



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

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

Hearing Date: October 7, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Sunrise Farms, Special Permits**  
Record Number PLN-12648-SP  
Assessor's Parcel Number (APN) 217-411-011  
Blocksburg area

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Please contact Christopher Alberts, Planner, at (707)-268-3771 or by email at calberts@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> October 7, 2021	<b>Subject</b> Special Permits	<b>Contact</b> Christopher Alberts
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**Project Description:** A Special Permit for 6,130-square-feet (sf) of outdoor cannabis cultivation. Propagation will occur in one 900-square-foot nursery located on APN 217-411-008 which is under the same ownership as the applicant. Water for irrigation will be provided by a registered spring diversion and an existing 607,700-gallon rain catchment pond located on the adjacent parcel (APN 217-411-009) which is under the ownership of the applicant. Water storage totals 622,700 gallons consisting of three (3) 5,000-gallon hard tanks and one (1) 607,700-gallon rainwater catchment pond. The applicant anticipates 79,150 gallons of water will be required annually for irrigation. There will be two (2) cultivation cycles occurring annually. Processing such as drying and curing will occur onsite in a 625-square-foot shop located on APN 217-411-008. There will be a maximum of five (5) employees working onsite including three (3) family members and two (2) seasonal workers. Power for the project will be provided by solar with a 4kw Isuzu backup generator. A Special Permit is also requested for the ongoing use and maintenance of the point of diversion (POD) within the Streamside Management Area (SMA).

**Project Location:** The project is located in the Blocksburg area, on the North and South side of Homestead Road, approximately 0.81 miles West from the intersection of Homestead Road and Sunrise Road, on the property known to be in Section 13 of Township 02 South, Range 04 East and Section 18 of Township 02 South, Range 05 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Residential Agriculture (RA40) General Plan 2017, Density: 40 acres per dwelling unit as specified on map, Slope Stability: High Instability (3).

**Present Zoning:** Forestry Recreation (FR), Special Building Site B-5(40)

**Record Number:** PLN-12648-SP.

**Assessor's Parcel Number:** 217-411-011

**Applicant**

Humboldt Sunrise Farms  
Melody Martin  
PO Box 245  
Blocksburg, CA 95514

**Owners**

Melody Martin  
PO Box 245  
Blocksburg, CA 95514

**Agent**

Green Road Consulting, Inc.  
Kaylie Saxon  
1650 Central Ave. Suite C  
McKinleyville, CA 95519

**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

**Humboldt Sunrise Farms**  
Record Number: PLN-12648-SP  
Assessor's Parcel Number: 217-411-011

**Recommended Zoning Administrator 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 Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section § 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Humboldt Sunrise Farms Special Permits as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Humboldt Sunrise Farms seeks a Special Permit for the continued operation of an existing 6,130-square-foot outdoor cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR) with Special Building Site B-5(40). 5,630 sf of cultivation is full sun and 500 sf occurs in a light-deprivation green house. Propagation will occur in one 900-square-foot nursery located on APN 217-411-008 which is under the same ownership as the applicant. The applicant will record an easement for the ongoing use of the nursery. Artificial lighting used for ancillary propagation and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Processing such as drying and curing will occur in a 625-square-foot shop located on APN 217-411-008. The applicant will record an easement for the ongoing use of the 625-square-foot shop. Further processing such as trimming will occur offsite at a licensed processing facility until the applicant constructs a processing facility on APN 217-411-008. There will be a maximum of five (5) employees working onsite including three (3) family members and two (2) seasonal workers. Power for the project will be provided by solar with a 4kw Isuzu backup generator. The generator will be stored in a shed and kept in secondary containment. Noise levels shall not exceed no more than 60 decibels at the property line. A Special Permit is also requested for the ongoing use and maintenance of the POD within the SMA.

**Water Resources**

Water for irrigation will be provided by a registered spring diversion and an existing 607,700-gallon rain catchment pond located on the adjacent parcel (APN 217-411-009) which is under the ownership of the applicant. The applicant will record an easement for the ongoing use and maintenance of the pond. Water storage totals 622,700 gallons consisting of three (3) 5,000-gallon hard tanks and one (1) 607,700-gallon rainwater catchment pond. The applicant anticipates 79,150 gallons of water will be required annually for irrigation. The applicant submitted a Streambed Alteration Agreement (1600-2017-0871-R1) which recommends maintenance to be done to the 18-inch culvert spillway near the 607,700-gallon pond. The applicant will submit evidence to the Planning Department of the work being completed. The applicant also submitted a Right to Divert and Use Water (Certificate No. H100109) for the onsite spring diversion. According to the water right, the applicant shall not exceed .58-acre-feet (188,994 gallons) to be collected from January 1<sup>st</sup> to December 31<sup>st</sup> annually. The proposed project is compliance with the existing water right. The project was referred to the Army Corps of Engineers who responded stating "All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). The Project does not propose to discharge dredged or fill material into waters of the United States.

## Biological Resources

According to the California Natural Diversity Database (CNDDDB), there are no endangered or threatened species of concern mapped on the parcel. The nearest Northern Spotted Owl (NSO) activity center 0.78 miles north of the project site and the nearest NSO observation is mapped approximately 0.25 miles north of the project site. Marbled murrelet habitat is mapped approximately 7.31 miles southwest from the project site. Staff does not believe the project will have a direct or indirect impact on any endangered or threatened species of concern because the cultivation is existing therefor there will be no new impacts. Power for the project will be sourced from solar with a backup generator that will be contained and the combined decibel level for all noise sources, including generators, measured at 100 ft or the nearest tree line shall be no more than 50 decibels.

## Access

The project is located in the Blocksburg area. The property is accessed via Homestead Road from Alderpoint Road. The applicant prepared a Road Evaluation Report certifying the entire road segment is developed to the equivalent of a road category 4 standard. The Department of Public Works commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). The applicant shall also pave the surface at the location Homestead Road where it meets Alderpoint Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. The project is conditioned for the applicant to adhere and implement the recommendations made by the Department of Public Works.

## Tribal Consultation

The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone Tribe. The applicant submitted a Cultural Resources Survey prepared by Archaeological Research and Supply Company dated May 2018. The survey concluded there were zero (0) significant historical or cultural resources were identified as a result of these investigation. The project has an ongoing condition to include inadvertent archaeological discovery language.

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 Zoning Administrator (See Attachment 2 for more information).

**RECOMMENDATION:** Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

**ALTERNATIVES:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.



- 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) dated September 8, 2017 was prepared by the applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A *Cultural Resources Investigation* (CRI) prepared by Archaeological Research and Supply Company dated May 2018 to show the project will not have a direct or indirect impact on cultural resources.
- e) A *Streambed Alteration Agreement* (1600-2017-0871-R1) for the 607,700-gallon rainwater catchment pond (Pond #1) located on APN 217-411-009 and the point of diversion to show compliance with the use of the pond and the spring as water sources.
- f) A *Right to Divert and Use Water* from the State Water Resources Control Board to show the applicant obtained the right to use the point of diversion as a water source for the project.

**FINDINGS FOR 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 Residential Agriculture (RA40) 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 Forest Recreation (FR) zone in which the site is located.

**EVIDENCE**

- a) The Forest Recreation (FR) 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) Accessory agricultural uses and general agriculture are principally permitted uses in FR zones.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application

for 6,130 square feet of outdoor cannabis cultivation on a 42.55-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

- d) The applicant is requesting a Special Permit for the ongoing use maintenance of the point of diversion within the Streamside Management Area per Section 314-61.1.5 HCC.

**5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The subject parcel has been determined to be one legal parcel (lot 11) as shown on Parcel Map recorded in Book 1 of Parcel Maps page 95.
- c) The applicant submitted a self-certified Road Evaluation Report which states the entire road segment is developed to the equivalent of a road category 4 standard.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The cultivation of cannabis will not result in the net conversion of timberland.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, 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 6,130 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and will safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 20 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Irrigation water will come from a Pond and a point of diversion. The applicant submitted A Streambed Alteration Agreement (1600-2017-0871-R1) for the 607,700-gallon rainwater catchment pond and the point of diversion to show compliance with the use of the pond and the spring as water sources.

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

**7. FINDING**

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

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel. The existing rainwater catchment pond located on APN 217-411-009 is located on a parcel that was included in the 2019 Adopted Housing Element Inventory. There is no new development proposed on APN 217-411-009, therefor the proposed project is consistent with the 2019 Adopted Housing Element Inventory.

**8. FINDING**

The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

**EVIDENCE**

- a) According to the California Natural Diversity Database (CNDDDB), there are no endangered or threatened species of concern mapped on the parcel. The nearest Northern Spotted Owl (NSO) activity center 0.78 miles north of the project site and the nearest NSO observation is mapped approximately 0.25 miles north of the project site. Marbled murrelet habitat is mapped approximately 7.31 miles southwest from the project site.
- b) The applicant submitted a Biological Resources Assessment prepared by Leopardo Wildlife Associates, dated August 13, 2019. The assessment concludes the proposed project will not have an impact on any sensitive threatened or endangered species.



## DECISION

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

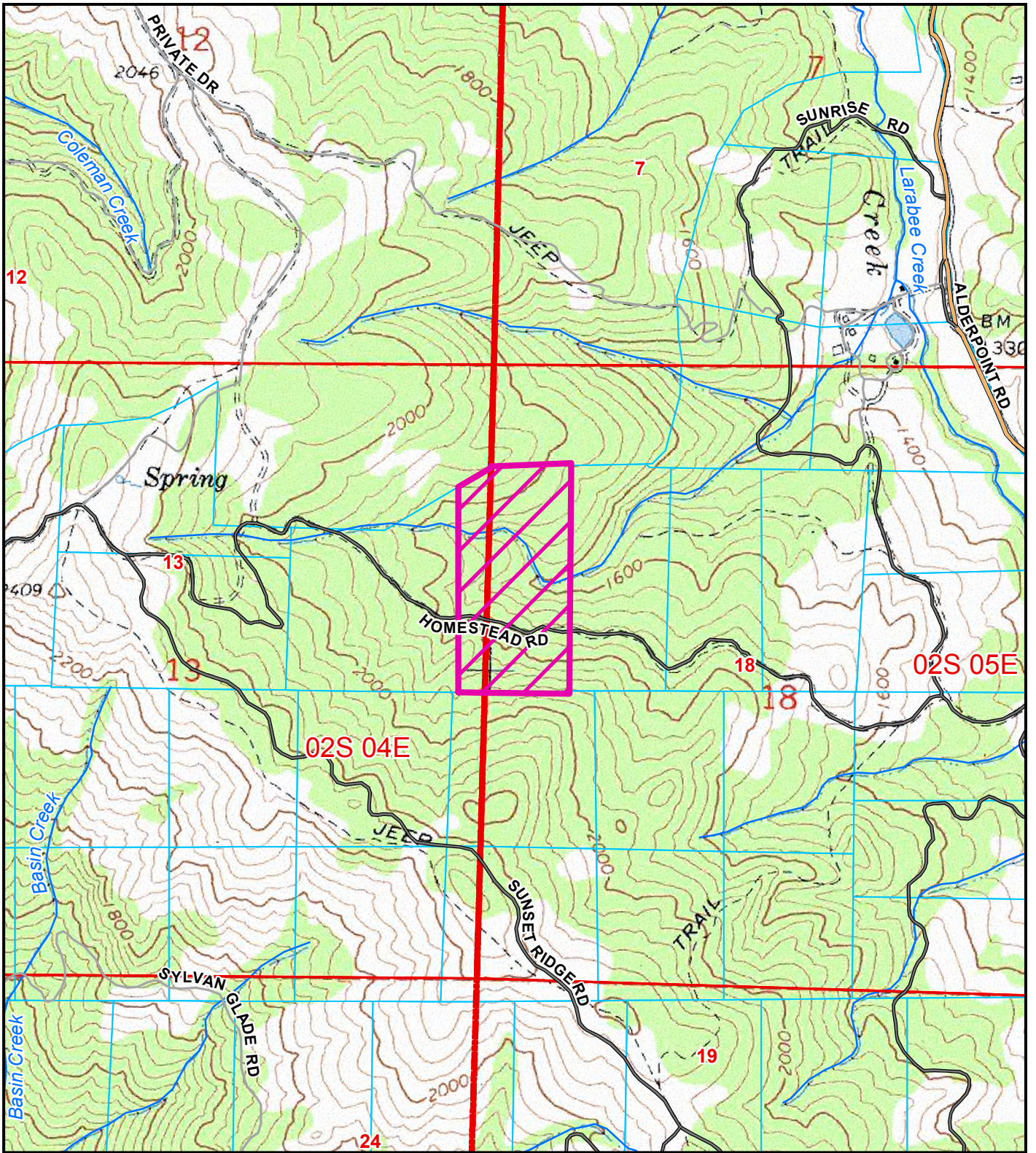
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Humboldt Sunrise Farms, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on October 7, 2021.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John Ford, Zoning Administrator,  
Planning and Building Department



