

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:
September 5, 2019

<input checked="" type="checkbox"/>	Consent Agenda Item	} No. <u>7</u>
<input type="checkbox"/>	Continued Hearing Item	}
<input type="checkbox"/>	Public Hearing Item	}
<input type="checkbox"/>	Department Report	}
<input type="checkbox"/>	Old Business	}

Re: **Ohana Grown Farms Special Permits**

Record Number PLN-11601-SP

Assessor Parcel Number 217-440-004

36111 Alderpoint Road, Blocksburg, CA

Attached for the Zoning Administrator's record and review are the following supplementary information items:

1. Agenda Item Transmittal, Project Description: see strikethrough and italicized bold underline
2. Executive Summary, Paragraph 5: see strikethrough and italicized bold underline
3. Attachment 1, Revised Conditions of Approval (Conditions 4 and 10): see strikethrough and italicized bold underline
4. Attachment 2 Required Findings for Approval (Pages 22 and 29): see strikethrough and italicized bold underline
5. Attachment 3, CEQA Addendum: see strikethrough and italicized bold underline
6. Attachment 4: Applicant's Evidence in Support of the Required Findings: see italicized bold underline
7. Amended Biological Assessment and Jurisdictional Wetlands and Water Delineation Report

1.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 5, 2019	Special Permits	Rodney Yandell

Project Description: A Special Permit for 500 square feet of existing outdoor and 7,055 square feet of existing mixed light cannabis cultivation. The project also includes a 432-square-foot greenhouse nursery area. Water for irrigation is sourced from a permitted well on the property. There are 22,500-gallons of existing tank storage capacity in 5 tanks on the parcel. The applicant estimates that 210,000-gallons of water is required for annual operations. Plants will be harvested and dried onsite in the 96-square-foot dry shed. A maximum of three people will be onsite for all processing and operations associated with cannabis. All cannabis processing will be conducted on site in an existing 2,000-square-foot processing facility that will be upgraded to commercial standards as a condition of permit approval. Power is supplied by solar power with an emergency backup generator housed within the processing facility. A Special Permit is also requested for restoration work required within the Streamside Management Area (SMA) of Bosworth Creek to move ~~two~~ an existing greenhouses outside the SMA and restore the existing location.

Project Location: The project is located in Humboldt County, in the Blocksburg area, on the west side of Alderpoint Road, approximately 8.0 miles north from Blocksburg proper, on the property known as 36111 Alderpoint Road.

Present General Plan Land Use Designation: Agricultural Grazing (AG) Humboldt County General Plan (GP), Density: 20 to 160 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Agriculture General (AG) Special Building Site Combining Zone (B-6).

Record Number: PLN-11601-SP

Assessor Parcel Number: 217-440-004

Applicant

Ohana Grown Farms
PO Box 125
Bridgeville, CA 95526

Owner

Elijah Loranger
PO Box 125
Bridgeville, CA 95526

Agent

Tamara Camper
455 I Street
Arcata, CA 95521

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

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

Major Issues: None.

2.

The WRPP notes that a portion of the westernmost greenhouse is within the streamside buffer (100 feet) of Bosworth Creek (approximately 75 feet from the creek), a Class II stream. The greenhouse will be relocated on site to a more suitable area south of the westernmost greenhouse and outside of the streamside buffer area of Bosworth Creek. The amended Biological Resource Assessment and Jurisdictional Wetlands and Waters Delineation also found that ~~two greenhouses are~~ the westernmost greenhouse is located within the Streamside Management Area. The Applicant provided a Restoration Plan as part of an addendum to the Cultivation and Operations Plan summarizing proposed restoration of the previous locations of ~~these~~ the greenhouses. The WRPP notes that there are three stream crossings on site. It includes mitigation measures to remediate and maintain these stream crossings. Implementation of these measures are included in Attachment 1 as a condition of project approval.

3.

ATTACHMENT 1

REVISED RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –16. 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.
2. The applicant shall secure permits for the any unpermitted structures and grading related to the commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and 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.
3. The existing Processing Facility to be used for trimming and/or packaging must comply with the building code and its companion codes as a commercial building, complying with accessibility standards. Permits shall be secured within the time frame for a provisional permit.
4. The applicant shall provide, within 30 days of project approval, a revised Site Plan showing the relocation areas for the ~~two~~ greenhouses that ~~are~~ is currently within the SMA and a delineation of the areas to be restored.
5. The applicant shall discontinue well use during forbearance months (May 15th to October 31st), obtain a water right, and add additional water storage on site to provide enough irrigation water from storage during the forbearance period (minimum 136,500 gallons). Aerial imagery shows sufficient space for the additional storage. Alternatively, the applicant can have a licensed geologist analyze the well for hydrologic connectivity to surface water. If it is found to be hydrologically disconnected to surface waters, the current water storage is sufficient. If it is determined to be hydrologically connected to surface waters, the applicant must redevelop the well to a standard that assures that there is no hydrologic connection to surface waters. The applicant shall submit a copy of the appropriate water right for storage and a revised site plan showing the location of the additional water tanks or a report from a licensed geologist indicating the well is not hydrologically connected to surface waters to satisfy this condition.
6. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
7. The driveway onto Alderpoint Road shall be maintained in accordance with County Code

Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

The existing driveway shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects Alderpoint Road. 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. 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.

8. The applicant shall maintain a dedicated fire tank with a minimum 2,500-gallon capacity that will be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications.
9. The applicant shall contact the local fire service provider [Bridgeville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
10. The ~~two~~ westernmost greenhouses shall be relocated on site to an environmentally superior location outside of the SMA of Bosworth Creek. The existing locations shall be restored in accordance with the restoration plan submitted by the Applicant as part of an addendum to the Cultivation and Operations Plan and as outlined in the WRPP. Upon completion of the restoration plan, the applicant shall contact the Planning Department to schedule a site inspection for County staff to verify the restoration plan was completed as described. Alternatively, the applicant may provide a statement from a qualified biologist or botanist stating the restoration plan was completed as described in this permit. The applicant is required to provide annual monitoring reports for 3 years that describe the success or failure of the restoration plan. In the case of failure, the Planning Department will work with the applicant to determine if additional plantings and/or monitoring is required to ensure success of the restoration.
11. The applicant shall prepare and implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017, by the State Water Board. The applicant shall provide a Notice of Applicability and a copy of the Site Management as evidence to enrollment into the State Cannabis Discharge program.

12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any 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.
13. All on-site lighting used in the nursery propagation facility and mixed light greenhouses shall be fully shielded and designed and installed to eliminate light leakage that could lead be visible from all property boundaries between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light's shielding and alignment has been repaired, inspected, and corrected as necessary. No mixed-light in the greenhouses or appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, light and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No mixed-light in the greenhouses or appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
15. 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 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.
16. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All components of the 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.

2. 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.
3. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. 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.
5. 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.
6. 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).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) 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.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
9. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current

auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

13. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
14. 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.
15. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
16. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, generators, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
17. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. 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

20. Pursuant to the MAUCRSA, 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."
21. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
22. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

- iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
23. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. 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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. 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.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
24. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.
25. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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 permittee(s) and the permitted site have been found to comply with all conditions of approval.
26. 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 CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit

holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the CUP, 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.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26 above 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.
28. 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.
29. Permittee further acknowledges and declares that:
 - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA
30. 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 Commercial Cannabis.
31. 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 violation(s) at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violation(s) shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. 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 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.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date**

of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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. See next three pages

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>The subject parcel is located approximately 2.6 miles from the nearest Northern Spotted Owl Critical Habitat and approximately 800 feet south from the nearest historical Northern Spotted Owl activity center. There is no Marbled Murrelet critical habitat within five miles of the subject parcel. Power is supplied by solar power with an emergency backup generator onsite. Additionally, lights for cannabis propagation will be contained within the 430 square foot nursery greenhouse with blackout tarps used when grow lights are in use. Mixed light greenhouses will also use blackout tarps when artificial lighting is in use. The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of the back-up generator, fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer. The applicant is required to verify these standards can be met to continue mixed light cultivation the greenhouses and appurtenant nursery.</p> <p>A Biological Assessment and Jurisdictional Wetlands and Water Delineation Report was prepared by TransTerra Consulting for the project (see Attachment 4). According to the report, the subject parcel does contain potential habitat for known special-status plant or animal species. However, the survey was conducted during the time of year when most all the species that could be present on the site would be evident. Special status species were not observed during the site visit. No impacts are anticipated.</p> <p>Two <u>One of the</u> greenhouses are <u>is</u> located within the streamside buffer of Bosworth Creek. The cannabis <u>greenhouse</u> will be relocated on site to a more suitable area near the parking area. The restoration requires a Special Permit as restoration activities are considered development by the Streamside Management Area Ordinance. The Applicant provided a restoration plan as part of an addendum to the Cultivation and Operations Plan to summarize proposed restoration efforts to restore the existing area once the greenhouse is moved. The applicant will utilize native grass seed and</p>
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		<p>trees consistent with the surrounding vegetation to restore the area. Conditions of approval require that the applicant contact the Planning Department to verify the SMA was restored as described by the operations plan. Additionally, the applicant is required to provide annual monitoring reports for three years that describe the success or failure of the restoration plan. In the case of failure, the Planning Department will work with the applicant to determine if additional plantings and/or monitoring is required to ensure success of the restoration.</p>
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<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas to implement the County's Open Space Element of the General Plan.</p>	<p>As discussed above, two <u>one of the</u> greenhouses are <u>is</u> located within the streamside buffer of Bosworth Creek. The greenhouses will be relocated on site to a more suitable area outside of any SMAs. The Applicant submitted a restoration plan as part of an addendum to the Cultivation and Operations Plan to clean up the existing location after relocating the greenhouses (see Attachment 4). The restoration includes reseedling with native grasses and native trees. A Special Permit is being requested for proposed work within the SMA of Bosworth Creek to relocate the greenhouses and restore its existing location. Conditions of approval require that the applicant contact the Planning Department to verify the SMA was restored as described by the operations plan. Additionally, the applicant is required to provide annual monitoring reports for 3 years that describe the success or failure of the restoration plan. In the case of failure, the Planning Department will work with the applicant to determine if additional plantings and/or monitoring is required to ensure success of the restoration.</p> <p>A Biological Assessment and Jurisdictional Wetlands and Water Delineation Report was prepared by TransTerra Consulting for the project (see Attachment 4). The report stated that, though part of the cultivation area was within 100 feet horizontal distance of the jurisdictional waters, it was not located adjacent to or in Federal or State jurisdictional waters and no impacts to jurisdictional waters were observed beyond clearing of some riparian vegetation west of the cultivation area near the top of the slope. Erosion, rilling, fill excavation or other impacts to Federal or State jurisdictional waters was not observed aside for the crossing of the Class III stream addressed in the WRPP.</p>
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5.

