



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

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

Hearing Date: January 9, 2020

To: Humboldt County Planning Commission

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

Subject: **Natural Wellness Collective, Inc. Conditional Use Permit and Special Permit**  
Application Number: 11222  
Case Number: CUP16-188, PLN-11222-SP  
Assessor's Parcel Number (APN): 210-191-058  
40111 State Hwy 36, Bridgeville area

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Please contact, Planner, Elizabeth Moreno at 707-445-7245 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 9, 2020	Conditional Use Permit and Special Permit	Elizabeth Moreno

**Project Description** Natural Wellness Collective, Inc., is seeking a Conditional Use Permit for 19,426 square feet of existing outdoor cannabis cultivation. A Special Permit is also requested for an encroachment of a point of diversion and remediation within a Streamside Management Area. The water source is a spring and the applicant estimates about 200,550 gallons of water for irrigation annually (10.3 gallons per square foot). Processing will occur offsite at a licensed facility. The applicant plans on having a maximum of ten seasonal employees. Electricity is supplied by a utility connection to PG&E.

**Project Location:** The project is located in Humboldt County, in the Dinsmore area, on the north side of Highway 36, approximately 62 feet west from the intersection of State Hwy 36 and Stagecoach Road, on the property known as 40111 State Hwy 36, Bridgeville.

**Present Plan Land Use Designations:** Residential Agriculture (RA40), Density: 5-160 acres per unit, Slope Stability: Low Instability (1), High Instability (3).

**Present Zoning:** Forestry Recreation (FR), Special Building Site combining zone specifying that the minimum parcel size is per the subdivision map of record (B-5(20)).

**Application Number:** 11222

**Case Number:** CUP16-188, PLN-11222-SP

**Assessor Parcel Numbers:** 210-191-058

Applicant	Owner	Agent
Natural Wellness Collective, Inc. Brad Mason 728 4 <sup>th</sup> Street, Suite AE Eureka, CA 95501	Livick Gary W & Marie B 5927 Abernathy Dr. Westchester, CA 90045	Steve Luu 973 Dowler Drive Eureka, CA 95501

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

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

**Major Issues:** None.

**NATURAL WELLNESS COLLECTIVE, INC.**  
Case Number: CUP16-188, PLN-11222-SP  
Assessor's Parcel Numbers: 210-191-058

**Recommended Commission Action**

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

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report, and adopt the Resolution approving the Natural Wellness Collective, Inc. Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** A Conditional Use Permit for 19,426 square feet of existing outdoor cannabis cultivation. A Special Permit is also requested for an encroachment of a point of diversion and remediation within a Streamside Management Area (SMA) on a 60-acre parcel in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The water source is a spring and the applicant estimates about 200,550 gallons of water for irrigation annually. Currently, there are three 30,000 gallons of water stored in water bladders and eight 4,600 gallons of water stored in hard tanks, for a total of 126,800 gallons of water storage. The applicant will increase the water storage to 73,600 gallons to meet the forbearance period. As a condition of approval, the applicant is to replace the water bladders with hard tanks. The cultivation is composed of eight greenhouses totaling 19,426 square feet. The project proposes 2,000 square feet of nurse space. Processing will occur offsite at a licensed facility. The applicant plans on having a maximum of ten seasonal employees. Electricity is supplied by a utility connection to PG&E. The site currently developed with a single-family residence, agricultural barn, shed and chicken coop.

The applicant received a Notice of Violation from California Department of Fish and Wildlife (CDFW) for an encroachment within a SMA, as the historical cultivation site was located within a Class III SMA. Subsequently, the applicant submitted a less than 3-acre timber conversion exemption filed with Cal Fire on November of 2015, however, it was not approved by the Planning Department. Nonetheless the applicant continued with timber conversion and relocated the cultivation away from the SMA per CDFW direction and relocated it in the timber clearing. The applicant submitted a Biological Report for Cultivation Site Relocation providing documentation of an environmental superior relocation prepared by Timberland Resource Consultants dated November 2017 due primarily to the relocation out of and away from the SMA. Additionally, the applicant submitted a Biological Assessment prepared by Timberland Resource Consultant dated October 2018, that states that the onsite relocation significantly reduced the risk of directly impacting riparian resources and that the remediation has already begun. As a condition of approval, the applicant will submit a restoration and monitoring plan for remediation of the historic SMA cultivation area. The report also indicates that there is a potential for Northern Spotted Owl (NSO) nesting/ roosting habitat and therefore as a condition of approval, no construction activities and road maintenance are prohibited during the breeding season (February 1 to July 9) and no lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and

Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Applicant is required to install noise attenuation devices as necessary and enclosed the generator to ensure the noise level of the generator and any other equipment does not exceed 50 decibels at a 100 feet or edge of habitat, whichever is nearer.

The cultivation site is now outside of the 100-foot setback requirement. Most recently, the applicant submitted a Registered Professional Forester (RPF) report and the Restocking Plan both prepared by Timberland Resource Consultant dated November 2019, which indicates that there was a total of .79-acres of unauthorized timberland conversion. The RPF recommends restocking two areas on the property. As a condition of approval, the applicant is to adhere to the recommendations made in the Registered Professional Forester report from Timberland Resource Consultants and restock the unauthorized .79-acre timber conversion.

Following the CDFW violation, the applicant obtained a Lake and Streambed Alteration Agreement (LSAA) issued on March 2017. The applicant shall adhere to the forbearance period or water withdrawal limitation permitted under the LSAA for diversion during the low flow periods, as applicable. Tank storage shall be increased to meet the required storage for the forbearance or limitation period. As a condition of approval, the applicant must obtain a final LSAA documentation or other communication from the CDFW verifying that these requirements have been met.

Water Resource Protection Plan (WRPP) filed with the North Coast Regional Water Quality Control Board and prepared by Manhard Consulting dated February 2017. The WRPP contains corrective actions to bring the site into compliance, as well as a five-year monitoring plan following remediation activity. As a condition of approval, the applicant is to adhere to the recommendations made in the report.

The applicant is also required to enroll in the State Water Resources Control Board Cannabis Cultivation General Order, prepare an associated Site Management Plan (SMP), and adhere to the recommendations of that plan as a condition of approval. Adherence to these plans is expected to mitigate any potential impacts related to stormwater drainage.

Security for the site consists of locked gates, motion sensor lighting and cameras providing video surveillance. The security systems will be connected to mobile devices, such as cellphone, to assist with automatic notification. A caretaker resides within the residence and is available 24 hours per day to address any security issues.

The project site is accessed from Stagecoach Road off State Highway 36. The Road Evaluation Report prepared by the applicant states that Stagecoach Road is a Category 4 road equivalent. A project referral was sent to Cal Trans as the access road intersects with State Highway 36. As a condition of approval, the applicant to obtain an encroachment permit from Cal Trans that is consistent with the improvements proposed by the current highway resurfacing and widening project. Conformance with parking space requirements and emergency vehicle access are demonstrated on the site map.

Environmental review for the proposed project as proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in 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. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas. The addendum is included as Attachment 3.



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

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

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Case Number CUP16-188, PLN-11222-SP  
Assessor Parcel Numbers: 210-191-058**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Natural Wellness Collective, Inc. Conditional Use Permit request and Special Permit.**

**WHEREAS**, Natural Wellness Collective, Inc. submitted an application and evidence in support of approving a seeking a Conditional Use Permit for 19,426 square feet of existing outdoor cannabis cultivation. A Special Permit is also requested for an encroachment of a point of diversion and remediation within the Streamside Management Area, and

**WHEREAS**, the County Planning Division has reviewed the submitted application and 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 evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on January 9, 2020

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the findings in Attachment 2 of the Planning Commission staff report for Case Number CUP16-188 and PLN-11222-SP support approval of the project based on the submitted substantial evidence; and
3. Conditional Use Permit CUP16-188 and PLN-11222-SP is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 9, 2020.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES:           Commissioners:

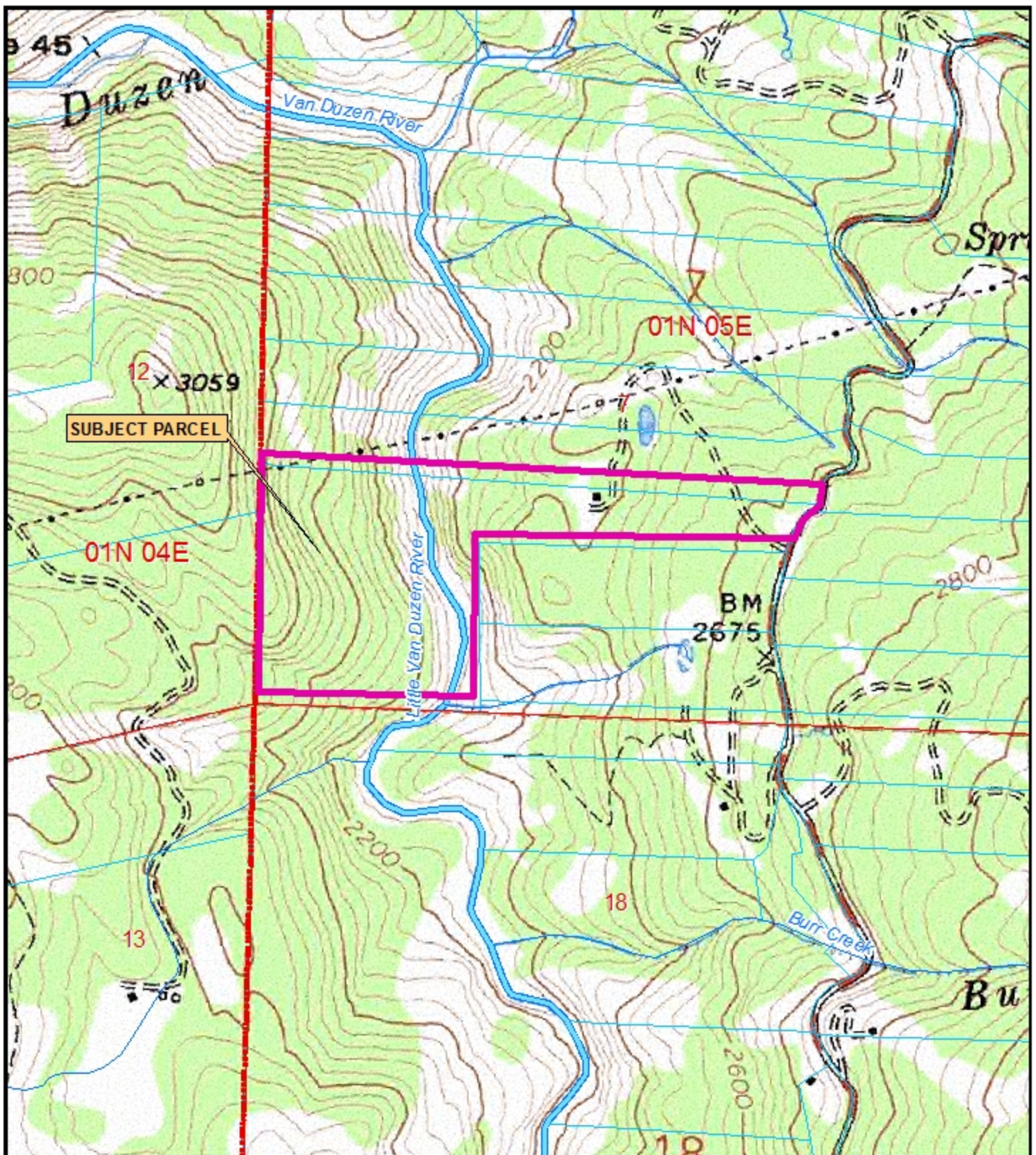
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION:

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

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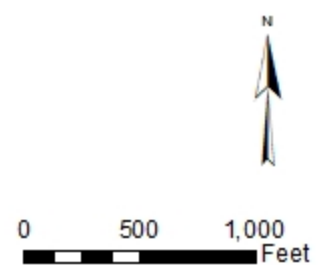
John Ford, Director  
Planning and Building Department



