



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

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Hearing Date: September 15, 2022

To: Humboldt County Planning Commission

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

Subject: **Cedar Farm South, LLC Conditional Use Permit & Special Permit**  
Record Number: PLN-13349-CUP  
Assessor's Parcel Numbers (APNs): 317-055-009  
South Fork Mountain Area

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at [macevedo@co.humboldt.ca.us](mailto:macevedo@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> September 15, 2022	<b>Subject</b> Conditional Use Permit & Special Permit	<b>Contact</b> Megan Acevedo
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**Project Description:** Cedar Farm South seeks a Conditional Use Permit for 17,200 SF of pre-existing outdoor cannabis cultivation with 1,700 SF of ancillary propagation. Water is sourced from a well, and the applicant has obtained a Well Assessment Report for the well supporting the continued use for irrigation. Supplemental water is proposed to come from a stream diversion on-site, which requires the approval of a Special Permit for the continued use and maintenance of a stream diversion within a streamside management area. Annual water usage is approximately 232,200 gallons of water for irrigation needs (12.29 gal/SF/yr). There are eight 2,500-gallon hard tanks existing on-site and two 2,500-gallon tanks proposed for a total of 25,000 gallons of water storage. Up to five (5) employees will be used for operations on-site during peak season. Portable toilets and hand washing stations will be provided. Processing will occur off-site at a licensed processing facility. Power is sourced from three (3) generators and the project is conditioned to transition to 100% renewable energy by 2026.

**Project Location:** The project is located in Humboldt County, in the South Fork Mountain area, on the east side of USFS Route 1 (6N01), approximately 1.68 miles north from the intersection of USFS Route 1 (6N01) and USFS Route 3N33, on the property known to be in the east half of Section 11 and the west half of Section 12, Township 03 North, Range 05 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: Moderate Instability (2)

**Present Zoning:** Timber Production Zone (TPZ)

**Record Number:** PLN-13349-CUP

**Assessor's Parcel Number:** 317-055-009

<b>Applicant</b> Cedar Farm South, LLC PO Box 682 Arcata, CA 95518	<b>Owner</b> Scott Raymond PO Box 682 Arcata, CA 95518	<b>Agents</b> N/A
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**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

**Major Issues:** None

**Recommended Commission Action**

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

*Adopt the resolution to find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Cedar Farm South, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Cedar Farm South seeks a Conditional Use Permit for 17,200 SF of pre-existing outdoor cannabis cultivation with 1,700 SF of ancillary propagation. Water is sourced from a well, and the applicant has obtained a Well Assessment Report supporting the continued use of the well for irrigation. Supplemental water is proposed to come from a stream diversion on-site, which requires the approval of a Special Permit for the continued use and maintenance of a stream diversion within a streamside management area. Annual water usage is approximately 232,200 gallons of water for irrigation needs (12.29 gal/SF/yr). There are eight (8) 2,500-gallon hard tanks existing on-site and two (2) 2,500-gallon tanks are proposed for a total of 25,000 gallons of water storage. Power is sourced from three (3) generators and the project is conditioned to transition to 100% renewable energy by 2026.

Two (2) full-time employees, and up to three (3) part-time employees will be utilized for cultivation activities on-site. Portable toilets and hand washing stations will be available at the cultivation areas, and potable drinking water will be provided. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained (**Ongoing Condition B.1**). Trimming will occur off-site at a licensed processing facility, and the applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection (**Ongoing Condition B.2**).

The applicant is proposing to have five (5) 20' x 96' outdoor greenhouses, eighteen (18) 5' x 80' outdoor rows, and one (1) 20' x 80' ancillary propagation greenhouse. Other proposed structures include three (3) generator sheds, and one (1) metal building to be used for drying, curing and harvest storage. The project was referred to the Building Division on April 14, 2021, and a building inspection was conducted on October 12, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: five (5) outdoor greenhouses, one (1) ancillary propagation greenhouse, three (3) generator sheds, and one (1) metal building (**Condition A.7**). Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams (**Condition A.8**). Historic grading has occurred on the site in association with the cannabis cultivation. The applicant is conditioned to permit the historic grading that occurred in association to cannabis activities on-site, with the Building Division (**Condition A.9**).

This application includes the decommissioning of one historic cultivation area in the northern section of the parcel, which will be centrally relocated to an environmentally superior location on-site. A letter was received by RPF Jon Dylan Leonard, dated October 30, 2020, with the following environmentally superior justifications for relocation and restoration of the historic cultivation area: the consolidation of the cultivation site will eliminate the use of approximately 5,400 feet of roads on-site, the historic cultivation

site is located immediately adjacent to a neighboring parcel with ongoing illegal activity and relocation would improve security of property assets and increases safety for personnel, and the pre-existing site occupied an area on slopes greater than 17% and the proposed cultivation site will have less potential to impact soil and water resources. The applicant is required to restock the decommissioned cultivation area, discussed further in the Timberland Resources and Biological Resources sections below.

### **Fire Hazard**

The parcel is located in an area known to have a Very High Fire Hazard Severity, and was hit by the Johnson Fire in 2015. The parcel is located outside of a local fire response area. Pursuant to the Humboldt County General Plan the applicant is required to 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 (**Condition A.20**). The project is located within the State Responsibility Area (SRA) for CalFire, and was referred to the agency on April 14, 2021. Comments were received by CalFire on April 26, 2021, and the agency stated that they had no comments regarding the project at that time. The project site shows ample room for a firetruck turnaround, and is required to have a minimum of 2,500 gallons of water storage designated for fire suppression needs. The applicant shall designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression and is conditioned to provide an updated Site Plan to the Planning Division to show designated fire suppression water storage on-site (**Condition A.5**). The designated fire suppression tank shall also have the appropriate fire hose that meets CalFire SRA requirements (**Condition A.10**).

### **Timber Conversion**

Unauthorized timberland conversion of approximately 3.21 acres occurred on the site, and approximately 1.75 acres of that was converted post-2016. The applicant had a Timber Conversion Evaluation Report (TCER) that was prepared by RPF Chris Carroll with Timberland Resource Consultants, dated November 19, 2018. A site inspection was conducted by the RPF on October 19, 2018, and the TCER states that there were a total of nine (9) sites evaluated for timberland conversion. Eight (8) of the sites were determined to be unauthorized conversion of timberland, and of those sites six (6) were historical log landings that were expanded to their current size in 2016. The TCER observed a total of 3.21 acres of unauthorized timberland conversion for cannabis cultivation, which exceeds the three-acre maximum. The RPF recommends that the applicant restore and remediate cultivation sites 1, 2, and 9 to productive timberland, which would lower the total conversion area to 2.71 acres (incorrectly stated as 2.92 acres in the TCER). The applicant is requesting to keep the landings open at Cultivation Sites 1 and 2 for future solar panel locations and no restocking is required at these sites. Restocking of Cultivation Site 9 will bring the total conversion area on-site to 2.92 acres, which is below the 3-acre maximum. The TCER found that no conversion activities have negatively impacted water resources, but that the conversion activities on the site do not comply with all standards of the California Forest Practice Act and the California Forest Practice Rules. The applicant shall adhere to the following revised recommendations within the TCER (**Condition A.11**):

- 1) Removal of cultivation-related activities at Cultivation Sites 1 and 2: Remove and remediate all cultivation infrastructure, materials, and waste within Cultivation Sites 1 and 2. Consolidate all cultivation activities to Cultivation Sites 3, 4, 5, 6, 7, and 8. (A letter from RPF Jon Dylan Leonard, dated October 30, 2020, states that during a site visit on October 12, 2020, it was observed that remediation of sites 1, and 2 was completed in the form of removal and cleanup of areas, and disturbed areas were stabilized by a combination of straw mulch, native grasses, or native rock, and all cultivation areas are consolidated. This condition is no longer applicable.)
- 2) Replant Cultivation Site 9: Replant native trees to CFPR's stocking standards (14 CCR 1071) within Cultivation Site 9. The RPF recommends the following:
  - i. Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-5,000 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings).
    1. Cultivation Site 9: The site is approximately 0.21 acres, so RPF recommends planting 90 trees.
  - ii. Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.

1. If seedling success is low, repeat the replanting process.
  2. Consider consulting an RPF for continued timber management in this area.
- 3) Slash and Woody Debris Treatment: Nearby Cultivation Sites 1, 2, 3, 4, 6, 7, and 8, treat all slash piles and woody debris as soon as possible (and during an appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

After review of the TCER and aerial imagery, it was concluded that approximately 1.75 acres of unauthorized post-2016 timberland conversion occurred on the site with the expansion of the historic log landings, and the applicant is required to restock the post-2016 converted timberland on a 1-1 basis. As well, the applicant is required to restore and restock the 0.33 acres of the expanded historic cultivation area being decommissioned (Cultivation Site 8 in the TCER) and bring back to pre-2016 conditions. This brings the total required restocking area on-site to 2 acres of restocking. A Restocking Plan was prepared by RPF Jon Dylan Leonard with Timberland Resource Consultants, dated October 20, 2020. The TCER and the Restocking Plan were sent to CalFire on April 14, 2021, and the agency replied on April 26, 2021, stating that they had no comments regarding the project at that time.

The Restocking Plan includes the restocking of Cultivation Sites 1, 2, and 9 as recommended in the TCER, and includes an additional 1.5 acres for a total of 2 acres of restocking area. The applicant will be keeping the landings located at Cultivation Sites 1 and 2, and plans to restock Cultivation Sites 8, and 9. The 1.5 acres of additional restocking will occur within one of the potential restocking sites shown in the Restocking Plan & Site Plan maps, which will restock areas damaged by the 2015 Johnson Fire. The applicant will be restocking 2 acres in three locations on-site, and shall adhere to the following revised recommendations within the Restocking Plan for all restocking areas (**Condition A.12**):

- Site Preparation (as outlined in page 2 of the Restocking Plan) shall occur at Cultivation Site 8. This area has been compacted from grading and past cultivation-related activities. No site preparation is needed at Cultivation Site 9.
- The landowner shall plant Douglas-fir and/or white fir (best suited for Seed Zone 312, elevation range 4,000-5,000 feet) at a uniform spacing no less than 10-feet by 10-feet, or 435 trees per acre.
  1. Cultivation Site 8: The site was expanded to approximately 0.33 acres, so RPF recommends planting 144 trees.
  2. Proposed Restocking Area: The site is approximately 1.5 acres, so RPF recommends planting 650 trees.
- Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.
- For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.
- Follow Planting Instructions: When planting seedlings, the landowner or tree planter should abide by the following:
  1. Tree planting shall only occur in winter or the early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
  2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
  3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
  4. Pack the soil down firmly around the seedling to remove any air pockets.
  5. See Appendices A-D for illustrations for correct planting techniques.
- The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korbel, California.
- Monitor growth and success of planted trees after one year of planting. Conduct a point count stocking sampling survey (protocol described in CFPR's 14CCR1072). If less than 55% of the planted area meets the 300-point count minimum stocking level, repeat the planting process.

## Energy

The site has used generators in the past, and is proposing to utilize three (3) generators on-site. One (1) 25kW generator is proposed for drying activities within the metal building, one (1) 12kW generator is proposed for the propagation lighting in the early season, and one (1) 5kW generator is proposed to pump the well until a solar pump is installed. The applicant is planning to add solar panels to the existing two flats located in the southwest corner of the parcel. The applicant is conditioned to transition to 100% renewable energy source supplied for the project by the 2026 cultivation season, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only (**Condition A.13**). The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources, and shall submit an updated Site Plan to show one (1) emergency backup generator on-site (**Condition A.14**).

## Water Resources

The project will source water primarily from the permitted well (Permit #18/19-0328). The applicant is proposing to obtain supplemental water from a stream diversion on-site, under claimed water right S026085, which requires the approval of a Special Permit for the continued use and maintenance of a stream diversion within a streamside management area. Estimated annual water needed for irrigation is approximately 232,200 gallons of water (12.29 gal/SF/yr). There are eight (8) 2,500-gallon hard tanks existing on-site and two (2) 2,500-gallon tanks are proposed for a total of 25,000 gallons of water storage. The applicant shall submit a Small Irrigation and Use Registration with the Water Board Division of Water Resources, and obtain a Water Right Certificate prior to utilizing the stream diversion for irrigation (**Condition A.15**). In the event that the applicant obtains a Water Right Certificate for the stream diversion, the applicant shall submit a copy to the Planning Division and adhere to the conditions and limitations set forth within the Water Right Certificate (**Ongoing Condition B.3**). In the event that the applicant obtains a Water Right Certificate for the stream diversion, additional water storage may be required at that time in order to adhere to forbearance. The applicant shall submit an Irrigation Plan to show how they will adhere to forbearance of the stream diversion, and shall meter the water used from the well separately from the diversion (**Condition A.16**).

The applicant has obtained a Well Assessment Report (WAR) prepared by licensed geologist David Lindberg, with Lindberg Geologic Consulting, dated May 16, 2022. The WAR states that a site visit was conducted on March 30, 2022 to observe the well and local site conditions. It was determined that the well has a low likelihood of having any direct connection to surface waters, and appears to draw water from a confined subsurface aquifer not connected to any confined aquifer. The Well Completion Report estimated a yield of 25 gallons per minute for the well, and in October 2019 a two-hour air-lift pump test showed a drawdown of 10 feet. It has been calculated that if 10 percent of the lowest known annual precipitation in the area (40 inches per year) were absorbed by the soils, approximately 17.4 million gallons of water would recharge the local aquifer per year. It was determined in the WAR that the groundwater supply of the well is sufficient for the proposed use on the subject parcel.

The applicant is not currently cultivating, and the project is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The project is conditioned to enroll in the SWRCB's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur, and shall provide any other technical reports (other than a Site Management Plan) required in the Notice of Applicability letter received by the SWRCB (**Condition A.17**). The applicant has obtained a Site Management Plan (SMP) prepared by Green Road Consulting, dated June 16, 2020. There are three (3) Class II streams on the site, and all proposed cultivation areas will be outside of any associated streamside management areas. There are two (2) stream crossings that are used and three (3) stream crossings which are on the decommissioned road. The SMP mentions two (2) stream crossings that require upgrades, remediation measures and winterization measures required for the site to comply with the General Order standards. The applicant shall complete the remediation measures listed in the Remediation Summary Table of the SMP (**Condition A.18**), and shall adhere to the winterization and monitoring requirements in Sections 8 and 9 of the SMP (**Ongoing Condition B.4**).

The applicant has obtained a Streambed Alteration Agreement for the in-stream work and continued maintenance required for the two (2) stream crossings (STX-17 & STX-18) (SAA No. 1600-2019-0817-R1, dated April 2, 2021). The applicant shall adhere to the project description and work outlined within the SAA No. 1600-2019-0817-R1 for STX-17 & STX-18 (**Ongoing Condition B.5**). The applicant has not obtained a Lake or Streambed Alteration Agreement for the proposed stream diversion under claimed water right S026085, and the applicant shall obtain a Lake or Streambed Alteration Agreement with CDFW and shall submit to the Planning Division prior to utilizing the point of diversion for cannabis irrigation (**Condition A.19**). In the event a Streambed Alteration Agreement is obtained with CDFW for the stream diversion, the applicant shall adhere to the project description and work outlined in the final agreement (**Ongoing Condition B.6**).

### **Biological Resources**

The project is located approximately 1 mile to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site contains potential habitat areas for the northern goshawk. The project site is also shown on the CNDDDB to contain potential habitat areas for running-pine, and South Fork Mountain lupine. The applicant had a Biological Report (BR) prepared by Natural Resource Management (NRM), dated October 2020. The BR states that the site was surveyed on November 29, 2019, and that no NSO nesting habitat exists on the parcel, and no habitat for listed sensitive wildlife was identified in the vicinity of the project areas. The BR also states that the survey did not include plant species, and that seasonally appropriate plant surveys may be required for South Fork Mountain Lupine. The BR recommends the following mitigation measures: all generators in use will require noise-reducing containment with ventilation, propagation hoop-houses utilizing early-season low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise, no use of plastic support netting, and no use of rodenticides (**Ongoing Conditions B.7, B.8, B.10 & B13**).

The BR also recommended seasonally appropriate plant surveys for South Fork Mountain Lupine in the vicinity of proposed project sites on APN 009. The applicant obtained an Assessment for Botanical Resources from Botanist Janell Jackson with NRM, on August 8, 2022. In the Botanical Resource Assessment dated August 22, 2022, from Botanist Janell Jackson, it states that during the ABR a total of three (3) populations of South Fork Mountain Lupine were identified within or around the intended cultivation areas (shown in the attached Site Map of the letter), and all patches fall outside of the disturbance footprint and are not expected to have any impacts from the proposed project activities. Recommendations in the ABR are that during construction and remediation activities, and for the remainder of the time that the site is used for cultivation that the three (3) individuals of South Fork Mountain Lupine found on-site shall be caged so as to prevent any damage (**Ongoing Condition B.14**).

This project includes the decommissioning of one historic cultivation area in the northern section of the parcel, which will be centrally relocated to an environmentally superior location on-site. A letter was received by RPF Jon Dylan Leonard, dated October 30, 2020, with the following environmentally superior justifications for relocation and restoration of the historic cultivation area: the consolidation of the cultivation site will eliminate the use of approximately 5,400 feet of roads on-site, the historic cultivation site is located immediately adjacent to a neighboring parcel with ongoing illegal activity and relocation would improve security of property assets and increases safety for personnel, and the pre-existing site occupied an area on slopes greater than 17% and the proposed cultivation site will have less potential to impact soil and water resources. The applicant is required to restore and restock this area back to pre-2016 conditions in order to improve biological resources on the site. The applicant will be restoring and restocking the 0.33 acres of the expanded cultivation area. The applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations (**Ongoing Conditions B.7 & B.8 and Condition A.8**).

### **Tribal Cultural Resource Coordination**

The project site is located near the Tsnungwe Aboriginal Ancestral Territory. The project was referred to the Northwest Information Center (NWIC), on April 14, 2021. The NWIC replied on April 14, 2021, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The project was referred to the Tsnungwe Council on June 14, 2021, and comments were received, stating that a Cultural Resource Survey was not necessary for the project. The applicant shall adhere to Inadvertent Discover Protocols, and 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 (**Informational Note 3**).

### **Access**

Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 39 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to two (2) full-time employees, and three (3) part-time employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of four (4) vehicle trips per day. As the site is pre-existing, no increase in traffic is anticipated, and it has been determined that the road meets the functional capacity for the project's needs.

The project was referred to the Department of Public Works on April 14, 2021, and comments were received by the agency on April 29, 2021. Comments from Public Works included that the access route utilizes a series US Forest Service Road, and recommended that the project be referred to the US Forest Service. The project was referred to the US Forest Service on April 14, 2021, and no comments were received by the agency. As the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction. The applicant shall be aware that it is federally illegal to transport cannabis across Federal lands, and the approval of this permit does not authorize transportation of cannabis across Federal lands (**Informational Note 4**).

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

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 20 cultivation permits and the total approved acres would be 8.78 acres of cultivation.

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

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

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially



significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

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

**Resolution Number 22-**

**Record Number PLN-13349-CUP**

**Assessor's Parcel Numbers: 317-055-009**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Cedar Farm South, LLC, Conditional Use Permit & Special Permit.**

**WHEREAS, Cedar Farm South, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 17,200 square feet (sq. ft.) of outdoor cultivation, and appurtenant nursery & drying activities;

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

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on September 15, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit for 17,200 SF of pre-existing outdoor cannabis cultivation with 1,700 SF of ancillary propagation. Water is sourced from a well, and the applicant has obtained a Well Assessment Report for the well supporting the continued use for irrigation. Supplemental water is proposed to come from a stream diversion on-site, which requires the approval of a Special Permit for the continued use and maintenance of a stream diversion within a streamside management area. Annual water usage is approximately 232,200 gallons of water for irrigation needs (12.29 gal/SF/yr). There are eight 2,500-gallon hard tanks existing on-site and two 2,500-gallon tanks proposed for a total of 25,000 gallons of water storage. Up to five (5) employees will be used for operations on-site during peak season. Portable toilets and hand washing stations will be provided. Processing will occur off-site at a licensed processing facility. Power is sourced from three (3) generators and the project is conditioned to transition to 100% renewable energy by 2026.

**EVIDENCE:**            a) Project File: PLN-13349-CUP

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

**EVIDENCE:**            a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) The applicant is proposing to utilize a permitted well (Permit #18/19-0328) for primary water source, and is obtaining a Well Assessment Report from licensed geologist David Lindberg. The applicant shall submit the final Well Assessment Report to the Planning Division, and may not utilize the well for supplemental water until it has been determined to be non-diversionary to surface waters, is not detrimental to surrounding water sources, and meets the needs for the project.
- d) The applicant is proposing to obtain supplemental water from a stream diversion on-site, under claimed water right S026085. The applicant shall submit a Small Irrigation and Use Registration with the Water Board Division of Water Resources, and obtain a Water Right Certificate prior to utilizing the stream diversion for irrigation. The applicant shall also obtain a Lake or Streambed Alteration Agreement with CDFW prior to utilizing the point of diversion for cannabis irrigation.
- e) The project is conditioned to enroll in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ, for Waste Discharge Requirements and Water Quality, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can commence on-site.
- f) The applicant has obtained a Site Management Plan (SMP) prepared by Green Road Consulting, dated June 16, 2020. The SMP mentions two (2) stream crossings that require upgrades, remediation measures and winterization measures required for the site to comply with the General Order standards. The applicant shall adhere to the recommendations in the report.
- g) A Streambed Alteration Agreement (No. 1600-2019-0817-R1) with CDFW dated April 2, 2021, for the instream work needed to upgrade two culverts on-site.
- h) The project is located approximately 1 mile to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site contains potential habitat areas for the northern goshawk. The project site is also shown on the CNDDDB to contain potential habitat areas for running-pine, and South Fork Mountain lupine. The applicant had a Biological Report (BR) prepared by Natural Resource Management (NRM), dated October 2020. The BR states that the site was surveyed on November 29, 2019, and no NSO nesting habitat exists on the site, and no habitat for listed sensitive wildlife was identified in the vicinity of the project areas.

This project includes the decommissioning of one historic cultivation area in the northern section of the parcel, which will be centrally relocated to an environmentally superior location on-site. A letter was received by RPF Jon Dylan Leonard, dated October 30, 2020, with the following environmentally superior justifications for relocation and restoration of the historic cultivation area: the consolidation of the cultivation site will eliminate the use of approximately 5,400 feet of roads on-site, the historic cultivation site is located immediately adjacent to a neighboring parcel with ongoing illegal

activity and relocation would improve security of property assets and increases safety for personnel, and the pre-existing site occupied an area on slopes greater than 17% and the proposed cultivation site will have less potential to impact soil and water resources. The applicant is required to restore and restock this area back to pre-2016 conditions in order to improve biological resources on the site. The applicant will be restoring and restocking the 0.33 acres of the expanded cultivation area.

- i) A Timber Conversion Evaluation Report (TCER) was prepared by RPF Chris Carroll with Timberland Resource Consultants, dated November 19, 2018. The TCER observed a total of 3.21 acres of unauthorized timberland conversion for cannabis cultivation, which exceeds the three-acre maximum. The RPF recommends that the applicant restore and remediate cultivation sites 1, 2, and 9 to productive timberland, which would lower the total conversion area to 2.71 acres (incorrectly stated as 2.92 acres in the TCER). The applicant is requesting to keep the landings open at Cultivation Sites 1 and 2 for future solar panel locations and no restocking is required at these sites. Restocking of Cultivation Site 9 will bring the total conversion area on-site to 2.92 acres, which is below the 3-acre maximum. The TCER found that no conversion activities have negatively impacted water resources, but that the conversion activities on the site do not comply with all standards of the California Forest Practice Act and the California Forest Practice Rules. The applicant shall adhere to the recommendations within the TCER.
- j) A Restocking Plan was prepared by RPF Jon Dylan Leonard with Timberland Resource Consultants, dated October 20, 2020. The Restocking Plan includes the restocking of Cultivation Sites 1, 2, and 9 as recommended in the TCER, and includes an additional 1.5 acres for a total of 2 acres of restocking area. The applicant will be keeping the landings located at Cultivation Sites 1 and 2, and plans to restock Cultivation Sites 8, and 9. The 1.5 acres of additional restocking will occur within one of the potential restocking sites shown in the Restocking Plan & Site Plan maps, which will restock areas damaged by the 2015 Johnson Fire. The applicant will be restocking 2 acres in three locations on-site, and shall adhere to the following revised recommendations within the Restocking Plan for all restocking areas. The TCER and the Restocking Plan were sent to CalFire on April 14, 2021, and the agency replied on April 26, 2021, stating that they had no comments regarding the project at that time.
- k) The applicant obtained a Botanical Resource Assessment dated August 22, 2022, from Botanist Janell Jackson with NRM. During the Assessment for Botanical Resources a total of three (3) populations were identified within or around the intended cultivation areas, and all patches fall outside of the disturbance footprint and are not expected to have any impacts from the proposed project activities.
- l) The project is within the Bear River Band and Tsnungwe tribes' ancestral aboriginal territories. The project was referred to the Bear River Band THPO, and the Tsnungwe Council, and Inadvertent Discovery Protocols were requested for the project.
- m) Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 39 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The

applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to two (2) full-time employees, and three (3) part-time employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of four (4) vehicle trips per day. As the site is pre-existing, no increase in traffic is anticipated, and it has been determined that the road meets the functional capacity for the projects needs.

The project was referred to the Department of Public Works on April 14, 2021, and comments were received by the agency on April 29, 2021. Comments from Public Works included that the access route utilizes a series US Forest Service Road, and recommended that the project be referred to the US Forest Service. The project was referred to the US Forest Service on April 14, 2021, and no comments were received by the agency. As the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction.

### **FINDINGS FOR CONDITIONAL USE PERMIT & SPECIAL PERMIT**

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Timberland (T) 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.
  - b) The applicant is applying for a Special Permit to allow the continued use of a stream diversion for agricultural purposes, under claimed water right S026085. The applicant shall submit a Small Irrigation and Use Registration with the Water Board Division of Water Resources, and obtain a Water Right Certificate prior to utilizing the stream diversion for irrigation. The applicant shall also obtain a Lake or Streambed Alteration Agreement with CDFW prior to utilizing the point of diversion for cannabis irrigation.

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

- EVIDENCE**
- a) The Unclassified or TPZ Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
  - b) All general agricultural uses are principally permitted in the TPZ zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 sq. ft. of existing mixed-light cannabis on a parcel zoned U over 1 acres subject to approval of a Conditional Use Permit and a determination that the

cultivation was in existence prior to January 1, 2016. The application for 17,200 sq. ft. of outdoor on a 200-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) Per DS-14-003 the subject parcel (parcel two) has been determined to be one legal parcel per Certificate of Subdivision Compliance 2014-012410 recorded July 16, 2014.
- c) The project will obtain water from a permitted well, and proposed to obtain supplemental water from a stream diversion under claimed water right S026085.
- d) Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 39 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to two (2) full-time employees, and three (3) part-time employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of four (4) vehicle trips per day. As the site is pre-existing, no increase in traffic is anticipated, and it has been determined that the road meets the functional capacity for the project's needs.
- e) A Timber Conversion Evaluation Report (TCER) was prepared by RPF Chris Carroll with Timberland Resource Consultants, dated November 19, 2018. The TCER observed a total of 3.21 acres of unauthorized timberland conversion for cannabis cultivation, which exceeds the three-acre maximum. The RPF recommends that the applicant restore and remediate cultivation sites 1, 2, and 9 to productive timberland, which would lower the total conversion area to 2.71 acres (incorrectly stated as 2.92 acres in the TCER). The applicant is requesting to keep the landings open at Cultivation Sites 1 and 2 for future solar panel locations and no restocking is required at these sites. Restocking of Cultivation Site 9 will bring the total conversion area on-site to 2.92 acres, which is below the 3-acre maximum. The TCER found that no conversion activities have negatively impacted water resources, but that the conversion activities on the site do not comply with all standards of the California Forest Practice Act and the California Forest Practice Rules. The applicant shall adhere to the recommendations within the TCER.