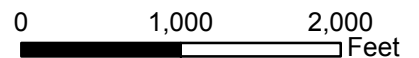
**TOPO MAP  
 PROPOSED HUMBOLDT SUNRISE FARMS  
 BLOCKSBURG AREA  
 SP-16-598**

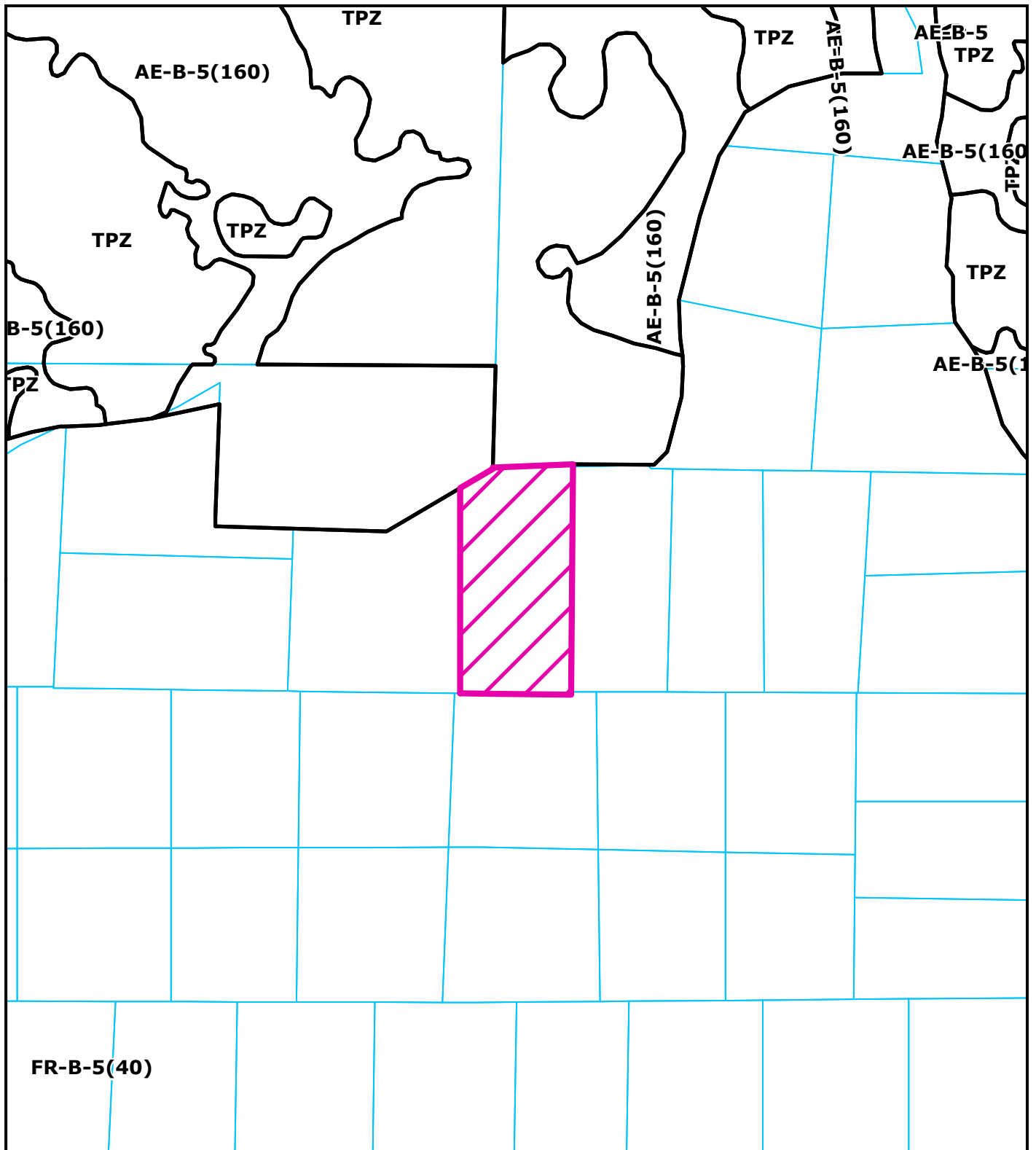
**Project Area =** 

**APN: 217-411-011  
 T02S R04E S13; T02S R05E S18 HB&M (BLOCKSBURG)**





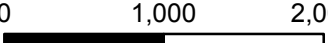
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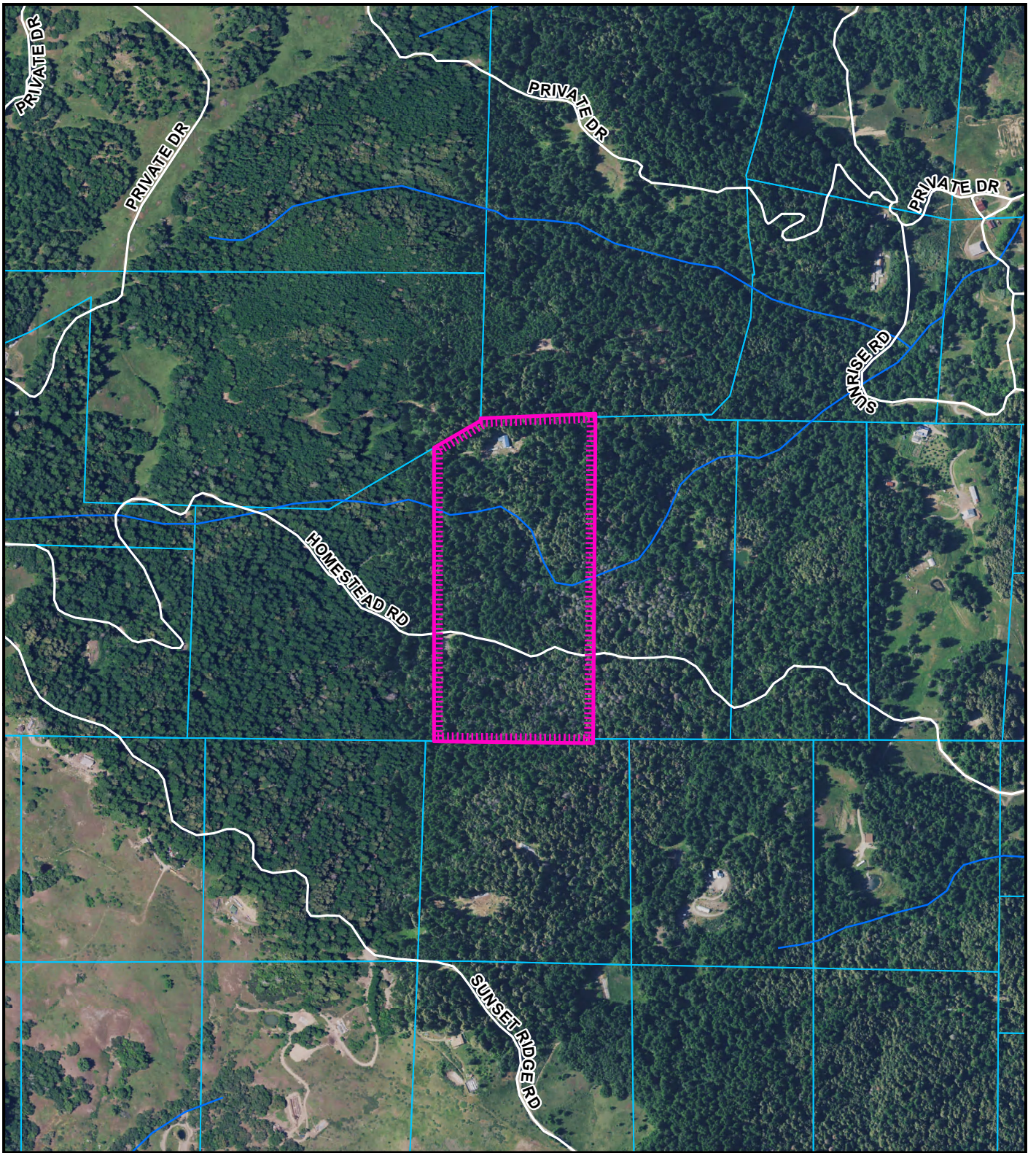


**ZONING MAP**  
**PROPOSED HUMBOLDT SUNRISE FARMS**  
**BLOCKSBURG AREA**  
**SP-16-598**  
**APN: 217-411-011**  
**T02S R04E S13; T02S R05E S18 HB&M (BLOCKSBURG)**

**Project Area =** 

  
 0      1,000      2,000  
 Feet

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



**AERIAL MAP  
PROPOSED HUMBOLDT SUNRISE FARMS  
BLOCKSBURG AREA**

Project Area = 

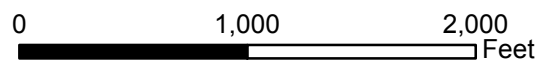
**SP-16-598**

**APN: 217-411-011**

**T02S R04E S13; T02S R05E S18 HB&M (BLOCKSBURG)**



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.

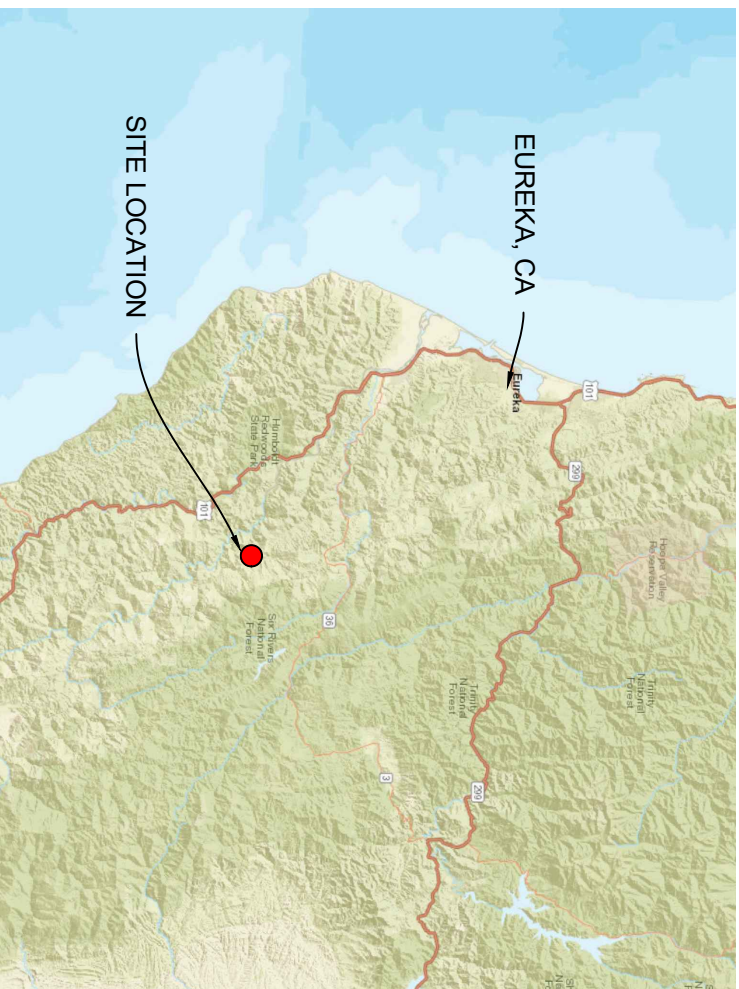


# HUMBOLDT SUNRISE FARMS:

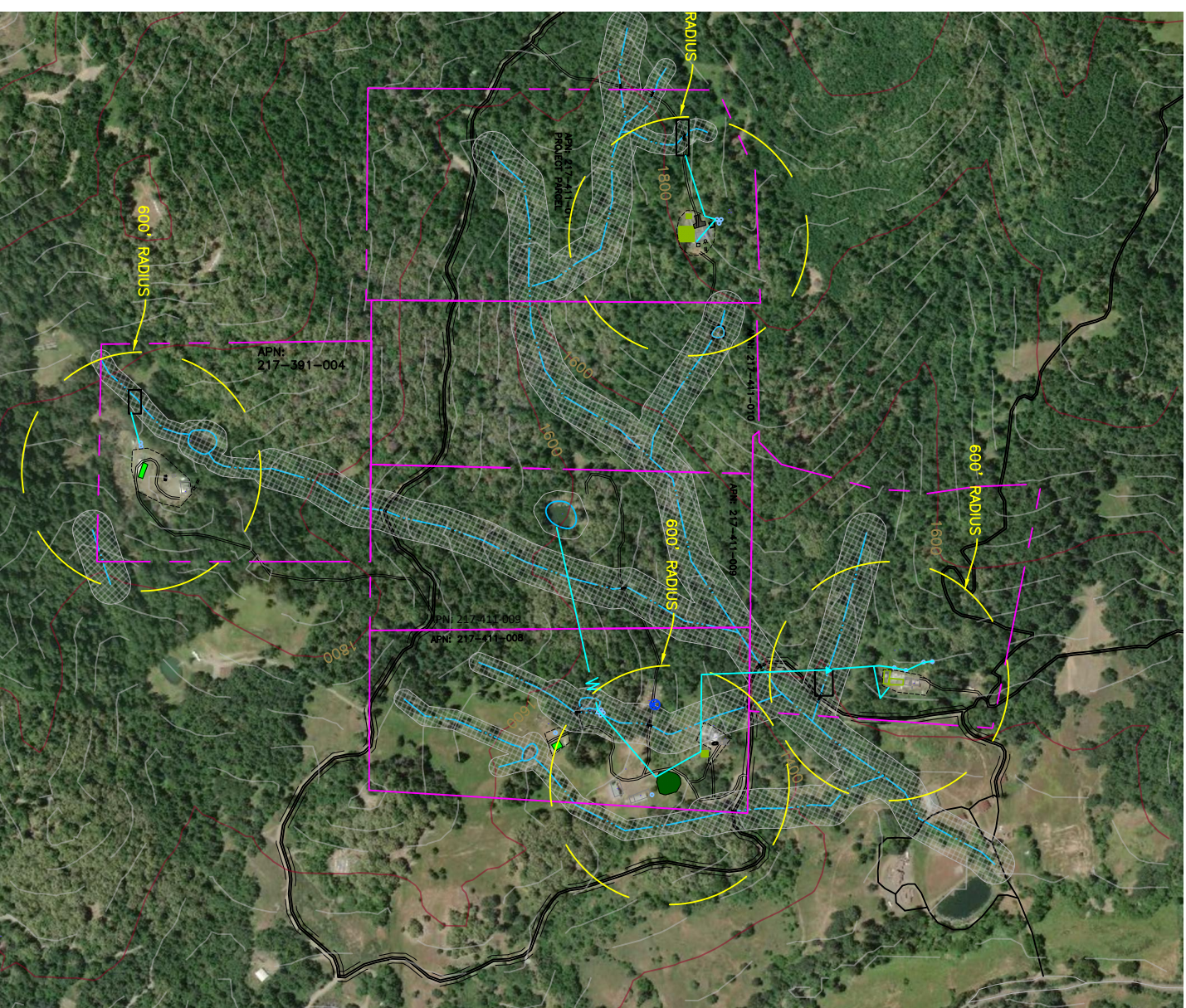
APN: 217 - 411 - 011

## VICINITY MAP

NOT TO SCALE



## AERIAL MAP



### PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON US. 101 (20 mi)
- TAKE EXIT 685 FOR CA-36E (0.3 mi)
- TURN LEFT ONTO CA-36E (24 mi)
- TURN RIGHT ONTO ALDERPOINT RD. (16 mi)
- TURN RIGHT (0.3 mi)
- CONTINUE STRAIGHT (5 mi)

### TRAVEL TIME

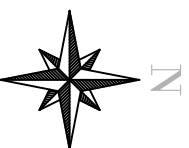
- APPROXIMATELY:
- 1 HR 35 min (63 mi)

### SHEET INDEX

- CP-COVER PAGE
- PO-PARCEL OVERVIEW

### PROJECT INFORMATION

- LAT/LONG: 40.2937 , -123.6671
- APN: 217 - 411 011
- APPLICANT: HUMBOLDT SUNRISE FARMS
- PARCEL SIZE: 42.55 ACRES
- ZONING: FR
- COASTAL ZONE: NO
- 100 YEAR FLOOD: NO
- AGENT:
- KAYLIE SAXON
- GREEN ROAD CONSULTING INC
- 1650 CENTRAL AVE. SUITE C
- MCKINLEYVILLE, CA 95519
- 707-630-5041



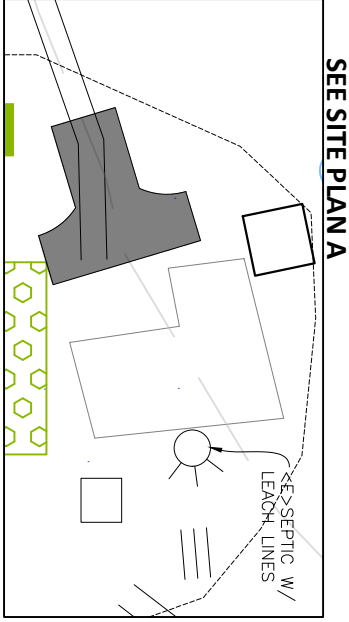
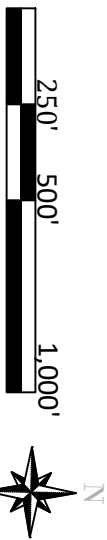
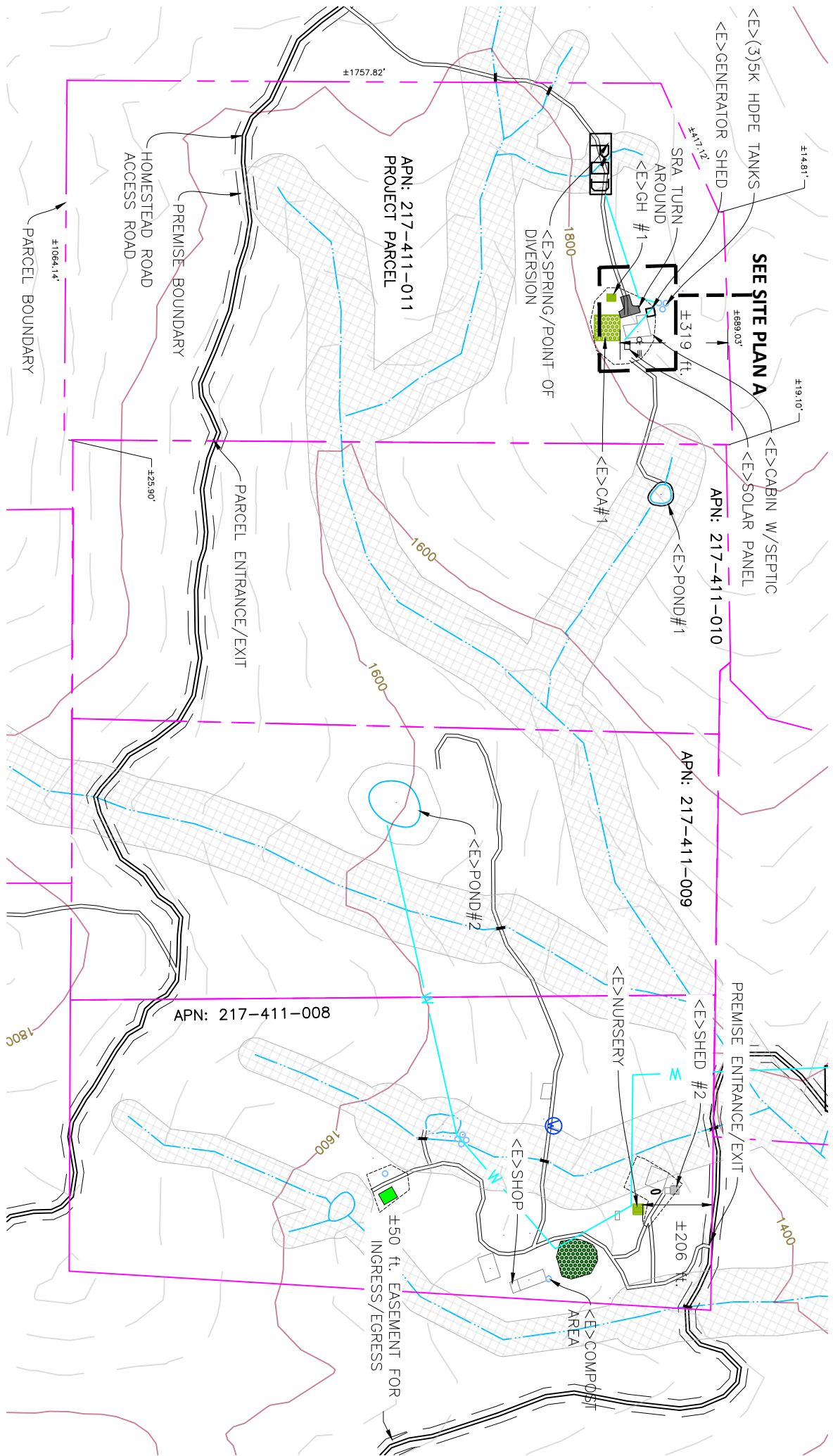
PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.

REVISIONS:		PROJECT INFORMATION	
NO.	NOTES	DATE	
			PROPERTY OWNER
			MELODY MARTIN.
			ADDRESS
			APN: 217 - 411 - 011
			SHEET INFO
			COVER PAGE



# PARCEL OVERVIEW

APN: 217-411-011



### CULTIVATION INFORMATION

EXISTING OUTDOOR CULTIVATION AREA  
 CA#1 = 75'x75' APPROX. (5,630 FT<sup>2</sup>)  
 GH#1 = 20'x25' (500 FT<sup>2</sup>)

TOTAL EXISTING OUTDOOR CULTIVATION AREA = 6,130 FT<sup>2</sup>

### BUILDINGS AND USE

CULTIVATION BUILDINGS	USE	YEAR	SIZE
NURSERY (217-411-008)	PROPAGATION SPACE	2012	30'x30'(900FT <sup>2</sup> )
SHOP (217-411-008)	FERTILIZER/NUTRIENT/ PESTICIDE STORAGE	1983	782FT <sup>2</sup> (23'x34')
SHED #2(217-411-008)	HARVESTED CANNABIS STORAGE	1983	25'x25'(625FT <sup>2</sup> )

DOMESTIC BUILDING	USE	YEAR	SIZE
CABIN	LIVING RESIDENCE	2003	3,000 FT <sup>2</sup>
GENERATOR SHED	GENERATOR STORAGE	2003	5' x 5'

### WATER STORAGE

TYPE	NUMBER	SIZE	DATE OF INSTALLATION
HDPPE TANKS	3	5,000 GALLONS	2012
POND#2	1	607,700 GALLONS	PRE-2000

TOTAL AMOUNT OF WATER STORAGE = 622,700 GALLONS

WATER SOURCE	LAT/LONG
SPRING DIVERSION SUR ID-H100109	40.2957, -123.6692

CLASS II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES  
 CLASS III DRAINAGE WITH REQUIRED 50 FT. BUFFER ZONE

COMPOST PILE AREA  
 150FT<sup>2</sup> 75'x75'(217-411-008)  
 1 SOLAR PANEL 250 WATTS  
 GENERATOR 3KW

SURROUNDING BUILDINGS  
 THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITH IN 600 FEET OF THE CULTIVATION SITE.  
 THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

### LEGEND

- WATER CROSSING
- CLASS II STREAM WITH REQUIRED 100 FT BUFFER
- CLASS III STREAM WITH REQUIRED 50 FT BUFFER
- HISTORIC FLATS BOUNDARY

### PROJECT INFORMATION

PROPERTY OWNER	MELODY MARTIN.
ADDRESS	APN: 217-411-011
SHEET INFO	PARCEL OVERVIEW



NO.	NOTES	DATE

DATE	8/13/19
DRAFTER	X
SCALE	AS SHOWN
SHEET	PO

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE SPECIAL PERMITS 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 #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall record a contingent easement regarding the ongoing use and maintenance of the 607,700-gallon rain catchment pond located on the adjacent parcel (APN 217-411-009). The contingent easement shall ensure that in the event that APN 217-411-009 is transferred to a separate ownership from the subject APN an easement for the use of the pond shall be granted to the subject parcel. Final signoff from the Planning Department

will satisfy this condition.

