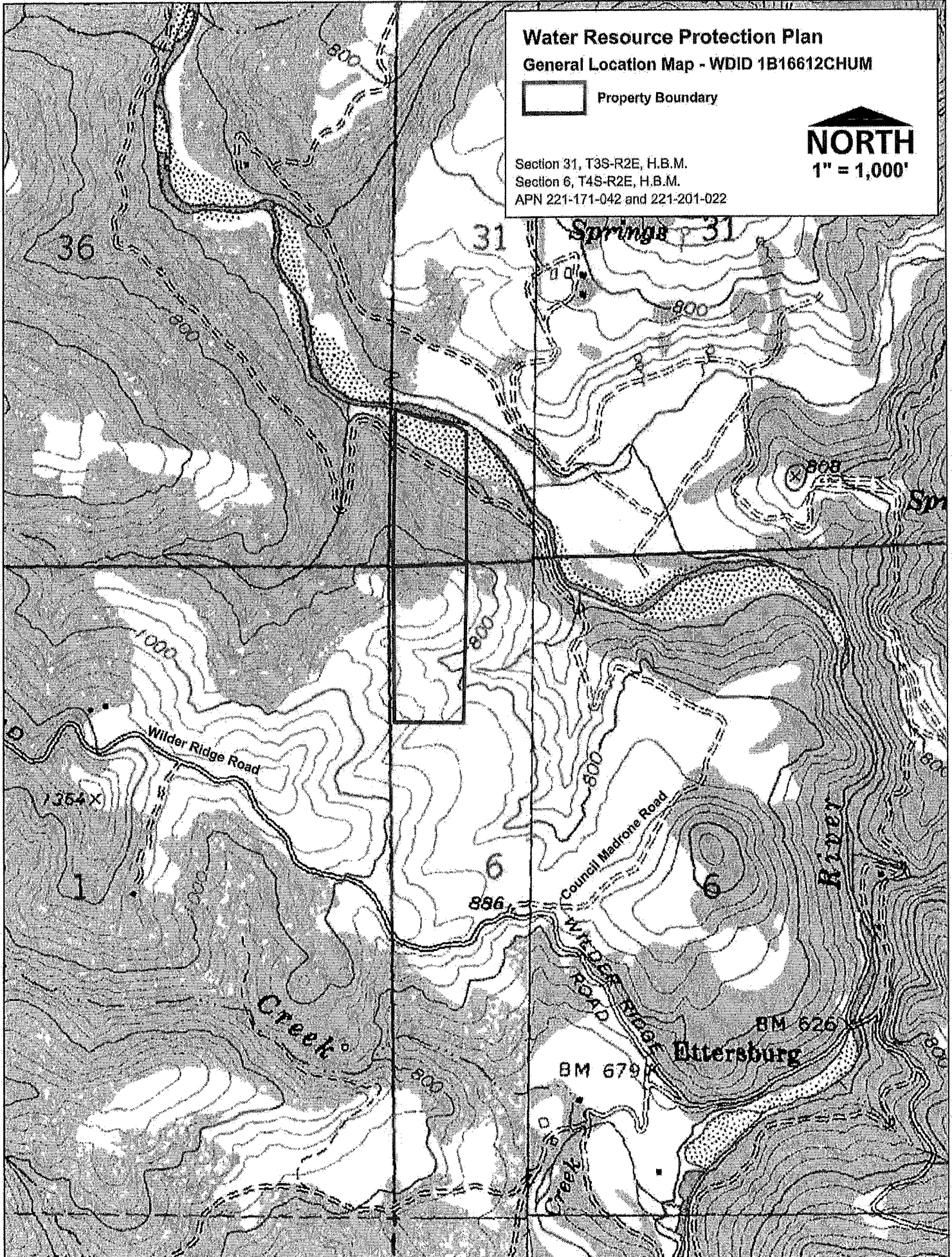
Ron Pelletier
Timberland Resource Consultants

Water Resource Protection Plan
General Location Map - WDID 1B16612CHUM

 Property Boundary





















Section 31, T3S-R2E, H.B.M.
Section 6, T4S-R2E, H.B.M.
APN 221-171-042 and 221-201-022



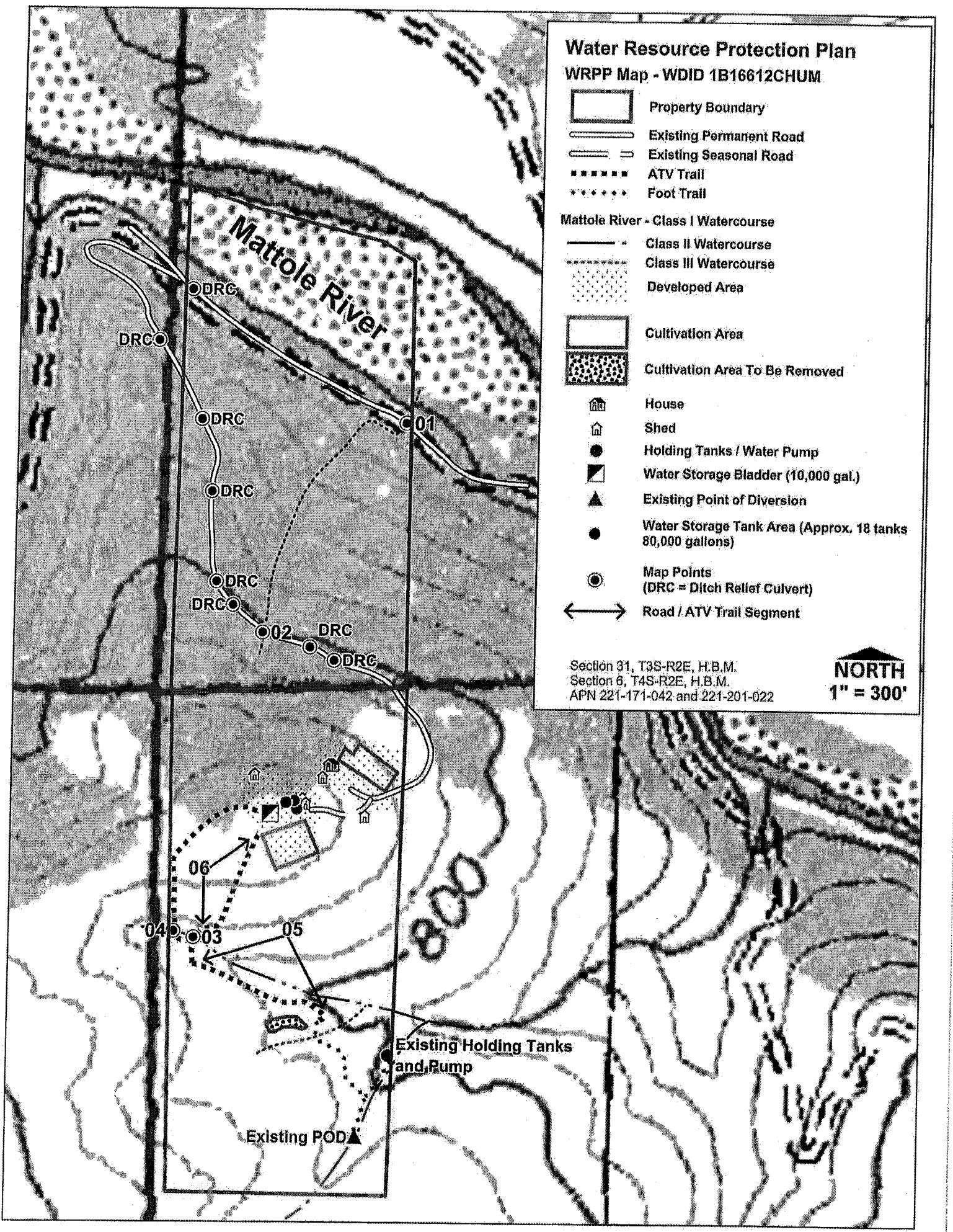
Water Resource Protection Plan

WRPP Map - WDID 1B16612CHUM

-  Property Boundary
-  Existing Permanent Road
-  Existing Seasonal Road
-  ATV Trail
-  Foot Trail
- Mattole River - Class I Watercourse**
-  Class II Watercourse
-  Class III Watercourse
-  Developed Area
-  Cultivation Area
-  Cultivation Area To Be Removed
-  House
-  Shed
-  Holding Tanks / Water Pump
-  Water Storage Bladder (10,000 gal.)
-  Existing Point of Diversion
-  Water Storage Tank Area (Approx. 18 tanks 80,000 gallons)
-  Map Points
(DRC = Ditch Relief Culvert)
-  Road / ATV Trail Segment



















Section 31, T3S-R2E, H.B.M.
 Section 6, T4S-R2E, H.B.M.
 APN 221-171-042 and 221-201-022

NORTH
 1" = 300'



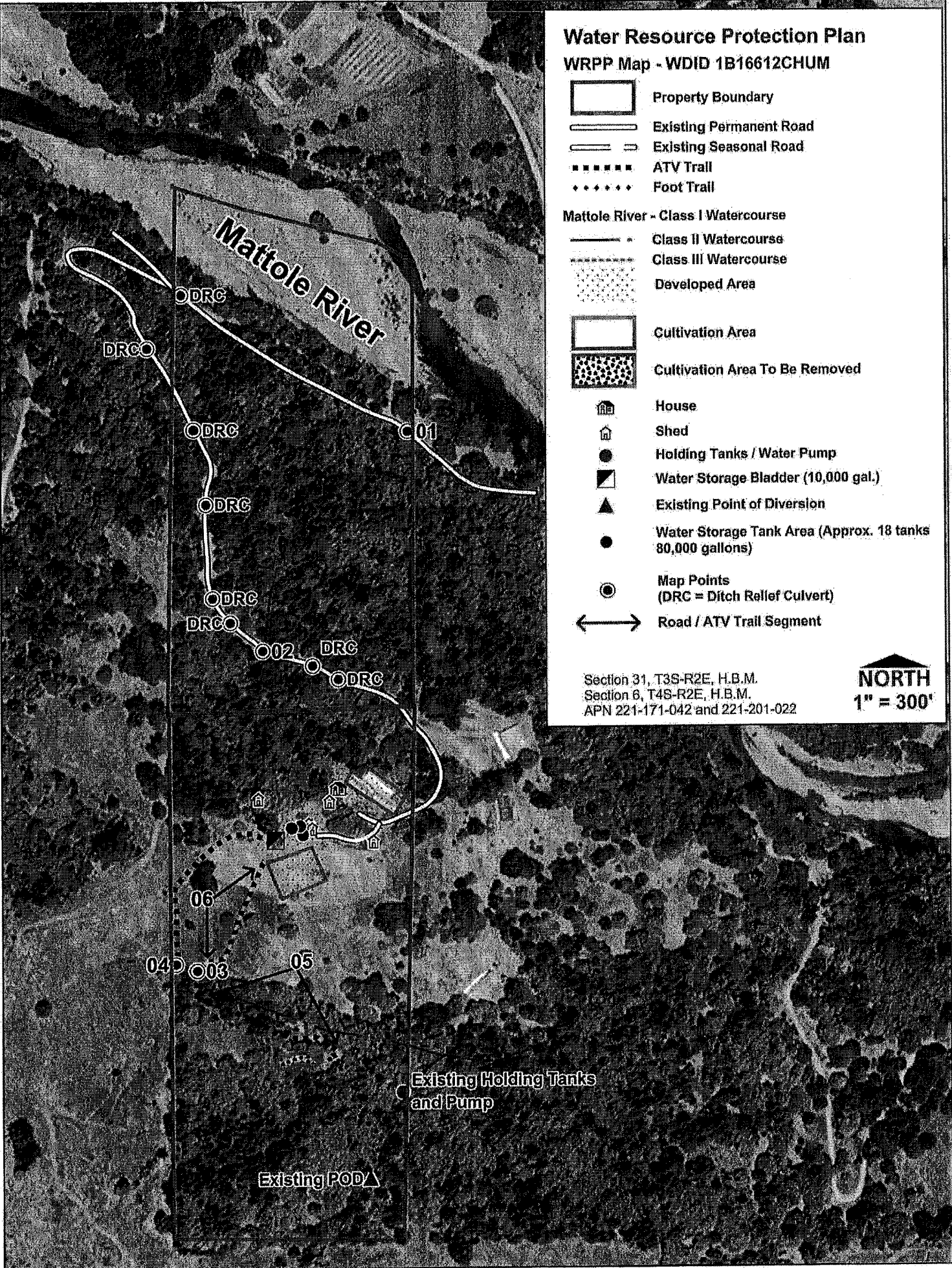
Water Resource Protection Plan

WRPP Map - WDID 1B16612CHUM

-  Property Boundary
-  Existing Permanent Road
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-  ATV Trail
-  Foot Trail
- Mattole River - Class I Watercourse**
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Section 31, T3S-R2E, H.B.M.
 Section 6, T4S-R2E, H.B.M.
 APN 221-171-042 and 221-201-022

NORTH
 1" = 300'



Water Resource Protection Plan
Assessment of Standard Conditions
for
APN 221-201-022 & 221-171-042 – WDID #1B16612CHUM

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

The road that accesses the property is rocked and appeared well maintained on the date of the assessment, 2/26/16. The road surface of the main access road to the property is insloped and contains many ditch relief culverts. Ruts gullies or surface erosion was not taking place.

- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets:

The road assessments revealed one location along the atv trail (Segment 05) where poor surface drainage could potentially result in sediment delivery to the Class II Watercourse below. This segment is a dirt surfaced atv trail that was probably constructed as a trail for ranch access or a skidtrail for past timber harvesting. It is currently used to access the surface water intake on the property. This segment is approximately 400 feet in length. Waterbars (drainage breaks) should be installed along the surface to break up concentrated surface drainage. Waterbars should be installed prior to the winter season along this segment. Waterbars can be discontinued during the dry summer months, but must be reinstalled prior to subsequent winter seasons. Other than this location, there are no other locations where roads, driveways, or trails require ditch relief drains or rolling dips to prevent or minimize erosion.

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

Physical reconnaissance of the property revealed no unstable areas per 14CCR 895.1. Developed areas and cultivation areas are located along gently sloping ridgetops near roads and an existing house site. Slopes in the vicinity of the facilities are gentle. Steeper slopes on the property are undeveloped and mostly timbered and vegetated. Runoff from roads and developed areas on the property are not being directed towards unstable slopes or earthen fills.

A search of the Honeydew Geomorphic Features Map showed a small debris slide (too small to map to scale) located on the property, in the watercourse, near the current Point of Diversion. A review of historic aerial photographs of this area shows that much of this property was cleared prior to 1968, whether for timber harvesting or for grazing. Field assessment identified a segment of watercourse in this area where severe downcutting / bank cutting erosion had taken place in the past. It is not completely clear currently, what the exact cause was, but it appears

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to be related to road or trail construction adjacent to, or in the immediate channel of the watercourse. If this was the case, it was probably constructed prior to the large floods of the mid 1950's or 1964, and subsequently washed out. Currently there is a bench resembling what is left of the inside 1/3 of a road or old trail surface that is undercut by the watercourse channel that is located approximately 6 to 8 vertical feet below. This has left the remnant of this road or trail surface perched directly over the current watercourse channel. The current Point of Diversion is located upstream of this location. The two holding tanks and the gasoline powered water pump are located up on this overhanging, perched material. The holding tanks and the water pump should be removed from this perched location directly over the watercourse channel in order to be in compliance with the Order. See Standard Condition A.5. below that addresses water storage and use. Further mitigation of the unstable perched fill located over the watercourse is not feasible because there is no access for heavy equipment such as a backhoe or a dump truck. The area is currently only accessible by foot. Although there is still unstable fill in place near the watercourse, the area is currently vegetated with small trees, dense vegetation, and most of the fill has already been delivered downstream.

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected¹, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

¹ Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)

In addition to the atv trail identified as Segment 05 described above, one other segment of atv trail was identified that was hydrologically connected to a Class II Watercourse. It is identified as Segment 06 on the WRPP Map. It is along the atv trail shown on the map that is north of Map Point 03. This atv trail is located in the bottom of a shallow swale in a prairie. Ruts developed along the bare atv tracks and continued down to the watercourse. It appeared that this condition occurred in the past, prior to the current ownership. This area was partially grown over with prairie grasses on the date of the assessment, 2/26/16. This segment of atv trail is not needed and its use should be discontinued. A more favorable location for the atv trail exists around this area. This segment will quickly grow over with thick grass if it is no longer used. No other mitigation is necessary for this area, nor would be effective, due to its location in the bottom of the grassland swale. The segment accesses Map Point 03, which is a Class II crossing site that is planned to be removed (see Map Point 03) below.

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

In compliance at this time. The permanent road on the property contains numerous ditch relief culverts. They are well maintained and the number is adequate so that dispersals do not have a connection to watercourses. Other than the atv trails identified above, no other roads or terrace surfaces on the property showed signs of erosion or evidence of soil transport to a receiving water.

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

In compliance at this time. In the future, all construction materials will be stored to prevent their transport to receiving waters.

2. Stream Crossing Maintenance

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

²At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

³If infeasible to install a critical dip, an alternative solution may be chosen.

There are a total of four existing stream crossings on the two parcels being included in this evaluation. Two of these are existing culverted stream crossings of a Class III watercourse that appear to have been installed fairly recently, and appear to be adequately functioning. The other two are old atv crossings within 50 feet of each other on the same watercourse. These two are older and are in need of mitigation to be in compliance with the Order. These are shown as Map Points 03 through 04 on the WRPP Map and area described below.

Map Point 01: This is a Class III Watercourse Crossing of a permanent rocked road. The culvert is a 24 inch diameter, plastic culvert that is armored with large rocks at the inlet and the outlet. It is located on a private road that is used by many other landowners beyond this property. It appears to have been installed fairly recently, prior to the current owners. The size is adequate when compared with the size calculated for the 100 year peak streamflow. The road segment at this crossing and the outlet of the culvert are located within 50 feet of the normal high water mark of the Mattole River. The culvert outlet is aligned with a natural stream channel and is not eroding. The Class III Watercourse contacts the road approximately 60 feet west of the culvert inlet and flows along a broad, flat, inside ditch area to the culvert inlet. This inside ditch area is broad and vegetated with grass and brush. Diversion potential at this location is low given the flat road grade and flat area adjacent to the river.

Map Point 02: This is a Class III Watercourse Crossing of a permanent rocked road. It is located on the same Class III Watercourse as Map Point 1, but farther upslope. The culvert is an 18 inch diameter, plastic culvert that is armored with large rocks at the inlet and the outlet. It is located on a private road / driveway that is used by this, and one other owner for property access. It appears to have been installed fairly recently, prior to the current owners. The size is adequate when compared with the size calculated for the 100 year peak streamflow. It appears to be aligned properly at the outlet and the inlet, and is not a high risk of diversion.

Map Point 03: This is a Class II Watercourse Crossing of an atv trail. It is a badly rusted 12 inch metal culvert that is not set to the grade of the watercourse. There is another atv crossing of this same watercourse located approximately 60 feet upstream from Map Point 03. The atv approach to the crossing at Map Point 03 is the rutted segment described as Segment 06 above. The watercourse crossing at Map Point 03 should be removed and abandoned as well as the discontinuation of use of Segment 06. There is an alternative atv trail and crossing site located

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to the west. Prior to watercourse crossing removal, an approved Streambed Alteration Permit from the CA Dept. of Fish and Wildlife must be obtained.

The crossing at Map Point 03 shall be removed as follows:

- (1) Fills shall be excavated to form a channel that is as close as feasible to the natural watercourse grade and orientation and is wider than the natural channel.
- (2) The excavated material and any resulting cut bank shall be sloped back from the channel and stabilized to prevent slumping and to minimize soil erosion.
- (3) All bare mineral soil located on approaches to truck and tractor road watercourse crossings between the drainage facilities closest to the crossing shall be treated by grass seeding and straw coverage.

Map Point 04: This is a Class II Watercourse Crossing of an atv trail. It is located very near the head of the Class II Watercourse located at a prairie edge. It is a crossing that has been in place prior to this ownership. It consists of a small wooden bridge made of milled lumber and plywood. Its approaches are buried into the banks. This site is not currently an erosion site, but should be planned for replacement in the future. A replacement structure should be an 18 inch diameter permanent culvert. An 18 diameter culvert is adequately sized for the 100 year peak streamflow. Prior to watercourse crossing replacement, an approved Streambed Alteration Permit from the CA Dept. of Fish and Wildlife must be obtained.

3. Riparian and Wetland Protection and Management

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its Executive Officer may apply additional or alternative⁴ conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.
- b. Buffers shall be maintained at natural slope with native vegetation.
- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
- d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

⁴Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

The current cultivation areas are in compliance with the Order at this time. The cultivation areas are located in greenhouse areas and are at least 250 feet away from the nearest watercourses. These buffer areas are made up of natural slopes and are adequate to filter waste.

One small, past cultivation area consisting of approximately 30 individual pots was located within 50 feet of a Class III watercourse. This was from a cultivation site that was in existence prior to this

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current ownership. It does not represent a severe threat of erosion to the watercourse in its current state. The pots and soil should be removed from this area and it should be left to naturally fill in with vegetation. The discharger stated that they were planning on having them removed from the area. These pots and cultivation related spoils shall be disposed of properly, stored, or reused near the current cultivation areas, far from the watercourses.

4. Spoils Management

- a. Spoils⁵ shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

⁵ Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.

There were no road or site development related spoils being stored on the site. Some cultivation related spoils such as spent growth media were located in pots around the immediate cultivation areas. These were left over from the previous ownership. The current ownership was in the process of cleaning up these areas on the assessment date of 2/26/16. These spent growth media spoils were all located far from watercourses and were incapable of reaching surface waters.

The individual pots and cultivation spoils identified for removal in Standard Condition A.3. above, shall be disposed of properly, stored, or reused near the current cultivation areas.

5. Water Storage and Use:

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12⁶ watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.
- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.
- d. Water is applied using no more than agronomic rates.⁷
- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

⁶See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>

⁷"Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

The water source on the property is currently a Class II watercourse surface intake that appears to have been there for a long time prior to this current ownership. The exact water source intake was not identifiable on the date of the assessment, 2/26/16, due to numerous old waterlines and plastic lining in the channel. A cement structure resembling a shallow well structure was also located next to the watercourse. It was a water intake of some kind in the past. It didn't appear to be

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connected or functioning on the date of the assessment. The watercourse area was reconnected after the initial inspection date and some of the plastic removed (See pictures attached). This watercourse provides domestic water supplies to the property's one residence and the agricultural irrigation. Approximately 200 feet downstream from the intake area, on an overhanging bank directly over the watercourse channel, is two 500 gallon holding tanks and a gasoline powered water pump that pumps from the holding tanks to the water storage tanks that are located up on the Developed Area of the property. The overhanging bank where the holding tanks and the water pump currently set, appears to be the result of erosion of old road fill washing away during large flood events in the 1950's and 1964. In order to be in compliance with the Order, the holding tanks and water pump need to be relocated to stable ground where they do not threaten the watercourse. The gasoline powered water pump should be relocated 100 feet from the nearest Class II Watercourse and at least 50 feet from the nearest Class III Watercourse. The discharger is currently planning to have the pump and holding tanks relocated to a location where they do not threaten discharges to the watercourse.

