



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: September 15, 2022

To: Humboldt County Planning Commission

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

Subject: **Krystal Kings Farms, LLC, Conditional Use Permit and Special Permits**  
Record Number: PLN-11066-CUP  
Assessor's Parcel Number (APN): 221-011-021  
8200 Salmon Creek Road, Miranda area

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Please contact Noah Rodriguez, Planner, at 707-443-5054 or by email at [rodrigueznlacoassociates.com](mailto:rodrigueznlacoassociates.com), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> September 15, 2022	<b>Subject</b> Conditional Use Permit and Special Permits	<b>Contact</b> Noah Rodriguez
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**Project Description:** A Conditional Use Permit for 18,300 square feet (SF) of existing mixed-light cultivation within seven (7) greenhouses and 1,830 SF of ancillary propagation. Estimated annual water usage is 200,000 gallons (11.11 gal/SF). Irrigation water is sourced from one (1) point of diversion on an unnamed Class II tributary of Salmon Creek. A gutter rain catchment system will also be developed to capture rainwater off the 40'x50' (2,000 SF) barn to reduce reliance on the diversion. Existing available water storage is 15,000 gallons in a series of hard-sided tanks, with an additional 190,000 gallons proposed, for a total of 205,000 gallons of onsite water storage. One (1) 2,500-gallon for fire storage tank is also present on the cultivation site. Drying will occur in an existing a 40'x50' barn, with all other processing occurring offsite at a licensed processing or manufacturing facility. Power is provided by a generator. A maximum of six (6) employees will be onsite during peak operations. The proposed project also includes Special Permits for development within the Streamside Management Area (SMA) for the continued use and maintenance of the one (1) point of diversion on the project parcel and for removal of portions of existing greenhouses located within the SMA and associated restoration.

**Project Location:** The project is located in the Humboldt County, in the Miranda area, on the north side of Salmon Creek Road, approximately 1.7 miles west from the intersection of Rossi Ranch Road and Salmon Creek Road, on the property known as 8200 Salmon Creek Road of Section 1, Township 03 South, Range 02 East, H. B. & M.

**Present Plan Land Use Designations:** Agriculture General (AG); Density: 20-160 acres per unit; Slope Stability: High Instability (3).

**Present Zoning:** Timberland Production Zone (TPZ) and Agriculture Exclusive (AE)

**Record Number:** PLN-11066-CUP

**Assessor's Parcel Number:** 221-011-021

**Applicant**

Krystal Kings Farms, LLC  
8200 Salmon Creek Road  
Miranda, CA 95553

**Owner**

Integrated Horticulture Systems, LLC  
215 Anchorage Avenue  
Santa Cruz, CA 95062

**Agent**

SL Consulting Services Inc.  
973 Dowler Drive  
Eureka, CA 95501

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

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

**Major Issues:** None.

**Recommended Planning Commission Action:**

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

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

**Executive Summary:** Krystal Kings Farms, LLC, seeks a Conditional Use Permit for 18,300 square feet (SF) of existing mixed-light cultivation and 1,830 SF of ancillary propagation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The proposed project also includes Special Permits for development within the Streamside Management Area (SMA) for the continued use and maintenance of one (1) point of diversion and for removal of portions of existing greenhouses located within the SMA and associated restoration. The site is designated as Agriculture General (AG) in the Humboldt County 2017 General Plan Update and zoned Timberland Production Zone (TPZ) and Agriculture Exclusive (AE); however, the portion of the site where cultivation occurs is within the area zoned AE. Cultivation currently occurs in five (5) mixed-light raised bed greenhouses. Under the project and as described in the Cultivation and Operations Plan (Attachment 3), portions of the existing greenhouses will be partially demolished to meet required SMA buffers and two (2) additional greenhouses will be added, for a total flowering canopy of 18,300 SF. Ancillary propagation occurs in a 1,000 SF accessory nursery greenhouse and an 830 SF area within the barn (1,830 SF total). One (1) harvest is anticipated annually for a growing season that extends from March through November. The mixed-light greenhouses will meet all international Dark Sky Standards. The operation will be secured by a locked entry gate and access to the cultivation area is limited exclusively to employees. Additional lighting for the parcel will have direct rays that are confined to the property. Additionally, security cameras are utilized, and an alarm system will be installed.

Drying and curing occurs onsite within one (1) 2,000 SF storage barn structure. No onsite processing or trimming is proposed for the project and cannabis will be sold for sale to a distributor or transported to a licensed processor. Power is provided by one (1) 35 kilowatt (kW) Whisperwatt generator. The generator and fuel will be placed into a 168 SF storage shed. A maximum of six (6) employees will onsite during peak operations.

**March 17, 2022, Planning Commission Hearing**

This project was previously heard by the Planning Commission on March 17, 2022. The project was continued to a date uncertain to allow the applicant additional time to obtain the appropriate water right from the State Water Resources Control Board (SWRCB). The application for the water right was submitted in February 2021 and has not been issued by the SWRCB. Staff contacted the SWRCB in April 2022 and was told their focus was related to drought matters (see Attachment 3). The agent contacted the SWRCB several times since the last hearing; however, no water right has been issued as of the date of this staff report.

Due to lack of timely response by the SWRCB, staff is recommending the applicant be authorized to cultivate a reduced cultivation area that is supported by rainwater catchment until such time the SWRCB issues the water right. Please see the "Water Resources" section below for further discussion.

**Cultivation and Nursery Space**

As noted above, the application is for 18,300 SF of existing mixed light cannabis cultivation and 1,830 SF of existing ancillary propagation. The onsite nursery equates to 10% of the total current cultivation area, which complies with what planning division staff and the Planning Commission have found allowable in the past (i.e., a nursery space of 10% of the cultivation area). The parcel is over 5 acres in size, the cultivation and propagation areas occur on slopes less than 15%, and the portion of the subject parcel where cultivation occurs is zoned AE, and irrigation water will be sourced from a proposed rainwater catchment system. Therefore, Planning staff supports the use of an ancillary propagation area on-site. Additionally, the cultivation area is in conformance with the cultivation amount previously verified by the County.

**Water Resources**

Estimated annual water usage is 200,000 gallons (11.11 gal/SF) with peak demand occurring in August and September at approximately 35,000 gallons, respectively, per the table below.

Table 1: Estimated Annual Water Usage (in gallons)

Estimated Annual Irrigation Water Usage by Month (in gallons)										
JAN	FEB	MAR	APR	MAY	JUN	AUG	SEP	OCT	NOV	DEC
---	---	2,500	12,500	20,000	30,000	35,000	35,000	20,000	10,000	---
<b>Total Annual Water Usage</b>								<b>200,000 gallons</b>		

Irrigation water is currently stored in four (4) hard plastic tanks, including two (2) 5,000-gallon tanks and two (2) 2,500-gallons, totaling 15,000 gallons. An additional thirty-eight (38) 5,000-gallon water tanks totaling 190,000 gallons are proposed. One (1) 2,500 gallon for fire storage tank is also present on the cultivation site. Once the additional tanks are added, there will be a total of 205,000 gallons of onsite water storage.

Water for irrigation is currently provided by a point of diversion from an unnamed Class II tributary of Salmon Creek. The applicant seeks a Special Use Permit for the development within the Streamside Management Area (SMA) for continued use and maintenance of the point of diversion. Please note a water right has not yet been issued for use of the point of diversion. However, per the Cultivation and Operations Plan (Attachment 3), the applicant has applied for a Cannabis Small Irrigation Use Registration (SIUR; Application H510517) with the State Water Resources Control Board (SWRCB). Conditions of approval require the applicant to finalize the Cannabis SIUR and comply with all terms and conditions of the appropriate water right (**Condition of Approval A.6**). Projected water diversion for irrigation for cultivation will occur from November to March with the most amount of water being diverted during the months of December and January, outside of the required forbearance period of May 15 -October 31.

In addition, per the Site Plan, a gutter rainwater catchment system is proposed and will be utilized to reduce the reliance on the point of diversion water usage. The roof of the 40'x50' (2,000 SF) barn structure (used for the drying, nursery, and AG storage) will act as the rainwater catchment system. The average rainfall for the project area is 56.95 inches (4.74 feet), based on averaging rainfall values from 2011 through 2020 as recorded by PRISM Climate Group. Impermeable surfaces such as roofs, driveways, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every 1-inch of rainfall, or 0.62 gallons/SF. With a total impermeable rainwater catchment area of 2,000 SF and an average rainfall amount of 56.95 inches, the potential capture amount totals 70,618 gallons per year on average. The 70,618 gallons captured through the rainwater catchment system will be stored in hard-sided water storage tanks. Once the rainwater catchment system is operational, the reliance of the water diversion for irrigation will lessen by approximately 35.3 percent, which includes supporting the ancillary nursery space.

As a current water right is not currently in place for the project, Planning staff is recommending the applicant be authorized to cultivate a reduced cultivation area that is supported by rainwater

catchment until such time the SWRCB issues the water right. As noted above, there is a potential to capture 70,618 gallons per year on average. This represents 35% of the annual water demand for 18,300 SF of cultivation. Therefore, Planning staff recommends the applicant be authorized to cultivate 5,490 SF of cannabis until such time the water right is issued. A similar reduction in the propagation area would be required as well, to 549 SF (which equates to 10% of the cultivation area). The applicant will be required to adhere to and implement requirements of the SWRCB, including the seasonally appropriate time to divert water. Meaning, if the water right were to be issued after April 1, 2023, the applicant would not be allowed to divert water until the following fall/winter and may have a reduced cultivation area for two (2) cultivation seasons or more. Conditions of approval require the applicant to obtain building permits (as applicable), install a minimum of 55,618 gallons to bring the site's water storage amount up to the potential rainwater catchment amount (70,618 gallons), and demonstrate the water storage tanks are full prior to the beginning of the 2023 cultivation season. In addition, the tanks shall be located in a previously disturbed area outside of all required SMA buffers (**Condition of Approval A.7**).

A Final Streambed Alteration Agreement (FSAA) with the California Department of Fish and Wildlife (CDFW) was issued (Notification No. EPIMS-HUM-20027-R1C) in August 2021 for six (6) encroachments on the project parcel. One (1) encroachment is for water diversion from an unnamed tributary to Salmon Creek, which is diverted for irrigation use. The project work for the water diversion will include installation, use, and maintenance of the water diversion infrastructure compliant with the terms of the FSAA and SWRCB permitting requirements. One (1) encroachment is for an SMA buffer zone encroachment, which will include reducing the length of two (2) greenhouses and cultivation area, and seeding and mulching the exposed native soil. The four (4) other proposed encroachments are to upgrade failing or undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. A condition of approval is recommended to require the applicant adhere to and implement the FSAA and comply with all applicable terms (**Condition of Approval A.17**). By adhering to the terms and conditions of the appropriate right (once finalized), which limits the amount of water that can be diverted and the FSAA, which limits the diversion amount and duration in addition to the specifying the use of intake structures that will not impact aquatic species, Planning staff determined that impacts to the watershed are minimized allowing the use of the point diversion pursuant to a Special Permit.

A Water Resource Protection Plan ((WRPP); WDID 1B16553CHUM) was prepared for the site by Pacific Watershed Associates in February 2017 (Attachment 3), which details existing site conditions, how the property is or will meet the elements and compliance with the twelve (12) standard conditions established by the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023, how the applicant is implementing the Best Management Practices (BMPs) measures listed in the NCRWQCB's Order, and remediation efforts needed to bring the operation into compliance. As detailed on the WRPP map, one (1) Class II watercourse that is an unnamed tributary of Salmon Creek traverses the northwest portion of the subject site. Several corrective actions were identified in the WRPP needed in order to bring the site into compliance with the NCRWQCB Order, including but not limited to road drainage improvements; relocation of greenhouses outside of the required SMA buffers and associated restoration; spoils management; water use monitoring and recording; registration of the water diversion with the SWRCB; recording timing and use of fertilizers, soil amendments, pesticides, and herbicides utilized; proper fuel storage; and installation of an onsite wastewater treatment system. The project is conditioned to implement all remaining corrective actions detailed in the WRPP (**Condition of Approval A.15**).

Additional conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan (SMP) and Notice of Applicability, and adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan (SMP), and the Notice of Applicability (**Condition of Approval A.20**), which will minimize any potential impacts associated with the project and minimize runoff into nearby SMAs.

### **Proposed Removal of Greenhouses Outside of SMA Buffers**

As described in the Cultivation and Operations Plan (Attachment 3), the project also includes removal of portions of five (5) existing greenhouses (two 40'x135' and three 20'x120') currently located within the required Streamside Management Area (SMA) buffers. It is noted that a 10-foot portion from the two (2) 40'x135' greenhouses and a 35-foot portion from the three (3) 20'x120' greenhouses will be removed to meet the SMA setback. Under the project, additional 20'x55' and 20'x60' greenhouses will then be added for a total flowering canopy of 18,300 SF. Conditions of approval require the removal to occur without the use of heavy equipment and to provide evidence to the Planning Department that the removal has occurred (**Condition of Approval A.9**). Additionally, the two (2) additional greenhouses described in the Cultivation and Operations Plan shall also be placed on a previously disturbed area without the use of heavy machinery (**Condition of Approval A.10**).

Restoration of the disturbed SMA areas is recommended in the WRPP prepared by Pacific Watershed Associates in February 2017 (Attachment 3), including the following:

*"Plant the riparian buffer disturbed by the greenhouse pad/s with native tree seedlings and maintain until they are self-sufficient."*

As previously discussed, a condition has been included to require implementation with all remaining corrective actions detailed in the WRPP, which will require verification from a qualified professional that all remaining corrective actions have been addressed to their satisfaction (see **Condition of Approval A.15**).

### **Biological Resources**

A *Biological Resource Assessment*, prepared by Corrina Kamroff on May 20, 2021, assessed the habitats and potentially occurring special-status species, as well as identified potential impacts of previous and proposed cultivation related activities on biological resources on the subject property. The Biological Assessment Area (BAA) included a 1.3-mile buffer area around the property. The Assessment considered off-site impacts to habitats and species that may be in the BAA. An inventory of special-status animal and plant species to consider was obtained from the CDFW's California Natural Diversity database (CNNDDB) Biogeographic Information and Observation System (BIOS) for the project area. As noted in the Assessment, the subject property is located approximately 0.15 miles north of Salmon Creek, and there are multiple Class II and Class III tributaries that flow through the parcel. The site was evaluated for potential habitat value to protected, endangered, threatened, rare, and sensitive species by surveying the project area to observe species, habitat types, and habitat quality. Results of the Assessment found that no rare threatened or endangered animals or plants are present within 1,000 feet of the Cultivation Area as per the 2021 CNDDDB web search. Additionally, per the Assessment, there are no documented Northern Spotted Owl (NSO) activity centers within the 1.3-mile BAA of the cultivation site. However, there is the potential for numerous special status wildlife species to occur within the BAA, including thirteen (13) birds, fifteen (15) mammals, six (6) reptiles and mammals, six (6) fish, and two (2) invertebrates. Mitigation measures are recommended to reduce potential impacts to sensitive species and wildlife movement associated with current and planned operations on the property, including seasonally-appropriate botanical surveys, reducing noise and light pollution, and use of low-risk exempt pesticides. The project is conditioned to comply with the recommendations contained in the Biological Resource Assessment (**Condition of Approval A.19**).

CDFW provided comments on the project in February 2019, which requested additional information regarding the project's water and power supply, and requested protocol level surveys should any new ground disturbance be proposed, assume NSO presence, and include recommended conditions of approval. Planning staff provided a response to CDFW comments in January 2022 (see Attachment 4).

No additional ground disturbance is proposed under the project. The project proposes mixed-light cultivation and is conditioned to ensure any lighting adheres to Dark Sky Association standards (**Condition of Approval A.23**). The project is conditioned to refrain from using synthetic netting, to ensure

refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval A.24-25 and B.4-5 and B.7**).

Additionally, power will be provided by one (1) 35 kW Whisperwatt generator. Manufacturer's specifications of the Whisperwatt generator model is rated to be 65 dBA at a 23 feet (full load) distance, and the generator is over 600 feet from the property line. The Whisperwatt generator is placed into an enclosure with secondary containment structure that provides further noise attenuation. The Whisperwatt generator model manufacturer's specifications measured sound level of 65 dBA at one-quarter load. Performance standards for noise are set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 314-55.4.11(o) Humboldt County Code which states noise levels shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, or other operational equipment created noise meets the noise level threshold and use a noise containment structure for the onsite generator (**Conditions of Approval A.21 and B.1**). Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS). Additionally, conditions of approval require the applicant to cease generator use to support operations by 2026. The applicant shall submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026 (**Condition of Approval A.11**).

As proposed and conditioned, the project is consistent with CCLUO performance standards and will not negatively impact NSO or other sensitive species.

### **Timber Conversion**

A Less Than Three Acre Conversion Mitigation Plan was prepared in May 2021 by Hohman and Associates Forestry Consultants for conversion that occurred in the center portion of the parcel to the northern portion of the project site (see Attachment 3). The Conversion Exemption noted that the parcel consisted of a matrix of Douglas fir, Oregon white oak, California bay, incense cedar forest and grassland. Tree species present consists primarily of even-age second growth Douglas fir, white oak, bay, and cedar. Per the Report, a total of 1.53 acres of timber conversion has occurred on the project site: 0.18 acre was converted between 1993 and 2005 for the current building site area, 1.05 acres of timberland was converted between 2010 and 2012 for a proposed cultivation site, 0.23 acre was converted from open grassland since 6/12/1993 for the proposed cultivation site, and 0.09 acre was converted between 2010 and 2012 for a water tank storage the project site. Therefore, all timber conversion occurred before January 1, 2016 (i.e., the established CEQA baseline for CMMLUO). Fourteen (14) recommendations were included in the Report for items identified as being in conflict with the Forest Practice Rules or have the potential to cause environmental damage. The project is conditioned to implement all remaining corrective actions identified in the Less Than Three Acre Conversion Mitigation Plan (**Condition of Approval A.16**). No additional tree removal is proposed or authorized by this permit.

