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

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Hearing Date: January 9, 2020

To: Humboldt County Planning Commission

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

Subject: **Soul Arc Solutions, Inc., Conditional Use Permit and Special Permit**
Record Number: PLN-11598-CUP
Assessor's Parcel Number (APN): 108-012-009
12023 Wilder Ridge Road, Ettersburg area

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Please contact Keenan Hilton, Planner, at 707-445-7541 or by email at khilton@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 | Keenan Hilton |

**Project Description:** A Conditional Use Permit for an existing 12,600 square feet (sf) of mixed light cannabis cultivation and ancillary propagation and a Special Permit for activity within the Streamside Management Area (SMA) of the Mattole River. Cultivation activities extend from February to November with a maximum of three cultivation cycles occurring using light deprivation techniques. The applicant estimates 290,000 gallons of water would be required to meet operational needs. Water for irrigation is sourced from a point of diversion on the Mattole River and a rainwater catchment pond. Total water storage capacity is 561,000 gallons with the pond providing up to 400,000 gallons and hard tanks providing 161,000 gallons. Drying and curing would occur on-site in 2,400 square foot drying facility and further processing would occur at a licensed 3rd party facility. There would be a maximum of four employees during peak operations. Electricity to the site is provided by generators.

**Project Location:** The Project is in the Ettersburg area, on the north side of Wilder Ridge Road, approximately 2.0 miles due north from the intersection of Wilder Ridge Road and the private access road, on the property known as 12023 Wilder Ridge Road.

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

**Present Zoning:** Timberland Production (TPZ).

**Record Number:** PLN-11598-CUP

**Assessor Parcel Number:** 108-012-009

| Applicant | Owner | Agent |
|---|---|---|
| Soul Arc Solutions, Inc.<br>Tristan Strauss<br>P.O. Box 38<br>Samoa, CA 95564 | Eric Doricko<br>2076 Wilkins Avenue<br>Napa, CA 94559 | Shannon Gibson<br>5600 West End Road, Suite G<br>Arcata, CA 95521 |

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

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

**Major Issues:** None.

**SOUL ARC SOLUTIONS, INC.**
Record Number: PLN-11598-CUP
Assessor's Parcel Number: 108-012-009

**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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit for 12,600 square feet of mixed-light cultivation based on evidence in the staff report, and adopt the Resolution approving the proposed Soul Arc Solutions, Inc. Conditional Use Permit and Special Permit for 12,600 square feet of cultivation subject to the recommended conditions.

**Executive Summary:** The proposed project is a Conditional Use Permit (CUP) to continue operation an existing 12,600-square-foot of mixed light cannabis cultivation located on Assessor's Parcel Number (APN) 108-012-009, which is approximately 80 acres in size. The site is currently developed with the cultivation areas, water storage pond and several hard-sided tanks. Clones are raised in an ancillary propagation nursery directly adjacent to the cultivation hoop structures. The applicant has constructed a 2,400 square foot drying and curing facility. As the facility was erected without permits after 2016, the applicant must pay triple building permit fees for the after-the-fact permitting of the structure. Further processing would occur at a licensed third-party facility. Cultivation activities would occur in greenhouses totaling 12,600 square feet of mixed light cultivation, utilizing for a maximum of three cultivation cycles annually. Security for the site consists of locked gates, a six-foot fence, and cameras providing video surveillance.

The Special Permit (SP) is for activity within the Streamside Management Area (SMA) consisting of continued use of existing diversion infrastructure pursuant to their Lake and Streambed Alteration Agreement and the conditions of this permit. Conditions of approval require that snags, living trees and other components of the overstory would be retained in the operation of the existing diversion. The equivalent of a biological survey required by the Streamside Management Area and Wetland Ordinance (SMAWO) has been achieved by the review of the California Department of Fish and Wildlife (CDFW), and issuance of a Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2017-0294-R1) which assesses potential impacts associated with the activity within the county SMA. To avoid impacts to water quality of the Mattole River and existing fish and wildlife resources the applicant must limit the diversion to not more than 350 gallons of water per day during the low flow season from May 15 to October 30 of any given year. The finalized agreement with CDFW also requires the improvement of several culvert. Pursuant to the reporting requirements, the applicant has notified CDFW that the work has been performed.

The applicant estimates 290,000 gallons of water is required to meet operational needs (96,666 gallons per cultivation cycle or 7.67 gallons per square foot). There is a total of 561,000 gallons of water storage on the subject parcel provided by a pond (400,000-gallon capacity) and several hard-sided tanks (161,000-gallon capacity). Water for irrigation is provided primarily by rainwater catchment, though the applicant also possesses a right to divert and store water from the Mattole River.

The Water Resource Protection Plan (WRPP) prepared for the site identified areas and timelines for amelioration of the applicable 11 standard conditions. Twenty-eight corrective actions were identified with measures to meet standard conditions consisting of: site maintenance, erosion control and drainage, stream crossing maintenance, riparian and wetland protection management, spoils management, and a water storage and use plan. No cultivation activities occur within 100 feet of the nearest watercourse. The applicant has reported that, as of 2/27/2019, the site is in compliance with all standard conditions.

A review of aerial imagery shows timberland conversion took place sometime between 2012 and 2014 for cannabis and water storage, and again between 2016 and 2018 for development of a water storage pond

and drying facility. Initial referral responses from CAL FIRE indicated CAL FIRE did not support the project. The applicant submitted the *Doriko Soul Arc Solutions Less Than Three Acre Conversion Mitigation Plan* prepared by Hohman and Associates. The report found 2.44 acres of timberland conversion occurred in six distinct locations. According to the report, five locations (Areas A-D and F) were converted in 2012 and Area E was converted in 2017 for development of a water storage pond. The *Doriko Soul Arc Solutions Less Than Three Acre Conversion Mitigation Plan* was referred to CAL FIRE review and comments. Per CALFIRE's September 5, 2018 email, "…. the permits associated with Application …11598 Soul Arc Solutions, Inc. are in good standing with CALFIRE. The mitigation proposed by the Registered Professional Forester (RPF) working for the project proponent is acceptable at this time. Future timberland conversion by the landowner would be evaluated for compliance with the Forest Practice Rules and County Codes for timberland conversion on lands zoned TPZ or otherwise capable of growing timber."

The pond is in an area that was converted from timber after the adoption of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). This timber clearing was not consistent with the Mitigated Negative Declaration (MND) adopted by the County on September 13, 2016 prepared for adoption of the CMMLUO. The MND assumed there would be no additional timber conversion associated with cannabis cultivation. The Agriculture and Forest Resource section of the Mitigated Negative Declaration prepared for the CMMLUO states that the impact to existing zoning for forest land, timberland, and TPZ is less than significant, because, the discretionary permitting process would also enable after-the-fact review and permitting of illegal conversions through the implementation of remediation measures including restocking or the preparation of a notice of timberland conversion or less than 3-acre conversion. Thus, as a condition of approval, the applicant will provide an addendum to the Less than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) to specifically address the approximately 0.41 acres of timber land converted after 2016. The addendum will contain discussion of the ecological value of the converted forest land with specific discussion of the habitat value for Northern Spotted Owl (NSO). The report will include the number and species of trees removed. The restoration plan must include NSO habitat enhancement at a 10:1 ratio to the area converted which may include removal of invasive species, thinning, and restocking and shall include monitoring and reporting components to ensure success of the recommended remedial actions. The report will be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife.

The site is accessed via a private access road. The applicant submitted a Road Evaluation Report indicating that the roadway provides the functional capacity of a Category 4 Road. The Public Works Department recommends approval with a condition that the applicant obtain an encroachment permit from the department of Public Works and that the intersection of the private access road and Wilder Ridge Rd be improved to a commercial standard.

The applicant proposes that employees on the subject parcel use the septic system on the southern adjacent parcel (associated cultivation project by the same applicant). The septic system is designed for a peak count of six employees. The maximum number of employees for the two sites is likely to exceed this stated capacity and, therefore, a condition of project approval is proof of the provisioned portable toilets until evidence of a Division of Environmental Health (DEH) permitted On-site Wastewater Treatment System (OWTS) of adequate capacity is provided to the County Planning office.

The Mattole River, which crosses the southeast corner of the subject parcel and from which the applicant diverts a portion of the irrigation water for the project, is critical habitat for Summer-run Steelhead Trout. By forbearing from diversion during the summer months, retaining overstory and controlling any erosion as a result of activity in the SMA and by completing all recommendations to protect water quality outlined in the WRPP, the applicant has minimized any effects on Summer-run Steelhead Trout below a level of significance.

The existing cultivation area is located approximately 0.75 miles from mapped critical habitat for NSO and approximately 0.35 miles from an NSO activity center mapped in 2001. The applicant has included a proposal to train employees on International Dark Sky Association Standard Lighting Zone 0. Only employees trained in compliance with Lighting Zone 0 will work shifts which include the 30 minutes before

sunset and the 30 minutes after sunrise. An ongoing condition of approval requires that decibel levels of generators, fans, dehumidifiers, pumps and other noise-producing elements of the project remain below 50 or ambient levels when measured at 100 feet distance or at the edge of habitat, whichever is closer. In addition to the noise and light containment conditions of approval outlined above, the applicant has removed security lighting from the plan. The applicant has also incorporated several policies to reduce the noise associated with vehicles on the site. Cannabis and associated supplies would be transported in bulk, processing activities would occur at on off-site facility, and all employees would be trained in a ride-share and trip minimalization policy. Conditions of approval require that prior to the use of generators, lights or fans on the site the applicant shall submit a biological assessment including scoping for NSO habitat that is prepared by a qualified professional for review and approval by planning department staff and CDFW.

There are two active cannabis applications that include generator use within a one-mile radius of this NSO activity center, but all would be required to have similar noise attenuation requirements as the project and so a cumulative impact from these projects on NSO is unlikely to be significant. As lead agency, the Humboldt County Planning Department has determined that, as the cultivation on the adjacent parcels was in existence prior to 2016 and that the applicant has gone through a compliance process and must satisfy conditions of approval addressing all activities carried out after 2016, that the project impacts have been sufficiently mitigated and addressed consistent with the adopted Mitigated Negative Declaration for the CMMLUO.

ALTA Archaeological Consulting prepared a Cultural Resource Survey for the site. No artifacts were discovered. Consistent with the recommendation of the archaeologist and the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria, standard inadvertent discovery protocols have been incorporated as conditions of project approval.

CDFW requested 6 items after reviewing the project:

1) Bullfrog Management Plan for the water storage pond
2) Project scoping by an experienced, qualified professional in consultation with CDFW for the potential presence/absence of Northern Spotted Owl (NSO) nesting/roosting habitat. CDFW requests that the applicant assume presence until the scoping has been completed and assessed by CDFW staff.
3) Detailed description of how the project would eliminate noise and light escapement/pollution
4) Address all road points
5) Preparation of a Mitigated Negative Declaration or Environmental Impact Report due to the presence of several applications on adjoining parcels in an area of sensitive habitat.

Items 1 & 2 have been included as a conditions of project approval. The applicant prepared a botanical survey, locating no rare or endangered plants were identified, and no mitigations were recommended. The has proposed to enclose generators, limit the number of trips by employees, remove security lighting from the plan and have required training of International Dark Sky Associations standards for all employees working shifts including sunrise and sunset. Conditions of approval require that noise-producing elements of the project not exceed 50dB or ambient levels when measured at 100 ft or at the edge of habitat, whoever is closer. Conditions of approval require that prior to the use of generators, lights or fans on the site the applicant shall submit a biological assessment including scoping for NSO habitat that is prepared by a qualified professional for review and approval by planning department staff and CDFW. These measures address item 3 above. According to the applicant's reporting form to the State Waterboard 2/27/2019, all work required in the WRPP has been completed, including improvements to road points, addressing item 4.

Environmental review for the proposed project as initially 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 only. Based on this environmental review planning staff does not concur with CDFW's assessment that an MND or EIR is required. The subject project

is to permit an existing cannabis site through measures that will reduce the impacts of cultivation to below the existing environmental baseline. Similarly for adjacent cannabis applications, compliance with the County's cannabis ordinance will result in a reduction of the negative environmental impacts associated with on-going cannabis cultivation.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believe that the applicant has submitted evidence in support of making all of the required findings for approving the CUP and SP for 12,600 square feet of mixed-light cultivation.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning 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 the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the project is consistent with the Mitigated Negative Declaration prepared for the Medical Marijuana Land Use Ordinance. 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-**

**Record Number: PLN-11598-CUP**
**Assessor Parcel Number: 108-012-009**

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

**WHEREAS**, Soul Arc Solutions, Inc. submitted an application for a Conditional Use Permit for a pre-existing 12,600 square foot mixed light cannabis cultivation located on APN 108-012-009; and

**WHEREAS**, Soul Arc Solutions, Inc. submitted evidence in support of approving a permit for the pre-existing cannabis cultivation on the property; and

**WHEREAS**, Soul Arc Solutions, Inc. submitted an application and evidence in support of approving a Special Permit to allow for the placement of a point diversion in the Mattole River to be used for irrigation; 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 (Record Number: PLN-11598-CUP); 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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-11598-CUP for 12,600 square feet of mixed-light cultivation based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit Record Number: PLN-11598-CUP is approved as recommended and conditioned in Attachment 1 for 12,600 square feet of existing cannabis cultivation and a point of diversion within the SMA.