The total cultivation space on the property is approximately 12,000 to 14,000 square feet of total canopy space. There are two separate cultivation areas on the property that contain five separate green houses. There is currently a total of 90,000 gallons of water storage on the property in a combination of 18 hard plastic tanks and one 10,000 water bladder. The water storage tanks and bladder are located up on the developed area and are on level ground. This amount of water storage does allow for a minimization of surface water diversion for irrigation purposes for the majority of the low flow period, May 15 through October, but possibly not its entirety. The discharger recently had an unsuccessful attempt at having a well drilled on the property. The discharger is currently in the planning stages of having a rain catchment pond constructed on the property in order to further increase the amount of available offstream water storage on the property. Increasing offstream water storage on the property, in sufficient quantity to avoid surface diversions during the low flow period for irrigation on the property, is necessary for compliance with the Order. Water usage records kept by the discharger from April, 2016 through August, 2016 show a total water usage of 67,000 gallons used for irrigation. Approximately 15,000 gallons of this total occurred prior to May 15. The discharger's surface intake, Point of Diversion, will be included in the Streambed Alteration Notification to be submitted to CDFW, and in the future pursuant to a valid water right and compliance with reporting requirements under Water Code section 5101.

6. Irrigation Runoff

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

The discharger states that they irrigate at an agronomic rate that relies solely on a drip irrigation system that does not produce runoff. Irrigation was not taking place during the assessment date of 2/26/16. Due to proximity of the watercourses from the current cultivation areas, it appeared very unlikely that irrigation runoff would occur to a degree that could potentially reach surface waters.

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7. Fertilizers and Soil Amendments

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.
- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

Fertilizers and soil amendments left over from the previous ownership was in the process of being removed, collected, or stored for later use by the current owners. Cultivation activities for the upcoming season were not yet in progress on the date of the assessment, 2/26/16. In order to be in compliance with Standard Condition 7, the landowner shall store all fertilizers, potting soils, composts, and soil amendments in sheds, covered areas, or tarped in a manner in which they cannot be transported to surface waters or such that nutrients or other pollutants cannot be leached into groundwater. This also applies to spent growth spoils that may contain concentrations of fertilizers and amendments. Fertilizers and soil amendments shall be applied per packaging instructions and at agronomic rates. Fertilizing at an agronomic rate will help to prevent nutrients from leaving the site during, and after the growing season. Adequate shed space was located on the property for storage of fertilizers and chemicals. More shed space may be installed in the future.

8. Pesticides/Herbicides

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

The landowner does not use any chemical pesticides and herbicides. Any pesticide products used on this property in the future shall be consistent with product labelling, and used and stored in a manner that ensures that they will not enter or be released into the surface or ground waters.

9. Petroleum products and other chemicals

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

180101070203TRC42- 9/1/16

Electricity on the property is supplied by P G and E. There are no above ground fuel storage tanks on the property. On the date of the assessment, 2/26/16, the portable gasoline powered water pump that is used for pumping water from holding tanks to the developed part of the property was located below the Point of Diversion on an overhanging bank that had been undercut by the watercourse. The water pump should be removed from this overhanging bank so that there is no risk of fuel spillage on the ground immediately over the watercourse channel during refueling. The water pump should be moved to a stable location that is at least 100 feet from the Class II watercourse and at least 50 feet from the nearest Class III watercourse. Any portable gas cans or chemical containers should be stored under cover of a shed or a secondary containment vessel.

10. Cultivation-related wastes

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored⁸ at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters:

⁸ Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.

Cultivation-related wastes such as empty bags and containers left over from the previous ownership was in the process of being gathered for removal by the current owners. Dead and harvested plant waste is composted or burned near the cultivation areas, far from any the watercourses. In order to remain in compliance with Standard Condition 10 above, all cultivation-related waste in the form of empty bags, containers, pots and, dead or harvested plant waste and spent growth medium shall be stored where they will not enter or be blown into surface waters, or removed from the site and disposed of properly. Cultivation-related wastes that contain residues or pollutants shall be stored in a manner that ensures that those materials do not leach into surface water or groundwaters. This can be achieved by following Items 137 and 139 in Appendix B of the Order.

11. Refuse and human waste

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

Sewage disposal on the property is a functioning septic system connected to the house. Waste water disposal on the property currently does not appear to be a threat to surface or ground water and was not causing a nuisance on the property. In order to be in full compliance with Standard Condition 11.a., the septic system on the property needs to meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy. See Appendix B. Item 142 of the Order.

Garbage and refuse left over from the previous ownership was in the process of being gathered for removal by the current owners. Garbage and refuse was being stored temporarily under the cover of portable sheds and carports. In order to be in compliance with Standard Condition 11., refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

180101070203TRC42- 9/1/16

12. Remediation/Cleanup/Restoration Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

Mitigation measures are listed in the Water Resource Protection Plan and also noted above in this document.

Pictures



Pictures 1: This is a picture of the rutting segment of atv trail (Segment 06) that is located down the shallow swale that eventually connects with a Class II Watercourse. Use of this atv trail should be discontinued. Photo date 2/26/2016

Pictures



Pictures 2 and 3: The picture on the left is the culvert inlet at Map Point 01. The picture on the right is the broad, inside ditch that contains the Class III flow for approximately 60 feet prior to reaching the inlet. Photo date 2/26/2016

180101070203TRC42- 9/1/16

Pictures



Picture 4: This is a picture of the outlet of the 24 inch culvert at Map Point 01. Photo date 2/26/2016

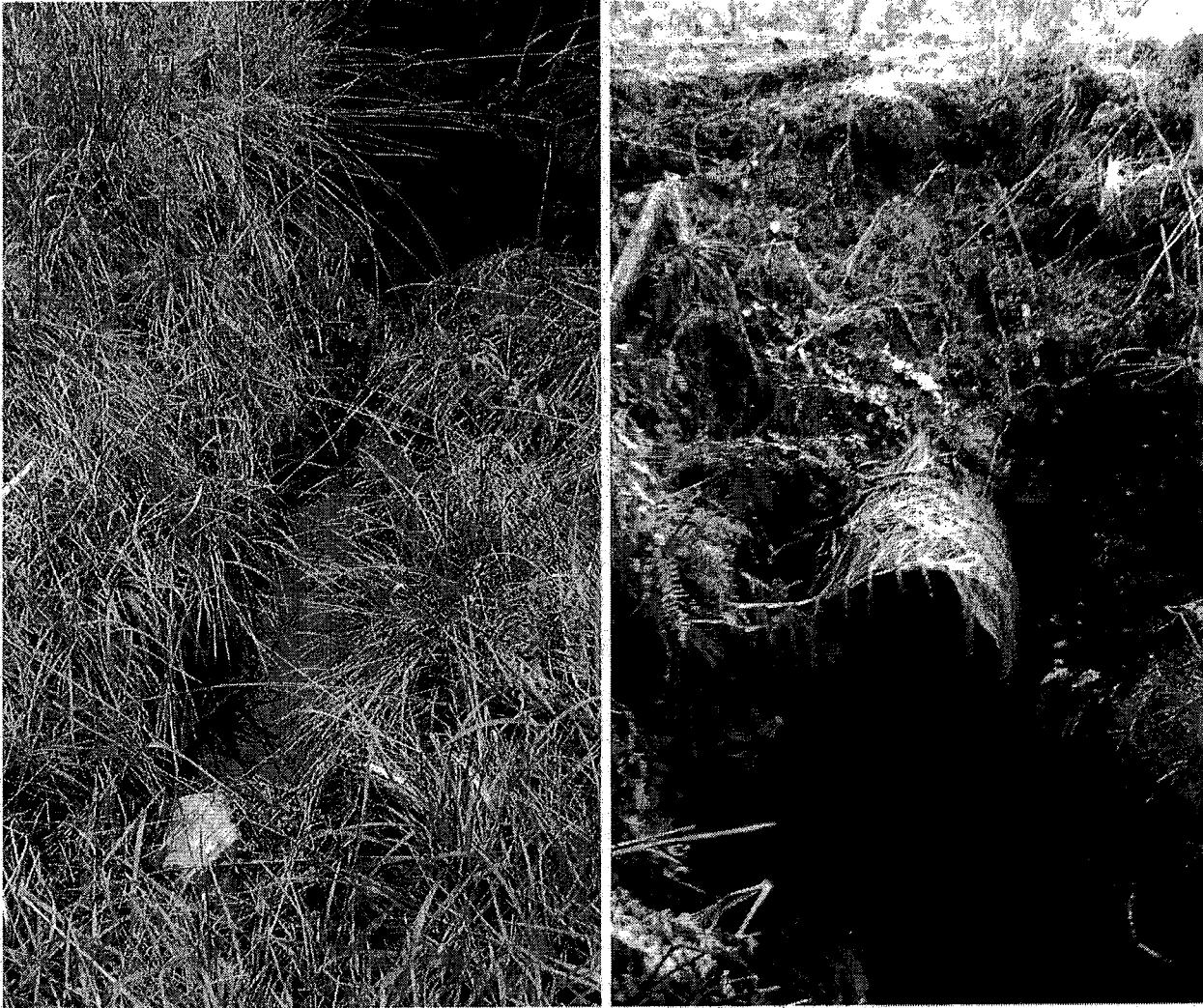
Pictures



Picture 5: This is a picture looking down stream of the outlet of the 24 inch culvert at Map Point 01. Sediment deposited from high Mattole River flows can be seen at the far end of the picture. The light area beyond the tree cover is the Mattole River. Photo date 2/26/2016

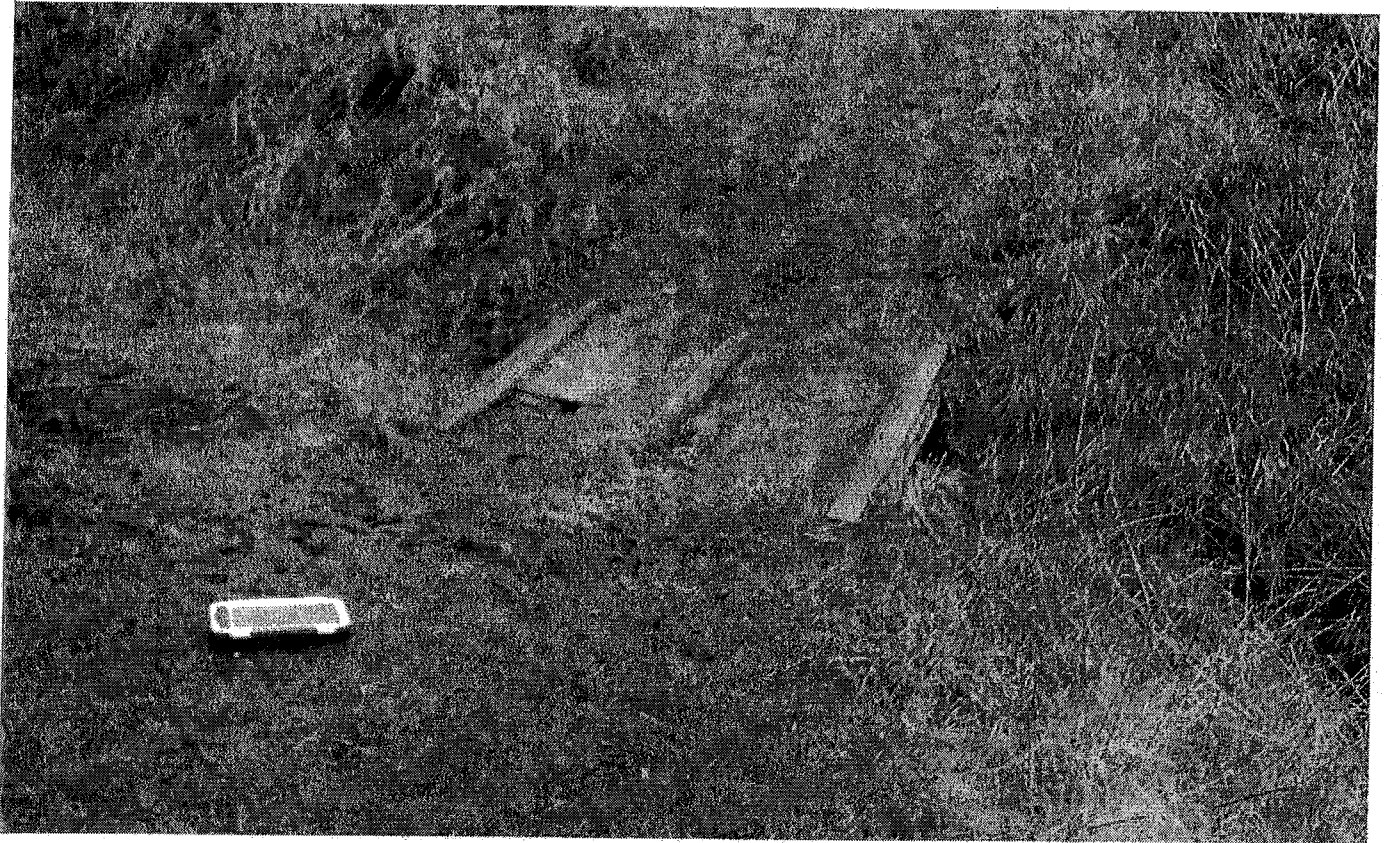
180101070203TRC42- 9/1/16

Pictures



Pictures 6 and 7: The picture on the left is the inlet of the culvert at Map Point 03 and the picture on the right is the outlet. This culvert is failing and should be removed to be in compliance with the Order. An alternative crossing location is located approximately 60 feet upstream from this site. Photo date 2/26/2016

Pictures



Picture 8: This is a picture of the wooden atv bridge crossing at Map Point 04. It is not an erosion site but should be planned for replacement in the future. An appropriate replacement would be an 18 diameter culvert. Photo date 2/26/2016

180101070203TRC42- 9/1/16

Pictures



Picture 9: This is a picture looking upstream from Map Point 04. The drainage area is very small and grassy. The top of the drainage is seen in the background of the picture approximately 300 feet above the crossing.

Pictures



Picture 10: This is a picture of the watercourse near the point of diversion. The exact location of the intake was not identified on the date of the assessment. The water source was later reconnected and some of the plastic removed. Photo date 2/26/16.

Pictures



Pictures 11 and 12: These are pictures of the reconnected surface diversion (POD) in use on the property that were taken at a later date. Photo date September, 2016.

Pictures



Picture 13: This is a picture of the shallow well structure located next to the watercourse near the present point of diversion. It is old and is not connected or being used currently. Photo date 2/26/16.

Pictures



Picture 14 and 15: The picture on the left shows the holding tanks and gas-powered water pump situated on the overhanging bank above the Class II Watercourse. The picture on the right is a close up of the holding tanks and the water pump. Photo date 2/26/16.

Pictures



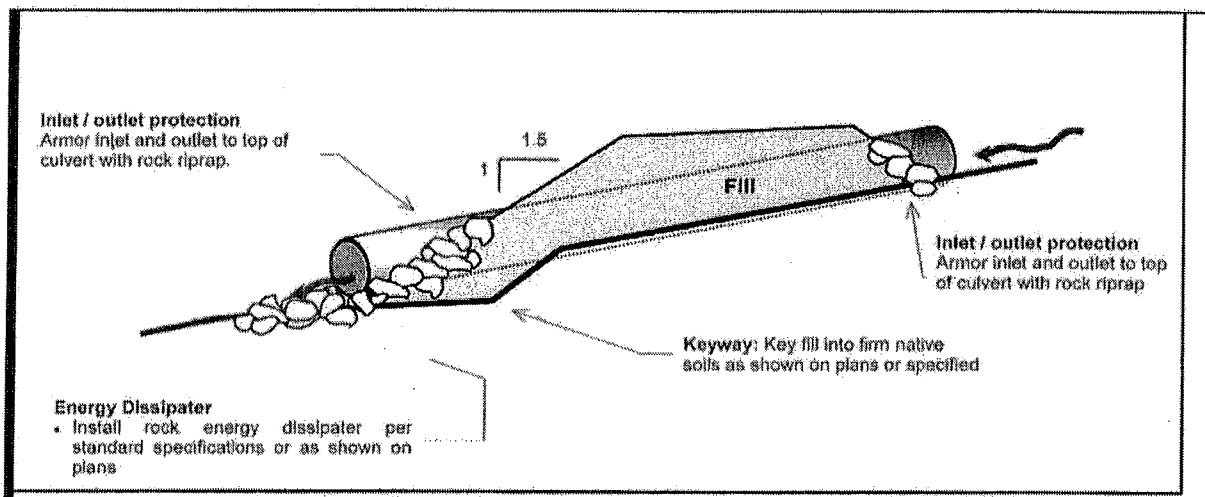
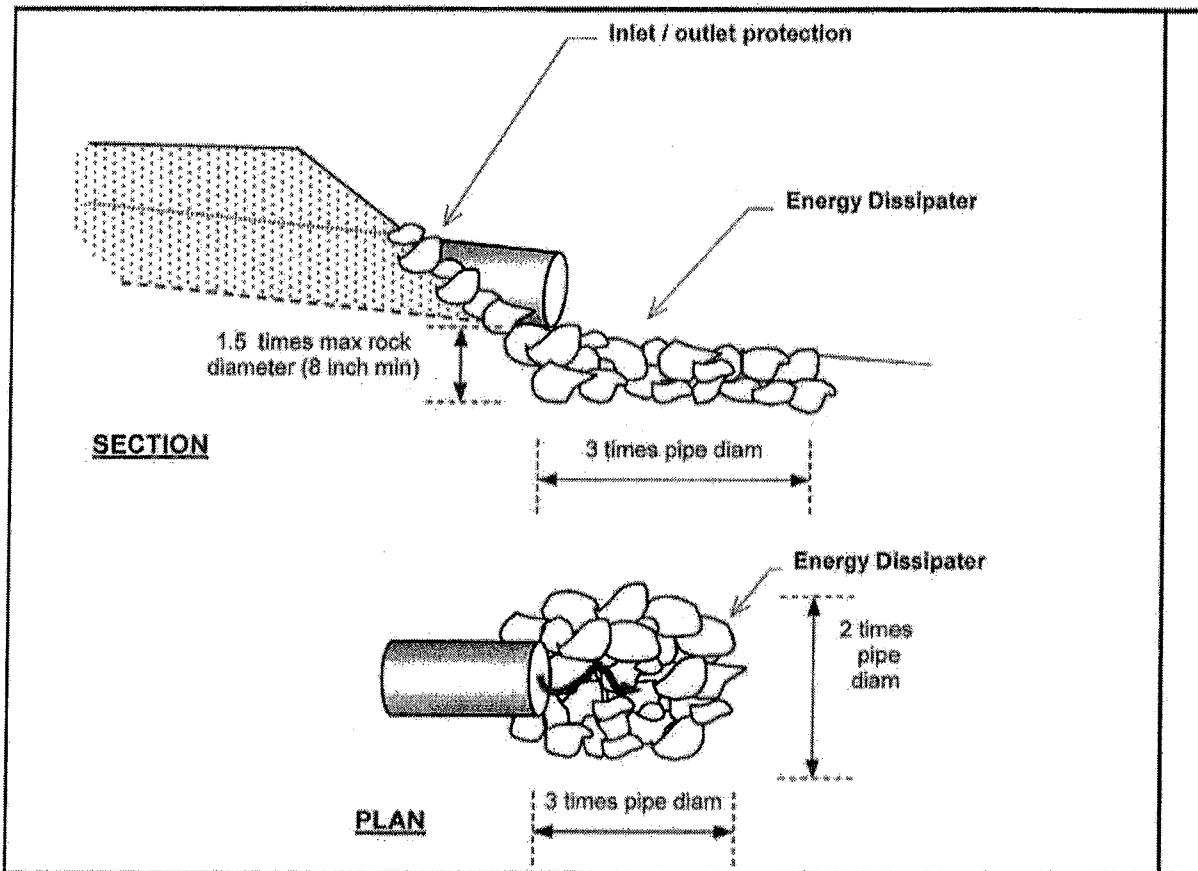
Picture 16: This is a picture that shows the location of the holding tanks and water pump in relation to the undercut bank that it is situated on and the watercourse below. The watercourse is located approximately 6 to 8 vertical feet below the three forked hardwood tree in the picture. Photo date 2/26/16.

Addendum 12A – Erosion Control Measures for Culvert Installation

Use a combination of mechanical and vegetative measures to minimize accelerated erosion from culvert installation. Erosion control measures may include the following:

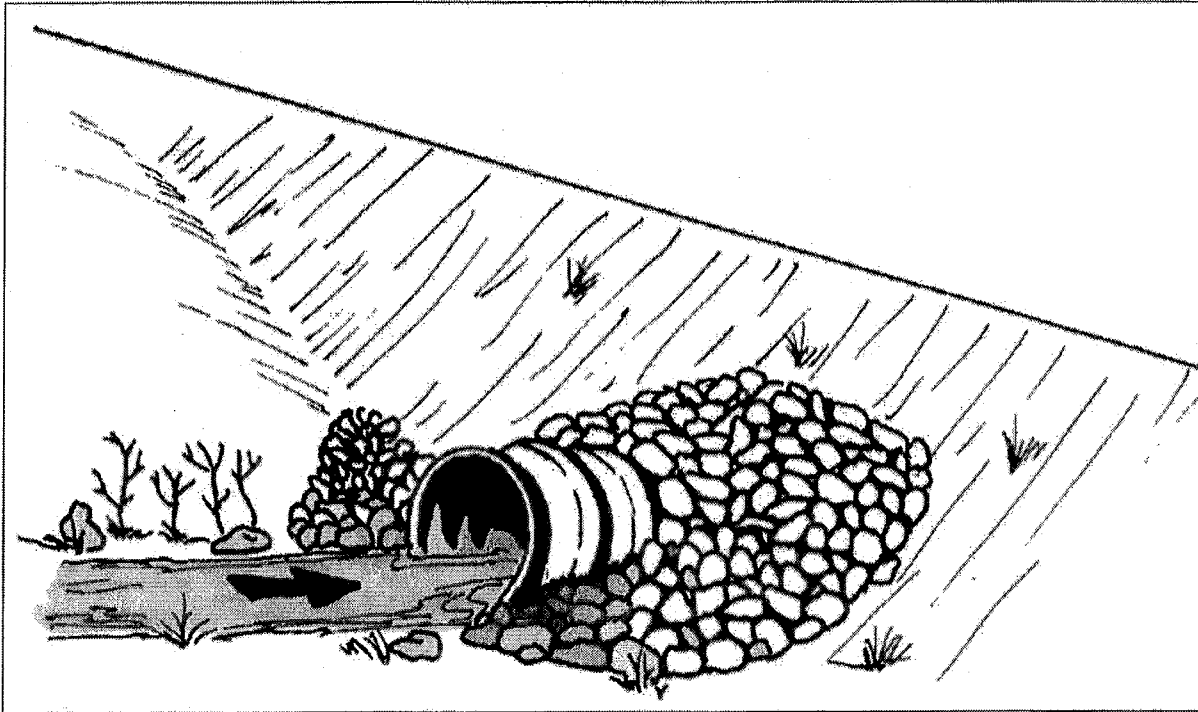
1. Timing for soil stabilization measures within 100 feet of a watercourse or lake: For areas disturbed from May 1 through October 15, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface. For areas disturbed from October 16 through April 30, treatment shall be completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service or within 10 days, whichever is earlier.
2. Within 100 feet of a watercourse or lake, the traveled surface of roads shall be treated to prevent waterborne transport of sediment and concentration of runoff that results from operations. Treatment may consist of, but not limited to, rocking, outsloping, rolling dips, cross drains, waterbars, slope stabilization measures, or other practices appropriate to site-specific conditions.
3. The treatment for other disturbed areas within 100 feet of a watercourse or lake, including: (A) areas exceeding 100 contiguous square feet where operations have exposed bare soil, (B) road cut banks and fills, and (C) any other area of disturbed soil that threatens to discharge sediment into waters in amounts deleterious to the quality and beneficial uses of water, shall be grass seeded and mulched with straw. Grass seed shall be applied at a rate exceeding 100 pounds per acre. Straw mulch shall be applied in amounts sufficient to provide at least 2- 4 inch depth of straw with minimum 90% coverage. Slash may be substituted for straw mulch provided the depth, texture, and ground contact are equivalent to at least 2 – 4 inches of straw mulch. Any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of operations.
4. Within 100 feet of a watercourse or lake, where the undisturbed natural ground cover cannot effectively protect beneficial uses of water from sediment introduction, the ground shall be treated with slope stabilization measures described in #3 above per timing described in #1 above.
5. Sidecast or fill material extending more than 20 feet in slope distance from the outside edge of a roadbed, which has access to a watercourse or lake, shall be treated with slope stabilization measures described in #3 above. Timing shall occur per #1 above unless outside 100 feet of a watercourse or lake, in which completion date is October 15.
6. All roads shall have drainage and/or drainage collection and storage facilities installed as soon as practical following operations and prior to either (1) the start of any rain which causes overland flow across or along the disturbed surface within 100 feet of a watercourse or lake protection, or (2) any day with a National Weather Service forecast of a chance of rain of 30 percent or more, a flash flood warning, or a flash flood watch.