A Restocking Plan was prepared by RPF Jon Dylan Leonard with Timberland Resource Consultants, dated October 20, 2020. The Restocking Plan includes the restocking of an additional 1.5 acres for a total of 2 acres of restocking area.

The TCER and the Restocking Plan were sent to CalFire on April 14, 2021, and the agency replied on April 26, 2021, stating that they had no comments regarding the project at that time. No further timber conversion is proposed on-site.

- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 17,200 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) Irrigation water will come from a permitted well, and is proposed to come from a stream diversion.
- c) The project site is in an area known to have High Fire Hazard Severity. There is an SRA firetruck turnaround designated on-site, and is conditioned to designate a minimum of 2,500 gallons of water storage for fire suppression only with a CalFire compliant fire hose attached.
- d) Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 39 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to two (2) full-time employees, and three (3) part-time employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of four (4) vehicle trips per day. As the site is pre-existing, no increase in traffic is anticipated, and it has been determined that the road meets the functional capacity for the project's needs.

**7. FINDING**

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

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing

unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**8. FINDING**

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

**EVIDENCE**

a) The project site is located in the South Fork Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 20 cultivation permits and the total approved acres would be 8.78 acres of cultivation.

**DECISION**

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

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

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

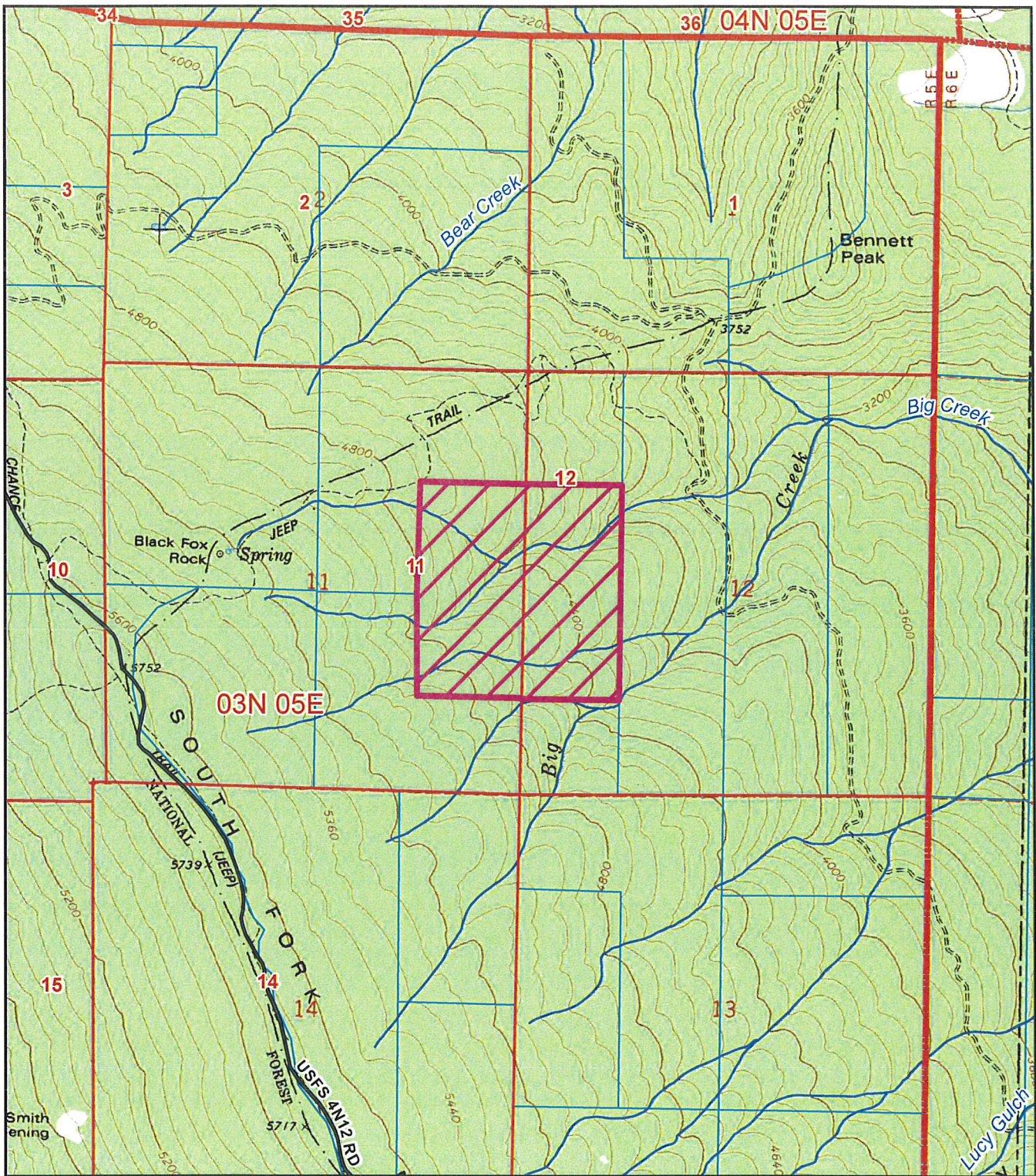
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

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

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

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





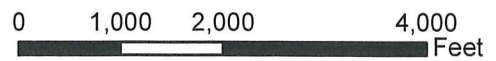
**TOPO MAP  
 PROPOSED CEDAR FARM SOUTH LLC  
 KORBEL AREA  
 CUP-16-1120**

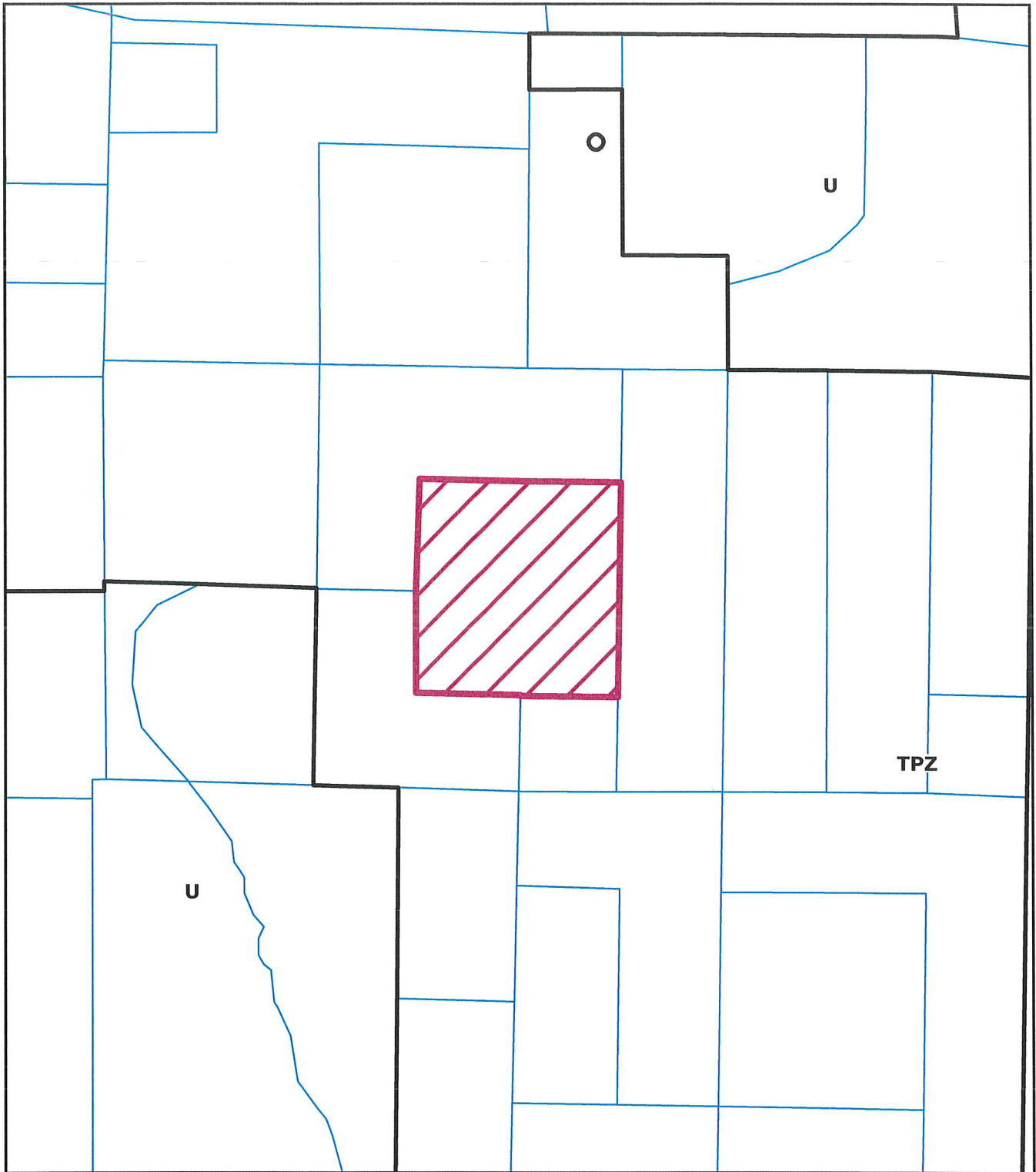
**APN: 317-055-009-000  
 T03N R05E S11; S12 HB&M (SIMS MOUNTAIN)**

Project Area = 





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





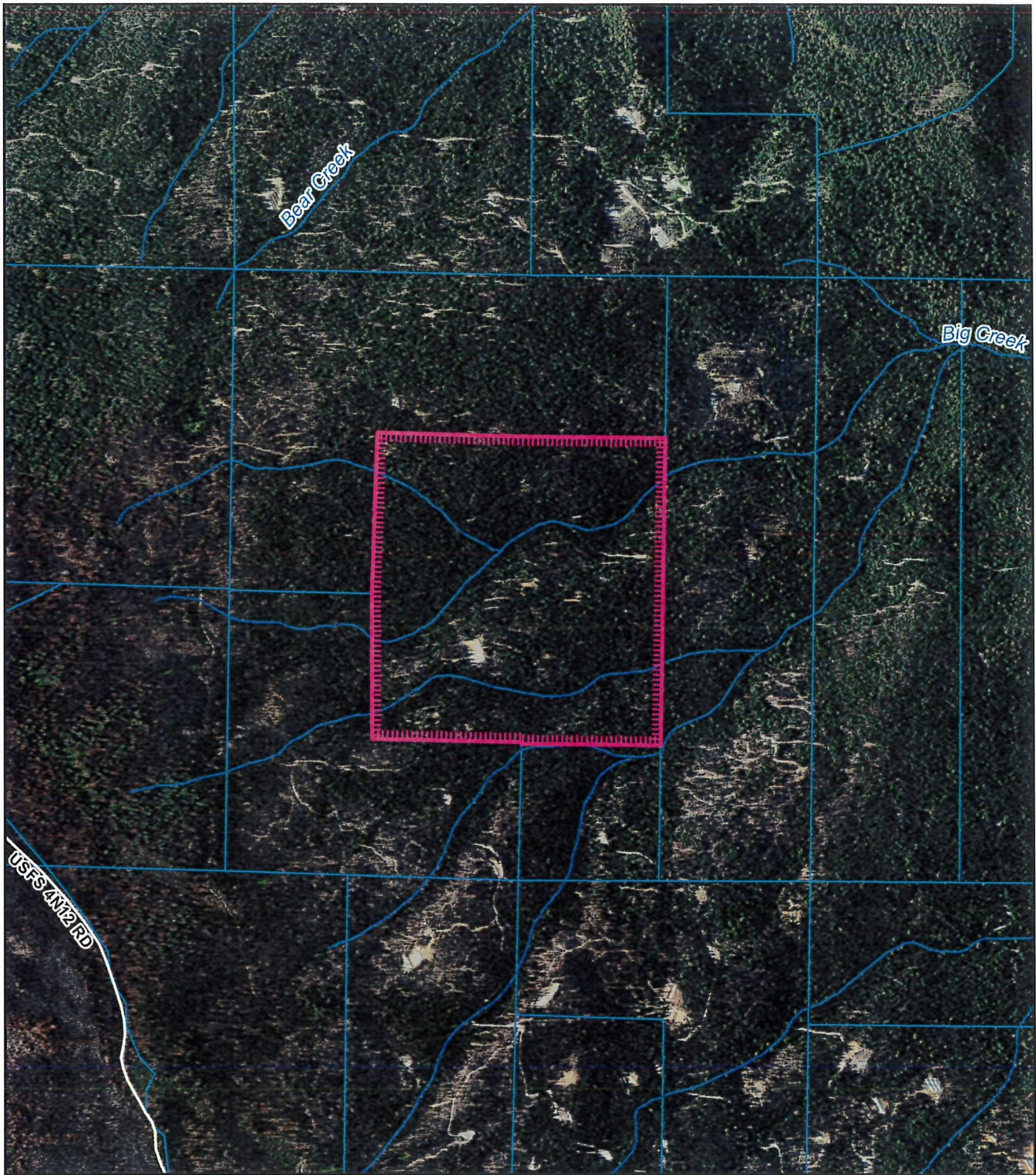
**ZONING MAP**  
**PROPOSED CEDAR FARM SOUTH LLC**  
**KORBEL AREA**  
**CUP-16-1120**  
**APN: 317-055-009-000**  
**T03N R05E S11; S12 HB&M (SIMS MOUNTAIN)**

**Project Area =** 

N  


0    1,000    2,000    4,000  
 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.

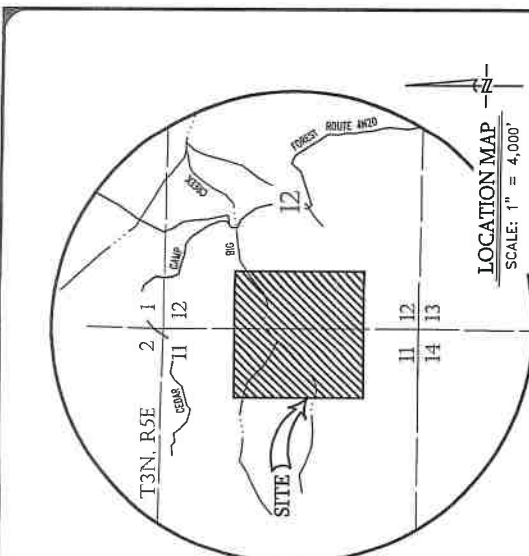


**AERIAL MAP  
 PROPOSED CEDAR FARM SOUTH LLC  
 KORBEL AREA  
 CUP-16-1120  
 APN: 317-055-009-000  
 T03N R05E S11; S12 HB&M (SIMS MOUNTAIN)**

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.



**DIRECTIONS TO THE SITE**  
 ACCESS TO THE SITE IS VIA USFS ROAD 4N12 FROM  
 TITLOW HILL ROAD.

**NOTES**

1. THIS PLOT PLAN FOR APN 317-055-008, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMALUO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF TIMBERLAND (T) AND IS CURRENTLY ZONED TIMBER PRODUCTION ZONE (TP2).
3. THIS PLOT PLAN IS BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSessor'S MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE. A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
4. THE PROPERTY IS CURRENTLY DEVELOPED WITH SEVERAL HOOP HOUSES AND GRADED FLATS.
5. THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
6. THE PROPERTY SLOPES TOWARDS THE EAST. CONTOURS SHOWN HEREON ARE AT 40-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
7. THE APPROXIMATE LOCATION OF BIG CREEK, TOGETHER WITH THEIR "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON. NO OTHER WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
8. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
9. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
10. AS PAST GRADING HAS OCCURRED AT THIS SITE, AN AS-BUILT GRADING PERMIT WILL BE APPLIED FOR FOLLOWING PROJECT APPROVAL.
11. ALL RECYCLING AND SOLID WASTE WILL BE STORED NEAR THE RELOCATED CULTIVATION IN COVERED BINS.
12. TREE REPLANTING AREAS ARE AS SHOWN HEREON, IN ACCORDANCE WITH THE RESTOCKING PLAN ASSOCIATED WITH THIS PROJECT.
13. PROCESSING IS DONE OFFSITE.
14. WATER FOR THE PARCELS IS FROM A PERMITTED ON-SITE WELL, AS SHOWN HEREON. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORBEARANCE PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS. WATER STORAGE INCLUDES TEN (10) 2,500 GALLON WATER TANKS.
15. THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
16. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.



*Kimberly D. Preston*  
 KIMBERLY D. PRESTON  
 P.L.S. 9153  
 DATE

REVISED: 01/04/22  
 11/01/21  
 11/04/20

APPS #13349  
 APN 317-055-008

**PLOT PLAN - EXISTING**

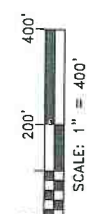
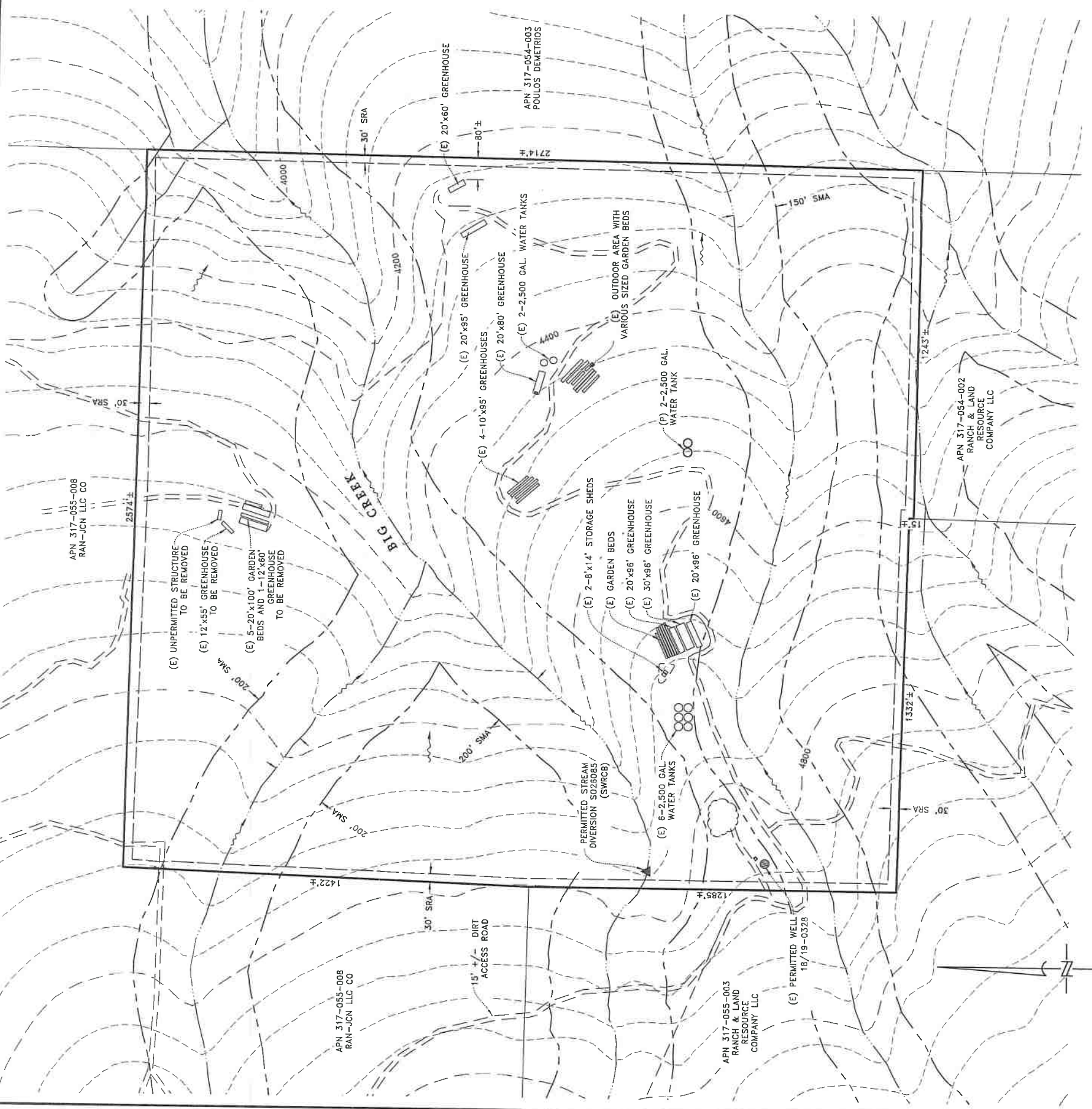
CEDAR FARM SOUTH, LLC  
 In the unincorporated area of Humboldt County  
 Section 11 & 12, T3N, R5E, H.S.B.M.

DESIGNED BY: KDP  
 DRAWN BY: CWB  
 CHECKED BY: KDP

DATE: 06/14/17  
 DATE: 06/14/17  
 DATE: 01/05/22

**OSBERG & PRESTON**  
 402 E Street  
 Eureka, California 95501  
 Telephone (707) 443-8051  
 SURVEYORS PLANNERS ENGINEERS

OWNER / APPLICANT  
 CEDAR FARM SOUTH LLC  
 c/o SCOTT RAYMOND  
 P. O. BOX 682  
 ARCATA, CA 95518  
 (805) 450-9744





## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall provide an updated Site Plan to the Planning Division within 30 days of approval to designate a minimum of 2,500 gallons of water storage for fire suppression only.
6. 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 #7 through #20. 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.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: five (5) outdoor greenhouses, one (1) ancillary propagation greenhouse, three (3) generator sheds, and one (1) metal building.
8. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall submit a grading, erosion and sediment control plan for any previous grading

done in excess of 50 cubic yards. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

10. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.
11. The applicant shall adhere to the following recommendations within the TCER:
  - 1) Replant Cultivation Site 9: Replant native trees to CFPR's stocking standards (14 CCR 1071) within Cultivation Site 9. The RPF recommends the following:
    - i. Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-5,000 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings).
      1. Cultivation Site 9: The site is approximately 0.21 acres, so RPF recommends planting 90 trees.
    - ii. Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.
      1. If seedling success is low, repeat the replanting process.
      2. Consider consulting an RPF for continued timber management in this area.
  - 2) Slash and Woody Debris Treatment: Nearby Cultivation Sites 1, 2, 3, 4, 6, 7, and 8, treat all slash piles and woody debris as soon as possible (and during an appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.
12. The applicant shall adhere to the following recommendations within the Restocking Plan for all restocking areas:
  - Site Preparation (as outlined in page 2 of the Restocking Plan) shall occur at Cultivation Site 8. This area has been compacted from grading and past cultivation-related activities. No site preparation is needed at Cultivation Site 9.
  - The landowner shall plant Douglas-fir and/or white fir (best suited for Seed Zone 312, elevation range 4,000-5,000 feet) at a uniform spacing no less than 10-feet by 10-feet, or 435 trees per acre.
    1. Cultivation Site 8: The site was expanded to approximately 0.33 acres, so RPF recommends planting 144 trees.
    2. Proposed Restocking Area: The site is approximately 1.5 acres, so RPF recommends planting 650 trees.
  - Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.
  - For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.
  - Follow Planting Instructions: When planting seedlings, the landowner or tree planter should abide by the following:
    1. Tree planting shall only occur in winter or the early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
    2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
    3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
    4. Pack the soil down firmly around the seedling to remove any air pockets.
    5. See Appendices A-D for illustrations for correct planting techniques.
  - The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korbel, California.

- Monitor growth and success of planted trees after one year of planting. Conduct a point count stocking sampling survey (protocol described in CFPR's 14CCR1072). If less than 55% of the planted area meets the 300-point count minimum stocking level, repeat the planting process.
13. The applicant is conditioned to transition to 100% renewable energy source supplied for the project by the 2026 cultivation season, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only.
  14. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources, and shall submit an updated Site Plan to show one (1) emergency backup generator on-site.
  15. The applicant shall submit a Small Irrigation and Use Registration with the Water Board Division of Water Resources, and obtain a Water Right Certificate prior to utilizing the stream diversion for irrigation.
  16. In the event that the applicant obtains a Water Right Certificate for the stream diversion, additional water storage may be required at that time in order to adhere to forbearance. The applicant shall submit an Irrigation Plan to show how they will adhere to forbearance of the stream diversion, and shall meter the water used from the well separately from the diversion.
  17. The project is conditioned to enroll in the SWRCB's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur, and shall provide any other technical reports (other than a Site Management Plan) required in the Notice of Applicability letter received by the SWRCB.
  18. The applicant shall complete the remediation measures listed in the Remediation Summary Table of the Site Management Plan.
  19. The applicant shall obtain a Lake or Streambed Alteration Agreement with CDFW and shall submit to the Planning Division prior to utilizing the point of diversion for cannabis irrigation.
  20. The parcel is located outside of a local fire response area. Pursuant to the Humboldt County General Plan the applicant is required to 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.
  21. 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.
  22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless proof of a permitted onsite wastewater treatment system has been obtained.
2. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection.



3. In the event that the applicant obtains a Water Right Certificate for the stream diversion, the applicant shall submit a copy to the Planning Division and adhere to the conditions and limitations set forth within the Water Right Certificate.
4. The applicant shall adhere to the winterization and monitoring requirements in Sections 8 and 9 of the Site Management Plan.
5. The applicant shall adhere to the project description and work outlined within the Streambed Alteration Agreement No. 1600-2019-0817-R1 for STX-17 & STX-18.
6. In the event a Streambed Alteration Agreement is obtained with CDFW for the stream diversion, the applicant shall adhere to the project description and work outlined in the final agreement.
7. 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.
8. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). 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.
9. 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.
10. 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.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
13. The use of anticoagulant rodenticide is prohibited.
14. The applicant shall adhere to the recommendations in the Botanical Resources Assessment, that during construction and remediation activities, and for the remainder of the time that the site is used

for cultivation, that the three (3) individuals of South Fork Mountain Lupine found on-site shall be caged so as to prevent any damage.

15. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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).
21. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
22. 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.
23. 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).
24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
25. Pay all applicable application, review for conformance with conditions and annual inspection fees.

26. 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.
27. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. 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

29. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
30. 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).
31. 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.
32. 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.
33. 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
  34. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation CUP or 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.
  35. 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 Conditional Use 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.
  36. 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.
  37. 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.
  38. 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.

39. 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 #8 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's 317-055-009;  
Willow Creek Area  
County of Humboldt**

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

**September 2022**

## Background

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

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

**Project Description:** The modified project involves a Conditional Use Permit for 17,200 SF of pre-existing outdoor cannabis cultivation with 1,700 SF of ancillary propagation. Water is sourced from a well, and the applicant has obtained a Well Assessment Report supporting the continued use of the well for irrigation. Supplemental water is proposed to come from a stream diversion on-site, which requires the approval of a Special Permit for the continued use and maintenance of a stream diversion within a streamside management area. Annual water usage is approximately 232,200 gallons of water for irrigation needs (12.29 gal/SF/yr). There are eight (8) 2,500-gallon hard tanks existing on-site and two (2) 2,500-gallon tanks are proposed for a total of 25,000 gallons of water storage. Power is sourced from three (3) generators and the project is conditioned to transition to 100% renewable energy by 2026.