ATTACHMENT 3
CEQA Addendum

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

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

APNs 217-440-004, 36111 Alderpoint Road, Blocksburg, County of Humboldt

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

August 2019

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves a Special Permit for 500 square feet of existing outdoor and 7,055 square feet of existing mixed light cannabis cultivation. The project also includes a 432-square-foot greenhouse nursery area. Water for irrigation is sourced from a permitted well on the property. There are 22,500 gallons of existing tank storage capacity in 5 tanks on the parcel. The applicant estimates that 210,000 gallons of water is required for annual operations. Plants will be harvested and dried onsite in the 96-square-foot dry shed. All processing and operations associated with cannabis will be conducted solely by the applicant and one to two additional family members that live on the subject parcel in the three-bedroom residence during the cultivation season; no employees will be used. All cannabis processing will be conducted on site in an existing 2,000-square-foot processing facility that will be upgraded to commercial standards as a condition of permit approval. Power is supplied by solar power with an emergency backup generator housed within the processing facility. A Special Permit is also requested for restoration work required within the Streamside Management Area (SMA) of Bosworth Creek to move the an existing greenhouses outside the SMA and restore its existing location.

The project site contains riparian habitat associated with a Class II stream; however, all related project elements are to be relocated outside of the required setbacks. Habitat for Northern Spotted Owl exists within approximately 800 feet of the project site, but the project is conditioned to reduce the noise and light impacts on NSO from the project to be below the thresholds that could cause disturbance of the species. A Biological Assessment and Jurisdictional Wetlands and Water Delineation Report has been prepared which documents that there will likely be no impacts to sensitive biological or wetland resources from the on-going cultivation. The site has been analyzed for cultural resources and was determined to not have sensitive cultural or archaeological resources that could be impacted from on-going cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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;
or

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO 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.

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

- Water Resources Protection Plan prepared by Mad River Properties, received June 29, 2017.
- Biological Assessment and Jurisdictional Wetlands and Water Delineation Report prepared by TransTerra Consulting, August 2018 (**amended September 2019**).
- Cultural Resources Survey prepared by DZC Archaeology and Cultural Resource Management, October 2018.
- County GIS.
- Site Plan and Operations Plan for Ohana Grown Farms.

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.

6.

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 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 ¼ mile (1,320 ft.) 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. (Attached)
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; and 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. (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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
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. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
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 Department of Fish & Wildlife. (Condition of approval)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CALFIRE). 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 CALFIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Water Resources Protection Plan prepared by Mad River Properties, received June 29, 2017. (Attached)
16. Biological Assessment and Jurisdictional Wetlands and Water Delineation Report prepared by TransTerra Consulting, August 2018 **(amended September 2019)**. (Attached)

7. Amended Biological Assessment and Jurisdictional Wetlands and Water Delineation Report
(see attached report)

Biological Resource Assessment and Jurisdictional Wetlands and Waters Delineation

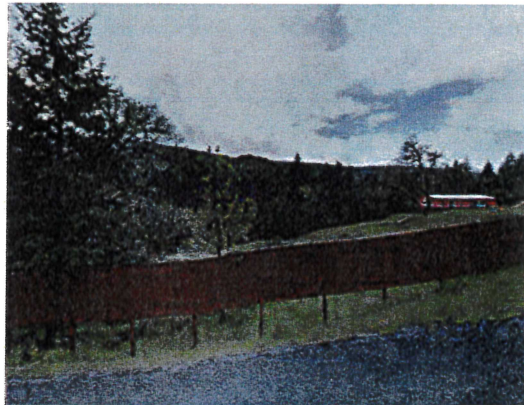
36111 Alderpoint Road, Blocksburg, CA 95514

(APN: 217-440-004)

August 2018

Prepared For:

Elijah Dinur-Loranger
Ohana Grown Farms



Prepared By:



TransTerra Consulting

INTEGRATED ENVIRONMENTAL SERVICES

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I. EXECUTIVE SUMMARY

The purpose of this report is to provide baseline data concerning the type and extent of jurisdictional resources for the Ohana Family Farms property located 36111 Alderpoint Road, Blocksburg, California (APN 217-440-004). Jurisdictional resources considered for this report include wetlands and non-wetland "waters of the U.S." regulated by the U.S. Army Corps of Engineers (USACE); "waters of the State" regulated by the North Coast Regional Water Quality Control Board (NCRWQCB); and the bed, bank, and channel of all lakes, rivers, and/or streams (and associated riparian vegetation), as regulated by the California Department of Fish and Wildlife (CDFW).

The jurisdictional delineation work was performed by TransTerra Consulting staff on May 14, 2018 using the USACE Regional Supplement to the Corps of the Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). The proposed project is in Humboldt County, near Blocksburg, CA on the U.S. Geological Survey's (USGS) Blocksburg 7.5-minute quadrangle map.

Wetland features were identified based on the USACE's three-parameter approach in which wetlands are defined by the presence of hydrophytic vegetation, hydric soils, and presence of wetland hydrology indicators. The limits of non-wetland "waters of the U.S." were identified by the presence of an ordinary high water mark (OHWM). The limits of CDFW jurisdictional waters were identified as the top of bank or the outer drip line of riparian vegetation, whichever was greater.

Based on the results of the jurisdictional delineation field work, it was determined that there are two ephemeral (Class III) streams totaling 563.7 linear feet on the parcel and 0.087 square feet of palustrine emergent wetlands on the parcel. Project activities will not take place within the 50' buffer zones imposed by Humboldt County and the NCRWQCB. Two perennial (Class I) streams border the property and activities are located within the 100' horizontal buffer imposed by Humboldt County and the NCRWQB of one stream (Bosworth Creek). Activities within the jurisdictional waters and fill, excavation or other impacts requiring 404/401 permits per the Clean Water Act (CWA) are not currently proposed. Current or proposed direct impacts were not observed to jurisdictional wetlands or waters.

Project applicants proposing development activities are required to include a site-specific biological report prepared consistent with the California Environmental Quality Act (CEQA), California Endangered Species Act (CESA) and other relevant regulations. The written report, prepared by a qualified biologist, is subsequently referred to resource agencies for review. TransTerra Consulting LLC staff scoped the project using the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Rare Plant Inventory and visited the site to determine the extent of project impacts, assess potential habitat for sensitive species and develop guidelines and strategies for mitigation measures as necessary. Sensitive species were not observed in the project area during the scoping or site visit.

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INTRODUCTION

This Biological Resource Assessment and Jurisdictional Wetland Delineation(report) and was prepared to provide data concerning the type and extent of biological resources under the jurisdiction of the California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS) and wetlands under the jurisdiction of the US Army Corps of Engineers (USACE), North Coast Regional Water Quality Control Board (NCRWQCB); and CDFW. This report is based on the field work performed on May 14, 2018. The project includes commercial cannabis cultivation and associated activities If required after agency review of the preliminary habitat assessment, protocol level surveys will be completed per recommendations by the Final Environmental Impact Report (FEIR) amendments to the Humboldt County Code Regulating Commercial Cannabis Activities.¹

REGULATORY AUTHORITY

U.S. ARMY CORPS OF ENGINEERS

The USACE Regulatory Branch regulates activities that discharge, dredged or fill materials into "waters of the U.S." under Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. This permitting authority applies to all "waters of the U.S." where the material (1) replaces any portion of a "waters of the U.S." with dry land or (2) changes the bottom elevation of any portion of any "waters of the U.S.". These fill materials would include sand, rock, clay, construction debris, wood chips, and materials used to create any structure or infrastructure in these waters. The selection of disposal sites for dredged or fill material is done in accordance with guidelines specified in Section 404(b)(1) of the CWA, which were developed by the U.S. Environmental Protection Agency (USEPA).

"Waters of the U.S."

"Waters of the U.S." can be divided into three categories: territorial seas, tidal waters, or non-tidal waters. The term "waters of the U.S." is defined by the Code of Federal Regulations (CFR, Title 33, Navigation and Navigable Waters; Part 328, Definition of waters of the United States; §328.3, Definitions).

Ordinary High Water Mark

In non-tidal waters where adjacent wetlands are absent, jurisdiction extends to the ordinary high water mark (OHWM). In the absence of wetlands in non-tidal waters, the extent of jurisdictional limits is determined by the OHWM. The OHWM is defined as "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial

¹ Final Environmental Impact Report :Amendments to the Humboldt County Code Regulating Commercial Cannabis Activities, January 2018. Prepared by Ascent Environmental. (Accessed via <https://humboldt.gov/DocumentCenter/View/62689/Humboldt-County-Cannabis-Program-Final-EIR-60mb-PDF>)

vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" (33 CFR §328.3[e]).

Wetlands

A wetland is a subset of jurisdictional waters and is defined by the USACE and the USEPA as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR §328.3[b]). Wetlands generally include swamps, marshes, bogs, and areas containing similar features. The definition and methods for identifying wetland resources can be found in the USACE's Regional Supplement to the Corps of Engineers Wetland Delineation Manual, and appropriate supplements to the USACE's Corps of Engineers Wetlands Delineation Manual². The methods contained in this supplement were used to identify the type and extent of wetland resources associated with the proposed Project.

REGIONAL WATER QUALITY CONTROL BOARD

The RWQCB is the primary agency responsible for protecting water quality in California through the regulation of discharges to surface waters under the CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The RWQCB's jurisdiction extends to all "waters of the State" and to all "waters of the U.S.," including wetlands (isolated and non-isolated).

Section 401 of the CWA provides the RWQCB with the authority to regulate, through a Water Quality Certification, any proposed, federally permitted activity that may affect water quality. Among such activities are discharges of dredged or fill material permitted by the USACE pursuant to Section 404 of the CWA. Section 401 requires the RWQCB to provide certification that there is reasonable assurance that an activity that may result in the discharge to navigable waters will not violate water quality standards. Water Quality Certification must be based on a finding that the proposed discharge will comply with water quality standards, which contain numeric and narrative objectives that can be found in each of the nine RWQCBs' Basin Plans.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The CDFW has jurisdictional authority over wetland resources associated with rivers, streams, and lakes pursuant to the *California Fish and Game Code* (§§1600–1616). Activities of State and local agencies as well as public utilities that are project proponents are regulated by the CDFW under Section 1602 of the *California Fish and Game Code*.

Because the CDFW includes streamside habitats under its jurisdiction that, under the federal definition, may not qualify as wetlands on a project site, its jurisdiction may be broader than that of the USACE. Riparian forests in California often lie outside the plain of ordinary high water regulated under Section 404 of the CWA, and often do not have all three parameters (wetland hydrology, hydrophytic vegetation, and hydric soils) sufficiently present to be regulated as a wetland. However, riparian forests are frequently within CDFW regulatory jurisdiction under Section 1602 of the *California Fish and Game Code*.

² Corps of Engineers Wetlands Delineation Manual by Environmental Library (Accessed via <http://www.cpe.rutgers.edu/wetlands/1987-army-corps-wetlands-delineation-manual.pdf>)

The CDFW jurisdictional limits are not as clearly defined by regulation as those of the USACE. While they closely resemble the limits described by USACE regulations, they include riparian habitat supported by a river, stream, or lake regardless of the presence or absence of hydric and saturated soils conditions. In general, the CDFW takes jurisdiction from the top of a stream bank or to the outer limits of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place within or near a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish and other aquatic plant and/or wildlife species. It also includes watercourses that have a surface or subsurface flow that support or have supported riparian vegetation.

HUMBOLDT COUNTY-BIOLOGICAL RESOURCES AND STREAMSIDE MANAGEMENT

AREAS³:

"Streamside Management Areas" (SMAs) [section 3432(5) of the Humboldt County 1984 General Plan] are defined in the Humboldt County General Plan (Page G-8) and include a natural resource area along both sides of streams containing the channel and adjacent land⁴. Updates to the SMA guidance for cannabis activities are defined in the Environmental Impact Assessment Biological Resources Section.⁵

Project applicants proposing development activities within a SMA or wetland areas are required to include a site-specific biological report prepared consistent with these regulations. The written report prepared by a qualified biologist is subsequently referred to CDFW for review and comment. If required after agency review of the preliminary habitat assessment, protocol level surveys will be completed per recommendations by the Final Environmental Impact Report (FEIR) amendments to the Humboldt County Code Regulating Commercial Cannabis Activities⁶.

ADDITIONAL LAWS AND POLICIES

In addition to the above mentioned policies, numerous other policies exist to protect wetlands, waters and biological resources including the California Environmental Quality Act (CEQA), California Endangered Species Act (CESA) and the Z'berg-Nejedly Forest Practice Act. As cannabis farming is not yet federally legal, federal agencies are not able to issue permits and certifications for federal laws such as the Federal Endangered Species Act (FESA) and the CWA (Clean Water Act),

³ Grading, Excavation, Erosion, and Sedimentation Control Regulations and Division 1, Planning Zoning Regulations Chapter 6 - General Provisions and Exceptions Section 314-61.1 Streamside Management Area Ordinance

⁴ Title 3-Land Use and Development Division 1, Planning, Zoning Regulations Chapter 6-General Provisions and Exceptions Section 314-61.1 Streamside Management Ordinance accessed via http://www.5counties.org/docs/hum_streamside_mgmt_ord.pdf. Accessed [August 30, 2018]

⁵ <https://humboldt.gov/DocumentCenter/View/58840/Section-311-Biological-Resources-Revised-DEIR-PDF>

⁶ Final Environmental Impact Report :Amendments to the Humboldt County Code Regulating Commercial Cannabis Activities. January 2018. Prepared by Ascent Environmental. Accessed via <https://humboldt.gov/DocumentCenter/View/62689/Humboldt-County-Cannabis-Program-Final-EIR-60mb-PDF>. Accessed [August 30, 2018]

though resources under federal jurisdiction may be present in project areas. For this reason, it is recommended that all impacts to resources under federal jurisdiction be avoided.

ENVIRONMENTAL SETTING

PROJECT LOCATION

The project area is located at 36111 Alderpoint Road in Blocksburg in Humboldt County, California on a 8.89-acre parcel within the U.S. Geological Survey's (USGS) Blocksburg 7.5-minute quadrangle map (Section 27, T01S, R4E). The parcel is zoned AG-B-40 described as Improved, Rural Residential 5+ to 10 acres..⁷ (Figure 1)

SOIL, TOPOGRAPHY, HYDROLOGY

The parcel lies in an area that was denied entry by USGS soil survey staff and soil types for the area were unavailable. Surrounding areas are typically complexes of the Burgsblock-Coolyork-Tannin, and Yorknorth soils. These soils are deep, moderately well-drained soils commonly found on mountain slopes. They are derived from colluvium, sedimentary rock and other residuum, and are not considered hydric.⁸

The project area ranges from steep to sloping with natural and man-made benches at approximately 950 to 101 feet above sea level. Aspect varies but is generally west, northwest and southwest facing and draining towards Bosworth and Larabee Creeks. The National Wetlands Inventory (NWI) layer does not show any wetlands aside from the riparian areas associated with Bosworth and Larabee Creeks located near the parcel boundaries to the north and west respectively (Figure 2). The parcel is in the South Fork Eel River Watershed and occupies the Upper Larabee Creek Hydrological Unit (HUC 12).

⁷ Humboldt County Web GIS (Accessed via <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>).

⁸ Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. (Accessed via: <https://websoilsurvey.sc.egov.usda.gov/>)



Figure 1-Location Map (Created with ArcMap 10.6 -Not to Scale)

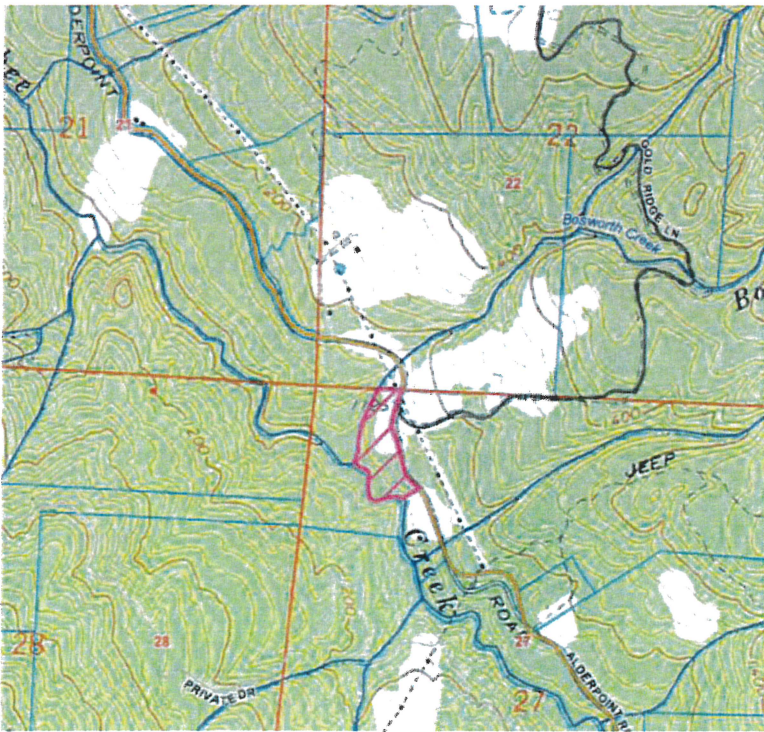


Figure 2-Hydrologic Setting. (Created with ArcMap 10.6 -Not to Scale)

VEGETATION

Despite the small size, the parcel contains a diverse mixture of vegetation types including grasslands, meadows, seasonal wetlands, riparian vegetation and mixed evergreen forest. Nomenclature follows the most current scientific names in The Jepson Manual of Higher Plants of California Second Edition to the greatest degree feasible¹⁰

Grasslands were typical of the area with remnant patches of native grassland species mixed with introduced and invasive species including *Bromus carinatus* (California brome grass), *Poa segunda* (Sandberg's bluegrass), *Acmispon parviflorus* (hill lotus), *Trifolium fucatum* (bull clover), *Calochortus tolmiei* (hairy star tulip), *Gastidium phleoides* (nit grass), *Anthoxanthum odoratum* (sweet vernal grass), *Holcus lanatus* (velvet grass), *Prunella vulgaris* (self-heal), *Aira caryophyllea* (silvery hairgrass), *Cirsium* sp. (thistle), *Agrostis* sp. (bentgrass), *Vicia* sp. (vetch), *Leucanthemum vulgare* (oxeye daisy), *Rumex acetosella* (sheep sorrel), *Galium* sp., *Trientalis latifolia* (Pacific starflower), *Parentucillia viscosa* (yellow glandweed), *Triteleia hyacinthina* (wild hyacinth), *Sisyrinchium bellum* (blue-eyed grass), and *Plantago lanceolata* (English plantain).

Wet meadow and seasonal wetlands were scattered with a patchy distribution among the open grasslands due to shallow ground water, mechanical excavation and overland surface flow from Alderpoint road. Facultative and obligate species occupying these areas included *Typha latifolium* (broadleaf cattail), *Mentha pulegium* (pennyroyal), *Eleocharis macrostachya* (common spikerush), *Juncus patens* (spreading rush), *J. effuses* (common rush), *Carex obnupta* (slough sedge), *Veronica americana* (American speedwell), and *Ranunculus pusillus* (low buttercup)

Riparian areas near Bosworth Creek and Larabee Creek were dominated by mixed evergreen tree species, riparian vegetation and a variable shrub layer depending on aspect, slope and canopy cover. Tree species included *Fraxinus latifolia* (Oregon ash), *Salix laevigata* (polished willow), *Salix lasiolepis* (arroyo willow), *Aesculus californica* (California buckeye), *Arbutus menziesii* (madrone), *Notholithocarpus densiflorus* var. *densiflorus* (tanoak), *Pseudotsuga menziesii* var. *menziesii* (Douglas fir), *Quercus chrysolepis* (gold cup live oak), and *Quercus kelloggii* (California black oak). Shrub species included *Baccharis pilularis* (coyote brush), *Holodiscus discolor* (oceanspray), *Cornus nuttallii* (mountain dogwood), *Ribes sanguineum* (flowering current), *Ceanothus integerrimus* (deer brush), *Corylus cornuta* ssp. *californica* (beaked hazelnut), *Rosa gymnocarpa* (wood rose), *Symphoricarpos mollis* (creeping snowberry), and *Toxicodendron diversilobum* (poison oak).

METHODS

TransTerra staff reviewed letter from the USACE as well as the Water Resource Protection Plan (WRPP) and operations plan prepared for the property, project maps, permit applications and email correspondence with Humboldt County consultant staff Mark Jasper of TransCon.

TransTerra Biologist Tamara Camper M.A. visited the site May 14, 2018 (see Appendix for staff qualifications). Approximately six hours was spent on the site assessing both impacts and potential

¹⁰ The Jepson Manual: Higher Plants of California Second Edition (Accessed via <http://ucjeps.berkeley.edu/jepman.html>)

habitat for wetlands and special status-species. With the exception of portions of Larabee and Bosworth Creek that were inaccessible due to very steep slopes and dense vegetation, the entire parcel was examined.

WETLAND AND WATERS DELINEATION

A jurisdictional wetland delineation was conducted per the request of the Eureka Field Office Regulatory staff of the US Army Corps of Engineers dated November 28, 2018 (File Number 2017-426N) All areas of the parcel were examined including Larabee and Bosworth Creeks, ponds, meadows and other features described in the WRRP and site plans.

Due to the complexity of vegetation types and unclear boundary of riparian and upland vegetation, steep slopes and gradient, the 'riparian drip line' was not a useful characteristic to define the jurisdictional waters so top of bank and OHWM were used for jurisdictional waters¹¹. In areas with steep banks the mappable difference between OHWM and top of bank was negligible. An attempt was made to map them using Avenza® GPS, survey lines, aerial imagery and ArcMap 10.6. Low satellite coverage and steep terrain caused a high degree of error for GPS readings and the surveyed lines and a metric tape were used to correct points to the greatest degree feasible.

Wetland delineation was performed using the USACE Regional Supplement to the Corps of the Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)¹².

SPECIAL STATUS SPECIES

For the biological report we used the California Natural Diversity Database (CNDDDB) RareFind and Spotted Owl Database, and California Native Plant Society (CNPS) database to assess potential rare species. Full floristic surveys and/or protocol-level surveys were not conducted in the project area, however the parcel was small enough to examine the entire parcel for target species. A habitat assessment was conducted for listed species and species of special concern (SOC). There are no known occurrences of listed species or SOC within the project area, however absence of species on the CNDDDB layer only indicates a lack of observation and not absence/presence. Observations are typically concentrated on public lands or commercial timberlands with more frequent, intensive and reported surveys.

RESULTS AND DISCUSSION

JURISDICTIONAL WETLANDS AND WATERS

Both Bosworth Creek and Larabee Creeks are jurisdictional features protected by the CWA. The OHW is located just off the property and the property line was likely created based on these

¹¹ Guide to Ordinary High Water Mark (OHWM) Delineation for Non-Perennial Streams in the Western Mountains, Valleys and Coast Region of the United States. <https://www.hsdll.org/?abstract&did=760394>

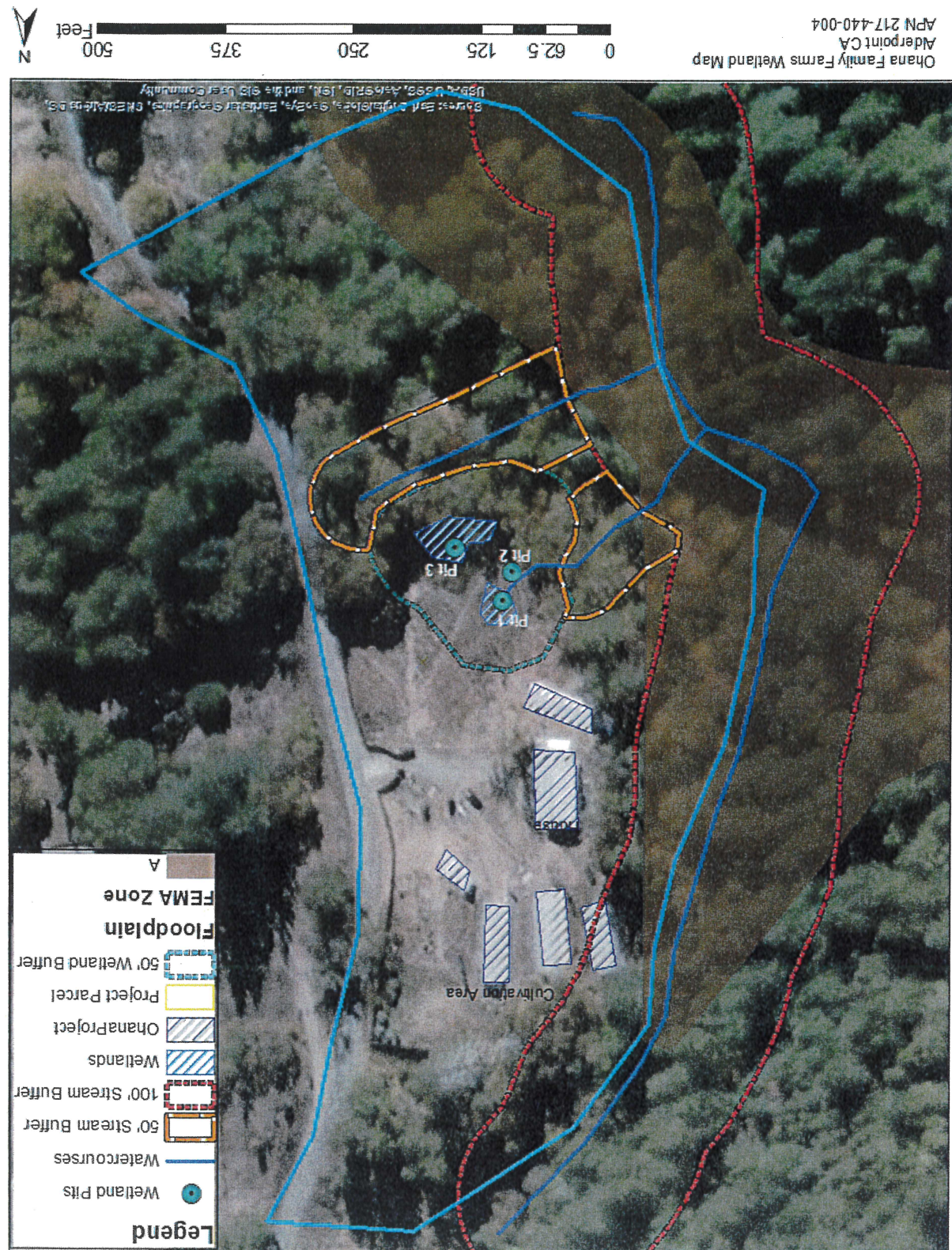
¹² USACE Regional Supplement to the Corps of the Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) (Accessed via https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046494.pdf)

features. In addition to the proximity to Bosworth and Larabee creeks on the boundaries, two (229.76' and 333.85') Class III (ephemeral) streams run in a southwesterly direction into Larabee Creek. Their watercourses were previously described in the WRPP and recommendations for the streams were made in those documents to address any issues with the CWA or other water-related policies.

Two wetland areas (likely hydrologically connected to each other and the streams through ground and surface water flow) were observed between the Class III streams. The northern most wetland was .021 acres and was inundated during the survey. Aquatic insects and other hydrophilic species were present. The larger wetland to the south was .066 acres and was not inundated but was saturated at the time of the survey and was heavily dominated by obligate wetland plants. An abandoned access road was located near the top of both wetlands. An alternative access was created to reach the southern end of the property and machinery was no longer using the access road. The road was naturally revegetated with a complex of vegetation described earlier in the document and was not overly compacted or occupied by invasive species.

Due to the steep slopes, and the mandate that buffers are calculated based off of horizontal distance, the existing cultivation area is partially within the SMA boundaries of Bosworth Creek. Activities are not located within the SMA buffers for the wetlands or Class III streams. There is an old road and culvert near the wetlands and on Google Earth it appears that the area was historically graded, however there are no proposed actions for this area and the areas appear to be stable with no impacts to water quality.

Though the cultivation areas were within 100' horizontal distance of the jurisdictional waters, they were not located adjacent to or in federal or state jurisdictional waters and no impacts to jurisdictional waters were observed beyond clearing of some riparian vegetation west of the cultivation area near the top of the slope. Erosion, rilling, fill, excavation or other impacts to federal or state jurisdictional waters was not observed aside for the crossing of the Class III stream addressed in the WRPP.



