COUNTY OF HUMBOLDT

PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 17, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Synchronicitrees, Special Permits**
Application Number: 12779
Case Number: SP16-647
Assessor's Parcel Number (APN): 221-171-047

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Please contact Liza Welsh, Planner, at (707) 445-7541, or by email at lwelsh@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 17, 2019	Special Permits	Liza Welsh

Project Description: A Special Permit for the continued operation of an existing 9,314-square-foot outdoor cannabis cultivation site and ancillary nursery, storage, and processing structures. Cannabis is cultivated in full sun. Water is sourced from an onsite point of diversion and from rainwater catchment. The proposed project includes a Special Permit for encroachment into the Streamside Management Area for the point of diversion. Water is stored in three bladders and two hard tanks totaling 66,000 gallons. The applicant proposes to decommission the bladders and to establish 200,000 gallons of rain catchment water storage in hard tanks over the next two years. Processing, including drying, curing, and trimming. occurs onsite within an existing agricultural building. Power for the project is provided by solar and a generator. A maximum of eight employees will work on the site.

Project Location: The project is located in the Ettersburg area, on the East and West side of Dutyville Road, approximately 220 feet East from the intersection of Dutyville Road and Road A Road, on the property known to be in southwest quarter of the northwest quarter of Section 31 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture: 40 acres (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2).

Present Zoning: Forestry Recreation (FR), Minimum building site area is 40 acres (B-5(40))

Case Number: SP-16-647

Assessor Parcel Number (APN): 221-171-047

Applicant	Owner	Agent
Megan "Aiyana" Gregori PO Box 1985 Redway, Ca 95560	Gilbert J Gregori 1901 Dutyville Road Garberville, CA 95542	AgDynamix, LLC Teisha Machetti 732 5th St, Suite 1 Eureka, CA 95501

Environmental Review: An addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration pursuant to Section 15164 of the CEQA Guidelines.

State Appeal Status: The proposed cultivation area is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issue: None.

Humboldt Synchronicitrees, LLC Special Permits
Case Number: SP-16-647
Assessor's Parcel Number (APN): 221-171-047

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance, make all of the required findings for approval of the Special Permits based on evidence in the staff report, and adopt the Resolution approving the proposed Humboldt Synchronicitrees, LLC, Special Permits subject to the recommended conditions.

Executive Summary

The proposed Special Permits would allow the continued operation of an existing commercial cannabis cultivation operation consisting of 9,314 square feet of existing outdoor cannabis cultivation and an ancillary nursery, storage, drying, and processing structures on a 40.69-acre (assessed lot size) legal parcel in the Ettersburg area, which also includes a residence and associated out buildings. A review of historic imagery using TerraServer indicates that in 2015 there was 9,314 square feet of outdoor cannabis cultivation. An Interim Permit was issued for 9,314 square feet of outdoor cannabis cultivation on the property.

In previous years, cultivation occurred outdoors and in green houses in two areas on the parcel. The applicant proposes to reconfigure cultivation on the parcel to establish three full-sun outdoor cultivation areas with cultivation occurring in beds (See Site Map for bed configuration). Two greenhouses previously used for cultivation will be used as nursery spaces, totaling 1,860 square feet of nursery space. Site 2, previously used for cannabis cultivation, is on steep slopes and the applicant proposes relocation of the cannabis cultivated there to Sites 3 and 4, after which Site 2 will be used as a vegetable garden. Following reconfiguration, cultivation will consist of the following areas and structures:

Site	**Size**
Site One(Existing)	1,227 square feet in beds
Site Two (Existing)	Decommissioned (to be used as vegetable garden)
Site Three (Proposed)	5,052 square feet in beds
Site Four (Proposed)	3,034 square feet in beds
TOTAL:	**9,314 square feet**
Propagation Spaces	
Greenhouse One	960 square feet (20' X 48')
Greenhouse Two	900 square feet (20' X 45')
TOTAL:	**1860 square feet**

The applicant anticipates one harvest per year. Water for irrigation is provided by a point of diversion on an on-site spring. There is currently 66,000 gallons of water storage capacity on the site in three bladders and two hard tanks. The applicant will decommission the bladders within two years and will convert to rain catchment with up to 200,000 gallons of storage in hard plastic tanks. The applicant's estimated annual water currently is 100,000 gallons. The project includes a Special Permit for the point of diversion in the County's Streamside Management Area. While the

applicant plans to establish additional water storage, the point of diversion will continue to be used outside of the forbearance period until there is enough water storage on the site to support the project without diversion or in low rainfall years.

Processing occurs onsite in an existing structure. A maximum of eight employees will work on site at peak times to assist with processing. The processing building will require a commercial building permit with an ADA accessible restroom and a permitted Onsite Wastewater Treatment System (OWTS). The project was reviewed by the Department of Environmental Health, which recommended conditional approval. Onsite processing must be supported by a permanent means of sewage disposal. The applicant shall install a permitted OWTS serving the processing building or shall process off site and provide portable toilets for operator and employee use. Confirmation from DEH that an approved OWTS is present on the property or a written statement from the applicant that they will process off site with a licensed third-party facility with receipts for portable toilets will satisfy this condition.

The subject parcel is located approximately three miles from Ettersburg Road on Road D, off Dutyville Road. Road D is privately-maintained. Dutyville Road is maintained by the Dutyville Road Association. The applicant submitted an engineered Road Evaluation for Dutyville Road and reported that it can have the functional capacity of a Category 4 road capable of accommodating commercial traffic if the engineer's suggested improvements are implemented. The project was reviewed by the Public Works Department which recommended approval if the engineer's recommendations are implemented. Conditions of approval require the applicant to implement the engineer's recommendations, to pave Dutyville Road where it intersects with Ettersburg Road for a minimum width of 20 feet and a length of 50 feet, and to participate in the Dutyville Road Association.

The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow features. CalFire reviewed the project and had no concerns as to resource management. There are two watercourses on the subject parcel, a Class III ephemeral stream intersecting a Class II stream. All cultivation and ancillary structures are outside of Streamside Management Areas. The project includes a Special Permit for a point of diversion in the County's Streamside Management Area. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that there are no mapped rare, threatened, or endangered species on the subject parcel. The nearest Northern Spotted Owl siting is 1.52 miles away. The nearest Northern Spotted Owl activity center is 1.86 miles away. The nearest mapped Marbled Murrelet habitat is 1.3 miles away. Power to the subject parcel is provided by a solar array with generator backup. The project was referred to the California Department of Fish and Wildlife (CDFW), but no comments were received. Ongoing conditions have been added to the project to protect local wildlife as follows: The backup generator and any greenhouse fans shall be kept covered or otherwise muffled such that noise released is no greater than 50 decibels as measured at 100 feet way from the noise source. The applicant shall adhere to the forbearance requirements established through their Final Lake or Streambed Alteration Agreement (1600-2017-0049-R1). The applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility. These conditions can be found in ongoing conditions of approval for the project. Additionally, for the protection of the Northern Spotted Owl, the applicant shall submit documentation demonstrating that the backup generator is contained such that noise is appropriately attenuated.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical

Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

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

RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT

Resolution Number 19-

Case Number: SP-16-647
Assessor's Parcel Number (APN): 221-171-047

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Humboldt Synchronicitrees, LLC, Special Permits request.

WHEREAS, Humboldt Synchronicitrees, LLC, submitted an application and evidence in support of approving the Special Permit to permit the continued operation of an existing cannabis cultivation site consisting of 9,314 square feet of cannabis cultivated outdoors and ancillary propagation, processing, and storage facilities. Water is provided from rain catchment and from a point of diversion. Power is provided by a solar array with backup generators. Drying and processing will occur in an structure. A maximum of eight employees will work on the site.

WHEREAS, Humboldt Synchronicitrees, LLC, submitted an application and evidence in support of approving the Special Permit for encroachment into the County's Streamside Management Area for a point of diversion providing water for cannabis irrigation.

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permits (Case Number SP-16-647); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 17, 2019.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and

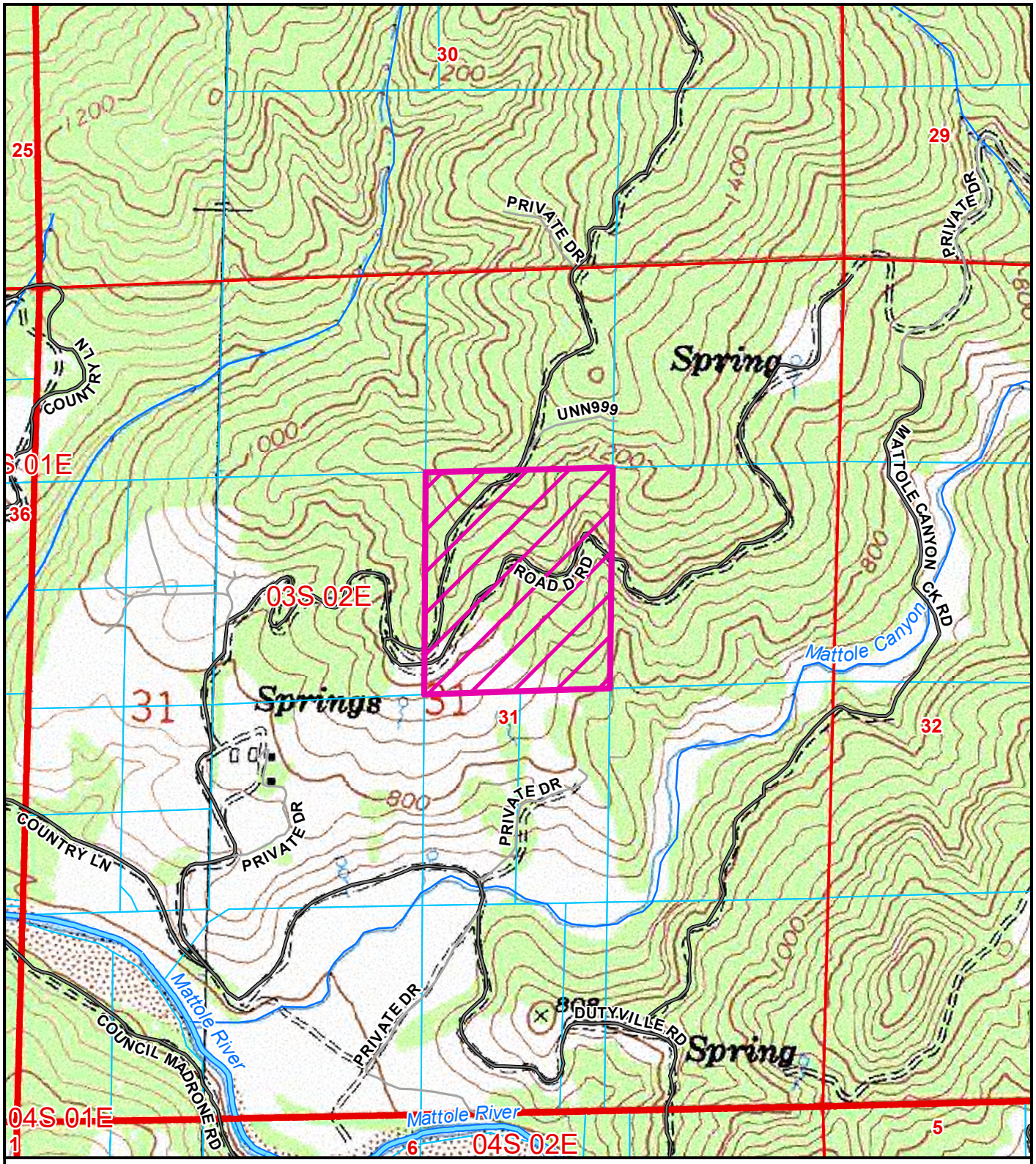
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report, which support approval of Case Number SP-16-647 based on the submitted substantial evidence; and

3. Special Permits Case Number SP-16-647 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on October 17, 2019.

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

_____
John Ford
Zoning Administrator
Planning and Building Department



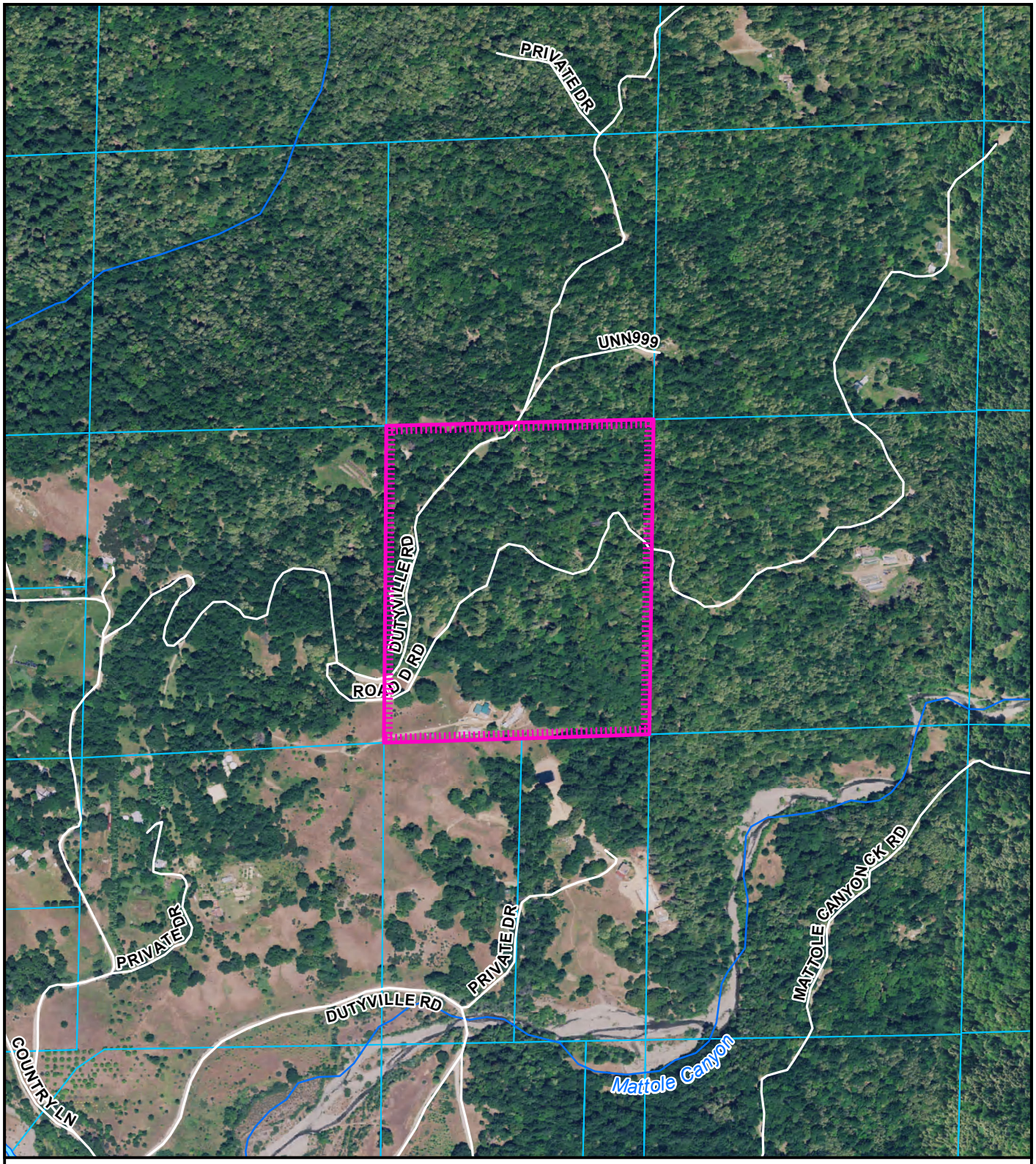
TOPO MAP
PROPOSED HUMBOLDT SYNCHRONICITREES, LLC
ETTERSBURG AREA
PLN-12779-SP
APN: 221-171-047
T03S R02E S31 HB&M (ETTERSBURG)

Project Area =

N

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

0 1,000 2,000 Feet



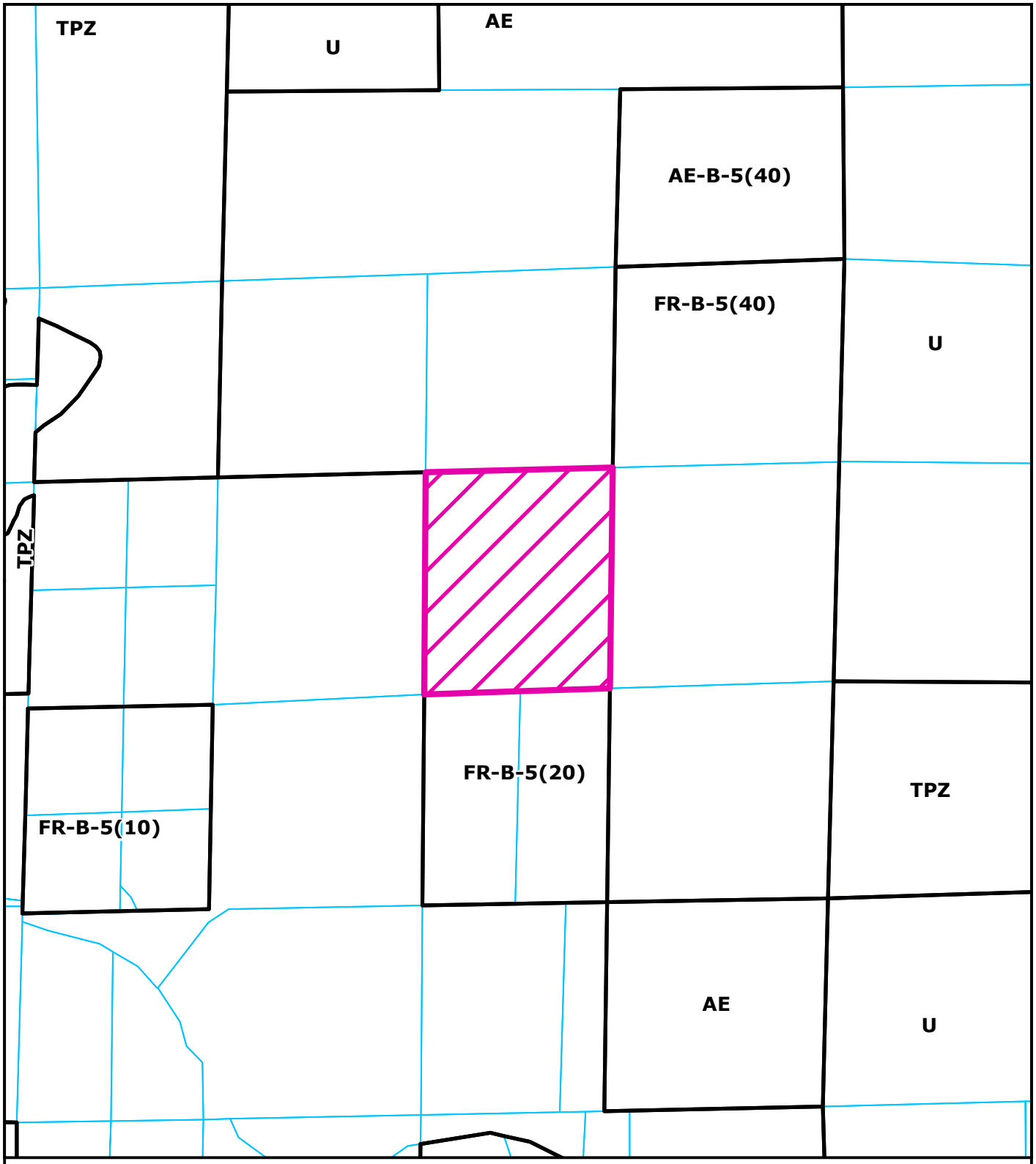
AERIAL MAP
PROPOSED HUMBOLDT SYNCHRONICITREES, LLC
ETTERSBURG AREA
PLN-12779-SP
APN: 221-171-047
T03S R02E S31 HB&M (ETTERSBURG)

Project Area =

N

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

0 800 1,600 Feet



ZONING MAP
PROPOSED HUMBOLDT SYNCHRONICITREES, LLC
ETTERSBURG AREA
PLN-12779-SP
APN: 221-171-047
T03S R02E S31 HB&M (ETTERSBURG)

Project Area =

N

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

0 1,000 2,000 Feet

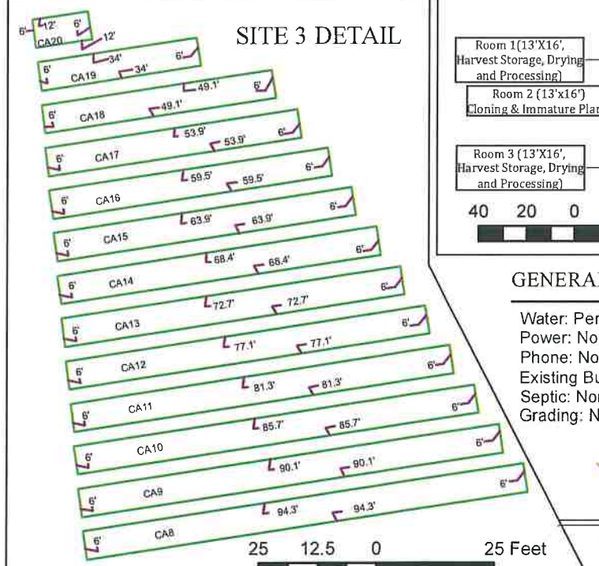
HUMBOLDT SYNCHRONICITREES, LLC.