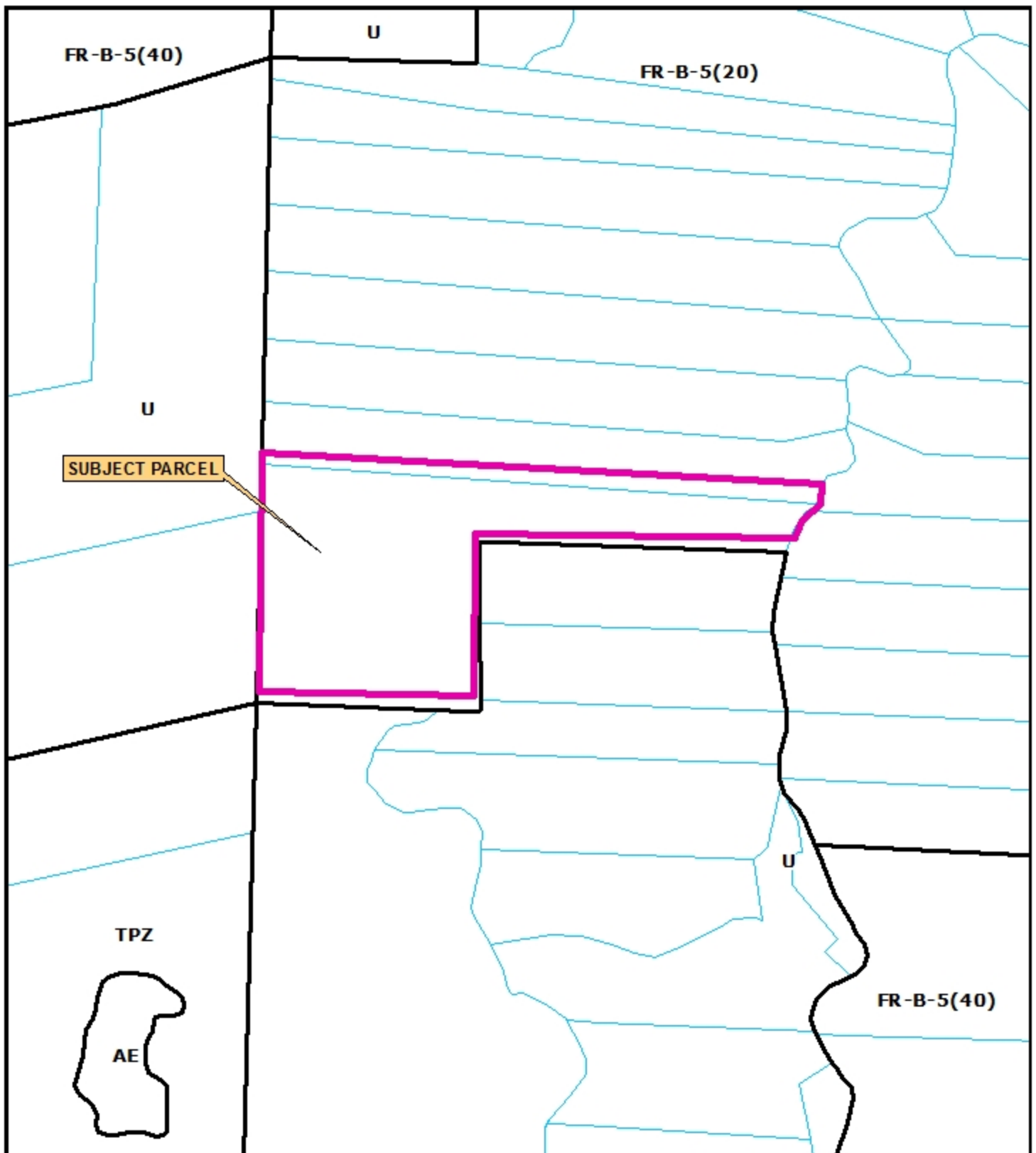


**TOPO MAP  
PROPOSED NATURAL WELLNESS COLLECTIVE  
DINSMORE AREA  
CUP-16-188  
APN: 210-191-058  
T01N R05E S7 HB&M (LARABEE VALLEY)**

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

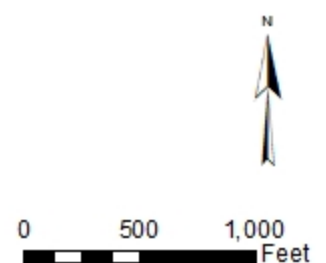




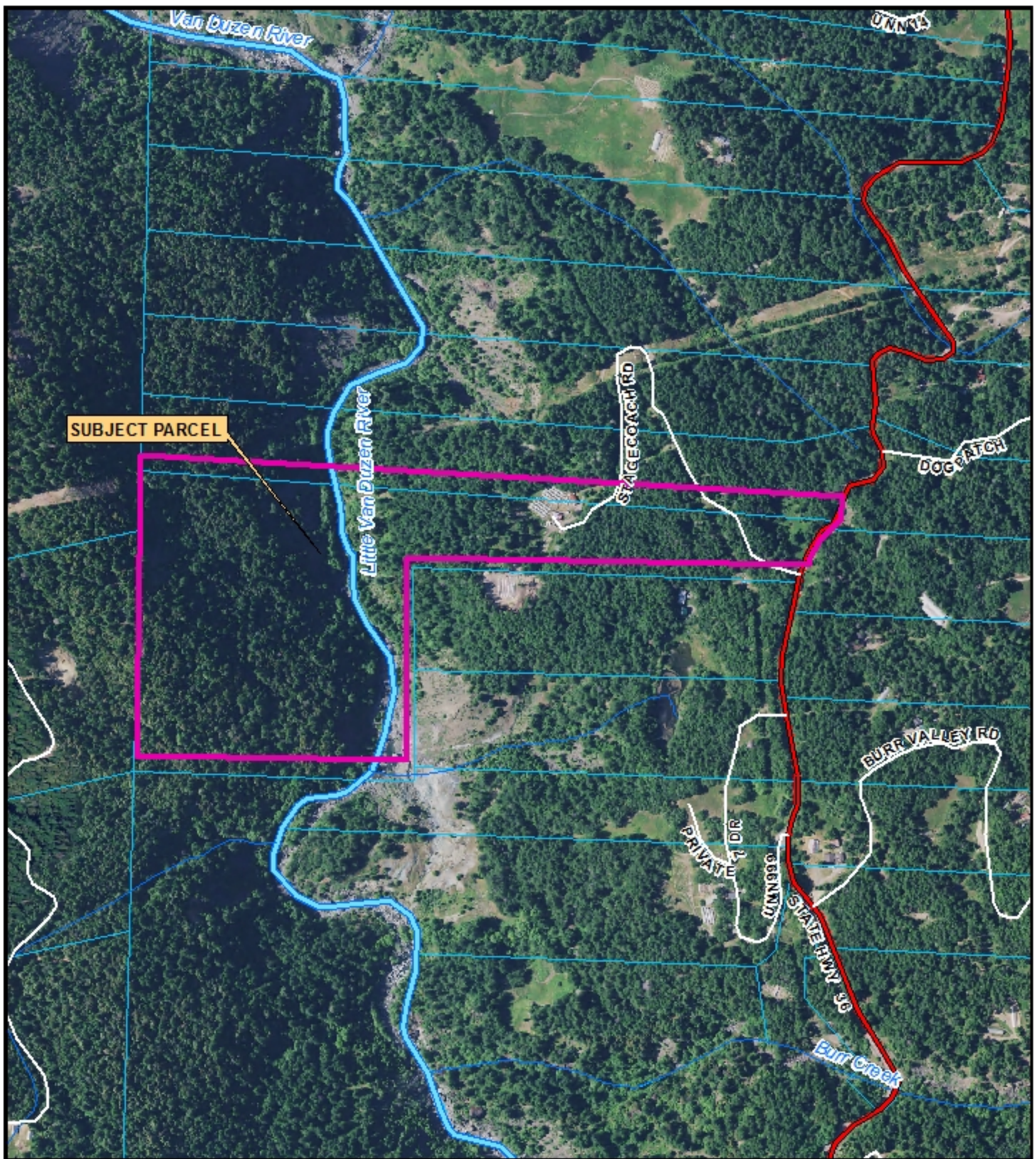


**ZONING MAP  
PROPOSED NATURAL WELLNESS COLLECTIVE  
DINSMORE AREA  
CUP-16-188  
APN: 210-191-058  
T01N R05E S7 HB&M (LARABEE VALLEY)**

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

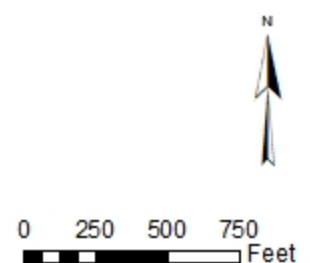






**AERIAL MAP**  
**PROPOSED NATURAL WELLNESS COLLECTIVE**  
**DINSMORE AREA**  
**CUP-16-188**  
**APN: 210-191-058**  
**T01N R05E S7 HB&M (LARABEE VALLEY)**

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.







### VICINITY MAP

NOT TO SCALE

**DIRECTIONS TO SITE:**  
**FROM EUREKA, CA**  
**-TAKE US-101 S FOR APPROX.**  
**19.9 MILES TO EXIT 685 CA-36 E**  
**-TURN LEFT ONTO CA-36 E**  
**-FOLLOW CA-36 E FOR APPROX.**  
**38.0 MILES TO STAGECOACH**  
**ROAD**  
**-TURN LEFT ONTO**  
**STAGECOACH ROAD**  
**-PROJECT LOCATION WILL BE**  
**ON THE RIGHT**

### PROJECT DESCRIPTION:

MEDICINAL NATURAL WELLNESS, INC IS PROPOSING TO PERMIT EXISTING MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 17,771 SQUARE FEET OF MIXED LIGHT AND 1,655 SF OF MIXED LIGHT CULTIVATION. THE PROPOSED OPERATION WILL INCLUDE 19,420 SQUARE FEET (SF) OF OUTDOOR CANNABIS CULTIVATION. THE EXISTING CULTIVATION AREA IS LOCATED ADJACENT TO DRAINAGES AND IS PROPOSED TO BE RELOCATED TO ENVIRONMENTALLY SUPERIOR LOCATIONS WITHIN THE PROPERTY. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, , WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

# **NATURAL WELLNESS INC**

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## **CONDITIONAL USE PERMIT APPLICATION**

APN: 210-191-058

### PROJECT INFORMATION:

APPLICANT:  
NATURAL WELLNESS INC  
728 4TH STREET, SUITE AE  
EUREKA, CA 95501

PROPERTY OWNER:  
GARY & MARIE LIVICK  
5927 ABERNATHY DRIVE  
WESCHESTER, CA 90045

OWNERS AGENT:  
SL CONSULTING SERVICES INC  
973 DOWLER DR  
EUREKA, CA 95501  
(707) 449-9033

SITE ADDRESS:  
APN: 210-191-058  
40111 ST HWY 36  
BRIDGEVILLE, CA 95526

TREES TO BE REMOVED = 0

— EARTHWORK QUANTITIES = TBD

EXISTING OUTDOOR CULTIVATION AREA =  
17,771 SQ. FT

EXISTING MIXED LIGHT CULTIVATION AREA =  
1,655 SQ. FT

PROPOSED OUTDOOR CULTIVATION AREA =  
19,420 SF

WATER = PRIVATE  
SEWER = PRIVATE

PARCEL SIZE = ±60.0 ACRES

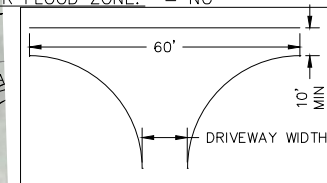
ZONING: = FR-B-5(20)  
GENERAL PLAN DESIGNATION = AL20; AL40  
(FRWK)

BUILDING SETBACKS:

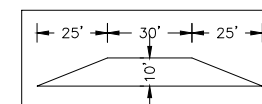
	FR	SRA
FRONT	20'	30'
SIDE	10'	30'
REAR	20'	30'

MAX. BLDG. HT. = 35'

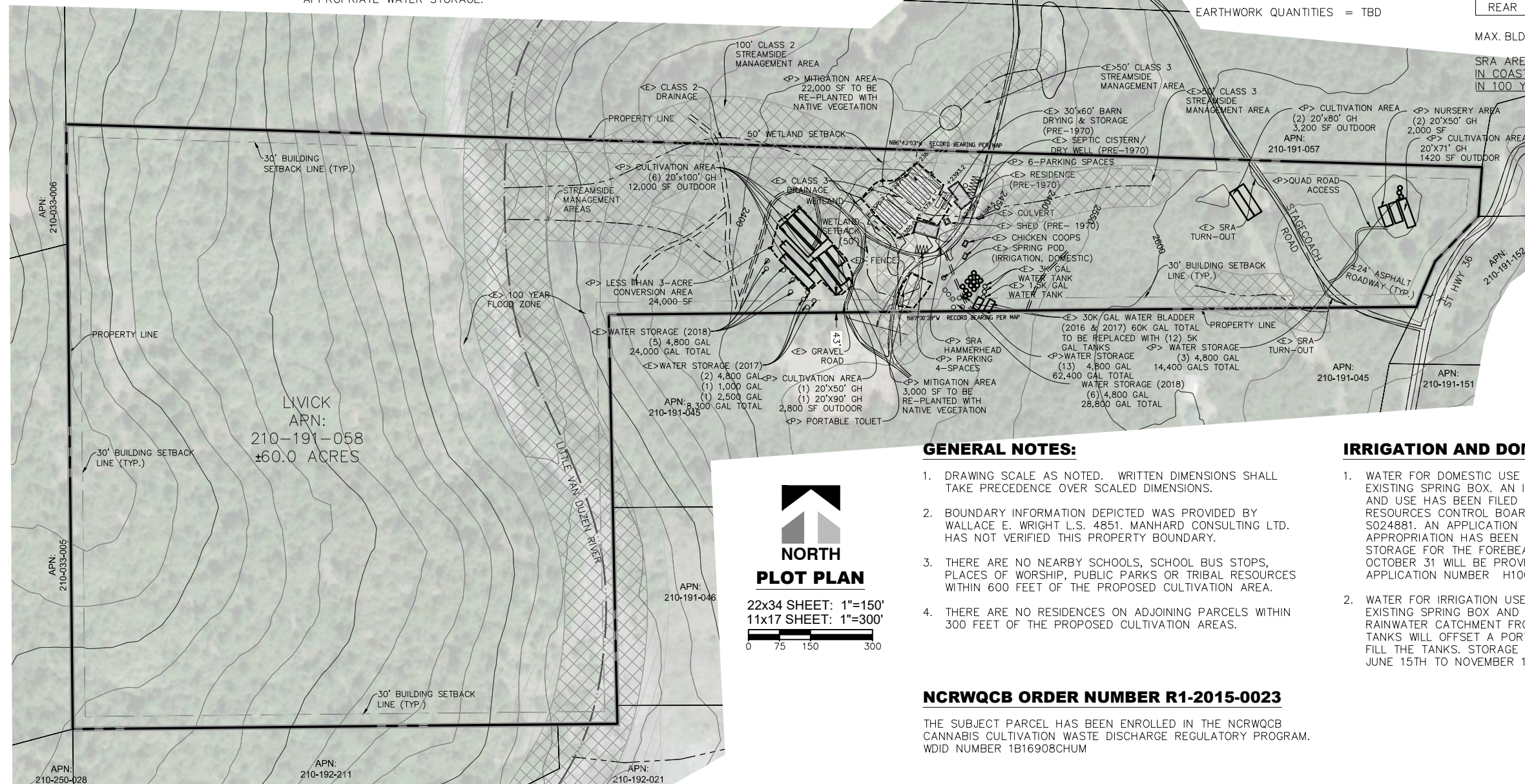
SRA AREA: = YES  
IN COASTAL ZONE: = NO  
IN 100 YR FLOOD ZONE: = NO



**SRA HAMMERHEAD DETAIL**  
NOT TO SCALE



### SRA TURNOUT DETAIL



**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. BOUNDARY INFORMATION DEPICTED WAS PROVIDED BY WALLACE E. WRIGHT L.S. 4851. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.

## IRRIGATION AND DOMESTIC WATER USE

1. WATER FOR DOMESTIC USE WILL BE SUPPLIED THROUGH AN EXISTING SPRING BOX. AN INITIAL STATEMENT OF DIVERSION AND USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD (SWRCB), APPLICATION NUMBER S024881. AN APPLICATION FOR A SMALL DOMESTIC USE APPROPRIATION HAS BEEN FILED AND IS UNDER REVIEW. STORAGE FOR THE FOREBEARANCE PERIOD OF APRIL 1 TO OCTOBER 31 WILL BE PROVIDED IN TANKS. SWRCB APPLICATION NUMBER H100250.
2. WATER FOR IRRIGATION USE WILL BE OBTAINED FROM AN EXISTING SPRING BOX AND RAINWATER CATCHMENT. RAINWATER CATCHMENT FROM ROOFS OF PROPOSED WATER TANKS WILL OFFSET A PORTION OF DIVERSION REQUIRED TO FILL THE TANKS. STORAGE FOR THE FOREBEARANCE PERIOD OF JUNE 15TH TO NOVEMBER 12TH WILL BE PROVIDED IN TANKS.

**NCRWQCB ORDER NUMBER R1-2015-0023**

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE NCRWQCB  
CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM.  
WDID NUMBER 1B16908CHUM

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3 –17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Construction activities and road maintenance are prohibited during the breeding season (February 1 to July 9) and no lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Applicant is required to install noise attenuation devices as necessary and enclosed the generator to ensure the noise level of the generator and any other equipment does not exceed 50 decibels at a 100 feet or edge of habitat, whichever is nearer.
3. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. Prior to issuance of grading or building permits, the applicant shall submit three stamped copies of an R-2 soils report prepared by a qualified professional for the review and approval of Building Inspection. The R-2 soils report shall evaluate all areas that historically and currently host cultivation and their associated curtilage areas; ancillary infrastructure, e.g., water tanks, storage sheds; and internal driveways. The R-2 soils report shall also evaluate the proposed cultivation areas.
5. The use of water bladders is not approved on a continual basis. Within two years of the date of approval, the applicant shall exchange the existing water bladders for water tanks. In addition, the applicant is to increase water storage to 73,600 gallons to meet the water forbearance requirements.
6. Water diverted and outflow shall be metered, and logs retained for inspection. If necessary, use of diverted water shall be offset or decreased by use of rain water collection or by a reduction in the size of the area under cultivation until adequate storage is provided.



7. The applicant will submit a restoration and monitoring plan prepared by a qualified professional, for the onsite relocation within 180 days from approval and shall complete the restoration in accordance with the plan within the 2 year provisional period.
8. The applicant is to adhere to the recommendations made in the Registered Professional Forester report, prepared by the Timberland Resource Consultants, dated November 2019 and restock the unauthorized .79-acre timber conversion and submit a restoration and monitoring plan.
9. The applicant shall keep invoices or equivalent documentation of portable toilet and handwashing stations as proof to provide to the Department of Environmental Health to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
10. The applicant shall obtain an encroachment permit for required improvements to the intersection of State Highway 36 and Stagecoach Road. A copy of the approved encroachment permit or letter from Cal Trans stating the encroachment permit is approved will satisfy this condition.
11. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including corrective actions to bring the site into compliance, including a five-year monitoring plan following remediation activity.
12. The applicant shall enroll in the State Water Resources Control Board Cannabis Cultivation General Order, prepare an associated Site Management Plan, and adhere to the recommendations of that plan. A letter from a qualified professional indicating all recommended improvements have been completed shall satisfy this condition.
13. The applicant shall comply with the reporting and monitoring requirements as required by the LSA Agreement issued by CDFW on May 21, 2017. Final LSAA documentation or other communication from the CDFW verifying that this requirement has been met will satisfy this condition. The applicant shall adhere to the forbearance period or water withdrawal limitation permitted under the LSAA for diversion during the low flow periods, as applicable. Tank storage shall be increased to meet the required storage for the forbearance or limitation period.
14. The applicant shall obtain an appropriative water right from the State Water Resources Control Board for water storage related to irrigation uses.
15. 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.
16. The applicant shall demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to the planned 5,000-gallon tank for emergency water, and fuel modification standards conform with 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. A letter from a qualified engineer shall satisfy this requirement.

17. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
18. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
19. All on-site lighting from nursery propagation facilities that is existing or installed in the future shall be fully shielded and designed and installed to eliminate light leakage that could lead be visible from all property boundaries between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding, and alignment has been repaired, inspected, and corrected as necessary.
20. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
21. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all the requirements as set forth by other regulatory agencies.
22. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
23. 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.
24. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions

of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse is to be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible.
9. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
10. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
11. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.

12. 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).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer
16. The applicant shall not use any erosion control measures 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 weaves.
17. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
18. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
19. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
20. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
21. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
23. 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).

24. 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.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
26. 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.

27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
28. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the 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.
29. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
30. 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.
31. Permittee further acknowledges and declares that:
- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
  - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;

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

33. 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. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #19 of the On-Going Requirements /Development Restrictions, above.
2. 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.

**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) specify the findings that are required to grant a Conditional Use Permit and 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;
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; and
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 documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan, Open Space Plan and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA):</b> This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p>	<p>The project includes 19,426 square feet of existing outdoor cannabis square feet. Special Permit is also sought for an encroachment within the Streamside Management Area and for a point of water diversion. General and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>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)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>A Road Report for Stagecoach Road was prepared by the applicant and indicated that Stagecoach Road is developed to the equivalent of a road category 4 standard.</p> <p>The state highway accessing the parcel is currently undergoing widening and resurfacing. The applicant is conditioned to obtain an encroachment permit from Cal Trans for Stagecoach Road.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>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.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>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.</p>
Conservation and Open Space Chapter 10  Open Space Section 10.2	<p>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)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project can be found consistent with the Open Space and Conservation Program because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>The applicant relocated the historical cultivation site to an environmentally superior location and has begun to conduct extensive restoration activities. These actions are being guided by the Biological Report for Cultivation Site Relocation prepared by Timberland Resources Consultants, the LSAA prepared by CDFW, and the Water Resource Protection Plan prepared by Manhard Consulting. The site was surveyed for potential wetlands, rare species and other environmentally sensitive habitat areas. The purpose was to identify areas with potential environmental resource values that would require protection and design suitable restoration. The report indicated that there is a potential for Northern Spotted Owl (NSO) nesting/ roosting habitat, therefore no construction activities and road maintenance are prohibited during the breeding season (February 1 to July 9) and no lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Applicant is required to install noise attenuation devices as necessary and enclosed the generator to ensure the noise level of the generator and any other equipment does not exceed 50 decibels at a 100 feet or edge of habitat, whichever is nearer.</p> <p>The applicant also, submitted a Registered Professional Forester (RPF) report and a Restocking Plan prepared by a Timberland Resource Consultants. The report indicates that there was a total of .79-acres of unauthorized timberland conversion. The RPF recommends restocking two areas in the property. As a condition of approval, the</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		applicant is to adhere to the recommendations made in the Registered Professional Forester report and restock the unauthorized .79-acre timber conversion and submit a restoration and monitoring plan.
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 applicant retained Arsenault and Associates (AA) for the preparation of a Cultural Resources Investigation for the Project site. AA conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria. The Bear River Band recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.
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-G2)  Related policies: SR-S4. Light and Glare	The project involves the use of artificial light in the nursery. The CMMLUO requires that artificial light to comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-SX, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The project is conditioned as such.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>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-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>Water Resource Protection Plan (WRPP) filed with the North Coast Regional Water Quality Control board and prepared by Manhard Consulting dated February 2017. The WRPP contains corrective actions to bring the site into compliance, including a five-year monitoring plan following remediation activity. As a condition of approval, the applicant is to adhere to the recommendations made in the report.</p> <p>The applicant is required to enroll in the State Water Resources Control Board Cannabis Cultivation General Order, prepare an associated Site Management Plan (SMP), and adhere to the recommendations of that plan as a condition of approval. Adherence to these plans is expected to mitigate any potential impacts related to stormwater drainage.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>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)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>Processing will occur offsite. The applicant will be required to use portable toilets and handwashing stations for employees assisting with cultivation activities. Conditions of approval require the applicant to maintain copies of invoices or equivalent documentation annually to confirm continual use of portable toilets.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>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)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. Power to the project is provided by PG&amp;E.</p>
Safety Element Chapter 14  Geologic & Seismic	<p>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)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards</p>	<p>The site is not within a mapped Alquist-Priolo Fault Hazard Zone. The area of development is relatively flat, as can be seen in the topographic map on file. The subject parcel is not subject to liquefaction. The project involves site preparation work for which the applicant will be incorporating BMPs to minimize erosion and sedimentation and will be subject to securing a grading permit. Based on the characteristics of the area of development as discussed above, and the project's conditions of approval, staff believes the project will not expose people or property to significant geologic hazards.</p>
Safety Element Chapter 14  Flooding	<p>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)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at several miles distance from the coast, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>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.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The parcel is in an area of High Fire rating and within the Bridgeville Fire Protection District. The subject property is also located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. Cal Fire comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>
<p>Air Quality Chapter 15</p>	<p>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)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; and AQ-P7. Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

**2. Zoning Compliance and 3. Conforms with 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.	The parcel of land known as APN 210-191-058 is Lot 25 of Parcel Map No. 4 recorded in Book 1 of Parcel Maps Pages 8-15 and subsequently amended in Book 1 of Parcel Map Page 17. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3  Forestry Recreation (FR)  B – Special Building Site	<b>Forestry Recreation (FR):</b> 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.  <b>B – Special Building Site:</b> Applies in any zone lieu of the lot area and yard requirements normally applicable in such principal.	All general agricultural uses are enumerated as a principally permitted use in the FR zoning district. The project is for the cultivation of commercial medical cannabis using employing both outdoor and mix-light production. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it is agricultural use and general agricultural uses are principally permitted in FR, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations.
Minimum Lot Size:	20 acres	Approximately 60 acres
Maximum Ground Coverage:	None specified	N/A
Minimum Lot Width:	200 feet	305 feet
Maximum Lot Depth:	None specified	N/A



Minimum Yard Setbacks:  (Through the SRA requirements)	Front: 30 feet Rear: 30 feet Side: 30 feet  SRA: 30 feet – all sides	Front: 30 Feet  Rear: According to the site map, the existing 30,000-gallon water bladder is within the 30-foot setback from the property line. It has been made a condition of approval that the water bladder is replaced. Any subsequent development will have to be outside of the setback.  Sides: 30 feet
Max. Building Height:	None specified	N/A
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Water is diverted from a spring. An LSAA has been filed with CDFW to protect the SMA from being negatively impacted by the diversions. A Special Permit is being requested for a diversion that commenced after April 25, 1995 and for remediation within a SMA.

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§ 314-55.4.8.2.1.3	On...FR parcels 5 acres and above, existing outdoor and mix-light cultivation may be permitted with a Use Permit.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being approximately 60 acres in size and existing cultivation is approximately 19, 426 square feet in area.

§314-55.4.8.2.2  Criterial for approval of existing outdoor and mix-light cultivation areas:	<p>In existence prior to January 1, 2016</p> <p>Complies with all standards and eliminates existing violations specified in the CMMLUO.</p> <p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>Humboldt County staff have verified the existence of the specified square footage using aerial imagery.</p> <p>The applicant's project has two setback violations, the water bladder is too near the property line and a cultivation area is within the streamside management area. Both of these non-compliant situations will be corrected as a condition of approval of this permit.</p> <p>The Registered Professional Forester (RPF) report and the Restocking report, submitted by the applicant indicates that there was a total of .79-acres of unauthorized timberland conversion. The RPF recommends restocking two areas in the property. As a condition of approval, the applicant is to adhere to the recommendations made in the Registered Professional Forester report from and restock the unauthorized .79-acre timber conversion.</p>
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the party who is the member of Natural Wellness, Inc., applicant, holds no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The processing will occur offsite
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The Commercial Cannabis Activity Registration Form was submitted by the applicant on April 1, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>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.</p>	<p>Water for domestic and irrigation uses is provided by a point of diversion on an unnamed Class II watercourse that is a tributary to the Little Van Duzen River. The applicant uses a drip irrigation system, and applies methods such as mulching, time of day watering, and moisture retaining soils to minimize watering needs.</p> <p>The applicant has filed an Initial Statement of Diversion and Use with the Division of Water Rights and obtained an LSA Agreement with CDFW for the point of diversion for domestic use, in 2015 and 2016, respectively. Conditions of approval require the applicant to obtain appropriate water rights for water stored that was diverted from the unnamed Class II watercourse. Condition of approval also require that water use be metered to provide a record of actual water use and storage needs and to ensure adherence to any forbearance or water limitation requirements.</p>
<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>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).</p>	<p>The applicant's site plan shows that the cultivation area conforms to the 600-foot school bus stop. The site plan shows the cultivation and processing complies with the property line setback. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. One outcome of the cultural resources study was there are no TCRs present on the site.</p>

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>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</p>	<p>As discussed above the primary power source for the project will be conventional grid power supplied by PG&amp;E. Therefore, the project conforms with the referenced standard.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on September 23, 2016.</p>

**4. Public Health, Safety and Welfare, and 6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

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 since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

**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 Requirements	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 because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.