### **Access**

Access to the site is by way of a private driveway via Salmon Creek Road (partially County-maintained and partially privately maintained). The access road extends through the property and terminates in the northeast portion of the parcel. Road Evaluation Reports were prepared by Steven Luu (SL Consulting Services, Inc.) in July 2021 (Attachment 3) for a 2.35-mile segment of Salmon Creek Road (from the transition from asphalt to gravel) to the property line of APN 221-071-043 (at the end of Salmon Creek Road and start of the private driveway) and for a 1.5-mile segment of the private road to the subject property. The Reports indicated the road segments are developed to the equivalent of a road Category 4 standard and are adequate for the proposed use.

A secondary Road Evaluation was conducted by Chapman Engineering in February 2022 (Attachment 3) from the junction with State Highway 101, exit 653 to the project parcel that is accessed from Salmon Creek Road. Comments from the observation maintains that 3.9 miles are paved from Highway 101, exit 653. After the 3.9 miles of paved road, Salmon Creek Road turns into a Category 4 Road with gravel surface to a Category 3 road, then into a Category 2 Road. Estimated daily traffic for non-cannabis properties was two (2) vehicles trips per day on the project parcel, while estimated daily traffic for a single cannabis property was eight (8) vehicle trips per day. A total of estimate traffic at peak season is sixteen (16) vehicle trips. The Report concludes the existing Category 2 road is adequate for all anticipated traffic at peak operations.

Per referral comments received from the Department of Public Works, Land Use Division in February 2018, it is noted that all driveways and public road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) and that all existing or proposed non-County maintained access roads that will serve as access for the proposed project be improved to current standards for a commercial driveway, which have been included as conditions of approval (**Conditions of Approval A.13-14**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 299 permits and the total approved acres would be 82.56 acres of cultivation.

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

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 (CUP) and Special Permits (SP).

**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-11066-CUP**

**Assessor's Parcel Number: 221-011-021**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Krystal Kings Farms, LLC, Conditional Use Permit and Special Permits request.**

**WHEREAS, Krystal Kings Farms, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for 18,300 square feet (SF) of existing mixed-light cultivation and 1,830 SF of ancillary propagation. The applicant is authorized to cultivate 5,490 SF of mixed light and a 549 SF propagation area until such time the appropriative water right is issued. Estimated annual water usage is 200,000 gallons (11.11 gal/SF). Irrigation water is sourced from one (1) point of diversion on an unnamed Class II tributary of Salmon Creek. A gutter rain catchment system will also be developed to capture rainwater off the 40'x50' (2,000 SF) barn to reduce reliance on the diversion. Existing available water storage is 15,000 gallons in a series of hard-sided tanks, with an additional 190,000 gallons proposed, for a total of 205,000 gallons of onsite water storage. Drying will occur in an existing a 40'x50' barn, with all other processing occurring offsite at a licensed processing or manufacturing facility. Power is provided by a generator. The proposed project also includes Special Permits for development within the Streamside Management Area (SMA) for the continued use and maintenance of the point of diversion on the project parcel and for removal of portions of existing greenhouses located within the SMA and associated restoration; and

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous 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 **September 15, 2022,** and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

**1. FINDING:**

**Project Description:** The application is a Conditional Use Permit for 18,300 square feet (SF) of existing mixed-light cultivation and 1,830 SF of ancillary propagation. The applicant is authorized to cultivate 5,490 SF of mixed light and a 549 SF propagation area until such time the appropriative water right is issued. Estimated annual water usage is 200,000 gallons (11.11 gal/SF). Irrigation water is sourced from one (1) point of diversion on an unnamed Class II tributary of Salmon Creek. A gutter rain catchment system will also be developed to capture rainwater off the 40'x50' (2,000 SF) barn to reduce reliance on the diversion. Existing available water storage is 15,000 gallons in a series of hard-sided tanks, with an additional 190,000 gallons proposed, for a total of 205,000 gallons of onsite water storage. Drying will occur in an existing a 40'x50' barn, with all other processing occurring offsite at a licensed processing or manufacturing facility. Power is provided by a generator. The proposed project also includes Special Permits for development within the Streamside Management Area (SMA) for the continued use and maintenance of the point of diversion on the project parcel and for removal

of portions of existing greenhouses located within the SMA and associated restoration.

**EVIDENCE:** a) Project File: PLN-11066-CUP

**2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
  - c) A Water Resource Protection Plan (WRPP; WDID 1B16553CHUM) was prepared by Pacific Watershed Associates in February 2017 to show compliance with the North Coast Regional Water Quality Control Board's (NCRWCQB) Order No. 2015-0023. Conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan and submittal of a Notice of Applicability, and maintaining enrollment in the State Cannabis Cultivation Policy for the life of the project.
  - d) A *Biological Resource Assessment* was prepared by Corrina Kamroff in May 2021. As noted in the Assessment, the subject property is located approximately 0.15 miles north of Salmon Creek, and there are multiple Class II and Class III tributaries that flow through the parcel. The site was evaluated for potential habitat value to protected, endangered, threatened, rare, and sensitive species by surveying the project area to observe species, habitat types, and habitat quality. Results of the Assessment found that no rare threatened or endangered animals or plants are present within 1,000 feet of the Cultivation Area. Additionally, per the Assessment, there are no documented Northern Spotted Owl (NSO) activity centers within the 1.3-mile BAA of the cultivation site. However, there is the potential for numerous special status wildlife species to occur within the BAA, and several recommendations were included in the Assessment to reduce potential impacts to sensitive species and wildlife movement associated with current and planned operations on the property, including seasonally-appropriate botanical surveys, reducing noise and light pollution, and use of low-risk exempt pesticides. No additional ground disturbance is proposed under the project.

The project proposes mixed-light cultivation and is conditioned to ensure any lighting adheres to Dark Sky Association standards. Additionally, power will be provided by a 35 kW Whisperwatt generator, and noise attenuation measures will be required to ensure noise levels comply with required thresholds. Specifically, conditions of approval will require noise to be at below 50 decibels at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Further, the project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-

proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CCLUO performance standards and will not negatively impact NSO or other sensitive species.

- e) The cultivation of cannabis will not result in the net conversion of timberland. A Less Than Three Acre Conversion Mitigation Plan was prepared in May 2021 by Hohman and Associates Forestry Consultants, which concluded that a total of 1.53 acres of timber conversion occurred on the project site; however, all conversion occurred prior to CMMLUO environmental baseline date of January 1, 2016. Fourteen (14) recommendations were included in the Report for items identified as being in conflict with the Forest Practice Rules or have the potential to cause environmental damage. The project is conditioned to implement all remaining corrective actions identified in the Less Than Three Acre Conversion Mitigation Plan. No additional tree removal is proposed or authorized by this permit.
- f) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in March 2021 (on file and confidential), which noted three (3) prehistoric isolated chert flakes were identified, but concluded that the proposed project will not result in any adverse changes to historical or archaeological resources. The Report, as well as the Bear River Band of the Rohnerville Rancheria in September 2021, recommended Inadvertent Discoveries Protocol, which has been included as an ongoing condition of approval.
- g) Road Evaluation Reports were prepared by Steven Luu (SL Consulting Services, Inc.) in July 2021 for a 2.35-mile segment of Salmon Creek Road (from the transition from asphalt to gravel) to the property line of APN 221-071-043 (at the end of Salmon Creek Road and start of the private driveway) and for a 1.5-mile segment of the private road to the subject property. The Reports indicated the road segments are developed to the equivalent of a road Category 4 standard and are suitable for safe access to and from the project site.

A secondary Road Evaluation was conducted by Chapman Engineering in February from the junction with State Highway 101, exit 653 to the project parcel that is accessed from Salmon Creek Road. The Report concludes the existing road is adequate for all anticipated traffic at peak operations.

Per comments received from the Department of Public Works, Land Use Division in February 2018, 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 and that private road intersections onto the County road shall be maintained in accordance with County Code section 341-1 (Sight Visibility Ordinance), which have been included as conditions of approval. .

#### **FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMITS**

### **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 Agriculture General (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 Agriculture Exclusive (AE) zone in which the site is located. The subject parcel is split-zoned Tiimberland Production (TPZ), however, existing and proposed development is located outside of the TPZ-portion of the subject parcel.

**EVIDENCE**

- a) The Agriculture Exclusive (AE) zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.
- 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 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 18,300 square feet of mixed-light cultivation on an 85.68-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) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by a lot line adjustment, as described in the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance (Record No. 1993-34868), recorded December 6, 1993.
- c) Irrigation water will be sourced from an existing point of diversion from an unnamed Class II tributary of Salmon Creek. A gutter rain catchment system is also proposed to capture rainwater off the 40'x50' (2,000 SF) barn (used for cultivation drying, nursery, and AG chemical storage) to reduce reliance on the point of diversion. Existing available water storage is 15,000 gallons in a series of hard-sided tanks, with an additional 190,000 gallons proposed, for a total of 205,000 gallons of onsite water storage.

Projected water diversion for irrigation for cultivation will occur from November to March with the most amount of water being diverted on the months of December and January, outside of the required forbearance period of May 15 -October 31. Please note a water right has not yet been issued by the SWRCB for use of the point of diversion. However, per the Cultivation and Operations Plan (Attachment 3), the applicant has applied for a Cannabis Small Irrigation Use Registration (SIUR; Application H510517) with the State Water Resources Control Board (SWRCB). Conditions of approval require the applicant to finalize and comply with all terms and conditions of the Cannabis SIUR.

Regarding the proposed gutter rainwater catchment system, it is estimated that the proposed system has the potential to capture approximately 70,618 gallons per year on average, based on average rainfall amounts for the project area and catchment area. The 70,618 gallons captured through the rainwater catchment system will be stored in hard-sided water storage tanks. Once the rainwater catchment system is operational, the reliance of the water diversion for irrigation will lessen by approximately 35.3 percent, including support of the ancillary nursery space.

As a current water right is not currently in place for the project, Planning staff is recommending the applicant be authorized to cultivate a reduced cultivation area that is supported by rainwater catchment until such time the SWRCB issues the water right. As noted above, there is a potential to capture 70,618 gallons per year on average. This represents 35% of the annual water demand for 18,300 SF of cultivation. Therefore, Planning staff recommends the applicant be authorized to cultivate 5,490 SF of cannabis until such time the water right is issued. A similar reduction in the propagation area would be required as well, to 549 SF (which equates to 10% of the cultivation area). The applicant will be required to adhere to and implement requirements of the SWRCB, including the seasonally appropriate time to divert water. Meaning, if the water right were to be issued after April 1, 2023, the applicant would not be allowed to divert water until the following fall/winter and may have a reduced cultivation area for two (2) cultivation seasons or more. Conditions of approval require the applicant to obtain building permits (as applicable), install a minimum of 55,618 gallons to bring the site's water storage amount up to the potential rainwater catchment amount (70,618 gallons), and demonstrate the water storage tanks are full prior to the beginning of the 2023 cultivation season. In addition, the tanks shall be located in a previously disturbed area outside of all required SMA buffers.

- d) Road Evaluation Reports were prepared by Steven Luu (SL Consulting Services, Inc.) in July 2021 for a 2.35-mile segment of Salmon Creek Road (from the transition from asphalt to gravel) to the property line of APN 221-071-043 (at the end of Salmon Creek Road and start of the private driveway) and for a 1.5-mile segment of the private road to the subject property. The Reports indicated the road segments are developed to the equivalent of a road Category 4 standard and are functionally appropriate for the expected traffic.

A secondary Road Evaluation was conducted by Chapman Engineering in February from the junction with State Highway 101, exit 653 to the project parcel that is accessed from Salmon Creek Road. The Report concludes the existing road is adequate for all anticipated traffic at peak operations.

Per comments received from the Department of Public Works, Land Use Division in February 2018, 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 and that private road intersections onto the County road shall be maintained in accordance with County Code section 341-1 (Sight Visibility Ordinance), which have been included as conditions of approval.

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) A Less Than Three Acre Conversion Mitigation Plan was prepared in May

2021 by Hohman and Associates Forestry Consultants, which concluded that a total of 1.53 acres of timber conversion occurred on the project site; however, all conversion occurred prior to CMMLUO environmental baseline date of January 1, 2016. Fourteen (14) recommendations were included in the Report for items identified as being in conflict with the Forest Practice Rules or have the potential to cause environmental damage. The project is conditioned to implement all remaining corrective actions identified in the Less Than Three Acre Conversion Mitigation Plan. No additional tree removal is proposed or authorized by this permit.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 18,300 square feet of 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 has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 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) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from an existing point of diversion from an unnamed Class II tributary from Salmon Creek and a proposed gutter rainwater catchment system. Once the proposed gutter rainwater catchment system is constructed on the existing 2,000 SF barn, it is anticipated there would be sufficient water available from rainwater catchment system to reduce the reliance of the point of diversion.

As a current water right is not currently in place for the project, Planning staff is recommending the applicant be authorized to cultivate a reduced cultivation area that is supported by rainwater catchment until such time the SWRCB issues the water right. As noted above, there is a potential to capture 70,618 gallons per year on average. This represents 35% of the annual water demand for 18,300 SF of cultivation. Therefore, Planning staff recommends the applicant be authorized to cultivate 5,490 SF of cannabis until such time the water right is issued. A similar reduction in the propagation area would be required as well, to 549 SF (which equates to 10% of the cultivation area). The applicant will be required to adhere to and implement requirements of the SWRCB, including the seasonally appropriate time to divert water. Meaning, if the water right were to be issued after April 1, 2023, the applicant would not be allowed to divert water until the following fall/winter and may have a reduced cultivation area for two (2) cultivation

seasons or more. Conditions of approval require the applicant to obtain building permits (as applicable), install a minimum of 55,618 gallons to bring the site's water storage amount up to the potential rainwater catchment amount (70,618 gallons), and demonstrate the water storage tanks are full prior to the beginning of the 2023 cultivation season. In addition, the tanks shall be located in a previously disturbed area outside of all required SMA buffers.

- e) Power is currently provided by a 35-kilowatt (kW) Whisperwatt generator. To reduce impacts associated with NSO, greenhouse gases and wildfire, the conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026.
- f) 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**

To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

**8.**

- a) Under the project, portions of five (5) existing greenhouses (two 40'x135' and three 20'x120') currently located within the required Streamside Management Area (SMA) buffers will be removed in order to meet required SMA setbacks, including a 10-foot portion from the two (2) 40'x135' greenhouses and a 35-foot portion from the three (3) 20'x120' greenhouses will be removed to meet the SMA setback. Additional 20'x55' and 20'x60' greenhouses will then be added for a total flowering canopy of 18,300 SF. Conditions of approval require the removal to occur without the use of heavy equipment and to provide evidence to the Planning Department that the removal has occurred. Additionally, the two (2) additional greenhouses are also required to be placed on a previously disturbed area without the use of heavy machinery. Additional conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the FSAA, adhere to the terms and conditions of the appropriative water right from the SWRCB for the point of diversion (once issued), and provide evidence to the Planning Department that the projects included in the FSAA are completed to the satisfaction of CDFW. By implementing permit conditions from CDFW and the SWRCB, impacts to the SMA will be minimized.

**9. FINDING**

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

**EVIDENCE**

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

the ability for a residence to be constructed on this parcel.

**10. FINDING**

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

**EVIDENCE**

- a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 299 permits and the total approved acres would be 82.56 acres of cultivation.

**DECISION**

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

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

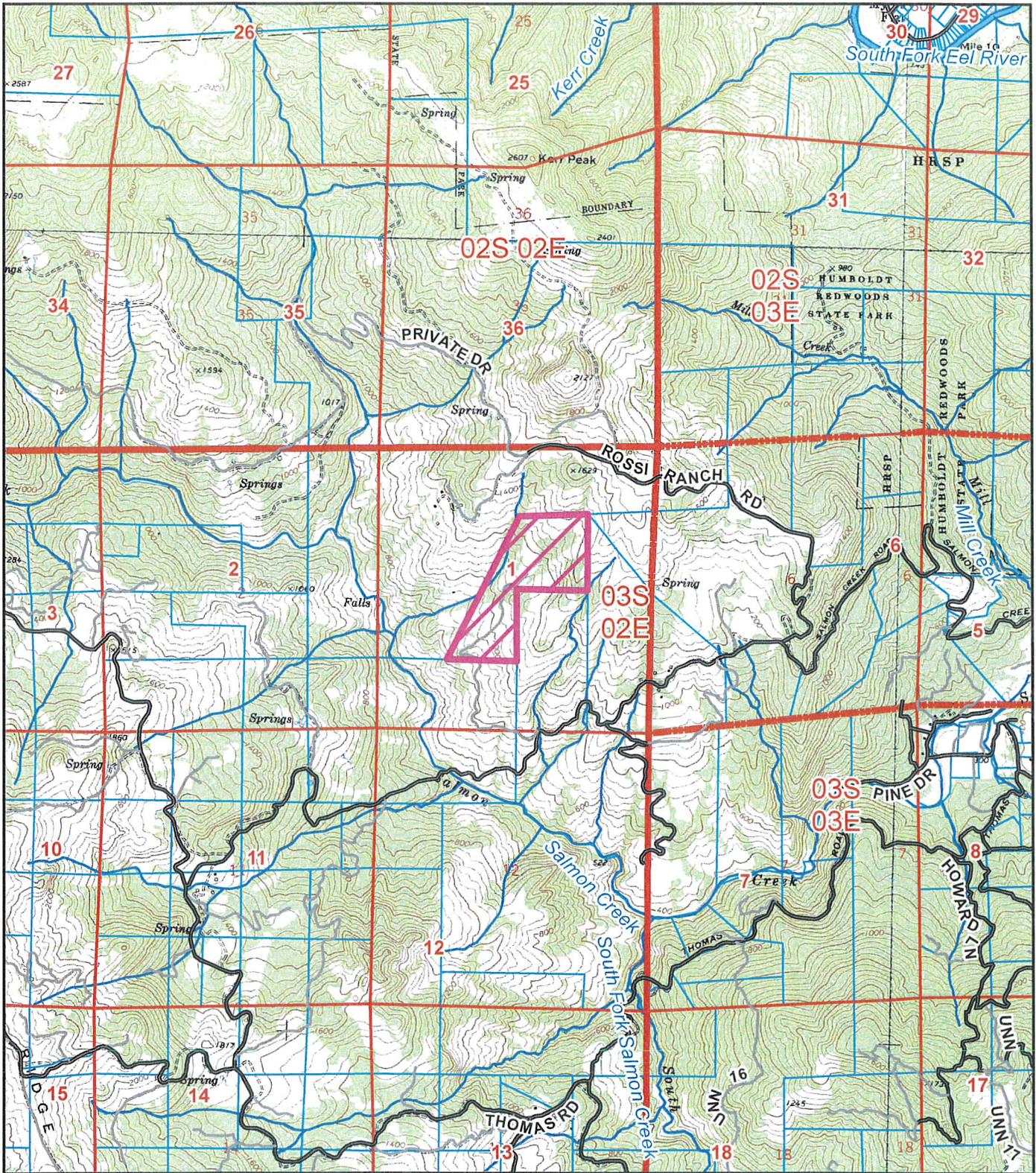
Adopted after review and consideration of all the evidence on **September 15, 2022**.