2775 DUTYVILLE RD.
GARBERVILLE, CA 95542

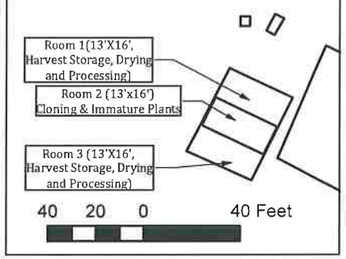
PROPERTY DIAGRAM APN: 221-171-047

PORTION OF SECTION 31 TOWNSHIP 3 SOUTH, RANGE 2 EAST, H.M

SITE 3 DETAIL



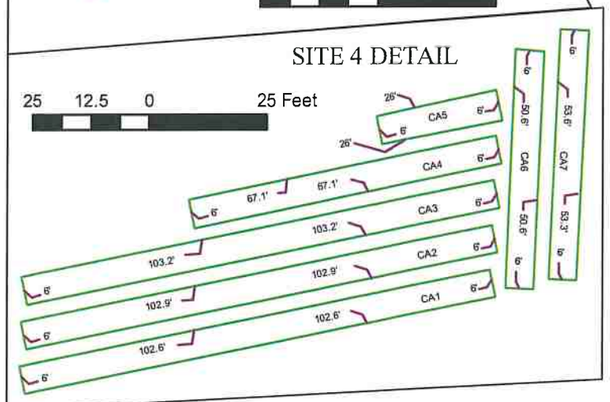
AG-BUILDING DETAIL

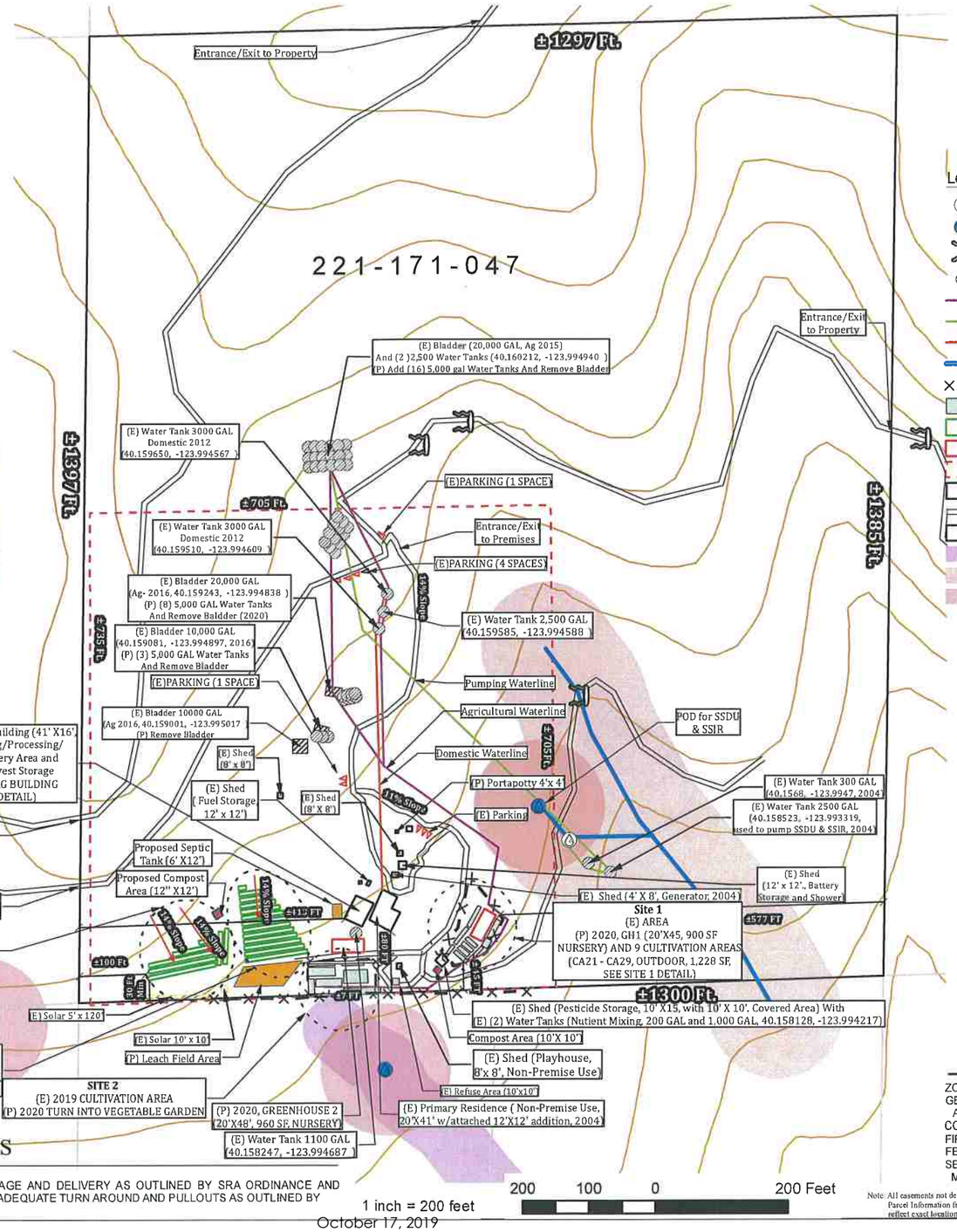


GENERAL NOTES

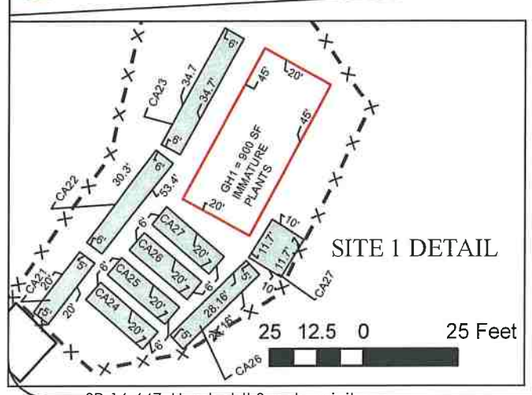
Water: Permitted Spring
Power: None
Phone: None
Existing Buildings: 1
Septic: None
Grading: None

SITE 4 DETAIL





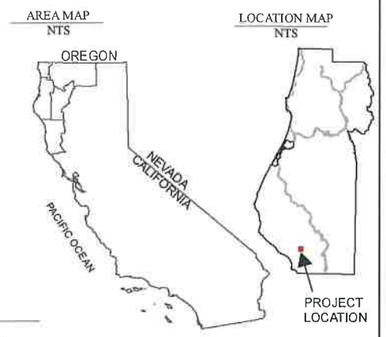
1 inch = 200 feet



SITE 1 DETAIL

SRA REQUIREMENTS

1. PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS. 2. PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY



Legend

- Diversion
- Spring
- Culvert
- Water Storage
- Agriculture Water Line
- Pump Line
- Domestic Water line
- Class 2 Stream
- Fence
- (E)Cultivation
- (P)Cultivation
- (P)Greenhouse (Nursery)
- Premises
- Structure
- Travelway
- APN: 221-171-047
- 50 Ft Buffer
- 100 Ft Buffer
- 100 Ft Spring Buffer

Directions: From Redway

1. Briceland Thorn Rd. 10.1 mi to Ettersburg Rd./Honeydew Rd.
2. Ettersberg Rd./Honeydew Rd. 8.5 mi to Dutyville Rd. (take the1ST right before the bridge that crosses the Mattole Rive)r.
3. Take Dutyville Rd 2.8 mi.
4. 3255 Dutyville Rd is on the right.

CULTIVATION NOTES

(P) SITE 1 CULTIVATION AREAS	WIDTH (FT)	LENGTH (FT)	AREA (SF)
CA21	20	5	100
CA22	30.3	6	181.8
CA23	34.7	6	208.2
CA24	20	6	120
CA25	20	6	120
CA26	20	6	120
CA27	20	6	120
CA28	28.16	5	140.8
CA29	10	11.7	117
EXISTING SITE 1 TOTAL			1227.8

(P) SITE 3 CULTIVATION AREAS	WIDTH (FT)	LENGTH (FT)	AREA (SF)
CA8	6	94.3	565.8
CA9	6	90.1	540.6
CA10	6	85.7	514.2
CA11	6	81.3	487.8
CA12	6	77.1	462.6
CA13	6	72.7	436.2
CA14	6	68.4	410.4
CA15	6	63.9	383.4
CA16	6	59.5	357
CA17	6	53.9	323.4
CA18	6	49.1	294.6
CA19	6	34	204
CA20	6	12	72
PROPOSED SITE 3 TOTAL			5052

(P) AREA 4 CULTIVATION AREAS	WIDTH (FT)	LENGTH (FT)	AREA (SF)
CA1	6	102.6	615.6
CA2	6	102.9	617.4
CA3	6	103.2	619.2
CA4	6	67.1	402.6
CA5	6	26	156
CA6	6	50.6	303.6
CA7	6	53.3	319.8
PROPOSED SITE 4 TOTAL			3034.2
(P) 2020 TOTAL CULTIVATION			9314

(P) Nursery Area	WIDTH (FT)	LENGTH (FT)	AREA (SF)
GH1	45	20	900
GH2	48	20	960
TOTAL NURSERY AREA			1860

NOTES:

ZONING: FR-B-5(40)
GENERAL PLAN USE: AL40 (FRWK)
COASTAL ZONE: NO
FIRE RATING: HIGH
FEMA FLOOD ZONE: NO
SEISMIC SAFETY: MODERATEINSTABILITY

EARTHQUAKE FAULTS OR HAZARDS: NO
SETBACKS: 30 ft.
SLOPE: CALCULATED USING ELEVATION PROFILE TAB. ACCURACY ±5% (PER HUM. CO. WEB PORTAL)

Note: All easements not depicted and are pending title search. Parcel Information from Humboldt County GIS/Does not reflect exact locations of properties lines

TVCE
67 WALNUT WAY
P.O. BOX 1567
WILLOW CREEK, CA 95573
PHONE: (530) 629-3000
FAX: (530) 629-3011

DATE	BY	CHK'D BY	APP'D BY	DESCRIPTION

PLOT PLAN

GILBERT J GREGORI
221-171-047
1901 Dutyville Rd. Garberville, CA 95440
email: floreternalinz@gmail.com

SITE PLAN

DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY
YLM	TVCE	JTM	JTM

DATE OF ISSUE: 9/5/2019
SCALE: 1" = 250'
PROJECT NO: 1037.01
DRAWING NO: P1

TRINITY VALLEY CONSULTING ENGINEERS, INC

ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.

2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. All outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

3. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4–#13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

4. The applicant shall secure permits for all structures and graded areas related to the cannabis cultivation and other commercial cannabis activity including the shed used for drying and processing and all ancillary structures of greater than 120 square feet. The structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk. A letter or similar communication from the Building Division verifying that all structures and graded areas related to cannabis cultivation are permitted will satisfy this condition.

5. The applicant shall submit documentation demonstrating that their backup generator is contained or otherwise muffled such that noise levels remain at or below 50 decibels at 100 feet away while the generator is operating.

6. The applicant shall install a permitted onsite wastewater treatment system (OWTS) serving the processing building or shall process off site and provide portable toilets for operator and employee use. Confirmation from DEH that an approved OWTS is present on the property or a written statement from the applicant that they will process off site with a licensed third-party facility and receipts for portable toilets will satisfy this condition.

7. 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.

8. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.

9. The applicant accesses their parcel via Dutyville Road from Ettersberg Road. Per the Public Works Department, Dutyville Road shall be paved where it intersects with Ettersburg Road for a minimum width of 20 feet and a length of 50 feet. The applicant is encouraged to work with other applicant's taking access off of Dutyville Road to complete this work. Confirmation from the Department of Public Works that the road apron is paved will satisfy this condition.

10. The applicant shall join and participate in the Dutyville Road Association. The applicant shall provide evidence, including notice and meeting minutes. In the event the applicant is unable to join and participate in the Dutyville Road Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

11. The applicant shall work with the Dutyville Road Association and/or with other applicants taking access off Dutyville Road to implement the recommendations provided by the engineer who prepared their Road Evaluation Report for necessary improvements to bring Dutyville Road to Category 4 standards. Confirmation from the Department of Public Works that Dutyville Road can safely accommodate the commercial traffic from this project and other projects using the road will satisfy this condition.

12. The applicant shall prepare and submit a Site Management Plan for the parcel. The applicant is also required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability (see Attachment 4). A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

13. Prior to initiating commercial cannabis cultivation or associated activities 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 Humboldt County Code and available at the Planning Division.

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

1. The primary power source is an existing solar array, but when a project-specific or backup generator is used, a noise containment structure shall be used with the generator. The noise produced by said generators shall not be audible by humans from neighboring residences. The decibel level for generators measured at 100 feet from the generator or at the property line shall be no more than 60 decibels. Sound levels must 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.

2. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, the Water Resource Protection Plan, the Lake and Streambed Alteration Agreement, 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.

3. 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.

4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort 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.

5. 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.

6. 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.

7. 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 County Code Section 55.4.11(d).

8. Maintain enrollment in Tier 1, 2 or 3, certification with the 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.

9. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.

10. 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).

11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

12. Pay all applicable application, review for conformance with conditions and annual inspection fees.

13. 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.

14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

15. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

16. 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.

17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

18. All refuse shall always be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.

Performance Standards for Cultivation and Processing Operations:

19. 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."

20. 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).

21. 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.

22. 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:
        1) Emergency action response planning as necessary;
        2) Employee accident reporting and investigation policies;
        3) Fire prevention;
        4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
        5) Materials handling policies;
        6) Job hazard analyses; and
        7) Personal protective equipment policies, including respiratory protection.
    ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
        8) Operation manager contacts;
        9) Emergency responder contacts;

10) 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.

23. 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.

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

    If the inspector or other County official determines that the permitees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit 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 re-inspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request re-inspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

25. 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.

    Permittee further acknowledges and declares that:

    (1) 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

(2) 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

(3) 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.

26. 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:

    (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
    (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
    (3) The specific date on which the transfer is to occur; and
    (4) Acknowledgement of full responsibility for complying with the existing permit; and
    (5) Execution of an Affidavit of Non-diversion of Cannabis.

27. 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 of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth 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 NOE 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.

ATTACHMENT 2
Required Findings for Approval

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;

2. The proposed development is consistent with the purposes of the existing zone in which the site is located;

3. The proposed development conforms with all applicable standards and requirements of these regulations; and

4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:

    a. Is categorically or statutorily exempt; or

    b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or

    c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of Humboldt County General Plan, 2017, the Open Space Plan, and the Open Space Action Program.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	**Residential Agriculture** (RA): Lands used for large lot residential uses that typically rely upon on-site water and wastewater systems. Allowable land uses vary and include residential, cottage industry, bed and breakfast inns, community assembly, neighborhood commercial, non-commercial recreation, office and professional, private institution, general and intensive agriculture, stables and kennels, timber production, fish and wildlife management, essential services, and similar compatible uses. Density range is 40 acres per unit.	The proposed project includes 9,314 square feet of outdoor commercial cultivation and ancillary propagation, processing, and storage buildings on a legal parcel designated as Residential Agriculture. General and intensive agriculture are allowable use types for this designation.
Circulation Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5) Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.	The subject parcel is located approximately three miles from Ettersburg Road on Road D, off Dutyville Road. Road D is privately-maintained. Dutyville Road is maintained by the Dutyville Road Association. The applicant submitted an engineered Road Evaluation for Dutyville Road and reported that it can have the functional capacity of a Category 4 road capable of accommodating commercial traffic if the engineer's suggested improvements are implemented. The project was reviewed by the Public Works Department which recommended approval if the engineer's recommendations are implemented. Conditions of approval require the applicant to implement the engineer's recommendations, to pave Dutyville Road where it intersects with Ettersburg Road for a minimum width of 20 feet and a length of 50 feet, and to participate in the Dutyville Road Association.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 6	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program	The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcel is 40.69 acres in size. Development is concentrated in one area on the parcel and most of the parcel is forested. Fences or vegetated buffers are maintained between the cultivation area and nearby property lines or roads on the parcel. (See Biological Resources Section 10.3 for additional discussion).
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	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) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow features. CalFire reviewed the project and had no concerns as to timber conversion or resource management. The water source for cannabis irrigation is a point of diversion. The applicant proposes to establish water storage tanks for rain catchment and to reduce the use of the point of diversion. The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow features. CalFire reviewed the project and had no concerns as to resource management. There are two watercourses on the subject parcel, a Class III ephemeral stream intersecting a Class II stream. All cultivation and ancillary structures are outside of

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		Streamside Management Areas with the exception of a point of diversion providing water for irrigation. The project includes a Special Permit for this point of diversion in the County's Streamside Management Area. Per the applicant's Streambed Alteration Agreement, no more than 150 gallons per day shall be diverted during the low flow season from May 15th to October 15th of any year. The maximum instantaneous diversion rate from the water intake shall not exceed three gallons per minute (gpm) at any time, and the permitee shall always pass sufficient flow to keep all aquatic species, including fish and other aquatic life in good condition below the point of diversion. This project includes a Special Permit for encroachment into the County's Streamside Management Area for the point of diversion. The diversion is consistent with the General Plan because the applicant proposes establishment of additional rain catchment water storage to reduce the use of the point of diversion and to adhere to forbearance periods, because the applicant is required to adhere to the terms of their Streambed Alteration Agreement for sustainable management of water resources, including mitigation of sediment discharge and to adhere to design features that complements the function of the stream. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that there are no mapped rare, threatened, or endangered species on the subject parcel. The nearest Northern Spotted Owl siting is 1.52 miles away. The nearest Northern Spotted Owl activity center is 1.86 miles away. The nearest mapped Marbled Murrelet habitat is 1.3 miles away. Conditions of approval require that all noise sources associated with the

