



January 20, 2022

VIA EMAIL

To:

Humboldt County Planning Commission

825 Fifth Street

Board of Supervisors Chambers

Eureka, CA 95501

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Commissioner Alan Bongio (4alanbongio@gmail.com)

Commissioner Thomas Mulder (hrh707@outlook.com)

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Humboldt County Planning Department

c/o Abigail Strickland, Planner I

3015 H. Street

Eureka, CA 95501

Email: astrickland@co.humboldt.ca.us

Re: CUP Application 11248, Project Compliance, Refutation of Claims of Non-Permissive Water Source, and Factors in Support of Project Approval; Continuance of Hearing

Dear Commissioners and Ms. Strickland,

Rogoway Law Group, P.C. represents H2 Equity, LLC (hereinafter “Applicant”) in the Planning Commission hearing on January 20, 2022, and possible subsequent proceedings in this matter.

As we have identified to Ms. Strickland, this office was just engaged, within the last two (2) weeks, to represent the Applicant in this matter, and while we have attempted to ascertain the central issues and relevant evidence associated with the Staff Report and Recommendation (attached) we still do not have all of the information relevant to the Planning Commission’s determination of this matter. We have, therefore, requested a continuance of today’s hearing in order to adequately respond to materially inaccurate information, which is being peddled, in part, by the Applicants neighbors, some of whom are cultivators and market competitors and who have, themselves, committed violations of state and local laws and regulations pertaining to their own cultivation facilities permitted by the County of Humboldt.

Our requested continuance of today's hearing was denied by Planning staff, and we respectfully renew this request to the Planning Commission in order to dispel misinformation and to provide the Planning Commission with a more fulsome picture of the significant measures that the Applicant has undertaken to ensure that this project is compliant with all relevant state and local laws.

However, in an abundance of caution, and because the hearing on this matter remains on today's agenda, we are providing the Planning Commission with information relevant to the Planning Commission's determination as to the status of this project, as well as to preserve this record for a possible appeal.

If any action is taken on this matter today, and the Planning Commission is not inclined to approve the project, we then, respectfully request, that the Planning Commission vote in favor of the Alternative Recommendation issued by Planning staff wherein, the Planning Commission directs Staff to Continue to Attempt to reach the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et. seq.

Project History

As previously noted, our office was recently engaged in this matter because of Planning staff's reversal of their support for this project following the aforementioned, and problematic, neighbor complaints. Prior to December 16, 2021, Planning staff supported Applicant's Conditional Use Permit application and, as evidenced by the original staff report for the project dated November 4, 2021 (attached hereto as Exhibit A), recommended the project for the Planning Commission's approval. However, after public comment was received, much of which contained incorrect, misleading, or irrelevant information, the Planning Department's opinion regarding the project changed and it now recommends denial of the application (*see the Executive Summary Recommending Denial dated January 20, 2022 and the January 20, 2022 Staff Report which are attached hereto as Exhibit B and C, respectively*).

Unfortunately, the January 20, 2022 Staff Report and Executive Summary fail to acknowledge the positive steps that Applicant has taken to ensure its operation is compliant with all applicable laws and regulations. For example, Applicant has completed a thorough environmental remediation of the project site thereby resolving environmental concerns raised by the California Department of Fish and Wildlife ("CDFW"), the California State Water Resources Control Board ("Water Board"), and the California Department of Fire and Forestry ("CDFF") in response to work that was conducted by the prior project proponents in 2017.

Specifically, Applicant resolved the 2018 Notice of Violation issued by the CDFW by remediating and restoring the areas of the property that were converted by the prior project proponent in 2017. Additionally, Applicant worked with CDFW to have an updated Lake and Streambed Alteration Agreement drafted and implemented.

Similarly, Applicant cleared all environmental concerns raised by Water Board in 2018 by hiring and working with licensed engineers from Mother Engineering to create and carry out a Restoration, Mitigation, and Monitoring Plan. This Plan included, among other things, a

Revegetation Plan that was created by Samara Restoration. All environmental and revegetation work required by the Restoration, Mitigation, and Monitoring Plan was completed approximately two (2) years ago and a Restoration, Mitigation, and Monitoring Plan Completion Report was provided to the County in June of 2019.

The final environmental violation that was issued in relation to the 2017 work conducted by the project's prior proponent, was from the CDFG for removing approximately 1.3 acres of timber without the necessary Conversion Permit or Timber Harvesting Plan in place. In response to this violation, Applicant submitted the required Timber Conversion Evaluation Report in 2018 thereby resolving the CDFG violation.

All of the environmental violations associated with this project (from the three agencies discussed above) were issued in response to actions taken by the project's prior proponents in 2017. Since that time, no additional environmental violations have been issued for the project site notwithstanding the fact that both County and State representatives have conducted site visits and inspected the property. This demonstrates Applicant's desire, willingness, and ability to operate a compliant commercial cannabis cultivation site and should therefore not be discounted.

According to the County's Executive Summary Recommending Denial, one of the County's major concerns about the project is the fact that water was trucked to the project address in September and October of 2021. However, there is no evidence that such water was used for cannabis cultivation or processing and therefore, no violation of the Humboldt County Code (hereinafter the "Code") occurred notwithstanding the fact that water was trucked to the property. As is discussed in detail below, the Code does not prohibit cannabis businesses from utilizing trucked water for employee drinking, restroom, and breakroom purposes and therefore, Applicant's use of trucked water for such purposes should not be used as the basis for denial of the Conditional Use Permit application at issue in this matter.

I. The Humboldt County Code does not Prohibit the Use of Trucked Water for Employee Break and Drinking Water Purposes at Commercial Cannabis Business Sites

Applicant's use of trucked water did not violate the Code as neither section 314-55.4.11(m) nor any other section of the Code limits a cannabis business's ability to truck water in for purposes of supplying potable and desirable drinking, shower, hand washing, and toilet water to employees.

A. By Evaluating the Plain Meaning of the Applicable Section(s) of the Code, it is Clear that Trucked Water may be Used by Employees for Non-Cultivation and Non-Processing Purposes

The January 20, 2022 Staff Report associated with this matter states that Applicant's Conditional Use Permit application should be denied in part because Applicant had water trucked to the project site in "violation of Humboldt County Code 314-55.4.11(m)". However, this conclusion is not supported by the language in the Code itself and should therefore be disregarded.

Section 314-55.4.11 of the Code lists the “Performance Standards for all CMMLUO Cultivation and Processing Operations”. Section 314-55.4.11(m) states:

“Water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies. For purposes of this provision, “emergency” is defined as: “a sudden, unexpected occurrence demanding immediate action.””

Per the language cited above, in Humboldt County, all water used for cultivation and processing must come from an on-site source such as a well. To understand what this means, one must start by looking to the plain language in the definitions of cultivation and processing that are included in the Code. In section 314-55.-4.7 of the Code, the County defines a number of key terms used in the County’s cannabis regulations.

Section 314-55.4.7 of the Code defines “Commercial Cannabis Cultivation” as

*“any activity involving the **planting, growing, harvesting, drying, curing, grading, or trimming of marijuana or cannabis** for medical use, including nurseries, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with the Medical Marijuana Regulation and Safety Act (MMRSA) for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.” (emphasis added).*

Section 314-55.4.7 of the Code defines “Cultivation site” as

*“the location or a facility **where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities**, except where drying, curing, grading or trimming is otherwise prohibited.” (emphasis added).*

Section 314-55.4.7 of the Code defines “Processing Facility” as

*“the location or facility where **medical cannabis is dried, cured, graded, trimmed, and/or packaged** by or under the control of one or more licensed cultivators, at a location separate from the cultivation site where the medical cannabis is grown and harvested.” (emphasis added).*

Section 314-55.4.11 of the Code requires the use of on-site water for actual cultivation and processing actions. Per the definitions described above, “cultivation” and “processing” are narrowly defined terms. Both “cultivation” and “processing” are activities that, by definition, are directly related to the actual growing, handling, and management of raw cannabis flower. As shown above, cultivation includes the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis while processing includes the drying, curing, grading, trimming, and packaging of cannabis. The definitions of cultivation and processing discussed above do not include activities such as employee hand washing, bathroom use, or drinking water consumption even when such activities occur on the same parcel as cultivation and processing themselves.

In this case, as shown by the invoices included in the County's Staff Report (and attached hereto as Exhibit D), Seasonal Water Solutions delivered 8,000 gallons of water to the subject parcel on two occasions – once on September 18, 2021 and once on October 18, 2021. According to the invoices, the deliveries were categorized by Seasonal Water Solutions as “domestic water” deliveries rather than commercial water deliveries.

This information is consistent with what Applicant told the County when asked about the water deliveries. Specifically, Applicant informed the County that all of the water that was delivered to the property was used for domestic purposes within the home that exists on site. The home in question is used as a rest area for employees and includes within it rooms for rest, a bathroom, a shower, a kitchen, and drinking water. No cannabis cultivation or processing activities occur inside the home and the home's water system does not connect to any water sources used for irrigation or other cultivation or processing uses. The water at issue was only used as drinking, hand washing, shower, and toilet water inside the home. None of the water at issue was used for the planting, growing, harvesting, drying, curing, grading, trimming, or packaging cannabis.

The fact that the trucked water was only used for non-cultivation and non-processing purposes is also evidenced by the fact that the water that was delivered was deposited and stored in three 5,000-gallon water tanks that are designated for domestic use only. Although such tanks were not included on Applicant's site plans, Applicant is willing and able to amend its site plan to show the location of the domestic water tanks and the lines that run from the tanks to the home in question. Similarly, if given the opportunity to continue working with the County to rectify any outstanding concerns, Applicant would gladly have County staff out to the property to view and inspect the domestic water tanks at issue. If additional clarification is needed, Seasonal Water Solutions may also be contacted to confirm where the delivered water was deposited.

Additionally, the County confirmed via its own investigation, that Applicant has no reason to truck in water for cultivation or processing purposes because the on-site well that Applicant has designated as its source of water for such things generates more than enough water. As noted in the January 20, 2022 Staff Report, after learning about the water trucking incidents described above, the County became concerned that the on-site well was not generating enough water to meet Applicant's cultivation and processing needs. However, the County's concerns were quelled after Bushnell Well Drilling completed a pump test on the well and determined that the well produces approximately fifteen (15) gallons of water per minute, which is more than enough water to support the commercial cultivation and processing activities occurring on site.

By applying the plain and unambiguous language found within the Code, it is clear that Applicant's use of trucked water for employee drinking, shower, toilet, and break purposes did not violate the anti-water trucking regulations that apply to cultivation and processing activities and therefore, the fact that water was trucked to the site should not be used as a basis to deny Applicant's Conditional Use Permit application.

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B. When Reading the Code as a Whole it is Clear that Drinking Water and Water Used for “Domestic” Purposes is Not Subject to the Trucked Water Ban Referenced in Code Section 314-55.4.11(m)

Notwithstanding the fact that a plain reading of the Code resolves the question of whether trucked water may be used for non-cultivation and non-processing purposes, a review of additional Code sections reinforces the conclusion that drinking water is treated differently than water used for cultivation and processing and may, therefore, be trucked in.

While Section 314-55.4.11(m) states that all water used for cultivation and processing must come for an on-site water source, Section 314-55.4.11(u)¹ requires all cultivators to create and submit a Processing Plan that, among other things, describes the “source of drinking water for employees.” (See Code Section 314-55.4.11(u)(vii)).

If employee drinking water had to come from the same on-site water source as water used for cannabis cultivation and processing, why would the County require operators to identify where its drinking water comes from? The answer is that it wouldn’t. Section 314-55.4.11(u) only makes sense if one assumes that drinking water can be sourced from a myriad of places.

Unlike when the Code addresses water used for cultivation and processing purposes, when discussing drinking and personal use water, the Code does not limit the source of such water to “on-site” water sources like groundwater wells. Rather, the Code asks the operator to identify where it will get its drinking water for employees from without limiting where it may come from. The fact that the County expressly chose to limit where water for cultivation and processing can come from but chose not to limit where water used for drinking, handwashing, and toilets can come from demonstrates that there are many permissible sources of drinking water including off site sources.

This conclusion is not only mandated by a reading of the Code, it also makes the most sense. If the Code was interpreted and enforced in a way that forbid cannabis companies from obtaining drinking and other personal use water from off-site sources, cannabis companies would not be able to provide bottled water or large jug water dispensers for employees to drink from. Such a conclusion would not only be illogical, but would also force employees to drink, bath, and clean themselves in well water that while potable may not be desirable from a personal use perspective.

Given that the County clearly wanted to protect employees by, among other things, ensuring that they have access to clean and safe drinking water, it follows that the County did not intend to limit the source of drinking water to on-site sources only. The County should, therefore, not use Applicant’s limited use of trucked water for non-cultivation and non-processing purposes as a basis for denying its Conditional Use Permit application.

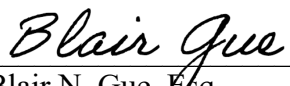
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¹ One of the “Performance Standards for Cultivation and Processing Activities” included in Ordinance 2559

II. Conclusion

Based on the foregoing, and for additional reasons not discussed herein, Applicant's Conditional Use Permit application should be approved. At the hearing on this matter, Applicant and counsel will be available and ready to answer questions regarding the concerns noted in the January 20, 2022 Staff Report, including those related to Applicant's extremely limited use of trucked water. Applicant looks forward to discussing such matters with the Planning Commission and hopes that, if any action is taken at today's hearing, and the Planning Commission is not inclined to approve the project, that the Planning Commission will vote in favor of the Alternative Recommendation proposed in the January 20, 2022 Staff Report which directs Planning staff to continue working with Applicant to resolve the outstanding issues and continue processing the application in accordance with Section 312-4.1 et. seq. of the Code.

Respectfully submitted,



Blair N. Gue, Esq.
Rogoway Law Group, P.C.
Partner

EXHIBIT A



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **H2 Equity, LLC, Conditional Use Permit**
Record Number: PLN-11248-CUP
Assessor's Parcel Number (APN): 221-021-008
Ettersburg area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 4, 2021	Conditional Use Permit	Abbie Strickland

Project Description: The applicant is seeking a Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 8,782 square feet is mixed light cultivation and 40,868 square feet is outdoor cultivation utilizing light deprivation techniques. The applicant projects four annual harvests from the mixed light cultivation area and two harvests annually from the light deprivation cultivation area. The project is supported by 2,350 square feet of propagation space. Water for irrigation is sourced from an existing well, a hydrologically connected pond, and rainwater catchment. The projected annual water usage totals 892,176 gallons and existing available water storage totals 416,500 gallons. All processing occurs onsite in an existing structure. Three to ten employees are required for the project. Energy for the project is sourced primarily by generators which is supplemented by a solar array.

Project Location: The project is located in Humboldt County, in the Ettersburg area, on the North side of Thomas Road, approximately 1.68 miles west from the intersection of Salmon Creek Road and Thomas Road, on the property known as 3845 Thomas Road.

Present Plan Land Use Designations: Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3).

Present Zoning: Unclassified (U)

Record Number: PLN-11248-CUP

Assessor's Parcel Number: 221-021-008

Applicant

H2 Equity, LLC
Charles Adam Perry
827 Redwood Dr. Suite C
Garberville, CA 95542

Owner

Charles Adam Perry
827 Redwood Dr. Suite C
Garberville, CA 95542

Agent

N/A

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.

H2 Equity, LLC
Record Number: PLN-11248-CUP
Assessor's Parcel Number: 221-021-008

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the Resolution to take the following actions:

1) Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit and 3) approve the H2 Equity, LLC, project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 8,782 square feet is mixed light cultivation and 40,868 square feet is outdoor cultivation utilizing light deprivation techniques. The applicant projects four annual harvests from the mixed light cultivation area and two harvests annually from the light deprivation cultivation area. The project is supported by 2,363 square feet of propagation space. Water for irrigation is sourced from an existing well, a hydrologically connected pond, and rainwater catchment. The projected annual water usage totals 892,176 gallons (17.9 gal/sf) and existing available water storage totals 416,500 gallons. All processing occurs onsite in an existing structure. Three to ten employees are required for the project. Energy for the project is sourced primarily by generators which is supplemented by a solar array.

Historic Cultivation

A *Cultivation Area Verification* completed by the Planning Department found that the subject parcel historically contained 50,499 square feet of outdoor cultivation and 9,007 square feet of existing mixed light cultivation. The applicant has held an Interim Permit for 43,560 square feet of outdoor cultivation and 9,000 square feet of mixed light cultivation. The applicant is proposing to reduce their cultivation area from 52,560 square feet to 49,650 square feet. A condition of approval for the project will require the applicant to remediate the 2,910 square feet of cultivation area that is being decommissioned (**General Condition A.14**).

Timber Conversion

On May 17, 2018, a Notice of Violation (NOV) was issued by the California Department of Forestry and Fire Protection (CAL FIRE) which documented the unauthorized conversion of 1.3 acres of timberland. According to the Notice of Violation issued by the California Department of Fish and Wildlife (CDFW) an on-stream pond was constructed in the conversion area without the required permits. The failure of the pond resulted in a Clean Up and Abatement Order being issued to the previous permit holder by the California North Coast Regional Water Quality Control Board (RWQCB) in April of 2018. The former property owner submitted a *Completion Report* documenting the completion of slope restoration and instream work as required by the RWQCB. The conversion area has been remediated and will undergo annual monitoring. This area is no longer eligible for cannabis cultivation or infrastructure.

The applicant submitted a *Timber Conversion Evaluation Report* prepared by Timberland Resource Consultants which outlines the actions required to bring the conversion areas into

compliance with California Forest Practice Rules. A condition of approval will require the applicant to implement the RPF's recommendations and restock the areas outlined in the *Restocking Plan* as "Pond 3" and "Water Storage Area 2" for a total restocking area of 1.65 acres (**General Conditions A.7**). The Notice of Violation issued by CAL FIRE has been resolved.

Energy Resources

Energy for the project is supplied by two generators one of which is a 125-kW generator and the other is a 20-kW generator. The generators are housed in secondary containment units to attenuate noise. Energy is required to power the lights in the mixed light and propagation greenhouses and fans and dehumidifiers required for the drying process. There is also an existing solar array that consists of twelve solar panels each with a capacity of 175-watts. The total combined capacity of the array is 21-kW. The applicant is actively pursuing additional solar to meet the energy demands of the project. A condition of approval for the project will require the applicant to obtain a renewable energy source capable of producing enough energy to meet the projects energy demand prior to January 1, 2024 (**General Conditions A.8**).

Water Resources

Irrigation water is sourced from an existing permitted well (permit no. 18/19-0320), a 50,000-gallon onstream rainwater catchment pond, and rainwater collection tanks. The well has a depth of 230 feet and produced 15 gallons of water per minute during a 4-hour pump test conducted in February of 2019. The well is located over 1,000 feet south of Salmon Creek. According to the *Lake and Streambed Alteration Agreement* prepared by the California Department of Fish and Wildlife, the pond is located on an unnamed tributary to Salmon Creek. The applicant will be required to forebear from the use of the pond from April 1st to October 31st (**Ongoing Requirement B.7**). There is a second pond on site that has also been determined to be hydrologically connected to surface water, however, this pond will not be used for irrigation. The applicant will be required to obtain an active water right for use of the 50,000-gallon pond for irrigation prior to January 1, 2022. If a water right has not obtained the applicant will be required to discontinue the use of the pond as an irrigation source (**General Conditions A.9**).

The applicant has a collection of 14 water tanks that capture water on their surface. The combined surface area of the tanks totals 9,700 square feet. The projected annual water usage for the project totals 892,176 gallons (17.9 gal/SF) and existing available water storage totals 416,500 gallons in hard tanks and one water bladder. The use of water bladders is prohibited by the State Water Resources Control Board. The applicant will be required to replace the water bladder with hard tank storage (**General Conditions A.10**).

The project was referred to the Division of Environmental Health (DEH) who recommended the application be approved with the added condition that the applicant submit receipts of portable toilets to the DEH on an annual basis or provide an approved means of sewage disposal to serve the needs of cultivation staff. Additionally, the applicant will be required to maintain these records at the project site to be made available at each annual inspection (**Ongoing Requirement B.8**).

Biological Resources

A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped near the subject parcel. The subject parcel is located approximately 1.75 miles southwest of the nearest Northern Spotted Owl activity centers as mapped in the CNDDDB. An ongoing requirement of the project will require the applicant to maintain cultivation related noise at or below 50 decibels at the edge of the clearing or 100 feet,

whichever distance is closer (**Ongoing Requirement B.1**). Additionally, the use of supplemental lighting is required to comply with International Dark-sky Standards (**Ongoing Requirement B.2**).

The project was referred to CDFW in June of 2018 and received a response recommending denial of the project due to the numerous violations on the property at that time. Since the initial referral the applicant has resolved the violation, completed the required remediation, and is currently in compliance with the *Lake and Streambed Alteration Agreement* issued for the subject parcel by CDFW. The referral response also included concerns regarding light and noise pollution and their effects on the surrounding wildlife. If approved, the applicant would be required to implement, and adhere to, noise and light attenuation measures.

Tribal Cultural Resource Coordination

The applicant submitted a *Cultural Resource Investigation Report* prepared by Archaeological Research and Supply Company, dated December 2017. No cultural resources were identified within the project area. The report concluded that the project will not adversely impact cultural, Tribal, or historic resources with the existing footprint. The report was forwarded to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band requested that the applicant be required to adhere to the Inadvertent Discovery Protocol. The Inadvertent Discovery Protocol is an ongoing condition of approval for the project (**Ongoing Requirement B.9**).

Access and Fire Safety

Access to the site is via a driveway off the private access road, Upper Samuels Ranch Road. Upper Samuels Ranch Road is access by Thomas Road, a county-maintained road. A *Road Evaluation Report* for the private access road was prepared by Mother Earth Engineering which indicates the roadway meets the functional capacity required for the project. Provisions have been made within the applicants *Water Resource Protection Plan* prepared by Timberland Resource Consultants to improve the access road and prevent discharge of sediment to nearby watercourses. A condition of approval will require the applicant to implement all improvements outlined in the *Water Resource Protection Plan* (**General Conditions A.12**).

The project was referred to the Department of Public Works Land Use Division who recommended the project be approved with the requirement that the applicant pave where the private access road meets the county-maintained road, Thomas Road, if the county-maintained road is paved. The applicant shall also maintain compliance with HCC 314-1 Sight Visibility Ordinance where the private access road meets Thomas Road. Both actions have been included as conditions of approval for the project (**General Conditions A.11**).

The subject parcel is located the State Fire Responsibility Area and is designated high fire hazard severity. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in state responsibility designated areas. A condition of approval will require the applicant to submit a revised *Site Plan* showing a 2,500-gallon water tank dedicated to fire suppression to conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. (**General Conditions A.13**). The applicant is actively training to become a member of the Salmon Creek Volunteer Fire Department (SCVFD) and has obtained a Fire Training Certificate. Additionally, the SCVFD has obtained the required information to be able to access the property at any time during an emergency.

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.

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 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 21-
Record Number PLN-11248-CUP
Assessor's Parcel Number: 221-021-008**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the H2 Equity, LLC, Conditional Use Permit request.

WHEREAS, H2 Equity, LLC, is seeking a Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 8,782 square feet is mixed light cultivation and 40,868 square feet is outdoor cultivation utilizing light deprivation techniques. The applicant projects four annual harvests from the mixed light cultivation area and two harvests annually from the light deprivation cultivation area. The project is supported by 2,350 square feet of propagation space. Water for irrigation is sourced from an existing well, a hydrologically connected pond, and rainwater catchment. The projected annual water usage totals 892,176 gallons and existing available water storage totals 416,500 gallons. All processing occurs onsite in an existing structure. Three to ten employees are required for the project. Energy for the project is sourced primarily by generators which is supplemented by a solar array.

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 November 4, 2021, 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: A Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 8,782 square feet is mixed light cultivation and 40,868 square feet is outdoor cultivation utilizing light deprivation techniques. The applicant projects four annual harvests from the mixed light cultivation area and two harvests annually from the light deprivation cultivation area. The project is supported by 2,350 square feet of propagation space. Water for irrigation is sourced from an existing well, a hydrologically connected pond, and rainwater catchment. The projected annual water usage totals 892,176 gallons and existing available water storage totals 416,500 gallons. All processing occurs onsite in an existing structure. Three to ten employees are required for the project. Energy for the project is sourced primarily by generators which is supplemented by a solar array.

EVIDENCE: a) Project File: PLN-11248-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) All components of the project adhere to the required Streamside Management Area setback requirements. A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped near the subject parcel. The subject parcel is located approximately 1.75 miles southwest of the nearest Northern Spotted Owl activity centers as mapped in the CNDDDB. The project is not anticipated to impact any special status plant or animal species, or sensitive natural communities with the existing footprint.
- c) The applicant will be required to maintain cultivation related noise at or below 50 decibels measured at a distance of 100 feet from the noise source or the edge of habitat, whichever distance is closer. All generators will also be held in secondary containment units.
- d) The applicant will be required to adhere to International Dark Sky standards. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- e) A *Water Resource Protection Plan* was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. A condition of approval will require the applicant to implement all recommendations outline in the *Water Resource Protection Plan*.
- f) The operation will not result in the net conversion of timberland. The applicant has submitted a *Restocking Plan* prepared by a Registered Professional Forester. The applicant will be required to restock 1.65 acres of timberland and bring the conversion area into compliance with the Forest Practices Act.
- g) A *Cultural Resources Investigation Report* was prepared by Archaeological Research and Supply Co. dated December 2017. No prehistoric or historic resources were located as a result of the survey, and the project is not anticipated to impact these resources. The inadvertent discovery protocol has been included as a condition of approval for the project.
- h) A *Road Evaluation Report* for the private access road was prepared by Mother Earth Engineering which indicates the roadway meets the functional capacity required for the project. Provisions have been made within the applicants *Water Resource Protection Plan* prepared by Timberland Resource Consultants to improve the access road and prevent discharge of sediment to nearby watercourses.

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type allowed in the Residential Agriculture land use designation. The existing cannabis cultivation, an agricultural product, is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The existing development is consistent with the purposes of the Unclassified Zone (U) in which the site is located.
- EVIDENCE**
- a) General agriculture is a use type principally permitted in the Unclassified (U) Zone.
 - b) The location of all project elements meets the setback requirements for the U Zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of outdoor cultivation or 22,000 square feet of mixed light cultivation on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. This application is for 8,782 square feet of pre-existing mixed light cultivation and 40,868 square feet of pre-existing outdoor cultivation, verified by the Planning Department, and located on a 160-acre parcel.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The parcel was created in compliance with all applicable state and local subdivision regulations as it was created in its current configuration by creation deed recorded June 1, 1971.
 - b) Irrigation water is locally sourced from an existing well, a hydrologically connected pond, and rainwater catchment.
 - c) Energy for the project is supplied by two generators one of which is a 125-kW generator and the other is a 20-kW generator. There is also an existing solar array that consists of twelve solar panels each with a capacity of 175-watts. The total combined capacity of the array is 21-kW. The applicant is actively pursuing additional solar to meet the energy demands of the project. A condition of approval for the project will require the applicant to obtain a renewable energy capable of producing enough energy to meet the projects energy demand prior to January 1, 2024.
 - d) A Road Evaluation Report for the private access road was prepared by Mother Earth Engineering which indicates the roadway meets the functional capacity required for the project. Provisions have been made within the applicants *Water Resource Protection Plan* prepared by Timberland Resource Consultants to improve the access road and prevent discharge of sediment to nearby watercourses.

- e) The operation will not result in the net conversion of timberland. The applicant has submitted a *Restocking Plan* prepared by a Registered Professional Forester. The applicant will be required to restock 1.65 acres of timberland and bring the conversion area into compliance with the Forest Practices Act.
- 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, more than 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.
- g) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.

6. FINDING

The continued cultivation of 49,650 square feet of commercial 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. 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.
- b) 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, more than 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.
- c) A *Cultural Resource Investigation Report* was prepared by Archaeological Research and Supply Company dated December 2017. No cultural resources were identified within the project area. The report concluded that the project will not adversely impact cultural, Tribal, or historic resources with the existing footprint.
- d) A Road Evaluation Report for the private access road was prepared by Mother Earth Engineering which indicates the roadway meets the functional capacity required for the project. Provisions have been made within the applicants Water Resource Protection Plan prepared by Timberland Resource Consultants to improve the access road and prevent discharge of sediment to nearby watercourses.

7. 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 is located in the South Fork Eel Planning Watershed which under Resolution 18-43 is limited to 730 permits or 251 acres, whichever occurs first. With the approval of this project the total approved permits

in this Planning Watershed would be 267 permits and the total approved acres would be approximately 72.46 acres of cultivation.

8. 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.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for H2 Equity, 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

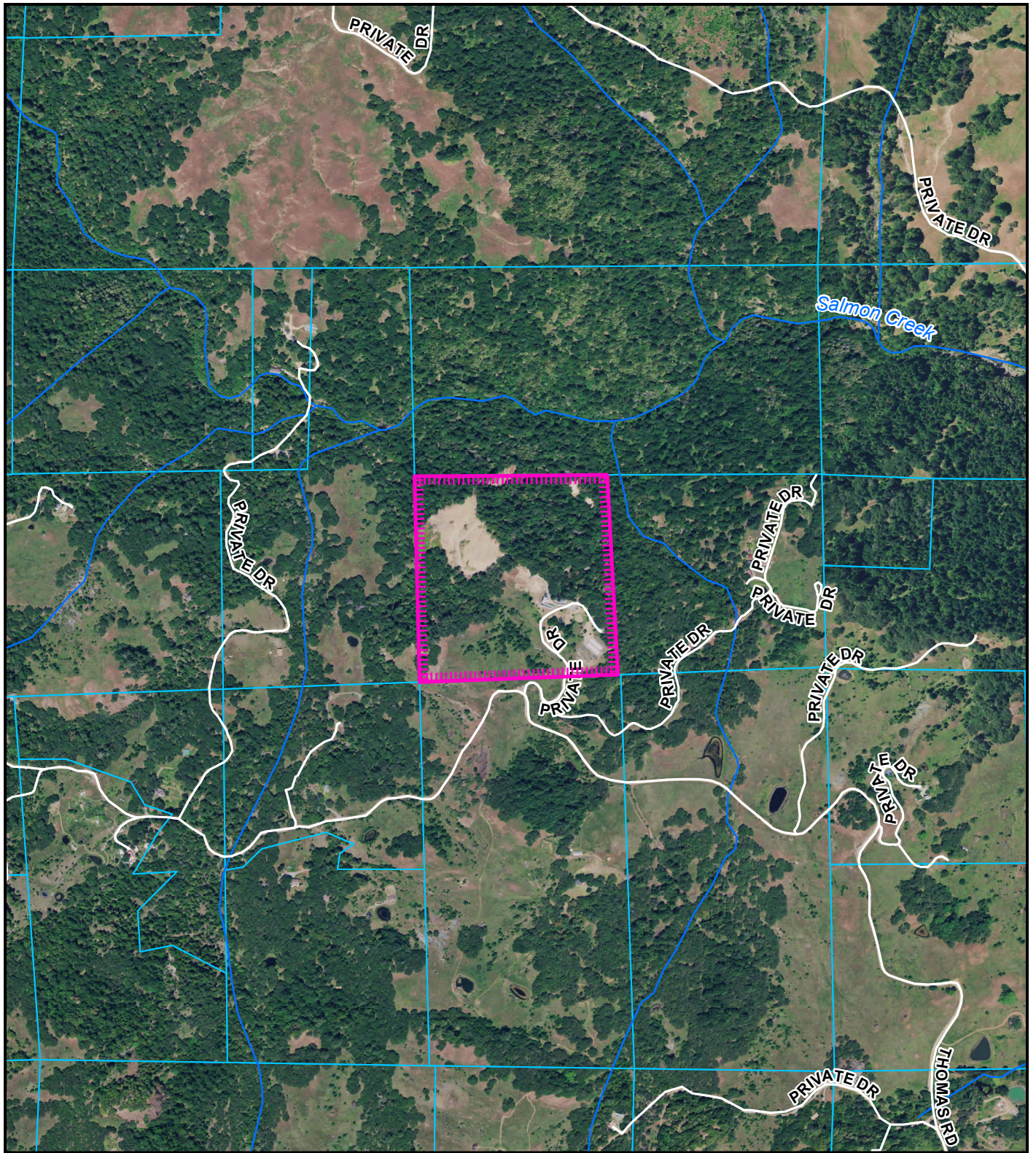
Adopted after review and consideration of all the evidence on November 4, 2021.

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



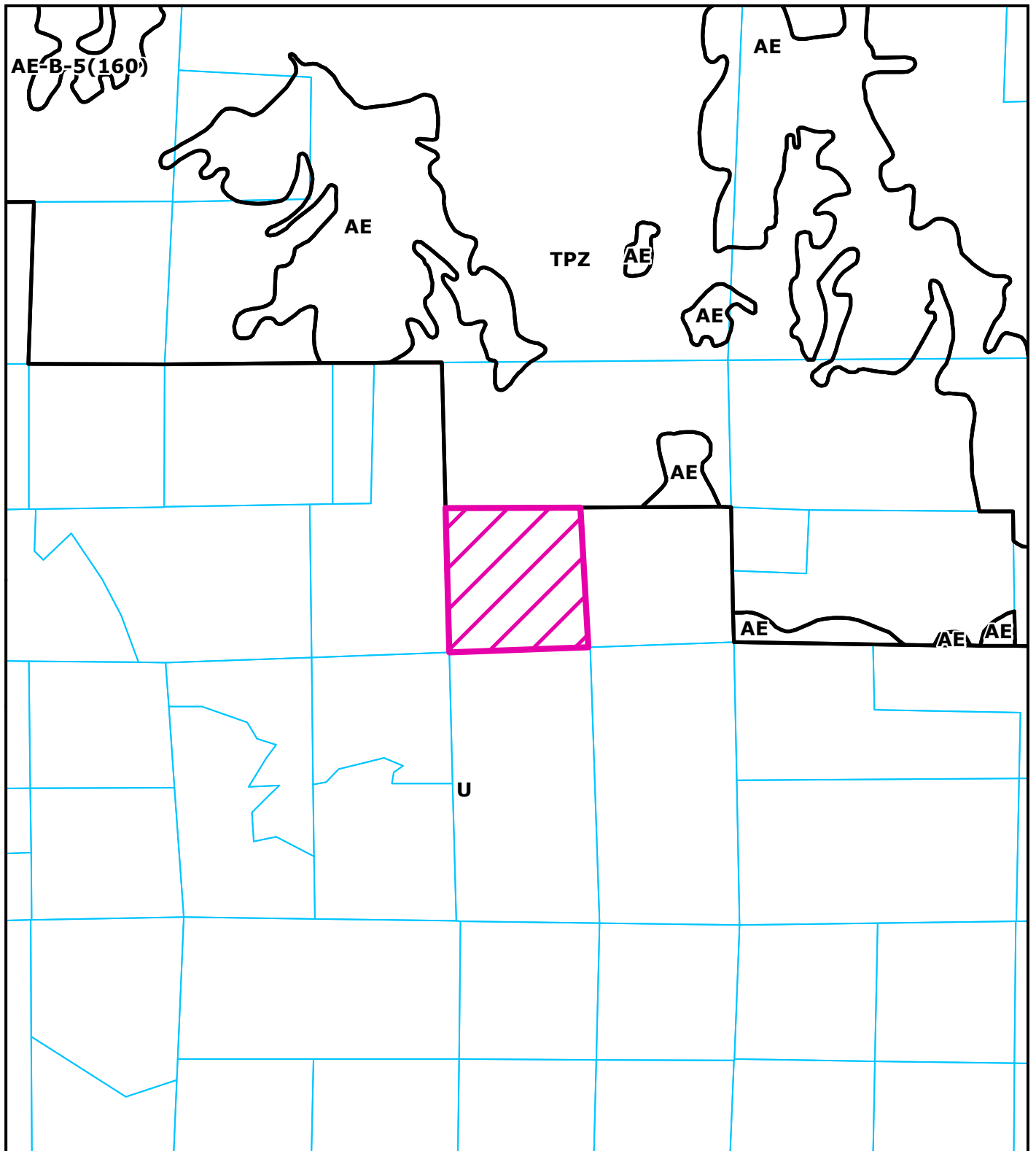
Project Area = 

**AERIAL MAP
PROPOSED H2 EQUITY LLC
ETTERSBURG AREA
CUP-16-198
APN: 221-021-008
T03S R02E S3 HB&M (ETTERSBURG)**

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

0 1,000 2,000 Feet

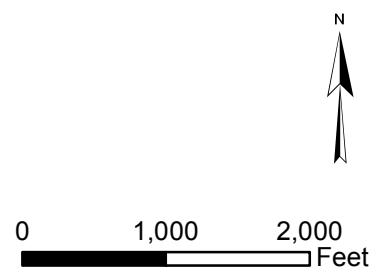


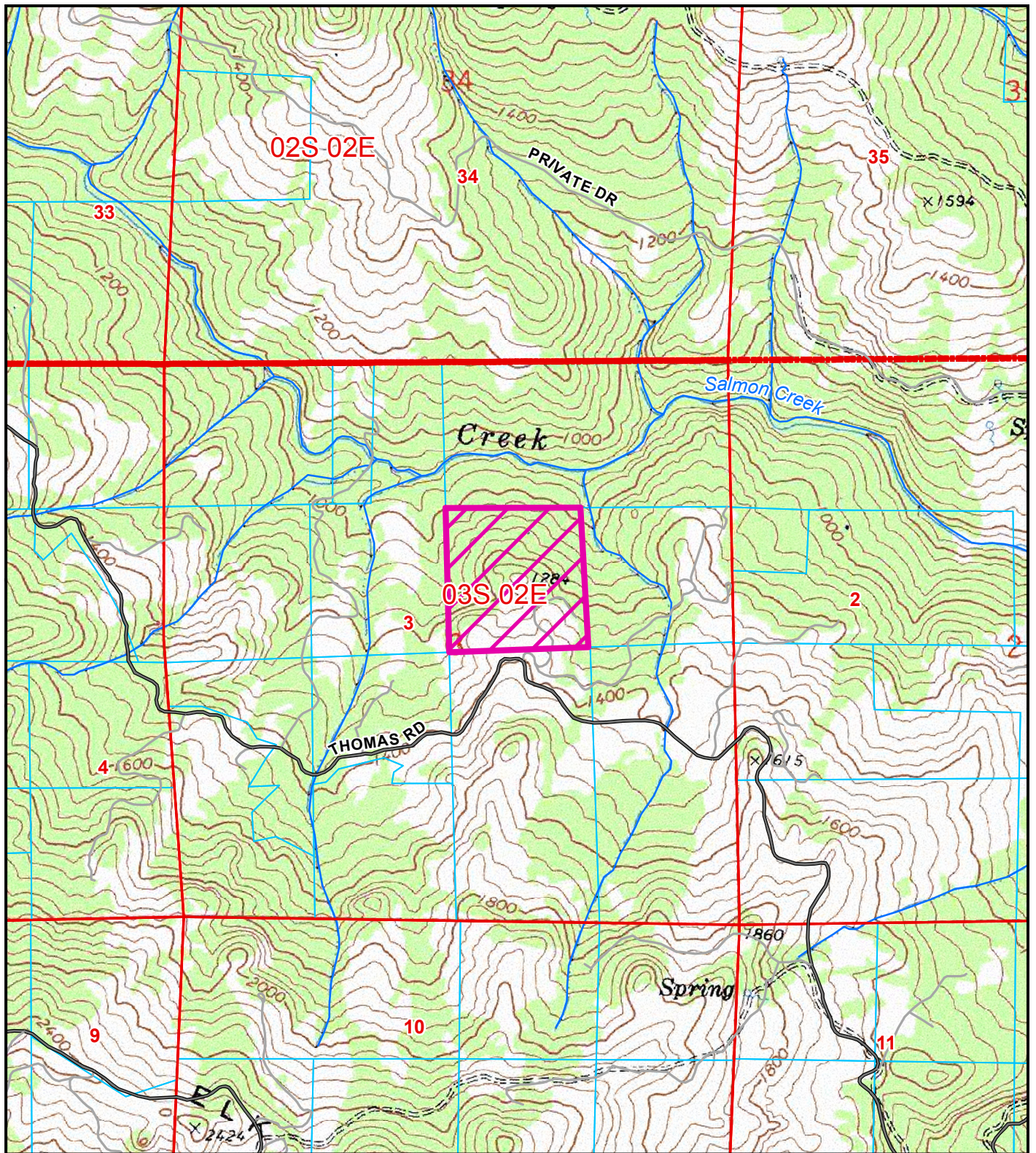


Project Area = 

**ZONING MAP
PROPOSED H2 EQUITY LLC
ETTERSBURG AREA
CUP-16-198
APN: 221-021-008
T03S R02E S3 HB&M (ETTERSBURG)**

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.

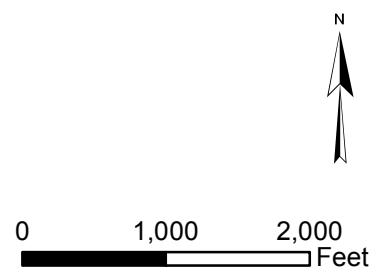




Project Area = 

**TOPO MAP
PROPOSED H2 EQUITY LLC
ETTERSBURG AREA
CUP-16-198
APN: 221-021-008
T03S R02E S3 HB&M (ETTERSBURG)**

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.



[illegible]

ITEM	DESCRIPTION	UNITS	AMOUNT
①	MIXED HOOP INSIDE AREA	P X 52.0	
②	MIXED HOOP INSIDE AREA	P X 58.5	52.5 PFT
③	MIXED HOOP INSIDE AREA	P X 100	900 PFT
④	MIXED HOOP INSIDE AREA	P X 100	900 PFT
⑤	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑥	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑦	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑧	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑨	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑩	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑪	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑫	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑬	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑭	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑮	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑯	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑰	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑱	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
⑲	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
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㊾	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
㊿	MIXED HOOP INSIDE AREA	P X 104.5	940.5 PFT
1	TOTAL CANTON AREA		6,545 PFT

ITEM	DESCRIPTION	UNITS	CANOPY AREA
1	MANDED LIGHT CANOPY AREA	9 X 64	576 FT ²
2	4 HOOP HOIST	9 X 64	384 FT ²
3	MANDED LIGHT CANOPY AREA	10 X 124.5	1,245 FT ²
4	MANDED HOIST CANOPY AREA	8 X 124.5	996 FT ²
5	4 HOOP HOIST	10 X 124.5	1,005 FT ²
6	MANDED LIGHT CANOPY AREA	9 X 104.5	940.5 FT ²
7	4 HOOP HOIST	9 X 104.5	880.5 FT ²
8	MANDED LIGHT CANOPY AREA	10 X 84.5	845 FT ²
9	4 HOOP HOIST	10 X 84.5	845 FT ²
10	MANDED LIGHT CANOPY AREA	10 X 84.5	845 FT ²
11	4 HOOP HOIST	10 X 84.5	845 FT ²
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95	4 HOOP HOIST	10 X 84.5	845 FT ²
96	MANDED LIGHT CANOPY AREA	10 X 84.5	845 FT ²
97	4 HOOP HOIST	10 X 84.5	845 FT ²
98	MANDED LIGHT CANOPY AREA	10 X 84.5	845 FT ²
99	4 HOOP HOIST	10 X 84.5	845 FT ²
100	MANDED LIGHT CANOPY AREA	10 X 84.5	845 FT ²
TOTAL CANOPY AREA		107 X 56.5	6,029.5 FT ²

COMMONLY USED LIGHT FIXTURES			
ITEM	DESCRIPTION	SPEC.	CANOPY AREA
1	4" HOOP MOUSE IMMOBILIZER CANOPY AREA	9 X 62.5"	882.577
2	4" HOOP MOUSE IMMOBILIZER CANOPY AREA	9 X 62.5"	882.577
3	4" HOOP MOUSE IMMOBILIZER CANOPY AREA	9 X 71.5"	873.577
4	4" HOOP MOUSE IMMOBILIZER CANOPY AREA	24 X 62"	1,440.777
5	4" HOOP MOUSE IMMOBILIZER CANOPY AREA	36 X 100"	3,600.777
6	4" HOOP MOUSE IMMOBILIZER CANOPY AREA	24 X 100"	2,400.777
			8,793.577

PROPAGATION AREA	
ITEM	SPECS.
1D	<E> GREENHOUSE - IMMATURE PLANT AREA SEE SHEET 2 FOR DESIGNATION OF USE 20' X 80' 1,600 FT ²

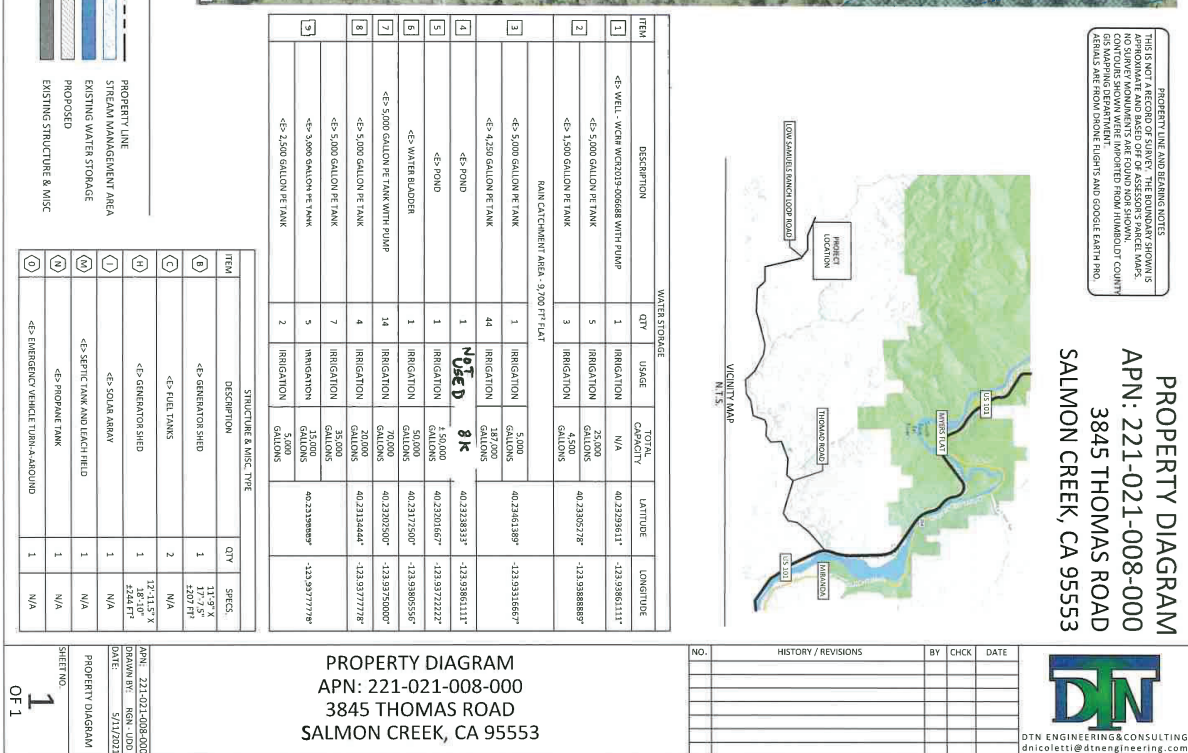
PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

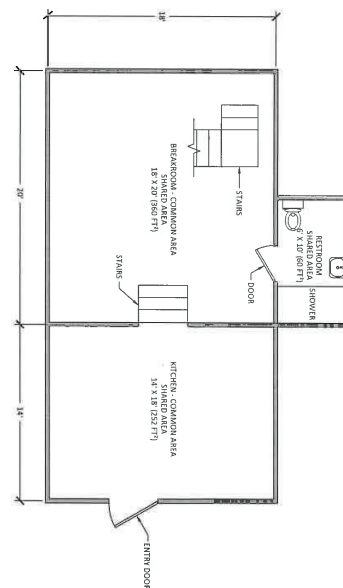
[illegible]

ITEM	DESCRIPTION	SPEC.	CANOPY AREA
①	MAINT. HOOP CANOPY AREA	20' X 6.5'	655.37
②	②- HOOP CANOPY AREA	32' X 6.5'	655.37
③	③- HOOP CANOPY AREA	9' X 5.5'	485.37
④	MAINT. HOOP CANOPY AREA	9' X 7.2'	648.37
⑤	⑤- HOOP CANOPY AREA	9' X 4.5'	415.37
⑥	MAINT. HOOP CANOPY AREA	9' X 10.0'	900.37
⑦	⑦- HOOP CANOPY AREA	9' X 11.0'	990.37
⑧	MAINT. HOOP CANOPY AREA	9' X 12.0'	1,080.37
⑨	⑨- HOOP CANOPY AREA	9' X 14.0'	1,260.37
⑩	MAINT. HOOP CANOPY AREA	9' X 16.0'	1,440.37
⑪	⑪- HOOP CANOPY AREA	9' X 18.0'	1,620.37
⑫	MAINT. HOOP CANOPY AREA	9' X 20.0'	1,800.37
⑬	⑬- HOOP CANOPY AREA	9' X 22.0'	1,980.37
⑭	MAINT. HOOP CANOPY AREA	9' X 24.0'	2,160.37
⑮	⑮- HOOP CANOPY AREA	9' X 26.0'	2,340.37
⑯	MAINT. HOOP CANOPY AREA	9' X 28.0'	2,520.37
⑰	⑰- HOOP CANOPY AREA	9' X 30.0'	2,700.37
⑱	MAINT. HOOP CANOPY AREA	9' X 32.0'	2,880.37
⑲	⑲- HOOP CANOPY AREA	9' X 34.0'	3,060.37
⑳	MAINT. HOOP CANOPY AREA	9' X 36.0'	3,240.37
㉑	㉑- HOOP CANOPY AREA	9' X 38.0'	3,420.37
㉒	MAINT. HOOP CANOPY AREA	9' X 40.0'	3,600.37
㉓	㉓- HOOP CANOPY AREA	9' X 42.0'	3,780.37
㉔	MAINT. HOOP CANOPY AREA	9' X 44.0'	3,960.37
㉕	㉕- HOOP CANOPY AREA	9' X 46.0'	4,140.37
㉖	MAINT. HOOP CANOPY AREA	9' X 48.0'	4,320.37
㉗	㉗- HOOP CANOPY AREA	9' X 50.0'	4,500.37
㉘	MAINT. HOOP CANOPY AREA	9' X 52.0'	4,680.37
㉙	㉙- HOOP CANOPY AREA	9' X 54.0'	4,860.37
㉚	MAINT. HOOP CANOPY AREA	9' X 56.0'	5,040.37
㉛	㉛- HOOP CANOPY AREA	9' X 58.0'	5,220.37
㉜	MAINT. HOOP CANOPY AREA	9' X 60.0'	5,400.37
㉝	㉝- HOOP CANOPY AREA	9' X 62.0'	5,580.37
㉞	MAINT. HOOP CANOPY AREA	9' X 64.0'	5,760.37
㉟	㉟- HOOP CANOPY AREA	9' X 66.0'	5,940.37
㊱	MAINT. HOOP CANOPY AREA	9' X 68.0'	6,120.37
㊲	㊲- HOOP CANOPY AREA	9' X 70.0'	6,300.37
㊳	MAINT. HOOP CANOPY AREA	9' X 72.0'	6,480.37
㊴	㊴- HOOP CANOPY AREA	9' X 74.0'	6,660.37
㊵	MAINT. HOOP CANOPY AREA	9' X 76.0'	6,840.37
㊶	㊶- HOOP CANOPY AREA	9' X 78.0'	7,020.37
㊷	MAINT. HOOP CANOPY AREA	9' X 80.0'	7,200.37
㊸	㊸- HOOP CANOPY AREA	9' X 82.0'	7,380.37
㊹	MAINT. HOOP CANOPY AREA	9' X 84.0'	7,560.37
㊺	㊺- HOOP CANOPY AREA	9' X 86.0'	7,740.37
㊻	MAINT. HOOP CANOPY AREA	9' X 88.0'	7,920.37
㊼	㊼- HOOP CANOPY AREA	9' X 90.0'	8,100.37
㊽	MAINT. HOOP CANOPY AREA	9' X 92.0'	8,280.37
㊾	㊾- HOOP CANOPY AREA	9' X 94.0'	8,460.37
㊿	MAINT. HOOP CANOPY AREA	9' X 96.0'	8,640.37
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2	2- HOOP CANOPY AREA	9' X 100.0'	9,000.37
3	3- HOOP CANOPY AREA	9' X 102.0'	9,180.37
4	4- HOOP CANOPY AREA	9' X 104.0'	9,360.37
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27	27- HOOP CANOPY AREA	9' X 150.0'	13,

