



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: July 21, 2022

To: Humboldt County Planning Commission

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

Subject: **Lost Coast Lady, LLC., Conditional Use Permit and Special Permit**
Record Number: PLN-11599-CUP
Assessor's Parcel Number (APN:) 105-131-006
Garberville Area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	12
Zoning Map	13
Aerial Map	14
Site Plans	15
Attachments	
Attachment 1: Recommended Conditions of Approval	17
Attachment 2: CEQA Addendum	24
Attachment 3: Applicant's Evidence in Support of the Required Findings	28
a) Site Management Plan	Separate
Attachment 4: Referral Agency Comments and Recommendations	68

Please contact Abbie Strickland, Planner, at 707-445-7541 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date July 21, 2022	Subject Conditional Use Permit and Special Permit	Contact Abbie Strickland
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Project Description: A Conditional Use Permit for 2,500 square feet of existing outdoor cannabis cultivation on a parcel less than one acre in size, and a Special Permit for development within a Streamside Management Area (SMA). Ancillary propagation, water source, water storage, and drying activities will occur on the neighboring parcel under the same ownership (APN 105-131-005). There is a total propagation area of 780 square feet shared between the subject parcel and the proposed project on the adjacent parcel (PLN-15597-ZCC). There will be two cultivation cycles occurring annually. All processing, with the exception of drying, will occur offsite at a licensed third-party processing facility. Water for the project will be sourced from a point of diversion on a parcel in the vicinity under separate ownership (APN 104-121-002). The applicant anticipates 66,500 gallons of irrigation water will be required annually for both cannabis projects. There are 6,500 gallons of water storage on site, with 60,000 gallons of additional water storage proposed for the project. There will be a maximum of three employees required for operations. Power will be provided via PG&E with a backup generator for power outages.

Project Location: The project is located in Humboldt County, in the Petrolia area, on the west side of Mattole Road, approximately .45 miles North from the intersection of Cooskie Ridge Road and Mattole Road, on the property known as 33856 Mattole Road.

Present Plan Land Use Designations: Agricultural Grazing (AG), Density: Range is 20 to 160 acres per unit; Residential Agriculture: 20 acres (RA20), Density: 20 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2).

Present Zoning: Agricultural Exclusive (AE), Minimum building site area is 160 acres (B-5(160))

Record Number: PLN-11599-CUP

Assessor's Parcel Number: 105-131-006

Applicant

Lost Coast Lady Farms, LLC
Marina Ziolkowski
988 11th Street
Arcata, CA 95521

Owner

Marina Ziolkowski
PO Box 158
Petrolia, CA 95558

Agents

Northpoint Consulting Group, INC.
PO Box 44
Eureka, CA 95502

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.

Lost Coast Lady Farms, LLC
Record Number: PLN-11599-CUP
Assessor's Parcel Number: 105-131-006

Recommended Planning Commission Action:

1. Describe the application as part of the consent agenda.
2. Survey the audience for any person that wishes to discuss the application.
3. If no one requests discussion, make the following motion to approve the project as part of the consent agenda.

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

Executive Summary:

Lost Coast Lady Farms, LLC is seeking a Conditional Use Permit to allow the continued operation of an existing 2,500 square foot outdoor commercial cannabis operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), and a Special Permit for development within an SMA. The site is designated as Agricultural General in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE). A Conditional Use Permit is required under Section 314-55.4.8.2.2.1 of the CMMLUO because the parcel is an AE-zoned parcel of less than 1 acre in size. Under this provision of the CMMLUO the maximum cultivation area allowed is 2,500 square feet.

The project will be sharing a propagation space of 780 square feet, water storage, and drying activities with the proposed project (PLN-11597-ZCC) on the neighboring parcel under the same ownership (APN 105-131-005). There will be two cultivation cycles occurring annually. All processing, with the exception of drying, will occur offsite at a licensed third-party processing facility. Drying will occur in the 768 square foot drying building. There will be a maximum of three employees required for operations.

Water Resources

Water for irrigation is provided by a registered point of diversion from an unnamed stream, tributary to the Mattole River. The applicant is permitted to divert a maximum of 78,204 gallons annually. The applicant anticipates 66,500 gallons of water will be required annually for irrigation (8.87 gallons/SF). This water use estimate includes irrigation needs for both the proposed project and the cannabis cultivation on the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). There are 6,500 gallons of water storage occurring in two (2) 2,500-gallon tanks, and one (1) 1,500-gallon tank. The applicant has proposed to obtain an additional 60,000 gallons of water storage. A condition of approval will require the applicant to obtain an additional 60,000 gallons of water storage prior to the 2023 forbearance period (**Condition A.14**). The applicant will adhere to the forbearance period and will not divert water from April 1st to October 31st of each year.

The point of diversion is on a parcel under separate ownership (APN 104-121-002) in close proximity to the subject parcel. Grant deeds for the subject parcel and adjacent parcel under the same ownership (APN 105-131-005) include easements for water use from the point of diversion.

All water storage, both existing and proposed, for the proposed project will be located on the adjacent parcel under the same ownership (APN 105-131-005, PLN-11597-ZCC), and as such a recommended condition of approval includes recording a contingent easement for the ongoing use and maintenance of the water storage infrastructure (**Condition A.12**).

Tribal Consultation

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments requested that a Cultural Resources Study be completed. The applicant submitted a Cultural Resource Study (CRS) prepared by DZC Archaeology and Cultural Resource Management. The report concluded that no cultural, tribal, or historic resources were present on either the subject parcel or the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). The project has an ongoing condition to include inadvertent archaeological discovery language pursuant to recommendations received from the Tribal Historic Preservation Officer of Bear River Band of the Rohnerville Rancheria (**Condition B.25**).

Biological Resources

There are no mapped endangered or threatened species of concern located on the subject APN. The nearest Northern Spotted Owl (NSO) activity center (HUM0154) is located approximately 2.7-miles northwest of the cultivation site and the nearest NSO observation was observed over two-miles northeast from the cultivation site. Marbled Murrelet habitat is mapped approximately 3.75 miles south from the cultivation site.

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 217 permits and the total approved acres would be 77.1 acres of cultivation.

Access

The property is accessed via a private driveway from Mattole Road, a paved County-maintained road which is developed to a Category 4 standard with a centerline stripe. The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); fences and gates shall be relocated out of County right of way and set back sufficiently so vehicles will not block traffic when staging to open/close the gate; and the applicant shall pave the surface of the driveway where it intersects Mattole Road, for a minimum width of 20 feet and a length of 50 feet. These conditions shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license (**Condition A.7** and **Condition A.8**).

Development in the Streamside Management Area

The pre-existing cannabis cultivation on the subject parcel is situated within a Streamside Management Area (SMA), which is permissible with the approval of a Special Permit pursuant to the Streamside Management Areas and Wetlands Ordinance (SMAWO). The applicant has submitted a Riparian Impact Evaluation prepared by J. Regan Consulting, which proposes restoration and enhancement of the SMA adjacent to the cultivation site. The restoration and enhancement area will be equivalent in size to the existing cannabis that is proposed to be developed. A condition of approval will require the applicant to implement all recommendations made within the report (**Condition A.10**).

RECCOMENDATION: 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 and Special 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 two months later to give staff the time to complete further environmental review.

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

Resolution Number 22-

Record Number PLN-11599-CUP

Assessor's Parcel Number: 105-131-006

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Lost Coast Lady Farms, LLC, Conditional Use Permit and Special Permit.

WHEREAS, Lost Coast Lady, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 2,500 square feet of existing outdoor commercial cannabis cultivation and a Special Permit for development within the Streamside Management Area; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on July 21, 2022 and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: A Conditional Use Permit for 2,500 square feet of existing outdoor cannabis cultivation, and a Special Permit for development within a Streamside Management Area (SMA). Ancillary propagation, water storage, and drying activities will occur on the neighboring parcel under the same ownership (APN 105-131-005). Propagation, water source and storage, and drying activities are shared with the proposed cannabis operation (PLN-11597-ZCC) on APN 105-131-005. There will be two cultivation cycles occurring annually. All processing, with the exception of drying, will occur offsite at a licensed third-party processing facility. Water for the project will be sourced from a point of diversion on a parcel in the vicinity under separate ownership (APN 104-121-002). The applicant anticipates 66,500 gallons of irrigation water will be required annually for both cannabis projects. There are 6,500 gallons of water storage on site, with 60,000 gallons of additional water storage proposed for the project. There will be a maximum of three employees required for operations. Power will be provided via PG&E with a backup generator for power outages.

EVIDENCE: a) Project File: PLN-11599-CUP

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been complied with. The Humboldt County

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

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) A Site Management Plan (SMP) dated May 2018 was prepared by Northpoint Consulting Group, Inc to show compliance with the North Coast Regional Water Quality Control Board Order No. 2017-0023-DWQ.
 - d) There are no mapped endangered or threatened species of concern located on the subject APN. The nearest Northern Spotted Owl (NSO) activity center (HUM0154) is located approximately 2.7-miles northwest of the cultivation site and the nearest NSO observation was observed over two-miles northeast from the cultivation site. Marbled Murrelet habitat is mapped approximately 3.75 miles south from the cultivation site.
 - e) The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments requested that a Cultural Resources Study be completed. The applicant submitted a Cultural Resource Study (CRS) prepared by DZC Archaeology and Cultural Resource Management. The report concluded that no cultural, tribal, or historic resources were present on either the subject parcel or the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). The project has an ongoing condition to include inadvertent archaeological discovery language pursuant to recommendations received from the Tribal Historic Preservation Officer of Bear River Band of the Rohnerville Rancheria

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING

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

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

4. FINDING The proposed development is consistent with the purposes of the existing AE-B-5(160) zone in which the site is located.

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

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 2,500 square feet of existing cannabis on a parcel less than one acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 2,500 square feet of outdoor cultivation on a .04-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 AE (HCC 314-55.4.8.2.2).

b) APN 105-131-006 has been determined to be one legal parcel as described in page 520 of Official Records Volume 692, recorded June 25, 1962.

c) The applicant has a documented water right for a diversionary water source and will adhere to forbearance requirements.

d) The property is accessed via a private driveway from Mattole Road, a paved road with a centerline stripe. The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); fences and gates shall be relocated out of County right of way and set back sufficiently so vehicles will not block traffic when staging to open/close the gate; and the applicant shall pave the surface of the driveway where

it intersects Mattole Road, for a minimum width of 20 feet and a length of 50 feet. These conditions shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- e) The cultivation of cannabis will not result in the net conversion of timberland.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11. d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 2,500 square feet of outdoor cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and will safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Water for irrigation will be provided by an existing point of diversion for which the applicant has a valid water right in amounts appropriate for the proposed cultivation. The applicant anticipates 66,500 gallons of water will be required annually for irrigation (8.87 gallons/sf/yr). This water use estimate includes irrigation needs for both the proposed project and the cannabis cultivation on the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). There are 6,500 gallons of water storage occurring in two (2) 2,500 gallon tanks, and one (1) 1,500 gallon tank. 60,000 gallons of additional water storage is proposed for the project. The applicant will adhere to forbearance requirements.
- 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.
- 8. FINDING** The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).
- EVIDENCE** a) There are no mapped endangered or threatened species of concern located on the subject PARCEL. The nearest Northern Spotted Owl (NSO) activity center (HUM0154) is located approximately 2.7-miles northwest of the cultivation site and the nearest NSO observation was observed over two-miles northeast from the cultivation site. Marbled Murrelet habitat is mapped approximately 3.75 miles south from the cultivation site. The project is not anticipated to impact any special status species or sensitive natural communities.
- b) The applicant submitted a Site Management Plan (SMP) prepared by Trinity Valley Consulting Engineers, Inc. which states the applicant is a Tier 2 discharger (WDID#-1B171193CHUM). The applicant shall implement and adhere to all recommendations and corrective actions found within the SMP.
- 9. FINDING** Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.
- EVIDENCE** a) The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 217 permits and the total approved acres would be 77.1 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Lost Coast Lady Farms, LLC, Conditional Use Permit and Special Permit, (Application Number PLN-11599-CUP) subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on **July 21, 2022.**

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

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

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

 John H. Ford, Director,
 Planning and Building Department

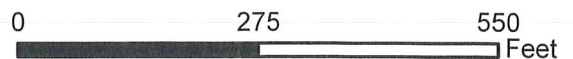


**TOPO MAP
 PROPOSED LOST COAST LADY FARMS, LLC
 PETROLIA AREA
 CUP-16-297
 APN: 105-131-006
 T02S R02W S24 HB&M (BUCKEYE MTN)**

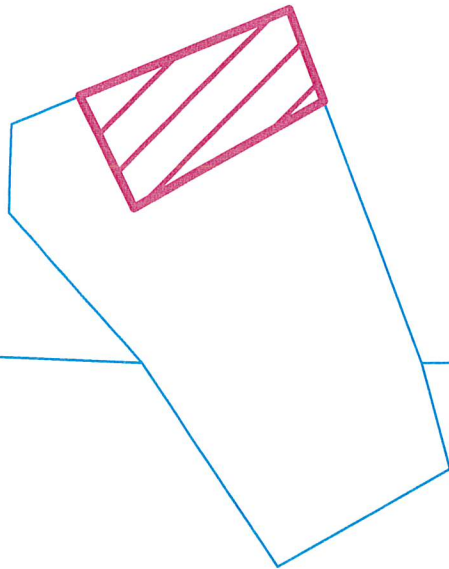
Project Area = 



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



AE-B-5(160)



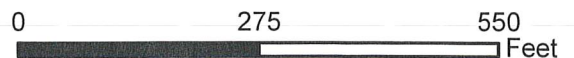
TPZ

Project Area = 

**ZONING MAP
PROPOSED LOST COAST LADY FARMS, LLC
PETROLIA AREA
CUP-16-297
APN: 105-131-006
T02S R02W S24 HB&M (BUCKEYE MTN)**



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**AERIAL MAP
PROPOSED LOST COAST LADY FARMS, LLC
PETROLIA AREA
CUP-16-297
APN: 105-131-006
T02S R02W S24 HB&M (BUCKEYE MTN)**