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

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

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

\_\_\_\_\_  
 John Ford, Director  
 Planning and Building Department



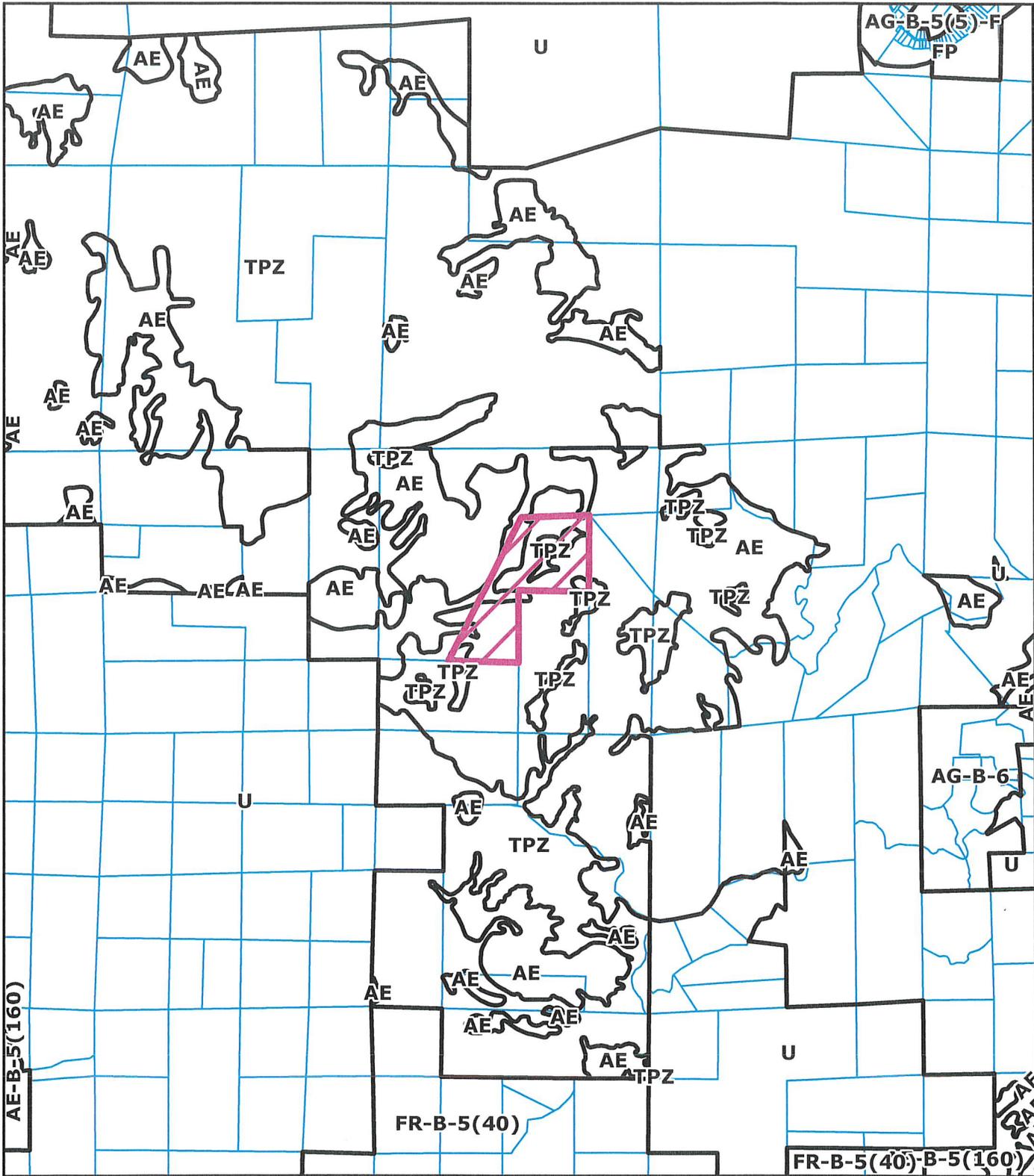
**TOPO MAP**  
**PROPOSED KRystal KINGS FARMS LLC**  
**MIRANDA AREA**  
**CUP-16-137**  
**APN: 221-011-021**  
**T03S R02E S1 HB&M (ETTERSBURG)**

Project Area =



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





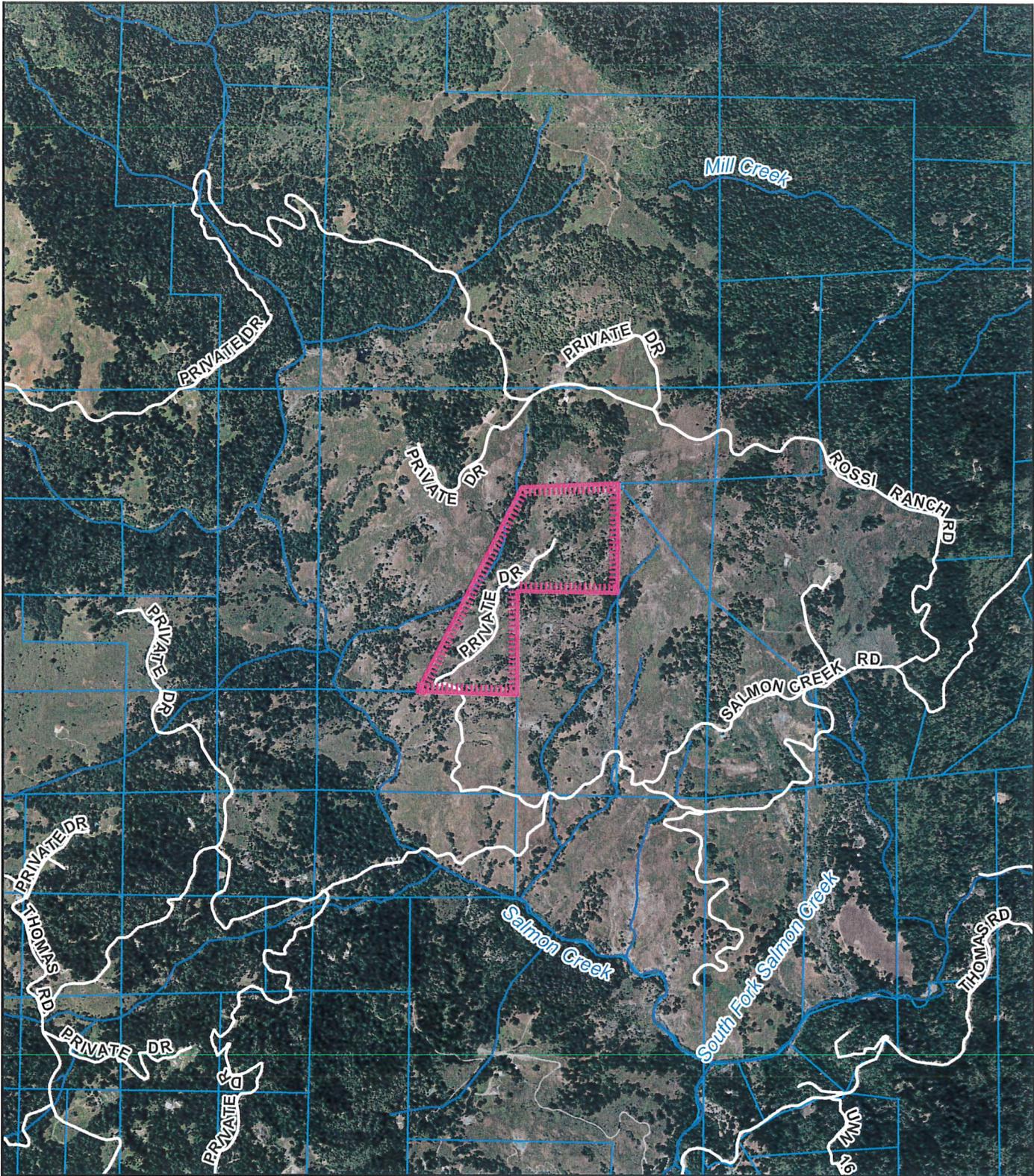
**ZONING MAP**  
**PROPOSED KRystal KINGS FARMS LLC**  
**MIRANDA AREA**  
**CUP-16-137**  
**APN: 221-011-021**  
**T03S R02E S1 HB&M (ETTERSBURG)**

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.





**AERIAL MAP**  
**PROPOSED KRystal KINGS FARMS LLC**  
**MIRANDA AREA**  
**CUP-16-137**  
**APN: 221-011-021**  
**T03S R02E S1 HB&M (ETTERSBURG)**

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.





## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

##### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. 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 #23. 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 to finalize the Cannabis Irrigation Use Registration (SIUR; Application H510517) application filed with the State Water Resources Control Board (SWRCB), and comply with all terms and conditions of the appropriative water right, once issued. A sign-off from the Planning Department will satisfy this condition.
7. Prior to issuance of the appropriative water right by the State Water Resources Control Board (SWRCB), the applicant shall reduce the cultivation area to the area that can be supported by rainwater catchment (or 5,490 SF) until such time the water right is issued. A similar reduction in the propagation area is also required as well, to 549 SF (which equates to 10% of the cultivation area). The applicant shall adhere to and implement requirements of the SWRCB, including the seasonally appropriate time to divert water. Meaning, if the water right were to be issued after April 1, 2023, the applicant will not be allowed to divert water until the following fall/winter and may have a reduced cultivation area for two (2) cultivation seasons or more. Additionally, the applicant shall obtain building permits (as applicable), install a minimum of 55,618 gallons to bring the site's water storage

amount up to the potential rainwater catchment amount (70,618 gallons), and demonstrate the water storage tanks are full prior to the beginning of the 2023 cultivation season. Furthermore, the tanks shall be located in a previously disturbed area outside of all required SMA buffer

8. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan detailing and showing the following, in addition to what is shown:
  - a. All areas of ground disturbance, including but not limited to graded flats.
  - b. Setback distances of all cultivation related infrastructure to property lines.
9. The applicant shall remove all cannabis-related infrastructure, including portions of the five (5) greenhouses identified in the Cultivation and Operations Plan prepared by SL Consulting Services, Inc. in January 2022, that is currently located within a required Streamside Management Area (SMA) buffer without the use of heavy machinery. The applicant shall submit evidence (e.g., statement from qualified professional and/or photographs) to demonstrate compliance with this condition. Alternatively, the applicant may request a site inspection with the Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.
10. The two (2) additional greenhouses described in the Cultivation and Operations Plan to be added onsite shall be placed on a previously disturbed area without the use of heavy machinery. A sign-off from the Planning Department will satisfy this condition.
11. Within 60 days of the effective date, the applicant shall submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall secure permits for all structures and grading 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, proposed structures associated with drying and storage or any activity with a nexus to cannabis, generators, any noise containment structures and graded flats, 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.
13. The applicant shall improve the intersection of the private road and Salmon Creek Road to commercial driveway standards. Specifically, the private access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Salmon Creek Road). The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
14. All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.

15. The applicant shall implement any remaining corrective actions identified in the Water Resource Protection Plan (WRPP; WDID 1B16553CHUM) prepared by Pacific Watershed Associates in February 2017. The applicant shall submit a letter or similar communication from a qualified professional stating the recommendation are completed as described by the WRPP. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the improvements are completed as described. A sign-off from the Planning Department will satisfy this condition.
16. The applicant shall implement any remaining corrective actions identified in the Less Than Three Acre Conversion Mitigation Plan prepared in May 2021 by Hohman and Associates Forestry Consultants. The applicant shall submit a letter or similar communication from a qualified professional stating the recommendation are completed as described by the WRPP. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the improvements are completed as described. A sign-off from the Planning Department will satisfy this condition.
17. The applicant shall adhere to and implement the Final Streambed Alteration Agreement (Notification No. EPIMS-HUM-20027-R1C) issued by CDFW in August 2021 and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
18. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation or shall secure permits and install an onsite wastewater treatment system and restroom facilities. The applicant may secure permits and install a new on-site sewage disposal system, or provide the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies the existing system complies with the SWRCB definition of a Tier 0 system – not impairing groundwater or surface water resources. Board (SWRCB) definition of a Tier 0 system (not impairing groundwater or surface water resources). Portable toilet and handwashing facilities may be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
19. The applicant is to adhere to the mitigation measures for each potentially significant biological impact of current and planned operations on the property, as identified in the Biological Resource Assessment Report, prepared by Corrina Kamaroff, dated May 2021. The mitigation measures can be found in the table of Section 5.2 Recommendations Surveys and Mitigation Measures for Potentially Significant Impacts in the Biological Resource Assessment Report. The applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. A sign-off from the Planning Department will satisfy this condition.
20. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
21. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
22. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain

generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard. In addition, fire-resistant materials shall be utilized for construction of the generator containment structures.

23. All artificial lighting including greenhouse, security, and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
24. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
25. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
26. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the point of diversion (once appropriative water right issued by the SWRCB), rainwater catchment system, and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
27. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
28. 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.
29. 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, or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further

consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. 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.
4. 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.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. 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.
17. 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).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for conformance with conditions and annual inspection fees.
20. 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.
21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

23. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. 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).

25. 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.
  
26. 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.
  
27. 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
  
28. Term of Commercial Cannabis Activity Conditional Use Permit and Special Permit. Any Commercial Cannabis Cultivation CUP and SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

29. 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.
30. 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.
31. 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.
32. 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.
33. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance

Agreement per Condition of Approval #12 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 through #32 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

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

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

**APN 220-011-021; 8200 Salmon Creek Road, Miranda area  
County of Humboldt**

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

**August 2022**

## Background

### **Modified Project Description and Project History –**

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

The modified project involves a Conditional Use Permit for operation of an existing 18,300 square foot (SF) mixed-light cultivation, including 1,830 SF of ancillary propagation. Irrigation water is sourced from one (1) point of diversion on an unnamed Class II tributary of Salmon Creek. A gutter rain catchment system will also be developed to capture rainwater off the 40'x50' (2,000 SF) barn to reduce reliance on the diversion. Existing available water storage is 15,000 gallons in a series of hard-sided tanks, with an additional 190,000 gallons proposed, for a total of 205,000 gallons of onsite water storage. Drying will occur in an existing 40'x50' barn, with all other processing occurring offsite at a licensed processing or manufacturing facility. Power is provided by a generator. The proposed project also includes Special Permits for development within the Streamside Management Area (SMA) for the continued use and maintenance of the one (1) point of diversion on the project parcel and for removal of portions of existing greenhouses located within the SMA and associated restoration.

The project site contains riparian habitat associated with Class II and Class III watercourses, which traverse the subject parcel. All approved cannabis cultivation activities would occur outside of the required stream setbacks, once portions of five (5) existing greenhouses located within the Streamside Management Area (SMA) buffers are removed, required as a condition of approval, and on slopes less than 15%. Per review of the *Biological Resource Assessment*, prepared by Corrina Kamroff in May 2021, no rare threatened or endangered animals or plants are present within 1,000 feet of the cultivation area; however, it is further noted that there is the potential for numerous species to occur. Mitigation measures are proposed for each potentially significant biological impact of current and planned operations on the property, which have been included as conditions of approval. Additionally, per the Biological Report, Additionally, per the Assessment, there are no documented Northern Spotted Owl (NSO) activity centers within the 1.3-mile Biological Assessment Area (BAA) of the cultivation site and no NSO surveys are recommended for the project. The applicant is required to provide proof of enrollment with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Cultural Resources Investigation prepared by Archaeological Research and Supply Company in March 2021 (on file and confidential), as well as the Bear River Band of the Rohnerville Rancheria.

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

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 18,300 square feet of cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by SL Consulting Services, Inc., dated 6/29/21.
- Cultivation and Operations Manual for Krystal Kings prepared by SL Consulting Services, Inc., dated January 2022.
- Water Resource Protection Plan (WRPP) (WDID No. 1B16553CHUM) prepared by Pacific Watershed Associates Inc., dated February 2017.
- Final Streambed Alteration Agreement (Notification No. EPIMS-HUM-21027-R1C) issued by the California Department of Fish & Wildlife (CDFW), dated 8/27/21.
- Less than 3 Acre Conversion Mitigation Plan prepared by Integrated Horticulture Systems, LLC, dated 5/18/21.
- Road Evaluation Reports for Salmon Creek Road and Private Road prepared by Steven Luu, SL Consulting Services, Inc., dated 7/8/21.
- Road Evaluation Report for Salmon Creek Road prepared by Chapman Engineering, dated 2/18/22.