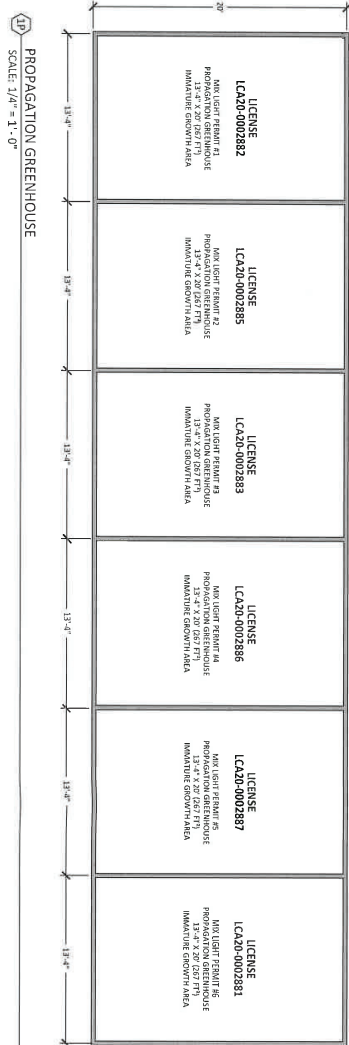
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PREMISES DIAGRAM
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SALMON CREEK, CA 95553

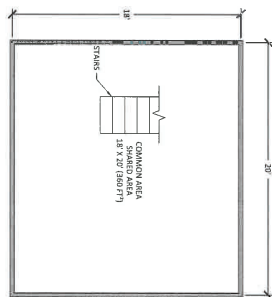




COMMON AREA DIAGRAM 1ST FLOOR HOUSE
SCALE: 1/4" = 1' - 0"



COMMON AREA DIAGRAM 2ND FLOOR HOUSE
SCALE: 1/4" = 1' - 0"

[illegible]

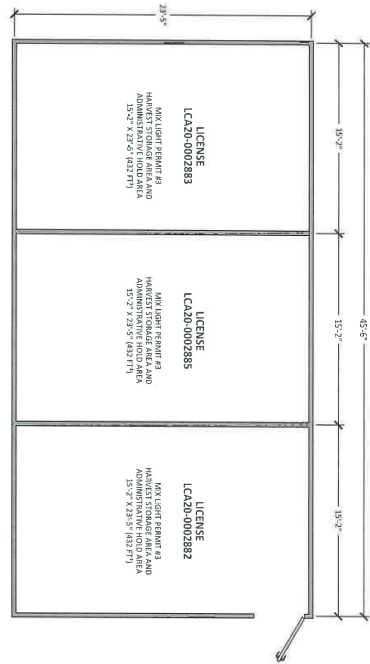
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3845 THOMAS ROAD
SALMON CREEK, CA 95553

APN: 221-021-008-000
DRAWN BY: RGN - UDO
DATE: 5/11/2021
PREMISES DIAGRAM
BUILDING LAYOUT
SHEET NO. 2
OF 3

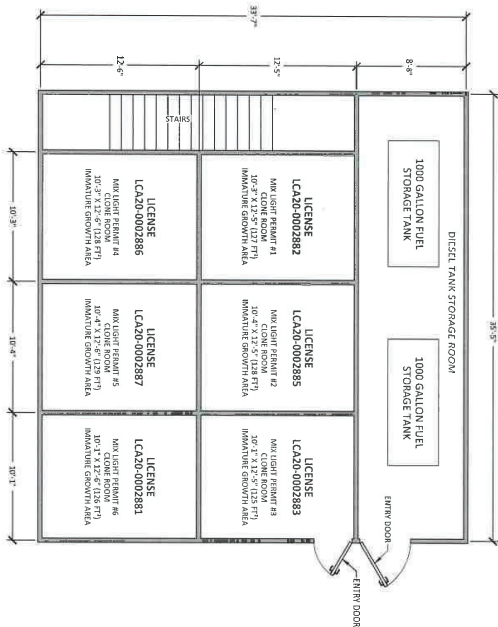


DTN ENGINEERING&CONSULTING
dnicoletti@dtneengineering.com

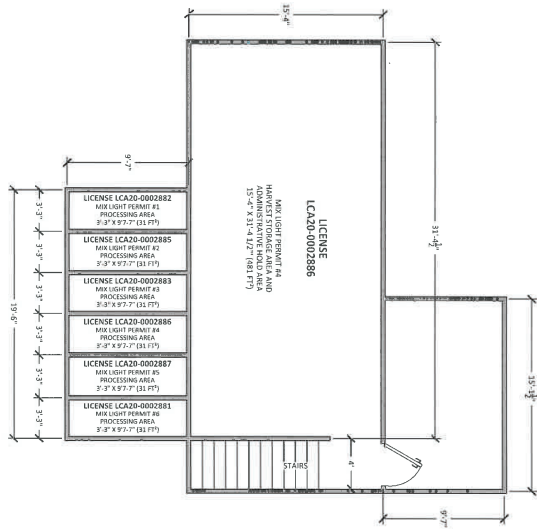
F STORAGE AREA DIAGRAM
SCALE: 1/4" = 1'-0"



G COMMON AREA DIAGRAM 1ST FLOOR BUILDING
SCALE: 1/4" = 1'-0"



G COMMON AREA DIAGRAM 2ND FLOOR BUILDING
SCALE: 1/4" = 1'-0"



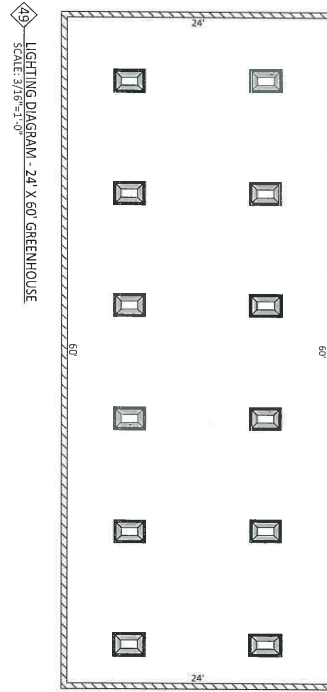
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APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



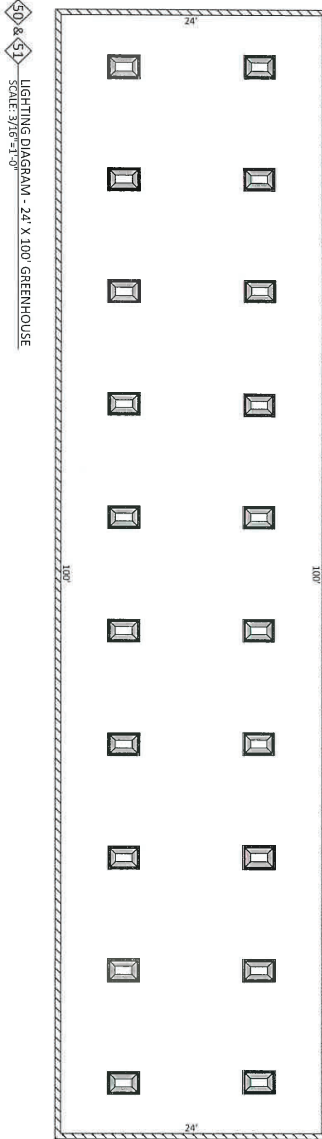
NO.	HISTORY / REVISIONS	BY	CHECK	DATE

PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

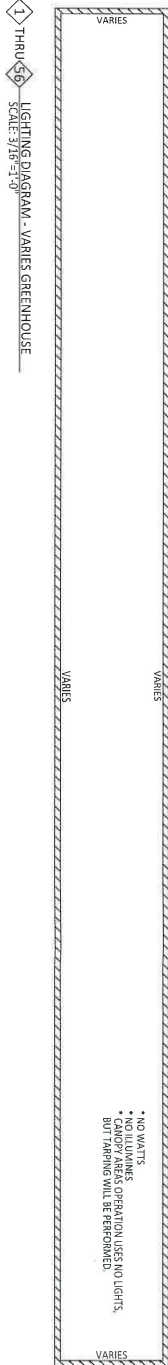
APN: 221-021-008-000	PREMISES DIAGRAM
DRAWN BY: BSN-1000	PROJECT NO. 3
DATE: 5/11/2021	OF 3
PROJECT NO. 3	



49 LIGHTING DIAGRAM - 24' X 60' GREENHOUSE
SCALE: 3/16"=1'-0"



50 & 51 LIGHTING DIAGRAM - 24' X 100' GREENHOUSE
SCALE: 3/16"=1'-0"



1 THRU 50 LIGHTING DIAGRAM - VARIES GREENHOUSE
SCALE: 3/16"=1'-0"

* NO WATTS
* NO LUMENS
* NO OPERATING HOURS
* BUT TAPPING WILL BE PERFORMED

LIGHTING DIAGRAM TABLE					
DIAGRAM DETAIL	QUANTITY	DESCRIPTION	SQUARE FOOTAGE PER GREENHOUSE	LIGHTS PER GREENHOUSE	TOTAL WATTS PER GREENHOUSE
1 THRU 48 52 THRU 56	1	GREENHOUSE VARIES SIZE SEE PREMISES DIAGRAM	VARIES SQ. FT	0	0 WATTS
49	1	24' X 60' GREENHOUSE	1,440 SQ. FT	12	12,000 WATTS
50	1	24' X 100' GREENHOUSE	2,400 SQ. FT	20	20,000 WATTS
51	1	24' X 100' GREENHOUSE	2,400 SQ. FT	20	20,000 WATTS

 = 1000 MAXIMUM WATT LIGHT

LIGHTING DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



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dnicoletti@dtneengineering.com

NO.	HISTORY / REVISIONS	BY	CHECK	DATE

LIGHTING DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

APN: 221-021-008-000
DRAWN BY: RGN-URD
DATE: 5/11/2021
SHEET NO. **1**
OF 1
LIGHTING DIAGRAM

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. The applicant shall adhere to the recommendations within the *Timber Conversion Evaluation Report* prepared by Timberland Resource Consultants. Which recommends the following:
 - a) Treat all logging slash and woody debris; and
 - b) Restock the areas identified as "Pond 3" and "Water Storage Area 2" for a total restocking area of 1.65 acres.

The applicant shall submit a report prepared by a Registered Professional Forester documenting that the work has been completed and the conversion areas comply with the California Forest Practice Act.

8. The use of generators as a primary energy source must cease on January 1, 2024. The generators shall be replaced by a renewable energy source. The applicant shall submit a revised Cultivation and Operations Plan which documents the replacement of the generators with a renewable energy source and provides specifications on the source. A sign-off from the Planning Department shall satisfy this condition.
9. Prior to January 1, 2022, the applicant shall obtain a water right for the use of the hydrologically connected pond as an irrigation water source. Alternatively, the applicant may discontinue the use of the pond as a water source or provide documentation to the satisfaction of the Planning Director demonstrating that the pond is not hydrologically connected.
10. The applicant shall discontinue the use of the water bladder and restore the location of the bladder to its natural condition. The water bladder shall be replaced by hard tanks water storage. The applicant shall submit a revised Site Plan showing that the bladder has been removed to the Planning Department for review and approval.
11. The applicant shall adhere to the following recommendations made by the Department of Public Works Land Use Division:
 - a) The applicant shall improve and maintain visibility where Upper Samuels Ranch Road intersects with Thomas Road as recommended by the Department of Public Works- Land Use Division in accordance with the County's Sight Visibility Ordinance. Compliance with this requirement will be assessed at the applicants annual inspection.
 - b) If Thomas Road has a paved surface at the location of the Upper Samuels Ranch Road, the applicant shall obtain an encroachment permit and the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road.

A letter or similar communication from the Department of Public Works stating the work has been completed to their satisfaction will satisfy this condition.

12. The applicant shall implement all corrective actions detailed in the *Water Resource Protection Plan* developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.

13. The applicant shall obtain a 2,500-gallon water tank dedicated to fire suppression and located near the SRA turnaround. The applicant shall submit a revised Site Plan showing the location of the water tank to the Planning Department to satisfy this condition.
14. Within 90 days of the effective date of project approval the applicant shall remove greenhouse #6 as identified on the Site Plan and restore the area to its natural condition. Compliance with this condition will be assessed at the annual inspection.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. 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 above, 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.
3. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.

7. The applicant shall forbear from use of the pond I from April 1st through October 31st of each year unless documentation is submitted to the Planning Director sufficiently demonstrating that the pond is hydrologically disconnected from surface waters.
8. The applicant shall adhere to the recommendations provided by DEH which recommended the applicant provide portable toilets for cultivation areas. The receipts for portable toilet services shall be submitted to the Division of Environmental Health on an annual basis and a copy of these record shall be kept onsite for review during the applicant's annual inspection. If the applicant decides to install an onsite wastewater treatment system, a copy of the permit shall be submitted to the Planning Department to satisfy this requirement.
9. 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.
10. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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).
18. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
20. 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.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. 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."

28. 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).
29. 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.
30. 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.
31. 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
32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
34. 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.
35. 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.
36. 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.
37. 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 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 MEDICINAL MARIJUANA LAND USE
ORDINANCE**

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

**APN 221-021-008; Lower Samuels Ranch Loop Road, Garberville Area
County of Humboldt**

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

November 2021

Background

Modified Project Description and Project History –

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

The applicant is seeking a Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 8,782 square feet is mixed light cultivation and 40,868 square feet is outdoor cultivation utilizing light deprivation techniques. The applicant projects four annual harvests from the mixed light cultivation area and two harvests annually from the light deprivation cultivation area. The project is supported by 2,363 square feet of propagation space. Water for irrigation is sourced from an existing well, a hydrologically connected pond, and rainwater catchment. The projected annual water usage totals 892,176 gallons and existing available water storage totals 416,500 gallons. All processing occurs onsite in an existing structure. Three to ten employees are required for the project. Energy for the project is sourced primarily by generators which is supplemented by a solar array.

All components of the project adhere to the required Streamside Management Area setback requirements. A review of the California Natural Diversity Database (CNDDB) found that species of special concern have been mapped near the subject parcel. The subject parcel is located approximately 1.75 miles southwest of the nearest Northern Spotted Owl activity centers as mapped in the CNDDB. The project is not anticipated to impact any special status plant or animal species, or sensitive natural communities with the existing footprint.

A *Cultural Resources Investigation Report* was prepared by Archaeological Research and Supply Co. dated December 2017. No prehistoric or historic resources were located as a result of the survey, and the project is not anticipated to impact these resources. The inadvertent discovery protocol has been included as a condition of approval for the project.

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 restocking timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 50,474 square feet of cultivation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing):

- *Site Plan* received October 14, 2021.
- *Cultivation and Operations Plan* received April 14, 2020.
- *Water Resource Protection Plan* prepared by Timberland Resource Consultants, dated 9/28/19.
- *Road Evaluation Report* prepared by Clearwater Ag Services dated April 10, 2021.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- *Cultural Resources Investigation* prepared by Archaeological Resource and Supply Company dated December 2017.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
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 Plan* received 10/14/21 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (*Cultivation and Operations Plan* received 4/14/20– **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Notice of Applicability- on file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Addendum to the Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**Attached** - *Water Resource Protection Plan* WDID: 1B16460CHUM)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2020-0159-R1- On file)

9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (On file)
10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. *Road Evaluation Report* prepared by Mother Earth Engineering, dated 2/28/20. (**Attached**)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
16. *Cultural Resources Investigation* prepared by Archaeological Resource and Supply Company dated December 2017. (On file- confidential)
17. *Timber Conversion Evaluation Report* and *Restocking Plan* prepared by Timberland Resource Consultants, dated June 22, 2018. (**Attached**)
18. *Well Completion Report* (permit no.18/19-0320) submitted by the applicant. (**Attached**)

Attachment J

Updated Cultivation and Operations Plan

Updated Cultivation and Operations Plan

OPERATIONS PLAN

1 WATER SOURCE AND STORAGE

Previously operations used a large constructed pond at the northern boundary of the parcel as well as surface water diversions for irrigation. This pond has been removed and surface water diversions have been decommissioned. Now the primary source of water is a permitted groundwater well and storage has been amended with a large hard tank array. One smaller off-stream rainwater catchment pond, with a capacity of 50,000 gallons, is being used as a secondary irrigation source. Please refer to the updated site map for locations and quantities of water sources and storage. The current total storage is approximately 448,000 gallons. A 2,500 gallon storage tank located at the

2 IRRIGATION PLAN

Applicant will irrigate cannabis plants at agronomic rates. Irrigation will be applied via a drip irrigation system. Applicant will water during the morning or late afternoon/early evenings when temperatures are cooler to minimize evaporative loss.

Applicant hand waters plants after every top dressing. For mixed light cultivation, Applicant applies top dressing three (3) times per crop run. For outdoor cultivation, Applicant top dresses approximately every two weeks. Applicant utilizes native soils and natural amendments to promote soil density and aid water retention. Applicant will apply mulch over drip irrigation system to prevent or minimize evaporative loss.

For mixed light cultivation, Applicant applies nutrients once per week throughout the growing season. Nutrients are mixed in tanks with a release valve on the underside of the tanks to completely flush residual nutrients which are re-mixed and reused in subsequent feedings.

For outdoor cultivation, Applicant applies nutrients to plants every four to seven days throughout the growing season. Nutrients are mixed in tanks with a release valve on the underside of the mixing tanks to completely flush residual nutrients which are re-mixed and reused in subsequent feedings.

3 PROJECTED WATER USE

Applicant will be cultivating approximately 43,521 square feet of outdoor cultivation and approximately 8,321 square feet of mixed light cultivation. Using the California Department of Fish and Wildlife's estimates for water usage for cannabis farms of one gallon per day for every ten (10) sq. ft. of cultivation area,

The above figures are estimates only and actual figures may be less based on Applicant's farming practices. Applicant has installed water meters at critical points to measure the actual amount of yearly water usage.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
21,660	21,660	21,660	21,660	149,640	149,640	149,640	149,640	149,640	21,660	21,660	21,660

4 EROSION CONTROL MEASURES

Most road surfaces on the parcel have rocked surfaces, which are well drained and free of ruts. The dirt roads on the property also have adequate surfacing for light use and are free of ruts, gullies, and surface erosion. The rocked portion of the roads are adequately drained to minimize and prevent surface erosion and erosion along inside ditches. Dirt roads are drained by rolling dips at natural low spots on the roads. The Applicant will install rocked rolling dips in these locations to minimize erosion and sediment transport from these areas.

Applicant has placed rock energy dissipaters at outlet locations of culverts and has rocked drainage ditches to avoid erosion of these areas and prevent sediment transport to receiving waters. Applicant will continue to perform routine maintenance of existing road features, rocked outlet areas, and revegetate timber sloped areas to minimize erosion.

5 RUN-OFF CONTROL MEASURES

Applicant has installed rock lined ditches along developed areas and roads to channel road and surface runoff and prevent sediment transportation to receiving waters. Applicant has re-seeded and vegetated exposed slopes to trap runoff and sediment and maintain slope stability. Applicant will maintain vegetative buffers between developed areas to water courses on the property to filter runoff and catch sediment. All outlets of culverts are rocked for energy dissipation and prevent excess runoff from eroding areas near watercourses.

6 PROTECTION OF WATERSHED AND HABITAT

Cultivation areas are approximately 100 feet from Class II watercourses at the nearest corner and quickly extends to approximately 150 feet along the west property line. In the southeast corner of the property the greenhouse cultivation areas are approximately 55 feet away from the class III watercourse, and extends from there.

Greenhouses on the southeastern cultivation areas are located outside of the 50 foot buffer zone from the class III watercourse. Applicant installed a rock lined drainage ditch to improve runoff control and drainage from developed areas. Other than this rock lined ditch and the existing roads on the property, a vegetated buffer is maintained at natural slopes with native vegetation to protect riparian habitat along the watercourses. Any prior disturbance of the 50 foot buffer zone has been re-seeded and revegetated with native grasses to promote habitat in these areas.

7 CULTIVATION-RELATED WASTE PROTOCOLS

Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport 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. Soils will be reamended using bio-amendments (cover crops), resulting in zero soil waste on site. All other associated waste will be placed in garbage cans with lids and placed on impermeable floor surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will appropriately dispose of any residual green waste at permitted facility (Redway CSD).

Soil piles, if any, will be tarped and straw waddles placed around it to prevent sediment transport. As stated above, soils will be re-amended. All soils not re amended are taken to a permitted transfer facility and deposited as green waste. Alternatively, Applicant will use spent soil to re-amend organic produce garden.

All cultivation related waste is stored in containers where it will not enter or be blown into surface waters.

8 REFUSE DISPOSAL

Refuse will be put in garbage cans with lids located under cover and far from any watercourses. Applicant keeps trash cans inside of greenhouses covered at every cultivation area .Based on need, Applicant will take refuse to a permitted disposal facility on a weekly basis.

9 HUMAN WASTE

Sewage disposal on the property are functioning septic systems connected to the houses. These septic systems are currently not permitted. Applicant will submit required documentation to permit existing septic systems as part of project approval. The septic systems are equipped with 2000 gallon tanks and the system is sufficient to meet the needs of the cultivation areas.

10 PESTICIDES

Applicant does not use any chemical pesticides or herbicides. Applicant employs an integrated pest management system that employs bio-pesticides and predator attractant plants to eliminate the need for conventional pesticides. If needed in the future, pesticides will be stored in shipping containers with impermeable floor surfaces in secondary containment totes to prevent leaching into ground water or percolating to receiving waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from cultivation areas. Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after all use when required.

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. Change areas and decontamination rooms will be available off-site.

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.

11 FERTILIZERS

Fertilizers are stored in locked storage sheds on the property. Covered stations are also located on the cultivation areas for fertilizers that are in constant use. Fertilizers are applied per labels and applied at agronomic rates. Applicant will follow the pesticide use protocols as stated above for fertilizer applications.

12 SOIL AMENDMENTS

Soil amendments are not stored on site but rather are brought on site and used as necessary. Applicant will follow use protocols as outlined in the pesticide protocols section. A list of soil amendments and fertilizers are attached hereto.

13 PETROLEUM PRODUCTS AND STORAGE

On-site power to the mixed light cultivation areas are supplied by on-site generators. On-site generators and diesel is stored in designated generator shed as shown on the site plan. Generator shed and engine box is equipped with fire extinguishers in the event of emergency. Diesel is stored in two above ground 1,000 gallon storage tanks with

concrete secondary containment to prevent spillage, discharge or seepage into receiving waters. Concrete secondary containment is large enough for the entire capacity of the containers with sufficient free board to contain precipitation. Diesel tanks meet all state and local regulations with respect to storage. The containment shed is equipped with exhaust mufflers that muffle sound emitted from generators to less than 50 decibels to minimize disturbance to surrounding habitat. All generators are kept in concrete secondary containment devices inside generator shed to prevent seepage into groundwater. Diesel containers are plumbed to generators as spill prevention, control and countermeasure to prevent leakage or seepage into groundwater. Generator shed is equipped with appropriate cleanup and spill prevention kits.

Applicant also has two 500-gallon propane storage tanks that run 7 propane heaters for mixed light. The propane tanks are above ground and meet California state safety requirements.

14 CULTIVATION ACTIVITIES

Applicant is permitting existing outdoor cultivation with cultivation area of 35,294sqft. Applicant is also permitting existing mixed light cultivation with cultivation area of 8,266sqft. Applicant intends to have 6600 sq. ft. of accessory nursery space to support flowering operations with clones and starts. Applicant anticipates between 3-4 runs of mixed light cultivation per year.

Applicant plants mixed light greenhouses on a rotational basis year round. As stated above, Applicant powers mixed light greenhouses with an on-site generator and uses propane heating to cultivate during winter months. Applicant will completely shield mixed light greenhouses so that little to no light escapes. Applicant will comply with the International Dark Sky Standards lighting guidelines as provided for in the Commercial Medical Marijuana Land Use Ordinance's ("CMMLUO") performance standards.

Applicant will be hiring between three to ten employees for the cultivation operation. During the winter months, when Applicant will only be conducting mixed light operations, Applicant will have three employees on site tending cultivation areas. During the summer months, when Applicant will be conducting both mixed light and full-term outdoor cultivation, Applicant will be hiring approximately ten employees. Applicant will seek to encourage employees to car pool to and from the cultivation site to minimize traffic to and from the sites. Applicant expects peak travel time to and from the cultivation site to be between 8 A.M. and 9AM. and 5 P.M. to 6 P.M. Applicant will stagger start and end times for employees to minimize peak traffic during those times. Applicant anticipates a total of two trips to and from the cultivation site during peak travel times in the winter months. Applicant anticipates a total of five trips to and from the cultivation site during peak travel times during the summer months.

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.

15 SCHEDULE OF ACTIVITIES EACH MONTH OF GROWING & HARVESTING SEASON

January:

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Check irrigation
 - o Prepare beds
 - o Begin rotating plants from nursery into mixed light greenhouse
 - o Pot vegetated clones prior to next month's planting
 - o Harvest run of plants started in October/November of last year
 - o Hours of generator use: 360 hours

February

- Mixed Light
 - o Planting first run of mixed light plants in greenhouse
 - o Vegetate clones in on-site nursery
 - o Begin irrigation via drip system to flowering plants
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Trellis and maintain plants
 - o Hours of generator use: 360 hours

March

- Mixed Light

- o Harvest first run of mixed light plants
- o Pot vegetated plants
- o Transplant second run of mixed light into flowering greenhouses
- o Feeding application once per week
- o Irrigation every six to ten days
- o Hours of generator use: 360 hours

April

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Trellis and maintain plants
 - o Hours of generator use: 150 hours
 - o Full Term Outdoor
 - o Rotate clones to larger pots from vegging greenhouse
 - o Amend soils
 - o Install irrigation drip system

May

- Mixed Light
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Harvest second run plants at the end of the month
 - o Rotate in third run of vegetated clones to flowering greenhouses
 - o Check irrigation
 - o Re-amend beds using composted materials on site
 - o Hours of generator use: 150 hours
- Full Term Outdoor
 - o Prepare mature clones for planting
 - o Amend soils
 - o Install drip irrigation

June

- Mixed Light
 - o Finish rotating in third run of vegetated plants
 - o Vegetate clones in on-site nursery
 - o Check irrigation
 - o Irrigation every other day
 - o Feeding application once per week
 - o Train and maintain plants
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant plants mature clones in larger pots
 - o Install trellis system for mature plants
 - o Irrigation begins
 - o Applicant top dresses and hand waters once per month

July

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Trellis and maintain plants
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant monitors plant growth
 - o Pruning plants and plant maintenance
 - o Irrigation
 - o Applicant top dresses and hand waters once per month

August

- Mixed Light
 - o Begin harvesting third run of vegetated plants
 - o Rotate in fourth run of vegetated clones into flowering greenhouse
 - o Feeding application once per week
 - o Irrigation other day
 - o Remove soils and re-apply soils to bed
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor

- o Applicant monitors plant growth
- o Pruning plants and plant maintenance
- o Irrigation
- o Applicant top dresses and hand waters once per month

September

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Trellis and maintain plants
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant monitors plant growth
 - o Pruning and plant maintenance
 - o Irrigation
 - o Last top dress and hand watering application

October

- Mixed Light
 - o Begin harvesting fourth run of vegetated plants
 - o Rotate in next year's run of vegetated clones into flowering greenhouse
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant begins harvesting flower

November

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Hours of generator use: 150 hours
- Full Term Outdoor

- o Harvest complete; transferred off-site to process
- o Clean up cultivation site and winterize

December

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Trellis and maintain plants
 - o Hours of generator use: 360 hours

16 PROCESSING PLAN

Cut flowers are de-leafed and inspected for mold and brought to a separate dry room within the processing facility. Flowers are hung and allowed to dry for 4-7 days. The dry room will be thermostatically controlled to regulate temperature and humidity, thereby minimizing risk of mold growth.

Using a moisture meter, Applicant will ensure that cannabis is sufficiently dried to prevent mold development on finished product. Upon reaching safe moisture content, flowers are bucked and placed in sealed plastic bins and moved to a curing room.

The curing room is thermostatically controlled to regulate temperature and humidity to ensure even, slow cure. Bins will be "burped" to ensure product is fully dried for packaging and storage.

Flowers are trimmed inside the curing room using a trimming machine to process dried flowers. Product is weighed into pounds, bagged, and sealed and moved into storage before transport.

17 SECURITY PLAN

Applicant has installed various security measures to safeguard cultivation sites and prevent nuisance from occurring on the property. Applicant has installed locked key gates across main entrance of property road. Applicant parcel is located off of main arterial roads and the only drivers on the private road are Applicant's employees. Applicant has installed security cameras in and around the cultivation areas with video backup to protect against unauthorized access.

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon implementation of those programs at the state and local level. Applicant is a cultivation member of Direct THC, a California Non-Profit Medical Cannabis Collective, that provides medical cannabis to qualified patients and primary caregivers. Applicant

will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis.



Cultivation and Operations Addendum Attachment A

Interim Permit Approved Square Footage:

The Interim Permit that has been granted for the project, App No. 11248, grants the following square footages:

Interim Permit Square Footage	
Outdoor	43,560 sq. ft.
Mixed-Light	9,000 sq. ft.
Total Cultivation	52,560 sq. ft.

Cultivation and Operations Addendum Attachment B

Updated Annual Water Usage

The operations plan previously submitted states that I will need 899,820 gallons/year for 51,842 square feet of cultivation. The new total square footage of the cultivation plan on attached site map is 50,474. The new operations plan will use 882,176 gallons/year.

January	21,023
February	21,023
March	21,023
April	21,023
May	149,003
June	149,003
July	149,003
August	149,003
September	149,003
October	21,023
November	21,023
December	21,023
Total Water Usage	892,176

Cultivation and Operations Addendum Attachment C

Propagation Space

The operations plan previously submitted states that 6,600 square feet is to be used for the propagation area. The propagation area listed on the new site map as building G and greenhouse 1P now shows that the propagation area is 3,856 square feet.

Cultivation and Operations Addendum Attachment D

Generator Usage

Month	Hours of Generator usage
January	360-372
February	360-372
March	360-372
April	150
May	150
June	60-120
July	60-120
August	60-120
September	60-120
October	60-120
November	150
December	360-372

Cultivation and Operations Addendum Attachment E

Renewable Energy Plan

Currently I have a solar panel on my property that will allow me to move to renewable energy within the next couple of years. I have met with a local company and have plans to add more solar to my property next year. I will obtain these documents and submit them to you. Below is a picture of the current panel on my property.



Cultivation and Operations Addendum

Attachment F

Security Plan

I have installed various security measures to safeguard cultivation sites and prevent nuisance from occurring on the property. I have installed locked key gates across main entrance of property road, added padlocks to the doors of the harvest storage areas, and have met with a security camera installer who will be installing cameras in and around the cultivation area with video backup to protect against unauthorized access.

To ensure the non-diversion of product I have enrolled in the track and trace program through the state and I will comply with SB420 and the Attorney General Guidelines for the security and non diversion of medical cannabis.

Cultivation and Operations Addendum Attachment G

Premises, Property, and Lighting Diagram

**Water Resource Protection Plan
For
WDID #1B16460CHUM**

Submitted to:

Thomas Harwood

Prepared by:

Timberland Resource Consultants
165 South Fortuna Blvd
Fortuna, CA 95540

9-28-2016

Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the discharger, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of reviewing available CGS Geomorphic Features Maps, Geology Maps, and historic aerial photos. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Summary of Standard Conditions Compliance

1. Site maintenance, erosion control, and drainage features Y ☐/N ☒
2. Stream crossing maintenance Y ☒/N ☐
3. Riparian and wetland protection and management Y ☒/N ☐
4. Spoils management Y ☒/N ☐
5. Water storage and use Y ☒/N ☐
6. Irrigation runoff Y ☒/N ☐
7. Fertilizers and soil amendments Y ☒/N ☐
8. Pesticides and herbicides? Y ☒/N ☐
9. Petroleum products and other chemicals Y ☒/N ☐
10. Cultivation-related wastes Y ☒/N ☐
11. Refuse and human waste Y ☐/N ☒

Identified Sites Requiring Remediation (See Standard Conditions Assessment)

Unique Map Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
RRDs	Existing rolling dips have become soft due to heavy rainfall and light vehicle or ATV use.	A(1)(b)	N/A	Install rocked rolling dips at the RRD locations on the WRPP Map.	2	11/15/17	
Map Point 1	Minor erosion below Pond Overflow / DRC Outlet	A(1)(d)	N/A	Place rocks below the outlet of the culvert at Map Point 1 as energy dissipation.	2	11/15/17	
Map Point 3	Drainage Ditch Relief Culvert	A(1)(e)	N/A	Place rocks below the outlet at Map Point 3 as energy dissipation and monitor following heavy rains to check for erosion.	2	11/15/17	
The Houses and Map Point 6	Refuse and Human Waste	A(11)	N/A	Ensure septic systems meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy.	4	Shortest time possible, no later than 5 years.	

Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Nov. 15), (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Nov. 15) of the 2nd season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

Inspection Personnel Contact Information:

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Monitoring Plan Reporting Requirements

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF WATER RESOURCE PROTECTION PLAN

Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APN 221-021-008 at the request of the discharger.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted, and as disclosed to Timberland Resource Consultants by the landowner and / or the Discharger. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.



Ron Pelletier
Timberland Resource Consultants

Water Resource Protection Plan

General Location Map - WDID1B16460

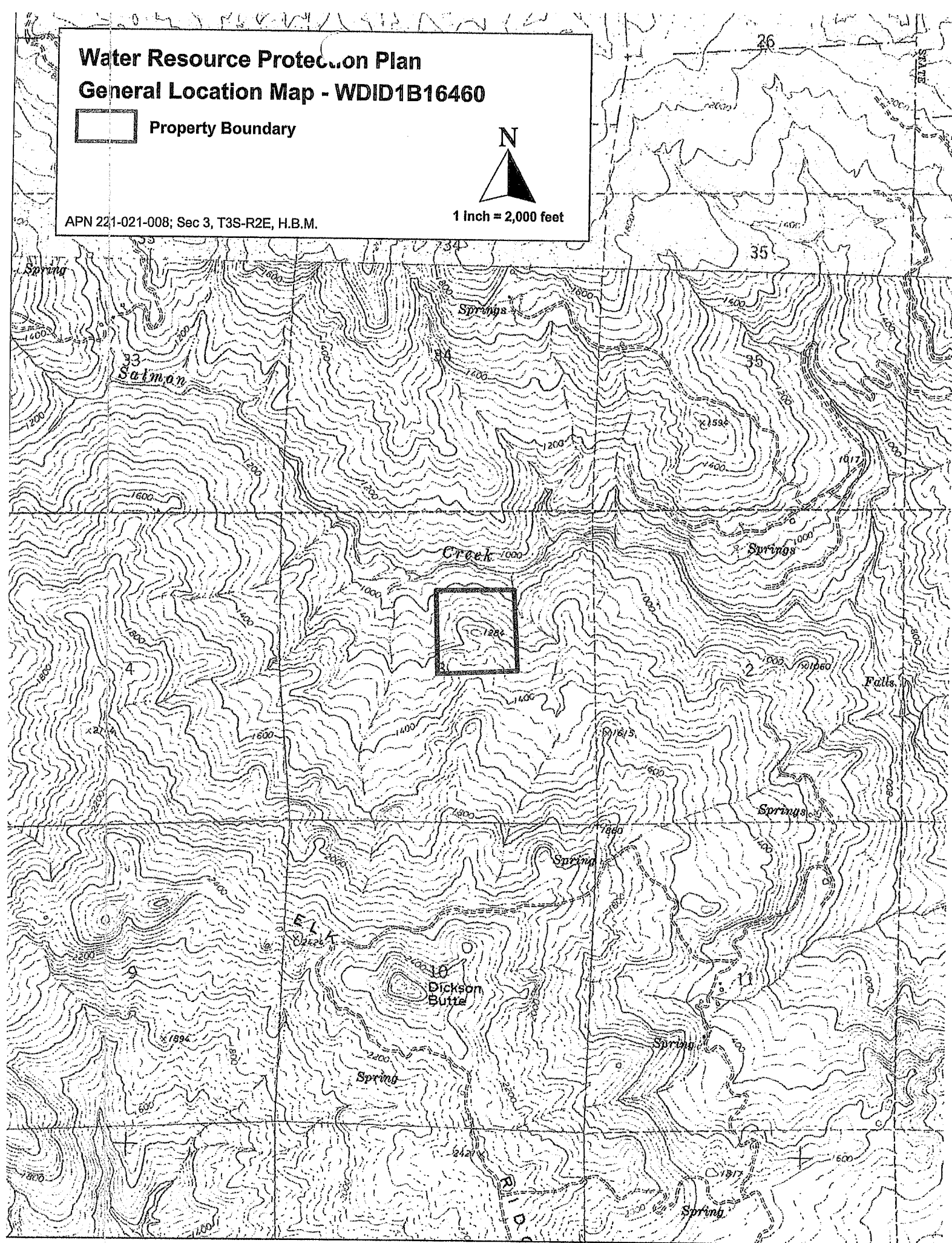


Property Boundary



1 inch = 2,000 feet

APN 221-021-008; Sec 3, T3S-R2E, H.B.M.



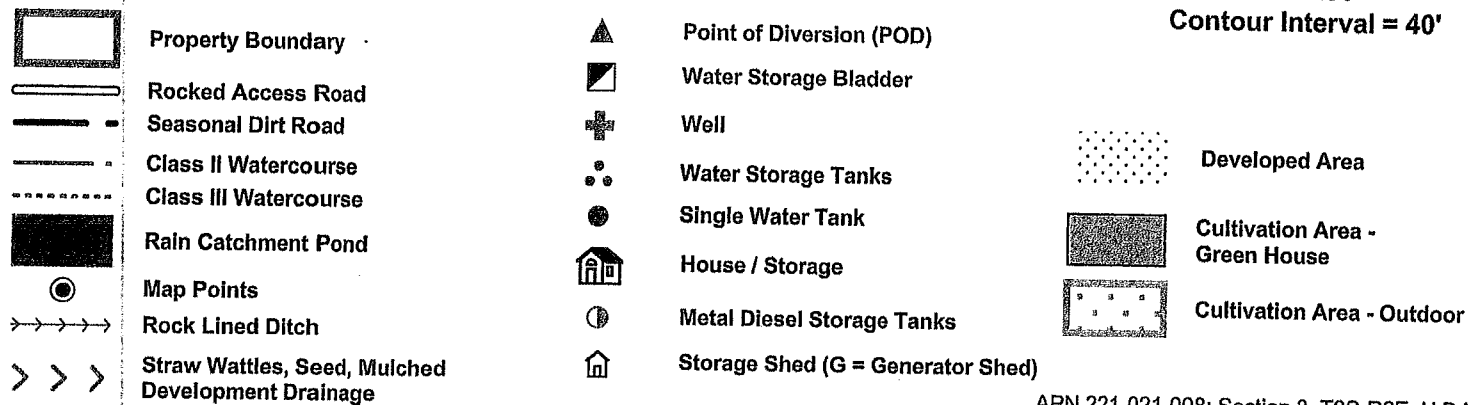
Water Resource Protection Plan

WRPP Map - WDID1B16460CHUM

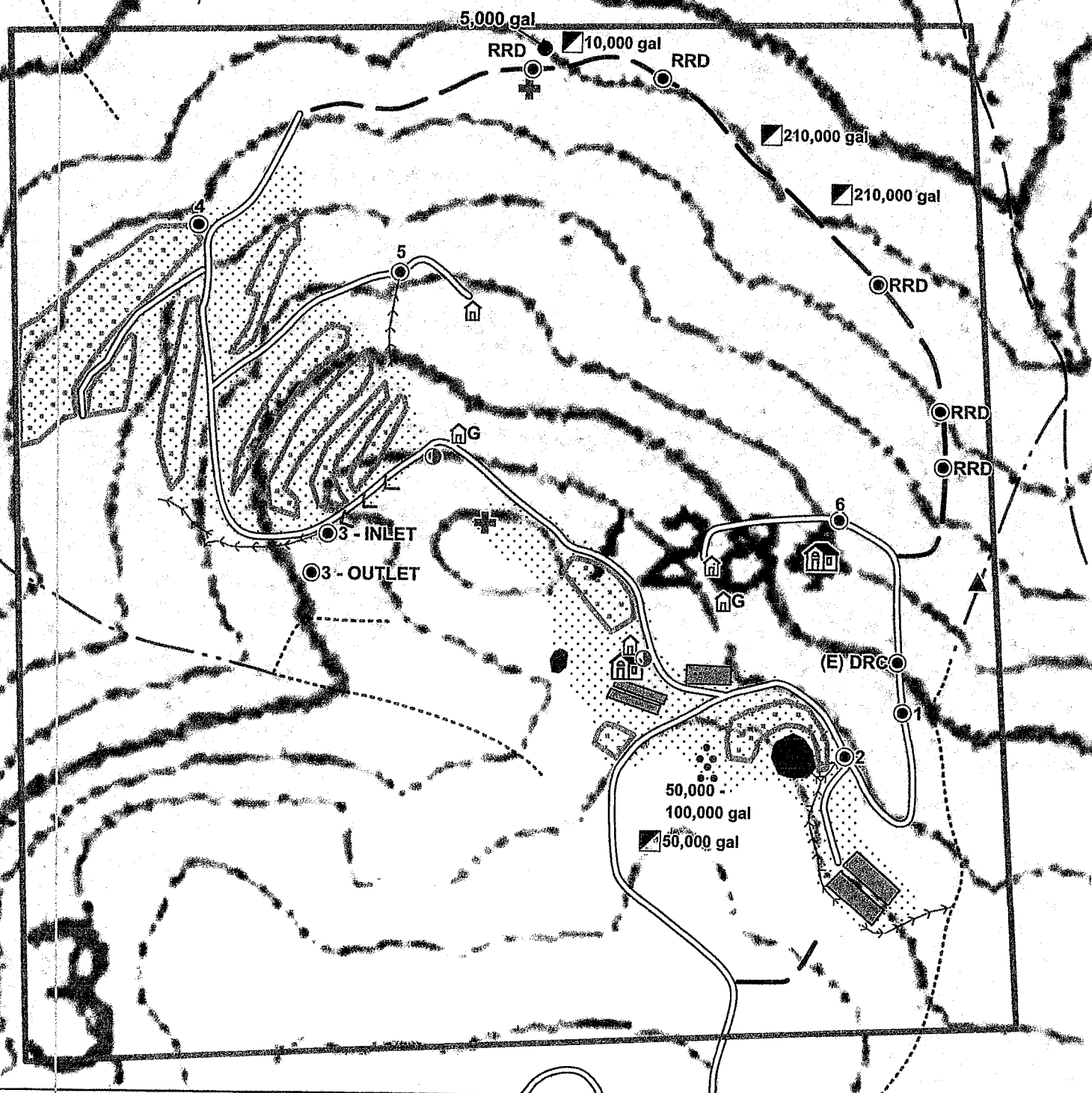
NORTH

1" = 200'

Contour Interval = 40'



APN 221-021-008; Section 3, T3S-R2E, H.B.M.



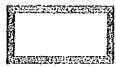
Water Resource Protection Plan

WRPP Map - WDID1B16460CHUM

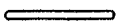
NORTH

1" = 200'

Contour Interval = 40'



Property Boundary



Rocked Access Road



Seasonal Dirt Road



Class II Watercourse



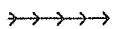
Class III Watercourse



Rain Catchment Pond



Map Points



Rock Lined Ditch



Straw Wattles, Seed, Mulched
Development Drainage



Point of Diversion (POD)



Water Storage Bladder



Well



Water Storage Tanks



Single Water Tank



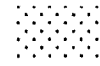
House / Storage



Metal Diesel Storage Tanks



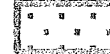
Storage Shed (G = Generator Shed)



Developed Area

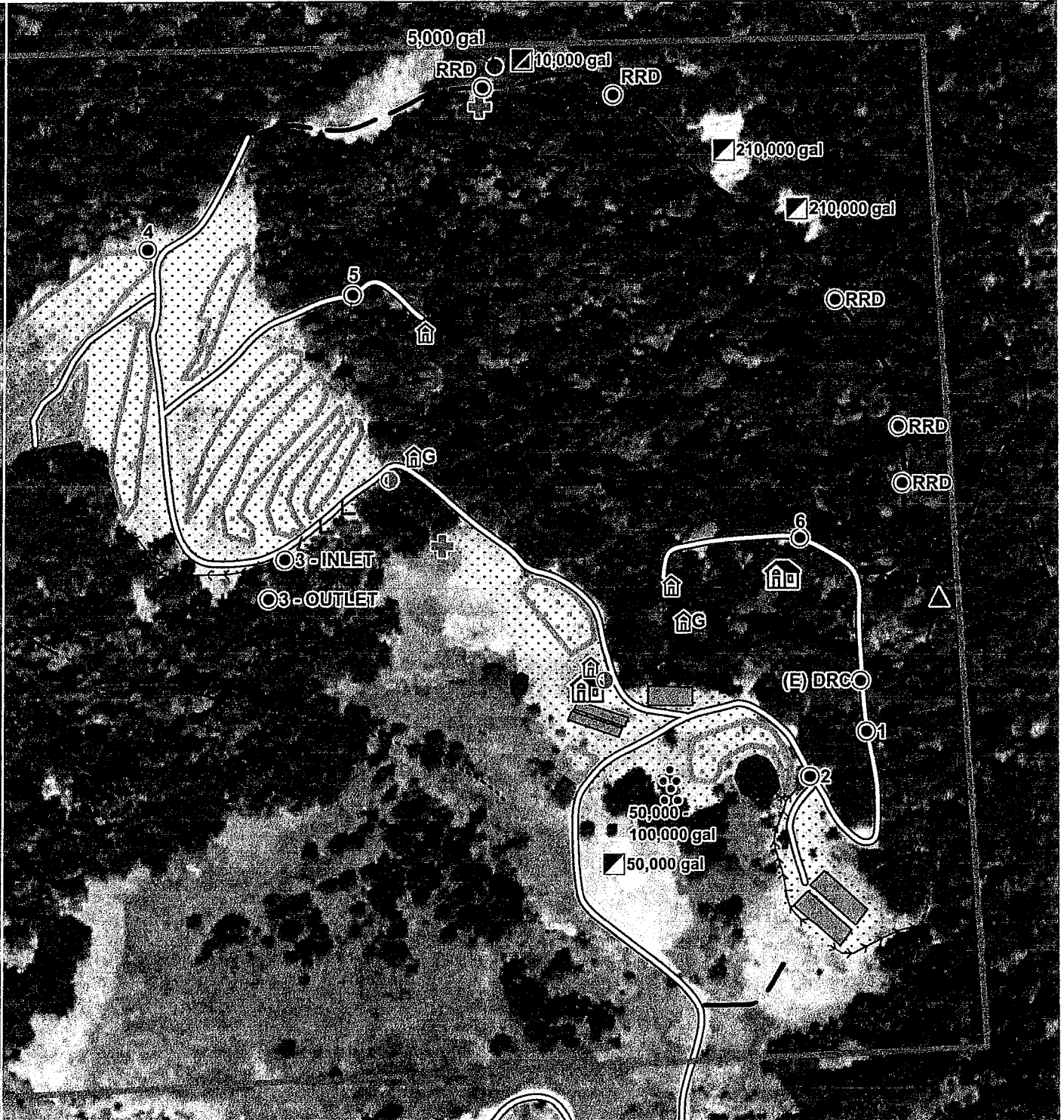


Cultivation Area -
Green House



Cultivation Area - Outdoor

APN 221-021-008; Section 3, T3S-R2E, H.B.M.



Water Resource Protection Plan

Assessment of Standard Conditions for APN 221-021-008 – WDID #1B16460CHUM

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features: In compliance? Y ☐/N ☒ (see b., d., and e below)

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

The majority of the roads that access the property have rocked surfaces. The rocked access roads on the property are well drained and free of ruts. The dirt surfaced roads on the property also have adequate surfacing for light use and were free of ruts, gullies, and surface erosion. Roads on the property are currently in compliance with this standard condition. The Discharger is in the process of rocking more of the dirt surfaced roads.

- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets

Rocked roads and driveways on the property are adequately drained to minimize and prevent surface erosion and erosion along inside ditches. The dirt surfaced roads are drained by rolling dips at natural low spots in the road. The road surface through some of these dip locations have become soft due to heavy rainfall and light vehicle or ATV use. To keep the road from becoming degraded through these dips, the Discharger shall install rocked rolling dips at these locations. There are five of these locations along the seasonal dirt surfaced road. These locations are shown as RRD (rocked rolling dip) on the WRPP Map.