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:

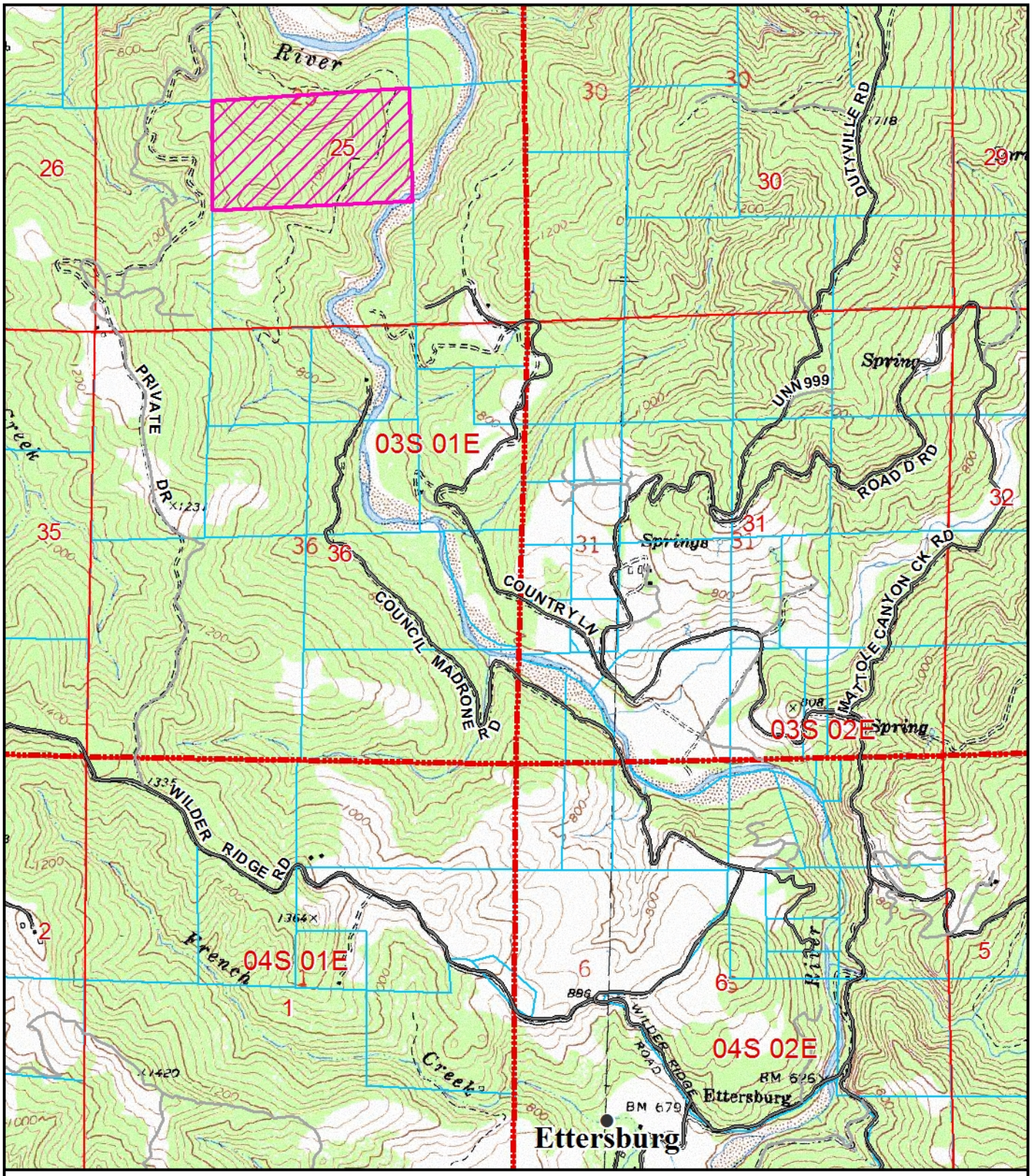
ABSENT: Commissioners:

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.

_____

John Ford, Director
Planning and Building Department




**TOPO MAP**

**PROPOSED CANIGOU, INC**
**ETTERSBURG AREA**
**CUP-16-298**
**APN: 108-012-009**
**T03S R01E S25 HB&M (Honeydew)**

**Project Area =**

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

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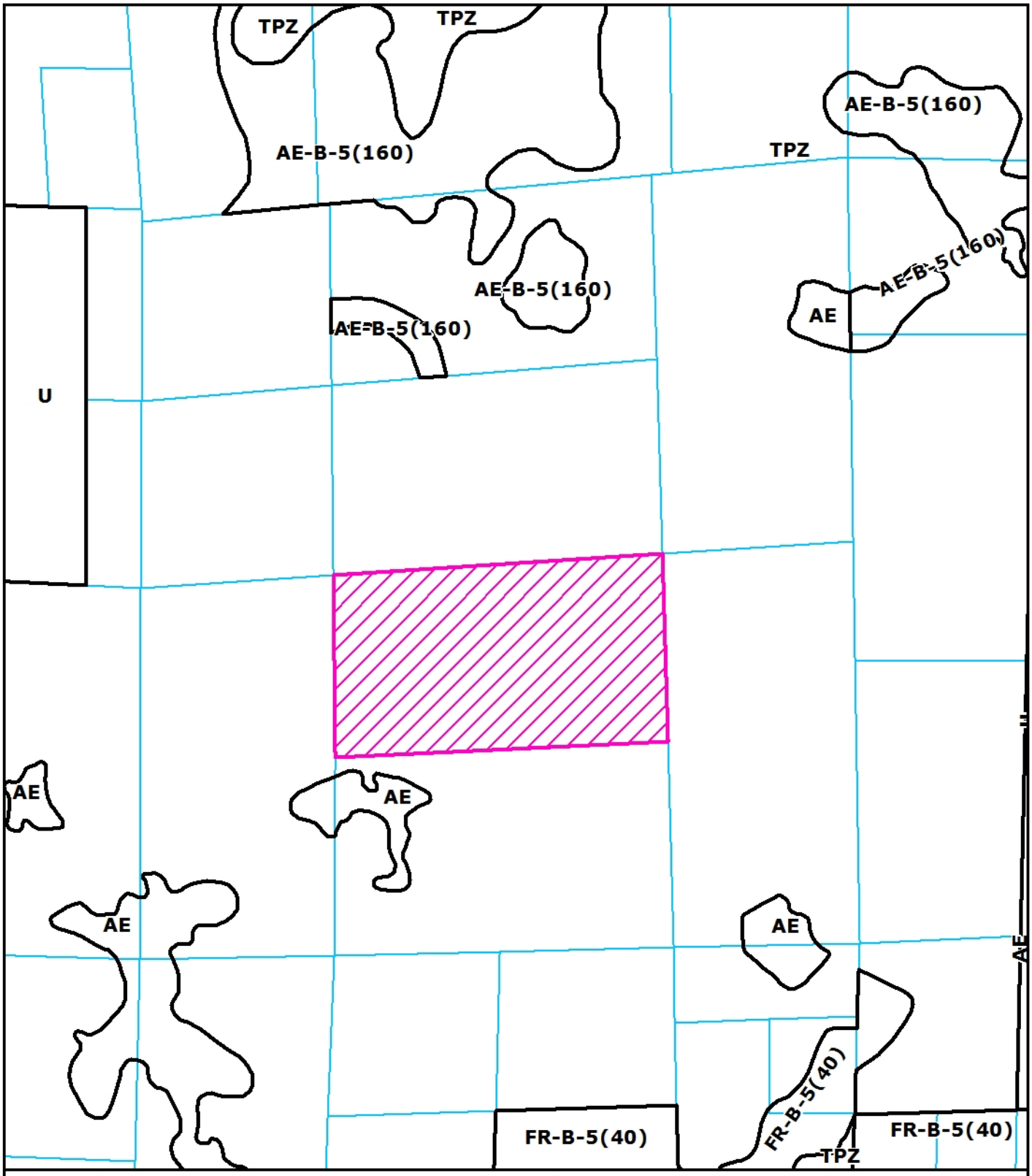


**ZONING MAP**

**PROPOSED CANIGOU, INC**
**ETTERSBURG AREA**
**CUP-16-298**
**APN: 108-012-009**
**T03S R01E S25 HB&M (Honeydew)**

**Project Area =**

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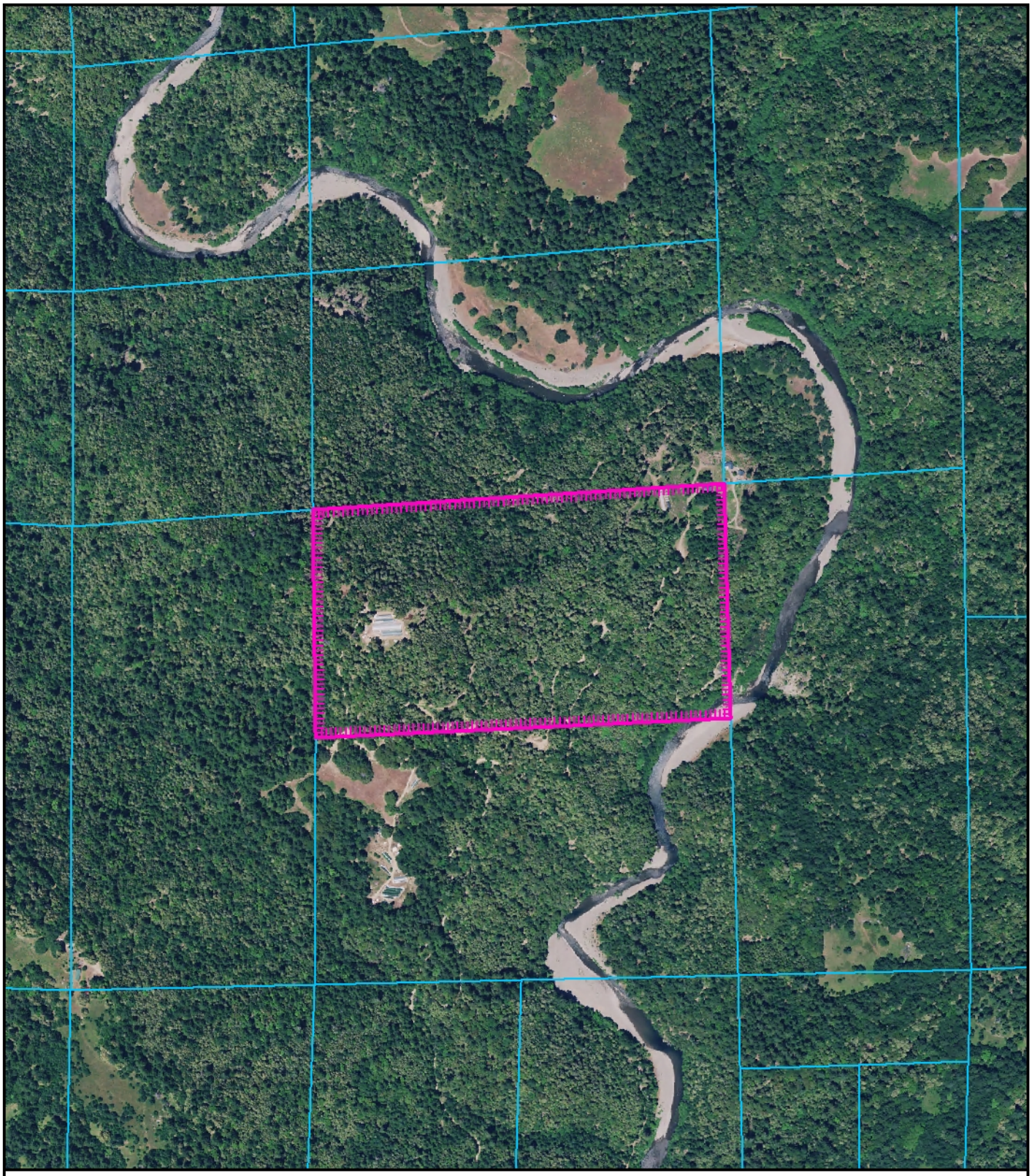
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



**AERIAL MAP**

**PROPOSED CANIGOU, INC**
**ETTERSBURG AREA**
**CUP-16-298**
**APN: 108-012-009**
**T03S R01E S25 HB&M (Honeydew)**

**Project Area =**

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

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RECEIVED
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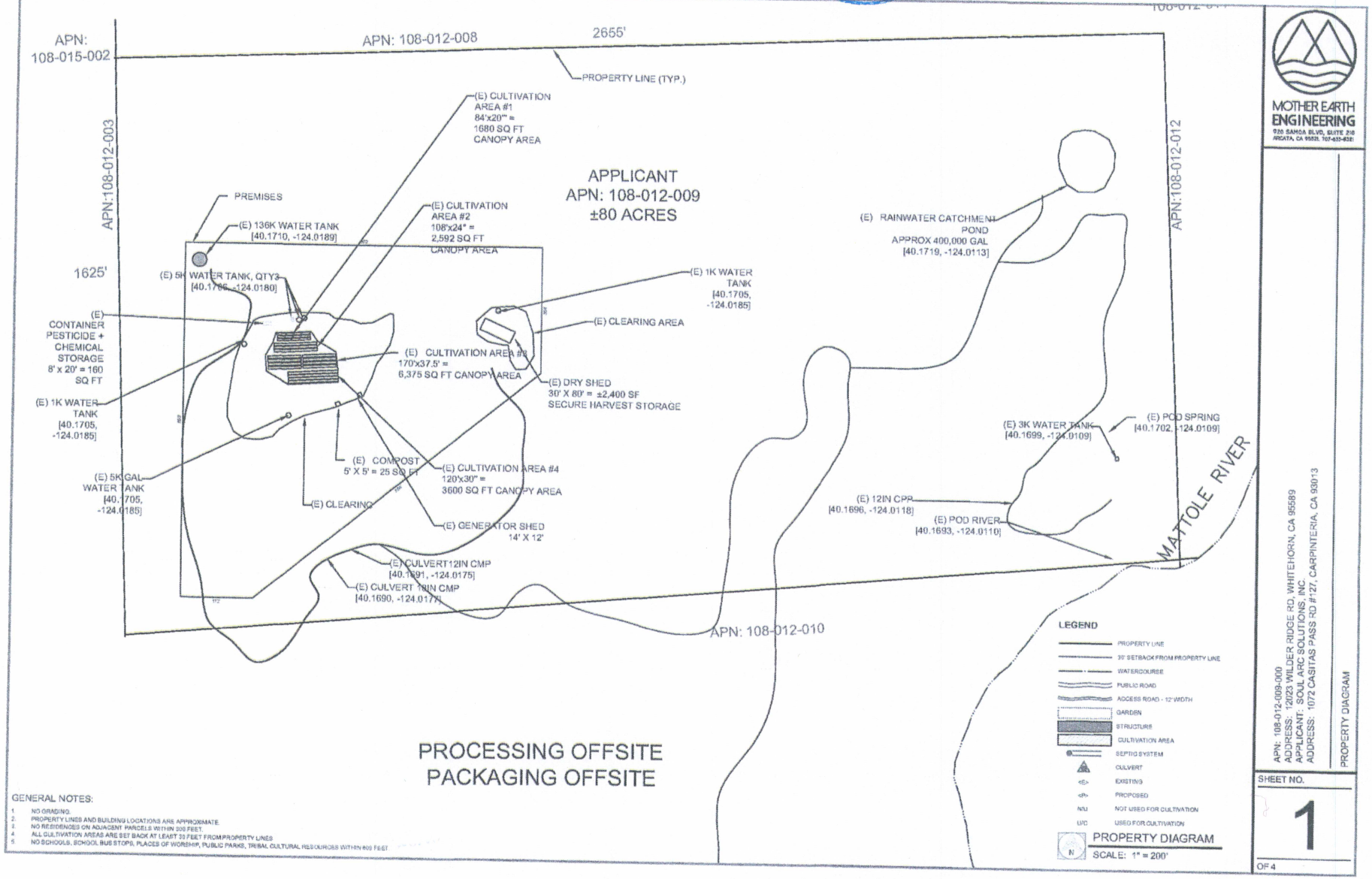
Cannabis Svcs.




GENERAL NOTES:

1. NO GRADING.
2. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE.
3. NO RESIDENCES ON ADJACENT PARCELS WITHIN 200 FEET.
4. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES WITHIN 600 FEET.

## ATTACHMENT 1

## RECOMMENDED CONDITIONS OF APPROVAL

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

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 #8–16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

2. Within 60 days of the effective date of project approval the applicant shall submit a revised site plan and operations plan including the following additions and edits:
    a. Cultivation Area of 12,600 square feet approved by this Conditional Use Permit
    b. Location of ancillary nursery
    c. Sufficient parking for 4 employees
    d. Turn-around for emergency response vehicles
    e. Stand pipe for fire response access to the water in the pond

3. Within 60 days of the effective date of project approval, the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

4. Within 60 days of the effective date of project approval the applicant shall provide 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), to 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.

5. Prior to the use of generators, lights or fans on the site the applicant shall submit a biological assessment including scoping for NSO habitat that is prepared by a qualified professional for review and approval by planning department staff and CDFW.

6. Prior to using the generator on-site in association with cannabis cultivation, the applicant shall build a noise containment structure to ensure that noise produced by the generator will not exceed 50 decibels or ambient levels at 100 feet or the edge of the habitat, whichever is closer. Photos of the structure and confirmation of the decibel levels shall satisfy this condition.

7. Prior to the operation of any fans for the cultivation areas, the applicant shall demonstrate that noise from the fans does not exceed 50 decibels or ambient levels at 100 feet or edge of the habitat, whichever is closer.

8. The applicant shall not initiate use of lights, fans and generators in association with the project until the recommendations contained in the biological assessment have been approved by the Planning Division in consultation with CDFW and implemented on the site.

9. The applicant shall provide substantial evidence that the mitigation measures included in the Less Than Three Acre Conversion Mitigation Plan have been executed.

10. The applicant shall provide an addendum to the Less than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) to specifically address the approximately 0.41

acres of timber land converted after 2016. The addendum shall contain discussion of the ecological value of the converted forest land with specific discussion of the habitat value for NSO. The report shall include the number and species of trees removed. The restoration plan must include NSO habitat enhancement at a 10:1 ratio to the area converted which may include removal of invasive species, thinning, and restocking and shall include monitoring and reporting components to ensure success of the recommended remedial actions. The report shall be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife.

11. The applicant shall submit substantial evidence that the remedial actions outlined in the county-approved addendum to the Less Than Three Acre Conversion Mitigation Plan have been executed.

12. The applicant shall secure permits or agricultural exemptions for all hoop structures, the drying structure, the pond and the136,000-gallon water tank. The grading permit for the pond and the building permit for the drying structure shall be subject to 3x standard fees for their unpermitted construction after 2016. A copy of the receipt and finalized inspection record card(s) or equivalent shall satisfy this condition.

13. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for the on-site waste water disposal system (OWTS) on the southern adjacent parcel with capacity for the maximum number of employees anticipated for the operations on the subject parcel as well as operations on 108-012-010, or the applicant shall document the continued use of portable toilets with hand washing stations on the subject parcel. A copy of the issued permit or a copy of receipts of continued use of portable toilets will satisfy this condition.

14. The applicant shall submit the Notice of Applicability and substantial evidence that all corrective actions detailed within the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order have been completed and implemented. The applicant shall provide the Planning Department of copy of the Site Management Plan, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element.

15. The applicant shall provide substantial evidence verifying that all corrective actions listed in the WRPP have been met by the listed dates.

16. The applicant shall provide evidence that the intersection of the unnamed access road and Wilder Ridge Road is improved with the unnamed road paved to a minimum of twenty feet in width and fifty feet in length, and the intersection brought into conformity with the Sight Visibility Ordinance. A copy of the approved encroachment permit and/or photos of the improvements would satisfy this condition.

17. The applicant shall contact the Telegraph Ridge Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

**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. The applicant shall provide a copy of the reporting form portion of the Monitoring and Reporting Program (MRP) annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

5. The applicant must demonstrate continued conformance to any recommendations made in the biological assessment, and associated agency comments.

6. The applicant shall retain snags, live trees and overstory canopy, and control erosion (as per Standard BR-S9-Erosion Control) when completing any work related to the diversion in the Streamside Management Area of the Mattole River.

7. The generators, fans, dehumidifiers, pumps and other noise-producing elements of the project shall produce no more than 50 dB or ambient levels when measured at 100 feet or the edge of habitat, whichever is closer.

8. The applicant shall not use synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting.

9. The applicant shall implement the measure described in the standard CDFW Bullfrog Management Plan.

10. The applicant shall maintain compliance with all Certified Unified Program Agency (CUPA) requirements administered through the Division of Environmental Health.

11. The applicant shall provide the Planning Department with water use data recorded by a water meter prior to or during annual inspections.

12. Possession of current, valid state cultivation license(s)

13. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

14. 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).

15. 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.

16. Comply with the terms of the Streambed Alteration Agreement (1600-2017-0294-R1) and any subsequent agreements with the California Department of Fish & Wildlife.

17. 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).

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

19. Pay all applicable application and annual inspection fees.

20. 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.

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

22. The operation shall participate in any state mandated track and trace program.

<u>Performance Standards for Cultivation and Processing Operations</u>

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

24. 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).

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

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 CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the 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 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:

32. Permittee further acknowledges and declares that:
    (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
    (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and

(3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA

33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

34. 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. 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.

2. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

3. 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 #24 of the On-Going Requirements /Development Restrictions, above.

4. 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.

5. 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.

## 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, Open Space Plan, and Open Space Action Program.** The following table identifies 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 2017, the Humboldt County Space plan, and the Open Space Action Program.

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|---|---|---|
| Land Use<br>Chapter 4<br><br>Land Use Designations<br>Section 4.8 | Timber (T): This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed.<br>Density range is 40 -160 acres/unit. | The proposed project includes approximately 12,600 square feet of mixed light cultivation on an 80-acre parcel. General and intensive agriculture are allowable use types for this designation. Cultivation of commercial cannabis is an intensive agricultural operation and is therefore consistent with the general plan designation. |
| Circulation<br>Chapter 7 | Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).<br>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making. | Access to the site is from private access road west of the community of Ettersburg. The Department of Public Works requested a Road Evaluation Report in their referral dated August 29, 2017. The Road Evaluation includes a photo log and a map of survey locations where road width measurements were taken along the 2.1-mile private road that accesses the subject parcel (see Attachment 3). The self-certified Road Evaluation Report concluded that the entire road segment is developed to the equivalent of a road category 4 standard and that the road is adequate for the proposed use. In their comments dated August 17, 2018, DPW indicated the road was mislabeled as Wilder Ridge Road. The applicant revised the Road Evaluation Report form to indicate Wilder Ridge Road is the last County-maintained road prior to utilizing a private road to access the site. Planning staff concurs the road appears to meet the functional capacity of a Category 4 Road based on roadway width and maintenance. Conditions of approval require the applicant to provide evidence that the intersection of Wilder Ridge Road and the private road that accesses the subject parcel is improved to a commercial standard, obtaining an encroachment permit from the Department of Public Works if necessary. |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|---|---|---|
| Housing<br>Chapter 8 | 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.<br>Related policies: H-P3, Development of Parcels in the Residential Land Inventory. | The project site is not part of the Housing Element Residential Land Inventory. However, the project would not preclude any future residential development. The project would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. |
| Conservation and Open Space<br>Chapter 10<br><br>Open Space Section 10.2 | Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3).<br><br>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1. Identification of Local Open Space Plan; and CO-S2. Identification of the Open Space Action Program. | The proposed project is located within the Timberland land use designation which is compatible with adjacent resource production and open space uses as described above. The project can be found consistent with the policies of the Open Space Element and the Open Space Action Program because the proposed project is consistent with the allowable uses of the land use designation. The proposed cannabis cultivation - an agricultural product - is within land planned for timberland (which allows General Agricultural uses), consistent with the use of Open Space land for management production of resources. The Mattole River is located in the southeastern portion of the subject parcel (see Section 10.3 Biological Resources for additional information). |

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| Conservation and Open Space<br>Chapter 10<br><br>Biological Resources<br>Section 10.3 | Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).<br><br>Related policies: BR-P1, Compatible Land Uses; BR-P4, Development within Stream Channels; BR-P6, Development within Streamside Management Areas; BR-P7, Wetlands Identification; BR-P10, Invasive Plant Species. | According to the California Natural Diversity Database GIS data, the Mattole River is critical habitat Summer-run Steealhead Trout, the nearest Marbled Murrelet habitat in the vicinity of the project is approximately 1.15 miles to the northeast and there is a Northern Spotted Owl activity centers located approximately 0.35 miles to the west. The closest observations of NSO have occurred 800 feet to the southwest on APN 108-012-003 and 1,063 feet to the northeast on APN 108-012-008.<br><br>A Final Lake or Streambed Alteration Agreement has been issued to the applicant for the surface water diversion from the Mattole River and for all proposed culvert maintenance and replacements within all existing and proposed stream crossings on the parcel (see Attachment 3). The proposed culvert replacement and maintenance activities are detailed in the WRPP and the *Doriko Soul Arc Solutions Less Than Three Acre Conversion Mitigation Plan*. As stated in the WRPP, all cultivation areas and cultivation related structures are greater than 150 feet from all watercourses and meet all Streamside Management Area setback requirements.<br><br>Timber conversion has occurred on the site, including approximately 0.41 acres cut after 2016.<br><br>In their referral comments, CDFW requested a biological survey to determine if rare or sensitive species were present on the subject parcel. The applicant retained Hohman and Associates who prepared a *Botanical Survey Report Soul Arc Solutions Cultivation CEQA Project* dated August 22, 2018 (see Attachment 3). The report found no protected rare or endangered plants on the subject parcel. The report generally recommended that all SMA buffers are observed to avoid impacts to riparian habitat.<br><br>By following the recommendations included in the WRPP prepared pursuant to the NCRWQCB order no. 2015-0023 and diverting water outside of the forbearance period pursuant to their water right, 1600 agreement and county special permit, the applicant will avoid impacts on Summer-run Steelhead Trout.<br><br>Conditions of approval require that prior to the use of generators, lights or fans on the site the applicant will submit a biological assessment including scoping for NSO habitat that is prepared by a qualified professional for review and approval by planning department staff and CDFW.<br><br>Conditions of approval require that prior to using the generator on-site in association with cannabis cultivation, the applicant will build a noise containment structure to ensure that noise produced by the generator will not exceed 50 |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
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| | | decibels or ambient levels at 100 feet or the edge of the habitat, whichever is closer. Photos of the structure and confirmation of the decibel levels shall satisfy this condition.<br><br>Conditions of approval require that prior to the operation of any fans for the cultivation areas, the applicant will demonstrate that noise from the fans does not exceed 50 decibels or ambient levels at 100 feet or edge of the habitat, whichever is closer.<br><br>The applicant has instated a policy to encourage carpooling to decrease the number of trips to and from the project site.<br><br>The applicant has included lighting plan to meet Dark Sky standards for lighting zone 0. Staff working shifts around sunrise and sunset will all be trained on the policy and keep a log of the tarp schedule.<br><br>With the requirements to shield all lighting and to prohibit generators and fans until a demonstration of compliance with noise thresholds has been made, the project is expected to have a less than significant impact on NSO.<br><br>Condition of approval (per recommendation by CDFW) require that the applicant not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. This would minimize the risk of ensnaring and strangling wildlife.<br><br>Conditions of approval require that the applicant complete all recommended actions contained within the WRPP and the Less Than three Acre Conversion Mitigation Plan. Conditions of approval also require that the applicant provide an addendum to the Less than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) specifically addressing the approximately 0.41 acres of timber land converted after 2016. The addendum will contain discussion of the habitat values present at the site including the number and species of trees removed and shall include monitoring and reporting components to ensure success of the recommended remedial actions. At a minimum, suggested remedial actions must include the restoration of 0.41 acres of forest lands. The report shall be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife. Conditions of approval require the applicant to submit substantial evidence that the remedial actions outlined in the county-approved addendum to the Less Than Three Acre Conversion Mitigation Plan have been executed. |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
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| Conservation and Open Space<br>Chapter 10<br><br>Cultural Resources<br>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).<br>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation. | The project was referred to the Northwest Information Center (NWIC) who requested a cultural resources study. The applicant retained Alta Archaeological Consulting for the preparation of an archaeological survey report. The survey included ethnographic and historic background research, field methods applied, summary of findings, associated site records, maps, photographs, and documentation of consultation with the 15 tribes identified by the Native American Heritage Commission (NAHC) and the NAHC themselves. No cultural resources were found on the property. No tribes have indicated that there are tribal cultural resources on the project site and to date none have requested consultation per PRC Section 21080.3.1. The project was also referred to the Bear River Band Tribal Historical Preservation Officer (THPO) who recommended conditional approval of the project with the incorporation of the inadvertent discovery protocol. |
| Conservation and Open Space<br>Chapter 10<br><br>Scenic Resources<br>Section 10.7 | 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 that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).<br>Related policies: SR-S4, Light and Glare. | The project involves mixed light cultivation in four greenhouses. Lighting is proposed for the cultivation and the drying facilities. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).The applicant has included a policy that all cultivation will meet the standard of lighting zone 0. |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
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| Water Resources<br>Chapter 11<br><br>Stormwater Drainage | Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G7, WR-G7, WR-G8, WR-G9); and<br>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures. | The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. The WRPP contains 28 corrective measures, including repair and maintenance of existing culverts, disposal of cannabis by-products and road improvements. Conditions of Approval required the Applicant to adhere to the WRPP and implement the corrective measures. The applicant shall enroll in the State Cannabis Discharge program by July 2019. |
| Water Resources<br>Chapter 11<br><br>Onsite Wastewater Systems | Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10).<br>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements. | The septic system for the processing building located on APN 108-012-010 has been designed to accommodate a peak count of 6 employees who operate cultivation activities on that parcel and the subject parcel. Portable toilets would be provisioned as a condition of approval until evidence of a Division of Environmental Health (DEH) permitted OWTS with capacity for all anticipated employees at both sites is provided to the County Planning office. |
| Noise<br>Chapter 13 | Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).<br>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise. | The subject parcel is located in an area that requires special noise attenuation measures due to Spotted Owl observations in the project area. The existing cultivation areas are mixed light and according to the Cultivation and Operations Plan, power is provided by generators. Conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using generators, fans, or lights. |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
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| Safety Element<br>Chapter 14<br><br>Geologic & Seismic | Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).<br>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards. | The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The project area is classified as moderate instability. Historic landslides are noted within the project site; however, the cultivation area occurs on graded flat areas. In 2017, a water storage pond was developed in the northeastern portion of the subject parcel. Conditions of approval require the applicant to obtain grading permits from the Building Inspection Division and complete all necessary improvements required to ensure the pond conforms to State and local regulations. |
| Safety Element<br>Chapter 14<br><br>Flooding | Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).<br><br>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas. | Most of the subject parcel is outside any mapped flood hazard areas. The area immediately adjacent to the Mattole River is within the 100-year flood zone; however, the cultivation areas are approximately 1,800 feet to the west of the 100-year flood zone. The project site is not within a mapped dam or levee inundation area and, at approximately 6 miles distance from the coast and approximately 1,200 feet above mean sea level, is outside the areas subject to tsunami run-up. |
| Safety Element<br>Chapter 14<br><br>Fire Hazards | Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential (S-G4).<br>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations. | The subject parcel is located within an area with a high fire rating and high fire severity. The subject property is located within the Telegraph Ridge Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE did not have any site-specific fire hazard comments just their standard fire safe, resource management and cannabis comments. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in state responsibility designated areas.<br>There would be a maximum of four employees during peak operations. A condition of approval requires that the applicant install a stand pipe at the pond for fire response. |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|---|---|---|
| Community Infrastructure and Services Element, Chapter 5<br><br>Implementation Action Plan | IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation. | The subject property is located within the Telegraph Ridge Fire Protection District which recommended approval of the project.<br>Conditions of approval require the applicant to contact the Telegraph Ridge Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. |
| Air Quality<br>Chapter 15 | Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2), other criteria pollutants (AQ-G3), and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).<br>Related policies and standards: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination. | Future grading and or building permits would be referred to the NCUAQMD for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards. |

**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<br><br>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 107-012-009 is one legal parcel as described by Resultant remnant patent parcel created by 1972 conveyance of 108-012-010 (compliant subdivision); parcel first defined in deed in 1973. 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. |

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| §314-7.4<br><br>Timberland Production Zone | Timberland Production Zone (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. | The applicant is seeking a Conditional Use Permit for an existing 12,600-square-foot mixed light cannabis cultivation operation square feet on a property zoned TPZ. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO. |
| Minimum Parcel Size: | 160 acres or 40 acres if the provisions of Government Code Section 51119.5 are met. | 80 acres |
| Maximum Ground Coverage: | N/A | 1.2 % |
| Minimum Lot Width: | N/A | 2,666 feet |
| Maximum Lot Depth: | None specified | 1,335 feet |
| Minimum Parcel Setbacks:<br><br>(Through the SRA setbacks) | Front: 20 feet<br><br>Rear: 30 feet<br><br>Side: 30 feet<br><br>SRA: 30 feet, all sides | Front: 636 feet<br><br>Rear: 534 feet<br><br>Side, east and west property lines: 1,968 feet and 390 feet |
| Max. Building Height: | None specified | <35 feet |
| §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. | There is pre-existing infrastructure for water diversion from the Mattole River for irrigation uses. A Final Lake or Streambed Alteration Agreement has been issued to the applicant for the surface water diversion from the Mattole River and for replacement of several culverts. The equivalent of a biological survey required by the Streamside management Area Ordinance (SMAO) has been achieved by the review of the California Department of Fish and Wildlife (CDFW), and issuance of a Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2017-0294-R1) which assesses potential impacts associated with the activity within the county SMA. In order to avoid impacts to water quality of the Mattole River and existing fish and wildlife resources the applicant must limit the diversion to not more than 350 gallons of water per day during the low flow season from May 15 to October 30 of any given year. The finalized agreement with CDFW also requires the improvement of several culvert. Pursuant to the reporting requirements, the applicant has notified CDFW that the work has been performed. A Special Permit for development within an SMA for this diversion is included as part of the project approval. Ongoing conditions of approval require that no live trees, snags or overstory be removed in association with the diversion. |

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| §314-109.1 Off-Street Parking | Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.<br><br>**Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.* | 4 spaces would be shown on a revised site plan |

| **314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)** | | |
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| §314-55.4.8.2 | 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. | The subject parcel is zoned timber production zone. A review of aerial imagery shows timberland conversion took place sometime between 2012 and 2014 for cultivation and associated uses, and again between 2016 and 2018 for development of a water storage pond. Initial referral responses from CAL FIRE indicated CAL FIRE did not support the project. The applicant submitted the *Doriko Soul Arc Solutions Less Than Three Acre Conversion Mitigation Plan* prepared by Hohman and Associates. The report found 2.44 acres of timberland conversion occurred in six distinct locations. Five locations (Areas A-D and F) were converted in 2012 and Area E was converted in 2017 for development of a water storage pond. The *Doriko Soul Arc Solutions Less Than Three Acre Conversion Mitigation Plan* prepared by Hohman and Associates was referred to CAL FIRE review and comments. Per CALFIRE's September 5, 2018 email, "….the permits associated with Application …11598 Soul Arc Solutions, Inc. are in good standing with CALFIRE. The mitigation proposed by the Registered Professional Forester (RPF) working for the project proponent is acceptable at this time. Future timberland conversion by the landowner would be evaluated for compliance with the Forest Practice Rules and County Codes for timberland conversion on lands zoned TPZ or otherwise capable of growing timber." Because the unpermitted timberland conversion associated with the water storage pond occurred in 2017 (after ordinance approval), the applicant is required to restock 0.41 acres (area of Area E) of timberland as recommended by an RPF. |

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| § 314-55.4.8.2.2 | A Zoning Clearance Certificate, Special Permit (SP) or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district… TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. No expansion of the existing cultivation area shall be permitted. | The proposed action is a Conditional Use Permit for 12,600 square feet of existing mixed light cultivation on APN 108-012-009, which is an 80-acre parcel zoned Timberland Production. Aerial imagery on TerraServer® indicate that existing cultivation operations on the property prior to January 1, 2016. A review of aerial imagery also showed that there was an apparent expansion of the cultivation area by approximately 8,000 square feet. The applicant participated in a settlement meeting with County staff and settled the violation by paying $12,000. The aerial imagery that supports the pre-existing cultivation shows approximately 12,600 square feet. |
| §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 applicant, Soul Arc Solutions, Inc. , applied for four cannabis activity permits, of which, none have been issued. If approved, the applicant would hold 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. | Processing would occur by a licensed third-party facility. |
| §314-55.4.10 Application Requirements | Identifies the Information Required for All Applications | Attachment 4 identifies the information submitted with the application and shows that 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. |

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| §314-55.4.11.c Performance Standards-Water | Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration. | Water for irrigation is provided primarily by a rainwater catchment pond and a point of diversion on the Mattole River. The applicant obtained a Final Streambed Alteration Agreement (Notification No. 1600-2017-0294-R1) from the California Department of Fish and Wildlife on January 3, 2018, for the point of diversion (see Attachment 4). The applicant submitted an *Initial Statement of Water Diversion and Use* to the California State Water Resources Control Board, Division of Water Rights (SWRCB) for the diversion. The applicant also was granted an appropriative water right (Registration No. H501701) to divert and store water from this point of diversion. The diversion is permitted year round. The maximum amount of water that can be diverted annually is 0.61-acre-feet (or 198,798 gallons). The Final Streambed Alteration Agreement, however, limits the diversion to not more than 350 gallons of water per day during the low flow season from May 15 to October 30 of any given year. Conditions of approval require the applicant to adhere to terms and conditions of both the Final Streambed Alteration Agreement issued by CDFW and the Right to Divert Water issued by SWRCB. |
| §314-55.4.11.d Performance Standards-Setbacks | The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs). | The applicant's site plan shows that the cultivation area is not within 600 feet of any school, school bus stop, church or other place of religious worship, public park, or TCRs. The site plan shows that the project complies with property line setbacks. |

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| §314-55.4.11.o Performance Standards-Generator Noise | The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. | Conditions of approval require that prior to the use of generators, lights or fans on the site the applicant will submit a biological assessment including scoping for NSO habitat that is prepared by a qualified professional for review and approval by planning department staff and CDFW.<br>Conditions of approval require that prior to using the generator on-site in association with cannabis cultivation, the applicant will build a noise containment structure to ensure that noise produced by the generator will not exceed 50 decibels or ambient levels at 100 feet or the edge of the habitat, whichever is closer. Photos of the structure and confirmation of the decibel levels shall satisfy this condition.<br>Conditions of approval require that prior to the operation of any fans for the cultivation areas, the applicant will demonstrate that noise from the fans does not exceed 50 decibels or ambient levels at 100 feet or edge of the habitat, whichever is closer.<br>The applicant has instated a policy to encourage carpooling to decrease the number of trips to and from the project site. |
| §314-55.4.17 Sunset Date | No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016. | The applicant filed the application on December 2, 2016. |

**4. Public Health, Safety and Welfare:** 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.

| 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 would not be detrimental to the public health, safety and welfare since all reviewing referral agencies have reviewed the proposed project and none have any comments that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. The project as proposed and conditioned is consistent with the general plan and zoning ordinance; 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 Requirement | Evidence that Supports the Required Finding |
|---|---|---|
| 17.1.5 Housing Element Densities | The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized. | As discussed above the property was not included in the 2014 Housing Inventory. It is developed with a single-family residence, which would remain. The project is in conformance with the standards in the Housing Element. |

**6. Environmental Impact:**
The following paragraph 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

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

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

***APNs* 108-012-009, 12023 Wilder Ridge Rd Whitethorn, CA *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 an existing 12,600 square feet (sf) of mixed light cannabis cultivation and ancillary propagation and a Special Permit for activity within the Streamside Management Area (SMA) of the Mattole River. Cultivation activities extend from February to November with a maximum of three cultivation cycles occurring using light deprivation techniques. The applicant estimates 290,000 gallons of water is required to meet operational needs. Water for irrigation is sourced from a point of diversion on the Mattole River and a rainwater catchment pond. Total water storage capacity is 561,000 gallons with the pond providing up to 400,000 gallons and hard tanks providing 161,000 gallons. Drying and curing would occur on-site in 2,400 square foot drying facility and further processing would occur at a licensed 3rd party facility. There would be a maximum of four employees during peak operations. Electricity to the site is provided by generators.

The existing cultivation area is located approximately 0.75 miles from mapped critical habitat for Northern Spotted Owl (NSO) and approximately 0.35 miles from an NSO activity center mapped in 2001. The applicant has included a proposal to train employees on International Dark Sky Association Standard Lighting Zone 0. Only employees trained in compliance with Lighting Zone 0 will work shifts which include the 30 minutes before sunset and the 30 minutes after sunrise. An ongoing condition of approval requires that decibel levels of generators, fans, dehumidifiers, pumps and other noise-producing elements of the project remain below 50 or ambient levels when measured at 100 feet distance or at the edge of habitat, whichever is closer. In addition to the noise and light containment conditions of approval outlined above, the applicant has removed security lighting from the plan. The applicant has also incorporated several policies to reduce the noise associated with vehicles on the site. Cannabis and associated supplies would be transported in bulk, processing activities would occur at on off-site facility, and all employees would be trained in a ride-share and trip minimalization policy. Conditions of approval require that prior to the use of generators, lights or fans on the site the applicant shall submit a biological assessment including scoping for NSO habitat that is prepared by a qualified professional for review and approval by planning department staff and CDFW.

Conditions of approval require the applicant to provide an addendum to the Less than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) to specifically address the approximately 0.41 acres of timber land converted after 2016. The addendum will contain discussion of the ecological value of the converted forest land with specific discussion of the habitat value for Northern Spotted Owl (NSO). The report will include the number and species of trees removed. The restoration plan must include NSO habitat enhancement at a 10:1 ratio to the area converted which may include removal of invasive species, thinning, and restocking and shall include monitoring and reporting components to ensure success of the recommended remedial actions. The report will be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife. The applicant will submit substantial evidence that the remedial actions outlined in the county-approved addendum to the Less Than Three Acre Conversion Mitigation Plan have been executed. 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 to authorize an existing 12,600 square feet mixed light commercial cannabis operation, authorize the diversion within the SMA and actions 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.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Water Resource Protection Plan dated September 2016 prepared by Manhard Consulting
- Doriko Canigou Less Than Three Acre Conversion Mitigation Plan and Amendment dated October 2017 prepared by Hohman & Associates Forestry Consultants

**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)

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. (Initial Statement of Water Diversion and Use included in Operations Plan and Right to Divert and Use Water (Water Right attached)

6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)

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 – Final Streambed Alteration Agreement Notification Number: 1600-2017-0294-R1)

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 (CALFIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of

timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE. (Attached - Doriko Soul Arc Solutions Less Than Three Acre Conversion Mitigation Plan prepared by Hohman & Associates received May 25, 2018)

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. Archaeological Survey Report, Alta Archaeological Consulting, June 12, 2017. (On file and confidential)

16. Water Resources Protection Plan, Manhard Consulting, September 2016. (On file)

17. DEH Worksheet. (On file)

18. Road Evaluation Report. (Attached separately)

19. Botanical Survey Report Soul Arc Solutions Cultivation Permitting CEQA Project prepared by Hohman & Associates dated August 22, 2018. (Attached)

20. LSAA Work Completion Report (Attached)

21. State Waterboard Online 2018 Cannabis Water Quality Monitoring and Reporting sheet (Attached)

**STATE OF CALIFORNIA**
**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**
**STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

# RIGHT TO DIVERT AND USE WATER

REGISTRATION *H501701* CERTIFICATE *H100206*

Right Holder: *Tristan Strauss*
*PO BOX 38*
*Samoa, CA 95564*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *06/21/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point*(s)* of diversion **(Coordinates in WGS 84)**

| Name of Diversion | Source | Tributary To: | Thence | Latitude | Longitude | County | Assessor's Parcel Numbers (APN) |
|---|---|---|---|---|---|---|---|
| Strauss pump diversion | Mattole River | Mattole River | Pacific Ocean | 40.169331 | -124.011087 | Humboldt | 108012009 |

2. Purpose of Use and 3. Place of Use

| 2. Purpose of Use | 3. Place of Use | | |
|---|---|---|---|
| | County | Assessor's Parcel Numbers (APN) | Acres |
| Irrigation, Fire Protection | Humboldt | 108012009 | 0.62 |

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *08/10/2018*.
The place of use is shown on the map filed on *08/10/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.61 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.80 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.

7. Diversion works shall be constructed and water applied to beneficial use with due diligence.

8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)

9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.

10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.

11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.

13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

    a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;

    b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;

    c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,

    d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.

14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)

18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.

19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.

20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)

21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.

22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)

23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 08/10/2018 13:47:45

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RECEIVED

DEC 0 C 2017

CDFW - EUREKA

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

**STREAMBED ALTERATION AGREEMENT**
NOTIFICATION No. 1600-2017-0294-R1
Mattole River and the Pacific Ocean

Mr. Tristan Strauss
Strauss Water Diversion and Stream Crossings Project
5 Encroachments

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

## RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on May 23, 2017, that the Permittee intends to complete the project described herein.

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

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

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

## PROJECT LOCATION

The project to be completed is located within the Mattole River watershed, approximately 22 miles east of the town of Garberville, County of Humboldt, State of California. The project is located in Section 25, T3S, R1E, Humboldt Base and Meridian; in the Honeydew U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 108-012-009; latitude 40.1693 N and longitude -124.0111 W at the point of diversion (POD).

## PROJECT DESCRIPTION

The project is limited to five encroachments (Table 1). One encroachment is for water diversion from the Mattole River. Water is diverted for domestic use and irrigation. Work for this water diversion will include use and maintenance of the water diversion infrastructure. The four other proposed encroachments are to upgrade failing and

undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

| ID | Latitude/Longitude | Description |
|---|---|---|
| Crossing-1 | 40.1691, -124.0180 | Replace failing 18" diameter culvert with minimum 18" diameter culvert |
| Crossing-2 | 40.1692, -124.0180 | Replace undersized 12" diameter culvert with minimum 18" diameter culvert |
| Crossing-3 | 40.1697, -124.0120 | Replace undersized 12" diameter culvert with minimum 18" diameter culvert |
| Crossing-4 | 40.1695, -124.0113 | Install a minimum 18" diameter culvert |
| POD | 40.1693, -124.0111 | Water diversion from a Class I watercourse |

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Pacific Giant Salamander *(Dicamptodon tenebrosus)*, Foothill Yellow-Legged Frog *(Rana boylii)*, Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle ( *Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

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

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

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

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

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

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

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

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

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

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

1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 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 seven 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 May 23, 2017, with revisions received on October 26, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.

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

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

**Water Diversion**

2.4 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **10 gallons per minute** (gpm) at any time.

2.5 Bypass Flow. The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

2.6 Seasonal Diversion Minimization. No more than **350 gallons per day** shall be diverted during the low flow season from **May 15 to October 30** of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.4 and 2.5 of this Agreement.

2.7 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.

2.8 Water Management Plan. The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes

how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

2.9 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.

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

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

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

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

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

2.11 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.

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

2.13 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.

2.14 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.

**Invasive Species**

2.15 Bullfrog Management Plan. The Permittee shall comply with the **Bullfrog Management Plan** (Exhibit A) following the construction of the proposed pond. All reporting requirements shall be submitted no later than **December 31** of each year.

**Stream Crossings**

2.16 Work Completion. The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work shall be submitted to CDFW within seven (7) days of project completion.

2.17 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.

2.18 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.

2.19 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.

2.20 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.

2.21 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.

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

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

2.24 Culvert Installation.

2.24.1 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.

2.24.2 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).

2.24.3 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.

2.24.4 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.

2.24.5 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.

2.25 Rock Armor Placement.

2.25.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.26 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 Work Completion. The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work (condition 2.16), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.

3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.7) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2017**.

3.3 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.8) no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

3.4 Bullfrog Management Plan. The Permittee shall submit all required documents described in the **Bullfrog Management Plan** (condition 2.15) no later than **December 31** of each year following the construction of the proposed pond. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.26) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

## 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. Tristan Strauss
P.O. Box 38
Samoa, California 95564
707-601-6070
canigouinc@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0294-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/cega/cega_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. Tristan Strauss**

Tristan Strauss — Date: 12/2/16

**FOR DEPARTMENT OF FISH AND WILDLIFE**

Scott Bauer — Date: 1/3/18

Scott Bauer
Senior Environmental Scientist Supervisor

Prepared by: Kalyn Bocast, Environmental Scientist, November 27, 2017

Received by ICF on 9.18.18

Hohman & Associates
FORESTRY CONSULTANTS
P.O. Box 733, Hydesville, CA 95547 . (707) 768-3743 . (707) 768-3747 fax

# Botanical Survey Report
# Canigou Cultivation Permitting CEQA Project

Prepared by
Kelsey McDonald
8/22/2018

For
**Hohman and Associates**
**Hydesville, CA**

**Signature:** Kelsey McDonald **Date: 8/24/18**

## Setting

The Canigou Cannabis Cultivation Permitting Project is located in Section 25, Township 3 South, Range 1 East HB&M; Humboldt County, on the Honeydew USGS 7.5' quadrangle. The biogeographic region can be described using a three-tiered hierarchy of province, region and sub-region. This site lies within the California Floristic Province, Northwestern California region, and North Coast sub-region. The Mattole River runs through the properties. The elevation ranges from 600 to 1280 feet. The area is primarily mixed coniferous forest dominated by Douglas fir (*Pseudotsuga menziesii*) and tanoak (*Notholithocarpus densiflorus*). The Canigou area includes three parcels totaling approximately 240 acres. Slopes on the property are gentle to moderate, and the aspect is primarily east-facing.

## Methods

Kelsey McDonald conducted the botanical surveys for the Canigou project on March 28, 2018 and June 18, 2018. Kelsey holds a M.S. in Natural Resources with a concentration in Environmental Science from Humboldt State University. Kelsey has taken relevant courses including plant taxonomy, field botany, and plant biology, and she wrote her thesis on the seed dispersal of invasive cordgrass *Spartina densiflora* in Humboldt Bay. She has 5 years of botany experience in Northern California.

The surveys were floristic in nature and seasonally appropriate, with an initial survey conducted during the spring to catch early-blooming species and a follow-up survey during the summer for later-blooming species. Approximately 7.5 field hours were spent on surveys. Surveys included systematic assessment of all potential habitats in the area based on maps, aerial photos, and visible environmental features such as canopy cover, slope, soil texture, aspect, hydrologic features, and associated vegetation. This survey protocol is based on the Protocol for Surveying and Evaluating Impacts to Special Status native Plant Populations and Natural Communities (CDFW 2018). A list of potential rare plants on CNPS lists 1 and 2 found within the 9-quad area as listed in CDFW BIOS and CNPS Inventory of Rare and Endangered Plants is available in Attachment A. Attachment B provides details on potential rare plants. Attachment C contains habitat photos. Attachment D lists all plants identified from botanical surveys. Attachment E contains a map of the botanical survey routes. Attachment F contains rare plant rank definitions.

# Results and Mitigation

No protected rare or endangered plants (CNPS List 1 or 2) were detected at the Canigou Project. The surrounding area is primarily composed of mixed coniferous forest dominated by Douglas fir (*Pseudotsuga menziesii*) (G5 S4) with tanoak (*Notholithocarpus densiflorus*), canyon live oak (*Quercus chrysolepis*), and California bay laurel (*Umbellularia californica*) (Figure 2).

Limited distribution Methuselah's beard lichen (*Usnea longissima*, CNPS 4.2) and hoary gooseberry (*Ribes roezlii* ver. *amictum*, CNPS 4.3) occurred at the forest edge near cultivation areas and roads. Methuselah's beard lichen was observed hanging from trees along the road on the western end of the southern parcel along the edge of an SMA (Figure 1). The lichen appeared

to be thriving in large trees on the edge of riparian habitat. It is recommended that the project observes all SMA buffers to avoid impacts to riparian habitat as well as sensitive species like *Usnea longissima*. Hoary gooseberry occurred in upland forest edge habitats throughout the properties, and the project is not likely to impact the population.

Surveys appeared to be timed appropriately for the blooming season at this location. All cultivation areas and appurtenant roads were surveyed, and false negative surveys are unlikely. No additional surveys are necessary, and no additional mitigation methods are recommended.

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## Attachment A: List of Potentially Occurring Sensitive Plant Species Honeydew 9-Quad Area

| Scientific Name | Common Name | FESA | CESA | CRPR | Blooming Period | Habitat |
|---|---|---|---|---|---|---|
| Castilleja litoralis | Oregon coast paintbrush | None | None | 2B.2 | Jun | Unlikely |
| Clarkia amoena ssp. whitneyi | Whitney's farewell-to-spring | None | None | 1B.1 | Jun-Aug | Unlikely |
| Erythronium oregonum | giant fawn lily | None | None | 2B.2 | Mar-Jun(Jul) | Potential |
| Erythronium revolutum | coast fawn lily | None | None | 2B.2 | Mar-Jul(Aug) | Potential |
| Gilia capitata ssp. pacifica | Pacific gilia | None | None | 1B.2 | Apr-Aug | Potential |
| Lasthenia californica ssp. macrantha | perennial goldfields | None | None | 1B.2 | Jan-Nov | Unlikely |
| Lathyrus palustris | marsh pea | None | None | 2B.2 | Mar-Aug | Potential |
| Montia howellii | Howell's montia | None | None | 2B.2 | (Feb)Mar-May | Potential |
| Packera bolanderi var. bolanderi | seacoast ragwort | None | None | 2B.2 | (Jan-Apr)May-Jul(Aug) | Potential |
| Piperia candida | white-flowered rein orchid | None | None | 1B.2 | (Mar)May-Sep | Potential |

**Attachment A: Potential Rare Plant Details**

1. Oregon coast paintbrush (*Castilleja litoralis*)

Status: CNPS List 2B.2, fairly endangered in CA. No state or federal listing. State rank S3, Global rank G3.
Family: Orobanchaceae
Flowering: June
Habitat: Coastal bluff scrub, Coastal dunes, Coastal scrub, sandy soils
Status within Area: Scrub habitat with sandy soils may occur near the Mattole River.

2. Whitney's farewell-to-spring (*Clarkia amoena* spp. *whitneyi*)

Status: CNPS List 1, seriously endangered in CA. No state or federal listing. State rank S1, Global rank G5T1.
Family: Onagraceae
Flowering: June - August
Habitat: Coastal bluff scrub, Coastal scrub
Status within Area: Potential habitat is highly unlikely, but CalFlora records indicate that the plant can occur in more inland habitats as well as on the coast, and the Mattole may provide suitable scrub habitat.

3. Giant fawn lily (*Erythronium oregonum*)

Status: CNPS List 2, fairly endangered in CA. No state or federal listing. State Rank S2, Global Rank G5.
Family: Liliaceae
Flowering: March - July
Habitat: sometimes serpentinite, rocky, openings, Cismontane woodland, Meadows and seeps.
Status within Area: Potential habitat might exist in the area in woodlands or openings in the forest.

4. Coast fawn lily (*Erythronium revolutum*)

Status: CNPS List 2, fairly endangered in CA. No state or federal listing. State Rank S3, Global Rank G4.
Family: Liliaceae
Flowering: March - August
Habitat: Mesic, streambanks, Bogs and fens, Broadleafed upland forest, North Coast coniferous forest
Status within Area: Potential habitat exists in the in forested and wet areas.

5. Pacific gilia (*Gilia capitata* ssp. *pacifica*)

Status: CNPS List 1, fairly endangered in CA. No state or federal listing. State Rank S2, Global Rank G5T3T4.
Family: Polemoniaceae
Flowering: April - August
Habitat: Coastal bluff scrub, Chaparral (openings), Coastal prairie, Valley and foothill grassland
Status within Area: Potential habitat might be found in the area in grassy openings.

6. Perennial goldfields (*Lasthenia californica* ssp. *macrantha*)

Status: CNPS List 1, fairly endangered in CA. No state or federal listing. State Rank S2, Global Rank G3T2.
Family: Asteraceae
Flowering: January-November
Habitat: Coastal bluff scrub, Coastal dunes, Coastal scrub
Status within Area: Scrub habitat with sandy soils may occur near the Mattole River.

7. Marsh pea (*Lathyrus palustris*)

Status: CNPS List 2, fairly endangered in CA. Not federally or state listed. State rank S2, Global rank G5.
Family: Fabaceae
Flowering: March - August
Habitat: mesic. Bogs and fens, Coastal prairie, Coastal scrub, Lower montane coniferous forest, Marshes and swamps, North Coast coniferous forest
Status within Area: Potential habitat exists in mesic areas.

8. Howell's montia (*Montia howellii*)

Status: CNPS List 2, fairly endangered in CA. No state or federal listing. State Rank S3, Global Rank G3G4.
Family: Montiaceae
Flowering: February - May
Habitat: vernally mesic, sometimes roadsides, Meadows and seeps, North Coast coniferous forest, Vernal pools.
Status within Area: Potential habitat exists in the in forested area and roadsides.

9. Seacoast ragwort (*Packera bolanderi* var. *bolanderi*)

Status: CNPS List 2B.2, fairly endangered in CA. No state or federal listing. State Rank S2S3, Global Rank G4T4.
Family: Asteraceae

Flowering: January - August according to CNPS; April - May according to CalFlora.
Habitat: Sometimes roadsides, Coastal scrub, North Coast coniferous forest
Status within Area: Potential habitat exists in coastal scrub, within the forested area and along roadsides.

10. White-flowered rein orchid (*Piperia candida*)

Status: CNPS List 1, fairly endangered in CA. No state or federal listing. State Rank S3, Global Rank G3.
Family: Orchidaceae
Flowering: March - September
Habitat: Sometimes serpentine, Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest
Status within Area: Potential habitat exists within the forested area.

# Attachment C. Habitat Photos

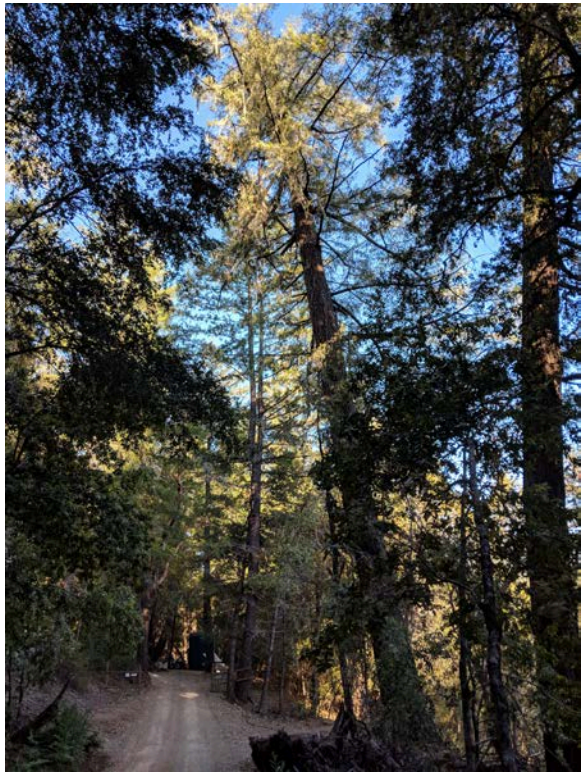


Figure 1. Methuselah's beard lichen (*Usnea longissima*, 4.2) is hanging in the Douglas fir leaning toward the road.

Figure 2. The area around the cultivation sites was primarily Douglas fir (*Pseudotsuga menziesii*) forest with tanoak (*Notholithocarpus densiflorus*) and many other hardwoods such as California bay laurel (*Umbellularia californica*), canyon live oak (*Quercus chrysolepis*) and madrone (*Arbutus menziesii*).

Figure 3. The Mattole River runs through the properties.

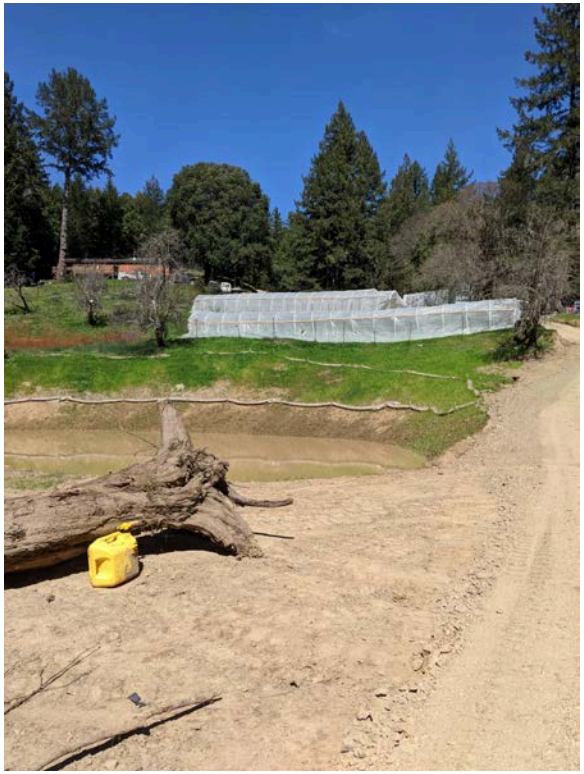


Figure 4. The southern cultivation site also contained a water storage pond.

Figure 5. The northern cultivation site looking east.

Figure 6. The central water storage pond.

# Attachment D. Plant Species Observed

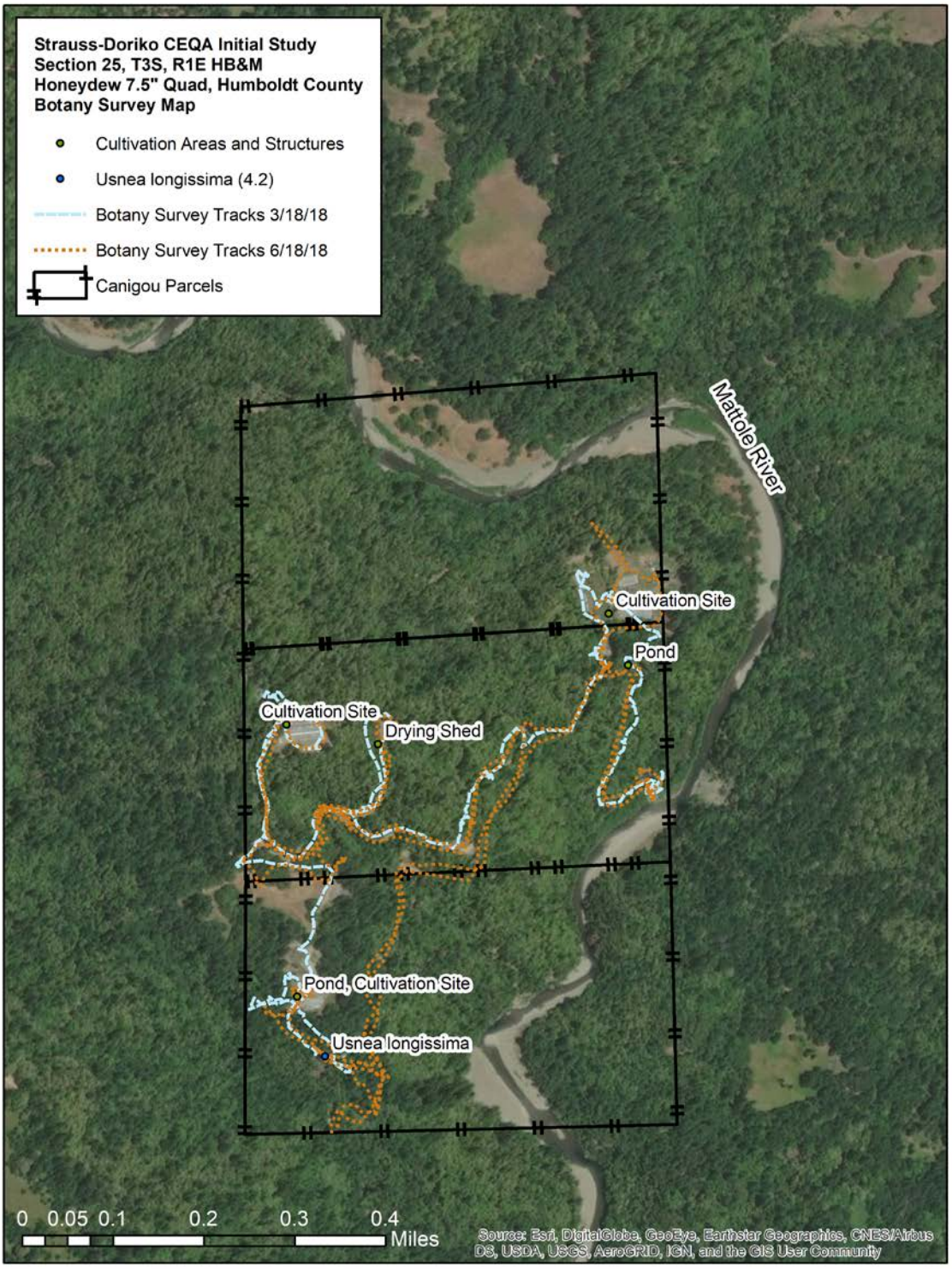
| | Species | Common name | Family | Date |
|---|---|---|---|---|
| Trees | Acer macrophyllum | bigleaf maple | Sapindaceae | 3/28/2018 |
| | Alnus rubra | red alder | Betulaceae | 3/28/2018 |
| | Arbutus menziesii | madrone | Ericaceae | 3/28/2018 |
| | Fraxinus latifolia | Oregon ash | Oleaceae | 6/18/2018 |
| | Notholithocarpus densiflorus | tanoak | Fagaceae | 3/28/2018 |
| | Pseudotsuga menziesii | Douglas fir | Pinaceae | 3/28/2018 |
| | Quercus chrysolepis | canyon live oak | Fagaceae | 3/28/2018 |
| | Quercus garryana | Oregon white oak | Fagaceae | 3/28/2018 |
| | Quercus kelloggii | black oak | Fagaceae | 3/28/2018 |
| | Salix lasiolepis | arroyo willow | Salicaceae | 3/28/2018 |
| | Sequoia sempervirens | coast redwood | Cupressaceae | 3/28/2018 |
| | Umbellularia californica | California bay | Lauraceae | 3/28/2018 |
| Shrubs | Arctostaphylos manzanita | whiteleaf manzanita | Ericaceae | 3/28/2018 |
| | Baccharis pilularis | coyote brush | Asteraceae | 3/28/2018 |
| | Ceanothis incanus | coast whitethorn | Rhamnaceae | 3/28/2018 |
| | Cytisus scoparius | Scotch broom | Fabaceae | 3/28/2018 |
| | Genista monspessulana | French broom | Fabaceae | 3/28/2018 |
| | Heteromeles arbutifolia | toyon | Rosaceae | 3/28/2018 |
| | Holodiscus discolor | oceanspray | Rosaceae | 3/28/2018 |
| | Lonicera hispidula | pink honeysuckle | Caprifoliaceae | 3/28/2018 |
| | Ribes menziesii | canyon gooseberry | Grossulariaceae | 6/18/2018 |
| | Ribes roezlii var. amictum | hoary gooseberry (4.3) | Grossulariaceae | 3/28/2018 |
| | Rosa gymnocarpa | dwarf wood rose | Rosaceae | 3/28/2018 |
| | Rubus armeniacus | Himalayan blackberry | Rosaceae | 3/28/2018 |
| | Rubus leucodermis | whitestem raspberry | Rosaceae | 3/28/2018 |
| | Toxicodendron diversilobum | poison oak | Anacardiaceae | 6/18/2018 |
| | Vaccinium ovatum | evergreen huckleberry | Ericaceae | 3/28/2018 |
| Herbaceous Layer | Achillea millefolium | yarrow | Asteraceae | 3/28/2018 |
| | Acmispon americanus | American bird's foot trefoil | Fabaceae | 3/28/2018 |
| | Anisocarpus madioides | woodland madia | Asteraceae | 3/28/2018 |
| | Anthoxanthum odoratum | sweet vernal grass | Poaceae | 6/18/2018 |
| | Anthriscus caucalis | bur chervil | Apiaceae | 3/28/2018 |
| | Aquilegia formosa | crimson columbine | Ranunculaceae | 6/18/2018 |
| | Artemisia douglasiana | California mugwort | Asteraceae | 3/28/2018 |
| | Avena fatua | wild oat | Poaceae | 6/18/2018 |

| | | | | |
|---|---|---|---|---|
| | Briza maxima | rattlesnake grass | Poaceae | 6/18/2018 |
| | Briza minima | little quaking grass | Poaceae | 6/18/2018 |
| | Brodiaea elegans | harvest brodiaea | Themidaceae | 6/18/2018 |
| | Bromus diandrus | ripgut brome | Poaceae | 6/18/2018 |
| | Bromus hordeaceus | soft brome | Poaceae | 3/28/2018 |
| | Cardamine oligosperma | bittercress | Brassicaceae | 3/28/2018 |
| | Carduus pycnocephalus | Italian thistle | Asteraceae | 6/18/2018 |
| | Carex nudata | torrent sedge | Cyperaceae | 6/18/2018 |
| | Carex cf. subfusca | pale broom sedge | Cyperaceae | 6/18/2018 |
| | Cerastium glomeratum | large mouse ears | Caryophyllaceae | 3/28/2018 |
| | Chlorogalum pomeridianum | purple soaproot | Liliaceae | 3/28/2018 |
| | Cirsium vulgare | bull thistle | Asteraceae | 3/28/2018 |
| | Claytonia parviflora | narrow leaved claytonia | Montiaceae | 3/28/2018 |
| | Claytonia perfoliata | miner's lettuce | Montiaceae | 3/28/2018 |
| | Clinopodium douglasii | yerba buena | Lamiaceae | 3/28/2018 |
| | Collomia heterophylla | variable leaved collomia | Polemoniaceae | 6/18/2018 |
| | Cynosurus echinatus | hedgehog dogtail grass | Poaceae | 3/28/2018 |
| | Cyperus eragrostis | tall cyperus | Cyperaceae | 3/28/2018 |
| | Dactylis glomerata | orchardgrass | Poaceae | 6/18/2018 |
| | Digitalis purpurea | purple foxglove | Plantaginaceae | 6/18/2018 |
| | Dryopteris arguta | coastal woodfern | Dryopteridaceae | 3/28/2018 |
| | Equisetum laevigatum | smooth scouring rush | Equisetaceae | 3/28/2018 |
| | Eremocarpos setiger | turkey mullein | Euphorbiaceae | 6/23/2018 |
| | Erodium cicutarium | coastal heron's bill | Geraniaceae | 3/28/2018 |
| | Erythranthe dentata | tooth-leaved monkeyflower | Phrymaceae | 6/18/2018 |
| | Euchiton gymnocephalus | creeping cudweed | Asteraceae | 3/28/2018 |
| | Festuca arundinacea | tall fescue | Poaceae | 6/18/2018 |
| | Festuca californica | California fescue | Poaceae | 3/28/2018 |
| | Festuca perennis | perennial fescue | Poaceae | 6/18/2018 |
| | Fragaria vesca | woodland strawberry | Rosaceae | 3/28/2018 |
| | Galium aparine | common bedstraw | Rubiaceae | 3/28/2018 |
| | Gamochaeta ustulata | featherweed | Asteraceae | 3/28/2018 |
| | Geranium dissectum | cutleaved geranium | Geraniaceae | 3/28/2018 |
| | Geranium sp. | | | 3/28/2018 |
| | Helenium puberulum | sneezeweed | Asteraceae | 6/18/2018 |
| | Heuchera micrantha | alumroot | Saxifragaceae | 6/18/2018 |
| | Hieracium albiflorum | white flowered hawkweed | Asteraceae | 3/28/2018 |
| | Holcus lanatus | velvetgrass | Poaceae | 6/18/2018 |

| | | | | |
|---|---|---|---|---|
| | Hordeum vulgare | barley | Poaceae | 6/18/2018 |
| | Hypericum perforatum | klamathweed | Hypericaceae | 6/18/2018 |
| | Hypochaeris radicata | hairy cat's ear | Asteraceae | 3/28/2018 |
| | Iris douglasiana | Douglas iris | Iridaceae | 3/28/2018 |
| | Iris purdyi | Purdy's iris | Iridaceae | 6/18/2018 |
| | Juncus bufonius | toad rush | Juncaceae | 6/19/2018 |
| | Juncus effusus | common rush | Juncaceae | 3/28/2018 |
| | Juncus patens | spreading rush | Juncaceae | 3/28/2018 |
| | Lactuca serriola | prickly lettuce | Asteraceae | 6/20/2018 |
| | Lathyrus vestitus | common Pacific pea | Fabaceae | 3/28/2018 |
| | Lupinus bicolor | miniature lupine | Fabaceae | 6/18/2018 |
| | Luzula comosa | hairy wood rush | Juncaceae | 3/28/2018 |
| | Lysimachia latifolia | starflower | Myrsinaceae | 6/22/2018 |
| | Madia gracilis | gumweed | Asteraceae | 6/18/2018 |
| | Marah oregana | coast manroot | Cucurbitaceae | 6/18/2018 |
| | Mentha pulegium | pennyroyal | Lamiaceae | 3/28/2018 |
| | Montia fontana | water montia | Montiaceae | 3/28/2018 |
| | Navarretia squarrosa | skunkweed | Polemoniaceae | 6/18/2018 |
| | Nemophila parviflora | small flowered nemophila | Boraginaceae | 3/28/2018 |
| | Oenanthe sarmentosa | Pacific water parsley | Apiaceae | 3/28/2018 |
| | Pentagramma triangularis | goldback fern | Pteridaceae | 3/28/2018 |
| | Phacelia bolanderi | redwood phacelia | Boraginaceae | 3/28/2018 |
| | Plantago lanceolata | English plantain | Plantaginaceae | 3/28/2018 |
| | Polygala californica | California milkwort | Polygalaceae | 6/18/2018 |
| | Polypodium glycyrrhiza | licorice fern | Polypodiaceae | 3/28/2018 |
| | Polystichum munitum | western swordfern | Dryopteridaceae | 3/28/2018 |
| | Prunella vulgaris | self heal | Lamiaceae | 3/28/2018 |
| | Pseudognaphalium californicum | ladies' tobacco | Asteraceae | 6/18/2018 |
| | Pteridium aquilinum | western brackenfern | Dennstaedtiaceae | 3/28/2018 |
| | Rumex acetosella | sheep sorrel | Polygonaceae | 3/28/2018 |
| | Rumex crispus | curly dock | Polygonaceae | 3/28/2018 |
| | Sanicula crassicaulis | Pacific sanicle | Apiaceae | 3/28/2018 |
| | Senecio glomeratus | cutleaf burnweed | Asteraceae | 6/18/2018 |
| | Senecio minimus | coastal burnweed | Asteraceae | 3/28/2018 |
| | Silybum marianum | blessed milk thistle | Asteraceae | 3/28/2018 |
| | Sonchus asper | spiny sow thistle | Asteraceae | 3/28/2018 |
| | Spergularia rubra | red sand spurry | Caryophyllaceae | 6/21/2018 |
| | Stachys ajugoides | Ajuga hedgenettle | Lamiaceae | 3/28/2018 |

| | | | | |
|---|---|---|---|---|
| | Stellaria media | chickweed | Caryophyllaceae | 3/28/2018 |
| | Torillis arvensis | tall sock destroyer | Apiaceae | 6/18/2018 |
| | Trifolium arvense | rabbitfoot clover | Fabaceae | 6/18/2018 |
| | Trifolium hirtum | rose clover | Fabaceae | 6/18/2018 |
| | Triteleia laxa | Ithuriel's spear | Themidaceae | 6/18/2018 |
| | Typha sp. | cattails | Typhaceae | 3/28/2018 |
| | Usnea longissima | Methuselah's beard lichen (4.2) | Parmeliaceae | 6/18/2018 |
| | Vicia sativa | garden vetch | Fabaceae | 6/18/2018 |
| | Viola ocellata | two eyed violet | Violaceae | 3/28/2018 |
| | Whipplea modesta | whipplea | Rosaceae | 3/28/2018 |
| | Woodwardia fimbriata | western chain fern | Blechnaceae | 3/28/2018 |

# Attachment E. Survey Map



**Rank Definitions**
**Global Conservation Status Definition**

Listed below are definitions for interpreting NatureServe global (range-wide) conservation status ranks. These ranks are assigned by NatureServe scientists or by a designated lead office in the NatureServe network.