**6. Environmental Impact:** The following 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, 2016. 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 and on-site processing. 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 MEDICAL MARIJUANA LAND USE ORDINANCE

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

*APNs 210-191-058, 40111 State Highway 36, Bridgeville Area, County of Humboldt*

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

December 2019

## Background

**Modified Project Description and Project History** - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit for 19,426 square feet of existing outdoor cannabis cultivation. A Special Permit is also requested for an encroachment of a point of diversion and remediation within a Streamside Management Area (SMA) on a 60-acre parcel in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The water source is a spring and the applicant estimates about 200,550 gallons of water for irrigation annually. Currently, there are three 30,000 gallons of water stored in water bladders and eight 4,600 gallons of water stored in hard tanks, for a total of 126,800 gallons of water storage. The applicant will increase the water storage to 73,600 gallons to meet the forbearance period. As a condition of approval, the applicant will replace the water bladders with hard tanks. The cultivation is composed of eight greenhouses totaling 19,420 square feet. The project proposes 2,000 square feet of nursey space. Processing will occur offsite at a licensed facility. The applicant plans on having a maximum of ten seasonal employees. Electricity is supplied by a utility connection to PG&E. The site currently developed with a single-family residence, agricultural barn, shed and chicken coop.

The project includes several restoration activities that are described in the following: a Biological Report for Cultivation Site Relocation, prepared by Timberland Resource Consultants dated November 2017, a Lake and Streambed Alteration Agreement (LSAA) issued by the California Department of Fish and Wildlife (CDFW) dated March 2017, a Water Resource Protection Plan (WRPP) filed with the North Coast Regional Water Quality Control board, and prepared by Manhard Consulting dated February 2017, a Biological Assessment prepared by Timberland Resource Consultant dated October 2018, a Registered Professional Forester report, and a Restocking Plan, both prepared by Timberland Resource Consultant dated November 2019.

The applicant received a Notice of Violation from CDFW for an encroachment within a SMA, as the historical cultivation site was located within a Class III SMA. Subsequently, the applicant removed the cultivation away from the SMA and relocated it in the timber clearing. The applicant submitted a Biological Report for Cultivation Site Relocation providing environmental superiority justification for the onsite relocation and the unauthorized timber conversion. The Biological Assessment indicates that the onsite relocation significantly reduced the risk of directly impacting riparian resources and that the remediation has already begun. As a condition of approval, the applicant will submit a restoration and monitoring plan. The report also, indicates that there is a potential for Northern Spotted Owl (NSO) nesting/ roosting habitat, therefore as a condition of approval, no construction activities and road maintenance are prohibited during the breeding season (February 1 to July 9) and no lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Applicant is required to install



noise attenuation devices as necessary and enclosed the generator to ensure the noise level of the generator and any other equipment does not exceed 50 decibels at a 100 feet or edge of habitat, whichever is nearer.

The cultivation site is now outside of the 100-foot setback requirement. The Registered Professional Forester (RPF) report and the Restocking report indicates that there was a total of .79-acres of unauthorized timberland conversion. The RPF recommends restocking two areas in the property. As a condition of approval, the applicant is to adhere to the recommendations made in the Registered Professional Forester report from Timberland Resource Consultants and restock the unauthorized .79-acre timber conversion.

The modified project will also comply with provisions of the CMMLUO intended to eliminate impacts to sensitive species from noise and from light through the requirement to develop a light and noise attenuation plan. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal is to authorize an existing 19,426 square feet of existing outdoor cannabis cultivation commercial operation, authorize the restoration of areas impacted within the SMA, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those

identified in the MND.

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

- Water Resource Protection Plan prepared by Manhard Consulting on February 2017.
- Streamed Alteration Agreement Notification No. 1600-2016-0575-R1 issued by California Department of Fish and Wildlife on March 22, 2017.
- Justification of environmentally superior relocation prepared by Timberland Resource Consultants on November 27, 2017.
- Biological Assessment prepared by Timberland Resource Consultants on October 10, 2018.
- Registered Professional Forester Report and Restocking Plan prepared by Timberland Resource Consultants on November 26, 2019.

### **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. 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 with Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; 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 separately)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On File)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
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. (Attached separately)

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. Cultural Resources Study prepared by Arsenault and Associates. (confidential)
16. Department of Public Works Road Evaluation Report. (On file)
17. Updated Water Management Plan. (Attached)
18. Cultivation Relocation Biological Report, Timberland Resource Consultants, November 27, 2017. (Attached)
19. Water Resource Protection Plan, Manhard Consulting, February 2017. (On file)
20. Biological Assessment prepared by Timberland Resource Consultants on October 10, 2018. (Attached Separately)
21. Registered Professional Forester Report and Restocking Plan prepared by Timberland Resource Consultants on November 26, 2019. (Attached)
22. Justification of environmentally superior relocation prepared by Timberland Resource Consultants on November 27, 2017. (Attached)



Technical Memorandum

October 9, 2017

California Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, CA 95501

Subject: Livick/Mason – Humboldt County APN 210-191-058 (Formerly APN 210-191-029);  
Bridgeville, CA  
Completion Report – LSAA #1600-2016-0575-R1

Civil Engineering  
Surveying  
Water Resources Management  
Water & Wastewater Engineering  
Supply Chain Logistics  
Construction Management  
Environmental Sciences  
Landscape Architecture  
Land Planning

The photo log below documents the completion of the scope of work permitted under LSAA #1600-2016-0575-R1 to address the Notice of Violation dated October 6, 2016. With regards to the items in the Notice of Violation:

1. The diversion from spring has been permitted under LSAA #1600-2016-0575-R1 and water storage has been developed to comply with the forbearance period. See POD-1 photos.
  - a. Permittee has developed eight (8) 4,600 gallon water tanks and three (3) 30,000 gallon bladders for a total of 126,800 gallons of storage. Permittee is developing additional hard storage in the form of 4,600 gallon tanks to replace bladders.
2. The undersized 18" culvert has been replaced with a 30" culvert. The fill and cultivation area within the Class III stream has been removed and planting according to the re-vegetation plan has been completed. See Crossing-1 and Stream Restoration photos.
3. A 24" culvert has been installed to address the erosion issue across the access road. See Crossing-2 photos
4. The permittee did not have an active diversion from the pond at the time of violation but acknowledges it was being considered and that a water line was run to the pond. The water line has been removed. Neighboring parcel(s) are believed to still be diverting from the pond.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
POD-1	40.4761, -123.6586	Diversion from a spring for domestic use
Crossing-1	40.4773, -123.6583	Replace dirt ford with minimum 24" diameter culvert
Crossing-2	40.4764, -123.6586	Replace undersized 18" diameter culvert with minimum 30" diameter culvert
Stream Restoration	40.4764, -123.5691	Remediate stream channel impacted by unpermitted grading

### POD-1 – Photo Log

Watermeter in place at POD-1



Water Storage for POD-1 - Tanks

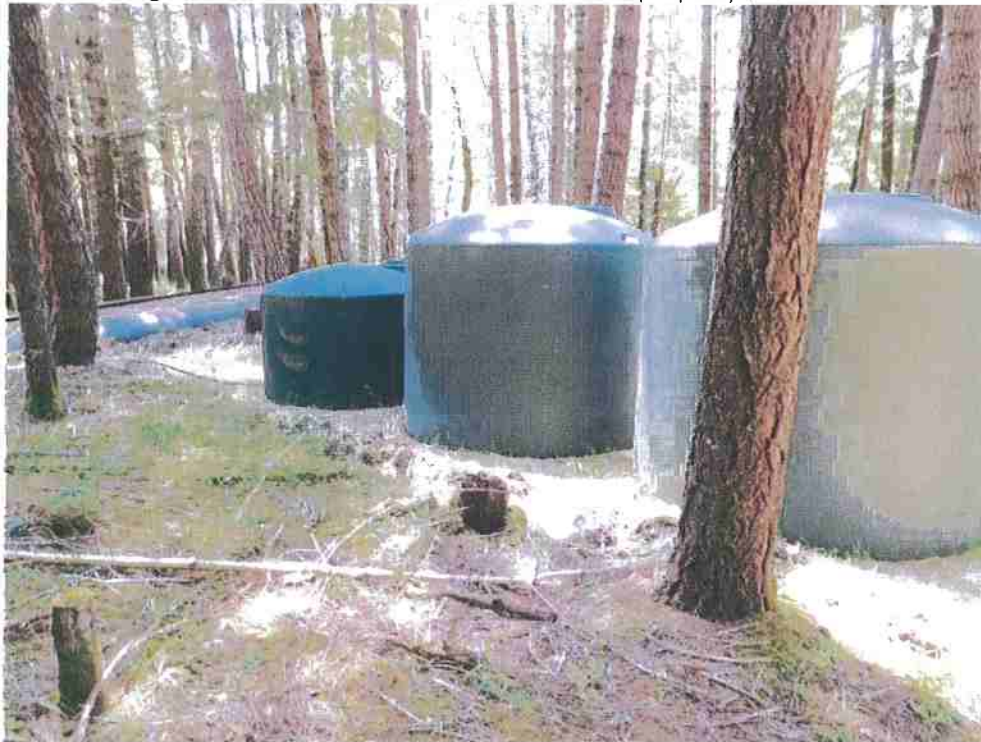




Water Storage for POD-1 – Tanks and bladder at west edge of relocated cultivation



Water Storage for POD-1 – Tanks and bladder at south property line



### Crossing 1 Photo Log

Rock check dams in roadside ditch leading to Crossing-1



Crossing 1 - Upstream





Crossing 1 - Upstream



Crossing 1 – Downstream

Permittee was directed to remove the screen in front of the culvert





### Crossing 2 Photo Log

Crossing 2 with rolling dips (looking north) – Permittee has been directed to apply additional base rock to the road.



Crossing 2 - Upstream



Crossing 2 - Downstream





### Stream Restoration Photo Log

Start of restoration area (looking west towards barn). Permittee requests to keep the fence in place as it is used to secure their pet dogs.



Restoration area looking east towards shed/residence. Permittee was directed to apply native seed mix, and straw within disturbed areas.





Revegetation - Sedge and juncus clumps and woody debris placement. Permittee was directed to remove branches and to place and bed larger logs.



End of restoration area looking west. Permittee has requested that they be able to keep the fence in place as it forms a secure yard for their dogs. Stakes on ground to be used for securing sapling.



Manhard Consulting • 517 3rd Street, Suite 6, Eureka, California 95501 • 707.444.3800 • manhard.com

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Civil Engineering  
Surveying  
Water Resources Management  
Water & Wastewater  
Engineering  
Supply Chain Logistics  
Construction Management  
Environmental Sciences  
Landscape Architecture  
Land Planning

### *Technical Memorandum*

October 24, 2017

California Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, CA 95501



Subject: Brad Mason – Humboldt County APN 210-191-058; Bridgeville, CA  
Riparian Revegetation Monitoring Plan

This memo details the monitoring protocol for the revegetation of the Class III stream that was impacted by cannabis cultivation. The protocol was developed per the conditions of the Final Streambed Alteration Agreement (Notification number 1600-2016-0575-R1).

#### Project Goals and Objectives:

1. Stabilize the stream channel
2. Improve water quality
  - a. Reduce fine sediment contribution
  - b. Reduce stream temperature
3. Increase riparian canopy cover
4. Provide habitat for aquatic and terrestrial wildlife

#### Stages for Monitoring:

1. Pre-treatment
  - Assess water quality and channel morphology, diversity and abundance of riparian species, and utilization by wildlife prior to project implementation
2. Post-implementation

- Conducted directly after project implementation
- 3. Effectiveness (biannually for 5 years)
  - Conducted during summer and winter
  - If available, a reference site nearby should be carefully chosen for its similarity to the project site and used for comparison. It should be monitored in conjunction with the project area to provide insight to the treatments utilized. The natural disturbance regime shall also be taken into consideration.

#### Attributes to Measure:

1. Streambank stability and channel morphology
2. Water temperature
3. Utilization of project area by wildlife
4. Canopy cover
5. Tree and understory health
6. Species composition

#### Methodology

1. Qualitative
  - a. Photopoints – taken at same point during summer and winter at six locations:
    - Top of channel, looking downstream
    - Bottom of channel, looking upstream
    - North side of channel, midway of top section
    - North side of channel, midway of bottom section
    - South side of channel, midway of top section
    - South side of channel, midway of bottom section
2. Quantitative
  - a. Plant survival of planted species by direct count
  - b. Tree height, DBH, and canopy cover
  - c. Identify and count naturally colonizing vegetation
    - Ground cover estimate for grasses and forbs
  - d. Stream channel morphology and complexity

### MONITORING

#### Attribute 1.

Monitoring shall occur during the same period each summer and winter. The reach of the project area shall be walked during each sampling period. A measuring tape should be affixed to a permanent stake at the beginning of the project area and stretched down the stream to another stake at the end of the project area. This way when changes occur in stream morphology or species recruitment, the same point can be monitored at a known distance. The location and magnitude of any stream morphological changes will be documented, including woody debris recruitment, bank stability, formation of pools, changes in width-to-depth ratio.

#### Attribute 2.

Water temperature will be determined by immersing a probe in the stream. A sample shall be taken in the same position at two locations: under canopy cover and in the sun (approx. 20 feet



downstream, if available) at the end of the project area. This will help to determine the effectiveness of the canopy in lowering water temperatures. Stream turbidity will be determined using ocular estimation during high flows.

#### Attribute 3.

Documentation of wildlife in the project area shall occur seasonally. Type of animal, location of finding, it's habit, and the time of year shall be recorded. Any visiting or nesting birds, salamanders or frogs and their egg masses, mammals, fish, stream macroinvertebrates, and pollinators shall be included.

#### Attribute 4.

Each tree and shrub should be tagged and numbered for ease of sampling. Canopy and ground cover will be determined using visual evaluation. After the first two years, canopy cover of each tree should also be measured with a measuring tape to get the estimated area of coverage. Any tree or shrub providing shade to the stream shall be noted along with the area of shade it provides.

#### Attribute 5.

Each planting will be monitored for its health and vigor. Tree height and Diameter at Breast Height (DBH) will be documented. Tree species such as Willow and Alder propagate easily; their new sprouts will be documented and monitored as well. The general height and width of shrubs will also be documented during each sampling period. The lifecycle (i.e. budding, flowering, fruiting) of each species will be monitored to determine vigor. Herbivory, the spread of pathogens, and any natural disturbance (i.e. flooding or fire) should be noted as well.

#### Attribute 6.

Over the project monitoring period, the species composition will change. Any colonizing and recruited plants and their abundance will be documented. All invasive plants will also be documented but removed before they can propagate.

### SUCCESS CRITERIA

A successful project will meet the project goals and objectives. This is determined by the health and status of the riparian vegetation, improved water quality and wildlife habitat, and a stabilized stream channel.

### CONCLUSION

Documenting the site conditions before, during, and after project implementation provide insight into the effectiveness of the remediation plan. The monitoring program facilitates informed decision-making and determines whether the project goals have been achieved. Inadvertent and beneficial affects discovered during monitoring give critical feedback to the parties involved, and the lessons learned should be shared.

As stated in Palmer et al. (2005): "assessment is a critical component of all restoration projects but achieving stated goals is not a prerequisite to a valuable project. Indeed, well-documented



projects that fall short of initial objectives may contribute more to the future health of our waterways than projects that fulfill predictions.”

#### REFERENCE

Palmer, M. A., E. S. Bernhardt, J.D. Allan, P.S. Lake, G. Alexander, S. Brooks, J. Carr, S. Clayton, C. N. Dahm, J. Follstad Shah, D. I. Galat, S. G. Loss, P. Goodwin, D. D. Hart, B. Hassett, R. Jenkinson, G. M. Kondolf, R. Lave, J. L. Meyer, T. K. O'Donnell, I. Pagano, and E. Sudduth. 2005. Standards for ecologically successful river restoration. *Journal of Applied Ecology* 42:208-217.

Lewis, D., M. Lennox, S. Nossaman. May 2009. Developing a monitoring program for riparian revegetation projects. The Regents of the University of California, Agriculture and Natural Resources. ANR Publication 8363.

## Mason Revegetation Plan

### A. SITE DESCRIPTION

Project Address: 40111 State Highway 36, Bridgeville, CA

Assessor's Parcel Number (APN): 210-191-058

Detailed Site Description: The site is approximately 37 miles from the coast in the Van Duzen watershed. The impacted reach of an unnamed Class III stream is about one quarter mile upstream from its confluence with Little Van Duzen River. Vegetation and channel morphology within the project area was degraded because of recent anthropogenic impacts.

### B. PROJECT DESCRIPTION, GOALS, AND OBJECTIVES

The objectives of this revegetation are to stabilize the channel, reduce fine sediment contribution, and provide shade to limit water temperatures in the low-flow season. Ideally the project will also maintain an aesthetically pleasing stream channel for the nearby residence.

Aerial photography dating back to 1984 show that the area has been un-stocked meadow for at least 30 years. The topography of the site support the assumption that the area historically was a meadow. CDFW BIOS NLCD 1992 and 20122 layers classify the subject area as "Herbaceous" surrounded by "Evergreen Forest" and "Mixed Forest" The disturbed area is a bench, with steep channel up and down stream. The recent disturbance caused fine sediment deposition in the channel and removal of vegetation from the stream banks.

In August, 2016 the greenhouses and pots were removed from the impacted reach. Waddles were placed along the stream banks and the bare floodplains were seeded to limit soil runoff during the winter. Minimal excavation of the channel was completed in November. To limit impacts on the reach, no further excavation will be done. Placement of large woody debris is proposed to develop some channel structure and invertebrate habitat. The channel will be planted with native species to provide shade, channel stability and nutrient sources.

C. PROJECT SCHEDULE

*Table 1: Schedule of Activities*

Date	Action
Completed August, 2016	Removal of greenhouses, erosion control measures implemented (waddles along channel bank, floodplain seeded)
Completed November, 2016	Channel excavation
Completed December, 2016	Willows were cut on-site and planted along bank
July-October 2017	Woody debris placement
November 2017 – March 2018	Planting (after first seasonal rains have saturated soils beyond the first several inches and before April)
October 31, 2018	Submit status report of the revegetation efforts to CDFW
October 31, 2019	Submit status report of the revegetation efforts to CDFW
October 31, 2020	Submit status report of the revegetation efforts to CDFW
October 31, 2021	Submit status report of the revegetation efforts to CDFW
October 31, 2022	Submit status report of the revegetation efforts to CDFW

## D. SELECTION OF PLANT MATERIALS

Table 2. Species Suitable for Re-vegetation

Form	Species Name Common Name	Plant Spacing (container)	Optimal Planting Time	Slope Position
Broadleaf Tree	<i>Acer macrophyllum</i> big leaf maple	40 feet	spring	Floodplain, mid banks
	<i>Alnus rubra</i> red alder	20-30 feet	spring	Mid and lower banks
	<i>Salix spp.</i> Willow	10-20 feet	winter	mid banks
Shrubs	<i>Rhamnus purshiana</i> Cascara	4-6 feet	spring	Floodplain (upper banks)
	<i>Spiraea douglasii</i> <i>Spiraea</i>	4-6 feet	spring	Floodplain, mid to upper banks
	<i>Cornus sericea</i> Stream Dogwood	4-6 feet	spring	Lower bank
	<i>Rubus parviflorus</i> Thimbleberry	4-6 feet	spring	Mid to upper banks
Emergent and Herbaceous Plants	<i>Juncus spp.</i> Rush	1-2 feet	spring	Low banks, channel
	<i>Carex spp.</i> Sedge	1-2 feet	spring	Low banks, channel
	<i>Scirpus microcarpus</i> Small-fruited bulrush	1 foot	spring	low gradient channel and lower banks

The re-vegetation plan does not include coniferous species because the area is proposed to remain an herbaceous meadow. Plant materials will be free of disease and insect infestation from a reputable nursery grown locally (Samara Restoration Nursery or equivalent). Since the project is small, species diversity and richness will increase with time due to natural recruitment from nearby riparian species.

## E. PROJECT INSTALLATION

Landowner will do all work described in this plan. No further earth work will be completed. No fertilizers or pesticides will be used to promote the growth of the planted vegetation. Large woody debris will be cut on the property and placed by October, 2017.

## References

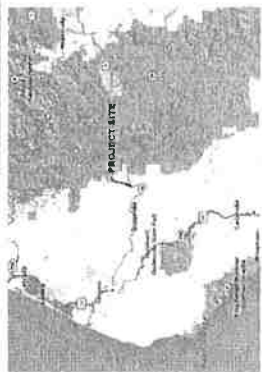
Restoration, S. (2017). *Plant Availability List*. McKinleyville, CA: Samara Restoration. Retrieved May 15, 2017, from [http://www.samararestoration.com/sites/default/files/inventory\\_Jan2017a.pdf](http://www.samararestoration.com/sites/default/files/inventory_Jan2017a.pdf)

Wildlife, C. D. (2004). *California Salmonid Stream Habitat Restoration Manual*. FRGP. Retrieved from <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3594>

Wildlife, C. D. (2017, May 11). *BIOS*. Retrieved from <https://map.dfg.ca.gov/bios/>



**DIRECTIONS TO SITE:**  
 FROM EUREKA, CA  
 - TAKE HWAY 101 SOUTH  
 - TOWARD SAN FRANCISCO  
 - TAKE EXIT 685 TOWARD  
 - HIGHWAY 30 EAST  
 - CONTINUE EAST ON  
 - HIGHWAY 36 FOR  
 - APPROXIMATELY 38  
 - MILES.  
 - TAKE LEFT ON PRIVATE  
 - ROAD MARKED WITH A  
 - GREEN AND WHITE  
 - LETTER "27" ON THE GATE  
 - AFTER THE  
 - INTERSECTION WITH  
 - BURR VALLEY ROAD



**VICINITY MAP**  
 NOT TO SCALE

**PROJECT INFORMATION:**

**CLIENT:**  
 BRAD MASON  
 774 4th St #E  
 EUREKA, CA 95501

**OWNER:**  
 DARY & DARY LIVING  
 6825 JENKINS RD  
 WESTCHESTER, CA 95085

**OWNER'S AGENT:**  
 MANHARD CONSULTING  
 1175 SUTTER BLVD STE A  
 EUREKA, CA 95501  
 (707) 444-3860

**SITE ADDRESS:**  
 40111 HIGHWAY 36  
 DUNSMORE, CA

**PARCEL SIZE:**  
 180 ACRES  
 AL20, AL40 (FENK)  
 FR-B-4(20)

**BUILDING FOOTPRINTS:**

AE	IFZ	SFA
FRONT	30'	33'
SIDE	30'	33'
REAR	10'	33'

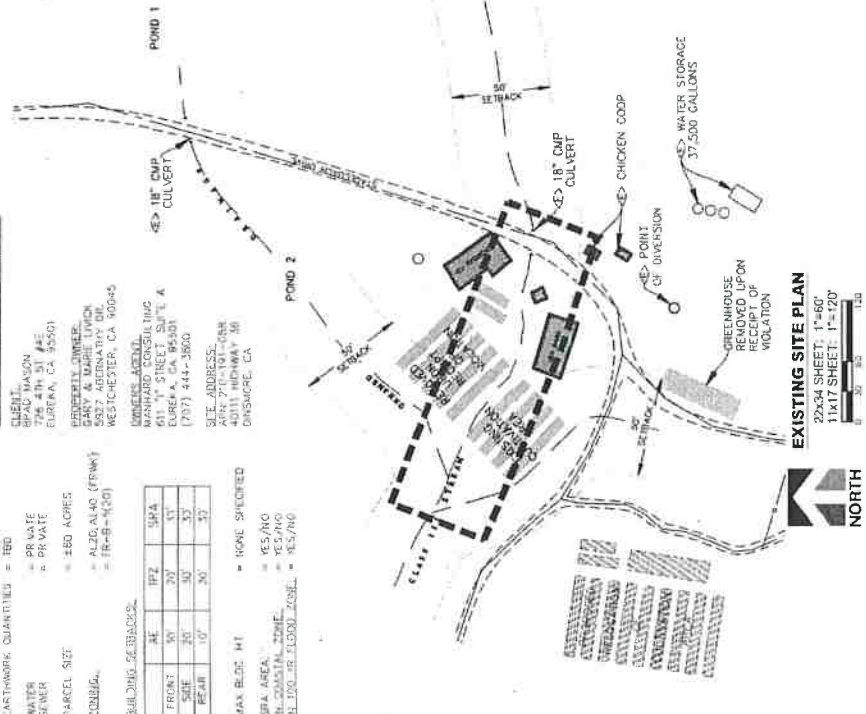
**MAX BLDG HT:** NONE SPECIFIED

**SFA AREA:** YES/NO

**BL. ZONING:** YES/NO

**BL. ZONING:** YES/NO

**EXISTING SITE PLAN**



**EXISTING SITE PLAN**  
 22X34 SHEET 11x17  
 11x17 SHEET 11x17

**MASON**  
**PROPERTY RESTORATION PLAN**  
 APN: 210-191-058



**PLOT PLAN**  
 22X34 SHEET 11x17  
 11x17 SHEET 11x17

**PROJECT DESCRIPTION:**

PROPOSED WORK IS IN RESPONSE TO A VIOLATION RESOLUTION WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE. PRESERVATIVE MEASURES SHOWN ARE APPLIED THROUGH A LAKE AND STREAMED IMPROVEMENT AGREEMENT UNDER FISH AND GAME CODE 1610. MEASURES INCLUDE: REPLACEMENT OF ONE POINT OF OVERFLOW, RELOCATION OF ONE CULVERT, REPLACEMENT OF ONE CULVERT, AND ASSOCIATED ROAD GRADING, ALL GRADING AND RELOCATION ARE SHOWN HEREIN.

**SITE GRADING & CLEANUP NOTES:**

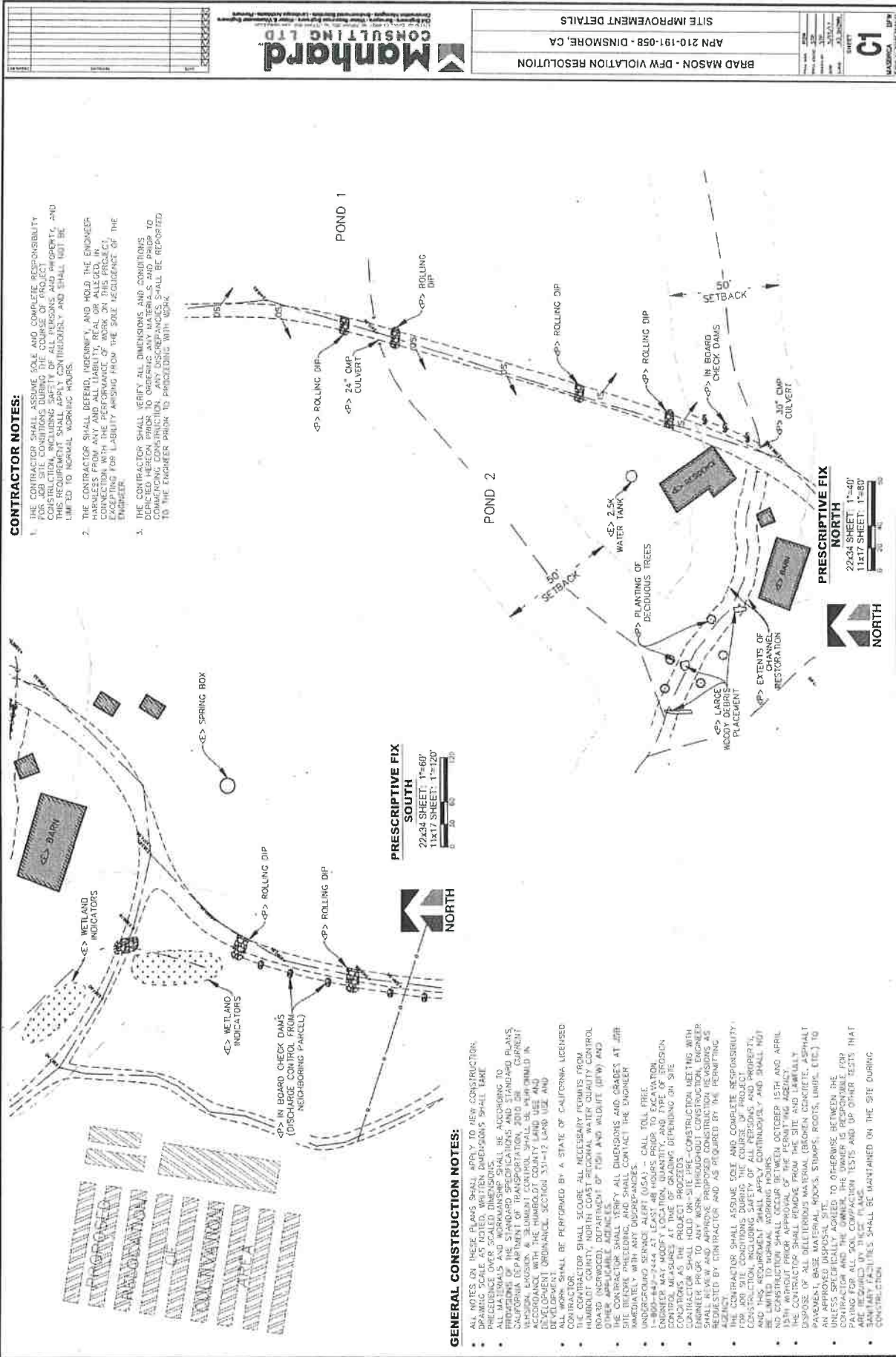
1. CUT AND FILL SLOPES SHALL BE 3:1 MAXIMUM, UNLESS OTHERWISE SHOWN ON THE PLANS.
2. FROCKED GRADING SHALL BE AS INDICATED ON THE PLANS.
3. TOPSOIL AND ALL UNSUITABLE MATERIAL SHALL BE REMOVED FROM ALL AREAS TO RECEIVE CONCRETE, ASPHALT OR ALL UNSUITABLE MATERIAL, INCLUDES SOILS WITH HIGH ORGANIC MATERIAL, DARKER TOPSOILS AND OVER SATURATED SOILS.
4. ALL FILL SHALL BE COMPACTED TO A MINIMUM OF 90%, EXCEPT WHERE 95% IS REQUIRED. A SECTION 19-2.03 OF CALTRANS STANDARD SPECIFICATIONS (LATEST EDITION).
5. ALL EXISTING AND GRADING SHALL BE COMPLETED IN ACCORDANCE WITH CHAPTER 19 OF CALTRANS STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 19 OF CALTRANS.
6. ALL GRADING SHALL BE COMPLETED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE ENOUGH CONTROL, THE EROSION AS SPECIFIED IN THE SOIL LOSS & POLLUTION PREVENTION NOTES (SHEET 101).
7. NO CONSTRUCTION SHALL OCCUR BETWEEN OCTOBER 15TH AND APRIL 15TH WITHOUT PRIOR APPROVAL OF THE COUNTY OF HUMBOLDT.
8. ALL EXISTING MATERIAL SHALL BE TAKEN TO A PROPER DISPOSAL SITE.
9. ALL DEBRIS NOTED FOR REMOVAL ON THIS PLAN SHALL BE TAKEN TO A PROPER DISPOSAL SITE AND RECEPITS SHALL BE COLLECTED AND CATALOGED.

**SHEET INDEX:**

- C0 - SITE 24 IN. GENERAL NOTES & LOCATION MAP
- C1 - SITE IMPROVEMENT DETAILS
- C2 - FROCKED CONTROL NOTES AND MAPS
- C3 - STREAM CROSS SECTIONS
- C4 - FILL - EROSION PREVENTION
- C5 - FILL - VEGETATION NOTES

**GENERAL NOTES:**

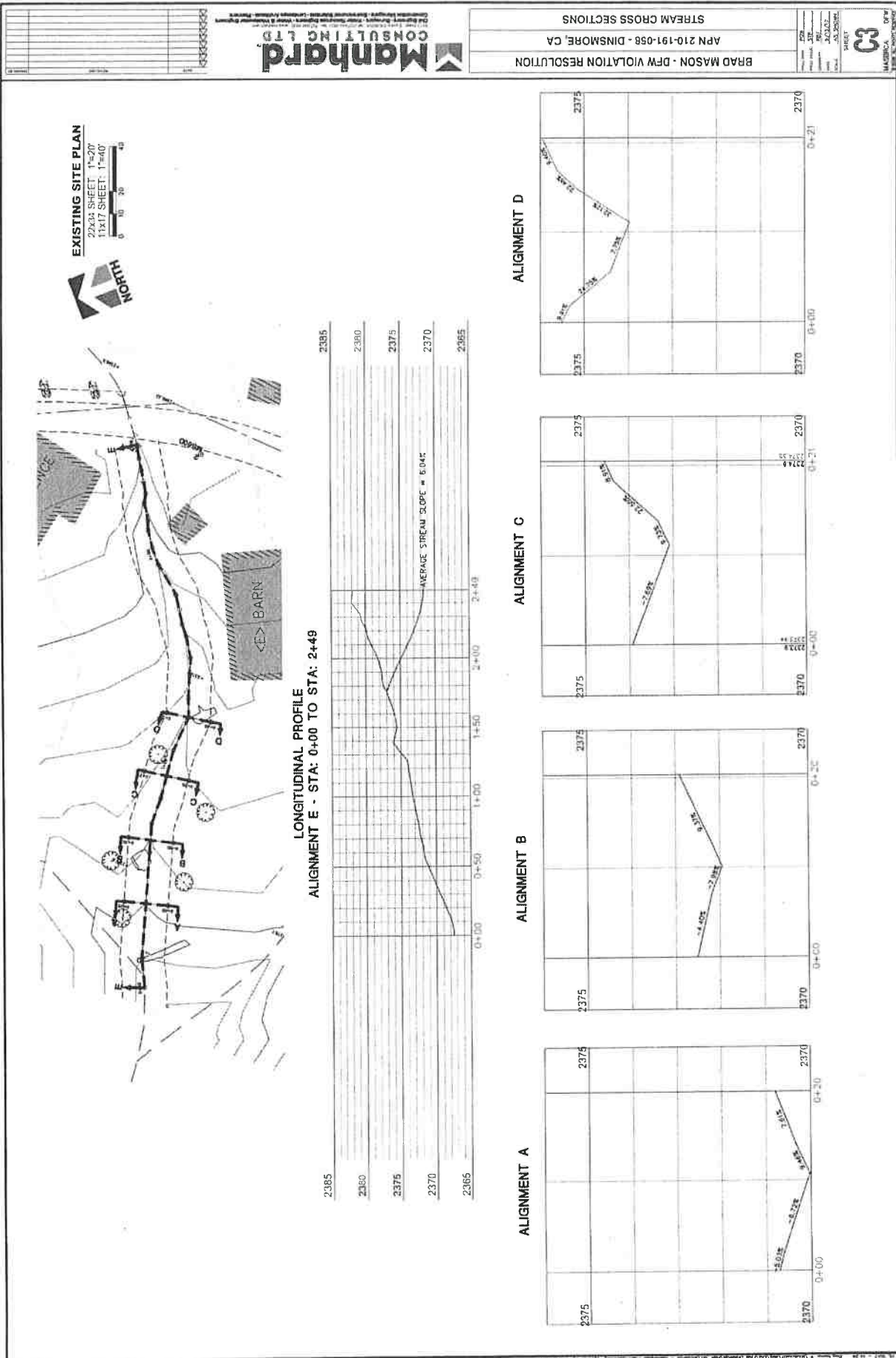
1. THESE NOTES SHALL APPLY TO ALL DRAWINGS U.O.N. OF THIS PLAN.
2. SITE MAPPING IS BASED ON INFORMATION FROM AERIAL PHOTOS, USGS TOPOGRAPHIC MAPS, AND OTHER SOURCES. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THE BASE MAP PRESENTED HEREIN TO BE USED AS A REFERENCE DOCUMENT AND IS AN APPROXIMATION OF EXISTING CONDITIONS TO BE USED FOR SITE RESTORATION.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE ACCORDING TO PROVISIONS OF THE STANDARD SPECIFICATIONS AND STANDARD PLANS, CALIFORNIA DEPARTMENT OF TRANSPORTATION, LATEST EDITION, AND COUNTY OF HUMBOLDT PUBLIC WORKS DEPARTMENT STANDARDS.
4. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
5. ALL WORK SHALL BE PERFORMED BY A STATE OF CALIFORNIA LICENSED CONTRACTOR.
6. THE OWNER SHALL SECURE ALL NECESSARY PERMITS FROM THE HUMBOLDT COUNTY PUBLIC WORKS AND OTHER APPLICABLE AGENCIES IMMEDIATELY WITH ANY DISCREPANCIES.
7. THE CONTRACTOR SHALL NOTIFY ALL NEIGHBORS AND GRADES AT JOM IMMEDIATELY WITH ANY DISCREPANCIES.
8. PRIOR TO PERMIT CLOSURE HUMBOLDT COUNTY BUILDING DEPARTMENT REQUIRED A CERTIFICATION LETTER FROM THE ENGINEER. THE CERTIFICATION WILL STATE ACCEPTANCE OF EROSION CONTROL MEASURES, CERTIFICATION OF PLACEMENT OF FILL MATERIAL AND COMPLETION OF WORK.
9. CONTRACTOR SHALL HOLD ON-SITE PRE-CONSTRUCTION MEETING WITH THE ENGINEER PRIOR TO ANY WORK. THROUGHOUT CONSTRUCTION THE ENGINEER SHALL REVIEW AND APPROVE PROPOSED CONSTRUCTION ACTIVITIES. THE ENGINEER SHALL PRACTICE IN ACCORDANCE WITH HUMBOLDT COUNTY BOARD OF DEPARTMENT OF FISH AND WILDLIFE, AND AS REQUIRED BY THE HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENTS.
10. ENGINEER MAY MODIFY LOCATION, QUANTITY, AND TYPE OF EROSION CONTROL MEASURES AT THE OF GRADING DEPENDING ON SITE CONDITIONS AS THE PROJECT PROGRESSES.
11. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.

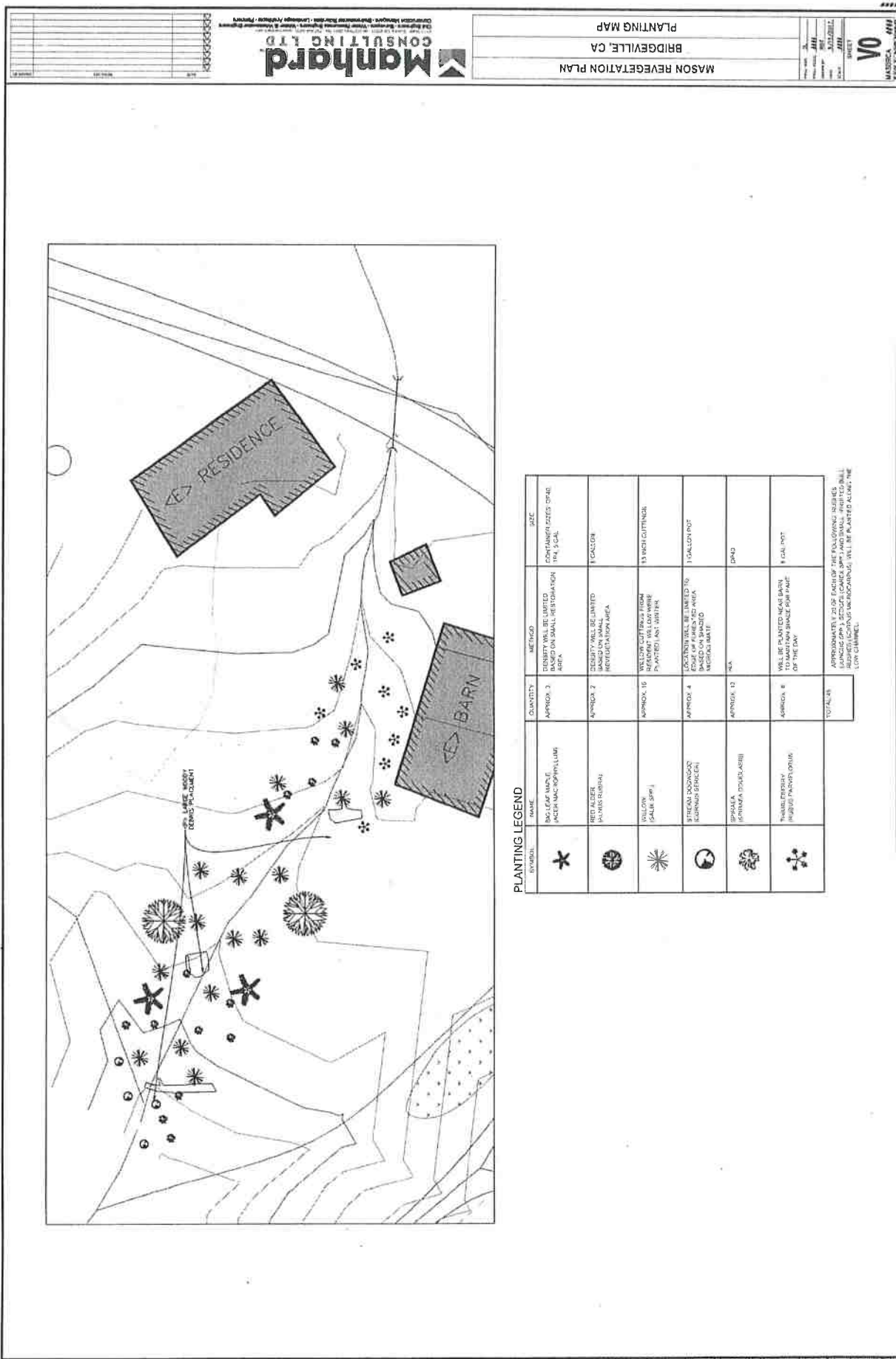












[illegible]

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

RECEIVED

MAR 21 2017

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2016-0575-R1

Unnamed Tributaries to the Little Van Duzen River, Tributary to the Van Duzen River, Tributary to the Eel River and the Pacific Ocean

Mr. Brad Mason  
Mason Water Diversion, Stream Crossings, and Stream Remediation  
Project  
4 Encroachments



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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, on August 8, 2016, CDFW staff identified substantial diversion of the natural flow from an unnamed tributary to the Little Van Duzen River and substantial change or use of material from to the bed, bank, channel from use of unpermitted road/stream crossings and impacts to unnamed tributaries to the Little Van Duzen River (hereinafter "unauthorized impacts") located on the Livick parcel.

WHEREAS, pursuant to FGC sections 1603 and 1614, CDFW has determined the unauthorized impacts have substantially adversely affected fish or wildlife resources and has included measures in this Agreement to remedy and mitigate the unauthorized impacts to protect fish and wildlife resources. The measures in this Agreement are not subject to Arbitration.

NOW THEREFORE, the Permittee agrees to complete all of the following measures in accordance with the Agreement.

**PROJECT LOCATION**

The project to be completed is located within the Little Van Duzen River watershed, approximately 2.8 miles southwest of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 7, T1N, R5E, Humboldt Base and Meridian; in the Larabee Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 210-191-58; latitude 40.4761 N and longitude 123.6586 W at the point of diversion (POD).



## PROJECT DESCRIPTION

The project is limited to four encroachments (table 1). One encroachment is for water diversion from unnamed tributary to the Little Van Duzen River. Water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Three other encroachments address violations of FGC 1602. Two encroachments will improve road/stream crossings, and the third encroachment will restore a stream channel impacted by unpermitted grading. Work for these encroachments will include excavation, installation of two culverts, remediation of a stream channel including revegetation, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
POD-1	40.4761, -123.6586	Diversion from a spring for domestic use
Crossing-1	40.4773, -123.6583	Replace dirt ford with minimum 24" diameter culvert
Crossing-2	40.4764, -123.6586	Replace undersized 18" diameter culvert with minimum 30" diameter culvert
Stream Restoration	40.4764, -123.5691	Remediate stream channel impacted by unpermitted grading

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus Truei*), Steelhead Trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

### Impacts to water quality:

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

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

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

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

cumulative effect when other diversions on the same stream are considered;  
diversion of flow from activity site;  
direct and/or incidental take;

indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.



- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

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

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on December 6, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 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 conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis.
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 2.7 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.
- 2.8 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.9 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.
- 2.10 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.11 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.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### **Stream Crossings and Stream Remediation**

- 2.13 Work Completion. The proposed work shall be completed by no later than **October 1, 2017**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.
- 2.14 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.
- 2.15 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and

bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

- 2.16 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.17 Work Period. All work, not including water diversion, 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.
- 2.18 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.19 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 shall be constructed of a non-erodible material which does not contain soil or fine sediment. 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.
- 2.20 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.
- 2.21 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.

## 2.22 Culvert Installation.

- 2.22.1 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.
- 2.22.2 Culvert shall be installed to grade, 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).
- 2.22.3 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.
- 2.22.4 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.
- 2.22.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.

## 2.23 Rock Armor Placement.

- 2.23.1 No heavy equipment shall enter the wetted stream channel.
- 2.23.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.23.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.23.4 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.

## Stream Restoration

2.24 Stream Restoration. The Permittee shall submit a Stream Restoration Plan to CDFW prior to conducting remediation activities. The Stream Restoration Plan (SRP) shall detail the dimensions and slopes of the stream channel to be remediated. The SRP shall describe any material utilized to restore the channel to a natural condition. The SRP shall include a revegetation plan for remediation of the impacted channel reach.

### 2.25 Revegetation Plan:

1. Submittal of a Revegetation Plan. A revegetation plan shall be submitted with the SRP to CDFW for review and approval prior to implementation of riparian habitat restoration activities.
2. Revegetation Plan Contents. The Revegetation Plan shall at a minimum include the following elements:
  - a. The identification of the area and vegetation types that will be restored.
  - b. A planting design and palette appropriate to the vegetation type, cover, stratum, and level of biodiversity (i.e., species richness and composition). Use of a reference site is recommended.
  - c. Use regionally appropriate native plants for a riparian vegetation type. The derivation of plant material such as containers, plugs, cuttings, divisions, or seeds from coastal areas of Humboldt, Del Norte and Mendocino Counties within 30 miles of the coast. All native seed material shall be from the North Coast ecoregion (Humboldt, Mendocino, Sonoma or Del Norte Counties), if practical. If quantities are not able to be satisfied from these collection sites, propagules may be obtained from other counties in Northern California with pending approval from a restoration ecologist or botanist.
  - d. Cuttings of willows, cottonwoods conducted when dormant. Collection of cuttings within an area dispersed to maintain genetic and sexual diversity, and to avoid adversely impact existing riparian vegetation. Cuttings hydrated between harvesting and planting (e.g., soak cuttings in water several days to a week to stimulate rooting prior to planting). Cuttings planted to depth of 75 percent of their length with buds pointing up and bottom of cutting in moist soil or water.
  - e. Planting conducted after the first seasonal rains have saturated soils beyond the first several inches (November/December) and before April.
  - f. No application of fertilizer on plants or chemical controls on weeds.

- g. Measurable success criteria based on plant survival, density, or cover.
- h. Monitoring conducted for a minimum of five years to determine whether the revegetation goals and objectives have been met. Remedial measures if revegetation goals and objectives are not met.
- i. Annual status reports on the revegetation efforts shall be submitted to CDFW in the by October 31 of each year following initial planting for the length of the monitoring period.

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

### 3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year **beginning in 2017**.
- 3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.6) no later than **May 15, 2017**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.3 Stream Restoration Plan. The Permittee shall submit a **Stream Restoration Plan** to CDFW prior to conducting remediation activities (condition 2.24). The Stream Restoration Plan (SRP) shall be submitted by **May 15, 2017**. The Stream Restoration Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 Revegetation Plan. A Revegetation Plan shall be submitted to CDFW by **May 15, 2017**, for review and approval prior to implementation of riparian habitat restoration activities (condition 2.25). The Revegetation Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.26) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

### 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:

Mr. Brad Mason  
Natural Wellness Collective  
637 Marigold Drive  
Vista, California 92083  
707-273-3028  
[naturalwellnesscollective@gmail.com](mailto:naturalwellnesscollective@gmail.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2016-0575-R1

**LIABILITY**

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

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

**SUSPENSION AND REVOCATION**

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

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

## EXTENSIONS

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

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

## EFFECTIVE DATE

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

## TERM

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

## AUTHORITY

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

## AUTHORIZATION

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

## CONCURRENCE

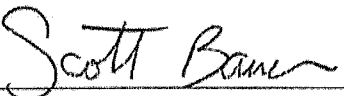
The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Brad Mason

  
\_\_\_\_\_  
Brad Mason

3/21/2017  
Date

FOR DEPARTMENT OF FISH AND WILDLIFE

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

3/22/17  
Date

Prepared by: Scientist Name, Senior Environmental Scientist Specialist, February 21, 2017







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

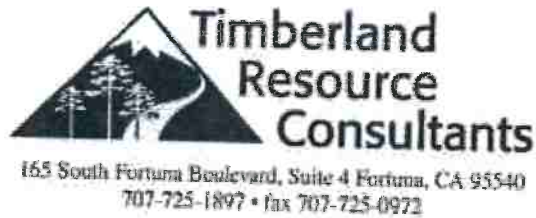
To Whom It May Concern,

Please consider this additional information with regards to the Biological Report for Cultivation Site Relocation submitted to Natural Wellness Collective.

**Addendum** – According to the CNDDDB and Spotted Owl Database, there are no known Northern Spotted Owl (*Strix occidentalis caurina*) activity centers or mapped locations of California rare plant communities within 1 mile of this project.

Sincerely,

  
Jack Henry, Wildlife Biologist  
Timberland Resource Consultants



## **Biological Report for Cultivation Site Relocation**

November 27, 2017

*Prepared for:*  
Natural Wellness Collective,  
728 4<sup>th</sup> Street, Suite AE,  
Eureka, CA 95501

*Prepared by:*  
Jack Henry  
Wildlife Biologist  
Timberland Resource Consultants  
165 So. Fortuna Blvd. Suite #4  
Fortuna, Ca. 95540  
(707) 725-1897  
jhenry@timberlandresource.com



165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540  
707-725-1897 • fax 707-725-0972

Aquatic habitats and their riparian corridors are critical to wildlife and humans. These areas support large portions of biodiversity, especially in northern latitudes where overall diversity declines (Pianka 1966). These corridors also protect water quality which is important for anthropogenic uses. Humans have historically impacted these areas as they divert water, harvest resources, and develop settlements along these corridors. In these impacted watersheds, functioning riparian corridors and aquatic habitats become even more valuable as pristine, functioning habitats become scarce.

The purpose of this biological report is to assess the potential impacts of this project on aquatic and terrestrial wildlife resources. The focus of this assessment is on the comparable value of riparian habitat versus upland habitat. This report is in response to a request from Humboldt County staff to provide a biological report supporting the assertion that the new proposed cultivation site is environmentally superior to the previous cultivation site and thus merits relocation.

The subject parcel is APN 210-191-058 and is located on Stagecoach Road off of State Route (SR) 36. The parcel is 60 acres in size and is zoned Forestry Recreation (FR). The parcel appears to have been originally developed sometime in the 1970's. Evidence of cannabis cultivation first appears in aerial photography in 2012. Natural Wellness Collective is currently in the process of applying for a conditional use permit for commercial cannabis cultivation through Humboldt County's Commercial Medicinal Marijuana Land Use Ordinance (CMMLUO). The project proposes the operation of approximately 18,000 square feet of existing mixed light cultivation. The historic cultivation site violated environmental regulations including Humboldt County code section 314-61 and Regional Water Quality Order No.R1-2015-0023 38.1.A.3. As a condition of the operation of this project, the applicant has proposed to move the cultivation site approximately 250' southwest to a new site that complies with environmental and local regulations. This site will be developed through a Less Than 3 Acre Conversion Exemption.

The conversion was sited and laid out by consulting RPF Chris Carroll with consulting wildlife biologist Jack Henry. The proposed conversion will include the removal of timber, approximately 8-15 million board feet. Once timber is removed, approximately 18,000 square feet will be graded and developed into the cultivation site. There will also be a new processing building and two 50,000 gallon metal rain catchment tanks installed adjacent to the cultivation site within the conversion exemption. The conversion area does not contain any watercourses or moist soil sites and observes the Timber Practice Rules WLPZ setbacks. It is estimated that of the 2.9 acre conversion exemption laid out, only about 24-25,000 square feet will be permanently converted. The remaining area will have the potential to naturally restock.

The development of the conversion exemption will result in the removal of approximately 18,000 square feet of cultivation and related materials from the Class III stream management area (SMA). The removal of cultivation and infrastructure will directly enhance the value of the watercourse and its riparian buffer. Restorative planting will add species diversity to the site as well as improve bank stability, sources of organic debris, climate control, and filtration capacity. Stream restoration had already begun at the site at the time of this assessment. The new stream channel had been contoured back to native conditions with erosion control implemented. Approximately 3 big leaf maple, 2 red alder, 16 willow, 4 dogwood, 12 spiraea, and 12 thimbleberry have been planted along the restored channel. The removal of cultivation materials coupled with the enhancement of riparian vegetation will reduce the risk of pollutants entering and impacting aquatic habitats.

The historic conditions at the project site were impactful and non-compliant with multiple regulations and guidelines. Previous cultivation activities at this site prevented riparian vegetation from growing and risked discharging sediment, nutrients, and other pollutants into the watercourse. Currently there is no functioning riparian corridor located along this reach of watercourse because of continued disturbances from prior cultivation activities. It is Natural Wellness Collective's intent to develop the proposed conversion exemption, relocate cultivation, and restore the watercourse located at the historic cultivation site. The loss of timber within the





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conversion exemption will be insignificant given the existing timber lands within the project parcel and peripheral area.

A query of the CNDDDB reveals the property overlaps with two CNDDDB detections or element occurrences (EO). The first EO is for summer-run steelhead potential present within the Lower Van Duzen River. Adult steelhead require swift moving water with depths of at least 18 cm (Björn and Reiser 1991). Spawning sites are often located at the fall-out of pools with fine gravel substrates (Moyle et al 2015). Steelhead frye require clear, cool, quick moving water usually located at seeps and stream confluences (Moyle 2002). The proposed conversion exemption would benefit this species by removing risks to water quality and enhancing riparian habitat. The second EO is for a mapped peregrine falcon site that has been masked by a sensitive EO polygon. (These polygons are mapped in the CNDDDB when the exact site location is considered sensitive information and may be masked by a broader polygon.) Peregrine falcons breed near wetlands, lakes, riparian areas, and other water; mostly on high cliffs, ledges and rock outcroppings in woodland, forest, and coastal habitats (Polite and Pratt 1990). There has been recent documentation of falcon nests in old growth redwood snags (Buchanan et al. 2014). Proposed actions at the project site will not impact any water bodies or potential breeding habitat in or around the project parcel. There is no large-scale habitat modification expected to impact passerine and shorebird populations that potential peregrine falcons may feed on. The proposed conversion will not adversely affect potential peregrine falcons or their habitat in and around the project parcel.

The conversion meets all requirements of timberland conversion exemptions per 14 CCR § 1104.1. This site is over 50' from the Class III reaches of the nearest stream and over 100' from the Class II reaches. These buffers are a significant improvement over the historic cultivation site. The proposed relocation site has a moderate slope, approximately 23%. Although conifer tree species are proposed to be removed they pose no value to the riparian area and possess no existing nest structures for raptors, bats, or other sensitive tree dwelling species. Although the landowner and site operator may be increasing the impermeable surfaces within the property, the improved stream channel and riparian buffer will improve protections on water quality. The restored riparian buffer will provide improved habitat for sensitive bird, amphibian, small mammal, and fish species. The proposed conversion exemption, cultivation relocation, and stream restoration will significantly reduce adverse environmental impact associated with this project. These measures when coupled with the CDFW Lake and Streambed Alteration Agreement and RWQ water resource protection plan document will improve environmental conditions within this property.

If there are any questions or concerns regarding this report please contact J. Henry at the attached contact information.

Sincerely,

  
Jack A. Henry  
Wildlife Biologist

## References

- Buchanan, J.B., Ham, K.A., Salzer, L.J., Diller, L.V., and Chinnici, S.J. 2014. Tree-nesting by peregrine falcons in North America: Historical and additional records. *J. Raptor Research* 48(1):61-67.
- Bjornn, T.C. and D.W. Reiser. 1991. Habitat Requirements of salmonids in streams. Pages 83- 138 in W. R. Meehan, editor. Influences of forest and rangeland management on salmonid fishes and their habitats. American Fisheries Society Special Publication 19.
- Moyle, P.B. 2002. Inland Fishes of California. University of California Press. Berkeley and Los Angeles, CA.
- Moyle, P.B., Quinones R.M., and Katz J.V. 2015. Fish species of special concern in California. The Resources Agency, Depart. of Fish and Wildlife, Sacramento, CA.
- Pianka, E.R. 1966. Latitudinal Gradients in Species Diversity: A Review of Concepts. *The American Naturalist* 100(910): 33-46
- Polite C, and Pratt J. Kiff L, editor. 1990. Peregrine Falcon. *California's Wildlife Vol I-III*. California Depart. Fish and Wildlife, Sacramento, California.



**Application #1222 – APN 210-191-058**

**Evaluation of Environmental Superiority of Proposed Receiving Site and Proposed Conversion**

**Less than 3-Acre Conversion Application History**

Applicant has been working to develop a legal, compliant cultivation site for the past four years. Consultants were engaged starting in 2015 and the site was identified as being located in a non-compliant area. A less than 3-acre conversion was submitted to develop a relocation site.

Based on the records, the County received a request for the less than 3-acre conversion November of 2015 prior to the passing of the cultivation ordinance which was adopted 1/26/2016. Proper notice was provided by the forester of record to CAL-FIRE however there no record in our files regarding a response or action by the planning department regarding this application.

**CEQA Evaluation – Environmental Superiority of Receiving Site**

A less than 3-acre conversion is proposed as part of the project approval to relocate the cultivation area which is located within the SMA to an environmentally superior upland area. Precedent for approval of a less than 3 acre conversion to support relocation of cultivation based on environmental superiority has already been established in past actions of the planning commission based on environmental superiority (in that instance, reduction in access roads, increased setback from historic owl activity centers, superiority of habitat in the relocation area relative to the receiving area).

The limits of the proposed less than 3 acre conversion will be reduced in scope to ensure 1 to 1 mitigation: for each square foot of tree removal, a square foot of habitat within the SMA and outside the SMA is proposed to be restored. A restoration plan for activity within the SMA has already been developed and implemented in 2017. A registered forester or qualified biologist will be engaged to direct the re-stocking of the restoration area outside the footprint of the SMA.

Consultation with the Department of Fish and Wildlife is requested as part of this referral process in evaluating this environmental analysis to ensure the restoration meets appropriate standards

Superiority of relocating from the SMA area is based on multiple factors:

1. The SMA restoration area has been impacted for decades, restoration of this area to a native site is proposed as mitigation for the target relocation site.
2. Riparian areas contain a greater diversity of plant and biological species.
3. Establishing a vegetated and forested riparian corridor subject to both the recommendations of the professional consultant and the Department of Fish and Wildlife has benefits to the watershed beyond the limits of this project. Benefits include: reduced water temperatures and increased stream flows (reduced evaporation, increased water soil water retention) by establishing a forested canopy over the drainage.
4. Development of a higher quality habitat based on the planting of a diverse group of tree species per recommendation of the biologist and consultant with DFW.
5. Establishment of a complex habitat matrix mixing both a riparian corridor and surrounding forested habitat and adjoining ephemeral wetlands identified in the biological assessment.
6. The receiving site has already been previously impacted by logging between 1972 and 1998. The existing trees within the restoration area. Additional mitigation tree planting in the restoration area will meet modern forestry and habitat restoration standards.

## Historic Impacts Within Receiving Site – Logging/Clearing Between 1972 and 1998

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Forum recent buzz... Added aerial photo coverage for all of Nacogdoches County Texas a total area of 981...

40.476578, -123.658888 go purchase image and/or print

aerials 1998 topos atlases compare overlay measure

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40.47524, -123.65728

OpenStreetMap © NTR ONLINE

## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Land Use Division	✓	Conditional Approval	On file with Planning
Division Environmental Health	✓	Conditional Approval	On file with Planning
Calfire	✓	Conditional Approval	On file with Planning
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Consulted in Cultural Resources Investigation	On file with Planning
District Attorney		No Response	
RWQCB		No Response	
State Water Resources Control Board - Division of Water Rights		No Response	
Sherriff		No response	
South Trinity Joint Unified School District	✓	Conditional Approval	On file with Planning
Bridgeville Fire Protection District		No Response	
Agriculture Commissioner		No Response	



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

ju



5/26/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Bridgeville Fire Protection District, South Trinity Joint Unified School District, Humboldt County Sheriff

**Applicant Name** Natural Wellness Collective **Key Parcel Number** 210-191-058-000

**Application (APPS#)** 11222 **Assigned Planner** Rodney Yandell (707) 268-3732 **Case Number(s)** CUP16-188

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 6/10/2017**

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: see notes for planning referral

DATE: 6/20/17

PRINT NAME: Ian Mion





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

**PRE-SITE INVESTIGATION FORM**

THIS IS NOT A PERMIT DOCUMENT

**APPLICANT INFORMATION**

**Name** Livick Gary W & Marie B  
**Address 1** **Address 2** 5927 Abernathy Dr  
**City** Westchester **State** CA **Zip** 90045

**OWNER'S NAME AND MAILING ADDRESS**

**Name** Livick Gary W & Marie B **E-mail**  
**Address 1** **Address 2** 5927 Abernathy Dr  
**City** Westchester **State** CA **Zip** 90045

**SITE INFORMATION**

**Parcel Number** 210-191-058-000 **Application Number** 43741

**Street Address** **City** **State** CA **Zip**

**MS4 Reporting Area** **Project Threat** -

**PRESITE INVESTIGATION**

<b>Project is already started</b>	Yes	<b>AOB Inspection</b>	No
<b>Soil report is required due to</b>	Not required	<b>Project appears to be within wet area</b>	None
<b>Project is in flood zone A per</b>	Yes	<b>FIRM panel number</b>	1400
<b>Flood elevation certificate required</b>	Yes	<b>Is 2nd Flood Certificate Required?</b>	No
<b>Plans stamped by a licensed person required</b>	No	<b>SRA requirements apply</b>	No
<b>SRA water storage requirements apply</b>	No	<b>Lot created prior to 1992</b>	
<b>Appr.SRA req. need to be shown on plot plan</b>	No	<b>Plot plan incomplete, must be revised</b>	Yes, see expl. below
<b>Driveway slope appears to be</b>	Under 16%	<b>Submit engineered foundation for</b>	None
<b>Grading permit required</b>	Yes	<b>Applicant must locate property lines</b>	No
<b>Incomplete submittal Construction Plan</b>	Yes, see expl. below	<b>Erosion and sediment control measures req.</b>	Small Projects
<b>Other concerns exist</b>	No		

**NOTES**

**Inspector Notes** 6/20/17  
I.M.

this is an existing cannabis operation  
water on site from existing well  
water containment consists of a 30K gallon water bladder and 45k gallons in (3) separate water tanks totaling 37.5K gallons

plan of operations submitted  
plot plan submitted  
submit floor plans for each existing and proposed structure(s) including greenhouses  
secure permits for all unpermitted existing and proposed structures  
submit, in cubic yards, all completed and proposed grading  
site must comply with ADA regulations for employees

**QUESTIONS? Please contact the County of Humboldt Building Division**





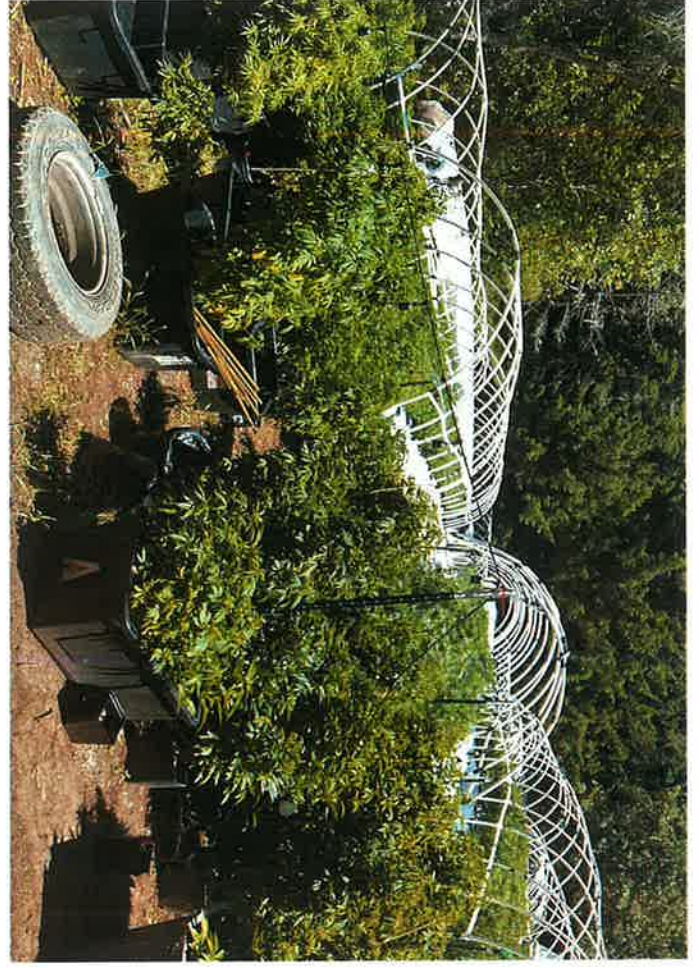












6/20/17

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submit, in cubic yards, all completed and proposed grading

site must comply with ADA regulations for employees



## Nielsen, Michelle

---

**From:** Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>  
**Sent:** Tuesday, April 24, 2018 1:52 PM  
**To:** Vendor LACO 3  
**Subject:** APPS #11122, Natural Wellness

Hi Megan,

The applicant did complete the required work. They did a somewhat sloppy job, but hopefully this will be refined through annual inspections. Please let me know if you have additional questions.

Thank you

David Manthorne  
Senior Environmental Scientist Specialist  
Habitat Conservation and Planning (WET)  
California Department of Fish and Wildlife  
619 Second Street  
Eureka, CA 95501  
(707) 441-5900



Applicant: Natural Wellness Collective		Date: 7/25/2019	
APPS No.: 11222	APN: 210-191-058	DFW CEQA No.: 2018-0385	Case No.: PLN-11222-CUP
<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		Proposed: <input checked="" type="checkbox"/> Mixed light (SF):8,000 <input checked="" type="checkbox"/> Outdoor (SF):10,000 <input type="checkbox"/> Indoor (SF):	

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

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

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

Aerial imagery suggests that cultivation operations at the time of the CEQA baseline (2015) consisted of full-sun outdoor cultivation methods, approximately 14,000SF in size. Aerial imagery further suggests that cultivation operations were removed and relocated in 2017. Pursuant to LSA materials relocation occurred due to a Class III SMA encroachment. It appears cultivation was relocated on-site, where timberland was converted and land was graded to accommodate approximately 18,000SF of greenhouse cultivation. Further, light pollution imagery (see attached) suggest that mixed-light cultivation was/is active in the 2019 cultivation season and that non-compliance with International Dark-Sky Associated Standards has occurred. Provided the location of the existing cultivation site, this Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA. CDFW requests the following information:

- 1) A copy of a valid less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE.
- 2) A copy of a valid grading permit for the grading of the relocation site.
- 3) A copy of the County Cannabis Area Assessment (CAV).
- 4) Evidence of mixed-light cultivation methods established at the time of the CEQA baseline.
- 5) Clarification on whether CEQA review was conducted for the relocation action prior to implementation. If, yes, please provide that document.
- 6) Clarification as to whether a biological assessment was conducted for the relocation site. If yes, please provide documentation.
- 7) Clarification as to whether relocation activities were permitted by the County prior to implementation?

- 8) If a biological assessment has not been conducted, please provide, at minimum, a copy of a NSO habitat assessment by a qualified biologist with experience of NSO protocol- level surveys and familiarity with the life history of the species.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Coast Fawn Lily (*Erythronium revolutum*), Tracy's Sanicle (*Sanicula tracyi*), Oregon goldthread (*Coptis laciniata*), Golden Eagle (*Aquila chrysaetos*), Marbled Murrelet (*Brachyramphus marmoratus*), Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Northern Red-legged Frog (*Rana aurora*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Following receipt of the requested information, CDFW will have additional comments and requested conditions of approval.

Sincerely,

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

Aerial Image: 2015. Green marker point, dd: 40.4758, -123.6598, indicates the location of the relocated cultivation, post 2016.





Aerial Image 2019. Green marker point, dd: 40.4758, -123.6598, indicates the location of the relocated cultivation, post 2016.



Aerial Image 2019, Light Pollution Map. Red marker point, dd: 40.4758, -123.6598, indicates the location of the relocated cultivation, post 2016.