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

Physical reconnaissance of the property revealed no unstable areas per 14CCR 895.1. Roads, developed areas, and cultivation areas tend to follow along trending ridges and down side slope areas of gentle topography. Slopes in the vicinity of the developed areas and cultivation areas range from 10% to 40%. Steeper slopes on the property are undeveloped, timbered and vegetated. Runoff from roads and developed areas on the property are not being directed towards unstable slopes or earthen fills. Roads on the property are currently in compliance with this standard condition.

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected¹, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

¹ Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)

Roads on the property are as hydrologically disconnected from watercourses as possible. Map Point 1 is a 24 inch diameter culvert that drains pond overflow across the road. It also picks up a small amount of inside ditch drainage during heavy rainfall. The outlet is located 10 to 15 feet from the watercourse. The close proximity of this existing rock road to this segment of the Class III watercourse is the reason why complete disconnection is not possible. A very small amount of erosion has taken place immediately below the culvert outlet due to a lack of energy dissipation and the close proximity to the watercourse. The Discharger shall place rocks below the outlet of the culvert at Map Point 1 as energy dissipation. Continued routine maintenance of existing waterbreaks, rolling dips, and drainage push outs will keep road runoff from becoming concentrated to a point where it can become connected to a watercourse.

A rock lined ditch is located in the southeast corner of the property that drains a portion of the southeastern cultivation area. This ditch is connected to the Class III watercourse to the east. It was constructed in 2015 following a pre-consultation with CDFW. Prior to its construction, the ditch was not lined with rock, and was downcutting and delivering sediment into the Class III watercourse. Although currently connected, the rock lined ditch is as disconnected as feasible from the watercourse and does not appear to be contributing sediment to the watercourse.

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

The terraced cultivation areas and the developed areas on the property are being maintained to promote drainage, infiltration, and dispersal of flows and to have no apparent sediment transport to a receiving water. Significant erosion control measures have been executed by the Discharger over the large, terraced cultivation area in the western half of the property. Terrace surfaces, cut banks, and fill faces have been completely covered with erosion control netting, or straw, and heavily seeded. These treatments appeared to be effective as there was very little visible sign of erosion below the terraced area. Also integrated into this development are several features designed to disperse runoff and to prevent erosion. These features and locations are as follow:

Map Point 2: This is a 24 inch permanent culvert that is used to drain a combination of pond overflow and development drainage across the existing road. The inlet and outlet are heavily armored. Above the inlet, the ditches that drain into this culvert are rock lined with large rock. Erosion was not taking place at the inlet and outlet of this culvert, nor along the rock lined ditches that drain to it.

Map Point 3: This is a 24 inch permanent culvert and a system of drainage ditches that were installed in conjunction with construction and grading of the outdoor cultivation areas in the western half of the property. The approximate location of the inlet and outlet of this culvert are shown on the WRPP Map. The culvert is approximately 60 feet in length and is used to breakup and carry drainage from the outsloped road and the upper half of the newly constructed terraced area, prior to it reaching a watercourse. Development drainage and runoff from the outsloped road collects adjacent to the road in a shallow, broad ditch. The total length of this ditch is approximately 300 feet in length. The culvert was installed as a means of relieving the upper 100 feet (+ -) of this ditch. This section of the ditch above the culvert inlet has recently installed straw wattles placed across it and has been seeded and mulched. There is evidence of a minor amount of sediment being trapped on the ground between the culvert outlet and the Class III watercourse. It appears that this was minor surface erosion of the ditch that occurred in the first rains prior to this ditch being revegetated, and also immediately below the outlet due to lack of energy dissipation. It appears that revegetation of the ditch and the developed area with grass will be adequate to prevent further erosion in the ditch and to filter sediment. The Discharger shall place rocks below the outlet of the culvert at Map Point 3 as energy dissipation and shall continually monitor this area following heavy rains to check for erosion.

The broad, drainage ditch located along the outside of the road continues below the inlet of the culvert. It has been heavily lined with rock and is equipped with rock sediment barriers. It is shown on the WRPP Map. It is relieved once via a constructed push out prior to its end. No erosion was present below the push out or below its end.

Map Point 4: This is a 24 inch diameter, 20 foot long plastic culvert set atop the ground below the road that is being used as an outfall for a shallow rolling dip in the road. It is not a sediment site and is not delivering sediment to a watercourse. The outlet was placed above a small conifer stump and placed rocks for energy dissipation. The culvert is blocked into place by large rocks and is likely temporary until the end of winter. After the summer of 2017 this area will likely be vegetated with grass. This site is not delivering sediment to a watercourse, but is noted here for disclosure.

Map Point 5: This is an 18 inch diameter culvert that is used to convey drainage from a rock lined drainage ditch across the road. It is not delivering sediment to a watercourse, but is noted here for disclosure.

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

In compliance at this time. In the future, all construction materials will be stored to prevent their transport to receiving waters.

2. Stream Crossing Maintenance: In compliance? Y ☒/N ☐

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.

- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

²At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

³If infeasible to install a critical dip, an alternative solution may be chosen.

Not applicable. There are no watercourse crossings on this property.

3. Riparian and Wetland Protection and Management: **In compliance?** Y ☒/N ☐

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its Executive Officer may apply additional or alternative⁴ conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.
- b. Buffers shall be maintained at natural slope with native vegetation.
- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
- d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

⁴Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

The cultivation areas are approximately 100 feet away from the Class II watercourse at the nearest corner and quickly extends out to approximately 150 feet, along the west property line. In the southeast corner of the property the green house cultivation areas are approximately 55 feet away from the Class III watercourse, and extends out from there.

Green houses on the southeastern cultivation areas were previously located within 50 feet of this Class III watercourse. In 2015 these green houses were relocated to their present location, outside of the 50 foot watercourse protection zone. Part of relocation also involved construction of a rock lined drainage ditch. Other than the outside edge of the fills for this developed area, this rock lined ditch, and existing roads on the property, buffers are maintained at natural slope with native vegetation. The slight encroachment of past development and areas below existing roads within the 50 foot wide watercourse protection zone are being left undisturbed to revegetate with native grasses and brush.

Buffers between cultivation areas and the watercourses appeared sufficiently wide to filter wastes from runoff discharging from cultivation areas. Areas below cultivation areas were walked to search for direct connections to watercourses. The rock lined ditch located in the southeastern corner of the property appeared sufficiently long enough to filter wastes from the cultivation area. There was no evidence of sediment in the rock lined ditch on the date of the assessment. The large cultivation area also lacked a direct connection. The outlet of the culvert at Map Point 3 is the closest to a connection that was discovered. See the description of Map Point 3 above.

4. Spoils Management: **In compliance?** Y☒/N☐

- a. Spoils⁵ shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

⁵ Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.

In compliance at this time. There were no road or site development related spoils being stored or placed on the property, or perched where they have access to a watercourse. Cultivation soils were being contained in beds within the green houses on the immediate cultivation areas. Cultivation spoils were not present on the outdoor cultivation areas on the assessment date. These terraced areas appeared sufficiently level to contain cultivation soils. Cultivation spoils are not delineated on the map specifically as they are located within the immediate cultivation area. Road or development spoils were not located or perched where they could enter or be transported into surface waters.

5. Water Storage and Use: **In compliance?** Y☒/N☐

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12⁶ watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.
- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.
- d. Water is applied using no more than agronomic rates.⁷
- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

⁶See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>

⁷"Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

Water Use and Storage: The landowner has a permitted Point of Diversion and 2 wells on the property. The diversion is a concrete cistern in a small Class II watercourse. It is plumbed to two 210,000 gallon bladders. Water from the bladders can be pumped up to 50,000 to 100,000 gallons of storage in plastic tanks and to an additional 50,000 gallon bladder. This stored water on the property is used for irrigation. One of the wells on the property is used mostly for domestic water at the houses on the property and can be used to recharge storage during the low flow period. The second well on the property is plumbed to a 10,000 gallon bladder and a 5,000 gallon plastic tank that are used for irrigation. There are also two rain catchment ponds on the property that can be used for irrigation. Current water storage on the property is estimated to be approximately 800,000 gallons which is near the total needed to irrigate for the entirety of the low flow period. If necessary, well water can be used for irrigation during the low flow period. The Discharger in the process of having an additional pond engineered to increase water storage. In total, it is estimated that the Discharger uses approximately 4,000 gallons of water per day on average during the period between May 15 and October 1. This is a total of approximately 600,000 gallons of water needed during the low flow period. Peak water use may increase to 8,000 gallons per day.

Water storage and use on the property appears to be in compliance with the Standard Conditions 5, a – f. The Discharger uses a watercourse diversion and two separate wells on the property and will follow the conditions of his approved CDFW Streambed Alteration Agreement. Storage is filled during the wet season for use during the low flow season. The discharger uses mulch extensively and meters water at the hose to ensure over watering does not take place. As stated above, surface water diversions do not take place during the low flow period. Well water can be used for irrigation and to recharge water storage during the low flow period. Irrigation is applied at an agronomic rate. Surface diversion of water from a stream is conducted in compliance with reporting requirements under Water Code section 5101, and a signed CDFW Streambed Alteration Agreement. Water storage tanks and bladders are situated on constructed flats on ridgetops or on areas of gentle topography. Bladder locations are flat areas far from watercourses. The Discharger is in the process of having a pond engineered in order to increase water storage and to retire some of the bladder use on the property.

6. Irrigation Runoff: In compliance? Y ☒/N ☐

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

In compliance at this time. The Discharger irrigates at an agronomic rate that does not result in runoff to watercourses. A small amount of irrigation runoff results at times from the green houses that are located near the house. This green house is located upslope from the small rain catchment pond. The minimal amount of runoff that generates from these greenhouses does not flow over land to this small rain catchment pond. The small and infrequent amount of runoff and distance to the nearest watercourse, ensures there is little to no chance for any irrigation runoff to reach surface waters.

7. Fertilizers and Soil Amendments: In compliance? Y ☒/N ☐

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.
- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

The property was in compliance with this Standard Condition on the date it was assessed. The Discharger keeps bagged, boxed, and bottles of fertilizers and amendments in covered storage sheds on the property. Covered stations are also located on the cultivation areas for fertilizers that are being used currently. Spent growth spoils either remain on the immediate cultivation areas and are amended for reuse, or are hauled away. Fertilizers and soil amendments are applied per packaging instructions and at agronomic rates. Fertilizing at agronomic rates will help to prevent nutrients from leaving the site during, and after the growing season. Cultivation areas are level constructed flats or terraced. Within greenhouses, soils were contained in pots or planter boxes. The terraced, outdoor cultivation areas were inactive during the assessment. Walking around the bottom edge of the outdoor cultivation, no areas were found where cultivation soils were leaving the site in runoff.

8. Pesticides/Herbicides: In compliance? Y ☒/N ☐

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

The Discharger does not use any chemical pesticides and herbicides. If needed in the future, pesticide or herbicide use on the property will be all natural, organic ingredients. Any pesticide products used on this property in the future shall be consistent with product labelling, and used and stored in a manner that ensures that they will not enter or be released into the surface or ground waters.

9. Petroleum products and other chemicals: **In compliance?** Y☒/N☐

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

Electricity on the property is provided by large diesel generators and, at times by solar panels on the property. Diesel generators are housed within fully enclosed, permanent generator sheds on the property. They are shown as shed "G" on the WRPP Map. The sheds are equipped with cement floors and large secondary containment tanks for the contents of the fuel inside of the generators. The diesel fuel storage for the generators are in large metal fuel tanks, equipped with secondary containment. One diesel fuel storage area is two 1,000 gallon metal tanks with secondary containment, fully enclosed within a shed. The other diesel fuel storage area is also two 1,000 gallon metal tanks with secondary containment installed. These are located on stable ground, outside, but heavily tarped to keep secondary containment from being filled with rain. Metal, diesel fuel storage tank locations are shown on the WRPP Map. Petroleum and chemical storage on the property is in compliance with Standard Condition A. 9 above.

10. Cultivation-related wastes: **In compliance?** Y☐/N☒ (see below)

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored⁸ at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

⁸Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.

The property is in compliance with this Standard Condition. Storing of cultivation wastes was not taking place on the property during the assessment. Cultivation wastes are periodically taken to the nearest waste disposal location. Dead and harvested plant waste is composted or sometimes burned near the cultivation areas, far from any watercourses. In order to remain in compliance with Standard Condition 10 above, all cultivation-related waste in the form of empty bags, containers, pots, and dead or harvested plant waste and spent growth medium shall be stored where they will not enter or be blown into surface waters, or removed from the site and disposed of properly. Cultivation-related wastes that contain residues or pollutants shall be stored in a manner that ensures that those materials do not leach into surface water or groundwaters. This can be achieved by following Items 137 and 139 in Appendix B of the Order.

11. Refuse and human waste: **In compliance?** Y ☐/N ☒ (see below)

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

Sewage disposal on the property are functioning septic systems connected to the houses, but neither are permitted. Waste water disposal at the lower house has a septic for sewage and a waterline that drains to the ground for the grey water. The grey water line is routed through a culvert at Map Point 6 on the WRPP Map. In order to be in full compliance with Standard Condition 11.a., the septic system on the property needs to meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy. See Appendix B. Item 142 of the Order.

Household garbage and refuse was not accumulated or being stored on the property on the inspection date. According to the Discharger, garbage is stored in sealed bags or garbage cans with lids and periodically taken to the dump. Garbage is stored near the house far from any watercourses. In order to be in compliance with Standard Condition 11. b. and c. above, refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. This can be accomplished by storing garbage in covered containers or keeping it tarped during the winter. Garbage and refuse shall be disposed of at an appropriate waste disposal location. See Appendix B. Item 141 of the Order.

12. Remediation/Cleanup/Restoration Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outslowing and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

Mitigation measures are listed in the Water Resource Protection Plan and also noted above in this document.

180101060404TRC72 – 9/28/16

Pictures



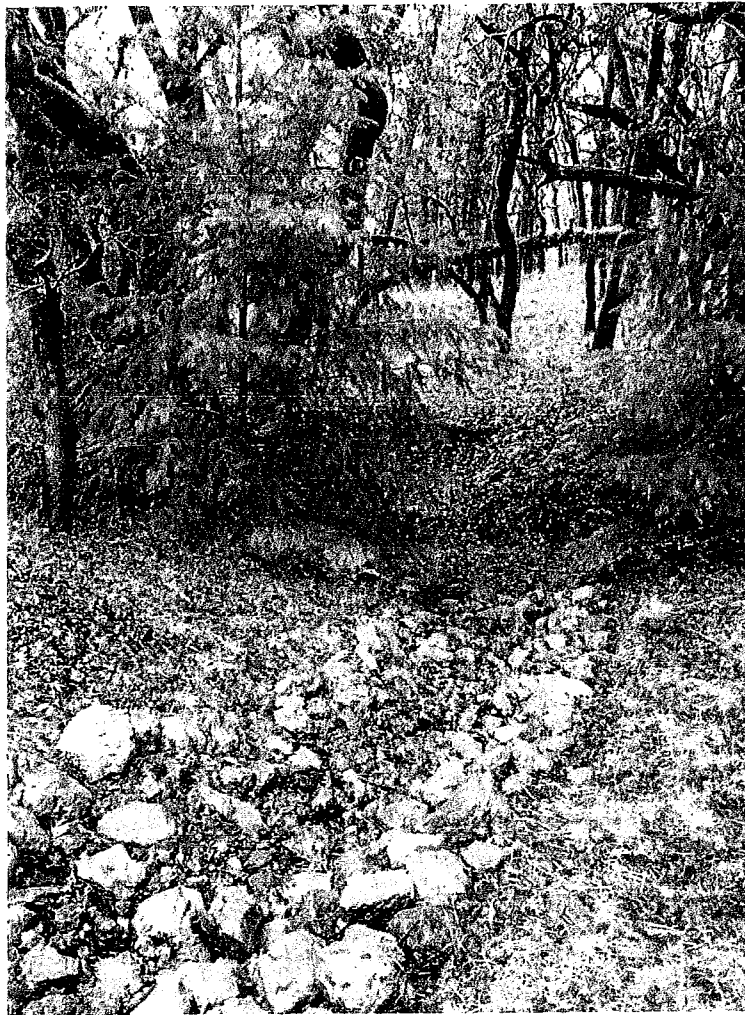
Pictures 1 and 2: These are pictures of two of the rocked rolling dip locations along the seasonal dirt road. Rocked rolling dips at natural low spots along the road will help to efficiently drain surface flow during rain. These locations are shown as RRD on the WRRP Map. Photo date 12/2/2016

Pictures



Picture 3: This is a picture of the shallow erosion that has taken place between the outlet of the culvert at Map Point 1 and the Class III watercourse. The Dishcharger shall place rocks below the outlet of the culvert at Map Point 1 as energy dissipation. Photo date 12/2/2016

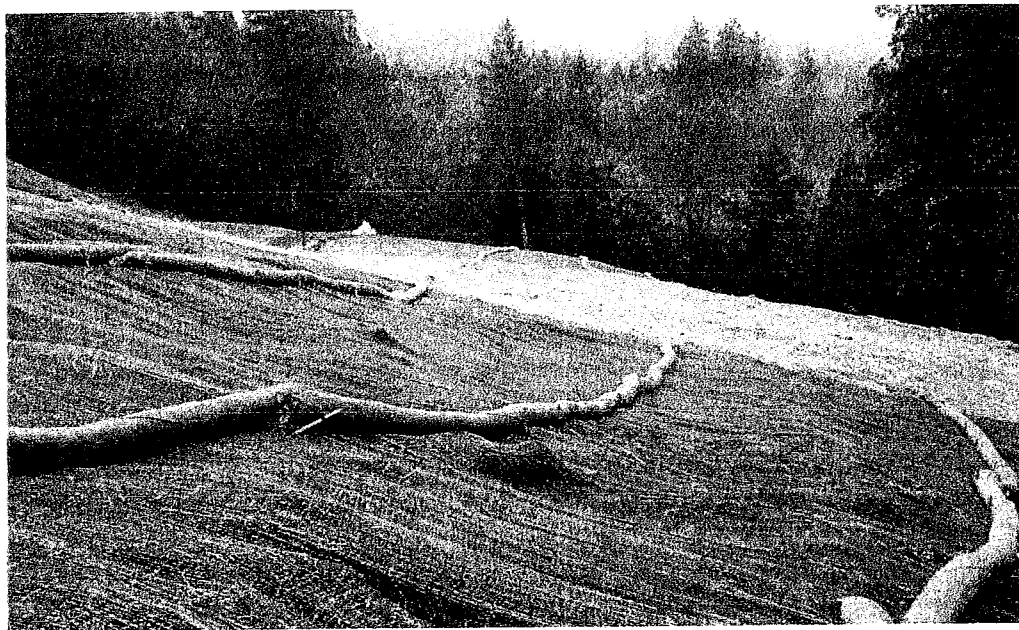
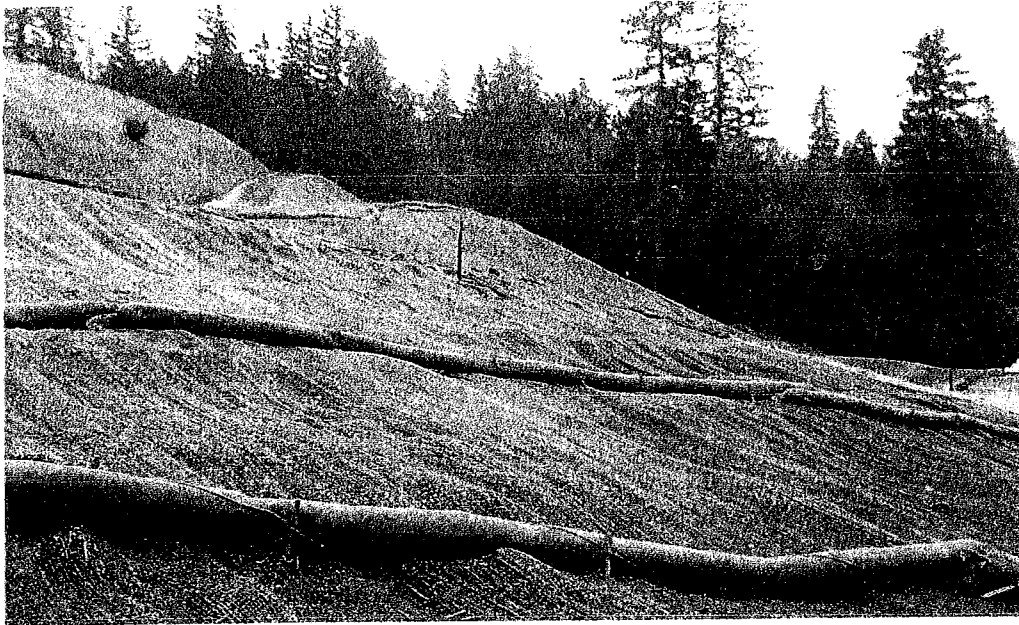
Pictures



Picture 4: This is a picture of the bottom half of the rocked lined ditch where it joins with the Class III watercourse. It was constructed in 2015 and appears to be functioning as intended. There is no downcutting occurring and it is sufficiently long enough to filter out pollutants from the cultivation area. Photo date 12/2/2016

180101060404TRC72 - 9/28/16

Pictures



Pictures 5 and 6: These are pictures showing the extensive erosion control work that has been installed by the Discharger. The area below this developed area did not show signs of erosion occurring. Photo date 12/2/2016

Pictures



Picture 7: This is a picture of the outlet area below the culvert at Map Point 3. Rocks shall be placed below the outlet for energy dissipation and the Discharger shall monitor this area to make sure that erosion does not increase to the point of delivering to the Class III watercourse. The small topographical sediment trap located above the Class III watercourse can be seen in the distance. Photo date 12/2/2016

Pictures



Pictures 8 and 9: These are pictures of the drainage ditch associated with Map Point 3. The picture on the left shows the wattled, seeded and mulched ditch segment above the culvert inlet. The slight rill erosion that had taken place is anticipated to lessen over time as it becomes revegetated with grass. The picture on the right is the heavily rocked segment of this ditch located below the inlet at Map Point 3. Photo date 12/2/2016

180101060404TRC72 – 9/28/16

Pictures



Picture 10: This a picture of the likely temporary culvert being used as an outlet to the shallow rolling dip in the road at Map Point 4. The outlet is located directly above a small conifer stump and placed rocks for dispersal. Drainage was not visible below the stump. Photo date 12/2/2016

BMP: Rocked Rolling Dip

- Rocked rolling dips are drainage structures designed to carry surface water across roads.
- The truck road shall dip into and out of the rocked rolling dip to minimize diversion potential.
- The rocked rolling dip shall be constructed with clean native rock that is large enough to remain in place during peak flows. Rock size shall vary relative to the size of the watercourse; however an average 6" sized rock shall be used.
- The rocked rolling dips inlet and outlet shall be armored to resist downcutting and erosion.
- The entire width of the rocked rolling dip shall be rock armored to a minimum of 5-feet from the centerline of the dip.
- If a keyway is necessary, the rocked rolling dip keyway at the base of the dip shall be of sufficient size, depth and length to support materials used in the rocked rolling dip construction back up to the road crossing interface.
- Do not discharge rolling dips into swales that show signs of instability or active landsliding.
- If the rolling dip is designed to divert both road surface and ditch runoff, block the down-road ditch with compacted fill.
- The rolling dip must be drivable and not significantly inhibit traffic and road use.

Water Resource Protection Plan General Location Map - WDID1B16460

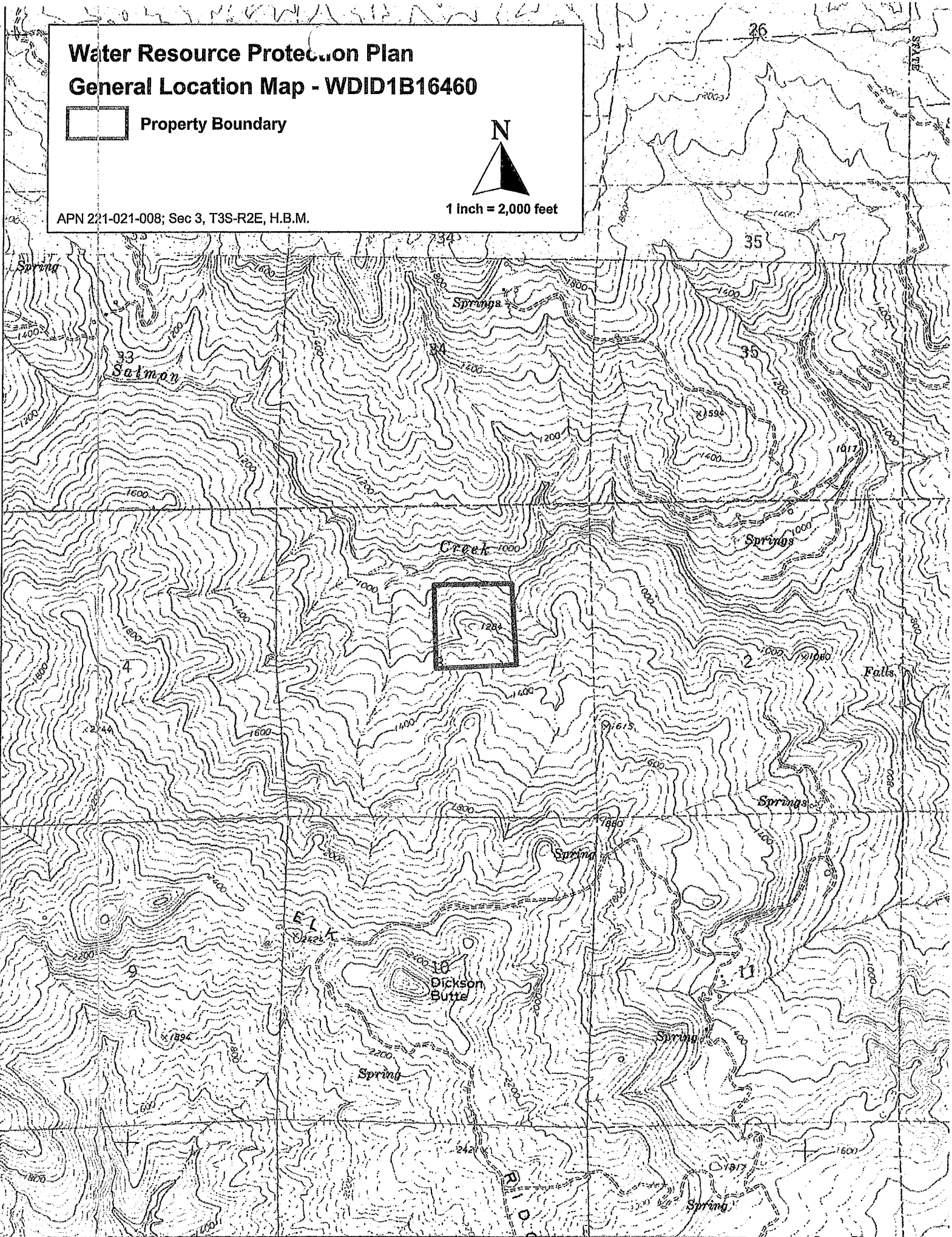


Property Boundary



1 inch = 2,000 feet

APN 221-021-008; Sec 3, T3S-R2E, H.B.M.



Water Resource Protection Plan

WRPP Map - WDID1B16460CHUM

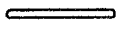
NORTH

1" = 200'

Contour Interval = 40'



Property Boundary



Rocked Access Road



Seasonal Dirt Road



Class II Watercourse



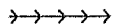
Class III Watercourse



Rain Catchment Pond



Map Points



Rock Lined Ditch



Straw Wattles, Seed, Mulched Development Drainage



Point of Diversion (POD)



Water Storage Bladder



Well



Water Storage Tanks



Single Water Tank



House / Storage



Metal Diesel Storage Tanks



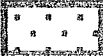
Storage Shed (G = Generator Shed)



Developed Area

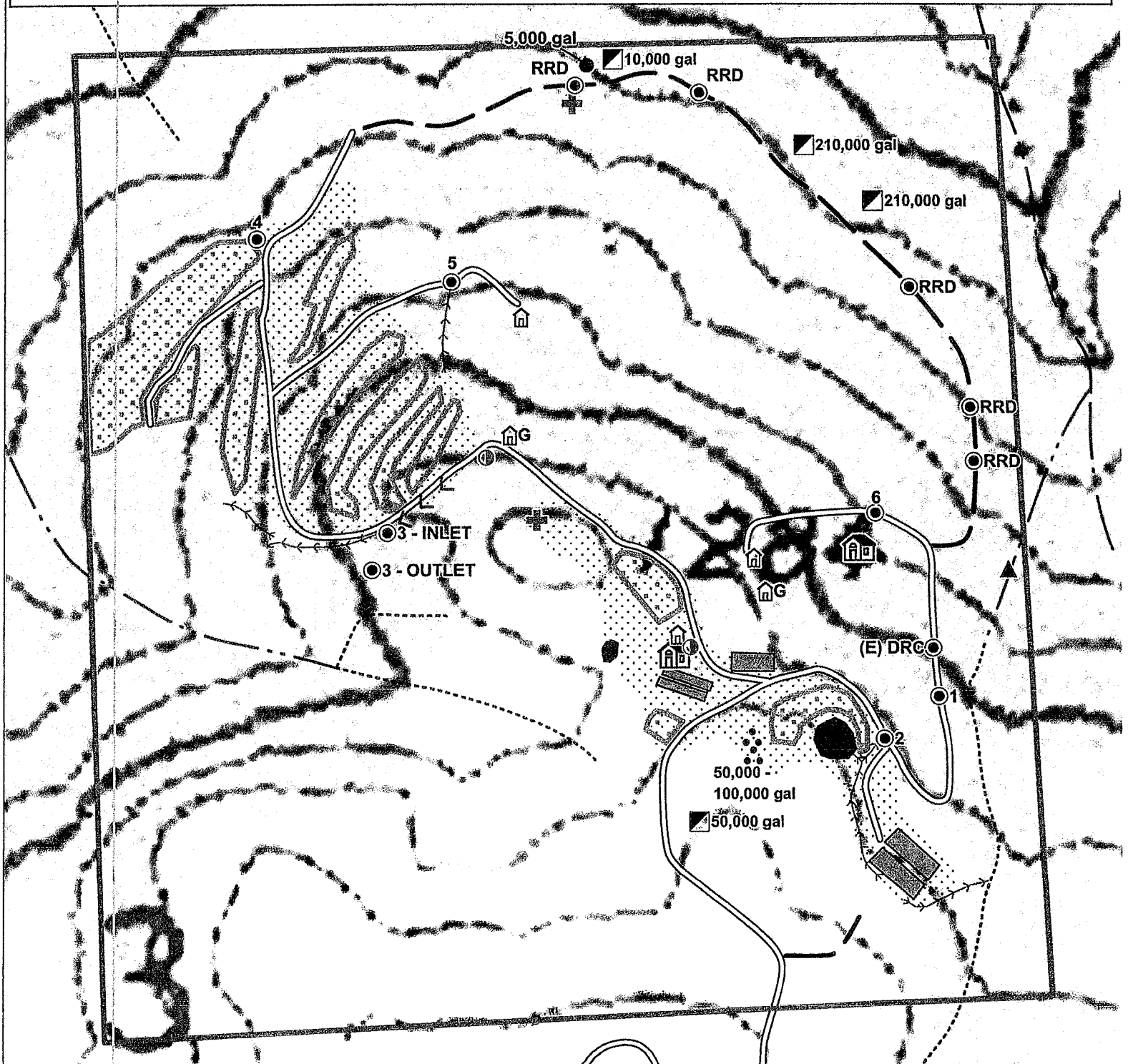


Cultivation Area - Green House



Cultivation Area - Outdoor

APN 221-021-008; Section 3, T3S-R2E, H.B.M.



Water Resource Protection Plan

WRPP Map - WDID1B16460CHUM

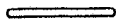
NORTH

1" = 200'

Contour Interval = 40'



Property Boundary



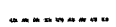
Rocked Access Road



Seasonal Dirt Road



Class II Watercourse



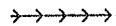
Class III Watercourse



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Well



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Single Water Tank



House / Storage



Metal Diesel Storage Tanks



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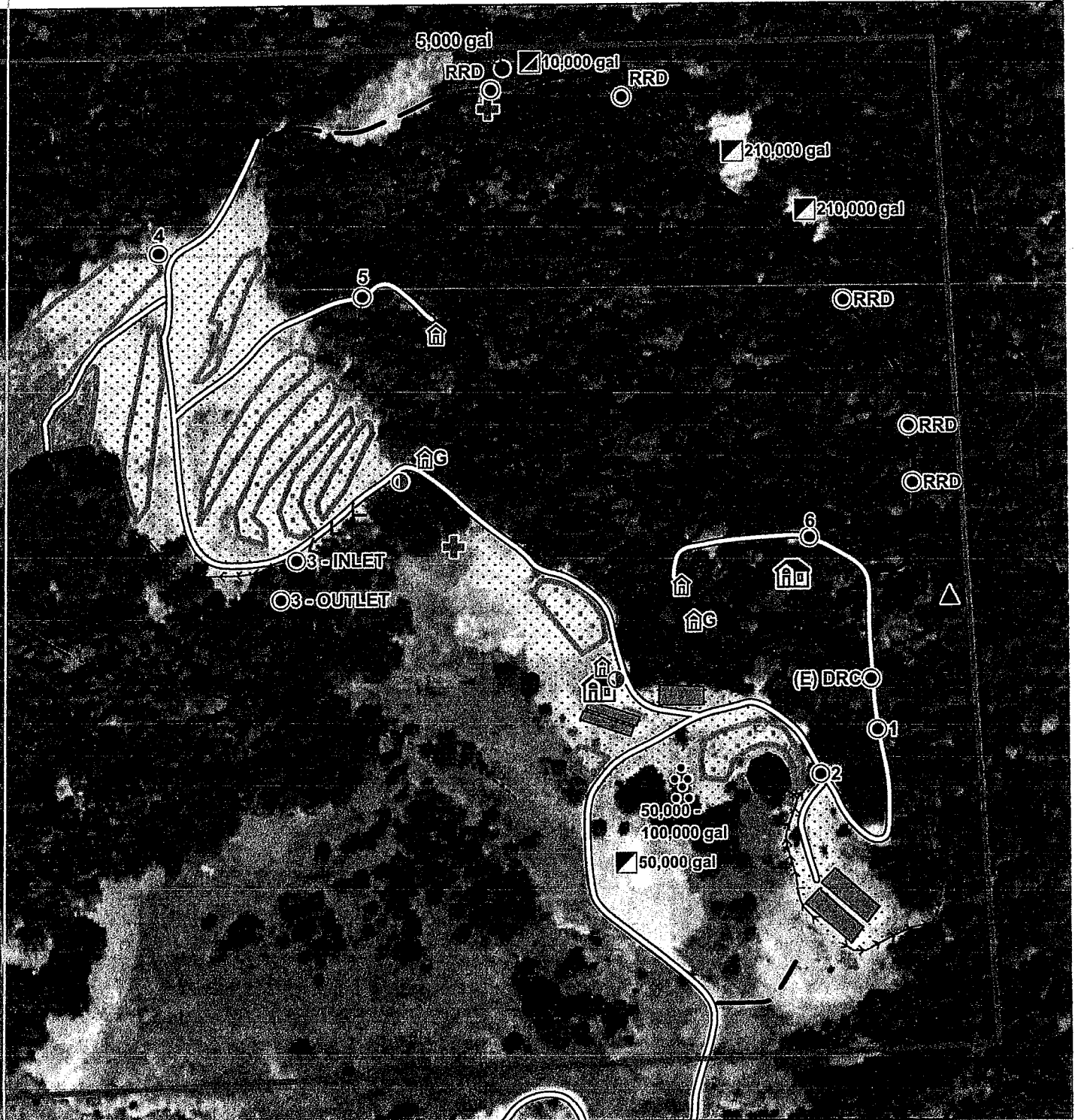


Cultivation Area - Green House



Cultivation Area - Outdoor

APN 221-021-008; Section 3, T3S-R2E, H.B.M.



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



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2020-0159-R1

Unnamed Tributaries to Salmon Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Charles Perry
Perry Water Diversion, Pond, and Stream Crossings Project
4 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on March 26, 2020, with revisions received on July 6, 2020, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Salmon Creek watershed, approximately 5.7 miles west of the town of Miranda, County of Humboldt, State of California. The project is located in Section 3, T3S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-021-008; latitude 40.232 N and longitude 123.937 W.

PROJECT DESCRIPTION

The project is limited to four encroachments. One encroachment is for water diversion from a hydrologically connected pond, which is located on an unnamed tributary to Salmon Creek. Water is diverted for irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Three additional projects are

* Edit *
* Per CDFW
okay *

proposed to improve stream crossings. Work for these encroachments will include excavation, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.2320, -123.9366	Armor the outlet of an existing culvert as needed to minimize erosion
Map Point #2	40.2330, -123.9364	* decommissioned * - DM Armor the outfall of an existing culvert to minimize erosion
Map Point #6	40.2341, -123.9371	Install an additional check dam below the highest check dam to minimize erosion as specified in the notification
POD-1 (Pond)	40.2318, -123.9372	Water diversion from a hydrologically connected pond

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*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

increased water temperature;
reduced instream flow;
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 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 March 26, 2020, with revisions received on July 6, 2020, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 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.
- 2.4 Work Completion. The proposed work shall be completed by no later than **October 1, 2021**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 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.
- 2.6 Avoidance of Nesting Birds. Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

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 **ten (10) gallons per minute (gpm)** at any time.
- 2.10 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.10.1 The date diversion occurred.
- 2.10.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.10.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.11 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water

Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 2.12 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.13 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.13.1 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%.
- 2.13.2 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.
- 2.13.3 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.
- 2.13.4 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.
- 2.14 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.
- 2.15 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.

Reservoirs

- 2.16 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
- 2.17 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus*

= *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.

- 2.17.1 Bullfrog Management Plan. If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A.
- 2.18 Seasonal Diversion Minimization. To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: From November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.
- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.

2.23 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.

2.24 Crossing Maintenance

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

2.24.2 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.25 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.

2.26 Project Inspection. The Project shall be inspected by Timberland Resource 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

2.27 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.

2.28 Erosion Control Plan. The Permittee shall submit an **Erosion Control Plan (ECP)** for review and approval by October 15, 2020 to address sediment discharges

located adjacent to a second residence (Map Point #7). The ECP shall be implemented in 2020 prior to the onset of the rainy season (November 15, 2020).

- 2.29 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.
- 2.30 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.
- 2.31 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.
- 2.32 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.
- 2.33 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.
- 2.34 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 Work Completion. The proposed work shall be completed by no later than **October 1, 2021**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.10) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.
- 3.3 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.11) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 Invasive Species Management for Reservoirs. The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs (condition 2.17) including subsection 2.17.1, **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.26) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.6 Erosion Control Plan. The Permittee shall submit an **Erosion Control Plan (ECP)** for review and approval by October 15, 2020. ECP shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

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

To Permittee:

Charles Perry
H2 Equity LLC
760 Redwood Drive
Garberville, California 95542
707-379-7287
adam.perry702@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2020-0159-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

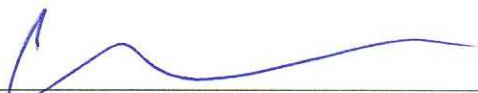
AUTHORIZATION

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

CONCURRENCE

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


FOR Charles Perry



Charles Perry

9-21-20
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

3/10/2021
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, September 1, 2020

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

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

Applicant Name: Adam Perry APN: 220-021-008

Planning & Building Department Case/File No.: 11248

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

From Road (Cross street): Thomas Upper Early Ranch Road

To Road (Cross street): Private Access Road on Property

Length of road segment: 4.11 miles Date Inspected: 2/4/20

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

Check one of the following:

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

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

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

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

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

Signature

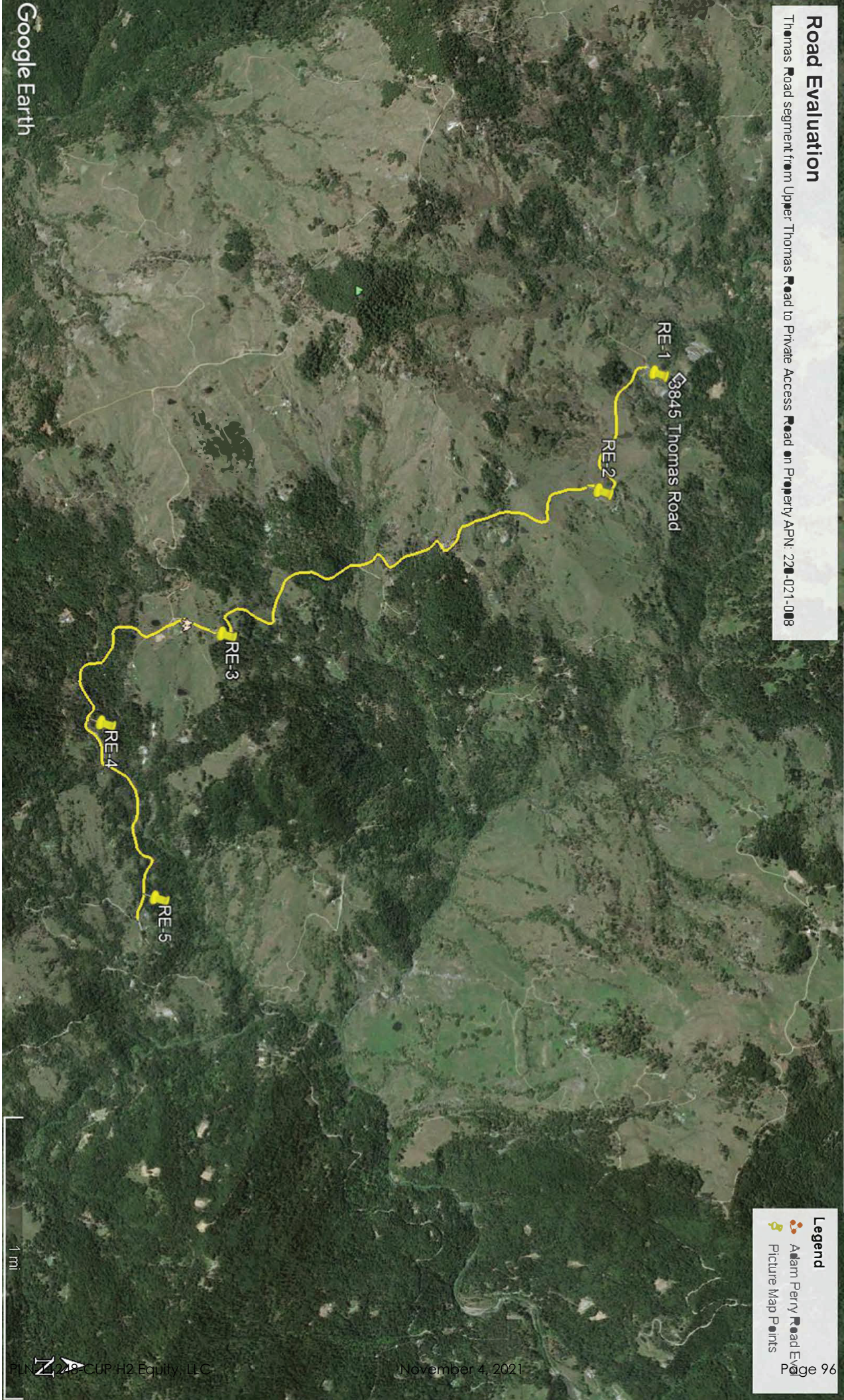
Date

Name Printed

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

Road Evaluation

Thomas Road segment from Upper Thomas Road to Private Access Road on Property APN 228-021-008



Legend

- Adam Perry Road E
- Picture Map Points

Picture No. 1	<div> <div>South East Elevation</div> <div> 337°NW (T) LAT: 40.230244 LON: -123.938358 ±16ft ▲ 1385ft </div>  <div> 1 by the gate MEE </div> <div> Adam perry road eval 04 Feb 2020, 12:41:30 </div> </div>
Map ID:	
RE-1	
Date:	
February 4, 2020	
Author:	
MEE	

Picture No. 2	<div> <div>South East Elevation</div> <div> 306°NW (T) LAT: 40.227290 LON: -123.930255 ±16ft ▲ 1608ft </div>  <div> 2 MEE </div> <div> Adam perry road eval 04 Feb 2020, 12:47:15 </div> </div>
Map ID:	
RE-2	
Date:	
February 4, 2020	
Author:	
MEE	

Picture No. 3	<div> <div>South Elevation</div> <div>  </div> </div>
Map ID: RE-3	
Date: February 4, 2020	
Author: MEE	

3
MEE

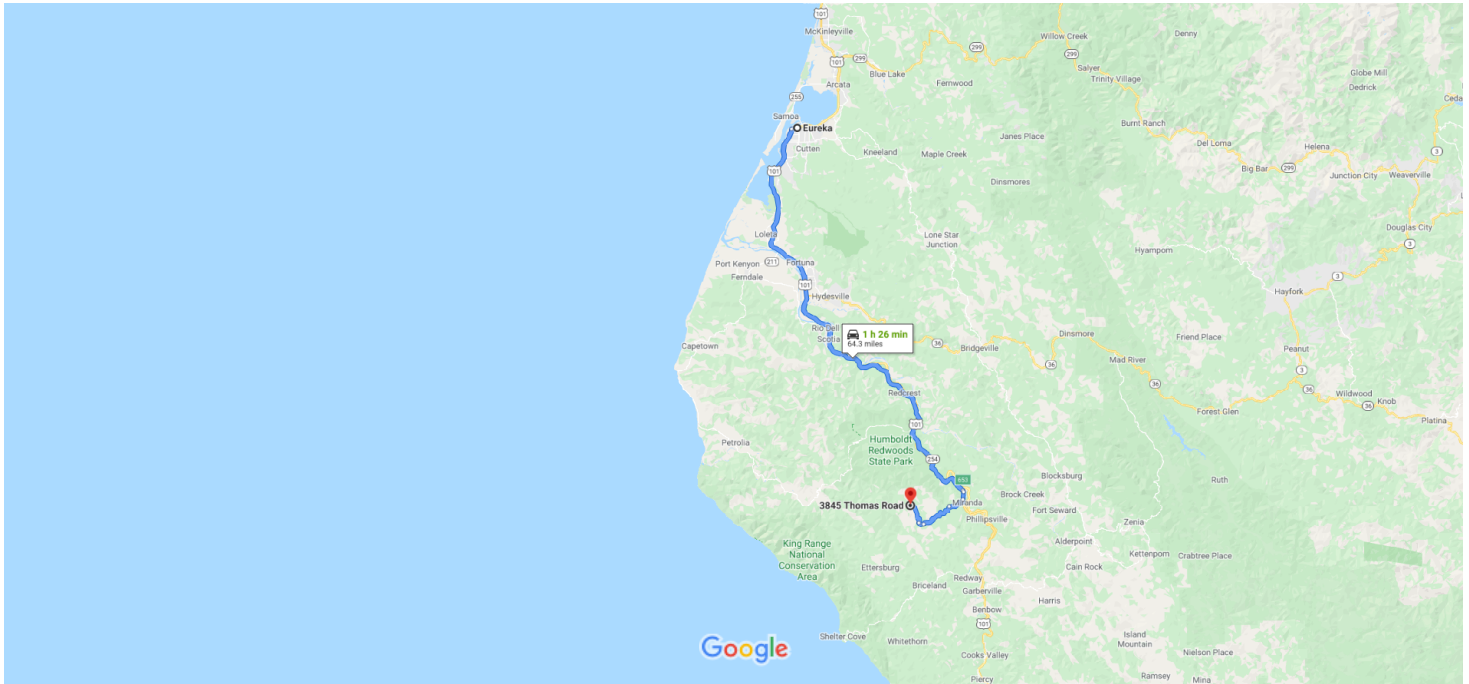
Adam perry road eval
04 Feb 2020, 12:55:41

Picture No. 4	<div> <div>East Elevation</div> <div>  </div> </div>
Map ID: RE-4	
Date: February 4, 2020	
Author: MEE	

4
MEE

Adam perry road eval
04 Feb 2020, 13:00:29

Picture No. 5	<div>South East Elevation</div> <div>☼ 301°NW (T) LAT: 40.204242 LON: -123.902652 ±16ft ▲ 1012ft</div>  <div>5 MEE</div> <div>Adam perry road eval 04 Feb 2020, 13:04:10</div>
Map ID:	
RE-5	
Date:	
February 4, 2020	
Author:	
MEE	



Map data ©2020 Google 5 mi

Eureka

California

Follow 6th St to US-101 S/Broadway St

1. Head south on H St toward 6th St
2 min (0.7 mi)
2. Turn right onto 6th St
246 ft
- 0.6 mi

Follow US-101 S to Salmon Creek Rd. Take exit 653 from US-101 S

3. Use the left 2 lanes to turn left onto US-101 S/Broadway St
53 min (52.7 mi)
- Continue to follow US-101 S
- Pass by Taco Bell (on the right in 1.5 mi)
- 52.5 mi
4. Take exit 653 for Salmon Creek Road
0.2 mi

Follow Salmon Creek Rd to Thomas Rd

5. Turn right onto Salmon Creek Rd
33 min (10.9 mi)
- 0.8 mi
6. Turn left to stay on Salmon Creek Rd
2.0 mi
7. Turn left onto Thomas Rd
4.6 mi
8. Thomas Rd turns right and becomes Upper Thomas Rd
0.6 mi
9. Continue onto Thomas Rd
2.8 mi

3845 Thomas Rd

Garberville, CA 95542

State of California
Well Completion Report
 Form DWR 188 Submitted 5/15/2019
 WCR2019-006671

Owner's Well Number 1 Date Work Began 04/30/2019 Date Work Ended 05/01/2019
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 18/19-0460 18/19-0461 Permit Date 12/10/2018

Well Owner (must remain confidential pursuant to Water Code 13752)		Former Use	
Name _____	Activity <u>Destroy</u>	Former Use <u>Water Supply</u>	
Mailing Address _____			
City _____ State _____ Zip _____			

Well Location			
Address _____		APN <u>221021008</u>	
City <u>MIRANDA</u>	Zip <u>95553</u>	County <u>Humboldt</u>	Township <u>03 S</u>
Latitude <u>40</u> <u>13</u> <u>58.3762</u> <u>N</u>	Longitude <u>-123</u> <u>56</u> <u>15.5255</u> <u>W</u>	Range <u>02 E</u>	Section <u>03</u>
Dec. Lat. <u>40.2328823</u>	Dec. Long. <u>-123.937646</u>	Baseline Meridian <u>Humboldt</u>	
Vertical Datum _____		Ground Surface Elevation <u>1179</u>	
Horizontal Datum <u>WGS84</u>		Elevation Accuracy <u>10 Ft</u>	
Location Accuracy _____		Elevation Determination Method <u>GPS</u>	
Location Determination Method _____			

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water _____ (Feet below surface)
Drilling Method _____ Drilling Fluid _____	Depth to Static _____
Total Depth of Boring _____ Feet	Water Level <u>85</u> (Feet) Date Measured _____
Total Depth of Completed Well <u>125</u> Feet	Estimated Yield* _____ (GPM) Test Type _____
	Test Length _____ (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Destruction Details:
 PULLED WELL PUMP AND REMOVED ALL WELL PUMP EQUIPMENT. CUT CASING FLUSH WITH CEMENT SLAB. STRAPED WELL TO VERIFY DEPTH OF CASING, AND FOUND STATIC LEVEL OF WATER, FILLED WELL WITH CEMENT

Other Observations:

RECEIVED

MAY 16 2019

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

#2

Borehole Specification	
Depth from Surface Feet to Feet	Borehole Diameter (inches)

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>VICS WELL DRILLING INC</u>			
Person, Firm or Corporation			
3807 SIERRA HWY UNIT #6	ACTON	CA	93510
Address	City	State	Zip
Signed <u>electronic signature received</u>	05/15/2019	886439	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

Attachments
PLOT PLAN#1 ABONDONMENT.jpg - Location Map
thumbnail_20190430_123617.jpg - Photo
PERMIT TOMMY ABANDONMENT #1.pdf - Permit
thumbnail_20190430_125229.jpg - Photo

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			



RECEIVED

NOV 30 2018

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Division of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501

Phone: 707-445-6215 - Toll Free: 800-963-9241

Fax: 707-441-5699

envhealth@co.humboldt.ca.us

18/19-0461

WATER WELL APPLICATION

CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by
Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete both sides and submit the Water Well Application with required fee. Include Well Driller's signature and property owner's signature.
2. Work on a well shall not be started prior to approval of the Water Well Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. Well Driller shall notify DEH a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>3845 THOMAS ROAD</u>	APN	<u>221-021-008</u>
City/State/Zip	<u>MIRANDA CA. 95553</u>	CA	<u>CA</u>
Directions to Site			
Applicant	<u>CHAD L. WIEGAND</u>	Contact	<u>(530) 940-3138</u>
Mailing Address	<u>660 TEHAMA AVE</u>	Work Phone	
City/State/Zip	<u>OROVILLE, CA 95465</u>	Cell Phone	
Property Owner	<u>THOMAS HARWOOD</u>	Home Phone	<u>(707) 762 0156</u>
Mailing Address		Work Phone	
City/State/Zip		Cell Phone	
I hereby grant 'right-of-entry' for inspection purposes		<u>[Signature]</u>	
Drilling	C-57		
Contractor	<u>VIC'S WELL DRILLING INC.</u>	License #	<u>986439</u>
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature:	<u>[Signature]</u>		
Would driller like a copy of approved application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<input checked="" type="checkbox"/> U.S. Mail address:	<u>BOX 4504 3807 SIERRA HWY, ALTOS CA. 95310</u>		
<input checked="" type="checkbox"/> Email address:	<u>www.drilling2outlook.com</u>		
Type of Application:	Construction:	Intended Use:	
<input type="checkbox"/> Construction	Estimated Depth (ft.)	<input type="checkbox"/> Domestic - private	
<input checked="" type="checkbox"/> Destruction	Diameter (in.)	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.)	<input type="checkbox"/> Irrigation	
	Sealing Material	<input type="checkbox"/> Other	
	<u>200</u>		
	<u>5"</u>		
	<u>203</u>		
	<u>CONCRETE & CHIPS</u>		

DISTRIBUTED

5-28-19

Fee:	\$149. ⁰⁰	Site Approved by:	J. Whittington
Date:	11/30/18	Site Approved Date:	12/10/18
Receipt:	919792	Sealed to Depth of:	125 ft demo
Project #:	18/19-0461	Seal observed:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Paid by:	Thomas Harwood	Final Approved Date:	5/23/19 JW

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Denial	Attached
Northwest Information Center	✓	Further Study	On file- confidential
Bear River Band of Rohnerville Rancheria	✓	Additional Information Requested	On file- Confidential
Intertribal Sinkyone Wilderness Council		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
Southern Humboldt Joint Unified School District		No response	



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



8/10/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone Tribe, Sheriff, Southern Humboldt USD School District

Applicant Name Lost Coast Elixirs LLC **Key Parcel Number** 221-021-008-000

Application (APPS#) 11248 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-198

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 8/25/2017

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

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

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

☒ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: See attached referral comment

DATE: 8-25-17

PRINT NAME: Patrick MCB



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44367
Parcel No.: 221-021-008-000
Case No.: CUP 16-198

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☒ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☐ Other Comments: AS long as all Building Permits
are complete on all structures on site
then recommend approval based on con-
ditions

Name: Pateauk MCB

Date: 8-26-17

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



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

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

*DEH received
8-10-17*

Project Referred To The Following Agencies:

17/18-0258

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone Tribe, Sheriff, Southern Humboldt USD School District

Applicant Name Lost Coast Ellixrs LLC **Key Parcel Number** 221-021-008-000

Application (APPS#) 11248 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-198

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

4-20-18

Comments:

DEH recommends approval with the following conditions:

1. No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
3. Legalize or destroy the wells: 2 wells are listed as the water source on the attachment. Provide documentation to verify legal non-conforming status, retroactively permit the wells or complete a well destruction permit for each well.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

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

2746

Response Date: 4/19/2018 **Recommendation By:** Adam Molofsky



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 1-18-2018

RE:

Applicant Name	LOST COAST ELIXIRS LLC
APN	221-021-008
APPS#	11248

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #4 on Exhibit "C"

Road evaluation for portion of Thomas Road not maintained by the County.