**G1** **Critically Imperiled –** At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
**G2** **Imperiled –** At high risk of extinction or elimination due to very restricted range, very few populations, steep declines, or other factors.
**G3** **Vulnerable –** At moderate risk of extinction or elimination due to a restricted range, relatively few populations, recent and widespread declines, or other factors.
**G4** **Apparently Secure –** Uncommon but not rare; some cause for long-term concern due to declines or other factors.
**G5** **Secure –** Common; widespread and abundant.
**G#G#** **Range Rank –** A numeric range range (e.g. G2G3, G1G3) is used to indicate the range of uncertainty about the exact status of a taxon or ecosystem type. Ranges cannot skip more than two ranks (e.g., GU should be used rather than G1G4).

**Infraspecific Taxon Conservation Status Ranks**

**T#** **Infraspecific Taxon** (trimonial) – The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species global rank. Rules for assigning T-ranks follow the same principles outlined above. For example, the global rank of a critically imperiled subspecies of an otherwise widespread and common species would be G5T1. A T subrank cannot imply the subspecies or variety is more abundant than the species. For example, a G1T2 subrank should not occur. A vertebrate animal population, (e.g., listed under the U.S. Endangered Species Act or assigned candidate status) may be tracked as an infraspecific taxon and given a T-rank; in such cases a Q is used after the T-rank to denote the taxon's informal taxonomic status.

**Subnational (S) Conservation Status Ranks**

**S1** **Critically Imperiled –** Critically imperiled in the jurisdiction because of extreme rarity or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the jurisdiction.
**S2** **Imperiled –** Imperiled in the jurisdiction because of rarity due to very restricted range, very few populations, steep declines, or other factors making it very vulnerable to extirpation from jurisdiction.
**S3** **Vulnerable –** Vulnerable in the jurisdiction due to a restricted range, relatively few populations, recent and widespread declines, or other factors making it vulnerable to extirpation.
**S4** **Apparently Secure –** Uncommon but not rare; some cause for long-term concern due to declines or other factors.
**S5** **Secure –** Common, widespread, and abundant in the jurisdiction.
**S#S#** **Range Rank –** A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem. Ranges cannot skip more than two ranks (e.g., SU is used rather than S1S4).

**Rank Qualifiers**

**?** **Inexact Numeric Rank –** Denotes inexact numeric rank; this should not be used with any of the Variant Global Conservation Status
**Q** **Questionable taxonomy that may reduce conservation priority –** Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or inclusion of this taxon or type in another taxon or type, with the resulting taxon having a lower-priority (numerically higher) conservation status rank. The "Q" modifier is only used at a global level and not at a national or subnational level.

**The California Rare Plant Ranks**

1A. Presumed extirpated in California and either rare or extinct elsewhere
1B. Rare or Endangered in California and elsewhere
2A. Presumed extirpated in California, but more common elsewhere
2B. Rare or Endangered in California, but more common elsewhere
3. Plants for which we need more information – Review list
4. Plants of limited distribution – Watch list

**1A: Plants Presumed Extirpated in California and either rare or extinct elsewhere**
The plants of Rank 1A are presumed extirpated because they have not been seen or collected in the wild in California for many years. This rank includes those plant taxa that are both presumed extinct, as well as those plants which are presumed extirpated in California and rare elsewhere. A plant is extinct if it no longer occurs anywhere. A plant that is extirpated from California has been eliminated from California, but may still occur elsewhere in its range.

**1B: Plants Rare, Threatened or Endangered in California and Elsewhere**
**(Includes Rare Plant Ranks 1B.1, 1B.2, 1B.3)**
The plants of Rank 1B are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century. California Rare Plant Rank 1B plants constitute the majority of plant taxa tracked by the CNDDB, with more than 1,000 plants assigned to this category of rarity.

**2A: Plants Presumed Extirpated in California, but more common elsewhere**

The plants of Rank 2A are presumed extirpated because they have not been seen or collected in the wild in California for many years. This rank includes only those plant taxa that are presumed extirpated in California, but that are more common elsewhere in their range. Note: Plants of both Rank 1A and 2A are presumed extirpated in California; the only difference is the status of the plants outside of the state.

**2B: Plants Rare, Threatened or Endangered in California, but More Common Elsewhere**
**(Includes Rare Plant Ranks 2B.1, 2B.2 2B.3)**
The plants of Rank 2B are rare, threatened or endangered in California, but more common elsewhere. Plants common in other states or countries are not eligible for consideration under the provisions of the Federal Endangered Species Act; however they are eligible for consideration under the California Endangered Species Act. This rank is meant to highlight the importance of protecting the geographic range and genetic diversity of more widespread species by protecting those species whose ranges just extend into California. Note: Plants of both Rank 1B and 2B are rare, threatened or endangered in California; the only difference is the status of the plants outside of the state.

**Threat Ranks:**
The California Rare Plant Ranks (CRPR) use a decimal-style threat rank. The threat rank is an extension added onto the CRPR and designates the level of threats by a 1 to 3 ranking with 1 being the most threatened and 3 being the least threatened. So most CRPRs read as 1B.1, 1B.2, 1B. 3, etc. Note that some Rank 3 plants do not have a threat code extension since there are no known extant populations of the plants in California.
**Threat Code extensions and their meanings:**
**.1** – Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
**.2** – Moderately threatened in California (20-80% of occurrences threatened / moderate degree and immediacy of threat)
**.3** – Not very threatened in California (<20% of occurrences threatened / low degree of immediacy of threat or no current threats known)

Soul Arc Solutions, Inc.
1072 Casitas Pass Road #127
Carpinteria, CA 93013

RECEIVED
MAR 27 2019
Humboldt County
Cannabis Svcs.

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Agreement Program
Notification #1600-2017-0294-R1

**Work Completion Report**

This report shall provide CDFW notice of work completion in accordance with condition 3.1 of Streambed Alteration Agreement No. 1600-2017-0294-R1.

**Project description**: The project is limited to five encroachments (Table 1). One encroachment is for water diversion from the Mattole.Water is diverted for domestic use and irrigation. Work for this water diversion will include use and maintenance of the water diversion infrastructure. The four other proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of failing culverts, replacement with new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

**Table 1. Project Encroachments with Description**

| ID | Latitude/Longitude | Description |
|---|---|---|
| Crossing-1 | 40.1691, -124.0180 | Replace failing 18" diameter culvert with minimum 18" diameter culvert |
| Crossing-2 | 40.1692, -124.0180 | Replace undersize 12" diameter culvert with minimum 18" diameter culvert |
| Crossing-3 | 40.1697, -124.0120 | Replace undersize 12" diameter culvert with minimum 18" diameter culvert |
| Crossing-4 | 40.1695, -124.0113 | Install minimum 18" culvert |
| POD | 40.1693, -124.0111 | Water diversion from Class I watercourse |

**Work Completion**: All culvert installation work was complete by October 1, 2018. Please see the below Description of Project Completion (Table 2) and attached photos.

**Table 2. Description of Project Completion**

| ID | Latitude/Longitude | Description | Date of Completion |
|---|---|---|---|
| Crossing-1 | 40.1691, -124.0180 | Replaced failing 18" diameter culvert with new 24" diameter culvert | August, 2018 |
| Crossing-2 | 40.1692, -124.0180 | Replaced undersized 12" diameter culvert with new 24" diameter culvert | August, 2018 |
| Crossing-3 | 40.1697, -124.0120 | Replaced undersized 12" diameter culvert with new 24" diameter culvert | August, 2018 |
| Crossing-4 | 40.1695, -124.0113 | Installed new 24" diameter culvert | August, 2018 |

For additional information, please contact:

Shannon Gibson
Compliance Manager
Soul Arc Solutions, Inc.
(707) 498-7426
shannon@goheadwaters.com

1600-2017-20 1-R1

CLOSING 1

1600-2017-02 .4-R1

CROSSING 2

1600-2017-0291 R1

CROSSING 3

WOD-2017-09 4-R1 CROSSING 4

RECEIVED
MAR 07 2019
Humboldt County
Cannabis Svcs.

# State Waterboard **Online 2018 Cannabis Water Quality Monitoring & Reporting Program**

**You completed application 410360 on 02/27/2019 16:48:48**

Return to Dashboard

## SECTION A ENROLLMENT INFORMATION:

Enter WDID for cultivation site: 1B16887CHUM

**It may take a few moments to retrieve the enrollment information associated with this WDID after you hit "Save and Continue."**

## SECTION A ENROLLMENT INFORMATION:

WDID Number **1B16887CHUM** is Enrolled Under Order Number:
R1-2015-0023

Facility Enrollment Type and Discharger Name:
Enrollee - Waiver for Strauss, Tristan

**If the Enrollment Type and Discharger Name above is blank or does not look to be associated with your cannabis cultivation please confirm WDID number 1B16887CHUM is the WDID number listed on the Notice of Applicability (NOA) issued by the Regional Water Quality Control Board (RWQCB) or State Water Resource Control Board (SWRCB). You can re-enter the WDID by going back to the previous screen.**

**If you have confirmed the WDID was entered exactly as shown on the NOA and the fields are still blank you will need to contact the RWQCB or SWRCB that issued the NOA.**

## REGIONAL ORDER NO. R1-2015-0023: Annual Report Overview

**Note: If the site/property was transitioned to the Statewide Cannabis General Order (WQ 2017-0023-DWQ) in 2018, please complete the Annual Report for that Order first by entering your WDID associated with the Statewide Cannabis General Order (format example: 1_23CC456789). You will be directed back to this page once you have completed the Annual Report for the Statewide Cannabis General Order.**

Welcome to the Annual Monitoring and Reporting Portal for North Coast Regional Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region (Regional Cannabis Order). This application allows cannabis dischargers to electronically submit their Annual Report pursuant to Water Code section 13267 as required by the Regional Cannabis Order. The portal consists of the following sections:

Section 1: Enrollment and Site Information
Section 2: Compliance with Standard Conditions
Section 3: Quantitative Site Characterization
Section 4: Water Use
Section 5: Certification

Questions that are marked with a symbol are mandatory and must be answered in the application.

**Click 'Save and Continue' below to continue.**

## REGIONAL ORDER NO. R1-2015-0023: Enrollment and Site Information

**Note: This Annual Report will correspond to the following Enrollment:**

## 1B16887CHUM Enrollee - Waiver for Strauss, Tristan

**If the enrollment information listed above does not appear to be associated with your cannabis cultivation please confirm that the Regional Order WDID listed above (format example: 1B123456CHUM) matches the number listed on the Notice of Applicability (NOA) issued by the North Coast Regional Water Quality Control Board (NCRWQCB). If you need to correct the WDID you can use the "Prev" button to return to the page on which the WDID was entered, without losing any saved changes.**

**If you have confirmed the WDID was entered exactly as shown on the NOA and the information listed above is still incorrect, please contact the NCRWQCB at (707) 576- 2676 or by email at northcoast.cannabis@waterboards.ca.gov.**

**County** Humboldt

**APN(s)** 108-012-009

**Tier** 2 **If tier 2 or 3 answer the following:**

| | |
|---|---|
| Date Water Resource Protection Plan developed | 09/10/2016 |
| Date instream work completed (if applicable) | 08/31/2018 |
| Planned date to begin instream work (if applicable) | |

**Discharger Relationship to Property** ○ Owner ○ Operator ○ Owner and Operator

**Report Preparer** Authorized Representative **Authorized Representative Organization (if applicable)** Soul Arc Solutions, Inc.

## REGIONAL ORDER NO. R1-2015-0023: Compliance with Standard Conditions

# Site in Compliance with Standard Conditions?

**Note: If a standard condition is not met, indicate "No" and provide expected date of compliance. If a standard condition has been met or is not applicable indicate "Yes" the standard condition has been met (for example, if there are no stream crossings onsite, Standard Condition 2 would be met and "Yes" would be the proper choice).**

**Standard Condition 1: Site Maintenance, erosion control, and drainage features**

○ Yes
○ No

If "No", expected date of compliance for SC 1

**Standard Condition 2: Stream crossing maintenance**

○ Yes
○ No

If "No", expected date of compliance for

**Standard Condition 3: Riparian and wetland protection management**

- Yes
- No

If "No", expected date of compliance for SC 3

**Standard Condition 4: Spoils management**

- Yes
- No

If "No", expected date of compliance for SC 4

**Standard Condition 5: Water storage and use**

- Yes
- No

If "No", expected date of compliance for SC 5

**Standard Condition 6: Irrigation runoff**

- Yes
- No

If "No", expected date of compliance for SC 6

**Standard Condition 7: Fertilizers and soil amendments**

- Yes
- No

If "No", expected date of compliance for SC 7

**Standard Condition 8: Pesticides and herbicides**

- Yes
- No

If "No", expected date of compliance for SC 8

**Standard Condition 9: Petroleum products and other chemicals**

- Yes
- No

If "No", expected date of compliance for SC 9



- Yes

**Standard Condition 10: Cultivation-related waste**

If "No", expected date of compliance for SC 10

**Standard Condition 11: Refuse and human waste**

- (•) Yes
- ( ) No

If "No", expected date of compliance for SC 11

## REGIONAL ORDER NO. R1-2015-0023: Quantitative Site Characterization

**Note: Enter zero or N/A as appropriate for questions that are non-applicable, based on operation type**

### Outdoor (Full Sun) Operations

| | |
|---|---|
| Sum of cultivation area(s) (sq ft) | 0 |
| # of Adult Plants (per harvest) | 0 |
| Planting Medium | na |

### Mixed-Light Operations

| | |
|---|---|
| Sum of cultivation area(s) (sq ft) | 9802 |
| # of Adult Plants (per harvest) | 4426 |
| Planting Medium | raised beds |

### Indoor Operations

| | |
|---|---|
| Sum of cultivation area(s) (sq ft) | 0 |
| # of Adult Plants (per harvest) | 0 |
| Planting Medium | NA |
| Total sum of all cultivation areas (all types) (sq ft) | 9802 |
| Shortest distance from any cultivation area (ft) to nearest Class I Watercourse | 200+ |
| Shortest distance from any cultivation area (ft) to nearest Class II Watercourse | 200+ |
| Shortest distance from any cultivation area (ft) to nearest Class III Watercourse | 200+ |

| | |
|---|---|
| Average slope of cultivated area (%) | 15 |
| Number of road crossings of surface waters | 3 |
| Length of unpaved roads on enrolled parcel(s) | 1/2 mile - 1 mile |
| Total water storage capacity (gallons) | 561000 |
| Total annual nitrogen use (lbs) | 35.85 |
| Total annual phosphorus use (lbs) | 71.44 |

## REGIONAL ORDER NO. R1-2015-0023: Water Use

# Water Input to Storage (gallons per month)

**Note: Multiple cases of a single source category should be combined (e.g. if there are multiple wells, report monthly sum from all as a single source). Additionally, a new source category has been added (Hydrologically Connected Well(s)) for wells that are in close proximity to surface water.**

## Input Source 1

| | |
|---|---|
| **Input Source 1** | Spring(s) |
| January | 60000 |
| February | 60000 |
| March | 60000 |
| April | 9000 |
| May | 0 |
| June | 0 |
| July | 0 |
| August | 0 |
| September | 0 |
| October | 0 |
| November | 0 |

no longer used

# Input Source 2

| Input Source 2 |
| --- |
| January |
| February |
| March |
| Arpil |
| May |
| June |
| July |
| August |
| September |
| October |
| November |
| December |

# Input Source 3

| Input Source 3 |
| --- |
| January |
| February |
| March |
| April |
| May |
| June |
| July |
| August |
| September |
| October |
| November |


PLN-11598-CUP SolArc Solutions January 7, 2020 Page 247

December

# Water Applied to Plants (gallons per month)

**Note: If water is applied from storage, select the type of storage as the Application Source, rather than the original source of the water.**

## Application Source 1

| | |
|---|---|
| **Application Source 1** | **Tank(s)** |
| January | 0 |
| February | 0 |
| March | 0 |
| April | 0 |
| May | 10000 |
| June | 22500 |
| July | 27000 |
| August | 27000 |
| September | 18000 |
| October | 9000 |
| November | 0 |
| December | 0 |

## Application Source 2

| | |
|---|---|
| **Application Source 2** | **Surface Diversion(s)** |
| January | 0 |
| February | 0 |
| March | 0 |
| April | 3700 |
| May | 8000 |
| June | 0 |

| | |
|---|---|
| August | 0 |
| September | 0 |
| October | 0 |
| November | 0 |
| December | 0 |

## Application Source 3

| Application Source 3 | |
|---|---|
| January | |
| February | |
| March | |
| April | |
| May | |
| June | |
| July | |
| August | |
| September | |
| October | |
| November | |
| December | |

**If "Other" is selected for either Input Source or Application Source please provide a brief description here:**

**How was water use estimated?** ★ **Best Guess**

**If estimation method is "Other" please provide a brief description here:**

★ Was this site transferred to the Statewide Cannabis Order during 2018? ○ No ◉ Yes

## REGIONAL ORDER NO. R1-2015-0023: Certification

**Note: This Annual Report will be submitted for the following Enrollment:**

### 1B16887CHUM Enrollee - Waiver for Strauss, Tristan


PLN-11598-CUP SolArc Solutions January 9, 2020 Page 39

**I certify under penalty of law that I have personally examined and am familiar with the information submitted in this**

significant penalties for submitting false information, including the possibility of fine and imprisonment.

| | |
|---|---|
| Full legal name of the individual signing | Shannon Gibson |
| Title of individual signing: (e.g., Owner, Consultant) | Compliance Manager |
| Date of signature | 02/27/2019 |

## Submission

# SUBMISSION PAGE

NOTICE PURSUANT TO INFORMATION PRACTICES ACT OF 1977 (CIV. CODE. § 1798.17) The State Water Resources Control Board is requesting personal identifying information about the discharger and the person filing this report for the monitoring and reporting program required by the statewide General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order) and Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (Regional Order). The agency officials responsible for this system of records are Kevin Porzio (General Order), Senior Engineer, whose business address is 1001 I Street, 15th Floor, Sacramento, CA 95814 and whose business telephone is (916) 341-6914 and Kason Grady (Regional Order), Senior Engineer, whose business address is 5550 Skylane Boulevard, Santa Rosa, CA 95403 and whose business telephone is (707) 576-2220. Upon request, the agency official(s) shall inform an individual regarding the location of his or her records and the categories of any persons who use the information in these records.

The State Water Resources Control Board is empowered to require the submission of personal identifying information by California Water Code sections 1228 and 13260. Failure to provide the mandatory information for General Order Monitoring and Reporting Program can result in the imposition of administrative civil liability in the amount of $1,000 per day.

This personal identifying information is collected to facilitate better water management and waste discharge management by the State Water Resources Control Board. The State Water Resources Control Board will not automatically post personal identifying information to public databases. However, the State Water Resources Control Board may be legally required to disclose personal identifying information under any of the circumstances described in Civil Code, section 1798.24. Such circumstances may include, but are not limited to, responding to a request pursuant to the California Public Records Act or responding to a subpoena from a federal agency.

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## 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 |
| Public Works Land Use Division | ✓ | Recommends conditional approval. | Attached |
| Division Environmental Health | ✓ | Approval | Attached |
| Department of Fish & Wildlife | ✓ | Comments | Attached |
| CAL FIRE | ✓ | Comments | Attached |
| Telegraph Ridge Fire Protection District | ✓ | Approval | Attached |
| NWIC | ✓ | Further Study | On file with Planning |
| Bear River Band Rohnerville Rancheria | ✓ | Conditional approval | On file with Planning |
| Intertribal Sinkyone Wilderness Council | | No response | |
| Humboldt County District Attorney | | No response | |
| Humboldt County Agricultural Commissioner | | No response | |
| RWQCB | | No response | |
| Southern Humboldt Unified School District | | No response | |
| Humboldt County Sheriff | | No response | |

Th

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

RECEIVED
AUG 4 - 2017
Humboldt County
Planning Division

**7/20/2017**

**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, Telegraph Ridge Fire Protection District Fire Protection District, Southern Humboldt Unified School District School District, Humboldt County Sheriff, Sinkyone Tribal Council

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**Applicant Name** Canigou, Inc. **Key Parcel Number** 108-012-009-000

**Application (APPS#)** 11598 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-298

---

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

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

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

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

**Return Response No Later Than 8/4/2017**

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: _____

DATE: 8-2-17 PRINT NAME: Patrick McTigg

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

# Building Division's Referral Comments for Cannabis Operations:

Application No.: 44154

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

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

Name: Patrick McFarg Date: 8-2-17

Note: Remember to take photographs and then save them to the Planning's application number.

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596
AVIATION 839-5401

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

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

# LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer KM

DATE: 08-17-2018

**RE:**

| | |
|---|---|
| **Applicant Name** | Canigou, Inc. |
| **APN** | 108-012-009 |
| **APPS#** | 11598 |
| **CASE#** | CUP16-298 |

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 11 / 01 /2017, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The report incorrectly labled the access road as Wilder Ridge Road.

// END //

## Exhibit "A"

## Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 11598

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

_____

_____

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☑ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☑ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

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

RECEIVED
JAN 26 2018
Humboldt County Planning Dept.

17/18-0121

RECEIVED
JUL 21 2017
HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

**7/20/2017**

**PROJECT REFERRAL TO: Health and Human Services Environmental Health 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, Telegraph Ridge Fire Protection District Fire Protection District, Southern Humboldt Unified School District School District, Humboldt County Sheriff, Sinkyone Tribal Council

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**Applicant Name** Canigou, Inc. **Key Parcel Number** 108-012-009-000

**Application (APPS#)** 11598 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-298

---

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

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

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

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

**Return Response No Later Than 8/4/2017**

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.

DISTRIBUTED
1-26-18

☐ Other Comments: _____

DATE: 1/23/18 PRINT NAME: Ben Dolf

2746

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

| Applicant: Canigou Inc. | | | |
|---|---|---|---|
| Co APPS: 11598 | APN: 108-012-009 | CDFW CEQA: 2017-0325 | ☐ ZCC ☐ SP ☒ CUP |
| ☐ New Size (SF): | ☒ Existing Size (SF): 17,900 | ☒ Mixed-light ☐ Outdoor ☐ Indoor ☐ RRR | |

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

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

**Please provide the following information:**

☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2017-0294-R1) in May of 2017. As of September 2017, the LSA Agreement is in process and has not been deemed Final.

☒ The referral materials state that there is a proposed pond for use as water storage. CDFW requests, as a condition of Project approval, that the applicant comply with the attached CDFW Bullfrog Management Plan (Exhibit A) when the pond is constructed. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. In addition, CDFW recommends that the pond be designed to prevent erosion, colonization of bullfrogs, and wildlife entrapment. Meaning, sized properly for water requirement (dry for a portion of the year), include an outlet to control concentrated overflow, and contain step terracing or several exit ramps placed at <2:1 slope.

☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW recommends protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.

☒ The referral materials show that the applicant will be utilizing generators for mixed-light cultivation methods. Noise and light pollution have the potential to impact sensitive species such as the Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species). Human induced noise and light pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. CDFW requests, as a condition of project approval, that the applicant describe, in detail, how the project will eliminate noise and light escapement/pollution from cultivation structures.

☒ Referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one of the following: a valid grading permit or a less-than-3-acre conversion exemption or

timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

☒ Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.

☒ CDFW has identified several points of concern along the access road to the project site, including failing culverts and a recent landslide that discharged substantial levels of sediment to the creek. CDFW requests, as a condition of project approval, that all road points that may cause direct adverse impacts to fish and wildlife resources be addressed.

☒ Onsite review has confirmed that the cultivation area, as of July 2017, was approximately 19,000 square feet.

☒ Conduct a biological survey of the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.

☒ CDFW is concerned that the Project may result in direct and cumulative adverse impacts to valuable fish and wildlife resources. CDFW believes an environmental document such as a mitigated negative declaration or an environmental impact report is required for approval of this Project.

## EXHIBIT A.

## BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0325-R1

### GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

### MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of two total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of two total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

### SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two removal methods may by employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at kalyn.bocast@wildlife.ca.gov.

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of ***five*** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

**Pond Dewatering**

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

**REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

**APPENDIX A**. BULLFROG REFERENCE PHOTOS

This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).

The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.

The bullfrog has somewhat distinct mottling and **<u>the underside of the bullfrogs hind legs are not shaded pink or red.</u>**

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

| | | | |
|---|---|---|---|
| Applicant: Canigou Inc. AKA Soul Arc Solutions | | Date: 3/6/2019 | |
| Co APPS: 11598 | APN: 108-012-009 | CDFW CEQA: 2017-0325 | ☐ ZCC ☐ SP ☒ CUP |
| ☐ New Size (SF): | ☒Existing Size (SF): 17,900 | ☒ Mixed-light ☐ Outdoor ☐ Indoor ☐ RRR | |

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

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

**Please provide the following information:**

☒ Previous comments included concerns that the Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*). 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. The Project proposes to utilize mixed-light (artificial light powered by generators) cultivation within Northern Spotted Owl (NSO) occupied habitat. Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011). CDFW requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include but are not limited to the prohibition of generators, project lighting and fans, including those used in ancillary structures (e.g. nurseries). If it is found that NSO nesting/roosting/foraging habitat is located within the project vicinity, CDFW may request that mixed-light (artificial-light) cultivation methods be omitted at this site during the breeding season to minimize potentially significant impacts to NSO.

☒ In prior comments, the Department identified concern that the Project may result in direct and cumulative adverse impacts to valuable fish and wildlife resources. Provided the substantial development, pre and post 2015, conducted without environmental review or permits in sensitive habitat by several adjoining parcels owned/operated by the same applicant (as well as others).

CDFW previously indicated that an environmental document such as a mitigated negative declaration may be appropriate for approval of this Project. CDFW requests further information on the CEQA document proposed to be applied to this project and any associated mitigation, if any, that will be included as part of the Staff Report.

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

Sincerely,

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

# DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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

RECEIVED
JUL 24 2017
Humboldt County
Planning Division

Ref: 7100 Planning
Date: July 24, 2017

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

**Attention:** Cannabis Planner (CPOD)
**Applicant:** Canigou, Inc.
**APN:** 108-012-009-000
**Area:** Ettersburg
**Case Numbers:** CUP16-298

**Humboldt County Application #:** 11598
**Type of Application:** Conditional Use Permit
**Date Received:** 7/21/2017
**Due Date:** 08/04/2017

**Project Description:** A Conditional Use Permit for an existing 17,900 square foot (SF) mixed-light medical cannabis cultivation operation. Water for irrigation is sourced from a pending riparian water right from the Mattole River and a pending Small Irrigation Use Appropriation to seasonally divert water. There is a total of 189,000 gallons of storage in various-sized tanks on-site. Processing includes drying and curing. Trimming will occur off-site in a proposed processing facility. There will be up to four (4) employees during peak operational times. Power is provided by a generator.

Mr. Ford,

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

-Fire Safe
-Resource Management
-Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For ***Hugh Scanlon***, Unit Chief

## FIRE SAFE

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

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

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.

2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eve ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.

3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
   a) California Fire Code (CFC) — for overall design standards
   b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
   c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
   d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps

4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
   During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
   During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
   There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
   Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.

5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

## RESOURCE MANAGEMENT

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

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

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.

2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.

3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.

4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.

5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.

6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

# Cannabis

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

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

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders

2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.

4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

## Laney, Megan

**From:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
**Sent:** Thursday, August 17, 2017 9:22 AM
**To:** Planning Clerk
**Subject:** FW: APN# 108-012-009 Canigou, INC

**From:** Titus, Lucas@CALFIRE
**Sent:** Monday, July 24, 2017 3:55 PM
**To:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
**Cc:** sluu@manhard.com
**Subject:** APN# 108-012-009 Canigou, INC

CAL FIRE can not support this project. It appears illegal conversion work has been done on the property without a permit from CAL FIRE. Please seek input from a Registered Professional Forester or CAL FIRE.


Lucas Titus

Forester I, Bridgeville Resource Management

Department of Forestry and Fire Protection

***CAL FIRE***

Humboldt-Del Norte Unit

Office (707)777-1720

Cellular (707)599-6893


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

6/8/2018

PROJECT REFERRAL TO: CalFire

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, Telegraph Ridge Fire Protection District Fire Protection District, Southern Humboldt Unified School District School District, Humboldt County Sheriff, Sinkyone Tribal Council

---

Applicant Name Canigou, Inc. Key Parcel Number 108-012-009-000

Application (APPS#) 11598 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-298

---

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 6/23/2018

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: _____

_____

DATE: _____ PRINT NAME: _____

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

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

**Forester Comments:** Date: 6/19/18 Name: Tim Meyers

CALFIRE can not support this permit. A violation is in the process of being issued with a civil case pending for the illegal conversion activity.

**Battalion Chief Comments:** Date: Name:

**Summary:**