8. The applicant shall record a contingent easement regarding the ongoing use and maintenance of the 900-square-foot nursery located on APN 217-411-008. The contingent easement shall ensure that in the event that APN 217-411-008 is transferred to a separate ownership from the subject APN an easement for the use of the nursery shall be granted to the subject parcel. Final signoff from the Planning Department will satisfy this condition. Final signoff from the Planning Department will satisfy this condition.
9. The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Confirmation from the Department of Environmental Health that the work has been done will satisfy this condition.
10. The applicant shall submit a revised Operations Plan identifying the use of solar as the primary power source for the proposed project. Final signoff from the Planning Department will satisfy this condition.
11. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
12. The applicant shall also pave the surface at the location Homestead Road where it meets Alderpoint Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. An encroachment must be secured from the Department of Public Works before work commences within the County right-of-way Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
13. The applicant shall install water monitoring device on each source - surface diversion at the 607,700-gallon pond located on APN 217-411-009 and storage tanks applicable - to monitor water used for cannabis irrigation sperate from domestic use. Final signoff from the Planning Department will satisfy this condition.
14. The applicant shall contact the local fire service provider [Alderpoint VFC Response Area] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm"



ordinance) as required by the HCC and available at the Planning Division.

17. The applicant shall submit a revised Site Plan that includes the solar array. Final signoff from the Planning Department will satisfy this condition.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in propagation greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. 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. The applicant shall comply with the attached CDFW Bullfrog Management Plan. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
5. Fish stocking is prohibited without written permission from CDFW pursuant to Section 6400 of the Fish and Game Code.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.

10. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
13. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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.
14. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
15. Compliance with all statutes, regulations, and requirements of the 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.
16. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
17. Maintain enrollment in Tier 1, 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.
18. Comply with the terms of the Streambed Alteration Agreement (Notification No. 1600-2017-0871-R1) Permit obtained from the California Department of Fish and Wildlife (CDFW).
19. 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.

20. 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

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

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

approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in 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 217-411-011; on the North and South side of Homestead Road, approximately 0.81 miles  
West from the intersection of Homestead Road and Sunrise Road, on the property known to be in  
Section 13 of Township 02 South, Range 04 East and Section 18 of Township 02 South, Range 05  
East, Humboldt Base & Meridian, Garberville, County of Humboldt**

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

**October 2021**

## Background

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

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

The modified project involves a Special Permit (PLN-12648-SP) for an existing 6,130-square-foot outdoor cannabis cultivation. Propagation will occur in one 900-square-foot nursery located on APN 217-411-008 which is under the same ownership as the applicant. Processing such as drying and curing will occur onsite in a 625-square-foot shop located on APN 217-411-008. Further processing such as trimming will occur offsite at a licensed processing facility until the applicant constructs a processing facility on APN 217-411-008. There will be a maximum of five (5) employees working onsite including three (3) family members and two (2) seasonal workers. Power for the project will be provided by solar with a 4kw Isuzu backup generator. A Special Permit is also requested for the ongoing use and maintenance of the point of diversion (POD) within the Streamside Management Area (SMA).

Water for irrigation will be provided by a registered spring diversion and an existing 607,700-gallon rain catchment pond located on the adjacent parcel (APN 217-411-009) which is under the ownership of the applicant. Water storage totals 622,700 gallons consisting of three (3) 5,000-gallon hard tanks and one (1) 607,700-gallon rainwater catchment pond. The applicant anticipates 79,150 gallons of water will be required annually for irrigation.

The applicant currently holds three (3) approved cannabis permits (Record No's. PLN-12653-ZCC, PLN-12666-ZCC, and PLN-12285-CUP), which are on adjoining parcels to the subject parcel (APN 217-41-011). The parcels are all under the same ownership as the applicant. The total square footage between all projects will be 21,005 square feet, whereas 19,205 square feet is outdoor cultivation, and 1,800 square feet is mixed light cultivation. The total proposed annual water use between all projects is 201,678 gallons. Two of the approved projects (PLN-12653-ZCC & PLN-12666-ZCC) water source comes from an unnamed spring with a total annual water use of 27,378 gallons. The third approved project's (PLN-12285-CUP) and the subject proposed project (PLN-12648-SP) water source is from a 607,700-gallon rainwater catchment pond located on APN 217-411-009. The total annual water use from the pond will be 174,300 gallons. Staff believes the unnamed spring and the 607,700-gallon rainwater catchment pond will be able to supply the irrigation demand for the subject approved and proposed projects. Propagation for all four cannabis permits will occur within the 900-square-foot nursery greenhouse located on APN 217-411-008. The shared use of the propagation greenhouse allows for less development for propagation space and the propagation size is less than 10% of the total square footage of the cultivation.

The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral

Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone Tribe. The applicant submitted a Cultural Resources Survey prepared by Archaeological Research and Supply Company dated May 2018. The survey concluded there were zero (0) significant historical or cultural resources were identified as a result of these investigation. The project has an ongoing condition to include inadvertent archaeological discovery language.

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

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

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

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

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

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

- *Cultivation and Operations Plan* prepared by Green Road Consulting dated August 19, 2021.
- *Site Plan* prepared by Green Road Consulting dated August 19, 2021.



- *Cultural Resources Investigation (CRI)* prepared by Archaeological Research and Supply Company dated May 2018.
- *Water Resource Protection Plan (WRPP)* prepared by Green Road Consulting dated July 19, 2017.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by Green Road Consulting dated 8/13/2019 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Green Road Consulting dated 8/16/2019- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Green Road Consulting –**Attached**)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. **Attached**)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of

Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
15. Cultural Resources Survey prepared by Archaeological Research and Supply Company dated May 2018. (On file)
16. Road Evaluation by the Applicant dated July 24, 2018. (On file)
17. *Right to Divert and Use Water* for the Point of Diversion from the onsite spring dated April 4, 2018. (**Attached**)
18. Bullfrog Management Plan (**Attached**)



**GREEN  
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CONSULTING**

## **Site Plan Overview and Cultivation and Operations Plan**

**Applicant:** Humboldt Sunrise Farms Inc.

**Mailing Address:** PO Box 245. Blocksburg CA, 95514

**APN:** 217-411-011

**Agent**

Dante Hamm

Green Road Consulting, Inc.

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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## I. Site Plan Overview

### 1.0 Project Information

Humboldt Sunrise Farms (“Applicant”) is submitting this application for a Type 2 Special Permit for 6,130 square feet of existing Outdoor Commercial cannabis cultivation on a 42.55-acre parcel, located in Blocksburg, CA, Assessor’s Parcel Number (“APN”) 217-411-011.

This application is submitted through their agent, Dante Hamm of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County’s Commercial Medical Marijuana Land Use Ordinance (“CMMLUO”).

The Type 2 Special Permit would achieve the following results for the Applicant:

- a. Permit 6,130 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO and
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the State Water Quality Resource Control Board (“SWRQB”) and California Department of Fish and Wildlife (“CDFW”).

### 2.0 Project Location

The Applicant’s Parcel is located in the inland zone of Humboldt County near Blocksburg, CA. The Parcel is comprised of 42.55-acres and is identified by Assessor’s Parcel Number 217-411-011.

#### 2.1 Zoning Classification

The County’s Zoning Classification of the Parcel is FR-B-5(40) with a Current General Plan of RA40. The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as FR-B-5(40) with cultivation sites between 5,000 square feet and 10,000 square feet with a Type 2 Special Permit.

#### 2.2 Site Topography

A map of the Parcel’s topography is included as Attachment “A.”

### 3.0 Easements

The following information is taken from Exhibit “B” of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

#### EXHIBIT B

All that real property situated in the State of California, County of Humboldt, and described as follows:

#### PARCEL ONE

Parcel No. 11, as shown on that certain Parcel Map No. 64, recorded in the Humboldt County Recorder’s Office, Book 1 of Parcel Maps, pages 95 through 114, inclusive.

Reference to said Parcel Map No. 64 does not constitute a recognition or creation of any rights or easements in the roads as shown on said parcel map, said roads having been relocated and superseded by the roads shown on the Record of Survey shown in Parcel Two below.

#### PARCEL TWO

A non-exclusive easement for ingress, egress and public utility purposes, fifty (50) feet in width, the center line of which is as shown on that certain Record of Survey recorded in Book 37 of Surveys, pages 41 through 48, inclusive, Official Records, Humboldt County Records; the easement as shown on said record of survey supersedes the easements as shown on Parcel Map No. 64 referenced to in Parcel One above.

APN: 217-411-011

#### **4.0 Natural Waterways**

There is are (4) natural water courses that cross the parcel. They consist of two (2) unnamed Class II stream and two (2) unnamed Class III Drainages.

#### **5.0 Location and Area of Existing Cultivation**

The 6,130 square feet of outdoor cannabis cultivation occurs in one general area on the parcel.

##### **Outdoor Cultivation**

###### **CA#1**

The existing Outdoor Cultivation Area is located in the northern section of the parcel and consist of approximately 5,630 square feet of full-term (outdoor) cultivation.

###### **GH #1**

GH#1 is located in the northern section of the parcel and consist of approximately 500 square feet of light depravation (outdoor) cultivation.

#### **6.0 Setbacks of Cultivation Area**

All cultivation is set back from any point at the parcel boundary by a distance of 100 ft or further.

#### **7.0 Access Roads**

The Parcel is located off Homestead Rd. maintained by a road association. The closest publicly maintained Rd. is Alderpoint road, which is maintained by the County of Humboldt Public Works Department.

*The following information was taken from the Applicants WRPP. Map points called out are referencing map provided in the Applicants WRPP.*

There is approximately (1) mile of seasonal ranch road that is maintained by the Enrollee, and approximately (1) mile of permanent access road (Homestead Rd.) that is maintained by the

Larabee Creek Road Association. The ranch roads are generally in good condition with minimal evidence of surface erosion.

## **8.0 Graded Flats**

There is one historic flat which may require permitting with Humboldt County planning and Building department.

## **9.0 Existing Buildings**

### Nursey (On APN 217-411-008)

The Nursery is an existing 30'x30', it was constructed in 2012. It is used as propagation area. The nursery will contain artificial lighting.

### Shop (On APN 217-411-008)

The Shop is an existing 23'x34', it was constructed in 1983. It is used as a place of agricultural chemical storage.

### Shed#2 (On APN 217-411-008)

Shed is an existing 25'x25', it was constructed in 1983. It is used as a place of drying/ harvest storage.

## **10.0 Water Source, Storage, Irrigation Plan and Projected Water Usage**

### **10.1 Water Source**

The Applicants source of water comes from a registered spring diversion (217-411-011) Lat/Long: 40.296181, -123.665673. The spring leads into a small pond which leads into a class III stream. Due to their proximity, in the LSAA the spring and pond were combined into one project point.

### **10.2 Water Storage**

There are three (3) 5,000-gallon hardwater tanks.

The Applicant uses an off-channel pond (on parcel 217-411-009) as water storage. The ponds holding capacity is approximately 607,700 gallons. With the addition of the pond the Applicant will have enough storage to comply with the forbearance period.

### **10.3 Irrigation Plan**

The Applicant uses a combination of hand watering and drip systems for irrigation.

### **10.4 Projected Water Use**

*The Following figures were taken directly from the Applicants State Waterboard Online 2018 Cannabis Water Quality Monitoring and Reporting Program. The numbers below reflect the water used for all four of the Applicants parcels (217-411-004, 217-411-008, 217-411-011, and 217-391-004).*



March-2,688 Gal  
 April-4,205-Gal  
 May-4,720-Gal  
 June-6,450-Gal  
 July-8,063-Gal  
 August-9,718-Gal  
 September-10,013-Gal  
 October-8,937-Gal

*\*Total=54,794-Gal/Yr*

**11.0 Irrigation Runoff, Erosion Control Measures and Watershed Protection**

*The following information was taken directly from the applicants WRPP. Map points identified are referencing the maps provided in the Applicants WRPP.*

Watershed Protection

*The following information was taken directly from the applicants WRPP. Map points identified are referencing the maps provided in the Applicants WRPP:*

There are three (3) cultivation areas (**CA1, CA2 & CA3**), all of which are outside of riparian buffer zones. The residence and a permanent greenhouse formerly used for cultivation are partially within the riparian buffer zone. Additionally, there is a permanent generator, large fuel storage, and water storage tanks within the buffer. The generator and fuel storage have proper containment and cover, but they are near a steep slope leading down to a Class II/III watercourse (**MP9**). The fuel tanks and generator will be relocated out of the watercourse buffer. There are four (4) 5,000-gallon HDPE water tanks on the embankment of the catchment pond at **WS4**, which doubles as the bank of a Class II stream (**MP11**). The water tanks must be moved outside of the buffer zone to a stable location out of the stream buffer.

*Table 1. Cultivation Area summary in respect to natural slope, distance to water body, and water body classification.*

Cultivation Area (CA)	Cultivation Area (ft <sup>2</sup> )	Natural Slope (%)	Distance to Water Body (ft)	Water Body Classification
<b>Area 1 (CA1)</b>	9,500	25-30%	230	Class II watercourse
<b>Area 2 (CA2)</b>	1,000	20-25%	80	Class III watercourse
<b>Area 3 (CA3)</b>	7,700	10-15%	100	Class III watercourse

Irrigation Runoff

*The following information was taken directly from the applicants WRPP:*

There were no signs of irrigation runoff during the site investigation. The enrollee uses a combination of drip irrigation and hand irrigation techniques.

### Erosion Control

*The following information was taken directly from the Applicants WRPP. Map points identified are referencing the maps provided in the Applicants WRPP:*

There is approximately one mile of seasonal ranch road that is maintained by the Enrollee, and approximately one mile of permanent access road (Homestead Rd.) that is maintained by the Larabee Creek Road Association. The ranch roads are generally in good condition with minimal evidence of surface erosion. There are some wet spots that need to be rocked and some places where rolling dips should be installed. General road maintenance should continue to ensure stabilization of the road network. There are four (4) main flats where the residences and cultivation areas are located. Three of the flats are in ideal locations (grade <15%) and appear stable. The fourth flat has cut and fill slopes that are well vegetated and appear to be stable. Other than the general road maintenance, no significant remediation measures are required. A legacy logging road parallels a section of a Class II watercourse creating erosion in the watercourse (MP3). The section of road near the watercourse should be stabilized if feasible. The location is hard to get to with the current roads. WS3 is a small pond that is spring fed. The pond has a 12" overflow culvert that goes under the access road. The outfall of the culvert will be rocked for energy dissipation.

#### **12.0 Distances from Significant Landmarks**

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

## **II. Cultivation and Operations Plan**

### **1.0 Materials Storage**

#### Fertilizer Storage

*The following information was taken directly from the Applicants WRPP:*

No fertilizers, pesticides or soil amendments are inappropriately stored on the property. Any liquid fertilizer staged near the hard tanks shall be stored in totes to prevent the potential of spills or leakage. All fertilizers not currently in use will be stored in a covered and contained shed. All labels are kept and directions are followed when amendments and fertilizers are applied. Fertilizer shall be applied at agronomic rates. The Enrollee will keep a log of their fertilizer and amendment use for annual reporting. Amendments and potting soil will be stored in a manner that prevents it from being transported to surface or groundwater.

#### Pesticide Storage

*The following information was taken directly from the Applicants WRPP:*

Any pesticides, herbicides, or fungicides that are used should be accepted under the Legal Past Management Practices for Marijuana Growers in California. They shall be stored in plastic storage

totes in a covered building. The Enrollee will keep a log of their pesticides, herbicides, or fungicides use for annual reporting.

Generators/Noise Attenuation Measures

On average, the Applicant will run their generators approximately 2-3 hours a day (60-90hrs/month).

The Applicant has one 4kw Honda generator onsite. The specification are as follows:

Engine	Honda iGX270
Displacement	270 cc
AC Output	120/240V 4000W max. (33.3/16.7A) / 3500W rated (29.2/14.6A))
iAVR Output	5000W (41.7/20.8A) for 10 sec.
Receptacles	20A 125V GFCI Duplex (2), 30A 125V Locking Plug, 20A 125/250V Locking Plug
DC Output	12V, 100W (8.3A)
Starting System	Electric & Recoil
Fuel Tank Capacity	6.2 Gallons
Run Time per Tankful	10.1 hrs. @ rated load, 16.0 hrs. @ 1/2 load
Dimensions (L x W x H)	41.1" x 27.8" x 28.3"
Noise Level	63 dB(A) @ rated load; 61 db(A) @ 50% load <a href="#">specLink.Display</a>
Dry Weight	204 lb.

*The following infomration was taken from the Applicants Biological Resource Assessment it contains field caluculations of the noise produced from the Applicants fans and generators:*

Previously field inspected by environmental specialists and consultants, my June 12, 2019 biological reconnaissance did not observe suitable NSO nesting habitat in close association with these cannabis cultivations. Nevertheless, measuring noise levels of onsite generators and fans with an EXTECH Digital Sound Level Meter Model 407730 sound meter, I found it below the 50 decibel (dB) within 100 feet, or at the edge of habitat, the threshold for disturbance established by CDFW for NSOs in Humboldt County. Confirming the absence of wetlands and/or other sensitive habitats potentially impacted by proposed operations, I did not detect special status species in association with this project.

Decibel calculation at 100ft:

### Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level  $I_1 = 63$  dB  
at distance  
 $d_1 = 0.3048$  m = 1 ft

$$\frac{I_2}{I_1} = \left[ \frac{d_1}{d_2} \right]^2$$

then at distance  
 $d_2 = 30.48$  m = 100 ft

the inverse square law predicts a sound level  
 $I_2 = 23.0000000$  dB

[Index](#)  
[Auditorium acoustics](#)

You can explore numerically to confirm that doubling the distance drops the intensity by about 6 dB and that 10 times the distance drops the intensity by 20 dB.

[Decibel definition](#) | [Decibel calculation](#)

<http://hyperphysics.phy-astr.gsu.edu/hbase/Acoustic/isprob2.html>

Refuse/Human Waste

*The following information was taken directly from the Applicants WRPP:*

No garbage was found inappropriately stored on the property. All garbage and recyclables should be stored in watertight containers with a lid near the residence. Recycling must be stored separate from garbage. All waste material must be removed on a weekly basis to maintain a clean and sanitary site. There are two non-permitted septic systems on the property for the residences. The systems shall be back permitted if feasible or new permitted systems will be designed and installed.

Until a permit is acquired for the existing septic, the Applicant will provide those working on the site with serviceable portable toilets.

## **2.0 Cultivation Activities**

The Applicants cultivation activities may vary due the climate, strain, and Applicants personal schedule.

The light depravation cultivation schedule is as follows:

### 1<sup>st</sup> Run

March-April: Veg

April-July: Flower

July: Harvest

### 2<sup>nd</sup> Run

July-August: Veg

August-November: Flower

November: Harvest

The Applicant anticipate one annual harvest from their full-term (outdoor) cultivation the cultivation schedule is as follows.

May-June: Veg

June-October: Flower

November: Harvest

The Applicants anticipating using 2-3 family members as well as 1-2 seasonal workers for their operations.

### Employees Safety Practices

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective equipment in stock and onsite. Clean and safe drinking water will be in the form of filtered spring water. For the safety of the public and employees working while intoxicated will not be tolerated. All Employee and/or independent contractors shall be made aware of the following.

- I. Location of fire extinguishers and the "P.A.S.S" technique.
- II. List of operations manager contacts;
- III. List of emergency control contacts;
- IV. List of poison control contacts;
- V. Location of first aid kit;
- VI. Location of Restroom and hand washing stations;
- VII. Location of clean drinking water and;
- VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.

#### International Dark Sky

The Nursery will be covered with blackout tarps during sunset hours, ensuring the Applicant abides by the International Dark Sky Associations standards. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

### **3.0 Processing Practices**

Plants will be harvested by hand and taken to Parcel 217-411-008 where they will be dried.

Until the Applicant can permit an appropriate structure, the Applicant will utilize an offsite licensed third-party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

### **4.0 Security Measures**

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas. The parcel also has cell service should emergency personnel need to be reached.

# Water Resource Protection Plan (WRPP)

WDID: \_\_\_\_\_

July 19, 2017



*Prepared For:*

North Coast Regional Water Quality Control Board (NCRWQCB)

*Prepared by:*

Eric Sorensen, Project Engineer  
Eric@greenroadconsulting.com  
Green Road Consulting  
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## LIST OF ATTACHMENTS

- A. WRPP Reporting Forms
  - A.1 Order No. 2015-0023 Appendix C. Reporting Forms
  - A.2 Chemical Use Forms
  - A.3 Water Use and Cultivation Forms
- B. WRPP Monitoring Forms
- C. Order No. 2015-0023
  - C.1 Waiver of Waste Discharge Requirements
  - C.2 Appendix B: Best Management Practices
  - C.3 Appendix E.1: Legal Pest Management Practices for Marijuana Growers in California
  - C.4 Appendix E.2: Pesticide Use on Marijuana



**Client:** Melody Martin

**Land Owner:** Melody Martin

**Site Address:** 308 Sunrise Rd., Blocksburg, CA 95514

**Mailing Address:** PO Box 245, Blocksburg, CA 95514

**Parcel Numbers:** 217-411-008, 217-411-009, 217-411-010 & 217-411-011

**General Plan:** Agricultural Lands AL40(FRWK)

**Zone:** Forestry Recreation (FR-B-5(40))

**Parcel Sizes:** 40 acres each

**HUC12 Watershed:** 180101050601

## 1 INTRODUCTION

The attached report is a Water Resource Protection Plan (WRPP), designed by Green Road Consulting (GRC) for Melody Martin; parcel numbers 217-411-008, 217-411-009, 217-411-010 & 217-411-011. The purpose of this plan is to report on the current conditions of said parcel, in order to enroll and comply with the Waiver of Waste Discharge Requirements and the General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (Order No. 2015- 0023). The purpose of the order is to provide a water quality regulatory structure and thereby prevent/address poor water quality and other conditions that may have an adverse impact to water resources.

The Water Resource Protection Plan is designed to meet or exceed the requirements of Order No. 2015-0023. Specifically, the plan outlines the remediation measures needed to bring the parcel into compliance with the standard conditions specified within the order. Green Road Consulting (GRC) is working with Blair Forestry Consulting (BFC) to assess parcel for erosion and water quality issues. Information about the parcel and surrounding areas was collected through a series of site visits as well as through a variety of county, state, and private websites (USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The site maps were created using ArcMap and surveyed with a 2 to 4 meter accuracy GPS unit to document areas of improvement.

## 2 BACKGROUND

The site is located in South Eastern Humboldt County approximately 3 miles east of the City of Blocksburg which can be accessed from Alderpoint Road. The elevation of the site is approximately 1,500 feet above sea level. The site is located on a canyon with drainages across the property that flow east into Larabee Creek. Larabee Creek is a tributary to the Eel River and is on the Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Eel River Watershed is known to have Coho, Chinook, and Steelhead which are listed to be a threatened or endangered species. The hillslopes in the region are known to have high instability. The site geology is part of the Franciscan Complex which is primarily composed of Cretaceous and Jurassic sandstone with smaller

amounts of shale, chert, limestone and conglomerate. There were several unstable areas that were delineated on the Erosion Control and Sediment Map. The area was historically logged with legacy logging roads throughout the site (see Historical Imagery Map).

### 3 SITE OVERVIEW

The site has two single-family residences, greenhouses, barns, and storage sheds. Current cultivation consists of (1) 2,400 ft<sup>2</sup> greenhouse, (1) 400 ft<sup>2</sup> greenhouse and 14,600 ft<sup>2</sup> of outdoor cultivation, totaling to 17,400 ft<sup>2</sup> (see Site Overview Map). There is also a small orchard near one of the residences. The property is powered via generators and fuel is stored onsite. Some of the fuel storage tanks did not have proper containment or cover. The residence and main diesel fuel storage are within the riparian buffer zone. The site has (3) instream ponds and (2) rainwater catchment ponds. The catchment ponds and (2) of the instream ponds are used for domestic and cultivation use. The last in-stream pond is used as a stock pond for watering approximately 300 goats. The ponds were constructed 30 – 40 years ago and work will be needed to ensure they are stable with properly functioning outflows. They will also require permitting from California Department of Fish and Wild Life (CDFW) and Army Corps of Engineers to ensure they are not impairing aquatic life. In addition to the ponds, there are 37,800 gallons of hard tank storage, bringing total water storage to approximately 1,000,000 gallons. Total water use for domestic, cultivation and stock watering is approximately 300,000 gallons per year. The access roads and flats were in good condition. General road maintenance such as installation of rolling dips and addition of rock where necessary should continue. Overall the site is in good condition but has potential to impact stream systems. The processing and transportation of the Cannabis is specified in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

### 4 ASSESSMENT OF STANDARD CONDITIONS

Below is a site assessment of each Standard Condition for the said parcel. This includes a description and summary of the parcel's required remediation measures with respect to each condition. The required remediation is summarized with expected completion dates in a Table 4. Locations of erosion control and sediment delivery areas are denoted as Map Points (**MP**) in the Erosion Control and Sediment Delivery Map.

#### 4.1 Site Maintenance, Erosion Control and Drainage Features

There is approximately (1) mile of seasonal ranch road that is maintained by the Enrollee, and approximately (1) mile of permanent access road (Homestead Rd.) that is maintained by the Larabee Creek Road Association. The ranch roads are generally in good condition with minimal evidence of surface erosion. There are some wet spots that need to be rocked and some places where rolling dips should be installed. General road maintenance should continue to ensure stabilization of the road network. There are (4) main flats where the residences and cultivation areas are located. (3) of the flats are in ideal locations (grade <15%) and appear stable. The fourth flat has well vegetated cut and fill slopes that like ways appear stable. Other than the general road maintenance, no significant remediation measures are required.

#### 4.2 Stream Crossing Maintenance

There are (11) stream crossings on the property. (2) of the crossings are legacy fill crossings that have fully delivered and no longer present a threat to water quality. Another (2) are on Homestead Rd., which is maintained by the Larabee Creek Road Association. The remaining (7) are on in-use roads, flats and in-stream pond embankments. These crossings are maintained by the Enrollee and will be discussed below.

The first crossing is at **MP1** and there is no installed crossing feature. Instead, the Class III drainage flows into the inboard ditch (IBD) and flows 100+ feet down to an established Class II crossing that is off property. The Class III drainage has been highly altered upstream by skid trails, and the existing channel below the road is misaligned. A culvert must be sized, permitted, and installed to reestablish the crossing, with the outlet aligned with the existing channel. The next crossing is another Class III along the same road. The crossing is 18 in. corrugated plastic pipe (CPP) that also functions as the pond overflow for **WS1** (see Water Storage and Use Map). It appears appropriately sized and properly functioning. The other (2) stream crossings / instream pond overflows are at the **stock pond** and at **WS6** (see Water Storage and Use Map). The **stock pond** overflow is a single length of 24 in. CPP that was bent into a curve to form a downspout down the embankment. The pipe is long and discharging directly into a large boulder. It should be cut and shortened a few feet. The inlet is ratcheted down to keep from bending upward, but it is still too high. If possible, it should be lowered further. Otherwise, the overflow appears appropriately sized and properly functioning. The overflow at **WS6** is comprised of a misaligned trench overflow and a buried CPP overflow that is likely undersized. The embankment of the instream pond is also cracking and unstable. The embankment must be stabilized, and a new culverted overflow needs to be sized, permitted, and installed.

The crossings at **MP4** and **MP6 – MP8** are 24 in. corrugated metal pipe (CMP) on Class II streams. The crossing at **MP4** is adjacent to a legacy skid trail that is head cutting at the outlet. It needs armoring, but otherwise the culvert appears appropriately sized and properly functioning. The crossings at **MP6 – MP8** are on the same watercourse and they appear undersized. Additionally, the crossing at **MP6** has a shotgun outlet and the crossing at **MP8** is a long culvert (approximately 200 feet) that is poorly aligned. These three crossings must be sized, permitted, and replaced. The alignment issues at **MP8** involve a sharp bend into the culvert at **MP8** and an outlet that is approximately 6 feet west of the downstream channel. Per requests from CDFW, the channel immediately upstream of **MP8** needs to be reconstructed to widen the curve into the culvert and the outlet must be realigned to discharge into the established downstream channel.

Lastly, there are two rainwater catchment ponds, **WS3** and **WS4** (see Water Storage and use Map). The overflow at **WS3** is 18 in. CPP that is high at the inlet and partially plugged at the outlet. It needs to be unplugged at the outlet but otherwise it appears appropriately sized and properly functioning. It also appears that the outlet is hydraulically disconnected. When it requires replacement, the inlet should be lowered to allow for adequate freeboard (>1.5 feet from the top of the pipe to the top of the embankment). The overflow at **WS4** is 6 in. CPP that is undersized with a shotgun outlet that discharges directly into a Class II watercourse. The embankment of the pond doubles as the bank of the stream. It appears stable. The overflow must be sized, permitted, and replaced.

All stream crossings, culverts, or water structures shall be designed to withstand a 100-yr storm event, accounting for any debris in runoff. All in-stream work will require the appropriate notification to CDFW and to the Army Corps of Engineers before any work begins.

### 4.3 Riparian and Wetland Protection and Management

There are (3) cultivation areas **CA1, CA2 & CA3**, all of which are outside of riparian buffer zones. The residence and a permanent greenhouse formerly used for cultivation are partially within the riparian buffer zone. Additionally, there is a permanent generator, large fuel storage, and water storage tanks within the buffer. The generator and fuel storage have proper containment and cover, but that are near a steep slope leading down to a Class II/III watercourse. The storage tanks are on the embankment of the catchment pond at **WS4**, which doubles as the bank of a Class II stream. The generator, fuel storage, and tanks must be moved outside of the buffer zone to a stable, hydraulically disconnected area.

Table 1. Cultivation Area summary in respect to natural slope, distance to water body, and water body classification.

Cultivation Area (CA)	Cultivation Area (ft <sup>2</sup> )	Natural Slope (%)	Distance to Water Body (ft)	Water Body Classification
Area 1 (CA1)	8,300	25-30%	230	Class II stream
Area 2 (CA2)	2,400	20-25%	80	Class III drainage
Area 3 (CA3)	6,700	10-15%	100	Class III drainage

#### 4.4 Spoils Management

No ongoing earthwork was observed on the property. No grading spoils were observed on the site. Any spoils generated should be stored away from streams and covered with a tarp to ensure stabilization and containment. **No remediation is required.**

#### 4.5 Water Storage and Use

Water for cultivation and domestic use is sourced primarily from one spring (**WS2**), one in-stream pond (**WS6**) and 2 rainwater catchment ponds (**WS3** and **WS4**). There is also an additional spring/in-stream pond (**WS1**) and well (**WS5**) that are used for back up. Lastly, there is an in-stream stock pond used to water approximately 300 goats. Total water use is estimated at approximately 300,000 gallons per years, with most of the use occurring during the requested surface water diversion forbearance period (May 15 – Oct. 31) Water storage consists of 37,800 gallons of hard tank storage and approximately 1,000,000 gallons of pond storage, divided into 3 instream ponds and 2 rainwater catchment ponds that are 30 – 40 years old. Existing storage is sufficient to ensure summer forbearance. The Enrollee must keep a log of their monthly water use for annual reporting to NCRWQCB (see Water Use and Cultivation Forms). It is recommended that meters be installed to aid in accurate reporting and water conservation. The estimated water diversion and use for 2016 are summarized in Table 2.

Table 2. Summary of Water Diversion and Use for 2016.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
WS1 (Spring / Class III instream pond)	Domestic	Nov. 1	Mar. 31	17,300	
WS2 (Spring)	Domestic	Apr. 1	Mar. 31	5,000	
WS3 (Rainwater Catchment Pond)	Domestic / Cannabis / Fire	Nov. 1	Mar. 31	197,000	
WS4 (Rainwater Catchment Pond)	Domestic / Cannabis / Fire	Nov. 1	Mar. 31	27,700	
WS6 (Class II instream Pond)	Cannabis	Nov. 1	Mar. 31	32,500	
Instream Stock Pond	Livestock	Oct. 1	Apr. 30	139,000	
Storage	Domestic	Jan. 1	Dec. 31		30,000
Storage	Cannabis	Apr. 1	Oct. 31		174,300
Storage	Livestock	Jan. 1	Dec. 31		108,000

Table 3. Summary of Water Storage.

Water Storage Type	Size (gallons)	Number	Total (gallons)
WS1 (Spring / Class III instream pond)	50,600	1	50,600
WS3 (Rainwater Catchment Pond)	607,700	1	607,700
WS4 (Rainwater Catchment Pond)	50,600	1	50,600
WS6 (Class II instream Pond)	101,300	1	101,300
Instream Stock Pond	152,000	1	152,000
Hard Tank	5,000	7	35,000
Hard Tank	2,500	1	2,500
Hard Tank	300	1	2,500
<b>Total</b>			<b>1,000,000</b>

#### 4.6 Irrigation Runoff

There were no signs of irrigation runoff during the site investigation. The enrollee uses a combination of drip irrigation and hand irrigation techniques. **No remediation is required.**

#### 4.7 Fertilizers and Soil Amendments

No fertilizers or soil amendments were found inappropriately stored on the property. Any liquid fertilizer staged near the hard tanks shall be stored in totes to prevent the potential of spills or leakage. All fertilizers not currently in use shall be stored in a covered and contained shed. All labels are kept and directions are followed when amendments and fertilizers are applied. Fertilizer shall be applied at agronomic rates. The Enrollee must keep a log of their fertilizer and amendment use for annual reporting (see Chemical Use Form). Amendments and potting soil will be stored in a manner that prevents it from being transported to surface or groundwater. **No remediation is required.**

#### 4.8 Pesticides/Herbicides

Any pesticides, herbicides, or fungicides that are used should be accepted under the Legal Past Management Practices for Marijuana Growers in California. They shall be stored in plastic storage totes in a covered building. The Enrollee must keep a log of their pesticides, herbicides, or fungicides use for annual reporting. **No remediation is required.**

#### 4.9 Petroleum Products and Other Chemicals

There is one (1) large generator on the property near the Eastern residence and several small temporary generators near the cultivation sites and the Western residence. There are (2) large above ground diesel fuel storage tanks. One is stored under a roof with the large generator with secondary containment. The other has double wall, fire safe cover and containment. The storage tanks and large generator are located within the riparian buffer zone and they need to be moved. The other generators need proper cover and containment. Any storage tanks over 110 gallons need to be registered with the County Health Department. All liquid chemicals must be stored in totes to prevent the potential of spills or leakage. Spill cleanup kits must be kept in the chemical storage area. The Enrollee must keep a log of their chemical use for annual reporting (see Chemical Use Form). **No remediation is required.**

#### 4.10 Cultivation-Related Wastes

No cultivation wastes were found inappropriately stored on the property. Any composting and soil piles must be limited to 100 cubic yards or 250 ft<sup>2</sup>. They must also have perimeter controls and be covered during strong

winds. Any soil to be disposed of should be brought to Wes Green in Arcata for disposal. Any compost should be stored in a location and manner to ensure pollutants and residuals do not migrate or leach in to surface waters or ground water. Vegetation waste, stems, and root balls should be burned during burn season with a valid permit or otherwise appropriately disposed of. For information contact the North Coast Unified Air Quality Management District (707-443-3093). All cultivation related wastes must be collected and stored daily in suitable water tight containers.

#### 4.11 Refuse and Human Waste

No garbage was found inappropriately stored on the property. All garbage and recyclables should be stored in water tight containers with a lid near the residence. Recycling must be stored separate from garbage. All waste material must be removed on a weekly basis to maintain a clean and sanitary site. There are two non-permitted septic systems on the property for the residences. The systems shall be back permitted if feasible or new permitted systems will be designed and installed.

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AUG 07 2018

CDFW-NR



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

**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2017-0871-R1  
Unnamed Tributary to Larabee Creek, Tributary to the Eel River and the  
Pacific Ocean

Melody Martin  
Martin Water Diversion and Stream Crossings Project  
16 Encroachments

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

## RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 19, 2017, revised on April 23, 2018, that the Permittee intends to complete the project described herein.

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

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

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

## PROJECT LOCATION

The project to be completed is located within the Eel River watershed, approximately 1.5 miles NW of the town of Blocksburg, County of Humboldt, State of California. The project is located in Section 18, T02S, R05E, Humboldt Base and Meridian; in the Blocksburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 217-411-004, 217-411-008, 217-411-009, 217-411-010, 217-411-011, and 217-391-004; latitude 40.2953 N and longitude -123.6698 W at the first point of diversion (POD).

## PROJECT DESCRIPTION

The project is limited to 16 encroachments (Table 1). 11 encroachments are for water diversion from unnamed tributaries to Larabee Creek. Water is diverted for domestic use, irrigation, and fire suppression. Work for the water diversion will include use and

maintenance of the water diversion infrastructure. The five other proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, and replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Two additional stream crossings were disclosed in the notification where no work will occur, located at 40.2953, -123.6698 and 40.2957, -123.6692). These two crossings will be monitored and a new Notification will be submitted if work is proposed in the future.

**Table 1. Project Encroachments with Description. Note: Crossings # 1 and 2 were disclosed in the notification and no work is proposed.**

ID	Latitude/Longitude	Description
Crossing-3	40.2949, - 123.6610	36-inch culvert on a class II stream will be replaced with a 60-inch culvert. Work completion in 2020.
Crossing-4	40.2954, - 123.6586	24-inch culvert on a class II stream will be replaced with a 36-inch culvert. Work completion in 2018.
Crossing-5	40.2943, - 123.6588	24-inch culvert on a class II stream will be replaced with a 36-inch culvert. Work completion in 2018.
Crossing-6	40.2960, - 123.6585	30-inch culvert (~200 feet) on a class II stream will be removed and the stream channel restored. Restoration plan submitted to CDFW in 2020 and work completion in 2021.
Crossing-7	40.2948, - 123.6700	36-inch culvert a class II stream will be replaced with a 54-inch culvert. Work completion in 2021.
POD-1	40.2953, -123.6698	Spring diversion from a concrete cistern for domestic use and fire suppression. Work completion in 2018.
POD-2	40.2956, -123.6693	Spring-fed pond used for cannabis cultivation and domestic uses. Culvert spillway maintenance. Work completion in 2018.
POD-3	40.2962, - 123.6657	Class II in-stream pond future use exclusively for fire suppression. Installation of rocked spillway and increase pond freeboard to 3-ft. Work completion in 2019.
POD-4	40.2883, - 123.6644	POD is a spring/seep surface water diversion gravity fed to storage tank for domestic use. Work completion in 2018.
POD-5	40.2890, - 123.6635	POD is an on-stream pond fed by ephemeral Class III stream, used for irrigation and fire protection. The 24-inch overflow culvert will receive energy dissipating rocks at the outfall. Work completion in 2018.
POD-6	40.2937, - 123.6579	Class III on-stream stock pond for goats. Pond overflow and culvert maintenance. Completion in 2018.
POD-7	40.2978, - 123.6595	Class II water diversion used seasonally for domestic and cannabis cultivation. Work completion in 2018.
POD-8	40.2945, - 123.6589	Off-stream pond that shares an embankment with and discharges into a class II stream. An 18-inch culvert spillway with rock dissipaters will be installed. Work completion in 2018.
POD-9	40.2953, -123.66810	A shallow well is a backup water supply for domestic use. Completion in 2018.
POD-10	40.2941, - 123.6623	Spring-fed pond used for cannabis irrigation, stock watering, orchard irrigation and fire suppression. 18-inch culvert spillway maintenance. Work completion in 2018.
POD-11	40.2935, - 123.6681	Class II stream water diversion for domestic use, gravity fed to holding tanks. Work completion in 2018.



## PROJECT IMPACTS

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

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

### Impacts to water quality:

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

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

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

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

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

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 **Providing Agreement to Persons at Project Site.** The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 **Project Site Entry.** Permittee agrees that CDFW personnel may enter the project site within 24-hour notice to verify compliance with the Agreement.
- 1.5 **Adherence to Existing Authorizations.** All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.8 **Notification to the California Natural Diversity Database.** If any special status species are observed at any time during the project, the Permittee or Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at: **<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>**.

## **2. Avoidance and Minimization Measures**

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

**2.1 Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on December 19, 2017, revised on April 23, 2018.

**2.2 Listed Species.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).

**2.3 Foothill Yellow-Legged Frog (FYLF) Avoidance.** To avoid take of FYLF during its CESA candidacy period, the Permittee shall:

**A. Conduct a Pre-Construction Survey.** Within 3-5 days prior to entering or working at the Project Site, a qualified biologist shall examine the project site to determine the presence/absence of standing or flowing water, and the presence and/or the potential for presence of FYLF adults, juveniles, tadpoles or egg masses within the project area and 150 feet upstream and downstream. Prior to commencing work, Permittee shall provide to CDFW for review preconstruction survey notes and observations.

**1. If FYLF are found during the pre-construction survey, Permittee shall:**

- a) Consult CDFW immediately by either telephone or e-mail and provide a short description of observations, including a count of individuals and the life stage(s), conditions at the site, and other aquatic species observed; and
- b) Either propose site-specific mitigation measures that will be utilized to avoid take, or obtain an ITP if take of FYLF cannot be avoided. Instream work shall not commence until CDFW has provided written approval of the proposed avoidance measures or an ITP has been issued.

**2. If no FYLFs are found during the pre-construction survey and no surface water is present in the project area, work may commence without further surveys.**

3. If no FYLFs are found but surface water is present during the pre-construction survey, *or if surface water becomes present at any time during the work period*, a qualified biologist shall survey the work site each day before commencement of work activities where equipment and/or materials may come in contact with FYLFs, streams, or riparian habitat.
4. If FYLFs are observed at any time during the construction season, work in the immediate area shall be halted, CDFW immediately consulted, and conservation measures developed and agreed to by CDFW prior to recommencing work.

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

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

**D. Night Lighting.** Night lighting is not authorized by this Agreement.

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

## **Project Timing**

- 2.5 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation. Limited vegetation removal may occur outside of this work period as per Measure 2.4.
- 2.6 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2021**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.7 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW **at least 5-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

## **Vegetation Management**

- 2.8 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.9 **Vegetation Maintenance.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.
- 2.10 **Avoidance of Nesting Birds.** Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

## General Stream Protection Measures

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

first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

## **2.18 Erosion Control Measures**

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

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

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

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

## **Water Diversion**

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

- 2.20 Bypass Flow.** The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.21 Seasonal Diversion Minimization.** No more than **300 gallons per day** shall be diverted during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.22 Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.22.1** A log including the date, time and quantity of water diverted from the POD.
- 2.22.2** 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).
- 2.22.3** Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.23 Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement.

### **Water Diversion Infrastructure**

- 2.24 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.
- 2.25 Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall



not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.

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

**2.26.1** The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.

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

**2.26.3** The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.

**2.26.4** The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.

**2.27 Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

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

**2.29 Diversion Intake Removal.** Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.

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

**2.31 Diversion Infrastructure Plan (DIP).** The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the **Water Diversion Infrastructure** conditions will be achieved under this Agreement.

## **Diversion to Storage**

- 2.32 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.33 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.34 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.35 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.36 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

## **Reservoirs**

- 2.37 Reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event. Off-stream ponds shall be designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. Spillways shall be designed and placed to allow for a minimum of two-feet of freeboard.
- 2.38 Diversion. Water shall be diverted to reservoirs only if the Permittee can adhere to the diversion rate, bypass flow, season of diversion and all other relevant conditions of this Agreement.

- 2.39 No Stocking.** Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
- 2.40 Invasive Species Management for Reservoirs.** Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
- 2.40.1 Bullfrog Management Plan.** If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A and in the Reporting Measures section of this Agreement.
- 2.41 Seasonal Diversion Minimization.** To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: From November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.
- 2.42 Wildlife Entrapment Prevention.** The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW within seven (7) days of project completion as part of the work completion report.

## **Stream Crossings**

- 2.43 Road Approaches.** The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class II streams* 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 when a Stream Crossing is being constructed or reconstructed.
- 2.44 Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a stream. To minimize the potential for material to enter the stream during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.45 Runoff from Steep Areas.** The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.46 Crossing Maintenance.** The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.46.1** The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow
- 2.46.2** No heavy equipment shall enter the wetted stream channel.
- 2.46.3** No fill material, other than clean rock, shall be placed in the stream channel.
- 2.46.4** Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.46.5** Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.47 Isolation of Work Site.** Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Permittee shall adhere to the following conditions:
- 2.47.1 Stream Diversion.** Stream flow shall be diverted using gravity flow through

temporary culverts/pipes or pumped around the work site with the use of hoses.

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

**2.47.3 Stranded Aquatic Life.** Once coffer dams are installed, a qualified biologist or other qualified professional trained to identify listed species shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

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

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

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

stream immediately upon completion of work at that location.

#### **2.48 Culvert Installation.**

- 2.48.1 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.
- 2.48.2 If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is discouraged.  
[http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps)
- 2.48.3 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.48.4 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.
- 2.48.5 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
- 2.48.6 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.48.7 **Project Inspection.** The Project shall be inspected by Green Road Consulting or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of

completion of this project.

### **Stream Restoration**

- 2.49 Stream Restoration Plan.** The Permittee shall submit a Stream Restoration Plan to CDFW by December 31, 2020, prior to conducting remediation activities associated with crossing # 6. The Stream Restoration Plan (SRP) shall detail the dimensions and slopes of the stream channel to be remediated. The SRP shall describe any material utilized to restore the channel to a natural condition. The SRP shall include a revegetation plan for remediation of the impacted channel reach.
- 2.50** The Project shall be inspected by Green Road Consulting or a licensed engineer to ensure that the stream restoration was implemented as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.
- 2.51 Revegetation Plan.** The Permittee shall submit a revegetation plan with the SRP to CDFW for review and approval prior to implementation of riparian habitat restoration activities. The Revegetation Plan shall, at a minimum, include the following:
- 2.51.1** The identification of the area and vegetation types that will be restored.
  - 2.51.2** A planting design and palette appropriate to the vegetation type, cover, stratum, and level of biodiversity (i.e., species richness and composition). Use of a reference site is recommended.
  - 2.51.3** Use regionally appropriate native plants for a riparian vegetation type. The derivation of plant material such as containers, plugs, cuttings, divisions, or seeds from coastal areas of Humboldt, Del Norte and Mendocino Counties within 30 miles of the coast. All native seed material shall be from the North Coast ecoregion (Humboldt, Mendocino, Sonoma or Del Norte Counties), if practical. If quantities are not able to be satisfied from these collection sites, propagules may be obtained from other counties in Northern California with pending approval from a restoration ecologist or botanist.
  - 2.51.4** Cuttings of willows, cottonwoods conducted when dormant. Collection of cuttings within an area dispersed to maintain genetic and sexual diversity, and to avoid adversely impact existing riparian vegetation. Cuttings hydrated between harvesting and planting (e.g., soak cuttings in water several days to a week to stimulate rooting prior to planting). Cuttings planted to depth of 75 percent of their length with buds pointing up and

bottom of cutting in moist soil or water.

- 2.51.5 Planting conducted after the first seasonal rains have saturated soils beyond the first several inches (November/December) and before April.
- 2.51.6 No application of fertilizer on plants or chemical controls on weeds.
- 2.51.7 Measurable success criteria based on plant survival, density, or cover.
- 2.51.8 Monitoring conducted for a minimum of five years to determine whether the revegetation goals and objectives have been met. Remedial measures if revegetation goals and objectives are not met.
- 2.51.9 Annual status reports on the revegetation efforts shall be submitted to CDFW in the by **October 31** of each year following initial planting for the length of the monitoring period.

### **3. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 3.1 **CDFW Notification of Work Initiation.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
  - 3.1.1 Prior to commencing work, Permittee shall provide to CDFW for review preconstruction FYLF survey notes and observations.
- 3.2 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2021**. Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
  - 3.2.1 **Wildlife Entrapment Prevention for Reservoirs.** A notice of completed work, with supplemental photos, shall be submitted to CDFW
  - 3.2.2 A notice of completed work, with supplemental pictures, shall be submitted to CDFW **within seven (7) days** of project completion as part of the work completion report.
- 3.3 **Project Inspection.** The Project shall be inspected by Green Road Consulting or a licensed engineer to ensure that the stream crossings were installed as designed and/or the stream restoration was implemented as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW



within 90 days of completion of this project. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

- 3.4 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in 2018.
- 3.5 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.6 **Diversion Infrastructure Plan.** The Permittee shall submit **Diversion Infrastructure Plan** within **60 days** from the effective date of this agreement. Permittee shall allow **60 days** for CDFW review and approval after submittal of a Diversion Infrastructure Plan. This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501
- 3.7 **Invasive Species Management for Reservoirs.** The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs, **Bullfrog Management Plan (Exhibit A)** no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.8 **Stream Restoration Plan.** The Permittee shall submit a **Stream Restoration Plan** by **December 31, 2020**. The Stream Restoration Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.9 **Revegetation Plan.** The permittee submit a **Revegetation Plan** to CDFW by **December 31, 2020**, for review and approval prior to implementation of riparian habitat restoration activities (condition 2.25). The Revegetation Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.9.1 Annual status reports on the revegetation efforts shall be submitted to CDFW by **October 31** of each year following initial planting for the length of the monitoring period.