Project Area = 



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LOST COAST LADY FARMS, LLC CONDITIONAL USE PERMIT APPLICATION

APN: 105-131-006 (APPS #11559),

DATE	4/4/2022	UPDATE TO NURSERY SPACE
REVISION		
DESIGNER		

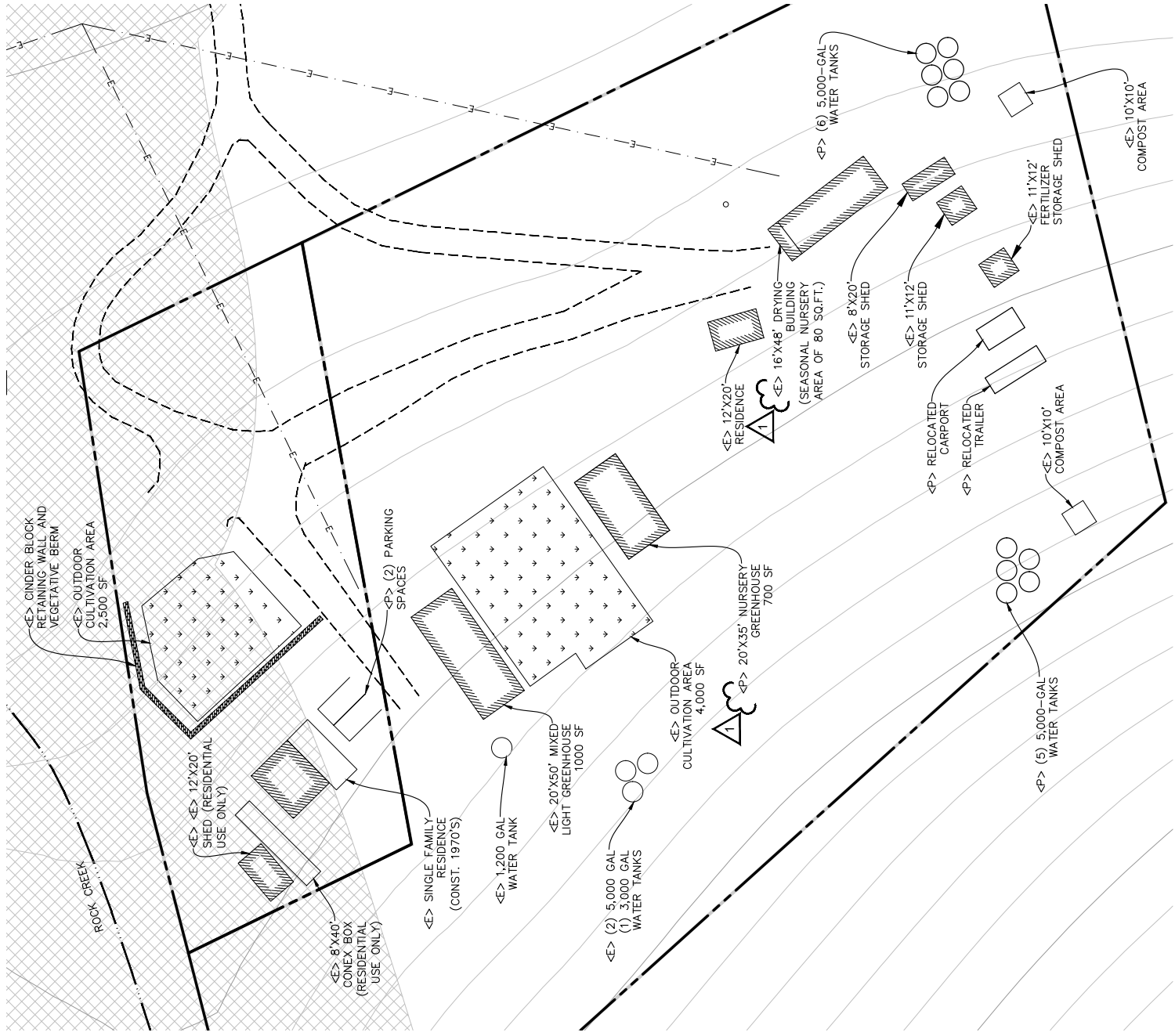
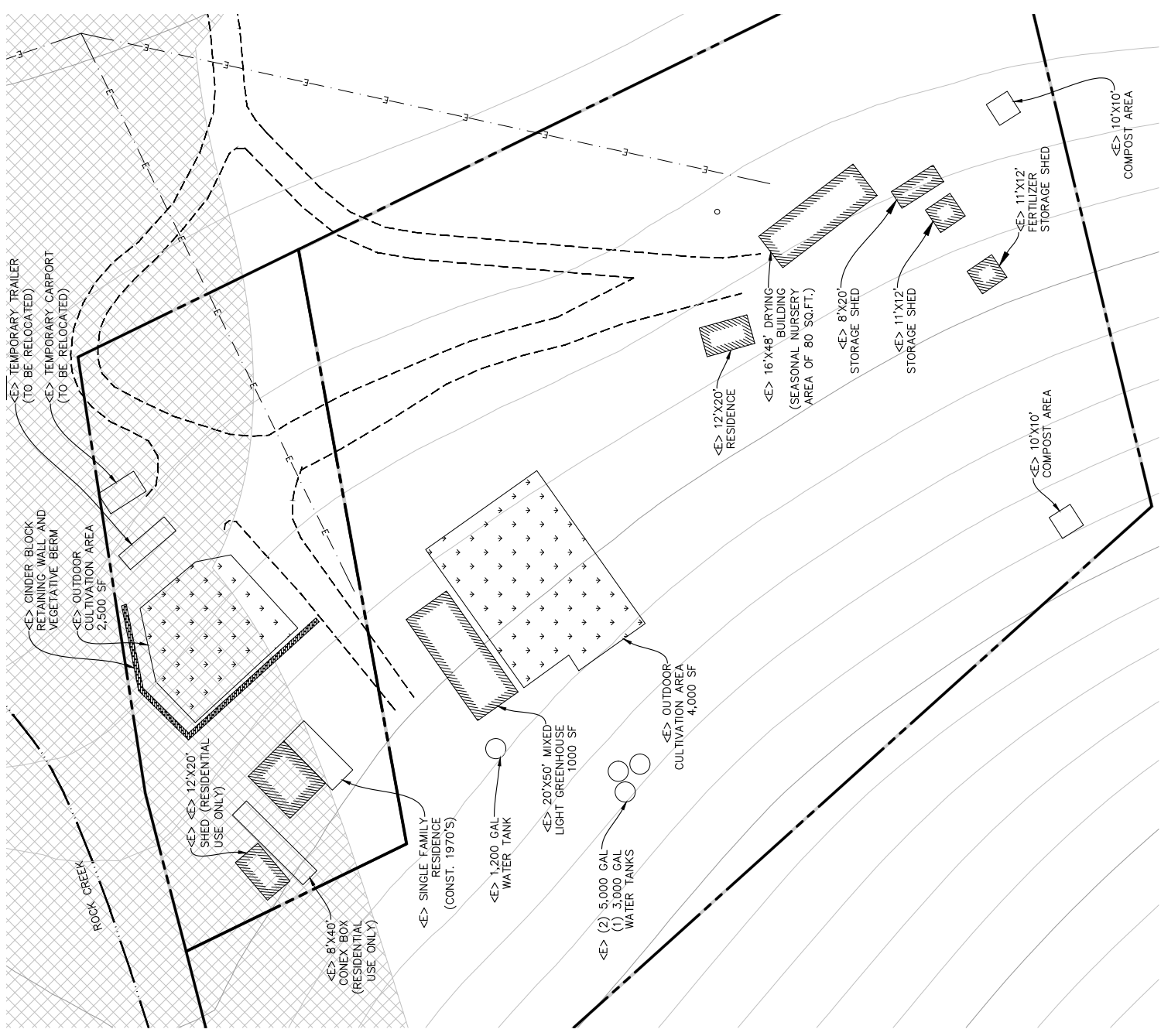
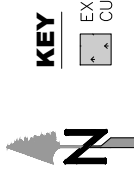
NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

LOST COAST LADY FARMS, LLC
PETROLIA, CA 95558 / APN: 105-131-006 & 105-131-005
EXISTING AND PROPOSED SITE PLAN

PROJ. NO.: EOW
DRAWN BY: CJS
DATE: 01/17/22
SCALE: AS SHOWN
SHEET

C1

18-023



EXISTING SITE PLAN (PRE 2016 CULTIVATION AREA)

SCALE: 1" = 30' (11x17 SHEET SCALE: 1" = 60')

PROPOSED SITE PLAN

SCALE: 1" = 30' (11x17 SHEET SCALE: 1" = 60')

ATTACHMENT 1

CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Determination and will charge this cost to the project.
5. 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 #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works that the work has been done will satisfy this condition.

8. The applicant shall pave the surface of the driveway where it intersects Mattole Road, for a minimum width of 20 feet and a length of 50 feet. An encroachment permit must be obtained for the Department of Public Works Land Use Division prior to work within the county right-of-way. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
9. The applicant will install 2,500 gallons of hard water tank storage for fire suppression with a minimum 2.5 inch NH fitting with valve in accordance with Fire Safe Regulations. The applicant will provide evidence to the Planning Department
10. The applicant shall complete all remediation work outlined in the Riparian Impact Evaluation prepared by J. Regan Consulting and provide substantial evidence that all corrective actions have been completed. Final signoff from the Planning Department will satisfy this condition.
11. The applicant shall submit annual monitoring reports documenting restoration conditions during the three-year monitoring period. The final monitoring report shall include evidence that mitigation/enhancement goals have been met consistent with the success criteria outlined in the Riparian Impact Evaluation prepared by J. Regan Consulting. Failure to meet mitigation goals will require additional restoration work and monitoring plans, subject to Planning Department approval. Final Signoff from the Planning Department will satisfy this condition.
12. The applicant shall record a contingent easement regarding the ongoing use and maintenance of the existing and proposed 66,500 gallons of water storage infrastructure on the adjacent parcel (APN 105-131-005). The contingent easement shall ensure that in the event that APN 105-131-005 is transferred to a separate ownership from the subject APN an easement for the use of the water storage shall be granted to the subject parcel.
13. The applicant shall complete and adhere to all recommendations in the General Notes section of the Facilities Inspection Report conducted by Katherine Hawken dated September 26, 2019. A letter or similar documentation from the State Water Resources Control Board verifying acceptable completion of work will satisfy this condition.
14. The applicant will demonstrate that they have obtained an additional 60,000 gallons of water storage prior to the start of the forbearance period of April 1st, 2023. If water storage has not been obtained, the applicant will be required reduce their cultivation area to a size that can be supported by the existing stored water. Photo documentation or a site visit from Planning Staff may satisfy this requirement.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels

measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated with 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. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Documentation from a licensed offsite processing service will be kept on file by the applicant to be furnished during annual inspections.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in

compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1 or 2 certification with State Water Resources Control Board Order WQ 2019-0001-DWQ, 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 Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW), if applicable.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be

maintained for inspection by the County.

24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
25. 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.

Performance Standards for Cultivation and Processing Operations

26. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);

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

area is located, will not support diversions for irrigation.

35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

ATTACHMENT 2

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

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

APN 105-131-006; 33856 Mattole Road Petrolia, County of Humboldt

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

July 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 project involves a Conditional Use Permit for 2,500 square feet of outdoor cannabis cultivation, and a Special Permit for development within a Streamside Management Area. The pre-existing cannabis cultivation on the subject parcel is situated within a Streamside Management Area (SMA), which is permissible with the approval of a Special Permit pursuant to the Streamside Management Areas and Wetlands Ordinance (SMAWO). The applicant has submitted a Riparian Impact Evaluation prepared by J. Regan Consulting, which proposes restoration and enhancement of the SMA adjacent to the cultivation site. The restoration and enhancement area will be equivalent in size to the existing cannabis that is proposed to be developed.

Water for irrigation will be provided by an existing point of diversion for which the applicant has a valid water right in amounts appropriate for the proposed cultivation. The applicant anticipates 66,500 gallons of water will be required annually for irrigation (8.87 gallons/sf/yr). This water use estimate includes irrigation needs for both the proposed project and the cannabis cultivation on the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). There are 6,500 gallons of water storage occurring in two (2) 2,500 gallon tanks, and one (1) 1,500 gallon tank. 60,000 gallons of additional water storage is proposed for the project. The applicant will adhere to forbearance requirements.

The applicant has submitted a valid water right which restricts the quantity of annual surface water diversion to 0.24 acre feet (approximately 78,200 gallons). The point of diversion is on a parcel under separate ownership (APN 104-121-002) in close proximity to the subject parcel. Grant deeds for the subject parcel and adjacent parcel under the same ownership (APN 105-131-005) include easements for water use from the point of diversion.

All water storage, both existing and proposed, for the proposed project will be located on the adjacent parcel under the same ownership (APN 105-131-005, PLN-11597-ZCC), and as such a recommended condition of approval includes recording a contingent easement for the ongoing use and maintenance of the water storage infrastructure

There are no mapped endangered or threatened species of concern located on the subject APN. The nearest Northern Spotted Owl (NSO) activity center (HUM0154) is located approximately 2.7-miles northwest of the cultivation site and the nearest NSO observation was observed over two-miles northeast from the cultivation site. Marbled Murrelet habitat is mapped approximately 3.75 miles south from the cultivation site.

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments requested that a Cultural Resources Study be completed. The applicant submitted a Cultural Resource Study (CRS) prepared by DZC Archaeology and Cultural Resource Management. The report concluded that no cultural, tribal, or historic resources were present on either the subject parcel or the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). The project has an ongoing condition to include inadvertent archaeological discovery language pursuant to recommendations received from the Tribal Historic Preservation Officer of Bear River Band of the Rohnerville Rancheria

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 2,500 square feet of cultivation 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:

- Cultivation and Operations Plan dated April 2022.
- Site Plan prepared by Northpoint Consulting Group Inc, received May 16, 2022.
- Site Management Plan (SMP) prepared by Northpoint Consulting Group Inc, dated May 2018.
- Riparian Impact Evaluation prepared by J. Regan Consulting dated July 2021.
- Cultural Resources Survey prepared by DZC Archaeology and Cultural Resource Management dated May 2018.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by Northpoint Consulting Group, Inc, received April 4, 2022– **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan dated April 2022- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan prepared by Northpoint Consulting Group, INC. – **Attached**)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**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 (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Right to Divert and Use Water. (**Attached**)
16. *Facilities Inspection Report*, inspection date September 26, 2019. (**Attached**)

**LOST COAST LADY FARMS, LLC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED MEDICAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



Revised April 2022

**Cultivation and Operations Manual
For
Lost Coast Lady Farms, LLC
APN: 105-131-005 & 105-131-006
Application #: 11597 & 11599**

Proposed Medical Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:

NorthPoint Consulting Group, Inc.
1117 Samoa Blvd
Arcata, CA 95521

In Consultation with:

Lost Coast Lady Farms, LLC
PO Box 158
Petrolia, CA 95558

Revised April 2022

TABLE OF CONTENTS

1. PROJECT SUMMARY 1-1

 1.1. Project Objective 1-1

 1.2. Site Description..... 1-1

 1.3. Land Use 1-1

 1.4. State and Local Compliance..... 1-1

2. CULTIVATION AND PROCESSING 2-3

 2.1. Propagation and Initial Transplant 2-3

 2.2. Mixed Light and Outdoor Cultivation Plan and Schedule 2-3

 2.3. Irrigation Plan and Schedule..... 2-3

 2.4. Harvesting, Drying, and Trimming 2-3

 2.5. Employee Plan 2-3

 2.6. Security Plan and Hours of Operation 2-5

3. ENVIRONMENT 3-5

 3.1. Water Source and Projected Water Use 3-5

 3.2. Water Storage..... 3-5

 3.3. Site Drainage, Runoff, and Erosion Control 3-6

 3.4. Watershed and Habitat Protection 3-6

 3.5. Monitoring and Reporting 3-6

 3.6. Energy and Generator Use 3-7

 3.7. Use and Storage of Regulated Products 3-7

 3.8. Waste Management Plan 3-8

4. PRODUCT MANAGEMENT 4-8

 4.1. Product Testing and Labeling 4-8

 4.2. Product Inventory and Tracking 4-9

 4.3. Transportation and Distribution 4-9

APPENDICES

APPENDIX A: Site Plan

APPENDIX B: Regulated Products Resource List – Material Safety Data Sheets

APPENDIX C: Cultivation Activities Schedule

APPENDIX D: References

1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Lost Coast Lady Farms is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit for approximately 2,500 square feet (sf) of existing outdoor cannabis on APN 105-131-006 and Zoning Clearance Certificate for 5,750 square feet of existing cannabis on APN: 105-131-005 that will be reduced to 5,000 square feet. The 5,000 square feet of cultivation on parcel 005 is broken into 4,000 square feet of outdoor cannabis and 1,000 square feet of mixed light. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including a nursery for propagation, storage sheds, and the appropriate water storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at parcel number 105-131-006 and 105-131-005, approximately 10 miles south-east of the community of Petrolia at latitude of 40.281400 and longitude of -124.250400. The subject parcel is approximately .74 acres (APN:105-131-006) and 3.30 acres (105-131-005) for a total of 4.04 acres in size per the County of Humboldt's WebGIS. The site is at an elevation of approximately 200 ft with a class II watercourse flowing west to east just to the north of the property line that flows into the Mattole River. Existing development of the site 006 includes a single-family residence, a shed, temporary carport, and a conex box. Site 005 includes development of 12'x20' residence and 3 sheds.

1.3. LAND USE

The subject property has a General Plan Designation Agriculture as identified by the Humboldt County General Plan and is zoned Agriculture Exclusive. The surrounding parcels are zoned Agriculture Exclusive.

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Lost Coast Lady Farms will obtain a Commercial Cannabis Activity license from the State of California at time such a license becomes available.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

The primary water source is a point of diversion (POD) located on Rock Creek, a class II tributary to the Mattole River. An Initial Statement for Diversion has been registered with the State Water Resources Control Board (S026389). A Small Irrigation Use Registration (SIUR) #H502277 for the POD has been granted by the SWRCB.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective May 8th, 2017 Lost Coast Lady Farms enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*. The site's WDID Number is 1B171193CHUM has been assigned by the Water Board. A Water Resources Protection Plan/ Site Management Plan has been developed for the project by NorthPoint Consulting Group.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

The primary residence occupied by the owner/family was built pre 1970s, all other necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Zoning Clearance Certificate and the Conditional Use Permit.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. The site will need to have a hydrant installed near the place of residence to SRA specifications that is connected to at least a 2,500-gallon water tank with a 2" nozzle.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife has been executed on 6/13/2018 and includes the one (1) point of diversion for Lost Coast Lady Farms water source for domestic and irrigation needs. The LSAA will also include use and maintenance of the water diversion infrastructure. There are no existing or proposed stream crossing or other work in wetted areas for the site.

1.4.7. CULTURAL RESOURCES

A cultural Resource studies are completed and submitted to state clearing house and tribe for final review. The study has found 'no findings of potential effect' and no mitigation measures are required. If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

1.4.8. DEPARTMENT OF PUBLIC WORKS

Lost Coast Lady Farms will adhere to Humboldt county public works roads, fences, and encroachment standards by maintaining all fences and gates out of the county right away and set back sufficiently so vehicles will not block the county road. The proposed driveway that connects to the county-maintained road shall be improved to current standards for commercial driveway by paving an apron at a minimum width at 18 feet and a length of 50 feet from the county paved road. All driveways onto the county road will meet the County's Sight Visibility Ordinance (Code Section 341-1).

2. CULTIVATION AND PROCESSING

2.1. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated on site 005 from ‘mother plants’ that demonstrate the desired genetics for the specific cannabis strain in the 16’x48’ existing shed. Lost Coast Lady is proposing a 700 sq.ft. nursery greenhouse. Once the greenhouse is constructed only 16’x5’ (80 sq.ft.) of the existing shed will be used to provide an area for small clones in a more controlled environment. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce ‘clones.’ The clones are placed into the nursery, and once fully rooted they are transplanted directly into 4” pots (see Appendix A for nursery location). The juvenile plants are irrigated using hand watering methods. After 2-8 weeks, the clones are then transplanted into 2-gallon to 5-gallon plastic pots with a soil and perlite medium. Plants are then moved into either a mixed light greenhouse or the outdoor cultivation premises where they continue their ‘vegetative’ cycle.

2.2. MIXED LIGHT AND OUTDOOR CULTIVATION PLAN AND SCHEDULE

The existing operation includes approximately 6,500 square feet (sf) of outdoor medical cannabis and 1,000 square feet of mixed light cultivation. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the operation for a typical two cycle year.

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation of plants occurs using top-feed hand watering methods while juveniles. Once the plants are transplanted into the greenhouse’s raised beds or 15 to 25-gallon pots are watered by hand watering. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation. Lost Coast Lady Farms maintains that irrigation is efficiently managed, allowing for daily inspection of each plant by the cultivator.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans. Curing and drying will take place in the 16’x24’ foot shed until the proposed 16’x30’ (480 square feet) curing and drying shed is constructed on site 005 (2020). The drying process takes approximately one week, at which time the flowers are bucked into manageable buds and placed in storage bins. The storage bins allow safe transportation. Trimming will be done on-site by the owner/operator and family, or off-site at a licensed processing facility. The waste product, or ‘trim’, is collected and placed into bins to be weighed, labeled, and sealed. Trim will be transferred to an offsite, licensed manufacturing facility.

2.5. EMPLOYEE PLAN

Lost Coast Lady Farms 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.5.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge* (Property Owner): Responsible for business oversight and management of the Lost Coast Lady Farms. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator* (Property Owner): Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include but are not limited to: plant

propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.

- *Assistant Cultivator/Processing Manager* (Family Member/Seasonal Employee – This position is currently held by the Owner but may open up as an additional position in the future): Provides support to the *Lead Cultivator* in their day-to-day duties and takes the lead role during times when the *Lead Cultivator* may be off site. Once processing activities commence, the *Assistant Cultivator* duties switch to oversight and management of processing the dried medical cannabis. This is a full-time, seasonal position.
- *Seasonal Laborer* (Trimmers): Provides harvesting support. This is a part-time to full-time, seasonal position.