// END //

Public Works Recommended Conditions of Approval

APPS # 11248

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

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

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

- Page 111

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 11248

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 takes 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 takes 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- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If YES, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- If Box 1 is checked NO, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- If Box 2 is checked YES, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- If Box 3 is checked YES, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- If Box 1 is checked YES and Box 2 is checked NO and Box 3 checked NO or NA, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **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.

// END //

Exhibit "D"

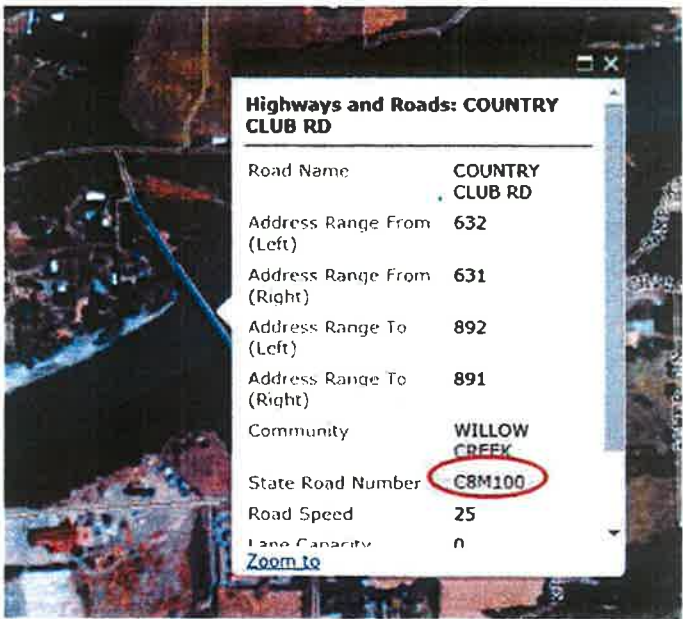
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD	
A 3 M 0 2 0	Murray Road
F 6 B 1 6 5	Alderpoint Road
6 C 0 4 0	Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Benbow Drive	6B180	Oakcrest Dr to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Fickle Hill Road	C5J040	Arcata city limits at PM to PM [end of centerline stripe]
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Murray Road	C3M020	All
Old Three Creeks	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [End of County maintained]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Benbow Drive	6B180	Oakcrest Dr to end
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
McCann Road	6D090	PM.1.0 to P.M.2.6 [End of County maintained]
Warren Creek Road	5L740	PM 0.0 to PM 0.95 [End of County maintained]
Sprowel Creek Road	6B095	PM 4.00 to PM 7.22 [End of County maintained]

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: August 15, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Lost Coast Elixirs, LLC
APN: 221-021-008-000
Area: Ettersburg
Case Numbers: CUP16-198

Humboldt County Application #: 11248
Type of Application: Conditional Use Permit
Date Received: 8/11/2017
Due Date: 8/25/2017

Project Description: A Conditional Use Permit for 43,560 square feet of existing outdoor, and 8,266 square feet of existing mixed-light cannabis cultivation. Four (4) harvests of mixed-light cannabis occur annually. Water for irrigation is sourced from three (3) rain catchment ponds. The Applicant estimates that 226,440 gallons of water are required annually. Water is stored in fifteen (15) hard tanks (75,000 gallons) and three (3) ponds (1.5 million gallons), for a total of 1,575,000 gallons of available water storage. The Applicant proposes to increase pond capacity to bring the total water storage capacity up to 2,250,000 gallons. All processing occurs on-site in an existing on-site accessory structure. Power source is provided by existing generators.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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



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

Applicant: Lost Coast Elixirs LLC		Date: 6/26/2018	
APPS No.: 11248	APN: 221-021-008	CDFW CEQA: 2017-0445	Case No.: CUP16-198
<input checked="" type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF): 8,266	<input checked="" type="checkbox"/> Outdoor (SF): 43,560 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

The applicant was issued a Notice of Violation (NOV) from CDFW on March 30, 2018 for violations of Fish and Game Code (FGC) Sections 1602 and 5650. The applicant constructed an onstream pond without permits in violation of FGC and the County grading ordinance. In addition, expansion through unpermitted timber conversion occurred on the parcel to facilitate pond construction. The pond partially failed, discharging sediment to Waters of the State. The applicant was issued an Emergency Clean Up and Abatement Notice by the Regional Waterboard to minimize the chance of catastrophic pond failure. CDFW request that the Interim Permit be revoked until remediation activities can be conducted to address the recent violations. CDFW has not yet received a Notification to address the violations outlined in the NOV. Cultivation area in 2017 appeared to be well in excess of the permittable area for this parcel. CDFW further requests that mixed light use prior to January 1, 2016 is validated if the permit is continued.

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

- ☒ Identify all energy sources for project.
 - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment.
- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.

- ☒ Aerial imagery and referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

Please note the following information:

- ☒ Aerial imagery suggests that the project has been implemented prior to Project approval. CDFW requests that the project be placed on hold and that all activities cease until appropriate environmental review has occurred.
- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to Project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Townsend Big-eared Bat (*Corynorhinus townsendi*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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

EXHIBIT B

H2 Equity, LLC
Record Number: PLN-11248-CUP
Assessor's Parcel Number: 221-021-008

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the Resolution to do the following:

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the project site is in violation of Humboldt County Code and that the applicant has not provided the County the information necessary to make the required findings for approval and deny H2 Equity, LLC, project.

Executive Summary: For Planning Commission consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 40,868 square feet is outdoor cultivation and 8,782 square feet is mixed light commercial cannabis cultivation. The H2 Equity, LLC, application was submitted on September 28, 2016.

Staff is recommending denial of the project because the applicant has repeatedly violated various provisions of Humboldt County Code and State Law. The submitted application does not include evidence to support making the required findings under Section 312-17.1 of the Humboldt County Code (required findings for all permits). This project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances.

California Department of Fish and Wildlife Violations

On March 27, 2018, California Department of Fish and Wildlife (CDFW) conducted a site inspection which resulted in the issuance of a *Notice of Violation* (NOV) to the applicant on March 30, 2018. The NOV identified 7 violations of Fish and Game Code:

I.	Class III stream running down the road and discharging sediment to Class II stream
II.	Sediment discharge to Class II stream from pond construction and structural pond failure
III.	Sediment discharge to Class II stream from development of an erosional gully caused by structural pond failure
IV.	Rip rap placed in Class III channel that flows into the new pond, flow was delivering turbid water to impoundment, and then delivering turbid water and causing gully formation downstream to Class II stream
V.	Modified Class III stream captured in newly constructed onstream impoundment
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The Notice of Violation has been resolved, as the applicant was required to remediate and restore the conversion area to resolve the Clean Up and Abatement Order (CAO) described below. Additionally, the applicant was issued a revised Lake and Streambed Alteration Agreement to include additional project items.

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ii.	This activity was performed at the Property in October and November 2017, after the start of the rainy season, by an unlicensed contractor, without applicable permits for the land clearing and grading and instream work. The interior and exterior slopes of the unlined, earthen pond had slope failures resulting in actual and threatened sediment discharges to surface waters.
iii.	The Dischargers' activities resulting in the waste discharges to receiving waters were conducted without authorization from applicable federal, state, and local agencies, including the Regional Water Board. The actual and threatened discharges of earthen waste threaten Salmon Creek and an unnamed Class II tributary watercourse; both watercourses are waters of the state, as well as waters of the United States.

The CAO required the applicant to clean up and abate the location of the conversion area and pond construction to eliminate the existing threat of pollution. The RWQCB required the applicant to complete the following actions by the established deadline:

Immediately , the Dischargers shall take all possible steps to prevent pond failure and/or to minimize to the maximum extent possible adverse impacts to water quality and beneficial uses associated with water and sediment releases from the pond. Monitor the effectiveness of the implementation actions and adaptively implement actions. Document actions including but not limited to notes, photographs, sketches, sampling results, etc. Characterize the magnitude (including sediment discharge volume and concentration) and extent of sediment discharges to waters of the state. Beginning April 16, 2018 , provide weekly monitoring reports regarding the actions taken and the results. Following the approval of the Interim Cleanup and Stabilization Plan, the monitoring and reporting schedule contained therein shall replace this weekly requirement.
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Upon completion of the restoration and mitigation of waters of the state, submit annual monitoring reports by **January 31** of each year **for at least five years** or until the Regional Water Board or its delegated officer approves a request to discontinue monitoring.

In June of 2019, the applicant submitted a *Restoration, Mitigation, and Monitoring Plan Completion Report* to the RWQCB to resolve the CAO. To date, the CAO has been resolved and the applicant has completed all required restoration. The applicant is required to submit monitoring reports to the RWQCB through spring of 2023.

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Humboldt County Code Violations

On July 10, 2018, the applicant received an Interim Permit from the County of Humboldt which authorized the continued cultivation of 43,560 square feet of outdoor cultivation and 22,000 square feet of mixed light cultivation. The *Compliance Agreement* associated with the Interim Permit advised the applicant that any expansion beyond the existing cultivation area would be a violation of the Interim Permit, Humboldt County Code, and State Law and may result in the cancellation or revocation of the permit.

On May 28, 2019, the Humboldt County Code Enforcement Unit (CEU) received a complaint that the applicant was leaving their mixed light greenhouses uncovered in violation of County Code and International Dark Sky Standards. The applicant was required to submit photo documentation to CEU showing that the applicant had proper shielding for the mixed light greenhouses. On June 10, 2019, the applicant submitted this documentation to CEU to resolve the complaint.

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penalty payment on May 13, 2020, and the Planning Department confirmed that the Interim Permit would be renewed.

On May 15, 2020, a site inspection was conducted by CDFW. CDFW staff found that the applicant was cultivating without the required Interim Permit and State License, and notified the Humboldt County Sheriff's Office. A search warrant was served by the Sheriff's Office with CDFW in attendance. The Humboldt County Code Enforcement Unit was not in attendance. Approximately 14,000 cannabis plants and 1,990 pounds of processed cannabis were eradicated from the subject parcel.

On May 18, 2020, the Planning Department reissued the applicants Interim Permit based on the resolution of the 2019 violation, with the requirement to obtain a State License prior to conducting any cultivation related activity. This action was taken without the knowledge that the site had been cultivating without permits and subject to eradication of plants just three days earlier.

On June 30, 2020, a search warrant was again served by the Sheriff's Office. The Code Enforcement Unit was not in attendance; therefore, the Planning Department was entirely unaware of the execution of this warrant. The applicant had replanted cannabis, without the required State License, and approximately 46,971 cannabis plants were eradicated from the subject parcel.

Because the County Code Enforcement Unit was not in attendance at the May 15, 2020 and June 30, 2020, warrant inspections, Planning staff did not have access to a warrant inspection report and was unaware of the totality of these violations when drafting the initial staff report for the November 4, 2021 hearing recommending approval.

On December 30, 2020, the applicant received a state license allowing them to cultivate during the 2021 cultivation season.

On November 18, 2021, the Planning Department received confirmation that the applicant was receiving water deliveries to serve the operation in violation of Humboldt County Code 314-55.4.10(m) which states that water must be sourced locally (on-site), and trucked water shall not be allowed, except for in emergencies. There is no record of the applicant notifying the Planning Department of an emergency requiring them to receive water deliveries. The applicant stated that the water delivery was not for irrigation purposes but rather was for the employee housing. The restriction on water deliveries is related to all parts of the cannabis operation, including employees.

Public Comment

The project was initially scheduled for the Planning Commission hearing of November 4, 2021, with a recommendation of approval. Upon noticing the project for hearing, the application received 16 public comments recommending that the Planning Commission deny the application. The public comments included the following allegations, some of which have been confirmed and some which were unable to be confirmed:

Public Comment	Substantiation of Comment
Trucked Water Delivered to Site	Confirmed by Applicant
The Well Onsite is not Producing Water	Disproved by Applicant
Diesel Delivered to Site	Confirmed by Applicant
Accidental Ignition of Fires	Confirmed by Applicant
Unpermitted Grading	Confirmed by Staff

Illegal Timber Conversion	Confirmed by Staff
Unpermitted Water Diversions	Unable to Confirm
Unpaid Road Dues	Confirmed by the Applicant
Environmental Degradation	Confirmed by Staff
Light Pollution	Previous Complaint Documented
Law Enforcement Action	Confirmed by Staff
Generator Noise	Unable to Confirm
Excessive Intervention by Salmon Creek Volunteer Fire Department	Unable to Confirm
Excessive Intervention by CAL FIRE	Unable to Confirm

Following review of the public comments, Planning Staff contacted CAL FIRE to obtain record of responses by their department to the subject parcel. A CAL FIRE representative was able to confirm one documented visit to the subject parcel for a medical emergency in 2018. Planning Staff also contacted the local Salmon Creek Volunteer Fire Department but were not able to obtain a comment from their department prior to completion of the staff report.

The Planning Department requested that the applicant submit water hauling receipts if water was trucked to the site. The applicant provided the Planning Department with two receipts which documented the delivery of 16,000 gallons of water to the site during the months of September 2021 and October 2021. The applicant stated that the water was used for domestic purposes, although the residence is utilized by the 3-10 employees as a "shared common area" with a breakroom, restroom, and shared kitchen. The applicants approved site plan does not dedicate any water tanks for domestic use. More importantly, any domestic water used for employees is considered to be related to the cannabis operation and subject to the same restriction on trucked water. Therefore, the water deliveries are a violation of Humboldt County Code 314-55.4.10(m) which states that water must be sourced locally (on-site) and trucked water shall not be allowed, except for in emergencies. There is no record of the applicant notifying the Planning Department of an emergency requiring them to receive water deliveries.

Planning Staff were concerned that the well onsite was not producing water, requiring the applicant to receive water deliveries, and requested that the applicant obtain a pump test for the well. On November 17, 2021, Bushnell Well Drilling completed a pump test which found that the well produces approximately 15 gallons per minute, which should be adequate for the operation.

On November 22, 2021, the applicant was notified that the project was being prepared for the December 16, 2021, Planning Commission hearing with a recommendation of denial as the project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. Prior to the hearing the applicant claimed that they had information indicating that the state licenses were active in 2020 and the project was continued to the January 20, 2022 hearing to provide Planning Staff ample time to communicate with the California Department of Cannabis Control regarding the state licenses.

On December 17, 2021, a Special Investigator with the California Department of Cannabis Control confirmed that the state licenses for the subject parcel had expired on December 12, 2019, and also confirmed that there were no active state licenses in place when the search warrants were executed on May 15, 2020, and June 30, 2020. The applicant did however provide emails indicating that the agreement when they purchased the farm was that the previous owner would maintain the state licenses. These emails are included in Attachment 5 to this staff report. The applicant has indicated these emails demonstrate that they believed that they did have a state

license at the time of the May 15, 2020 search warrant and June 30, 2020 search warrant. Staff believes that the record is clear however that the applicant understood that they did not have a County interim permit at the time of the May 15, 2020 warrant inspection and that they did not have a state license at the time of the June 30, 2020 inspection.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Because cultivation was initiated without the required permits on two separate occasions and water was trucked to the site, the project is not consistent with 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances.

ALTERNATIVES: The Planning Commission could elect to direct staff to continue to attempt to reach the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq.

EXHIBIT C



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 20, 2021

To: Humboldt County Planning Commission

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

Subject: **H2 Equity, LLC, Conditional Use Permit**
Record Number: PLN-11248-CUP
Assessor's Parcel Number (APN): 221-021-008
Ettersburg area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at astrickland@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 20, 2022	Conditional Use Permit	Abbie Strickland

Project Description: The applicant is seeking a Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 8,782 square feet is mixed light cultivation and 40,868 square feet is outdoor cultivation utilizing light deprivation techniques. The applicant projects four annual harvests from the mixed light cultivation area and two harvests annually from the light deprivation cultivation area. The project is supported by 2,350 square feet of propagation space. Water for irrigation is sourced from an existing well, a hydrologically connected pond, and rainwater catchment. The projected annual water usage totals 892,176 gallons and existing available water storage totals 416,500 gallons. All processing occurs onsite in an existing structure. Three to ten employees are required for the project. Energy for the project is sourced primarily by generators which is supplemented by a solar array.

Project Location: The project is located in Humboldt County, in the Etnersburg area, on the North side of Thomas Road, approximately 1.68 miles west from the intersection of Salmon Creek Road and Thomas Road, on the property known as 3845 Thomas Road.

Present Plan Land Use Designations: Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3).

Present Zoning: Unclassified (U)

Record Number: PLN-11248-CUP

Assessor's Parcel Number: 221-021-008

Applicant	Owner	Agent
H2 Equity, LLC Charles Adam Perry 827 Redwood Dr. Suite C Garberville, CA 95542	Charles Adam Perry 827 Redwood Dr. Suite C Garberville, CA 95542	N/A

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

State Appeal Status: The proposed project is NOT appealable to the California Coastal Commission

Major Issues: Repeated violation of Humboldt County Code and various provisions of State Law, and lack of adequate information to support making required findings for approval.

H2 Equity, LLC
Record Number: PLN-11248-CUP
Assessor's Parcel Number: 221-021-008

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
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penalty payment on May 13, 2020, and the Planning Department confirmed that the Interim Permit would be renewed.

On May 15, 2020, a site inspection was conducted by CDFW. CDFW staff found that the applicant was cultivating without the required Interim Permit and State License, and notified the Humboldt County Sheriff's Office. A search warrant was served by the Sheriff's Office with CDFW in attendance. The Humboldt County Code Enforcement Unit was not in attendance. Approximately 14,000 cannabis plants and 1,990 pounds of processed cannabis were eradicated from the subject parcel.

On May 18, 2020, the Planning Department reissued the applicants Interim Permit based on the resolution of the 2019 violation, with the requirement to obtain a State License prior to conducting any cultivation related activity. This action was taken without the knowledge that the site had been cultivating without permits and subject to eradication of plants just three days earlier.

On June 30, 2020, a search warrant was again served by the Sheriff's Office. The Code Enforcement Unit was not in attendance; therefore, the Planning Department was entirely unaware of the execution of this warrant. The applicant had replanted cannabis, without the required State License, and approximately 46,971 cannabis plants were eradicated from the subject parcel.

Because the County Code Enforcement Unit was not in attendance at the May 15, 2020 and June 30, 2020, warrant inspections, Planning staff did not have access to a warrant inspection report and was unaware of the totality of these violations when drafting the initial staff report for the November 4, 2021 hearing recommending approval.

On December 30, 2020, the applicant received a state license allowing them to cultivate during the 2021 cultivation season.

On November 18, 2021, the Planning Department received confirmation that the applicant was receiving water deliveries to serve the operation in violation of Humboldt County Code 314-55.4.10(m) which states that water must be sourced locally (on-site), and trucked water shall not be allowed, except for in emergencies. There is no record of the applicant notifying the Planning Department of an emergency requiring them to receive water deliveries. The applicant stated that the water delivery was not for irrigation purposes but rather was for the employee housing. The restriction on water deliveries is related to all parts of the cannabis operation, including employees.

Public Comment

The project was initially scheduled for the Planning Commission hearing of November 4, 2021, with a recommendation of approval. Upon noticing the project for hearing, the application received 16 public comments recommending that the Planning Commission deny the application. The public comments included the following allegations, some of which have been confirmed and some which were unable to be confirmed:

Public Comment	Substantiation of Comment
Trucked Water Delivered to Site	Confirmed by Applicant
The Well Onsite is not Producing Water	Disproved by Applicant
Diesel Delivered to Site	Confirmed by Applicant
Accidental Ignition of Fires	Confirmed by Applicant
Unpermitted Grading	Confirmed by Staff

Illegal Timber Conversion	Confirmed by Staff
Unpermitted Water Diversions	Unable to Confirm
Unpaid Road Dues	Confirmed by the Applicant
Environmental Degradation	Confirmed by Staff
Light Pollution	Previous Complaint Documented
Law Enforcement Action	Confirmed by Staff
Generator Noise	Unable to Confirm
Excessive Intervention by Salmon Creek Volunteer Fire Department	Unable to Confirm
Excessive Intervention by CAL FIRE	Unable to Confirm

Following review of the public comments, Planning Staff contacted CAL FIRE to obtain record of responses by their department to the subject parcel. A CAL FIRE representative was able to confirm one documented visit to the subject parcel for a medical emergency in 2018. Planning Staff also contacted the local Salmon Creek Volunteer Fire Department but were not able to obtain a comment from their department prior to completion of the staff report.

The Planning Department requested that the applicant submit water hauling receipts if water was trucked to the site. The applicant provided the Planning Department with two receipts which documented the delivery of 16,000 gallons of water to the site during the months of September 2021 and October 2021. The applicant stated that the water was used for domestic purposes, although the residence is utilized by the 3-10 employees as a "shared common area" with a breakroom, restroom, and shared kitchen. The applicants approved site plan does not dedicate any water tanks for domestic use. More importantly, any domestic water used for employees is considered to be related to the cannabis operation and subject to the same restriction on trucked water. Therefore, the water deliveries are a violation of Humboldt County Code 314-55.4.10(m) which states that water must be sourced locally (on-site) and trucked water shall not be allowed, except for in emergencies. There is no record of the applicant notifying the Planning Department of an emergency requiring them to receive water deliveries.

Planning Staff were concerned that the well onsite was not producing water, requiring the applicant to receive water deliveries, and requested that the applicant obtain a pump test for the well. On November 17, 2021, Bushnell Well Drilling completed a pump test which found that the well produces approximately 15 gallons per minute, which should be adequate for the operation.

On November 22, 2021, the applicant was notified that the project was being prepared for the December 16, 2021, Planning Commission hearing with a recommendation of denial as the project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. Prior to the hearing the applicant claimed that they had information indicating that the state licenses were active in 2020 and the project was continued to the January 20, 2022 hearing to provide Planning Staff ample time to communicate with the California Department of Cannabis Control regarding the state licenses.

On December 17, 2021, a Special Investigator with the California Department of Cannabis Control confirmed that the state licenses for the subject parcel had expired on December 12, 2019, and also confirmed that there were no active state licenses in place when the search warrants were executed on May 15, 2020, and June 30, 2020. The applicant did however provide emails indicating that the agreement when they purchased the farm was that the previous owner would maintain the state licenses. These emails are included in Attachment 5 to this staff report. The applicant has indicated these emails demonstrate that they believed that they did have a state

license at the time of the May 15, 2020 search warrant and June 30, 2020 search warrant. Staff believes that the record is clear however that the applicant understood that they did not have a County interim permit at the time of the May 15, 2020 warrant inspection and that they did not have a state license at the time of the June 30, 2020 inspection.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Because cultivation was initiated without the required permits on two separate occasions and water was trucked to the site, the project is not consistent with 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances.

ALTERNATIVES: The Planning Commission could elect to direct staff to continue to attempt to reach the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-
Record Number PLN-11248-CUP
Assessor's Parcel Number: 221-021-008**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the H2 Equity, LLC, Conditional Use Permit.

WHEREAS, H2 Equity, LLC, submitted an application on September 28, 2016, for a Conditional Use Permit for 49,650 square feet of pre-existing outdoor cultivation and 8,782 square feet of mixed light commercial cannabis cultivation; and

WHEREAS, the property has been operated in violation of the county ordinance and state law; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 20, 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:** A Conditional Use Permit for 58,432 square feet of pre-existing outdoor and mixed light commercial cannabis cultivation.

EVIDENCE: a) Project File: PLN-11248-CUP
- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

EVIDENCE: a) Section 15270 of the CEQA Guidelines
- 3. FINDING** **FINDINGS FOR SPECIAL PERMIT**

The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance and therefore the findings under Section 312-17.1 of the Humboldt County Code cannot be made.

EVIDENCE a) The applicant has violated Humboldt County Code Section 314-55.4.8.1 which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances.

b) The applicant has repeatedly cultivated commercial cannabis without the appropriate state and county permits in violation of Humboldt County Code Section 314-55.4.11(a) and 314-55.4.11(b).

c) The applicant has caused water to be trucked to the site to support the cannabis operation, in violation of Humboldt County Code Section 314-55.4.11(m).

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
- Denies the Conditional Use Permit for H2 Equity, LLC, based upon the Findings and Evidence.

Adopted after review and consideration of all the evidence on January 20, 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

[illegible]

PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

SHEET NO. **1** OF 3

LCA20-000281 MIXED-LIGHT SPECIALTY PERMIT #6 - CANOPY AREA			
ITEM	DESCRIPTION	SPECS	CANOPY AREA
45	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	10' X 65.5'	655 FT²
46	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	10' X 65.5'	655 FT²
47	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 55'	495 FT²
48	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 72'	648 FT²
49	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 46.5'	418.5 FT²
50	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 100'	900 FT²
51	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 110'	990 FT²
52	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 120'	1,080 FT²
53	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 166'	1,512 FT²
54	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 125'	1,125 FT²
55	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 90'	810 FT²
56	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 70'	630 FT²
TOTAL CANOPY AREA			9,918.5 FT²

LCA20-000281 MIXED-LIGHT SPECIALTY PERMIT #5 - CANOPY AREA			
ITEM	DESCRIPTION	SPECS	CANOPY AREA
47	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 62'	558 FT²
48	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 35'	315 FT²
49	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 114'	1,026 FT²
50	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 132'	1,188 FT²
51	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT²
52	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT²
53	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT²
54	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT²
55	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT²
56	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT²
57	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT²
58	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT²
TOTAL CANOPY AREA			9,675 FT²

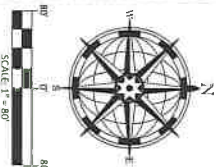
LCA20-000281 MIXED-LIGHT SPECIALTY PERMIT #6 - CANOPY AREA			
ITEM	DESCRIPTION	SPECS	CANOPY AREA
52	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 110'	990 FT²
53	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 110'	990 FT²
54	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 110'	990 FT²
55	<> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 63'	567 FT²
56	<> OUTDOOR GARDEN MIXED-LIGHT CANOPY AREA	SEE PLAN VIEW	1,463 FT²
TOTAL CANOPY AREA			5,000 FT²

36	<P> HOOP HOUSE MIXED-LIGHT CANOPY AREA	9' X 70'	630 FT²
TOTAL CANOPY AREA			9,918.5 FT²

LCAD02-000285 MIMED-LIGHT TIER1 PERMIT #2 CANOPY AREA			
ITEM	DESCRIPTION	SPECS	CANOPY AREA
13	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 64'	576 FT²
14	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 44'	396 FT²
15	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 124.5'	1,245 FT²
16	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	8' X 124.5'	996 FT²
17	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 104.5'	1,045 FT²
18	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 104.5'	940.5 FT²
19	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 84.5'	850.5 FT²
20	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 84.5'	760.5 FT²
21	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 86.5'	865 FT²
22	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 84.5'	845 FT²
23	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 84.5'	845 FT²
24	<3 HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 86.5'	865 FT²
	TOTAL CANOPY AREA		9,939.5 FT²

	CANOPY AREA	PERIMETER	MIXED LIGHT ITEM	CANOPY AREA	CANOPY AREA
ITEM	SPECS.		DESCRIPTION		
①	9' X 82.5'	472.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
②	9' X 88.5'	526.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
③	9' X 100'	900 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
④	9' X 100'	900 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑤	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑥	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑦	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑧	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑨	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑩	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑪	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
⑫	9' X 104.5'	940.5 FT²	<E> HOOD HOUSE MIXED-LIGHT CANOPY AREA		
		6,345 FT²	TOTAL CANOPY AREA		

LICENSE COLOR CODE & CANOPY AREA		
LICENSE NUMBER	PERMIT TYPE	CANOPY AREA
LC420-00021882	MIXED LIGHT TIER 1 PERMIT #1 CANOPY AREA	6,345 FT²
LC420-00011885	MIXED LIGHT TIER 1 PERMIT #2 CANOPY AREA	9,293.5 FT²
LC420-00021883	MIXED LIGHT TIER 2 PERMIT #3 CANOPY AREA	8,720.5 FT²
LC420-00021885	MIXED LIGHT TIER 2 PERMIT #4 CANOPY AREA	9,710.5 FT²
LC420-00021887	MIXED LIGHT TIER 1 PERMIT #5 CANOPY AREA	9,615 FT²
LC420-00021881	MIXED LIGHT SPECIALTY PERMIT #6 CANOPY AREA	5,000 FT²
TOTAL MIXED LIGHT CANOPY AREA		49,650.5 FT²



LEGEND	
<P>	PROPOSED
<E>	EXISTING
W	WELL (NCRH WICR2019-006588 40.323961° -113.938611°)
P	WATER PUMP
Δ	CULVERT
—	STREAM / CREEK
—w—	WATER SUPPLY LINE
—	PROPERTY LINE
[Blue Box]	STREAM MANAGEMENT AREA
[Light Blue Box]	EXISTING WATER STORAGE
[Blue Box]	PROPOSED
[Grey Box]	EXISTING STRUCTURE & MISC

OFFSITE ACTIVITIES

1. PACKAGING

SHEET INDEX

1. PREMISES DIAGRAM
2. PREMISES BUILDING LAYOUTS
3. PREMISES DIAGRAM BUILDING LAYOUTS

SHEET INDEX

STRUCTURE & MISC. TYPE				STRUCTURE & MISC. TYPE			
ITEM	DESCRIPTION	QTY	SPECS.	ITEM	DESCRIPTION	QTY	SPECS.
(A)	<C> BUILDING - STORAGE / PROCESSING AREA SEE SHEET 2 FOR STORAGE AREA DIAGRAM	1	IRREGULAR ±1,420 FT²	(G)	<C> TWO-STORY BUILDING SHEET 3 FOR BUILDING DIAGRAM	1	±1,400 FT² 1866 FT²
(B)	<C> GENERATOR SHED	1	11'-9" X 17'-3.5" ±207 FT²	(J)	<C> COMPOST AREA - SHARED AREA	1	15 X 15 ±225 FT²
(D)	<C> TWO-STORY HOUSE / COMMON AREA - SHARED AREA SEE SHEET 2 FOR COMMON AREA DIAGRAMS	1	36 X 40' ±1,440 FT²	(H)	<C> GENERATOR SHED	1	12'-3.15" X 18'-10" ±244 FT²
(E)	<C> STORAGE SHED / PESTICIDE / NUTRIENT STORAGE AREA SHARED AREA	1	14 X 16' ±224 FT²	(K)	<C> SELF-HAUL WASTE AREA	1	15 X 15 ±225 FT²
(F)	<C> BUILDING - STORAGE PROCESSING AREA SEE SHEET 2 FOR STORAGE AREA DIAGRAM	1	23'-5" X 45'-6" ±1,066 FT²	(I)	<C> CANNABIS WASTE AREA - SHARED AREA	1	15 X 15' ±225 FT²

PROPAGATION AREA		
ITEM	DESCRIPTION	SQCS.
1p	<E> GREENHOUSE - IMMATURE PLANT AREA SEE SHEET 2 FOR DESIGNATION OF USE	20' x 80' 1,600 FT ²

PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



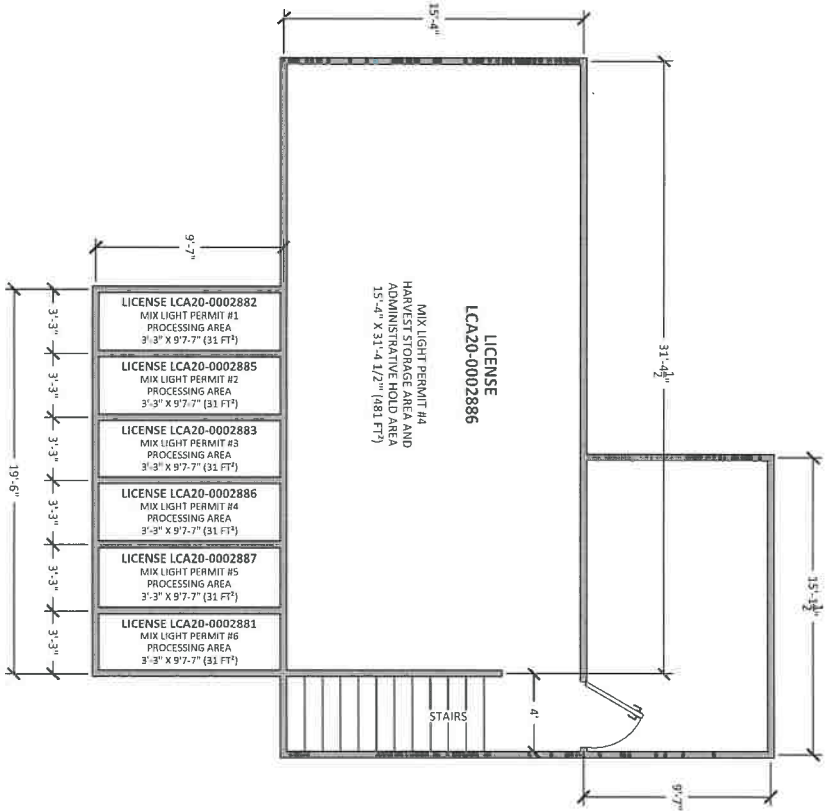
DTN ENGINEERING&CONSULTING
dnicoletti@dtngineering.com

NO.	HISTORY / REVISIONS	BY	CHK	DATE

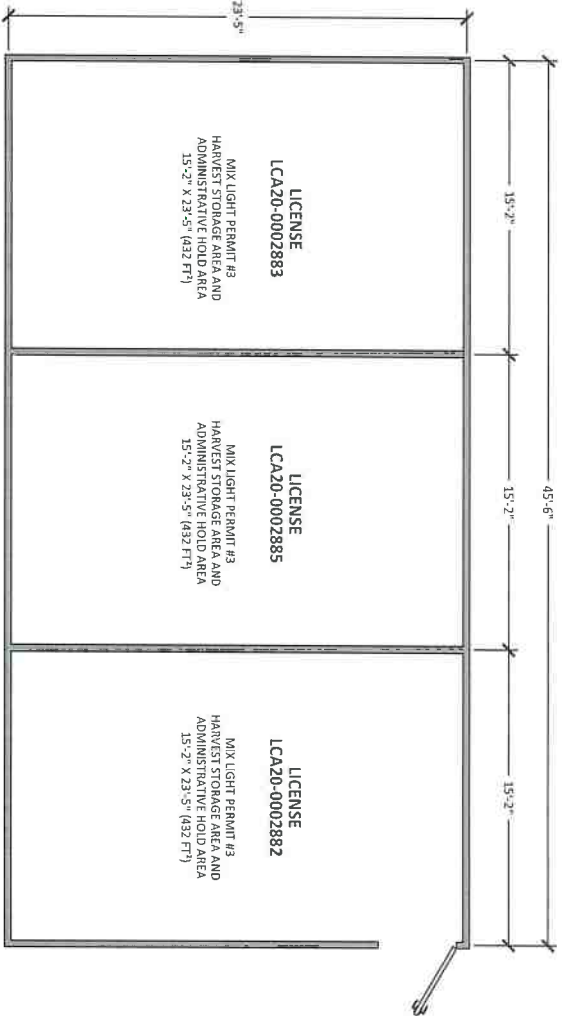
PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

APN: 221-021-008-000
DRAWN BY: RGN-LUD
DATE: 5/11/2021
PREMISES DIAGRAM BUILDING LAYOUT

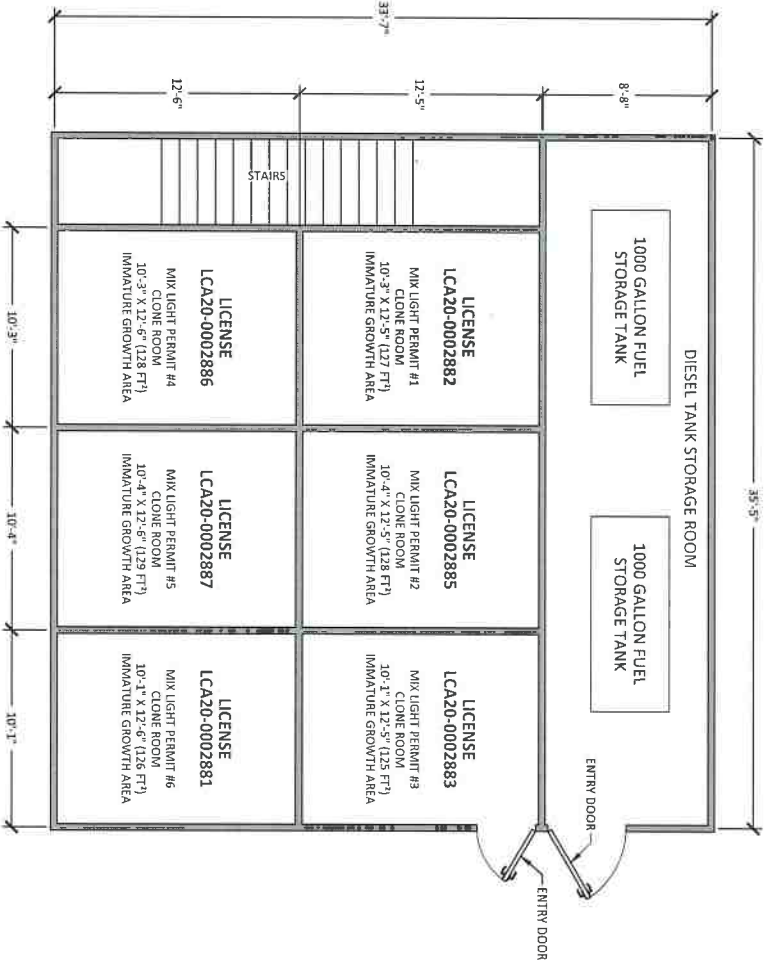
SHEET NO.
3
OF 3



COMMON AREA DIAGRAM 2ND FLOOR BUILDING
SCALE: 1/4" = 1' - 0"



STORAGE AREA DIAGRAM
SCALE: 1/4" = 1' - 0"

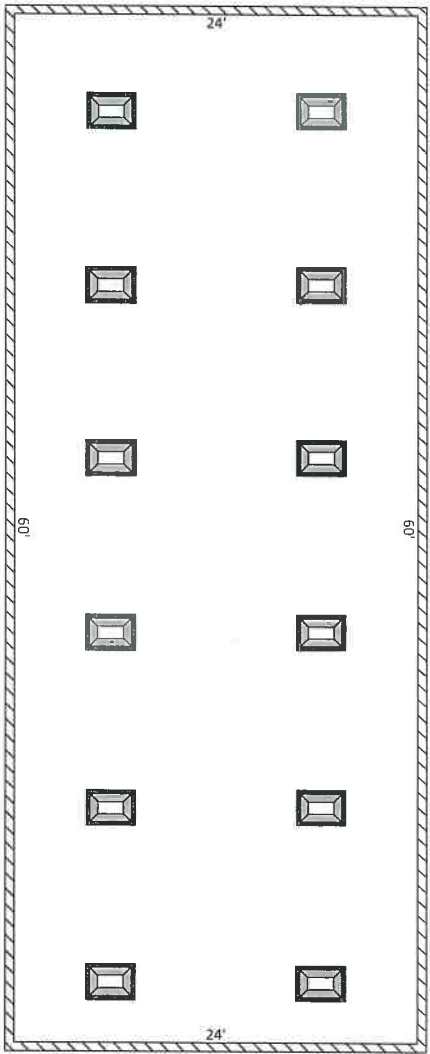


COMMON AREA DIAGRAM 1ST FLOOR BUILDING
SCALE: 1/4" = 1' - 0"

LIGHTING DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



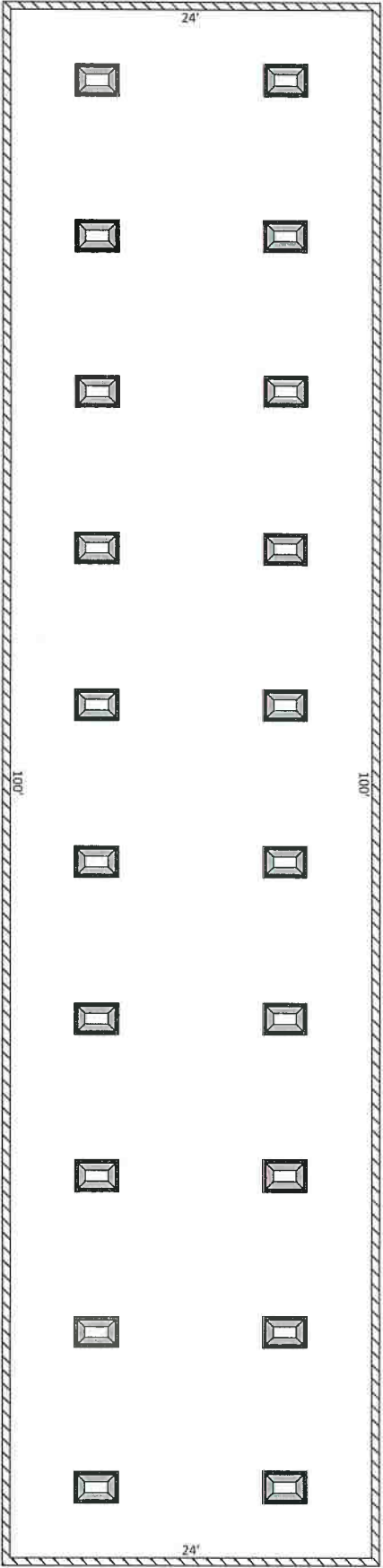
DTN ENGINEERING&CONSULTING
dnicoletti@dtngineering.com



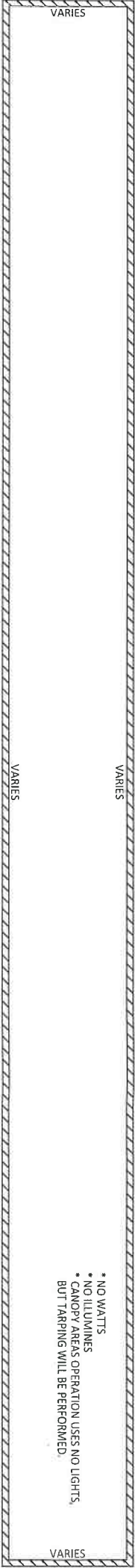
49 LIGHTING DIAGRAM - 24' X 60' GREENHOUSE
SCALE: 3/16"=1'-0"

 = 1000 MAXIMUM WATT LIGHT

LIGHTING DIAGRAM TABLE						
DIAGRAM DETAIL	QUANTITY	DESCRIPTION	SQUARE FOOTAGE PER GREENHOUSE	LIGHTS PER GREENHOUSE	TOTAL WATTS PER GREENHOUSE	WATTS PER SQ. FT
1 THRU 48 52 THRU 56	1	GREENHOUSE VARIES SIZES SEE PREMISES DIAGRAM	VARIES SQ. FT	0	0 WATTS	0.00 WATTS / SQ. FT
49	1	24' X 60' GREENHOUSE	1,440 SQ. FT	12	12,000 WATTS	8.33 WATTS / SQ. FT
50	1	24' X 100' GREENHOUSE	2,400 SQ. FT	20	20,000 WATTS	8.33 WATTS / SQ. FT
51	1	24' X 100' GREENHOUSE	2,400 SQ. FT	20	20,000 WATTS	8.33 WATTS / SQ. FT



50 & 51 LIGHTING DIAGRAM - 24' X 100' GREENHOUSE
SCALE: 3/16"=1'-0"



1 THRU 56 LIGHTING DIAGRAM - VARIES GREENHOUSE
SCALE: 3/16"=1'-0"

- NO WATTS
- NO ILLUMINES
- CANOPY AREAS OPERATION USES NO LIGHTS,
BUT TARPING WILL BE PERFORMED.

DATE	CHECK	BY	HISTORY / REVISIONS			NO.

LIGHTING DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

APN: 221-021-008-000
DRAWN BY: RGN - UDD
DATE: 5/11/2021
LIGHTING DIAGRAM
SHEET NO.
1
OF 1

ATTACHMENT 1

CDFW Notice of Violation



March 30, 2018

Certified Mail:
#7017 1070 0000 9047 4656

Mr. Thomas Harwood and Ms. Tina Harwood
P.O. Box 264
Redway, CA 95560

Subject: Notice of Violation of Fish and Game Code Sections 1602 and 5650 in
Conjunction with Marijuana Cultivation

Dear Mr. Harwood and Ms. Harwood:

On March 27, 2018, Department of Fish and Wildlife (Department) staff visited your parcel (APN: 221-021-008) located on Unnamed Tributaries to Salmon Creek, west of Miranda, CA. During this visit, Department staff observed the activities described below (Table 1), which are subject to Fish and Game Code (FGC) sections 1602 and 5650. Staff also observed evidence of marijuana cultivation in conjunction with these activities.

Table 1. Violation location and description

Violation #	FGC Violation	Latitude/Longitude	Description
1	1602/5650	40.2329, -123.9364	Class III stream running down the road and discharging sediment to Class II stream
2	5650	40.2345, -123.9365	Sediment discharge to Class II stream from pond construction and structural pond failure
3	5650	40.2347, -123.9365	Sediment discharge to Class II stream from development of an erosional gully caused by structural pond failure
4	1602/5650	40.2342, -123.9367	Rip rap placed in Class III channel that flows into the new pond, flow was delivering turbid water to impoundment, and then delivering turbid water and causing gully formation downstream to Class II stream
5	1602	40.2339, -123.9378	Modified Class III stream captured in newly constructed onstream impoundment
6	1602	40.2342, -123.9374	Water diversion from a newly constructed onstream impoundment
7	1602	40.2346, -123.9384	Grading of Class III stream causing flow disconnection from historic channel for placement of water bag storage

Conserving California's Wildlife Since 1870

Fish and Game Code (FGC) section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC section 1602 without first notifying the Department violates section 1602.

FGC section 5650 makes it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment.

A person who violates FGC sections 1602 and 5650 in conjunction with the cultivation or production of marijuana is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of marijuana following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC section 1602, and \$20,000 for each violation of FGC section 5650. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e).) Also, the District Attorney or the Attorney General may enforce a violation of FGC section 1602 and FGC section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC section 1602 or 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602 and 5650 criminally. Under FGC section 12000, each violation is a misdemeanor.

As a first step to address this matter, the Department requests you contact Fish and Wildlife scientific staff David Manthorne at 707-441-5900 or Warden Josh Zulliger at joshua.zulliger@wildlife.ca.gov within 14 days of the date of this letter. The Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for the activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC sections 1602 and 5650, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

Mr. Thomas Harwood and Ms. Tina Harwood
March 30, 2018
Page 3 of 3

The Department appreciates your cooperation.

Sincerely,



Lieutenant Steve White
Watershed Enforcement Team

cc: California Department of Fish and Wildlife
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ATTACHMENT 2

RWQCB Clean Up and Abatement Order

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

CLEANUP AND ABATEMENT ORDER NO. R1-2018-0027

FOR

THOMAS HARWOOD
TINA HARWOOD

3845 THOMAS ROAD
MIRANDA, CA 95553
ASSESSOR PARCEL NUMBER 221-021-008
HUMBOLDT COUNTY

CIWQS PLACE ID NUMBER 825028

This Order is issued to Thomas Harwood and Tina Harwood (hereafter referred to as the Dischargers) based on provisions of Water Code section 13304, which authorizes the North Coast Regional Water Quality Control Board (Regional Water Board) to issue a Cleanup and Abatement Order and Water Code section 13267 investigative order, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports (Order).

The Executive Officer finds, with respect to the Dischargers' acts, or failure to act, the following:

1. **Site Conditions:** The Dischargers caused or allowed the discharge and threatened discharge of earthen waste to surface waters from a recently constructed earthen pond at 3845 Thomas Road, Humboldt County, APN 221-021-008 (hereinafter "Property"). The pond was built on top of a class III watercourse and seeps, adjacent to a class II watercourse which enters Salmon Creek, Class I tributary to the South Fork Eel River. This activity was performed at the Property in October and November 2017, after the start of the rainy season, by an unlicensed contractor, without applicable permits for the land clearing and grading and instream work. The interior and exterior slopes of the unlined, earthen pond had slope failures resulting in actual and threatened sediment discharges to surface waters. The Dischargers' activities resulting in the waste discharges to receiving waters were conducted without authorization from applicable federal, state, and local agencies, including the Regional Water Board. The actual and threatened discharges of earthen waste threaten Salmon Creek and an unnamed Class II tributary watercourse; both watercourses are waters of the state, as well as waters of the United States.¹

¹ The Regional Water Board administers and enforces the Clean Water Act (CWA). The CWA regulates what it refers to as "navigable waters" and defines those water as "waters of the United States." Waters of the United

2. **Purpose of the Order:** This Order requires the Dischargers to immediately begin to clean up and abate the effects of discharging earthen material, including fine sediment, and sediment-laden water from the Property to the waters of Salmon Creek and its unnamed tributaries, and to eliminate the threat of future discharges. Investigation and cleanup actions required under this Order shall be conducted to comply with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 et seq.), the *Water Quality Control Plan for the North Coast Region* (Basin Plan), State Water Resources Control Board (State Water Board) Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (Resolution 92-49), Regional Water Board Order No. R1-2015-0023, and other applicable State and Regional Water Board plans, policies, and regulations.
3. **Property Description:** The actual and threatened sediment discharges occurred at the property located at 3845 Thomas Road, in rural Humboldt County, near the town of Miranda. The property is also identified as Humboldt County Assessor Parcel Number (APN) 221-021-008. The pond, located in the vicinity of latitude 40.2344° and longitude -123.9365 is discharging to an unnamed Class II watercourse that flows south to north along the eastern property boundary, and is tributary to upper mainstem Salmon Creek, which flows west to east approximately 200' north of the northern property boundary.
4. **Responsible Parties:** The Dischargers, as the Property owners with the legal ability to control the activities on the Property that resulted in the discharge, are responsible parties for purposes of this Order. This Order finds that Thomas and Tina Harwood are the responsible parties and are jointly and severally liable.
 - a. Per records from the Humboldt County Assessor-Recorder's Office, Thomas and Tina Harwood own the Property.
 - b. The Regional Water Board reserves the right to amend this Order to add additional responsible parties when/if those parties are identified.
5. **Property History:**
 - a. In 2015, Cal Fire issued a less than 3-acre exemption on the property (1-15EX-130H) to convert land from forest to another use for an area that is now used for outdoor cultivation. In 2016, this area was cleared of trees and stumps, graded, terraced and cultivated thereafter. The area where the pond was constructed was not included in the conversion area.

States has been interpreted by the agencies responsible for implementing the CWA to include all traditionally navigable waters and their tributaries (40 C.F.R. 122.2). The Porter-Cologne provides the Regional Water Board additional authority to regulate discharges of waste into "waters of the state." (Wat. Code § 13260). The term "waters of the state" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." (Wat. Code § 13050 subd. (e)). All waters of the United States that are within the borders of California are also waters of the state for purposes of the Porter-Cologne.

- b. In 2016, the Discharger submitted a grading application to Humboldt County but have not yet received an approved grading permit.
 - c. There is no record of the Dischargers obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with land disturbance of an acre or more (Construction General Permit Order No. 2009-0009-DWQ as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ).
 - d. The Dischargers enrolled the Property for coverage under Regional Water Board Order No. R1-2015-0023 through Timberland Resource Consultants (WDID No. 1B16460CHUM) with an effective enrollment date of April 1, 2016. The Notice of Intent and Water Resource Protection Plan are provided as attachments to this CAO.
 - e. No evidence of a California Department of Fish and Wildlife (CDFW) section 1600 notification/authorization for streambed alteration work, Army Corps of Engineers section 404 permit for dredge and fill activities, or Water Board issued section 401 Water Quality Certification application or approval for instream work.
6. **Factual Basis of Order:** The Dischargers' activities, including actions taken on the Dischargers' behalf, and the conditions at the Property, as documented in the Regional Water Board's inspection report (Attachment 1), are in violation of Order No. R1-2015-0023 and have created and threaten to create a condition of pollution in waters of the state by unreasonably impacting surface water quality and beneficial uses. The factual allegations detailed below provide additional context to the Discharger activities, site conditions, and interactions between the Discharger, Discharger's consultants and agents, and regulatory oversight agencies.
- a. In 2016 the Dischargers submitted separate applications to Humboldt County Building Department for a grading permit and a commercial cannabis cultivation permit. The grading application was for proposed grading of 19,240 yd³ of fill and construction of two ponds. The County postponed issuance of the grading permit pending consideration of the Dischargers' cultivation application.
 - b. Mr. Harwood hired Brett Gratzel, an unlicensed contractor paid by the hour, to build the pond. On or about October 17, 2017, Mr. Gratzel and his crew began clearing trees for the pond, and working with two excavators, a roller, and three dump trucks, constructed the pond. On March 27, 2018, during an in person interview, Mr. Gratzel told CDFW Warden Josh Zulliger that he got started on the job later in the season than was planned but believed that there was an approved grading permit for the pond construction.
 - c. On October 24, 2017, in response to a complaint, CDFW conducted an overflight of the Property and observed the late season grading and pond construction underway.

- d. On November 2, 2017, Regional Water Board and Humboldt County Code Enforcement staff inspected the site, with the consent of and inspection participation by Mr. Harwood. During the site inspection, staff observed construction occurring in the rain. Mr. Gratzel was onsite overseeing the construction operations. Inspecting agency personnel advised Mr. Gratzel and Mr. Harwood that operations were being conducted without a grading permit issued by the county. Mr. Harwood and Mr. Gratzel informed agency personnel that they were following the engineering designs but they were unable to provide a copy of the designs. During the November 2, 2017, site visit Regional Water Board staff provided a verbal directive to cease additional construction operations, stabilize the site with erosion control measures, provide as-built designs of the pond, closely monitor the pond stability, monitor and document overflows, and document and report sediment discharges to waters of the state from the pond.
- e. During the March 27, 2018 interview, Mr. Gratzel told Warden Zulliger that although Regional Water Board staff had provided direction to cease construction on the pond on November 2, 2017, he had continued construction until about November 7, 2017 because he believed that continuing the earthwork would avoid additional sediment discharges from occurring. Mr. Gratzel stated that during a November 19, 2017 site visit, he discovered that the pond was leaking below the toe of the dam on the downhill side. He further stated that on unknown dates, he responded by installing drain pipes in the berm and tarps on the berm. The berm continued to fail, partially covering the drain pipes and plastic tarps with eroded fine sediment rendering them ineffective in controlling pond leakage and sediment discharges.
- f. On January 26, 2017, Regional Water Board staff spoke to Mr. Harwood in person and asked about the condition of the pond. Mr. Harwood stated that there had been a cut bank failure into the pond, but that he had been pumping out of the pond into storage and there had not been overflow from the pond. Mr. Harwood did not mention the leaking berm or associated berm failure or any other concerns about the pond.
- g. On March 27, 2018, staff from the Regional Water Board participated in an inspection of the Property along with CDFW and TRC. The primary purpose of the inspection was to evaluate conditions of the pond and impacts/threatened impacts to receiving waters. Staff observed that the pond berm had failed since last observed in November 2017, and staff observed that sediment had flowed from the pond to a nearby Class II watercourse and observed that turbid water was actively flowing from the pond into to the Class II watercourse. Salmon Creek is located approximately 160 feet downstream of the discharge point. Inspection observations indicated that the pond poses an immediate and substantial threat to water quality and beneficial uses of water and immediate measures must be taken to prevent and minimize additional sediment discharges and hazards. Additionally, it appears that numerous seeps and

associated watercourses emerge along a similar elevation contour and are interacting with developed features on the Property, including a Class III watercourse entering the pond from the upslope area, so the pond is collecting and will continue to collect surface flows as well as rainfall. Regional Water Board staff recommended that the Dischargers immediately engage a Registered Geologist or Certified Engineering Geologist with geotechnical expertise and immediately implement measures to prevent and minimize additional sediment discharges to surface waters from the pond.

7. **Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives:** The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference the plans and policies adopted by the Regional Water Boards.
- a. The Property drains to Salmon Creek, which is a tributary to South Fork Eel. The existing beneficial uses of the Weott Hydrologic Subarea of the South Fork Eel Hydrologic Area, as set forth and defined in the Basin Plan, include Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Groundwater Recharge (GWR), Freshwater Replenishment (FRSH), Navigation (NAV), Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Commercial or Sport Fishing (COMM), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN). Potential beneficial uses include Industrial Process Supply (PRO), Hydropower Generation (POW), and Aquaculture (AQUA). Beneficial uses of any specifically identified water body generally apply to all of its tributaries.
 - b. The Basin Plan contains specific standards and provisions for maintaining high-quality waters of the state that provide protection to the beneficial uses listed above. The Basin Plan's Action Plan for Logging, Construction, and Associated Activities (Action Plan) includes two waste discharge prohibitions (Page 4-29.00 of the 2011 Basin Plan):
 - i. Prohibition 1 – “The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.”
 - ii. Prohibition 2 – “The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited.”

- c. Section 3 of the Basin Plan contains water quality objectives not to be exceeded as a result of waste discharges. The water quality objectives that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to waste discharges from land development and cannabis cultivation activities include the following:
 - i. **Suspended Material:** “Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”
 - ii. **Settleable Material:** “Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.”
 - iii. **Sediment:** “The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.”
 - iv. **Turbidity:** “Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.”
- 8. **Regional Water Board Resolutions and Orders:** As part of Regional Water Board’s efforts to control sediment waste discharges and restore sediment impaired water bodies, the Regional Water Board adopted the *Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region*, which is also known as the Sediment TMDL Implementation Policy, on November 29, 2004. This Policy was adopted through Resolution R1-2004-0087. The Sediment TMDL Implementation Policy directs the Executive Officer to use “all available authorities, including existing regulatory standards and permitting and enforcement tools, to more effectively and efficaciously pursue compliance with sediment-related standards by all discharges of sediment waste”. The goals of the policy are to control sediment waste discharges to impaired water bodies so that the TMDLs are met, sediment water quality objectives are attained, and beneficial uses are no longer adversely affected by sediment.

To address sources of elevated water temperature to reduce impairments to waters of the state and prevent further impairment, the Regional Water Board adopted the *Policy for Implementation of the Water Quality Objective for Temperature in the North Coast Region* (Temperature Implementation Policy) through Resolution R1-2014-0006. To attain and maintain the water quality objectives for temperature, the policy directs the Regional Water Board to implement programs and collaborate with others to prevent, minimize, and mitigate temperature alterations associated with certain activities, including, but not limited to, activities that result in either the removal of riparian vegetation that provides shade to a waterbody, sediment discharges, impoundments and other channel alterations, reduction of instream summer flows, and/or reduction of cold water sources.

On August 13, 2015, the Regional Water Board adopted a regulatory order to address waste discharges from cannabis and other similar operations: Order No. R1-2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification and Monitoring and Reporting Program for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order R1-2015-0023). The Order establishes water resource protection requirements, provides a mechanism for water quality compliance, and enables the Regional Water Board to better focus its enforcement resources on environmentally damaging operations.

As of April 1, 2016, the Property was and still is enrolled under Tier 2 of Order R1-2015-0023; enforceable protection and mitigation measures therein developed to prevent and reduce environmental impacts were violated by the site conditions identified in the Water Quality Inspection Report, including:

- a. The Discharger failed to do the corrective action work on road drainage and Class III watercourse crossings according to the schedule identified in the Water Resource Protection Plan.
 - b. The pond was built in part within the setback of a Class II watercourse in violation of Standard Conditions.
 - c. Instream work occurred without authorization under section 401 of the Clean Water Act.
 - d. The pond was constructed in the winter period without a winter operations plan as required by Appendix B.
 - e. The pond was constructed without applicable local, state, and federal permits.
 - f. The pond was sited and constructed in a manner that did not ensure containment integrity, in violation of Standard Conditions.
 - g. The Discharger disturbed more than an acre of land without first obtaining coverage under the General Permit for Discharges of Stormwater Associated with Construction Activities (Construction General Permit Order No. 2009-0009-DWQ as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ), in violation of the General Terms and Provisions of Order R1-2015-0023.
 - h. The Discharger failed to comply with applicable water quality standards requirements and prohibitions specified in the Basin Plan in violation of the General Terms and Provisions of Order R1-2015-0023.
 - i. The Discharger is in violation of the General Prohibitions for actual and threatened discharge of waste with the construction and failure of the pond.
9. **State Water Board Resolutions and Orders:** State Water Board Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site, and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy with Respect to Maintaining High Quality Waters in California* ("Resolution 68-16"). Resolution 92-49 requires the waste to be

cleaned up in a manner that promotes attainment of either background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence. To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

10. Failure to Obtain Necessary Permits: Regional Water Board staff has determined that the construction of the pond on the Property, including vegetation removal and soil disturbance, and instream disturbance and placement of fill in watercourses occurred without coverage under any of the following regulatory permits:

- a. Cal Fire timber harvest permit or exemption for timber harvesting;
- b. National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with land disturbance of an acre or more (Construction General Permit Order No. 2009-0009-DWQ as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ);
- c. CWA section 401 Water Quality Certification from the Regional Water Board or CWA section 404 dredge and fill permit from the Army Corps of Engineers;
- d. Department of Fish and Wildlife section 1600 Lake and Streambed Alteration Agreement for substantial alteration to bed, bank, and hydrology of watercourses; and
- e. Grading permit from Humboldt County Building and Planning Department for grading of more than 50 yd³ and within a streamside management area.

11. Legal Authority to Require Cleanup and Abatement: Water Code section 13304, subdivision (a) states, in relevant part:

A person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts....Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall

petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

- a. “Waste” is defined by Water Code section 13050, subdivision (d) to include, sewage and any other waste substances, whether liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers prior to, and for purposes of, disposal.
 - i. Sediment, when discharged to waters of the state, is a “waste” as defined in Water Code section 13050. The Dischargers caused or permitted waste to be discharged or deposited where it will be, or has the potential to be, discharged to Salmon Creek, tributary to the South Fork Eel River, which is considered a water of the state.
- b. “Pollution” is defined by Water Code section 13050, subdivision (l)(1) as an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either the waters for beneficial uses or the facilities which serve these beneficial uses.
 - i. Earthen material from construction of the pond in and near watercourses on property owned and/or used by the Dischargers has discharged, and still has the potential to discharge, sediment waste into Salmon Creek and its tributaries in violation of Water Code sections 13260 and 13376 and provisions of the Basin Plan, and creates or threatens to create a condition of pollution subject to this Order in accordance with Water Code section 13304.
 - ii. Site development activities conducted by the Dischargers and/or their agents, including timing of construction activities, has resulted in the unauthorized discharge or threat of discharge of waste into surface water and groundwater, and have created, or threaten to create, a condition of pollution by unreasonably affecting the beneficial uses of waters of the state. Tributaries of Salmon Creek pass through the Property with features of concern located adjacent to or draining into the creeks and/or their tributaries including a failing onstream earthen dam and water impoundment.
 - iii. Discharges of sediment and other inert material alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species (Beneficial

Uses impacted: RARE, MIGR, SPWN, COLD, COMM, and WILD). Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (Beneficial Uses impacted: AGR and MUN). Sediment laden storm water discharges to surface water and the resulting turbidity can also affect the recreational and aesthetic enjoyment of the surface waters (Beneficial Uses impacted: REC-1 and REC-2).

- iv. The discharge of organic and earthen material in the South Fork Eel River watershed is especially problematic because, as noted above, the South Fork Eel River watershed is listed as an impaired water body under Section 303(d) of the Clean Water Act due to several pollutants, including temperature and sedimentation/siltation. Sediment delivery impacts the migration, spawning, reproduction, and early development of cold water fish such as spring and fall run Chinook salmon, coho salmon, and steelhead trout and wildlife habitat including for rare, threatened and endangers species and other aquatic life.
- v. Suspended sediment in surface waters can cause harm to aquatic organisms by abrasion of surface membranes, interference with respiration, and sensory perception in aquatic fauna. Suspended sediment can reduce photosynthesis in and survival of aquatic life by limiting the transmittance of light. The Basin Plan contains a water quality objective for sediment which requires that the suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses. As stated above, sediment is a pollutant that can have substantial biological, chemical, and physical effects on receiving waters.

These include (1) increased turbidity (loss of clarity) and resulting decreased light transmittance, biological productivity, and aesthetic value; and (2) physical suffocation through burial of bottom dwelling (benthic) organisms, and salmonid eggs, and alevin (newly spawned salmon or trout still carrying its yolk). Sediment can also physically damage gills causing fish mortality; increased physiological stress; reduce reproduction; impair normal feeding and predator avoidance behaviors, resulting in impacts to commercial and recreational fishing resources; increase water temperature; and fill in lagoons and wetlands converting them from aquatic to terrestrial habitat.

It should be noted that these water quality impacts occur both during sediment transport and sediment deposition. In addition to the problems associated with suspended sediment, sediment is also an excellent transport mechanism for toxics (e.g., metals and synthetic organics), which

bind to sediment particles (Beneficial Uses impacted: REC-1, REC-2, COLD, SPWN, RARE, MIGR, COMM, MUN, and WILD).

- c. “Nuisance” is defined by Water Code section 13050, subdivision (m) to mean anything which meets all of the following requirements:
- i. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - ii. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - iii. Occurs during, or as a result of, the treatment or disposal of wastes.

12. Cleanup and Abatement Action Necessary: Cleanup and abatement is necessary to ensure that the existing condition of pollution is cleaned up, that the threat of unauthorized discharges to waters of the state from the Property are prevented, background water quality, or the best water quality that can be attained is restored, and that any impacts to beneficial uses are mitigated. The current condition of pollution is a priority violation and the issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the Regional Water Board.

13. Technical Reports Required: Water Code section 13267, subdivision (a) provides that the Regional Water Board may investigate the quality of any water of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden of preparing the reports required by this Order bear a direct relationship for the need for the reports and the benefits to be obtained from the reports. The technical reports required by this Order are necessary to assure compliance with this Order and to protect the waters of the state. The technical reports are further necessary to demonstrate that appropriate methods will be used to cleanup waste discharged to soil and groundwater and to ensure that cleanup complies with Basin Plan requirements. In accordance with Water Code section 13267(b), the findings in this Order provide the Discharger with a written explanation with regard to the need for investigation and reports and identifies the evidence that supports the requirement to implement clean up and abatement activities and submit the reports.

14. Electronic Reporting Requirements: Sampling data, reports, and plans shall be submitted to the Regional Water Board via the State Water Resources Control Board’s Geographic Environmental Information Management System database (GeoTracker) as specified in Title 23, Division 3, Chapter 30, Article 2, Sections 3890-3895 of the California Code of Regulations.

15. California Environmental Quality Act: Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and, as such, is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061, subdivision (b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup, abatement, and restoration activities at the Property. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed cleanup, abatement or restoration activities and possible associated environmental impacts. To the extent that the Order requires earth-disturbing and re-vegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, this Order is exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. In addition, actions required under this Order are exempt from CEQA pursuant to 15269 as actions necessary to prevent or mitigate an emergency. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. The Dischargers will bear the costs, including the Regional Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handling any documents necessary for environmental review. If necessary, the Dischargers and a consultant acceptable to the Regional Water Board shall enter into a memorandum of understanding with the Regional Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, the Dischargers shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and provide the following information.

1. **Immediately**, the Dischargers shall take all possible steps to prevent pond failure and/or to minimize to the maximum extent possible adverse impacts to water quality and beneficial uses associated with water and sediment releases from the pond. Monitor the effectiveness of the implementation actions and adaptively implement actions. Document actions including but not limited to notes, photographs, sketches, sampling results, etc. Characterize the magnitude (including sediment discharge volume and concentration) and extent of sediment discharges to waters of the state. **Beginning April 16, 2018**, provide weekly monitoring reports regarding the actions

taken and the results. Following the approval of the Interim Cleanup and Stabilization Plan, the monitoring and reporting schedule contained therein shall replace this weekly requirement.

2. Conduct all work under the direction of a California professional civil engineer or professional geologist experienced in surface water quality and hydrology, geologic investigation and characterization, earth work and geotechnical investigation, and sediment and erosion control. All workplans and reports submitted to the Executive Officer of the Regional Water Board shall be signed and stamped by a licensed professional.
3. Coordinate investigation, cleanup, and restoration activities associated with site conditions and surface waters with Regional Water Board staff, California Department of Fish and Wildlife, California Department of Forestry and Fire Protection, Division of Water Rights, the County of Humboldt, and other regulatory agencies involved in the cleanup.
4. **By April 11, 2018**, the Dischargers shall have conducted a preliminary assessment of the pond and associated receiving waters assessed by appropriately qualified and licensed geologist and engineers. The Dischargers shall submit the site characterization **by April 16, 2018**.
5. **By April 23, 2018**, the Dischargers shall submit an **Interim Cleanup and Stabilization Plan** (hereafter "Interim Plan") prepared by an appropriately licensed professional for the completion of cleanup and stabilization measures necessary to clean up wastes and trash, and to prevent further erosion and discharge of sediment and other pollutants to Salmon Creek and its tributaries during the remainder of the 2017/2018 wet weather period. The Interim Plan shall include, but not be limited to, the following:
 - a. Whatever actions are necessary to ensure that the pond does not fill up or over top and further destabilize due to internal pressure on compromised facility for the remainder of the 2017/2018 rainy season. Any water that enters the pond should be conveyed out of the pond via stable conveyance so that it does not cause erosion or transport any pollutants to downstream receiving waters.
 - b. Measures to prevent and minimize sediment discharges to waters of the state, including discharges of water removed from the pond.
 - c. Implementation schedule
 - d. Monitoring and reporting plan
 - e. A scope of work for developing the Restoration Mitigation and Monitoring Plan.
6. The Dischargers shall begin implementation of the Interim Plan **within 24 hours of concurrence** from the Regional Water Board Executive Officer or his delegee.

7. **By May 15, 2018**, the Dischargers shall submit to the Regional Water Board a proposed **Restoration Mitigation and Monitoring Plan** (hereafter “RMMP”) acceptable to the Regional Water Board or its delegated officer. The RMMP shall include but not be limited to:
- a. An assessment of any direct and indirect impacts to any waters of the state on the Property, including, but not limited to, seeps, springs, bogs, and wetlands, caused by the unauthorized activities, including all areas that have been developed or disturbed, and identify controllable sediment sources requiring restoration. The assessment shall be completed by an appropriately qualified professional, and must at a minimum address channel hydrology, bed and bank stability, riparian and aquatic habitat and loss thereof, channel slope stability, instream reservoirs, active or potential erosion and sedimentation sites, culverts, and other stream crossings, as well as roads and all disturbed areas on the Property. The assessment shall include aerial photographs and/or satellite images, photographs, delineation reports, topographic maps, or drawings, etc., of Property conditions prior to and after conducting the unauthorized activities, and include a detailed map of features accurately depicting the Property’s topography, all graded surfaces, all waters of the state and waters of the United States, drainages, and stream crossings, instream structures, and the functional status of these features. Assessment findings before and after the unauthorized activities shall serve as the basis for the RMMP;
 - b. A plan for Property restoration, including a description of how long-term impacts from erosion and sedimentation sources will be abated (e.g., re-grading and reengineering, graveling or paving road surface, etc.), as well as a proposal to restore beneficial uses of any waters of the state on the Property that were adversely impacted by the unauthorized activities, including Salmon Creek and their unnamed tributaries, and any springs, seeps, bogs, or wetlands;
 - c. A proposal to provide compensatory mitigation to compensate for any temporal and/or permanent impacts to wetlands and other waters of the state that resulted from unauthorized activities on the Property. Compensatory mitigation shall comply with the State’s No Net Loss Policy. The proposal shall (1) describe existing site conditions at the proposed mitigation site; (2) describe implementation methods used to provide compensatory mitigation; (3) include monitoring that will be implemented and performance criteria that will be used to evaluate the success of the compensatory mitigation; and (4) include an implementation schedule;
 - d. Best management practices to be applied to all current and planned work associated with construction activities on the Property impacting, or having the potential to impact, Salmon Creek and unnamed tributaries. The RMMP shall contain, at a minimum, design specifications for roads, any water crossing, in-stream structure and for riparian and aquatic habitat restoration, surface drainage controls, erosion and sedimentation controls, an implementation schedule, a monitoring and reporting plan, and success criteria for restoration and compensatory mitigation;

- e. An implementation schedule that includes a time schedule for submitting permit applications to all applicable local, state, and federal agencies necessary and detailed project milestones to fulfill the requirements of this Order once those permits are obtained.
8. **No more than 60 days** after approval of the RMMP by the Regional Water Board or its delegated officer, the Dischargers shall fully implement the RMMP.
- a. The Dischargers shall notify and provide rationale to the Regional [or State] Water Board staff and obtain approval at least **14 days** prior to making any modifications to the approved RMMP.
9. **By September 15, 2018**, submit a **Completion Report** for the RMMP for approval by the Regional Water Board or its delegated officer. The Completion Report shall include accurate depictions, documentation, and as-built of all completed restoration construction and/or abatement measures included in the approved RMMP to restore Salmon Creek and unnamed tributaries to demonstrate the RMMP has been fully implemented. This report shall also include pre- and post-construction photographs taken at each photo point, as depicted on site maps/figures.
10. Upon completion of the restoration and mitigation of waters of the state, submit annual monitoring reports by **January 31** of each year for at least five years or until the Regional Water Board or its delegated officer approves a request to discontinue monitoring. Such a request may be submitted when the approved success criteria in the RMMP are met with supporting documentation. Each annual monitoring report shall include, at a minimum, a completed inspection checklist, photos of areas restored, a description of any locations where restoration is failing and/or needs to be corrected to achieve the success criteria.

GENERAL REQUIREMENTS AND NOTICES

1. **Duty to Use Qualified Professionals:** The Dischargers shall provide documentation that plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Dischargers shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professional as otherwise required by law.

2. **Signatory Requirements:** All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to his/her knowledge, the report is true, complete, and accurate. The Dischargers shall also state in the cover letter whether he/she will implement the recommendations/proposals provided in the report and the schedule for implementation. Any person signing a document submitted under this Order shall make the following certification:

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

3. **Notice of Onsite Work:** The Dischargers, or a duly authorized agent, shall notify Regional Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers may contact the Regional Water Board using the general phone line at (707) 576-2220.
4. **Notice of Change in Ownership or Occupancy:** The Dischargers shall file a written report on any changes in the Property's ownership or occupancy. This report shall be filed with the Regional Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.
5. **Reasonable Access:** The Dischargers shall allow the Regional Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Property and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.
Submissions: All monitoring reports, technical reports or notices required under this Order shall be submitted to:

Executive Officer – Matt St. John: Matt.St.John@waterboards.ca.gov

and Adona White, Water Resource Control Engineer:
Adona.White@waterboards.ca.gov

By email to: NorthCoast@waterboards.ca.gov (preferred)

By mail to: NCRWQCB, 5550 Skylane Blvd. Suite A, Santa Rosa, CA 95403

6. **Other Regulatory Requirements:** The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work.
7. **Cost Recovery:** Pursuant to Water Code section 13304, the State or Regional Water Board is entitled to all reasonable costs it incurs to investigate and abate the effects of unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other restoration action, required by this Order. The State Water Board's Site Cleanup Program Cost Recovery Program was established through the authorities of Water Code sections 13267, 13304, and 13365. The Dischargers shall pay all cost recovery invoices within 30 days of issuance of the invoice.
8. **Delayed Compliance:** If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and 5 days prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer.
9. **Potential Liability:** If the Dischargers fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the Regional Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and \$10 per gallon when the violation results in the discharge of waste, pursuant to California Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and condition of this Order.
10. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be revised as additional information becomes available.
11. **Modifications:** Any modification to this Order shall be in writing and approved by the Regional Water Board or its delegated officer including any potential extension requests.
12. **Requesting Review by the State Water Board:** Any person aggrieved by this or any final action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et al. The State Water Board must receive the

petition no later than 5:00 p.m., 30 days following the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/

or will be provided upon request.

Ordered by: _____
Matthias St. John
Executive Officer

April 9, 2018

18_0027_Harwood_SalmonPond_CAO

ATTACHMENT 3

CAL FIRE Notice of Violation

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

118 Fortuna Blvd
Fortuna, CA 95540
(707)946-2204
Website: www.fire.ca.gov



May 17, 2018

Thomas Harwood
P O BOX 264
Redway, CA 95560

NOTICE OF VIOLATION OF FOREST PRACTICE LAWS

Section 4604 of the Public Resources Code (PRC) requires the department to inspect timber operations for compliance with the Forest Practice Act and rules of the Board of Forestry and Fire Protection. Violations may be cause for prosecution as a misdemeanor (Public Resources Code 4601), action against a Timber Operator License (PRC 4573 and 4576), injunction action (PRC 4605 and 4606), or a combination of the foregoing actions. Civil penalties may also be imposed (see PRC 4601.1). The following letter details code sections violated, mitigations required and date by which all work must be completed.

Harvest Document: 1-18NON-011-HUM
Violator: THOMAS HARWOOD and BRETT GRATZEL
Inspection Date: May 17, 2018
Inspection Type: OTHER
Inspection Number: 1
Person Contacted: Thomas Harwood and Brett Gratzel

VIOLATION OF PRC 4571 (a) Necessity of License

RULE: : No person shall engage in timber operations until he/she has obtained a license from the board

VIOLATION: Brett Gratzel conducted commercial timber operations without a valid timber operator's license on property identified as Humboldt County Assessor Parcel # 221-021-008.

MITIGATION: This violation cannot be mitigated.

COMMENT: By converting timberland to a use other than the growing of trees, Brett Gratzel conducted commercial timber operations as defined by PRC 4527. A review of CAL FIRE records revealed that Brett Gratzel did not have a current timber operator's license as required at the time of operations. Brett Gratzel also stated that he did not have a timber operator's license.

VIOLATION OF PRC 4581 Necessity of a Timber Harvest Plan

RULE: No person shall conduct timber operations unless a timber harvest plan or applicable exemption prepared by the registered professional forester has been submitted for such operations to the department pursuant to this article. Such plan shall be required in addition to the license required in section 4571.

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

VIOLATION: Thomas Harwood hired Brett Gratzel to conduct timber operations without having Timber Harvest Plan or exemption for removing timber for the purpose of converting the land to uses other than growing timber.

MITIGATION: This violation cannot be mitigated.

COMMENT: Timber Operations is defined by PRC4527

(a) (1) "Timber operations" means the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities conducted after January 1, 1988, but excluding preparatory work such as tree marking, surveying, or road flagging.

(2) "Commercial purposes" includes (A) the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (B) the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber that are subject to the provisions of Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.

Clearing timberland for the purpose of constructing a pond meets the definition of a commercial purpose. By converting this +/-1.3 acres of timberland, Thomas Harwood hired Brett Gratzel to conduct timber operations without a required Conversion Permit and a valid Timber Harvest Plan, or conversion exemption.

VIOLATION OF PRC 4621 (a) Application For Conversion

RULE: Any person who owns timberlands which are to be devoted to uses other than the growing of timber shall file an application for conversion with the Board.

VIOLATION: Thomas Harwood converted timberland to uses other than the growing of timber without filing an application for conversion.

MITIGATION: If additional timber conversion operations are needed to complete your project a valid Conversion Permit and a valid Timber Harvest Plan or a valid operational harvesting permit is required prior to further conversion activities.

COMMENT: By converting +/-1.3 acres of timberland to uses other than the growing of trees, Thomas Harwood conducted commercial timber operations in the area converted. Thomas Harwood did not apply for, nor did he obtain a valid Conversion Permit or conversion exemption prior to converting the subject timberland for uses other than growing of trees.

VIOLATION: 14 CCR 916.3 General Limitations Near Watercourses, Lakes, Marshes, Meadows and Other Wet Areas.

RULE: "The quality and beneficial uses of water shall not be unreasonably degraded by timber operations. During timber operations, the timber operator shall not place, discharge, dispose of or deposit in such a manner as to permit to pass into the water of the state, any substance or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, or the quality and beneficial uses of water.

VIOLATION: Brett Gratzel constructed a pond in a Class II watercourse and adjacent to two Class III watercourses, placing a large amount of fill in and near the watercourses. Allowing the constructed pond to erode, resulting in soil discharging into Class II and III watercourses.

MITIGATION: This violation cannot be mitigated.

COMMENT: Conversion operations occurred within Class II and Class III watercourses. The conversion area is within a watershed with listed anadromous salmonids. As such, timber operations are subject to the Anadromous Salmonid Protection (ASP) portion of the Forest Practice Rules. In addition, there is heightened concern regarding discharges of soil and debris into watercourses, as these damage salmonid habitats.

VIOlation OF 14 CCR 916.9(h)(7) Protection and Restoraton of the beneficial Functions of the Riparian Zone in Watersheds with Listed Anadroums Salmonids.

RULE: Retain all the trees in the ELZ and channel zone which show visible indicators of providing bank or bed stability, excluding sprouting conifers that do not have boles overlapping the channel zone. Visible indicators of stability include roots that permeate the bank or provide channel grade control.

MITIGATION: This violation cannot be mitigated.

Comment: Conversion operations occurred within the protection areas of Class II and Class III watercourses. All of the trees within these watercourses were removed by Brett Gratzel to construct the pond.

VIOlation OF 14 CCR 916.9(g)(2)(A)(B) Protection and Restoraton of the beneficial Functions of the Riparian Zone in Watersheds with Listed Anadroums Salmonids.

RULE: The following are the minimum requirements for Class II WLPZ delineation and timber operations. Differing rules are specified for watersheds in the coastal anadromy zone, the Southern Subdistrict of the Coast Forest District, and areas outside the coastal anadromy zone. WLPZ width ranges from 50 to 100 feet slope distance, depending on side slope steepness in the WLPZ and the watercourse type. Additional site-specific measures may be incorporated into the plan as necessary to protect beneficial uses of water relative to riparian function pursuant to 14 CCR § 916.2(c), 916.4(a)(1), and 916.9 (b).

(2) Class II WLPZ Widths and Operational Requirements: All Class II WLPZs shall be composed of two zones regardless of the watercourse type: a Core Zone and an Inner Zone. The Core Zone is nearest to the water; the Inner Zone is contiguous to the Core Zone and is furthest from the water. The width of the Core and Inner Zones vary depending on the following three factors: (i) side slope steepness in the WLPZ, (ii) whether the watercourse is a Class II-S or Class II-L watercourse type, and (iii) whether the watercourse is within a watershed in the coastal anadromy zone or outside the coastal anadromy zone. Graphic depictions of zones and the abbreviated descriptions of the silvicultural prescriptions and operational requirements are shown in Figure 7.

(A) Core Zone: The width of the Core Zone varies from 10 feet to 30 feet measured from the watercourse or lake transition line. When established, no timber operations are permitted in this zone except for those listed in 14 CCR § 916.9 [936.9, 956.9], subsection (e)(1)(A)-(F), or practices approved pursuant to 14 CCR § 916.9 [936.9, 956.9], subsection (v). Sanitation-Salvage is prohibited except as provided in 14 CCR § 916.9 [936.9, 956.9], subsections (s), (t), and (u). Table 4 summarizes the minimum width for the Core Zone.

(B) Inner Zone: The widths of the Inner Zone vary from 35 feet to 90 feet and shall be measured from the landward edge of Core Zone or WTL, whichever is greater. Timber operations are permitted in this zone when conducted to meet the goals of this section, including those for the Inner Zone in 14 CCR § 916.9 [936.9, 956.9], subsections (c)(2) and (4), pursuant to 14 CCR § 916.9 [936.9, 956.9], subsections (e)(1)(A)-(F) or pursuant to 14 CCR § 916.9 [936.9, 956.9] subsection (v). Harvesting prescriptions should focus on practices that use thinning from below. Inner Zone widths are summarized in Table 4.

VIOLATION: Brett Gratzel constructed a pond in the watercourse and lake protection zone (WLPZ) of a Class II watercourse

MITIGATION: This violation cannot be mitigated.

COMMENT: All trees were removed in both the inner zone and the outer zone during the construction of the pond. No harvesting of trees in the inner zone of a Class II and only selection harvesting in the outer zone is allowed if properly permitted. All trees in both zones were removed during construction of the pond.

VIOLATION OF 14 CCR 914.2 (d) Tractor operations [All Districts]

RULE: Heavy equipment shall not operate on unstable areas.

VIOLATION: Brett Gratzel constructed a pond on an unstable area.

MITIGATION: This violation cannot be mitigated.

COMMENT: Conversion operations occurred on an area that was known to be unstable by the operator. At the time of the inspection Brett Gratzel stated that the area where the pond was going to be constructed was a known and visible unstable feature.

SUMMARY

An inspection of property owned by Thomas Harwood (Humboldt County Assessor Parcel # 221-021-008) was conducted on May 16, 2018. The inspection occurred after a routine inspection on an adjacent property and I noticed the freshly converted area. The property where the illegal activity occurred had a legal 2015 less than 3 acre conversion exemption filed for by Thomas Harwood, only 1 less than 3 acre conversion exemption is allowed per parcel and the landowner cleared 2.9 acres during the legal conversion in 2015. A call was made to Brett Gratzel on May 15, 2017 at which time he admitted to doing the work on the property and volunteered an onsite inspection. Neither a Conversion Permit, nor a Timber Harvesting Plan was obtained prior to conducting the conversion operations. The general conversion area was a 1.3 acre opening consisting of a large pond constructed in the channels of multiple watercourses. The ponds earthen dam was showing signs of failure and active land sliding around the perimeter of the pond was on going. Brett Gratzel told me that he piled and burned all of the Douglas fir, Pacific Madrone and Tan oak logs he removed from the converted area these trees are identified in 14CCR 895.1 as Commercial Species.

The conversion is 1.3 acres in size and is located in 3 watercourses and is in the WLPZ of a Class II. Brett Gratzel constructed the pond without permits from any agency and no professional oversight. During the inspection, evidence of recent erosion was visible and Thomas Harwood was draining the pond to prevent catastrophic failure from occurring. The converted area was located on a known and visible unstable area that was evidenced by hummocky ground and emergent ground water where Brett Gratzel needed to install rip rap to prevent sliding.

A GPS device was used to determine approximately 1.3 acres of timberland was converted. I saw Douglas fir, Madrone and Tan Oak growing along the perimeter of the cleared area.

Thomas Harwood stated that he is a Marijuana farmer and involved in the county permitting process. Thomas Harwood is in the process of mitigating other problems with his permit and the county involving WQ and CDFW. In addition to the mitigation of the unpermitted water impoundment created when he hired Brett Gratzel to construct this pond. The illegally converted area was observed to have been cleared of Douglas-fir, Madrone and tanoak trees identified in 14CCR 895.1 as Commercial Species. The conversion of timberland was conducted without a Timber Harvest Plan, Timber Conversion Permit or Conversion Exemption, or a valid timber operator's license. The CAL FIRE database was queried and no documents were found for the conversion activities at this



IMG 0826 1.3 acre illegal clearing with large pond in center



IMG0827 Sediment transport from the ponds dam above Class II watercourse



IMG0828 Sediment discharge into a Class III watercourse



IMG0829 Illegal clearing across Class III watercourse on an unstable area



IMG0830 Large portion of cutbank failing into an illegally constructed pond in an unstable area

ATTACHMENT 4

Water Hauling Receipts

Seasonal Water Solutions

1575 Sprowl Creek Rd.
Garberville, CA 95542
(707) 845-6935
seasonalwatersolutions@gmail.com

INVOICE

BILL TO
Charles Perry
3845 Thomas Rd
Miranda, CA 95553

INVOICE 401
DATE 09/18/2021
TERMS Due on receipt
DUE DATE 09/18/2021

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
09/18/2021	Domestic Water	Domestic Delivery	8,000	0.20	1,600.00

SUBTOTAL					1,600.00
TAX					0.00
TOTAL					1,600.00
PAYMENT					1,600.00

BALANCE DUE					\$0.00
					PAID

Seasonal Water Solutions

1575 Sprowl Creek Rd.
Garberville, CA 95542
(707) 845-6935
seasonalwatersolutions@gmail.com

INVOICE

BILL TO

Charles Perry

3845 Thomas Rd

Miranda, CA 95553

INVOICE

DATE

TERMS

DUE DATE

446

10/18/2021

Due on receipt

10/18/2021

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
10/18/2021	Domestic Water	Domestic Delivery	8,000	0.20	1,600.00

SUBTOTAL					1,600.00
TAX					0.00
TOTAL					1,600.00
PAYMENT					1,600.00

BALANCE DUE					\$0.00
					PAID

ATTACHMENT 5

- I. CAO Completion Report**
- II. Updated Cultivation and Operations Plan**
- III. Addendum to Cultivation and Operations Plan**
- IV. Updated Site Plan**

Completion Report

for APN 221-021-008
in response to CAO NO. R1-2018-0027

June 2019

Prepared for:

Thomas Harwood
3845 Thomas Road
Miranda, CA 95553
Humboldt County

WDID: 1B1646oCHUM

Prepared by:



661 G Street Arcata, California 95521
707-633-8321 | motherearthengineering.com



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List of Attachments

- 1) As-Built Site Plan
- 2) As-Built Geologic Assessment (SHN Engineers & Geologists, December 2018)
- 3) Revegetation Plan (Samara Restoration, January 2019)
- 4) Project Costs

1.0 Introduction

This Completion Report has been prepared to document the project completion and report on the status of the other projects described in the Restoration, Mitigation, and Monitoring Plan (RMMP) and Instream Work Plan implemented in response to Cleanup and Abatement Order (CAO) R1-2018-0027. A brief history of the projects at this site that preceded the construction efforts described herein is as follows:

- Trinity Valley Civil Engineers produced a plan set for construction of a pond (Pond) on the subject property (Property), Humboldt APN: 221-021-008, in November 2015. A grading permit from Humboldt County was not obtained at that time.
- A contractor constructed a pond on the subject parcel (Property) from October to November 2017 with construction continuing into the rainy season. The construction of the pond involved the filling and impoundment of two Class III watercourses (MP-3 and MP-5)¹. The pond embankment and cutslope subsequently developed slope failures.
- On March 27th, 2018 staff from North Coast Regional Water Quality Control Board (RWB) and California Department of Fish and Wildlife (CDFW) visited the Property and observed the Pond construction in an active state of failure.
- The RWB issued the CAO on April 9th, 2018 for the discharge and threatened discharge of earthen waste to Salmon Creek and its tributaries.
- A Site Characterization Report by Gary Simpson, CEG of SHN Engineers & Geologists was submitted to RWB April 16, 2018.
- Mother Earth Engineering (MEE) was enlisted by the property owner to develop an RMMP, an updated Lake or Streambed Alteration Agreement, a Construction Storm Water General Permit (CGP), and 401 & 404 permits to ensure compliance with CDFW, RWB, State Water Board, and US Army Corps of Engineers regulations. The focus of the RMMP proposed by MEE was a decommissioning of the roads in the project area, draining and decommissioning of the Pond, recontouring of the project area to match pre-existing grade, re-establishment of watercourses and riparian buffers.
- A grading permit was issued by the Humboldt County Planning and Building Department on September 5th, 2018 under the design and supervision of Kendra Miers, PE, CA Registered Civil Engineer #84860.
- A Conditional Approval of the RMMP, CGP, and associated Instream Work Plan for the project site was issued October 8th, 2018 by the RWB.
- A Lake and Streambed Agreement was issued on September 10th, 2018 by the CDFW.
- Grading commenced in mid-September 2018 and continued into the beginning of November 2018 by Shawn Studebaker, CA Contractors State License Board #785460. There was only one brief rain event during construction, and after a site visit between the Contractor, Engineer, and RWB staff observed the area to be dry; an extension for construction into the typical rainy season (after October 15) was granted.
- The project was completed, and all winterization measures were installed as of November 12th, 2018.
- Monitoring of the site will continue through the spring of 2023.

Refer to As-Built Site Plan for locations of features described in this report (Attachment 1).

¹ MP-Labels correspond to those found in the Instream Work Plan, Conditional Approval, and other documents.

2.0 Site Identifiers

Property Owners: Thomas and Tina Harwood

Site Address: 3845 Thomas Road, Miranda, CA 95553

Humboldt County APN: 221-021-008

Project Area Location (DD): 40.2344, -123.9373

HUC-12: 180101060404 – South Fork Eel River

WDID: 1B16460CHUM

CIWQS Place ID: 825028

3.0 Project Inventory

This Completion Report demonstrates that slope restoration and instream work has been carried out in accordance with Instream Workplan, included as Attachment 4 of Conditional Approval of Restoration Mitigation and Monitoring Plan for Cleanup and Abatement Order (CAO) No. R1-2018-0027. The completed project differed from the original descriptions of instream work at various points. These deviations were identified and justified along with proposed plans to comply with the original intent. During construction, conditions arose that necessitated change to the workplan. These changes were identified and a detailed description of how construction was completed was provided. Success criteria for construction and restoration are described in the associated Post-Construction Monitoring and Reporting Plan.

The project was completed and all winterization measures were in place on November 12, 2018. The recontoured slope area and portions of the instream work areas were treated with a hydroseed mix native to Northern California. All exposed earth received one or more types of cover treatment:

- Hydroseed
- Straw mulch
- Fiber rolls
- Jute netting
- Casting of slash or forest duff

A summary of all instream work points is included in Table 1. A description of the work completed on each Instream Work point and other project components follows. A description of the work remaining concludes the report.

3.1 Instream Work

This section summarizes the instream work completed in accordance with the Instream Work Plan approved by the RWB. Variances in dimensions or pathways are noted, and before and after photos are included in the narratives that follow. See the Project Map (Attachment 1) for locations and further details.

Table 1: Summary of instream work completed in the course of the project.

Instream Work Location	Previous Dimensions	Completed Dimensions	Discharge Point	Proposed Work in 2019	Monitoring Overview
MP-6 (LSA Crossing#2) ² 40.2330 -123.9364	Watercourse segment over earthen ford and diverted down road: 37'L x 2'W x 1'D	Reconnected channel: 40'L x 4'W x 1'D	DP-1	Assess in spring 2019	Monitor decommissioned riparian road; riparian revegetation
MP-5 (LSA Crossing #4) 40.2337 -123.9367	Length of watercourse leading to former pond site: 280'L x 0.5'W x 1.5' D	Rerouted channel: 200'L x 0.5'W x 0.5'D	DP-2	Assess in spring 2019	Channel restoration; riparian revegetation
MP-3 40.2343 -123.9377	Length of watercourse leading to former pond site: 125'L' x 0.5' x 0.5' D	Rerouted channel: 154' L x 1' W x 1' D	N/A	None	Channel restoration; riparian revegetation
MP-1 (LSA Crossing #5) 40.2344, -123.9387	Interrupted channel: 137'L x 2' W	Reconnected channel: 154' L x 6' W x 1'D	N/A	Before onset of 2019 fall wet season, restore to open channel (if earthwork complete)	Channel restoration; riparian revegetation
Constructed drainage swale and new watercourse	N/A	Drainage swale: 277' L x 17' W (average) Depth varies from 3' to 6'	DP-5	Assess after close of first rainy season	Maintenance of check dams; possible planting to minimize erosion and scour on pathway through forest

² LSA Crossing #s correspond to those found in LSA Agreement 1600-2018-0437-R1_HUM.

3.1.1 MP-1: Seep-fed Class III Watercourse Intercepted by Access Road

MP-1 was diverted, not during the construction of the failed pond structure, but during the construction of a flat that was used for water tanks and bladders. The watercourse originates approximately 60 linear feet from where it intercepts the access road. During this project, the flat was removed and recontoured to match the existing topography, and the diverted reach was restored with woody debris. The crossing over the road is currently an armored ford to allow for access to the project site through the summer of 2019 (Figure 1 and Figure 2). The long-term plan for this point is the removal of the crossing and restoration of open stream, with the road to the project site being fully decommissioned and blocked from vehicular access. Minimal equipment work may be necessary during summer 2019, and planting operations will take place in the fall of 2019. The significance of rain events in fall of 2019, and/or the need for equipment access next year and beyond will inform the timing of the removal of this crossing and restoration to open stream.



Figure 1: Before (4/25/18) and after (1/18/19) photos of the crossing at MP-1. An armored rock ford has been installed across the road temporarily to allow vehicle and equipment access to the site. Photos taken looking upstream (west).



Figure 2: MP-1 before (4/25/18) and after (12/6/18) downstream (northeast) from access road. The rock armor extends from the road approximately 25 feet into the channel. The next 50 feet of the restored reach is armored with slash and woody debris. The recontoured flat with tank removed is seen in the background.

3.1.2 MP-3 and MP-5: Class III Watercourses Diverted by Construction of Pond

Both MP-3 and MP-5 historically flowed into the pond site. The path by which these watercourses flowed away from the pond site, towards Salmon Creek or its tributary, was indiscernible after the construction of the pond. Additionally, the area north (downslope) of the pond site was observed to be an unstable landform with scarps and twisted conifers, and eroding banks of the Class II watercourse flowing north along the eastern project boundary. These concerns prompted a revised plan to reroute the reaches of MP-3 and MP-5 away from the pond site, in an effort to increase the stability of the reconstructed slope and the native area downhill.

MP-3 was rerouted to the northwest, over a native undisturbed hillside and across a flat into an existing vegetated swale (Figure 3 and Figure 4). The path across the flat is well-armored with import rock 1 to 3 feet deep that will remain as a stabilized construction entrance until the area is deemed stable.

MP-5 historically flowed northwest into the project site and was observed to be the greatest input of water into the pond during the controlled draining operation. MP-5 continued to flow throughout the summer of 2018. MP-5 originates from a seep or series of seeps approximately 80 feet from the edge of disturbance of the pond. A cofferdam diversion was installed in May of 2018 to divert this watercourse away from the pond and into the Class II stream to the east, to facilitate better drying of the area in preparation for earthwork in late summer and fall of 2018 (Figure 5, Figure 6, Figure 7, Figure 8, Figure 9 and Figure 10). The cofferdam diversion will be removed and the area planted with riparian species in the fall of 2019 to uptake additional seep flows that were not intercepted by the rerouted stream structure installed for the reach at MP-5.



Figure 3: Rerouted reach of MP-3. A small ditch was hand-dug to keep the flow in this channel off the restored pond area (left). The right photo shows the outlet from the forest onto the rock ford, looking east. Photos taken on 11/23/18.



Figure 4: Rerouted reach of MP-3 where it meets the existing vegetated swale. Photo taken looking west on 1/8/19.



Figure 5: Before (4/25/18) and after (5/9/18) installation of the cofferdam diversion on MP-5. This temporary measure will be removed before October 2019. Photo taken looking southeast.



Figure 6: Outlet of cofferdam diversion (DP-3) into unnamed Class II watercourse. Photo taken looking northeast on 5/3/18.



Figure 7: Before rerouting of reach of MP-5 flow over now decommissioned riparian road. This is upstream of the cofferdam diversion and approximately 60 feet from the headwaters of this stream. Photos taken looking south on 4/18/18 and 4/2/18.



Figure 8: View of the rerouted reach of MP-5 looking upstream. This is approximately where the decommissioned road intercepted the watercourse. The reconstructed slope can be seen in the background. Photos taken looking west on 2/5/19.



Figure 9: Rerouted reach of MP-5 looking downstream from point of interception with now decommissioned road. Photo taken looking east on 2/5/19.



Figure 10: Outlet of rerouted reach of MP-5. Straw bales placed as a temporary checkdam/sediment trap will be replaced with an armored outfall into the unnamed Class II during summer of 2019. Photo taken 2/5/19.

3.1.3 MP-6 Watercourse Filled and Diverted by Riparian Road

MP-6 is located on a Class III watercourse to the southeast of the pond site. This watercourse originates near a cabin uphill from the road crossing (Figure 11). This project included the decommissioning of the road and the restoration of this watercourse at the road crossing point.



Figure 11: Path of MP-6 across decommissioned riparian road marked by red stars. Photo taken looking south on 2/5/19.

4.0 Restoration Project Components

Throughout the planning, design and construction of pond removal, slope recontouring, and watercourse restoration the site was evaluated by MEE under the direction of Kendra Miers, PE. On 10/5/18 during a site visit with Adona White, PE (WB staff) and Shawn Studebaker (Project Contractor) it was decided a groundwater seep that was revealed while excavating the toe of the Pond embankment would need to be addressed in order to minimize any additional sliding within the project area, and to keep runoff or channelized water from entering the downslope area already compromised by the failed Pond. Additionally, the plan for restoration of the Class III watercourses at MP-3 and MP-5 to their courses over the slope area was revised to reroute these watercourses away from the Pond site instead. The new routes of these watercourses are not necessarily a permanent solution, but a temporary measure to ensure there is no further degradation to the Pond site or waters of the State, and an attempt to maximize landform stability of the area. Assessment after the first wet season will inform the feasibility of maintaining the new channel pathways of these watercourses.

4.1 Decommissioning of Eastern Riparian Road

The riparian road accessing the eastern side of the restored pond area was decommissioned from an existing cabin area to the project site. The total decommissioned length of road is approximately 600 linear feet. The road was ripped to 18 inches below grade and outsloped to match the existing topography. Exaggerated water

bars were installed intervals along the decommissioned length to prevent vehicular access (Figure 12, Figure 13 and Figure 14).



Figure 12: View of the decommissioned road south of MP-6. This is the point is the end of vehicle access from the flat with a cabin. An exaggerated water bar has been installed to make the roadway impassable for vehicles. Woody debris, jute netting and straw bale barrier have been installed to filter surface runoff and prevent erosion. Photo taken looking north on 12/6/18.

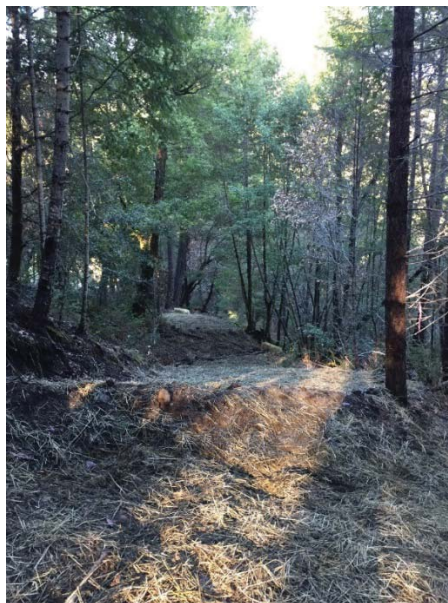


Figure 13: Water bar visible in the in the foreground. In the background the stream crossing at MP-6 is visible. Photo taken looking west on 12/06/18.

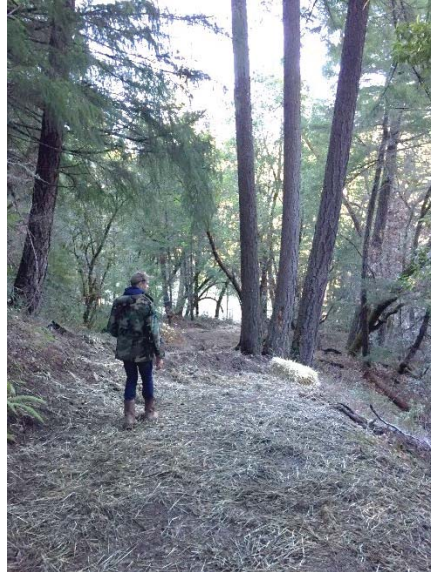


Figure 14: Water bar installed between MP-5 and MP-6. A straw bale was installed at the outlet of the bar and straw mulch placed for erosion control. Photo taken looking northwest on 12/6/18.

4.2 Pond Removal and Slope Recontouring

The Pond was drained in April 2018 by conveying flow through a perforated PVC manifold into the forest to the northwest of the disturbed area. Views of the Pond prior to draining are illustrated in Figure 15, Figure 16, Figure 17 and Figure 18). After the pond was drained and the potential of catastrophic failure of the embankment was eliminated, the area was allowed dry throughout the summer of 2018 (Figure 19). Grading to restore the original slope and contours of the of the disturbed area commenced in late summer after all the required work permits were obtained. Completed slopes are all less than 2H:1V, in accordance with the Humboldt County Grading Ordinance and sound engineering practice. Compaction tests according to ASTM D6938 – 17a - Standard Test Methods for In-Place Density and Water Content of Soil and Soil-Aggregate by Nuclear Methods (Shallow Depth) were performed for four days during construction of the slope. Tests from the lower 2/3 of the slope returned relative compaction values of 90% or higher. The upper 1/3 of the slope was not constructed in the typical manner by placing 8-inch loose lifts, then compacting before placing the next. This was due to the logistics of earthmoving at the site and the necessity of preserving the upland forested area. This upper portion has experienced slight surface movement as expected, with small scarps forming across contours. This area will continue to be monitored, and any necessary equipment work conducted during summer 2019 (Figure 20).



Figure 15: Pond before draining, with scarps on embankment shown in foreground. The owner tried to stabilize the embankment by covering with plastic sheeting to protect from rain. Photo taken looking northwest on 04/02/18.



Figure 16: Exterior of embankment, showing the backtilted conifer and scarps under plastic sheeting. Photo taken looking west on 4/2/18.



Figure 17: View of the exterior embankment after the plastic sheeting was removed. Photo taken looking west on 5/17/18.



Figure 18: Cutslope above pond showing slope failure and fallen trees. Photo taken looking southeast on 4/4/18.



Figure 19: View of the pond basin during draining operations. Photo taken looking west on 5/9/18.



Figure 20: Reconstructed slopes showing hydroseed application and fiber rolls on contours. The former pond site is approximately in the center of this photo. All disturbed surfaces received surface treatment including hydroseed, straw mulch, and/or fiber rolls or jute netting to prevent erosion. Photo taken looking northwest on 11/14/2018.

4.3 Installation of Groundwater Seep Interceptor (GSI)

During construction of the slope on the former pond site, a groundwater seep was discovered while excavating at the area of the toe of the embankment. Groundwater was encountered approximately 6 feet below native grade before the onset of the rainy season. This seep was also co-located with a shelf of “blue goo” extending in a large plane upslope in a southeasterly direction. The location of this bedrock shelf corresponds to observed springs and seep in the project area, as well as areas of scarp formation and land wasting.

To mitigate the instability issues by this area of subsurface water flow, and minimize additional slide, groundwater seep interceptor was designed and installed to minimize any further slides within the project area. The interceptor is constructed of a 36-inch diameter steel pipe, 12 feet in length. The bottom 5 feet of the pipe is perforated with 1-inch holes drilled 4 inches on center, with rows staggered. The groundwater seep pit was prepared by excavating down to bedrock. The pit is approximately 14 feet in diameter. The pipe was installed

Mother Earth Engineering

Completion Report: APN 221-021-008 Resolution of CAO NO. R1-2018-0027

3 feet below grade so that the lower 3 feet are within the bedrock, and the upper 2 feet of perforations were above grade. The pit was then filled with $\frac{3}{4}$ inch minus drain rock to approximately 5 feet from the top of the pipe. The total depth of bury is approximately 7 feet (Figure 21). There are two (2) 4-inch PVC discharge pipes that extend from the interceptor, one with its invert set at the top of the bedrock, the other with an invert set 1 foot above the first (Figure 22). Monitoring of the interceptor discharge point has shown consistent clear water discharge.

Monitoring throughout the winter and spring of 2018-2019 shows the GSI performing as intended, with no further sliding or wasting in the vicinity. The discharge point of the GSI has been visually monitored and sample tested for turbidity through the rainy season of 2018-2019 (Figure 23). See Monitoring and Reporting Plan for details and test results.



Figure 21: Groundwater seep interceptor at the base of the project area. The installation is located at the point of greatest embankment failure, an area of subsurface flow atop a bedrock shelf. Photo taken looking west on 11/14/18.



Figure 22: Discharge pipes from GSI directed across area of land instability below reconstructed slope. Photo taken looking northeast on 11/14/18.



Figure 23: Outlet of the GSI, DP-4, where it drains onto the western bed of the unnamed Class II Salmon Creek tributary. Photo taken 02/28/19.

4.4 Installation of Constructed Drainage Swale

In the initial design of the remediation project, MP-5 was planned to be a reconstructed channel that ran through the former Pond area. The strategy shifted to one that kept as much water away from the project area as possible, so MP-5 was diverted to the east in the constructed swale filled with woody debris. This was accomplished with the installation of a constructed drainage swale for the purpose of collecting any surface sheet or seepage flow that may run over the former Pond area (Figure 24). This drainage swale was installed with check dams to minimize velocity and allow for sediment deposition (Figure 25). The constructed drainage swale continues to the limits of the project area (Figure 26) and then flows to join an existing watercourse, which drains into Salmon Creek [at DP-5] (Figure 27, Figure 28, Figure 29 and **Error! Reference source not found.**).



Figure 24: Constructed drainage swale installed to collect sheet flow from the upper reconstructed slope. Photo taken looking east on 02/05/19.



Figure 25: Typical checkdam installed in drainage swale. Photo taken looking upstream (east) on 2/5/19.



Figure 26: Interface between the project area and downslope, undisturbed area. The flow from the constructed drainage swale passes through a riprap apron into the vegetated area before joining an existing watercourse. Photo taken looking north on 02/05/19.



Figure 27: Path of flow from constructed drainage swale into forest just downstream of the armored interface shown in Figure 26. This flow joins an existing Class III watercourse approximately 200 linear feet from this point, which discharges ultimately into Salmon Creek. Photo taken looking northwest on 1/8/19.



Figure 28: Existing watercourse downstream of the confluence with the flow from the constructed drainage swale, at the confluence of Salmon Creek, DP-5. Photo taken looking south on 1/8/19.



Figure 29: DP-5, at the confluence of Salmon Creek. Photo taken looking west on 02/05/19.

5.0 Summary of Outstanding Work

The work on this project succeeded in remediating the site and protecting waters of the State. Overall, the stability of the slope has been greatly increased and the rerouted and restored watercourses are establishing well. The placement of slash, rock, and straw bale filters in the new streambeds has helped to mitigate any sediment transport to receiving waters. Consultation with WB, CDFW, and USACE will inform the comprehensive work plan for earthwork and replacement of erosion control measures before onset of the rainy season in fall of 2019.

Earthwork is expected to be minimal (<50 cu. yd.) to fortify berms of watercourses or possibly recontour the areas of scarp emergence on the upper slope area. Best management practices for avoidance, minimization, and scour will continue to be employed throughout the design and management of this project through the mandated monitoring period (spring 2023). All earthwork will occur before October 15, 2109.

Planting and revegetation operations according to the Revegetation Plan (Samara Restoration, January 2019) will commence after the first rain event of 2019. See Attachment 3.

Any revision of the project at this point should continue with the directive of keeping as much flow as possible from entering the area directly downslope of the reconstructed slope. This area shows signs of instability that were likely present before any development occurred and care should be taken to minimize any further development that may cause increased instability. See Attachment 2.

A report of project costs to date and the Engineer's opinion of costs for future earthwork and monitoring is included as Attachment 4.

List of Attachments

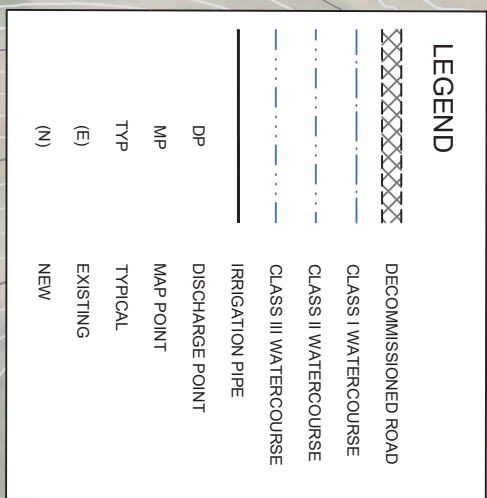
- 1) As-Built Site Plan
- 2) As-Built Geologic Assessment
- 3) Revegetation Plan
- 4) Projected Costs



Attachment 1



As-Built Site Plan



NOTES

1. BOUNDARY TOPOGRAPHIC LAND SURVEY PERFORMED BY KOLSTAD SURVEY, JUNE 2018.
2. DRONE SURVEY PERFORMED BY VERTICAL SCIENCES, NOVEMBER 2018.
3. USGS CONTOURS SHOWN IN AREAS OUTSIDE SURVEYED AREAS.
4. MAP POINT (MP) LABELS COORESPOND TO INTREAM WORK PLAN & ASSOCIATED DOCUMENTS, AND DENOTED A SINGLE POINT ALONG A CHANNEL REACH THAT HAS BEEN RESTORED AS PART OF THIS PROJECT.

APN: 221-021-008
THOMAS & TINA HARWOOD

APN: 221-021-006
LARRY CHAPMAN FAMILY

APN: 221-021-021

SURVEYED PROPERTY LINE

(N) RESTORED CHANNEL
REACH #6, SEE SHEET 4

(N) REROUTED CHANNEL REACH #5,
SEE SHEET 3
(E) DECOMMISSIONED ROAD

(N) COFFERDAM DIVERSION, TO BE REMOVED & REMEDIATED PRIOR TO OCTOBER 2019

[40.2339,-123.9365]

ROBINSON & CHURCH

(N) CHECKDAM, TYP, SEE DETAIL SHEET 5

CHECK DAMS, SEE SHEET 5

(N) GROUNDWATER SEEP INTERCEPTOR
[40.2344, -123.9368], SEE DETAIL SHEET 7

(N) (2) 6" IRRIGATION PIPES
CORRUGATED PLASTIC

**SURVEY PROPERTY CORNER
STEEL PIPE WITH ORANGE FLAGGING**

DP-4, [40.2346, -123.9364]

CLASS II TRIBUTARY TO SALMON CREEK

PROJECT INFORMATION

PROJECT:
HARWOOD RESTORATION PROJECT

APPLICANT:
THOMAS HARWOOD

APPLICANT MAILING ADDRESS:
P.O. BOX 264
REDWAY, CA 95560

AGENT:
KENDRA MIERS
MOTHER EARTH ENGINEERING, INC.

AGENT MAILING ADDRESS:
920 SAMOA BLVD., SUITE 210
ARCAITA, CA 95521

MEE JOB NUMBER:
18004.1

SITE INFORMATION

APN: 221-021-008
SITE ADDRESS: 3845 THOMAS ROAD,
MIRANDA, CA 95553
OWNER: THOMAS & TINA HARWOOD
OWNER MAILING ADDRESS: P O BOX 264
REDWAY, CA 95560

REVISION SCHEDULE			
REV	DESCRIPTION	BY	DATE
0	AS-BUILT SITE PLAN	CC, CL	5/16/19
1	AS-BUILT / NOC	CL	6/13/19
2			
3			
4			
5			



6/13/19

AS-BUILT SITE PLAN

SHEET NO:

Attachment 2



As-Built Geologic Assessment



Reference: 018078

December 14, 2018

Ms. Kendra Miers
Mother Earth Engineering
920 Samoa Boulevard, Suite 210
Arcata, CA 95521

**Subject: Engineering Geologic Inspection of Pond Decommissioning, Harwood Pond Site,
3845 Thomas Road Miranda, California; APN 221-021-008**

Ms. Miers:

This report provides the results of our recent field inspection at the site of a decommissioned water storage pond at 3845 Thomas Road (APN 221-021-008) in Miranda. We have previously visited the site multiple times during the assessment phase and during the actual decommissioning. The intent of this letter is to inform you, regulators, and the owner regarding the adequacy of the completed work from a geotechnical standpoint, and to assess the enduring potential for additional mass wasting that may occur as a result of past impacts to slopes adjacent to the former pond site. As necessary, our assessment includes a determination as to whether additional work should be completed to minimize the potential for future slope failures. We specifically focused on the decommissioned pond, as well as the condition of the slope directly below the former pond site, adjacent to the Class II stream that traverses the site.

We visited the site with you on December 11, 2018, following the completion of the decommissioning and application of initial erosion control measures. We were joined on the trip by Eric Johnson from Samara Restoration. At that time, we reviewed the conditions in the recent work area, and on the slope below the former pond site. We had previously observed this slope on several occasions, so our primary goal was to determine if any additional slope movement was apparent, and if so, to determine whether stabilization efforts were appropriate.

Decommissioned Pond Site

At the time of our visit, the pond had been removed and the site, graded in accordance with the plan outlined by Mother Earth Engineering. Based on our visual inspection, the mass wasting hazard at the former pond site has been greatly reduced. Slope gradients appear suitable; likely approximating original grade before the pond construction. The finished grading has resulted in smooth slopes without steepened areas that may be subject to future mass wasting.

We observed some improvements that can be made to the erosion control, but these have little impact on the stability of the site, and are not relevant to this assessment. It is apparent that slope drainage is still a work-in-progress, as seeps become apparent on the recently graded slopes. Continued management of drainage will be an important consideration on erosion potential, but should have a minimal impact on slope stability as runoff is being diverted to a stable area to the northwest of the repair area.

From an engineering geologic standpoint, we conclude that the decommissioning of the pond was adequately designed and completed. We have no additional recommendations relative to this part of the project.

Slope Below Former Pond Site

Through the assessment and decommissioning phases of the project, it became apparent that a previously undisclosed large volume release of water had impacted the slope below the pond site. We have become aware that a water storage bladder (or bladders) previously stored at the site (prior to the pond development) had ruptured, delivering their contents to the slope below the eventual pond site. We had previously assumed that the recent mass wasting on the slope was a result of leakage through the pond embankment, but we now infer that the impacts apparent on the slope pre-dated the pond and were a likely result of the earlier bladder rupture.

The slope below the pond site is marked by apparent scour features, numerous open ground cracks and fissures, and evidence of translational movement over much of the slope. The failed slide mass extends to the stream bank of the Class II watercourse adjacent to the site and indicates that the bank has encroached toward the channel.

Since our initial visit to the site earlier this year, we have not observed additional movement of the subject slope. The absence of additional movement reinforces the interpretation that the observed mass wasting resulted from the earlier bladder rupture, and was largely unaffected by the later pond construction. Therefore, we conclude that there is a low potential for additional mass wasting on this slope under current conditions.

One side-effect of the remediation work has been the re-direction of runoff away from the subject slope below the former pond site. This is a favorable outcome; management of runoff that may reach the slope is the primary mitigation for future mass wasting.

There does not appear to be additional geotechnical stabilization work that would offer substantial mitigation to future mass wasting. Additional methods that could be employed to reduce mass wasting potential (buttressing the toe of the slope along the creek bank, for example) would be associated with such substantial disturbance potential as to outweigh the potential benefit. Due to the low potential for additional mass wasting, we do not endorse additional stabilization work on the subject slope at this time.

During our recent site visit, we discussed the potential for localized planting at the toe of the slide, in an area associated with loose, soft soil along the creek bank. It is our understanding that Samara Restoration will be providing a plan to stabilize this area through bioremediation methods.

Future Monitoring

We understand the site will be subject to monitoring for five years. We recommend that the slope below the decommissioned pond site be included in this monitoring program. The slope should be inspected for changes that would suggest additional movement. Scarp height and freshness should be observed, and the creek bank, assessed for additional encroachment. Substantial geomorphic changes during the monitoring period may warrant a reassessment of whether additional stabilization work is warranted.

Ms. Kendra Miers

Engineering Geologic Inspection, Decommissioned Pond, APN 221-021-008, Miranda, CA

December 14, 2018

Page 3

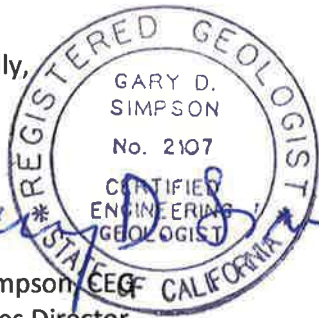
We hope that this report provides the information that you need at this time. If additional information or clarification of the information presented herein is required, please don't hesitate to contact our office.

We appreciate the efforts of all parties involved. We consider this a successful mitigation effort that defused a potentially massive environmental impact. Thank you for working with us on this important project.

Respectfully,

SHN

Gary D. Simpson
Geosciences Director



GDS:lms

Attachment 3



Revegetation Plan



HARWOOD PROPERTY REVEGETATION PLAN

APN 221-021-008

January 8, 2019

CAO No. R1-2018-0027

WDID 1B16460CHUM

Prepared by:
Eric Johnson
Samara Restoration
PO Box 4586, Arcata, CA 95518
(707) 834-4379

PROJECT LOCATION

The project is located in Humboldt County at 3845 Thomas Road, Miranda, California 95553 (see attached Addendum 1).

PARCEL NUMBER: APN 221-021-008

PROJECT DESCRIPTION

In conjunction to the Restoration, Mitigation, and Monitoring Plan developed by Mother Earth Engineering, this revegetation plan proposes to mitigate the environmental damages caused by grading in streambed areas that are causing impacts to the class II stream in Miranda, California. Site grading activities to decommission a large pond was implemented in the Summer of 2018. This plan addresses the revegetation of six sites on the property with associated mitigation measures outlined to address the site's environmental impacts. The locations of the revegetation sites described below are shown on the Revegetation Site Map in Appendix 1. This plan outlines the planting specifications as well as the monitoring of the revegetation efforts.

Revegetation Site 1: Drainage Swale with Check Dams

The Drainage Swale with Check Dams shown on sheet 1 of the RMMP/401 Plan is approximately 3,780 square feet (315' x 12') with ten rocked check dams in approximately 30-foot intervals. As shown below, the wetland species mix will be planted around the edges of each check dam and in the thalweg (6') of the channel totaling approximately 2,400 square feet. The riparian upland mix will be planted in ten clusters (approximately 12' wide X 30' long) on alternating sides on the top bank of the swale. All plants are to be installed in accordance to the Plant Installation Specification described below in table 1.

TABLE 1: REVEGETATION SITE ONE PLANT SPECIES LIST

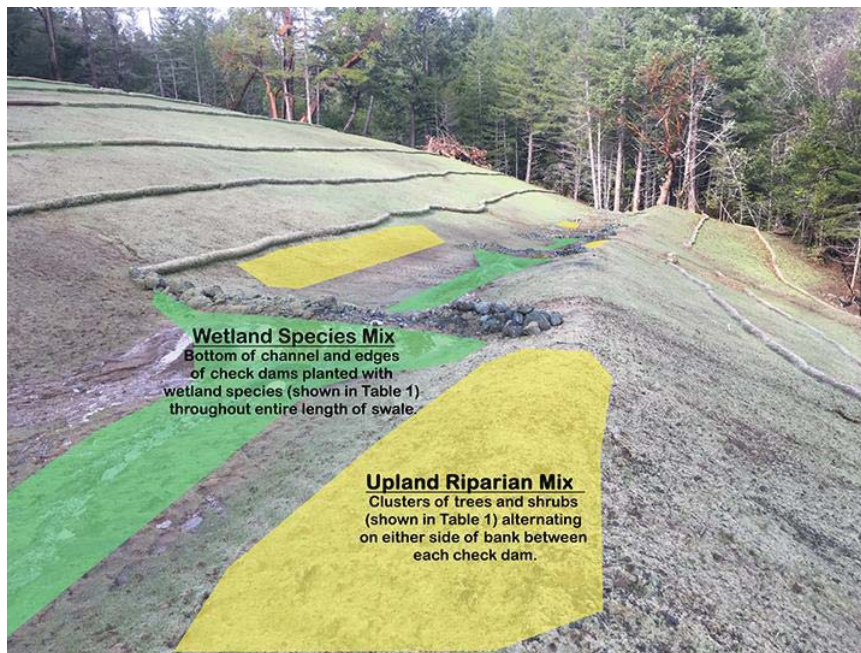
Wetland Species Mix for Swales and Check Dams

<i>Species Name</i>	<i>Common Name</i>	<i>Quantity</i>	<i>Container</i>	<i>Spacing (inches)</i>
<i>Juncus patens</i>	Spreading Rush	275	Plant Band	12
<i>Scirpus microcarpus</i>	Small-fruited Bulrush	275	Plant Band	12
<i>Juncus effusus</i>	Common Rush	150	Plant Band	12
TOTAL WETLAND SPECIES		700		

Upland Riparian Species Mix for Rehabilitated Channel Banks

<i>Species Name</i>	<i>Common Name</i>	<i>Quantity</i>	<i>Container</i>	<i>Spacing (inches)</i>
<i>Acer macrophyllum</i>	Big Leaf Maple	12	1 gallon	72
<i>Quercus chrysolepis</i>	Canyon Live Oak	16	1 gallon	144
<i>Umbellularia californica</i>	California Bay	12	1 gallon	144
<i>Cornus sericea</i>	Red-twig Dogwood	20	1 gallon	72
<i>Ribes sanguineum</i>	Red-flowering Currant	20	1 gallon	60
<i>Rubus parviflorus</i>	Thimbleberry	20	1 gallon	60
<i>Cornus sericea</i>	Red-twig Dogwood	20	1 gallon	60

<i>Holodiscus discolor</i>	Oceanspray	20	1 gallon	60
<i>Corylus cornuta</i>	California Hazelnut	20	1 gallon	60
<i>Polystichum munitum</i>	Sword Fern	20	4"	48
TOTAL UPLAND SPECIES		180		



Above: Planting mix layout for the Drainage Swale and Check Dams.

Revegetation Site 2: MP 1 (LSA Crossing #5; 40.2344, -123.9387)

The area was graded to reconnect the channel by removing the existing road fill. The disturbed area post construction totaled approximately 600 square feet (6' W by 100' L) and will be replanted using wetland plugs in the channel and shrubs along the top of the bank. The area of disturbance is to be planted with the listed species, quantities, and spacing described below in table 2.

TABLE 2: REVEGETATION SITE TWO (MP-1) PLANT SPECIES LIST

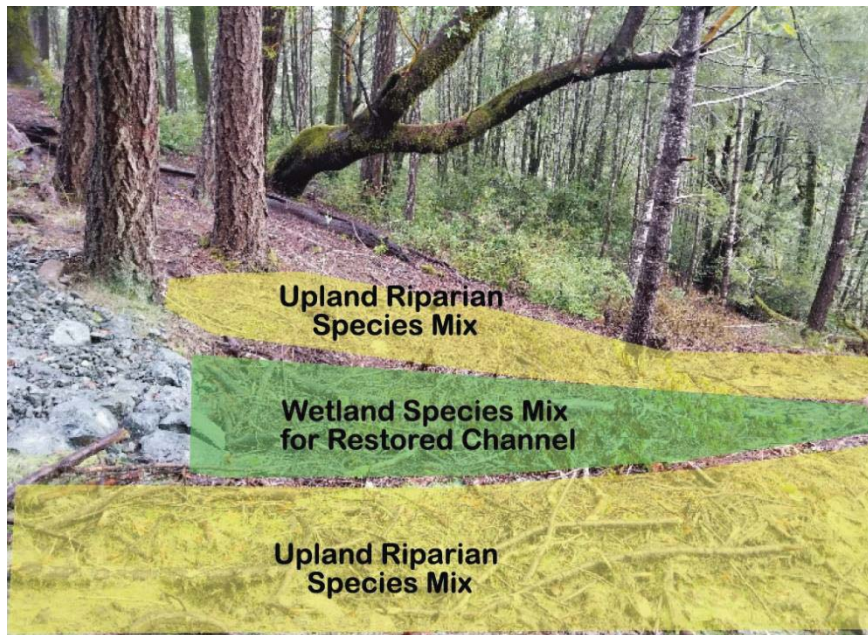
Wetland Species Mix for Restored Channel

<i>Species Name</i>	Common Name	Quantity	Container	Spacing (inches)
<i>Juncus patens</i>	Spreading Rush	40	Plant Band	24
<i>Scirpus microcarpus</i>	Small-fruited Bulrush	40	Plant Band	24
<i>Juncus effusus</i>	Common Rush	40	Plant Band	24
TOTAL WETLAND SPECIES		120		

Upland Riparian Species Mix for Channel Banks

<i>Species Name</i>	Common Name	Quantity	Container	Spacing (inches)
<i>Ribes sanguineum</i>	Red flowering Currant	6	1 gallon	72
<i>Cornus sericea</i>	Red-twig Dogwood	5	1 gallon	72

<i>Corylus cornuta</i>	California Hazelnut	5	1 gallon	72
TOTAL UPLAND SPECIES		16		



Above: Planting mix layout for site 2 restored channel

Revegetation Site 3: MP-3 (40.2343, -123.9377)

A small section of channel re-diverted to reconnect the watercourse. The area of disturbance during the earthwork to reconnect the channel is approximately 200 square feet. The area of disturbance is to be planted with the listed species, quantities, and spacing described below in table 3.

TABLE 3: REVEGETATION SITE THREE (MP-3) PLANT SPECIES LIST

Species Mix for Reconnected Channel

<i>Species Name</i>	Common Name	Quantity	Container	Spacing (inches)
<i>Juncus patens</i>	Spreading Rush	20	Plant Band	24
<i>Scirpus microcarpus</i>	Small-fruited Bulrush	20	Plant Band	24
<i>Juncus effusus</i>	Common Rush	20	Plant Band	24
TOTAL WETLAND SPECIES		60		

Revegetation Site 4: MP-5 (LSA Crossing #4; 40.2337, -123.9367)

This site has a class III drainage that has been redirected to drain towards the class II stream. A bank levee has been created to channel the water away from the restored pond location and the levee is approximately 162' in length and 6' wide. The levee should be planted with the listed species, quantities, and spacing described below in table 4.

TABLE 4: REVEGETATION SITE THREE (MP-5) PLANT SPECIES LIST**Species Mix for Restored Channel Berm**

<i>Species Name</i>	Common Name	Quantity	Container	Spacing (inches)
<i>Iris douglasiana</i>	Douglas Iris	10	1 gallon	60
<i>Polystichum munitum</i>	Sword Fern	10	4"	60
<i>Ribes sanguineum</i>	Red-flowering Currant	10	1 gallon	72
<i>Lonicera hispidula</i>	California Honeysuckle	10	1 gallon	72
TOTAL UPLAND SPECIES		40		

**Above:** Restored Channel berm to be planted with species mix in table 4.**Revegetation Site 5: MP-6 (LSA Crossing #2; 40.2330, -123.9364)**

At this location (MP-6), a road was decommissioned, and the channel was restored to its original location. The restoration channel is approximately 15 feet in length by 10 feet in width. This area will be planted with the Wetland Species Mix in table 5. The banks on either side had temporary disturbance during construction totaling approximately 900 square feet of upland area to be planted with the Upland Riparian Species Mix shown in table 5.

TABLE 5: REVEGETATION SITE THREE (MP-6) PLANT SPECIES LIST**Wetland Species Mix for Restored Channel**

<i>Species Name</i>	Common Name	Quantity	Container	Spacing (inches)
<i>Juncus patens</i>	Spreading Rush	40	Plant Band	24

<i>Scirpus microcarpus</i>	Small-fruited Bulrush	40	Plant Band	24
<i>Juncus effusus</i>	Common Rush	40	Plant Band	24
TOTAL WETLAND SPECIES		120		

Upland Riparian Species Mix for Channel Banks

<i>Species Name</i>	Common Name	Quantity	Container	Spacing (inches)
<i>Ribes sanguineum</i>	Red flowering Currant	13	1 gallon	72
<i>Cornus sericea</i>	Red-twig Dogwood	12	1 gallon	72
<i>Corylus cornuta</i>	California Hazelnut	10	1 gallon	72
<i>Polystichum munitum</i>	Sword Fern	10	4"	72
TOTAL UPLAND SPECIES		45		



Above: Green represents the upland riparian species mix and the yellow represents the planting location for the wetland species mix for MP-6 shown in table 5.

Revegetation Site 6: Class II Eroded Bank

Adjacent to the restored channel there is approximately 240 square feet of bank erosion from a one-time event of a water bladder failure causing some erosion of the bank into the class II channel. Most of the bank has naturally revegetated, but there are two small sections at the toe of the bank near the class III stream totaling approximately 650 square feet. The bare soil areas of the bank will be planted with the species mix below in table 6.

TABLE 6: REVEGETATION SITE THREE (Eroded Bank) PLANT SPECIES LIST

Restoration Species Mix for Class II Eroded Bank

<i>Species Name</i>	Common Name	Quantity	Container	Spacing (inches)
<i>Lonicera hispidula</i>	California Honeysuckle	10	Plant Band	60
<i>Polystichum munitum</i>	Sword Fern	10	Plant Band	60

<i>Tellima grandiflora</i>	Fringe cups	10	Plant Band	60
TOTAL RIPARIAN SPECIES		180		



Above: Bare soil areas of the eroded bank to be planted with the species in Table 6.

SITE PREPERATION

Hand tools will be used to install the plants and associated planting materials (mulch and tree protection). No Equipment will be utilized for any revegetation activities. In order to reduce competition on the plants being installed, the existing thatch layer of vegetation will be removed in a three feet diameter prior to plant installation.

PLANTING SPECIFICATIONS

All upland species shall be mulched with a three-foot diameter by four-inch-thick layer of hardwood mulch. All trees and shrubs will include a three-foot diameter browse protection guards using 6' nylon deer fencing supported by three peeler poles (2") or T-stakes fence posts. Plants shall be watered within 24 hours of planting. All wetland and grass species shall be mulched with weed-free straw. All plants shall be installed within holes twice the diameter and depth of the container and the soil shall be compacted in order to remove any air spaces near the roots. A composted soil conditioner will be added to each shrub and tree hole in order to increase the organic matter in the soil. All rocks larger than 1" diameter shall be removed from the planting hole. No fertilizer shall be used in any of the drainage areas. If plants are stressed due to lack of water, the plants are to be watered as needed to support active growth and survival.

BEST MANAGEMENT PRACTICES

The Best Management Practices are described in detail on plan sheet C5 and will be implemented as needed during the entire project. When working or planting above the high-

water line, filter fabric fence, straw wattles, fiber rolls and/or straw bales will be utilized to keep sediment out of the water body. All disturbed areas will be seeded and/or planted and mulched within 3 days post construction. Erosion control materials such as silt fence, straw wattles, and straw bales will be on-site at all times during the approved project work period. Vehicles and equipment will not be driven or operated near water courses where wetland vegetation or sediment can be a threat. In large disturbed slope areas, biodegradable erosion control blankets will be used within the planted areas to stabilize the slopes. Other Best Management Practices will be implemented as needed.

Project implementation will be completed during dry periods and with agency approval. Minimal and cautious use of equipment will be used to avoid disturbance to soil, vegetation, and habitat. When possible, hand tools will be used to minimize compaction and vegetation disturbance. Native vegetation and/or bird habitat will be flagged and avoided during construction. Noise reductions measures will be instated to minimize bird disturbance. Vehicles and equipment will not be fueled, cleaned or stored near water courses in order to avoid impacts to fish, wildlife, and plants.

PERFORMANCE STANDARDS (Years 1-3)

Vegetation: 80% survival of planted vegetation over five years post monitoring for all the riparian plantings and 80% native coverage for all the Riparian, wetland and bank stabilization plantings.

VEGETATION MONITORING

The vegetation monitoring will occur annually in the summer months during active flowering time. All baseline vegetation and erosion control measures implemented will be described in the as-built plans developed post implementation for baseline information against the future monitoring. The reports will be submitted to the agencies annually at the end of the year and will include all monitoring data and findings for all the monitoring components. The monitoring will compare the baseline data from all previous monitoring reports.

The vegetation will be monitored annually in the summer for percent survival for the Upland Planting Species Mix and percent native coverage for the grasses and wetland species. The trees and shrubs will be inventoried for viability and the grasses and wetland plants within the vegetated swales, stabilized banks and riparian channels will be monitored using 1 meter quadrant along the designated vegetation transects located at 20 foot intervals along the rehabilitated channel, vegetated swales, and stabilized banks. The Upland Planting Species Mix will be monitored for 90% viability and the wetland and grass species will be monitored for 80% native coverage. Vegetation monitoring will be conducted by a qualified professional and the reports will be submitted to the agencies within 15 days of monitoring.

Agencies to Receive Monitoring Reports

California Department of Fish and Wildlife, Eureka, CA
California State Water Quality Control Board, Eureka, CA
Humboldt County Planning and Building Department, Eureka, CA

REMEDIAL MEASURES

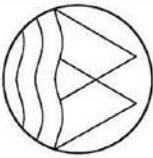
In the event that the performance criteria are not met within the proposed timeframe, additional planting, erosion control, and BMPs will be executed to address the problem areas. If in the event additional project rehabilitation is to occur, those areas of remedial measures will be monitored for three years post the newly executed implementation.

APPENDIX 1

REVEGETATION SITE MAP

HARWOOD RESTORATION PROJECT

MIRANDA, CA
APN: 221-021-008



MOTHER EARTH
ENGINEERING
800 SANJOA BLVD. SUITE 200
ARCATA, CA 95521, 707-433-1370

JOB NO.: 018004

REVISION SCHEDULE

#	DATE	ISSUED	BY	TO
0	09-21-18	MO		
1				
2				
3				
4				
5				

SITE APN: 221-021-008
SITE ADDRESS: 3845 THOMAS ROAD, MIRANDA

OWNER NAME: THOMAS HARWOOD
MAILING ADDRESS: P.O. BOX 264, REDWAY, CA 95560

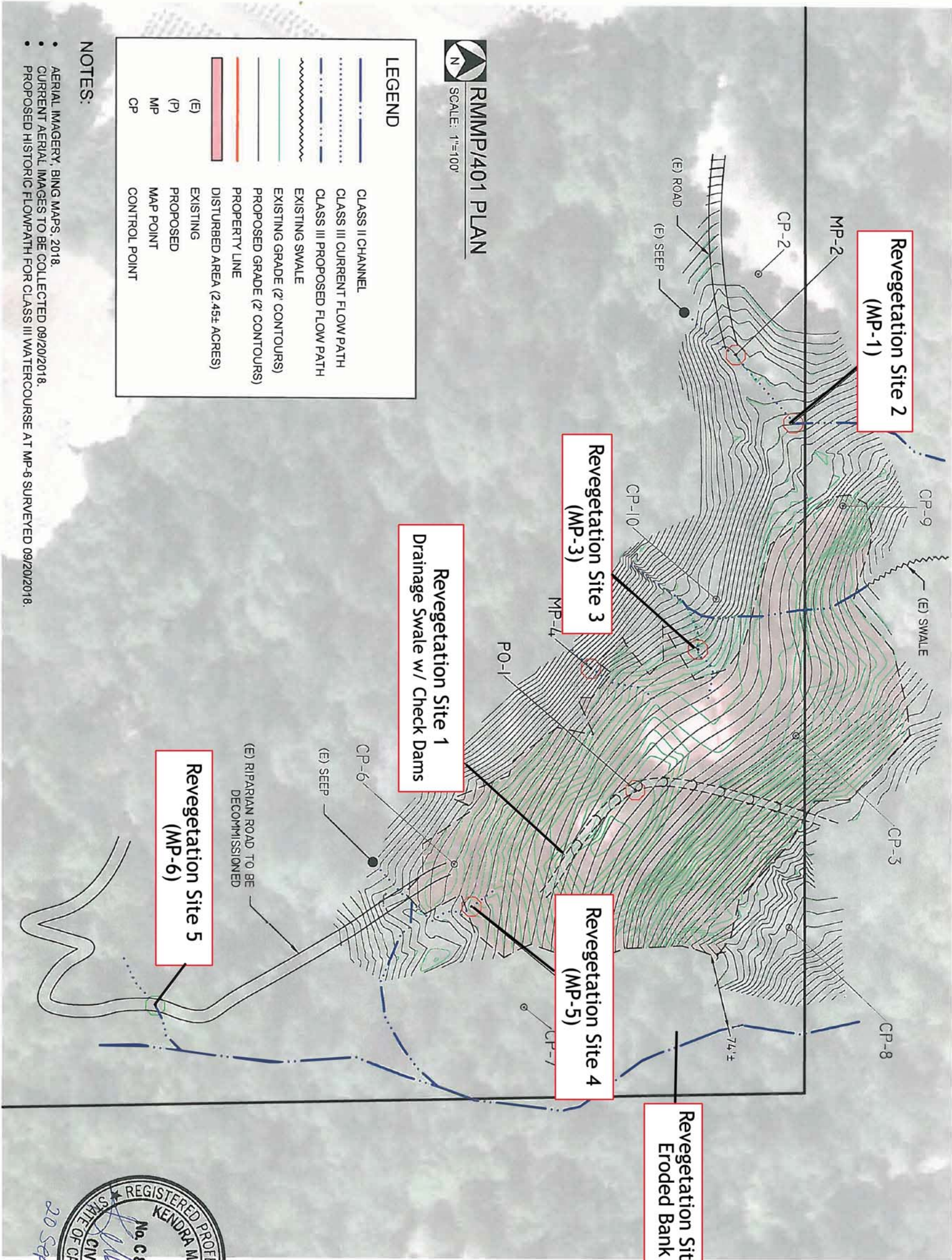
REVISED RMMP/401 SITE MAP

HARWOOD RESTORATION PROJECT

SHEET NO.

1

Mother Earth Engineering Inc. 2018



RMMP/401 PLAN
SCALE: 1"=100'

LEGEND

- CLASS II CHANNEL
- CLASS III CURRENT FLOW PATH
- CLASS III PROPOSED FLOW PATH
- EXISTING SWALE
- EXISTING GRADE (2' CONTOURS)
- PROPOSED GRADE (2' CONTOURS)
- PROPERTY LINE
- DISTURBED AREA (2.45+ ACRES)
- EXISTING
- PROPOSED
- MAP POINT
- CONTROL POINT

NOTES:

- AERIAL IMAGERY, BING MAPS, 2018.
- CURRENT AERIAL IMAGES TO BE COLLECTED 09/20/2018.
- PROPOSED HISTORIC FLOWPATH FOR CLASS III WATERCOURSE AT MP-6 SURVEYED 09/20/2018.



Attachment 4



Project Costs

Harwood Slope Restoration

Estimated Project Costs Invoiced to Date

June 19, 2019

Work Performed per Consultant:

Mother Earth Engineering

- Interim Stabilization Plan
- Restoration, Mitigation, and Monitoring Plan (RMMP)
- 404 permit (USACE)
- 401 permit (SWRCB)
- Project Design
- Humboldt County Grading Plan and Permit
- Soil Report (R2)
- SWPPP
- Construction Management
- Water Quality Monitoring, Sampling, and Reporting

SHN Consulting Engineers & Geologists

- Site Characterization Reports (2) by Certified Engineering Geologist
- Construction Management
- On-Site Compaction Testing
- Laboratory Material Testing

TransTerra Consulting

- Biological Assessment and Preliminary Biological Report for Streamside Management Area

Kolstad Survey

- Boundary survey and over land topographic survey

Vertical Sciences

- UAS (Drone) Survey for As-Built

Samara Restoration

- Revegetation Plan

\$148,075

Work performed by earthwork contractor

- Slope Reconstruction
- Reroute and Restoration of Watercourses
- Installation of Groundwater Seep Interceptor
- Import and Placement of Rock for Stabilization
- Erosion Control Measures and Hydroseeding
- Removal of Tanks and Bladders from Project Area
- Mobilization and Demobilization

\$260,000

Total Invoiced to Date**\$408,075****MOTHER EARTH
ENGINEERING**

Mother Earth Engineering

Completion Report: APN 221-021-008 Resolution of CAO NO. R1-2018-0027

Harwood Slope Restoration

Estimated Costs for Mandated Monitoring Period through 2023

Earthwork summer 2019	~ \$20,000
Planting and revegetation fall 2019	~ \$8,000
Monitoring, Sampling and Testing of Earthwork and Water Quality (Assumes 5 significant rain events per winter and annual reporting)	~ \$28,000
Revegetation Monitoring	~ \$11,000
TOTAL ESTIMATED COSTS FOR REMAINING WORK¹	~ \$67,000
TOTAL PROJECT COSTS FOR COMPLETED AND REMAINING WORK	~ \$475,075

¹ Engineer's opinion of costs, not a bid

Attachment J

Updated Cultivation and Operations Plan

Updated Cultivation and Operations Plan

OPERATIONS PLAN

1 WATER SOURCE AND STORAGE

Previously operations used a large constructed pond at the northern boundary of the parcel as well as surface water diversions for irrigation. This pond has been removed and surface water diversions have been decommissioned. Now the primary source of water is a permitted groundwater well and storage has been amended with a large hard tank array. One smaller off-stream rainwater catchment pond, with a capacity of 50,000 gallons, is being used as a secondary irrigation source. Please refer to the updated site map for locations and quantities of water sources and storage. The current total storage is approximately 448,000 gallons. A 2,500 gallon storage tank located at the

2 IRRIGATION PLAN

Applicant will irrigate cannabis plants at agronomic rates. Irrigation will be applied via a drip irrigation system. Applicant will water during the morning or late afternoon/early evenings when temperatures are cooler to minimize evaporative loss.

Applicant hand waters plants after every top dressing. For mixed light cultivation, Applicant applies top dressing three (3) times per crop run. For outdoor cultivation, Applicant top dresses approximately every two weeks. Applicant utilizes native soils and natural amendments to promote soil density and aid water retention. Applicant will apply mulch over drip irrigation system to prevent or minimize evaporative loss.

For mixed light cultivation, Applicant applies nutrients once per week throughout the growing season. Nutrients are mixed in tanks with a release valve on the underside of the tanks to completely flush residual nutrients which are re-mixed and reused in subsequent feedings.

For outdoor cultivation, Applicant applies nutrients to plants every four to seven days throughout the growing season. Nutrients are mixed in tanks with a release valve on the underside of the mixing tanks to completely flush residual nutrients which are re-mixed and reused in subsequent feedings.

3 PROJECTED WATER USE

Applicant will be cultivating approximately 43,521 square feet of outdoor cultivation and approximately 8,321 square feet of mixed light cultivation. Using the California Department of Fish and Wildlife's estimates for water usage for cannabis farms of one gallon per day for every ten (10) sq. ft. of cultivation area,

The above figures are estimates only and actual figures may be less based on Applicant's farming practices. Applicant has installed water meters at critical points to measure the actual amount of yearly water usage.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
21,660	21,660	21,660	21,660	149,640	149,640	149,640	149,640	149,640	21,660	21,660	21,660

4 EROSION CONTROL MEASURES

Most road surfaces on the parcel have rocked surfaces, which are well drained and free of ruts. The dirt roads on the property also have adequate surfacing for light use and are free of ruts, gullies, and surface erosion. The rocked portion of the roads are adequately drained to minimize and prevent surface erosion and erosion along inside ditches. Dirt roads are drained by rolling dips at natural low spots on the roads. The Applicant will install rocked rolling dips in these locations to minimize erosion and sediment transport from these areas.

Applicant has placed rock energy dissipaters at outlet locations of culverts and has rocked drainage ditches to avoid erosion of these areas and prevent sediment transport to receiving waters. Applicant will continue to perform routine maintenance of existing road features, rocked outlet areas, and revegetate timber sloped areas to minimize erosion.

5 RUN-OFF CONTROL MEASURES

Applicant has installed rock lined ditches along developed areas and roads to channel road and surface runoff and prevent sediment transportation to receiving waters. Applicant has re-seeded and vegetated exposed slopes to trap runoff and sediment and maintain slope stability. Applicant will maintain vegetative buffers between developed areas to water courses on the property to filter runoff and catch sediment. All outlets of culverts are rocked for energy dissipation and prevent excess runoff from eroding areas near watercourses.

6 PROTECTION OF WATERSHED AND HABITAT

Cultivation areas are approximately 100 feet from Class II watercourses at the nearest corner and quickly extends to approximately 150 feet along the west property line. In the southeast corner of the property the greenhouse cultivation areas are approximately 55 feet away from the class III watercourse, and extends from there.

Greenhouses on the southeastern cultivation areas are located outside of the 50 foot buffer zone from the class III watercourse. Applicant installed a rock lined drainage ditch to improve runoff control and drainage from developed areas. Other than this rock lined ditch and the existing roads on the property, a vegetated buffer is maintained at natural slopes with native vegetation to protect riparian habitat along the watercourses. Any prior disturbance of the 50 foot buffer zone has been re-seeded and revegetated with native grasses to promote habitat in these areas.

7 CULTIVATION-RELATED WASTE PROTOCOLS

Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport 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. Soils will be reamended using bio-amendments (cover crops), resulting in zero soil waste on site. All other associated waste will be placed in garbage cans with lids and placed on impermeable floor surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will appropriately dispose of any residual green waste at permitted facility (Redway CSD).

Soil piles, if any, will be tarped and straw waddles placed around it to prevent sediment transport. As stated above, soils will be re-amended. All soils not re amended are taken to a permitted transfer facility and deposited as green waste. Alternatively, Applicant will use spent soil to re-amend organic produce garden.

All cultivation related waste is stored in containers where it will not enter or be blown into surface waters.

8 REFUSE DISPOSAL

Refuse will be put in garbage cans with lids located under cover and far from any watercourses. Applicant keeps trash cans inside of greenhouses covered at every cultivation area .Based on need, Applicant will take refuse to a permitted disposal facility on a weekly basis.

9 HUMAN WASTE

Sewage disposal on the property are functioning septic systems connected to the houses. These septic systems are currently not permitted. Applicant will submit required documentation to permit existing septic systems as part of project approval. The septic systems are equipped with 2000 gallon tanks and the system is sufficient to meet the needs of the cultivation areas.

10 PESTICIDES

Applicant does not use any chemical pesticides or herbicides. Applicant employs an integrated pest management system that employs bio-pesticides and predator attractant plants to eliminate the need for conventional pesticides. If needed in the future, pesticides will be stored in shipping containers with impermeable floor surfaces in secondary containment totes to prevent leaching into ground water or percolating to receiving waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from cultivation areas. Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after all use when required.

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. Change areas and decontamination rooms will be available off-site.

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.

11 FERTILIZERS

Fertilizers are stored in locked storage sheds on the property. Covered stations are also located on the cultivation areas for fertilizers that are in constant use. Fertilizers are applied per labels and applied at agronomic rates. Applicant will follow the pesticide use protocols as stated above for fertilizer applications.

12 SOIL AMENDMENTS

Soil amendments are not stored on site but rather are brought on site and used as necessary. Applicant will follow use protocols as outlined in the pesticide protocols section. A list of soil amendments and fertilizers are attached hereto.

13 PETROLEUM PRODUCTS AND STORAGE

On-site power to the mixed light cultivation areas are supplied by on-site generators. On-site generators and diesel is stored in designated generator shed as shown on the site plan. Generator shed and engine box is equipped with fire extinguishers in the event of emergency. Diesel is stored in two above ground 1,000 gallon storage tanks with

concrete secondary containment to prevent spillage, discharge or seepage into receiving waters. Concrete secondary containment is large enough for the entire capacity of the containers with sufficient free board to contain precipitation. Diesel tanks meet all state and local regulations with respect to storage. The containment shed is equipped with exhaust mufflers that muffle sound emitted from generators to less than 50 decibels to minimize disturbance to surrounding habitat. All generators are kept in concrete secondary containment devices inside generator shed to prevent seepage into groundwater. Diesel containers are plumbed to generators as spill prevention, control and countermeasure to prevent leakage or seepage into groundwater. Generator shed is equipped with appropriate cleanup and spill prevention kits.

Applicant also has two 500-gallon propane storage tanks that run 7 propane heaters for mixed light. The propane tanks are above ground and meet California state safety requirements.

14 CULTIVATION ACTIVITIES

Applicant is permitting existing outdoor cultivation with cultivation area of 35,294sqft. Applicant is also permitting existing mixed light cultivation with cultivation area of 8,266sqft. Applicant intends to have 6600 sq. ft. of accessory nursery space to support flowering operations with clones and starts. Applicant anticipates between 3-4 runs of mixed light cultivation per year.

Applicant plants mixed light greenhouses on a rotational basis year round. As stated above, Applicant powers mixed light greenhouses with an on-site generator and uses propane heating to cultivate during winter months. Applicant will completely shield mixed light greenhouses so that little to no light escapes. Applicant will comply with the International Dark Sky Standards lighting guidelines as provided for in the Commercial Medical Marijuana Land Use Ordinance's ("CMMLUO") performance standards.

Applicant will be hiring between three to ten employees for the cultivation operation. During the winter months, when Applicant will only be conducting mixed light operations, Applicant will have three employees on site tending cultivation areas. During the summer months, when Applicant will be conducting both mixed light and full-term outdoor cultivation, Applicant will be hiring approximately ten employees. Applicant will seek to encourage employees to car pool to and from the cultivation site to minimize traffic to and from the sites. Applicant expects peak travel time to and from the cultivation site to be between 8 A.M. and 9AM. and 5 P.M. to 6 P.M. Applicant will stagger start and end times for employees to minimize peak traffic during those times. Applicant anticipates a total of two trips to and from the cultivation site during peak travel times in the winter months. Applicant anticipates a total of five trips to and from the cultivation site during peak travel times during the summer months.

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.

15 SCHEDULE OF ACTIVITIES EACH MONTH OF GROWING & HARVESTING SEASON

January:

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Check irrigation
 - o Prepare beds
 - o Begin rotating plants from nursery into mixed light greenhouse
 - o Pot vegetated clones prior to next month's planting
 - o Harvest run of plants started in October/November of last year
 - o Hours of generator use: 360 hours

February

- Mixed Light
 - o Planting first run of mixed light plants in greenhouse
 - o Vegetate clones in on-site nursery
 - o Begin irrigation via drip system to flowering plants
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Trellis and maintain plants
 - o Hours of generator use: 360 hours

March

- Mixed Light

- o Harvest first run of mixed light plants
- o Pot vegetated plants
- o Transplant second run of mixed light into flowering greenhouses
- o Feeding application once per week
- o Irrigation every six to ten days
- o Hours of generator use: 360 hours

April

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Trellis and maintain plants
 - o Hours of generator use: 150 hours
 - o Full Term Outdoor
 - o Rotate clones to larger pots from vegging greenhouse
 - o Amend soils
 - o Install irrigation drip system

May

- Mixed Light
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Harvest second run plants at the end of the month
 - o Rotate in third run of vegetated clones to flowering greenhouses
 - o Check irrigation
 - o Re-amend beds using composted materials on site
 - o Hours of generator use: 150 hours
- Full Term Outdoor
 - o Prepare mature clones for planting
 - o Amend soils
 - o Install drip irrigation

June

- Mixed Light
 - o Finish rotating in third run of vegetated plants
 - o Vegetate clones in on-site nursery
 - o Check irrigation
 - o Irrigation every other day
 - o Feeding application once per week
 - o Train and maintain plants
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant plants mature clones in larger pots
 - o Install trellis system for mature plants
 - o Irrigation begins
 - o Applicant top dresses and hand waters once per month

July

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Trellis and maintain plants
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant monitors plant growth
 - o Pruning plants and plant maintenance
 - o Irrigation
 - o Applicant top dresses and hand waters once per month

August

- Mixed Light
 - o Begin harvesting third run of vegetated plants
 - o Rotate in fourth run of vegetated clones into flowering greenhouse
 - o Feeding application once per week
 - o Irrigation other day
 - o Remove soils and re-apply soils to bed
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor

- o Applicant monitors plant growth
- o Pruning plants and plant maintenance
- o Irrigation
- o Applicant top dresses and hand waters once per month

September

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Trellis and maintain plants
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant monitors plant growth
 - o Pruning and plant maintenance
 - o Irrigation
 - o Last top dress and hand watering application

October

- Mixed Light
 - o Begin harvesting fourth run of vegetated plants
 - o Rotate in next year's run of vegetated clones into flowering greenhouse
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Hours of generator use: 60-120 hours
- Full Term Outdoor
 - o Applicant begins harvesting flower

November

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every six to ten days
 - o Hours of generator use: 150 hours
- Full Term Outdoor

- o Harvest complete; transferred off-site to process
- o Clean up cultivation site and winterize

December

- Mixed Light
 - o Vegetate clones in on-site nursery
 - o Pot vegetated plants
 - o Feeding application once per week
 - o Irrigation every other day
 - o Trellis and maintain plants
 - o Hours of generator use: 360 hours

16 PROCESSING PLAN

Cut flowers are de-leafed and inspected for mold and brought to a separate dry room within the processing facility. Flowers are hung and allowed to dry for 4-7 days. The dry room will be thermostatically controlled to regulate temperature and humidity, thereby minimizing risk of mold growth.

Using a moisture meter, Applicant will ensure that cannabis is sufficiently dried to prevent mold development on finished product. Upon reaching safe moisture content, flowers are bucked and placed in sealed plastic bins and moved to a curing room.

The curing room is thermostatically controlled to regulate temperature and humidity to ensure even, slow cure. Bins will be "burped" to ensure product is fully dried for packaging and storage.

Flowers are trimmed inside the curing room using a trimming machine to process dried flowers. Product is weighed into pounds, bagged, and sealed and moved into storage before transport.

17 SECURITY PLAN

Applicant has installed various security measures to safeguard cultivation sites and prevent nuisance from occurring on the property. Applicant has installed locked key gates across main entrance of property road. Applicant parcel is located off of main arterial roads and the only drivers on the private road are Applicant's employees. Applicant has installed security cameras in and around the cultivation areas with video backup to protect against unauthorized access.

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon implementation of those programs at the state and local level. Applicant is a cultivation member of Direct THC, a California Non-Profit Medical Cannabis Collective, that provides medical cannabis to qualified patients and primary caregivers. Applicant

will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis.



Cultivation and Operations Addendum Attachment A

Interim Permit Approved Square Footage:

The Interim Permit that has been granted for the project, App No. 11248, grants the following square footages:

Interim Permit Square Footage	
Outdoor	43,560 sq. ft.
Mixed-Light	9,000 sq. ft.
Total Cultivation	52,560 sq. ft.

Cultivation and Operations Addendum Attachment B

Updated Annual Water Usage

The operations plan previously submitted states that I will need 899,820 gallons/year for 51,842 square feet of cultivation. The new total square footage of the cultivation plan on attached site map is 50,474. The new operations plan will use 882,176 gallons/year.

January	21,023
February	21,023
March	21,023
April	21,023
May	149,003
June	149,003
July	149,003
August	149,003
September	149,003
October	21,023
November	21,023
December	21,023
Total Water Usage	892,176

Cultivation and Operations Addendum Attachment C

Propagation Space

The operations plan previously submitted states that 6,600 square feet is to be used for the propagation area. The propagation area listed on the new site map as building G and greenhouse 1P now shows that the propagation area is 3,856 square feet.

Cultivation and Operations Addendum Attachment D

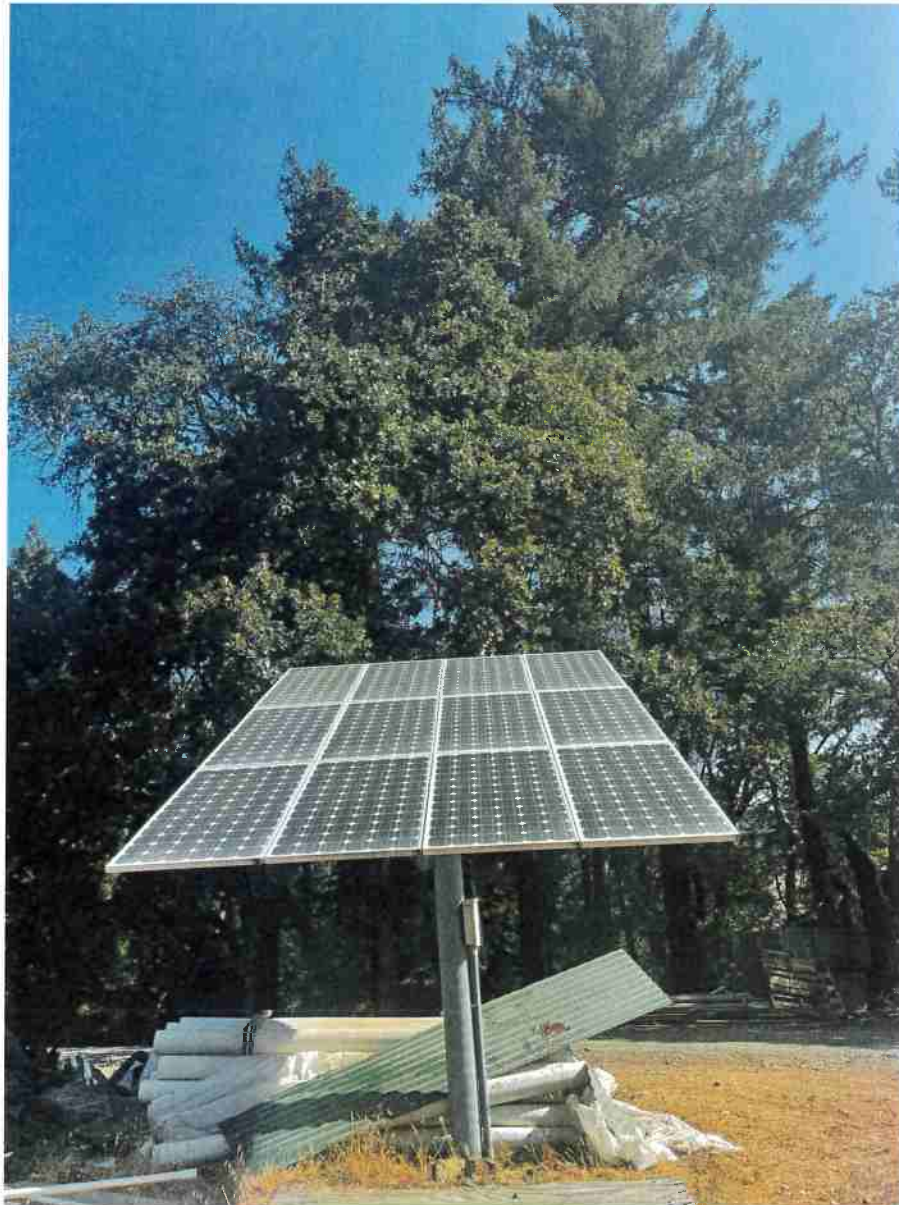
Generator Usage

Month	Hours of Generator usage
January	360-372
February	360-372
March	360-372
April	150
May	150
June	60-120
July	60-120
August	60-120
September	60-120
October	60-120
November	150
December	360-372

Cultivation and Operations Addendum Attachment E

Renewable Energy Plan

Currently I have a solar panel on my property that will allow me to move to renewable energy within the next couple of years. I have met with a local company and have plans to add more solar to my property next year. I will obtain these documents and submit them to you. Below is a picture of the current panel on my property.



Cultivation and Operations Addendum

Attachment F

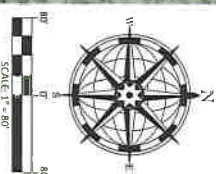
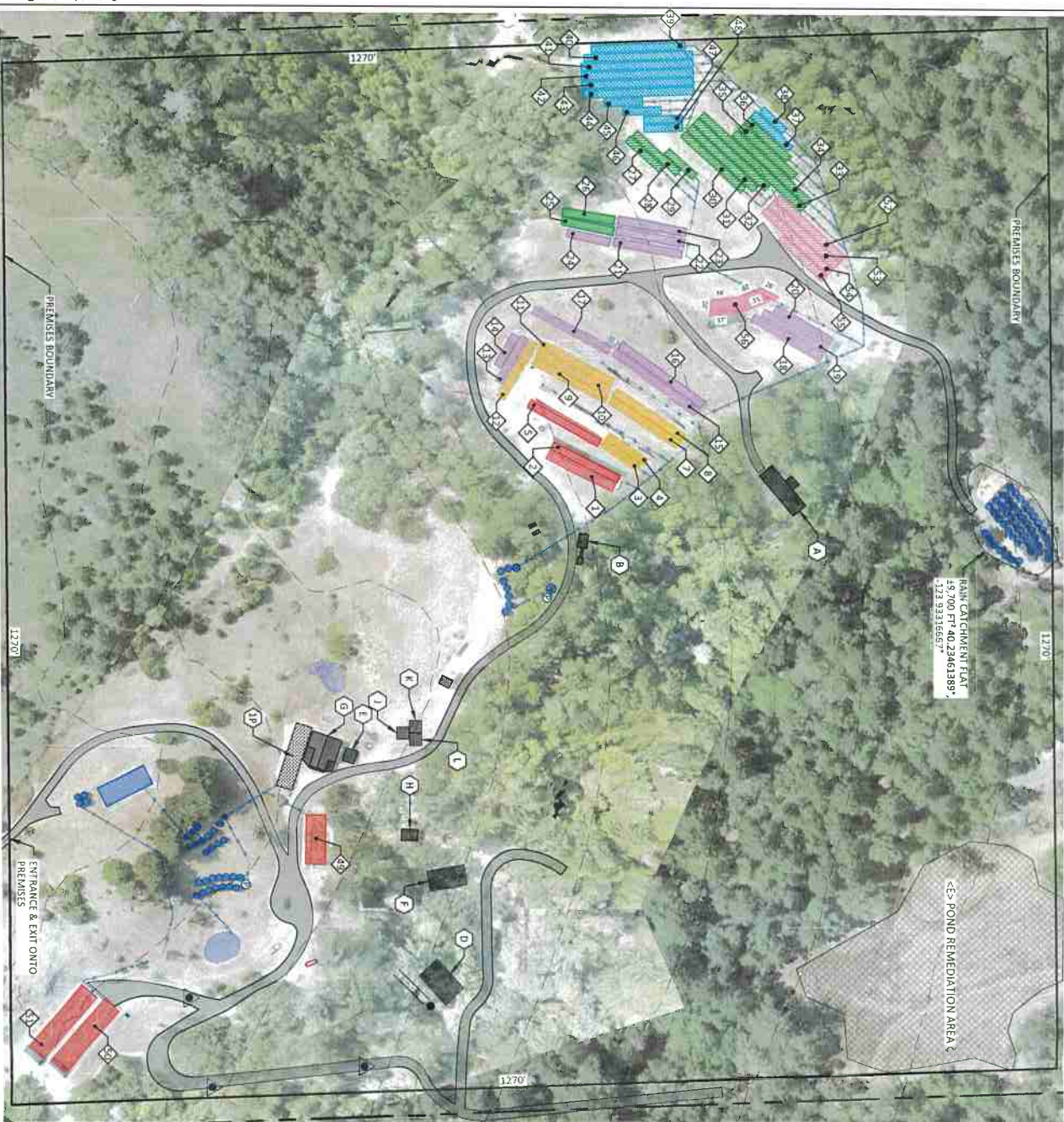
Security Plan

I have installed various security measures to safeguard cultivation sites and prevent nuisance from occurring on the property. I have installed locked key gates across main entrance of property road, added padlocks to the doors of the harvest storage areas, and have met with a security camera installer who will be installing cameras in and around the cultivation area with video backup to protect against unauthorized access.

To ensure the non-diversion of product I have enrolled in the track and trace program through the state and I will comply with SB420 and the Attorney General Guidelines for the security and non diversion of medical cannabis.

Cultivation and Operations Addendum Attachment G

Premises, Property, and Lighting Diagram



LICENCE NUMBER	LICENCE COLOR CODE & CANOPY AREA	PURMIT TYPE	CANOPY AREA
ICAP2-0002882	MIXED LIGHT TIER 1 PERMIT #1	CANOPY AREA	6,345 FT²
ICAP2-0001885	MIXED LIGHT TIER 1 PERMIT #2	CANOPY AREA	9,939.5 FT²
ICAP2-0001883	MIXED LIGHT TIER 2 PERMIT #1	CANOPY AREA	8,720.5 FT²
ICAP2-0001886	MIXED LIGHT TIER 1 PERMIT #4	CANOPY AREA	9,939.5 FT²
ICAP2-0002887	MIXED LIGHT TIER 1 PERMIT #3	CANOPY AREA	9,675 FT²
ICAP2-0002881	MIXED LIGHT SPECIALTY PERMIT #6	CANOPY AREA	5,000 FT²
TOTAL MIXED LIGHT CANOPY AREA			49,650.5 FT²

PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



RECEIVED
OCT 17 2021
Humboldt County
PLANNING

CAGD-0002483-MIM-LIGHT-TIE1-1 PERMIT #1- CANOPY AREA				CAGD-0002483-10-10-LIGHT-TIE1-14 CANOPY AREA			
ITEM	DESCRIPTION	SPECS.	CANOPY AREA	ITEM	DESCRIPTION	SPECS.	CANOPY AREA
<1>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 52.5'	472.5 FT²	<1>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 65.5'	655 FT²
<2>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 58.5'	526.5 FT²	<2>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	10' X 65.5'	655 FT²
<3>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 100'	900 FT²	<3>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 55'	495 FT²
<4>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 100'	900 FT²	<4>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 72'	648 FT²
<5>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 104.5'	940.5 FT²	<5>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 46.5'	418.5 FT²
<6>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 104.5'	940.5 FT²	<6>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 100'	900 FT²
<7>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 104.5'	940.5 FT²	<7>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 110'	990 FT²
<8>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 80.5'	724.5 FT²	<8>	<E> HOOP HOUSE MIMED-LIGHT CANOPY AREA	9' X 120'	1,080 FT²
<9>	TOTAL CANOPY AREA		6,345 FT²	<9>	TOTAL CANOPY AREA		1,512 FT²

ITEM	DESCRIPTION	SPECS	CANOPY AREA
42	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	10' X 65.5'	655 FT ²
49	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	10' X 65.5'	655 FT ²
47	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 55'	495 FT ²
48	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 72'	648 FT ²
49	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 46.5'	418.5 FT ²
50	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 100'	900 FT ²
51	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 110'	990 FT ²
42	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 120'	1,080 FT ²
43	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 166'	1,512 FT ²
44	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 125'	1,125 FT ²
45	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 90'	810 FT ²
46	<3> HOOF HOUSE MINED-LIGHT CANOPY AREA	9' X 70'	630 FT ²
TOTAL CANOPY AREA			9,918.5 FT ²

	ITEM	DESCRIPTION	SPECS	CANOPY AREA
12	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	9' X 64'	576 FT²
13	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	9' X 44'	396 FT²
14	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	10' X 124.5'	1,245 FT²
15	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	8' X 124.5'	996 FT²
16	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	10' X 104.5'	1,045 FT²
17	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	9' X 104.5'	940.5 FT²
18	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	9' X 84.5'	850.5 FT²
19	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	9' X 84.5'	760.5 FT²
20	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	10' X 86.5'	865 FT²
21	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	10' X 84.5'	845 FT²
22	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	10' X 84.5'	845 FT²
23	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	10' X 84.5'	845 FT²
24	MIXED-LIGHT CANOPY AREA	<3 HOOD HOUSE	10' X 86.5'	865 FT²
	TOTAL CANOPY AREA			9,929.5 FT²

LCAD-00208281 MIXED-LIGHT TIER 3 SEEMINGLY CANOPY AREA			
ITEM	DESCRIPTION	SPECS	CANOPY AREA
41	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 62'	558 FT ²
42	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 35'	315 FT ²
43	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 114'	1,026 FT ²
44	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 132'	1,188 FT ²
41	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT ²
42	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT ²
43	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT ²
44	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 136'	1,224 FT ²
45	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT ²
46	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT ²
47	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT ²
48	<P> HOOF HOUSE MIXED-LIGHT CANOPY AREA	9' X 47'	423 FT ²
TOTAL CANOPY AREA			9,575 FT ²

CCA-0002883 MIXED-LIGHT IER2 EIGHT-F3 - CANOPY AREA			
ITEM	DESCRIPTION	SPECS.	CANOPY AREA
1	<3> HOOP HOUSE MIXED-LIGHT CANOPY AREA	9' X 92.5'	832.5 FT²
2	<3> HOOP HOUSE MIXED-LIGHT CANOPY AREA	9' X 92.5'	832.5 FT²
5	<3> HOOP HOUSE MIXED-LIGHT CANOPY AREA	9' X 97.5'	877.5 FT²
49	<3> GREENHOUSE MIXED-LIGHT CANOPY AREA	24' X 60'	1,440 FT²
50	<3> GREENHOUSE MIXED-LIGHT CANOPY AREA	24' X 100'	2,400 FT²
51	<3> GREENHOUSE MIXED-LIGHT CANOPY AREA	24' X 100'	2,400 FT²
TOTAL CANOPY AREA			8,782.5 FT²

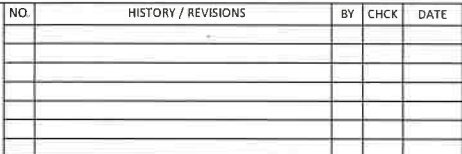
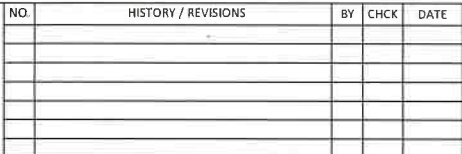
LOCAL-00021881 MINED-LIGHT SPECIALTY PERIM F6 - CANOPY AREA			
ITEM	DESCRIPTION	SPECS	CANOPY AREA
42	<P> HOOP HOUSE MINED-LIGHT CANOPY AREA	9' X 110'	990 FT²
43	<P> HOOP HOUSE MINED-LIGHT CANOPY AREA	9' X 110'	990 FT²
44	<P> HOOP HOUSE MINED-LIGHT CANOPY AREA	9' X 110'	990 FT²
45	<P> HOOP HOUSE MINED-LIGHT CANOPY AREA	9' X 63'	567 FT²
46	<P> OUTDOOR GARDEN MINED-LIGHT CANOPY AREA	SEE PLAN VIEW	1,463 FT²
TOTAL CANOPY AREA			5,000 FT²

PROPAGATION AREA		
ITEM	DESCRIPTION	SQCS.
1p	<E> GREENHOUSE - IMMATURE PLANT AREA SEE SHEET 2 FOR DESIGNATION OF USE	20' x 80' 1,600 FT ²

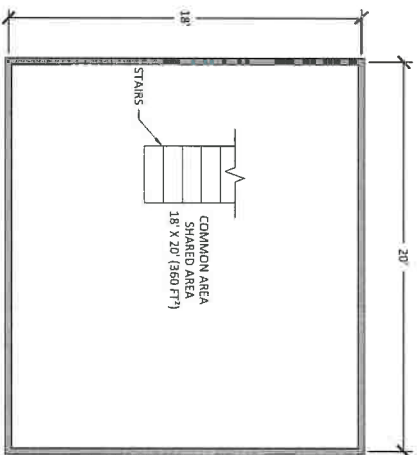
OFFSITE ACTIVITIES									
1. PACKAGING									
1. PREP									
2. PREP									
3. PREV									
	PROPOSED		STREAM MANAGEMENT AREA						
<C>	EXISTING		EXISTING WATER STORAGE						
<D>	WELL (WCA# WCR2019-00688 40.23295611, -129.93861111)		PROPOSED						
<E>	WATER PUMP		EXISTING STRUCTURE & MISC						
STRUCTURE & MISC. TYPE									
ITEM	DESCRIPTION	QTY	SPECS.	ITEM	DESCRIPTION	QTY	SPECS.		
(A)	<C> BUILDING - STORAGE / PROCESSING AREA SEE SHEET 2 FOR STORAGE AREA DIAGRAM	1	IRREGULAR 11,420 FT²	(G)	<C> TWO-STORY BUILDING SHEET 3 FOR BUILDING DIAGRAM	1	11,400 FT² 1856 FT³		
(B)	<C> GENERATOR SHED	1	11'-9" X 17'-7.5" ±207 FT²	(J)	<C> COMPOST AREA - SHARED AREA	1	15' X 15' ±225 FT³		
(D)	<C> TWO-STORY HOUSE / COMMON AREA - SHARED AREA SEE SHEET 2 FOR COMMON AREA DIAGRAMS	1	36' X 40' 11,440 FT²	(H)	<C> GENERATION SHED	1	12'-11.5" X 18'-10" ±244 FT³		
(E)	<C> STORAGE SHED / PESTICIDE / NUTRIENT STORAGE AREA SHARED AREA	1	14' X 16' 224 FT²	(K)	<C> SELF-HAUL WASTE AREA	1	15' X 15' ±225 FT³		
(F)	<C> BUILDING - STORAGE PROCESSING AREA SEE SHEET 2 FOR STORAGE AREA DIAGRAM	1	23'-5" X 45'-6" ±1,068 FT²	(L)	<C> CANNABIS WASTE AREA - SHARED AREA	1	15' X 15' ±225 FT³		

APN - 221-021-008-000	PREMISES DIAGRAM APN: 221-021-008-000 3845 THOMAS ROAD SALMON CREEK, CA 95553	NO.	HISTORY / REVISIONS	BY	CHK	DATE
DRAWN BY: RGH-JDO						
DATE: 5/11/2021						
PREMISES DIAGRAM						
SHEET NO.						

1
OF 3



COMMON AREA DIAGRAM 1ST FLOOR HOUSE
SCALE: 1/4" = 1' - 0"



COMMON AREA DIAGRAM 2ND FLOOR HOUSE
SCALE: 1/4" = 1' - 0"

PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



DTN ENGINEERING&CONSULTING
dnicoletti@dtngineering.com

PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

PREMISES DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



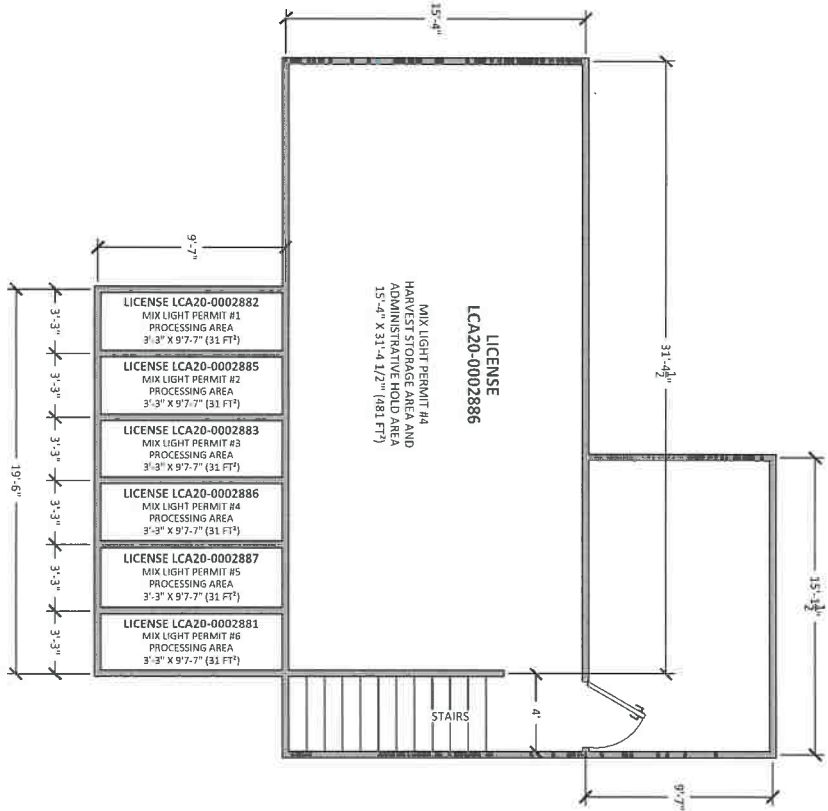
DTN ENGINEERING&CONSULTING
dnicoletti@dtngineering.com

DATE	CHECK	BY	HISTORY / REVISIONS	NO.

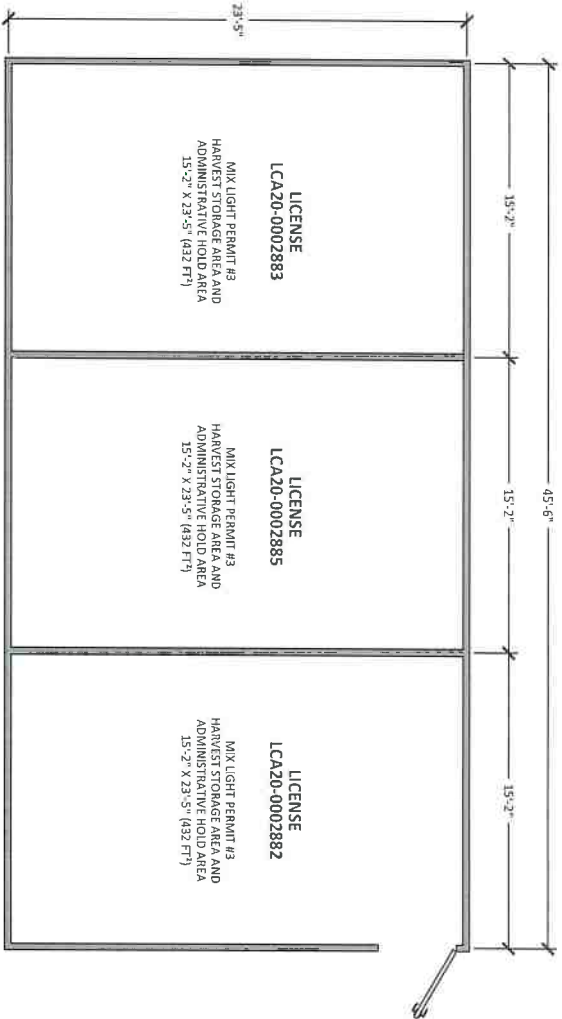
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APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

APN: 221-021-008-000
DRAWN BY: RGN-LDD
DATE: 5/11/2021
PREMISES DIAGRAM BUILDING LAYOUT

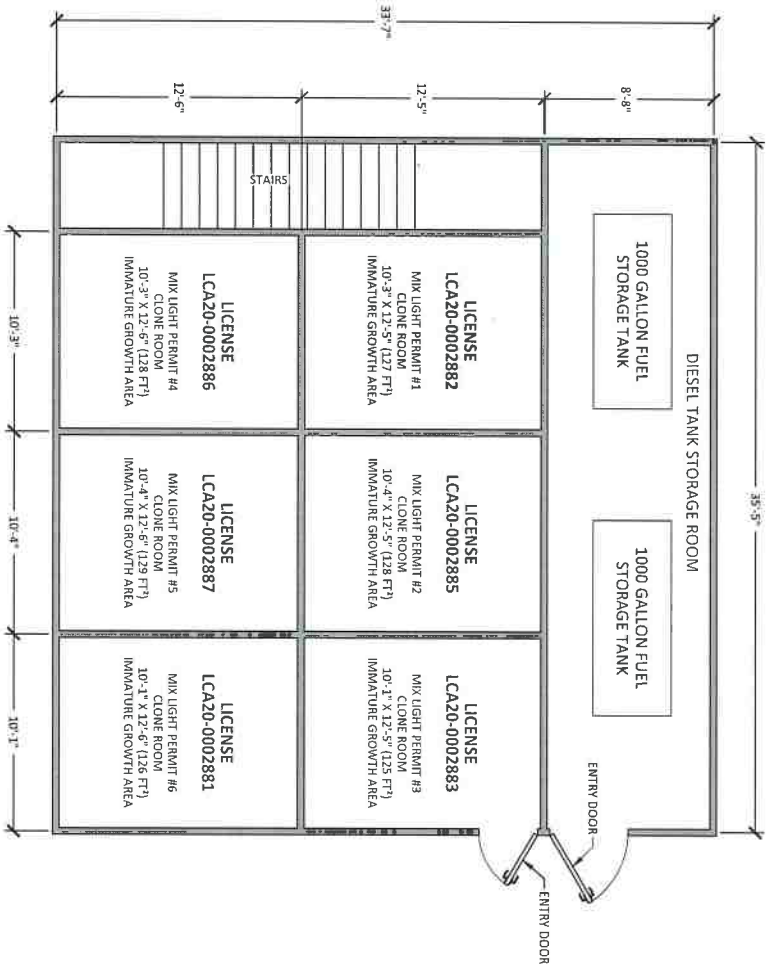
SHEET NO.
3
OF 3



COMMON AREA DIAGRAM 2ND FLOOR BUILDING
SCALE: 1/4" = 1' - 0"



STORAGE AREA DIAGRAM
SCALE: 1/4" = 1' - 0"



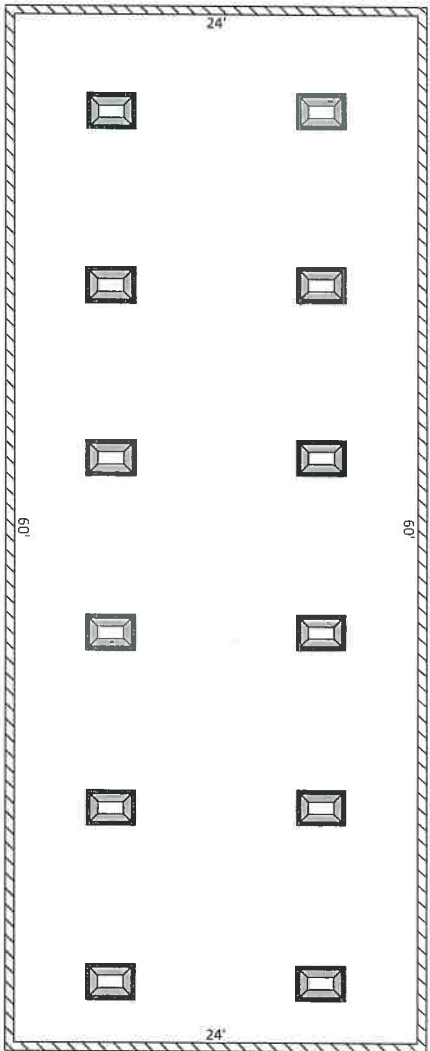
COMMON AREA DIAGRAM 1ST FLOOR BUILDING
SCALE: 1/4" = 1' - 0"

LIGHTING DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553



DTN ENGINEERING&CONSULTING
dnicoletti@dtngineering.com

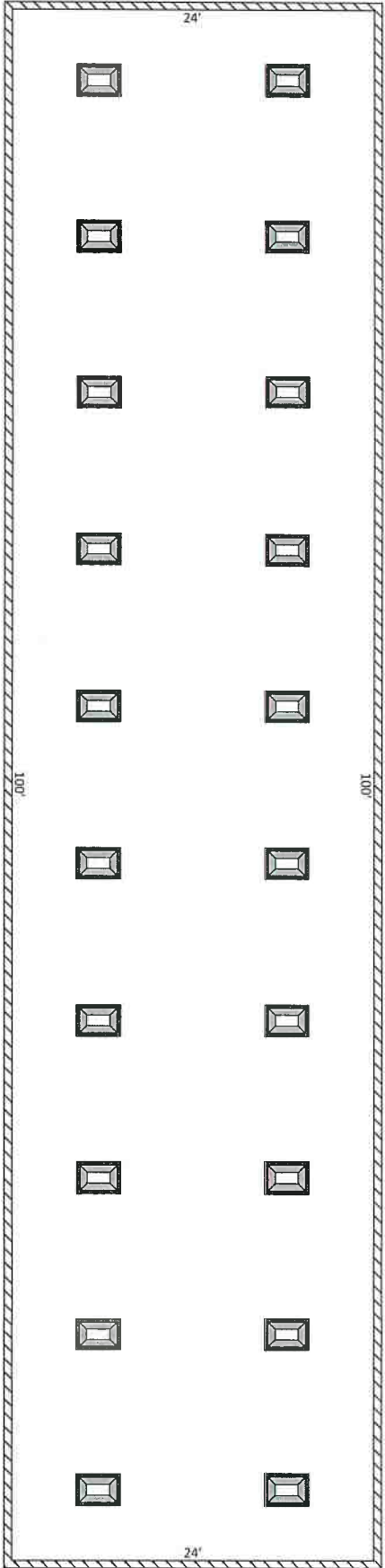
LIGHTING DIAGRAM TABLE						
DIAGRAM DETAIL	QUANTITY	DESCRIPTION	SQUARE FOOTAGE PER GREENHOUSE	LIGHTS PER GREENHOUSE	TOTAL WATTS PER GREENHOUSE	WATTS PER SQ.FT
1 THRU 48	1	GREENHOUSE VARIES SIZES SEE PREMISES DIAGRAM	VARIES SQ.FT	0	0 WATTS	0.00 WATTS / SQ.FT
52 THRU 56						
49						
50	1	24' X 100' GREENHOUSE	2,400 SQ.FT	20	20,000 WATTS	8.33 WATTS / SQ.FT
51	1	24' X 100' GREENHOUSE	2,400 SQ.FT	20	20,000 WATTS	8.33 WATTS / SQ.FT



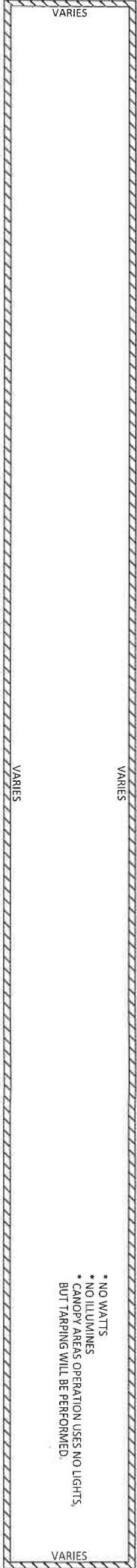
49 LIGHTING DIAGRAM - 24' X 60' GREENHOUSE
SCALE: 3/16"=1'-0"



1000 MAXIMUM WATT LIGHT



50 & 51 LIGHTING DIAGRAM - 24' X 100' GREENHOUSE
SCALE: 3/16"=1'-0"



- * NO WATTS
- * NO ILLUMINES
- * CANOPY AREAS OPERATION USES NO LIGHTS.
- BUT TARPING WILL BE PERFORMED.

1 THRU 56 LIGHTING DIAGRAM - VARIES GREENHOUSE
SCALE: 3/16"=1'-0"

[illegible]

LIGHTING DIAGRAM
APN: 221-021-008-000
3845 THOMAS ROAD
SALMON CREEK, CA 95553

FARM MANAGEMENT AGREEMENT

THIS CULTIVATION MANAGEMENT AGREEMENT (the “**Agreement**”) is made as of the _____ day of March, 2019, (the “**Effective Date**”) by and between H2 Equity, LLC, a California Limited Liability Company (“**Manager**”), and Lost Coast Elixirs LLC, a California Limited Liability Company (“**Owner**”). (All entities are sometimes referred to herein collectively as “**Parties**” and individually as a “**Party**”).

RECITALS

WHEREAS, Owner owns and operates a licensed cannabis cultivation located at 3845 Thomas Rd., Miranda, CA 95553 under temporary license numbers TAL18-0007040 (Temporary Small Mixed-Light Tier 2, TAL18-0007060 (Temporary Small Outdoor) and TAL18-0007061 (Temporary Small Outdoor) (the “**Cultivation**”).

WHEREAS, Owner has applied for six annual cannabis cultivation licenses with the following license numbers and shall continue to finalize the annual applications during the time that Manager is managing the Cultivation:

LCA18-0003793
LCA18-0003794
LCA18-0003795
LCA18-0003796
LCA18-0003797
LCA18-0003798

WHEREAS, Manager is experienced in the development, management and operation of cannabis cultivations.

WHEREAS, Owner desires to engage Manager to provide certain administrative and management services on behalf of Owner at the Cultivation as its agent, and Manager desires to provide such services on behalf of Owner at the Cultivation as its agent, pursuant to the terms and conditions contained in this Agreement.

NOW THEREFORE, in consideration of the foregoing recitals, which shall be considered an integral part of this Agreement, and the covenants, conditions, representations and warranties hereinafter set forth, the Parties do hereby agree as follows:

1.1 Appointment and Acceptance.

(a) For and during the Term (as defined below) of this Agreement, Owner grants to Manager, upon the terms and conditions hereinafter set forth, the sole and exclusive right, to supervise, manage, and operate Owner’s business with respect to the Cultivation (the “**Business**”), including without limitation, the planting, growing, harvesting, curing, grading or trimming cannabis. Owner shall not materially change the nature of the Business without the prior written approval of Manager. Throughout the Term of this Agreement, Manager shall be

vested, to the fullest extent permitted by applicable law and subject to the terms hereof, with full authority over the business, policies, operations and assets of the Business; provided, however, that by entering into this Agreement, Owner does not delegate to Manager (and Owner specifically retains) the power, duties and ultimate responsibilities vested in Owner as the owner of all or any part of the Business, and, during the Term of this Agreement, Owner is and will remain the responsible licensee of such applicable part of the Business and, as such, shall be fully liable and legally accountable at all times to all governmental agencies.

(b) Manager hereby accepts such appointment and agrees that it will faithfully perform its duties and responsibilities hereunder, and will, at Owner's request, consult with Owner from time to time relating to the operation of the Business. Subject to the foregoing and to the other provisions of this Agreement, Manager, without the approval of Owner (unless such approval is specifically required herein) shall have the unrestricted control and sole discretion with regard to the operation and management of the Business for all customary purposes, and the right to determine all policies affecting the Business or the operation thereof.

1.2 Services. Without limiting the generality of Section 1.1 above, Manager shall have, in the name of and on behalf of Owner, the following duties, responsibilities and authority (the "**Services**"):

(a) **Personnel.** Manager shall recruit, employ, engage, lease, hire, train, promote, direct, supervise and terminate the employment or lease of such personnel as Manager determines is appropriate for the operation of the Business. Manager shall determine the eligibility requirements and the salary, wage, bonus, and other compensation levels and personnel policies.

(b) **Acquisition of Assets.** Manager, at its own cost, may select and purchase, lease, license or otherwise acquire or arrange for the use of all assets necessary to operate the Cultivation or Business, including, without limitation, computer hardware and software, and other equipment, motor vehicles, supplies and other materials and items, in such quantities and at such times as Manager shall determine to be adequate or appropriate to operate the Business. Manager may acquire or lease or license any of such assets in its own name or in the name of Owner. Manager may also arrange for improvements to be made to the Cultivation, on Owner's behalf, if Manager determines such improvements to be reasonably necessary to maintain or upgrade quality, to replace obsolete or run-down equipment or to comply with any applicable laws, rules, regulations, or guidelines of any governmental or licensing authority or agency. Manager will bear all of the costs and expenses related or incident to Manager's obligations under this Section.

(c) **Repairs, Capital Improvements.** Manager may make or install, or cause to be installed, at its own expense, any proper repairs, replacements, additions, and improvements in and to the Cultivation and the furnishings and equipment thereof as Manager, in its reasonable judgment, shall deem necessary in order to keep and maintain the same in good repair, working order and condition, and outfitted and equipped for the proper operation thereof in accordance with industry standards and all applicable state or local rules, regulations, or ordinances.

(d) **Bookkeeping.** Manager shall perform bookkeeping and accounting procedures for the Business, and shall maintain financial records for the Business in accordance with reasonable industry standards. Manager shall not be responsible for preparing operating reports or records relating to any operations other than the Business. Manager may, in its discretion, maintain any or all of the books and records relating to the Business at the Cultivation or at any other location, provided that Owner shall have access to such books and records.

(e) **Taxes.** Manager shall, on Owner's behalf and at Manager's expense, prepare and file, or cause to be prepared and filed by qualified professionals, in each case for signature by Owner, the sales and use tax returns relating to the Business. All amounts payable with respect to any of such taxes shall be the responsibility of and shall be for the account of Owner. Owner shall assist Manager or Manager's tax preparation consultant, at Manager's request, with the preparation of said returns.

(f) **Operational Policies.** Manager shall establish all operational policies and procedures reasonably necessary for the Business. Said policies and procedures shall include, but shall not be limited to, those policies and procedures necessary to comply with the California Code of Regulations, Food and Agriculture, Cannabis Cultivation, Article 1, et. seq. and applicable laws and regulations relating to the operation of cannabis cultivation program. Manager shall maintain and update, as reasonably required, quality control programs for the Business.

(g) **Compliance With Laws.** Manager shall at all times comply with all applicable state and local laws, rules, regulations and guidelines. Owner shall assist in the operation of the Business as set forth in this Agreement.

(h) **Government Regulation.** Manager shall use its reasonable efforts to take such action as shall be reasonably necessary to ensure that the Cultivation and the management thereof by Manager complies with all state and local laws, regulations and ordinances applicable to the Cultivation or the Business or the management thereof by Manager.

2. **Rights and Responsibilities of Owner.** Owner shall have the following duties, responsibilities, and authority:

2.1 **Right of Inspection.** Owner shall have the right to enter the Cultivation during business hours upon reasonable advance notice to Manager, for the purpose of examining inspecting or making copies of books and records relating to the Business, but the same shall be done with as little disruption to the Business as possible.

2.2 **Cooperation with Manager.** Owner will fully cooperate with Manager in operating and supervising the operations of the Business.

2.3 **Licenses and Permits.** Owner shall apply for and use its reasonable efforts to obtain and maintain in its name and at its own expense, all licenses and permits required or appropriate in connection with the operation of the Business. Manager shall cooperate with Manager in applying for, obtaining, and maintaining such licenses and permits. Without limiting the generality of the foregoing, Manager shall promptly execute and deliver any certificates,

applications, and other documents necessary, appropriate or otherwise requested by Owner in connection with the foregoing. It is expressly understood that Manager shall have no liability to Owner if any such license or permit is not obtained or is not obtained as promptly as desired, except to the extent that the same is the result of the gross negligence or willful misconduct of Manager.

3. Management Fee.

3.1 Management Fee. As consideration for the Services rendered by Manager, Owner shall pay to Manager a management fee equal to 100 percent (100%) of the gross revenues and income of any kind derived, directly or indirectly, from the Business, whether received on a cash or on a credit basis, paid or unpaid, collected or uncollected, as determined in accordance with Manager's accounting practices (the "**Management Fee**").

3.2 Owner Fee. Notwithstanding the payment of the Management Fee, as consideration for the sole and exclusive right to supervise, manage, and operate the Business, Manager shall pay to Owner a license fee equal to One Hundred Thousand Dollars (\$100,000).

3.3 Costs and Expenses. Except as otherwise set forth in this Agreement, Manager shall be solely, fully and individually financially responsible for all liabilities arising out of the management or operation of the Business (e.g., utilities, equipment, personnel, cultivation taxes, etc.), and (ii) Manager shall be solely, fully and individually financially responsible for all liabilities arising out of the management of the Cultivation, including, without limitation, maintaining all licenses and permits required or appropriate in connection with the operation of the Business. Manager shall be solely, fully and individually financially responsible for obtaining at its own expense, all licenses and permits required or appropriate in connection with the operation of the Business and shall simultaneously herewith apply for annual cultivation applications in the name of an entity solely owned by Manager at their sole cost and expense. Upon receipt of their own annual cultivation licenses, Manager shall inform the California Department of Food and Agriculture that the Annual or provisional cultivation licenses issued on the property in the name of Lost Coast Elixirs are no longer being operated and shall cause them to voluntarily be surrendered.

4. Relationship of Parties.

4.1 Nature of Relationship. Manager does not under this Agreement act in any other capacity, except as an independent contractor and does not, under this Agreement, act as principal in the operation of the Business.

4.2 Proprietary Rights. The manuals, software, systems, methods, procedures, policies, controls, documents and pricing and the information relating thereto (including without limitation purchase orders and all form documents) and all information relating to Manager, including without limitation, the financial condition, marketing plans, regulatory affairs, and business strategies of Manager, employed or obtained by Manager and all trademarks, service marks, tradenames, copyrights and other proprietary rights in which Manager has any interest (collectively, "**Manager's Proprietary Rights**") are proprietary to Manager and shall remain the property of Manager and are not, at any time during the Term of this Agreement or thereafter, to

be utilized, distributed, disseminated, copied or otherwise employed or acquired by Owner or any of Owner's members, agents or employees, except as authorized by Manager in writing.

5. Risk of Loss; Indemnification; Insurance.

5.1 Risk of Loss. The Parties Agree that significant risk of loss exists within the cannabis industry. Specifically, and without limitation, the Parties acknowledge that while owning and operating a cannabis business within the State of California is legal under state law, such ownership and/or operation is legally prohibited under federal law. As such, a significant risk of loss is present in that federal authorities may choose to enforce federal law and completely seize and/or destroy all product from the Cultivation and cause the prevention of any and all further cannabis-related operations at the Cultivation. While the Parties have attempted to generally identify the potential risks of loss, the Parties agree that it is impossible to forecast every risk of loss that may occur with respect to the Cultivation and/or products produced therein. Manager shall assume the risk of loss, if any while operating as Manager of the Business.

5.2 Indemnification.

(a) Manager hereby agrees to defend, indemnify and hold Owner and its managers, members, officers, employees, shareholders, successors and assigns ("**Owner Indemnified Parties**") harmless, from and against any and all liabilities, causes of action, damages, losses, demands, claims, penalties, judgments, costs and expenses (including, without limitation, reasonable attorneys' fees and related costs) of any kind or nature whatsoever that may be sustained or suffered by any Owner Indemnified Party in any way caused by Manager's operation of the Business or negligence or willful misconduct related to the management of the Business.

(b) Owner hereby agrees to defend, indemnify and hold Manager and its Affiliates, and their respective officers, employees, shareholders, successors and assigns ("**Manager Indemnified Parties**") harmless, from and against any and all liabilities, causes of action, damages, losses, demands, claims, penalties, judgments, costs and expenses (including, without limitation, reasonable attorneys' fees and related costs) of any kind or nature whatsoever that may be sustained or suffered by any Manager Indemnified Party in any way relating to, arising out of or resulting from (i) the ownership of the Business, except to the extent caused by Manager's gross negligence or willful misconduct, or (ii) any breach by Owner of any of its representations, warranties, covenants, obligations or duties under this Agreement.

(c) The provisions of this Section 5.2 shall survive the termination of this Agreement

5.3 Insurance Requirements.

(a) Owner is insured with responsible insurers against risks normally insured against by similar businesses under similar circumstances (including, without limitation, general liability insurance coverage).

(b) Manager shall maintain on behalf of Owner at all times during the Term of this Agreement Workers' Compensation coverage in accordance with statutory requirements for employees who provide services to Owner, Commercial Property damage insurance written based on full replacement value and for Manager's assets, professional and general liability covering Manager's employees who perform any work or duties in connection with this Agreement against claims for bodily injury or death and property damage. All premiums, deductibles, and retentions shall be the responsibility of and for the account of Manager.

6. Term, Termination and Renewal.

6.1 Term. The Term of this Agreement shall be for the period of time that Owner holds the license to the Cultivation.

6.2 Termination. The Parties can only terminate this Agreement during the Term in the event the other Party is in breach of this Agreement or the State of California or Humboldt County fails to renew the license or permit that allows Owner to operate the Cultivation. Prior to terminating this Agreement if the Agreement is being terminated for a breach by one of the parties, the nonbreaching party must send written notice, in accordance with the terms contained in Section 7.2 below, to the breaching party. The breaching party shall be given the opportunity to cure such breach within the ten (10) days from its receipt of the written notice. If the breaching party refuses or is unable to cure the breach then the nonbreaching Party may terminate this Agreement upon the expiration of the tenth (10th) day after such notice has been received by the breaching party.

6.3 Return of Manager's Proprietary Rights Upon Termination. Upon termination of this Agreement, Owner shall immediately discontinue the use of, and will promptly return to Manager, all of Manager's Proprietary Rights (to the extent in tangible format) that were made available to Owner by reason of its participation in this Agreement, including any copies that it may have in its possession or control.

7. Notifications.

7.1 Government Inquiries. Each of Manager and Owner, during the Term of this Agreement and for a period of two (2) years following the termination of such Term, shall, within two (2) business days of learning thereof, notify the other Party of any complaint, investigation, inquiry or review by any governmental agency that relates to the Business or to any of the items or services provided hereunder. Such notice shall include a description of the matters at issue.

7.2 Notices. All notices required or permitted hereunder shall be given in writing by actual delivery or by certified mail, postage prepaid or by nationally recognized overnight courier service. Notice shall be deemed given upon delivery, or if given by mail, upon receipt or if sent by next day delivery by a nationally recognized overnight courier service, on the next business day. Notice shall be delivered or mailed to the Parties at the addresses or at set forth on the signature page hereto.

8. Representations and Warranties

8.1 **Representations and Warranties of Owner.** Owner represents and warrants to Manager as follows:

(a) **Organization, Good Standing and Qualification.** Owner is a limited liability company duly organized, validly existing and in good standing under the provisions of the laws of the State of California. Owner has all requisite power and authority to own and operate its properties and to carry on the Business as now conducted.

(b) **Authorization.** Owner has the full legal right, power, and authority to execute and deliver this Agreement, and to carry out the transactions contemplated hereby. The execution and delivery by Owner of this Agreement and all of the documents and instruments required hereby to be executed and delivered by Owner and the consummation of the transactions contemplated hereby and thereby have been duly authorized by all requisite action on the part of Owner. This Agreement and each of the other documents and instruments required hereby to be executed or delivered by Owner in connection herewith have been duly executed and delivered by Owner, and constitute the legal, valid and binding obligations of Owner, enforceable against it in accordance with their respective terms

(c) **Licenses and Permits.** Each license, permit or approval that has been issued to Owner in connection with the operation of the Business (the "**Owner Licenses**") is valid and in full force and effect as of the date hereof, no Owner License is subject to any lien, claim, security interest, encumbrance, limitation, restriction, probation or other qualification ("**Lien**"), and there is no default under any Owner License or any basis for the assertion of any default thereunder. There is no investigation or proceeding, threatened or pending, that could result in the termination, revocation, limitation, suspension, restriction or impairment of any Owner License or the imposition of any fine, penalty or other sanction for violation of any legal or regulatory requirements relating to any Owner License or, to the best of Owner's knowledge, any basis therefor.

(d) **Legal Proceedings.** There is no action, suit, litigation, proceeding or investigation pending or threatened by or against Owner, and Owner has not received any written or oral claim, complaint, incident, report, threat or notice of any such proceeding or claim and there is no basis therefor.

(e) **Compliance with Laws.** Owner has not violated and is in compliance with all applicable laws.

(f) **Insurance.** Owner is insured with responsible insurers against risks normally insured against by similar businesses under similar circumstances (including, without limitation, general liability insurance coverage and real property liability coverage.

8.2 **Representations and Warranties of Manager.** Manager represents and warrants as follows:

(a) **Organization, Good Standing and Qualification.** Manager is a California Limited Liability company duly organized, validly existing and in good standing under the provisions of the laws of the State of California. Manager has all requisite power and authority to own and operate its properties and to carry on its business as now conducted.

(b) **Authorization; Binding Obligation.** Manager has the full legal and corporate right, power, and authority to execute and deliver this Agreement, and to carry out the transactions contemplated hereby. The execution and delivery by Manager of this Agreement and all of the documents and instruments required hereby to be executed and delivered by Manager and the consummation of the transactions contemplated hereby and thereby have been duly authorized by all requisite action on the part of Manager. This Agreement and each of the other documents and instruments required hereby to be executed or delivered by Manager in connection herewith have been duly executed and delivered by Manager, and constitute the legal, valid and binding obligations of Manager, enforceable against it in accordance with their respective terms.

9. Covenants.

9.1 Confidentiality. During the Term of this Agreement and for a period of sixty (60) days thereafter, both Parties shall use their best efforts consistent with good business policy and no less than commercially reasonable care to protect the confidentiality of: (i) all terms and conditions of this Agreement; (ii) information regarding the subject matter of this Agreement that is written information; (iii) information, which by its very nature, ought to be known and treated as confidential; (iv) information that is reduced to writing and labeled as confidential; and (v) any and all personally identifiable information of a consumer which the Parties may acquire (collectively "Confidential Information"). Furthermore, both Parties agree to use Confidential Information of the disclosing Party only for the sole purposes related to performance of this Letter and to inform all of their employees and agents that have access to the Confidential Information of the strictly confidential nature of the information and of the terms of this Letter. All Confidential Information remains the exclusive property of the disclosing Party and no license or other agreements to such Confidential Information is granted or implied hereby except as expressly provided herein. Upon the expiration or termination of this Agreement, any Confidential Information shall be returned to the disclosing Party, or destroyed pursuant to the disclosing Party's instructions, and the non-disclosing Party shall cease use of any Confidential Information. In the event either Party determines that return or destruction of the Confidential Information is infeasible or impossible, the non-disclosing Party shall continue to extend the protections of this Agreement to such Confidential Information and limit further uses and disclosures of such Confidential Information that make the return or destruction infeasible, for so long as the non-disclosing Party maintains such Confidential Information.

10. Miscellaneous.

10.1 Amendment. This Agreement may be amended by mutual agreement of the Parties. Any such amendment must be by an instrument in writing signed on behalf of each of the Parties and attached as an exhibit hereto

10.2 Extension; Waiver. At any time prior to the execution, the Parties hereto, by action taken or authorized by their respective managers, may, to the extent legally allowed, (a) extend the time for the performance of any of the obligations or other acts of the other Parties hereto, (b) waive any inaccuracies in the representations and warranties contained herein or in any document delivered pursuant hereto and (c) waive compliance with any of the agreements or conditions contained herein. Any agreement on the part of a Party hereto to any such extension or waiver shall be valid only if set forth in a written instrument signed on behalf of such Party

10.3 Survival and Termination. The representations and warranties of the Parties hereto contained in this Agreement or in any certificate or other writing delivered pursuant hereto or in connection herewith shall survive the termination of this Agreement until one (1) year after the termination.

10.4 Interpretation. When a reference is made in this Agreement to Sections, such reference shall be to a Section of this Agreement unless otherwise indicated. The headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement. Whenever the words "include", "includes" or "including" are used in this Agreement, they shall be deemed to be followed by the words "without limitation". The phrase "made available" in this Agreement shall mean that the information referred to has been made available if requested by the Party to whom such information is to be made available.

10.5 Arms-Legnth Bargaining. The parties agree that the compensation provided herein has been determined in arm's-length bargaining and is consistent with fair market value in arm's-length transactions.

10.6 Counterparts. This Agreement may be executed in one or more counterparts, all of which shall be considered one and the same agreement and shall become effective when two or more counterparts have been signed by each of the Parties and delivered to the other Parties, it being understood that all Parties need not sign the same counterpart.

10.7 Entire Agreement. This Agreement (including the License Agreement and the documents and instruments referred to herein) constitutes the entire agreement and supersedes all prior agreements and understandings, both written and oral, among the Parties with respect to the subject matter hereof, and is not intended to confer upon any person other than the Parties hereto any rights or remedies hereunder.

10.8 Third Party Beneficiaries. No person other than the Parties themselves has any rights or remedies under this Agreement

10.9 Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California without regard to principles of conflicts of law. Each Party hereby irrevocably submits to the jurisdiction of the courts located in Humboldt County, California in respect of any suit, action or proceeding arising out of or relating to this Agreement, and irrevocably accept for themselves and in respect of their property, generally and unconditionally, the jurisdiction of the aforesaid courts

10.10 Severability. If any term or other provision of this Agreement is invalid, illegal or incapable of being enforced by any rule or law, or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect so long as the economic or legal substance of the transactions contemplated hereby is not affected in any manner materially adverse to any Party. Upon such determination that any term or other provision is invalid, illegal or incapable of being enforced, the Parties shall negotiate in good faith to modify this Agreement so as to effect the original intent of the Parties as closely as possible in an acceptable manner to the end that transactions contemplated hereby are fulfilled to the extent possible.

10.11 Force Majeure. Manager shall not be deemed to be in violation of this Agreement, and shall not be liable for any resulting claims, losses, damages, expenses and liabilities if it is prevented, either directly or indirectly, from performing any of its obligations hereunder for any reason beyond its control, including, without limitation, shortages, acts of God, or any statute, regulation or rule of the federal government, any state or local government, or any agency thereof.

10.12 Assignment. Neither this Agreement nor any of the rights, interests or obligations hereunder shall be assigned by any of the Parties hereto (whether by operation of law or otherwise) without the prior written consent of the other Parties. Subject to the preceding sentence, this Agreement will be binding upon, inure to the benefit of and be enforceable by the Parties and their respective successors and assigns

10.13 Waiver of Illegality Defense. Each Party hereby acknowledges and agrees that they are fully aware that the possession, distribution, cultivation or transfer of cannabis, or cannabis, and products derived therefrom, is currently prohibited pursuant to federal law and the laws of several other jurisdictions. Each Party hereby agrees to waive any illegality defense with regard to the terms of this Agreement

10.14 Independent Counsel. The Parties acknowledge that each Party has had the opportunity to review this Agreement, that the terms of the Agreement have been completely read by them and explained to them, that the terms are fully understood and voluntarily accepted by them, and that the Agreement will not be construed against any Party merely because such Party prepared the Agreement. The Parties hereby represent to each other that they have reviewed this Agreement with independent counsel of their choosing, or has had the opportunity to do so, and that no Party shall deny the validity of this Agreement on the grounds that they did not have the opportunity to seek the advice of independent counsel prior to executing it.

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT as of the date first written above.

OWNER:

Lost Coast Elixirs LLC

By:  3/23/19

Print Name, Title: Thomas Harwood, Managing Member

Address:

2607 Old Briceland Rd.

Garberville, CA 95542

tommyharwood@yahoo.com

MANAGER:

H2 Equity LLC

DocuSigned by:

By: 

Print Name, Title: Charles Adam Perry, Managing Member

Address:

9537 Dalegrove Drive

Beverly Hills, CA 90210



Adam Perry <adam.perry702@gmail.com>

Re: Thomas Rd: Harwood

1 message

Lisa Selan <lisa@selanlaw.com>

Fri, Mar 1, 2019 at 10:59 AM

To: Lisa Selan <lisa@selanlaw.com>

Cc: Wendy Medders <wendymedders@yahoo.com>, Elizabeth Campbell <ecampbell@humboldtrealty.com>, Tommy Harwood <tommyharwood@yahoo.com>, Adam Perry <adam.perry702@gmail.com>

Clarification for all parties

Lost Coast Elixirs will maintain the licenses while Buyer's licenses are pending.

However, if annuals are issued for Lost Coast Elixirs during the time that Buyer is operating, the cost will be borne by the Buyer.

Thank you and Best Regards,

Lisa Selan, Attorney at Law
(818) 710-8330

lisa@selanlaw.com

*****NOTICE: This communication (including attachments) is covered by the Electronic Communication Privacy Act, 18 U.S.C. 119 Sections 2510-2521, is confidential, and may contain privileged information and the content herein is subject to protection to the fullest legal extent of the law under the umbrella of the attorney client privilege. Unless you are the addressee (or authorized to receive e-mails for the addressee), you may not use, copy, print, or disclose to anyone this message or any information contained in this message. If you have received this message in error, please advise the sender by reply e-mail to lisa@selanlaw.com, and immediately delete the message.***

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS in Circular 230, we inform you that any tax advice contained in this communication (including any attachment that does not explicitly state otherwise) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Thank you for your cooperation.



Adam Perry <adamerry702@gmail.com>

Re: Thomas Rd: Harwood

1 message

Lisa Selan <lisa@selanlaw.com>

Fri, Mar 1, 2019 at 10:43 AM

To: Wendy Medders <wendymedders@yahoo.com>

Cc: Lisa Selan <lisa@selanlaw.com>, Elizabeth Campbell <ecampbell@humboldtrealty.com>, Tommy Harwood <tommyharwood@yahoo.com>, Adam Perry <adam.perry702@gmail.com>

Attached for your review is a management contract for the Lost Coast Elixir licenses on the property.

I do not know the name of the Management entity. I also did not list the three existing temp licenses and the 3 annual application numbers but those will be listed as an exhibit to the final agreement.

This is the gist of the agreement whereby Buyer will be the Manager of the licenses and as such upon payment to Tommy Harwood's entity, they will have 100% control of the operating the day to day cultivation at their own expenses and will receive all of the profits and occur all of the liabilities. They will be listed as "owners" with the CDFA since they have management and control over the license.

I'd be happy to get on a call later today to discuss any questions the Buyers might have.

Thank you and Best Regards,

Lisa Selan, Attorney at Law
(818) 710-8330

lisa@selanlaw.com

*****NOTICE: This communication (including attachments) is covered by the Electronic Communication Privacy Act, 18 U.S.C. 119 Sections 2510-2521, is confidential, and may contain privileged information and the content herein is subject to protection to the fullest legal extent of the law under the umbrella of the attorney client privilege. Unless you are the addressee (or authorized to receive e-mails for the addressee), you may not use, copy, print, or disclose to anyone this message or any information contained in this message. If you have received this message in error, please advise the sender by reply e-mail to lisa@selanlaw.com, and immediately delete the message.***

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS in Circular 230, we inform you that any tax advice contained in this communication (including any attachment that does not explicitly state otherwise) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Thank you for your cooperation.

On Thu, Feb 28, 2019 at 3:38 PM Wendy Medders <wendymedders@yahoo.com> wrote:

Good afternoon Lisa,

As Elizabeth has stated we'd like to have the written document in hand so that we can review it prior to a phone conference.

We appreciate your time & attention to this matter.

Thank you in advance,

Wendy Medders

Wendy Medders, Broker Associate

Coldwell Banker Six Rivers

Real Estate

910 S. Fortuna Blvd.

Fortuna, CA 95540

707-599-6407 cell

wendymedders@yahoo.com

<http://www.wendymedders.com>

BRE #: 01888500



On Feb 28, 2019, at 12:37 PM, Elizabeth Campbell <ecampbell@humboldtrealty.com> wrote:

Hello Lisa,

Adam's Agent requested the contract you drafted for the license so they can go over the details. At this time the investor has no questions for you but they want to see what is in print instead of a conversation at present.

I included Adam's agent in this email since the request is coming from the buyers side so they can review what you have in place.

Thanks

<Outlook-cgedg4m2.gif><Outlook-ojip1kpd.gif><Outlook-q0es5t53.gif> **Elizabeth Campbell-Chase**

2018 President of Humboldt Association of Realtors

BRE # 01759000

RE/MAX Humboldt Realty # 01226140

Cell: 707-601-2112

Email: ecampbell@humboldtrealty.com

<http://www.elizabethcampbell.remaxagent.com>



02262019 - Lost Coast Elixir - Management Agreement .doc

90K



Adam Perry <adamperry702@gmail.com>

Salmon Creek license numbers

1 message

Jordan Selan <jordan@selanlaw.com>
To: Adam Perry <adamperry702@gmail.com>
Cc: Lisa Selan <lisa@selanlaw.com>

Fri, May 15, 2020 at 11:33 AM

Temporary license numbers

TAL18-0007061
TAL18-0007060
TAL18-0007040

I only have 3, I'm getting the others from Jasmin.

Licenses applied for March 23rd

LCA20-0000515
LCA20-0000516
LCA20-0000497
LCA20-0000508
LCA20-0000492
LCA20-0000493

—
Best,

Jordan Mara Selan

Legal assistant + Licensing consultant
SELAN LAW FIRM

Phone: (818) 913-9699

Email: jordan@selanlaw.com

ATTACHMENT 6

Public Comment

David Booth

I am sharing my profound concern the the expansion of the permit for this property should be terminated. There is a legacy connected to this mega industrial cannabis grow which dates back to win the property was under the ownership of Thomas Harwood. I live to the South of this parcel and have personally witnessed through the years environmental degradation from both owners. I also several years ago called 911 because I saw a rising column of smoke from what I presumed was an poorly maintained diesel generator. This initiated a response from our local volunteer fire department and Cal fire. But the message I left on a neighbor's answering machine proved to be the most valuable contribution to the effort to prevent a wildfire that day. My neighbor, del McCain, responded by driving over to the property where he encountered paid workers who had not even been trained in how to shut off the diesel generator. He took matters into his own hands and did the job which eliminated the fire threat that day.

I have also occasionally seen during what I understand is a forbearance. For all permitted cannabis grows, water deliveries being made by large diesel trucks. It doesn't seem that the county is making any attempt to police and enforce the requirements of their permits. Multiple times neighbors that I have spoken with have told me that they complained to county officials with the planning department, but this is continued throughout the years to be a problem that has not been addressed. Many of my neighbors are permitted cannabis growers and have much smaller areas that they are allowed to cultivate. But this industrial mega grow currently owned by an absentee who lives in Las Vegas Nevada, is an example of one of the most egregious industrial cannabis mega grows anywhere in the county that I am aware of. Not one of my neighbors who I've spoken with has ever met the owner on title Charles Adam Perry. This operation has damaged our local community and the environment in so many ways. Besides the fire threat it has posed and the environmental destruction due to improper grading the damage to our road has been very consequential. The heavy delivery trucks bringing in water in the middle of a drought, frequent deliveries of diesel fuel and deliveries of soil products have for some years now amounted to an unbelievable amount of damage to our local gravel roads. I've been in direct communication with a woman who for many years now has collected road dues from many of the neighbors and this property has seldom paid the dues that were required. The county has not responded to our complaints to force the managers of this property to pay anything like their fair share for maintenance on this section of road.

Finally, I'll conclude with my personal communication with a former friend Hardy Church. Hardy suffered most by living closest to this egregious example of an industrial mega grow. The years of stress living in close proximity took a toll on his State of mind and health. due to the declining health and the stress of feeling he could do nothing to free himself of the constant insanity being perpetrated on the land to his West, Hardy Church took his own life.

In conclusion, I am adding my voice to the demands many of my neighbors are also making, shut this operation down once and for all because we have suffered as a community for many years now. The county cannot claim that this operation having been busted on multiple occasions should be allowed to evade accountability. The expansion of their permit to allow these absentee carpet bagger owners to continue to rape the land cannot be tolerated.

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

To whom it may concern,

I am writing to ask that you do not approve or continue to work with #PLN-11248-CUP assessors parcel 221-021-008. I have many concerns about this property and the owners/workers disregard for both the community and the environment. They have had numerous complaints over the last years, despite those somehow disappearing from the planning depts records. They have started numerous fires with their generators and poor management. They have horrendous grading issues on the property. It is on a steep hillside with flats cut into it illegally. It doesn't have nearly enough water to sustain what is already there let alone an increase. They have been caught stealing water from the creek, salmon creek, a supposedly protected watershed! They have also stolen water from neighbors and have had countless water trucks hauling in water. They never pay any road dues to the community that maintains the road despite having numerous employees driving the road constantly, water and dirt trucks all tearing up the road. They don't even contribute to the volunteer fire dept who has had to deal with all of their fires including this past month before the rains started and we were in a severe drought tinderbox.

These people show no care about the community nor the environment, they are only there to exploit the rural ness of the land to make money. I highly encourage if anyone actually thinks this project should move forward that the property is thoroughly inspected and all of the community's concerns.

Thank you,
Sarah Rea
Member of the Salmon Creek Community

Attention Planning Commission and others,

On behalf of Parcel #:PLN-11248-CUP Assessor's Parcel Number 221-021-008:

I am asking those who have the power to vote "no" on the permitting of the above listed parcel to please do so for the following reasons:

*** The growing operation on this site has already caused significant environmental and social harm to the community. The current owners (managers) have shown consistent insensitivity regarding complaints about light pollution from uncovered greenhouses, excessive traffic from water and diesel deliveries, as well as multiple fires that have been accidentally started on the property.**

*** The commercial growing operation on this property was poorly designed and poorly situated due to the degree of steepness and slope instability.**

*** The 3-5 acre conversion that was excavated on the steep slope represents a net loss of forest cover, groundwater infiltration/percolation and biodiversity loss.**

*** The site of the original 3-5 acre conversion failed (caused a land slide) the first winter after it was cleared and terraced. The area was then re-contoured the following spring and sprayed with fertilizer and erosion control mix (nonnative annual grass seed).**

*** Owners of this property built an illegal pond on an adjacent property owner's land that failed and caused direct impacts to aquatic species in Salmon Creek. (CDFW forced them to mitigate and restore the site.)**

*** This illegal grow site has already been busted/eradicated by law enforcement at least twice since it has been in operation.**

The Salmon Creek watershed has an exceptionally fragile geology and many sensitive species. Poorly designed and maintained growing operations such as this pose a direct threat to the landscape and its inhabitants. Sites like this should not be permitted or allowed to expand. This site in particular needs to be shut down and restored to mitigate the environmental impacts.

I have lived permanently in the Salmon Creek watershed for over 26 years. I am a land and farm design consultant for Sanctuary Forest as well as an educator and restorationist who has worked directly with the Eel River Recovery Project, USFWS, NRCS and Humboldt State University. I am deeply committed and rooted in this community and fully in support of permitted, commercial cannabis operations that do not present a significant impact to the environment.

Please consider not allowing this grow to be permitted.

Sincerely,

Kyle Keegan

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

Dear Planning Commission,

I am a long time resident of the Salmon Creek community.

Please let me explain some of my reasons for opposing a Conditional Use Permit of cannabis cultivation on this parcel # 221-021-008.

I received the Notice of Hearing and was surprised that this property can still be considered for cannabis cultivation, after multiple incidents of illegal grading on steep slopes, as seen from the road; excessive generator noise, as related to me by a neighbor Hardy Church; nighttime growlights that light up the whole backside of the Loop, as seen by me; and multiple large truckloads of water delivery, as seen and heard by neighbors. I have also been told by the Road Association Manager, Christine Rogers, that the owners haven't paid their road dues for 3 years running.

These behaviors are not consistent with how I would like to see our neighborhood live, and I ask you to please, at the very least, add some restrictions and caveats to any permit issued that will bring the new owner into compliance with the following:

- removal of gardens from very steep slopes,
- buffering of generator noise,
- prohibition of unshaded nighttime grow lights,
- prompt payment of road dues, current and overdue.

Thank you for your consideration,
Gail Crosby

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

From: Marcia Mendels

Date: November 3, 2021 at 10:48:44 PM CDT

To: planningclerk@co.humboldt.ca.us

Subject: Comment for planning commission meeting on record number PLN-11248-CUP Assessor's Parcel Number 221-021-008

Dear members of the planning commission and others involved,

I am writing to protest granting further permits of any kind to the owners of this property, and to suggest that their current permits be revoked. They have not been in compliance with existing regulations, have purchased and trucked in water throughout the summer months for the purpose of growing cannabis, have greatly damaged the road through overuse, while not paying any road dues, and have jeopardized our entire community at least twice by leaving generators unattended or in the care of people who did not know how to run and maintain them, resulting in smoke plumes and overheating generators to the verge of bursting into flames before a neighbor drove over to shut the generators down! This also was at great cost to both the Salmon Creek Volunteer Fire Department and to CALFIRE, who gave us air support.

These owners are unresponsive, uncaring of either the community or the damage they are doing to their own property, including degradation that is not authorized by any permit. Has Fish and Wildlife been consulted or made aware of these issues?

In addition to all this, police officers have driven to the property for issues, at least twice that I know of.

Please listen to what so many of us are telling you, and stop this process immediately. You should not grant any permits until you can inspect the property and understand just what an ecological disaster has been created already. This completely runs contrary to everything you are asking permit seekers to do, and makes a mockery of your process, which I'm sure you never intended.

Thank you,
Marcia Mendels

PLANNING COMMISSION COMMENT

H2 EQUITY, LLC

APPS PLN-11248-CUP

Hello, my name is Malachi Church. I am 19 years old and have lived near the property in question my whole life. In the past ten or so years the property has declined in quality and the owners in responsibility. With illegal grading and clear-cutting. What was once a beautiful peace of land has been covered in hideous uncovered greenhouses that cause so much light pollution that it has caused several false fire calls. Which caused firefighters to waste there valuable time and resources. Some times there are so many water trucks going in and out of the property. That it feels as though I can't drive past the driveway without seeing one coming in or out of it. I am disgusted and offended every time I see how poorly managed that property is.

PLANNING COMMISSION COMMENT

H2 EQUITY, LLC

APPS PLN-11248-CUP

I have been an owner of property next to Assessor's Parcel Number 221-021-008 since 1971. I think it is very sad to see the damage and degradation of this property over the last ten years.

I have seen multiple water and fuel trucks delivering to this property over the years. Either last summer or the summer before last it seemed like there were deliveries every day.

I used to walk the above property with the person who owned it and lived there twenty years ago. Now the degradation of that property is tragic.

Please do not allow this insanity to expand and continue with the approval of the Planning Commission.

Donna Robinson

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

Starting in 2019 when this parcel changed hands to H2Equity LLC the owner has not paid any road dues they have been billed for through the mail. Contacting them directly is difficult as they are behind a locked gate and they have no direct contact with the community. Their delinquent dues are \$486 a year for 2 years and \$700 commercial use fee for over 20,000sq.ft. Cannabis permit that we started charging in 2020. I just billed them for another year (\$486+\$700) bringing their total due to \$2858. They definitely have a heavy use of the road.

We have 8 other large permitted grows (over 20K sq. ft.) in our neighborhood, which has 10 miles of gravel road. While we have grumbled about some of these other grows from time to time.....like when they have to have many, many truck loads of asphalt delivered because their driveway is too steep.....none have drawn the amount of complaints as this property for multiple reasons. We'd like to see them gone, much less allow them to get bigger. The previous owner had a lot of complaints too, but at least he paid his road dues plus.

Christine Rogers

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

Comment for planning commission meeting on
Record # PLN-11248
CUP APN 221-021-008

Please DO NOT PASS THIS PERMIT

Salmon Creek has consistently been tagged as a stressed watershed by the county, to allow expansion on a farm that the whole community knows has been trucking water consistently for years is irresponsible on every level.

To allow expansion on a farm that has caused multiple fires, doesn't pay their road dues while massively destroying the road with big trucks, employees, & water trucks, a farm that seems to have trouble covering their greenhouses while blaring light in direct violation of the night sky act and I'm sure their permit is
IRRESPONSIBLE on every level.

To allow expansion, which in turn means more construction vehicles, delivery vehicles and general traffic on our roads this winter, especially after they have been destroyed and are still being destroyed by the PG&E tree army is IRRESPONSIBLE on every level.

To allow expansion to a permit that has been busted twice in the last year is complete INSANITY.

In my opinion the permit on that property should be yanked completely regardless of who they claim the new "owner" is. Or at least suspended for a set time.

If not that then AT LEAST don't reward the bad actors with expansions.

PLEASE DO NOT PASS this. Salmon Creek doesn't deserve to be treated this way.

You will be taking money out of our pockets (road repairs, fire dept calls). to handle the next series of issues this farm will bring into our community.

Rebecca Crossland
Salmon Creek

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

Hello, my name is Lisa Gribi and I have lived in Salmon Creek since I was born, in 1975. I have seen this community go through many changes, none so drastic and horribly grotesque as the grow on Tommy Harlander's property. I used to get piano lessons at the house when I was a kid many decades ago, it was a wooded forest.

Lately, I hadn't been out that side of the community in a while and took upper Samuel's Loop Rd on a beautiful sunny day. My bewilderment was off the charts when I got the first sight of the huge white triangle on the hillside off in the distance. I did not know what I was looking at, just that it was not natural and I thought perhaps there had been a major slide that I was unaware of. But as I got closer to the property, I could start to see how the land on a very steep hillside had been scraped bare to make way for terrace after terrace after terrace of grow space. I was shocked. It was raw and ugly. It gave me a sick feeling just looking at it.

Then I started to put all the pieces of history and current issues together. From what I know as a volunteer fire person, we have been called to that property numerous times for fires. We have had calls for smoke checks. I know they run out of water and have water delivery trucks come up throughout the growing season, causing untold damage to our roadways. And, the property has been "busted" more than once, only to be replanted within a few days.

Property owners clearly do not care for the community and absolutely do not care for the environment. I don't understand how this property got a permit in the first place.

In summary, this permit should NOT be granted in its current condition. It is unsafe, unhealthy, an eyesore, and unwanted

Thank you for you time,
Lisa Gribi
Salmon Creek Resident

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

Hi Abbie. I am sending you this email because I have a lot of concerns about the permit for this property. I am a close neighbor who has a good visual perspective on the scene there. It was at one time a nicely forested hillside..located next to salmon creek. It was clear cut and terraces were bulldozed seemingly without regard to the steepness or the close proximity to the creek. The most recent concerns are fire related. There was a recent call out to the fire Dept because of what appeared to be a large plume of smoke! Turned out to be most likely a malfunctioning generator..which was not a comforting thought because there was another fire there a few years ago because of a generator catching on fire! The workers at that time had no idea how to turn it off! Luckily a neighbor hopped their gate(which is always locked and no one has ever been given the key or combo.. including the fire Dept) and was able to shut the fuel switch off. There are multiple fuel deliveries..water deliveries..soil deliveries..and traffic going in and out. I have come to find out that there have not been any road dues paid for at least 2 years! Our road is in pretty poor shape..the county road is not much better....so the road dues would be a great benefit if it was paid. There actually are only maybe 7 out of 22 permitted grows up here who pay their required dues for the road. So the brunt of the dues collected from private residents goes to try and repair all the damage done from the numerous large delivery trucks. I spoke with the "foreman" last year who informed my partner and I and also another neighbor that they drilled a well but the water was putrid and was probably not going to be useable. The property has no other water source..there was an issue in the past of a previous owner pumping out of the creek! So..it is really quite a large operation for the resources at hand . The current owner is from Las Vegas and as far as I can tell .does not live here. The Garberville address that is used is an office in town not a residence. The bottom line is .no one communicates with the neighbors or fire Dept..very sketchy to have a locked gate and so many generators with no access. We all live out here on a road that is one way in .one way out....so .if there ever was a fire...not good access . Thank you for taking this all into account.

Signed, a very concerned neighbor

I fervently request that you deny the necessary permits for commercial cultivation on the above-mentioned parcel in Salmon Creek.

The burden of the degradation of the land, roads, and fire dangers from those who have trashed this land are all on the backs of those of us who live here, pay our road fees, volunteer on our fire department, and care for this spot of the earth.

Please refer to your recent letter from Kym Kemp for more detailed information on this matter.

We are a small; but united community, and we care deeply about this issue.

Sincerely,
Suzanne Whipple

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

How is this property even being considered? They have been busted numerous times just in the past two years. They want to expand where everyone else is told no chance. As a member of the fire department we have been called numerous times due to their neglect of generators. Tons of illegal grading. They haul water constantly which I was told is against the rules. They do not ever pay the road dues. Rumors of water theft. This is a blight on our neighborhood. I have also been informed that none of the complaints are even noted in this review. Why is that? Is the planning department so corrupt they can be bought off that easily? I have seen raids in this neighborhood on people who already abated. Raids over empty buildings. The inspectors pass more than a dozen campers that are visible with people clearly living in them but tell us to cover ours up even though it's empty. How can this parcel even be considered for a license? Do your job as elected officials and care about our community instead of money and greed. The legal growers in this neighborhood are doing our best and struggling while this parcel has flaunted the rules and not cared at all about its community. It's disgusting and someone in your office is corrupt to even allow this to be reviewed.

John Keenan
Property owner and resident of Salmon Creek.

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

Planning Clerk --

In regards to the Nov. 4, 2021 meeting.
H2 Equity, LLC Ettersburg
APN # 221-021-008
Record # PLN - 11248-CUP

These people are lying on their application. Yes, they do have a well, but in no way do they have a million gallons of water anywhere on their property.

I live just 2 parcels away and I can see double water takers (which are not allowed on our road) come to their property and deliver water. Their well dries up in July just like the rest of us and does not return until we have 2 good rains.

Each landowner is to pay their road dues because we live on a private road and our landowners are to maintain and pay each year for it's upkeep. These people do NOT live there and drive back and forth each day with their big trucks and equipment. They haven't worked on the main road or paid any money to the road network we have here for over 3 years.

I don't see how these people can increase their sq footage. From what I see they have the place maxed out the way it is now.

They got one permit to do some logging and what did they do they blew off the top of the hill to make a flat. They do what they want and if they get caught -- shucky darn you caught me what's my fine.

they have had 2 fires and have people in charge and don't even know how to shut off the fuel line to the generator and they sure don't know how to do maintenance on them.

Their greenhouses when their lights are used they shine right into my house. What happened to black out tarps?? I thought that was a requirement.

One last thing --

Why is this even considered -- they have been busted at least 2 times (always gets switched into another name) but it's done by the same people.

I have been told over and over again we can't increase our sq footage. I have lived here longer, grown for more yrs than they have and own more acreage than they do. SO, I see you approving this just because they have the big bucks! You have stated you do NOT cater to money -- it sure looks like it to us!

These people don't care one cent about the land or what they do to it! VOTE NO

VOTE NO VOTE NO!!

thanks for reading this

N. Branch landowner

PLANNING COMMISSION COMMENT
H2 EQUITY, LLC
APPS PLN-11248-CUP

To whom it may concern,

My name is Robin Fleckles and I live on the nearest parcel adjoining the land that is up for review by the planning commission.

These folks have been an ongoing problem for our community for years. They have started at least two fires that I know of as a result of negligence during the summer and are a constant noise nuisance. Law Enforcement has shut them down several times and they are always back operating the next day. They do not pay road fees yet their large fuel delivery tankers RIP up our roads that we have to fix ourselves. It is widely known that they illegally pump water from our precious watershed. Please deny this permit.

Respectfully, Robin Fleckles

In hopes that our County government will finally stop “working with” the current owners of a property, Assessor’s Parcel Number 221-021-008, that is known for its ugly environmental and social impacts in a community that is extremely grower friendly, our family is once again speaking out.



In the last year and a half, law enforcement has visited this property twice--removing over 50,000 plants and a wall of processed cannabis. In addition, we’ve watched semi’s haul water there multiple times, asked them to stop stealing our water, had one fire scare, and dealt with uncovered greenhouses lighting the night. But the property and the managers of the property have been a blight on the community for well over a decade.

In 2015, in spite of a culture of not reporting problems to law enforcement, neighbors began reaching out to government agencies asking for assistance with this property. To the best of my knowledge, no one wanted to see the owners face jail time but we did want the egregious assault on nature and our community halted and, if possible, repaired.

Illustration 1: Water truck October 18, 2021 at the top of theirs and ours shared driveway.

I can’t speak for everyone else but this is our timeline starting in 2015 when we first

complained. (Yes, we know that the current owners are not legally connected to the previous owner. However, we can say that the previous owner was seen in the area multiple times long after the property changed hands legally. In addition, the same pattern of behavior that impacts the community continues.)

In my job as a reporter, we regularly post information from law enforcement saying that they eradicated some relatively small grow acting on complaints from neighbors. We just want to know what barrage of complaints worked? Because we know multiple complaints were made to government agencies and to County Supervisors by multiple neighbors—at least four different neighbors unrelated to our family have complained and this grow is one of the largest in a remote hill area and the most environmentally damaging that I have ever seen and I have flown over Humboldt looking at cannabis farms in the course of my job. I’ve spoken to two different County Supervisors myself. I’ve spoken by phone or written letters or emails to the Humboldt County Planning Department, the Humboldt County DA’s Office, the California Department of Fish and Wildlife and the California Waterboard.

1. In June of 2015, we first contacted government agencies concerned about the environmental degradation on the property. My husband, Kevin Church, a licensed engineer

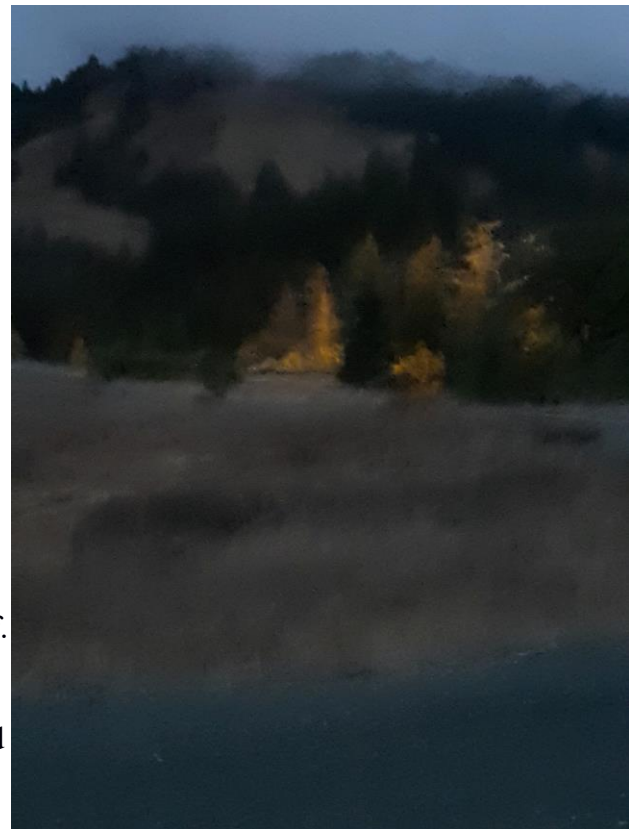


Illustration 2: Lights from greenhouse on September 18, 2021.

wrote a letter expressing his concern over the complete denuding of a hillside at this property, Assessor's Parcel Number 221-021-008. (See attached copy of his letter). In it he expressed concern about:

- Significant unconsolidated fill adjacent to drainages leading directly to Salmon Creek
- Grading and over steepened cut slopes that present significant erosion and sediment transport threats to local drainages and Salmon Creek
- Complete removal of nearly all stumpage and understory vegetation down to bare, and unconsolidated/un-compacted soil
- General excavation unnecessary for the purpose of timber harvest
- No erosion control efforts whatsoever
- Photos:



2. In spring of 2016, I flew Humboldt County with an attorney and a cannabis cultivator to get a grasp of the environmental situation for my job as a reporter. This property was rated in the top three most environmentally damaged properties just with what we could see from the air—building on steep slopes, logging etc. See photo taken that day.

3.



1

s an excerpt from an email by me to Supervisor Rex Bohn. “My neighbor has had three large water trucks pull into his driveway two days in a row for sure and one day at least one and probably two more. And today I heard what sounded like the same trucks...I just didn't go look. So I can't swear but I believe that he has had 12 full water trucks deliver to his property in four days and ...he's in the permit process. He doesn't cover his greenhouses about half the nights and his lights shine into my son's bedroom. His crew works heavy equipment starting at 6 in the morning and he shaved off about three acres of timber on a steep slope. Five times in 14 months he was reported for having fires. Three of them were just his glowing greenhouses. The other two terrified the neighborhood but were squelched by his workers and didn't get out of hand. He hasn't had a report for over a year after we told him that next time we were letting the inmate crews come to his property to put out the flames if it ever happened again. Somehow that finally got through to him” Supervisor Bohn and I spoke then by phone. I don't have a record of what we said.

4. Oct 26, 2017: Phone call with Planning Director John Ford. In the course of a call



related to my business as a reporter, I told him our family no longer trusted the County to deal with the egregious growers as at the same time they were requesting onerous

changes to cannabis cultivation sites the sizes of family vegetable gardens, they were letting this property owner destroy an entire hillside. He requested evidence. I sent him attached photos showing that heavy equipment was tearing down trees and tearing up land just feet from a stream

bed and our property line. In response to what I believe was Ford's intervention, the equipment work did stop or at least greatly reduced what had been occurring at this spot previously. See images that I sent marked with the excavation work pushing soil above the stream bed and near our property without any notice. (Note: This was after a pond built illegally on the other side of the property by the owner had collapsed onto the Chapman Ranch causing



serious damage to that Ranch and accruing fines. We were concerned that this illegal excavation was also a pond that might collapse into the creek and our property.)

5. Sometime before April 2019 Property purchased by H2 Equity llc.
6. The previous owner, Thomas Harwood, was seen in the area for at least 6 months after the sale went through by me and I believe he was seen as recently as this year though that was in a moving vehicle and I can't absolutely confirm that. We are not convinced that he still does not have under the table connections to the property.

7. Summer of 2019 approximately, my son discovered a waterline running through a culvert about 200 yards onto our property
8. In May of 2020, the property was raided by the Humboldt County Sheriff's Department. According to the Sheriff's Department, "During the service of the warrant, deputies eradicated approximately 14,086 growing cannabis plants and over 1,990 pounds of processed cannabis." Included is a photo from the press release.

<https://kymkemp.com/2020/05/18/over-14000-plants-and-nearly-2000-pounds-of-marijuana-found-at-salmon-creek-grow-says-hcso-met-team/>



9. On June 30 of 2020, just over a month later, the property was raided again by the Department of Fish and Wildlife. According to Janice Mackey, Information Officer for the California Department of Fish and Wildlife, an estimated 46,791 illegal marijuana plants were eradicated. In addition, 10 suspects were detained though later released without charges. <https://kymkemp.com/2020/07/19/re-raid-of-a-property-that-replanted-yields-over-46000-plants-plus-a-list-of-marijuana-enforcement-actions-in-humboldt-county-in-2020/>
10. On August 12, 2021, in the middle of deep drought and a community afraid of fire, a neighbor reported a large plume of smoke coming from the property. Cal Fire (including a helicopter) and local fire departments responded to the property but by that time the inhabitants had managed to squelch the fire. This makes at least 6 times that I'm aware of that the property has been the subject of a large firefighter response and the large amount of money and time squandered by local firefighters to deal with this issue.
11. On November 13, 2021, I was shown by a member of the Humboldt County Planning Department Staff what was porported by the current named owner to be a photo of a letter vouching for his behavior and his membership in the local fire department by the Salmon Creek Fire Chief. When I expanded the photo of the letter, it was a form letter that is adapted by the Fire Department for each cannabis farm requesting a permit that simply states the hopes they have that the owner will beef up firefighting infrastructure on the property. The Fire Chief Dan Gribi said that the purported owner is not on the department's insurance as a firefighter nor to his knowledge has the man attended a single meeting.

12. On November 13, 2021, I spoke to Abby Strickland at the Planning Department. She told me that none of the complaints by our family or by neighbors are noted in the property logs nor are the two different warrants served shown. I find that very troubling. It is inconcievable that somehow years of complaints and law enforcement interaction on that property disappeared from the record without the assistance (likely the paid assistance) of someone in the Planning Department.

In conclusion, our family is pro cannabis. We are pro giving cultivators every opportunity to come into compliance in a confusing and expensive process. But this particular property has been managed in such a manner and continues to be managed in such a manner that we believe that the owners do not intend to be good neighbors nor good stewards of the land. Please, if there is ever a time to stand up for the tightknit rural hill communities, now is the time to put a stop to the waterhauling, the carelessness with fire, the mismanagement of slopes and waterways and the damaging of the community's trust. Vote no on allowing this permit.

EXHIBIT D

Seasonal Water Solutions

1575 Sprowl Creek Rd.
Garberville, CA 95542
(707) 845-6935
seasonalwatersolutions@gmail.com

INVOICE

BILL TO
Charles Perry
3845 Thomas Rd
Miranda, CA 95553

INVOICE 401
DATE 09/18/2021
TERMS Due on receipt
DUE DATE 09/18/2021

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
09/18/2021	Domestic Water	Domestic Delivery	8,000	0.20	1,600.00

SUBTOTAL					1,600.00
TAX					0.00
TOTAL					1,600.00
PAYMENT					1,600.00

BALANCE DUE					\$0.00
					PAID

Seasonal Water Solutions

1575 Sprowl Creek Rd.
Garberville, CA 95542
(707) 845-6935
seasonalwatersolutions@gmail.com

INVOICE

BILL TO

Charles Perry

3845 Thomas Rd

Miranda, CA 95553

INVOICE

DATE

TERMS

DUE DATE

446

10/18/2021

Due on receipt

10/18/2021

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
10/18/2021	Domestic Water	Domestic Delivery	8,000	0.20	1,600.00

SUBTOTAL					1,600.00
TAX					0.00
TOTAL					1,600.00
PAYMENT					1,600.00

BALANCE DUE					\$0.00
					PAID