- Biological Resource Assessment: Young Jacobsen APN: 221-011-021 CEQA Compliance, prepared by Corrine Kamoroff, dated 5/20/21.
- A Cultural Resources Investigation of the Salmon Creek Clark Property: Final Report, prepared Abby Barrios-Gonzales, BA, and Nick Angeloff, MA., Archaeological Research and Supply Company, Rio Dell, CA, dated March 2021.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the 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 associated with cultivation activities, including access roads, ponds, graded flats, and other related features. The area for cultivation is not 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. (**Attached** - Site Plan prepared by SL Consulting Services, Inc., dated 6/29/21)
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, the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Manual for Krystal Kings prepared by SL Consulting Services, Inc., dated January 2022)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Condition of Approval)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan and Cultivation and Operations Plan (item 4. above) and Water Resource Protection Plan (WRPP) prepared for North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-003. (See item 6. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – NOI; **Attached** - Water Resource Protection Plan (WDID 1B16553CHUM) prepared by Pacific Watershed Associates Inc., dated February 2017)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached** – Final Streambed Alteration Agreement (Notification No. EPIMS-HUM-21027-R1C), issued by the California Department of Fish and Wildlife, revised and dated 8/12/21)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire

Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (**Attached** - Less than 3 Acre Conversion Mitigation Plan prepared by Integrated Horticulture Systems, LLC, dated 5/18/21)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Humboldt County Department of Public Works Road Evaluation Report prepared by Steven Luu, SL Consulting Services, Inc., received 6/29/2021. (**Attached**)
17. Road Evaluation Report for Salmon Creek Road prepared by Chapman Engineering, dated 2/18/22. (**Attached**)
18. Biological Resource Assessment: Young Jacobsen APN: 221-011-021 CEQA Compliance, prepared by Corrine Kamoroff, dated 5/20/21. (**Attached**)
19. A Cultural Resources Investigation of the Salmon Creek Clark Property: Final Report, prepared Abby Barrios-Gonzales, BA, and Nick Angeloff, MA., Archaeological Research and Supply Company, Rio Dell, CA, dated March 2021. (On file and confidential)

Cannabis Cultivation Facilities

January 2022

Cultivation and Operations Manual  
For  
Krystal Kings

Cannabis Cultivation Facilities  
APN No. 221-011-021-000

Lead Agency:

Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501

Prepared By:  
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In Consultation with:

Krystal Kings  
8200 Salmon Creek Road  
Miranda, CA 95553

January 2022

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  - 5.16 Wastewater management
  - 5.17 Storm-water management plan
6. Product Management
  - 6.1 Product testing and labeling
  - 6.2 Product inventory and tracking
  - 6.3 Transportation and distribution

## 1. Project Summary

### 1.1. Project Objective

Krystal Kings is proposing to permit Commercial Cannabis Cultivation Activities in Accordance with the County Of Humboldt Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project is seeking a Conditional Use Permit for commercial cannabis cultivation of 18,300 square feet of existing mixed-light cultivation and a 1,000 square foot accessory nursery and 830 SF nursery and propagation space within an existing 3 story 40'x50' barn.

No on-site trimming is proposed, the processing activity will be limited to hanging, drying and bucking dried cannabis off the stalk into totes for sale to a distributor or transport to a licensed processor. Drying will occur in the remainder of the existing 40'x50' barn.

Site has not been cultivated since 2014.

Cultivation will occur in greenhouses in amended raised soil beds utilizing water from a spring box Point of Diversion on an unnamed tributary of Salmon Creek. There are currently 15,000 gallons of water storage in four (4) hard plastic tanks. An additional 190,000 gallons of water storage in the form of 5,000 gallon tanks is proposed. A gutter rain catchment system will also be developed to capture rain-water off the barn to reduce reliance on the diversion.

Power will be provided by a 35KW Whisperwatt Generator placed into a roofed enclosure with secondary containment. The generator and fuel containment structure is already developed. Historically the site was operated with an indoor cultivation component during the winter months with the use of a 120 KW generator. A 75 KW generator was used to power a large scale nursery in the barn during summer months. These practices will be discontinued to reduce the intensity of generator use

## 2. Land Use

### 2.1. Site Description

The Project is located in the Salmon Creek watershed near Miranda, CA (APN 221-011-021-000) just north of the intersection of Salmon Creek Road and an unnamed road. The subject parcel is zoned AE/TPZ and is approximately 85.68 total acres in size (per the County of Humboldt's WebGIS). The property consists of open flats with wooded areas interspersed, and a stream following the western property boundary. The cultivation area is buffered by a forested area.

### 2.2. State of California Commercial Cannabis Activity License

Krystal Kings will operate under a California Cultivation license.

### 2.3. State Water Resources Control Board

Water comes from a Point of Diversion on an unnamed tributary of Salmon Creek. There are currently 15,000 gallons of water storage in four (4) hard plastic tanks. The property will be enrolled under the Water Board's Cannabis Cultivation general order and a cannabis SIUR is in process (Application H510517).

## 2.4. Cal Fire

The subject property is located within a State Responsibility Area (SRA) for fire protection and SRA requirements have been met. All structures on the property meet the 30-foot SRA setback requirement from property lines.

## 2.5. California Department of Fish and Wildlife

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) is required for this project, stream crossings, are marked on the site plan. Operator has submitted for the LSAA.

## 2.6. Cultural Resources

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, ground stone 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.

### 3. Cultivation and Processing

#### 3.1. Propagation and Initial Transplant

Operator starts plants from cuttings from "mother" plants maintained in the existing barn. Cuttings are taken from mother plants and placed into trays to root under low intensity lights. A total of 830 SF of the barn is used for maintenance of genetics (mothers) and for propagation of clones.

Once the cuttings are rooted, they are transplanted into 4" pots within the proposed 20'x50' nursery greenhouse to reach the appropriate size to plant in the raised beds of the flowering greenhouses.

#### 3.2. Mixed-Light Cultivation Plan and Schedule

The cultivation will occur in raised beds within greenhouses. There are five existing (two 40'x135' and three 20'x120' greenhouses that will be partially demolished to meet drainage setbacks. The 40'x125' structures will be cut back into 40'x125' structures. The 20'x120' greenhouses will have 35' removed to meet setback and will remain as 20'x95' structures.

Cultivation will occur in the following modified existing greenhouses: two (2) 40'x125' and three (3) 20'x95' coldframe greenhouse. Additional 20'x55' and 20'x60' greenhouses will be added for a total flowering canopy of 18,300 SF

Nursery activities occur in a 20'x50' greenhouse and 830 SF of interior propagation space within the barn.

See schedule of operations below.

Proposed **Mixed Light** Cultivation Schedule

<b>Cultivation Operations Schedule</b>		
<b>Month</b>	<b>Cultivation Activities</b>	<b>Processing Activities</b>
January	No activity	No activity
February	No activity	No activity
March	Nursery operations begin	No activity
April	Transplant juveniles to greenhouses	No activity
May	Watering/maintain plants	No activity
June	Transplant juveniles to greenhouses	No activity
July	Harvest and replant Watering/maintain plants	Drying
August	Watering/maintain plants	Bucking down plants, drying
September	Watering/maintain plants/begin harvest	Bucking down plants, drying
October	Harvest	Bucking down plants, drying
November	Harvest Field Maintenance/Cover crop	Bucking down plants, drying
December	Field Maintenance/Cover crop	No activity

3.3. Irrigation Plan and Schedule

Irrigation and fertigation of plants occurs using drip irrigation (flowering greenhouse) and hand watering (nursery) methods at agronomic rates which conserves water by not allowing excess water runoff. Plants are watered until established and then dry farming techniques are used to reduce water use.

Water is also used for supplemental foliar spraying of pesticides and drip watering of inoculants such as compost tea, beneficial bacteria.

See section 5.1 for water usage estimates.

### 3.4. Harvesting, Drying, and Trimming

Plants that are ready for harvest have their flowering branches removed and are brought to the drying facility, a storage barn indicated on the site plan. Once taken to the drying building then hung and suspended in the drying facility. The drying facility will be equipped with air conditioning and dehumidifiers to ensure proper curing and elimination of conditions for mold. All work surfaces are maintained in a clean and sanitary manner. Contamination prevention protocols are strictly followed within the facilities.

Dried plants are bucked off the stalks and put into totes for transport to an offsite licensed processor or distributor. Waste plant material is composted onsite just outside the cultivation area.

### 3.5. Processing Facility

Drying will occur at the storage barn. No other processing (trimming) will occur onsite.

### 3.6. Employee Plan

Krystal Kings 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.

- Job Descriptions And Employee Summary
- Agent in Charge: Responsible for business oversight and management of the Krystal Kings. 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.
- Operations and Compliance Managers: 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.
- Seasonal Laborer: Provides cultivation, harvesting and processing support. This is a part-time to full-time, seasonal position.

### 3.7. Staffing Requirements

Staffing is limited to two (2) full-time employees and four (4) seasonal laborers for a total of six (6) total persons onsite during peak operations.

<b>Month</b>	<b>Cultivation</b>	<b>Harvest/Planting/ Processing</b>
January	-	0
February	-	0
March	2	0
April	2	4
May	2	4
June	2	4
July	2	0
August	2	4
September	2	4
October	2	4
November	2	0
December	2	0

### 3.8. Employee Training and Safety

On site cultivation, harvesting, drying and processing 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 facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedures 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.

### 3.9. Toilet and Handwashing Facilities

Portable toilets and handwashing stations will be provided.

### 3.10. Drinking Water Source

Bottled water will be provided if necessary and properly disposed of.

### 3.11. On Site Housing

No on-site housing is provided for employees.

### 3.12. On Site Parking

See plot plan for parking locations.

## 4. Security Plan and Hours of Operation

### 4.1. Facility Security

An entry gate is located at the entrance. The entry gate remains locked at all times and access to the cultivation area is limited exclusively to employees. All lighting will be designed and located so that direct rays are confined to the property. Security cameras and an alarm system are to be installed.

### 4.2. Hours of Operation

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities typically occur no earlier than 8 AM and extend no later than 8 PM.

## 5. Environment

### 5.1. Water Source and Projected Water Use

Water comes from a Point of Diversion on an unnamed tributary of Salmon Creek. There are currently 15,000 gallons of water storage in four (4) hard plastic tanks on the property.

Krystal Kings utilizes water management strategies such as drip irrigation to conserve water use.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

TABLE 4.1 ESTIMATED ANNUAL IRRIGATION WATER USAGE											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
---	---	2,500	12,500	20,000	30,000	35,000	35,000	35,000	20,000	10,000	---

The use of the diversion for irrigation purposes will be off-set by rain catchment from the roof of the 40'x50' square foot barn. Even during the 2020-2021 water year, approximately 41.86 inches of rainfall accumulated over August 2020 through September 1st of 2021.

$41.86'' \times 1 \text{ foot} / 12 \text{ inches} \times 40' \times 50' \times 7.48 \text{ gallons} / \text{cubic foot} = 52,185 \text{ gallons of rain catchment to reduce reliance on the surface water diversion.}$

### 5.2. Water Storage

There are currently 15,000 gallons of water storage for irrigation in four (4) hard plastic tanks in sizes of 5000 and 2500 gallons. An additional thirty eight (38) 5,000 gallon tanks will be provided for a total of 205,000 gallons of irrigation water storage. An existing 2,500 gallon tank is used for fire protection.

### 5.3. Site Drainage, Runoff, and Erosion Control

Krystal Kings will enroll with the State Water Quality Control Board State general order and a Water Resource Protection Plan (WRPP) will be developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

### 5.4. Site Drainage and Runoff

The cultivation site is mostly flat and has a forested buffer surrounding the property to mitigate runoff.

Buffers and setbacks from neighboring drainages are met.

## 5.5. Erosion Control

Krystal Kings will utilize best management practices including but not limited to:

- Maintenance of roads, including rocking and armoring.
- Proper management of solid, liquid and cultivation waste (see section 3.8)
- Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
- Irrigation and application of fertilizers will be applied at agronomic rates.
- Regulated products will be safely stored with secondary containment (see section 3.7)

## 5.6. Watershed and Habitat Protection

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. 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.

## 5.7. Monitoring and Reporting

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan 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.

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.

- Prior to October 15 and December 15 to evaluate site preparedness for storm events and storm water 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 will be submitted upon initial enrollment in the Order and then annually by March 1 to the Water Board. The annual report will include data from the monitoring reports.

## 5.8. Energy Plan

Power will be provided by a 35KVA Whisperwatt Generator. The generator will be placed into an enclosure with secondary containment.

## 5.9. Light Pollution Control Plan

The project will meet International Dark Sky Standards.

## 5.10. 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 located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufacturer's instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the SMP. 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.

## 5.11. Fertilizers

Nutrients and biological inoculants used for cultivation and kept on site include:

- Grow More 20-20-20, bloom, hardener

Pesticides and fungicides used for cultivation include:

- Plant Therapy (10 gallons)
- Beuvera bassiana (beneficial fungus)
- QST Subtilis (beneficial bacteria)

Fuels, oils other regulated substances stored on site include:

- Ethanol - up to 5 Gallons
- Isopropyl / Ethyl Alcohol – up to 5 Gallons
- Diesel Generator Fuel - up to ?? Gallons

## 5.12. Waste Management Plan

Animal-proof trash and recycling containers are located near the greenhouses. Solid waste and recycling is hauled off-site to a transfer station at least once per month.

## 5.13. Cultivation Waste and Soil Management

Cultivation vegetative matter such as root balls are composted on site. Soil is stored in a designated contained area and reused or disposed of at a licensed transfer facility or landscaping yard for re-amendment and re-sale.

## 5.14. Materials Management Plan

Waste bins with lids are kept adjacent to cultivation sites and emptied out the day they are filled up or weekly.

Waste materials are stored in a trailer and self-hauled off weekly to a licensed waste transfer station.

## 5.15. Wastewater Management

Combination of hand watering and drip irrigation methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are gravel/dirt and will absorb any excess runoff.

## 5.16. Storm-water Management Plan

Roads will be armored appropriately.

Rainwater from the roofs will be captured and stored in plastic tanks reducing runoff

Native soil will be utilized and cover cropped to reduce sediment delivery.

## 6. Product Management

### 6.1. Product Testing and Labeling

Sampling and labeling is handled by the third party distributor off-site.

### 6.2. Product Inventory and Tracking

Site will be enrolled with the state METRC track and trace system and utilizes it to manage inventory and tracking.

### 6.3. Transportation and Distribution

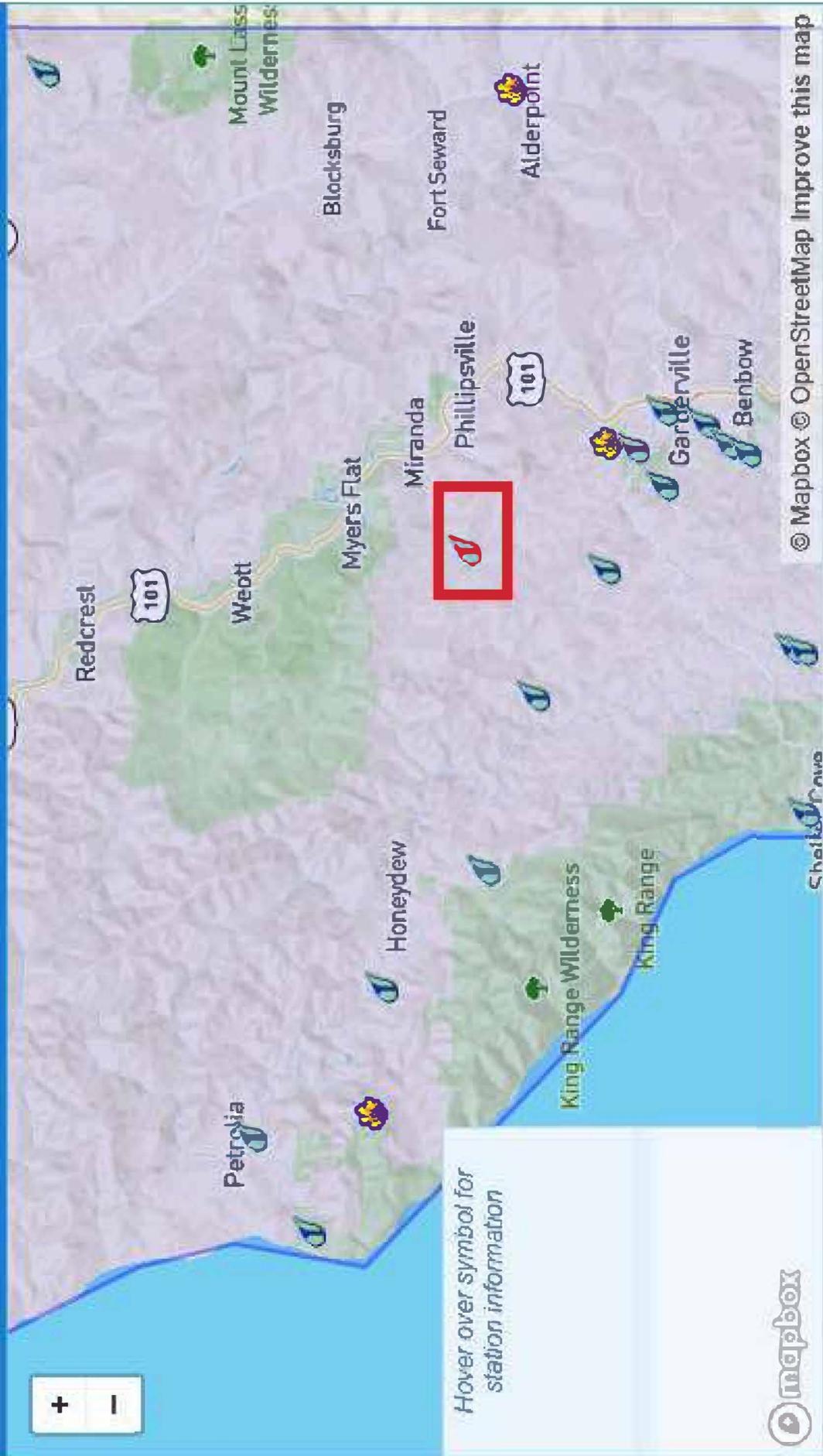
Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another 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 address
- Time of departure
- Time of arrival

The Agent in Charge and the Cultivation 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: Local Rain Gage Data

# AgACIS for Humboldt County



Hover over symbol for station information

Click station symbol to select

Show more stations Help Close Map

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# Station Information

Station name:	MIRANDA 4.1 SW
State:	CA
County:	(FIPS 06023)
Climate Division:	(CA01)
Station ids:	US1CAHM0014 (GHCN)CAHM0014 (CoCoRaHS)
Latitude:	40.2093 degrees
Longitude:	-123.8941 degrees
Elevation:	539 feet
Available date ranges:	Precipitation 2008-12-13 - 2022-01-19 Snowfall 2008-12-13 - 2022-01-19 Snow Depth 2008-12-16 - 2021-02-10

# AgACIS for Humboldt County

AgACIS

## Accumulated Precipitation – MIRANDA 4.1 SW, CA (CoCoRaHS)

Use navigation tools above and below chart to change displayed range; green/black diamonds represent subsequent/missing values



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



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION No. EPIMS-HUM-21027-R1C  
Unnamed Tributary to Salmon Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Chester Clark  
Clark Stream Crossings, Diversion, and Remediation Project  
6 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 1, 2021, with additional information obtained during a July 29, 2021, CDFW site visit, and revised on August 12, 2021, 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 is located within the Salmon Creek watershed, approximately 4 ¼ miles west of the town of Miranda, County of Humboldt, State of California; Section 01, T03S, R02E, Humboldt Base and Meridian, in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-011-021-000; latitude 40.2313 N and longitude -123.9036 W at the point of diversion (POD).

**PROJECT DESCRIPTION**

This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Joshua Gruver on July 29, 2021.

The project is limited to six (6) encroachments (Table 1). One (1) encroachment is for water diversion from an unnamed tributary to Salmon Creek. Water is diverted for irrigation use. Work for the water diversion will include installation, use, and maintenance of water diversion infrastructure compliant with the terms of this Agreement and that meet State Water Resource Control Board (SWRCB) permitting requirements. One (1) encroachment is for an SMA buffer zone encroachment. Work for this will include reducing the length of two greenhouses and the cultivation area, and seeding and mulching the exposed native soil. The four (4) other proposed encroachments are to upgrade failing or undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
POD-1	40.2313, -123.9036	Water diversion from unnamed tributary to Salmon Creek for irrigation use from storage. <b>Cannabis Irrigation</b> SWRCB SIUR application ID: H510517 Permittee shall follow SWRCB Cannabis Policy; diversion to storage for cannabis irrigation from November 1 – March 31 when sufficient flows exist, 3 gallons per minute, 90% bypass at all times.
STX-1 (RP-1)	40.2279, -123.9052	Replace damaged and failing 36" diameter culvert with minimum 36" diameter culvert and install rolling dip. Rock armor as necessary to minimize erosion.
STX-2 (RP-5)	40.2320, -123.9020	Replace existing undersized 8" diameter culvert with minimum 18" diameter culvert. Install critical dip and rock armor as necessary to minimize erosion.
STX-3 (RP-7)	40.2313, -123.9036	Replace shot-gunned, undersized 54" diameter culvert with minimum 66" diameter culvert. Rock armor as necessary to minimize erosion.
STX-4 (RP-14)	40.2342, -123.9010	Clean and maintain existing 24" diameter culvert. Rock armor the outlet.
SMA Encroachment	40.2330, -123.9021	Two (2) cultivation sites encroaching upon the SMA setback. These shall be relocated/shortened to remain compliant with SMA setback requirements. Exposed native soils shall be seeded, mulched, and paired with erosion control measures if necessary to minimize sediment discharge during revegetation.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including “ponds”), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

## 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 tridentatus*), **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*), **Red-bellied Newt** (*Taricha rivularis*), **Yellow Warbler** (*Setophaga petechia*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

### **Impacts to water quality:**

increased water temperature;  
increased turbidity;  
increased sedimentation (chronic or episodic);

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

loss or decline of riparian habitat;  
loss or decline of instream channel habitat;  
direct impacts on benthic organisms;  
direct and/or incidental take of aquatic and/or terrestrial organisms;

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

reduced instream flow;  
cumulative effect of diversions in the watershed;  
impediment of up- or down-stream movement;  
water quality degradation; and  
damage to aquatic habitat and function.

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. 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. 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 Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if 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 Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring, provided CDFW: a) provides 24 hours advance notice; and b) allows Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:
  - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.
  - The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
  - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.

- All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.
- 1.6 Cannabis Cultivation Policy. If commercial cannabis cultivation occurs on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_policy.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html)
- 1.7 Water Rights. This Agreement does not constitute a valid water right. All water diversion facilities that Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here:  
[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/registrations/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/).
- 1.8 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 fish and wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information that indicates bypass flows, diversion rates or other measures provided in this Agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid “take” or “incidental take” of federal or State listed species.
- 1.9 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on July 1, 2021, with additional information obtained during a July 29, 2021, CDFW site visit, and revised on August 12, 2021, is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

## 2. Avoidance and Minimization Measures

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

### Work Periods and Pre-Project Notice

- 2.1 Work Period. All work, not including authorized diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Permittee

shall monitor precipitation forecasts and potential increases in stream flow when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation. A notice of completed work, including dates of activities and photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

- 2.2 CDFW Notification of Work Initiation and Completion. Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information provided shall include Agreement number, and the anticipated start date. Subsequently, Permittee shall notify CDFW in writing no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work and erosion control measures.**
- 2.3 Work Period Extension Requests. If Permittee needs more time to complete the project, CDFW may grant a work period extension on a day-to-day basis. Extension requests shall be made in writing before **October 5** of each year and shall: 1) describe the extent of work already completed; 2) detail the uncompleted activities; 3) detail the time required to complete each remaining activity; and 4) provide photographs of the completed work site(s) and remaining work. Requests shall describe the effects of increased stream flows, rain delays, increased erosion control measures, access constraints caused by saturated soils, and anticipated effects of climatic conditions on growth of erosion control grasses. Work period extensions are issued at the discretion of CDFW. CDFW will review the written request and may require additional measures to protect fish and wildlife resources.

### **General Stream Protection Measures**

- 2.4 Prohibition of Live Stream Work. No work is authorized in a live flowing stream. All work shall be conducted when the stream is dry. Permittee shall notify CDFW if it determines that work in a live flowing stream is required to complete a project and will submit a diversion plan.
- 2.5 Fish and Aquatic Species. If surface water is or becomes present during construction, Permittee shall: a) require a Designated Biologist survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW shall be contacted and work shall not commence until authorized by a CDFW representative.
- 2.6 Maintain Passing of Fish Up and Down Stream. It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (as defined in FGC Section 45 "fish")

means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals) up and down stream pursuant to FGC section 5901.

- 2.7 Decontamination. Permittee shall ensure all project personnel adhere to the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that contacts water shall adapt watercraft decontamination protocols found in the AIS Decontamination Protocol.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.8 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks, and away from riparian vegetation. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark before such flows occur or at the end of the work period, whichever occurs first.
- 2.9 Equipment and Vehicle Leaks. Equipment or vehicles operated in or near the stream shall be checked and maintained daily to prevent leaks. Stationary equipment (e.g., motors, pumps, generators, welders, etc.) in or near the stream shall be positioned over drip pans. Stationary heavy equipment shall have sufficient containment to manage catastrophic spills or leaks.
- 2.10 Hazardous Substances. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any substance or material deleterious to fish, plant life, mammals, or bird life, or their habitat, shall be prevented from contaminating the soil and/or entering the waters of the State, pursuant to FGC Sections 5650 and 5652. Permittee shall ensure hazardous or toxic materials are stored in watertight containers and promptly removed from the worksite.
- 2.11 Spill Containment and Cleanup. All authorized activities performed in or near a stream shall have on-site cleanup equipment (e.g., boom, skimmers, etc.) and absorbent materials for spill containment and cleanup prior to the start of work and for the duration of the project. In the event of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and initiate clean-up. Permittee shall immediately notify CDFW of any spills and shall follow CDFW cleanup procedures and guidance.
- 2.12 Stockpiled Materials. Materials shall not be stockpiled where they may wash into the stream or cover aquatic or riparian vegetation. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area and cover stockpiles if NWS predicts precipitation.

- 2.13 Erosion Control. Permittee shall implement erosion control measures throughout all phases of operation where sediment delivery could occur. Silt fences, straw bales, gravel or rock lined ditches, water check bars, broadcasted weed-free straw, or other approved erosion control measures shall be used wherever sediment has the potential to leave the work site and enter the stream.
- 2.14 Silt Laden Runoff. At no time shall silt laden runoff enter the stream or be directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.15 Disposal and Removal of Material. Permittee shall remove from the work area, and relocate outside of the stream and riparian area, all spoils and construction debris prior to inundation. All removed material and debris shall be disposed of according to State and local laws and ordinances.
- 2.16 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.
- 2.17 Allow Wildlife to Leave Unharmd. Permittee shall allow any wildlife encountered to leave the project area unharmed. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.18 Escape Ramp in Trench. At the end of each workday, Permittee shall place an escape ramp at each end of any open trench deeper than six inches with walls greater than 30 degrees to allow entrapped animals to escape. The ramp may be constructed of either dirt fill, non-treated wood, or other suitable material placed at an angle no greater than 30 degrees.
- 2.19 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use erosion control devices containing plastic, including photo- or bio-degradable plastic netting. Erosion control mats, blankets, and straw or fiber wattles shall consist entirely of natural fiber.
- 2.20 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

### **Designated Biologist**

- 2.21 Designated Biologist. At least thirty (30) days before project activities requiring biological surveys begin, the Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information for a Designated Biologist. Permittee shall obtain CDFW's written acceptance of the Designated Biologist before initiating project activities. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish and

wildlife resources potentially present at the project site. The Designated Biologist shall be responsible for monitoring all project activities and avoidance measures, including any ground-disturbing activities.

- 2.22 Designated Biologist Authority. The Designated Biologist shall have authority to immediately stop any activity that is not in compliance with this Agreement, and/or to order any reasonable measure to avoid the unauthorized take of Special Status Species. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with the Measures in this Agreement, including cease-work orders issued by CDFW.

### **Special Status Species Avoidance and Minimization**

- 2.23 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (FGC, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2), any species that is listed or is a candidate for listing under the California Endangered Species Act (FGC Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5), or any fully protected species (FGC, §§ 3511, 4700, 5050, 5515). Permittee shall consult with the appropriate agency prior to commencing the project.

### **Vegetation Management**

- 2.24 Riparian Buffers. Riparian buffers shall not be modified, unless authorized by CDFW in writing.
- 2.25 Minimum Vegetation Removal. No native riparian vegetation shall be removed, 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.
- 2.26 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of the authorized activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.
- 2.27 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

## Water Diversion

- 2.28 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute** at any time.
- 2.29 Bypass Flow. 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 POD.
- 2.30 Seasonal Diversion Minimization. For POD-1, Permittee shall follow SWRCB Cannabis Policy; season of diversion is **November 1 – March 31**, only when flows are sufficient at the appropriate compliance gauge. Water shall be diverted only if Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.31 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous (gallons per minute) and cumulative (gallons per day) rates of diversion. Measurement shall begin as soon as this Agreement is signed by Permittee. The device shall be installed within the flow of diverted water. Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.31.1 A log including the date, time and quantity of water diverted from the POD.
  - 2.31.2 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).
  - 2.31.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

## Water Diversion Infrastructure

- 2.32 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.
- 2.33 Intake Structure Placement. Infrastructure installed in the streambed (e.g., spring box) shall not exceed 10% 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 12 inches below the streambed.
- 2.34 Intake Screening Maintenance. Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.35 Intake Screens on Fish Bearing Streams. All intakes shall be screened with at least 2.5 square feet of wetted, unobstructed screen, have at least 2.5 square feet

of wetted, unobstructed screen. Screens shall be constructed of wire mesh, perforated plate, or pipe with at least 27 percent open area. Round openings in the screen shall not exceed 3/32 inch (2.38 millimeters) in diameter. Slotted openings shall not exceed 1/16 inch (1.75 mm) horizontally (providing a maximum diagonal opening of 3/32 inch).

- 2.36 Intake Screens on Non-Fish Bearing Streams. All intakes shall be screened and openings in the screen shall not exceed 1/8-inch diameter (horizontal for slotted or square openings) or 3/32-inch for round openings.
- 2.37 Intake Shall Not Impede Aquatic Species Passage. 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.
- 2.38 Exclusionary Devices. Permittee shall keep diversion-related structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.39 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve located near the source), or remove all intakes when no water diversion is planned for a period of one week or longer.
- 2.40 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. 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**

- 2.41 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks), shall be located outside the active 100-year floodplain. Covers/lids shall be securely affixed to water tanks to prevent entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are full.
- 2.42 Water Storage Maintenance. WSFs shall have float valves to prevent overfilling. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and water diversion infrastructure, and immediately repair leaks.
- 2.43 Water Conservation. Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.44 Limitations on Impoundment and Use of Diverted Water. 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.

## Stream Crossings

- 2.45 Road Approaches. Permittee shall treat road approaches to new or re-constructed crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including during the construction or reconstruction of a stream crossing. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.46 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the stream, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.47 Runoff from Steep Areas. Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential, or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.48 No Equipment in Wetted Areas. No heavy equipment shall enter the wetted stream channel.
- 2.49 Fill Materials. No fill material, other than clean rock, shall be placed in the stream channel.
- 2.50 Material Sizing. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.
- 2.51 Crossing Maintenance. Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable. Permanent culverts shall be maintained and kept open year-round. Permittee is responsible for such maintenance as long as the culvert remains in the stream.
- 2.52 Armoring. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.53 Armor Placement. Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

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

### **Culvert Installation**

2.55 Permanent Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.,  $\geq 1.0$  times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads (Cafferata et al. 2017, Designing Watercourse Crossings for Passage of 100-Year Flood Flows, Wood, and Sediment).

<http://timbertraining.resources.ca.gov/mod/resource/view.php?id=378>

2.56 Critical Dips. Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.

2.57 Culvert Materials in High Fire Zones. If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged. <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

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

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

- 2.60 Culvert Bed. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted. No geotextile fabric shall be placed in the culvert bed, streambed, bank or channel.
- 2.61 Culvert Armoring. Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.62 Project Inspection. The Project shall be inspected by a qualified professional to ensure that the stream crossings were installed and function as designed and in accordance with this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

### 3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Work Completion. The proposed work shall be completed by no later than October 15, 2023. Notification of completion will include dates work occurred, photographs of work stages and the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions and shall be submitted to CDFW in the Environmental Permit Information Management System (EPIMS) at <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS> within seven (7) days of project completion.
- 3.3 Project Inspection. The Project shall be inspected by a qualified professional to ensure that the stream crossings were installed and function as designed and in accordance with this Agreement, and the diversion infrastructure complies with the terms of this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of each separate project. Permittee shall submit the **Project Inspection Report** to CDFW in EPIMS.
- 3.4 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW in EPIMS no later than **March 31** of each year beginning in **2022**, to report the preceding year's diversion.

## CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be submitted through EPIMS as instructed by CDFW.

To Permittee:

Chester Clark  
EPIMS-HUM-21027-R1C  
Clark Stream Crossings, Diversion, and Remediation Project  
[cc.ca210@gmail.com](mailto:cc.ca210@gmail.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region, Coastal  
EPIMS-HUM-21027-R1C  
Clark Stream Crossings, Diversion, and Remediation Project  
[EPIMS.R1C@wildlife.ca.gov](mailto:EPIMS.R1C@wildlife.ca.gov)  
[Joshua.Gruver@wildlife.ca.gov](mailto:Joshua.Gruver@wildlife.ca.gov)

## LIABILITY

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

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

## SUSPENSION AND REVOCATION

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## TRANSFER AND ASSIGNMENT

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

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

## EXTENSIONS

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

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

## EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

## TERM

This Agreement shall **expire five (5) 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, subdivision (a)(2) requires.

## **AUTHORITY**

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

## **AUTHORIZATION**

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

## **CONCURRENCE**

Through the electronic signature by the permittee or permittee's representative as evidenced by the attached concurrence from CDFW's Environmental Permit Information Management System (EPIMS), the permittee accepts and agrees to comply with all provisions contained herein.

**The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.**

Prepared by: Joshua Gruver, Environmental Scientist, August 27, 2021

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: Krystal Kings Inc APN: 221-011-021-000

Planning & Building Department Case/File No.: 11066

Road Name: Salmon Creek Road (complete a separate form for each road)

From Road (Cross street): Border of APN 212-061-029 and 212-071-001 (transition from asphalt to gravel paved

To Road (Cross street): PROPERTY LINE of APN 221-071-043 (End of Salmon Creek Road/start of Private Driveway)

Length of road segment: 2.35 miles Date Inspected: 7-7-21

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

Check one of the following:

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

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

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

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

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name Printed \_\_\_\_\_

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Krystal Kings Inc APN: 221-011-021-000

Planning & Building Department Case/File No.: 11066

Road Name: Private Road (complete a separate form for each road)

From Road (Cross street): PROPERTY LINE of APN 221-071-043 (End of Salmon Creek Road/start of Private Driveway)

To Road (Cross street): Subject Property (Parking in front of barn)

Length of road segment: 1.5 miles Date Inspected: 7-7-21

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

Check one of the following:

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

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

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

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

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



7-8-21

Signature

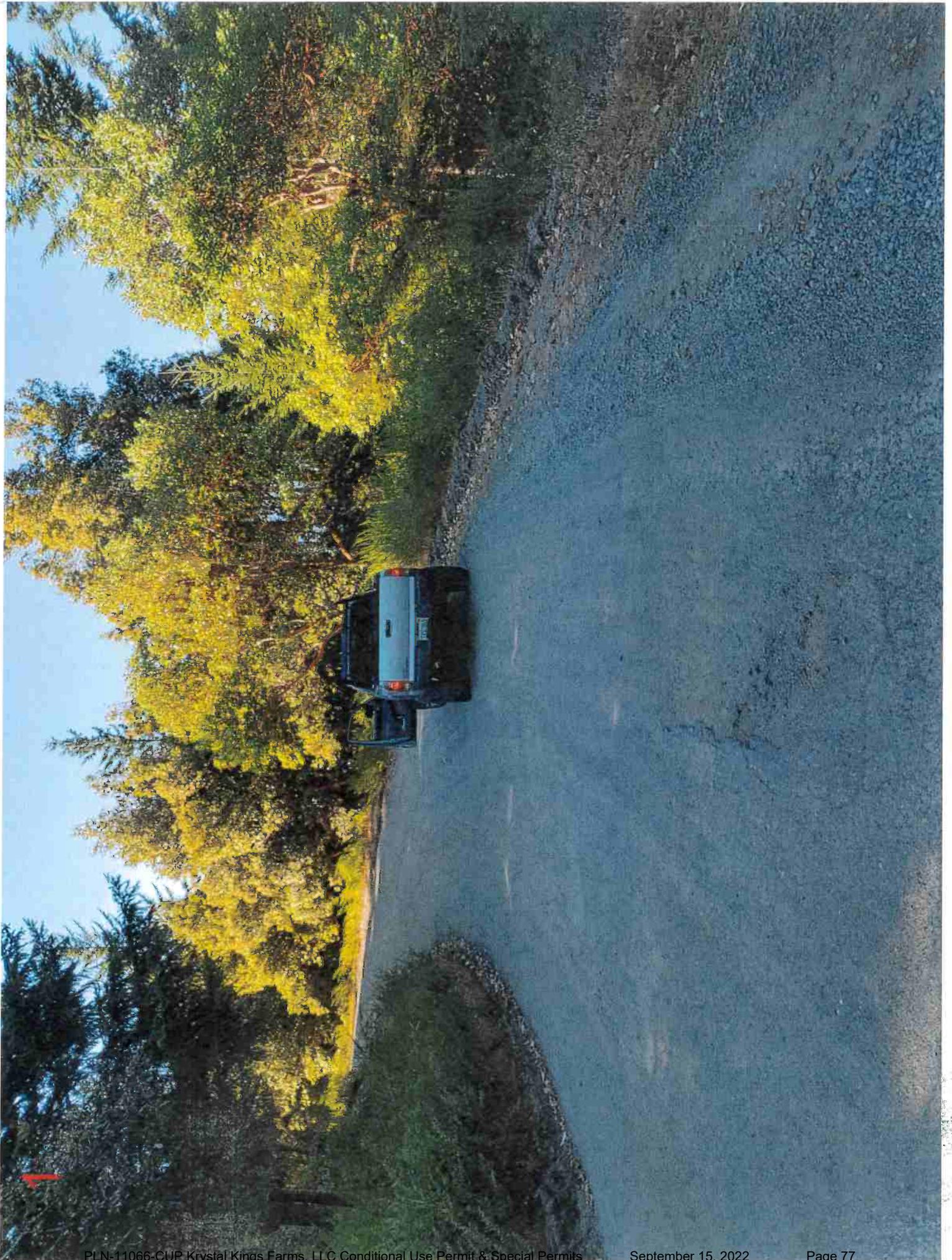
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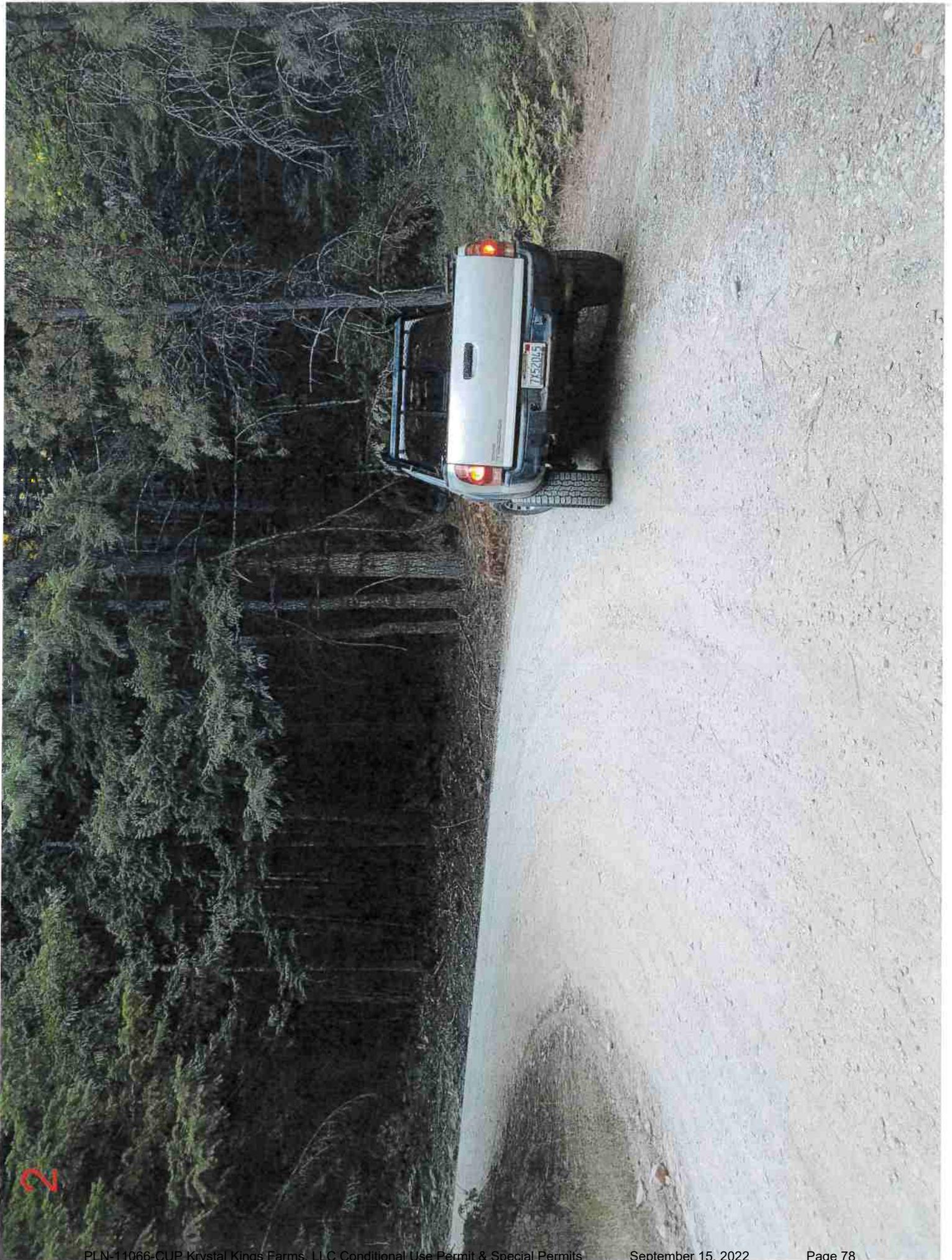
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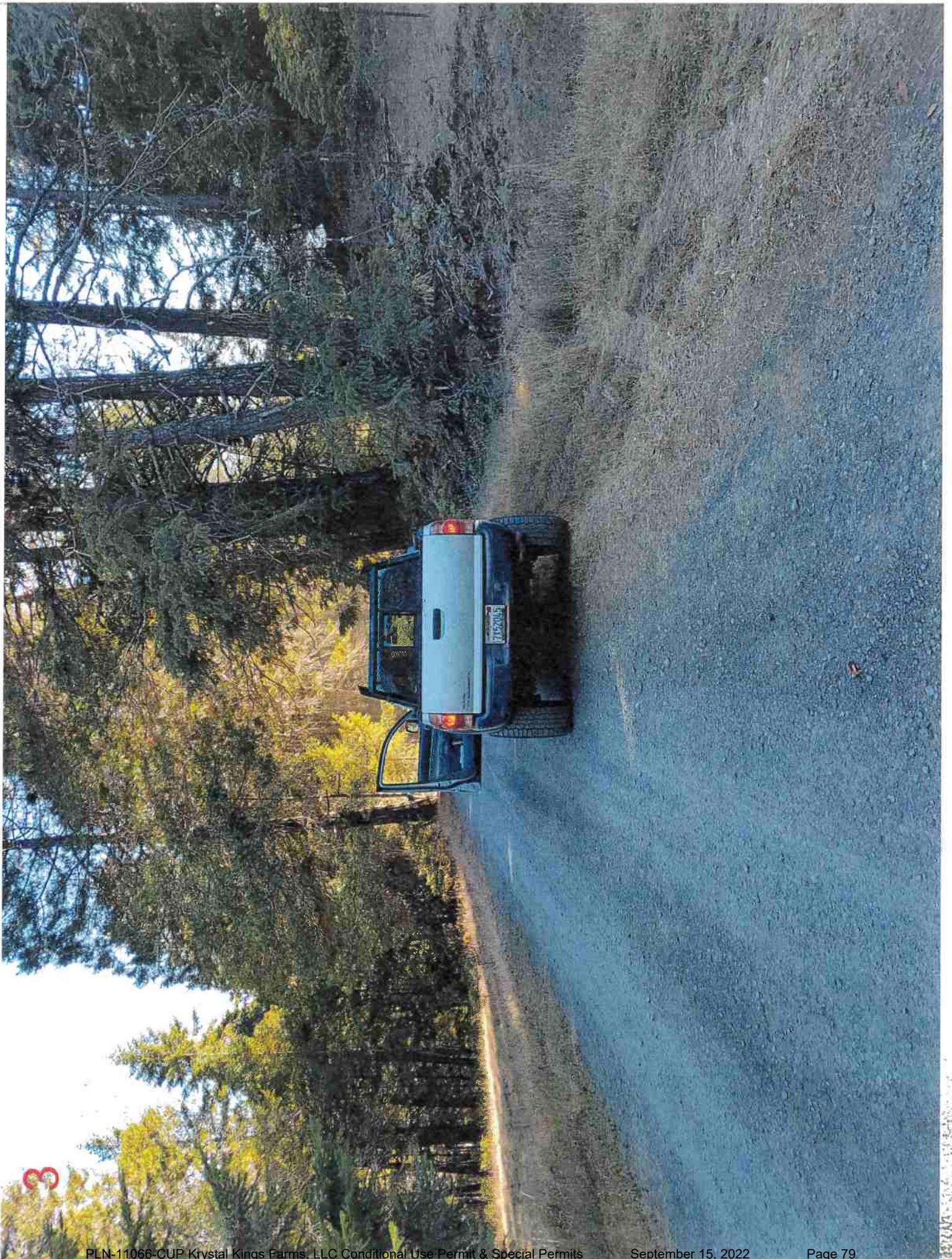
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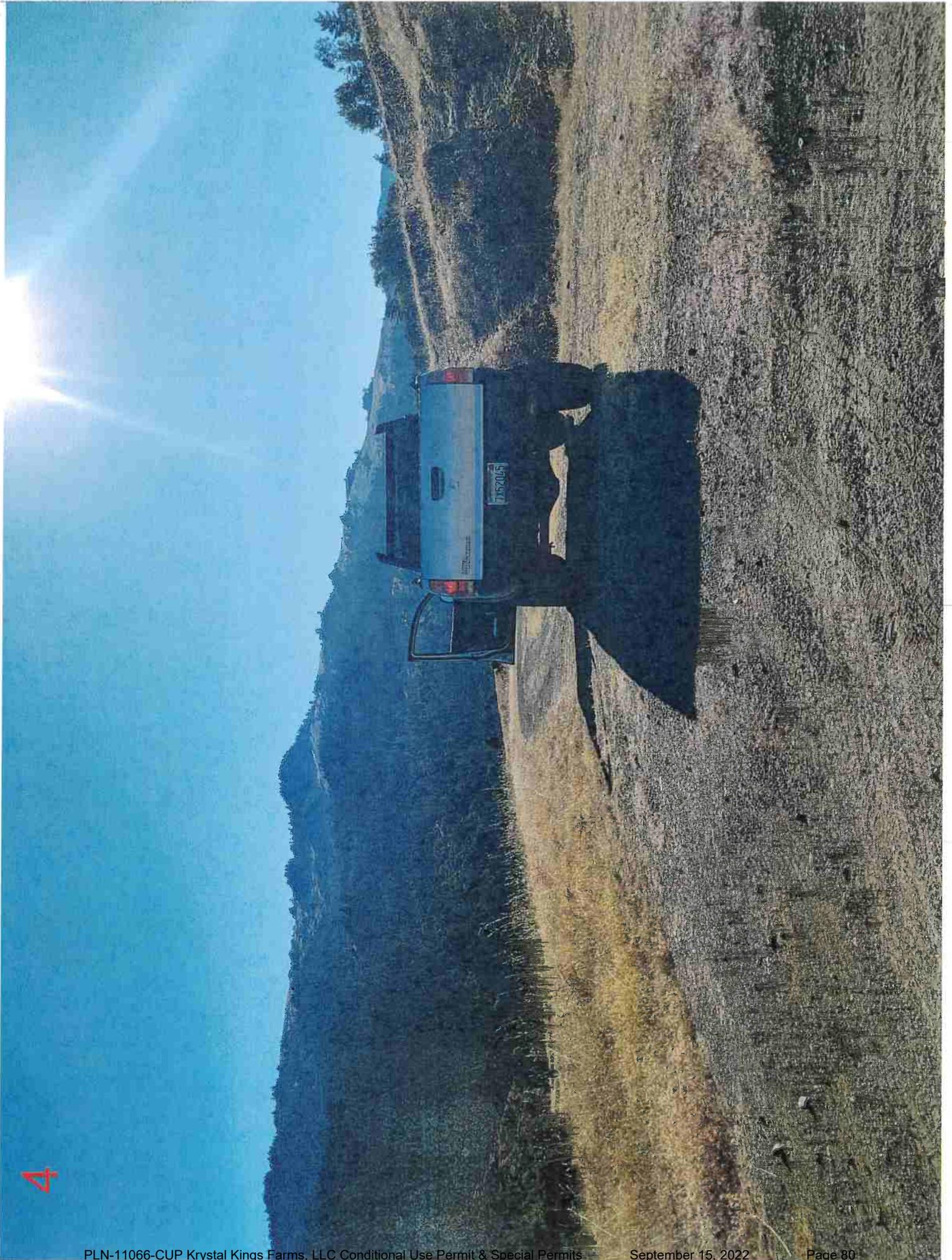
**Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.**

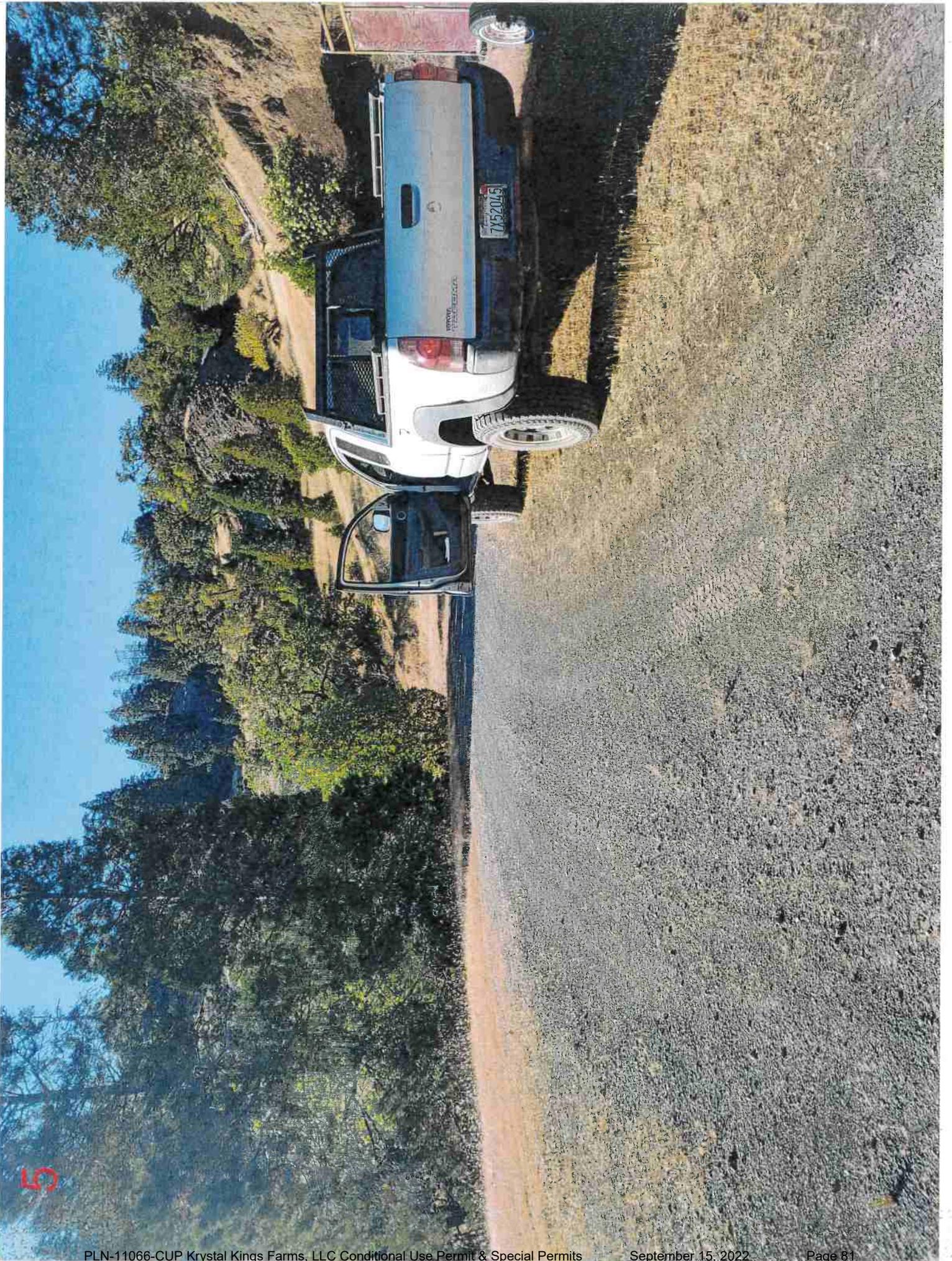


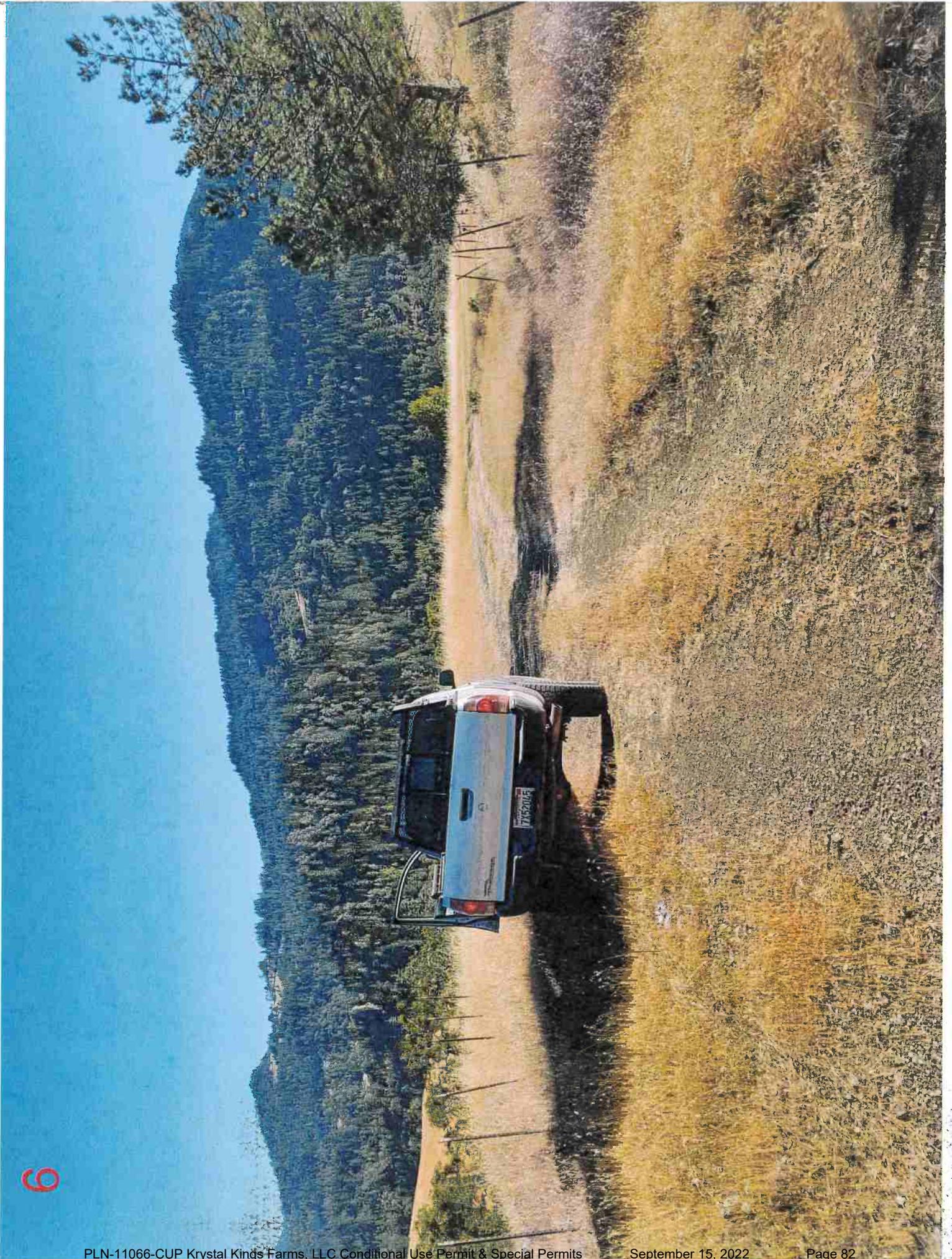




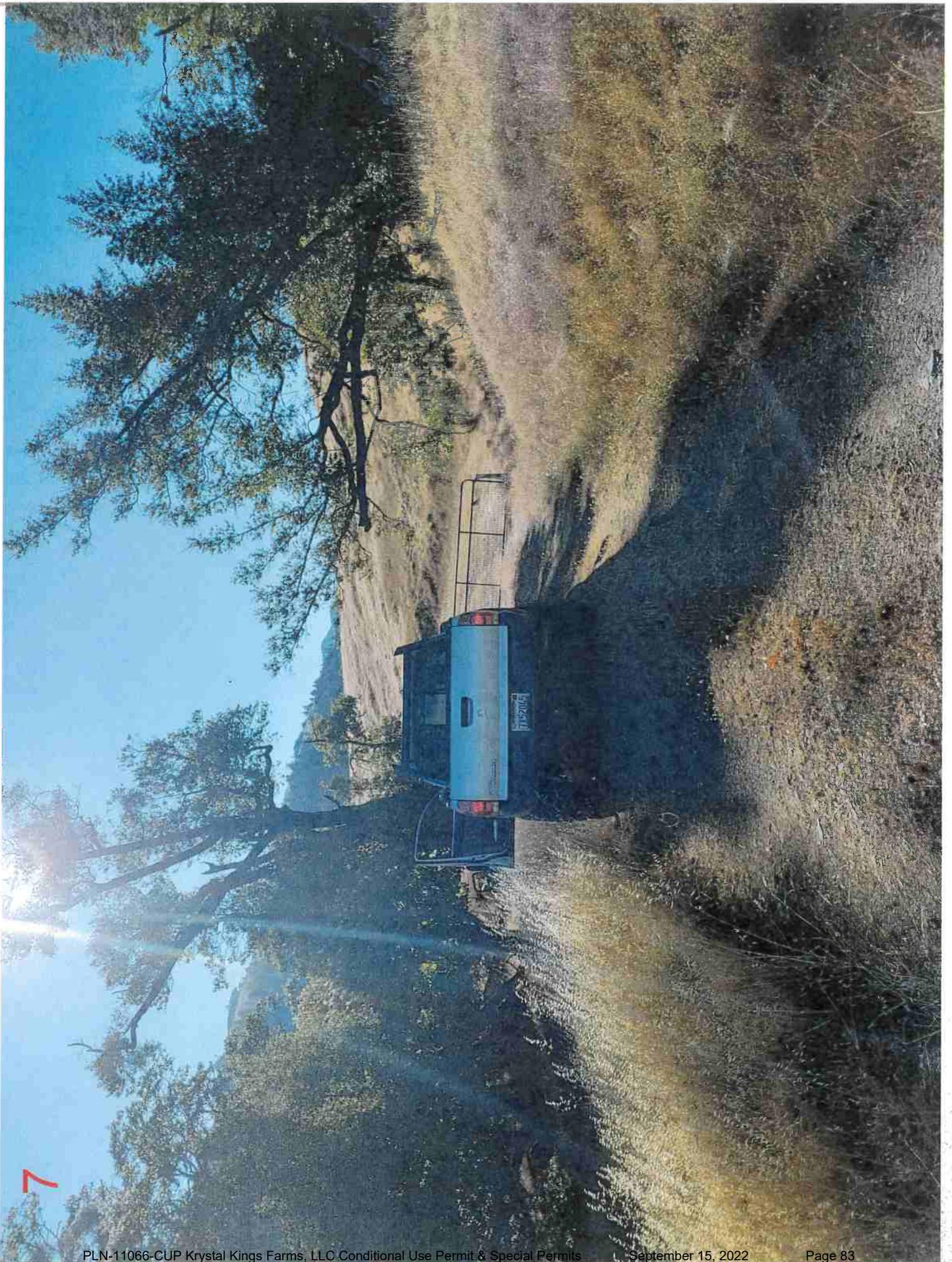


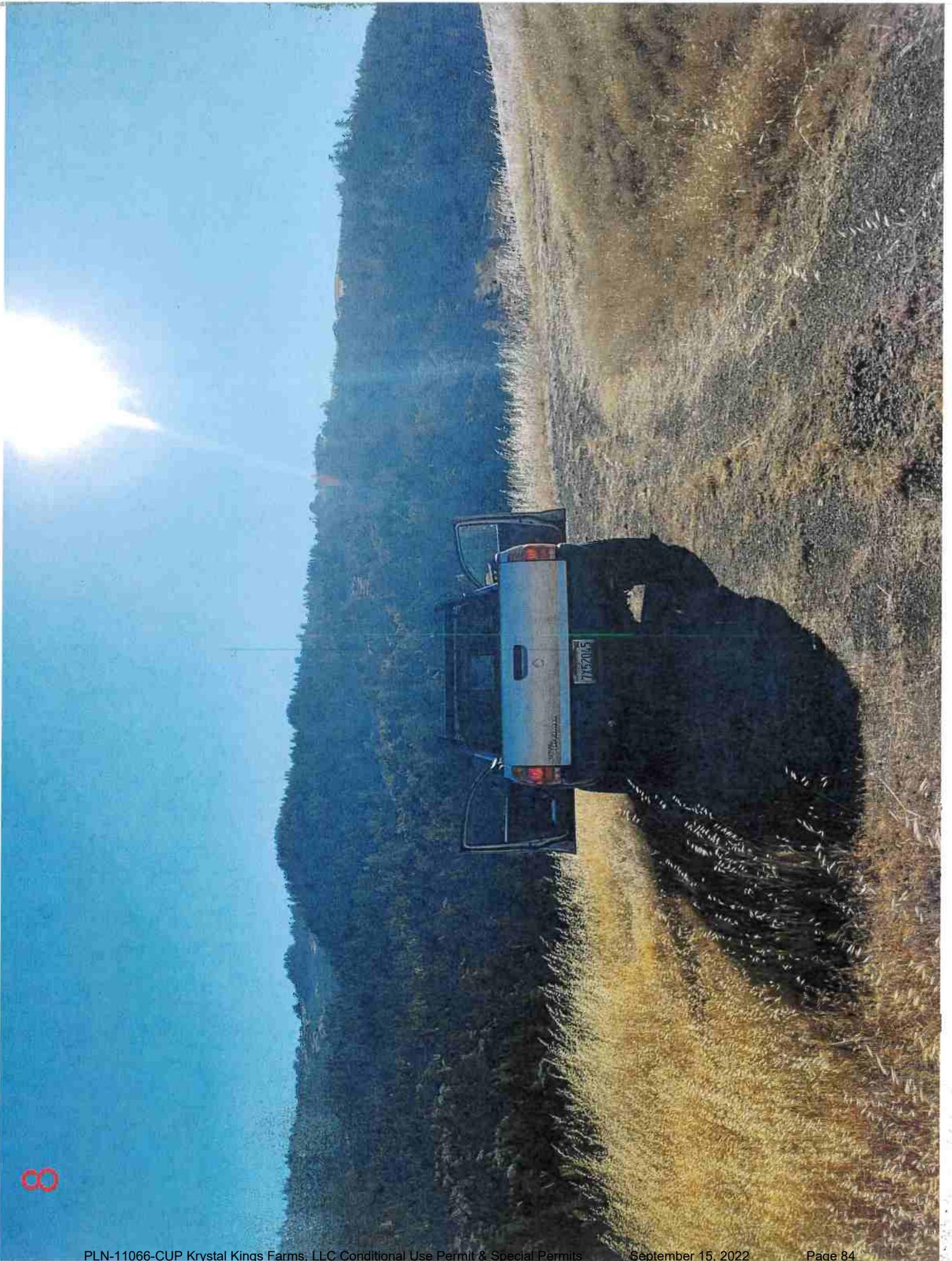


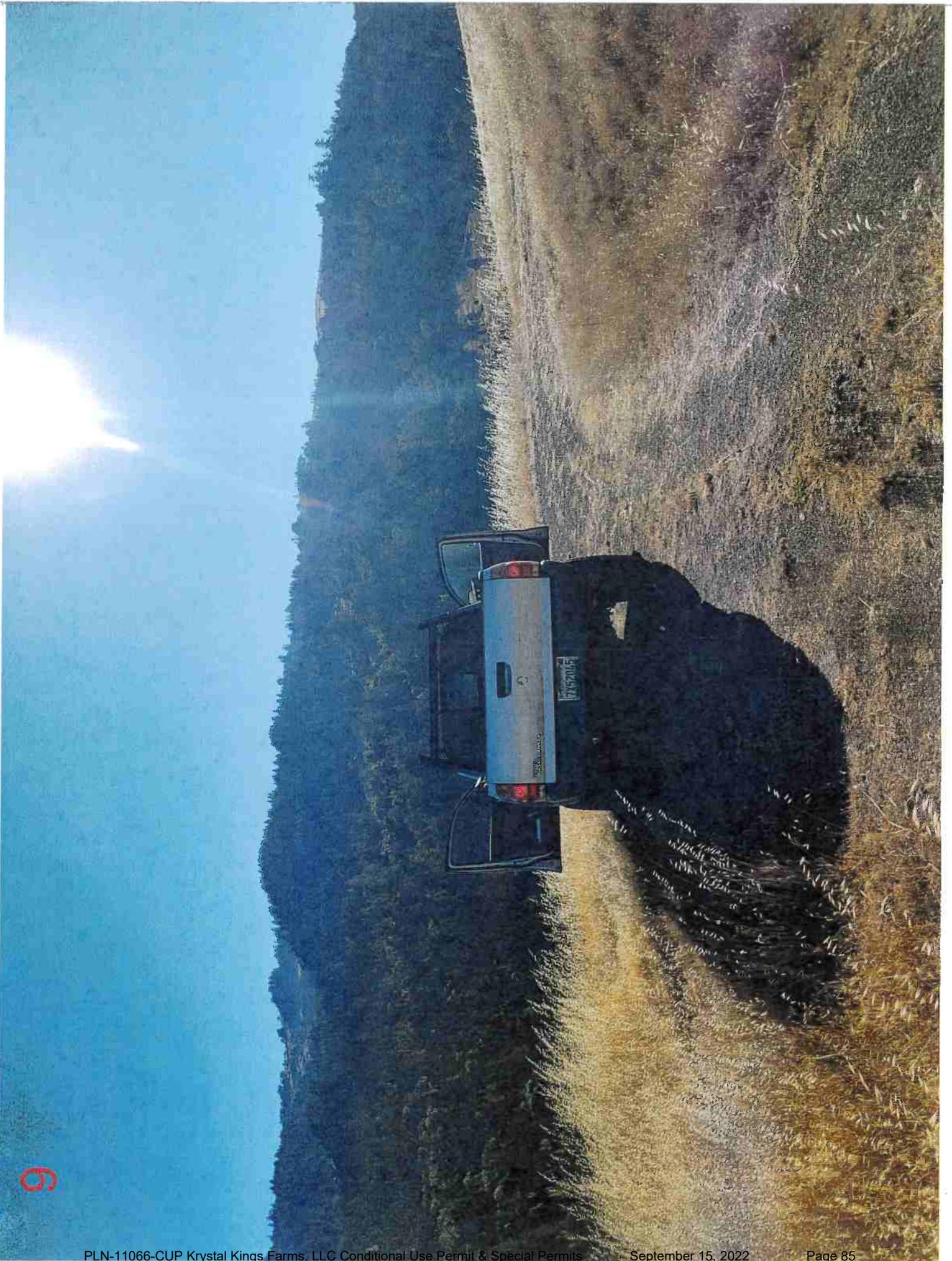




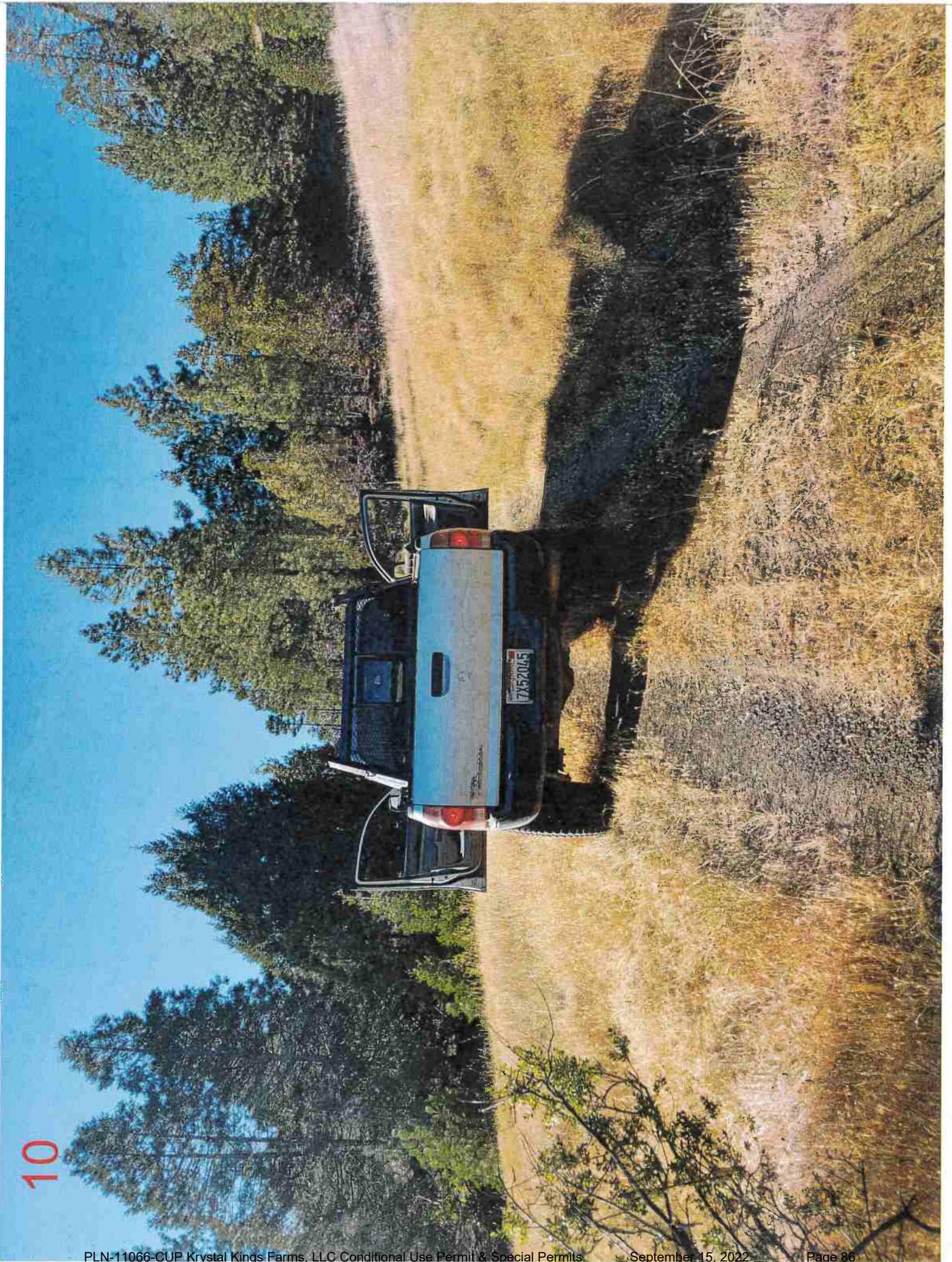
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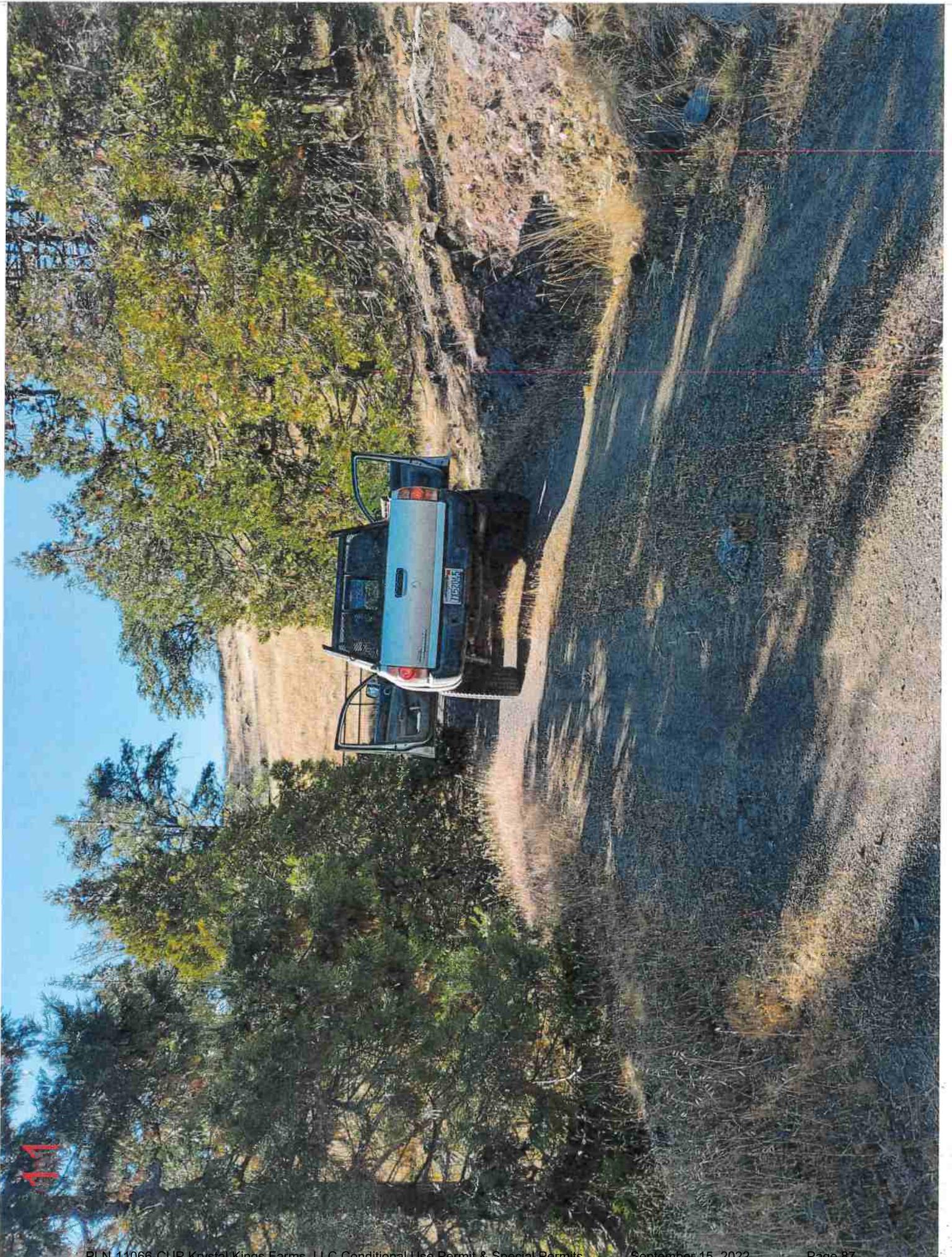


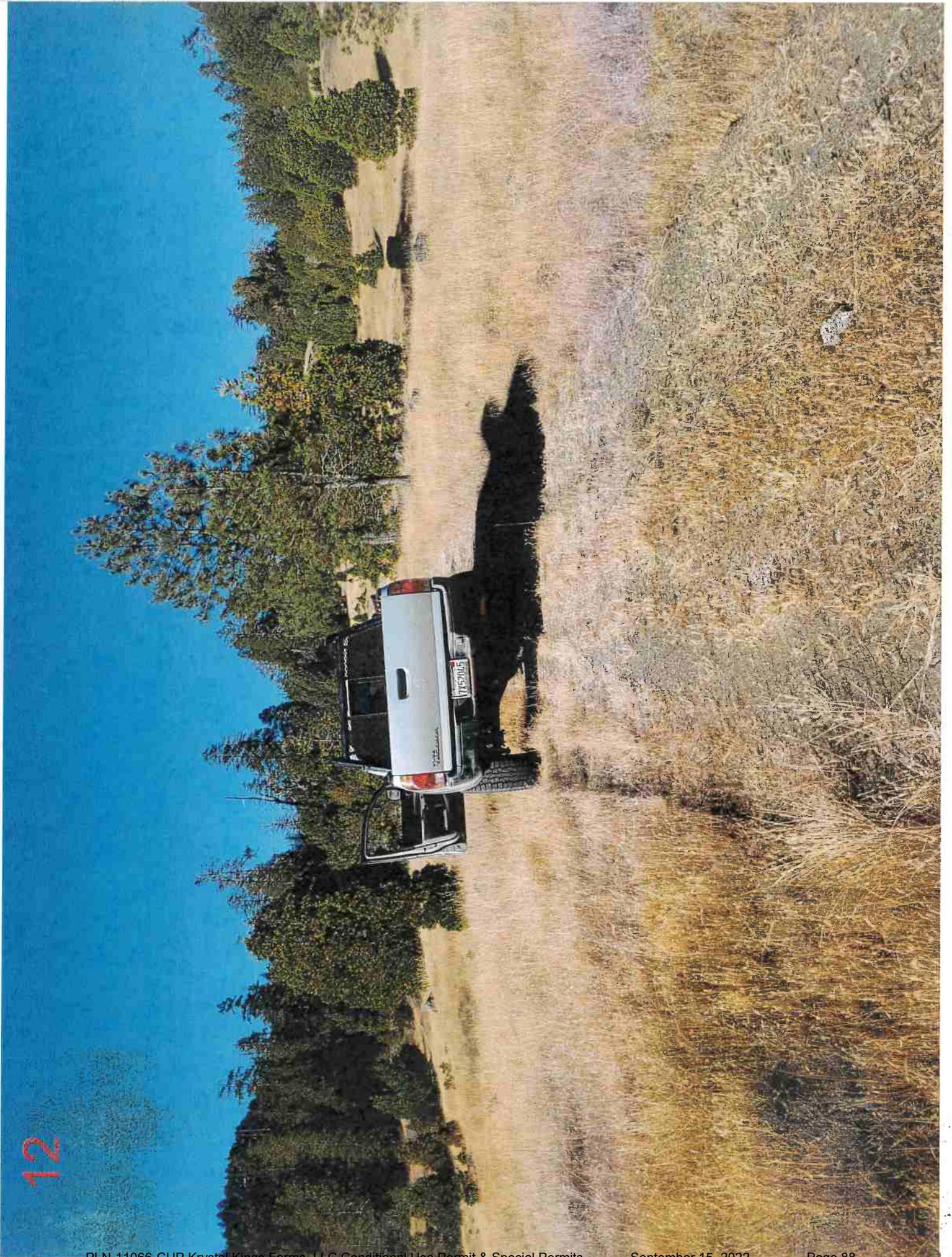


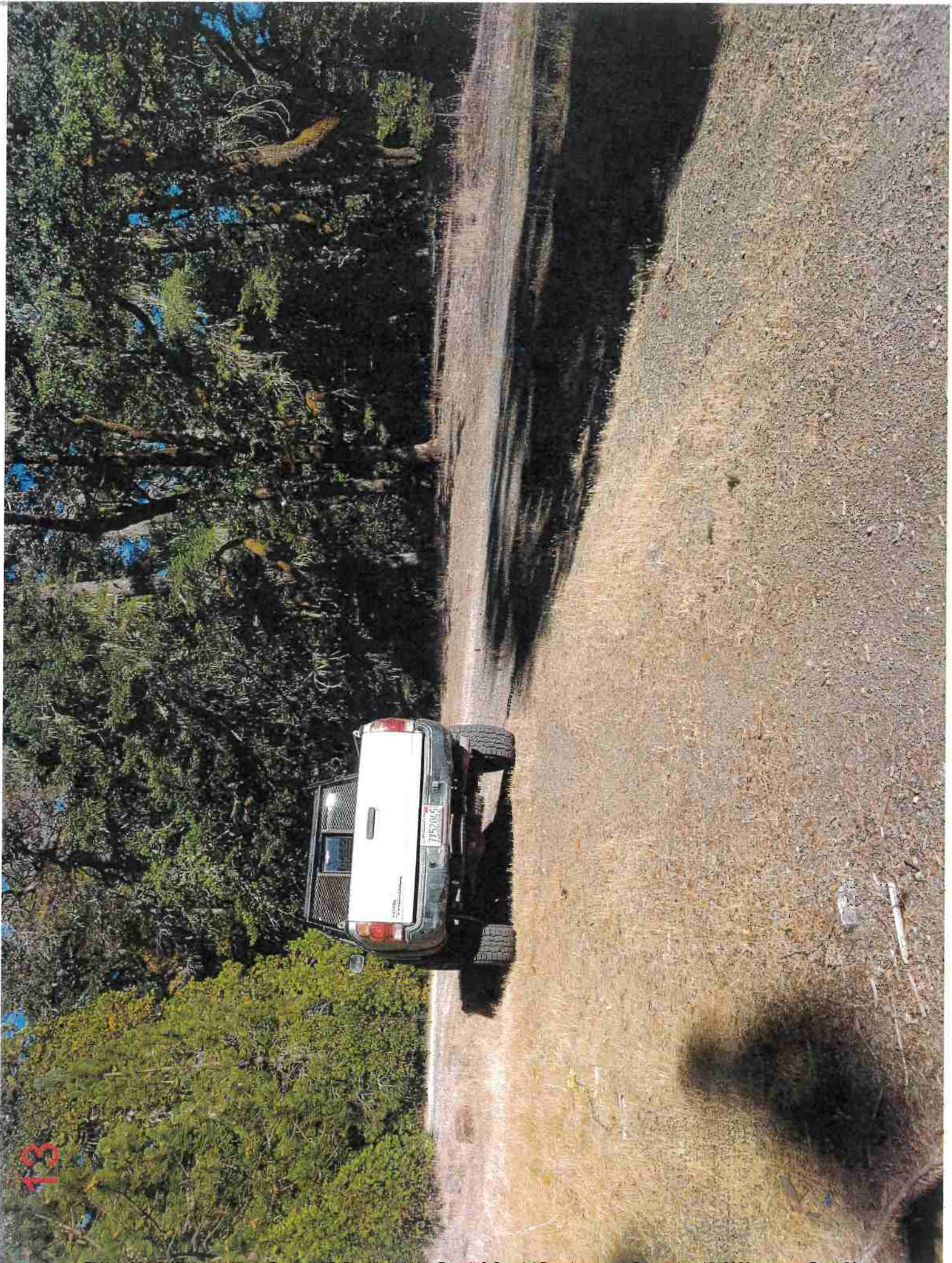
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10







13

Chapman Engineering  
P.O. Box 2756  
McKinleyville, CA 95519  
707-839-0298  
Chapman@Tidepool.com

Owner Integrated Horticulture  
Address Salmon Creek Rd  
Miranda  
AP # 221-011-021  
Date February 18, 2022

I have performed a field review of Salmon Creek Rd from the end of the pavement to the developed site on the listed parcel.

My conclusions are as follows.

Salmon Creek road is paved from the junction with Hwy 101 exit 653 a distance of 3.9 miles.

PM 3.9- PM 4.2 Category IV Rd with gravel surface. Rd jct Rt serving four parcels.

PM 4.2 – PM 4.8 Category III road serving sixteen parcels.

PM 4.8 Salmon Creek Rd junction to rt.

Unnamed ranch road to left

PM 0.0 - PM 2.0 Category II road serving nine parcels.

Unnamed ranch road is surfaced with gravel. Estimated daily traffic for non cannabis properties 2 vehicle trips per day each parcel.. Estimated traffic for single cannabis property 8 vehicle trips per day.

Total estimated traffic at peak season  $2 \times 8 + 1 \times 8 = 16$  vehicle trips

The existing category II road is adequate for all anticipated traffic at peak usage.

If you have any questions, please call me.

Thank You



## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional Approval	<b>Attached</b>
Division Environmental Health	✓	Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	On file
CAL FIRE	✓	Comments	<b>Attached</b>
Salmon Creek Response Area Fire Protection District		No Response	
California Department of Fish & Wildlife	✓	Conditional Approval	<b>Attached</b> , including Planning staff response to CDFW comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band Rohnerville Rancheria	✓	Comments	On file and confidential
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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

11/13



8/29/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone, Sheriff's Department, Salmon Creek Response Area Fire Protection District, Southern Humboldt Joint Unified School District

**Applicant Name** Krystal Kings Farms, LLC **Key Parcel Number** 221-011-021-000  
**Application (APPS#)** 11066 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-137

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 9/13/2017** 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

221-011-021

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

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

Other Comments: \_\_\_\_\_

DATE: 11/14/17 PRINT NAME: MARC PHIPPEN



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.: 44958 / 11066  
Parcel No.: 221-011-021  
Case No.: C4P16-137

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: MARC PHIPPEN

Date: 11/14/17

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

17/18-0512

RECEIVED

AUG 30 2017

8/29/2017

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone, Sheriff's Department, Salmon Creek Response Area Fire Protection District, Southern Humboldt Joint Unified School District

**Applicant Name** Krystal Kings Farms, LLC **Key Parcel Number** 221-011-021-000

**Application (APPS#)** 11066 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-137

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 9/13/2017** 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: \_\_\_\_\_

RECEIVED

12-1-17

DATE: 11/30/17

PRINT NAME: Ben Delf



2746

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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

Ref: 7100 Planning  
Date: September 12, 2017

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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Krystal Kings Farms, LLC  
**APN:** 221-011-021-000  
**Area:** Miranda  
**Case Numbers:** CUP16-137

**Humboldt County Application #:** 11066  
**Type of Application:** Conditional Use Permit  
**Date Received:** 8/31/2017  
**Due Date:** 9/13/2017

**Project Description:** A Conditional Use Permit for an existing mixed-light cultivation operation totaling 18,300 square feet (SF) in size. Irrigation is provided from a combination of surface water diversion and a permitted well that the Applicant is in the process of drilling. The surface water diversion is from a Class II stream located on the property. Water storage on-site is 20,500 gallons of rigid water tank storage, with plans to expand to 145,500 gallons with water tanks or a combination of tank storage and/or pond to meet the forbearance period from May 15th to October 31st. Water usage is anticipated to be 123,525 gallons based on 180-day growing cycle, with 115,976 gallons during the forbearance period. No employees will be hired, all work will be performed by the owner/operator. Power is provided to the property by a 75-kW diesel generator located in a small shed, and housed with a muffler to muffle the sound to less than 50dbs. All harvested cannabis will be transferred off-site to hang, dry and be processed.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## FIRE SAFE

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## RESOURCE MANAGEMENT

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

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

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

## Cannabis

### **General:**

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

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

### **State Responsibility Areas:**

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils  
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



**California Department of Fish and Wildlife  
CEQA: Project Referral Comments**

Applicant: Krystal Kings Farms LLC		Date: 2-26-19	
APPS No.: 11066	APN: 221-011-021	DFW CEQA No.: 2017-0650	Case No.: CUP16-137
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 18,300	

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.

CDFW has no record of an LSA for this subject parcel. The transmittal states that surface water diversion is utilized for irrigation. CDFW requests Notification for an LSA prior to project approval.

**Please provide the following information prior to Project Approval:** *(All supplemental information requested shall be provided to the Department concurrently)*

- If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
  - a. If the source is a well(s), provide a copy of the well completion log.
  - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
  - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- Identify all energy sources for project.

- a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment. Generators and associated fuels should be located outside of the floodplain and a minimum of 200 feet from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
  - b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro-hydropower systems located on the parcel.
- If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
  - The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat, prior to consideration of Project approval. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.

**Please note the following information and/or requested standard conditions of Project approval:**

- All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, 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.
- 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.
- 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.
- 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 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 Northern Spotted Owl (*Strix occidentalis caurina*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), 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](mailto:david.manthorne@wildlife.ca.gov) .

Sincerely,

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

**From:** [Meghan Ryan](#)  
**To:** ["Van Hattem, Michael@Wildlife"](#)  
**Cc:** ["Johnson, Cliff"](#); [Noah R. Rodriguez](#)  
**Subject:** APPS #11066, Krystal Kings Farms, LLC, APN: 221-011-021/PROJECTED HEARING DATE: March 3, 2022  
**Date:** Thursday, January 27, 2022 10:51:00 AM  
**Attachments:** [11066\\_ref\\_CDFW.pdf](#)  
[Final LSAA 8.27.2021.pdf](#)  
[11066 Site Plan 6.29.21.pdf](#)  
[11066 Timber Conversion Mitigation Plan.pdf](#)  
[11066 Biological Resource Assessment.pdf](#)

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Good morning, Mike – I hope this email finds you well. Below are the responses to CDFW comments received for the Krystal Kings Farms, LLC, project:

1. There is a Final SAA agreement with CDFW for this project. Please see attached.
2. Please see attached site plan.
3. Irrigation water is provided by a POD on Class II tributary to Salmon Creek. The applicant is also proposing to add rainwater catchment via a gutter system to a 2,000-square-foot existing barn. Total water demand is estimated at 200,000 gallons. In an average rain year, approximately 78,490 gallons of water could be captured. This represents 40% of the annual water demand.
4. A generator provides power for the project. Conditions of approval will require the generator to be contained and meet noise and light attenuation measures (e.g. noise source cannot exceed 50 dB from the source or edge of habitat, whichever is closer, and applicant must adhere to Dark Sky standards. The generator is required to be outside of watercourse setbacks as well.
5. A Biological Resource Assessment and Timber Conversion Mitigation Report were prepared for the proposed project (attached).
6. The remaining items (as applicable) are included in the conditions of approval (e.g. wildlife-proof trash receptacles and prohibition on synthetic netting).

Please let me know if you have any additional comments or questions regarding this project.

Best,  
Meghan



Meghan Ryan  
Planning Director  
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