Culvert Installation Specifications



Riprap installed to protect the inlet and outlet of a stream crossing culvert from erosion or for energy dissipation should be keyed into the natural channel bed and banks to an approximate depth of about 1.5x the maximum rock thickness. Riprap should be placed at least up to the top of the culvert at both the inlet and outlet to protect them from splash erosion and to trap any sediment eroded from the newly constructed fill slope above.

Culvert Installation Specifications



Rock armor used for inlet and outlet protection (i.e., not as energy dissipation) does not have to be sized to protect against high velocity scour. If the culvert is properly sized and its length is adequate, it should be able to transmit flood flows without scouring the inlet or eroding the outlet around the culvert. Armor shown here is designed to protect the culvert outlet and basal fill from splash erosion and from occasional submergence and currents within standing water (at the inlet) when the culvert plugs. Importantly, inlet and outlet armor also serves to trap sediment that has been eroded or slides down the new constructed fill face in its first several years, until the slope becomes well vegetated.

Culvert Installation Specifications

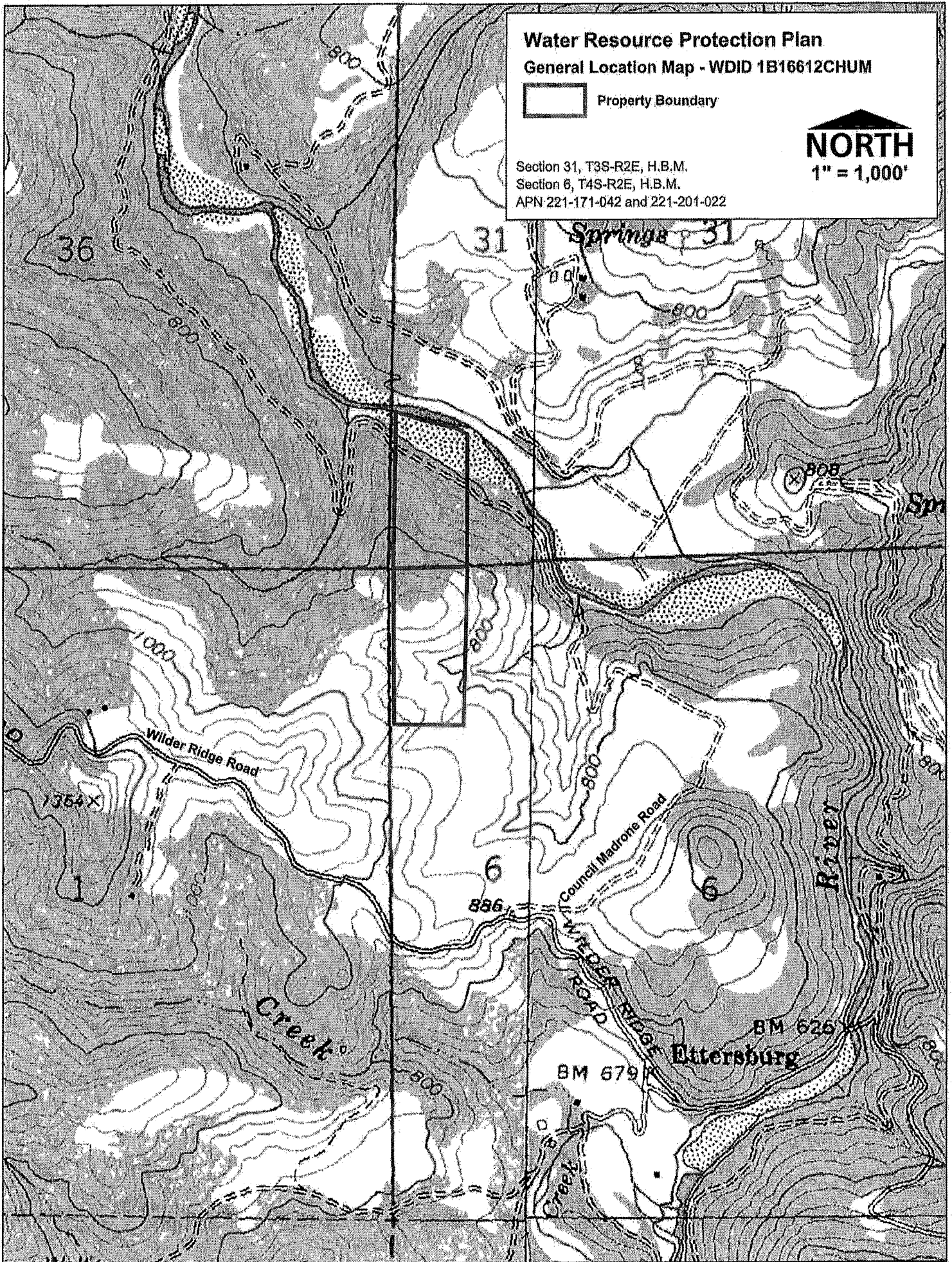
- New culvert installations shall be sized to accommodate a 100-year storm.
- New culverts shall be placed at stream gradient, or have downspouts, or have energy dissipaters at outfall.
 - Align culverts with the natural stream channel orientation to ensure proper function, prevent bank erosion and minimize debris plugging.
 - Place culverts at the base of the fill and at the grade of the original streambed or install a downspout past the base of the fill. Downspouts should only be installed if there are no other options.
 - Culverts should be set slightly below the original stream grade so that the water drops several inches as it enters the pipe.
 - Culvert beds should be composed of rock-free soil or gravel, evenly distributed under the length of the pipe.
 - Compact the base and sidewall material before placing the pipe in its bed.
 - Lay the pipe on a well-compacted base. Poor basal compaction will cause settling or deflection in the pipe and can result in separation at a coupling or rupture in the pipe wall.
 - Backfill material should be free of rocks, limbs or other debris that could dent or puncture the pipe or allow water to seep around the pipe.
 - Cover one end of the culvert pipe, then the other end. Once the ends are secure, cover the center.
 - Tamp and compact backfill material throughout the entire process, using water as necessary for compaction.
 - Backfill compacting will be done in 0.5 – 1.0 foot lifts until 1/3 of the diameter of the culvert has been covered.
 - Push layers of fill over the crossing to achieve the final design road grade, at a minimum of one-third to one-half the culvert diameter.
- Critical dips shall be installed on culvert crossings to eliminate diversion potential.
- Road approaches to crossings shall be treated out to the first drainage structure (i.e. waterbar) or hydrologic divide to prevent transport of sediment.
- Road surfaces and ditches shall be disconnected from streams and stream crossings to the greatest extent feasible. Ditches and road surfaces that cannot be feasible disconnected from streams or stream crossings shall be treated to reduce sediment transport to streams.
- If downspouts are used they shall be secured to the culvert outlet and shall be secure on fill slopes.
- Culverts shall be long enough so that road fill does not extend or slough past the culvert ends.
- Inlet of culverts and associate fill shall be protected with appropriate measures that extend at least as high as the top of the culvert.
- Outlet of culverts shall be armored with rock if road fill sloughing into channel can occur.
- Armor inlets and outlets with rock, or mulch and seed with grass as needed (not all stream crossings need to be armored).
- Where debris loads could endanger the crossing a debris catchment structure shall be constructed upstream of the culvert inlet.
- Bank and channel armoring may occur when appropriate to provide channel and bank stabilization. Stabilize the site pursuant to Addendum 12A.

Water Resource Protection Plan
General Location Map - WDID 1B16612CHUM


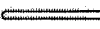
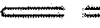



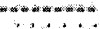
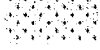










 Property Boundary



Section 31, T3S-R2E, H.B.M.
Section 6, T4S-R2E, H.B.M.
APN 221-171-042 and 221-201-022

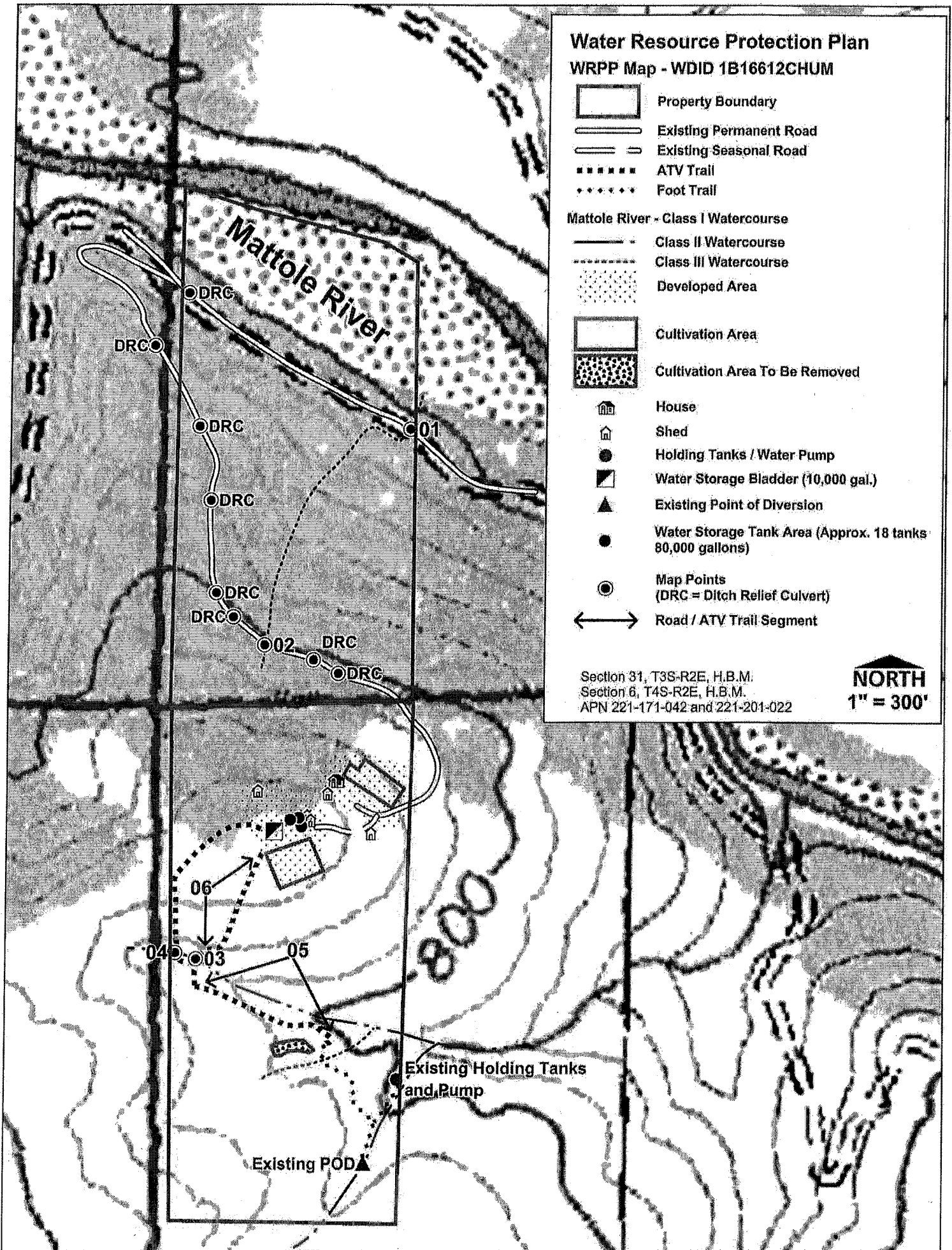


Water Resource Protection Plan
WRPP Map - WDID 1B16612CHUM

-  Property Boundary
-  Existing Permanent Road
-  Existing Seasonal Road
-  ATV Trail
-  Foot Trail
- Mattole River - Class I Watercourse**
-  Class II Watercourse
-  Class III Watercourse
-  Developed Area
-  Cultivation Area
-  Cultivation Area To Be Removed
-  House
-  Shed
-  Holding Tanks / Water Pump
-  Water Storage Bladder (10,000 gal.)
-  Existing Point of Diversion
-  Water Storage Tank Area (Approx. 18 tanks 80,000 gallons)
-  Map Points (DRC = Ditch Relief Culvert)
-  Road / ATV Trail Segment


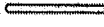
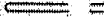
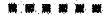



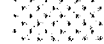

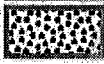








Section 31, T3S-R2E, H.B.M.
 Section 6, T4S-R2E, H.B.M.
 APN 221-171-042 and 221-201-022

NORTH
 1" = 300'



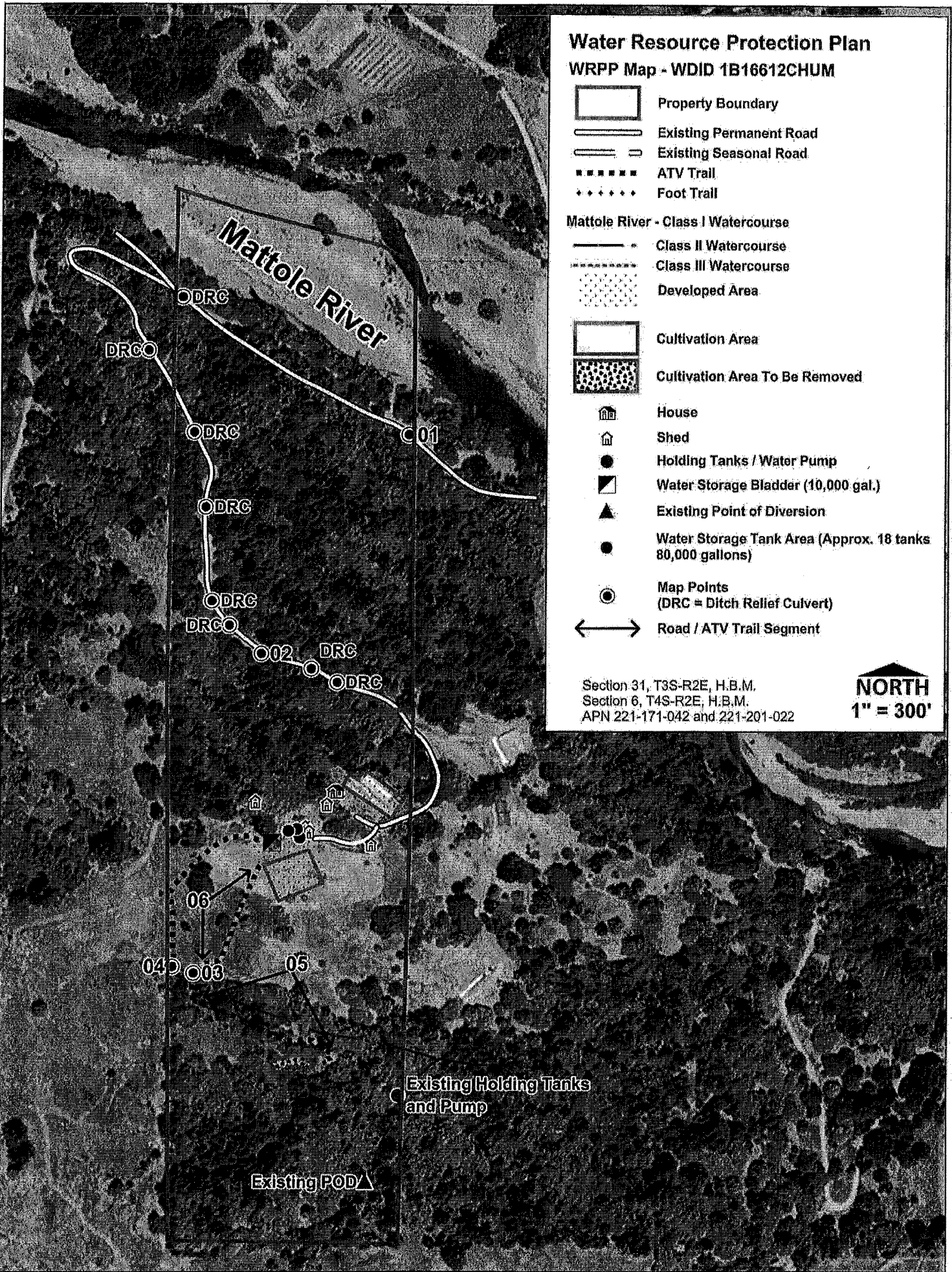
Water Resource Protection Plan

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 APN 221-171-042 and 221-201-022

NORTH
 1" = 300'



RECEIVED

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

MAY 15 2018

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2017-0334-R1

Mattole River and Unnamed Tributaries to Mattole River, Tributary to the Pacific Ocean

Ms. Mary Balletta
Balletta Water Diversion and Stream Crossing Project
5 Encroachments



This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Ms. Mary Balletta (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee notified CDFW on June 9, 2017, with revisions received on March 8, 2018, 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 accept 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 is located within the Mattole River watershed, approximately 9 miles northwest of the town of Redway, County of Humboldt, State of California. The project is located in Section 31, Township 3S, Range 2E, and Section 6, Township 4S, 2E, Humboldt Base and Meridian; in the Honeydew U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 221-201-022 and 221-171-042; latitude 40.14685, N and longitude -124.00355 W at point of diversion 1 (POD 1).

PROJECT DESCRIPTION

The project is limited to 5 encroachments (Table 1). Encroachment 1 is for water diversion from a Class II stream using a spring box. Work for the water diversion will include replacement and maintenance of diversion infrastructure. The existing spring

box will be removed from the center of the channel and a spring box 18" in diameter or less will be placed near the stream bank. Water is diverted for domestic use. Encroachment 2 (POD 2a) is for water diversion from the main stem Mattole River using an appropriately screened and placed submersible pump. Use of POD 2a will be discontinued when POD 2b (Encroachment 3) is installed in 2018. Water will be diverted for irrigation. Encroachment 3 is for installation and use of an offset well (approximately 8-10 inches in diameter 30 feet deep) on the floodplain of the main stem Mattole River. Water will be diverted for irrigation. Encroachment 4 is for the removal and decommissioning of an existing stream crossing (failing 12" diameter culvert) on an old ATV trail currently in use as a foot path. Work for this encroachment will include removal of the culvert and fill associated with the crossing. Encroachment 5 is for replacement of an existing wooden bridge with an 18" diameter x 20' long culvert. Work for this encroachment will include removal of the bridge, removal of associated fill, and installation of a new appropriately sized culvert.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
POD 1 (Class II)	-124.00355, 40.14685	Water diversion from a Class II stream for domestic use. Work for the water diversion will include removing the existing spring box from the center of the stream channel and installing a spring box 18" in diameter or smaller near the stream bank.
POD 2a (Class I), temporary	-124.00321, 40.15214	Water diversion from the main stem Mattole River using an appropriately screened and placed submersible pump, to be discontinued when POD 2b is developed in 2018.
POD 2b (offset shallow well)	-124.00335, 40.15227	Water diversion using a shallow (approximately 8-10" diameter and 30' deep) well installed on the Mattole River floodplain. Use of this diversion would replace the use of POD 2a.
Crossing 1	-124.00513, 40.14826	Decommission existing failing culvert crossing on foot path.
Crossing 2	-124.00531, 40.14831	Replace existing wooden bridge with an 18" diameter x 20' long culvert.

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*), 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 **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.
- 1.4 **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 that

the bypass flows and diversion rates 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.

- 1.5 **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.
- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **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 7 days after the project is fully completed.

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 **Work Period.** All work, not including water diversion, shall be confined to the period **June 15 through October 1** 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.
- 2.2 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on June 9, 2017, and revised on March 8, 2018, together with all maps, BMPs, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.3 **Wildlife Safe Products Only.** Only wildlife-friendly 100 percent biodegradable erosion control products that will not entrap or harm wildlife shall be used. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.

Water Diversion

- 2.4 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from any water intake shall **not exceed 4 gallons per minute (gpm)** at any time.
- 2.5 **Bypass Flow for POD 1.** The Permittee shall **pass 80% of the stream flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.6 **Bypass Flow for POD 2a.** The Permittee shall **pass 90% of the stream flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.7 **Seasonal Diversion Minimization through October 31, 2018.** No more than **300 gallons** per day shall be diverted during the low flow season from **June 15 to October 31, 2018**. Water shall be diverted only if the Permittee can adhere to conditions 2.4, 2.5, and 2.6 of this Agreement.
- 2.8 **Seasonal Diversion Minimization beginning November 1, 2018.** No more than **300 gallons** per day shall be diverted during the low flow season from **March 31 to December 15** of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.4, 2.5, and 2.6 of this Agreement.
- 2.9 **Measurement of Diverted Flow.** The Permittee shall install and maintain measuring devices acceptable to CDFW to accurately measure and manage bypass flow conditions, and the quantity of water diverted from the stream. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall **record the quantity of water** diverted on a weekly basis.
- 2.10 **Water Management Plan.** The Permittee shall submit a Water Management Plan **within 60 days of the date the Agreement is executed**, 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. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.11 **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.
- 2.12 **Intake Screening for POD 2a.** Screens shall be installed on intakes and in place when water is diverted. Structure placement, approach velocity, sweeping velocity, screen openings, and screen construction shall conform to criteria described in the

California Salmonid Stream Habitat Restoration Manual, Appendix S. This document is available at <http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp>. The Permittee shall regularly inspect, clean, and maintain screens in good condition.

- 2.13 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.
- 2.14 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.15 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.16 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

- 2.17 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.18 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.
- 2.19 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.

- 2.20 **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.
- 2.21 **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.
- 2.22 **Fill Excavation.** 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.

Conditions for Permanent Culverts

- 2.23 **Culvert Placement.** Culvert shall be installed to grade, 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).
- 2.24 **Streambed Construction.** 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.
- 2.25 **Armoring.** 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.
- 2.26 **Culvert Sizing.** Permanent culverts shall be sized to accommodate the estimated 100-year flood flow (slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.
- 2.27 **Work Completion.** The proposed work shall be completed by **no later than October 1, 2019**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.

2.28 Project Inspection. The Project shall be inspected by a licensed engineer or other qualified professional to ensure that the stream crossings were installed and decommissioned 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

3.1 Measurement of Diverted Flow. Copies of **Water Diversion Records** (condition 2.9) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year **beginning in 2017**.

3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.10) **within 60 days of the date the Agreement is executed**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

3.3 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.28) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Ms. Mary Balletta
PO Box 192
Miranda, CA 95553
(707) 502-9511

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0334-R1

LIABILITY

The 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 the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from 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.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 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 FGC section 1605(b), the 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, the 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 FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(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 http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

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 FGC section 1605(a)(2) requires.

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Ms. Mary Balletta




Mary Balletta

5-15-18

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

5/16/18

Date

Prepared by: Angela Liebenberg, Senior Environmental Scientist Specialist, November 3, 2017
Revised by A. Liebenberg on March 22, 2018

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: DAVE THOMAS APN: 221-201-027

Planning & Building Department Case/File No.: APPS: 12196

Road Name: COUNCIL MADRONE (complete a separate form for each road) *NOTE: NEIGHBORING PARCEL ALREADY APPROVE USING SAME ROAD NETWORK*

From Road (Cross street): WILDER RIDGE ROAD

To Road (Cross street): ENTRANCE SUBJECT PARCEL

Length of road segment: APPROX 1 MILE miles Date Inspected: 10/20

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

Check one of the following:

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

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

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

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

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

Signature: [Handwritten Signature]

Date: 10/20/17

Name Printed: David Thomas

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.

40.1500-124.0021

SUBJECT
PARCEL

COUNCIL MADRONE

COUNCIL MADRONE

WILDER RIDGE

A PRE-EXISTING INVESTIGATION FOR THE THOMAS COMMERCIAL CANNABIS CULTIVATION, HUMBOLDT COUNTY, CALIFORNIA

COUNTY APPLICATION: PLN-12196-CUP, ASSESSOR'S PARCEL NUMBER (APN): 221-201-022



Prepared by:

A handwritten signature in black ink, appearing to read "Mark Arsenault".

Mark Arsenault, M.A., RPA (41855166)
Principal Investigator
Arsenault & Associates
1085 I Street, Suite 206
Arcata, CA 95521



Prepared for:

Dave Spinosa
Timberland Resource Consultants
165 S Fortuna Blvd #4
Fortuna, CA 95540
and
David Thomas (Applicant)

October 1, 2019

ABSTRACT:

Arsenault & Associates conducted a preexisting investigation (PEI) on one outdoor cannabis cultivation area situated on a 19-acre parcel (APN: 221-201-022) located approximately 0.90 linear miles north of the unincorporated community of Ettersburg, California. This investigation, designated the Thomas PEI, was conducted to ascertain the size and age of the pre-existing cultivation area under investigation and determine if it meets the Commercial Medical Marijuana Land Use Ordinance's (CMMLUO, Ord. No. 2559) definition for a pre-existing cultivation area. The CMMLUO requires a cultivation area to have been in use prior to January 1, 2016 to qualify as a pre-existing cultivation area (CMMLUO 55.4.14.1). The Thomas PEI examined the deterioration of cultivation area located on APN 221-201-022 and aerial photographs to determine the size of the area and if it was in use prior to 2016. The pre-existing area on APN 221-201-022 was determined to have been in use during 2012 and measure 2,884 ft² in area. Fifty-six individual cannabis plant locations were counted during the site visit. Each of these cannabis plants could be identified on the 2012 aerial photograph of the cultivation area.

Pre-Existing Investigation Synopsis:

The outdoor pre-existing cultivation area on APN 221-201-022 was determined to date to 2012 and measure 2,884 ft². This conclusion was reached by examining the deterioration of the cultivation area and aerial photographs dating to 2012.

Cover Figure:

Overview of the outdoor pre-existing cultivation area this investigation examined, facing west.

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1. INVESTIGATION SUMMARY

On June 13, 2019 Arsenault & Associates conducted an investigation of an outdoor pre-existing cannabis cultivation area situated 0.90 linear miles north of the unincorporated community of Ettersburg, California. Figure 1 depicts the pre-existing cultivation area and the parcel listed on the county permit. The parcel listed on the county permit application (PLN-12196-CUP) is APN 221-201-022. The cultivation area under investigation is situated in the western portion of this parcel, measures 2,884 ft² in area, and was used between 2012 and 2014.

The Thomas PEI was primarily designed to document the size and duration of use of the pre-existing cultivation area located on APN 221-201-022. The physical footprint this area has left on the landscape is minimal but includes irrigation and agricultural refuse, low understory vegetation, and small depressions where individual cannabis plants were located. The physical extent of the pre-existing cultivation area was delineated based on in field observations.

The outdoor area delineated by this investigation contained 56 identifiable cannabis plant locations, measures 50 ft north to south, 100 ft east to west, and 2,884 ft in area. The cultivation area under investigation is situated in the southwestern portion of APN 221-201-022 and located on a midslope bench above an unnamed tributary of the Mattole River.

The intent of the Thomas PEI was to both measure and date the pre-existing cultivation area on APN 221-201-022. Pedestrian survey transects were used to identify and examine potentially diagnostic contemporary cultural constituents associated with the pre-existing cultivation area under investigation. These transects were spaced between 5-10 m apart and systematically aligned throughout pre-existing cultivation area. Once identified the boundaries of the cultivation area were marked using a Garmin GPSMAP 64 unit. Overview photos of the cultivation area and plant locations are depicted in Appendix A.

1.1 PROFESSIONAL QUALIFICATIONS

The field crew for this investigation consisted of Mark Arsenault, MA, RPA. Mr. Arsenault is a professional archaeologist recognized by both the Register of Professional Archaeologists (RPA) and the California Historic Information System as a qualified Principal Investigator. He also meets the United States Secretary of the Interior's Professional Qualifications Standards for Archaeology (Title 36 CRF Part 62). Mr. Arsenault has been working in archaeology in northwestern California since 2011 and regularly takes part in phase I, II, and III investigations. In addition to serving as this investigation's Principal Investigator Mr. Arsenault holds an M.A. in applied anthropology, specializing in archaeology. Since Mr. Arsenault is the acting Principal Investigator on this project it was conducted as an anthropological study and as such includes the use of anthropological terms, methodologies, and interpretive modes for examining past human behavior.

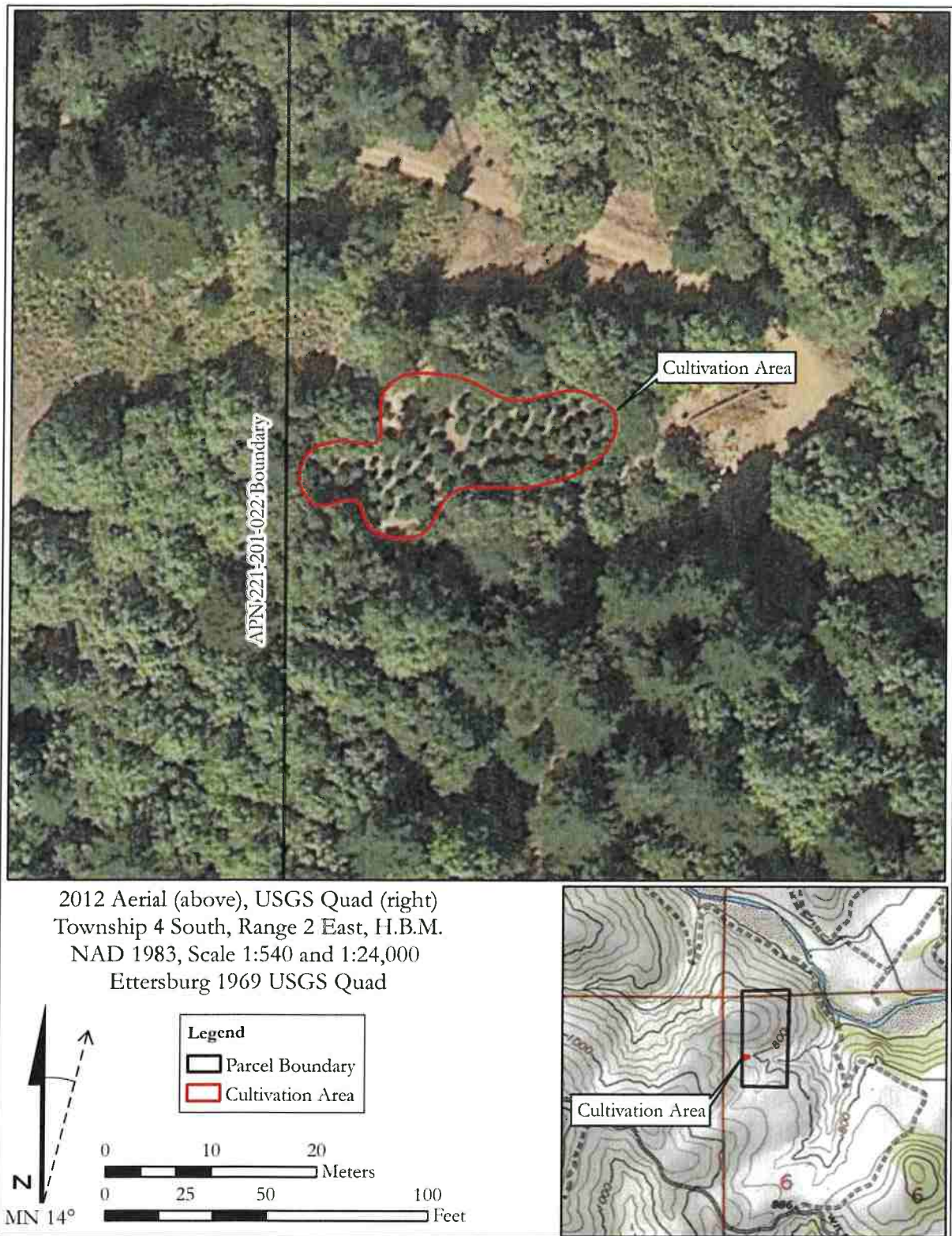


Figure 1. Cultivation Location Map

2. FINDINGS

The Thomas PEI examined both the spatial and temporal aspects of the cultivation area located on APN 221-201-022. The fieldwork for this investigation was conducted on June 13, 2019 and included a pedestrian survey of the outdoor pre-existing cultivation area. Specifically, the aerial photographs dating to 2012 and 2014 demonstrates that the 2,884 ft² of pre-existing cannabis cultivation area on APN 221-201-022 qualifies as pre-existing.

2.1 METHODS

Fieldwork began with a systematic pedestrian survey designed to locate temporally diagnostic refuse and plant locations associated with the cultivation area under investigation. Once identified the cultivation area's boundaries were recorded. The documentation of the cultivation included taking GPS points, photographs, and basic measurements of the garden area. A Garmin GPSMAP 64S and Delorme inReach GPS were used to take points and a Pentax Optio WG-2 digital camera was used to photograph the cultivation area. All the digital data pertaining to this investigation is on file at the offices of Arsenault & Associates, located in Arcata, California, and can be accessed by contacting Mark Arsenault, M.A., RPA at mjaarsenault@gmail.com.

Secondary background research regarding the history of use of the cultivation area on APN 221-201-022 was conducted. Background research consisted of examining aerial photographs dating from 2004 to 2016. The cultivation area and plant locations located during the pedestrian survey was most identifiable in aerial photographs dating to 2012 and 2014.

2.2 FINDINGS

Fieldwork at the Thomas Property examined one outdoor pre-existing cultivation area located in the southwestern portion of the APN 221-201-022. This cultivation area was used from 2012 to 2014, as demonstrated by aerial photographs. The pre-existing cultivation area on this parcel is situated above an unnamed tributary of the Mattole River.

The cultivation area examined by this investigation was found to contain 56 individual cannabis plant locations arranged in a semi systematic pattern in diagonal or zig-zaging rows. This cultivation area was found to measure 50 ft north to south, 100 ft east to west, and 2,884 ft² in area. The cultivation was placed in an isolated open exposure surrounded by a mixed oak coniferous stand of trees. The landform on which the pre-existing cultivation area is situated is a midslope bench with a gently rolling slope and easterly aspect. Most of the 56 cannabis plant locations identified during the pedestrian survey were reidentified on aerial photographs dating to 2012. Plant locations consisted of either in-ground permanent plant locations or above ground plants grown in plastic bags. The aerial photographs examined by this investigation and dating the cultivation area's use are depicted in Figures 1-3.

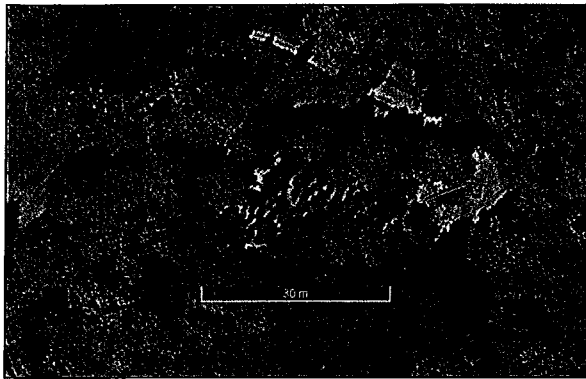


Figure 2. 2012 Aerial photograph of the pre-existing cultivation area.

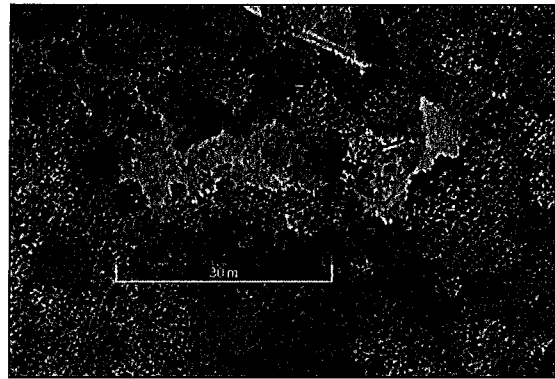


Figure 3. 2014 Aerial photograph of the pre-existing cultivation area.

2.3 CONCLUSIONS

The findings laid out in Section 2.2 indicates that the outdoor pre-existing cultivation area on APN 221-201-022 meets the CMMLUO's definition for a pre-existing cultivation area. Specifically, the deterioration of the cultivation area and 2012 aerial and photographs demonstrates the previously described cultivation area was concurrently used as far back as 2012. Additionally, observational data such as the accumulation of duff on top of the plant locations and the closure of the manually maintained open exposures above the plant locations supports this conclusion. The Thomas pre-existing cultivation area was found to contain 56 individual cannabis plant locations and measure 2,884 ft² in area. Given the semi systematic pattern of the cannabis locations, and discrete nature of this cultivation, it is recommended that the Humboldt County Department of Planning and Building award permit PLN-12196-CUP 2,884 ft² of outdoor cultivation area. **The data collected by this investigation demonstrates that the Thomas pre-existing cultivation area accounts for 2,884 ft² of cultivation area and was used as far back as 2012.**

For more information regarding the Thomas PEI or the documentation referred to in this report please contact Mark Arsenault, with Arsenault & Associates, at (510) 673-2207 or via email at mjaarsenault@gmail.com.

APPENDIX A: FIELD PHOTOGRAPHS



Figure 4. Overview of entire cultivation area, facing west.



Figure 5. Agricultural refuse found in cultivation area.



Figure 6. Overview of a plant location in the pre-existing cultivation area, facing south.

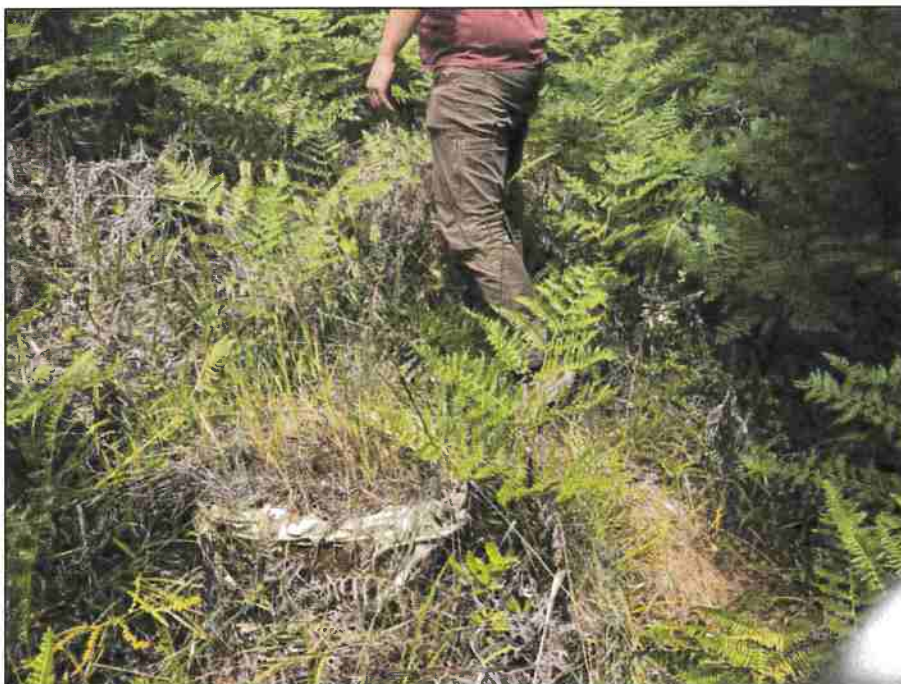


Figure 7. Overview of plant location in pre-existing cultivation area, facing north.



Figure 8. Overview of water storage tanks associated with the pre-existing cultivation area.



Figure 9. Overview of an in-ground plant location (denoted by high grass), facing east.



Figure 10. Overview of an in-ground plant location, facing east.



Figure 11. Overview of a plant location in partial exposure, facing south.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On File with Planning (Accela)
Division Environmental Health	✓	Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Telegraph Ridge Fire Protection District		No Response	
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Intertribal Sinkiyone Wilderness Council		No Response	
So. Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff	✓	Approval	On file with Planning
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights	✓	Conditional Approval	Attached

PLN-12196-CUP - David Thomas - CUP for 12,900 SF of Existing Outdoor

Cancel Help

Summary	
Project Description	Task: Environmental Health Assigned to: Ben Dorf Action by: Ben Dorf Start Time: End Time
Workflow	Due Date: 11/09/2019 Assigned to: Ben Dorf Action by: Ben Dorf Start Time: End Time Status: Approved Status Date: 10/30/2019 Hours Spent: 0.0
1 Referral Assignments	Billable: No Overtime: No Comments:
2 Planning Information	Time Tracking Start Date: Est. Completion Date: In Possession Time (hrs):
3 GP / Zoning Information	Display E-mail Address in ACA: <input checked="" type="checkbox"/> Display Comment in ACA: <input checked="" type="checkbox"/> Comment Display in ACA: <input checked="" type="checkbox"/> All ACA Users
4 CEQA	<input checked="" type="checkbox"/> Record Creator
5 Cannabis	<input checked="" type="checkbox"/> Licensed Professional
Project Tracking	<input checked="" type="checkbox"/> Contact
6 Referral Task Log (2)	<input checked="" type="checkbox"/> Owner
Fee (3)	Estimated Hours: 0.0 Action Updated: Workflow Calendar

- PLN-11962 -SP
- PLN-11963 -ZOC
- PLN-11351 -SP
- PLN-11334



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

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


ON-LINE
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING			
SECOND & L ST., EUREKA			
FAX 445-7409			
ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX	
HARRIS & H ST., EUREKA	
FAX 445-7388	
LAND USE	445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Liza Welsh, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 10/31/2019

Applicant Name	DAVID THOMAS
APN	221-201-022
APPS#	PLN-12196-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 10/20/2019, with Part A –Box 2 checked, certifying that the road is developed to the equivalent of a road category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

AAPS #12196

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

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

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

From: [Meghan Ryan](#)
To: ["Van Hattem, Michael@Wildlife"](#)
Cc: ["Johnson, Cliff"](#); [Megan Marruffo](#)
Subject: RE: APPS #12196 - David Thomas-, APNs: 221-201-022 and 221-171-042/PROJECTED HEARING DATE: FEBRUARY 17, 2022
Date: Tuesday, February 1, 2022 8:01:00 AM

APPS #12196 – Revision made to Subject Line. Thanks!



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

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From: Meghan Ryan
Sent: Tuesday, February 1, 2022 8:00 AM
To: 'Van Hattem, Michael@Wildlife' <Michael.VanHattem@wildlife.ca.gov>
Cc: 'Johnson, Cliff' <CJohnson@co.humboldt.ca.us>; Megan Marruffo <marruffom@lacoassociates.com>
Subject: APPS #12198 - David Thomas-, APNs: 221-201-022 and 221-171-042/PROJECTED HEARING DATE: FEBRUARY 17, 2022

Good morning, Mike – I hope all is well in your neck of the woods. I am reviewing the David Thomas project and I do not see any CDFW referral comments on file. Please let me know if CDFW has any comments or questions regarding this project.

The project description is the following:

A Conditional Use Permit for 11,842 square feet (SF) of existing outdoor cannabis cultivation that is cultivated using light deprivation techniques within six (6) greenhouses, including 1,200 SF of ancillary propagation within a separate greenhouse. Irrigation water is currently sourced from a point of diversion on an adjacent parcel (APN 221-171-044); however, a 292,000-gallon rainwater catchment pond is proposed onsite to serve the project. Existing available water storage is 130,000 gallons in a series of hard-sided tanks (with 3,000 gallons for domestic use) and, with installation of the proposed pond, there would be a total of 422,000 gallons of onsite water storage. Estimated annual water usage is 120,360 gallons. Drying and processing occurs onsite within three (3) separate structures totaling 830 SF. A maximum of three (3) people will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with a portable generator utilized for back-up. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion located on APN 221-171-044.

There is a Final SAA on file for this applicant (see attached) and water rights associated with

diversions. The applicant is proposing an off-stream pond for irrigation. Planning staff supports development of the pond to reduce reliance on surface waters. Prior construction, conditions of approval require the applicant submit a new notification to CDFW or modify the existing agreement to include improvements associated with outfall of the pond and provide a Bullfrog Management Plan. The applicant must obtain the new/modified agreement or letter from CDFW stating one is not required prior to construction (and in addition to grading permits). Noise and light attenuation measures are also applied to the project.

Please let me know if you have any questions or comments.

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
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707 443-5054
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**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245**

10/24/2019

Project Referred To The Following Agencies:

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

Applicant Name David Thomas **Key Parcel Number** 221-171-042-000

Application (APPS#) PLN-12196-CUP **Assigned Planner** Liza Welsh 707-268-3718

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: 11/8/2019

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

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

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

Other Comments: Recommend approval under the condition that the applicant obtains a SIUR water right notice of receipt document and pays water right registration fees.

11/26/2019

Jonathan Pham, Cannabis Registration Unit - Division of Water Rights

DATE: _____ PRINT NAME: _____