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		cannabis cultivation be at 50 decibels or less at the property lines. The project was referred to the California Department of Fish and Wildlife (CDFW), but no comments were received. Ongoing conditions have been added to the project to protect local wildlife as follows: The backup generator and any greenhouse fans shall be kept covered or otherwise muffled such that noise released is no greater than 50 decibels as measured at 100 feet way from the noise source. The applicant shall adhere to the forbearance requirements established through their Final Lake or Streambed Alteration Agreement (1600-2017-0049-R1). The applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility. These conditions can be found in ongoing conditions of approval for the project. Additionally, for the protection of the Northern Spotted Owl, the applicant shall submit documentation demonstrating that the backup generator is contained such that noise is appropriately attenuated.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.	The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that a Cultural Resources Study be conducted for the parcel. Archaeological Research and Supply Company visited the parcel and surveyed for cultural resources in August 2018. No historic or cultural resources were identified as a result of these investigations and the study concluded that the project will not affect significant historic or cultural resources. The study was reviewed by the THPO, who requested that standard inadvertent discovery language be included as a condition of project approval. 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.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-Gx) Related policies: SR-SX. Light and Glare	No supplemental lighting is proposed for cultivation, which occurs outdoors in full sun. Supplemental lighting may be used in ancillary propagation spaces, but it will be shielded such that no light escapes at a level visible from neighboring properties between sunset and sunrise. Fences or vegetated buffers are maintained between all cultivation areas and neighboring parcels or roads.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Water Resources Chapter 11 Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9) Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.	The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. A Water Resource Protection Plan (WRPP) has been prepared by Natural Resources Management Corporation (NRM) pursuant to a site visit that occurred in February 2016. The WRPP recommends several corrective or remedial actions pursuant to stormwater drainage including replacement of a culvert and clearing of several culvert inlets of plant debris and sediment. As a condition of approval, the applicant shall prepare and submit a Site Management Plan for the parcel. The applicant is also required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability (see Attachment 4). A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
Water Resources Chapter 11 Onsite Wastewater Systems	Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10) Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.	The applicant proposes onsite processing in an existing ag-building. Onsite processing must be supported by a permanent means of sewage disposal. The applicant shall install a permitted Onsite Wastewater Treatment System (OWTS) serving the processing building or shall process off site and provide portable toilets for operator and employee use. Confirmation from DEH that an approved OWTS is present on the property or a written statement from the applicant that they will process off site with a licensed third-party facility with receipts for portable toilets will satisfy this condition.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.	The proposed project is for cultivation of cannabis in full sun with ancillary propagation, processing, and storage structures. The power source for the project is an existing solar array with a backup generator. The nearest Northern Spotted Owl siting is 1.52 miles away. The nearest Northern Spotted Owl activity center is 1.86 miles away. The nearest mapped Marbled Murrelet habitat is 1.3 miles away. Conditions of approval require that all noise sources associated with the cannabis cultivation be at 60 decibels or less at the property lines.
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2) Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.	The project site is not located in a mapped Alquist-Priolo fault zone or is subject liquefaction. The site is in an area designated as Moderate Instability (2) on the County's GIS. There are no mapped landslides on the subject parcel. Based on the project and evidence before staff, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards. The structures and grading associated with the project shall be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing and proposed structures and grading.
Safety Element Chapter 14 Flooding	Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3) Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	According to the Flood Insurance Rate Map (FIRM) Panel No. 0623C1985F (effective 11/4/2016), the project site is not located in a flood hazard area. The project site is not within a mapped dam or levee inundation area and is outside of the 100-year flood area. At approximately 7 miles distance from the coast, the project site is outside the areas subject to tsunami run-up.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Fire Hazards	Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential. Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject parcel is in an area designated with a high fire hazard severity. It is located within the fire response area for Telegraph Ridge VFC, and it is also within the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The project was reviewed by the Telegraph Ridge VFC, which recommended approval with no suggested conditions. Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a condition of approval. A maximum of eight employees will work on the parcel. A 3,000-gallon water tank is reserved for fire suppression on the parcel.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	The subject parcel is within the Telegraph Ridge Fire Protection District boundaries.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.	The project is an existing operation. No new structures are proposed. If the project is modified in the future to propose new structures, dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms to applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	APN 221-171-047 is a legal parcel per Parcel Map 1178 (parcel 3) recorded in Book 10 of Parcel Maps, page 87. There are no terms or conditions that apply to new development on the parcel and there are no violations of Humboldt county Code on the parcel.
§314-7.3 Forestry Recreation Zone (FR) §314-17.1 Minimum Building Site Area 40 acres (B-5(40))	The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. The Special Building Site Combining Zone or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirement should be modified.	The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016, on a parcel zoned FR The existing cultivation area totals 9,314 square feet. The proposed cannabis cultivation use is specifically allowed with a Special Permit in the FR under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	1 acre	40.69 acres
Minimum Lot Width:	200 feet	~1,222 feet
Maximum Lot Depth:	None specified	~ 1446 feet

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Yard Setbacks: Through the SRA Setbacks	Front: 20 feet Rear: 20 feet Side: 10 feet SRA: 30 feet all sides	Front: >30 feet Rear: >30 feet Side: > 30 feet
Minimum Distance Between Major Buildings:	None specified	> 20 ft apart
Maximum Ground Coverage:	None specified	< 35%
Max. Building Height:	35 feet	< 35 feet
§314-61.1 Streamside Management Area (SMA)	Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line. The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.	The subject parcel contains two watercourses, a creek which flows down the middle of the property beginning as a Class III and turning into a Class II. A Class III watercourse also intersects this nexus. A point of diversion at the spring head of this Class III supplies water used for cannabis irrigation. The applicant holds a Right to Divert and Use Water (H1000022) and a Streambed Alteration Agreement (1600-2017-0049-R1) for this point of diversion. The applicant proposes the establishment of 200,000 gallons of water storage in hard tanks, after which diversion for irrigation will occur minimally. Per the applicant's Streambed Alteration Agreement, no more than 150 gallons per day shall be diverted during the low flow season from May 15th to October 15th of any year. The maximum instantaneous diversion rate from the water intake shall not exceed three gallons per minute (gpm) at any time, and the permitee shall always pass sufficient flow to keep all aquatic species, including fish and other aquatic life in good condition below the point of diversion. This project includes a Special Permit for encroachment into the County's Streamside Management Area for the point of diversion. he diversion is consistent with the General Plan because the applicant proposes establishment of additional rain catchment water storage to reduce the use of the point of diversion and to adhere to forbearance periods, because the

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
		applicant is required to adhere to the terms of their Streambed Alteration Agreement for sustainable management of water resources, including mitigation of sediment discharge and to adhere to design features that complements the function of the stream.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	Eight spaces

3. Conformance to the Commercial Medical Marijuana Land Use Ordinance: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in 314-55.4, the Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation Ordinance (CMMLUO)

CMMLUO Section	Summary of Applicable Requirement	Evidence That Supports the CMMLUO Finding
§314-55.4.8.2 Timber Conversion	Outdoor and Mixed-Light Commercial Cultivation of cannabis for medical use shall be allowed in zones in which general agriculture is a principally permitted use or conditional use. Existing Cannabis cultivation is allowed in the TPZ zone on parcels 1 acre or larger and where the General Plan designates the area for Agricultural Development. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted with a 3-acre conversion, or non-timberland open area.	The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow features. A review of aerial imagery shows that no timber conversion has occurred, and that the cultivation area is within a natural clearing. CalFire reviewed the project and had no concerns as to timber conversion or resource management.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, on parcels zoned U that are 1 acre or larger and where the General Plan designates the area for Agricultural Development. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation. Between 5,000 square feet and 10,000 square feet of existing outdoor cultivation may be authorized with a Special Permit. Cultivation will only be permitted when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance.	The project site features existing cultivation operations in rural Humboldt County on a legal parcel, zoned Forestry Recreation with an assessed lot size of 40.69 acres. A review of historic imagery using TerraServer indicates that on 10/26/2015, there was 9,314 square feet of outdoor cannabis cultivation visible using aerial imagery. An Interim Permit was issued for 9,314 square feet of outdoor cannabis cultivation on the property. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.

§314-55.4.8.4 Processing Facilities	Processing Facilities for commercial cannabis for other than an appurtenant, on-premises cultivation operation as provided in Section 314-55.4.9.1 shall be a permitted use in zoning district AG, AE, and RA as specified in the CMMLUO and shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Section 314-55.4.11 (q) through (u).	Processing will occur in an existing ag building. Conditions of approval require the applicant to obtain a commercial permit for the drying/processing structure, which will require the construction of an ADA-compliant restroom. The project was reviewed by the Department of Environmental Health, which recommended conditional approval. The applicant must install a permitting Onsite Wastewater Treatment System (OWTS) serving the processing building or must process off site and provide portable toilets for operator and employee use. Confirmation from DEH that an approved OWTS serves the processing building or a written statement from the applicant that they will process off site accompanied by receipts demonstrating the presence of portable toilets will satisfy this condition.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant, Humboldt Synchronicitrees, LLC has applied for one cannabis land use permit. The applicant is entitled to four permits. This application is for a single permit for outdoor cultivation and ancillary structures.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information that was submitted with the application and collected after. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities. The area of cannabis cultivation and on-site processing shall be located at least 30 feet from any property line.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit. All existing and proposed structures comply with setback requirements.

§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.	The subject parcel is in the South Fork Eel Planning Watershed, the Upper Mattole River Hydrologic Unit Code (HUC) 12 Watershed, and the Mattole Canyon Super Planning Watershed. Upper Mattole River is a Cannabis Impacted HUC 12 Watershed. Water for cannabis irrigation is sourced from a permitted point of diversion and from a rainwater catchment system that includes three bladders and two tanks for a total of 66,000 gallons. Over the first two years of the permit, the applicant proposes to decommission the bladders and to expand the capacity of the rainwater catchment system to 200,000 gallons. Tanks will be placed at locations specified on the applicant's Site Map. The applicant's estimated annual water use is 100,000 gallons.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The Site Plan and additional materials submitted by the applicant demonstrate that all cultivation facilities are located at least 30 feet from any property line. No schools or school bus stops are located within 600 feet of the cultivation areas. There are no parks as defined in County Code Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. There are no identified places of religious worship within 600 feet.

§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, 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, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	The proposed project is for cultivation of cannabis in full sun with ancillary propagation, processing, and storage structures. The power source for the project is an existing solar array with a backup generator. The nearest Northern Spotted Owl siting is 1.52 miles away. The nearest Northern Spotted Owl activity center is 1.86 miles away. The nearest mapped Marbled Murrelet habitat is 1.3 miles away. Conditions of approval require that all noise sources associated with the cannabis cultivation be at 60 decibels or less at the property lines.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted their original permit application on November 17. 2016, prior to the deadline.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permit and are included as conditions of approval.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory. It is developed with a single-family residence, which will remain, and it will not preclude further residential development of the site the project is therefore in conformance with the standards in the Housing Element.

6. Environmental Impact: The following section identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 221-171-047,* Ettersburg area, *County of Humboldt

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

September 2019

Background

Modified Project Description and Project History

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

Project Description: A Special Permit for the continued operation of an existing 9,314-square-foot outdoor cannabis cultivation site and ancillary nursery, storage, and processing structures. Cannabis is cultivated in full sun. Water is sourced from an onsite point of diversion and from rainwater catchment. A Special Permit for encroachment into the Streamside Management Area for the point of diversion is included in the project. Water is stored in three bladders and two hard tanks totaling 66,000 gallons. The applicant proposes to decommission the bladders and to establish 200,000 gallons of rain catchment water storage in hard tanks over the next two years. Processing, including drying, curing, and trimming. occurs onsite within an existing 41'x16' agricultural building. Power for the project is provided by solar and a generator. A maximum of eight employees will work on the site.

The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow features. CalFire reviewed the project and had no concerns as to timber conversion or resource management.

The water source for cannabis irrigation is a point of diversion. The applicant proposes to establish water storage tanks for rain catchment and to reduce the use of the point of diversion.

There are two watercourses on the subject parcel, a Class III ephemeral stream intersecting a Class II stream. Following site reconfiguration, all cultivation and ancillary structures will be outside of Streamside Management Areas. The project includes a Special Permit for the point of diversion and for restoration activities in the County's Streamside Management Area. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that there are no mapped rare, threatened, or endangered species on the subject parcel. The nearest Northern Spotted Owl siting is 1.52 miles away. The nearest Northern Spotted Owl activity center is 1.86 miles away. The nearest mapped Marbled Murrelet habitat is 1.3 miles away. Conditions of approval require that all noise sources associated with the cannabis cultivation be at 60 decibels or less at the property lines. The project was referred to the California Department of Fish and Wildlife (CDFW), but no comments were received. Ongoing conditions have been added to the project to protect local wildlife as follows: The backup generator and any greenhouse fans shall be kept covered or otherwise muffled such that noise released is no greater than 50 decibels as measured at 100 feet way from the noise source. The applicant shall adhere

to the forbearance requirements established through their Final Lake or Streambed Alteration Agreement (1600-2017-0049-R1). The applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility. These conditions can be found in ongoing conditions of approval for the project. Additionally, for the protection of the Northern Spotted Owl, the applicant shall submit documentation demonstrating that the backup generator is contained such that noise is appropriately attenuated.

The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that a Cultural Resources Study be conducted for the parcel. Archaeological Research and Supply Company visited the parcel and surveyed for cultural resources in August 2018. No historic or cultural resources were identified as a result of these investigations and the study concluded that the project will not affect significant historic or cultural resources. The study was reviewed by the THPO, who requested that standard inadvertent discovery language be included as a condition of project approval. 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.

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 establishment of a non-diversionary water source, permitting of ancillary structures, noise attenuation, and measures to protect wildlife.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents

decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 9,314 square feet of existing outdoor cannabis cultivation and existing ancillary storage and processing structures is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plan of Operations submitted for the Humboldt Synchronicitrees, LLC Application.
- Site Map submitted for the Humboldt Synchronicitrees, LLC Application.
- A Water Resources Protection Plan for APN 221-171-047 submitted under the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- A Cultural Resources Survey prepared for APN 221-171-047 by Archaeological Research and Supply Company.
- A Lake and Streambed Alteration Agreement for APN 221-171-047 (1600-2017-0049-R1).
- A Right to Divert and Use Water from an unnamed spring on APN 221-171-047 (H100022).

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate

environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 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. (On File)

3. Amended 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 and addendum 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. (Right to Divert and Use Water Certificate H100022 - Attached)

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 NCRWQCB demonstrating enrollment in Tier 2, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)

8. Water Resource Protection Plan prepared by Natural Resource Management dated February 3, 2016. (Attached)

9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department

of Fish & Wildlife. (Streambed Alteration Agreement Notification No. 1600-2017-0049-R1 - Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (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)

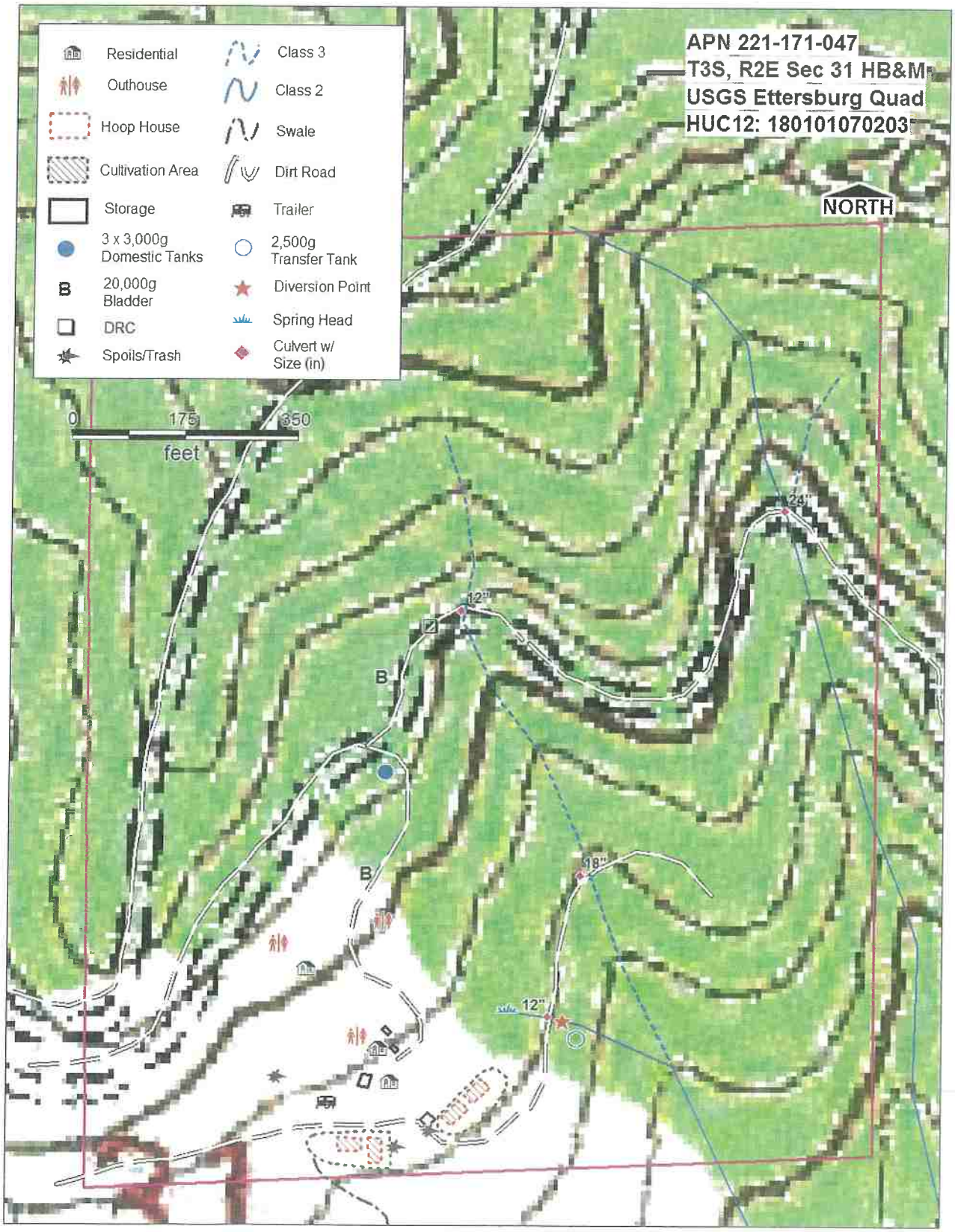
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)

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. Copy of the DEH Referral Worksheet. (On file)

16. Road Evaluation Report prepared by David Nicoletti, PE, dated May 10, 2018. (Attached)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Outhouse
Hoop House
Cultivation Area
Storage
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20,000g Bladder
DRC
Spoils/Trash
Class 3
Class 2
Swale
Dirt Road
Trailer
2,500g Transfer Tank
Diversion Point
Spring Head
Culvert w/ Size (in)
APN 221-171-047
T3S, R2E Sec 31 HB&M
USGS Ettersburg Quad
HUC12: 180101070203
NORTH
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175
350
feet
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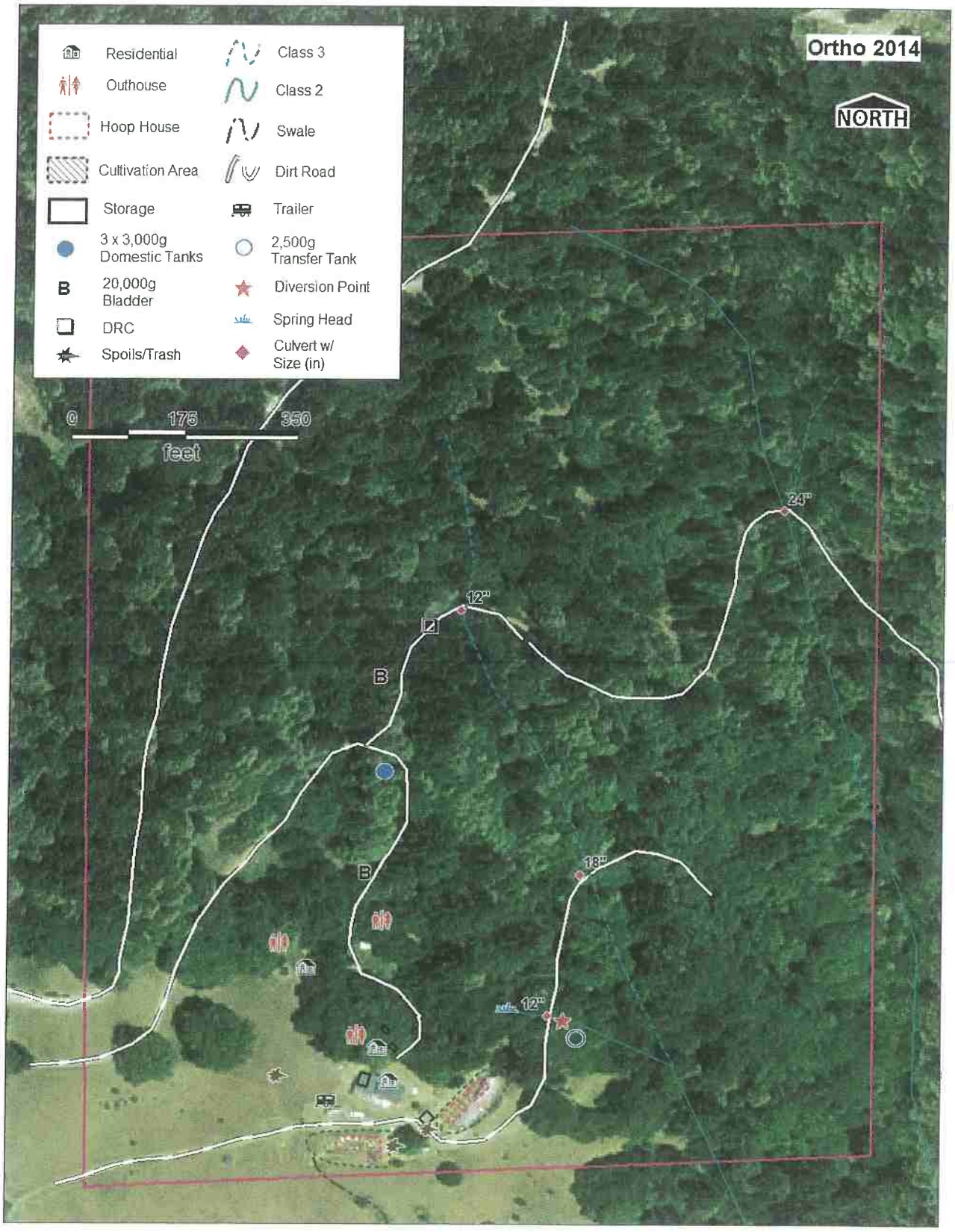
Ortho 2014
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Residential
Outhouse
Hoop House
Cultivation Area
Storage
3 x 3,000g Domestic Tanks
20,000g Bladder
DRC
Spoils/Trash
Class 3
Class 2
Swale
Dirt Road
Trailer
2,500g Transfer Tank
Diversion Point
Spring Head
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0
175
350
feet
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Cannabis Relocation for Gregori APN 221-171-047

Humboldt County

RECEIVED
JAN 31 2019
Humboldt County
Planning & Building

Prepared by:
Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501

January 8, 2019

NRM
NATURAL RESOURCES MANAGEMENT
CORPORATION

Summary

One of the pre-existing *Cannabis* cultivation areas is within the setback of a class 3 creek. This garden drains towards this creek. We are proposing to move this grow area and consolidate it with another cultivation area. This relocation area would be an environmentally superior area outside of watercourse setbacks. The proposed relocation area is located on a gently sloping (less than 11%) already open area. Overall, relocating the preexisting area to the proposed area will reduce the threat to water quality.

Preexisting Cultivation Sites (see attached Plot Plan)

Area 1: There are two preexisting cultivation areas on the parcel, labeled Area 1 and Area 2 on the plot plan. A portion of the western most area (area 1) is within the buffer of a class 3 creek. This cultivation areas will need to be removed to comply with Waterboard and County riparian setbacks. This area contained one greenhouse (720 sqft) and 5294 sqft of fenced cultivation for a total of 6014 sqft.

Area 2: This area is located to the east of area 1. Area 2 consists of two 720 sqft greenhouses and 1860 sqft of outdoor cultivation. Here the landowner proposes to replace the two greenhouses with one 1600 sqft greenhouse for cultivation. The remaining 1700 sqft of cultivation would be moved to the relocation area.

Watercourses and Setbacks (figure 2-4)

There is a class 3 stream that starts just south of Area 1. The State Water Board Order requires a 50ft setbacks on class 3 streams. A portion of the cultivation site is within the 50ft setback (see plot plan).

Relocation Areas

Areas 1 and a portion of area 2 will be relocated to area 3 (see plot plan). The relocation site is a grassy opening. It is relatively flat with slopes less than 11%. Area 3 is environmentally superior to Area 1 as it is located outside of riparian buffers. All cultivation will remain consolidated near the processing, nursery, and other infrastructure on the property. See photos of relocation site below. Greenhouses 5-11 will be constructed in area 3 for a total of 7714 sqft of cultivation relocated into area 3.

Restoration

All cultivation materials will be removed from the 50 ft riparian buffer in area 1. This buffer area will be allowed to revegetate naturally with grasses. We believe that following the removal of the infrastructure the buffer will naturally revegetate. The area should be checked by October 15th the year the infrastructure is removed, if there is still bare dirt areas these should be seeded with native grass seed and covered with 2 inches of weed free straw.

The former cultivation areas in area 1 and 2 outside of the stream buffer will be used for non-commercial domestic food production for the property owner.

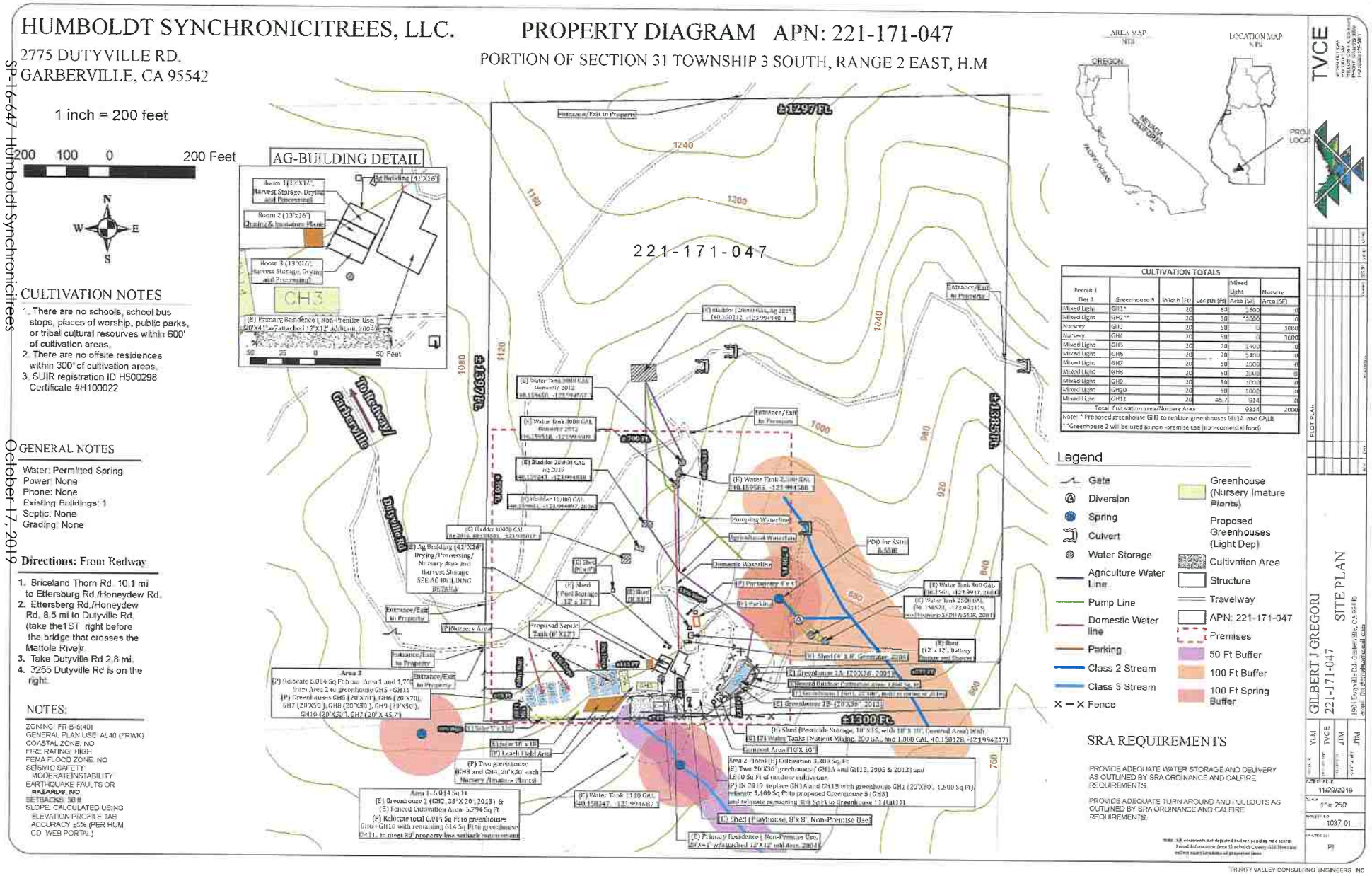
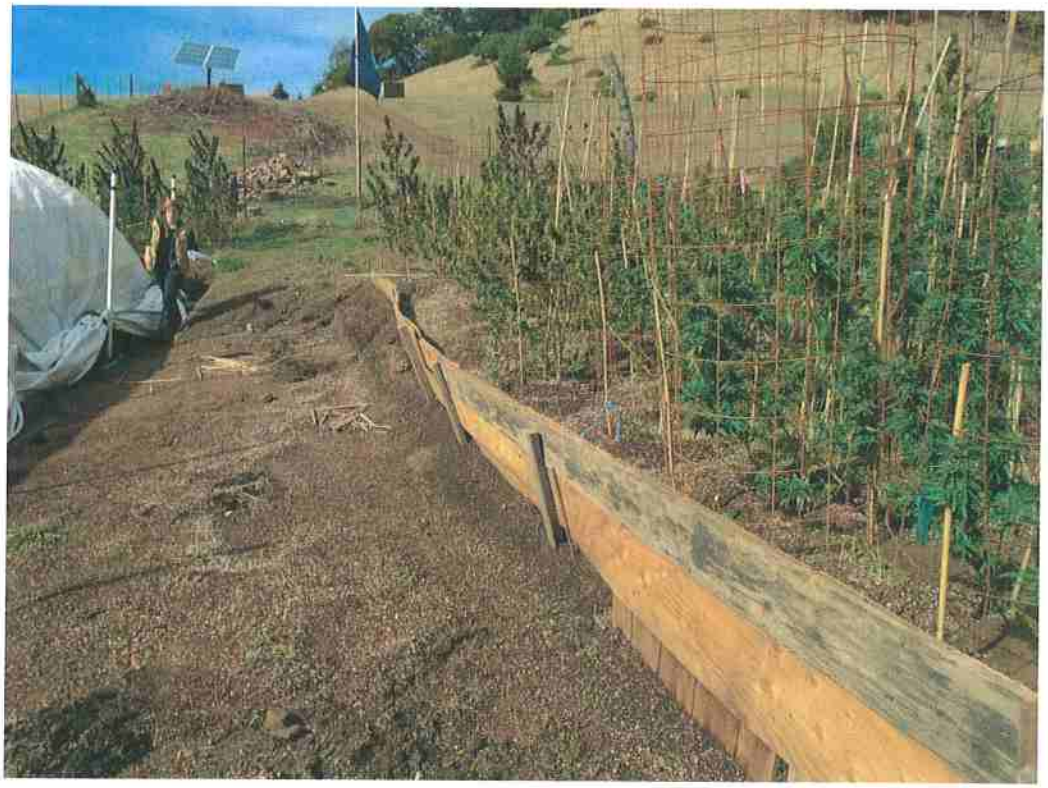


Figure 1. Plot plan

Area 1 Western cultivation Area



Area 1 Western cultivation Area

Head of class 3 creek just below Area 1

Area 2- Eastern cultivation area

Area 3- relocation area

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

July 17, 2018

Humboldt Synchronicitrees, LLC
Attn: Megan "Aiyana" Gregori
P.O. Box 1985
Redway, CA 95560

RE: Permit Application No. 12779 APN 221-171-047 Case No.: SP16-647

Dear Megan,

Thank you for your submittal of the above referenced application for a commercial cannabis permit on December 27, 2016 for 7,240 square feet of existing outdoor medical cannabis cultivation. Prior correspondence regarding the project has included an Incomplete Letter dated February 27, 2017 and an application withdrawal notice letter dated August 9, 2017. Additional application materials were received on September 19, 2017. Unfortunately, after review the application submittal was found not to contain all of the required information and we are unable to move the permit forward at this time.

Below is listed the information we need to continue processing this permit application:

I. A check or money order in the amount of $30.00 payable to the Tribal Historic Preservation Office (THPO) for each of the affiliated tribes: (Check will be provided).
   a) Bear River Band
      - The previous checks on file have expired and will be mailed back to the agent.

ii. Clarification and consistency on the amount of cultivation being applied for
   a) Please clarify and update all relevant materials with the amount of cultivation area being applied for:
      - NOI: 5,000 square feet of cultivation (This was an estimate done at time of survey by the third party agent.)
      - Site Plan: 7,467 square feet with 2,530 proposed new cultivation area (9,997 square feet total) (This was a mis-reference to pre-existing outdoor that was due to be relocated and dispersed to this area, it is not new cultivation.)
      - Operations Plan: 7,240 square feet (There has may have been a staff error based upon previous aerial figure, however, it was determined prior to final submission that the applicant's square footage was closer to 10,000 sq. ft., the applicant is in agreement with the 9,314 sq. ft. issued on the IP)
      - Application: +/- 10,000 square feet (Correct.)
        Please note that the applicant's final IP came in at 9,314 sq. ft and applicant is in agreement with this.
   b) Please note if new cultivation is proposed a soil survey will be required to determine if there are prime soils on site. (Not applicable).

iii. * Update Cultivation and Operations Plan to include the following:
   a) Description of site drainage, including runoff and erosion control measures (Although this information is described in the WRPP, please include it in the operations plan) (This is not our process as we are not qualified to do so, please reference WRPP for this information as expected.)
   b) Detail of measures taken to ensure protection of watershed and nearby habitat (Although this information is described in the WRPP, please include it in the operations plan)

iii. * Update Site Plan of entire parcel showing:
   a) Water storage structures labeled as to type, capacity, and date of

- If you would like to provide me with these dates I could amend the current Site Plan creating a staff alternative that fulfills this requirement.

5. Pursuant to Humboldt County Code Section 312-11.2, *"Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations."* While our office is in the process of completing this review for your parcel, it may be necessary for you to submit additional information in order to determine how the property was created in its current configuration. If additional information is needed our office will contact you.
6. Due to on-site relocation of existing cultivation proposed as part of the project, provide a Remediation Plan report prepared by a qualified professional (e.g. biologist, hydrologist, engineer etc.) demonstrating that the new site is environmentally superior to the present condition and describing steps necessary to abate existing environmental harm at the existing cultivation site. If the relocation occurred after January 1, 2016, include an explanation as to why this took place prior to the permit or clearance required under the CMMLUO being obtained. (See attached).

** In order to ensure accurate review and timely processing of your application, please ensure the Cultivation and Operations Plan and Site Plan are consistent with each other. I recommend you use the numbered items as your outline for the Cultivation and Operations Plan (i.e. numbered items are their own paragraphs or titled sections).*

Please keep in mind, additional information may be requested once the project is reviewed by State and local agencies during the referral stage of the process. The Department cannot make the required findings specified in Humboldt County Code Sections 312-1.1.2 and 312-17 et seq., and the California Environmental Quality Act (CEQA) based on the information submitted to date. In order for the Department to further evaluate this project for compliance, the additional requested information must be submitted.

Please accumulate all requested material and submit as a complete package and submit these items to the contact listed below during regular business hours. When submitting these items please include the Application Number and APN found at the top of this letter. For most efficient processing, please include a copy of this letter with your submittals.

Please note that this project was issued an Interim Permit on June 11, 2018, which authorizes the applicant to seek State licensure and **continue operations until completion of the local permit review process or denial of a County permit, or January 1, 2019, whichever occurs first**. The items requested in this letter must be submitted within **30 days** in order to ensure timely processing of your permit.

Please remember that the filing of a permit application does not authorize the applicant to engage in any new commercial marijuana cultivation, processing, manufacture or distribution activity. No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured. If you have questions about this letter, please contact Max Hilken at 707-445-7541.

Sincerely,

Max Hilken

Max Hilken
Cannabis Services Division
Vendorlaco2@co.humboldt.ca.us

Cc Agent: AgDynamix
Teisha Machetti
732 5th St. Suite I
Eureka, CA 95501

Attachments:

- (Expired) Checks in the amount of $30.00 payable to the Tribal Historic Preservation Office (THPO) for each of the affiliated tribes:
  - Bear River Band
    - The previous checks on file have expired and will be mailed back to the agent.

KJR

STATE WATER RESOURCES CONTROL BOARD
2015 MAY -5 AM 10:56
DIV OF WATER RIGHTS SACRAMENTO

State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

RECEIVED
SEP 19 2017
Humboldt County Cannabis Svcs.

DIVERTER NAME Gilbert Gregori & Robie Tenorio

SOURCE/TRIBUTARY Spring 3 / none

DIVERSION WORKS NAME none

A. Diverter Information

Diverter Name(s): Gilbert Gregori & Robie Tenorio			
Mailing Address: 1901 Dutyville Road	City: Garberville	State: CA	Zip: 95542
Phone Number: 707-986-7429	Email Address (if available): Robieinthegarden@gmail.com		
Person Filing Statement (If Different From Diverter)			
Mailing Address	City	State	Zip
Phone Number	Email Address (if available)		
Land Owner Name: Gilbert Gregori			
Mailing Address: 1901 Dutyville Road	City: Garberville	State: CA	Zip: 95542
Mail Receiver	● Diverter	○ Person Filing	

B. Signature and Important Information

DATE: 4-27-15

SIGNATURE: G. J. Gregori Robie Tenorio

PRINTED NAME: Gilbert / Robie (first name) John / (middle name) Gregori / Tenorio (last name)

I declare that the information in this report is true to the best of my knowledge and belief. **Submit Form Electronically**

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, § 5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING $1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM. (Wat. Code, § 5107.)

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Additional copies of this form, instructions on how to complete this form and water right information can be obtained at http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/. Revised January 2014. e

State Water Resources Control Board

DIVISION OF WATER RIGHTS

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

RECEIVED SEP 19 2017 Humboldt County Cannabis Svcs.

PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER NAME Gilbert Gregori & Robie Tenorio

SOURCE/TRIBUTARY Spring 3 / none

DIVERSION WORKS NAME none

1. Type of Claim

Check the box(s) which describe the type of claim(s) under which you are diverting water.

☑ Riparian ☐ Pre-1914 ☐ Court Decree ☐ Pending Appropriative Application ☐ Pueblo ☐ Other: _____

If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:

2. Water Course Description

Water Course Name at the point of diversion	Water Course is tributary to
Spring 3	none

3. Legal Land Description

Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)

☑ Latitude/Longitude Measurements: 40.150144, -123.983503

☐ California Coordinate System (NAD 1983): _____

☐ USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)

Assessor's Parcel Number(s), if assigned:	County
221-171-047	Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)

____ ¼ of the ____ ¼ of Section 31, Township 3S, Range 2E, B&M _____

4. Place of Use Description

Provide a general description of the area in which the water was used

Water supplies small domestic use needs association with people, animals, home, gardens, and land.

Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number. (check box indicating each map attached)

☐ USGS Topographic Map ☑ County Assessor's parcel map

5. Purpose of Use Description (Please select all that apply below)

☑ Irrigation Number of Acres :	☑ Domestic Persons Served :	☑ Stock watering Number of stock and type:	☑ Other Please Explain:
1/2 acre or less	5	none at this time.	Domestic for 1 homes.

6. Diversion Works Description

Name of Diversion Works, if named	Year in which diversion commenced (or specify nearest known year)
none	1976

List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works)

none known.

Type of Diversion Facility (select one)

☑ Gravity ☐ Water Course Pump ☐ Well Pump ☐ Other (please specify) _____

Do you directly divert water? ☑ Yes ☐ No

Capacity of Direct Diversion Works (specify unit and amount) 1

☐ Cubic feet per second ☑ Gallons per minute ☐ Gallons per day

Do you divert water to storage? ☐ On-stream storage (Complete Section B) ☑ Off-stream storage (Complete Sections A & B)

A. Capacity of Storage Diversion Works (specify unit and amount) 5

☐ Cubic feet per second ☑ Gallons per minute ☐ Gallons per day

B. Capacity of Storage Tank or Reservoir (specify unit and amount) 24,000

☑ Gallons ☐ Acre-feet

7. Quantity of Water Diverted Note; Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.

Provide the quantity of water diverted each month in the table below as a measured in (check one box) ☐ Gallons ☑ Acre-feet

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2014	0.02	0.02	0.02	0.02	0.02	--	--	--	--	--	--	0.02	0.12

CONTINUE TO PAGE 2

DIVERTER NAME Gilbert Gregori & Robie Tenorio

SOURCE/TRIBUTARY Spring 3 / none

DIVERSION WORKS NAME none

8. Measurement Device Description

Method used to measure water diverted (select one)

- ○ Water directly diverted and/or diverted to storage was measured with a measuring device. (if checked, proceed to section 8a and skip section 8b)
- ◉ Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage. (If checked, skip section 8a and proceed to section 8b).

8a. Measuring Device

Indicate the types of measuring devices used (check all that apply):

- ☐ Propeller Meter
- ☐ Sluice/Slide Gate
- ☐ Acoustic Meter
- ☐ Weir
- ☐ Staff gage and storage capacity curve
- ☐ Staff gage and floodable acreage
- ☐ Pressure transducer and storage capacity curve
- ☐ Other: _____

Indicate any additional technology used (check all that apply and explain below):

- ☐ Flow totalizer
- ☐ Data Logger
- ☐ Telemetry
- ☐ Other: _____

Indicate who installed your measuring device(s) (check all that apply):

- ☐ Representative using manufacturer's recommendations
- ☐ Representative who is American Water Works Association (AWWA)-certified
- ☐ Representative using United States Geological Survey (USGS) techniques
- ☐ Licensed Civil or Agricultural Engineer
- ☐ Hydrographer
- ☐ Other/Unknown: _____

List the make, model number, and last calibration date of your measuring device(s), if available:

8b. Explanation of why use of a measuring device is "not locally cost effective"

Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)

- ☐ Diversion is small or minimal in size
- ☐ Diversions are infrequent
- ☐ Ungauged Siphon
- ☑ No power at diversion point
- ☐ Other: _____

Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)

- ☐ Electricity records dedicated to the pump
- ☐ Engine fuel use or hour meter records
- ☐ Power generation estimates
- ☑ Modeled/estimated flows
- ☐ Pipe/trajectory method
- ☐ Float and stopwatch
- ☐ Total facility electricity records minus estimated non-pump electricity
- ☐ Crop duty estimates/consumptive use estimates
- ☐ Other water duty estimates other than for crops
- ☐ Remote satellite imaging
- ☐ Bucket and stopwatch
- ☐ Other: _____

Explain your measurement alternatives:

9. Maximum Rate of Diversion (if available)

Provide the maximum rate of diversion achieved in each month as measured in (check one box) ○ cfs ◉ gpm ○ gpd

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	1	1	1	1	1	--	--	--	--	--	--	1

10. Recent Water Use

Provide the annual water use in recent years:			
	Maximum 32,000	◉ Gallons	○ Acre Feet
	Minimum 32,000	◉ Gallons	○ Acre Feet

11. Water Conservation Efforts (answer only sections applicable to your diversion)

Water Conservation: Are you currently employing any methods of water conservation? ◉ Yes ○ No

If yes, describe any water conservation efforts in use:

Drip irrigation, forbearance of using spring during summer and fall months.

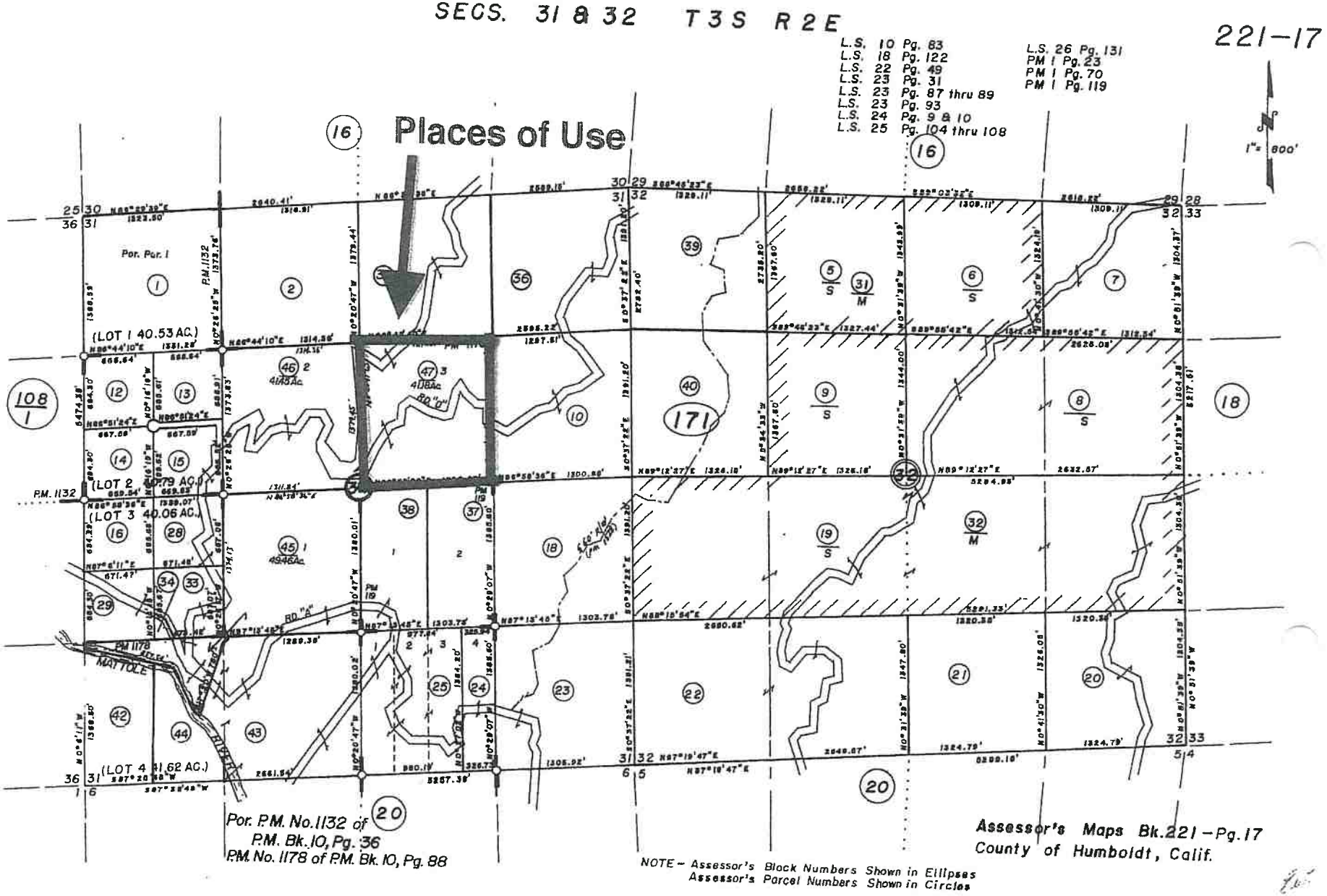
Water Quality and Wastewater Reclamation: Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses? ○ Yes ◉ No

Conjunctive use of surface water and groundwater: Are you using groundwater in lieu of surface water? ○ Yes ◉ No

END OF INITIAL STATEMENT FORM

Sign and Submit Form Save Form (submit later)

S024831


SECS. 31 & 32 T3S R2E
221-17
L.S. 10 Pg. 83
L.S. 18 Pg. 122
L.S. 22 Pg. 49
L.S. 23 Pg. 31
L.S. 23 Pg. 87 thru 89
L.S. 23 Pg. 93
L.S. 24 Pg. 9 & 10
L.S. 25 Pg. 104 thru 108
L.S. 26 Pg. 131
PM 1 Pg. 23
PM 1 Pg. 70
PM 1 Pg. 119
1" = 800'
Places of Use
(LOT 1 40.53 AC.)
(LOT 2 40.79 AC.)
(LOT 3 40.06 AC.)
(LOT 4 41.62 AC.)
P.M. 1132
PM 1178
MATTOLE RIVER
RD. "A"
RD. "B"
Por. Por. 1
Por. P.M. No. 1132 of P.M. Bk. 10, Pg. 36
P.M. No. 1178 of P.M. Bk. 10, Pg. 88
Assessor's Maps Bk. 221 - Pg. 17
County of Humboldt, Calif.
NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Contact Report

RECEIVED
SEP 19 2017
Humboldt County Cannabis Svcs.

A. Diverter/Responsible Party: Initial report

B. Contact #: 707-986-7429

C. Temporary statement # (if applicable; i.e. 2012-206): 2015-0136

D. Contact Attempts:

Date/ Time	Contacted By	Person Contacted	Reason for Contact	Result of Contact
05/11/2015 1:43pam			Initial form	

Conversions:

E. Cycle: ☐ 1 ☑ 2 ☐ 3 F: Year POD Commenced: 1976

G. Diversion Works Name: 221-171-047

H. Capacity of diversion works: 1gpm

I. Capacity of storage: 24000gal

J. Latitude/Longitude: 123deg 58'2.85W 40deg 9'0.642N

Statement Processing:

	Date	Completed by
K. Entered into eWRIMS:	05/11/2015	DCC
L. Plotted:	05/11/2015	DCC

M. POD ID#: 64308

N. Additional Comments:

S024831

O. Missing Information

- ☐ Name/Address
- ☐ Source/Tributary
- ☐ POD/Map Info
- ☐ Capacity of Diversion Works/Storage
- ☐ Purpose of Use
- ☐ Year Commenced
- ☐ Place of Use
- ☐ Qty Water Diverted
- ☐ Measurements

1801010702 03NR.1035

Order No. R1-2015-0023

Appendix A

RECEIVED
SEP 19 2017
Humboldt County
Cannabis Svcs.

ENROLLMENT NOTICE OF INTENT FORM
FOR
WAIVER OF WASTE DISCHARGE REQUIREMENTS
ORDER NUMBER R1-2015-0023

Submission of this Notice of Intent (NOI) to the North Coast Regional Water Quality Control Board (Regional Water Board) or an approved third party constitutes notice that a discharger, identified in Section I of this form, requests and receives authorization to discharge pursuant to the Waiver of Waste Discharge Requirements Order number R1-2015-0023. Upon submittal of the NOI, waste discharges are authorized pursuant to the conditions of the Order. Order coverage is required for existing Tier 1, 2, and 3 cultivation sites by February 15, 2016. Dischargers who begin operations after the effective date of this Order must file an NOI prior to commencement of cultivation operations.

To obtain authorization, dischargers must submit a complete and accurate NOI form, encompassing sections I and II, as well as complete the MRP in Appendix C of the Order. Any additional documentation required by the Order, such as a water resource protection plan, must be completed and secured on-site, to be made available upon inspection by the Regional Water Board. This NOI form must be submitted upon enrollment and the discharger shall amend and resubmit the NOI within 30 days if there is a change in Tier status based upon changed site conditions.

Completed forms shall be signed and submitted to the Regional Water Board or an approved third party.

Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

I. Discharger Information

First Name, Middle Initial: Miegani A

Last Name: Gregorii

Mailing Address:

Street: PO Box 1985

City: Redway

State: CA ZIP: 95560

Phone Number: 707-986-7503

Email: floretenail@gmail.com

RECEIVED
SEP 19 2017
Cannabis Svcs.

State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Diverter Information			
Diverter Name(s) Megan Aiyana Gregori			
Mailing Address P.O. Box 1985	City Redway	State Ca	Zip 95560
Phone Number (707) 986-7503	Email Address (if available)		

Person Filing Statement			
(If different from diverter information above)			
Person Filing Statement Name Jesse Perrone			
Mailing Address 1434 3rd Street	City Eureka ca	State Ca	Zip 95501
Phone Number 707-442-1735	Email Address (if available) jperrone@nrmcorp.com		

Land Owner Name			
Land Owner Name Megan Aiyana Gregori			
Mailing Address P.O. Box 1985	City Redway	State Ca	Zip 95560
Phone Number (707) 986-7503	Email Address (if available)		

Mail Receiver:	
(Select one only)	
○ Diverter	◉ Person Filing Statement

Checklist for Submission of an Initial Statement of Water Diversion and Use
☑ Answer each question completely
☑ Attach map referenced in Section 4 with outline of Place of Use. Include Point of Diversion location if not identified in Section 3
☑ Sign and Date form

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Or email to

DWR-statements@waterboards.ca.gov

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/.

Revised March 2017

Section 1: Type of Claim

(Select all that apply to the type of claim(s) under which you are diverting water)

☑ Riparian ☐ Pre-1914 ☐ Court Decree* ☐ Pending Appropriative Application* ☐ Pueblo ☐ Other*:_____

*If you checked Court Decree, Pending Appropriative Application, or Other, list the Decree Number, Application ID Number or Status or provide an explanation

List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345)

Section 2: Water Course Description

Water Course Name at the Point of Diversion (POD)	Water Course is tributary to
unnamed tributary, spring head	Mattole River

Section 3: Point of Diversion and Legal Land Description

Provide the location of the POD using one of the following methods (check one box and enter data if applicable)

☑ Latitude/Longitude Measurements: Latitude: 40.158633 Longitude: -123.993707

☐ California Coordinate System (NAD1983) North: _____ East: _____ Zone: _____

☐ USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify Point of Diversion)

Assessor's Parcel Number (APN) where Point of Diversion is located (if APN has been assigned)	County
221-171-047	Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)

SW ¼ of the NE ¼ of Section 31 Township 3S Range 2E B&M Humboldt

Section 4: Place of Use Description

(Check boxes indicating each map to be provided)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

☑ USGS Topographic Map ☐ County Assessor's Parcel Map ☐ Map with identifiable landmarks

Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigated crops, campground, etc.)

crop irrigation and domestic use

Assessor's Parcel Number(s), where the water was used (if APNs have been assigned)

221-171-047

Section 5: Purpose of Use Description

(Select all that apply)

☑ Irrigation	☑ Domestic	☐ Stock watering	☐ Other
Number of acres:	Maximum number of persons served:	Number and type of stock:	Explain:
0.28	4		

Section 6: Special Use

(If you have selected Yes to the question below, please fill out **Special Use Attachment** at the end of this form)

During the previous calendar year, were you using any water diverted under this statement for the cultivation of cannabis? (●) Yes ( ) No

Section 7: Diversion Works Description

Name of Diversion Works, if you wish to name (e.g. Bob's Pump):

Year in which diversion began, to the best of your knowledge. (Specify single year): 1995

Type of Diversion Facility.(Select one only)*
*A separate Initial Statement of Water Diversion and Use must be filed for EACH diversion

(●) Gravity ( ) Water Course Pump ( ) Well Pump ( ) Other: _____

Direct Diversion Information

Do you directly divert water?
(Direct refers to water taken and used immediately)

(●) Yes ( ) No

If Yes, identify Direct Diversion Works flow rate and Unit

Rate: 12.00 ( ) Cubic Feet per Second (●) Gallons per Minute ( ) Gallons per Day

Storage Diversion Information

Do you divert to storage?
(If no, skip to Section 8)

(●) Yes ( ) No

If Yes, identify type of Storage

[ ] On-stream Storage (if on-stream, fill in Subsection A below)
[✓] Off-stream Storage (if off-stream, fill in subsections A and B below)

(A) Capacity of Storage Tank(s) or Reservoir identified in Acre-Feet or Gallons

Quantity: 59,000.000 (●) Gallons ( ) Acre-Feet

(B) Maximum Diversion Rate of Storage Diversion Works

Rate: 12.00 ( ) Cubic Feet per Second (●) Gallons per Minute ( ) Gallons per Day

Section 8: Quantity of Water Diverted

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: 2016 Measurement provided in: (●) Gallons ( ) Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
17,150.000	16,700.000	4,650.000	4,500.000	4,650.000	4,500.000	4,650.000	4,650.000	4,500.000	4,650.000	17,000.000	17,150.000	104,750.000

Section 9: Maximum Rate of Diversion per month

(If data is available)

Data being provided for calendar year: 2016 Measurement provided in: ( ) Cubic Feet per Second (●) Gallons per Minute ( ) Gallons per Day

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
12.000	12.000	12.000	12.000	12.000	12.000	12.000	12.000	12.000	12.000	12.000	12.000

Section 10: Recent Water Use

Provide data of annual water use in recent years

Minimum: 94,000.000 (●) Gallons ( ) Acre-Feet

Maximum: 114000 (●) Gallons ( ) Acre-Feet

Section 11: Water Conservation Efforts/Conjunctive Use

(Answer only fields applicable to your diversion)

Are you currently employing any methods of water conservation?	(●) Yes ( ) No
If Yes, describe any water conservation efforts in use: Drip irrigation system, plants in either raised beds or smart pots, and watering during the cool parts of the day/Limit shower time, use wash water for all houseplants	
Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?	( ) Yes (●) No
Are you using groundwater in lieu of surface water?	( ) Yes (●) No

Section 12: Water Diversion Measurement

As a diverter, you may be required to measure your diversion rate and use of water. Details on your obligation to measure diversions are located at http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml or in the instructions at the end of this form on page 5 of 5.

I have reviewed the measurement requirements; I certify that I understand and will comply with the measurement regulations. (Initial here to certify) jp

Based on the measurement regulations, check the appropriate box below:

( ) I am **required** to measure as of the date this form is submitted

(●) I am **not required** to measure as of the date this form is submitted

Additional information regarding measurement of diversions

- If you are required to measure your diversion, you will need to provide information about your measurement device, the accuracy of your device, method of installation and other questions on a supplemental statement of water diversion and use during the next calendar year. Samples of questions regarding measurement for supplemental statements are located at http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/docs/statement.pdf
- If you have or will be cultivating cannabis, measurement of your diversions and storage will be required in accordance with the Cannabis Cultivation Policy (Policy), which is currently under development. Updates on the Policy are located at http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml

Section 13: Signature

I declare that the information in this report is true to the best of my knowledge and belief.

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, §5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 OF EACH YEAR OR IF THERE IS A CHANGE IN THE NAME OF ADDRESS OF THE DIVERTER. (Wat. Code, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING $1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §5107.)

Signature: [signature] Date: 6/20/17

Printed Name: Jesse (first name) Melia (middle name) Perrone (last name)

State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE
SPECIAL USE ATTACHMENT

RECEIVED SEP 19 2017 Humboldt County Cannabis Svcs

This attachment is for additional information related to the special use of diverted water for cannabis cultivation, and must be attached to the Statement of Water Diversion and Use form for the claimed right under which water was diverted.

Cannabis Cultivation Information

(This section should only be filled out if Yes was selected in **Section 6: Special Use** regarding the prior year usage of diverted water for cannabis cultivation)

Subsection 1: Special Use

Provide the calendar year associated with reporting under this water right: 20 16

Provide the total amount of water used under this water right for cannabis cultivation during the calendar year — Quantity 50,000.00 — (●) Gallons ( ) Acre-Feet

Subsection 2: Cultivation Size and Lighting Conditions

Provide the APN(s) for all parcel(s) where cannabis is cultivated with water used under this right:

APN #221-171-047

Provide the amount of cannabis cultivated under this water right during the calendar year by lighting condition type.

	Indoor	Outdoor	Mixed Light	
Cultivated canopy size in square feet		5,000		Square Feet
Total number of plants harvested during the calendar year		1,000		Plants harvested
Number of Harvests		1		Harvests

Subsection 3: Watering Method

Check all irrigation methods that have been used to cultivate cannabis? (Check all that apply)

- [ ] Hand water
- [x] Drip/micro-spray irrigation
- [ ] Flood Irrigation
- [ ] Row Irrigation
- [ ] Other: _____

Subsection 4: Commercial Use

Is your cultivation of cannabis a commercial cannabis activity? (●) Yes ( ) No

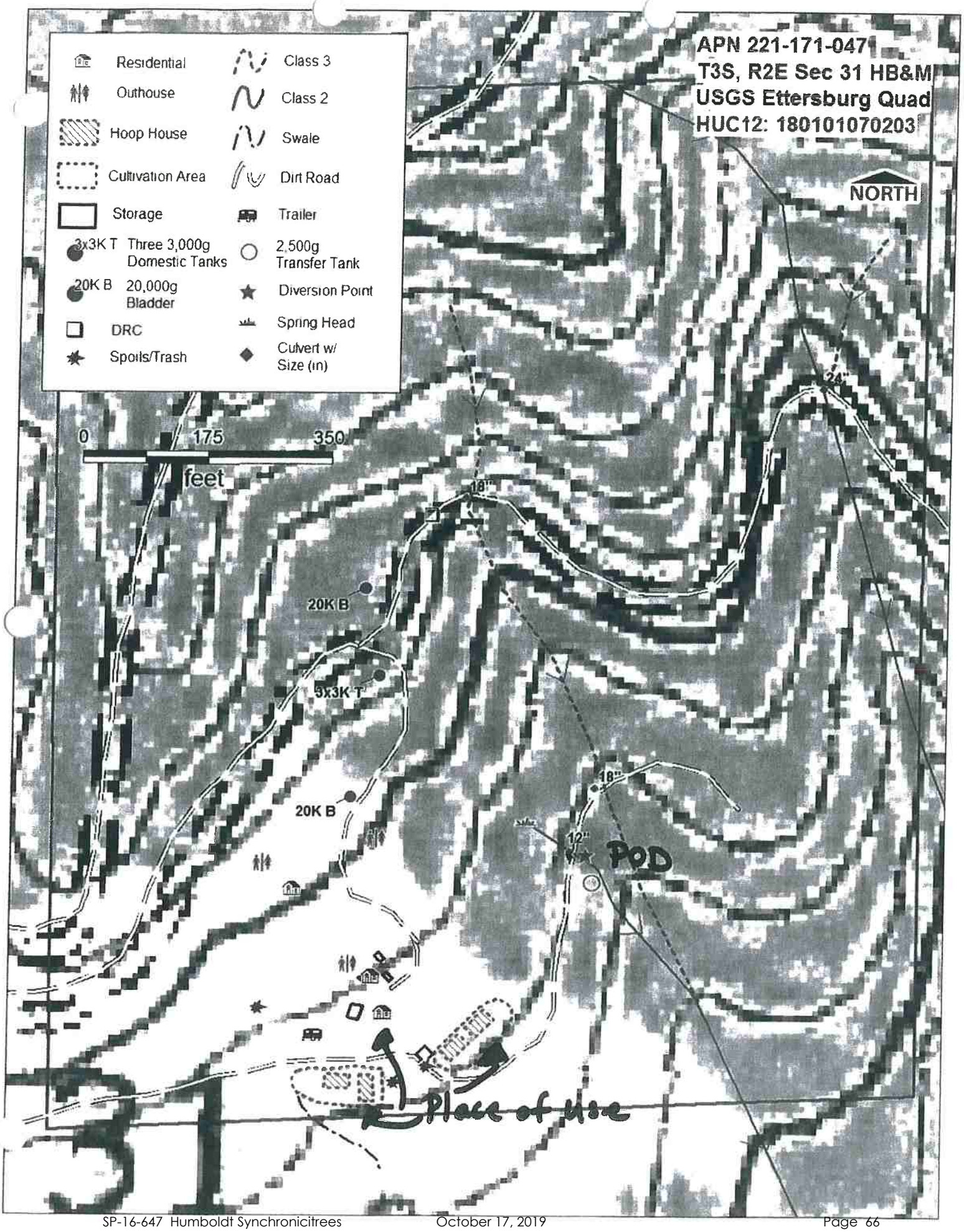
If you intend to apply for a license under California Department of Food and Agriculture's Medical Cannabis Cultivation Program, your response will help the State Water Board to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.

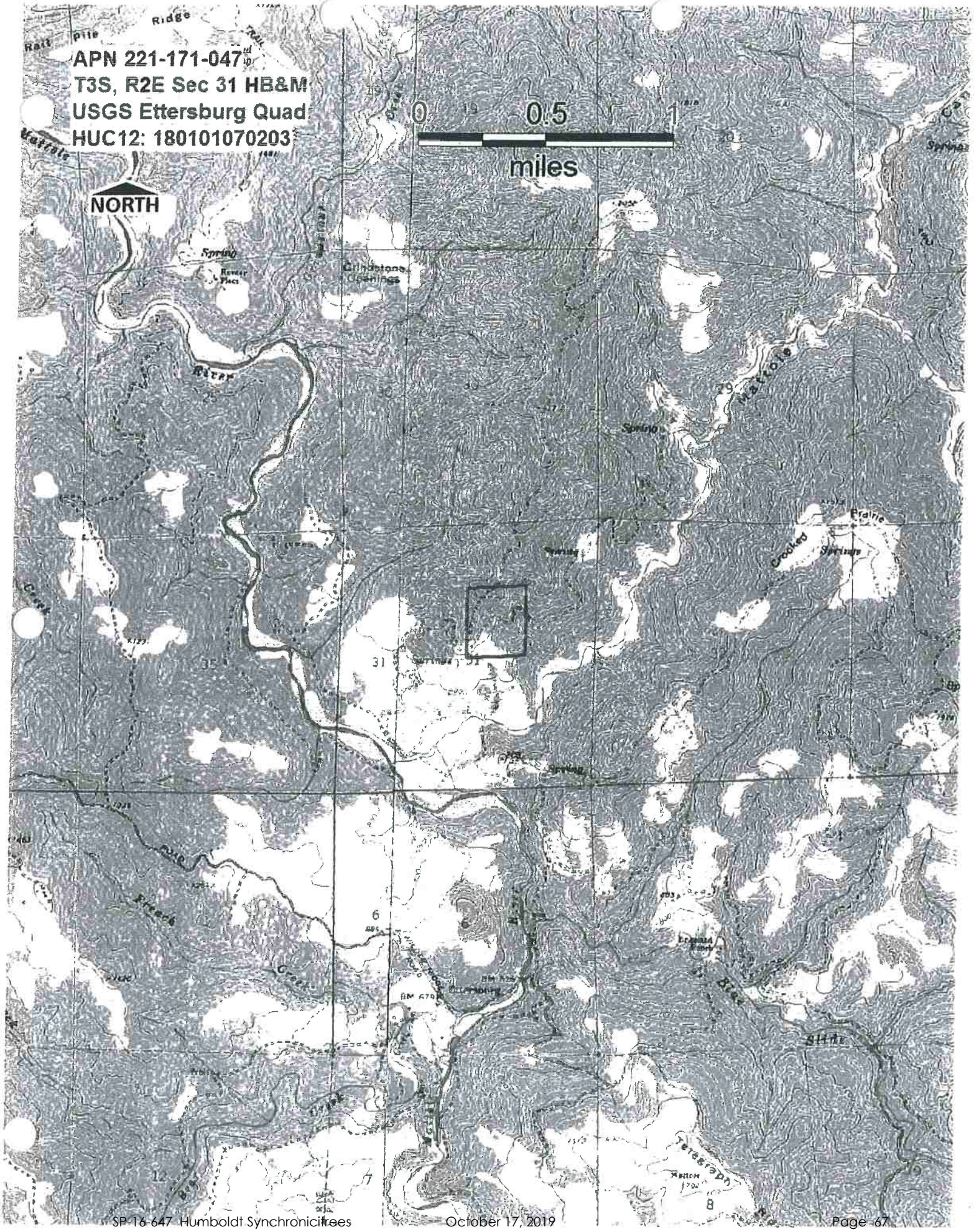
Subsection 5: Quantity of Water Diverted for the Purpose of Cannabis Cultivation

Provide monthly diversion data specific to the cultivation of cannabis. If this is the same data as identified in the Initial Statement of Water Diversion and Use: Section 8: Quantity of Water Diverted, check this box [ ] and leave the rest of this subsection blank.

Data being provided for calendar year: 2016 Measurement provided in: (●) Gallons ( ) Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
12,500.000	12,500.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	12,500.000	12,500.000	50,000.000


APN 221-171-047
T3S, R2E Sec 31 HB&M
USGS Ettersburg Quad
HUC12: 180101070203
NORTH
Residential
Outhouse
Hoop House
Cultivation Area
Storage
3x3K T Three 3,000g Domestic Tanks
20K B 20,000g Bladder
DRC
Spoils/Trash
Class 3
Class 2
Swale
Dirt Road
Trailer
2,500g Transfer Tank
Diversion Point
Spring Head
Culvert w/ Size (in)
0
175
350
feet
18"
24"
20K B
3x3K T
20K B
18"
12"
POD
Place of use


APN 221-171-047
T3S, R2E Sec 31 HB&M
USGS Ettersburg Quad
HUC12: 180101070203
0 0.5 1
miles
NORTH
Ridge
Spring
Grindstone Openings
Prairie
Crooked
Springs
Telegraph
Slide

State Water Resources Control Board

DIVISION OF WATER RIGHTS

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

RECEIVED
SEP 19 2017
Humboldt County Cannabis Svcs.

Page 1 of 3: INITIAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER NAME Megan Aiyana Gregori

SOURCE/TRIBUTARY Unnamed Tributary/Mattole River

DIVERSION WORKS NAME Gregori Spring Diversion

A. Diverter Information

Diverter Name(s): Megan Aiyana Gregori			
Mailing Address: P.O. Box 1985	City: Redway	State: CA	Zip: 95560
Phone Number: (707) 986-7503	Email Address (if available): floreternaluz@gmail.com		
Person Filing Statement (If Different From Diverter): Natural Resources Management			
Mailing Address: 1434 Third St.	City: Eureka	State: CA	Zip: 95501
Phone Number: (707) 442-1735	Email Address (if available): nrm@nrmcorp.com		
Land Owner Name: Megan Aiyana Gregori			
Mailing Address: P.O. Box 1985	City: Redway	State: CA	Zip: 95560
Mail Receiver: ◯ Diverter	◯ Person Filing		

B. Signature and Important Information

DATE: _____

SIGNATURE: _____

PRINTED NAME: Megan (first name) Aiyana (middle name) Gregori (last name)

I declare that the information in this report is true to the best of my knowledge and belief. **Submit Form Electronically**

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, § 5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING $1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM. (Wat. Code, § 5107.)

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Additional copies of this form, instructions on how to complete this form and water right information can be obtained at http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/. Revised January 2014.

State Water Resources Control Board

DIVISION OF WATER RIGHTS

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

RECEIVED SEP 19 2017 Hum...

PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE — DIVERTER NAME: Megan Aiyana Gregori

SOURCE/TRIBUTARY: Unnamed Tributary/Mattole River — DIVERSION WORKS NAME: Gregori Spring Diversion

1. Type of Claim

Check the box(s) which describe the type of claim(s) under which you are diverting water.

☒ Riparian ☐ Pre-1914 ☐ Court Decree ☒ Pending Appropriative Application ☐ Pueblo ☐ Other: _____

If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:

2. Water Course Description

Water Course Name at the point of diversion	Water Course is tributary to
Unnamed Tributary, spring head	Mattole River

3. Legal Land Description

Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)

☐ Latitude/Longitude Measurements: 40.158633, -123.993707

☒ California Coordinate System (NAD 1983): 40.158633, -123.993707

☐ USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)

Assessor's Parcel Number(s), if assigned:	County
221-171-047	Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)

N ¼ of the E ¼ of Section 31, Township 3S, Range 2E, B&M Ettersburg

4. Place of Use Description

Provide a general description of the area in which the water was used

Irrigation use on APN #221-171-047

Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number. (check box indicating each map attached)

☒ USGS Topographic Map ☐ County Assessor's parcel map

5. Purpose of Use Description (Please select all that apply below)

☒ Irrigation Number of Acres :	☒ Domestic Persons Served :	☐ Stock watering Number of stock and type:	☐ Other Please Explain:
0.277	5-6		

6. Diversion Works Description

Name of Diversion Works, if named	Year in which diversion commenced (or specify nearest known year)
	1995

List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works)

Type of Diversion Facility (select one)

☒ Gravity ☐ Water Course Pump ☐ Well Pump ☐ Other (please specify) _____

Do you directly divert water? ☒ Yes ☐ No

Capacity of Direct Diversion Works (specify unit and amount) 12 ☐ Cubic feet per second ☒ Gallons per minute ☐ Gallons per day

Do you divert water to storage? ☐ On-stream storage (Complete Section B) ☒ Off-stream storage (Complete Sections A & B)

A. Capacity of Storage Diversion Works (specify unit and amount) 12 ☐ Cubic feet per second ☒ Gallons per minute ☐ Gallons per day

B. Capacity of Storage Tank or Reservoir (specify unit and amount) 39,000 ☒ Gallons ☐ Acre-feet

7. Quantity of Water Diverted Note; Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.

Provide the quantity of water diverted each month in the table below as a measured in (check one box) ☒ Gallons ☐ Acre-feet

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2016	17,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	17,000	17,000	102,000

CONTINUE TO PAGE 2

DIVERTER NAME Megan Aiyana Gregori

SOURCE/TRIBUTARY Unnamed Tributary/Mattole River DIVERSION WORKS NAME Gregori Spring Diversion

8. Measurement Device Description

Method used to measure water diverted (select one)

- ○ Water directly diverted and/or diverted to storage was measured with a measuring device. (if checked, proceed to section 8a and skip section 8b)
- ⊗ Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage. (If checked, skip section 8a and proceed to section 8b).

8a. Measuring Device

Indicate the types of measuring devices used (check all that apply):

- ☐ Propeller Meter
- ☐ Sluice/Slide Gate
- ☐ Acoustic Meter
- ☐ Weir
- ☐ Staff gage and storage capacity curve
- ☐ Staff gage and floodable acreage
- ☐ Pressure transducer and storage capacity curve
- ☐ Other: _____

Indicate any additional technology used (check all that apply and explain below):

- ☐ Flow totalizer
- ☐ Data Logger
- ☐ Telemetry
- ☐ Other: _____

Indicate who installed your measuring device(s) (check all that apply):

- ☐ Representative using manufacturer's recommendations
- ☐ Representative who is American Water Works Association (AWWA)-certified
- ☐ Representative using United States Geological Survey (USGS) techniques
- ☐ Licensed Civil or Agricultural Engineer
- ☐ Hydrographer
- ☐ Other/Unknown: _____

List the make, model number, and last calibration date of your measuring device(s), if available:

8b. Explanation of why use of a measuring device is "not locally cost effective"

Indicate why you concluded that direct measurement using a device listed in *Section 8a is not locally cost effective* (check all that apply)

- ☐ Diversion is small or minimal in size
- ☐ No power at diversion point
- ☐ Diversions are infrequent
- ☐ Ungauged Siphon
- ☒ Other: Was unaware diversion needed to be metered

Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)

- ☐ Electricity records dedicated to the pump
- ☐ Engine fuel use or hour meter records
- ☐ Power generation estimates
- ☐ Modeled/estimated flows
- ☐ Pipe/trajectory method
- ☐ Float and stopwatch
- ☐ Total facility electricity records minus estimated non-pump electricity
- ☒ Crop duty estimates/consumptive use estimates
- ☐ Other water duty estimates other than for crops
- ☐ Remote satellite imaging
- ☐ Bucket and stopwatch
- ☐ Other: _____

Explain your measurement alternatives:

Estimates based off of cultivation area size and number of plants

9. Maximum Rate of Diversion (if available)

Provide the maximum rate of diversion achieved in each month as measured in (check one box) ☐ cfs ☒ gpm ☐ gpd

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2016	10	10	8	6	3	1	0.58	1	4	9	10	12

10. Recent Water Use

Provide the annual water use in recent years:				
	Maximum	120,000	☒ Gallons	☐ Acre Feet
	Minimum	90,000	☒ Gallons	☐ Acre Feet

11. Water Conservation Efforts (answer only sections applicable to your diversion)

Water Conservation: Are you currently employing any methods of water conservation? ☒ Yes ☐ No

If yes, describe any water conservation efforts in use:

Drip irrigation system, plants in either raised beds or smart pots, and watering during the cool parts of the day/Limit shower time, use wash water for all houseplants

Water Quality and Wastewater Reclamation: Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses? ☐ Yes ☒ No

Conjunctive use of surface water and groundwater: Are you using groundwater in lieu of surface water? ☐ Yes ☒ No

END OF INITIAL STATEMENT FORM

Sign and Submit Form | Save Form (submit later)

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

STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2017-0049-R1
Unnamed Tributaries to the Mattole River and the Pacific Ocean

Ms. Megan Gregori
Gregori Water Diversion and Stream Crossings Project
4 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) Section 1602, the Permittee initially notified CDFW on February 7, 2017, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Mattole River watershed, approximately 1.5 miles north of the town of Ettersburg, County of Humboldt, State of California. The project is located in Section 31, T3S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-171-047; latitude 40.1588 N and longitude 123.9939 W at the point of diversion (POD).

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JAN 01 2019
Humboldt County
Cannabis Svcs

PROJECT DESCRIPTION

The project is limited to four (4) encroachments to unnamed tributaries to the Mattole River (Table 1). One encroachment is for water diversion for domestic use and irrigation. Work for the water diversion will include replacement of the existing structure and use and maintenance of the new water diversion infrastructure. The other encroachments are to upgrade three existing culverts. Work will include excavation, culvert removal and replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project encroachments with descriptions.

ID	Latitude/Longitude	Description
POD (Project 1)	40.1588, -123.9939	Water diversion including: (1) remove existing diversion structure and (2) install, use, and maintain new diversion infrastructure in accordance with the Agreement.
Crossing-1 (Project 2)	40.1589, -123.9936	Replace undersized 12" diameter culvert with minimum 18" diameter metal culvert.
Crossing-2 (Project 3)	40.1592, -123.9935	Replace undersized, perched, and failing 18" diameter culvert with minimum 24" diameter metal culvert.
Crossing-3 (Project 4)	40.1608, -123.9924	Add additional rock armoring to culvert outlet to minimize erosion potential.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus truei)*, Red-bellied Newt (*Taricha rivularis*), Foothill Yellow-legged Frog (*Rana boylii*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentate*), Western Brook Lamprey (*Lampetra richardsoni*), Western Pond Turtle (*Actinemys marmorata marmorata*), as well as, other amphibian, reptile, aquatic invertebrate, mammal, and bird species.

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

Impacts to water quality:
increased water temperature;
reduced instream flow;
temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:
loss or decline of riparian habitat;
direct impacts on benthic organisms;

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

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

1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.

1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.

1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

2. Avoidance and Minimization Measures

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

2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the initial Permittee Notification received on February 7, 2017, revision received on April 16, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.

2.2 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

2.3 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

2.4 Work Completion. For Project 1 and 2, the proposed work shall be completed by no later than **October 1, 2018**. For Project 3 and 4, the proposed work shall be completed by no later than **October 1, 2019**.

2.5 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Water Diversion

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

2.7 Bypass Flow. The Permittee shall pass sufficient flow (e.g., 80%) at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

2.8 Seasonal Diversion Minimization. No more than **150 gallons per day** shall be diverted during the low flow season from **May 15 to October 15 of any year**. Water shall be diverted only if the Permittee can adhere to measures 2.6 and 2.7 of this Agreement.

2.9 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

2.9.1 The date and time diversion occurred.

2.9.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).

2.9.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

2.10 Water Management Plan. The Permittee shall submit a Water Management Plan that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted according to the reporting measure below.

2.11 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.

2.12 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 20 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.

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

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

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

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

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

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

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

2.16 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

2.17 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.

2.18 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.

2.19 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at: http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Vegetation Management

2.20 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

2.21 Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Stream Crossings

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

2.23 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

2.24 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.25 Dewatering.

2.25.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.25.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

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

2.25.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired immediately.

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

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

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

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

2.27 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.28 Culvert Installation.