CNDDDB AND OTHER DATABASE RESULTS

The CDFW CNDDDB, BIOS and RareFind as well as CNPS databases were scoped both before and after the field visit to determine what protocol-level surveys would be required for the project, as well as to search for reference sites or known occurrences in or around the project area. Scoping results are included in Appendices to this report. Though rare species were not observed on the site in any database, the parcel contains habitat for numerous species and the commercial timberlands and public areas around the project display extant occurrences of various rare species and habitat types.¹³¹⁴

A habitat assessment was conducted for listed species and species of special concern (SOC). The parcel contains habitat for numerous special status species including yellow-legged frog, red-legged

NORTHERN SPOTTED OWL

Northern Spotted Owl (*Strix occidentalis*) occurrences have been observed near the project site. In 1991 a pair was observed (HUM0342) which is roughly .25 miles from the project location. Surveys were negative in 1994, 1996, 1997, 2003 and 2004. Negative survey results are recorded for years 2004 and 2014 in Sections 21 and 23 (adjacent sections). Occurrences HUM0891, HUM0514, HUM0557, HUM0341 and HUM0346 were observed various years but were all roughly 2 miles from the project site.

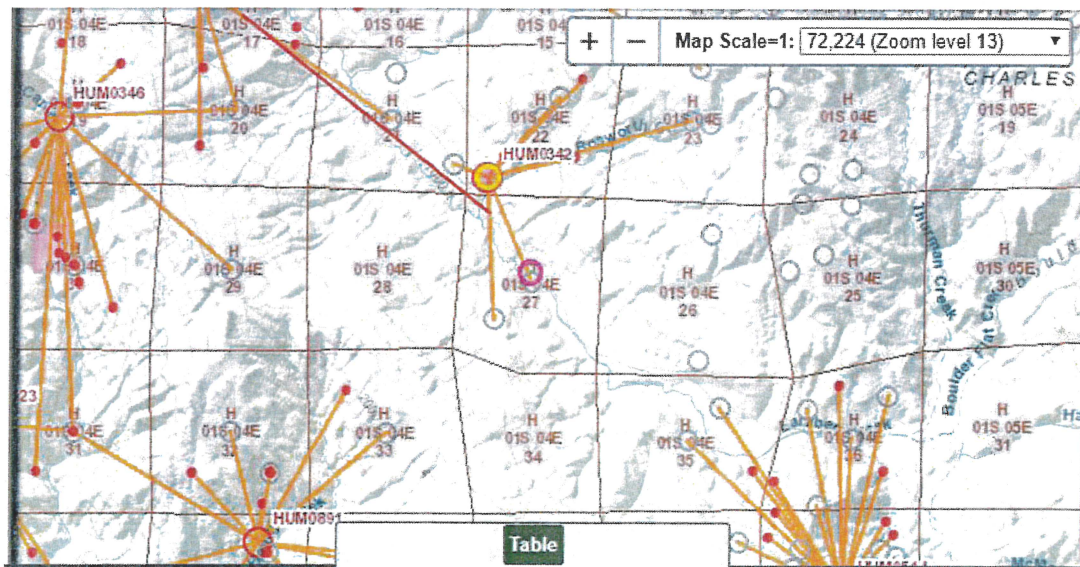


Figure 4-Northern Spotted Owl observations near the project site. (Created using CDFW BIOS Owl Database)

The site contained some larger trees and potential habitat for Northern Spotted Owl. Nests were not observed, nor were pellets, 'white-wash' or other evidence of spotted owls occupying the property during a visual assessment the property. The risk of visual or noise disturbance to these areas was assessed using the 2011 US Fish and Wildlife Service (USFWS) Revised Recovery Plan for

¹³ California Natural Diversity Database (CNDDDB) Rarefind and Bios Commercial Subscription (Accessed via <http://https://www.wildlife.ca.gov/data/cnddb/maps-and-data>)

¹⁴ California Native Plant Society (CNPS) Inventory or Rare or Endangered Plants (Accessed via <http://www.rareplants.cnps.org/advanced.html>)

the Northern Spotted Owl and Region 8 Survey Protocol as well as the 2006 Guidance Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelet in Northern California. These documents describe behaviors that reasonably characterize when disturbance effects rise to the level of take, as defined in the Endangered Species Act of 1973, as amended (ESA)

These behaviors include:

- Flushing an adult or juvenile from an active nest during the reproductive period.
- Precluding adult feeding of the young for a daily feeding cycle.
- Precluding feeding attempts of the young during part of multiple feeding cycles.

Disturbance may reach the level of take when at least one of the following conditions is met:

- Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB).
- Project-generated sound, when added to existing ambient conditions, exceeds 90 dB.
- Human activities occur within a visual line-of-sight distance of 40 meters or less from a nest.

As the project location is adjacent to an area that has been used for cannabis cultivation for over ten years based on Google Earth imagery, it would be considered an area with existing background, point source and line source sound (generators, fans, trucks, human voices, music, ATVs, grading equipment). The proposal to reorganize the structures can be assessed using the Northern Spotted Owl Sound and Visual Harassment Decision Support Tool. The chosen threshold for action generated sounds is the noise level at which harassment is likely to occur. The area surrounding the proposed clearing is comprised of dense vegetation (at least 30 meters wide and 5 meters tall, and of sufficient density to "block" the visual pathway). As sound is reduced by as much as 5dB for the first 30 meters of dense vegetation as measured from the sound source, and an additional 5dB for additional, contiguous 30 meters, it is unlikely that the sounds generated by the proposed action would adversely affect Northern Spotted Owls. Agency personnel from CDFW and USFWS can further analyze the potential impacts and provide technical assistance for any listed species.¹⁵

SPECIAL STATUS SPECIES

Several special status species were observed per CNDDDB within a five-mile radius of the project site (Table 1). The project site contains habitat for many of these species including *Erythronium revolutum* (pink fawn lily), *Rana boylei* (foothill yellow-legged frog), *Rhyacotriton variegatus* (southern torrent salamander), *Sidalcea malviflora* ssp. *patula* (Siskiyou checkerbloom), and *Usnea longissima* (Methuselah's beard lichen). The project site contains habitat for additional species in the CNDDDB results (listed in the Appendix) including *Coptis laciniata* (Oregon gold-thread), *Rana aurora* (northern red-legged frog) and *Bombus occidentalis* (western bumblebee).

The survey was conducted during the time of year when most all of the species that could be present on the site would be evident. Special status species were not observed during the site visit.

¹⁵ United State Department of the Interior Fish and Wildlife Service, Arcata Fish and Wildlife Office, Arcata, CA "Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelet in Northwestern California: (Accessed via <https://www.fws.gov/arcata/es/birds/nso/documents/MAMU-NSO%20Harassment%20Guidance%20NW%20CA%202006Jul31.pdf>)

Table 1-CNDDDB species observed within five miles of the project site

Scientific Name	Common Name	Date Obs	OWNERMG	FEDLIST	CALLIST	GRANK	SRANK	RPLANTRANK	CDFWSTATUS
<i>Accipiter cooperii</i>	Cooper's hawk	2004XXXX	PVT-PACIFIC LUMBER CO	None	None	G5	S4		WL
<i>Aquila chrysaetos</i>	golden eagle	200305XX	PVT-PACIFIC LUMBER CO	None	None	G5	S3		FP; WL
<i>Arboreus pomus</i>	Sonoma tree vole	1995XXXX	PVT	None	None	G3	S3		SSC
<i>Asaphus truei</i>	Pacific tailed frog	19850729	BLM, UNKNOWN	None	None	G4	S3S4		SSC
<i>Astragalus agnicidus</i>	Humboldt County milk-vetch	20170804	PVT-HUMBOLDT REDWOOD CO	None	Endangered	G2	S2	1B.1	
<i>Erythronium revolutum</i>	coast fawn lily	20040505	PVT-SCOTIA PACIFIC CO	None	None	G4G5	S3	2B.2	
<i>Falco peregrinus anatum</i>	American peregrine falcon	19950419		Delisted	Delisted	G4T4	S3S4		FP
<i>Montia howellii</i>	Howell's montia	20040525	PVT-RH KAY TRUST	None	None	G3G4	S2	2B.2	
<i>Pandion haliaetus</i>	osprey	1994XXXX	PVT	None	None	G5	S4		WL
<i>Pekania pennanti</i>	fisher - West Coast DPS	20090912	BLM	None	Threatened	G5T2T3Q	S2S3		SSC
<i>Piperia candida</i>	white-flowered rein orchid	20120502	PVT-HUMBOLDT REDWOOD CO	None	None	G3	S3	1B.2	
<i>Rana boylei</i>	foothill yellow-legged frog	19380817	PVT	None	Candidate Threatened	G3	S3		SSC
<i>Rhyacotriton variegatus</i>	southern torrent salamander	1994XXXX	PVT	None	None	G3G4	S2S3		SSC
<i>Sidalcea malviflora ssp. patula</i>	Siskiyou checkerbloom	20040428	PVT-SCOTIA PACIFIC CO	None	None	G5T2	S2	1B.2	
<i>Upland Douglas Fir Forest</i>	Upland Douglas Fir Forest	19810605	BLM-ARCATA RA	None	None	G4	S3.1		
<i>Usnea longissima</i>	Methuselah's beard lichen	20010703	PVT-PACIFIC LUMBER CO	None	None	G4	S4	4.2	

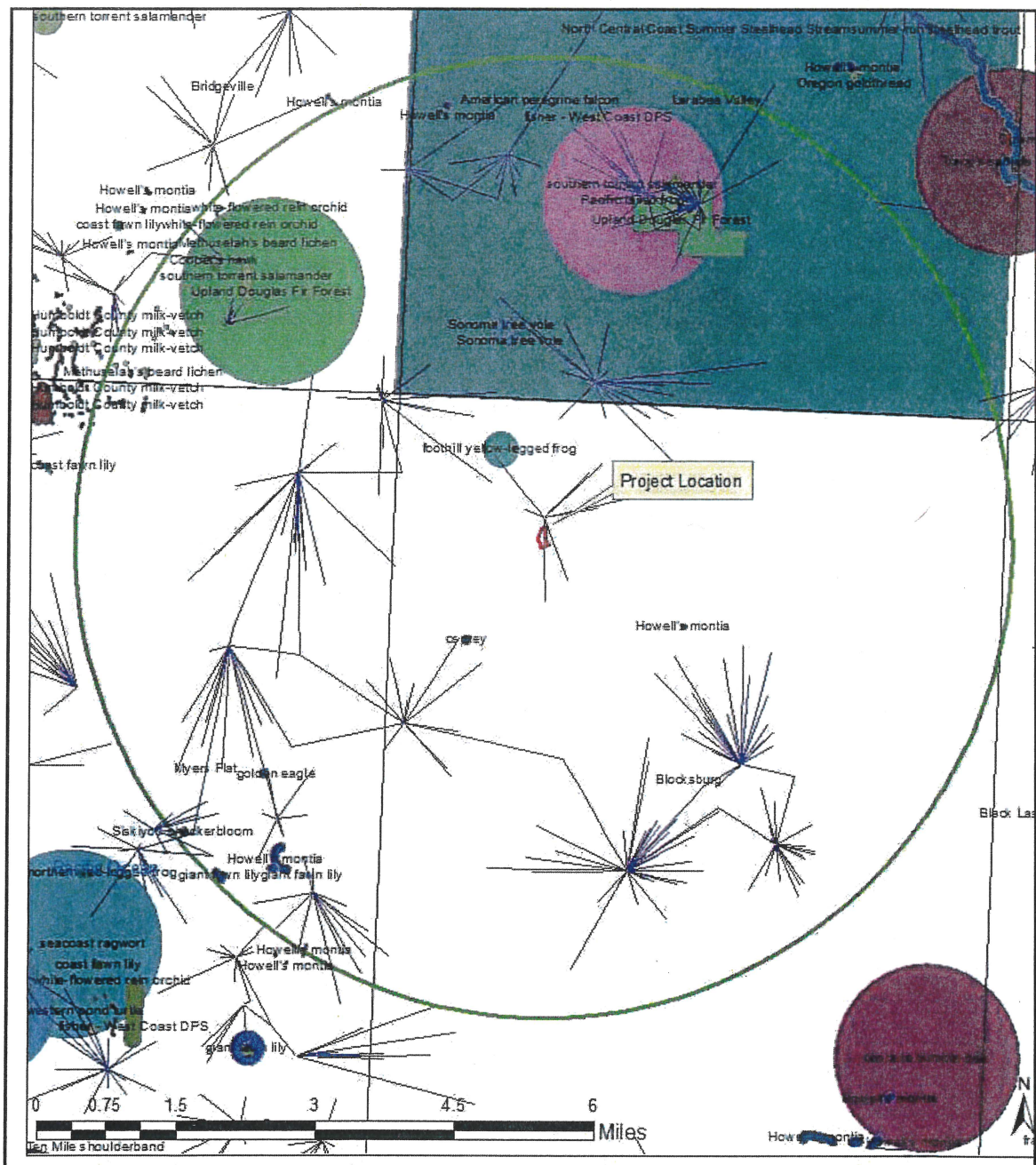


Figure 5-CNDDDB occurrences and spider diagram for NSO near (approximately 5 miles from) the project site. (Created using ArcMap and 2018 CNDDDB commercial Rarefind GIS layers. Subject parcel is outlined in red. NTS)

POTENTIAL DIRECT AND INDIRECT IMPACTS

The potential direct, indirect, and cumulative effects of the land clearing, residential development, and cultivation activities include removal of vegetation and canopy cover, disturbance and compaction of soil, alteration of hydrologic regime, sedimentation and erosion, increase in invasive species, and noise, visual, and air quality impacts. These activities are not proposed for the site but occurred historically.

In general, the site was very well maintained and impacts other than the previous clearing and noise were minimal. Solid waste pollution or other discharge into aquatic or terrestrial habitats were not observed. Road traffic was minimal as was noise, dust, visual disturbance and other impacts typically observed on cannabis farms. Features including rilling, active erosion, sedimentation, slides or other water quality issues were addressed in the WRPP and associated documents. Best management practices appeared to be employed and impacts to special status species were not observed. Straw wattles on-site were made of plastic and could cause entrapment of some species.

Agency personnel from CDFW and USFWS can further analyze the potential impacts and provide technical assistance for any listed species if additional activities are proposed that may result in take of a listed species including Northern Spotted Owl.¹⁶

RECOMMENDATIONS

Recommendations for the project site include the following measures:

Follow all recommendations outlined by existing agency policies for minimizing impacts to natural resources including the WRPP and other technical documents. Consult with CDFW and Humboldt County to address any activities within the SMA. Reduced buffers can be negotiated. The existing structures within the SMA were in place for at least 10 years and did not appear to be causing water quality issues or affecting other biological resources. Impacts from light, noise and chemicals can be addressed in the operations plan and best management practices can be employed to minimize impacts. It is recommended that all plastic netting be replaced with biodegradable jute netting to minimize entrapment and that the riparian vegetation is allowed to continue naturally regenerating and not cleared again near the top of bank west of cultivation areas.

Outside of proposed measures, avoid additional disturbance to the wetland areas and buffer zones. Additional disturbance, clearing, and road cuts would likely modify existing groundwater, and surface water patterns. Additional disturbance to this area could impact water quality and various species. Pre-construction reconnaissance surveys following the guidelines set forth in the

¹⁶ United State Department of the Interior Fish and Wildlife Service, Arcata Fish and Wildlife Office, Arcata, CA "Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelet in Northwestern California:

<https://www.fws.gov/arcata/es/birds/nso/documents/MAMU-NSO%20Harassment%20Guidance%20NW%20CA%202006Jul31.pdf> Accessed [June 18, 2018]

Humboldt County Cannabis Program EIR, CDFW Survey and Monitoring Protocols and Guidelines¹⁷, USFWS Endangered Species Program¹⁸ and CNPS Botanical Survey Guidelines¹⁹

Please contact me with any comments or concerns regarding this memorandum or future work required for your project. I can be reached at tami@trans-terra.com or (707) 845-7483. I have included my project experience as an attachment to this memorandum as it is often requested by agency personnel reviewing work of this nature. (Appendix C)

¹⁷ California Department of Fish and Wildlife Survey and Monitoring Protocols and Guidelines [Accessed via <https://www.wildlife.ca.gov/conservation/survey-protocols>]

¹⁸ USFWS Arcata Fish and Wildlife Office Endangered Species Program [Accessed via <https://www.fws.gov/arcata/es/default.htm>]

¹⁹ California Native Plant Society (CNPS) Botanical Survey Guidelines [https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf]

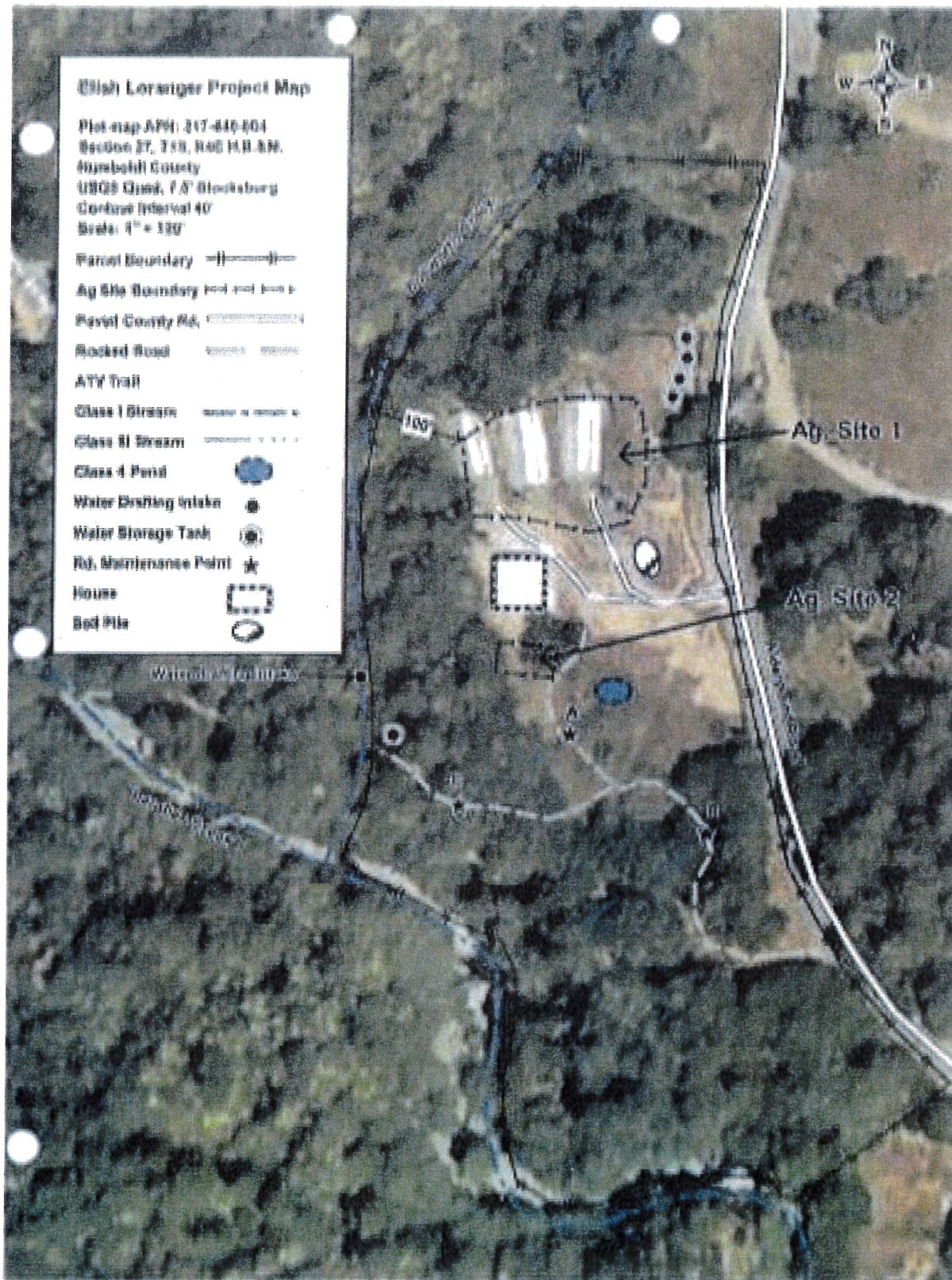


Figure 4- Project Site Map and proposed activities obtained from client.

APPENDIX A-CNDDB Results (August 2018)

Scientific Name	Common Name	Federal	CA	Habitats	General Habitat	Microhabitat
Accipiter cooperii	Cooper's hawk	None	None	Cismontane woodland Riparian forest Riparian woodland Upper montane coniferous forest	Woodland, chiefly of open, interrupted or marginal type.	Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.
Accipiter gentilis	northern goshawk	None	None	North coast coniferous forest Subalpine coniferous forest Upper montane coniferous forest	Within, and in vicinity of, coniferous forest. Uses old nests and maintains alternate sites.	Usually nests on north slopes, near water. Red fir, lodgepole pine, Jeffrey pine, and aspens are typical nest trees.
Aquila chrysaetos	golden eagle	None	None	Broadleaved upland forest Cismontane woodland Coastal prairie Great Basin grassland Great Basin scrub Lower montane coniferous forest Pinon & juniper woodlands Upper montane coniferous forest Valley & foothill grassland	Rolling foothills, mountain areas, sage-juniper flats, and desert.	Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.
Arborimus pomo	Sonoma tree vole	None	None	North coast coniferous forest Oldgrowth Redwood	North coast fog belt from Oregon border to Sonoma County. In Douglas-fir, redwood & montane hardwood-conifer forests.	Feeds almost exclusively on Douglas-fir needles. Will occasionally take needles of grand fir, hemlock or spruce.
Ascaphus truei	Pacific tailed frog	None	None	Aquatic Klamath/North coast flowing waters Lower montane coniferous forest North coast coniferous forest Redwood Riparian forest	Occurs in montane hardwood-conifer, redwood, Douglas-fir & ponderosa pine habitats.	Restricted to perennial montane streams. Tadpoles require water below 15 degrees C.
Atractelmis wawona	Wawona riffle beetle	None	None	Aquatic	Aquatic; found in riffles of rapid, small to medium clear mountain streams; 2000-5000 ft elev.	Strong preference for inhabiting submerged aquatic mosses
Bombus caliginosus	obscure bumble bee	None	None		Coastal areas from Santa Barbara county to north to Washington state.	Food plant genera include Baccharis, Cirsium, Lupinus, Lotus, Grindelia and Phacelia.
Bombus occidentalis	western bumble bee	None	None		Once common & widespread, species has declined precipitously from central CA to southern B.C., perhaps from disease.	

Scientific Name	Common Name	Federal	CA	Habitats	General Habitat	Microhabitat
Empidonax traillii brewsteri	little willow flycatcher	None	E	Meadow & seep Riparian woodland	Mountain meadows and riparian habitats in the Sierra Nevada and Cascades.	Nests near the edges of vegetation clumps and near streams.
Emys marmorata	western pond turtle	None	None	Aquatic Artificial flowing waters Klamath/North coast flowing waters Klamath/North coast standing waters Marsh & swamp Sacramento/San Joaquin flowing waters Sacramento/San Joaquin standing waters South coast flowing waters South coast sta	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation.	Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.
Erethizon dorsatum	North American porcupine	None	None	Broadleaved upland forest Cismontane woodland Closed-cone coniferous forest Lower montane coniferous forest North coast coniferous forest Upper montane coniferous forest	Forested habitats in the Sierra Nevada, Cascade, and Coast ranges, with scattered observations from forested areas in the Transverse Ranges.	Wide variety of coniferous and mixed woodland habitat.
Falco peregrinus anatum	American peregrine falcon	Delisted	Delisted		Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures.	Nest consists of a scrape or a depression or ledge in an open site.
North Central Coast Summer Steelhead Stream	North Central Coast Summer Steelhead Stream	None	None			
Noyo intersessa	Ten Mile shoulderband	None	None	Coastal dunes Coastal scrub Redwood Riparian forest	Found in coastal dunes, coastal scrub, and riparian redwood forest habitats.	
Oncorhynchus mykiss irideus pop. 36	summer-run steelhead trout	None	None	Aquatic Klamath/North coast flowing waters Sacramento/San Joaquin flowing waters	No. Calif coastal streams south to Middle Fork Eel River. Within range of Klamath Mtns province DPS & No. Calif DPS.	Cool, swift, shallow water & clean loose gravel for spawning, & suitably large pools in which to spend the summer.
OPandion haliaetus	osprey	None	None	Riparian forest	Ocean shore, bays, freshwater lakes, and larger streams.	Large nests built in tree-tops within 15 miles of a good fish-producing body of water.

Scientific Name	Common Name	Federal	CA	Habitats	General Habitat	Microhabitat
Pekania pennanti	fisher - West Coast DPS	None	Threatened	North coast coniferous forest Oldgrowth Riparian forest	Intermediate to large-tree stages of coniferous forests and deciduous-riparian areas with high percent canopy closure.	Uses cavities, snags, logs and rocky areas for cover and denning. Needs large areas of mature, dense forest.
Rana aurora	northern red-legged frog	None	None	Klamath/North coast flowing waters Riparian forest Riparian woodland	Humid forests, woodlands, grasslands, and streamside in northwestern California, usually near dense riparian cover.	Generally near permanent water, but can be found far from water, in damp woods and meadows, during non-breeding season.
Rana boylei	foothill yellow-legged frog	None	CT	Aquatic Chaparral Cismontane woodland Coastal scrub Klamath/North coast flowing waters Lower montane coniferous forest Meadow & seep Riparian forest Riparian woodland Sacramento/San Joaquin flowing waters	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats.	Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.
Rhyacotriton variegatus	southern torrent salamander	None	None	Lower montane coniferous forest Oldgrowth Redwood Riparian forest	Coastal redwood, Douglas-fir, mixed conifer, montane riparian, and montane hardwood-conifer habitats. Old growth forest.	Cold, well-shaded, permanent streams and seepages, or within splash zone or on moss-covered rocks within trickling water.
Upland Douglas Fir Forest	Upland Douglas Fir Forest	None	None	North coast coniferous forest		

APPENDIX B-CNPS Results (August 2018)

Scientific Name	Common Name	CRPR	CESA	FESA	Blooming Period	Habitat	Elev Low (m)	Elev High (m)
<i>Allium hoffmanii</i>	Beegum onion	4.3	None	None	Jun-Jul	Lower montane coniferous forest (serpentine)	1100	1800
<i>Anisocarpus scabridus</i>	scabrid alpine tarplant	1B.3	None	None	(Jun)Jul-Aug(Sep)	Upper montane coniferous forest (metamorphic, rocky)	1650	2300
<i>Arctostaphylos hispidula</i>	Howell's manzanita	4.2	None	None	Mar-Apr	Chaparral (serpentine or sandstone)	120	1250
<i>Arctostaphylos manzanita</i> ssp. <i>elegans</i>	Konocti manzanita	1B.3	None	None	(Jan)Mar-May(Jul)	Chaparral, Cismontane woodland, Lower montane coniferous forest	395	1615
<i>Arnica spathulata</i>	Klamath arnica	4.3	None	None	May-Aug	Lower montane coniferous forest (serpentine)	640	1800
<i>Astragalus agnicidus</i>	Humboldt County milk-vetch	1B.1	CE	None	Apr-Sep	Broadleaved upland forest, North Coast coniferous forest	120	800
<i>Astragalus rattanii</i> var. <i>rattanii</i>	Rattan's milk-vetch	4.3	None	None	Apr-Jul	Chaparral, Cismontane woodland, Lower montane coniferous forest	30	825
<i>Carex praticola</i>	northern meadow sedge	2B.2	None	None	May-Jul	Meadows and seeps (mesic)	0	3200
<i>Carex scabriuscula</i>	Siskiyou sedge	4.3	None	None	May-Jul	Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest	710	2345
<i>Collomia tracyi</i>	Tracy's collomia	4.3	None	None	Jun-Jul	Broadleaved upland forest, Lower montane coniferous forest	300	2100
<i>Coptis laciniata</i>	Oregon goldthread	4.2	None	None	(Feb)Mar-May(Sep-Nov)	Meadows and seeps, North Coast coniferous forest (streambanks)	0	1000
<i>Cryptantha rostellata</i>	red-stemmed cryptantha	4.2	None	None	Apr-Jun	Cismontane woodland, Valley and foothill grassland	40	800
<i>Cypripedium fasciculatum</i>	clustered lady's-slipper	4.2	None	None	Mar-Aug	Lower montane coniferous forest, North Coast coniferous forest	100	2435

<i>Cypripedium montanum</i>	mountain lady's-slipper	4.2	None	None	Mar-Aug	Broadleafed upland forest, Cismontane woodland, Lower montane coniferous forest, North Coast coniferous forest	185	2225
<i>Epilobium oreganum</i>	Oregon fireweed	1B.2	None	None	Jun-Sep	Bogs and fens, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest	500	2240
<i>Epilobium septentrionale</i>	Humboldt County fuchsia	4.3	None	None	Jul-Sep	Broadleafed upland forest, North Coast coniferous forest	45	1800
<i>Erigeron maniopotamicus</i>	Mad River fleabane daisy	1B.2	None	None	May-Aug	Lower montane coniferous forest, Meadows and seeps (open, dry)	1275	1500
<i>Erythronium oregonum</i>	giant fawn lily	2B.2	None	None	Mar-Jun(Jul)	Cismontane woodland, Meadows and seeps	100	1150
<i>Erythronium revolutum</i>	coast fawn lily	2B.2	None	None	Mar-Jul(Aug)	Bogs and fens, Broadleafed upland forest, North Coast coniferous forest	0	1600
<i>Eucephalus glabratus</i>	Siskiyou aster	4.3	None	None	Jul-Sep	Lower montane coniferous forest, Upper montane coniferous forest	120	2705
<i>Fritillaria glauca</i>	Siskiyou fritillaria	4.2	None	None	(Apr-May)Jun-Jul	Alpine boulder and rock field, Subalpine coniferous forest, Upper montane coniferous forest	1735	2440
<i>Gilia capitata</i> ssp. <i>pacifica</i>	Pacific gilia	1B.2	None	None	Apr-Aug	Coastal bluff scrub, Chaparral (openings), Coastal prairie, Valley and foothill grassland	5	1665
<i>Hosackia yollabollensis</i>	Yolla Bolly Mtns. bird's-foot trefoil	1B.2	None	None	Jun-Aug	Meadows and seeps, Upper montane coniferous forest (openings)	1645	2135
<i>Howellia aquatilis</i>	water howellia	2B.2	None	FT	Jun	Marshes and swamps (freshwater)	1085	1290
<i>Kopsiopsis hookeri</i>	small groundcone	2B.3	None	None	Apr-Aug	North Coast coniferous forest	90	885
<i>Lathyrus biflorus</i>	two-flowered pea	1B.1	None	None	Jun-Aug	Lower montane coniferous forest (serpentinite)	1370	1385
<i>Lilium rubescens</i>	redwood lily	4.2	None	None	Apr-Aug(Sep)	Broadleafed upland forest, Chaparral, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest	30	1910
<i>Listera cordata</i>	heart-leaved twayblade	4.2	None	None	Feb-Jul	Bogs and fens, Lower montane coniferous forest, North Coast coniferous forest	5	1370

<i>Lupinus constancei</i>	The Lassics lupine	1B.1	None	None	Jul	Lower montane coniferous forest (serpentine)	1500	2000
<i>Lycopodium clavatum</i>	running-pine	4.1	None	None	Jun-Aug(Sep)	Lower montane coniferous forest (mesic), Marshes and swamps, North Coast coniferous forest (mesic)	45	1225
<i>Meesia triquetra</i>	three-ranked hump moss	4.2	None	None	Jul	Bogs and fens, Meadows and seeps, Subalpine coniferous forest, Upper montane coniferous forest (mesic)	1300	2953
<i>Mitellastrum caulescens</i>	leafy-stemmed mitrewort	4.2	None	None	(Mar)Apr-Oct	Broadleaved upland forest, Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest	5	1700
<i>Montia howellii</i>	Howell's montia	2B.2	None	None	(Jan-Feb)Mar-May	Meadows and seeps, North Coast coniferous forest, Vernal pools	0	835
<i>Packera bolanderi</i> var. <i>bolanderi</i>	seacoast ragwort	2B.2	None	None	(Jan-Apr)May-Jul(Aug)	Coastal scrub, North Coast coniferous forest	30	650
<i>Piperia candida</i>	white-flowered rein orchid	1B.2	None	None	(Mar)May-Sep	Broadleaved upland forest, Lower montane coniferous forest, North Coast coniferous forest	30	1310
<i>Pityopus californicus</i>	California pinefoot	4.2	None	None	(Mar-Apr)May-Aug	Broadleaved upland forest, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest	15	2225
<i>Ptilidium californicum</i>	Pacific fuzz wort	4.3	None	None	May-Aug	Lower montane coniferous forest, Upper montane coniferous forest	1140	1800
<i>Sabulina decumbens</i>	The Lassics sandwort	1B.2	None	None	Jul	Lower montane coniferous forest, Upper montane coniferous forest	1500	1675
<i>Sanicula tracyi</i>	Tracy's sanicle	4.2	None	None	Apr-Jul	Cismontane woodland, Lower montane coniferous forest, Upper montane coniferous forest	100	1585
<i>Sedum laxum</i> ssp. <i>flavum</i>	pale yellow stonecrop	4.3	None	None	May-Jul	Broadleaved upland forest, Chaparral, Cismontane woodland, Lower montane coniferous forest, Upper montane coniferous forest	455	2000
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	4.2	None	None	(Mar)Apr-Aug	Broadleaved upland forest, Coastal prairie, Coastal scrub, North Coast coniferous forest, Riparian woodland	0	730

<i>Sidalcea malviflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	1B.2	None	None	(Apr)May-Aug	Coastal bluff scrub, Coastal prairie, North Coast coniferous forest	15	880
<i>Tracyina rostrata</i>	beaked tracyina	1B.2	None	None	May-Jun	Chaparral, Cismontane woodland, Valley and foothill grassland	90	790
<i>Usnea longissima</i>	Methuselah's beard lichen	4.2	None	None		Broadleafed upland forest, North Coast coniferous forest	50	1460
<i>Wyethia longicaulis</i>	Humboldt County wyethia	4.3	None	None	May-Jul	Broadleafed upland forest, Coastal prairie, Lower montane coniferous forest	750	1525

APPENDIX C: Qualifications

Tamara Camper

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In-depth knowledge of biology, ecology, environmental laws, natural resources policy, and land use planning with experience implementing policies related to listed species including CEQA/NEPA, CESA/ESA and other regulations. Refined relationship-building and strategic thinking skills and experience working collaboratively with multiple agencies and stakeholders on a wide range of complex projects. Refined relationship-building and strategic thinking skills and experience working collaboratively with multiple agencies and stakeholders on a wide range of complex projects.

EXPERIENCE

MAY 2018-PRESENT

PRINCIPLE-ENVIRONMENTAL SCIENTIST, TRANSTERRA CONSULTING LLC

Principal Owner at TransTerra Consulting. Providing Environmental Consulting Services including Biological Assessments, Rare Species Surveys, Vegetation and Habitat Typing/Mapping, Stream and Wetland Surveys, Environmental Impact Assessments, Permitting, Land Use/Planning, and CEQA/NEPA Documents.

NOVEMBER 2011-MAY 2018

ASSOCIATE ENVIRONMENTAL PLANNER, CALTRANS

Promoted through increasingly responsible positions based on performance and experience in Humboldt, Del Norte and Mendocino. Served as Coastal Liaison, Restoration Specialist and CEQA/NEPA Coordinator. Developed programmatic interagency guidelines, workload coordination, permit process training, budgets, contracts, and internal process efficiency. Wrote and reviewed environmental documents including EAs and IS-MNDs, BAs, Section 7 and 10 consultations, oversaw and conducted biological/wetland surveys, mitigation and monitoring work and reporting.

OCTOBER 2008-NOVEMBER 2011

BIOLOGIST/ENVIRONMENTAL PLANNER, STREAMLINE PLANNING CONSULTANTS

Provided natural resource and policy expertise for a wide-range of public and private projects affecting natural resources. Extensive experience working on commercial and private timberlands for THP/NTMP work. Conducted stream/riparian assessments, botanical surveys, wetland delineation, impact assessments and mitigation/monitoring reports in accordance with CEQA, FPR, ESA, NEPA, the Water Quality Act, Coastal Act and other relevant laws for private landowners. Assisted with consultation, coordination and permit applications for listed species. Developed alternatives and mitigation design and negotiated sensitive and complex issues with multiple stakeholders.

MARCH 2003-NOVEMBER 2008

OWNER BIOLOGIST, CAMPER CONSULTING

Provided botanical surveys, wetland delineation, impact assessments and mitigation reports in accordance with CEQA and other relevant laws for private land owners.

JANUARY 2001-MARCH 2003**WILDLIFE TECHNICIAN, CAMPBELL TIMBERLAND MANAGEMENT**

Developed a botanical program including the coordination and conduction of botanical surveys, impact assessments, mitigation reports, monitoring studies. Maintained public relations and relationships with state and federal agency personnel. Developed and maintained GIS and other databases for survey findings.

Assisted with NSO, anadromous fish and amphibian monitoring, surveying and habitat analysis.

MARCH 2000-OCTOBER 2000**FISHERIES TECHNICIAN, MENDOCINO REDWOOD COMPANY**

Conducted anadromous fish and amphibian monitoring, surveying and habitat analysis. Utilized dive counts, electrofishing, sediment sampling, fish trapping, insect sampling and water quality monitoring to assess impacts to salmonids and other aquatic species in conjunction with the Department of Fish and Wildlife.

MAY 1998-JANUARY 1999**BOTANICAL PROPAGATION SPECIALIST, SKAGIT ROSE FARMS**

Identified, propagated and maintained an inventory of native plants of the Northwest Coastal Region. Researched and developed interpretive gardens of native plant ecosystems.

EDUCATION**DECEMBER 2007****M.A. BIOLOGY, HUMBOLDT STATE UNIVERSITY****DECEMBER 1999****B.S. ENVIRONMENTAL SCIENCE, WESTERN WASHINGTON UNIVERSITY****SKILLS**

- CEQA/NEPA Document Writing and Review
- Regulation and Policy Review and Guidance Including Permitting and Mitigation
- Scientific Writing and Editing Research
- Design and Statistical Analysis
- Public Presentations, Mentoring and Outreach
- Vegetation and Wetland Surveys
- ArcMap, Microsoft Office and Statistical Software
- Teamwork, Negotiations and Strategic Thinking
- Project Budget, Scope and Scheduling
- Contract Oversight and Management
- Navigation of Rough Terrain Wildlife,

ACTIVITIES

Membership in Rotary Arcata Sunrise, California Native Plant Society, and The Wildlife Society. Various workshops and certifications including wetland delineation, vegetation mapping, monocot identification, hydric soils, CRAM training, negotiation techniques and conflict resolution, Lean Six Sigma

Appendix D-Field Forms