2.5.2. STAFFING REQUIREMENTS

In addition to the *Agent/Lead Cultivator*, one (1) *Assistant Cultivator position* is employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. Even at the peak harvest and processing season, there are an estimated total of two (2) or three (3) employees on site.

2.5.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

2.5.4. TOILET AND HANDWASHING FACILITIES

There is a finished bathroom at the residence. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 250 feet from the restroom facility. A portable toilet will be available during the times seasonal labor is required.

2.5.5. ON SITE HOUSING

The existing single-family residence on site 006 is occupied by a member of the owner's family. The residence is separated from cultivation operations. All other full-time and seasonal employees live off site and commute daily to the cultivation site. The existing 12'x20' dwelling on site 005 is occupied by the owner/Agent in Charge. No new residential structures are proposed as a part of this project.

2.5.6. SEPTIC SYSTEM

The residential dwelling has existing septic that is proposed to be permitted by the Humboldt County Department of Environmental Health.

2.6. SECURITY PLAN AND HOURS OF OPERATION

2.6.1. FACILITY SECURITY

The site is secured by to locked gates on the access road. Gates will be remained locked always. Access to the facilities are limited exclusively to employees, and restricted access signs are posted conspicuously at the entry gates. During the working season the agent in charge will be living in the residence on the property.

2.6.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8am and extend no later than 9pm.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

The primary water source is a point of diversion (POD) located on Rock Creek, a class II tributary to the Mattole River. Additionally, rain collection will supplement the POD by capturing rainfall from the existing structures on site and stored in the proposed water storage tanks. An Initial Statement for Diversion and Use Registration has been filed by Manhard Consulting with the SWRCB under a riparian right. The applicant holds Small Irrigation Use Registration (SIUR) under the Division of Water Rights (registration H502277). An SIUR provides an appropriative right to divert and store water for more than 30 days.

The applicant has an executed an agreement with the Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (1600 Agreement).

The irrigation water usage for 7,500 square feet of cultivation during a typical year was estimated based the existing cultivation area, and the peak seasonal demand (Table 3.1). Variables such as weather conditions and specific cannabis strains and density of pots/beds vs cultivation area will also have a slight effect on water use.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
0	0	0	0	6,500	12,000	16,000	15,000	12,000	5,000	0	0	66,500

3.2. WATER STORAGE

The table below outlines the existing and proposed water storage on the parcel. Lost Coast Lady Farms has an existing water storage capacity of 6,500 gallons. As part of the Site Management Plan (SMP) a proposed 60,000 gallons of water storage will be added to reduce the impact to in-stream flows and to meet the prescribed forbearance period set by the DFW (Table 3.2).

Existing/Proposed	Type	Quantity (Gallons)	Number	Total Storage (Gallons)
	Plastic Tank	2,500	2	5,000
	Plastic Tank	1,500	1	1,500
Total Existing Storage	---			6,500
Proposed storage tank(s)		60,000	12	60,000
Total Proposed Storage				60,000

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Lost Coast Lady Farms is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a SMP has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. Manhard Consulting enrolled Lost Coast Lady Farms. The drainage and erosion control measures described below are referenced from the SMP.

3.3.1. SITE DRAINAGE AND RUNOFF

Site investigation for the development of the Site Management Plan (SMP) showed the main access road need to be rocked and a rolling dip installed to reroute road surface runoff away from the Rock Creek.

3.3.2. EROSION CONTROL

The Site Management Plan (SMP) includes erosion and sediment control BMPs designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery. Additionally, the WRPP requires mulch piles and soils from any grading to be stored in a designated location away from any receiving watercourse. The WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* details the complete BMP recommendations and specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Site Management Plan (SMP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures will be outside of all riparian zones, providing a suitable buffer between the cultivation operation and habitat. The cultivation site on parcel 006 is within the 100-foot buffer of the class II watercourse (35 feet to top of bank). The site is still in compliance with State Water Resources Control Board's General Order but is registered as a Tier I, High Risk site. The cultivation site has a cinderblock retaining wall and vegetative berm that prevents any potential runoff to the class II watercourse.

Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP/SMP.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP.

Onsite monitoring shall occur:

- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

3.6. ENERGY AND GENERATOR USE

On-grid electricity is provided by PG&E for all cultivation and domestic uses. A 2,000-watt Honda generator is used as strictly as back up source for power outages.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. FUEL STORAGE

All petroleum products and liquid chemicals shall be stored in fertilize and storage shed in secondary containers that are sufficiently impervious and compatible with the substance being stored to prevent discharge or seepage to receiving waters. Any gas cans not in use also need to be temporarily stored in secondary containers to prevent spillage or leakage from enters any surface water. Fueling of machines shall be conducted in a designated area that prohibits discharge to waters of the state. The registrant shall also implement spill prevention countermeasures and have a spill kit with an ample supply of absorbent pads near storage and work areas.

3.7.2. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye, body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products. Lost Coast Lady Farms uses simple green and biodegradable dish soap on site for sanitizing and cleaning.

3.7.3. FERTILIZERS

Storage of fertilizers and pesticides is in the 11'x12' shed (shed #3) on site 005. Fertilizers used include:

- Azomite Micronized
- Bat Guano – Primal Harvest
- Chicken Pellets
- Down to Earth Liquid Bone
- Dr. Earth – Flower Girl and Lawn Food
- Earth Juice
- Greenfield
- Pacific Pearl Oyster Shell
- Sensational Solution Compost Tea
- Sparetime Supply Soluble Seaweed Powder

3.7.4. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Actinovate
- Diatomaceous Earth
- Dr. Zyme
- Green Cure

➤ Serenade

See Appendix B - *Regulated Products Resource List and Material Safety Data Sheets* for product details.

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling will be kept and stored near residence on 006. The containers will be placed to prevent storm water contamination and leachate from entering or percolating to receiving waters. Solid waste and recycling is hauled off-site to a disposal site in Petrolia.

Vegetation matter such as branches and leaves will be chipped and composted at the designated area on parcel 005. The root balls will be burned in the winter during the appropriate burn days recommended by the local fire department. Soil in pots will be stored to the south of the nursery/shed #2, soil in raised beds will be left and cover crop planted in rainy months.

3.8.2. IRRIGATION RUNOFF MANAGEMENT

The water management plan aims to irrigate at agronomic rates using hand watering. Refer to section 2.3 for a summary of irrigation practices. No evidence of water movement and erosion in the cultivation area was observed during the site assessment. Lost Coast Lady Farms will apply amendments and fertilizers per label specifications.

The water management plan aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering methods minimize the over-irrigation of plants and subsequent runoff.

Dripline/Hand watering methods minimize the over-irrigation of plants and subsequent runoff for the raised beds. The greenhouse floors have gravel/dirt surfaces.

3.8.3. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area between shed #3 and #4. Spent potting soil is stored in the greenhouses the first year and then in a designated contained covered area in subsequent years. The soil containment area is lined to prevent any soil erosion or nutrient seepage. After consultation, the soils are amended and reused. Used pots will be collected and stored near shed #2 for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.4. WASTEWATER MANAGEMENT

The two existing septic systems are proposed to be permitted by the Humboldt County Division of Environmental Health. The existing septic system design will be checked to meet the capacity of the existing residence and standards from the Division of Environmental Health.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the Lost Coast Lady Farms logo and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

4.2. PRODUCT INVENTORY AND TRACKING

An internally-developed system of inventory and tracking system will be implemented until either a County or Statewide cannabis product and inventory tracking system becomes available. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor or until such time that Lost Coast Lady Farms has an approved self-transport license from CDFA. in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.

APPENDIX A: SITE PLAN

APPENDIX B: REGULATED PRODUCTS RESOURCE LIST AND MATERIAL SAFETY DATA SHEETS

Cleaning Agents:

Simple Green
Biodegradable Dish Soap

Pesticides and fungicides:

- Actinovate
- Diatomaceous Earth
- Dr. Zyme
- Green Cure
- Serenade

Fertilizers and biological inoculants:

- Azomite Micronized
- Bat Guano – Primal Harvest
- Chicken Pellets
- Down to Earth Liquid Bone
- Dr. Earth – Flower Girl and Lawn Food
- Earth Juice
- Greenfield
- Pacific Pearl Oyster Shell
- Sensational Solution Compost Tea
- Sparetime Supply Soluble Seaweed Powder

APPENDIX C: CULTIVATION ACTIVITIES SCHEDULE

APPENDIX D: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.

<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.

<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.

<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.

<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>



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

EDMUND G. BROWN, Jr., Governor
 CHARLTON H. BONHAM, Director



May 18, 2018

Marina Ziolkowski
 998 11th Street
 Arcata, CA 95521



Subject: Draft Lake or Streambed Alteration Agreement
 Notification No. 1600-2017-0840-R1
 Ziolkowski Diversion Project

Dear Marina Ziolkowski:

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 project.

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.

Conserving California's Wildlife Since 1870

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 Senior Scientist T.O. Smith at timothy.smith@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

Ec Paula Pavlich ppavlich@prproservices.com

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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2017-0840-R1
Unnamed Tributary to the Mattole River and the Pacific Ocean

Marina Ziolkowski
Ziolkowski Water Diversion Project
1 Encroachment

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 11, 2017 June 26, 2017 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 Mattole River watershed, approximately 3 miles north and west of the town of Petrolia, County of Humboldt, State of California. The project is located in Section 24, T2S, R02W, Humboldt Base and Meridian; in the buckeye Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 105-131-005 and 105-131-006; latitude 40.2814 N and longitude -124.2504 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to 1 encroachment (Table 1). One encroachment is a water diversion from an unnamed class II watercourse that is tributary to the Mattole River. Water is gravity fed through a 1.5 inch poly pipe to storage for domestic household and

cannabis cultivation use. Work for the water diversion will include use and maintenance of the diversion infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.2814, -124.0154	Water diversion from an unnamed class II watercourse tributary to the Mattole River through a 1.5 inch poly pipe to storage for domestic household and cannabis cultivation use

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-Legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic, riparian and native plant species.

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

Impacts to water quality:

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

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 **Documentation at Project Site.** The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 **Providing Agreement to Persons at Project Site.** The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 **Adherence to Existing Authorizations.** All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 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.

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 December 11, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 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 continuing past October 1.
- 2.4 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Vegetation Management

- 2.5 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.6 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Water Diversion

- 2.7 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.

- 2.8 **Bypass Flow.** The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.9 **Seasonal Diversion Minimization.** Permittee shall confine the period of diversion for cannabis cultivation to **November 1 through May 14** and divert no more than **150 gallons per day** for domestic household use between **May 15 and October 31**. Water shall be diverted only if the Permittee can adhere to conditions 2.7 and 2.8 of this Agreement.
- 2.10 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device(s) for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.10.1 A log including the date, time and quantity of water diverted from the POD.
- 2.10.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.10.3 Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.11 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

Water Diversion Infrastructure

- 2.12 **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.

- 2.13 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.14 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.14.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.14.2 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.
- 2.14.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.14.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.15 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.
- 2.16 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.
- 2.17 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.18 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

- 2.19 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.20 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.21 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.22 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.
- 2.23 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.10) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.
- 3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.11) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

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

To Permittee:

Marina Ziolkowski
998 11th Street
Arcata, CA 95521
707-845-7829
lostcoastladyfarms@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0840-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Marina Ziolkowski

Marina Ziolkowski

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville
Senior Environmental Scientist Supervisor

Date

Prepared by: T.O. Smith, May 16, 2018



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H502277*

CERTIFICATE *H100241*

Right Holder: *Marina Ziolkowski
998 11th Street
Arcata, CA 95521*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *08/18/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Lost Coast Lady Creek Diversion	Unnamed Stream	Mattole River	Pacific Ocean	40.280793	-124.252686	Humboldt	104-121-002

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Aesthetic	Humboldt	105-131-005	0.13
Irrigation, Aesthetic	Humboldt	105-131-006	0.06

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *09/17/2018*.

The place of use is shown on the map filed on *09/17/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.24 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.24 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

Cannabis Policy, except as follows:

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

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 09/17/2018 07:21:33

© 2018 - State Water Resources Control Board

Moxon, Delilah

From: Hawken, Katherine E.@Waterboards <Katherine.Hawken@Waterboards.ca.gov>
Sent: Wednesday, February 23, 2022 7:08 PM
To: Marina Ziolkowski
Cc: Dougherty, Mona@Waterboards; PlanningBuilding; WB-DWR-CannabisReg; r1Isaeureka@wildlife.ca.gov
Subject: Lost Coast Lady Farms Inspection Report
Attachments: Lost Coast Lady Inspection Report.pdf

Hello,
Please see attached inspection report from our September 26, 2019 inspection of Lost Coast Lady Farms at Humboldt County parcels 105-131-005 and 105-131-006. Apologies for the delay in issuance. I understand some time has passed since the inspection and site conditions may have changed. In addition to addressing the recommendations, please provide any general site updates as well.

Best,
Kate Hawken
Water Resource Control Engineer
North Coast Water Board
707-445-6127

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 431580
Program Type: IRRICANNABIS	WDID: 1_12CC417550	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 09/26/2019	

Discharger Information

Party ID: 570326	Discharger Organization Name: Lost Coast Lady Farms		
Address: 998 11th Street	City, State, Zip: Arcata, CA 95521		
Discharger Contact Person:	Lost Coast	Discharger Contact Phone:	707-845-7829

Facility Information

Place ID 842308	Facility Name: Lost Coast Lady Farms		
Address: 33856 Mattole	City, State, Zip: Petrolia, CA 95558		
County: Humboldt	Latitude:	Longitude:	Method:

Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

INSPECTION TYPE (Check One)

- "A" type compliance - Comprehensive inspection in which samples are usually taken (EPA Type S)
- AGT SPCC - An inspection of an above ground tank site and review of the site's spill prevention control and counter measure plant.
- "B" type compliance - A routine inspection (EPA Type C) that typically does not include collecting samples
- Complaint - Inspection made in response to a complaint
- Field Oversight - Inspection or site visit to confirm clean-up work is being performed
- Follow-up (enforcement) - Included inspections specifically made to verify compliance with enforcement mandates
- Follow-up (non-compliance) - Includes inspections specifically made to verify corrections of non-compliance where no enforcement has been initiated
- Pre-requirement - Inspection made to gather information relative to preparing, modifying, or rescinding requirements
- Pretreatment Compliance Audit - An audit that includes review of that program authority, records, and industrial facility field inspections
- Pretreatment Compliance Inspection - An inspection of a pretreatment program that includes records review and industrial facility field inspections
- MS4 Audit - An evaluation of an MS4 program or program component that could possibly lead to enforcement. It must include a site visit.
- NOT - Inspection performed in response to the submittal of a Notice of Termination coverage under a general order
- Miscellaneous - Any inspection type not mentioned above

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description

INSPECTION SUMMARY (REQUIRED) (500 character limit)

I observed an outdoor cultivation area flat cut into a hill approximately 35 feet from a Class II watercourse at the closet point. The flat had concrete footings and was surrounded on the side facing the watercourse by a concrete retaining wall. Due to the topography of the landscape, runoff from the cultivation area drains away from the watercourse. I observed two water storage tanks 50 feet from the watercourse. I observed approximately 50 feet of the access road drains into the watercourse.