Two (2) full-time employees, and up to three (3) part-time employees will be utilized for cultivation activities on-site. Portable toilets and hand washing stations will be available at the cultivation areas, and potable drinking water will be provided. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained. Trimming will occur off-site at a licensed processing facility, and the applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection.

The applicant is proposing to have five (5) 20' x 96' outdoor greenhouses, eighteen (18) 5' x 80' outdoor rows, and one (1) 20' x 80' ancillary propagation greenhouse. Other proposed structures include three (3) generator sheds, and one (1) metal building to be used for drying, curing and harvest storage. The project was referred to the Building Division on April 14, 2021, and a building inspection was conducted on October 12, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: five (5) outdoor greenhouses, one (1) ancillary propagation greenhouse, three (3) generator sheds, and one (1) metal building. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. Historic grading has occurred on the site in association with the cannabis cultivation. The applicant is conditioned to permit the historic grading that occurred in association to cannabis activities on-site, with the Building Division.

This application includes the decommissioning of one historic cultivation area in the northern section of the parcel, which will be centrally relocated to an environmentally superior location on-site. A letter was received by RPF Jon Dylan Leonard, dated October 30, 2020, with the following environmentally superior justifications for relocation and restoration of the historic cultivation area: the consolidation of the cultivation site will eliminate the use of approximately 5,400 feet of roads on-site, the historic cultivation

site is located immediately adjacent to a neighboring parcel with ongoing illegal activity and relocation would improve security of property assets and increases safety for personnel, and the pre-existing site occupied an area on slopes greater than 17% and the proposed cultivation site will have less potential to impact soil and water resources. The applicant is required to restock the decommissioned cultivation area, discussed further in the Timberland Resources and Biological Resources sections below.

### **Fire Hazard**

The parcel is located in an area known to have a Very High Fire Hazard Severity, and was hit by the Johnson Fire in 2015. The parcel is located outside of a local fire response area. Pursuant to the Humboldt County General Plan the applicant is required to 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. The project is located within the State Responsibility Area (SRA) for CalFire, and was referred to the agency on April 14, 2021. Comments were received by CalFire on April 26, 2021, and the agency stated that they had no comments regarding the project at that time. The project site shows ample room for a firetruck turnaround, and is required to have a minimum of 2,500 gallons of water storage designated for fire suppression needs. The applicant shall designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression and is conditioned to provide an updated Site Plan to the Planning Division to show designated fire suppression water storage on-site. The designated fire suppression tank shall also have the appropriate fire hose that meets CalFire SRA requirements.

### **Timber Conversion**

Unauthorized timberland conversion of approximately 3.21 acres occurred on the site, and approximately 1.75 acres of that was converted post-2016. The applicant had a Timber Conversion Evaluation Report (TCER) that was prepared by RPF Chris Carroll with Timberland Resource Consultants, dated November 19, 2018. A site inspection was conducted by the RPF on October 19, 2018, and the TCER states that there were a total of nine (9) sites evaluated for timberland conversion. Eight (8) of the sites were determined to be unauthorized conversion of timberland, and of those sites six (6) were historical log landings that were expanded to their current size in 2016. The TCER observed a total of 3.21 acres of unauthorized timberland conversion for cannabis cultivation, which exceeds the three-acre maximum. The RPF recommends that the applicant restore and remediate cultivation sites 1, 2, and 9 to productive timberland, which would lower the total conversion area to 2.71 acres (incorrectly stated as 2.92 acres in the TCER). The applicant is requesting to keep the landings open at Cultivation Sites 1 and 2 for future solar panel locations and no restocking is required at these sites. Restocking of Cultivation Site 9 will bring the total conversion area on-site to 2.92 acres, which is below the 3-acre maximum. The TCER found that no conversion activities have negatively impacted water resources, but that the conversion activities on the site do not comply with all standards of the California Forest Practice Act and the California Forest Practice Rules. The applicant shall adhere to the following revised recommendations within the TCER:

- 4) Removal of cultivation-related activities at Cultivation Sites 1 and 2: Remove and remediate all cultivation infrastructure, materials, and waste within Cultivation Sites 1 and 2. Consolidate all cultivation activities to Cultivation Sites 3, 4, 5, 6, 7, and 8. (A letter from RPF Jon Dylan Leonard, dated October 30, 2020, states that during a site visit on October 12, 2020, it was observed that remediation of sites 1, and 2 was completed in the form of removal and cleanup of areas, and disturbed areas were stabilized by a combination of straw mulch, native grasses, or native rock, and all cultivation areas are consolidated. This condition is no longer applicable.)
- 5) Replant Cultivation Site 9: Replant native trees to CFPR's stocking standards (14 CCR 1071) within Cultivation Site 9. The RPF recommends the following:
  - i. Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-5,000 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings).
    1. Cultivation Site 9: The site is approximately 0.21 acres, so RPF recommends planting 90 trees.
  - ii. Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.



1. If seedling success is low, repeat the replanting process.
  2. Consider consulting an RPF for continued timber management in this area.
- 6) Slash and Woody Debris Treatment: Nearby Cultivation Sites 1, 2, 3, 4, 6, 7, and 8, treat all slash piles and woody debris as soon as possible (and during an appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

After review of the TCER and aerial imagery, it was concluded that approximately 1.75 acres of unauthorized post-2016 timberland conversion occurred on the site with the expansion of the historic log landings, and the applicant is required to restock the post-2016 converted timberland on a 1-1 basis. As well, the applicant is required to restore and restock the 0.33 acres of the expanded historic cultivation area being decommissioned (Cultivation Site 8 in the TCER) and bring back to pre-2016 conditions. This brings the total required restocking area on-site to 2 acres of restocking. A Restocking Plan was prepared by RPF Jon Dylan Leonard with Timberland Resource Consultants, dated October 20, 2020. The TCER and the Restocking Plan were sent to CalFire on April 14, 2021, and the agency replied on April 26, 2021, stating that they had no comments regarding the project at that time.

The Restocking Plan includes the restocking of Cultivation Sites 1, 2, and 9 as recommended in the TCER, and includes an additional 1.5 acres for a total of 2 acres of restocking area. The applicant will be keeping the landings located at Cultivation Sites 1 and 2, and plans to restock Cultivation Sites 8, and 9. The 1.5 acres of additional restocking will occur within one of the potential restocking sites shown in the Restocking Plan & Site Plan maps, which will restock areas damaged by the 2015 Johnson Fire. The applicant will be restocking 2 acres in three locations on-site, and shall adhere to the following revised recommendations within the Restocking Plan for all restocking areas:

- Site Preparation (as outlined in page 2 of the Restocking Plan) shall occur at Cultivation Site 8. This area has been compacted from grading and past cultivation-related activities. No site preparation is needed at Cultivation Site 9.
- The landowner shall plant Douglas-fir and/or white fir (best suited for Seed Zone 312, elevation range 4,000-5,000 feet) at a uniform spacing no less than 10-feet by 10-feet, or 435 trees per acre.
  1. Cultivation Site 8: The site was expanded to approximately 0.33 acres, so RPF recommends planting 144 trees.
  2. Proposed Restocking Area: The site is approximately 1.5 acres, so RPF recommends planting 650 trees.
- Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.
- For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.
- Follow Planting Instructions: When planting seedlings, the landowner or tree planter should abide by the following:
  1. Tree planting shall only occur in winter or the early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
  2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
  3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
  4. Pack the soil down firmly around the seedling to remove any air pockets.
  5. See Appendices A-D for illustrations for correct planting techniques.
- The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korbel, California.
- Monitor growth and success of planted trees after one year of planting. Conduct a point count stocking sampling survey (protocol described in CFPR's 14CCR1072). If less than 55% of the planted area meets the 300-point count minimum stocking level, repeat the planting process.

## **Energy**

The site has used generators in the past, and is proposing to utilize three (3) generators on-site. One (1) 25kW generator is proposed for drying activities within the metal building, one (1) 12kW generator is proposed for the propagation lighting in the early season, and one (1) 5kW generator is proposed to pump the well until a solar pump is installed. The applicant is planning to add solar panels to the existing two flats located in the southwest corner of the parcel. The applicant is conditioned to transition to 100% renewable energy source supplied for the project by the 2026 cultivation season, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources, and shall submit an updated Site Plan to show one (1) emergency backup generator on-site.

## **Water Resources**

The project will source water primarily from the permitted well (Permit #18/19-0328). The applicant is proposing to obtain supplemental water from a stream diversion on-site, under claimed water right S026085, which requires the approval of a Special Permit for the continued use and maintenance of a stream diversion within a streamside management area. Estimated annual water needed for irrigation is approximately 232,200 gallons of water (12.29 gal/SF/yr). There are eight (8) 2,500-gallon hard tanks existing on-site and two (2) 2,500-gallon tanks are proposed for a total of 25,000 gallons of water storage. The applicant shall submit a Small Irrigation and Use Registration with the Water Board Division of Water Resources, and obtain a Water Right Certificate prior to utilizing the stream diversion for irrigation. In the event that the applicant obtains a Water Right Certificate for the stream diversion, the applicant shall submit a copy to the Planning Division and adhere to the conditions and limitations set forth within the Water Right Certificate. In the event that the applicant obtains a Water Right Certificate for the stream diversion, additional water storage may be required at that time in order to adhere to forbearance. The applicant shall submit an Irrigation Plan to show how they will adhere to forbearance of the stream diversion, and shall meter the water used from the well separately from the diversion.

The applicant has obtained a Well Assessment Report (WAR) prepared by licensed geologist David Lindberg, with Lindberg Geologic Consulting, dated May 16, 2022. The WAR states that a site visit was conducted on March 30, 2022 to observe the well and local site conditions. It was determined that the well has a low likelihood of having any direct connection to surface waters, and appears to draw water from a confined subsurface aquifer not connected to any confined aquifer. The Well Completion Report estimated a yield of 25 gallons per minute for the well, and in October 2019 a two-hour air-lift pump test showed a drawdown of 10 feet. It has been calculated that if 10 percent of the lowest known annual precipitation in the area (40 inches per year) were absorbed by the soils, approximately 17.4 million gallons of water would recharge the local aquifer per year. It was determined in the WAR that the groundwater supply of the well is sufficient for the proposed use on the subject parcel.

The applicant is not currently cultivating, and the project is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The project is conditioned to enroll in the SWRCB's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur, and shall provide any other technical reports (other than a Site Management Plan) required in the Notice of Applicability letter received by the SWRCB. The applicant has obtained a Site Management Plan (SMP) prepared by Green Road Consulting, dated June 16, 2020. There are three (3) Class II streams on the site, and all proposed cultivation areas will be outside of any associated streamside management areas. There are two (2) stream crossings that are used and three (3) stream crossings which are on the decommissioned road. The SMP mentions two (2) stream crossings that require upgrades, remediation measures and winterization measures required for the site to comply with the General Order standards. The applicant shall complete the remediation measures listed in the Remediation Summary Table of the SMP, and shall adhere to the winterization and monitoring requirements in Sections 8 and 9 of the SMP.

The applicant has obtained a Streambed Alteration Agreement for the in-stream work and continued maintenance required for the two (2) stream crossings (STX-17 & STX-18) (SAA No. 1600-2019-0817-R1, dated April 2, 2021). The applicant shall adhere to the project description and work outlined within the SAA No. 1600-2019-0817-R1 for STX-17 & STX-18. The applicant has not obtained a Lake or Streambed Alteration Agreement for the proposed stream diversion under claimed water right S026085, and the applicant shall obtain a Lake or Streambed Alteration Agreement with CDFW and shall submit to the Planning Division prior to utilizing the point of diversion for cannabis irrigation. In the event a Streambed Alteration Agreement is obtained with CDFW for the stream diversion, the applicant shall adhere to the project description and work outlined in the final agreement.

### **Biological Resources**

The project is located approximately 1 mile to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site contains potential habitat areas for the northern goshawk. The project site is also shown on the CNDDDB to contain potential habitat areas for running-pine, and South Fork Mountain lupine. The applicant had a Biological Report (BR) prepared by Natural Resource Management (NRM), dated October 2020. The BR states that the site was surveyed on November 29, 2019, and that no NSO nesting habitat exists on the parcel, and no habitat for listed sensitive wildlife was identified in the vicinity of the project areas. The BR also states that the survey did not include plant species, and that seasonally appropriate plant surveys may be required for South Fork Mountain Lupine. The BR recommends the following mitigation measures: all generators in use will require noise-reducing containment with ventilation, propagation hoop-houses utilizing early-season low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise, no use of plastic support netting, and no use of rodenticides.

The BR also recommended seasonally appropriate plant surveys for South Fork Mountain Lupine in the vicinity of proposed project sites on APN 009. The applicant obtained an Assessment for Botanical Resources from Botanist Janell Jackson with NRM, on August 8, 2022. In the Botanical Resource Assessment dated August 22, 2022, from Botanist Janell Jackson, it states that during the ABR a total of three (3) populations of South Fork Mountain Lupine were identified within or around the intended cultivation areas (shown in the attached Site Map of the letter), and all patches fall outside of the disturbance footprint and are not expected to have any impacts from the proposed project activities. Recommendations in the ABR are that during construction and remediation activities, and for the remainder of the time that the site is used for cultivation that the three (3) individuals of South Fork Mountain Lupine found on-site shall be caged so as to prevent any damage.

This project includes the decommissioning of one historic cultivation area in the northern section of the parcel, which will be centrally relocated to an environmentally superior location on-site. A letter was received by RPF Jon Dylan Leonard, dated October 30, 2020, with the following environmentally superior justifications for relocation and restoration of the historic cultivation area: the consolidation of the cultivation site will eliminate the use of approximately 5,400 feet of roads on-site, the historic cultivation site is located immediately adjacent to a neighboring parcel with ongoing illegal activity and relocation would improve security of property assets and increases safety for personnel, and the pre-existing site occupied an area on slopes greater than 17% and the proposed cultivation site will have less potential to impact soil and water resources. The applicant is required to restore and restock this area back to pre-2016 conditions in order to improve biological resources on the site. The applicant will be restoring and restocking the 0.33 acres of the expanded cultivation area. The applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations.

### **Tribal Cultural Resource Coordination**

The project site is located near the Tsnungwe Aboriginal Ancestral Territory. The project was referred to the Northwest Information Center (NWIC), on April 14, 2021. The NWIC replied on April 14, 2021, recommending that the local Native American tribes be contacted regarding traditional, cultural, and

religious heritage values. The project was referred to the Tsnungwe Council on June 14, 2021, and comments were received, stating that a Cultural Resource Survey was not necessary for the project. The applicant shall adhere to Inadvertent Discover Protocols, and 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.

### **Access**

Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 39 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to two (2) full-time employees, and three (3) part-time employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of four (4) vehicle trips per day. As the site is pre-existing, no increase in traffic is anticipated, and it has been determined that the road meets the functional capacity for the project's needs.

The project was referred to the Department of Public Works on April 14, 2021, and comments were received by the agency on April 29, 2021. Comments from Public Works included that the access route utilizes a series US Forest Service Road, and recommended that the project be referred to the US Forest Service. The project was referred to the US Forest Service on April 14, 2021, and no comments were received by the agency. As the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction. The applicant shall be aware that it is federally illegal to transport cannabis across Federal lands, and the approval of this permit does not authorize transportation of cannabis across Federal lands.

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

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 20 cultivation permits and the total approved acres would be 8.78 acres of cultivation.

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 enrolling in the State Water Board General Order, restocking post-2016 timberland converted and decommissioned historic cultivation area on-site, ensuring project related noise does not harass nearby wildlife, adhering to International Dark Sky Standards, and transitioning to 100% renewable energy source by 2026.

**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 & Operations Plan received October 30, 2020.
- Existing and Proposed Site Plan received January 12, 2022.
- Timber Conversion Evaluation Report (TCER) that was prepared by RPF Chris Carroll with Timberland Resource Consultants, dated November 19, 2018.
- Restocking Plan prepared by RPF Jon Dylan Leonard with Timberland Resource Consultants, dated October 20, 2020.
- Site Management Plan prepared by Green Road Consulting, dated June 16, 2020.
- Streambed Alteration Agreement with Fish & Wildlife (1600-2019-0817-R1) dated April 2, 2021.
- Well Assessment Report prepared by licensed geologist David Lindberg, with Lindberg Geologic Consulting, dated May 16, 2022.
- Biological Report prepared by Natural Resource Management (NRM), dated October 2020.
- Botanical Resource Assessment prepared by Botanist Janell Jackson with Natural Resources Management, dated August 22, 2022.
- Carpooling Plan prepared by the applicant, received September 1, 2022.
- Road Evaluation Report prepared by the applicant, dated January 30, 2020.

### **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. (Site Plans – **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 & Operations Plan - **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. Above) - **Attached**)
6. Copy of Notice of Applicability filed with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ. (Condition of Approval)
7. If the source of water is a well, a copy of the County well permit, if available. (Included in Well Assessment Report prepared by licensed Geologist David Lindberg – **Attached**)
8. Site Management Plan prepared by Green Road Consulting, dated June 16, 2020. (**Attached**)
9. 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. (Streambed Alteration Agreement No. 1600-2019-0817-R1– **Attached**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report & Restocking Plan prepared by Timberland Resource Consultants – **Attached**)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Biological Report prepared by Natural Resource Management (NRM), dated October 2020. **(Attached)**
16. Botanical Resource Assessment prepared by Botanist Janell Jackson with Natural Resources Management, dated August 22, 2022. **(Attached)**
17. Carpooling Plan prepared by the applicant, received September 1, 2022. **(Attached)**
18. Road Evaluation Report prepared by the applicant, dated January 30, 2020. **(Attached)**
19. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)



**CULTIVATION, OPERATIONS, AND SECURITY PLAN  
(APN 317-055-009 - APPS#13349)**



**PROJECT DESCRIPTION**

Applicant proposes to permit 17,200 square feet of existing outdoor cannabis.

**OPERATIONS PLAN**

## 1. Water Source, Storage, Irrigation Plan & Projected Water Usage

**WATER SOURCE & STORAGE:** The primary source of irrigation water is a groundwater well located on APN 317-055-009. Applicant will be working with CDFW to determine the hydrological disconnection of this water source from the jurisdictional waters of the state before utilizing it for cultivation activities. Green Road Consulting and Compliant Farms have both inspected the property on previous occasions and did not observe any site conditions that would prevent adherence to Best Management Practices and compliance with SWRCB regulations. Green Road Consulting has created a draft SMP that will be finalized in the coming weeks.

Presently, storage is minimal compared to total yearly need, consisting of ten 2500 gallon water tanks. Applicant will be acquiring another ten 2500 gallon water tanks before the 2021 season to take the total storage up to 50,000 gallons. Additional storage will be added if need be.

**IRRIGATION PLAN:** Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season and/or every third or fifth day should conditions demand. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant will water in the morning/early evening hours to reduce evaporative loss. Applicant will use natural soil amendments and compost to aid in soil moisture retention. Mulch will be utilized if a suitable and economical form can be procured that does not invite pests, pesticides, or other contaminants into the growing media.

**PROJECTED WATER USAGE:** Applicant will be cultivating approximately 17,200 sq. ft. of Outdoor Cannabis. Based on Applicant's irrigation practice of watering every other day, the Applicant will be using 232,200 gallons of water ((180 days ÷ 2) x 4500 gallons) during the forbearance period required by the ordinance.

At every 3rd day, total water usage during the forbearance period would be 154,800 gallons. At every 5th day, total water usage during the forbearance period would be 77,400 gallons. These numbers are based on an average of 300 gallons of water being used for 2,000 sq ft of canopy. If this rate is reduced by 33%, and the plants were watered on every 5th day of the growing season, total water usage during the forbearance period would be 51,600 gallons.

The aforementioned figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project. It is the intention of the Applicant to use less water than estimated - the cooler temperatures in the beginning of the summer and at the end should assist with this goal, as temperature dampening of transpiration needs is exaggerated at the high elevation (4900') of the site.

## 2. Site Drainage, Runoff & Erosion Control Measures

**SITE DRAINAGE:** The cultivation areas to be utilized are flat and do not suffer from significant runoff issues. The site receives minimal rain and instead the bulk of the seasonal precipitation input arrives as snow, which has a far less erosive effect especially once the first layer has dropped and stuck. Sediment transport is minimized in snow conditions as opposed to the months long precipitation events that lower elevations in Humboldt County endure. Growing media stays contained in the beds and has no means of transport across the landing. The few conduits for stormwater drainage off of the landing will be treated with further berms, waddles, straw bales, riprap, and diffusion measures to slow the flow of water off the landing and disperse the water into the surrounding landscape. Any work that requires permitting will not commence until the proper regulatory clearances have been obtained.

An LSAA application has been submitted to address the two water crossings on the property. Both crossings are currently served by culverts that match the size of the stream channel. No evidence of failure during high flow events exists at either crossing. Entrances and exits to the culverts are armored. The culverts will be replaced with even larger sized culverts once the terms of the LSAA are finalized.

**EROSION CONTROL MEASURES:** Flats will be waddled/bermed on the downhill perimeter. Grass seed and straw mulch have been applied to the edges of the flat as well, in addition to the cut and fill slopes of the landing. The cut and fill slopes will be revegetated every year until they are completely reinforced and any sediment transport becomes functionally inactive. There is already recruitment by young conifers present in every cut and fill slope on the property.

**RUNOFF CONTROL MEASURES:** Applicant will use drip irrigation and raised beds, will water at agronomic rates, and use timers to avoid overwatering. Mulch will be utilized if proven feasible. Applicant farms organically and minimizes the use of synthetic nitrogen or other fertilizers - in most cases not adding any amount at all. Decomposing wood is a known nitrogen sink in the natural environment, a process that requires the accumulation of large amounts of free environmental nitrogen. Not only are there large setbacks of forested land between the cultivation sites and nearby watercourses, thus supplying plenty of decomposing wood buffer area, but if needed Applicant will construct a shallow trench around the cultivation areas and fill the shallow depressions with decomposing wood so as to maximize nitrogen capture. Vegetation around cultivation and riparian areas will be maintained to minimize runoff and sediment transport to receiving waters. Applicant has and will continue to re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment or runoff from the landing.

Applicant will consult with and implement recommendations from Omsberg & Preston and Green Road Consulting to improve site drainage, erosion control, and runoff control on an as needed basis.

### **3. Measures Taken to Ensure Protection of Watershed & Nearby Habitat**

**PROTECTION OF WATERSHED & HABITAT:** All cultivation areas shall be located outside of all SMA's on the property and native vegetation buffers shall be maintained between cultivation sites and riparian areas. Applicant's SMP will address water management and any forbearance period imposed on the well by California Department of Fish and Wildlife. The Biological Survey completed by Natural Resource Management addresses these concerns in depth.

**CULTIVATION RELATED WASTE PROTOCOLS:** Applicant will implement measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bermed and waddled areas to prevent runoff and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in raised beds using organic amendments and cover crops, resulting in minimal soil waste on site. All waste soils will be placed in a refuse pile outside of streamside management areas and will be covered with a tarp and surrounded with straw waddles to contain any discharge that may occur. Applicant has never had waste soils, however, and does not expect their generation to occur. All other associated waste will be gathered and contained on impervious surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will dispose of site cultivation refuse on an as needed basis by hauling it to the Humboldt Waste Management Authority in Eureka, CA.

**REFUSE DISPOSAL:** The site will generate minimal expected refuse, which is only associated with the cultivation activities. Applicant will take site refuse to an approved dump site on an as-needed basis.

**HUMAN WASTE:** There is not currently a septic system on-site. Portable toilets will be utilized until further solutions are developed.

### **4. Protocols for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products**

**PESTICIDES:** Pesticides shall be stored in an on-site shed equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant shall maintain and keep personal protective equipment required by the pesticide label in good working order. All proper pesticide application protocols will be followed.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of

pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

**FERTILIZERS & SOIL AMENDMENTS:** Fertilizers and other amendments will be stored in an on-site shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols used for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer or soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

**PETROLEUM PRODUCTS & STORAGE:** All petroleum products stored on-site will be properly stored and managed to prevent any discharge of contaminants into the surrounding landscape. Secondary containment, as required by law, will be utilized on-site.

## **5. Cultivation Activities (e.g. outdoor, indoor, mixed light)**

**CULTIVATION ACTIVITIES:** Applicant is proposing to permit an existing cultivation with cultivation area of 17,200 square feet. Applicant will be applying for a Conditional Use Permit for the above referenced activity. Applicant will irrigate cultivation from an on-site groundwater well. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant anticipates hiring temporary hourly labor during specific periods of the growing cycle. Examples include transplanting, canopy management activities e.g. lower branch pruning and de-leafing, harvesting, etc. Contracted labor will be on site monthly for short bursts to assist with these activities. Individuals will be transported in groups to minimize traffic on the road and to reduce the total number of trips across the road network. The number of individuals on-site for labor at any given time will not exceed 9 persons. Toilets and hand washing facilities will be supplied, bottled water will also be available.

2 full time employees will be required for operations during the growing season. Seasonal and part time labor will fluctuate from 0 to 7 additional individuals.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data

Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

## **6. Sample Schedule of Activities During Each Month of the Growing & Harvesting Season**

February, March, April

- Purchase seeds and clones of desired strains and/or propagate them
- Pot clones and starts at end of March
- Nursery activities
- Clean greenhouses and make necessary repairs, weather dependent
- Prepare beds for planting - apply amendments and compost

May

- First run plants are re-potted in bigger pots
- Plant first run in ground, weather dependent
- Second round clones started
- Begin pulling tarps end of May
- Remove bottom branches, refine plant structure
- Mulch soil
- Irrigation begins

June

- Top dress first run
- De-leaf plants
- Irrigation continues
- Continue pulling tarps
- Apply nutrients as needed, apply compost teas regularly
- Pot second run of plants
- General landscape and bed maintenance

July

- Re-pot second round of plants into bigger pots
- Irrigation continues
- Apply nutrients as needed, apply compost teas regularly
- General landscape and bed maintenance continues
- Continue pulling tarps
- Harvest first run of plants

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Cultivation, Operations & Security Plan - Page 6**

- Rotate in second run of plants into beds late July

#### August

- Irrigation continues
- Apply nutrients as needed, apply compost teas regularly
- Continue pulling tarps
- Remove bottom branches, refine plant structure
- De-leaf plants

#### September

- Irrigation continues
- Apply nutrients as needed, apply compost teas regularly
- Continue pulling tarps
- De-leaf plants

#### October

- Continue pulling tarps
- Apply nutrients as needed, apply compost teas regularly
- De-leaf plants
- Harvest second round plants
- Begin most urgent winterization measures

#### November, December, January

- Trim and manicure harvested plants
- End of year reporting
- Cleanup and complete winterization of cultivation site
- Focus on processing and distribution of harvest

### PROCESSING PLAN & ACTIVITIES

**PLAN;** Processing will occur off-site at a licensed processing facility, to be determined based on market forces and factors at time of harvest.