## **CONTACT INFORMATION**

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

To Permittee:

Melody Martin  
P.O. Box 245  
Blocksburg, CA, 95514  
707-926-5430  
[sunriseworm@gmail.com](mailto:sunriseworm@gmail.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program – Greg O'Connell  
Notification #1600-2017-0871-R1

**LIABILITY**

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

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

**SUSPENSION AND REVOCATION**

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

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

## **EXTENSIONS**

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

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

## **EFFECTIVE DATE**

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

## **TERM**

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

**EXHIBITS**

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

A. Exhibit A. Bullfrog Management Plan

**AUTHORITY**

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

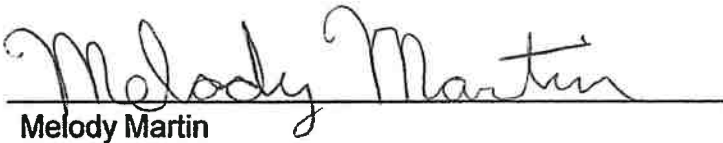
**AUTHORIZATION**

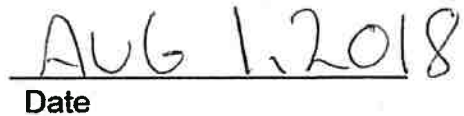
This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

**CONCURRENCE**

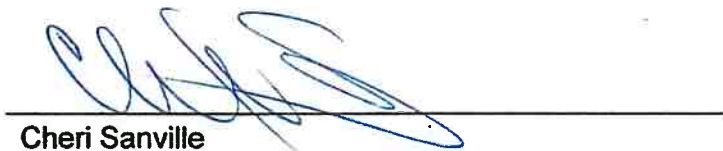
The undersigned accepts and agrees to comply with all provisions contained herein.

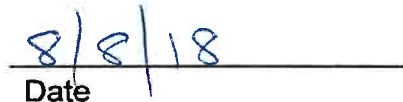
**FOR Melody Martin**

  
\_\_\_\_\_  
Melody Martin

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Cheri Sanville  
Senior Environmental Scientist Supervisor

  
\_\_\_\_\_  
Date

Prepared by: Greg O'Connell, Environmental Scientist, July 26, 2018

## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2017-0871-R1**

#### **GENERAL BULLFROG INFORMATION**

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

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

#### **MONITORING**

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

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

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

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

#### **SUCCESS CRITERIA**

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

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

## **OPTIONS FOR MANAGEMENT**

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist Greg O'Connell at [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov)

### **Direct Removal**

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

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

### **Management Authorization**

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

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

### **Pond Dewatering**

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

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

### **REPORTING**

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

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



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





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



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



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

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION *H500843*

CERTIFICATE *H100109*

Right Holder: *Melody Martin  
308 Southwest Sunrise Road Road  
Blocksburg, CA 95514*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *04/11/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
POD7	Unnamed Stream	Larabee Creek	Eel River	40.2978	-123.6595	Humboldt	217-411-004
POD4	Unnamed Spring	Larabee Creek	Eel River			Humboldt	217-391-004
POD2	Unnamed Spring	Larabee Creek	Eel River			Humboldt	217-411-011

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	217-411-008	0.2
Irrigation, Fire Protection	Humboldt	217-411-011	0.05
Irrigation, Fire Protection	Humboldt	217-391-004	0.045

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *06/22/2018*.

The place of use is shown on the map filed on *06/22/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.58 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.583 acre-

feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

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

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

14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal

downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 06/22/2018 10:32:12

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## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN**

#### **GENERAL BULLFROG INFORMATION**

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

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

#### **MONITORING**

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

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

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

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

#### **SUCCESS CRITERIA**

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

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

## MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

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

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

### Management Authorization

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

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

### Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure

potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

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

## REPORTING

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

## APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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



## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional Approval	<b>Attached</b>
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
CalFIRE	✓	Note- No comment at this time	<b>Attached</b>
Army Corps of Engineers	✓	Conditional Approval	<b>Attached</b>
Sheriff		No response	
California Department of Fish & Wildlife	✓	Conditional Approval	<b>Attached</b>
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band Rancheria	✓	Comments	On file and confidential
Southern Humboldt JT		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
District Attorney		No response	
County Counsel		No response	
AG Commissioner			
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



12/6/2017

**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, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

217-411-011

**Applicant Name** Melody Martin **Key Parcel Number** 217-411-011-000

**Application (APPS#)** 12648 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-598

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 12/21/2017**

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

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

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

DATE: 1/24/18

PRINT NAME: Rudy Maresghis



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.: 45459/12648 (Apps #)  
Parcel No.: 217-411-011  
Case No.: SP16-598

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: \_\_\_\_\_  
-Drying done in greenhouse  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Rudy Marenghi

Date: 1/24/18

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



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

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

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Applicant Name Melody Martin Key Parcel Number 217-411-011-000

Application (APPS#) 12648 Assigned Planner Rodney Yandell (707) 268-3732 Case Number(s) SP16-598

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

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

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

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

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

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We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

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

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



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

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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 7-31-2018

RE:

Applicant Name	Melody Martin
APN	217-411-011
APPS#	12648
CASE#	SP16-598

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //

# Exhibit "A"

## Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12698

**COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

**COUNTY ROADS- DRIVEWAY (PART 1):**

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

**COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

**COUNTY ROADS- DRIVEWAY (PART 3):**

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

**COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

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

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

**COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

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

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

**COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

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

**COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //

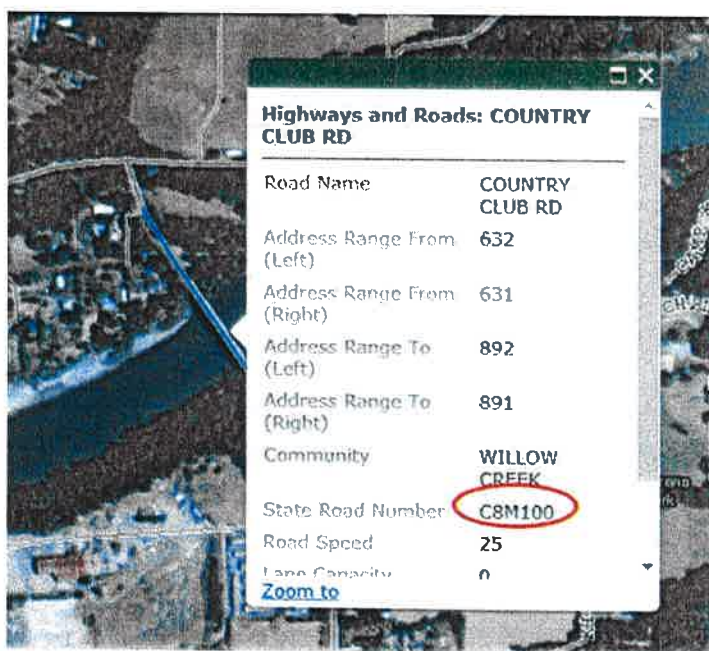
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

- ABCDDD**
- A3 M 0 2 0 Murray Road
- F 6 B 1 6 5 Alderpoint Road
- 6 C 0 4 0 Thomas Road

# Exhibit "D"

## Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

**Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.**

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All



**Exhibit "D"**

**Road Evaluation Reports**

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

<b>List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range not meeting (or not equivalent to) Road Category 4 standard</b>
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**



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

Ref: 7100 Planning  
Date: December 8, 2017

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

**Attention:** Cannabis Planner  
**Applicant:** Melody Martin  
**APN:** 217-411-011-000  
**Area:** Blocksburg  
**Case Numbers:** SP16-598

**Humboldt County Application #:** 12648  
**Type of Application:** Special Permit  
**Date Received:** 12/8/2017  
**Due Date:** 12/21/2017

**Project Description:** A Special Permit for an existing 8,200 square foot (SF) outdoor medical cannabis cultivation operation. Water for irrigation is provided by a water storage pond located on an adjacent parcel (APN: 217-411-010). There is 15,000 gallons of water storage on the subject parcel and 101,600 gallons of storage in the pond on APN: 217-411-010. Drying will occur on the subject parcel while other processing activities including drying, curing and trimming will occur on APN: 217-411-008. Family and collective members will access the site to meet processing needs. Power is provided by a generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
  - During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
  - During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
  - There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
  - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

## RESOURCE MANAGEMENT

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

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

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

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

### **General Recommendations:**

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

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.
5. Humboldt County Ordinance 55.4.11(u) (a) states; "Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise." Failure to shield artificial light during the night creates a light pollution that is easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.



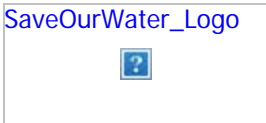
**From:** [Titus.Lucas@CALFIRE](mailto:Titus.Lucas@CALFIRE)  
**To:** [HUU.CEOA@CALFIRE](mailto:HUU.CEOA@CALFIRE); [Planning Clerk](#)  
**Subject:** APN# 217-411-011 Melody Martin APPS# 12648  
**Date:** Monday, December 18, 2017 11:50:31 AM

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Resource Management has no comments regarding this project at this time.

Lucas Titus  
Forester I, Bridgeville Resource Management  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Humboldt-Del Norte Unit  
Office (707)777-1720  
Cellular (707)599-6893

Every Californian should conserve water. Find out how at:



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



**12/6/2017**

**PROJECT REFERRAL TO: United States Army Corps of Engineers**

**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, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

**Applicant Name** Melody Martin **Key Parcel Number** 217-411-011-000

**Application (APPS#)** 12648 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-598

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 12/21/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_





**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398

December 19, 2017

Regulatory Division

SUBJECT: File Number 2017-618N

Melody Martin  
PO Box 245  
Blocksburg, California 95514

Dear Ms. Martin:

This letter is written in response to a request for comments by the Planning Commission Clerk, County of Humboldt Planning and Building Department, dated December 6, 2017 concerning a proposal by Melody Martin to seek out a special permit for an existing 8,200 square foot outdoor medical cultivation operation. The project is located in the Blocksburg area, on the North and South side of Homestead Road, approximately 0.81 miles West from the intersection of Homestead Road and Sunrise Road (APN 217-411-011), in Humboldt County, California. The applicant proposed activities include drying, which will occur on the subject parcel, while other processing activities including drying, curing, and trimming will occur on APN 217-411-008. Water for irrigation is provided by a water storage pond located on an adjacent parcel (APN 217-411-010) and there is 15,000 gallons of water storage on the subject parcel and 101,600 gallons of storage in the pond on APN 217-400-010. Since this activity may involve impacts to wetlands adjacent to other waters of the United States and, therefore, may impact a water of the U.S.; the United States Army Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction. **Please note:** Cultivation of marijuana is considered a crime under Federal law and, therefore, the Corps is unable to issue a 404 CWA permit for any discharge of fill into waters of the United States associated with this project. We recommend that the project be designed to avoid all impacts to jurisdictional waters of the United States, including Basin Creek, its tributaries, and any adjacent wetlands that may be present.

We further recommend that a jurisdictional survey (delineation) be conducted for your property and an illustrated and scaled topographic map, or site plan provided to this office for verification. When this document is forwarded, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps will verify the jurisdictional boundary along one or more transects and may visit random intermediate points. All delineations of wetlands must be conducted in accordance with the 1987

Corps of Engineers Wetlands Delineation Manual, or appropriate Regional Supplement, and submitted to the District for review and verification. Two Regional Supplements have been approved for use within the boundaries of the San Francisco District: the Arid West Supplement, and the Western Mountains, Valleys and Coast Supplement. Copies of these documents are available to download on our website: <http://www.spn.usace.army.mil/Missions/Regulatory/JurisdictionDeterminations.aspx>.

Corps staff will do the jurisdictional mapping, if you so choose. However, due to limited staff and resources, response time can be several months or longer. To expedite this process, the San Francisco District encourages applicants to use consultants to conduct wetland delineations, especially for large and/or complex areas. The San Francisco District is not authorized to recommend any private consulting services and advises applicants to check references and referrals of prospective consultants before contracting services.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board and California Department of Fish and Wildlife offices to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

You may refer any questions on this matter to the Eureka Field Office Regulatory staff by telephone at 707-443-0855 or by e-mail at [Cameron.R.Purchio@usace.army.mil](mailto:Cameron.R.Purchio@usace.army.mil) or [L.K.Sirkin@usace.army.mil](mailto:L.K.Sirkin@usace.army.mil). All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Holly Costa", written in a cursive style.

Holly Costa  
Regulatory North Branch Chief



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

Applicant: Melody Martin		Date: 6/7/19	
APPS No.: 12666; 12648; 12653	APN: 217-391-004; 217-411-011; 217-411-004	DFW CEQA No.: 2018-12666; 2017-1120	Case No.: ZCC-530; SP16-598; ZCC16-525
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 1,875 + 8,200 + 1,900		

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.

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

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

- A Final Lake or Streambed Alteration Agreement (1600-2017-0871-R1) has been issued to the applicant.
- The referral materials state that there is an existing pond(s) designated as water sources for this project. CDFW requests:
  - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
  - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- 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.
- 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 60 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as 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