GENERAL NOTES (OPTIONAL) (2000 character limit)

Recommendations:

1. Provide deadline to inslope or otherwise redirect drainage of the first stretch of the access road to discharge stormwater runoff from the road to a vegetated, stable area instead of into the Class II watercourse per Site Management Plan (SMP)
2. Remove inactive water diversion infrastructure from watercourse
3. Provide deadline(s) to relocate water storage tanks, convex box, and drying shed out of riparian setbacks per SMP
4. Provide deadline to relocate cultivation area outside of riparian setback OR request retroactive riparian setback exception under Order No. R1-2015-0023 OR take steps to comply with the indoor riparian setback exception conditions specified in Attachment A, General Requirements & Prohibitions No. 38 of Order No. WQ 2019-0001-DWQ

For Internal Use (Optional)			
Reviewed By:	(1)	(2)	(3)
CIWQS Entry Date:		Regional Board File Number:	CIWQS Inspection ID:

Photo log from 9/26/19 inspection of Lost Coast Lady Farms

Photos taken by Kate Hawken

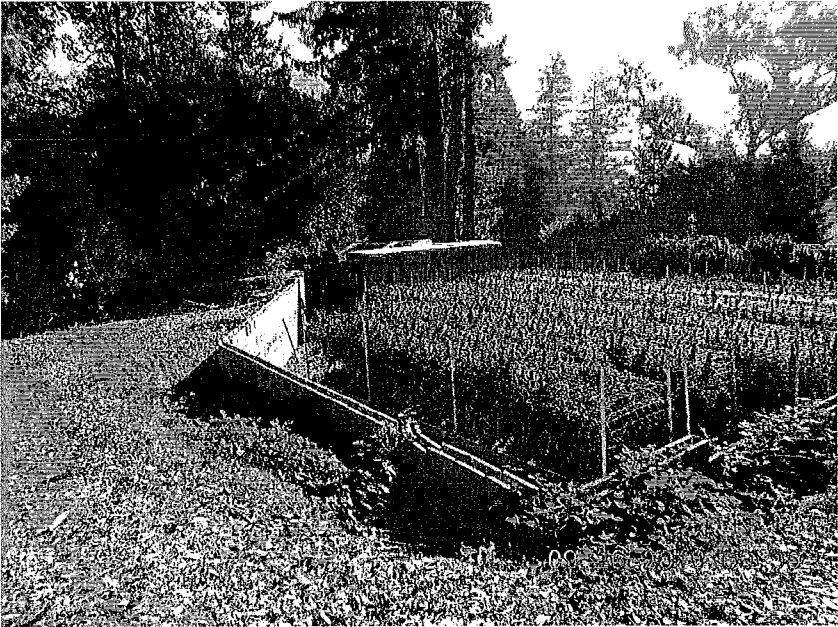


Photo 1 – Dug in cultivation area with concrete footings and retaining wall



Photo 2 – Dug in cultivation area with concrete footings and retaining wall; watercourse is amongst trees on right side of image



Photo 3 – Water diversion infrastructure in Class II watercourse; black poly lines were not in use



Photo 4 – Two water storage tanks approximately 50 feet from Class II watercourse



Photo 5 – Section of road drains into Class II watercourse; watercourse is amongst trees behind fence; drainage pattern indicated with blue lines

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFire	✓	Comments	On file
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt County Sheriff		No response	
Ag Commissioner		No response	
County Counsel		No response	
Mattole Unified School District	✓	Comments	On file
Humboldt County District Attorney		No response	
Petrolia Fire Protection District	✓	Conditional Approval	Attached
Division of Water Resources		No response	
Intertribal Sinkyone Wilderness Council		No Response	



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

10/4



105-131-006

8/21/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Mattole Unified SD School District, Petrolia FPD Fire Protection District, Sinkyone, Sheriff

Applicant Name Lost Coast Lady Farms, LLC **Key Parcel Number** 105-131-006-000

Application (APPS#) 11599 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-297

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

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

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

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

Return Response No Later Than 9/5/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: see attached Referral Comments

DATE: 10-5-17

PRINT NAME: Patricia [Signature]



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44559
Parcel No.: 105-131-006-000
Case No.: _____

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

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

Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: _____

Name: Patrick McFly

Date: 10-5-17

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



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



8-21-17
DEH received

17/18-0362

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Mattole Unified SD School District, Petrolia FPD Fire Protection District, Sinkyone, Sheriff

Applicant Name Lost Coast Lady Farms, LLC **Key Parcel Number** 105-131-006-000

Application (APPS#) 11599 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-297

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Tier 0 - Existing Cultivation Operation- (e)SFD

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

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

Response Date: 1/5/2018 **Recommendation By:** Mario Kalson

DISTRIBUTED

July 21, 2022 18 Page 71

2746



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 1-24-18

Table with 2 columns: Field Name and Value. Fields include Applicant Name (LOST COAST LADY FARMS, LLC), APN (105-131-006), and APPS# (11599).

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

- Checked box: The Department's recommended conditions of approval are attached as Exhibit "A".
Unchecked boxes: Additional information identified on Exhibit "B" is required... Additional review is required by Planning & Building staff... Road Evaluation Reports(s) are required...

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Series of horizontal lines for writing additional comments or notes.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11599

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: / DRIVEWAY

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Lost Coast Lady Farms		Date: 8-27-18	
APPS No.: 11599	APN: 105-131-006	CDFW CEQA: 2017-0523	Case No.: CUP16-297
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): 2,500 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Please note the following information:

- A Final Lake or Streambed Alteration Agreement (LSA#: 1600-2017-0840) was issued to the applicant.
- Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- Floodplains are an important physical and biological part of riverine ecosystems. All rivers flood, and flooding is a natural and recurring event in river systems. Development in floodplains often eliminates benefits of natural flooding regimes such as deposition of river silts on valley floor soils, and recharging of wetlands. Allowing non-essential development and habitat conversion in floodplains will result in degradation of riverine and riparian habitats and negatively impact the fish and wildlife species that depend upon them. To best protect California’s riverine and riparian habitats, CDFW believes it is wise public policy to maintain and restore floodplain functions and to prevent, whenever practicable, the development of

residential and commercial structures in areas that are not already protected by existing levee systems. CDFW recommends that permanent structures be located out of the 100-year floodplain.

- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Please confirm that you have received this email.

Sincerely,

David Manthorne
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501



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



8/21/2017

PROJECT REFERRAL TO: Petrolia FPD Fire Protection District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Mattole Unified SD School District, Petrolia FPD Fire Protection District, Sinkyone, Sheriff

Applicant Name Lost Coast Lady Farms, LLC **Key Parcel Number** 105-131-006-000

Application (APPS#) 11599 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-297

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Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Request access to water for fire with minimum 2.5 NH fitting with valve. also that gate be large enough for fire truck access

DATE 8-24-17

PRINT NAME: Travis Howe