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

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

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

2.28.4 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

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

2.28.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.29 Rock Armor Placement.

2.29.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.30 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed.Road approaches shall be armored from the crossing for a minimum of *50* feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

2.31 Project Inspection. The Project shall be inspected by Natural Resources Management Corp. or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

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

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

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

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

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

2.37 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.

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

2.39 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

3.1 Measurement of Diverted Flow. Copies of the **water diversion records (Measure 2.9)** shall be submitted to CDFW at the address below no later than **December 31 of each year beginning in 2018.**

3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan (Measure 2.10) within 60 days** from the execution of this Agreement to CDFW at the address below.

3.3 Diversion Infrastructure Plan. The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan (Measure 2.15). This document shall be submitted to CDFW at the address below.

3.4 Project Inspection. The Permittee shall submit the **Project Inspection Report** (Measure 2.31) to CDFW at the address below.

CONTACT INFORMATION

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

To Permittee:

Ms. Megan Gregori
P. O. Box 1985
Redway, California 95560
707-986-7503
florentemaluz@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0049-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Ms. Megan Gregori

Megan Gregori — Date: 12/10/18

FOR DEPARTMENT OF FISH AND WILDLIFE

Scott Bauer — Date: 12/12/18

Senior Environmental Scientist Supervisor

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, July 2, 2018.

Water Resource Protection Plan for APN 221-171-047

Submitted to:

California Regional Water Quality Control Board – North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, California 95403

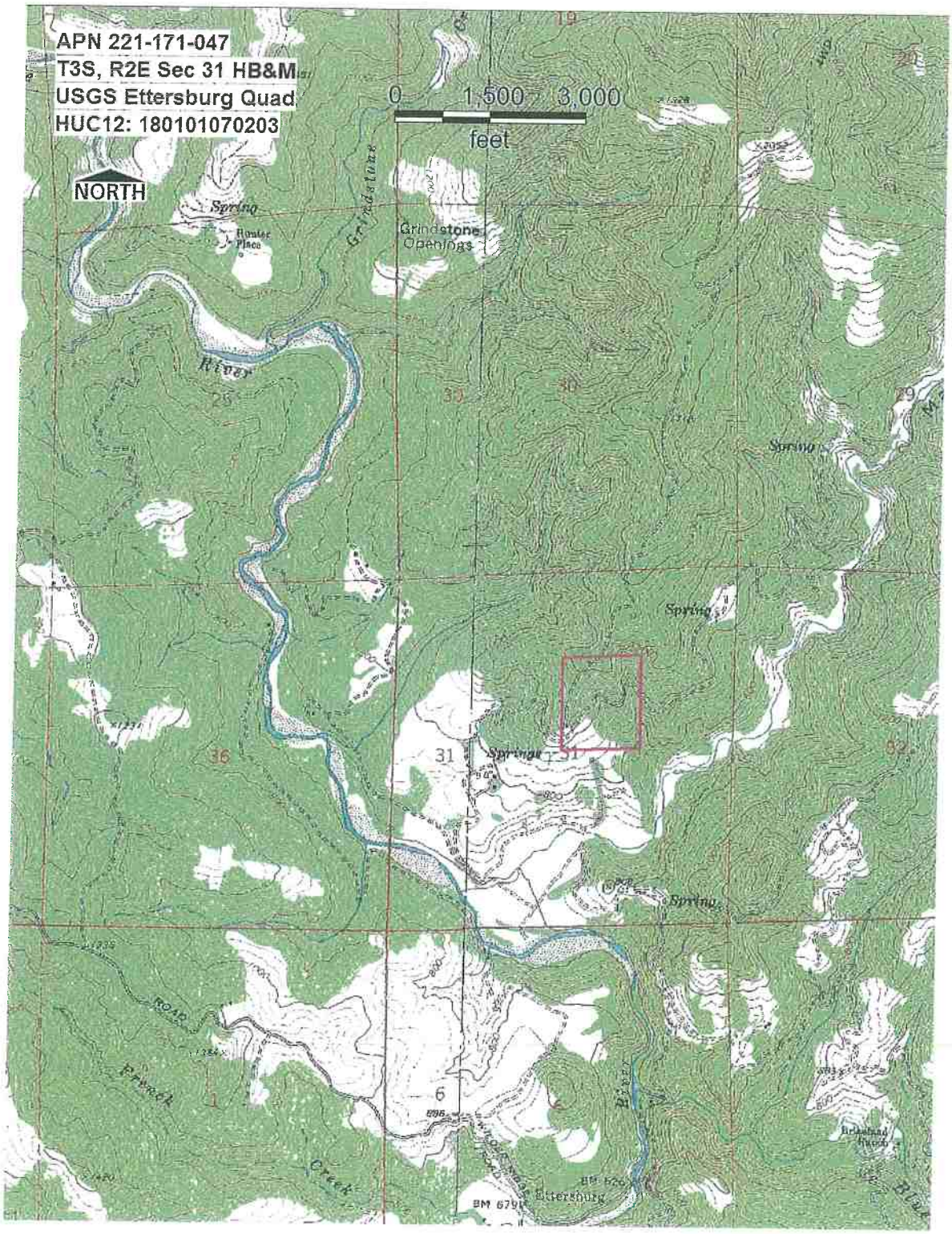
Prepared by:

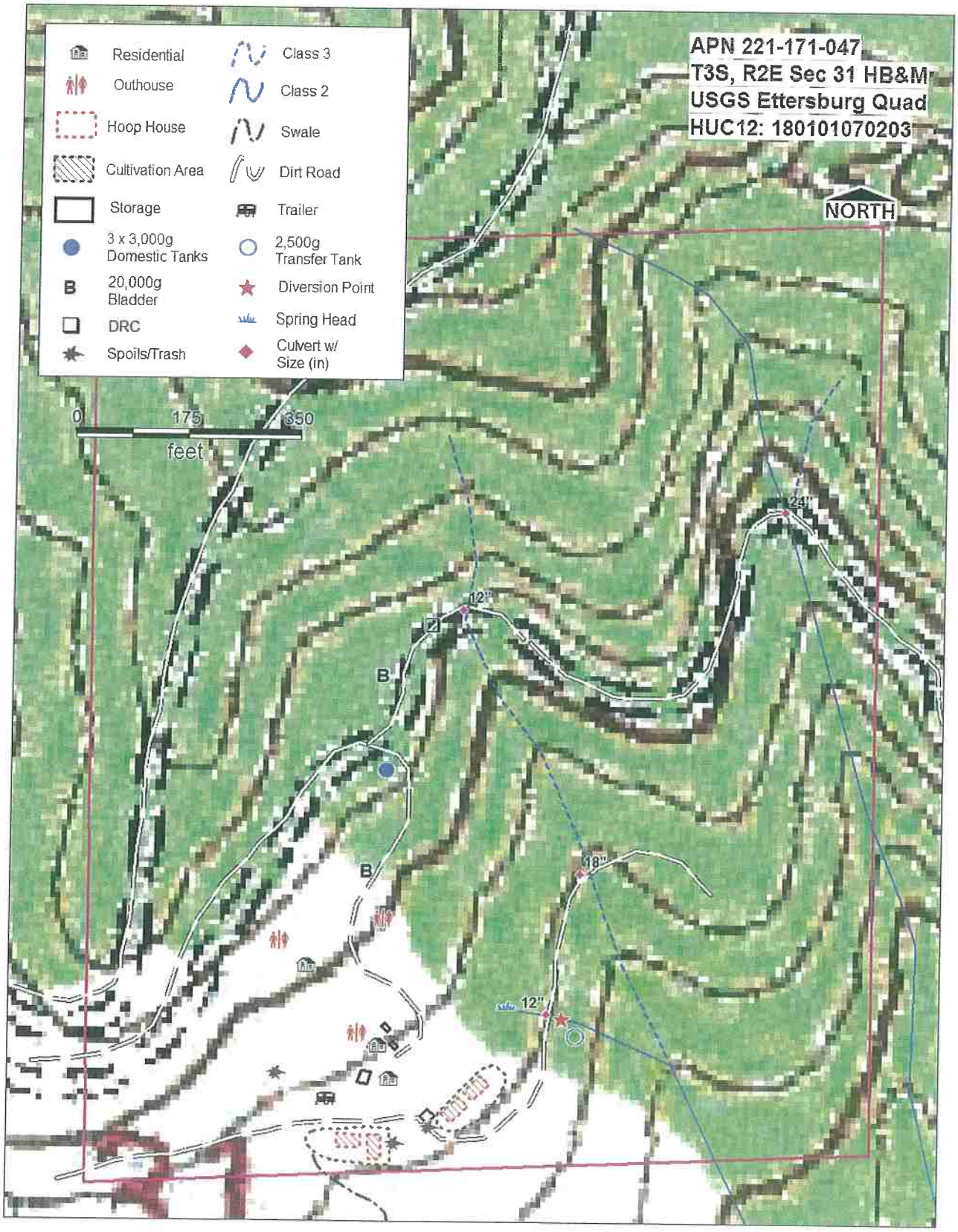
Alicia Heitzman and Prairie Moore
Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501

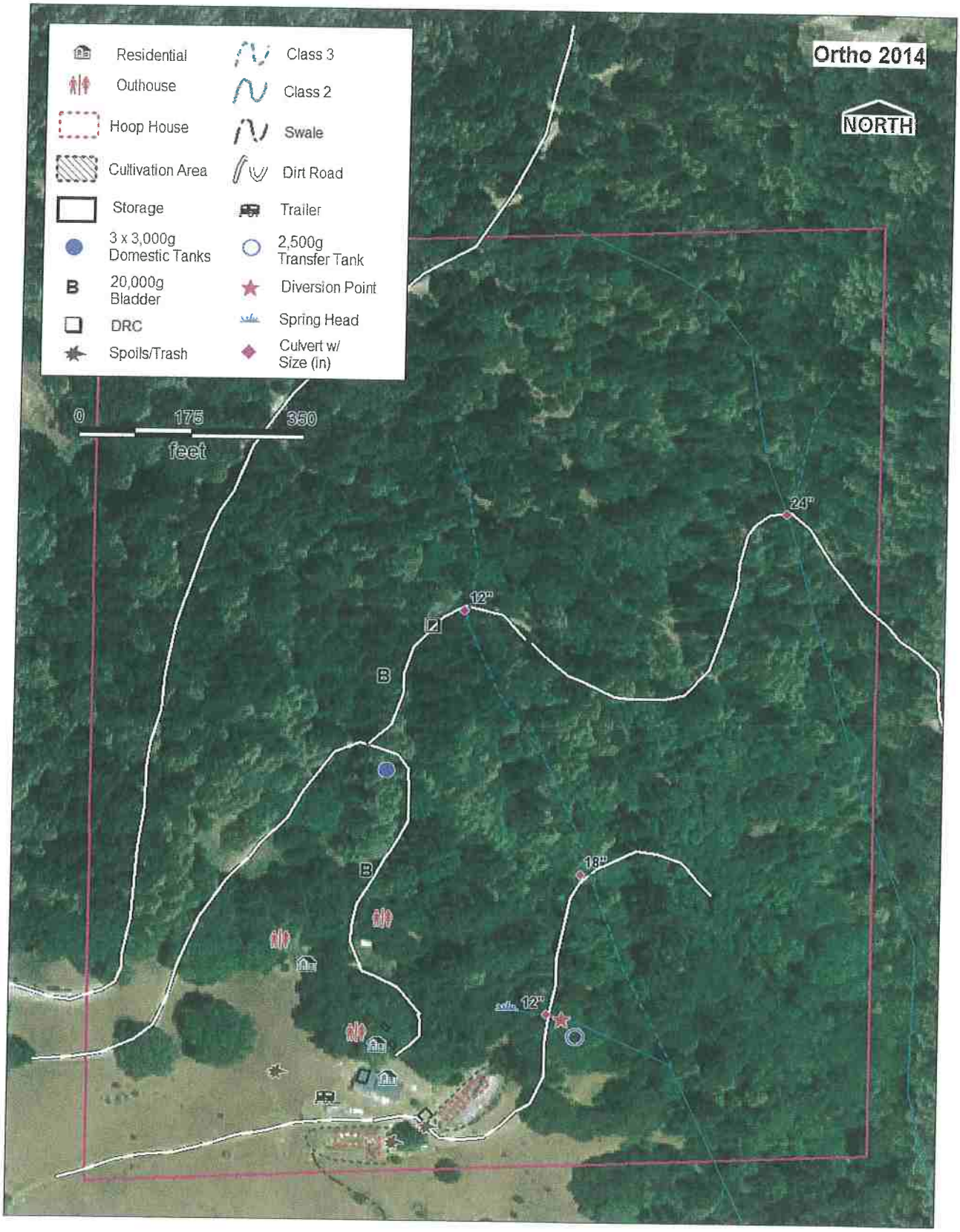
February 3, 2016

NRM
NATURAL RESOURCES MANAGEMENT
CORPORATION

Figure 1 – Site Maps for Parcel 221-171-047. USGS Ettersburg Quad. T3S R2E Sec. 31 HB&M. Average elevation 1,000 feet. Main drainage: Mattole Canyon ~ 600 feet downslope.


APN 221-171-047
T3S, R2E Sec 31 HB&M
USGS Ettersburg Quad
HUC12: 180101070203
0 1,500 3,000
feet
NORTH
Spring
Grindstone
Grindstone Openings
River
Spring
Spring
Springs
Spring
ROAD
Creek
Ettersburg


Residential
Outhouse
Hoop House
Cultivation Area
Storage
3 x 3,000g Domestic Tanks
20,000g Bladder
DRC
Spoils/Trash
Class 3
Class 2
Swale
Dirt Road
Trailer
2,500g Transfer Tank
Diversion Point
Spring Head
Culvert w/ Size (in)
APN 221-171-047
T3S, R2E Sec 31 HB&M
USGS Ettersburg Quad
HUC12: 180101070203
NORTH
0
175
350
feet
24"
12"
B
B
18"
12"


Ortho 2014
NORTH
Residential
Outhouse
Hoop House
Cultivation Area
Storage
3 x 3,000g Domestic Tanks
20,000g Bladder
DRC
Spoils/Trash
Class 3
Class 2
Swale
Dirt Road
Trailer
2,500g Transfer Tank
Diversion Point
Spring Head
Culvert w/ Size (in)
0
175
350
feet
24"
12"
18"
12"
B
B

RECEIVED
SEP 19 2017
Humboldt County
Cannabis Svcs.

Water Resource Protection Plan

This document serves as the water resource protection plan for site APN 221-171-047 pursuant to Order No. R1-2015-0023. On August 13, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted a General Waiver of Waste Discharge requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1- 2015-0023. One of the requirements of the order is to prepare a Water Resource Protection Plan (WRPP) for all sites that are **enrolled under Tier 2 of the order**, including all of the elements listed below.

Site Assessment

This 40 acre property meets the Tier 2 standard laid out in the order due to size and water diversion. The total cultivation area is ~5,000 square feet and consists of two large outdoor grow areas, each of which have hoop houses in them. The slope eastern cultivation site is 5% and the western site is 10%. The eastern site consists of two (20' x 37') light dep. hoop houses. These plants were grown in raised beds on a drip watering system. Surrounding the hoop houses were full-term outdoor plants in pots that are hand watered. The western site is located on a constructed flat. This site has a very similar set up with hoop houses (20'x37' & 12' x 35') surrounded by full-term outdoor plants in pots. Water for cultivation is currently gravity fed from a spring to a 2,500-gallon transfer tank and then pumped up to the bladders for cultivation use. When watering, water is pumped to a nutrient mixing tank where a compost tea is added. All hoop houses are on a drip watering system. Landowner gave estimate of ~30,000 gallons used for a season.

Overall, the roads on the property are in good structural condition. The section of road leading down to the house in in need better drainage features and the road that runs parallel to the southern property boarder has been discontinued and is only open to foot traffic.

The property has a residential house, three small 10' x 10' cabins, a residential trailer, three outhouses, and four storage sheds of various sizes where nutrients, fuels, and generators are kept.

Current Conditions – Please refer to Figure 1 site maps

Watercourses

The parcel lies between 900 and 1,200 feet in elevation. The peak ridge elevation above the parcel is 2,050 feet. The average slope of the parcel is approximately 20%. There are multiple watercourses on the property, none of which come closer than 200 feet to either of the cultivation spaces. The creek that flows down the middle of the property begins as a class 3 and turns into a class 2 ~300 feet after an 18" CMP; at this point is also where the channel from the spring head (water diversion point) meets up with the afore-mentioned class 3.

Roads

The road on this property is used year-round and is in generally good structural shape. The 570-foot section of road that leads down to the house (the driveway) has parts with a 20% slope and this whole section has worn-out waterbars, which has caused rilling and small gullies to form. The driveway will need better grading/dips and/or reinforced waterbars. The road that runs parallel to the southern property has been discontinued and is only open to foot traffic.

Watercourse Crossings

There are four water course crossing and one DRC on the property; all CMPs are correctly sized. One DRC needs to be replaced with a longer pipe. The two 18" both need to have the first 6 feet in front of the inlet cleared of all plant debris and sediment since the current conditions are impeding the flow of water through the pipe; this work

will be completed using hand tools only. The 24" and 12" culverts are both in good condition and working properly.

Justification for leaving 12" culvert:

The 18" pipe is in the larger drainage with an area of 8 acres. The spring emerges below both upper-slope roads (without any noticeable drainage characteristics) and has a limited drainage area of 2 acres. Culv-Q does not calculate culvert capacity for culverts under 18", but automatically assigns an undersized designation. But given the minimal impacts that would be anticipated from a spring source such as this, and field conditions that show low erosion potential and low risk, we are not proposing to upgrade the 12" culvert.

Culvert Q

ID #	Existing Culvert (D) Diameter (in)	Headwall (HW) Height (in)	Selected Discharge Method	Q100 (cfs)	Is Culvert Undersized	Recommended Culvert Diameter	Based On
12" Spring	12	18	Rational	1	True	18	Q100
18" Lower	18	40	Rational	6		18	Q100
24" Creek	24	36	Rational	8		24	Q100
18" Upper	18	24	Rational	3		18	Q100

Landings and Flats

There are three constructed flats on this property. The first one is where the driveway splits off from the main road and there are two 10,000-gallon bladders here. The second flat is where the eastern cultivation space is located. The third is for the western cultivation space. This flat has a 4'foot cut bank and outer edge fill; the fill is also 4-6 feet and had tension cracks, which shows the need for better armoring or retaining feature. Directly off the southern boundary of this flat is a defined swale, with no apparent channel development. Above the third constructed flat is, what looks like, an ideal location for a pond. Currently this area is used for composting, but the landowner mentioned that a pond was being seriously considered for additional water storage.

General Property Conditions

There are three spoils piles on the property and no trash. Nutrients and fuels are stored in the shed next to the eastern grow. There are multiple outhouses for human waste.

List of chemicals stored onsite, and information about use

The large storage shed next to the eastern grow is used to store all nutrients, fuels, and other chemicals. Nutrients stored on site are Maxigrow, neem oil, Kelp Help, aloe powder, Basilous, and Conectar.

Water Use

Landowner was very vague with watering information but gave an estimate of 30,000 gallons in a watering season. Plants in hoop houses are on a drip watering system and outdoor plants are watered by hand.

Land owner estimated that in June & July 7,000 gallons were used each month and in May, Aug., Sept., & Oct.

3,000 gallons were used monthly. Starting with the 2017 growing season a meter will be used to track the amount of water used for irrigation.

Corrective Actions – Please refer to Figure 2 site map

Table 1. Features that need improvement. See Appendix C for Associated Standard Conditions (A.S.C.)

Unique Map Points	Map Point Descriptions	A.S.C.	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
1	Spoils Containment	4	Contain spoils w/ trap & straw waddle	Dispose of spoils properly off-site	1	December 31st 2016	December 31st 2016
2	18" Culvert Inlet Clearing	2	Monitor inlet	Clear inlet of culvert 6' upstream of all plant debris and sediment	3	October 1st 2017	
3	18" Culvert Inlet Clearing	2	Monitor inlet	Clear inlet of culvert 6' upstream of all plant debris and sediment	3	October 1st 2017	
4	Cultivation Flat Fill Armoring		N/A	Construct armoring or retaining feature to support cutbank	3	October 1st 2017	
5	Bladders		Monitor bladders	Construct a berm around bladders	2	June 30th 2017	
6	Section of road to house		Temporary water bars	Re-grade outslope, rock and install dips on this section of road	3	October 1st 2017	
7	Out houses	2.a b	none	Permitted septic	3	December 31st 2017	

Priority time frames: 1 is high priority with treatment being planned to occur immediately; 2 is a high priority for treatment to occur prior to the start of the non-diversion period; 3 is a moderate priority for treatment to occur within a year, or prior to the winter of the second season of operations; 4 is a lower priority with treatment being planned within the shortest time possible, but no later than the expiration of this Order (five years).

1) All spoils (as marked on figure 2) shall be contained with weighted tarps and straw waddle for the winter season and as soon as is possible, they will be disposed of properly off-site. Spoils will be contained by December 31st, 2016.

2) The inlet of this culvert is blocked by plant debris and sediment, which is impeding the flow of water. The first 6 feet upstream of the inlet opening will be cleared, by hand, of all plant debris and sediment; both the inlet & outlet will be monitored during all future rain events. This will be completed before October 1st, 2017.

3) The inlet of this culvert is blocked by plant debris and sediment, which is impeding the flow of water. The first 6 feet upstream of the inlet opening will be cleared, by hand, of all plant debris and sediment; both the inlet & outlet will be monitored during all future rain events. This will be completed before October 1st, 2017.

4) The cut-bank slope of the western cultivation flat will have extra armoring and/or retaining features installed to address the tension crack that are showing in the fill. This will be completed before October 1st, 2017.

5) Both of the 20,000-gallon bladders will have dirt berms built around them in order to prevent rolling. This will be completed by

6) The 570-foot section of road that leads down to the house (the driveway) has parts with a 20% slope and this whole section has worn-out waterbars, which has caused rilling and small gullies to form. New waterbars will be installed as a temporary measure, but this section of road will have its outslope re-graded, rocked, and have drips installed by October 1st 2017.

7) A permitted septic will be installed for human waste.

Additionally, a **water meter** will be installed on the well to determine actual water use for the site. A photo of the meter reading will be taken on the 1st of each month to document water use.

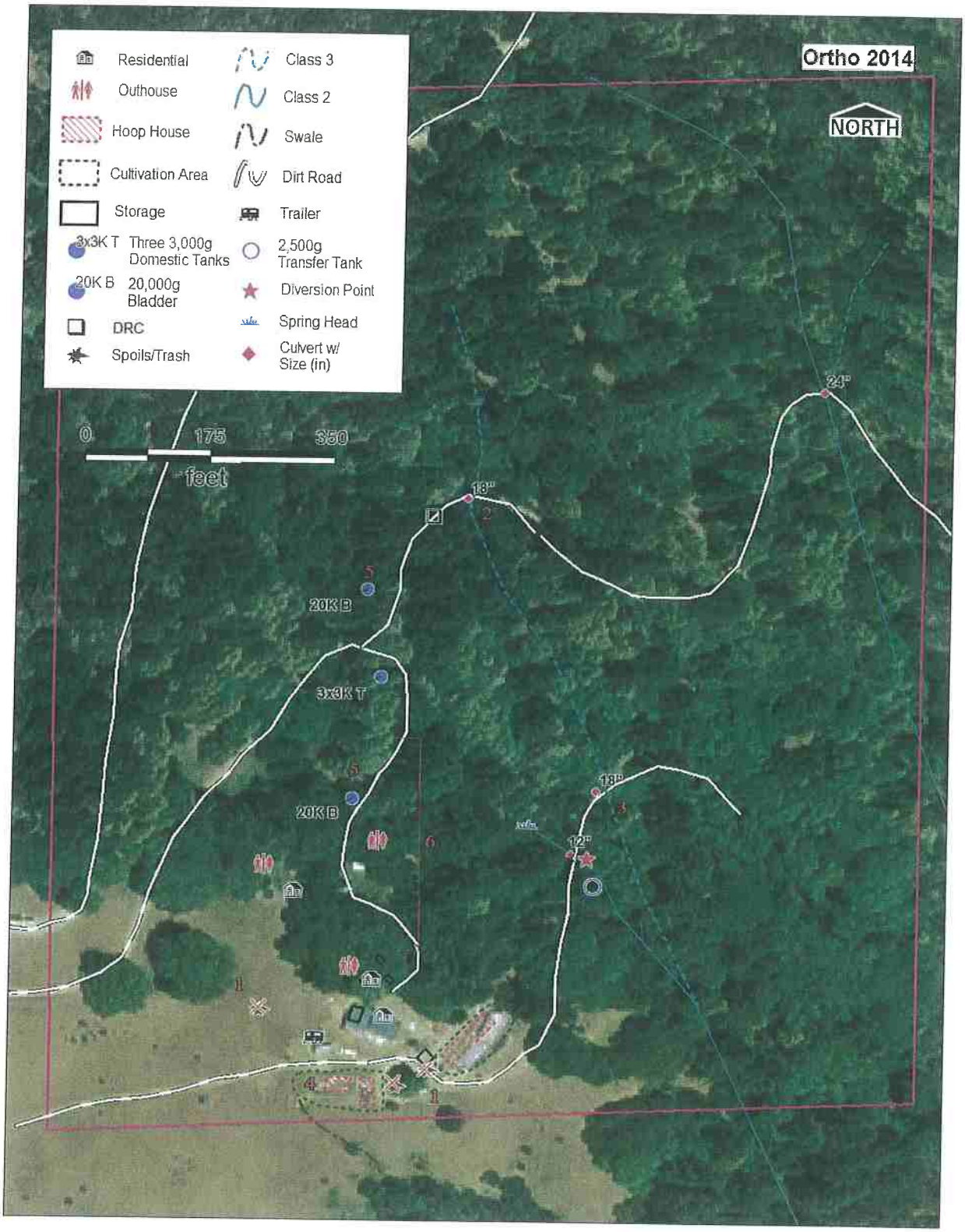
Furthermore, **a log of nutrient use** stating type of nutrient being added with stated NPK ratios will be kept onsite for future reference and documentation of nutrient applications.

Winter Site Preparation

Prior to winter rains at the end of the growing season the following steps will be taken to prepare the site for winter.

- Soil used in cultivation will be piled, covered, and surrounded with straw wattle. Soil left in beds will be covered, or planted with a cover crop.
- Any bare soil on the fill slopes on the landing will be covered with straw 2 to 3 inches thick and secured with a tackafier. Fill slopes could be seeded with or planted to establish vegetation. Once vegetation is established straw would no longer be necessary.
- Cannabis stems and root balls will be properly disposed of outside of the streams and riparian areas.
- All nutrients will be placed in a secure storage shed.
- All trash and debris will be properly disposed of.
- Any vegetation of debris obstructing the inlet or outlet of all five culverts will be removed and disposed of where they cannot enter any streams and at least 200 feet from any streams.
- Steep sections of road to house is outsloped, rocked, and has regular drips up or water bars all 50 ft intervals are installed.

Figure 2 – Feature Map for Corrective Actions



Monitoring Element to ensure that BMPs are being implemented and to evaluate their effectiveness

Corrective Actions

NRM will conduct a monitoring visit to the site following the completion of items 1- 8 in the fall of 2017. The purpose of this visit will be to ensure the work was done correctly and meets the standard conditions of the order. Photos will be taken of each feature. Records will be kept on sites, on file at NRM, and submitted to the water board. If the work does not meet standard conditions NRM will provide the landowner instructions and guidance for improving it so it meets the standard conditions.

Annual Monitoring

Fall/Winter Monitoring

Monitoring for this site will follow the revised Appendix C from the Oder No. 2015-0023. Annual monitoring will be done each year. At a minimum, it will be done prior to October 15th, December 15th, and immediately following a precipitation event with 3 inches of accumulation in a 24hr period.

During each monitoring session the following items will be inspected:

1. All roads and culvert inlets and outlets to ensure that drainage features are functioning properly
2. Cultivation terraces and slopes to ensure that they are stable and vegetated or covered in straw
3. Storage sheds to ensure all fertilizers, chemicals, fuel are inside, and shed is secure
4. Bladders to ensure there are no leaks or failing seams

This monitoring may be done by the landowner. Photos will be taken at each monitoring point. These photos along with the notes taken during the monitoring will be kept on-site. The monitoring forms and photos will be submitted by the land owner to NRM or the RWQCB.

Growing Season Monitoring

During the growing season the landowner will monitor the following items at least monthly:

Tanks, bladders, and water lines to ensure there are no leaks

Cultivation area during or immediately after watering to ensure irrigation water is soaking into the surface (not running off)

Cultivation area to ensure that all fertilizers are properly contained in the storage shed, that all trash and debris is properly contained and secured.

The land owner will keep a record of the dates this monitoring was completed, if any corrective action was necessary, and what actions were taken. A copy will also be kept on file at NRM.

During the growing season all fertilizer use and irrigation water use will be tracked. The type and amount of fertilizers uses as well and the monthly total of water used for irrigation will be reported to NRM by December 31st of each year.

Annual monitoring reports will be submitted annually by March 31st of each year to the water board. The report will include the reporting form in Appendix C.

Appendix A. Photo Documentation

Spoils pile/possible future pond site. October 19, 2016

DRC inlet. January 31, 2017

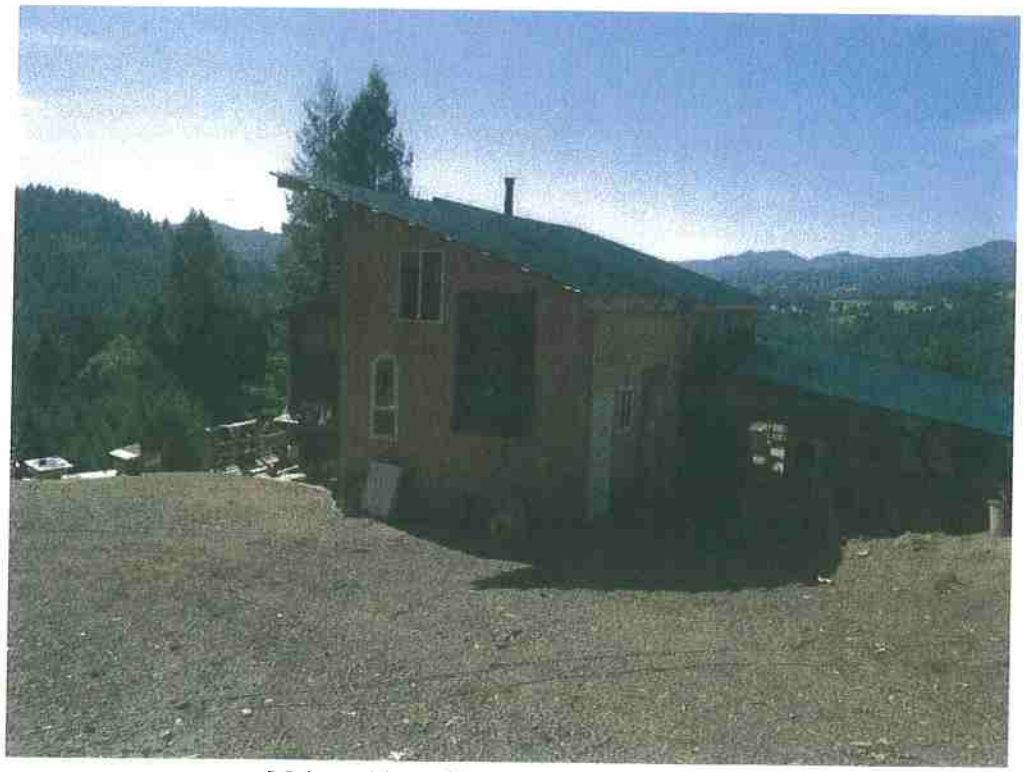
Looking downstream to DRC inlet. January 31, 2017

Looking upstream from DRC inlet. January 31, 2017

DRC inlet. January 31, 2017

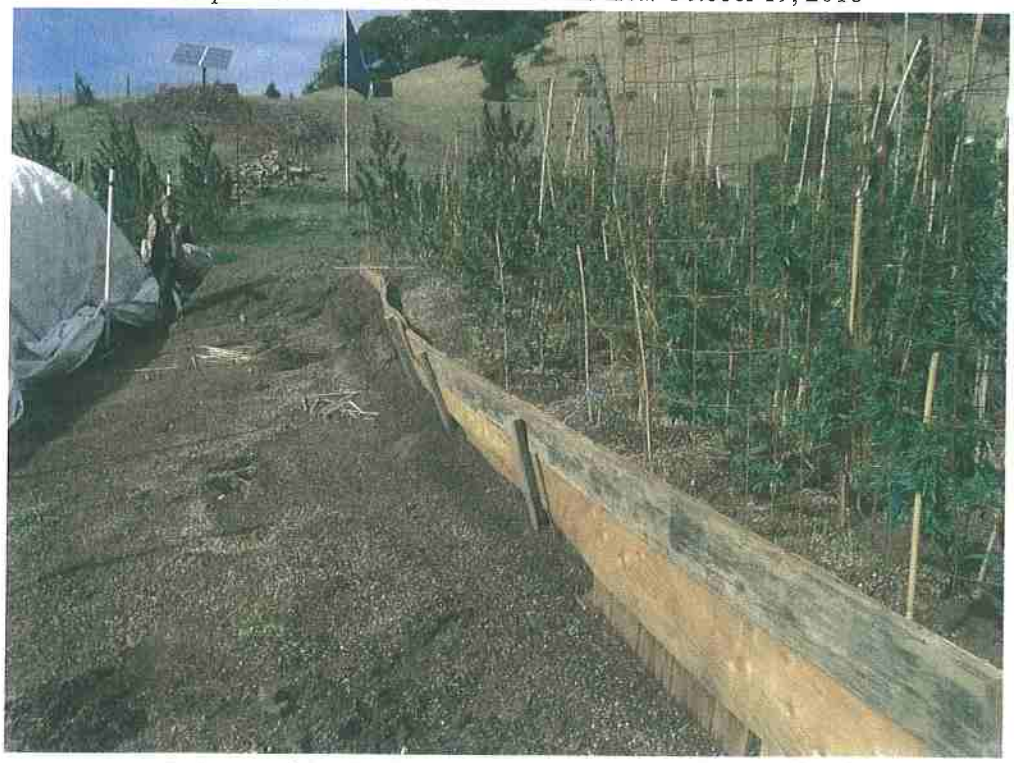
Inlet of 18" CMP that needs to be cleared. October 19, 2016

Nutrient storage. October 19, 2016.



Main residential house. October 19, 2016.

Hoop house in the western cultivation area. October 19, 2016



Outdoor cultivation in western grow area. October 19, 2016

Three 3,000-gallon water tanks for domestic storage. October 19, 2016

Appendix C - Associated Standard Conditions for Cannabis

I. As described in the Order, dischargers will fall within one of three tiers.

Discharger shall be in the tier that covers the most impactful part of the operations (i.e., different sections of a property cannot be divided among the tiers). **All dischargers**, regardless of Tier are subject to the standard conditions in section **I.A,** MRP section I.D., and General Terms, Provisions and Prohibitions. **Tier 2 Dischargers** are also subject to section **I.B. (a Water Resources Protection Plan)**, and Tier 3 Dischargers are subject to sections I.A., I.B.(if cultivating cannabis), and I.C.

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features

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

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

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

d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams. Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf).

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

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

2. Stream Crossing Maintenance

a. Culverts and stream crossings shall be sized to pass the expected 100- year peak streamflow.

b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.

c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.

d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.

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

e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

6. Irrigation Runoff

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water.

In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing offstream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

7. Fertilizers and Soil Amendments

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

8. Pesticides/Herbicides

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

9. Petroleum products and other chemicals

a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

10. Cultivation-related wastes

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

11. Refuse and human waste

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

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly.

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
SWRCB Division of Water Rights	✓	Approval	Attached
Telegraph Ridge Fire Protection District	✓	Approval	Attached
Public Works Land Use	✓	Conditional Approval	Attached
Department of Environmental Health	✓	Conditional Approval	Attached
Cal Fire	✓	Other Comments	Attached
Humboldt County Sherriff	✓	Other Comments	Attached
Building Inspection	✓	Other Comments	Attached
NWIC	✓	Recommends further study	On file with Planning
Bear River Band	✓	Other Comments	On file with Planning
CA Department of Fish and Wildlife		No response	
Sinkyone Intertribal Wilderness Council		No response	
District Attorney		No response	
Ag Commissioner		No response	
RWQCB		No response	
NCUAQMD		No response	
Southern Humboldt Unified School District		No response	

Pre-Site Inspection

Status: Yes

History

PRE-SITE

Project Started

Yes No

Plans Stamped by Licensed Prof Required

Yes No

AOB Inspection

Yes No

Soil Report Required

Yes No

Soil Required Due to

–Select–

FIRM panel number

(Text)

Project is in flood zone A

Yes No

Flood elevation certificate required

Yes No

2nd Flood Certificate Required

Yes No

Project appears to be within wet area

–Select–

SRA requirements apply

Yes No

Appr.SRA req. need to be shown on plot plan

Yes No

SRA water storage requirements apply

Yes No

Driveway slope appears to be

–Select–

Grading permit required

Yes No

Submit engineered foundation for

–Select–

Erosion and sediment control measures required

–Select–

Applicant must locate property lines

Yes No

Lot created prior to 1992

Yes No

Plot plan incomplete, must be revised

Yes No

Incomplete Submittal Construction Plan

Yes No

Other concerns exist

Yes No

Standard Comment

Planning Referral
2/22/19
db
- revise and resubmit plot plan showing (2) additional 2,500 gallon water tanks
- revise and resubmit plot removing the (2) 10,000 gallon bladders currently shown on plot pla

check spelling

Attachment(s) :

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

RECEIVED
APR 11 2019
Humboldt County Planning Dept.

2/22/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Telegraph Ridge:FPD, RWQCB, NCUAQMD, Southern Humboldt Joint Union:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Humboldt Synchronicitrees, LLC **Key Parcel Number** 221-171-047-000

Application (APPS#) PLN-12779-SP Historic Planning **Assigned Planner**

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

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

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

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

Return Response No Later Than: 3/9/2019

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments:

DATE: 4/9/2019 PRINT NAME: Karman Willner
TRVFD Board Member

Accela Civic Platform > **HUMBOLDT**

PLN-12779-SP - Humboldt Synchronicitrees, LLC - SP for 9,314 square feet outdoor...

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (1)

Payment

Workflow History (33)

Comments (4)

Documents (32)

Conditions of Approval (0)

Locks Holds (0)

Cancel Help

Task Sheriff	Due Date 04/20/2019	Assigned Date
Assigned to Department Sheriff	Assigned to	Status Approved
Action by Department Sheriff	Action By Sheriff Humboldt County	Status Date 04/10/2019
Start Time	End Time	Hours Spent 0.5
Billable No	Overtime No	**Comments** No felonies in DA files for name listed
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	☑ Display Comment in ACA	Comment Display in ACA ☑ All ACA Users ☑ Record Creator ☑ Licensed Professional ☑ Contact ☑ Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar Workflow Blockout

Summary
Project Description
Workflow
1 Referral Assignments
2 Planning Information
3 GP / Zoning Information
4 CEQA
5 Cannabis
Project Tracking
6 Referral Task Log (2)
Fee (1)
Payment
Workflow History (7)
Comments (2)
Documents (20)

Cancel Help

Task Environmental Health	Due Date 03/14/2019	Assigned Date 03/01/2019
Assigned to Department Environmental Health	Assigned to LandUse1 DEH	Status Approved with Conditions
Action by Department Environmental Health	Action By Ben Dolf	Status Date 03/04/2019
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	**Comments** Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	☑ Display Comment in ACA	Comment Display in ACA ☑ All ACA Users ☑ Record Creator ☑ Licensed Professional ☑ Contact ☑ Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar