COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 19, 2022

To: Humboldt County Planning Commission

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

Subject: **Hog Trap Farms, LLC Conditional Use Permit**
Record Number PLN-13336-CUP
Assessor's Parcel Numbers (APNs) 218-071-003 and 218-081-003
908 Hogtrap Road, New Harris

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 19, 2022	Conditional Use Permit	Jordan Mayor

Project Description:

Hog Trap Farms, LLC seeks a Conditional Use Permit for an existing 33,634-square-foot (SF) cannabis cultivation operation consisting of 21,634 SF of outdoor and 12,000 SF of mixed-light on parcel 218-071-003. Drying and processing occur in a two-story 1,800-SF drying barn on the adjacent parcel 218-081-003 which is already permitted to cultivate 10,000 SF (PLN-13356-SP). The applicant seeks the options to continue to process onsite, process offsite at a licensed facility, or to harvest straight to extraction without processing in the future. Water for irrigation is sourced from a shared 2-million-gallon rainwater catchment pond on the adjacent parcel and two 25,000-gallon rainwater catchment tanks on the subject parcel which gravity feed an additional four 2,500 tanks. Total tank storage amounts to 65,000 gallons. Estimated annual water use on the subject parcel is 456,200 gallons whereas 114,050 gallons are used annually on 218-081-003. Power is provided by Pacific Gas and Electric Company. Motion sensor lighting and security cameras are installed around cultivation facilities; fencing and guard dogs provide additional security.

Project Location: The project is in Humboldt County, in the New Harris area, on both sides of Hogtrap Road, approximately 0.9 miles east from the intersection of Island Mountain Road and Hogtrap Road, on the property known as 908 Hogtrap Road (APNs 218-071-003 and 218-081-003).

Present General Plan Land Use Designations: Residential Agriculture (RA40), 2017 General Plan, Density Range: 5-160 acres/unit, Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR-B-5[40])

Record Number: PLN-13336-CUP

Assessor's Parcel Number: 218-071-003 and 218-081-003

Applicant	Owner	Agent
Hog Trap Farms, LLC	Joseph A Cipriano	Bridget Carlson
PO Box 110	1271 Evergreen Road	2142 Island Mtn. Rd.
Redway, CA 95560	Redway, CA 95560	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

Hog Trap Farms, LLC
Record Number: PLN-13336-CUP
Assessor's Parcel Number: 218-071-003

Recommended 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 (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Conditional Use Permit, and adopt the Resolution approving the Hog Trap Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Hog Trap Farms, LLC seeks a Conditional Use Permit for an existing 33,634 square feet (SF) of cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated Residential Agriculture (RA) in the adopted General Plan and zoned Forestry Recreation (FR). The cannabis cultivation consists of 12,000 SF of mixed-light cannabis grown in four 3,000-SF greenhouses and 21,634 SF of outdoor cultivation in one general location in the northeast portion of the parcel that is over 600-feet from public lands located to the west and south of the parcel. Drying and processing occur in a two-story 1,800-SF drying barn on the adjacent parcel 218-081-003 which is already permitted to cultivate 10,000 SF (PLN-13356-SP). Power is provided by Pacific Gas and Electric Company (PG&E) with no generator use. The applicant reserves the option to continue to process onsite, to process offsite at a licensed facility, or to harvest straight to extraction without processing, depending on market conditions and staffing decisions. There are two annual harvests for a growing season that extends from April through November. The operation does not currently hire any employees and members of the LLC and immediate family conduct operations. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including two 25,000 rain-catchment tanks, processing buildings, greenhouses, and any retro-active grading, as needed (**COA #A.6-A.7**).

Security measures include motion sensor lighting and security cameras installed around the facilities, guard dogs within fenced cultivation areas, locked gates at all entrances, cultivation related items and products stored in locked and secured locations, and the regular licensed transportation of cannabis (other than lab samples) to licensed or permitted wholesale, distribution, or manufacturing companies. The owner-operators utilize portable toilets with hand-washing facilities when onsite. There are two existing septic systems that serve existing buildings that are not used for cultivation related activities.

Water Resources

Irrigation water for the property is sourced from a rain catchment pond on the adjacent permitted cannabis farm to the east (APN 218-081-003). During the summer, the water is pumped to two-25,000-gallon rain catchment tanks at the highest vertical point on the subject parcel and dispersed via gravity to additional hard tank storage and irrigation lines. Water storage consists of seven hard tanks totaling 65,000 gallons, 5,000-gallons of which are reserved for fire safety. Estimated annual water usage is 456,200 gallons (7.3 gallons/SF/year) on the subject parcel and 114,050 gallons on the adjacent parcel. Total water use is approximately half of total storage available across the two parcels. Peak water demand occurs in August when approximately 96,000 gallons of water are used. Between the months of November and March no irrigation for agriculture purposes is proposed. All irrigation of cannabis is completed by a timed, drip irrigation system preventing any over-watering or runoff. All water sources shall be monitored (**COA #A.8**).

Humboldt County's WebGIS shows one mapped Class III intermittent stream and associated 50-foot Streamside Management Area buffer. The cultivation areas occupy a flat ridgeline, are on slopes less than 15%, and are relatively far (>200ft) from any surface waters. The Site Management Plan (SMP) prepared by Pacific Watershed Associates in 2019 (**Attachment 3**) indicates no stream crossings were on the access road along the ridgeline and all cultivation areas and associated facilities are more than 200 feet from the nearest watercourse. An additional access road (#77) passes through the forested part of the parcel to the south of all cultivation areas and nine stream crossings noted on the SMP map. According to the SMP, a 1,000-gallon gasoline and 1,000-gallon diesel fuel metal drums are stored on site in sheds with secondary containment. The standard best management practices are described and made conditions of approval (**COA #A.9**). In addition, the applicant shall adhere to the CDFW LSAA (Notification No. 1600-2019-0854-R1) "Measures to Protect Fish and Wildlife Resources" (**Attachment 3**).

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 Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 92 permits and the total approved acres would be 44.93 acres of cultivation.

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

Biological Resources
There are no mapped sensitive species on the parcel and although the nearest Northern Spotted Owl (NSO) detection is approximately one mile south from the cultivation area; lands surrounding the site are forested and could provide NSO habitat. The project has been conditioned to ensure supplemental lighting associated with mixed light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat and avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work. Per the Cultivation and Operations Plan, during the growing season, light spillage shall be prevented by use of black-out-tarps to prevent nocturnal light emission. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife (**COA #B.1-B.8**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination
There were no known tribal cultural resources on the project site when the project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and Sinkyone Intertribal Wilderness Council in 2018. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and a study is recommended prior to commencement of project activities. Archaeological Research and Supply Company prepared an archaeological inventory report for the subject parcels in 2018. No artifacts were found on the subject parcels and no further archaeological work was recommended. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access
The project is in Humboldt County, in the New Harris area, on both sides of Hogtrap Road, approximately 0. 9 miles east from the intersection of Island Mountain Road and Hogtrap Road, on the property known

as 908 Hogtrap Road. A Road Evaluation Report was prepared by the applicant for Hogtrap Road which indicates that the road is developed to the equivalent of a road category of 4. The Department of Public Works noted that the intersection of Island Mountain Road and Hogtrap Road was improved with a prior application. The applicant states that the project activities do not present a significant increase in road use.

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

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 2 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-13336-CUP
Assessor's Parcel Number: 218-071-003

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Hog Trap Farms, LLC, Conditional Use Permit.

WHEREAS, **Hog Trap Farms, LLC,** submitted an application and evidence in support of approving the continued operation of an existing 33,634-square-foot (SF) cannabis cultivation operation consisting of 21,634 SF of full-sun outdoor and 12,000 SF mixed-light cannabis cultivation, and existing ancillary drying and processing activities in an existing two-story 1,800-SF barn;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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 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; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on May 19, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. **FINDING:** **Project Description:** The application is a Conditional Use Permit to allow 21,634 SF of full-sun outdoor and 12,000 SF mixed-light cannabis cultivation and existing ancillary drying and processing activities. Estimated annual water usage is 456,200 gallons. Water for irrigation is sourced from a 2-million-gallon rainwater catchment pond on the adjacent parcel. Water storage consists of seven hard tanks totaling 65,000 gallons. Processing will be performed onsite; however, the applicant may choose offsite processing at an approved facility in the future. Power is provided by Pacific Gas and Electric Company.

   EVIDENCE: a) Project File: PLN-13336-CUP

2. **FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

   EVIDENCE: a) Addendum prepared for the proposed project.

   b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Site Management Plan was prepared by Pacific Watershed Associates in 2019 to show compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ.

d) A LSAA Notification No. 1600-2019-0854-R1 from CDFW is on file.

e) A Road Evaluation Report was prepared by the applicant for Hogtrap Road which indicates that the road is developed to the equivalent of a road category of 4.

f) A Cultural Resource Survey was prepared by Archaeological Research and Supply Company in 2018. No artifacts were found, and no additional research was recommended.

FINDINGS FOR CONDITIONAL USE PERMIT

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

EVIDENCE a) 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 Forestry Recreation (FR) Zone in which the site is located.

EVIDENCE a) All general agricultural uses are principally permitted in the FR-Zone.

b) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 5 acres 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 12,000-SF mixed-light cannabis cultivation, 21,634-SF outdoor cannabis cultivation, and ancillary drying and processing on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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 (Section 314-55.4.8.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded June 1, 2016.

c) The project will obtain water from a non-diversionary water source – an approximately 2-million-gallon storage pond and 60,000 gallons of available hard tank storage which includes two 25,000-gallon rain catchment tanks.

d) A LSAA Notification No. 1600-2019-0854-R1 from CDFW is on file.

e) The site is accessed directly off Hogtrap Road which is private and not

maintained by Public Works. Hogtrap Road has a road category of 4 which was claimed "adequate for the proposed use…" by the applicant.

f) The slope of the land where cannabis will be cultivated is less than 15%.

g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, public park, or tribal cultural resource. Public lands are located more than 600-feet from the cultivation areas to the west and south of the subject parcel.

6. FINDING The cultivation of 33,634 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

a) The site is located on Hogtrap Road, a private road maintained by the parcel owners who use Hogtrap Road to access their lands.

b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.

c) Irrigation water will come from an off-stream rainwater catchment pond on the adjacent parcel. In addition to the pond, existing available water storage consists of seven hard tanks totaling 65,000 gallons. Estimated annual water usage is 456,200 gallons subject parcel and 115,050 gallons on the adjacent parcel with the pond.

d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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

EVIDENCE

a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

8. FINDING The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project, the total approved permits in this planning watershed would be 92 permits, and the total approved acres would be 44.93 acres of cultivation.

DECISION

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

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

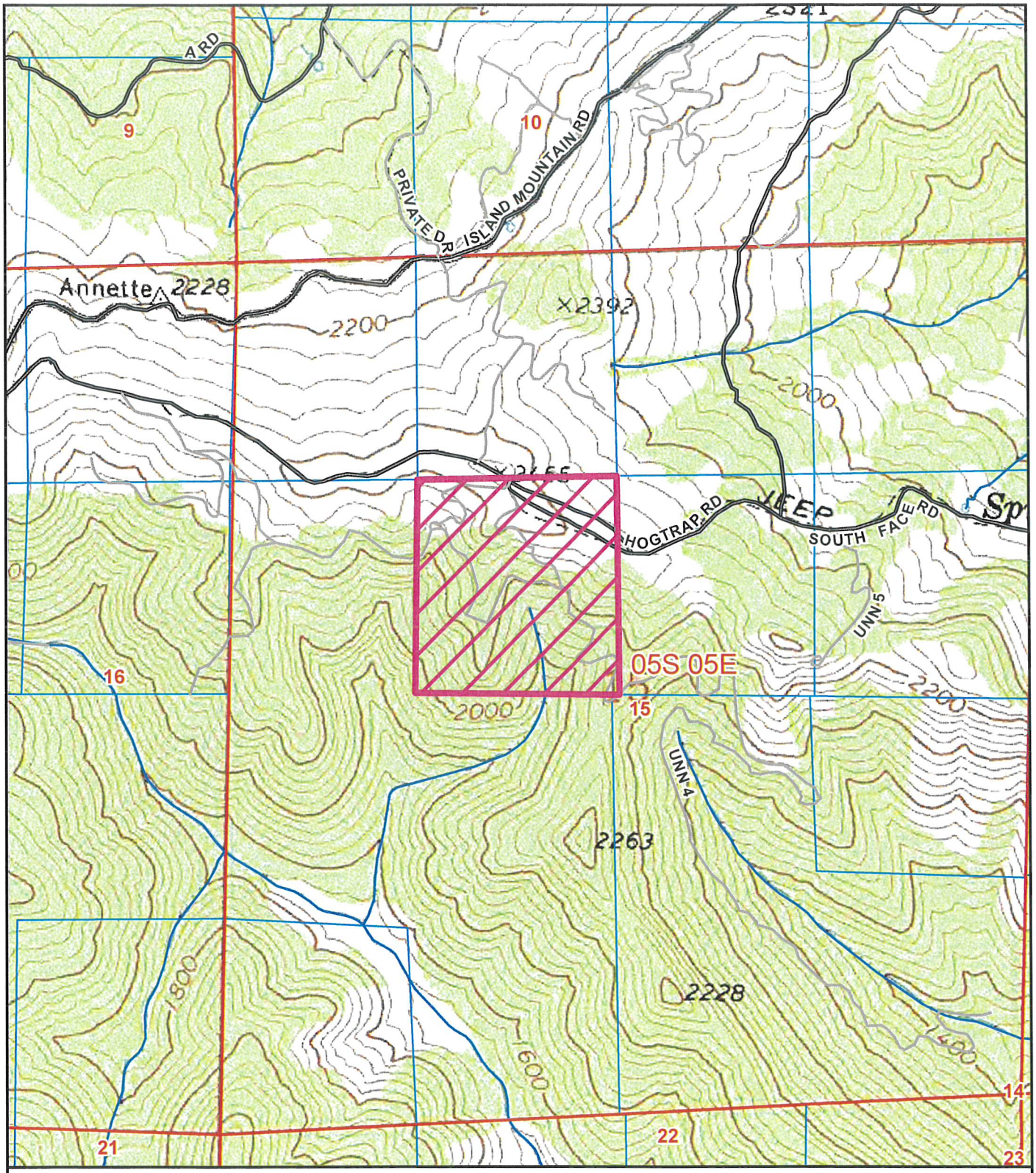
Adopted after review and consideration of all the evidence on **May 19, 2022.**

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

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

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

_____
John Ford, Director
Planning and Building Department



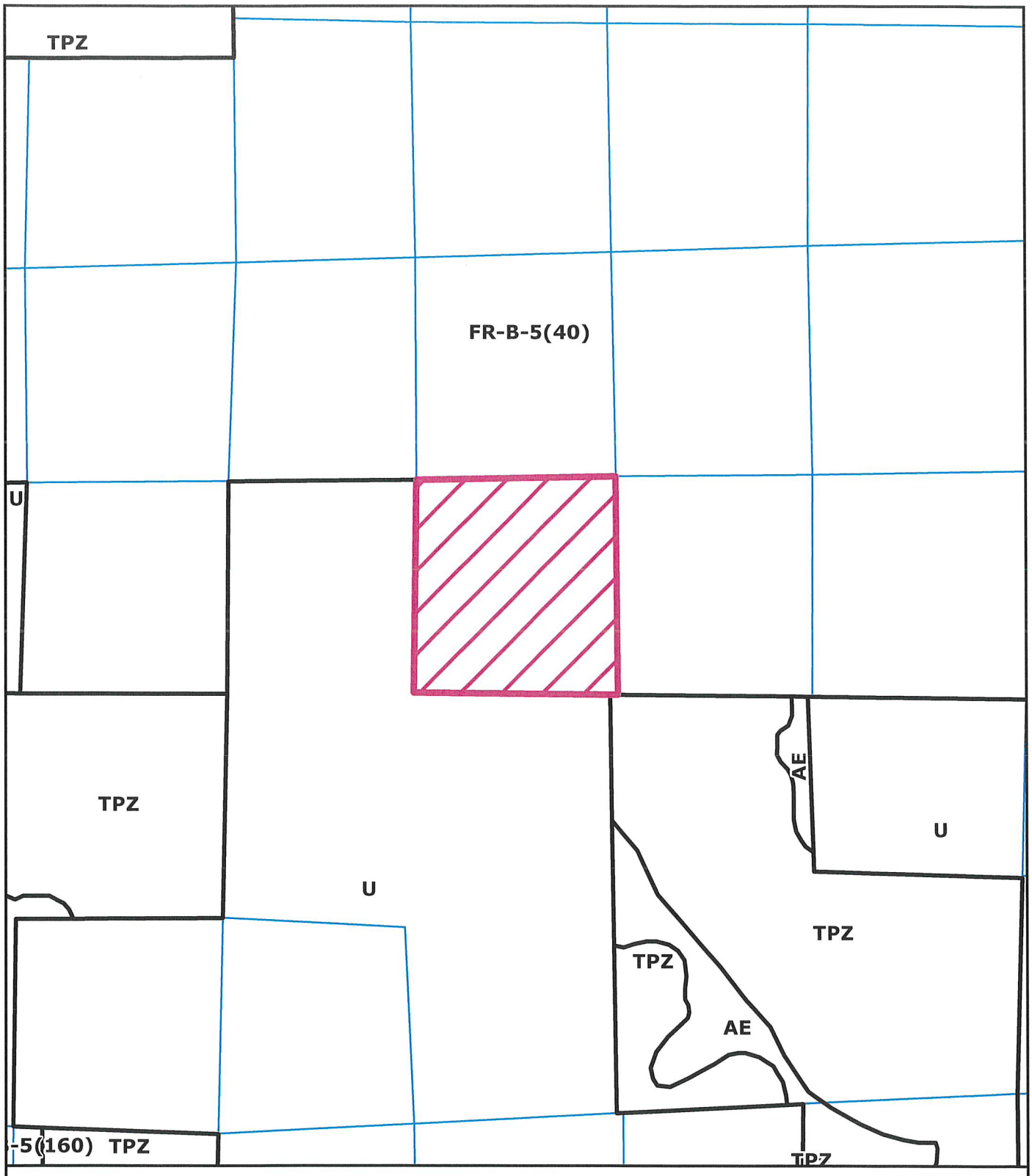
TOPO MAP
PROPOSED HILLTOP ORGANICS LLC
NEW HARRIS AREA
CUP-16-1111
APN: 218-071-003
T05S R05E S15 HB&M (JEWETT ROCK)

Project Area =

N

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.

0 1,000 2,000 Feet



ZONING MAP
PROPOSED HILLTOP ORGANICS LLC
NEW HARRIS AREA
CUP-16-1111
APN: 218-071-003
T05S R05E S15 HB&M (JEWETT ROCK)

Project Area =

N

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.

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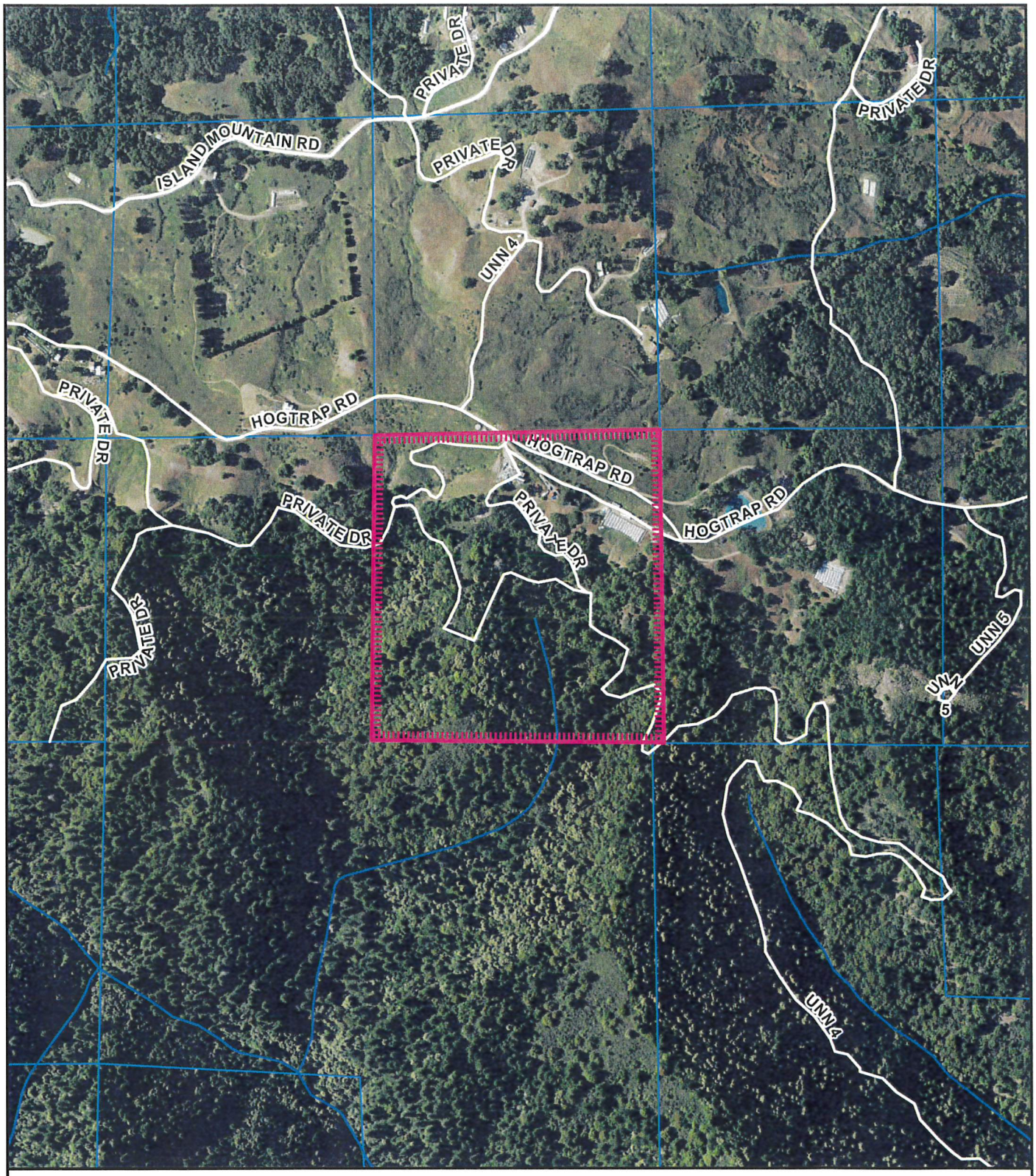


AERIAL MAP
PROPOSED HILLTOP ORGANICS LLC
NEW HARRIS AREA
CUP-16-1111
APN: 218-071-003
T05S R05E S15 HB&M (JEWETT ROCK)

Project Area =

N

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.

0 800 1,600 Feet

HOG TRAP FARMS, LLC

CONDITIONAL USE PERMIT APPS# 13336,13356

DIRECTIONS TO SITE:

FROM EUREKA, CA
-SOUTHBOUND ON US-101
(APPROX. 67 MILES)
-TAKE EXIT 639B REDWAY
-TAKE RIGHT ONTO REDWOOD DRIVE (0.2 MILES)
-TURN RIGHT ONTO ALDER POINT ROAD (8 MI)
-KEEP RIGHT ONTO BELL SPRINGS ROAD (8 MILES)
-KEEP LEFT TO CONTINUE ON ISLAND MOUNTAIN ROAD (0.9 MILES)
-KEEP RIGHT AND CONTINUE ONTO HOG TRAP ROAD (~0.55 MILES TO GATE ON RIGHT)

RECEIVED
JUN 2 5 2020
Humboldt County
Cannabis Svcs

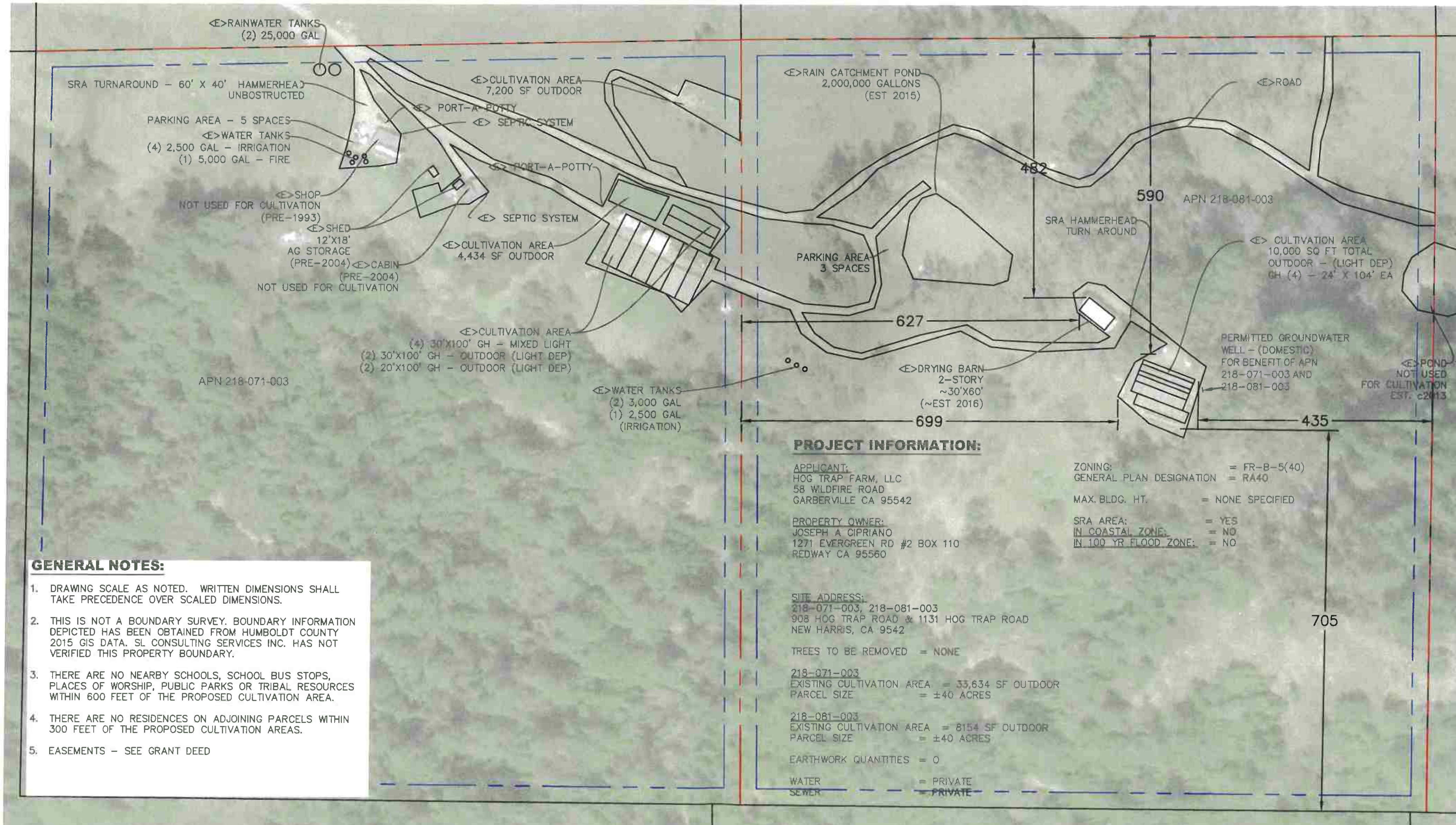
PROJECT DESCRIPTION:

PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO). THE EXISTING OPERATION INCLUDES 10,000 SQUARE FEET OF OUTDOOR LIGHT DEPRIVATION CULTIVATION ON APN 218-081-003 AND 33,634 SF OF CULTIVATION (12,000 SF MIXED LIGHT, 21,634 SF OUTDOOR) ON APN 218-071-003.

IRRIGATION WATER SOURCE IS RAINWATER CATCHMENT.
DRYING OCCURS WITHIN A 30'X60' BARN ON APN 218-081-003

22x34 SHEET: 1"=20'
11x17 SHEET: 1"=40'
0 10 20 40

2-19-20	PLOT PLAN REVISIONS



GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. SL CONSULTING SERVICES INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. EASEMENTS – SEE GRANT DEED

PROJECT INFORMATION:

APPLICANT:
HOG TRAP FARM, LLC
58 WILDFIRE ROAD
GARBERVILLE CA 95542

PROPERTY OWNER:
JOSEPH A CIPRIANO
1271 EVERGREEN RD #2 BOX 110
REDWAY CA 95560

SITE ADDRESS:
218-071-003, 218-081-003
908 HOG TRAP ROAD & 1131 HOG TRAP ROAD
NEW HARRIS, CA 9542

TREES TO BE REMOVED = NONE

218-071-003
EXISTING CULTIVATION AREA = 33,634 SF OUTDOOR
PARCEL SIZE = ±40 ACRES

218-081-003
EXISTING CULTIVATION AREA = 8154 SF OUTDOOR
PARCEL SIZE = ±40 ACRES

EARTHWORK QUANTITIES = 0

WATER = PRIVATE
SEWER = PRIVATE

ZONING: = FR-B-5(40)
GENERAL PLAN DESIGNATION = RA40

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = NO

HOG TRAP FARMS LLC
APN 218-071-003, 218-081-003
PLOT PLAN, VICINITY MAP AND PROJECT NOTES

SL
SL
SL
6-10-20
AS SHOWN
SHEET
C0

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 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 California Environmental Quality Act (CEQA) Guidelines. **Within 3 days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of $50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons (such as the two 25,000-gallon tanks), existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis (1,800-SF barn, nutrient storage sheds), and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. The applicant shall install water monitoring device on each source—the rain catchment pond and domestic surface water diversion, if/when utilized, and storage tanks as applicable—to monitor water used for cannabis irrigation sperate from domestic use in accordance with the North Coast Regional Water Quality Control Board Investigative Order No. R1-2019-0023 requiring monitoring of water use from All sources (wells, diversions, tanks) and annual reporting.

9. The applicant shall implement all best practicable treatment and control measures detailed in the Site Management Plan developed for the parcel, pursuant to Tier 1 enrollment under the SWRCB Cannabis Cultivation Policy, in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.

    a. The applicant shall adhere to the CDFW LSAA (Notification No. 1600-2019-0854-R1) "Measures to Protect Fish and Wildlife Resources" (Attachment 3d).

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

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

12. The applicant shall incorporate the recommendations made by the California Department of Forestry and Fire Protection (CAL FIRE) regarding fire-safe standards, including incorporating recommended signage on building numbers and fuel modification standards.

13. Update the plot plan to include:
    a. The mapped Class III intermittent stream and associated 50-foot Streamside Management Area buffer.
    b. 600-foot setback from cultivation operation to Public Lands on APN 216-032-004.

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

1. The combination of background, 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 Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11(o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. The light source used in the mixed light greenhouses shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying

with these standards, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Ensure any future generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.

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 Plot Plan, the Cultivation and Operations Plan, 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 the Medicinal and Adult-Use Cannabis Regulation and Safety Act (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 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

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 SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved plot 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 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 any applicable Lake and Streambed Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.

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, if applicable.

19. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

21. Pay all applicable application, review for conformance with conditions and annual inspection fees.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.

23. The master logbooks 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.).

<u>Performance Standards for Cultivation and Processing Operations</u>

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

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. Onsite housing, if any

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

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 10 days of the date that the written statement is delivered

to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the 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 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in 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.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

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

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

APN 218-071-003-000; 908 Hogtrap Road, New Harris
County of Humboldt

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

May 19, 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 33,634 square feet (SF) of cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Residential Agriculture (RA) in the Humboldt County General Plan and zoned Forestry Recreation (FR). The cannabis cultivation consists of 12,000 SF mixed-light cannabis in four greenhouses and 21,634 SF of full-sun outdoor cultivation in one general location on the parcel. Harvest Storage will occur in a 2-story Drying Barn on adjacent parcel 218-081-003. Currently, processing occurs onsite, and the applicant reserves the right to opt to process offsite or conduct no processing (harvest straight to extraction) in the future. Two annual harvests are expected for a growing season that extends from April through November.

Water for irrigation is sourced from a rainwater catchment pond from the adjacent parcel with an approximate 2-million-gallon capacity. Water storage consists of seven hard tanks totaling 65,000 gallons. Estimated annual water usage is 456,200 gallons (7.3 gallons/SF) with peak demand occurring in August where approximately 96,000 gallons of water is used. Drying of harvested cannabis will occur in an existing two-story 1,800-SF drying barn. Processing will be performed onsite; however, the applicant may choose offsite processing at an approved facility in the future. Power is provided by PG&E with no generator use. Security measures include motion sensor lighting and security cameras installed around the facilities; presence of guard dogs; locked gates at the entrances; fenced cultivation areas; cultivation related items and products stored in locked and secured locations; and all cannabis other than lab samples will be transported to State licensed and/or locally permitted licensed cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

The Cultural Resources Investigation prepared for the project recommends that the project be conditioned with the standard inadvertent discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

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

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 33,634 SF of cultivation with ancillary nursery, 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:

- Plot Plan prepared by the applicant dated 6/10/20, received 6/25/20.
- Cultivation and Operations Plan prepared by the applicant received 6/25/20.
- Lake or Streambed Alteration Agreement (Notification No. 1600-2019-0854-R1) prepared by the California Department of Fish and Wildlife, dated 3/16/22.
- Road Evaluation Report prepared by the applicant dated 7/17/20.
- Site Management Plan dated 7/17/20 prepared by applicant for the State Water Resources Control Board Order WQ 2019-0001-DWQ.
- California Department of Forestry and Fire Protection project referral response dated 12/4/17.
- Public Works project referral response dated 8/5/18.

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. (not applicable)

3. Plot 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 plot 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. (prepared by the applicant dated 6/10/20, received 6/25/20 – on file)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the applicant received 6/25/20 – **Attached**)

5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation and Operations Plan (item 4. above)

6. Copy of Notice of Intent (NOI) and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)

7. If any onsite or offsite 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 Lake or Streambed Alteration Agreement Permit obtained from the California Department of Fish and Wildlife. (**Attached**)

8. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)

9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)

12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)

13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)

14. Road Evaluation Report prepared by the applicant dated 7/17/20. (**Attached**)

15. Site Management Plan dated 7/17/20 prepared by applicant for the State Water Resources Control Board Order WQ 2019-0001-DWQ. (**Attached**)

16. California Department of Fish and Wildlife Lake or Streambed Alteration Agreement Notification No 1600-2019-0854-R1, dated 3/16/22. (**Attached**)

Cultivation and Operations Plan

1 Project Description / Description of Cultivation Activities

An application for a Conditional Use Permit to allow a total of 33,634 sq ft of existing Cannabis cultivation consisting of the following:

- 21,634 sq ft existing outdoor cultivation
  - 11,634 sq ft full sun outdoor cultivation area
  - 10,000 sq ft outdoor cultivation in light deprivation greenhouses
- 12,000 sq ft existing mixed light cultivation with artificial lighting in greenhouses.

The irrigation water source is a rainwater catchment pond with approximately 2 million gallon capacity from adjacent parcel. Water storage consists of seven (7) hard tanks totaling 65,000 gallons. Estimated annual water use is 456,200 gallons. The site is developed with a permitted residence. Harvest Storage will occur in a 2-story Drying Barn on adjacent parcel 218-081-003. Currently, processing will occur onsite and applicant reserves the right to opt to process offsite or conduct no processing (harvest straight to extraction) in future. PG&E service to site. Two existing septic systems as well and B+B portapotty service onsite.

2 Water

Water source + Storage:

Primary water source is 2,000,000 gallon rainwater catchment pond located on adjacent parcel APN 218-081-003. The water is pumped to two- 25,000 gallon rain catchment tanks at the highest vertical point on the parcel and dispersed via gravity. There are 4x2,500 gal HDPE water storage tanks equaling a total of 15,000 gallons onsite for gravity feed to gardens. There is a 5,000-gallon HDPE tank onsite dedicated to fire suppression.

Total water storage on subject parcel for cannabis cultivation: 65,000 gallons

Total water storage shared with APN 218-081-003: 2,000,000 gallons

Irrigation Plan:

All irrigation of cannabis is completed by a timed, drip irrigation system preventing any over watering or runoff. The Applicant utilizes time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates. No runoff is produced by irrigation practices.

Projected Water Usage:

Estimated 456,200 gallons of water per growing season. See table below for monthly water usage.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	17800	44400	80000	88000	96000	88000	42000	0	0

Water usage will be recorded monthly and reported annually pursuant to the Water Board, CDFW, DWR, and/or any other relevant agency requirements.

3 SITE CHARACTERISTICS

Drainage:

At all times water is used appropriately and applied at no more than agronomic rates.

Site has well-draining soils and natural vegetation is maintained around all cultivation areas. Rock and riprap is installed on all drainage ditches rock to reduce flow velocity and minimize erosion.

Runoff and Erosion Control Measures:

Project site occupies a flat ridgeline, cultivation areas are on slopes less than 15%, and is relatively far (>200ft) from any surface waters. The road network consists of a driveway (Hog Trap Road) and multiple access roads. There are frequent road drainage features that eliminate sediment delivery to surface waters. There are permanent rolling dips to ensure road surface erosion is adequately controlled.

Much of the project site is covered with second growth forests and buffers of native vegetation are maintained around all cultivation areas. Most of the parcel is covered by trees and perennial bushes and is conserved as wilderness.

All access onsite are well-maintained with adequate drainage to address runoff and erosion. Site is in compliance with all Water Board standards and is monitored and maintained regularly following all Best Management Practices.

Site is well vegetated with stable, undisturbed soils. Any exposed or disturbed areas of soil that are found during routine inspection shall be reseeded and mulched with straw and shall be monitored and maintained to promote revegetation. Erosion control measures (hay waddles, straw bales, etc.) are implemented on an as-needed basis prior to each rainy season to help minimize sediment discharge, in accordance with Water Board standards.

4 WATERSHED + HABITAT PROTECTION

Project site occupies a flat ridgeline, cultivation areas are on slopes less than 15%, and is relatively far (>200ft) from any surface waters. The road network consists of a driveway (Hog Trap Road) and multiple access roads. There are frequent road drainage features that eliminate sediment delivery to surface waters. There are permanent rolling dips to ensure road surface erosion is adequately controlled.

Applicant is enrolled in the Water Board's Cannabis program continuously since 2016 and maintains compliance with all program requirements and fees.

All trash, recycling, amendments, fertilizers, and other cultivation related materials are stored such that they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat are maintained around all areas of human activity. The majority of parcel is undeveloped and conserved in a wild state.

Cultivation areas will be maintained to prevent nutrients from leaving the site at all times: during the growing season and post-harvest.

5 STORAGE + HAZARDOUS MATERIALS

Shed onsite for storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination.

All cultivation related items and wastes are 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, and cannot enter the environment.

Area has posted instructions for proper storage of all materials kept here in addition to Spill Prevention, Control, and Countermeasure (SPCC) Plan and kit onsite with all necessary items for cleaning up spills.

Amendments and Nutrients:

Amendments typically will be brought to site and used immediately. Only nominal amendment storage onsite in enclosed shed.

All other fertilizers, nutrients, etc are stored in the Shed. Secondary containment provided for all liquid products. All products applied per package directions or more conservatively.

Pesticides and Herbicides:

Only OMRI listed and/or Pest Management approved products will be utilized for pest and disease control. All products are stored in Shed. Secondary containment is provided for all liquid products. All products are applied using package directions.

Fuel:

PG+E service to site. Fuels are only used on an occasional basis to run tools and/or other equipment (e.g. weedwhip, lawnmower, etc.) Fuels stored onsite in approximately the following amounts- gasoline: 2x5-gal cans; diesel: 1x5-gal cans; propane: 1x25-gal can. All fuels are stored in shed. Liquid fuels are stored with secondary containment and in compliance with agency requirements and regulations.

6 Soils Management

The bulk of non-native soils onsite have already been present in the garden areas for multiple seasons and are amended annually. Only nominal amounts of supplemental non-native soils are brought to site each year, if at all. Any new soils brought to site are typically used immediately. Only nominal amounts of soil stored onsite are stored in an enclosure or in accordance with Caltrans Construction Manual Stockpile Management WM-3 guidelines. At the conclusion of each season's activities, the site is winterized. All smart pots and garden beds are mulched with straw to prevent soil transport during the off-season. It is highly unusual to have waste soil onsite. All soils are amended and reused. In the event of there being waste soil or spent growing medium, it will be transported off site and disposed of at a licensed waste facility. Any waste soil/media shall be stored in accordance with Caltrans WM-3 until it can be transported off-site.

7 Solid Waste/Recycling

Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and prevents any leachate or contact water from entering or percolating to receiving waters.

Storage Area: Trash and recycling are stored in trash cans with lids and secured to prevent wildlife disturbance.

Removal Frequency: Trash and recycling removed from site at least once weekly or more frequently.

Disposal Facility: Redway transfer station.

8 GREENHOUSE COMPLIANCE

The greenhouses have pervious floors (bare soil) and are in compliance with Humboldt County Code Section 314-43.1.3.2. They do not contain perimeter foundation, do not have improved floors and do not have improved footpaths.
All mixed-light greenhouses and operations comply with International Dark Sky Association Standards. All greenhouses are covered with blackout tarps to prevent nocturnal light emission. No artificial light will escape at a level that is visible from neighboring properties.

9 SCHEDULE OF ACTIVITIES

Month	Activities
January	No activity. Infrequent visits for site maintenance.
February	No activity. Infrequent visits for site maintenance.
March	Preparation. Bring materials to site.
April	Bring starts. Plant.
May	Nursery and transplanting.
June	Farm operation and maintenance
July	Farm operation and maintenance. Harvest
August	Farm operation and maintenance. Replant
September	Farm operation and maintenance. Harvest
October	Harvest
November	Dry. Processing (offsite). Clean up.
December	No activity. Infrequent visits for site maintenance.

10 Power Source + Energy Use

PG+E Service to site.

11 OPERATIONS AND PROCESSING PROTOCOLS

Processing Practices:

Plants are harvested and dried in the 2-story Drying Barn located on adjacent parcel APN 218-081-003 with use of portable dehumidifiers and fans. Curing takes place in a climate-controlled environment. The finished product is then moved to the secured Harvest Storage location.

Dependent upon market conditions, the operator may opt to conduct processing operations offsite, processing onsite, or may opt to not process at all (crop direct to extraction without processing). All operations will comply with all pertinent regulations.

Direct to Extraction (no processing) – crop or portion of crop sold direct to extraction with no processing required.

Offsite Processing – crop or portion of crop sent to licensed processing facility in compliance with all required regulations and documentation.

Onsite Processing – crop or portion of crop processed onsite in the building noted on Site Map as "Drying Barn" utilizing trim machine. Any onsite processing will comply with all required safety and sanitation practices will be followed including frequent handwashing, and the wearing of gloves and masks.

Any processing activities conducted onsite will follow all applicable regulations and requirements as stated by all agencies with jurisdiction

Staffing + Staff Screening Processes

No employees at this time. Operations conducted by LLC members and immediate family only.

Days and Hours of Operation

The facility is not open to the public and will not accept visitors without a specific business purpose.

Hours of operation will typically be from 8 AM to 7 PM. Commercial activities such as shipping and receiving will be limited to 8:00 AM to 6:00 PM. Due to the remote location of the facility and the limited commercial activity window, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

Safety Practices: Cultivation and processing operations implement best practices to the highest degree feasible. There no employees at this time, if the operation chooses to include employees

in the future it will comply with any other relevant County and State regulations where applicable.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, there will be access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations.

Drinking water is supplied by the domestic groundwater well located on adjacent parcel 218-081-003.

Applicant has contract with B+B portable toilet to provide and maintain toilet and hand-washing facilities in accordance with the requirements of all relevant regulations. There are also two existing septic systems onsite that serve buildings Not Used for Cultivation.

Increased Road Use:

Project activities do not present a significant increase in road use.

Onsite Parking:

There is ample onsite parking. Five parking spots are noted on the Site Map.

Onsite Housing: No onsite housing.

12 Security Plan

The security measures located on the premises will include the following:

a) Lighting and Surveillance- Motion sensor lighting and security cameras are installed around the facilities.

b) Alarm —Guard dogs are also present on the property during operations.

c) Access Control - All entrances to the facility are restricted by locked gates. The remote location of property provides an additional component of security.

d) Fencing — The cultivation areas are fenced for wildlife providing intrusion protection.

e) All cultivation related items and products will be stored in locked and secured locations.

f) All Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

WDID 1_12CC240474

Eastern California Cannabis Regulatory Program
Regional Water Quality Control Board
Site Management Plan

January 1, 2019 Version

County:	Humboldt	**Tier:**	1
Operation Name:	HogTrap Farms LLC	**Risk:**	LOW
Site Name:	Crimea/Beartown/Uncles	**Disturbed Area (ft^2):**	
Site Address:	908 Hog Trap Rd.	**Cultivation Area (ft^2):**	
APN(s):	218-071-003,218-081-003, 218-071-004	**Cumulative Disturbed Area (ft^2)*:**	
Application ID #:	WDID 1_12CC240474	**Cumulative Cultivation Area (ft^2)*:**	

**For sites with multiple enrollments on the same property, report the combined disturbed area and cultivation area of all cannabis cultivation on the property. If this does not apply, leave this section blank.*

This plan describes how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance. If the sections below do not provide sufficient space, you may attach additional pages.

~~**Email the completed and saved electronic form along with maps and photos to Lahontan.Cannabis@waterboards.ca.gov**~~

~~1.~~ Sediment Discharge BPTC Measures

A. Site Characteristics

i. Site Map

Attach a map of the site. The map should contain the following features with labels:

- Access roads
- Vehicle parking areas
- Streams
- Stream crossings
- Cultivation site(s)
- Disturbed areas
- Buildings
- Other site features that are referenced in this plan. (e.g. BPTC measures, pesticide/ fertilizer storage, trash/ refuse storage, etc.)

The map should also include:

- A legend
- A north arrow
- A scale bar
- Topographic lines

ii. Access Road Conditions

a. What is the road surface type(s)? Check all that apply.

☐ Asphalt ☑ Gravel ☑ Dirt ☐ Concrete ☐ Other (describe): _____

b. Is there evidence of erosion, such as gullies or rills? If yes, describe current conditions and how they will be remediated in the space below.

Yes ✔ No

c. Does any portion of the access road(s) act as a conveyance for water? If yes, describe in the space below.

✔ Yes No

SEE ATTACHED

d. What is the estimated vehicle traffic on these roads?

Commuter vehicles: 8 per Day

Commercial vehicles: 4 per Month

Heavy equipment: 1 per Year

Other_____:_____per Day

e. How is storm water drained from the roads? Check all that apply. Refer to *The Handbook for Forest Ranch and Rural Roads* for information on the methods listed below. (Available at http://www.pacificwatershed.com/PWA-publications-library.)

☑ Crowned ☑ Out slope ☑ Armored ditch ☑ Culverts ☑ Rolling dips ☐ Other (describe below)

f. Describe the number, spacing, and discharge location of water drainage features.

SEE LSAA

g. Select the erosion control and sediment capture measures used on the access roads and water drainage features. Check all that apply.

Erosion Control Measures

☐ Erosion control blankets ☐ Geotextiles ☐ Straw mulch ☐ Hydromulch ☐ Wood mulch
☑ Vegetation Preservation ☐ Vegetation Planting ☐ Hydroseeding ☑ Vegetated channels
☐ Check dams ☐ Other: _____

Sediment Capture Measures

☐ Fiber Rolls ☐ Silt fences ☐ Other: _____

Describe the selected measures in the space below:

h. What activities are done to maintain the roads? What activities are done to maintain erosion control measures? What is the maintenance schedule?

Regular inspection and maintenance in accordance with PWA Road Manual, road maintenance generally once per year in in late September or similar.

iii. Streams

a. Do you have any streams, drainages, or channels on or adjacent to your property?

☑ Yes ☐ No

b. If applicable, provide the name(s) of the stream(s). If the stream, drainage, or channel doesn't have a name, write "Unnamed Stream":

SEE PWA LSAA MAP

c. If there is a stream, what is the distance between the edge of the stream bank and the edge of the disturbed area at the closest point? How did you take this measurement?

_____feet Measurement method: SEE PWA LSAA

d. Do you have any stream crossings?

☑ Yes ☐ No

e. If yes, what types of crossings are they? If there are multiple crossings, check all that apply.

☐ Bridge ☑ Culvert ☐ Low water ☐ Other, Describe: _____

f. If yes, was the crossing designed by a Qualified Professional (e.g. licensed engineer)?

☑ Yes ☐ No

g. Provide a description of all stream crossings, including who designed them, number of crossings, material, size, frequency of use, and any other relevant details. Indicate the location of stream crossings on your site map. Attach photos of all stream crossings and cross-sectional areas of all engineered flow conveyances (e.g. culverts and ditches) used at crossings.

SEE LSAA

B. Sediment Erosion Prevention and Sediment Capture

If you are classified as Moderate Risk Tier 1 or Moderate Risk Tier 2 and are submitting a Site Erosion and Sediment Control Plan that includes the following information, you may skip this section.

i. Erosion Prevention BPTC Measures

On your site map, indicate the location of erosion prevention BPTC measures described below. Describe erosion prevention BPTC measures around all disturbed areas and features. Include BPTC measures implemented to address erosion resulting from storm water runoff from impervious surfaces, including but not limited to parking lots and roofs of greenhouses, warehouses, or storage facilities. Attach photos documenting implemented measures and locations for planned implementation.

a. How is storm water drained from buildings, greenhouses, and other structures? How are storm water conveyance systems monitored and maintained to protect water quality?

site grading/slope, french drains, drainage ditches, ditch relief culverts

b. What physical BPTC measures have been implemented to prevent or limit erosion? Check all that apply.

☑ Straw mulch ☑ Wood mulch ☐ Hydromulch ☐ Plastic covers ☐ Slope stabilization ☐ Soil binders
☐ Erosion control blankets ☐ Geotextiles ☑ Culvert outfall armoring ☐ Other:

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

mulch applied to cultivation walkways. culverts rock armor to prevent erosion

c. What biological BPTC measures have been implemented to prevent or limit erosion? (e.g. vegetation preservation/ replacement, hydro seeding, etc.)? Check all that apply.

☑ Vegetation preservation ☐ Vegetation planting ☐ Hydroseeding ☐ Other:

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

vegetated buffer to attenuate flow and dissapate energy

d. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

☐ Straw mulch ☐ Wood mulch ☐ Plastic covers ☐ Slope stabilization ☐ Soil binders
☐ Culvert outfall armoring ☐ Other:

Biological BPTC measures:

☐ Vegetation preservation ☐ Native vegetation planting ☐ Hydroseeding ☐ Other:

Describe the planned BPTC measures and provide an implementation schedule below.

N/A

ii. Sediment Control BPTC Measures

On your site map, indicate the location of sediment control BPTC measures described below. Describe sediment control BPTC measures around all disturbed areas and features. Attach photos documenting implemented measures and locations for planned implementation.

a. What physical BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

☐ Silt fences ☐ Fiber rolls ☑ Settling ponds/ areas ☐ Other:

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

b. What biological BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

☑ Vegetated outfalls ☐ Hydro seeding ☐ Other:

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

c. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

☐ Silt fences ☐ Fiber rolls ☐ Settling ponds/ areas ☐ Other:

Biological BPTC measures:

☐ Vegetated outfalls ☐ Hydro seeding ☐ Other:

Describe the planned BPTC measures and provide an implementation schedule below.

n/a. established development

iii. Maintenance Activities- Erosion Prevention and Sediment Control

a. How will erosion prevention BPTC measures, sediment control BPTC measures, and stormwater conveyance systems be monitored and maintained to protect water quality? Describe all required maintenance tasks and a schedule for implementation.

regular inspection and maintenance. site and all culverts are inspected and winterization measures are implemented prior to the rainy season

b. How will captured sediment be handled? Check all that apply.

☑ Stabilized in place. ☐ Excavated and stabilized on site. ☐ Removed from the site.

Describe the procedure for handling captured sediment below:

revegetation

~~2.~~ Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures

A. Product List	
In the sections below, list all products used and describe how they are delivered to the site, how they are stored, and how they are used at the site. Also describe how products will be removed from the site or stored to prevent discharge if they are not consumed before the winter season. If there is not enough space, list remaining products on a separate sheet.	
i. Fertilizers	
Product Name	*Product Description*
Max Sea	NPK 16-16-16
Base Farm Micro	NPK 6-0-0 + Calcium,Boron, Iron, Manganese, Molybdenum
Base Farm Grow	NPK 2-1-6 (derived from ammonium sulfate,potassium nitrate, magnesium phosphate, potassium carbonate)
Base Farm Bloom	NPK 0-6-5 (derived from magnesium phosphate, phosphoric acid, potassium carbonate, potassium sulfate)
Grow More	NPK 30-10-10
Karbo Kandy	
Rebel Rise	NPK 12-6-6 (derived from :Soy protein hydrolysate, Mono potassium phosphate, Di-potassium phosphate, Mono ammonium phosphate, Kelp extract, Boric acid , Copper EDTA, Iron EDTA , Manganese EDTA , Zinc E
Rebel Rush	NPK 5-10-5 derived from Soy protein hydrolysate, Mono potassium phosphate, Di-potassium phosphate, Mono ammonium phosphate, Kelp extract, Boric acid, Copper EDTA, Iron EDTA, Manganese EDTA ZincEDTA
Symbys Cal Mag	NPK 2-0-0 derived from calcium nitrate, magnesium nitrate, iron edta
ii. Pesticides	
Product Name	*Active Ingredient and Product Description*
Plant Therapy	soy oil, peppermint oil, citric acid, soap, isopropyl alcohol, sodium citrate, water
Sierra Natural Science 203	clove oil, rosemary, water, polyglyceral oleate, lactic acid
Sierra Natural Science 209	rosemary, water, soap bark, humic acid

iii. Herbicides	
Product Name	*Active Ingredient and Product Description*
Pure Crop	soybean oil, corn oil, water, glycerin, guar gum, citric acid, soap, vanillin
Green Cleaner	soybean oil, sodium laurel sulfate, water, isopropyl alcohol, sodium citrate, citric acid
iv. Rodenticides	
Product Name	*Active Ingredient and Product Description*
Mole Scram	castor oil, citronella oil, garlic oil, hulled peanut shells

B. Product Storage Location

i. Do you use secondary containment for the storage of fertilizers, pesticides, herbicides, and rodenticides?

☑ Yes ☐ No

ii. Where are products stored on site? Indicate the storage location on your site map.

Shed on site for storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination. Shed is indicated on the plot plan (site map) provided and is in appropriate distances from waterways. Shed is kept cool, dry and well ventilated.

C. Bulk Fertilizers and Chemical Concentrates

i. How are bulk fertilizers and chemical concentrates stored, mixed, and applied?

Stored in secondary containment according to best practices.
Fertilizers and chemical concentrates are mixed in a safe and dry indoor space, well ventilated, and brought via 5 gallon buckets with tops secured to place of application (water tanks, garden beds, etc.) PPE is used to ensure safety of applicator. Products used at rates no higher than recommended on label.

ii. How are empty containers disposed of?

Containers are triple rinsed and emptied in the pickle barrel used for application. Containers then immediately placed in dumpsters onsite which are covered and kept in a contained location safe distances from waterways. Dumpsters emptied and brought to appropriate disposal facilities.

D. Spill Prevention and Cleanup Plan

i. What procedures are in place to prevent spills of fertilizers, pesticides, herbicides, and rodenticides?

All applicators use PPE to prevent risks that might occur from product spilling on sensitive areas (skin, eyes, etc.) Use of funnels and measuring equipment that is rinsed throughly between each use. Products always mixed in a safe and secure, well ventilated indoor location.

ii. What procedures are in place to clean up spills if they occur?

Spill kits are provided at each mixing location onsite and applicators are educated on proper procedures in case of a spill according to each product used. Proper procedures for spills are posted in all sites where products are used.

~~3.~~ Petroleum Product BPTC Measures

A. Product List	
In the sections below, list all products used and describe how they are delivered to the site, how they are stored, and how they are used at the site. Also describe how products will be removed from the site or stored to prevent discharge if they are not consumed before the winter season.	
Product Name	*Product Description*
Gasoline	1,000 gallon metal drums onsite, filled by a truck- and used to fill containers.
Diesel	1,000 gallon metals drums onsite, filled by a truck- and used to fill containers.
Motor Oil	Plastic containers of 1 gallon motor oils used for different machinery onsite.

B. Product Storage Location

i. Do you use secondary containment for the storage of petroleum products?

☑ Yes ☐ No

ii. Where are products stored on site? Indicate the storage location on your site map.

Products are stored in cool, dry, well ventilated shed onsite.

C. Product Use

i. How are fuels, lubricants, and other petroleum products stored, mixed, and applied?

Products are stored in a dry shed, within second containment. Dry shed is kept cool, dry and well ventilated. Fuel is only dispensed in safe areas, flat surfaces with the use of PPE.

ii. How are empty containers disposed of?

Generally speaking, fuel containers are reused and not disposed of. If a container should break, it is immediately disposed of in a covered and contained secondary containment until transported to the proper waste management facility.

D. Spill Prevention and Cleanup Plan

i. What procedures are in place to prevent spills of petroleum products?

Proper use of PPE for all handlers of petroleum products. Machinery is filled on a flat surface in a safe, well ventilated area of dry shed to avoid spills and employee hazards. Containment guidelines regarding capacity of fuel containers are closely followed. Trainings are provided to handlers of petroleum products to insure proper knowledge of usage.

ii. What procedures are in place to clean up spills if they occur?

Spill kits are provided at all sites where fuel is used and proper guidelines for safe use of petroleum is provided at each site. Training is provided to all handlers of products.

4. Trash/ Refuse, and Domestic Wastewater BPTC Measures

A. Type of Trash/ Refuse

i. What types of trash/ refuse will be generated at the site? Include a description of all solid waste materials (e.g. spent hydroponic growing media, organic materials, plastic, paper, glass, clay, etc.)

Plastics, polypropolene (from drip) , paper

Organic materials - composted

ii. How will trash/ refuse be contained and properly disposed of?

Trash is placed in plastic bags, tightly closed in garbage cans onsite and when full, disposed of into a secured dumpster which is covered and kept in a safe, designated location on property.

iii. Where will trash/ refuse be stored? Indicate the location of trash/ refuse storage on your site map.

All trash/refuse is placed into contractor bags and secured tightly, then placed in a secured and locked dumpster on location. Dumpster location is indicated on Site Map.

Organic materials are disposed of in secured, designated compost area.

B. Personal Waste

i. How many employees, visitors, and residents will you have at the site?

Employees: 0

Residents: 2

Visitors: per Day

ii. What types of domestic wastewater will be generated at the site? Check all that apply.

☑ Household generated wastewater ☐ Chemical toilet waste ☐ Other:

From dishes and showers in permitted residence.

iii. How will domestic wastewater be disposed? Check all that apply.

☐ Sewer

☑ Permitted onsite wastewater treatment system (e.g. septic tank and leach lines) Provide a schematic and a copy of your permit for the system.

☑ Chemical toilets or holding tank. If so, provide the name of the servicing company and frequency of service:
Six Rivers - every two weeks

☐ Outhouse, pit privy, or similar. (Use of this alternative requires approval from the Regional Board Executive Officer. Attach the approval from the Executive Officer and any conditions imposed if using this alternative. Indicate the location of any domestic wastewater treatment, storage, or disposal areas on your site map, as well as the locations of all water wells (e.g. drinking water, irrigation water, commercial water, etc.) inside or within 0.5 mile of the site boundary.)

~~5.~~ Winterization BPTC Measures

A. Winterization Activities Performed

What activities will be performed to winterize the size and prevent discharges of waste?

Inspect and maintain all roads, drainages and stream crossings.
Store all tools and equipment appropriately.
Cover and stabilize all soils in place.
Add erosion control as needed.

B. Maintenance of Drainage and Sediment Capture Features

What maintenance activities will be performed to remove debris and soil blockages from drainage and sediment capture features (e.g. drainage culverts, drainage trenches, settling ponds, etc.) and ensure adequate capacity exists? Include a description of how all solid waste materials are managed.

Refer to LSAA

C. Revegetation Activities

What revegetation activities will occur at the beginning or end of the precipitation season?

N/a established site. Cultivation soils straw and seed with cover crop.

D. Compliance Schedule

If any Winterization BPTC measure cannot be completed before the onset of winter period, contact the Regional Water Board to establish a compliance schedule.

Provide a timeline for implementation of these measures:

N/A

~~6.~~ Cannabis Cultivation Details

A. Growing Methods

i. Where is cannabis grown?

☑ Fully outdoor ☐ Hoophouse ☑ Greenhouse with permeable floors ☐ Other (please describe):

ii. What type of container is cannabis grown in? Check all that apply.

☐ In ground ☑ Raised beds ☐ Pots/ grow bags/ trays on the ground
☐ Pots/ grow bags/ trays elevated off the ground ☐ Other (describe):_____

iii. If cannabis is grown in containers elevated off the ground, is irrigation tailwater collected?

☐ Yes ☑ No ☐ A portion of it is collected ☐ N/A

If yes, describe what you do with the captured irrigation tailwater:

B. Irrigation Water Treatment

i. Is irrigation water filtered prior to use?

☐ Yes ☑ No

If irrigation water is filtered, answer the questions below:

ii. What type of filtration is used (i.e. reverse osmosis, ion exchange, etc.)?

iii. What is the maximum volume of water filtered per day?

iv. How are filter residuals (i.e. brines, etc.) disposed of?

v. What is the volume of residual produced?
_____gallons per Day

~~7.~~ Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

☐ I have read and accept the above terms.

Operator/Responsible Party DocuSigned by: JOSEPH CIPRIANO E82D371514194C8... Date Prepared 7/17/2020

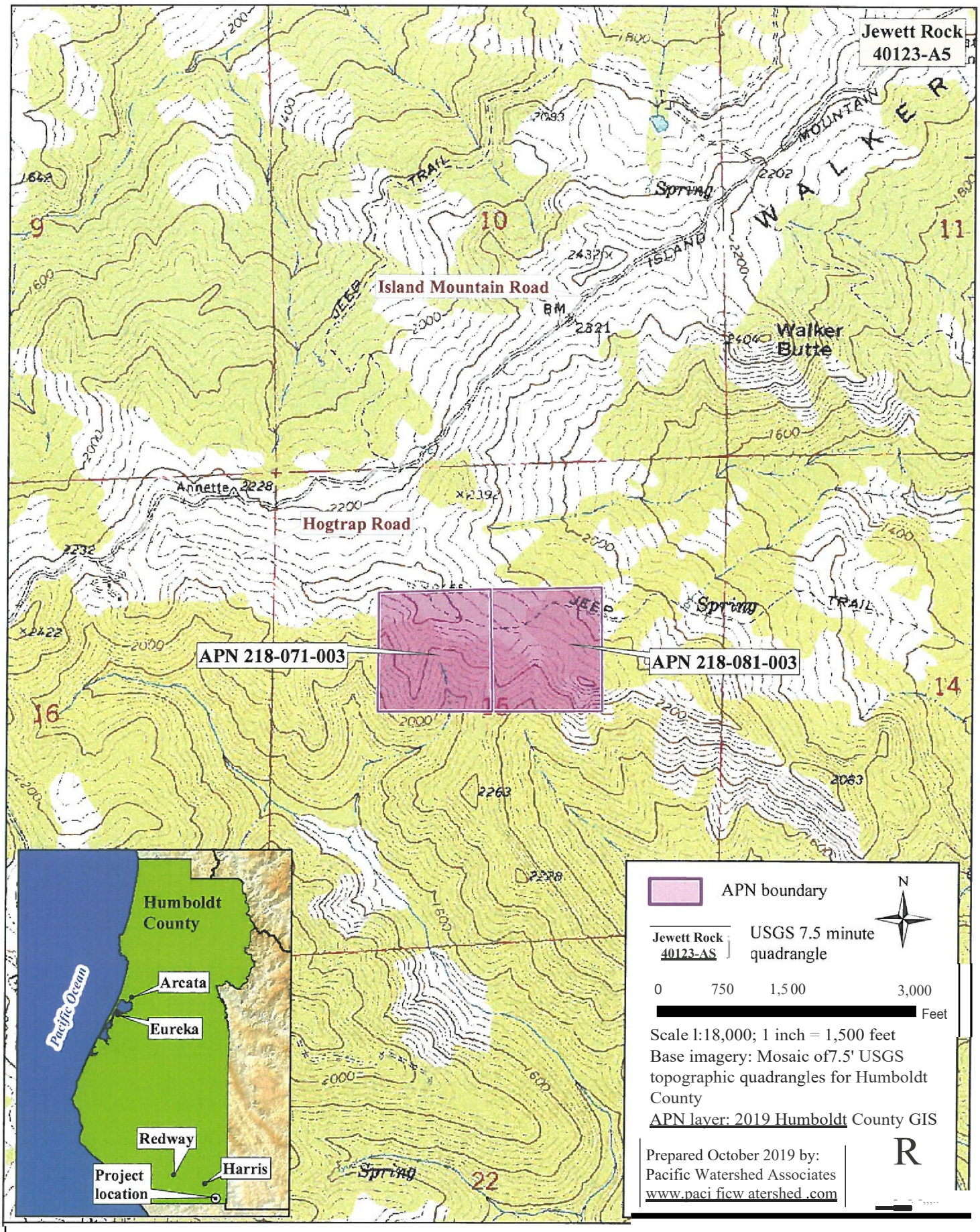


Figure I. Lake or Streambed Alteration Agreement Location Map for APNs 218-071-003 and 218-081-003, 908 Hogtrap Road and 1131 Hogtrap Road, New Harris, Humboldt County, California.

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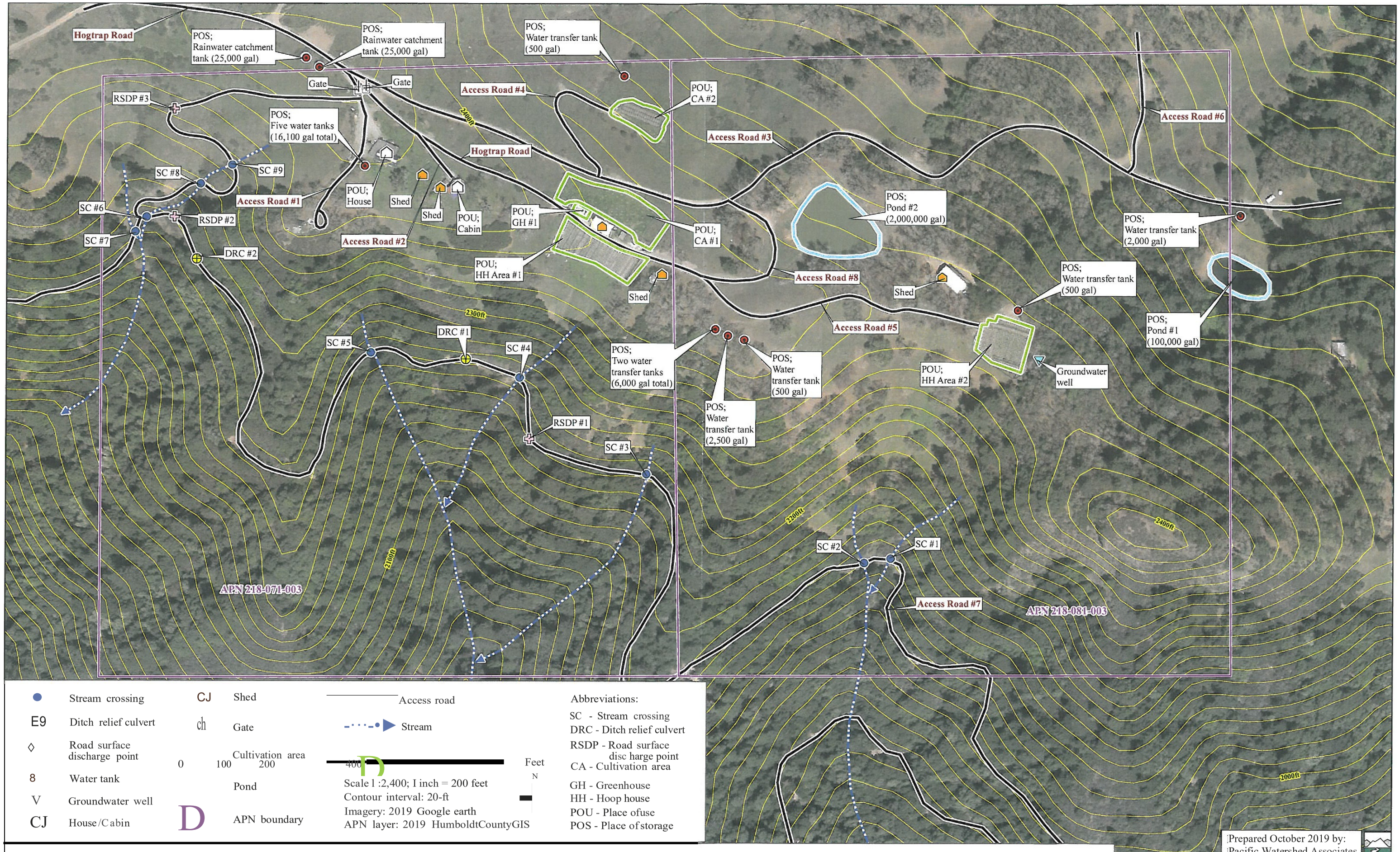


Figure 2. Lake or Streambed Alteration Agreement Site Map for APNs 218-071-003 and 218-081-003, 908 Hogtrap Road and 1131 Hogtrap Road, New Harris, Humboldt County, California.

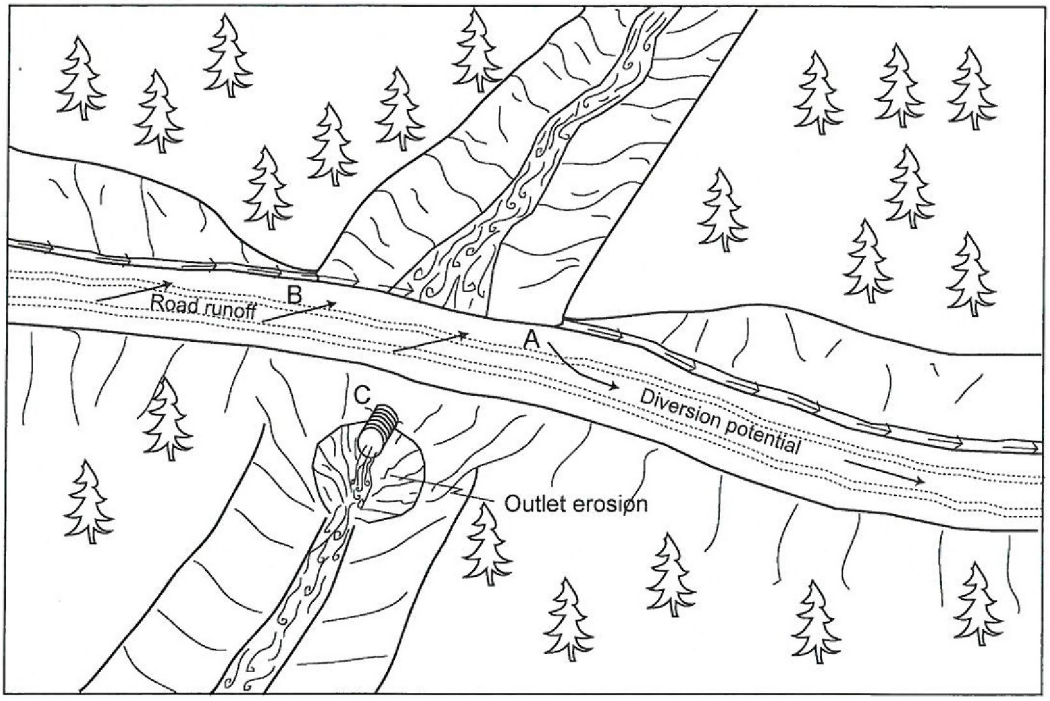
Typical Problems and Applied Treatments for a Non-fish Bearing Upgraded Stream Crossing

Problem condition (before)

A - Diversion potential

B - Road surface and ditch drain to stream

C - Undersized culvert high in fill with outlet erosion

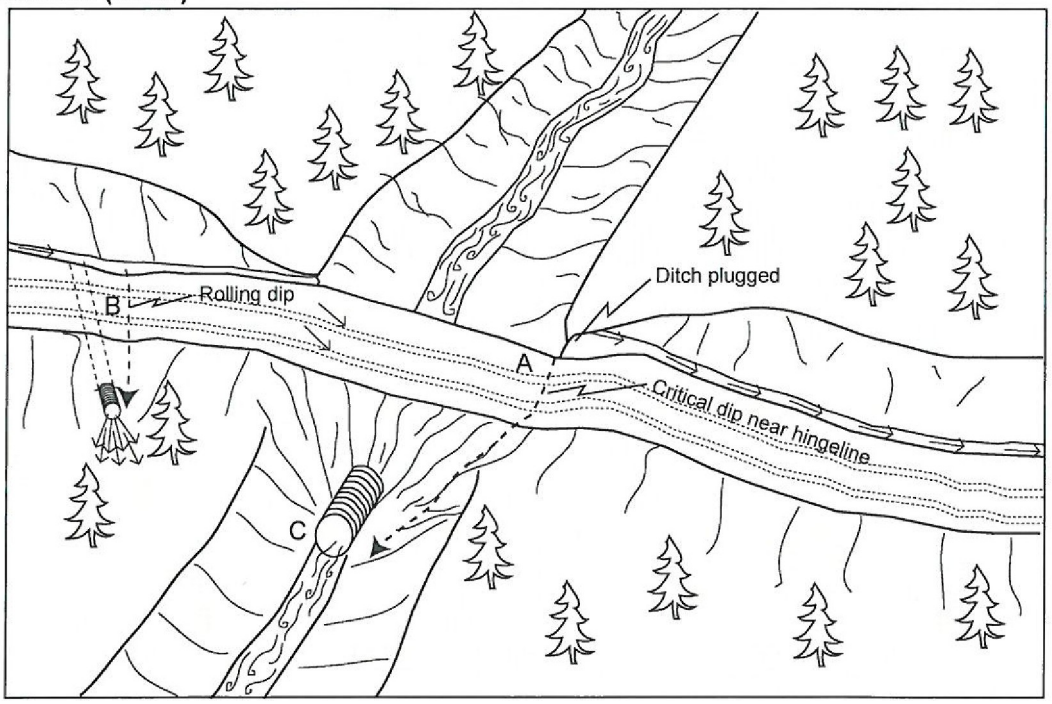


Treatment standards (after)

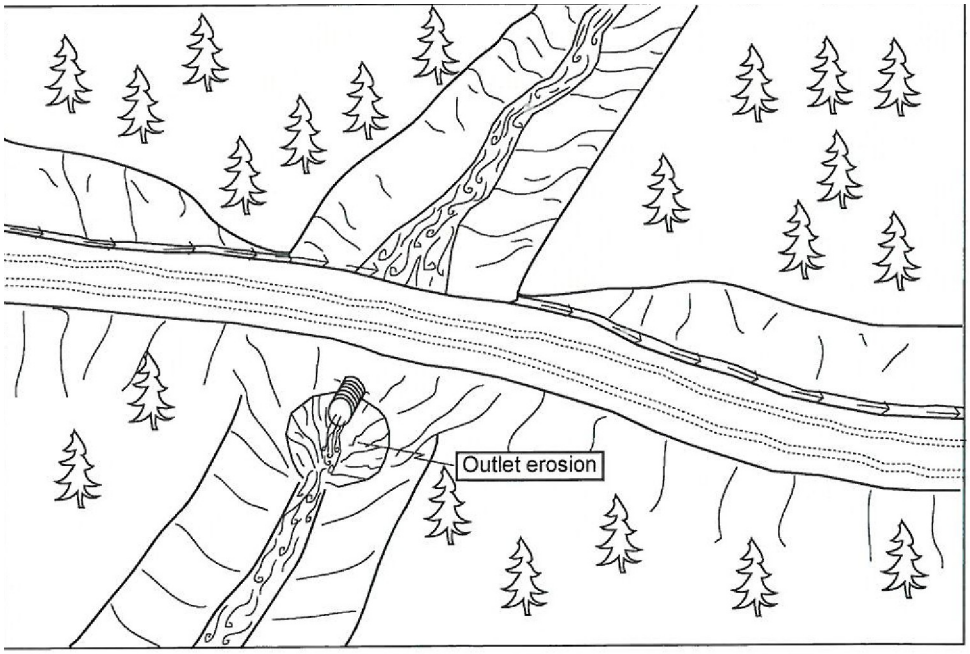
A - No diversion potential with critical dip installed near hingeline

B - Road surface and ditch disconnected from stream by rolling dip and ditch relief culvert

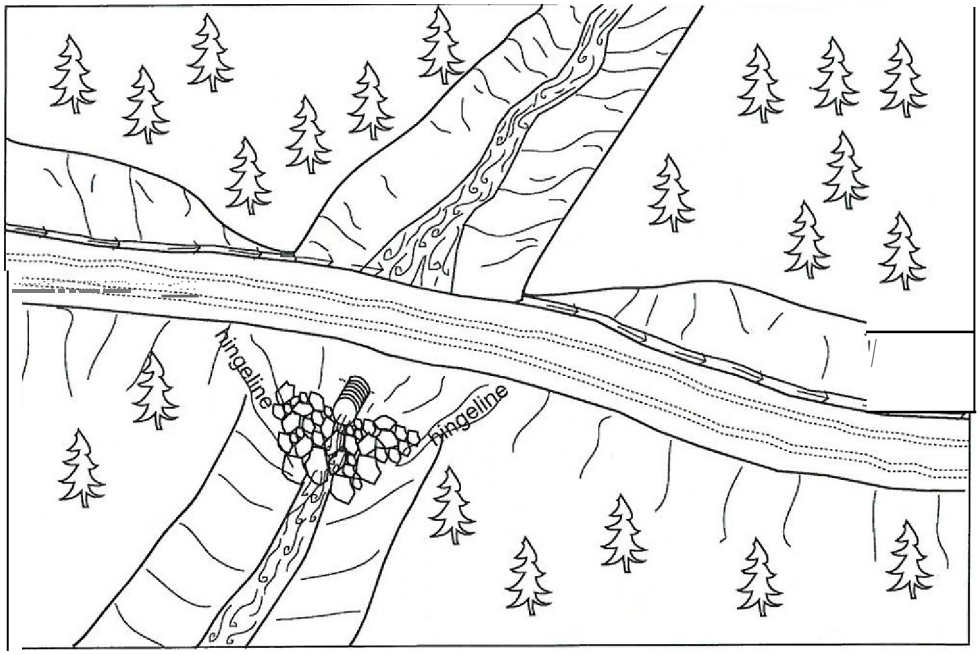
C - 100-year culvert set at base of fill



Armoring Fill Faces to Upgrade Stream Crossings



Problem: Culvert set high in outboard fill has resulted in scour of the outboard fill face and natural channel.
Conditions: The existing stream crossing has a culvert sufficient in diameter to manage design stream flows and has a functional life.



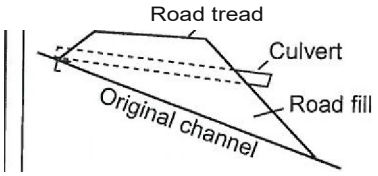
Action: The area of scour is backfilled with rip-rap to provide protection in the form of energy dissipat ion for the remaining fill face and channel.

Treatment Specifications:

1) Placement of rip-rap should be between the left and right hingelines and extend from a keyway excavated below the existing channel base level at the base of the fill slope up and under the existing culvert.
2) Rock size and volume is determined on a site by site basis based on estimated discharge and existing stream bed particle size range (See accompanying road log).

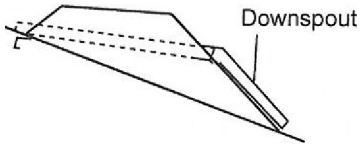
Typical Design of a Non-fish Bearing Culverted Stream Crossing

Existing



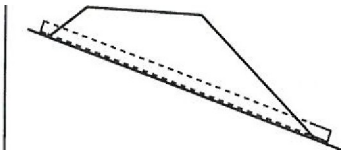
1. Culvert not placed at channel grade.
2. culvert does not extend past base of fill.

Upgraded



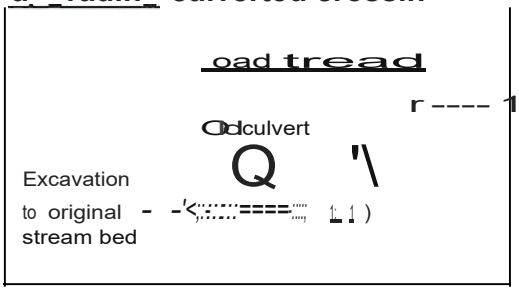
1. Culvert not placed at channel grade.
2. Downspout added to extend outlet past road fill.

Upgraded (preferred)

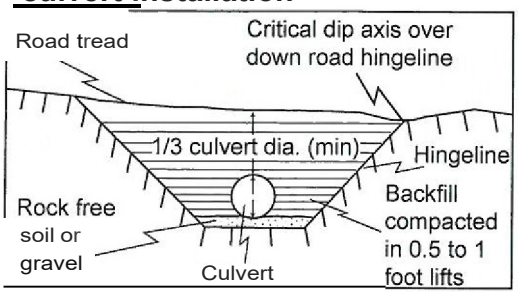


1. Culvert placed at channel grade.
2. Culve rt inlet and outlet rest on, or partially in, the originial streambed.

Excavation in preparation for u_ _radin_ culverted crossin



Upgraded stream crossing culvert installation



Note:
Road upgrading tasks typically include upgrading stream crossings by installing larger culverts and inlet protection (trash barriers) to prevent plugging. Culvert sizing for the 100-year peak storm flow.should be determined by both field observation and calulations using a procedure such as the Rational Formula.

Stream crossing culvert Installation

1. Culverts shall be aligned with natural stream channels to ensure proper function, and prevent bank erosion and plugging by debris.
2. Culverts shall be placed at the base of the fill and the grade of the original streambed , or downspouted past the base of the fill.
3. Culverts shall be set slightly below the original stream grade so that the water drops several inches as it enters the pipe.
5. To allow for sagging after burial, a camber shall be between 1.5 to 3 incher per 10 feet culvert pipe length.
6. Backfill material shall be free of rocks, limbs or other debris that could dent or puncture the pipe or allow water to seep around pipe.
7. First one end then the other end of the culvert shall be covered and secured. The center is covered last.
8. Backfill material shall be tamped and compacted throughout the entire process:
   - Base and side wall material will be compacted before the pipe is placed in its bed.
   - Backfill compacting will be done in 0.5 - 1 foot lifts until 1/3 of the diameter of the culvert has been covered. A gas powered tamper can be used for this work.
9. Inlets and outlets shall be armored with rock or mulched and seeded with grass as needed .
10. Trash protectors shall be installed just upstream from the culvert where there is a hazard of floating debris plugging the culvert.
11. Layers of fill will be pushed over the crossing until the final designed road grade is achieved, at a minimum of 1/3 to 1/2 the culvert diameter.

Erosion control measures for culvert replacement

Both mechanical and vegetative measures will be employed to minimize accelerated erosion from stream crossing and ditch relief culvert upgrading. Erosion control measures implemented will be evaluated on a site by site basis . Erosion control measures include but are not limited to:

1. Minimizing soil exposure by limiting excava tion areas and heavy equipment dlstrubance.
2. Installin g filter windrows of slash at the base of the road fill to minimize the movement of eroded soil to downslope areas and stream channels.
3. Reta ining rooted trees and shrubs at the base of the fill as "anchor" for the fill and filter windrows.
4. Bare slopes created by construc tion operations will be protected until vegetation can stabilize the surface. Surface erosion on exposed cuts and fills will be minimized by mulching, seeding, planting, compacting, armoring, and/or benching prior to the first rains.
5. Excess or unusable soil will be stored in long term spoil disposal locations that are not limited by factors such as excessive moisture, steep slopes greater than 10%, archeology potential, or proximity to a watercourse.
6. On running streams, water will be pumped or diverted past the crossing and into the downstream channel during the construction process.
7. Straw bales and/or silt fencing will be employed where necessary to control runoff within the construction zone.

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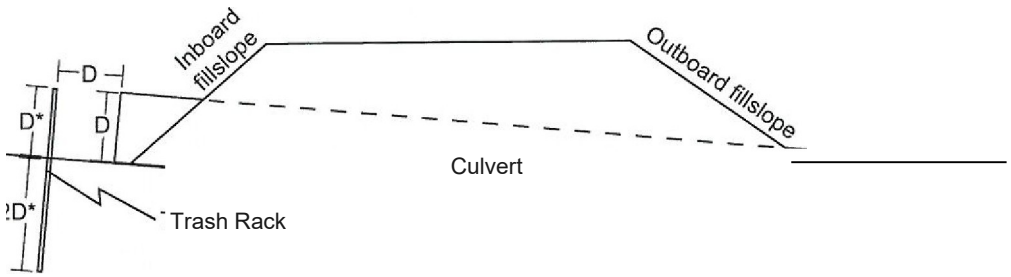
Typical Design of a Single-post Culvert Inlet Trash Rack

Cross section view



D - Culvert diameter

D* - If the culvert is designed for the 100-year peak storm flow, the trash rack height above the streambed should equal D.

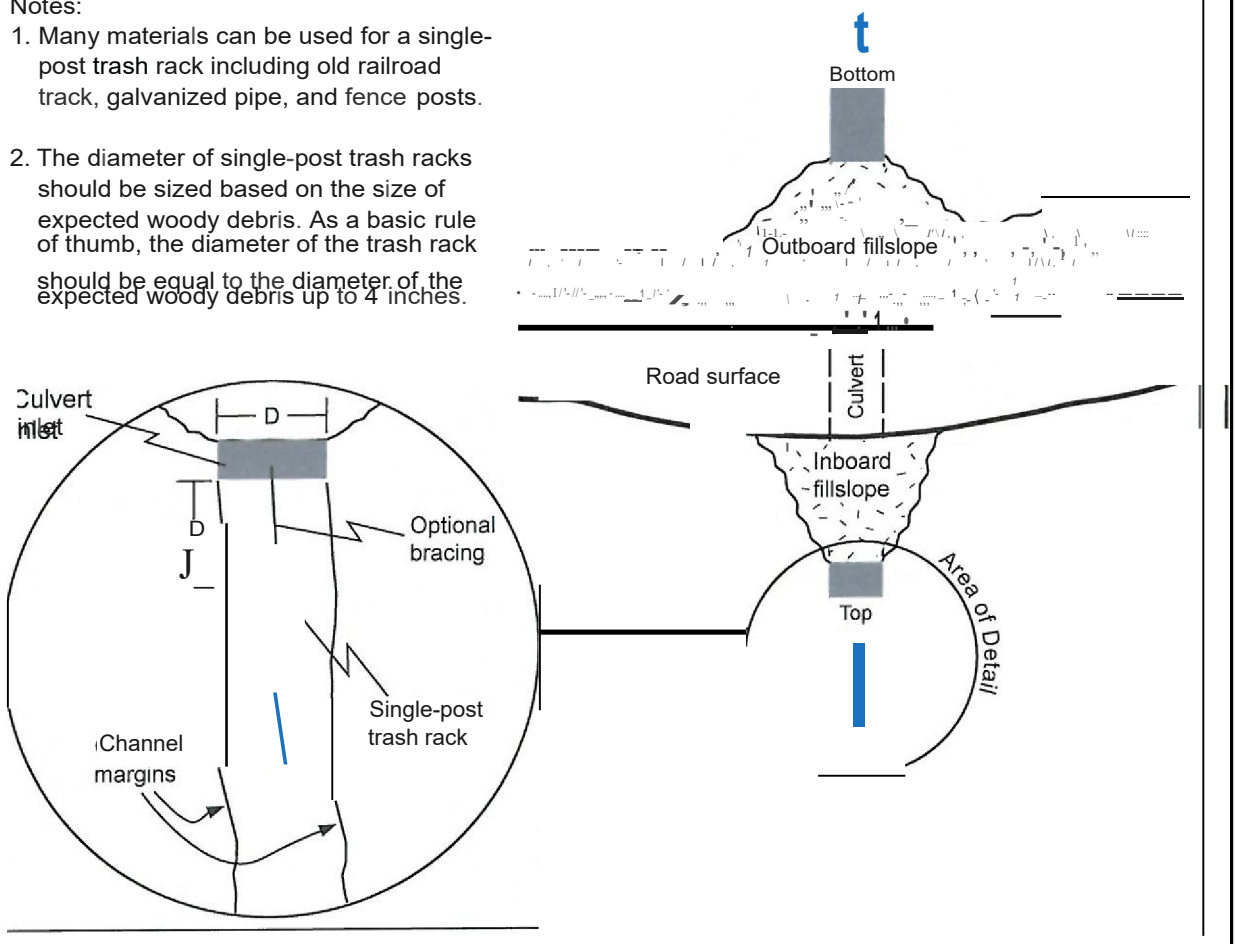
If the culvert is undersized, then the trash rack needs to be extended vertically above the streambed to match or exceed the expected headwall height.

Plan view

Notes:

1. Many materials can be used for a single-post trash rack including old railroad track, galvanized pipe, and fence posts.

2. The diameter of single-post trash racks should be sized based on the size of expected woody debris. As a basic rule of thumb, the diameter of the trash rack should be equal to the diameter of the expected woody debris up to 4 inches.



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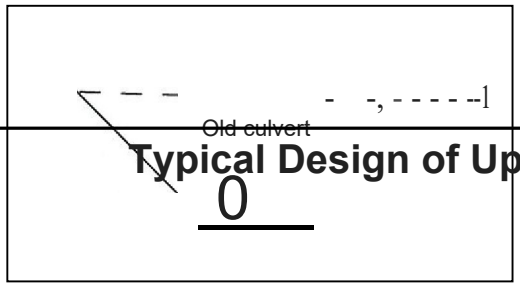
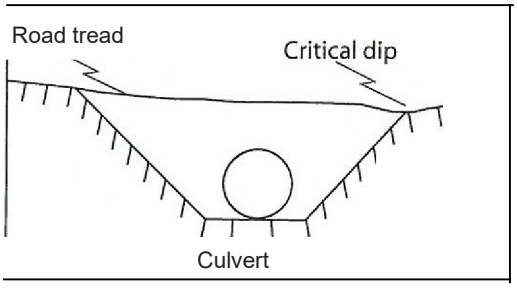


Typical Design of Upgraded Stream Crossings



Stream crossing culvert Installation

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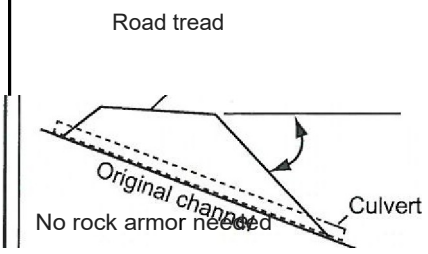
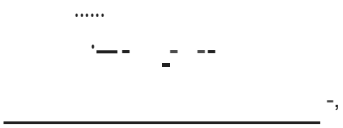
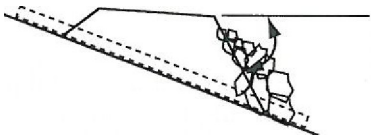
Note:
Road upgrading tasks typically include upgrading stream crossings by installing larger culverts and inlet protection (trash barriers) to prevent plugging. Culvert sizing for the 100-year peak storm flow should be determined by both field observation and calculations using a procedure such as the Rational Formula.

Armoring fill faces

Fill angles:::; 2:1	Fill angles (between 2:1 & 1.5:1)	Fill angles (between 1.5:1 & 1:1)
 No rock armor needed	 Armor 1/4 up fill face	 Armor 3/4 way up fill face

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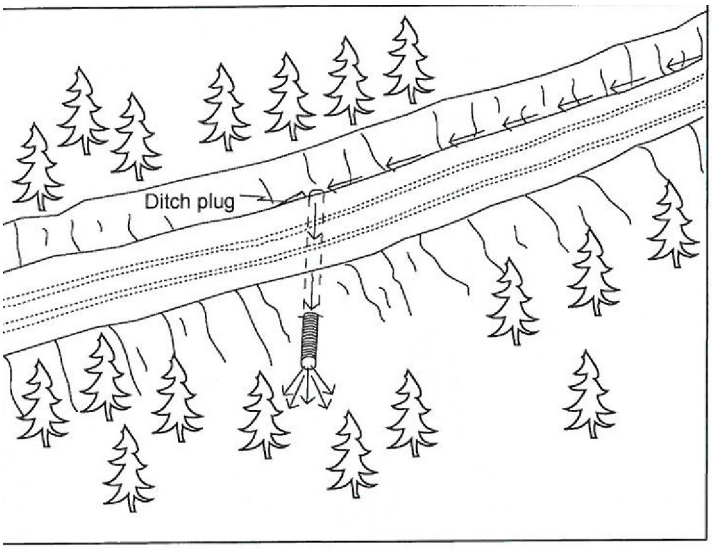
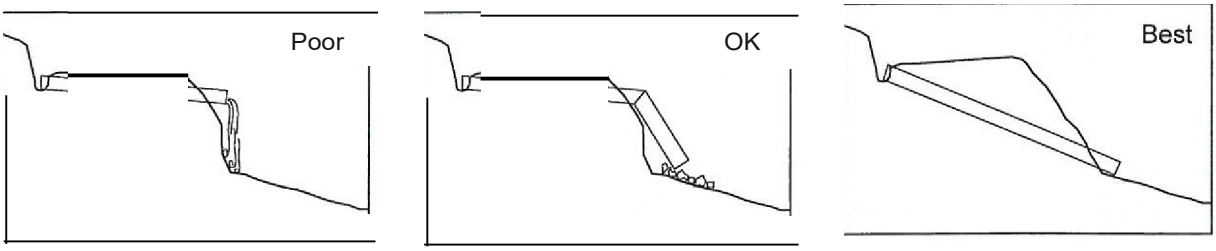
Typical Ditch Relief Culvert Installation





Ditch relief culvert installation

1) The same basic steps followed for stream crossing installation shall be employed.
2) Culverts shall be installed at a 30 degree angle to the ditch to lessen the chance of inlet erosion and plugging.
3) Culverts shall be seated on the natural slope or at a minimum depth of 5 feet at the outside edge of the road, whichever is less.
4) At a minimum, culverts shall be installed at a slope of 2 to 4 percent steeper than the approaching ditch grade, or at least 5 inches every 10 feet.
5) Backfill shall be compacted from the bed to a depth of 1 foot or 1/3 of the culvert diameter, which ever is greater, over the top of the culvert.
6) Culvert outlets shall extend beyond the base of the road fill (or a flume downspout will be used). e;ulverts will be seated on the natural slope or at a depth of 5 feet at the outside edge of the road, whichever is less.

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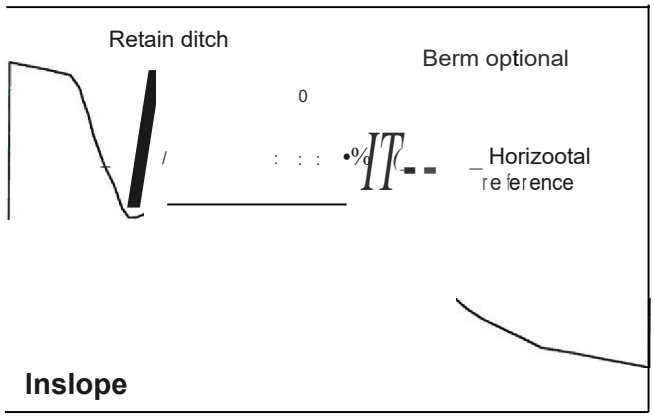
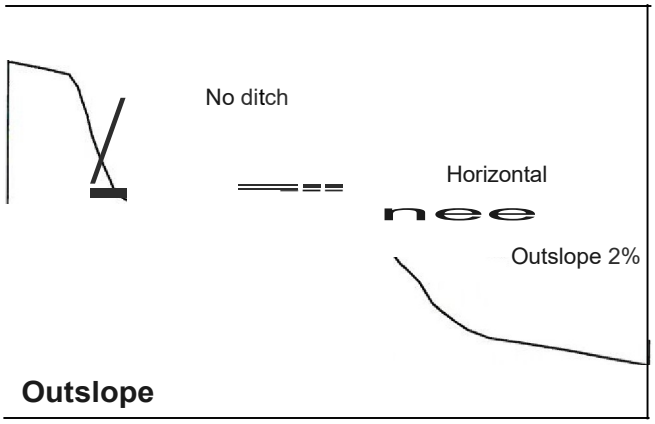
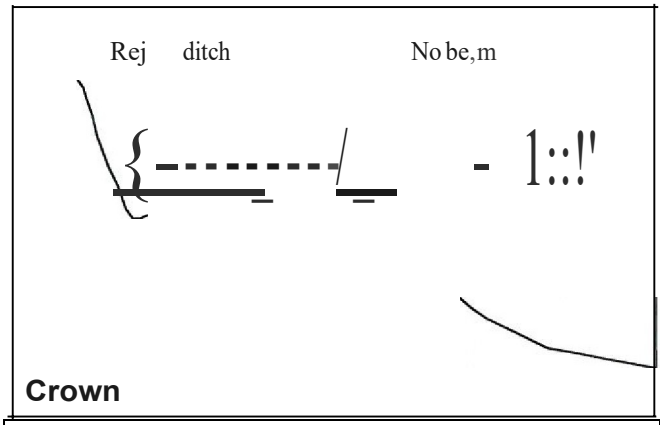
Typical Designs for Using Road Shape to Control Road Runoff



Inslope



Outslope



Crown

Outsloping Pitch for Roads Up to 8% Grade		
Road grade	**Unsurfaced roads**	**Surfaced roads**
4% or less	3/8" per foot	1/2" per foot
5%	1/2" per foot	5/8" per foot
6%	5/8" per foot	3/4" per foot
7%	3/4" per foot	7/8" per foot
8% or more	1" per foot	1 1/4" per foot

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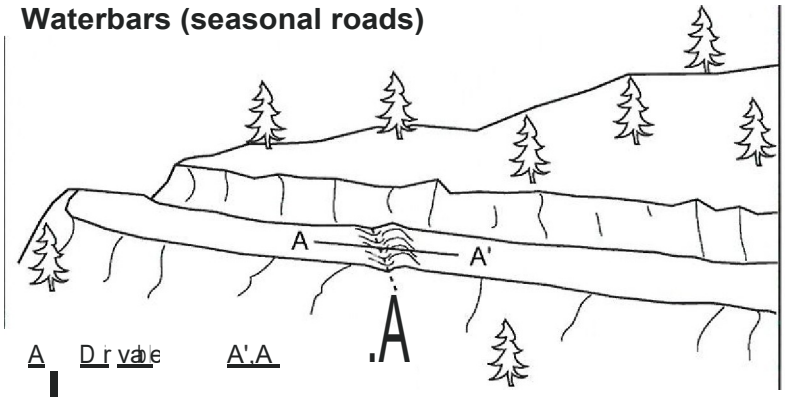
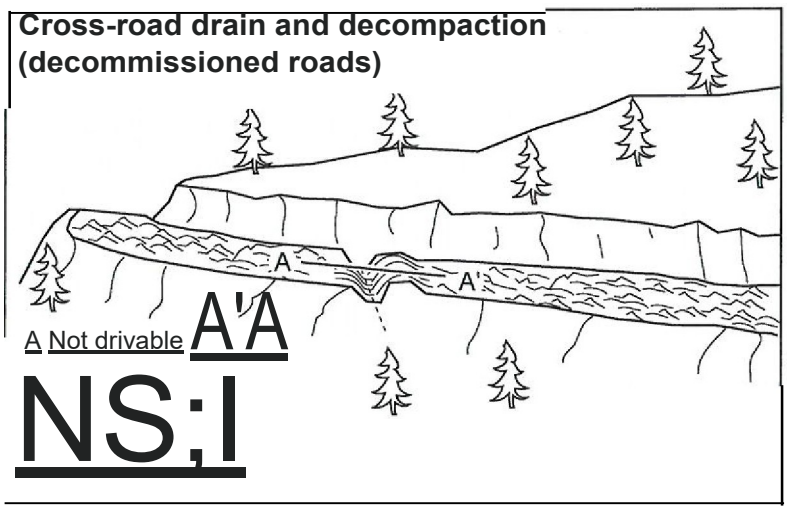
Typical Methods for Dispersing Road Surface Runoff with Waterbars, Cross-road Drains, and Rolling Dips

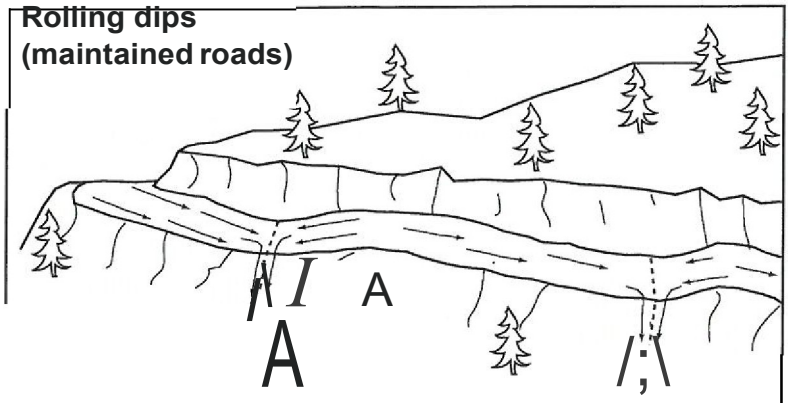
Waterbars (seasonal roads)



Cross-road drain and decompaction (decommissioned roads)



Rolling dips (maintained roads)



Rolling dip spacing dependent on road grade, soil erodibility, and proximity to stream

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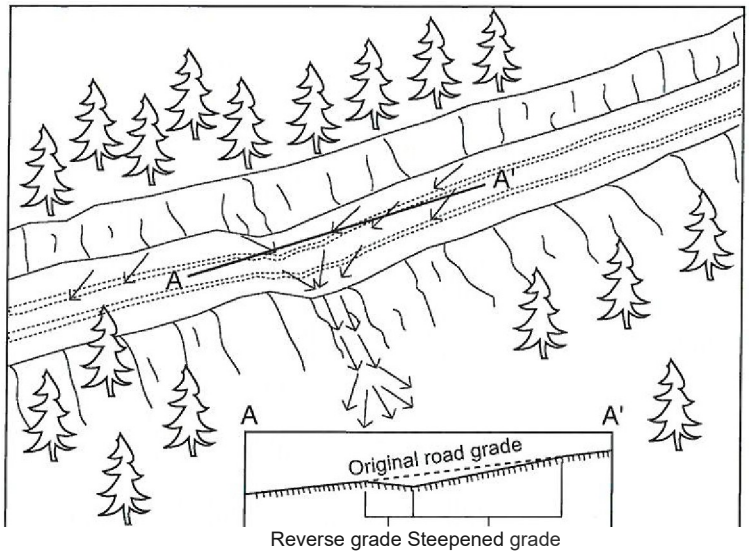
Typical Road Surface Drainage by Rolling Dips



Rolling dip installation:

1. Rolling dips will be installed in the roadbed as needed to drain the road surface.
2. Rolling dips will be sloped either into the ditch or to the outside of the road edge as required to properly drain the road.
3. Rolling dips are usually built at 30 to 45 degree angles to the road alignment with cross road grade of at least 1% greater than the grade of the road.
4. Excavation for the dips will be done with a medium-size bulldozer or similar equipment.
5. Excavation of the dips will begin 50 to 100 feet up road from where the axis of the dip is planned as per guidelines established in the rolling dip dimensions table.
6. Material will be progressively excavated from the roadbed, steepening the grade unitl the axis is reached.
7. The depth of the dip will be determined by the grade of the road (see table below).
8. On the down road side of the rolling dip axis, a grade change will be installed to prevent the runoff from continuing down the road (see figure above).
9. The rise in the reverse grade will be carried for about 10 to 20 feet and then return to the original slope.
10. The transition from axis to bottom, through rising grade to falling grade, will be in a road distance of at least 15 to 30 feet.

Table of rolling dip dimensions by road grade

Road grade %	**Upslope approach distance** (from up road start to trough) ft	**Reverse grade distance** (from trough to crest) ft	**Depth at trough outlet** (below average road grade) ft	**Depth at trough inlet** (below average road grade) ft
<6	55	15 - 20	0.9	0.3
8	65	15 - 20	1.0	0.2
10	75	15 - 20	1.1	0.01
12	85	20- 25	1.2	0.01
>12	100	20- 25	1.3	0.01

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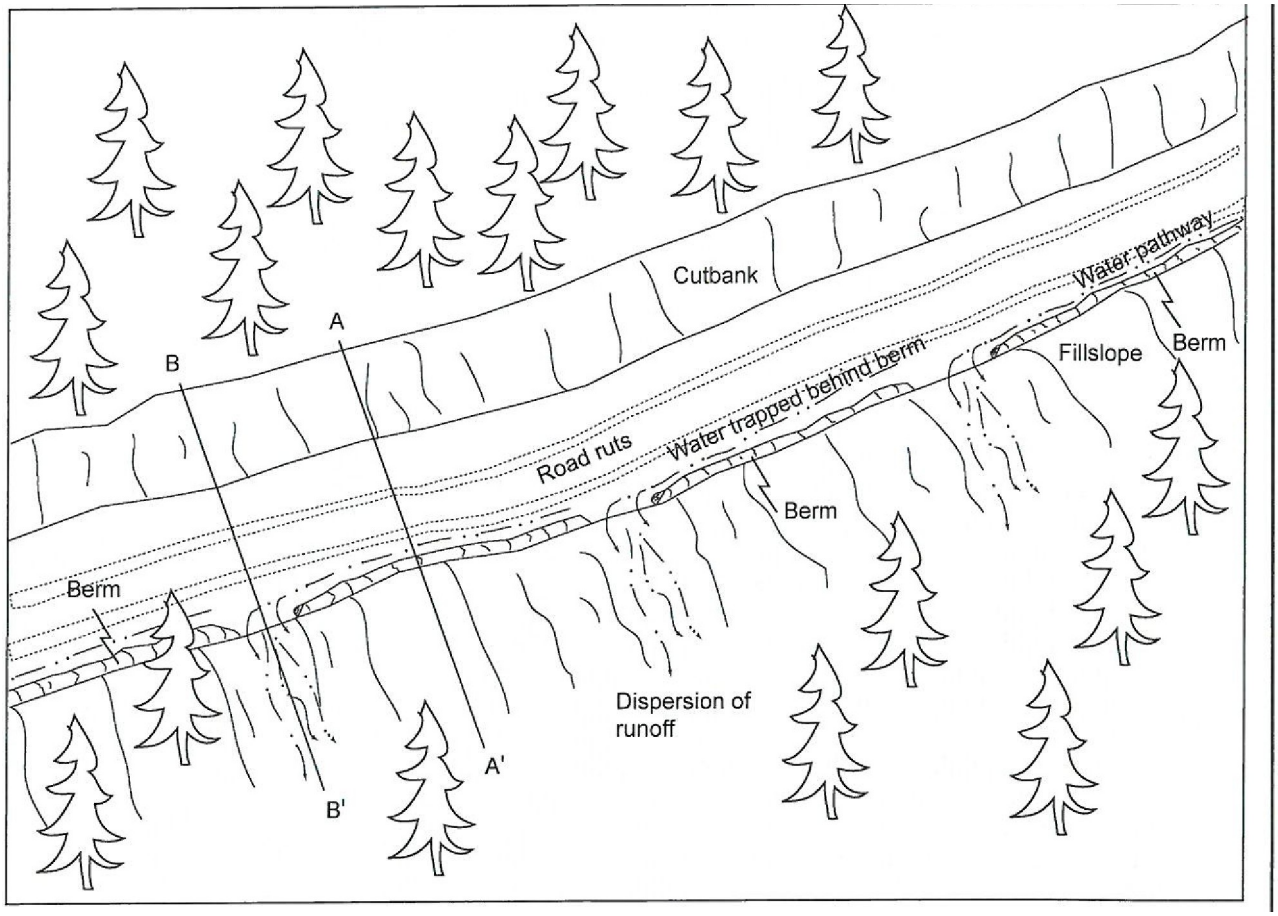
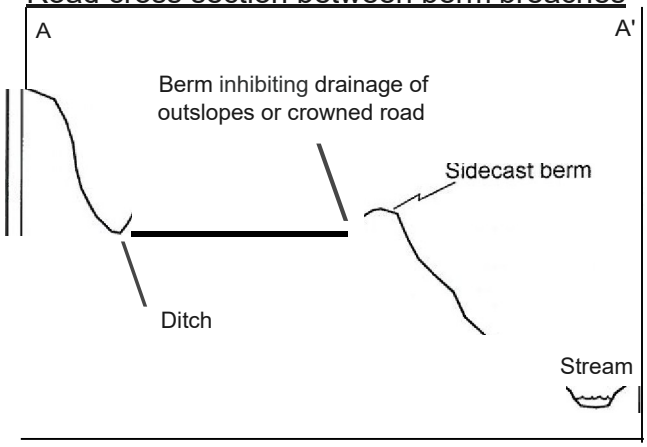
Typical Sidecast or Excavation Methods for Removing Outboard Berms on a Maintained Road

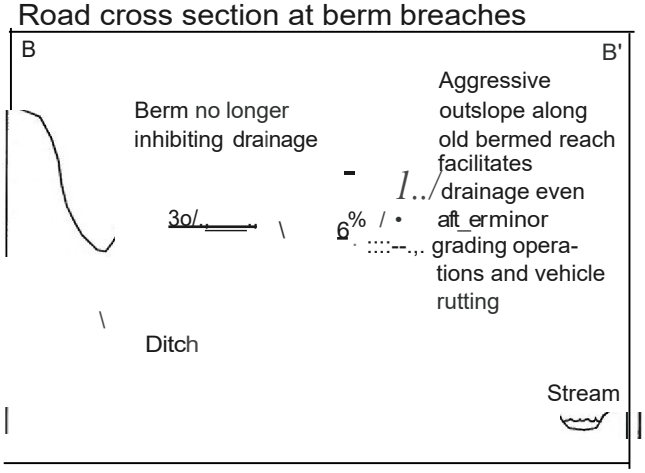
1. On gentle road segments berms can be removed continuously(see B-B').
2. On steep road segments, where safety is a concern, the berm can be frequently breached (see A-A' & B-B') Berm breaches should be spaced every 30 to 100 feet to provide adequate drainage of the road system while maintaining a semi-continuous berm for vehicl safety.



Road cross section between berm breaches



Road cross section at berm breaches



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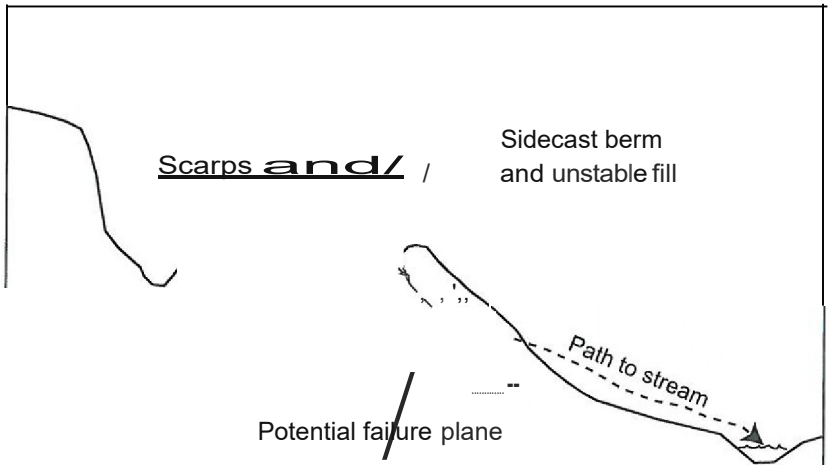
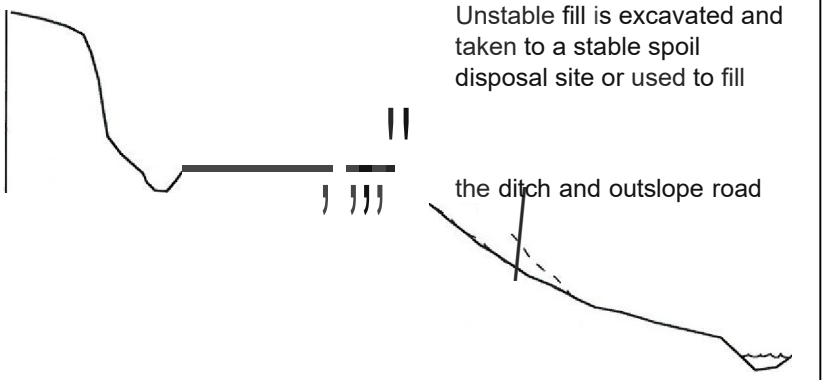
Typical Excavation of Unstable Fillslope on an Upgraded Road

Before



After



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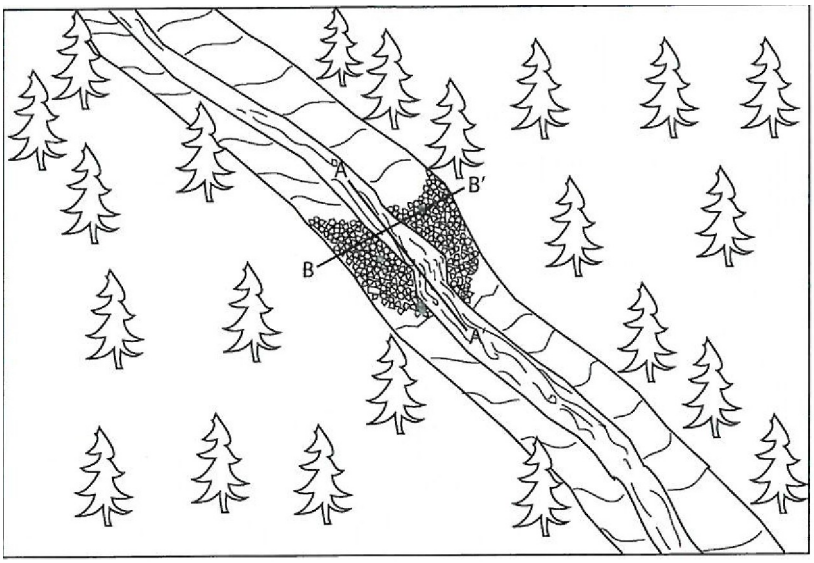
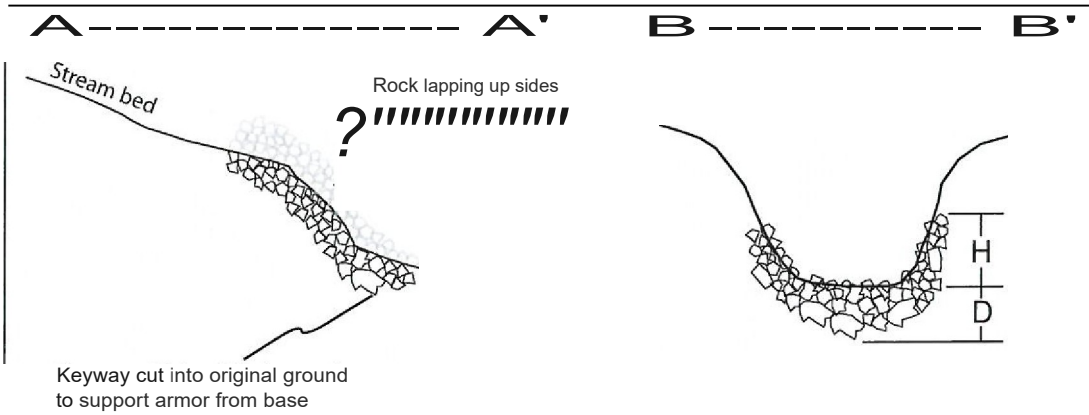
Typical Rock Grade Control Structure Installation in a non-fish bearing Stream Channel



Cross section parallel and perpendicular to watercourse



Notes

The main objective is to create a structure that will not be flanked, undercut, or eroded by the stream

The critical elements of a successful grade control structure are:
1) rock selection- rock should be selected that is resistent to abrasion and pysical disintigration and has a mixture of sizes with the largest size larger than the 0100 of the stream.
2) The rock must be placed in a "U" shape that will confine the 100 yr. return interval stream flow and wont restrict the channel
3) The rock must be imbedded into the channel at least two rock diameters thick
4) The largest rock should be used at the base of the grade control structure to butress the other rock

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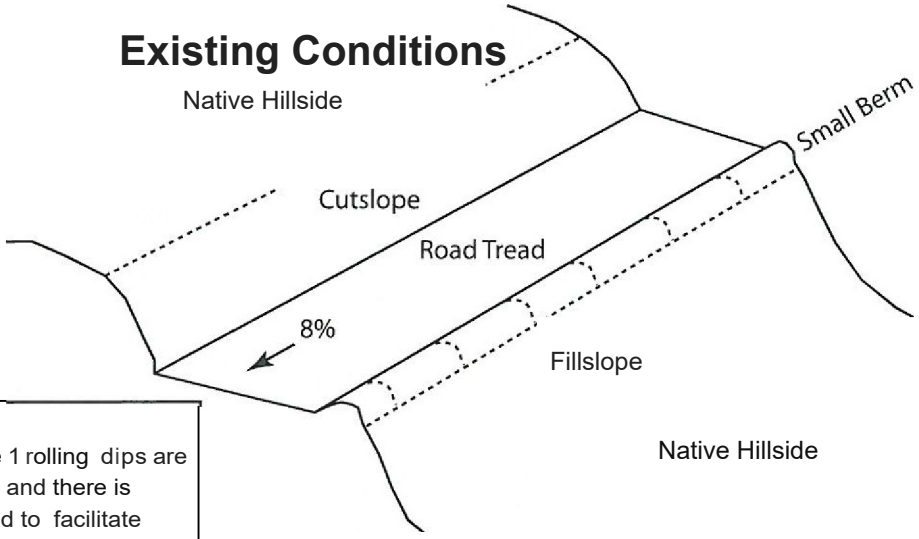
PWA Typical Drawing #18

Rolling Dip Construction (Type 1)

Existing Conditions



Notes

Rolling dip type 1 existing conditions: Type 1 rolling dips are ut ilized when roads are less than 12% grade and there is proximal outfall adjacent to the outboard road to facilitate road drainage.

Design Notes:

1) The berm should be removed for the entire lengt h of the dip.

2) The steeper the road grade the more asymetrical the dip should be constructed, i.e. the axis of the dip should be closer to the down road sid e of the dip when the road gets steep. (See PWA typical drawing #11).

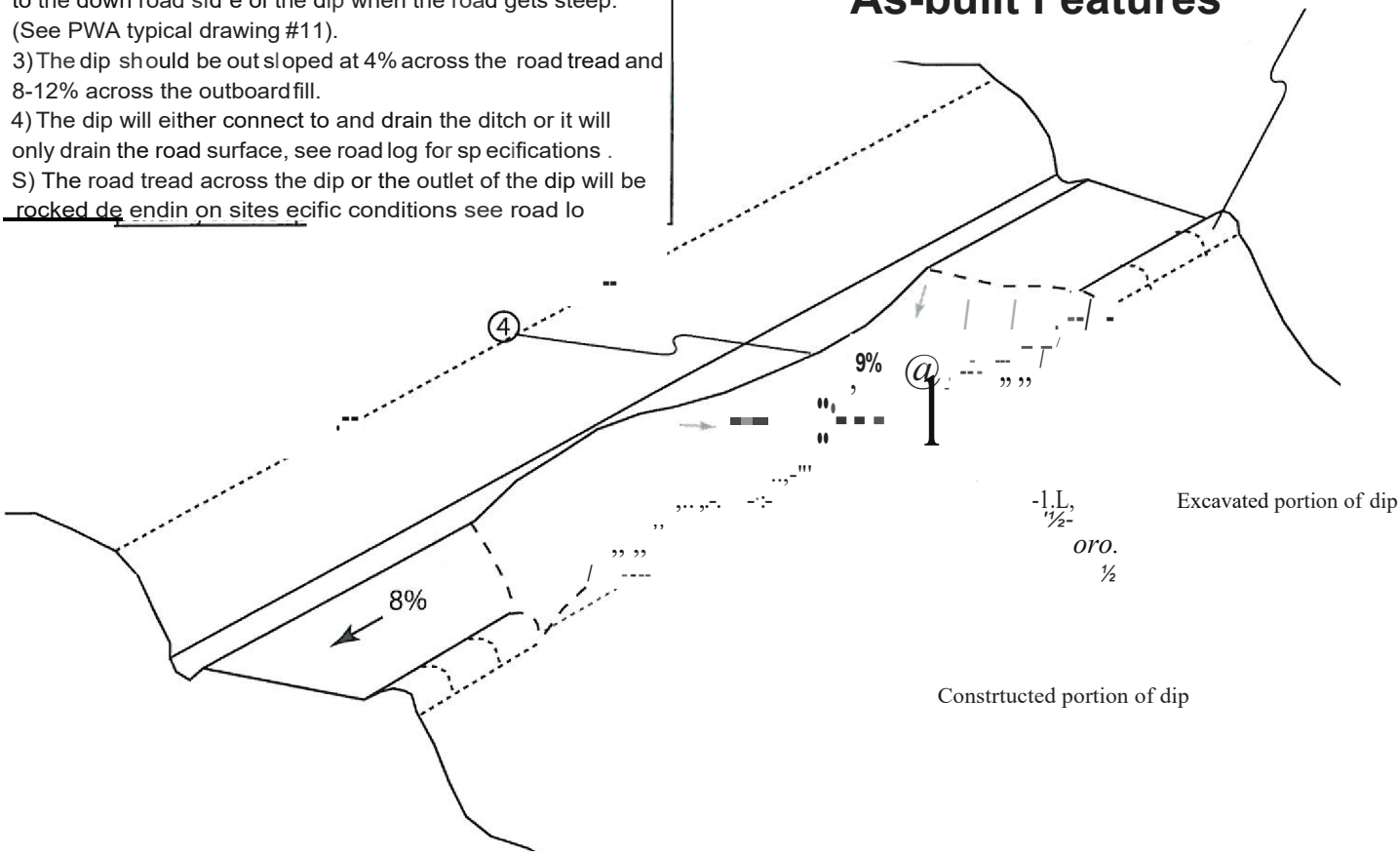
3) The dip sh ould be out sl oped at 4% across the road tread and 8-12% across the outboard fill.

4) The dip will either connect to and drain the ditch or it will only drain the road surface, see road log for sp ecifications .

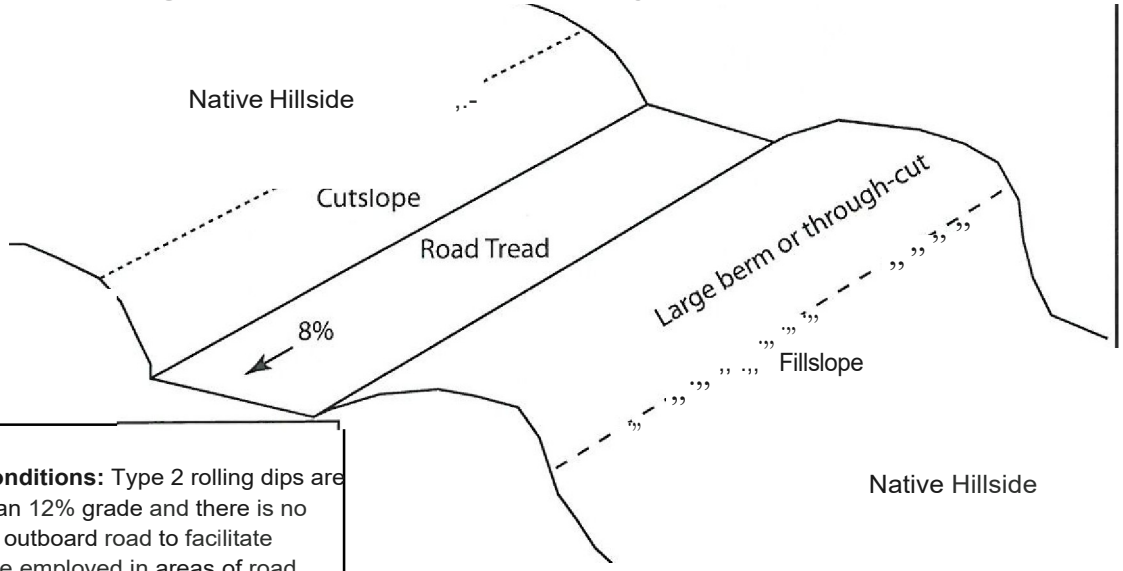
S) The road tread across the dip or the outlet of the dip will be rocked de endin on sites ecific conditions see road lo

G)

As-built Features



Rolling Dip Construction (Type 2)



Notes

Rolling dip type 2 existing conditions: Type 2 rolling dips are utilized when roads are less than 12% grade and there is no proximal outfall adjacent to the outboard road to facilitate road drainage. These should be employed in areas of road through-cuts and where large berms exist on the outboard road

Design Notes:

1) The berm should be removed for the entire length of the excavated portion of the dip.

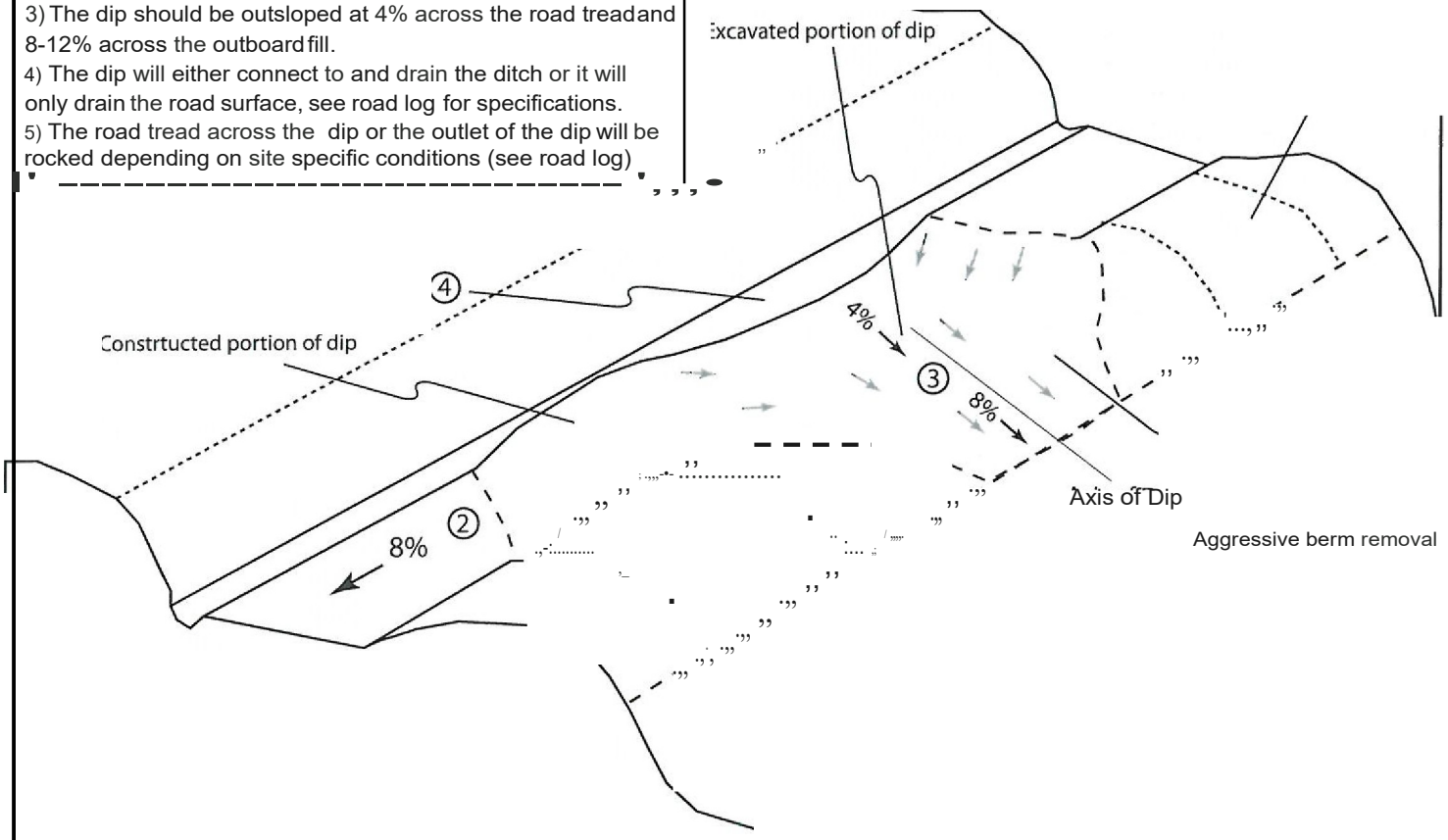
2) The steeper the road grade the more asymetrical the dip should be constructed, i.e. the axis of the dip should be closer to the down road side of the dip when the road gets steep. (See PWA typical drawing #11).

3) The dip should be outsloped at 4% across the road tread and 8-12% across the outboard fill.

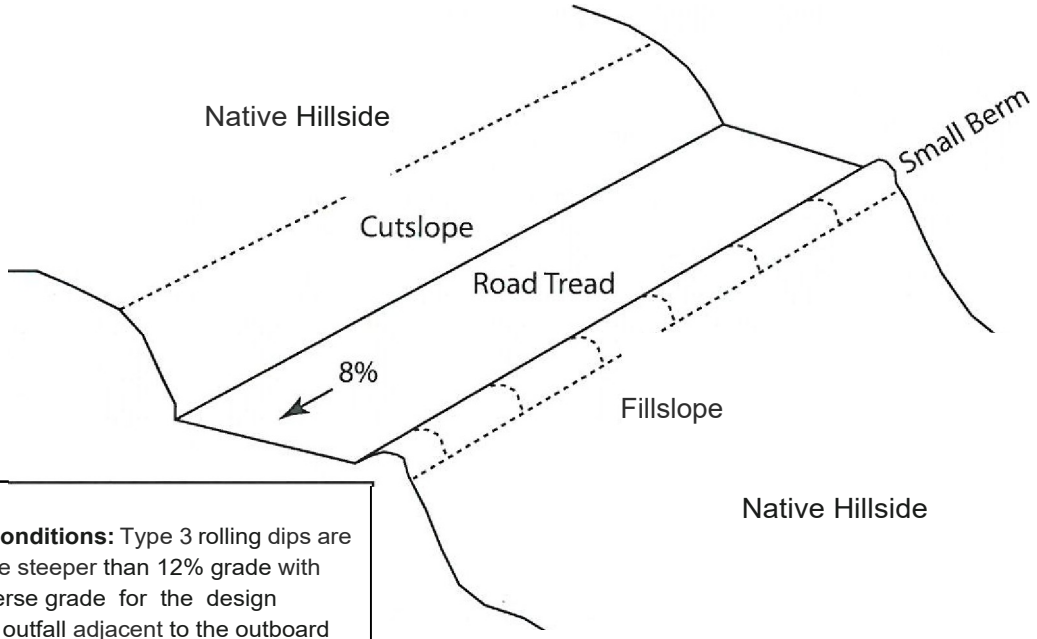
4) The dip will either connect to and drain the ditch or it will only drain the road surface, see road log for specifications.

5) The road tread across the dip or the outlet of the dip will be rocked depending on site specific conditions (see road log)

As-built Features CD



Rolling Dip Construction (Type 3, aggressive outslope)



Notes

Rolling dip type 3 existing conditions: Type 3 rolling dips are utilized when roads grades are steeper than 12% grade with little opportunity to create reverse grade for the design vehicle, and there is proximal outfall adjacent to the outboard road to facilitate road drainage.

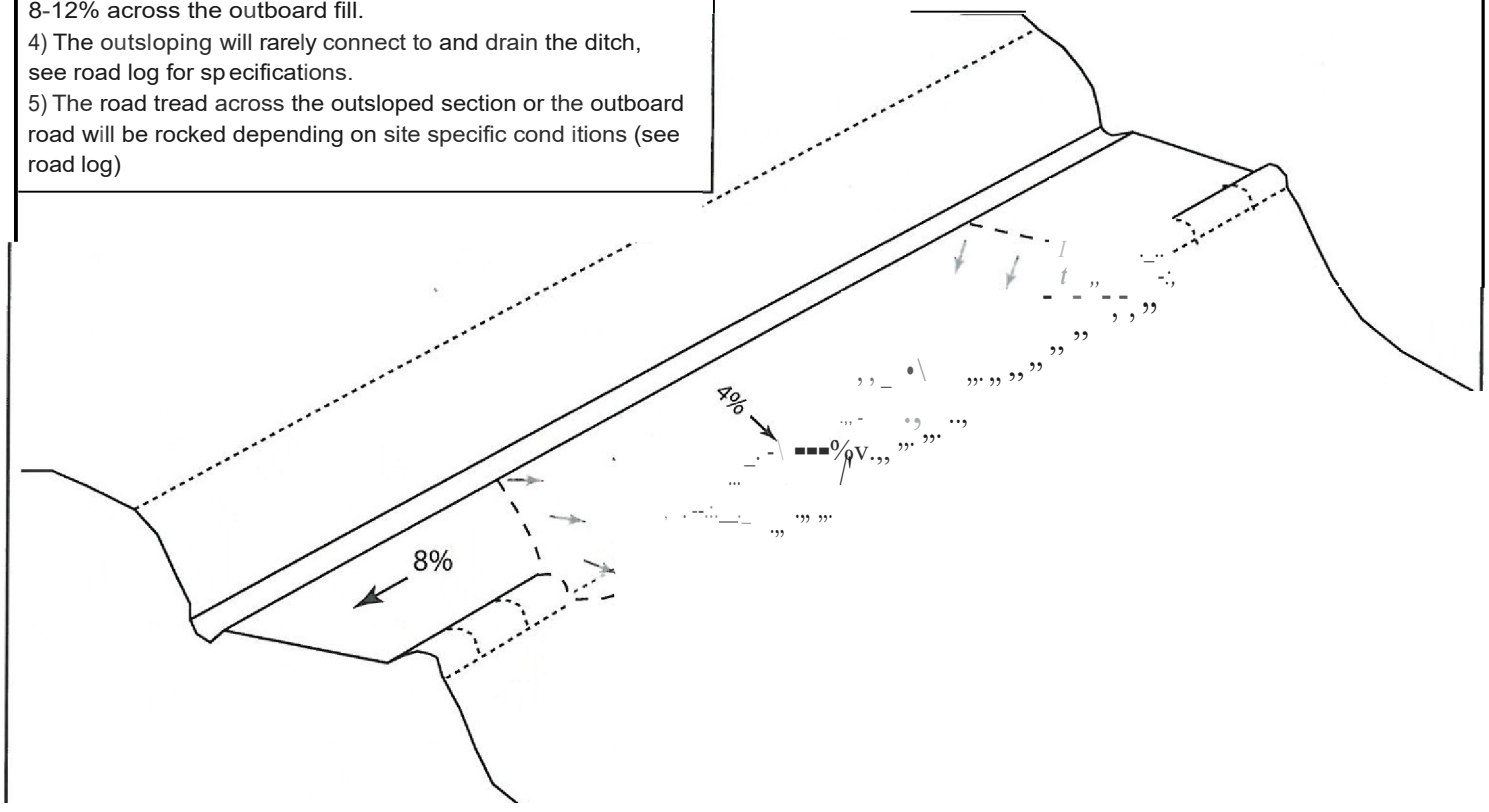
Design Notes:

1) The berm should be removed for the entire length of the outsloped section.

3) The dip should be outsloped at **4%** across the road tread and 8-12% across the outboard fill.

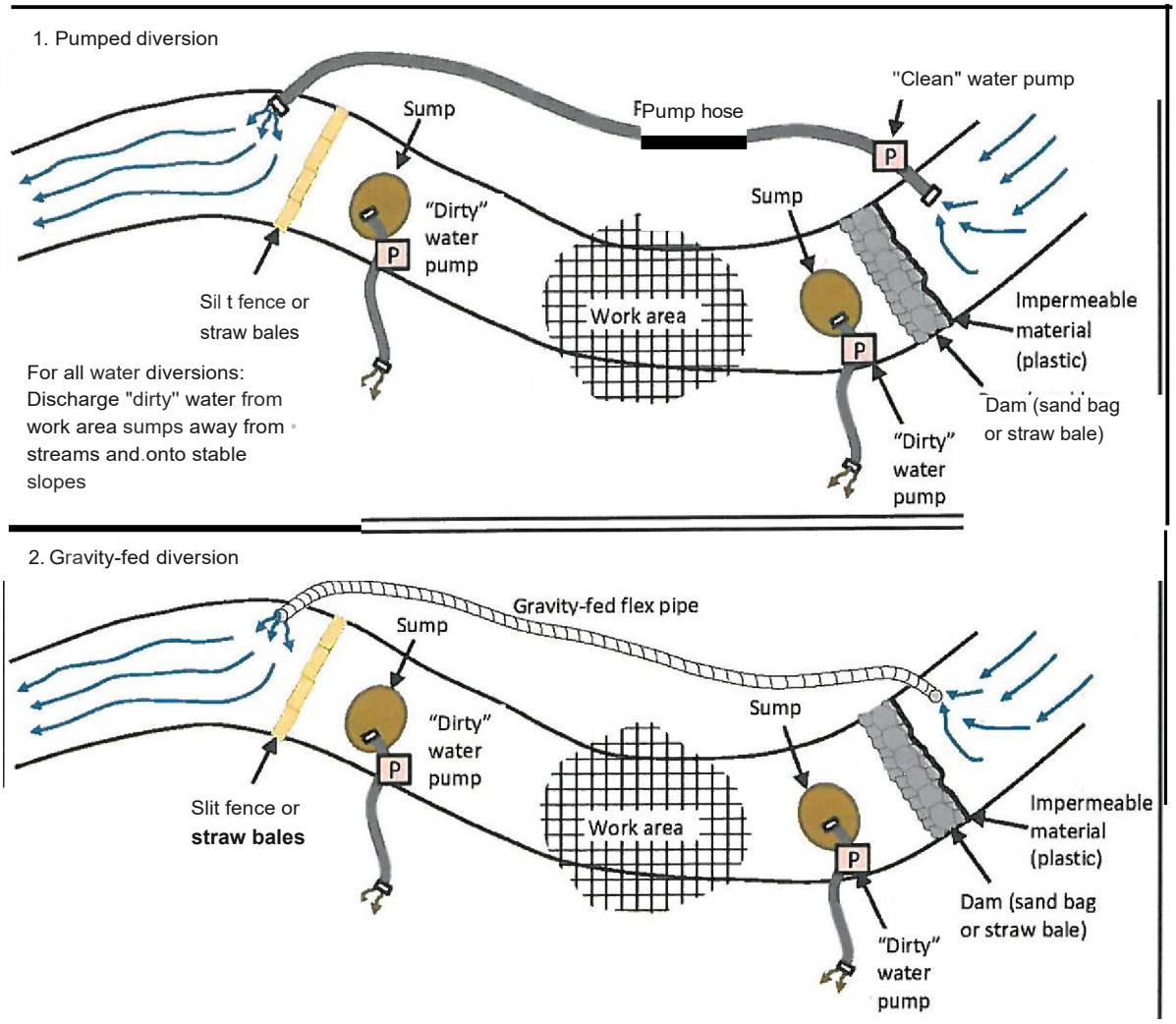
4) The outsloping will rarely connect to and drain the ditch, see road log for specifications.

5) The road tread across the outsloped section or the outboard road will be rocked depending on site specific conditions (see road log)



Pacific Watershed Associates Inc.
Geologic and Geomorphic Studies• Watershed Restoration• Wildland Hydrology• Erosion Control• Environmental Services
PO Box 4433, Arcata, CA 95518 / Ph: 707-839-5130 *I* FAX: 707-839-8168 / www.pacificwatershed.com

Typical Design for De..watering Streams



Stream crossing de-watering

Prior to working in and around the active stream channel, proper stream dewatering and avoidance of increasing downstream turbidity should be employed. Stream flows will be isolated upstream of the work area using cofferdams and transported downstream / around the work site through either a pumped diversion (Type 1) or by gravity diversion (Type 2) to keep the stream "live" (flowing) below the work area. An additional dam will be installed downstream of the work areas to capture any subsurface flow that might travel through the construction area. Any "dirty" water will be collected at this location and pumped away from the site where it can infiltrate into the ground without the potential to delivery to the stream and/or be used to wet fill being deposited in the spoil disposal areas.

Pacific Watershed Associates Inc.
Geologic and Geomorphic Studies • Watershed Restoration • Wildland Hydrology • Erosion Control• Environmental Services
PO Box 2070, Peta l um a, CA 95943 *I* Ph: 707 -773-1385/ FAX: 707- 773-145 1/ www.pacificwater shed.com

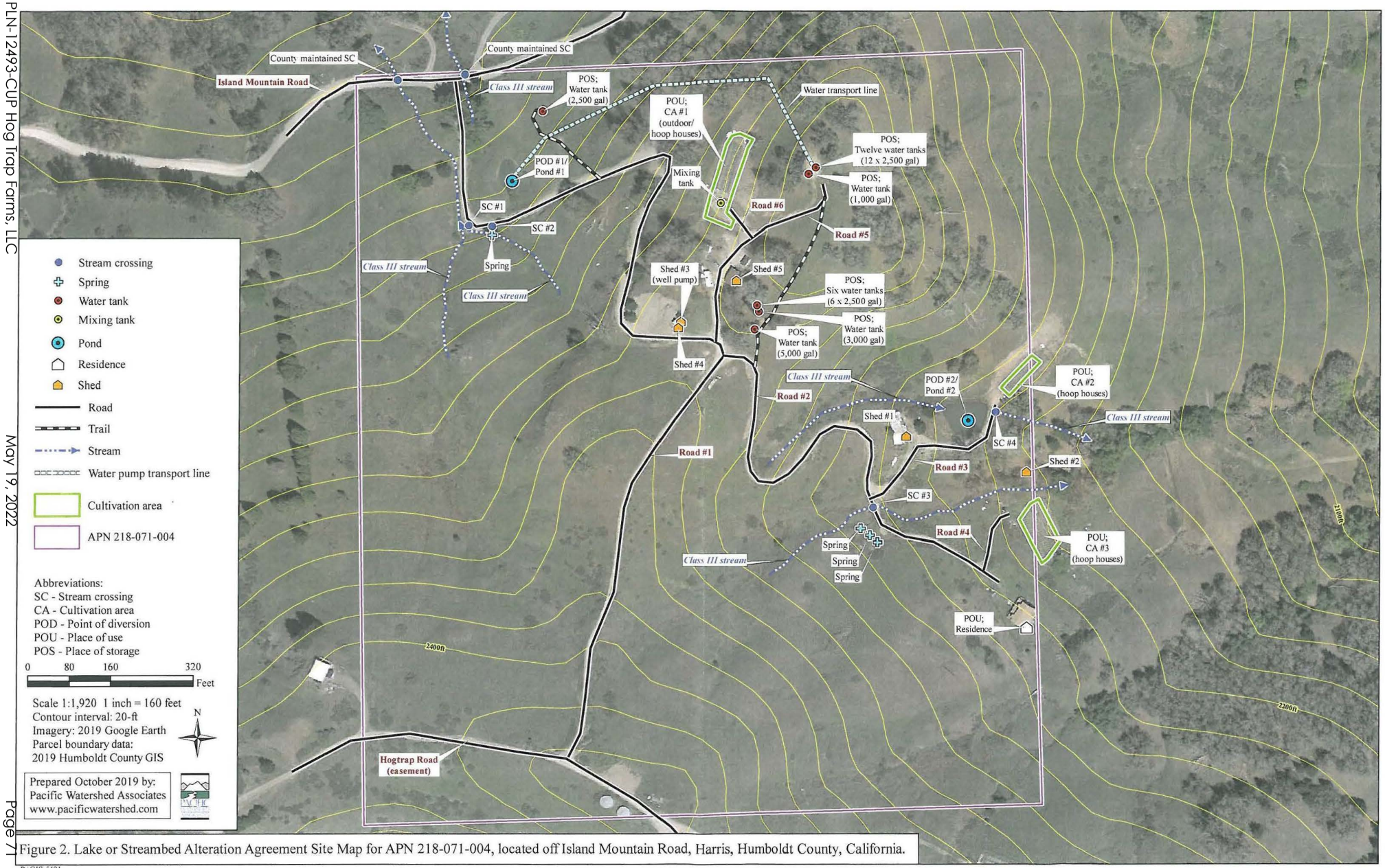


Figure 2. Lake or Streambed Alteration Agreement Site Map for APN 218-071-004, located off Island Mountain Road, Harris, Humboldt County, California.

P: GIS 5491

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: HOGTRAP FARMS APN: 218-071-003

Planning & Building Department Case/File No.: 13336

Road Name: HOG TRAP ROAD *(complete a separate form for each road)*

From Road (Cross street): ISLAND MOUNTAIN ROAD - STATE ROAD #8A020

To Road (Cross street): SUBJECT PARCEL

Length of road segment: 0.9 miles Date Inspected: 7/12/20

Road is maintained by: ☐ County ☑ Other PRIVATE

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

DocuSigned by:
JOSEPH CIPRIANO
E82D371514194C8...

Signature

7/17/2020

Date

JOSEPH CIPRIANO

Name Printed

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.

CRIMEA 218-071-003

Project Parcel is accessed via Bell Springs Road (County maintained) to Island Mountain Road (County Maintained) to Hogtrap Road (private) - approx 0.9 miles along private road to project site

Access route overview from Bell Springs Road

CRIMEA 218-071-003

Private road segment - Hog Trap Road approx 0.9 miles

CRIMEA 218-071-003

HOGTRAP ROAD X ISLAND MOUNTAIN

CRIMEA 218-071-003

APPROX 0.5 MI DOWN HOGTRAP ROAD

CRIMEA 218-071-003

AT PARCEL ENTRY

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region Coastal
619 Second Street
Eureka, California 95501
(707) 445-6493
www.wildlife.ca.gov

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

March 16, 2022

John Finley
PO Box 632
Whitethorn, CA 95589
finlark@gmail.com

Subject: Draft Lake or Streambed Alteration Agreement
Notification No. 1600-2019-0854-R1
Finley Cal Fin Organics Water Diversions, Ponds, and Stream Crossings Project

Dear John Finley:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the overall project and that the Department may have additional comments or concerns during the CEQA review process.

Conserving California's Wildlife Since 1870

This Agreement only covers projects subject to Fish and Game Code 1600 et seq., but there may be other aspects of the overall development project that invoke the Department's role as trustee and responsible agency under CEQA. Therefore, the Department may submit additional comments, requests for information, and recommend requirements for mitigation or monitoring in order to avoid significant impacts to fish and wildlife or their habitat. Furthermore, this Agreement does not authorize "take" of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed or candidate threatened or endangered species, the Permittee has the responsibility to obtain an Incidental Take Permit from the Department, as required by the California Endangered Species Act.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf.

If you have any questions regarding this letter, please contact Environmental Scientist Christine Hahn Vertical at Christine.HahnVertical@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Rebecca Garwood
B5D12ECE94324AF...

Rebecca Garwood
Program Manager

Ec: **NorthPoint Consulting Group, Inc**.
praj@northpointeureka.com
Michelle@northpointeureka.com
Ramirez@northpointeureka.com

North Coast Regional Water Quality Control Board
NorthCoast.Cannabis@Waterboards.ca.gov
Kate.Hawkin@waterboards.ca.gov

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 2nd Street
Eureka, CA 95501

LAKE OR STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2019-0854-R1
Unnamed Tributaries to Chamise Creek, Tributary to the Eel River and the Pacific Ocean

Mark Finley
Finley Water Diversion, Pond, and Stream Crossings Project
12 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on October 24,2019 that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Eel River watershed, approximately 5.5 miles Southeast of the town of Harris, County of Humboldt, State of California Assessor's Parcel Numbers 218-071-003 and 218-081-003; latitude 40.0244 N and longitude 123.6027 W at the first crossing.

PROJECT DESCRIPTION

The project is limited to twelve encroachments. Two encroachments are for water diversion from spring and surface waters impounded into ponds. Water is diverted for domestic use and irrigation. Work for these water diversions will include use and maintenance of the water diversion infrastructure. The ten other proposed encroachments are to upgrade or decommission failing and undersized culverts. Work

for these encroachments will include, removal of the existing culverts, replacement with new properly sized culverts or rock fill fords, decommissioning, excavation, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1 Crimea Pond	40.0262, -123.6001	Water diversion/retrofit facilities; clear spillway of vegetation and debris.
POD-2 Pond	40.0265, -123.6036	Water diversion/retrofit facilities.
SC-1	40.0244, -123.6027	Existing undersized 18” CMP. Install a rocked ford or decommission stream crossing
SC-2	40.0244, -123.6030	Existing undersized 18” CMP. Install a rocked ford or decommission stream crossing
SC-3	40.0249, -123.6050	Existing undersized 18” CMP. Install a rocked ford or decommission stream crossing
SC-4	40.0254, -123.6058	Existing undersized 18” CMP. Install a rocked ford or decommission stream crossing
SC-5	40.0257, -123.6070	Existing undersized 18” CMP. Install a rocked ford or decommission stream crossing
SC-6	40.0265, -123.6090	Existing 18” CMP, install a minimum 30” culvert or decommission
SC-7	40.0264, -123.6090	Decommission SC-7. Divert surface flow towards SC-6. Provide updated stream crossing decommissioning plan 90 days before implementation.
SC-8	40.0267, -123.6085	Existing undersized 18” CMP. Install a rocked ford or decommission stream crossing
SC-9	40.0268, -123.6082	Existing undersized 18” CMP. Install a rocked ford or decommission stream crossing
SC-10	40.0266, -123.5998	Existing undersized 24” HDPE, a DRC and pond overflow draining into SC-1. Install a minimum of a 30” culvert at road/stream crossing

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Giant Salamander

(Dicamptodon tenebrosus), Foothill Yellow-legged Frog *(Rana boylii),* Coastal Tailed Frog (*Ascaphus truei*), Northwest Pond Turtle (*Actinemys 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; and
- 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; and
- 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 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 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.

1.4 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.

1.5 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. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.

1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

1.8 Agreement Compliance. The proposed work shall comply with all measures included in this Agreement. **Failure to comply with these measures may result in suspension or revocation of this Agreement.**

2. Avoidance and Minimization Measures

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

2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on October 24, 2021, with revisions received on January 22, 2021, and December 1, 2021, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.

2.2 Incidental Take. This Agreement does not allow for the "take," or "incidental take" of any federal or State listed threatened or endangered listed species.

Project Timing

2.3 Work Period. All work, not including authorized diversion of water, shall be confined to the period **June 1 through October 31** 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.

2.4 Work Completion. The proposed work **shall be completed by prior to the expiration of this Agreement's term**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

2.5 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period before June 1 or after October 31, a written request shall be made to CDFW at least five (5) working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities beginning before June 1 or continuing past October 31.

2.6 Avoidance of Nesting Birds. Fish and Game Code sections 3503 and 3503.5 prohibits the taking or destroying of native bird's nests or eggs. Vegetation maintenance or removal (e.g., clearing and grubbing) shall occur between September 1 and March 15. Removal areas should be managed once cleared to reduce nesting potential during the breeding season.

Vegetation Management

2.7 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

Water Diversion

Domestic Use

2.8 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **five (5) gallons per minute** (gpm) at any time.

2.9 Bypass Flow. The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

2.10 Seasonal Diversion Minimization – Domestic Use. No more than **150 gallons per day** shall be diverted during the low flow season from **April 1 to November 15** of each year. Water shall be diverted only if the Permittee can adhere to conditions 2.8 and 2.9 of this Agreement.

Cannabis Irrigation

2.11 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **five (5) gallons per minute** (gpm) at any time.

2.12 Bypass Flow. The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

2.13 Seasonal Diversion Forbearance – Cannabis Irrigation. No water shall be diverted during the low flow season from **April 1 to November 15** of each year.

2.14 Measurement of Diverted Flow: Domestic Use and Irrigation. Permittee shall install and maintain an adequate measuring device (i.e., flow totalizer) for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the in-line flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

2.14.1 The date diversion occurred.

2.14.2 The amount of water used per week for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).

2.14.3 At CDFW's request, Permittee shall make available for review any diversion records required by the State Water Resources Control Board Cannabis Cultivation Policy.

2.15 Water Management Plan. The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on location of water lines and connectivity to water storage, location of water storage facilities, water conservation, or other relevant material to maintain water needs in coordination with seasonal diversion minimization and/or forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, including measurement of water use and photographs of the water flow totalizer at the beginning and end of each season, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement.

Water Diversion Facility

2.16 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.

2.17 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 20 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than six inches below the streambed. The diversion shall be located no less than 25 feet from the spring head (i.e., emergence of surface water).

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

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

2.18.2 The screen shall be designed to distribute the flow uniformly over the entire screen area.

2.19 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.

2.20 Exclusionary Devices. Permittee shall keep the diversion structures (e.g., cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.

2.21 Seasonal Diversion Disconnection – Cannabis Irrigation. Permittee shall disconnect all water lines from the point of diversion (e.g., cistern, spring box, etc.) and water storage facilities at the end of each diversion season. All water lines shall be removed from the active channel.

2.22 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

2.23 Water Storage. All water storage facilities (WSF; e.g., reservoirs, storage tanks, and bladders tanks) should be located outside bed, bank, or channel of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.

2.24 Storage Maintenance. Water storage facilities shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all water storage facilities and infrastructure used to divert water to storage and repair any leaks.

2.25 Reservoirs/Ponds. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping.

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

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

2.28 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.

Reservoirs

2.29 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any stream, lake or wetland (i.e., Waters of the State), shall be prohibited without written permission from CDFW pursuant to section 6400 of the FGC.

2.30 Invasive Species Management for Reservoirs. Permittee shall implement an Invasive Species Management Plan (ISMP) prepared by a qualified Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, annual seasonally appropriate surveys of invasive aquatic species (i.e., baseline surveys), focused on American bullfrog (*Lithobates catesbeianus*) and Centrarchid fish. The baseline surveys will form the basis to measure success of the ISMP. The qualified Biologist shall coordinate with CDFW to develop eradication measures appropriate for the identified invasive aquatic species based on site specific conditions. An annual monitoring report shall be prepared and submitted to CDFW.

2.30.1 Bullfrog Management Plan. If American bullfrogs are observed, they shall be appropriately controlled, with the goal of population eradication, including but not limited to, annual multi-effort direct removal of all life stages, using various techniques (e.g., air rifle, gigging, trapping, seining, and draining of reservoirs) to break reproduction. The bullfrog management plan must be site specific, and the goal shall be eradication of the

population. If at any time additional invasive aquatic species are detected, Permittee shall submit an updated ISMP for Reservoirs to CDFW for review and approval.

2.31 Off-Stream Reservoirs. Should be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee should install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching any stream, lake, or wetland (i.e., Waters of the State). The spillway should be designed and placed to allow for a minimum of two feet of freeboard.

2.32 Seasonal Diversion Minimization. To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: from November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.

Stream Crossings

2.33 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.

2.34 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 shall not be stored within stream bed, channel, and bank.

2.35 Hazardous Spills. If at any time any material which could be hazardous or toxic to aquatic life enters a stream, the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. Permittee shall notify CDFW at 707-445-6493 and consulted regarding clean-up procedures as soon as practicable, but no later than 24 hours after the spill.

2.36 Prohibition of Live Stream Work. No work is authorized in a live flowing stream. All work shall be conducted when the stream is dry. Permittee shall notify CDFW if it determines that work in a live flowing stream is required to complete a project and will submit a dewatering plan.

2.37 Dewatering.

2.37.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), prior to the start of construction, Permittee shall isolate the work area from the flowing stream. To isolate the work area, water-tight cofferdams shall be constructed upstream and downstream of the work area, and water diverted through a suitably sized pipe. Water shall be diverted from upstream of the upstream cofferdam, and discharge downstream of the downstream cofferdam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.37.2 Maintain Aquatic Life. When any cofferdam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the obstruction pursuant to Fish and Game Code §5937.

2.37.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include hand nets, dip nets, buckets, and/or by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. Permittee shall submit detailed information regarding species that were stranded and relocated with the Project Inspection Report.

2.37.4 Minimize Turbidity and Siltation. Permittee shall use only clean (washed), non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity and siltation and does not result in erosion or scour downstream of the diversion.

2.37.5 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.37.6 Restore Normal Flows. Permittee shall restore normal flows to the effected

stream immediately upon completion of work at that location.

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

2.39 Runoff from Steep Areas. The Permittee shall ensure that runoff (concentrated flow) from steep, erodible surfaces will be slowed and 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 bars shall be placed on dirt roads, heavy equipment tracks, or other work trails to control erosion.

2.40 Culvert Installation.

2.40.1 If the project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE, culvert materials should consist of corrugated metal pipe (CMP). Use of High-Density Polyethylene (HDPE) pipe is not recommended.

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

2.40.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or appropriately-sized energy dissipator (e.g., boulders, riprap, or rocks) shall be installed above or below the outfall as needed to effectively prevent stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed, and channels shall not be widened at culvert inlets.

2.40.4 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 culvert and allow for natural settling and compaction to help the culvert seat 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 culvert and shall be compacted.

2.40.5 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.

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

2.41 Ford Crossing, Armored Fill and Vented Crossings.

2.41.1 Ford crossings, and armored and vented crossings, are considered permanent watercourse encroachments and shall accommodate the 100-year flood flow plus associated sediment and debris.

2.41.2 Hydrologically connected road approaches to ford crossings, and armored and vented crossings, shall be rocked and maintained to avoid delivery of fine sediment to the watercourse below.

2.41.3 Ford crossings, and armored and vented crossings, shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.

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

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

2.41.6 Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event.

2.41.7 If maximum fill heights exceed 15 feet or fills exceed 500 cubic yards of fill, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 of Cafferata et al (2017).

2.41.8 Stream crossing spillway fill slopes shall be armored from the roadbed to the natural channel in a manner sufficient to prevent significant scour or removal of armor during high flows. Scour is expected through road surface rock cap.

2.42 Crossing Maintenace

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

2.42.2 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.43 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent stream crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the stream crossing site, including when a stream crossing is being constructed or reconstructed. Road approaches shall be armored from the stream crossing to the nearest effective water bar or point where road drainage does not drain to the stream crossing, with durable rock.

Crossing Decommissioning

2.44 Crossing Decommissioning. When stream crossings and fills are removed, all fills shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.

2.45 Crossing Decommissioning Plan: SC-7. Provide a crossing decommissioning plan for crossing 6 within 90 days of implementation for CDFW Conservation Engineering review and acceptance.

2.46 Project Inspection. The Project shall be inspected by a California licensed engineer, or other qualified professional with appropriate license or qualifications, to ensure the stream crossings were constructed or decommissioned, and diversion infrastructure were implemented as designed. A copy of the **Project Inspection Report**, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

2.47 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff could enter a stream, lake, or wetland (i.e., Waters of the State).

2.48 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall utilize vegetative (e.g., seeding) or other non-vegetative methods such as jute mat, coir mat, wood chip mat, straw mat or wattle, straw mulch, native duff (leaves, needles, fine twigs, etc.), or lopped native slash to protect and stabilize soils. Straw mulching shall utilize at least 2 to 4 inches of clean straw (such as rice, barley, wheat) or weed-free straw. Seeding shall use regional native seed or non-native seed that is known not to persist or spread [e.g., barley (*Hordeum vulgare*), or wheat (*Triticum aestivum*)]. No known invasive grass seed such as annual or perennial ryegrass (*Lolium multiflorum or L. perenne*, which are now referred to as *Festuca perennis*), shall be used.

2.49 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean **October 31 through June 1**. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale barriers. If the sediment barrier fails to function as designed, Permittee shall employ corrective measures, and notify CDFW immediately.

2.50 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

2.51 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and stream banks remain sufficiently stable.

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

2.53 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or wetland (i.e., Waters of the State) any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or wetland (i.e., Waters of the State) any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

Permittee shall meet each reporting requirement described below. All reports shall be submitted by e-mail to CDFW at R1LSAEureka@wildlife.ca.gov.

3.1 Notice of Work Initiation. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement (condition 1.7). Information to be disclosed shall include Agreement number, and the anticipated start date.

3.2 Work Completion. The proposed work **shall be completed by prior to the expiration of this Agreement's term**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.

3.3 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (conditions 2.14) shall be submitted to CDFW no later than **March 31** of each year beginning in **2023**.

3.4 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.15) within **60 days** from the effective date of this agreement.

3.5 Invasive Species Management for Reservoirs. The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs (condition 2.30) including subsection 2.30.1, **Bullfrog Management Plan** no later than **December 31** of each year.

3.6 Crossing Decommission Plan: SC-7. The Permittee shall submit a Decommission Plan for Crossing 6, 90 days before implementation for CDFW review and acceptance (condition 2.45).

3.7 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.46) to CDFW.

CONTACT INFORMATION

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

To Permittee:

Mark Finley
Cal Fin Organics LLC
Post Office Box 632
Whitethorn, California 95589
707.287.6385
Finlark@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
R1LSAEureka@wildlife.ca.gov
Attn: Lake and Streambed Alteration Program
Notification #1600-2019-0854-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.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

Exhibit A. Bullfrog Management Plan

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 Mark Finley

Mark Finley

FOR DEPARTMENT OF FISH AND WILDLIFE

Rebecca Garwood

Environmental Program Manager

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2019-0854-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

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

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

OPTIONS FOR MANAGEMENT

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

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

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

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

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

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS

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

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

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

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
Division Environmental Health	✓	Approval	On File (Accela)
Public Works, Land Use Division	✓	Comments	**Attached**
Cal Fire	✓	No comments	
Northwest Information Center	✓	Further Study	On file and confidential
California Department of Fish & Wildlife		No response	
Building Inspection Division		No response	
Bear River Band of the Rohnerville Rancheria		No response	
County Counsel		No response	
Humboldt County Sheriff Office		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Southern Humboldt JUSD		No response	