### SECURITY FEATURES

Applicant will implement security measures to safeguard the product and prevent nuisance from occurring on the property. The parcel has locking gates at all access points onto the parcel. All doors and windows on all buildings and cultivation facilities shall remain locked when the parcel is not occupied. All finished product shall be stored under lock and key and away from processing activities. A prominent “No Trespassing” sign shall be displayed at the parcel’s entrance. To ensure the non-diversion of product, Applicant has enrolled in the track and trace program.

## SOIL AMENDMENTS AND FERTILIZER

<b>PRODUCT USED</b>	<b>AMOUNT STORED ON-SITE</b>
Sea Green from Primordial Solutions	5 gal or less
Root-a-mentary from Primordial Solutions	5 gal or less
Age Old Grow	12 gal or less
Thrive Alive	1 gal or less
True Bloom from Primordial Solutions	5 gal or less
Molasses	5 gal or less
Cal N Mag from Earth Juice	10 gal or less
Hydrolized Fish from Beneficial Living Center	10 gal or less
Alfalfa Meal	300-500 lbs
Dr. Earth All Around 4-4-4	300-500 lbs
Dr. Earth Bud and Bloom Booster	300-500 lbs
Oyster Shell	300-500 lbs
Insect Frass	50-100 lbs
Soluble Bat Guano from Earth Juice	500-1000 lbs
Compost	3-6 yards
Worm Castings	1-2 yards



**LINDBERG GEOLOGIC CONSULTING**

**David N. Lindberg, CEG**  
Post Office Box 306  
Cuttan California 95534  
(707) 442-6000

May 16, 2022

Project No: 0437.00

Cedar Flats South LLC  
Mr. Scott Raymond  
Post Office Box 682  
Arcata, California 95518



Subject: Hydrologic Isolation of Existing Well from Surface Waters  
South Fork Mountain near Hyampom, APN: 317-055-009, WCR2019-014536

To Whom It May Concern:

As requested, Lindberg Geologic Consulting has assessed an existing permitted well on the above-referenced parcel to estimate its potential for hydrologic connectivity with any adjacent wetlands and or surface waters, and if pumping this well could affect surface waters in nearby water courses. Creeks in the vicinity of this well drain to the South Fork Trinity River (Figure 1). A California-Certified Engineering Geologist visited this site on March 30, 2022 to observe the subject well and local site conditions. Based on our observations, research, professional experience, it is our opinion the subject well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent surface waters and or wetlands in the vicinity. our client plans to use his water to irrigate cannabis. We are not aware of the volume of water to be extracted or what the pumping schedule might be but expect that our client will supply that information.

This well was drilled by Rich Well Drilling and Pump Service, of McKinleyville, California, in October, 2019, under county permit #18/19-0328. Rich Well Drilling and Pump Service is a licensed well-drilling contractor (C-57 #902702). Rich Well Drilling and Pump Service submitted the well completion report (DWR 188) on October 15, 2019 (attached). Rich Well Drilling estimated the yield of this well at 25 gallons per minute in October 2019. Based on a two-hour air lift pump test, the total drawdown was reported to be ten (10) feet, which may not be representative of the wells long-term yield. The well location is shown approximately on Figures 1 and 3.

Borehole diameter as reported by the driller is 10-inches. Total drilled depth is 200 feet. A bentonite sanitary surface seal was installed from grade to 20 feet below the ground surface (bgs). From the ground surface to the total depth, the well was constructed of 5.5-inch diameter, PVC pipe. From 20 feet bgs to the total completed total depth of 200 feet bgs, the annulus was backfilled with 3/8-inch pea gravel. The well is cased and sealed through any potential shallow subsurface aquifers and is screened with 0.032-inch milled slots from 180 to 200 feet (total depth). Depth to first water was reported to be 90 feet below grade. Depth to the static water level in the completed and developed well was also reported to be 90 feet below grade when the driller conducted the pump test in October 2019.

**LINDBERG GEOLOGIC CONSULTING**  
**(707) 442-6000**

May 16, 2022

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Per our measurements from the Humboldt County WebGIS site, parcel 317-055-009 (Figure 2) encompasses approximately 160 acres. Based on our on-site GPS measurements, the subject well is located approximately at latitude 40.65189° north, and longitude 123.57204° west ( $\pm 9'$ ). As reported by the driller, this well is in Section 11, T3N, R5E, HB&M (Figures 1 and 2). Based on the Humboldt County WebGIS mapping, this well is more than 180 feet from the nearest mapped surface waters, an unnamed ephemeral tributary of Big Creek (Figure 1), which is the nearest mapped watercourse. Based on interpolation from the USGS "Sims Mountain, Calif." topographic quadrangle map (Figure 1), and the Humboldt County WebGIS, well elevation is approximately 4,840 feet above sea level. Elevation of the unnamed ephemeral tributary of Big Creek at its nearest point to the well is less than 4,820 feet. The elevation of the bottom of the well is therefore approximately 4,640 feet which is below the elevation of the unnamed ephemeral tributary of Big Creek at its nearest point to the well.

Only one spring is mapped in Section 11 on the USGS "Sims Mountain, Calif." topographic quadrangle map, and no springs are mapped in any of the adjacent sections (Figure 1). From the well on the subject parcel, the nearest mapped spring is more than 2,700 feet to the northwest, at an elevation of approximately 5,240 feet. There are no other springs mapped in Section 11, nor on any of the surrounding contiguous parcels.

On the geologic map (Figure 4), this area is underlain by undivided pre-Cretaceous sedimentary rocks (ms) on the Geologic Map of California (1962). To the southeast along strike, these materials were described by McLaughlin and Others (2000) as the Early Cretaceous, or older, South Fork Mountain Schist and Pickett Peak terrane (ppsm). McLaughlin and Others describe this unit as "Schistose and semischistose lawsonite bearing metasedimentary and metavolcanic rocks with Rb-Sr whole-rock ages which suggest metamorphic age of approximately 125–5 million years before present."

Materials reported on the geologic log of the driller's well completion report (attached) include 20 feet of "Top soil" overlying 20 feet of "Greenish silty Clay". From the depth of 40 to 80 feet, the driller logged "Broken Shale W/ Quartz" which was in turn underlain by 40 feet of "Brown Shale W/ Quarts And Water" which, at 90 feet was the first water-bearing unit. Below the "Brown Shale W/ Quarts And Water", from 120 feet to 160 feet, 40 feet of "Blue Shale" was logged. From 160 feet to the total depth of 200 feet the driller reported "Broken Blue Shale And Quartz W/ More Water". We interpret the "Top soil" and the "Greenish silty Clay" sections of this profile to be aquitards; materials of lower relative permeability and transmissivity, and the "Brown Shale W/ Quarts and Water" as well as the "Broken Blue Shale And Quartz W/ More Water" to be materials having higher transmissivity and permeability, or "aquifer-type" materials. The "Brown Shale W/ Quarts and Water" and the "Broken Blue Shale And Quartz W/ More Water" appear to be the water bearing aquifer units. At the location of the subject well, the elevation of the upper water-bearing aquifer unit is approximately 4,750 feet.

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Below the topsoil, the earth materials encountered in the boring are interpreted to be part of the South Fork Mountain Schist. South Fork Mountain Schist is a northeast dipping, sheared, fractured, and folded metasedimentary schistose rock unit that may be expected to have a moderate to high hydraulic conductivity and likely constitutes a significant aquifer for the subject property. We interpret the underlying sequence of materials described by the driller (shale with quartz), as lithologies within the South Fork Mountain Schist.

A geologic cross section of the area after McLaughlin and Others (2000) shows the structural and stratigraphic relationships between the local geologic units (Figure 5). The South Fork Mountain Schist / Picket Peak Terrane (ppsm) unit is shown schematically as an easterly dipping, fault bounded tabular body of rock. On-site, the dip of the rock units could not be observed in the ppsm because it was mantled by soil and colluvium (and snow). We interpret the faults bounding the ppsm to be hydrologic barriers of minimal permeability (due to grinding and shearing along fault planes) which effectively separate the ppsm from the eastern belt rocks of the Franciscan Complex to the west, and from rocks of the Klamath Mountains geologic province. Groundwater flow across (or through) the faults bounding these three geologic units is likely low.

In our professional opinion, based on our experience, observations, and review of pertinent and available information, this well is interpreted to have a low potential of having any direct connection to surface waters. First water was encountered at 90 feet. This well is sealed through the upper 20 feet of any potential unconfined, near-surface aquifers with which it might communicate hydraulically through the borehole because the bentonite-sealed surface casing isolates the Top soil, and the Greenish silty Clay materials from the deeper ppsm shales. When considered with the stratigraphy and geologic structure, distances (horizontal and vertically) from the nearest surface waters, depth of the producing zone of this well (~90 - 120 feet, and 160 – 200 feet in ppsm), as well as its position relative to the nearest adjacent watercourses (ephemeral tributary of Big Creek), we concluded that the depth of the surface seal is sufficient to preclude the potential for hydraulic connectivity with surface waters. The water source from which this well draws appears to be a confined subsurface aquifer not connected to any unconfined, near-surface aquifer(s). This well appears likely to be hydraulically isolated from nearby wells, surface waters, springs or wetlands by the geologic structure of the ppsm.

In our professional opinion, it appears that the aquifer tapped by the subject well is recharged by water infiltrating from source areas proximal to the well site. As noted, the “Water Level and Yield of Completed Well” section of the Well Completion Report estimated the yield of this well at 25 gallons per minute (gpm) in October 2019, with 10 feet of drawdown, after Rich Well Drilling’s two-hour air-lift pump test. As noted on the attached well completion report, this capacity may not be representative of this well’s long-term yield. Separate pump - draw down and recovery tests this well are necessary to estimate long-term sustainable yield. If this well can produce 25 gallons per minute for a sustained period, it would produce 36,000 gallons per day.

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As discussed, in our opinion the subject well does not appear likely to be hydrologically connected to, or capable of influencing surface water flows in the nearest tributary of Big Creek, a tributary of South Fork Trinity River. Nor does this well appear likely to be hydrologically connected to the nearby springs or ephemeral wetlands (if any). Given the horizontal distances involved, and the elevation differences between the water-producing zone in the subject well, and the surface waters of the nearest watercourse, the potential for hydrologic connectivity between surface waters and groundwater in the deep bedrock aquifers tapped by this well appears low. Further, given the apparently limiting condition of 40 feet of low-transmissivity (aquitar) materials above the water-bearing brown shale aquifer unit, the water-producing zones are considered hydrologically isolated from, and not demonstrably connected to any other aquifer(s) in the surrounding, slope mantling colluvial soil, or other sections of the ppsm deposits.

On the Sims Mountain USGS topographic quadrangle map, the nearest mapped spring at Black Fox Rock is shown no closer than 2,700 feet to the northwest, at an elevation of approximately 5,240 feet in Section 11 (Figure 1). This spring is the closest mapped spring to the subject well and is at an elevation higher than the elevation of the well head 4,840 feet. There do not appear to be any other mapped springs or natural wetlands within 1,000 feet of the subject well.

There is one other well in the vicinity of the subject parcel. In Section 11 (T3N, R5E), we found one other well in the Department of Water Resources (DWR) database. There is another irrigation well on parcel 317-054-001, (#2019-014838) that was also drilled in October 2019. Well #2019-014838 is more than 3,100 feet northwest of the subject well and is also 200 feet deep.

The USDA Natural Resources Conservation Service, online Web Soil Survey, shows the subject well to be located within the Marpa-Neuns families soil complex (187, Figure 6), which is described as well-drained. The Web Soil Survey Unit description is attached to this report. Mean annual precipitation in the area is listed as 40 to 70 inches per year. Capacity of the most limiting layer to transmit water (Ksat) is described as low to moderately high (0.01 to 0.57 in/hr). If ten percent of 40 inches of precipitation is absorbed by the soils and does not flow across the surface to local watercourses, then approximately 53 acre-feet, or 17.4 million gallons, of water per year may be expected to recharge the local aquifer system below this 160-acre subject property. At 25 gallons per minute, if this well can sustain 25 gallons per minute when pumped continuously, the well could draw slightly less than 13 million gallons, or approximately 75 percent of the estimated minimum annual recharge. Actual groundwater withdrawal is expected to be significantly less, since irrigation (and pumping) would only be occurring during the growing season, perhaps five months of the year. In our opinion, the groundwater supply is sufficient for the proposed use on this parcel.

On the 28<sup>th</sup> of March, 2022, our governor issued an executive order (N-7-22) relating to the ongoing drought California is experiencing.

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**(707) 442-6000**

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In his executive order, the governor outlined several measures the State will undertake to avoid and ameliorate the negative impacts of the current drought. Among these measures, it was ordered that counties, cities, and other public agencies are prohibited from approving permits for new groundwater wells (or alteration of existing wells) in basins *“subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed”*. Your well at South Fork Mountain is not within a basin subject to the Act, and there has been no Groundwater Sustainability Agency established with authority over the area where your permitted well is sited.

Further, the Order states that counties, cities, and other public agencies have been prohibited from issuing permits for new groundwater wells (or alteration of existing wells) *“without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure”*. Note that this Order, and that cited in the preceding paragraph, are not applicable to *“wells that provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems.”*

Based on our professional experience, observations, and research, it is our opinion the well on South Fork Mountain has a minimal likelihood of being hydrologically connected to any nearby surface waters or wells in any manner that might affect adjacent wetlands, wells, and or surface waters in the vicinity.

Please contact us if you have questions or concerns regarding our findings and conclusions.

Sincerely,

David N. Lindberg, CEG  
Lindberg Geologic Consulting

DNL:sll

Attachments:

- Figure 1: Topographic Map and Well Location
- Figure 2: Humboldt County Assessor's Parcel Map
- Figure 3: Satellite Image Site Plan
- Figure 4: Geologic Map
- Figure 4a: Geologic Cross Section

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Figure 5: Geologic Map Explanation

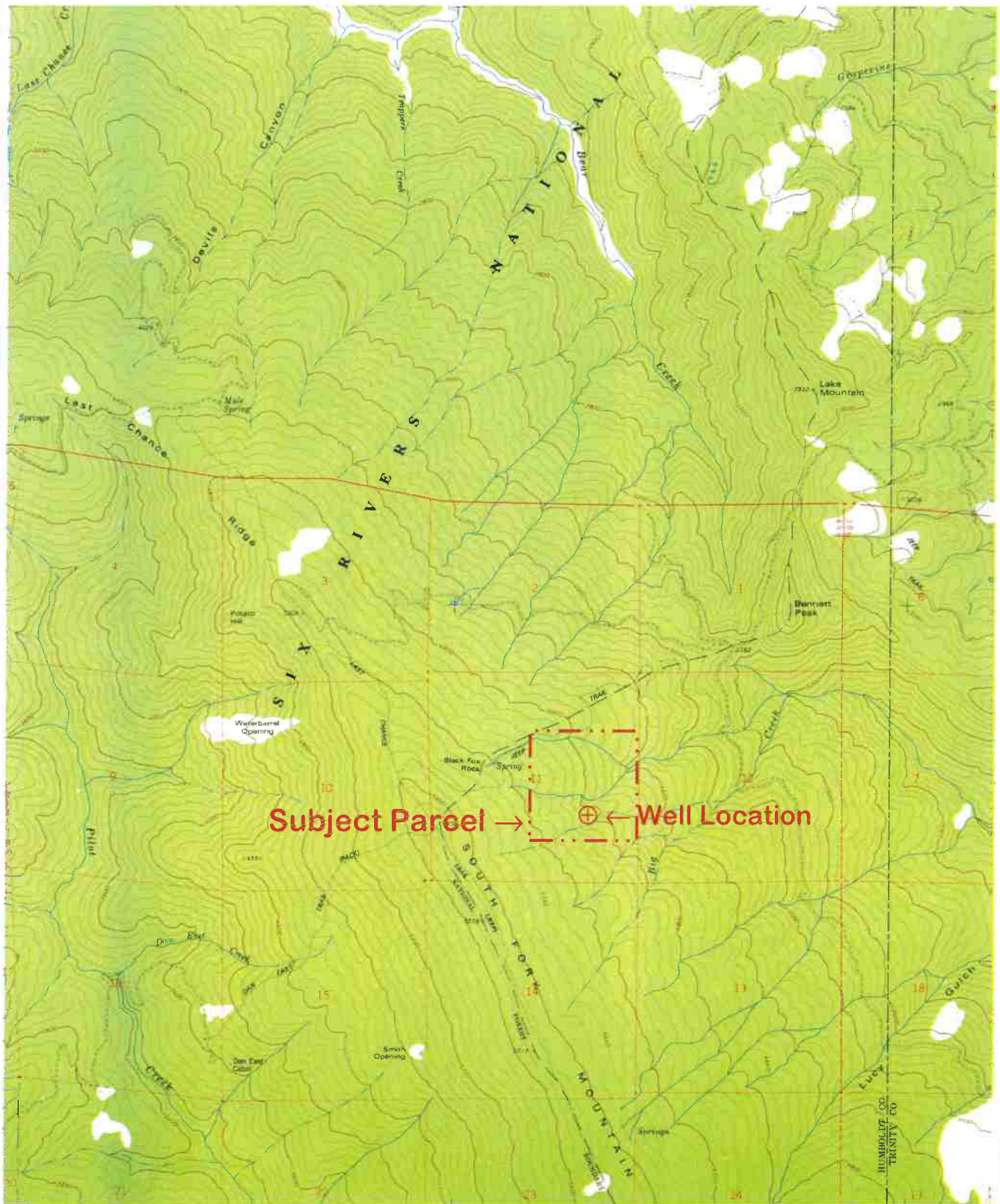
Figure 6: Satellite Image with USDA Soil Map

State of California Well Completion Report:

WCR-2019-014536 (DWR 188 REV. 12/19/2017), the subject well.

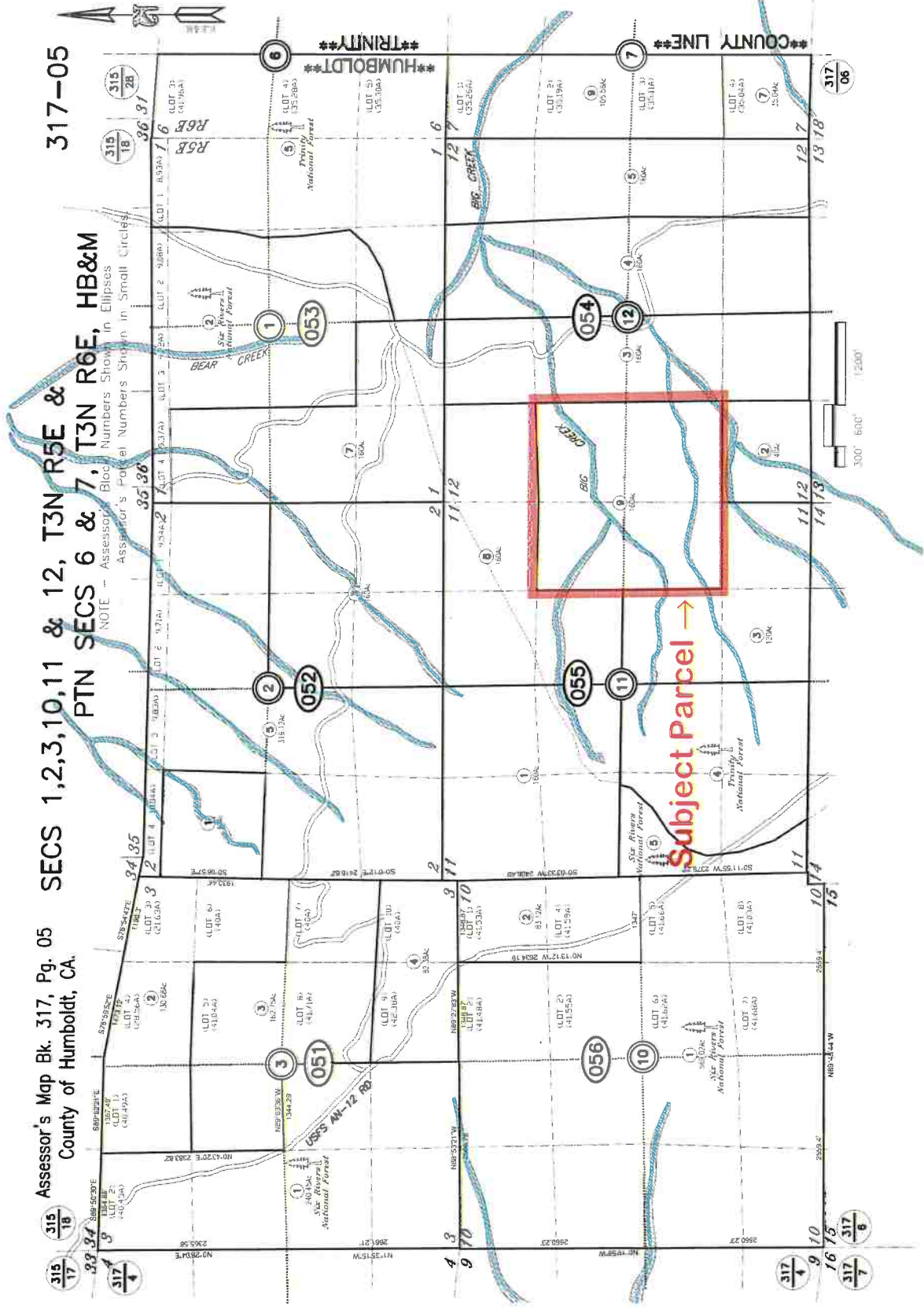
Web Soil Survey, NRCS Unit Description: Marpa-Neuns families complex, 40 to 60 percent slopes.

Lindberg Geologic Consulting	Engineering-Geologic Hydrogeologic Well Isolation Report	Figure 1
Post Office Box 306	South Fork Mountain near Hyampom, Humboldt County	May 16, 2022
Cutten, CA 95534	APN: 317-055-009, Cedar Flats South LLC, Mr. Scott Raymond, Client	Project 0437.00
(707) 442-6000	Topographic Map and Well Location (all locations approximate)	1" ≈ 3,500'



Modified From: USGS 7.5' "Sims Mountain, Calif." Topographic Quadrangle Map, 1979. N ≈

Lindberg Geologic Consulting	Engineering-Geologic Hydrogeologic Well Isolation Report	Figure 2
Post Office Box 306	South Fork Mountain near Hyampom, Humboldt County	May 16, 2022
Cutten, CA 95534	APN: 317-055-009, Cedar Flats South LLC, Mr. Scott Raymond, Client	Project 0437.00
(707) 442-6000	Humboldt County Assessor's Parcel Map (locations approximate)	Scale as Shown



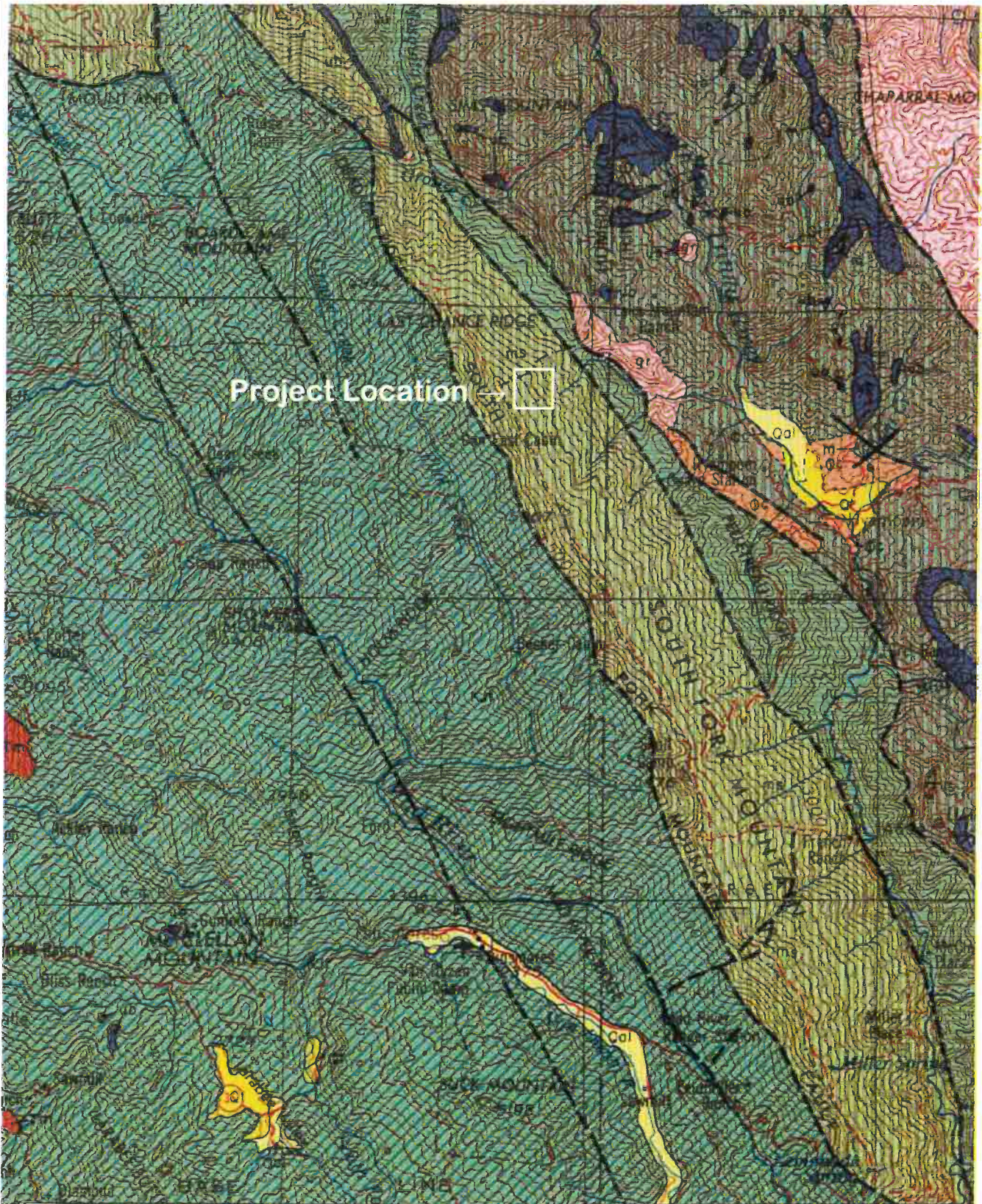



Lindberg Geologic Consulting	Engineering-Geologic Hydrogeologic Well Isolation Report	Figure 3
Post Office Box 306	South Fork Mountain near Hyampom, Humboldt County	May 16, 2022
Cutten, CA 95534	APN: 317-055-009, Cedar Flats South LLC, Mr. Scott Raymond, Client	Project 0437.00
(707) 442-6000	Satellite Image Site Plan (locations approximate)	1" ≈ 150'



Modified from: Google Earth Imagery of October 2019. N ≈ 

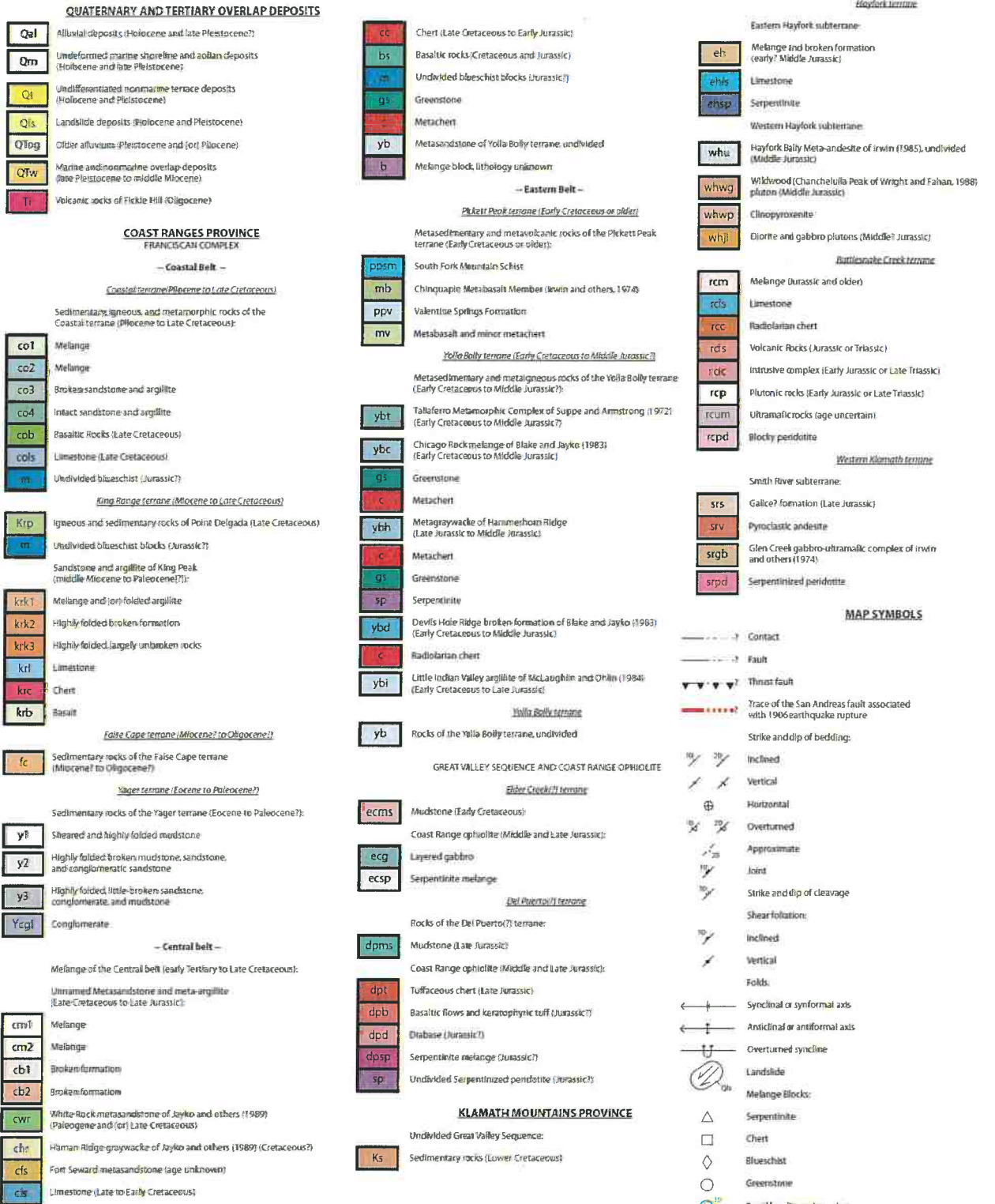
Lindberg Geologic Consulting	Engineering-Geologic Hydrogeologic Well Isolation Report	Figure 4
Post Office Box 306	South Fork Mountain near Hyampom, Humboldt County	May 16, 2022
Cutten, CA 95534	APN: 317-055-009, Cedar Flats South LLC, Mr. Scott Raymond, Client	Project 0437.00
(707) 442-6000	Geologic Map (locations approximate)	1" $\approx$ 14,400'



Modified From: California Division of Mines and Geology, Geologic Map of California, Redding Sheet, 1966. N  $\approx$  

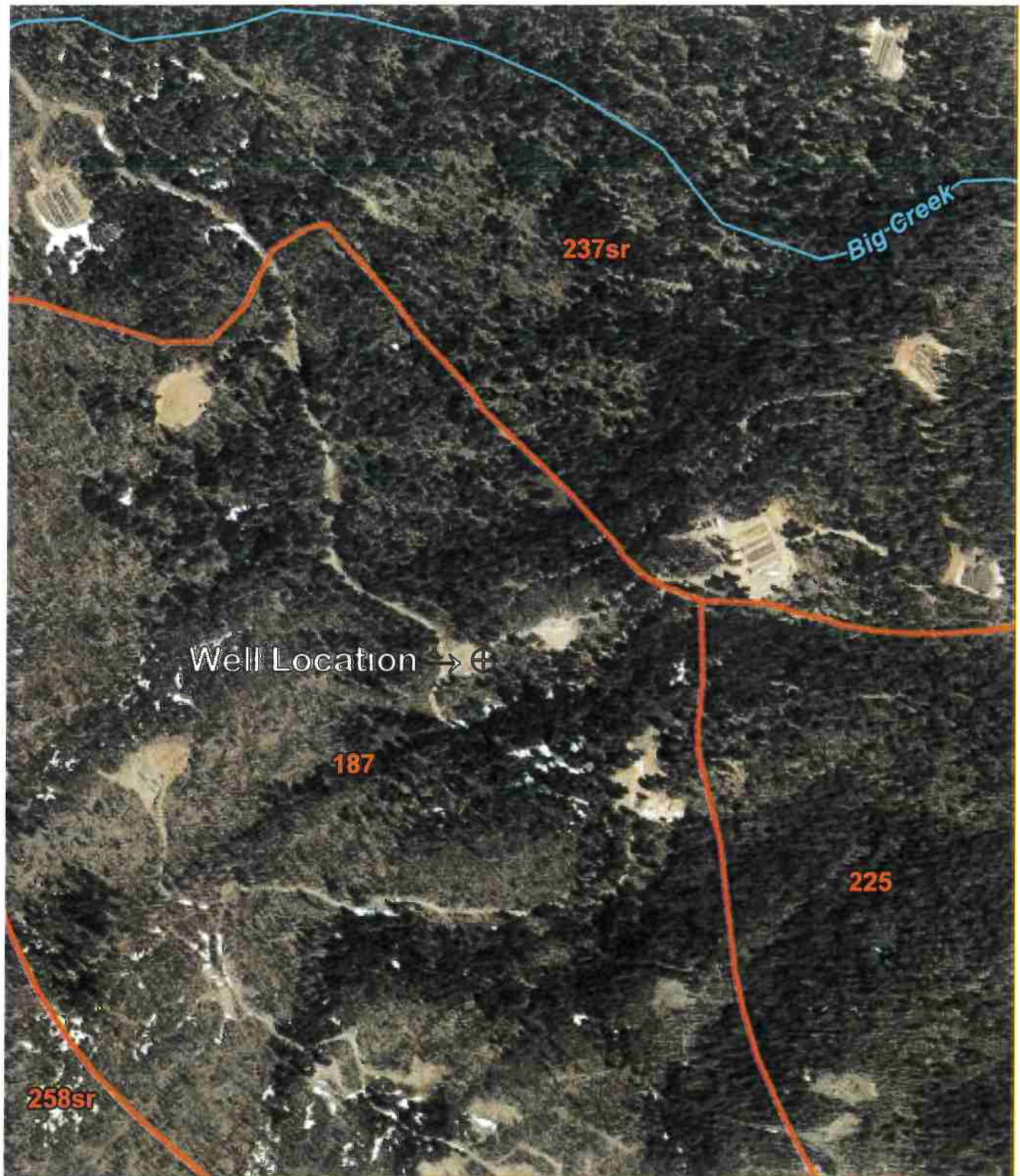


### DESCRIPTION OF MAP UNITS



**GEOLOGY OF THE CAPE MENDOCINO, EUREKA, GARBERVILLE, AND SOUTHWESTERN PART OF THE HAYFORK 30 X 60 MINUTE QUADRANGLES AND ADJACENT OFFSHORE AREA, NORTHERN CALIFORNIA (McLaughlin et al., 2000)**

Lindberg Geologic Consulting	Engineering-Geologic Hydrogeologic Well Isolation Report	Figure 6
Post Office Box 306	South Fork Mountain near Hyampom, Humboldt County	May 16, 2022
Cutten, CA 95534	APN: 317-055-009, Cedar Flats South LLC, Mr. Scott Raymond, Client	Project 0437.00
(707) 442-6000	Satellite Image with USDA Soil Map (all locations approximate)	Scale Not Specified



Modified from: USDA Web Soil Survey, 2022, N =

State of California  
**Well Completion Report**  
 Form DWR 188 Complete 12/3/2019  
 WCR2019-014536

Owner's Well Number 1 Date Work Began 10/03/2019 Date Work Ended 10/04/2019  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 18/19-0328 Permit Date 10/16/2018

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>XXXXXXXXXXXXXXXXXXXXXX</u>	Activity <u>New Well</u>
Mailing Address <u>XXXXXXXXXXXXXXXXXXXXXX</u> <u>XXXXXXXXXXXXXXXXXXXXXX</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>XXXXXXXXXXXXXXXXXXXXXX</u> State <u>XX</u> Zip <u>XXXXX</u>	

Well Location	
Address _____	APN <u>317-055-009</u>
City _____ Zip _____ County <u>Humboldt</u>	Township <u>03 N</u>
Latitude <u>40</u> <u>39</u> <u>6.5519</u> N Longitude <u>-123</u> <u>34</u> <u>19.9559</u> W	Range <u>05 E</u>
Deg. Min. Sec. Deg. Min. Sec.	Section <u>11</u>
Dec. Lat. <u>40.65182</u> Dec. Long. <u>-123.57221</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>90</u> (Feet below surface)
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>200</u> Feet	Water Level <u>90</u> (Feet) Date Measured _____
Total Depth of Completed Well <u>200</u> Feet	Estimated Yield* <u>25</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>2</u> (Hours) Total Drawdown <u>10</u> (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface	Feet to Feet	Description
0	20	Top soil
20	40	Greenish silty Clay
40	80	Broken Shale W/ Quartz
80	120	Brown Shale W/ Quarts And Water
120	160	Blue Shale
160	200	Broken Blue Shale And Quartz W/ More Water



## Shasta-Trinity National Forest Area, Parts of Humboldt, Siskiyou, Shasta, Tehama, and Trinity Counties, California

### 187—Marpa-Neuns families complex, 40 to 60 percent slopes.

#### Map Unit Setting

*National map unit symbol:* hswm

*Elevation:* 2,500 to 5,000 feet

*Mean annual precipitation:* 40 to 70 inches

*Mean annual air temperature:* 50 to 59 degrees F

*Frost-free period:* 130 to 160 days

*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Marpa family and similar soils:* 60 percent

*Neuns family and similar soils:* 30 percent

*Minor components:* 10 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Marpa Family

##### Setting

*Landform:* Mountains

*Landform position (two-dimensional):* Backslope

*Landform position (three-dimensional):* Mountainflank

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Parent material:* Residuum weathered from metamorphic and sedimentary rock

##### Typical profile

*H1 - 0 to 13 inches:* gravelly loam

*H2 - 13 to 26 inches:* very gravelly clay loam

*H3 - 26 to 36 inches:* unweathered bedrock

##### Properties and qualities

*Slope:* 40 to 60 percent

*Depth to restrictive feature:* 26 inches to lithic bedrock

*Drainage class:* Well drained

*Runoff class:* Very high

*Capacity of the most limiting layer to transmit water (Ksat):* Low to moderately high (0.01 to 0.57 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water supply, 0 to 60 inches:* Low (about 3.1 inches)





### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 6e  
*Hydrologic Soil Group:* C  
*Ecological site:* F005XZ018CA - Moderately Deep Gravelly Mesic Mountains 40-60"ppt  
*Hydric soil rating:* No

### Description of Neuns Family

#### Setting

*Landform:* Mountains  
*Landform position (two-dimensional):* Backslope  
*Landform position (three-dimensional):* Mountainflank  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Parent material:* Residuum weathered from igneous, metamorphic and sedimentary rock

#### Typical profile

*H1 - 0 to 11 inches:* very gravelly sandy loam  
*H2 - 11 to 23 inches:* very gravelly sandy loam  
*H3 - 23 to 33 inches:* unweathered bedrock

#### Properties and qualities

*Slope:* 40 to 60 percent  
*Depth to restrictive feature:* 23 inches to lithic bedrock  
*Drainage class:* Well drained  
*Runoff class:* Medium  
*Capacity of the most limiting layer to transmit water (Ksat):* Low to high (0.01 to 5.95 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Very low (about 1.8 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 6e  
*Hydrologic Soil Group:* B  
*Ecological site:* F005XZ018CA - Moderately Deep Gravelly Mesic Mountains 40-60"ppt  
*Hydric soil rating:* No

### Minor Components

#### Holland family

*Percent of map unit:* 3 percent  
*Hydric soil rating:* No

#### Neuns family, deep

*Percent of map unit:* 3 percent  
*Hydric soil rating:* No

**Deadwood family**

*Percent of map unit: 3 percent*  
*Hydric soil rating: No*

**Neuns family, schist substratum**

*Percent of map unit: 1 percent*  
*Hydric soil rating: No*

**Data Source Information**

Soil Survey Area: Shasta-Trinity National Forest Area, Parts of Humboldt, Siskiyou, Shasta, Tehama, and Trinity Counties, California  
Survey Area Data: Version 11, Sep 6, 2021



RECEIVED

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

APR 02 2021

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION NO. 1600-2019-0817-R1

Unnamed Tributary to Big Creek, Tributary to South Fork Trinity River,  
Tributary to the Trinity River, Tributary to the Klamath River and the  
Pacific Ocean

Scott Raymond  
Raymond Stream Crossings and Water Diversion Remediation Project  
12 Encroachments



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

#### RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on September 25, 2019, that the Permittee intends to complete the project described herein.

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

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

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

#### PROJECT LOCATION

The project to be completed is located within Big Creek watershed, approximately 4.7 miles east southeast of the town of Hyampom, County of Humboldt, State of California. The project is located in Section 11, T13N, R5E, Humboldt Base and Meridian; in the Sims Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 317-055-001, 317-055-003, and 317-055-009; latitude 40.650738 N and longitude -123.572194 W and the approximate project center.

#### PROJECT DESCRIPTION

The project is limited to 12 encroachments on unnamed tributaries to Big Creek (Table 1). One encroachment is for water diversion for irrigation. Work for the water diversion

will include use and maintenance of the water diversion infrastructure. The eleven other encroachments are to upgrade existing stream crossings. Work for these encroachments will include some or all of the following: excavation, culvert removal and replacement, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Descriptions.

ID	Latitude/Longitude	Description
STX-2	40.657050, -123.577635	Upgrade existing unpermitted ford crossing with a minimum 36" diameter culvert and rock armor inlet and outlet as needed.
STX-8	40.648064, -123.573586	Upgrade existing unpermitted ford crossing with a minimum 30" diameter culvert and rock armor inlet and outlet as needed.
STX-9	40.648684, -123.573978	Upgrade existing undersized 18" diameter culvert with a minimum 48" diameter culvert and rock armor inlet and outlet as needed.
STX-10	40.649686, -123.575688	Upgrade existing unpermitted ford crossing with a minimum 18" diameter culvert and rock armor inlet and outlet as needed.
STX-11	40.649962, -123.575545	Upgrade existing undersized 30" diameter culvert with a minimum 54" diameter culvert and rock armor inlet and outlet as needed.
STX-12	40.649481, -123.570586	Upgrade existing undersized 24" diameter culvert with a minimum 54" diameter culvert and rock armor inlet and outlet as needed.
STX-13	40.649799, -123.570778	Upgrade existing undersized 24" diameter culvert with a minimum 60" diameter culvert and rock armor inlet and outlet as needed.
STX-14	40.648249, -123.569624	Upgrade existing undersized 24" diameter culvert with a minimum 60" diameter culvert and rock armor inlet and outlet as needed.
STX-16	40.653338, -123.573756	Upgrade existing unpermitted ford crossing with a minimum 30" diameter culvert and rock armor inlet and outlet as needed.
STX-17	40.651416, -123.571407	Upgrade existing undersized 48" diameter culvert with a minimum 66" diameter culvert and rock armor inlet and outlet as needed.
STX-18	40.655879, -123.566430	Upgrade existing undersized 72" diameter culvert with a minimum 108" diameter culvert and rock armor inlet and outlet as needed.
POD	40.65600, -123.123.5810	Point of Diversion (POD): Installation, use and maintenance of new surface water diversion structure consistent with this agreement.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Steelhead Trout (*O. mykiss*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), as well as, other aquatic and riparian amphibian, reptile, aquatic invertebrate, mammal and bird species.

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

**Impacts to water quality:**

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

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

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

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

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

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.

- 1.4 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **Agreement Compliance.** The proposed work shall comply with the measures of this Agreement. **Failure to comply with these measures shall result in suspension or revocation of this Agreement.**
- 1.8 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

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

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on September 25, 2019, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

- 2.3 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2021**. A written notice of completed work shall be submitted to CDFW within seven (7) days following project completion. **Failure to comply with this measure shall result in suspension or revocation of this Agreement.**
- 2.5 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.
- 2.6 **Foothill Yellow-legged Frog avoidance:** Foothill Yellow-legged Frogs (FYLF) are a candidate for state listing and may occur within the proposed project area(s). As a result, construction or remediation activities shall not occur where free water (flowing or stagnant) is present in the watercourse in the project area or within 100 feet of it, unless a visual encounter survey is conducted for all life-stages of FYLF by a qualified individual (knowledgeable with all life stages of FYLF and similar species) in accordance with the following:
- 2.6.1 A visual encounter survey shall be conducted no more than two weeks prior to initiating construction/reconstruction work.
- 2.6.2 Visual encounter surveys shall consist of walking the entire survey reach and visually scanning in the water and on the banks. Any frog species encountered shall be recorded.
- 2.6.3 If FYLF are present within the survey area, operations at these locations shall not occur unless consultation with CDFW is completed to develop site-specific mitigation measures or an Incidental Take Permit for FYLF is obtained.

### **Vegetation Management**

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

## **Water Diversion**

- 2.9 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.10 **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.
- 2.11 **Seasonal Diversion Minimization.** The Permittee shall confine the period of diversion to **December 15 through March 31**. Water shall be diverted only if the Permittee can adhere to conditions 2.9 and 2.10 of this Agreement.
- 2.12 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate device (e.g., inline flow meter) 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:
- 2.12.1 A log including the date, time and quantity of water diverted from the POD.
- 2.12.2 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).
- 2.12.3 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).
- 2.13 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW (see contact information below).
- 2.14 **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.



- 2.15 **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.
- 2.16 **Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.16.1 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%.
- 2.16.2 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.
- 2.16.3 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.
- 2.16.4 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.
- 2.17 **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.
- 2.18 **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 CDFW Fish Screen Criteria will be achieved under this Agreement.
- 2.19 **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.
- 2.20 **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.

- 2.21 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.22 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.
- 2.23 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.24 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).

### **Stream Crossings**

- 2.25 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.26 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.
- 2.27 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.

## 2.28 Dewatering.

2.28.1 Stream Diversion. 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. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.28.2 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.

2.28.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include 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.

2.28.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, 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.

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

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

Activity is completed.

**2.28.7 Restore Normal Flows.** Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

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

**2.30 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.

**2.31 Culvert Installation.**

**2.31.1** The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe shall be prohibited.

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

**2.31.3** Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or 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.

**2.31.4** Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the 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.

2.31.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.31.6 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.

**2.32 Rock Armor Placement.**

2.32.1 No heavy equipment shall enter the wetted stream channel.

2.32.2 No fill material, other than clean rock, shall be placed in the stream channel.

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

2.32.4 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.

2.33 **Road Approaches.** The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. 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. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

2.34 **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.

**Erosion Control and Pollution**

2.35 **Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.36 **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.

- 2.37 **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 and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.38 **Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.39 **Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.40 **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.
- 2.41 **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.

### **3. Reporting Measures**

- 3.1 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (Measure 2.12) shall be submitted to CDFW (see contact information below) no

later than **December 31** of each year beginning the year when the Agreement becomes effective.

- 3.2 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** (Measure 2.13) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW (see contact information below)
- 3.3 **Diversion Infrastructure Plan.** The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a **Diversion Infrastructure Plan** (Measure 2.18). This document shall be submitted to CDFW (see contact information below).
- 3.4 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (Measure 2.34) to CDFW (see contact information below).

### **CONTACT INFORMATION**

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

**To Permittee:**

Scott Raymond  
Ranch and Land Resource Company LLC  
Black Fox Conservation Project LLC  
P.O. Box 682  
Arcata, California 95518  
805-450-9744  
sraymond1@gmail.com

**To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification # 1600-2019-0817-R1

### **LIABILITY**

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

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

### **SUSPENSION AND REVOCATION**

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

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

### **ENFORCEMENT**

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

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

### **OTHER LEGAL OBLIGATIONS**

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

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



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

### **AMENDMENT**

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

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

### **TRANSFER AND ASSIGNMENT**

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

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

### **EXTENSIONS**

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

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

### **EFFECTIVE DATE**

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

### **TERM**

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

### **AUTHORITY**

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


### **AUTHORIZATION**


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

**CONCURRENCE**


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

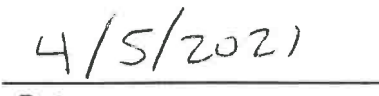
**FOR Scott Raymond**

  
\_\_\_\_\_  
Scott Raymond

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Scott Bauer  
Senior Environmental Scientist Supervisor

  
\_\_\_\_\_  
Date

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, December 11, 2019.



165 South Fortuna Boulevard, Fortuna, CA 95540  
707-725-1897 • fax 707-725-0972  
trc@timberlandresource.com



October 30, 2020

Cannabis Services Division  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Dear Planner,

APN 317-055-009  
Application #13349

This report is in response to a letter from Humboldt County dated April 22, 2020. Timberland Resource Consultants (TRC) visited the property at APN 317-005-009 on October 12, 2020 to evaluate the removal and remediation of cannabis infrastructure at three sites pursuant to recommendations from the Timberland Conversion Evaluation Report (TRC, 2018), and to assess the environmental conditions of sites as they relate to the proposal to relocate cultivation activities. The following two sections describe the current condition of cultivation sites as they pertain to the April, 2020 letter.

**Item 6.** within the letter states: *"Submit a remediation plan that details the specific methods of restoration including a monitoring component and cost estimate for the work to be completed. The restoration shall include at least an additional 1.5 acres of timberland converted between June and July 2016 for the purposes of cannabis cultivation."*

1. During the site visit, TRC observed remediation of sites in the form of removal and cleanup of areas previously used for cannabis cultivation. TRC observed no materials nor waste related to cannabis cultivation, production, or processing at the three sites. Disturbed areas were stabilized by a combination of straw mulch, native grasses, or native rock. All cultivation activities are now consolidated to Cultivation Sites 3, 4, 5, 6, 7, and 8, as recommended in the Timberland Conversion Evaluation Report.
2. Remediation shall include the planting of these areas, as recommended in the Timberland Conversion Evaluation Report. Planting these areas shall occur as soon as possible, during the appropriate season, following the recommendations in the attached Restocking Plan at the end of this letter. The attached Restocking Plan includes an annual monitoring component and certification by the RPF.
3. Pursuant to the 2018 Timberland Conversion Evaluation, "Restoring Cultivation Sites 1, 2, and 9 will reduce the total conversion area to 2.92 acres, not exceeding the three-acre maximum [allowed by the Forest Practice Rules (FPRs)]". However, because Cultivation Sites were expanded to their current size between June and July of 2016, an additional 1.5 acres shall be restored. The property at APN 317-005-009 contains areas of substantially damaged timberlands resulting from the 2015 Johnson Fire. The FPRs defines substantially damaged timberlands as "areas of Timberland where wildfire, insects, disease, wind, flood, or other blight caused by an act of God occurs after January 1, 1976 and the damage reduced stocking below the requirements of PRC 4561 or other higher minimum stocking requirements that may be applicable under Articles 3 and 11 of Subchapter 4, Article 3 of Subchapter 5,

and Articles 3 and 11 of Subchapter 6.”

The RPF recommends the landowner plant a minimum of 1.5 acres to increase the rate of stocking and recovery of these areas. Planting shall occur in areas mapped by the RPF and follow the recommendations in the attached Restocking Plan. The landowner may consider applying similar treatments at a larger scale across a longer planting horizon.

**Item 7.** within the letter states: *“Because on-site relocation of existing cultivation is part of the proposed project, provide a Remediation Plan prepared by a qualified professional demonstrating that the new site is environmentally superior to the present condition, describing the methods of restoration, and targets to abate existing environmental harm at the previous cultivation area.”*

Pursuant to the 2018 Timberland Conversion Evaluation Report, the landowner is recommended to consolidate all cultivation activities to Sites 3, 4, 5, 6, 7, and 8 for the purposes of reducing the area of converted timberland to less than three acres. This has been completed. The proposal to relocate the historic 2015 cultivation activities henceforth is supported by the RPF for there are numerous environmental benefits associated with the proposed relocation as described below.

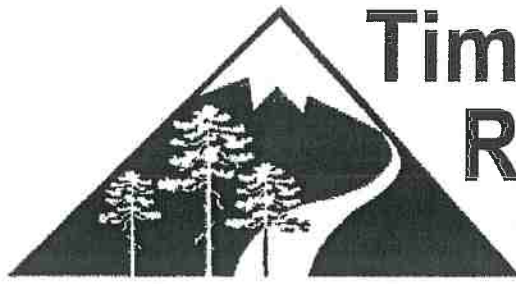
1. Consolidation of cultivation will reduce overall use of the native surfaced roads on the property. The 2015 Historic Cultivation Sites are located on opposite ends of the property and are accessed via a road network of approximately 2.5 miles of native surfaced road with moderate gradients. Approximately 1.1 miles of this road is located on a neighboring parcel for which the landowner has no control of, nor the ability to enforce road use limitations pertaining to the protection of water quality. Even if the seasonal roads were significantly improved with rock surfacing, out-sloping, and other drainage facilities; these surfaces would require some form of recurring maintenance to continue operating per best management practices throughout the life of the project. For this particular project the preferred alternative to minimize impacts to watershed and biological resources is to simply minimize the amount of road used, which will minimize erosion, potential sedimentation, and disturbance impacts to biological resources. Relocation of the sites will eliminate 5,400 feet of unnecessary road use.
2. The historic 2015 cultivation sites are located immediately adjacent to neighboring parcels with ongoing illegal activity from the adjacent landowner. Two of the historic sites are bisected by property lines, requiring the applicant to be extremely close to said activities. This configuration poses a risk of trespass and potential threat to human safety. The proposed cultivation site configuration consolidates activities away from property lines, improves security of property assets and increases safety for personnel.
3. Reconfiguration of the site occurred between 2015 and 2016 as a result of new emerging regulations related to commercial cannabis cultivation. The proposed reconfiguration of sites occurs in areas of already bare soils, and requires no additional vegetation removal. Furthermore, historically occupied areas occur on slopes greater than 17% which are considered too steep for cultivation standards. The proposed relocation will consolidate activities to environmentally superior locations with less potential to impact soil and water resources.

I trust that this letter provides the information that you need at this time. If you have any questions or require additional information, please contact my office at 707-725-1897.

Sincerely,



Jon Dylan Leonard  
Registered Professional Forester #3107  
Timberland Resource Consultants



# Timberland Resource Consultants



RESTOCKING PLAN FOR

**APN 317-055-009**

October 20, 2020

165 South Fortuna Blvd  
Fortuna, CA 95540  
707-725-1897  
707-725-0972 Fax  
[trc@timberlandresource.com](mailto:trc@timberlandresource.com)

## Restocking Plan

**Restocking Area:** See attached Restocking Plan Map

Site	Total Acreage	# Trees at 10'x10' Spacing
Cultivation Site 1	0.16	70
Cultivation Site 2	0.13	55
Cultivation Site 9	0.21	90
	1.5	650

**Site Preparation:** Site preparation is commonly utilized to facilitate timber stand establishment. The primary objective of this practice is to create an area suitable for planting seedlings and establishing a new stand of trees. Site preparation activities remove or reduce competing vegetation, reduce or remove unwanted trees and logging debris, and prepare the soil to ultimately promote the growth and survival of desired tree species. There are many methods of site preparation that fall under either chemical or mechanical site preparation. Subsoiling/ripping is a mechanical site preparation method for heavy soils on cutover timberlands or agricultural lands that have a compacted layer at or below the soil surface that limits root growth and development. Subsoiling/ripping increases aeration and water-holding capacity of compacted soils and breaks up root restricting hardpans and/or traffic pans. Chemical preparation includes broadcast and directed herbicide application.

*Recommendation:* Site preparation shall occur at Cultivation Sites 1 and 2. These areas have been compacted resulting from grading and past cultivation-related activities. No site preparation is needed at Cultivation 9. This area has not been graded or compacted with heavy equipment.

**Types of Seedlings:** Harvested and/or understocked timberlands should be artificially regenerated with naturally-occurring conifer species and cultivars well-adapted to the timber stand's specific climate, elevation, and other environmental conditions. Planting seedlings from appropriate seed zones and elevation ranges ensures better seedling success and, eventually, a more resilient timber stand. Specifically, timberland within the property is characterized by Douglas-fir. The area to be planted occurs within California Seed Zone 390 at approximately 1,300 feet in elevation.

*Recommendation:* The landowner shall plant Douglas-fir and/or white fir (best suited for Seed Zone 312, elevation range 4,000-5,000 feet) at a uniform spacing no less than 10-feet by 10-feet, or 435 trees per acre.

Most conifer seedlings that come from nurseries are available in two forms: bareroot seedlings and containerized seedlings. Bareroot seedlings are essentially stock whose roots are exposed at the time of planting. Bareroot seedlings are grown in nursery seedbeds and lifted from the soil in which they are grown to be planted in the field. Containerized seedlings are grown individually in a variety of hard-walled vessels or in peat pots from seed. They're typically more expensive than bareroots but usually have a higher survival rate after planting due to their well-formed root system.

*Recommendation:* Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.

**Seedling Care:** Seedling care and handling is extremely important to ensure post planting survival.

*Recommendation:* For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.

## Restocking Plan

**Planting Instructions:** When planting seedlings, the landowner or tree planter should abide by the following:

1. Tree planting shall only occur in winter or early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
4. Pack the soil down firmly around the seeding to remove any air pockets.
5. See Appendices A-D for illustrations for correct planting techniques.

**Stock Purchase:** Ideally, landowners should procure seedlings from sources growing local, site-specific stock. Appropriate stock is determined by stand type, seed zone, elevation, as well as other factors like soil type, site quality, and weather.

*Recommendation:* The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korbel, California. For inquiries, contact Nursery Superintendent Glen Lehar at (707) 668-4439. He will recommend the appropriate stock based on geographic area and site conditions.

**Monitoring Seedling Survival:** Although a newly planted stand immediately fulfills stocking standards, the timber stand must continually contain an average density of at least 300 trees per acre (or 12-foot by 12-foot spacing) in order to meet the intent of the California Forest Practice Rules (CFPRs). A **Countable Tree** per 14CCR 895.1 must be in place at least two growing seasons among other requirements. Seedling survival can vary widely depending on several factors including genetics, weather, herbivory, etc. Monitoring growth and success of planted seedlings is key to ensure a minimum 300-point count stocking level is maintained or achieved 2-years after planting.

*Recommendation:* Monitor growth and success of planted trees one year after planting. Conduct a point count stocking sampling survey (protocol described in CFPRs 14CCR 1072). If less than 55% of the planted area meets the 300-point count minimum stocking level, repeat the planting process.

**Certification:** Within five years of planting, a report of stocking shall be submitted to the county by an RPF, which certifies that the area meets the minimum stocking standards of 14 CCR 912.7.

Sincerely,



Jon Dylan Leonard  
Registered Professional Forester #3107  
Timberland Resource Consultants



# Cedar Farm South, LLC - Timberland Conversion Evaluation Restocking Plan Map

APN: 317-055-009

SW 1/4 of NE 1/4 & NE 1/4 of SE 1/4 of Sec. 11,  
 SW 1/4 of NW 1/4 & NE 1/4 of SW 1/4 of Sec. 12,  
 T3N, R5E; HB&M, Humboldt County  
 USGS 7.5' Quad: Sims Mountain  
 Map Scale: 1" = 400'  
 Contour Intervals = 40'



Revised: 10/30/20

### Property Features

- Property Boundary\*
- Cultivation Sites
- Restocking areas
- Potential additional acres

### Watercourses & Water Resources

- Class II
- Class III

### Other Features

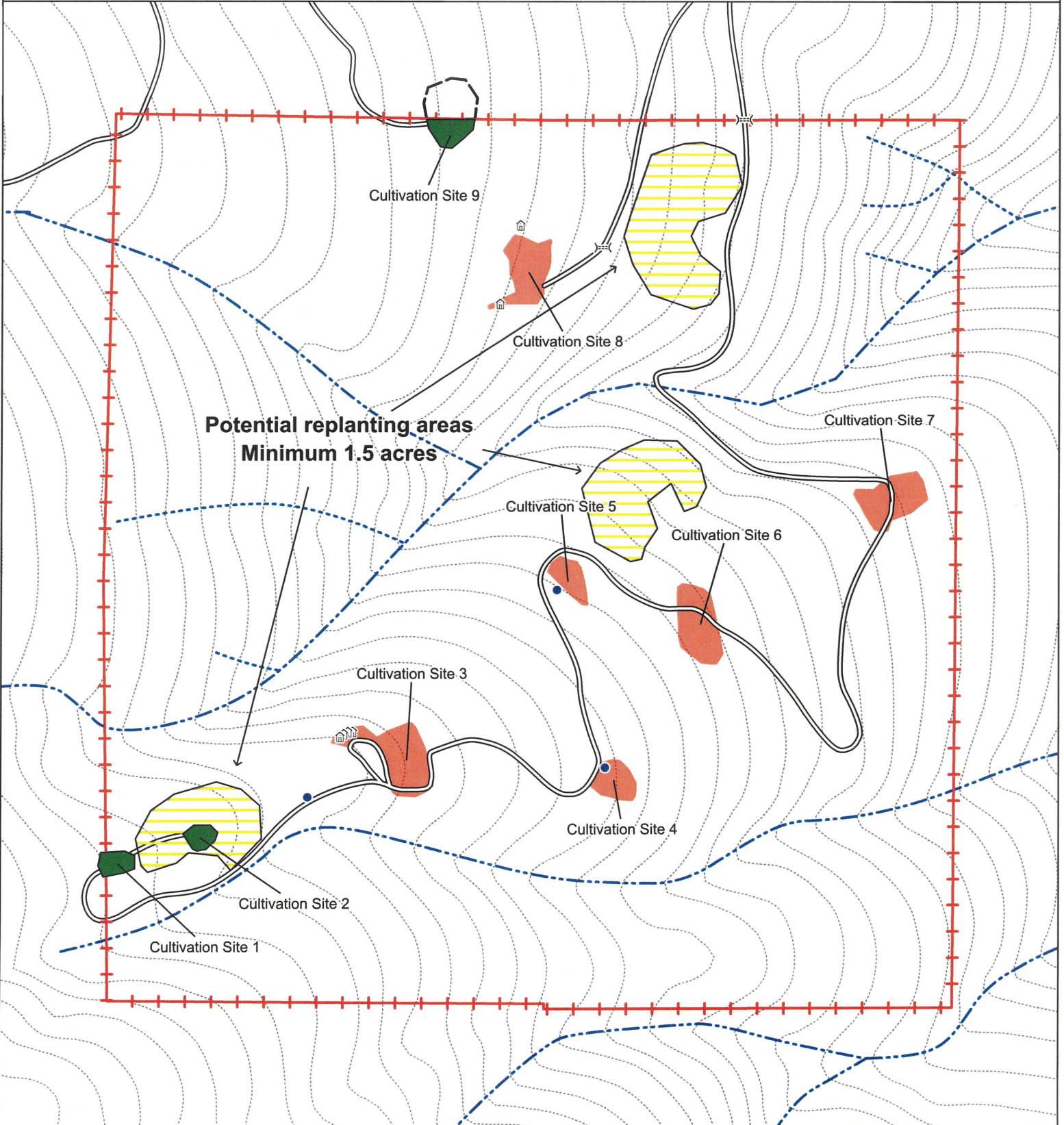
- Gate
- Drying/Storage Shed(s)
- Water Storage Tank(s)

### Roads

- Forest Route 6N01
- Seasonal



\*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.



# Cedar Farm South, LLC - Timberland Conversion Evaluation Restocking Plan Map

APN: 317-055-009

SW 1/4 of NE 1/4 & NE 1/4 of SE 1/4 of Sec. 11,  
SW 1/4 of NW 1/4 & NE 1/4 of SW 1/4 of Sec. 12,  
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USGS 7.5' Quad: Sims Mountain  
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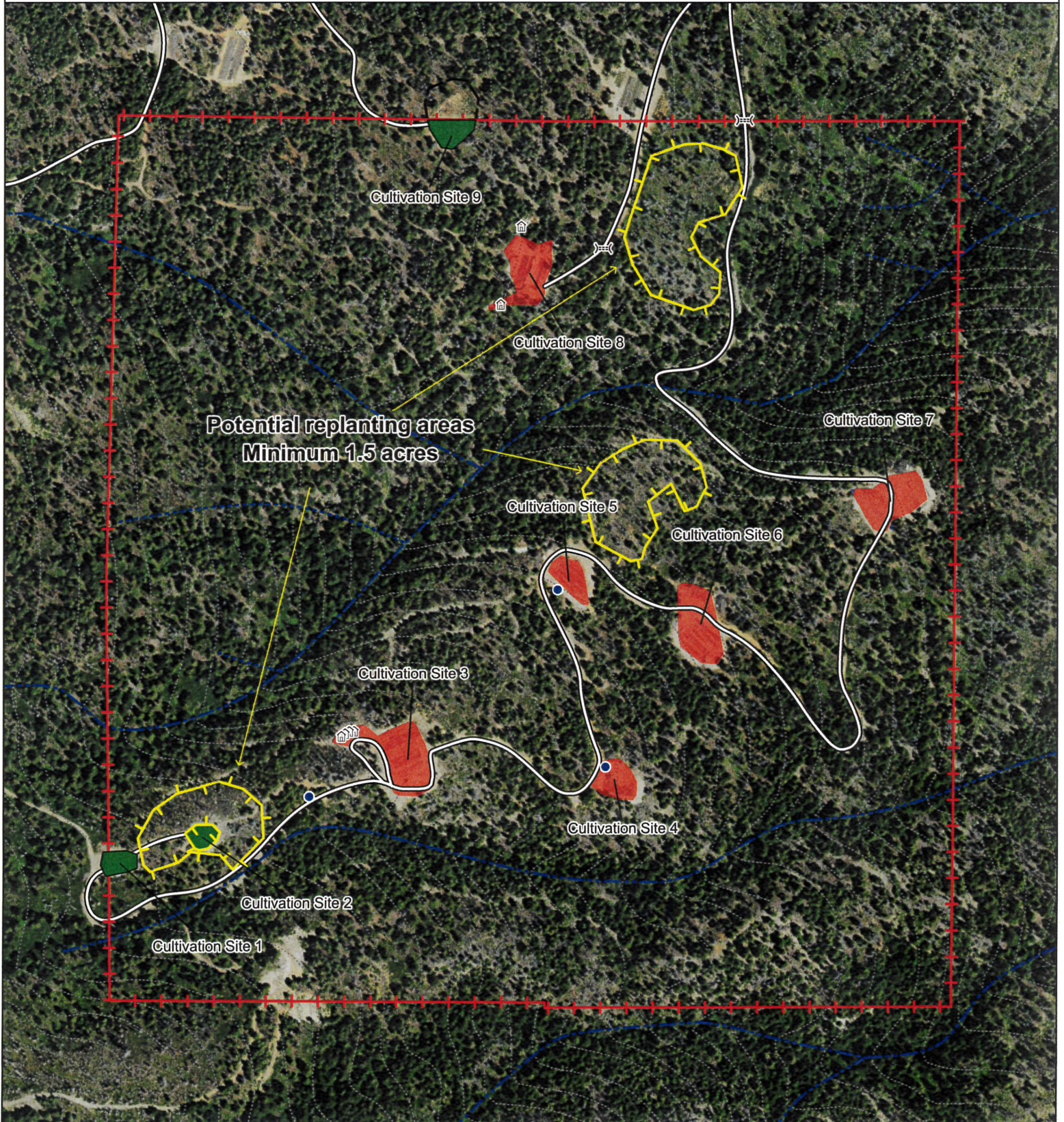
- Gate
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- Water Storage Tank(s)

### Roads

- Forest Route
- 6N01
- Seasonal



\*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.



**South Fork Mountain Lupine (*Lupinus elmeri*) Survey of  
Humboldt County APN 317-055-009**

**Received**  
**9/8/2022**



*Prepared for:*  
Scott Raymond

*Prepared by:*  
Jenell Jackson  
Natural Resources Management Corporation  
1434 Third Street  
Eureka, CA 95501

August 22, 2022



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Appendix A. Photos

Appendix B. Botanical Species Found During Surveys

## **I. Introduction, Background, and Project Understanding**

A targeted botanical assessment for South Fork Mountain Lupine (*Lupinus elmeri*) was performed for Humboldt County APN 317-055-009, located off South Fork Mountain Road (Figure 1). The site is within the USGS 7.5' quadrangle Sims Mountain, T03N, R05E, Sec's 11&12.

The project parcel is approximately 160 acres and is located within the South Fork Trinity River watershed approximately 6.5 miles northwest of Hyampom, in Humboldt County, California (Figure 1), and includes previous cannabis cultivation (Figures 2, 3). Note that mileages are estimates from satellite and topographic imagery and distances are given in approximate air miles.

When viewing the general area in Google Earth imagery (1998-2019, Google Earth Pro 2019), most of the 9 cannabis cultivation sites on APN 009 appears to occur at landings or openings associated with previous timber harvesting activities; on APN 001 cultivation occurs after the 2016 imagery, and before the next available imagery of 2019.

On May 12<sup>th</sup>, 2022, the applicant received an email regarding the necessary items needed to complete their cannabis permit application. One of these items included a plant survey to address if there was damage to the presence of South Fork Mountain Lupine, and any recommended mitigation measures for the project. This report is a result is meant to fulfill this request.

### ***Environmental Setting***

The parcel is located on the east side of South Fork Mountain and drains toward the south fork of the Trinity. The parcel burned seven (7) years ago in a patchy mosaic of varying intensity. Populations of South Fork Mountain Lupine have been documented on parcel APN 317-055-009.

The parcel slopes moderately to the north east, with a series of flats built into the hillside between two Class III streams. The area is dominated by conifers, regenerating shrubs and perennial herbs.

### ***Project Site***

The project parcels are located within an inholding in Six Rivers National Forest (SRNF). According to the Humboldt County Web GIS Portal, the parcels are 176 acres (APN 001) and 160 acres (APN 009) in size, with a legal description of T03N, R05E, Sections 11 and 12, HB&M, within the USGS 7.5' Sims Mountain quadrangle (Figure 1). The current landowner purchased the parcels in 2013 (APN 009) and 2015 (APN 001).

The parcels are accessed from USFS Route 1 (Titlow Hill Road), a paved forest road that connects State Highway 299 at Berry Summit to State Highway 36 in the vicinity of Ruth Reservoir, approximately 5 miles east of the community of Mad River. The access road to the

parcels enters APN 001 in the vicinity of Black Fox Rock (Cover Photo; Figure 2), in the southeast. This enhanced logging road (visible in Figure 3) continues onto APN 009 to 9 pre-existing cultivation sites, essentially following the ridge between the two Big Creek tributaries from cultivation site #1 to #7, before heading north, crossing the watercourse, exiting then entering the parcel to access cultivation sites #8 and #9.

### ***Project Description***

The project at APN 317-055-009, located approximately 6.5 miles northwest of the community of Hyampom, Humboldt County, California (Figure 1), includes cannabis cultivation on the parcels by the landowner. The landowner is applying for a Tier 1 cultivation permit under the Humboldt County CMMLUO as an existing cultivator. A Cultivation, Operations, and Security Plan (COPS) was provided for APN 001 (APPS #13340) and proposes to permit for 9,000 square feet of existing outdoor cultivation within hoopouses or, depending on the timing of permitting which may delay assembly of structures, plant in full sun. The landowner stated that the COPS Plan will be similar for APN 009 (APPS #13349) with permitting proposed for 17,200 square feet. Past cannabis cultivation sites are at landings or openings along the access road associated with previous timber harvesting activities, resulting in flat cultivation areas with little visible runoff (Figures 4, 5).

Cultivation at APN 009 will occur at 9 locations (Figures 2, 3, 5). There are additional watercourse crossings on the access road to these proposed cultivation locations, and some culvert work may be required (per pending LSAA with CDFW).

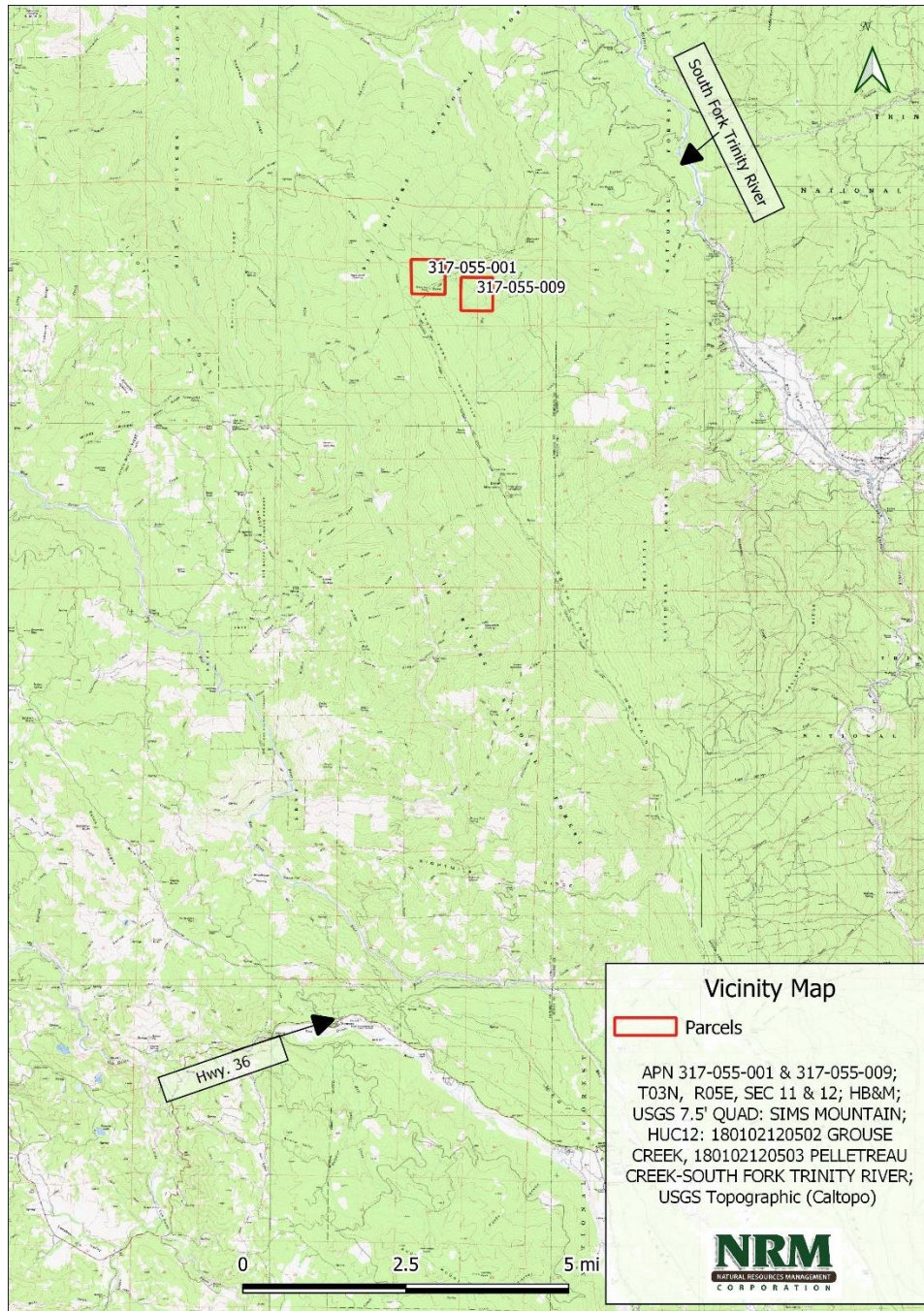


Figure 1. Vicinity map for APN 317-005-009, Humboldt County, California

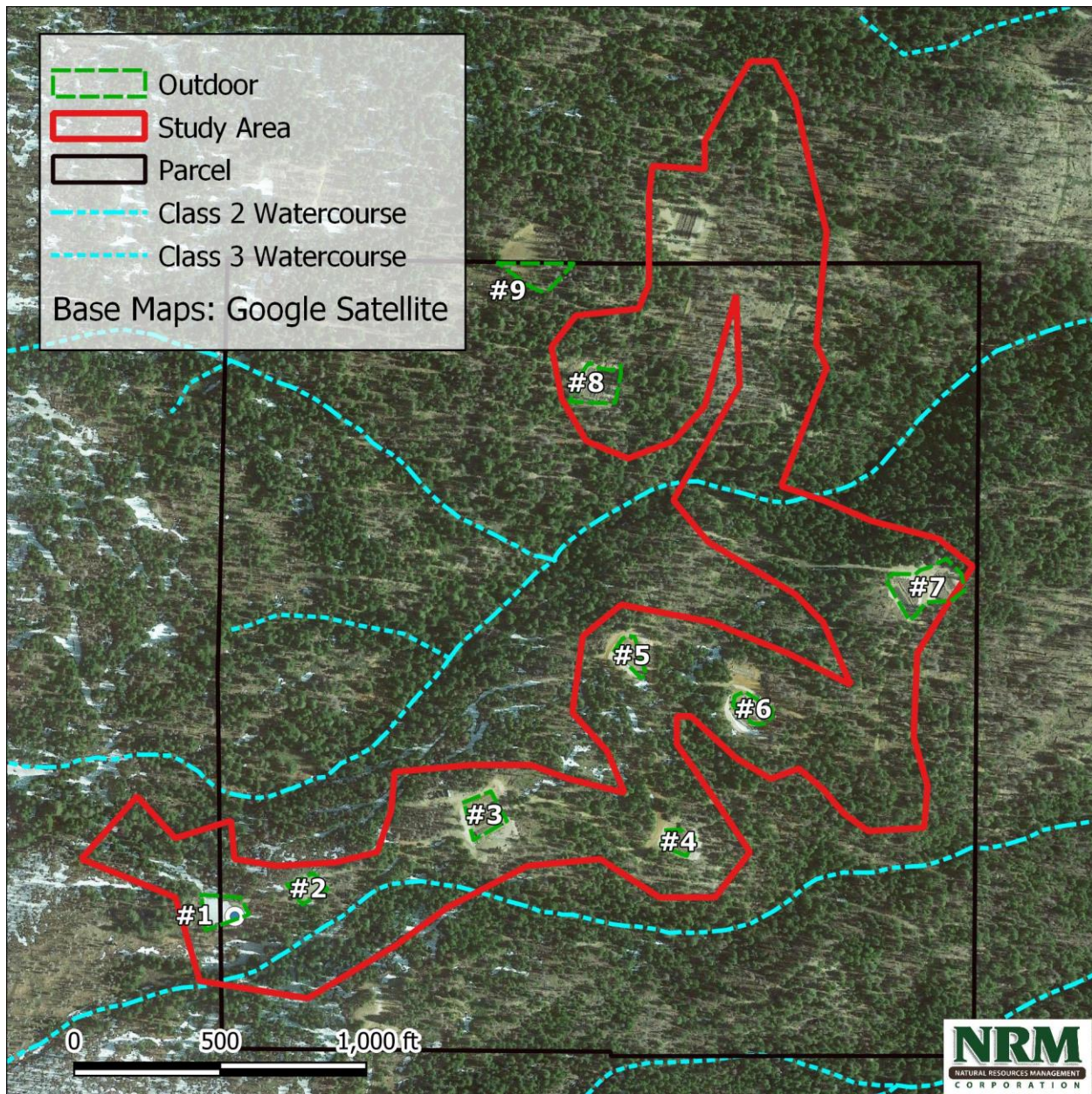


Figure 2. Survey Area Map

## II. Methods

### *Pre-field Review*

Prior to field surveys, California Natural Diversity Database (CNDDDB, 2022), iNaturalist (August, 2022), Calflora (August, 2022) and California Consortium of Herbaria (CCH, 2022) records were consulted in order to determine the best window to capture the bloom period during the survey.

Individuals observed were keyed using the Jepson Manual (Balwin et al., 2012). Results of the CNDDDB search below (Figure 3).



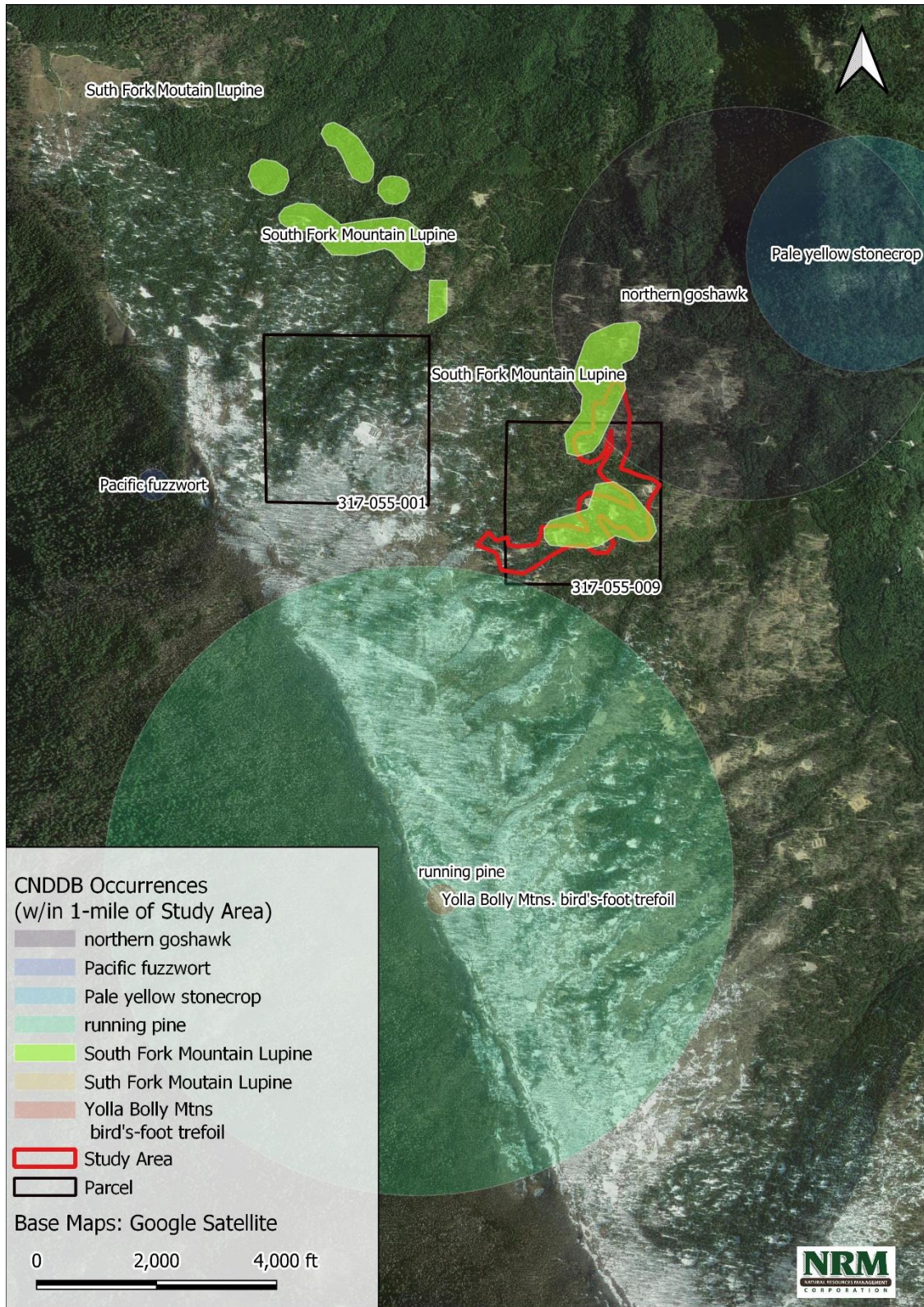


Figure 3. CNDDDB Map (Study Area Covers APN 317-055-009)

### Onsite Surveys

The parcel, APN 317-055-009, was surveyed by NRM botanist Jenell Jackson on August 8th, 2022. This survey was a targeted survey for (*Lupinus elmeri*). The cultivation flats and adjacent areas are heavily disturbed.

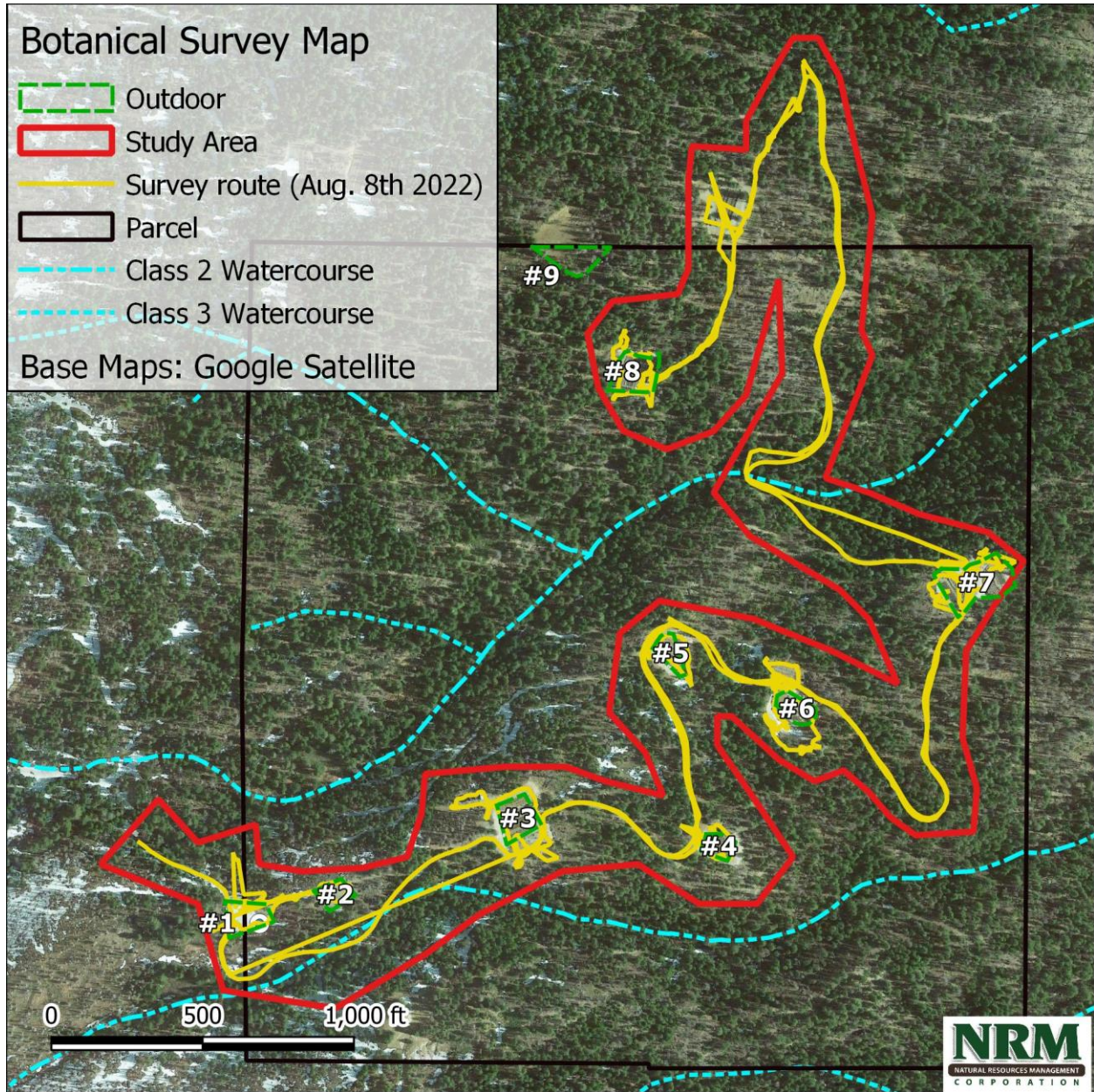


Figure 4. Botanical Survey Route

### III. Results and discussion

**Special Status Species**

During this visit, a total of three populations (1 individual each) were identified within or around the intended cultivation areas (See Figure 5). These findings will be reported to the CNDDB. All patches fall outside of the disturbance footprint and I do not expect them to receive impacts, as all grading and earth moving activities area are finished.

A list of species found on the parcel is in Appendix B. Survey timing was floristically appropriate.

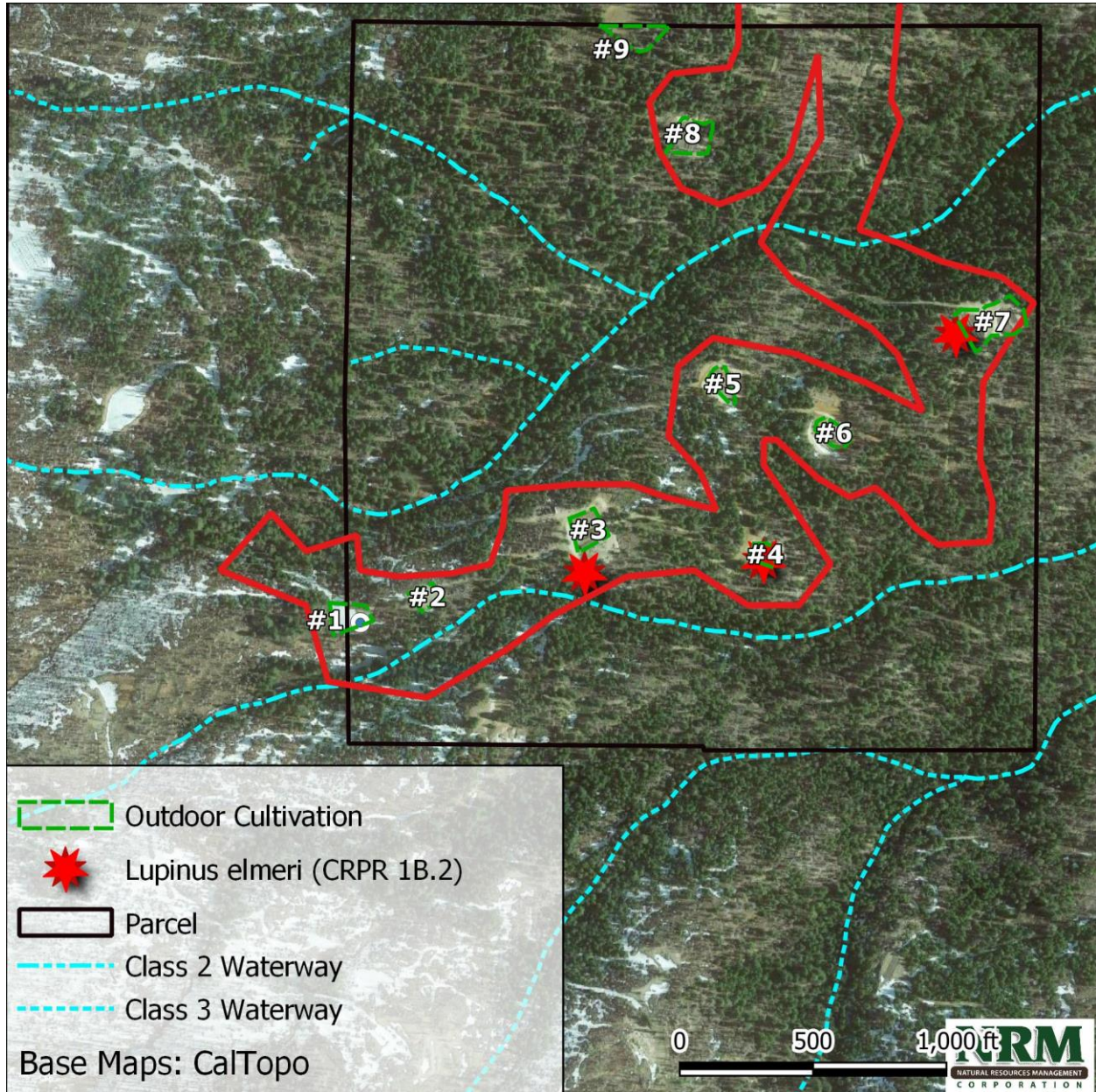


Figure 5. South fork mountain lupine occurrences

## **IV Conclusions and Management Recommendations**

Three populations (1 individual each) were identified within or around the intended cultivation areas. All patches fall outside of the disturbance footprint and I do not expect them to receive impacts, as all grading and earth moving activities area are finished.

These individuals are part of a larger burned landscape which supports large patches of the lupine, far from cultivation activities.

However, I **recommend** that during construction and for the remainder of the time that the site is used for cultivation, that these individuals be caged so as to prevent any accidental or unintended damage.

## V References

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken [editors]. 2012. The Jepson Manual: Vascular Plants of California, 2nd edition, thoroughly revised and expanded. University of California Press, Berkeley, CA.

CCH1 Portal. 2022. Biodiversity data provided by the participants of the Consortium of California Herbaria (<https://ucjeps.berkeley.edu/consortium/> Accessed on July 30<sup>th</sup>).

Calflora Database, The. 2022. Information on Wild California Plants for Conservation, Education, and Appreciation. Accessed from <http://www.calflora.org/>.

California Natural Diversity Database (CNDDDB). 2022. RareFind 5 [Internet]. California Department of Fish and Wildlife [Version 5.2.14].

California Natural Diversity Database (CNDDDB). 2022. Quickview Tool. California Department of Fish and Wildlife

Appendix A: Photos



Figure 6. Photo. South Fork Mountain (*Lupinus elmeri*)

Appendix B: Plant Species List

Species Name	Common Name	Lifeform	Status	Family
<i>Sambucus nigra ssp. caerulea</i>	Blue elderberry	Shrub	native	ADOXACEAE
<i>Torilis arvensis</i>	Field hedge parsley	Annual herb	invasive, non-native	APIACEAE
<i>Apocynum androsaemifolium</i>	Spreading dogbane	Perennial herb	native	APOCYNACEAE
<i>Achillea millifolium</i>	yarrow	perennial herb	native	ASTERACEAE
<i>Centaurea solstitialis</i>	Yellow starthistle	Annual herb	invasive, non-native	ASTERACEAE
<i>Cirsium vulgare</i>	Bullthistle	Perennial herb	invasive, non-native	ASTERACEAE
<i>Hieracium albiflorum</i>	White flowered hawkweed	Perennial herb	native	ASTERACEAE
<i>Lactuca serriola</i>	Prickly lettuce	Annual herb	invasive, non-native	ASTERACEAE
<i>Leucanthemum vulgare</i>	Oxe eye daisy	Perennial herb	invasive, non-native	ASTERACEAE
<i>Madia elegans</i>	Common madia	Annual herb	native	ASTERACEAE
<i>Senecio jacobaea</i>	Tansy ragwort	Perennial herb	invasive, non-native	ASTERACEAE
<i>Brassica rapa</i>	Common mustard	Annual herb	invasive, non-native	BRASSICACEAE
<i>Spergularia rubra</i>	Purple sand spurry	Annual, Perennial herb	non-native	CARYOPHYLLACEAE
<i>Calocedrus decurrens</i>	Incense cedar	Tree	native	CUPRESSACEAE
<i>Polystichum munitum</i>	Western sword fern	Fern	native	DRYOPTERIDACEAE
<i>Arbutus menziesii</i>	Madrono	Tree	native	ERICACEAE
<i>Arctostaphylos c.f. patula</i>	Green leaf manzanita	Shrub	native	ERICACEAE
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	Shrub	native	ERICACEAE
<i>Lupinus elmeri</i>	Elmer's lupine	Perennial herb	native	FABACEAE
<i>Chrysolepis chrysophylla var. chrysophylla</i>	Golden chinquapin	Tree, Shrub	native	FAGACEAE
<i>Ribes menziesii var. menziesii</i>	Canyon gooseberry	Shrub	native	GROSSULARIACEAE
<i>Hypericum perforatum ssp. perforatum</i>	Klamathweed	Perennial herb	non-native	HYPERICACEAE
<i>Juncus effusus</i>	Common bog rush	Perennial grasslike herb	native	JUNCACEAE
<i>Mentha pulegium</i>	Pennyroyal	Perennial herb	invasive, non-native	LAMIACEAE
<i>Xerophyllum tenax</i>	Beargrass	Perennial herb	native	MELANTHIACEAE
<i>Chamerion angustifolium</i>	Fireweed	Perennial herb	native	ONAGRACEAE
<i>Epilobium brachycarpum</i>	Willow herb	Annual herb	native	ONAGRACEAE
<i>Gayophytum diffusum</i>	Spreading groundsmoke	Annual herb	native	ONAGRACEAE
<i>Abies concolor</i>	White fir	Tree	native	PINACEAE
<i>Pinus ponderosa</i>	Yellow pine	Tree	native	PINACEAE
<i>Pseudotsuga menziesii</i>	Douglas fir	Tree	native	PINACEAE

<i>Penstemon purpusii</i>	Snow mtn. beardtongue	Perennial herb	native	PLANTAGINACEAE
<i>Plantago lanceolata</i>	Ribwort	Perennial herb	invasive, non-native	PLANTAGINACEAE
<i>Bromus tectorum</i>	Downy chess	Annual grass	invasive, non-native	POACEAE
<i>Deschampsia elongata</i>	Hairgrass	Perennial grass	native	POACEAE
<i>Elymus glaucus ssp. glaucus</i>	Blue wild rye	Perennial grass	native	POACEAE
<i>Festuca arundinacea</i>	Reed fescue	Perennial grass	invasive, non-native	POACEAE
<i>Rhamnus ilicifolia</i>	Evergreen buckthorn	Shrub	native	RHAMNACEAE
<i>Rosa nutkana ssp. nutkana</i>	Nootka rose	Shrub	native	ROSACEAE
<i>Salix scouleriana</i>	Scouler willow	Tree, Shrub	native	SALICACEAE
<i>Verbascum thapsus</i>	Woolly mullein	Perennial herb	invasive, non-native	SCROPHULARIACEAE



## Acevedo, Megan

---

**From:** Scott Raymond <rraymond1@gmail.com>  
**Sent:** Thursday, September 01, 2022 11:45 AM  
**To:** Acevedo, Megan  
**Subject:** Re: Cedar Farm South 13349 Questions  
**Attachments:** image001.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Megan,

The economics of the industry has changed drastically enough since the time that I drafted up that employee section that unfortunately I must alter it.

**Two** full time employees will carpool = 1 trip in and 1 trip out per day = 2 trips per day from full time employees.

And **three** part time employees that will also carpool. The part time employees will work on-site for 2-3 weeks during the early to middle flowering phase to help with canopy management during flowering - leafing, pruning, etc. 3 weeks = 21 days = 2 trips per day = 42 trips during the middle of flower.

They will also return to help with harvesting for 1-2 weeks. 2 weeks = 14 days = 2 trips per day = 28 trips for harvest.

Let's assume a vegetative and flowering phase combined takes 12 weeks (one flower round):

Over a 12 week span of time, there will be 2 trips per day from the full time employees everyday.  $2 \times 84 \text{ days} = 168 \text{ trips}$ .

And  $42 + 28 \text{ trips total from the part time employees} = 70 \text{ trips}$ .

$168 \text{ trips} + 70 \text{ trips} = 238 \text{ trips total} / \text{total days (84)} = \mathbf{2.83 \text{ trips per day AVERAGE}}$

**Maximum vehicle trips per day = 4 trips per day** (when part time employees are also working)

Let me know if you need anything else,

Scott Raymond

## 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	✓	Comments	<b>Attached</b>
Northwest Information Center	✓	Comments	On file and confidential
Tsungwe Council	✓	Comments	On file and confidential
CalFIRE	✓	Comments	<b>Attached</b>
Humboldt County Sheriff	✓	Approved	On file
US Forest Service – Six Rivers National Forest		No response	
California Department of Fish & Wildlife		No response	
Bridgeville School District		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
Division of Water Resources		No response	
North Coast Regional Water Quality Control Board		No response	

10/5



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING  
3015 H STREET, EUREKA, CA 95501 - PHONE (707) 445-7245

10/1/2021

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, US Forest Service, RWQCB, NCUAQMD, School District: Bridgeville, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, NWIC

**Applicant Name** Cedar Farm South LLC **Key Parcel Number** 317-055-009-000

**Application (APPS#)** PLN-13349-CUP **Assigned Planner** Megan Acevedo

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:** 10/16/2021

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

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

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

Other Comments: Sheds missing on map from Site 2, Site 7

10-12-21

Ross E King

DATE:

PRINT NAME:



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:

Accela Record No: PLN-13349 APN: 317-055-009-000

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

Site plan appears to be accurate.

Site plan is not accurate, submit revised site plan showing the following items:

All grading including ponds and roads,

Location of any water course including springs,

All structures including size and use and all setbacks from each other, above stated items, and property lines.

\_\_\_\_\_

\_\_\_\_\_

Existing operation appears to have expanded as follows: \_\_\_\_\_

\_\_\_\_\_

Proposed new operation has already started.

Development is near a wet area. If yes, distance from development: \_\_\_\_\_

Development is near a Steam side Management Area (SMA). If yes, distance from development: \_\_\_\_\_

Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.

Other Comments: Sheds missing from sites 2 & 7

\_\_\_\_\_

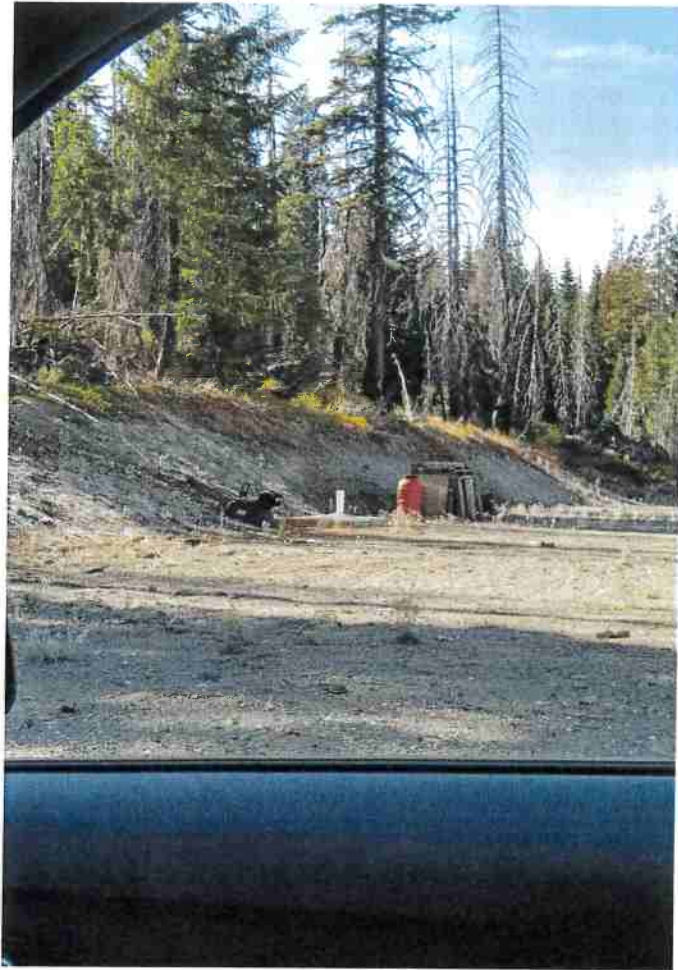
\_\_\_\_\_

Name: Ross Ebra

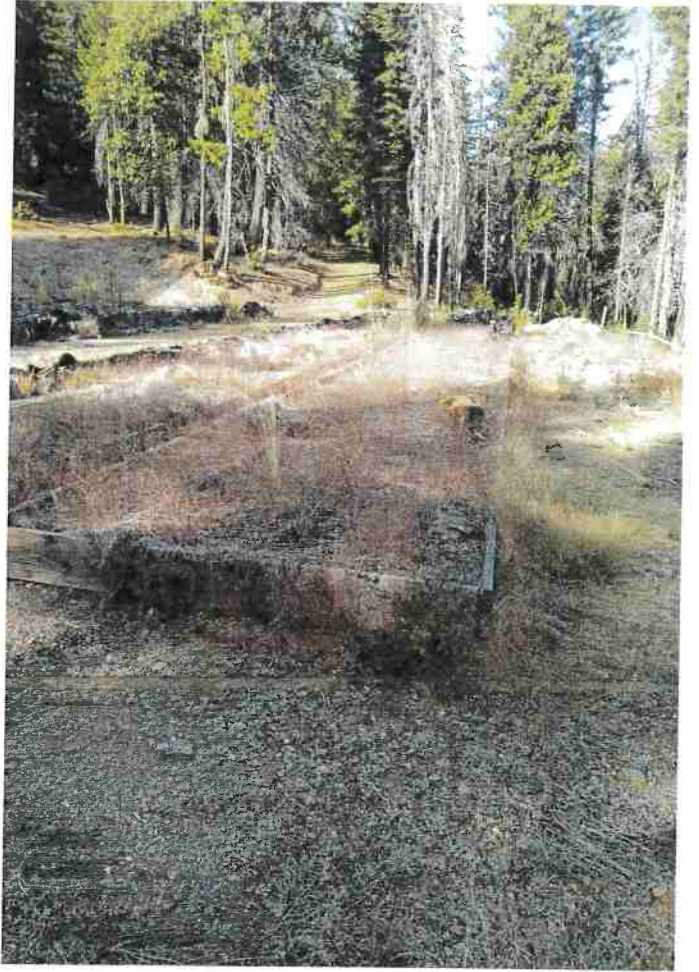
Date: 10-12-21

Note: Please take photographs and save them to the Planning Accela record number.

N/A



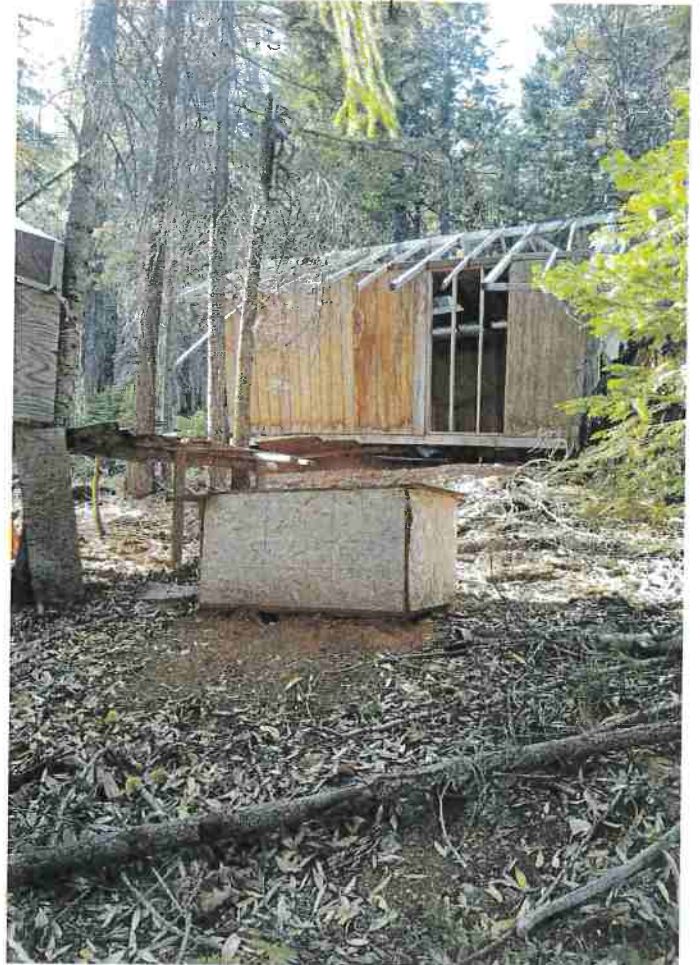
Site 6



Site 7



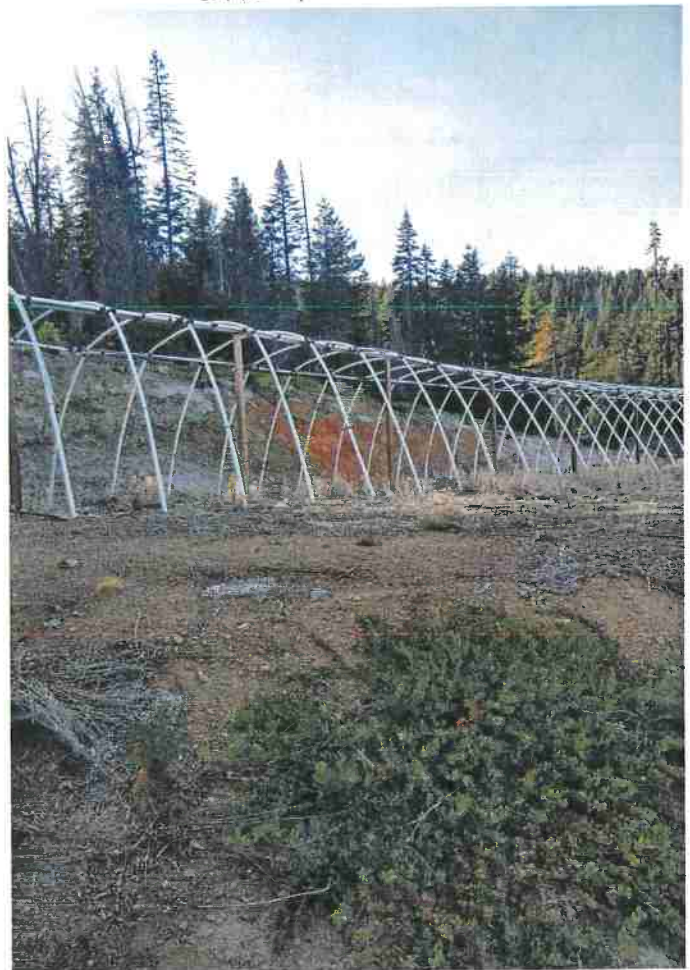
Site 7 on map



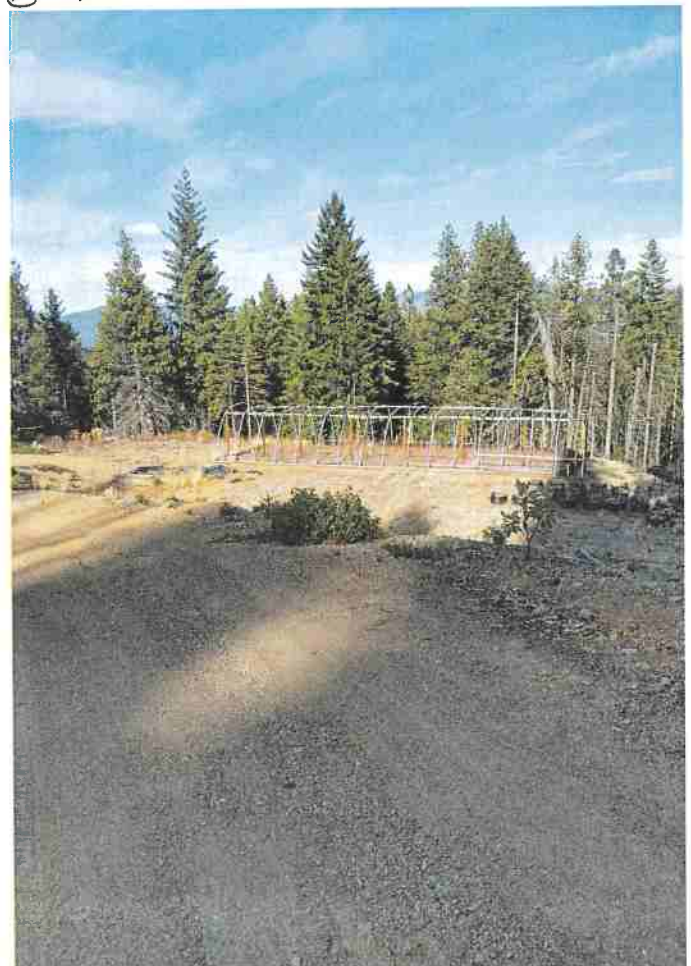
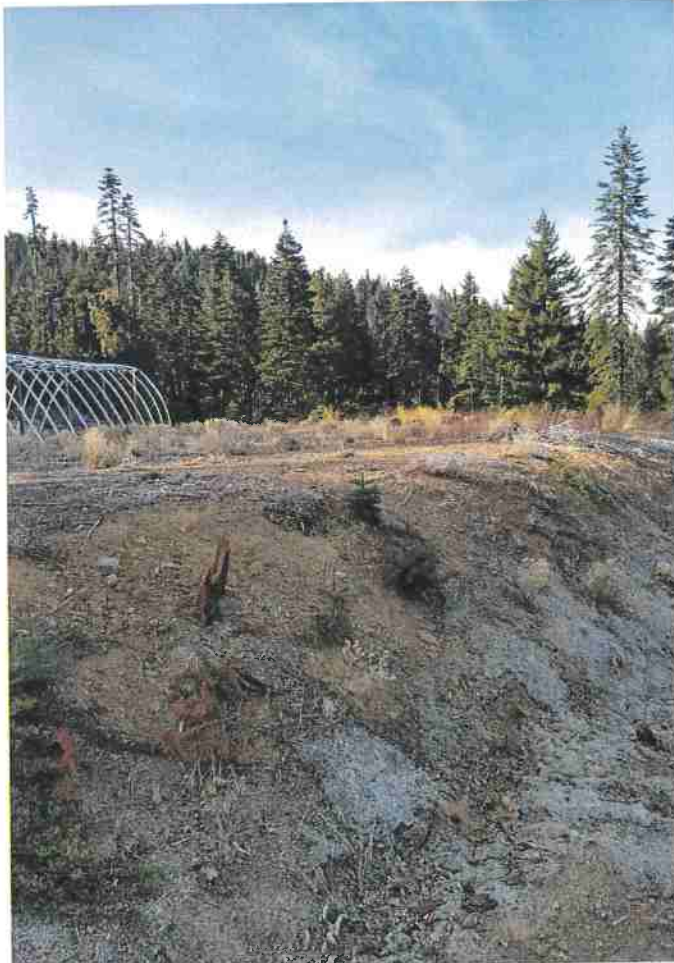
Site 7 on map



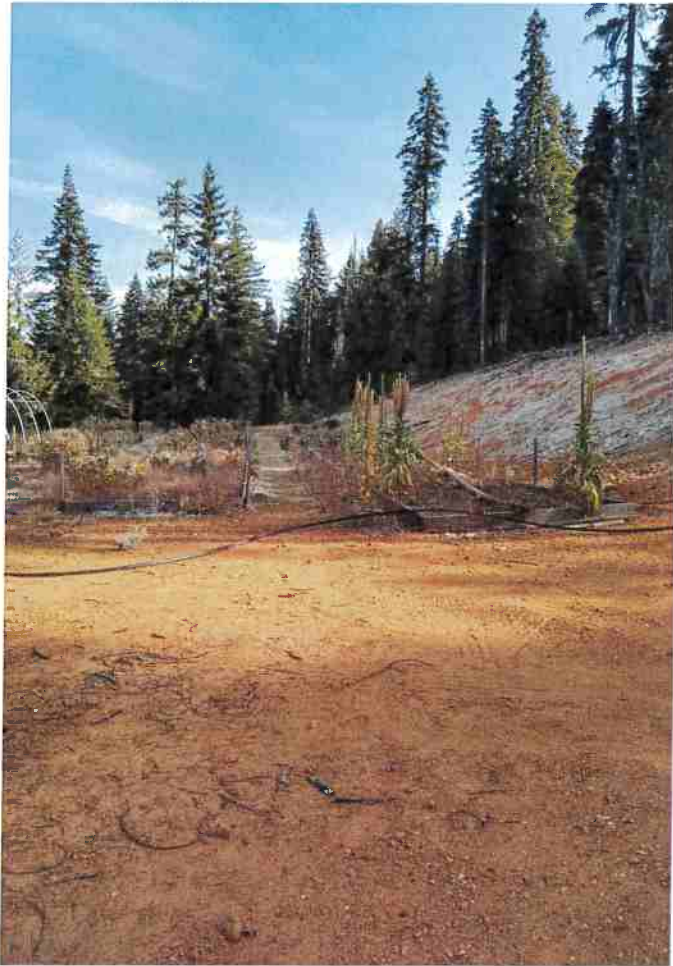
Site 7



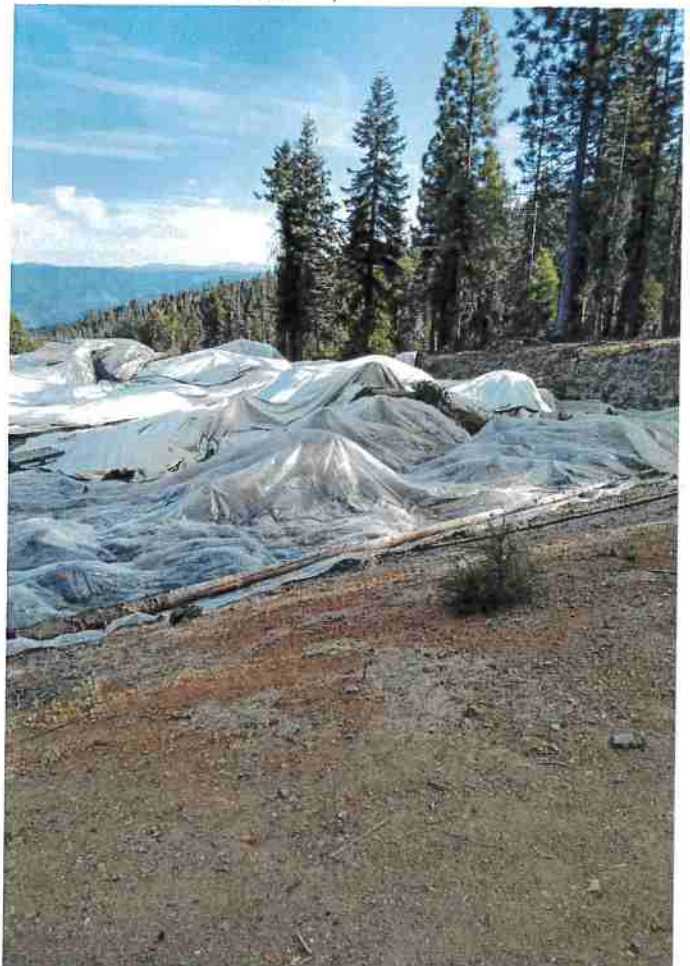
✓ Site 6 →



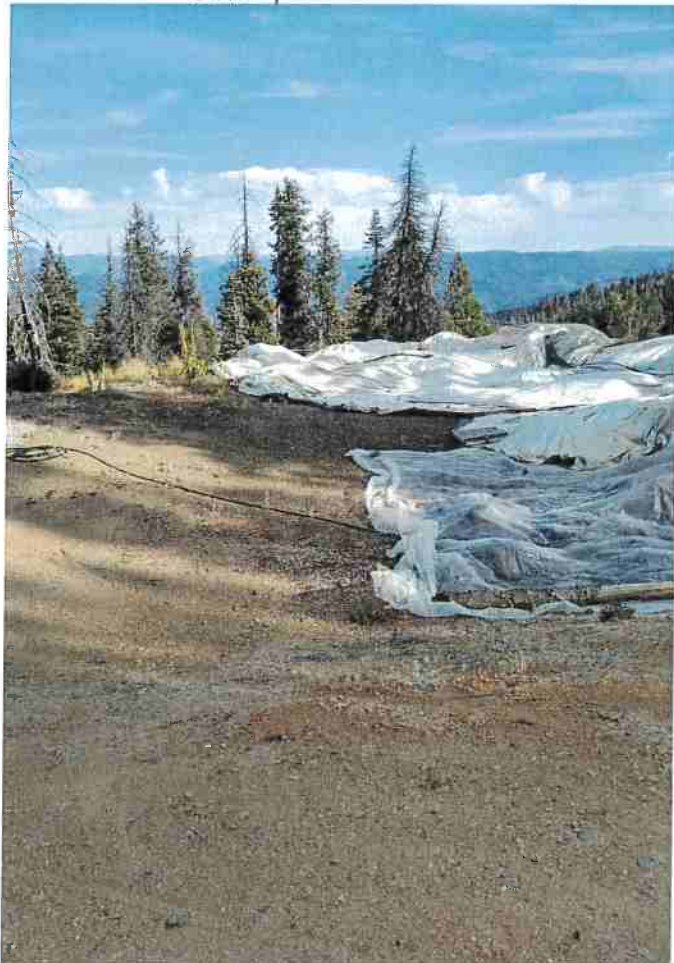
Site 3



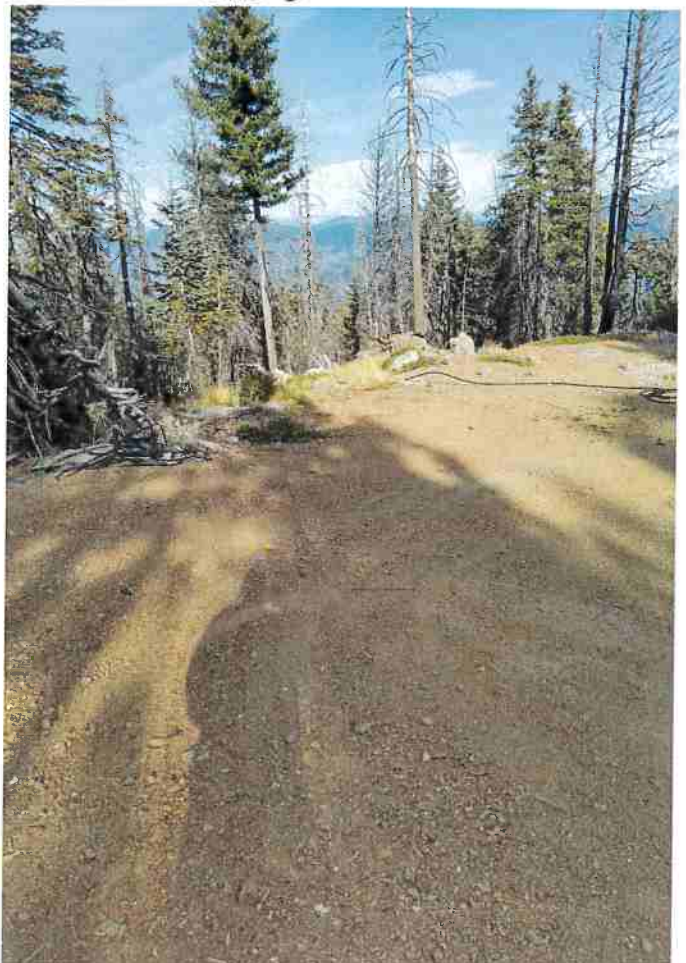
Site 4



Site 4



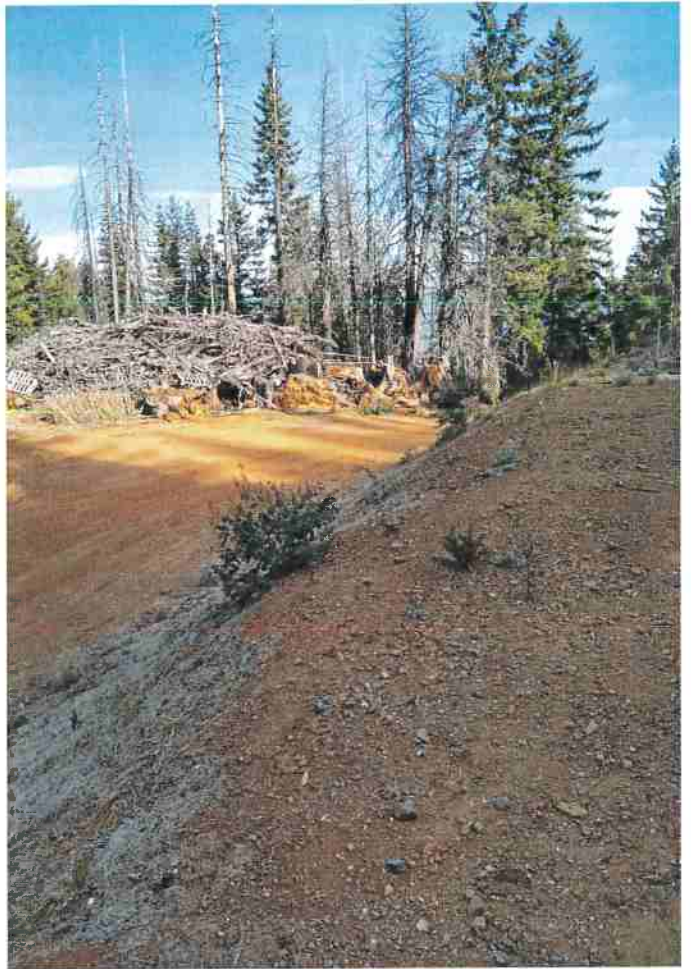
Site 3



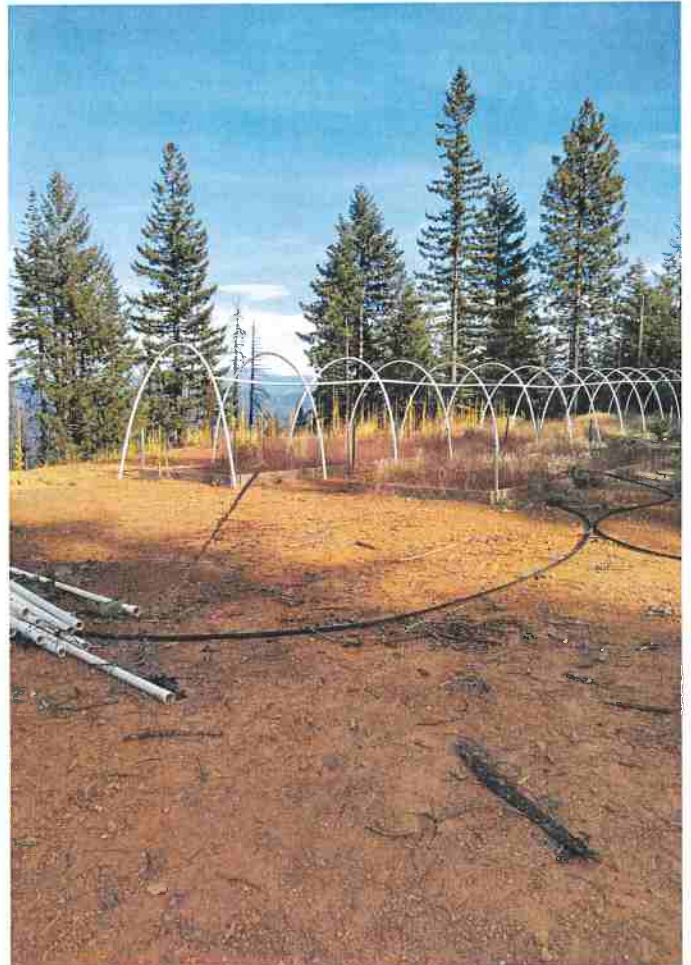
Site 5



Site 5

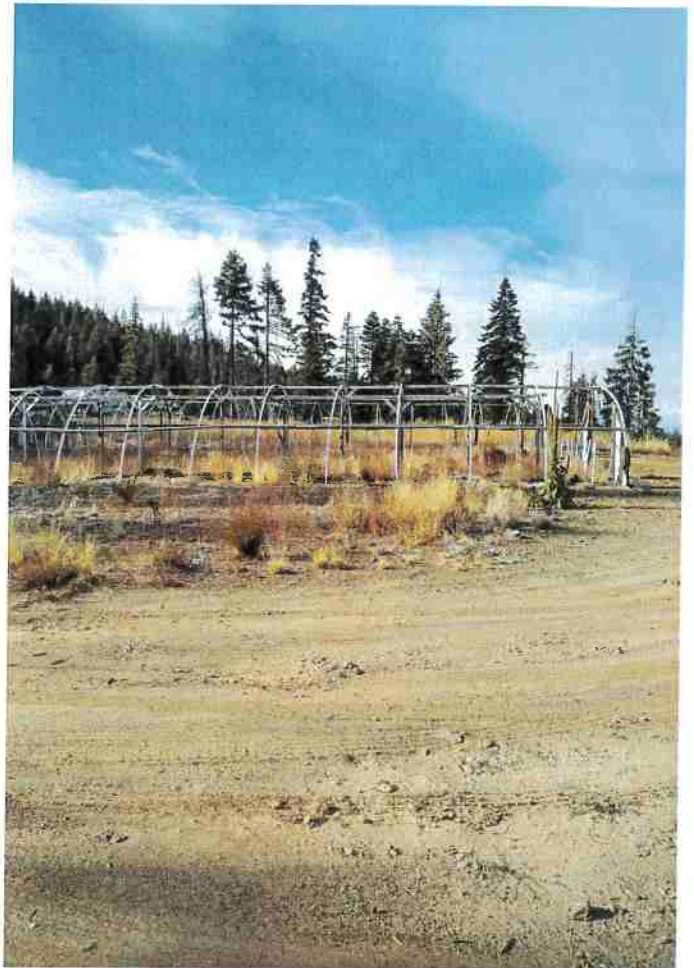


Site 6

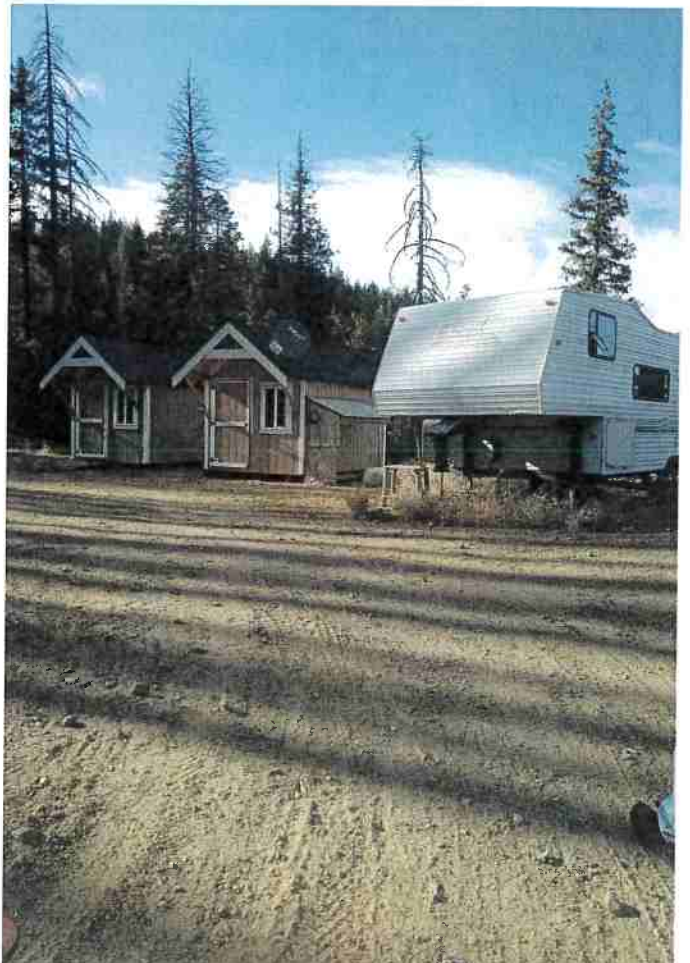
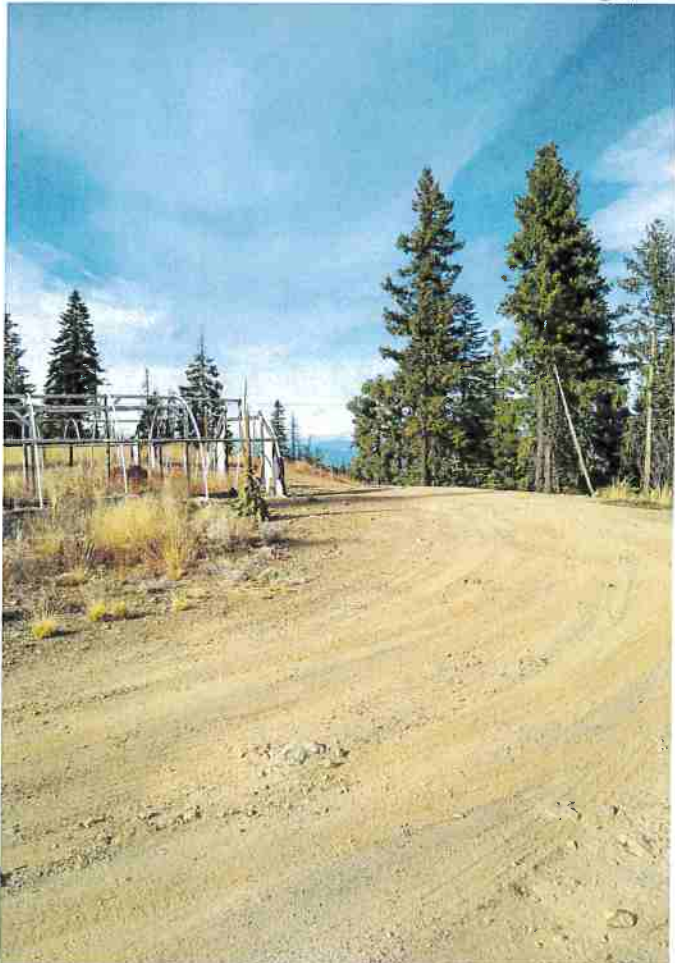




Site 2



Site 2



Site 2



**PLN-13349-...** **STATUS** > In Referrals **LOCATION** > None Provided **CONTACT** > Cedar Farm S... **WORKFLOW** > 19 total Task  
 Cedar Farm Sout... **04/14/2021 by ...** **6 completed**   
 An application for ... **3 active**

**A notice was added to this record on 2020-08-03.**  
 Condition: Parcel Status : 317-055-009 LP 1:1 Severity: Notice  
 Total conditions: 1 (Notice: 1)

- Summary
- Project Description
- Workflow
- 1 Referral Assignments
- 2 Planning Information
- 3 GP / Zoning Information
- 4 CEQA
- 5 Cannabis
- Project Tracking
- 6 Referral Task Log (2)
- Fee (2)
- Payment
- Workflow History (53)**
- Comments (9)
- Documents (42)

Task	Due Date	Assigned Date
Environmental Health	05/02/2021	04/16/2021
Assigned to Department	Assigned to	Status
Environmental Health	Adam Molofsky	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Adam Molofsky	04/22/2021
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilets to cultivation areas.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input type="checkbox"/> Owner
Estimated Hours	Action Updated	Workflow Calendar
0.0		



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

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

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

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Megan Acevedo, Senior Planner, Planning & Building Department  
 FROM: Kenneth M. Freed, Assistant Engineer *[Signature]*  
 DATE: 04/29/2021

<b>RE:</b>	<b>Applicant Name</b>	<b>CEDAR FARM SOUTH LLC</b>
	<b>APN</b>	<b>317-055-009</b>
	<b>APPS#</b>	<b>PLN-2018-13349</b>

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

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

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

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items #8 on Exhibit C

Applicant has submitted road evaluation reports, dated 01/30/20, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard.

// END //

Additional Review is Required by Planning & Building Staff

APPS # 13349

All of the following questions are to be answered by Planning and Building Department staff.

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS – PART 1. Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

YES NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. ROADS – PART 2. Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

YES NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. ROADS – PART 3. Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads?

YES NO

If YES, a Road Evaluation Report must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the Road Evaluation Report form must be completed.

- 4. Deferred Subdivision Improvements. Does the project have deferred subdivision improvements? YES NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel \_\_ of Parcel Map No. \_\_" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. AIRPORT: If the project is located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer or if the project is located within the County Code Section 333 GIS layer AND the project is proposing to construct (or permit) a fence, building or other structure. YES NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the Humboldt County Airports Department.

- 6. MS4/ASBS Areas. Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If YES, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

---

**Additional Review is Required by Planning & Building Staff**

**7. COUNTY ROADS- PROXIMITY OF FARMS:**

**Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.**

**8. ROAD GRADES:**

**Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, "No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual." Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]**

// END //

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

- The Department has no comment at this time.
- Suggested conditions attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend denial.
- Other comments.



Forester Comments:      Date:       Name:

Battalion Chief Comments:      Date:       Name:

Summary: