



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 9, 2020

To: Humboldt County Planning Commission

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

Subject: **Alchemy Atelier, LLC, Conditional Use Permit and Special Permit**
Record Number PLN-11813-CUP
Assessor's Parcel Number (APN) 216-141-005 and 216-144-006
26875 Dyerville Loop Road, Alderpoint

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Please contact Stephen Luther, Planner, at 707-445-7541 or by email at sluther@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	Stephen Luther

Project Description: A Conditional Use Permit (CUP) for an existing 13,477 square foot (SF) outdoor commercial cannabis cultivation operation. Cultivation occurs in eight (8) greenhouses and three (3) full-sun outdoor plots. Clones are purchased from an off-site licensed nursery. No propagation is proposed on-site. Water for irrigation is sourced from a permitted groundwater well. The estimated annual water usage for irrigation is 141,120 gallons and water storage totals 39,000 gallons. Drying and curing is completed on-site in an existing drying building. Up to two employees are necessary. All other processing occurs off-site at a 3rd party processor. Power is provided by a solar array and a 2-kw generator.

Project Location: The project is located in the Alderpoint area, on the east side of Dyerville Loop Road, approximately 1.23 miles north from the intersection of Ross Road and Dyerville Loop Road, then approximately 1.13 miles southeast on a private drive, on the property known as 26875 Dyerville Loop Road.

Present Plan Land Use Designations: Agricultural Grazing (AG); Density: 20-160 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Agriculture Exclusive (AE) B-5 (160), Timberland Production (TPZ).

Record Number: PLN-11813-CUP

Assessor Parcel Numbers: 216-141-005 and 216-144-006

Applicant

Alchemy Atelier, LLC
PO Box 82
Whitethorn, CA 95589

Owner

Janice F and Kyle P Umina
PO Box 82
Whitethorn, CA 95589

Agent

Green Road Consulting
1650 Central Avenue, Suite C
McKinleyville, CA 95519

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.

ALCHEMY ATELIER, LLC
Record Number: PLN-11813-CUP
Assessor's Parcel Numbers: 216-141-005 and 216-144-006

Recommended Commission Action

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

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

Executive Summary: Alchemy Atelier, LLC seeks a Conditional Use Permit for a commercial cannabis cultivation project (project) for an existing 13,477 square foot outdoor commercial cannabis cultivation operation. The project also includes a Special Permit for restoration work within a Streamside Management Area or Other Wet Area.

Cultivation occurs in four (4) areas. The easternmost consists of two greenhouses surrounded by a 3,971 SF full-sun outdoor plot. The second area consists of 1,490 SF of full-sun outdoor. The third consists of a greenhouse surrounded by a 2,016 SF full-sun outdoor plot. The fourth area consists of five greenhouses. In total, there is 6,000 SF of light deprivation occurring in eight (8) greenhouses and 7,477 SF of full-term outdoor. The four cultivation areas were existing based on 11/4/2015 TerraServer® imagery. A fifth cultivation area occurred in the southeast of the subject parcel in three (3) greenhouses each measuring 1,400 SF. This area was within the SMA of Steelhead Creek and has been decommissioned. The cultivation was relocated and in 2018 the four existing cultivation areas were rearranged to bring the total cultivation area to 13,477 SF. A Restoration Plan was prepared by Green Road Consulting detailing the measures to remove all cannabis infrastructure, treat bar soil and stabilize the flat, and monitor and maintain the erosion control measures. A condition of approval requires a monitoring report be provided demonstrating the successful reseeding and erosion control of the area in question. The Building Inspection Division did not respond to the referral due to availability of inspectors. However, Planning staff conducted a site visit on December 12 and verified the site plan was accurate and that there were no outstanding issues not addressed in the application.

Water for irrigation is provided by a permitted groundwater well (DEH Permit No. 18/19-0549). The well completion report shows the depth to static water level is 68 feet. The well has a screened intake through 140 feet of shale formation, which is indicative of groundwater. Domestic water is sourced from a deeded easement to a spring on the adjacent parcel. Estimated annual water use for the cannabis operation is 141,120 gallons (10.5 gal/sf). Storage capacity is currently 39,000 gallons in nine (9) HDPE tanks. Water was previously stored in bladders which have been removed. site shall maintain a dedicated fire tank minimum 2,500-gallon capacity that shall be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications. Water meters will be used to quantify irrigation water use.

The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger. A Water Resources Protection Plan (WRPP) was prepared for the project site by Timberland Resource Consultants in August 2018. The WRPP identified eight locations where improvements are necessary. The WRPP identified a historic logging road within the channel of a Class III stream. As recommended in the WRPP, the road will be decommissioned, and the stream channel redirected back to its original course. The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not

limited to, a Notice of Applicability and a Site Management Plan.

The applicant has a Final Lake and Streambed Alteration Agreement (1600-2018-0600-R1) with the California Department of Fish and Wildlife (CDFW) for the domestic water diversion, four (4) stream crossing upgrades, and an in-stream road decommission. A condition of approval requires the applicant adhere to the terms of the LSA. CDFW commented on the project and requested the well be evaluated on an annual basis to determine drawdown. CDFW referral comments requested the replanting of riparian tree species due to what appears to have been the removal of a California bay tree near the southern cultivation area between 2009 and 2011. As a condition of approval, the applicant shall provide evidence of the successful replanting and monitoring of riparian trees within the SMA of Steelhead Creek at a ratio of 3:1.

A Biological Resource Assessment Report and Jurisdictional Wetland Delineation was prepared for the project by TransTerra Consulting (received on July 2, 2019). The wetland delineation identified 0.08 acres of wetland hydrologically connected to Steelhead Creek, of which 0.03-acres is Seasonal Palustrine Emergent Wetland (PEM) and 0.05 acres is Perennial PEM. The report identified a population of Howell's Montia, a rare species, located in the wetland area. An existing cultivation area consisting of three greenhouses was located on the east side of Steelhead Creek. This area has been decommissioned and restored according to the Restoration Plan submitted by Green Road Consulting. There are no Northern Spotted Owl sightings or activity centers within a 4-mile radius of the project. The project is all outdoor cultivation and does not use supplemental lighting, including for propagation. A 2 kw generator is housed within a containment shed and noise will be kept below the allowable limits.

A cultural resources investigation was not prepared for the project because it was not requested from the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria per her email dated March 5, 2018. Inadvertent discovery language is included in Attachment 1.

Drying and curing would occur on-site in the existing multi-use building. There will be up to two (2) employees for the operation. Portable toilets and handwashing stations will be provided on an ongoing basis to serve the needs of cultivation staff. All further processing will be done by an off-site third-party processing facility.

Access to the site is 1.1 miles of a private drive off Dyerville Loop Road, a gravel County-maintained road. A Road Evaluation Report was submitted by the applicant self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard (see Attachment 4). Public Works commented and requested conditions of approval. The intersection of the private road and Dyerville Loop Road shall be rocked for a width of 20 feet and length of 50 feet to meet commercial standards and sight visibility standards. This has been included as a condition of approval. The Water Resource Protection Plan identified surface erosion on the access road and recommended the entire road be resurfaced with a fresh layer of crushed rock. Implementation of this recommendation is included as a condition of approval.

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. The waste would be self-hauled to a local transfer station. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation operation was 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 a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required

findings for approving the CUP and SP.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Record Number: PLN-11813-CUP
Assessor Parcel Numbers: 216-141-005 and 216-144-006**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Alchemy Atelier, LLC Conditional Use Permit and Special Permit request.

WHEREAS, Alchemy Atelier, LLC submitted an application and evidence in support of approving a Conditional Use Permit for the cultivation of commercial cannabis on APN 216-144-006 to consist of 13,477 square feet of outdoor cultivation, irrigation water from a groundwater well, restoration of a road within a SMA, drying and curing on-site in an existing building, with up to 2 employees and power provided by solar and a generator; 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-11813-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. Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-11813-CUP, based on the submitted substantial evidence; and
3. Record Number PLN-11813-CUP as recommended and conditioned in Attachment 1 for Record Number PLN-11813-CUP.

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:

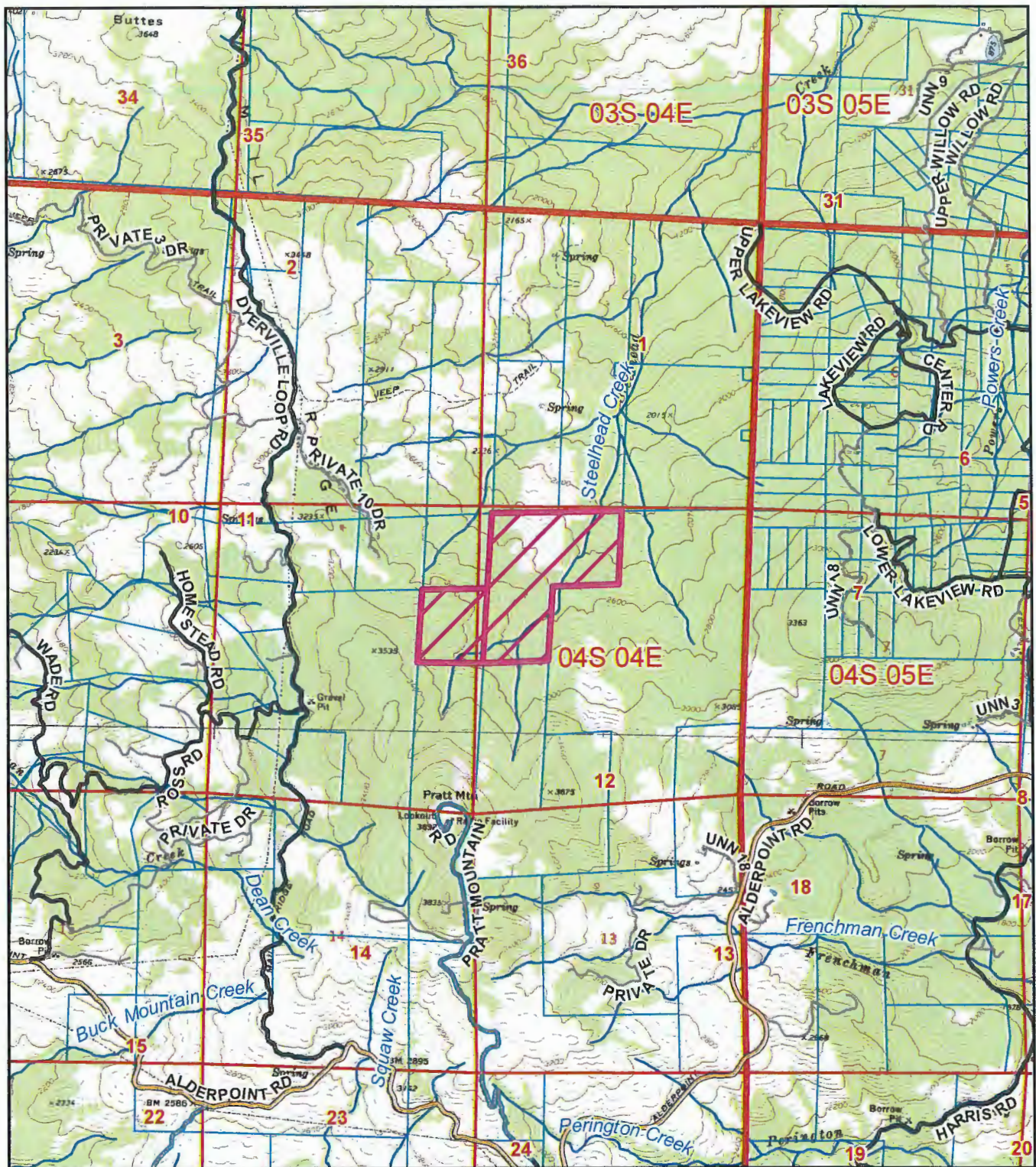
ABSTAIN: Commissioners:

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 ALCHEMY ATELIER, LLC
ALDERPOINT AREA**

Project Area = 

PLN-11813-CUP

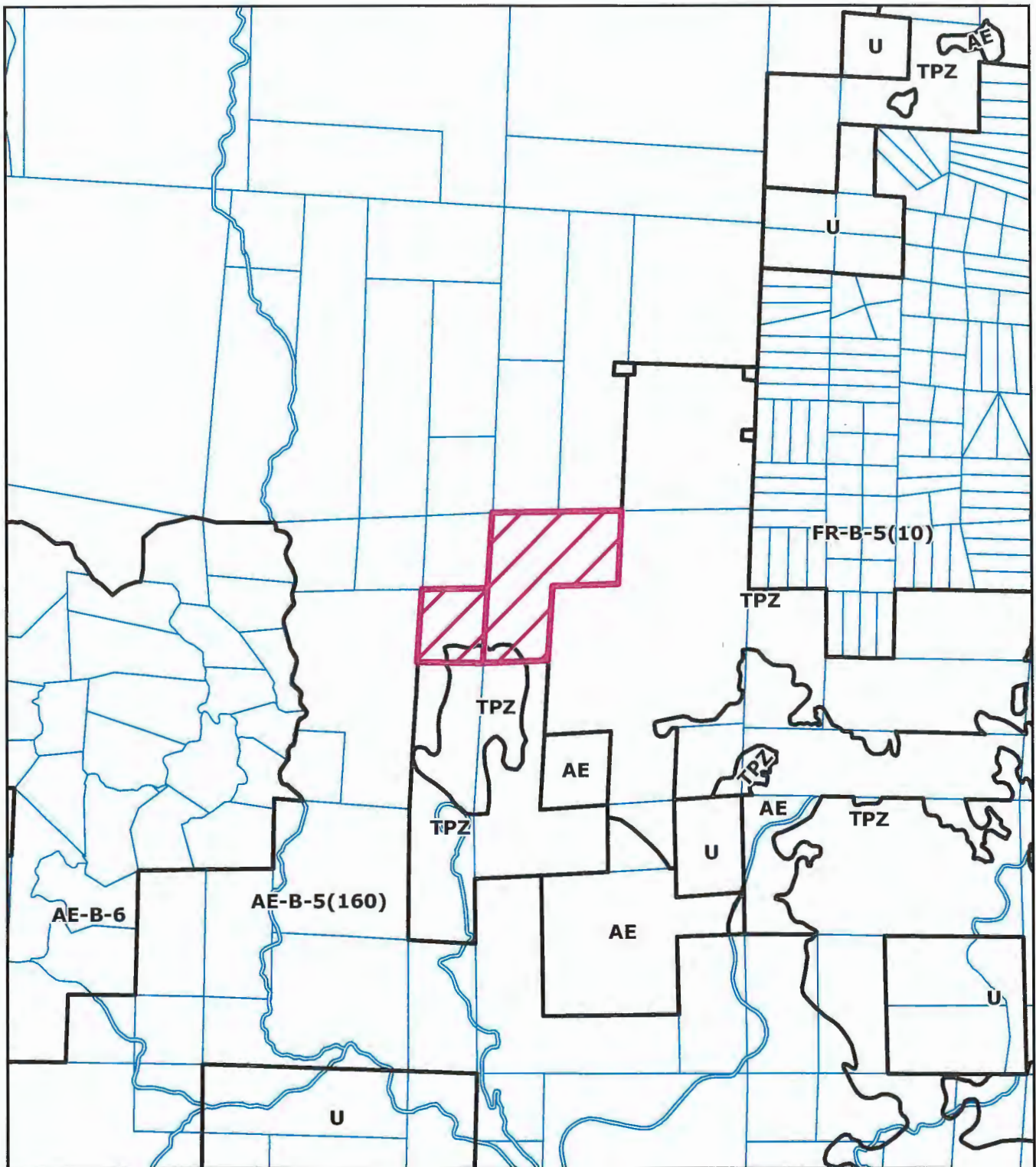
APN: 216-144-006; ET AL.

T04S R04E S11; S12 HB&M (FORT SEWARD)

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

0 0.275 0.55 1.1
Miles





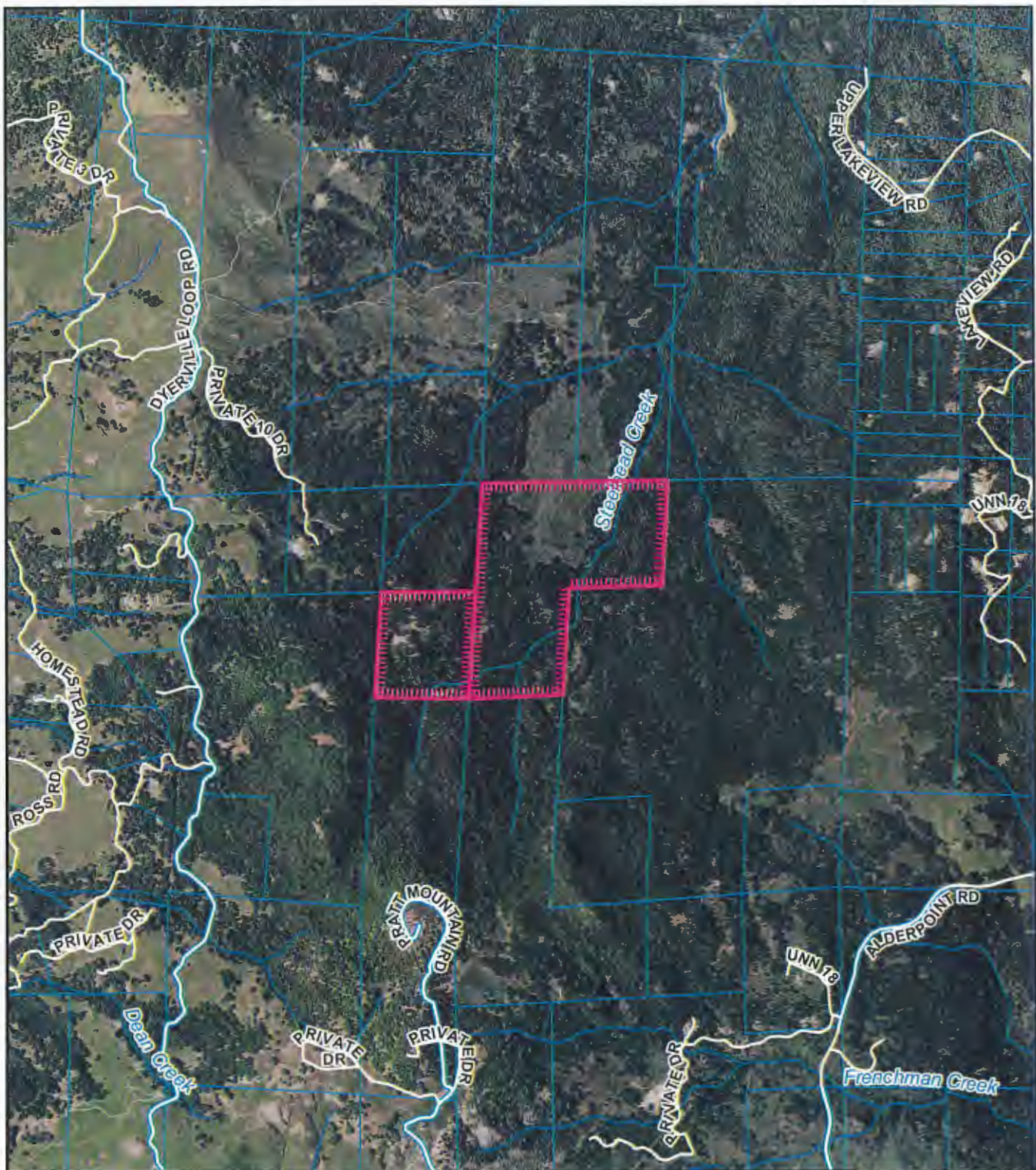
Project Area = 

**ZONING MAP
PROPOSED ALCHEMY ATELIER, LLC
ALDERPOINT AREA
PLN-11813-CUP
APN: 216-144-006; ET AL.
T04S R04E S11; S12 HB&M (FORT SEWARD)**

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

0 0.275 0.55 1.1
Miles





AERIAL MAP
PROPOSED ALCHEMY ATELIER, LLC
ALDERPOINT AREA
PLN-11813-CUP
APN: 216-144-006; ET AL.
T04S R04E S11; S12 HB&M (FORT SEWARD)

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.

0 1,000 2,000 4,000 Feet



ALCHEMY ATELIER, LLC
APN: 216-144-006/216-141-005

RECEIVED
DEC 18 2019
Humboldt County
Cannabis Svcs.

VICINITY MAP
NOT TO SCALE



IMAGE SOURCE: ESRI 2018

PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON US-101 (65.9)
 - TAKE EXIT 639B TOWARD REDWAY
 - TURN RIGHT ONTO REDWOOD DR
 - TURN RIGHT ONTO ALDERPOINT RD
 - TURN LEFT ONTO DYERVILLE LOOP RD
 - SITE WILL BE ON RIGHT

TRAVEL TIME

APPROXIMATELY: 1 H 32 MIN (76.2 MI)

SHEET INDEX

- CP-COVER PAGE
- PO-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.1306,-123.6927
APN: 216-141-006
APPLICANT: ALCHEMY ATELIER, LLC
PARCEL SIZE: ±43 ACRES
ZONING: AE[GEN USE: AE-B-5(160);TPZ
APPLICATION TYPE: TYPE 3A

COASTAL ZONE: N
100 YEAR FLOOD: N

AGENT:

KAYLIE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE. SUITE C
MCKINLEYVILLE, CA 95519
707-630-5041

AERIAL MAP



IMAGE SOURCE: GOOGLE EARTH



300' 600' 1,200'

NOTE

POINTS TO DETERMINE SOUTHERN PARCEL BOUNDARY AS SHOWN ON THIS EXHIBIT, ON FILE AT POINTS WEST SURVEYING CO.

PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

PROPERTY OWNER: KYLE UMINAJENNIFER PARENT
ADDRESS: APN: 216-144-006
SHEET INFO: COVER PAGE

REVISIONS

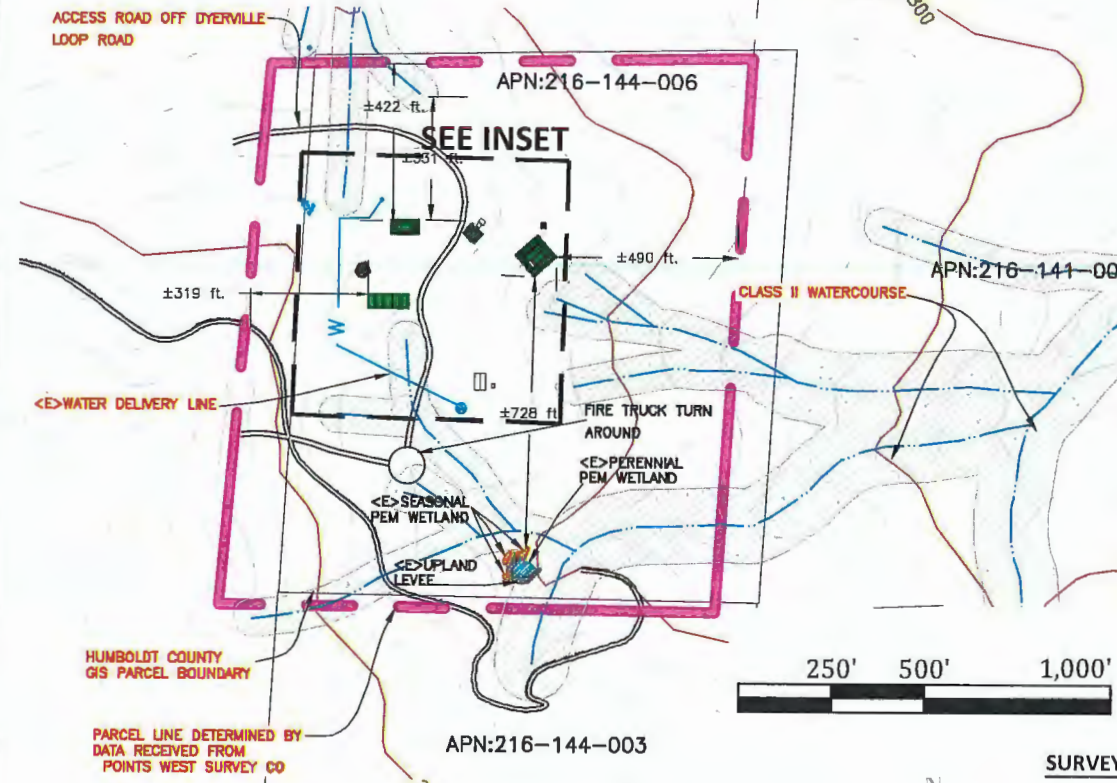
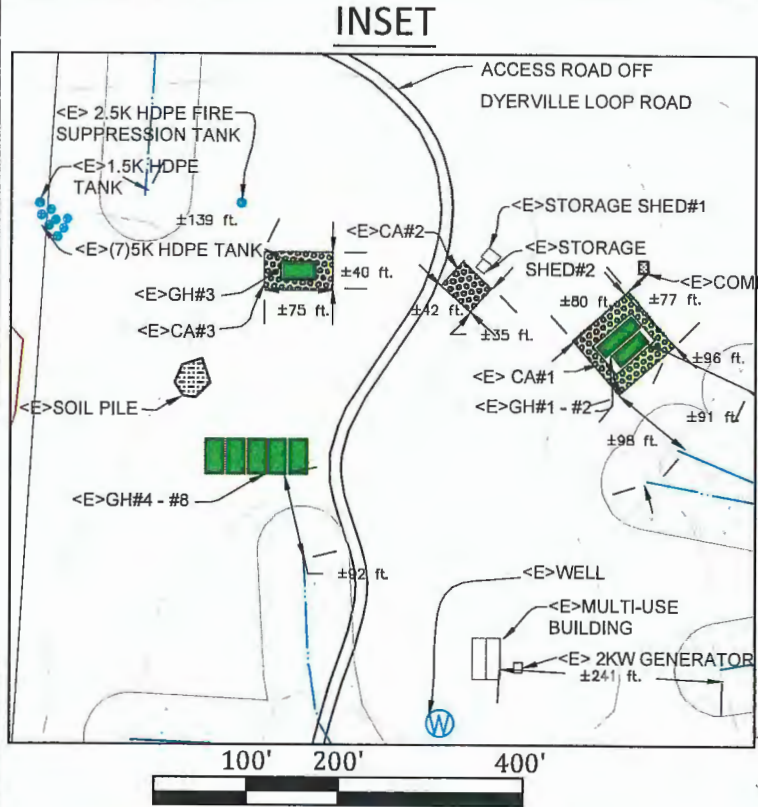
NO.	NOTES	DATE

DATE: 12/13/19
DRAFTER: DDV
SCALE: AS SHOWN

SHEET
CP

12/13/2019 - X:\Projects\Umi.Hu.Ga.16.12\CAD\CULTIVATION MAP\Umi-STATE-DOB.dwg - 11:38 AM - CAD

12/13/2019 - X:\Projects\Umi\Huc\1612\CAD\CULTIVATION MAP\UMI-STATE-006.dwg - 11:35 AM - CAD



SURVEY POINTS FROM POINTS WEST SURVEY CO

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105,1934674.9885,6088867.8015,2855.2687,FD_1.5"ALCAP_LS4570_1/4_COR_S_11_12

SITE

***DISCLAIMER**
THE POND IS NOT USED AS A SOURCE OF WATER FOR CANNABIS CULTIVATION

NOTE
POINTS TO DETERMINE SOUTHERN PARCEL BOUNDARY AS SHOWN ON THIS EXHIBIT, ON FILE AT POINTS WEST SURVEYING CO.

CULTIVATION INFORMATION

FULL-TERM (OUTDOOR) CULTIVATION AREA

CA	SQ FT
1	3,971
2	1,490
3	2,016
TOTAL FULL-TERM CULTIVATION AREA =	
7,477 SQ FT	

LIGHT DEPRAVATION (OUTDOOR) CULTIVATION AREA

<u>GH</u>	<u>SQ FT</u>	<u>DIMENSIONS</u>
1	600	40'x15'
2	750	50'x15'
3	750	37.5'x20'
4	750	37.5'x20'
5	750	37.5'x20'
6	750	37.5'x20'
7	750	37.5'x20'
8	750	37.5'x20'
TOTAL LIGHT DEP AREA =		5,850 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
MULTI-USE BUILDING	PACKAGING&LABELING/DRYING	30'x44'(1,5320FT ²)	1980
STORAGE SHED #1	FERTILIZER, FUEL, TRASH, PESTICIDE, & RECYCLING STORAGE	16'x13'(208FT ²)	1980
STORAGE SHED #2	FERTILIZER, FUEL, TRASH, PESTICIDE, & RECYCLING STORAGE	12'x12'(144FT ²)	1980

WATER STORAGE AND USE

TYPE	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	7	5,000	35,000
HDPE TANK	1	1,500	1,500
HDPE TANK	1	2,500	2,500
TOTAL AMOUNT OF WATER STORAGE=			39,000 GALLONS

WATER SOURCE

TYPE	LAT/LONG
WELL	40.13, -123.6934

UNNAMED CLASS II STREAM WITH REQUIRED 100 FT BUFFER

POWER SOURCE

2KW GENERATOR

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION
PROPERTY OWNER: KYLE UMINAJENIFER PARENT
ADDRESS: APN: 216-144-006
SHEET INFO: PARCEL OVERVIEW

REVISIONS		
NO.	NOTES	DATE

DATE: 12/13/19
DRAFTER: DDV
SCALE: AS SHOWN

SHEET
PO

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4 – 14. 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. Prior to annual inspection, the applicant shall provide the Planning Department and the Division of Environmental Health receipts of the ongoing use of portable toilets and handwashing stations for cultivation staff.
3. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
4. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, drying barn, solar array, and storage sheds. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
5. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the Applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program as described by Condition of Approval #6.
6. The applicant is to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
7. The applicant shall adhere to all terms of the Final Lake and Streambed Agreement with the California Department of Fish and Wildlife.
8. The access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects Dyerville Loop Road. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way.

9. All 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.
10. Applicant shall meet all State Responsibility Area (SRA) requirements, including installation of a turnaround for emergency vehicles, maintenance of defensible space, and installation of a 2,500-gallon water tank near the residence.
11. The applicant shall contact the local fire service provider [Garberville or Alderpoint Volunteer Fire 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.
12. The applicant shall implement the restoration measures as outlined in the Restoration Plan prepared by Green Road Consulting stamped received August 27, 2018. A monitoring report demonstrating the successful completion of restoration activities shall be provided to the Planning Department.
13. The applicant shall provide and implement a plan to replant the decommissioned cultivation area with riparian trees at a ratio of 3:1.
14. 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.
15. The applicant shall provide annual monitoring reports evaluating the drawdown of the well to ensure enough water is produced for use in irrigation.
16. 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.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the

Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application, review for conformance with conditions and annual inspection fees.
13. Power is to be supplied by a generator. The noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
14. 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.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-

weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

18. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
19. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
20. Artificial light used in cultivation and clone/start propagation operations will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO.
21. 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."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse

consequences to neighboring properties or the environment.

- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

26. All cultivators shall comply with the approved Processing Plan as to the following:

- i. Processing Practices.
- ii. Location where processing will occur.
- iii. Number of employees, if any.
- iv. Employee Safety Practices.
- v. Toilet and handwashing facilities.
- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

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

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a 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 of the CMMLUO.

28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

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.

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

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

30. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement 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 #27 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All

Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

Required Findings for Approval

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

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

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

The following tables document the evidence in support of making **all** of the following required findings.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Agricultural Grazing (AG): is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.</p> <p>Density range is 20-160 acres/ unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 13,477 SF outdoor cultivation on lands designated as Agricultural Grazing. Intensive agriculture and agriculture product processing are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is 1.1 miles of a private drive off Dyerville Loop Road, a gravel County-maintained road.</p> <p>A Road Evaluation Report has been submitted by the applicant self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard (see Attachment 4).</p> <p>Public Works commented and requested conditions of approval. The intersection of the private road and Dyerville Loop Road shall be rocked for a width of 20 feet and length of 50 feet to meet commercial standards and sight visibility standards. This has been included as a condition of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project is for the continued operation of cannabis cultivation and would not authorize any timber harvesting. The project would leave intact, the existing open space areas surrounding the cultivation areas as well as surrounding parcels.</p> <p>The parcel is planned Agricultural Grazing (AG) and zoned AE-B-5(60) and TPZ. The project can be found consistent with the Open Space Action Program because the project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation – an agricultural product – is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P4, Development within Stream Channels; BR-P6, Development within Streamside Management Areas; BR-P7, Wetlands Identification; BR-P10, Invasive Plant Species.</p>	<p>The parcel has a Class II watercourse, Steelhead Creek, running through the southeast corner of the parcel that is tributary to the South Fork Eel River. There are three (3) Class III ephemeral watercourses. The applicant utilizes a Point of Diversion on Steelhead Creek for domestic purposes. The POD is not used for cannabis. All existing cultivation areas are outside the SMA setbacks. An existing cultivation area in the southern portion of the property was located within the Streamside Management Area of Steelhead Creek before being decommissioned. A naturally occurring pond that has no nexus to the cannabis operation is located in this area.</p> <p>A wet area near the southern property line was identified and surveyed by a qualified biologist in the Biological Resource Assessment Report and Jurisdictional Wetland Delineation prepared by TransTerra. The report identified 0.08 acres of perennial and seasonal wetland containing rare and sensitive species such as Howell's Montia and fawn lily. Proposed cannabis activities are over 700 feet from the wetland and continued operations do not impact sensitive plants. The decommissioned cultivation area is located 130 feet away from the wetland, and was located on the east bank of Steelhead Creek within the SMA. All cultivation infrastructure has been removed from this area and erosion control measures implemented as proposed in the Restoration Plan prepared for the project.</p> <p>Northern Spotted Owl activity center is located 4 miles north of the project. The Biological Report identified habitat was present on-site for nesting spotted owls due to stand age and structure. The operation does not utilize supplemental lighting and noise from generator will be minimized.</p> <p>The applicant has a Lake and Streambed Alteration Agreement (1600-2018-0600-R1) for the domestic water diversion, four (4) stream crossing upgrades, and an in-stream road decommission. The in-stream road decommission is described in the WRPP prepared for the project, and will be implemented according to Best Management Practices. A Special Permit is included to allow for the restoration work within the stream channel. CDFW commented on the project and noted historic tree removal in the decommissioned southern cultivation area. As a condition of approval, the applicant shall provide and implement a plan to replant the area with riparian trees at a ratio of 3:1. A condition of approval requires the applicant to install water meters and provide annual reports on the results of pump tests to evaluate well drawdown.</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>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)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural Resource Survey may be needed. The Bear River Band responded indicating an archaeologic survey is not required at this time. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves cannabis cultivation in eight (8) greenhouses and full-sun outdoor areas. The greenhouse cultivation utilizes light deprivation techniques. No supplemental lighting is used. Clones are purchased from an off-site licensed supplier and brought to the site. No propagation is proposed on-site. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G7, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The applicant is enrolled as a Tier 2 discharger (WDID 1B170538CHUM) under the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order). A Water Resources Protection Plan (WRPP) was prepared for the project site by Timberland Resource Consultants. The WRPP identified thirteen necessary improvements including maintenance of roads to manage surface runoff, covering bare soil around cultivation areas, and upgrading stream crossings. No irrigation runoff was observed. The WRPP identified surface erosion occurring on the access road due to inadequate surfacing. As a condition of approval, the applicant shall implement the recommendations of the WRPP which include applying a fresh layer of crushed rock to the main access road from the entrance of the property to the residence. Conditions of approval require the Applicant to adhere to the WRPP and implement the corrective measures.</p> <p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The parcel does not have a septic system. The project was referred to the Division of Environmental Health (DEH). As an ongoing operational condition, the applicant must provide an invoice or equivalent documentation to DEH to confirm the continual use of portable toilets for cultivation staff or provide an approved means of sewage disposal to serve the needs of cultivation staff.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The off-grid power source for the project is a 2 kw Honda generator. Noise from the generator will not exceed more than 60 decibels at the property lines. The operation does not utilize lights for on-site propagation or for the outdoor cultivation. The generator is housed in a containment structure, and the use of the generator will be limited by the minimal power needs of the operation. The project site is located 4 miles from a Northern Spotted Owl activity center. An ongoing operational condition of approval has been added to ensure noise stays within allowable thresholds.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The cultivation areas occur on slopes of less than 15% to 50%. The parcel is seismically classified as high instability. There are no mapped historic landslides on the parcel. The existing uses, which are proposed to continue, are not expected to be affected by geologic instability nor will the uses create or exacerbate any existing geologic condition. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The project activity is located within an area with a high fire rating, and the forested portion of the parcel is rated with very high fire severity. within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended turnarounds for emergency access, signing and building numbers, designated water storage for fire as part of emergency water standards, and fuel modification standards.</p> <p>The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to a dedicated fire tank with a minimum 2,500-gallon capacity that will be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications, and fuel modification standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>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.</p>	<p>The parcel where cannabis activity will occur, APN 216-144-006, is outside both the Garberville Fire Protection District and the Alderpoint Volunteer Fire Response areas. To implement this policy, conditions of approval for the project required the applicant to contact the local fire service provider [Garberville 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2), other criteria pollutants (AQ-G3), and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies and standards: AQ-P4, Construction and Grading Dust Control; AQ-S1. Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (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 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 known as APN 216-141-005 and 216-144-006 is one separate legal parcel per Certificate of Compliance CC-01-11 Parcel H (Apps 1949) which was administratively approved on June 17, 2019. 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.

<p>Agricultural Exclusive §314-7.1</p> <p>Timberland Production Zone §314-7.4</p>	<p>Agricultural Exclusive (AE): intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which protection from encroachment from incompatible uses is essential to the general welfare. Existing outdoor cannabis cultivation is allowed on parcels zoned AE.</p> <p>Timberland Production Zone (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p>	<p>The applicant is seeking a Conditional Use Permit for an existing 13,477 square foot outdoor cannabis cultivation operation on a property zoned AE;TPZ. The portion of the parcel where cultivation activities will occur is zoned AE. The proposed use is specifically allowed with a Conditional Use Permit in these zoning districts under Section 314-55.4.8.2.2 of the CMMLUO.</p>
<p>Minimum Lot Size:</p>	<p>AE: 60 acres</p> <p>TPZ: 160 acres; or 40 acres if the provisions of Government Code Section 51119.5 are met.</p>	<p>162 acres</p>
<p>Maximum Ground Coverage:</p>	<p>AE: 35%</p> <p>TPZ: None specified</p>	<p>0.5%</p>
<p>Minimum Lot Width:</p>	<p>AE: 100 feet</p> <p>TPZ: None specified</p>	<p>2,928 feet</p>
<p>Maximum Lot Depth:</p>	<p>None specified</p>	<p>2,600 feet</p>
<p>Minimum Yard Setbacks:</p>	<p>AE: Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required.</p> <p>TPZ: Front: 20 feet Rear: 30 feet Side: 30 feet</p> <p>30 feet (through the SRA)</p>	<p>Front: 200 feet Rear: 612 feet Side: North - 490 feet South- 30 feet</p>
<p>Max. Building Height:</p>	<p>35 feet</p>	<p>Less than 35 feet</p>

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>The parcel has a Class II watercourse, Steelhead Creek, that is tributary to the South Fork Eel River. There are three (3) Class III ephemeral watercourses on the property. The applicant utilizes a Point of Diversion on Steelhead Creek for domestic purposes. The POD is not used for cannabis. Irrigation water is sourced from a groundwater well. All cultivation areas are outside the SMA setbacks. The applicant has a Final Lake and Streambed Alteration Agreement that includes four (4) stream crossing upgrades to rock fords, replace culverts, and to decommission a historic logging road in order to restore the natural flow a Class III stream. The work shall be completed as described in the Water Resources Protection Plan and be done according to Best Management Practices. A wet area near the southern property line was identified and surveyed by a qualified biologist in the Biological Resource Assessment Report and Jurisdictional Wetland Delineation. The area is a wetland containing rare and sensitive species. Proposed cannabis activities are over 700 feet from the wetland. A decommissioned cultivation area is located 130 feet away from the wetland, and was located on the east bank of Steelhead Creek within the SMA. All cultivation infrastructure has been removed from this area and erosion control measures implemented as proposed in the Restoration Plan prepared for the project. CDFW commented on the project and noted historic tree removal in the decommissioned southern cultivation area. As a condition of approval, the applicant shall provide and implement a plan to replant the area with riparian trees at a ratio of 3:1.</p>
<p>§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified</p>	<p>Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required.</p> <p>*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</p>	<p>2 spaces</p>

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§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 project site is a partially forested site zoned AE and TPZ. Aerial imagery dating back to 1998 was reviewed and there does not appear to have been illegal timber conversion for the purposes of cannabis cultivation. All cultivation takes place on previously existing non-forested areas. CDFW referral comments requested the replanting of riparian tree species due to what appears to have been the removal of a California bay tree near the southern cultivation area between 2009 and 2011. As a condition of approval, the applicant shall provide evidence of the successful replanting and monitoring of riparian trees within the SMA of Steelhead Creek at a ratio of 3:1.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. 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. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf. on parcels over 1 acre, zoned AE.	The proposed action is a Conditional Use Permit (CUP) for 13,477 square feet outdoor cultivation. Aerial imagery on TerraServer dated 11/04/2015 shows that cultivation occurred prior to January 1, 2016 in existing non-forested flats. Staff held a settlement meeting with the agent for what appeared to be an expansion of cultivation area. However, it was determined to be a relocation of the decommissioned area in the southern portion of the parcel. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a CUP. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§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, Alchemy Atelier, LLC and the party which constitutes the LLC, holds no other cannabis activity permits, and is entitled to four. This application is for one cannabis permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The applicant will contract with a licensed off-site processing facility and/or sell bulk cannabis to a licensed cannabis manufacturer. No cannabis trimming or packaging would occur on site.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included in this staff report as ongoing conditions of project approval. They are required to be met throughout the timeframe of the permit.

§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The irrigation water source is a permitted groundwater well. Water for domestic use is provided by a Point of Diversion. The estimated water use is 141,120 gallons. Water storage totals 39,000 gallons in HDPE tanks. The applicant has a Lake and Streambed Alteration Agreement (1600-2018-0600-R1) for the domestic water diversion, four (4) stream crossing upgrades, and an in-stream road decommission. An aesthetic pond exists on the site, and is not used in the cannabis operation. CDFW had no comment on the pond. A condition of approval requires the applicant to install water meters and provide annual reports of water use. As a condition of approval, the applicant shall provide annual reports evaluating the well drawdown with pump tests.
§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.
§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	The off-grid power source for the project is a 2 kw Honda generator. Noise from the generator will not exceed more than 60 decibels as measured 100 feet from the source. The operation does not utilize lights for on-site propagation or for the outdoor cultivation. The generator is housed in a containment structure, and the use of the generator will be limited by the minimal power needs of the operation. The project site is located 4 miles from a Northern Spotted Owl activity center. An ongoing operational condition of approval has been added to ensure noise stays within allowable thresholds.
§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 14, 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 and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the project will not be detrimental to the public health, safety and welfare. All comments from reviewing referral agencies have been addressed in the project design as conditioned. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the project will improve baseline environmental conditions. 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.	The site is not developed with a residence. The proposed project does not preclude residential development and does not conflict with the housing inventory. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The following table 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 MEDICINAL MARIJUANA LAND USE ORDINANCE

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

APN 216-144-005 and 216-144-006, 26875 Dyerville Loop Road, Alderpoint, 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 13,477 square foot (SF) outdoor commercial cannabis cultivation. The project includes the permitting of existing greenhouses, a 1,320 SF drying building and a 400 SF storage shed. Irrigation water is sourced from a permitted groundwater well (permit 18/19-0549). The applicant estimates 141,120 gallons of water is required for the annual operations. Power to the site is provided by a generator. Two employees are expected for operations during peak periods.

The project site contains riparian habitat associated with Steelhead Creek. However, all related project elements are outside of the required setbacks. The retired cultivation area on the site will be restored to its natural state. A cultural resources survey was provided for the subject parcel. No significant impacts were identified.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, utilizing a new permitted groundwater well for irrigation, and proper storage of fertilizers and soil amendments.

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

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

substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Operations Plan for Alchemy Atelier, LLC
- Road Evaluation Report received September 10, 2019
- Restoration Plan prepared by Green Road Consulting on August 14, 2018
- Biological Resource Assessment Report and Jurisdictional Wetland Delineation
- Final LSA with California Department of Fish and Wildlife (Notification No. 1600-2018-0600-R1)
- Water Resource Protection Plan prepared by Timberland Resource Consultants 8/17/2018

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)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resource Protection Plan prepared by Timberland Resource Consultants 8/17/2018- Attached)
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. (Final LSA Notification No. 1600-2018-0600-R1- Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report received September 10, 2019. (Attached)
16. Restoration Plan prepared by Green Road Consulting on August 14, 2018. (Attached)
17. Biological Resource Assessment Report and Jurisdictional Wetland Delineation received July 2, 2019. (On file).



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Alchemy Atelier, LLC

PO Box 82

Whitethorn, CA 95589

Parcel: 216-141-006

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

Alchemy Atelier, LLC (Applicant) is submitting this application for a Type 3 Outdoor Use Permit for an existing 13,477-square foot Outdoor commercial cannabis cultivation on a 120-acre parcel, located near Garberville, CA ("Parcel"), Assessor's Parcel Number 216-141-006.

The Applicant is in the process of having the Parcel surveyed to identify the parcel boundaries. The neighboring Parcel's cultivation may be impacting the Applicant's parcel and is identified on the site map.

The Applicant sources water from a permitted well. There are two (2) water bladders and two (2) HDPE water tanks on site, totaling 34,000-gallons of off-stream water storage. The Applicant estimates their annual water use to be approximately 141,120-gallons.

There are two (2) buildings on the Parcel. The Drying Building is a 30'x44' structure that was constructed in 2016 and is used for drying harvested cannabis and storing nutrients and fuel. The Storage Shed is a 400-square foot building that was constructed in 2005. It is used for basic storage.

The Applicant is anticipating one (1) harvest per year from the full-term cultivation and two (2) harvests from the greenhouses. The Applicant is anticipating the need for two (2) employees for cultivation related activities. The Applicant will be utilizing a 3rd Party Processor.

This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Special Permit would achieve the following results for the Applicant:

- a. Permit 13,477 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Garberville, CA. The Parcel is comprised of 120-acres and is identified by Assessor's Parcel Number ("APN") 216-141-006. There is no street address for the Parcel.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is AE – B – 5(160); TPZ with a Current General Plan Framework of AG (FRWK). The CMMLUO permits existing commercial cannabis cultivation on land zoned as U with outdoor cultivation sites between 10,001 square feet and 43,560 square feet with a Use Permit.

cannabis cultivation on land zoned as U with outdoor cultivation sites between 10,001 square feet and 43,560 square feet with a Use Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "A" of the Grant Deed, a copy of which is included in Evidence of Ownership and Authorization section of this application.

"THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE

The North Half of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter of Section 12, and the Southeast Quarter of the Northeast Quarter of Section 11, Township 4 South, Range 4 East, Humboldt Meridian, as contained in the Patent recorded May 7, 1883 in Book 9 of Patents, Page 553, Humboldt County Records.

PARCEL TWO

A non-exclusive easement 60-feet in width over the existing road located in the West Half of the Northeast Quarter of Section 11 land in the Southeast Quarter of the Southwest Quarter of Section 2, Township 4 South, Range 4 East, together with the right to convey said easement to others."

4.0 Natural Waterways

There are two (2) Class II Watercourses located on the Parcel.

The Applicant is enrolled in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge Program as a Tier II Discharger and has recently completed the transition into he State Water Resources Control Board General Order as a Tier 1 Low Risk discharger.

5.0 Location and Area of Existing Cultivation

There are eight (8) greenhouses and three (3) full-term cultivation areas that are consolidated into four (4) main areas of the Parcel.

Greenhouse #1 and #2

Greenhouse #1 and #2 are located in the southwestern section of the Parcel to the south of the Storage Shed. They are both 15'x50' structures that total 1,500 square feet of cultivation.

Greenhouse #3 - #7

Greenhouse #3 - #7 are located to the west of Greenhouse #1 and #2. They are 15'x50' structures that total 3,750 square feet of cultivation.

Greenhouse #8

Greenhouse #8 is located to the north of Greenhouse #3 - #7. It is a 15'x50' structure that totals 750 square feet of cultivation.

CA #1

Cultivation Area #1 is located in the southwest section of the Parcel and surrounds Greenhouse #1 and #2. It consists of 4,868 square feet of full-term outdoor cultivation.

CA #2

Cultivation Area #2 is located to the North of CA #1. It consists of 1,146 square feet of full-term outdoor cultivation.

CA #3

Cultivation Area #3 is located to the west of CA #2 and surrounds GH #8. It consists of 1,266 square feet of full-term outdoor cultivation.

6.0 Setbacks of Cultivation Area

The cultivation is setback from the northern parcel line by at least 391 feet, the eastern line by more than 1,000 feet, the southern parcel line by more than 500 feet and the western line by approximately 204 feet.

7.0 Access Roads

The Parcel is located off Dyerville Loop Road, which is in acceptable condition. The following information is taken from the Applicant's Water Resource Protection Plan regarding stream crossings on interior roads of the parcel.

Stream Crossing Maintenance

There are four stream crossings located on the property, all of which appear to require work that will cause disturbance to a stream channel. The Discharger shall obtain a LSAA (Lake and Streambed Alteration Agreement) prior to any work being performed on the stream crossings and any work that will cause disturbance to a stream channel or waters of the state. The Discharger shall ultimately follow all specifications and conditions included in the Final LSA Permit.

Stream Crossing #1 (SC 1): Existing dirt/rock ford crossing on a Class III watercourse. This is an appurtenant road accessing the cultivation site. Based upon the frequency of road use the Rock Ford is an inappropriate drainage structure for this location. Rock Fords should be avoided on well-traveled roads because their use can cause persistent downstream turbidity and fine sediment pollution. Crossing #1 shall be upgraded to a minimum 18-inch diameter by 20-foot length culvert installed per the attached specifications.

Stream Crossing #2 (SC 2): Existing 18-inch diameter CMP, which is located on the in-stream logging road proposed for decommissioning. This culvert is mis-aligned with the natural Class III channel resulting in a stream diversion that appears to have been occurring for decades. The Class III's natural channel is located approximately 100 feet northwest/upstream of this culvert. This notification proposes to decommission the crossing at the stream's natural location as flagged in the field, which is approximately 100 feet northwest/upstream of the culvert.

Stream Crossing #3 (SC 3): Existing 18-inch diameter CMP, which is located on the in-stream logging road proposed for decommissioning. This culvert is not functioning and the Class III watercourse is diverting down the logging road into the pond. This condition appears to have been occurring for decades. This notification proposes to decommission the crossing and return the stream back into its natural channel. Crossing decommissioning includes restoration of approximately 50+ feet of stream channel located between the culvert outlet and Class III confluence. This section of stream appears to have been filled in during construction of the off-stream pond.

Stream Crossing #4 (SC 4): Off-stream pond's 12-inch diameter CMP overflow culvert. The culvert requires replacement to provide a minimum 2-feet of freeboard. The culvert outlet discharges directly into Steelhead Creek and therefore requires extensive rock armoring. Approximately 10 cubic yards of rip-rap shall be placed below the culvert outlet to backfill the previously eroded stream bank, and to act as energy dissipation.

8.0 Graded Flats

There are no graded flats on the parcel that have been identified to require permitting.

9.0 Existing Buildings

Drying Building

The Drying Building is a 30'x44' structure that was constructed in 2016. It is used for the drying of harvested cannabis and storing nutrients and fuel. Engineered building plans for the Drying Building are included in the Other Permits, Licenses and Documents section of this Application.

Storage Shed

The Storage Shed is a 400-square foot structure that was constructed in 2005. It is used for basic storage and is not used for any cultivation related activities.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Use

10.1 Water Source

The Applicant sources their water for cannabis irrigation from a hydrologically disconnected, permitted well.

10.2 Water Storage

The Applicant has approximately 34,000-gallons of water storage as outlined below.

- Two (2) 15,000-gallon Water Bladder;
- One (1) 2,500-gallon HDPE tank; and
- One (1) 1,500-gallon HDPE tank.

10.3 Irrigation Plan

The Applicant irrigates using a timed, metered drip irrigation system, preventing over watering or run-off.

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant estimates their annual water use to be approximately 141,120-gallons.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

The following information is taken from the Applicant's Water Resource Protection Plan. Map points referenced may differ from the Site Plan. Some items may be completed and no longer indicative of what is occurring onsite.

Site Drainage, Runoff, Erosion Control Measures

Physical reconnaissance of the property revealed that surface erosion is occurring on several sections of the main access road due to inadequate surfacing. The Discharger shall apply a fresh layer of crushed rock to the main access road, from the entrance of the property to the residence.

At Map Point #1 (MP 1) surface erosion is occurring due to inadequate surfacing. The Discharger shall also apply a fresh layer of crushed rock to the road surface at MP 1.

In-stream Road Decommissioning: Approximately 800 feet of the old logging road is located within or directly alongside Class III watercourses as shown on the attached map. There are three distinct segments of road that require specific treatment to achieve the

goal of hydrologic disconnectivity and sediment reduction, while minimizing unnecessary disturbance to advanced conifer and hardwood regeneration. The Discharger is in the process of obtaining a LSAA (Lake and Streambed Alteration Agreement) with the California Department of Fish and Wildlife, which will include the decommissioning of this road.

Segment MP 2 - MP 3: This segment of road is located in the Class III buffer but no fill material has been placed in or directly alongside the Class III stream channel. This segment of road shall be decommissioned via the installation of large waterbars at an "Extreme" Erosion Hazard Rating in combination with out-sloping. There is an abundance of conifer and hardwood regeneration located between the stream channel and outer edge of the road that requires protection to ensure bank stability.

Segment MP 3 - MP 4: This segment of road is located in the Class III stream channel. This segment of road shall be decommissioned using the "Inplace Outsloping" technique, in which approximately ½ of the road width shall be excavated and placed against the cutbank.

Segment MP 4 - MP 5: This segment of road is located in the Class III buffer and some fill material has been sidecasted over the adjacent stream bank resulting in perched fill. This segment of road shall be decommissioned by excavating back areas of perched or oversteepened (greater than 1.5:1 slope steepness) fill and placing this material against the cutbank. Like Segment A-B, there is an abundance of conifer and hardwood regeneration located between the stream channel and outer edge of the road that requires protection to ensure bank stability. In general, the oversteepened areas requiring excavation do not contain vegetation. Following removal of unstable fill material, the balance of the road shall be treated via the installation of waterbars at an "Extreme" Erosion Hazard Rating in combination with out-sloping.

At Map Point #6 (MP 6) surface runoff is not adequately draining from the road surface. The Discharger shall remove the outboard berm, as well as install a drainage feature and/or reshape the road surface at MP 6 to ensure that surface runoff freely drains from the road surface at this location. Draining the road can be achieved in numerous different ways, including the installation of a water bar, a rolling dip, or by out-sloping the road.

At Map Point #7 (MP 7) surface runoff is not adequately draining from the road surface. The Discharger shall remove the outboard berm, as well as install a drainage feature and/or reshape the road surface at MP 7 to ensure that surface runoff freely drains from the road surface at this location. Draining the road can be achieved in numerous

different ways, including the installation of a water bar, a rolling dip, or by out-sloping the road.

All four cultivation areas have areas of exposed soil, some of which are experiencing minor surface erosion. The Discharger shall apply crushed rock to all bare soil surfaces that will experience foot or vehicle traffic. The Discharger shall seed the areas that will not experience foot or vehicle traffic with locally native, non-invasive, and non-persistent grass species, followed by the application of weed-free straw mulch per the attached specifications. Exposed soil surfaces with slopes steeper than 2:1 (horizontal/vertical), shall have a rolled erosion control product such as jute netting anchored on top of the seed and straw mulch per the attached specifications.

There is a decommissioned cultivation site located at the southern property boundary, on the east side of Stream Crossing #4 (SC4). The Discharger is in the process of removing all wastes from this site and restoring the area to predevelopment conditions. As planned, the Discharger shall restore the site to predevelopment conditions, per the attached specifications, as feasible.

Upon implementation of all mitigation measures included in this document, all roads, driveways, trails, and other defined corridors for foot or vehicle traffic are expected to have adequate measures in place to prevent or minimize erosion along the flow paths and their respective outlets.

Physical reconnaissance of the property revealed no unstable areas per 14CCR 895.1.

Upon implementation of all mitigation measures prescribed in this document, all roads, clearings, fill prisms, and terraced areas are expected to be maintained so that they are not hydrologically connected to surface waters.

Upon implementation of all mitigation measures prescribed in this document, all ditch relief drains, rolling dip outlets, road pads, and terraced surfaces are expected to be maintained to promote infiltration/dispersal of outflows, and have no evidence of soil transport to receiving waters.

Physical reconnaissance of the property revealed that there are no construction materials being stored on the property at this time.

Watershed Protection

Riparian and Wetland Protection and Management

Physical reconnaissance of the property revealed that all cultivation areas are adequately located outside of all riparian buffer zones. All buffers appear to be maintained at natural slope with native vegetation. All buffers are vegetated and appear to be of sufficient width to filter

wastes from runoff discharging from production lands and to maintain the essential functions of the watercourses

Spoils Management

Physical reconnaissance of the property revealed that there are no spoils being stored at this time. If spoils are ever stored on site, the Discharger shall ensure that they are located and contained so that they cannot enter surface water.

No spoils generated through development or maintenance of roads, driveways, earthen fill pads, or cleared or filled areas were observed anywhere on the property.

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship, State Parks or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

All fertilizers and amendments are located in the Drying Building on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

Power for the Parcel is supplied by a 2kw Honda generator. The generator is housed so as to not release more than 50 dB of noise when in use. The Applicant keeps diesel for the generator in 5-gallon diesel cans in the Drying Building.

Trash and recycling is stored in water tight containers in the Storage Building. Trash is removed weekly to the disposal center in Redway and recycling is removed bi-monthly. The Applicant does not keep a compost pile on site. There is a soil pile that has proper erosion control methods around it. Soil is pulled from the pile and put into cultivation pots or beds. Should the soil ever need to be replaced, it will be taken to Wes Green in Arcata, CA.

The Applicant does not have a septic system on the Parcel. Portable toilets and proper handwashing facilities are on-site. The Applicant does not currently meet the Standard Conditions for Refuse and Human Waste per the North Coast Regional Water Quality Control Board. The Applicant will be looking into the viability of a permitted septic system in order to meet the expected date of compliance of 10/15/2022.

2.0 Cultivation Activities

Cultivation activities may vary based on strain, climate and the Applicants' personal schedule.

Cultivation activities begin when plants are brought to the Parcel sometime in May. Plants are placed into pots or beds within the greenhouses. Tarps will be pulled over the greenhouses to achieve two (2) harvests annually by light-deprivation cultivation techniques. No lighting will be used, ensuring the Applicant meets the International Dark Sky Standards. The Applicant is anticipating harvesting from their greenhouses in July and October.

The Applicant will be placing the full-term cultivation into pots sometime in June. The Applicant is anticipating one (1) harvest from the full-term cultivation, sometime in October.

3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Drying Building where it will be dried and cured. All processing will be performed offsite by a 3rd Party Processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

4.0 Security Measures

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas.



Water Resource Protection Plan

APN: 216-141-005, 216-144-006

WDID: 1B170538CHUM

Prepared by:



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

8/17/2018

Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the Discharger, for the Humboldt County property identified as Parcel Numbers 216-144-006 and 216-141-005, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

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

Methods

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

Property Description

The property assessed is an approximately 174 acre parcel that is located approximately 6 miles east-northeast of Garberville, California at an elevation of approximately 3,000 feet. The property is located within Sections 11 and 12, Township 4 South, Range 4 East, HB&M, on the Fort Seward 7.5' Quadrangle. There are several watercourses on the property, all of which are unnamed tributaries to Steelhead Creek and the Eel River. There is approximately 21,800 ft² of cultivation area on the property.

Monitoring Plan

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

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

Monitoring Plan Reporting Requirements

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

Assessment of Standard Conditions

Assessment of Standard Conditions consisted of field examinations on November 14, 2017. The examinations evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

Summary of Standard Conditions Compliance

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

A. Standard Conditions, Applicable to All Dischargers

1. Site Maintenance, erosion control and drainage features (Compliance: Y☐ / N☒)

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

Physical reconnaissance of the property revealed that surface erosion is occurring on several sections of the main access road due to inadequate surfacing. The Discharger shall apply a fresh layer of crushed rock to the main access road, from the entrance of the property to the residence.

At Map Point #1 (MP 1) surface erosion is occurring due to inadequate surfacing. The Discharger shall also apply a fresh layer of crushed rock to the road surface at MP 1.

In-stream Road Decommissioning: Approximately 800 feet of the old logging road is located within or directly alongside Class III watercourses as shown on the attached map. There are three distinct segments of road that require specific treatment to achieve the goal of hydrologic disconnectivity and sediment reduction, while minimizing unnecessary disturbance to advanced conifer and hardwood regeneration. The Discharger is in the process of obtaining a LSAA (Lake and Streambed Alteration Agreement) with the California Department of Fish and Wildlife, which will include the decommissioning of this road.

Segment MP 2 – MP 3: This segment of road is located in the Class III buffer but no fill material has been placed in or directly alongside the Class III stream channel. This segment of road shall be decommissioned via the installation of large waterbars at an “Extreme” Erosion Hazard Rating in combination with out-sloping. There is an abundance of conifer and hardwood regeneration located between the stream channel and outer edge of the road that requires protection to ensure bank stability.

Segment MP 3 – MP 4: This segment of road is located in the Class III stream channel. This segment of road shall be decommissioned using the “Inplace Outsloping” technique, in which approximately ½ of the road width shall be excavated and placed against the cutbank.

Segment MP 4 – MP 5: This segment of road is located in the Class III buffer and some fill material has been sidecasted over the adjacent stream bank resulting in perched fill. This segment of road shall be decommissioned by excavating back areas of perched or oversteepened (greater than 1.5:1 slope steepness) fill and placing this material against the cutbank. Like Segment A-B, there is an abundance of conifer and hardwood regeneration located between the stream channel and outer edge of the road that requires protection to ensure bank stability. In general, the oversteepened areas requiring excavation do not contain vegetation. Following removal of unstable fill material, the balance of the road shall be treated via the installation of waterbars at an “Extreme” Erosion Hazard Rating in combination with out-sloping.

At Map Point #6 (MP 6) surface runoff is not adequately draining from the road surface. The Discharger shall remove the outboard berm, as well as install a drainage feature and/or reshape the road surface at MP 6 to ensure that surface runoff freely drains from the road surface at this location. Draining the road can be achieved in numerous different ways, including the installation of a water bar, a rolling dip, or by out-sloping the road.

At Map Point #7 (MP 7) surface runoff is not adequately draining from the road surface. The Discharger shall remove the outboard berm, as well as install a drainage feature and/or reshape the road surface at MP 7 to ensure that surface runoff freely drains from the road surface at this location. Draining the road can be achieved in numerous different ways, including the installation of a water bar, a rolling dip, or by out-sloping the road.

All four cultivation areas have areas of exposed soil, some of which are experiencing minor surface erosion. The Discharger shall apply crushed rock to all bare soil surfaces that will experience foot or vehicle traffic. The Discharger shall seed the areas that will not experience foot or vehicle traffic with locally native, non-invasive, and non-persistent grass species, followed by the application of weed-free straw mulch per the attached specifications. Exposed soil surfaces with slopes steeper than 2:1 (horizontal/vertical), shall have a rolled erosion control product such as jute netting anchored on top of the seed and straw mulch per the attached specifications.

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

There is a decommissioned cultivation site located at the southern property boundary, on the east side of Stream Crossing #4 (SC 4). The Discharger is in the process of removing all wastes from this site and restoring the area to predevelopment conditions. As planned, the Discharger shall restore the site to predevelopment conditions, per the attached specifications, as feasible.

Upon implementation of all mitigation measures included in this document, all roads, driveways, trails, and other defined corridors for foot or vehicle traffic are expected to have adequate measures in place to prevent or minimize erosion along the flow paths and their respective outlets.

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

Physical reconnaissance of the property revealed no unstable areas per 14CCR 895.1.

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are not hydrologically connected¹, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

Upon implementation of all mitigation measures prescribed in this document, all roads, clearings, fill prisms, and terraced areas are expected to be maintained so that they are not hydrologically connected to surface waters.

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

Upon implementation of all mitigation measures prescribed in this document, all ditch relief drains, rolling dip outlets, road pads, and terraced surfaces are expected to be maintained to promote infiltration/dispersal of outflows, and have no evidence of soil transport to receiving waters.

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

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

Physical reconnaissance of the property revealed that there are no construction materials being stored on the property at this time.

2. Stream Crossing Maintenance (Compliance: Y ☐ / N ☒)

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

There are four stream crossings located on the property, all of which appear to require work that will cause disturbance to a stream channel. The Discharger shall obtain a LSAA (Lake and Streambed Alteration Agreement) prior to any work being performed on the stream crossings and any work that will cause disturbance to a stream channel or waters of the state. The Discharger shall ultimately follow all specifications and conditions included in the Final LSA Permit.

Stream Crossing #1 (SC 1): Existing dirt/rock ford crossing on a Class III watercourse. This is an appurtenant road accessing the cultivation site. Based upon the frequency of road use the Rock Ford is an inappropriate drainage structure for this location. Rock Fords should be avoided on well-traveled roads because their use can cause persistent downstream turbidity and fine sediment pollution. Crossing #1 shall be upgraded to a minimum 18-inch diameter by 20-foot length culvert installed per the attached specifications.

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

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

Stream Crossing #2 (SC 2): Existing 18-inch diameter CMP, which is located on the in-stream logging road proposed for decommissioning. This culvert is mis-aligned with the natural Class III channel resulting in a stream diversion that appears to have been occurring for decades. The Class III's natural channel is located approximately 100 feet northwest/upstream of this culvert. This notification proposes to decommission the crossing at the stream's natural location as flagged in the field, which is approximately 100 feet northwest/upstream of the culvert.

Stream Crossing #3 (SC 3): Existing 18-inch diameter CMP, which is located on the in-stream logging road proposed for decommissioning. This culvert is not functioning and the Class III watercourse is diverting down the logging road into the pond. This condition appears to have been occurring for decades. This notification proposes to decommission the crossing and return the stream back into its natural channel. Crossing decommissioning includes restoration of approximately 50+ feet of stream channel located between the culvert outlet and Class III confluence. This section of stream appears to have been filled in during construction of the off-stream pond.

Stream Crossing #4 (SC 4): Off-stream pond's 12-inch diameter CMP overflow culvert. The culvert requires replacement to provide a minimum 2-feet of freeboard. The culvert outlet discharges directly into Steelhead Creek and therefore requires extensive rock armoring. Approximately 10 cubic yards of rip-rap shall be placed below the culvert outlet to backfill the previously eroded stream bank, and to act as energy dissipation.

Rational Method for 100-year flood flow (A < 200 acres) APN: 216-144-006, 216-141-005

$T_c = 60((11.9 \times L^3)/H)^{0.385}$				$Q_{100} = CIA$			
Crossing	Channel length (to top of basin) (mi) L	Elevation difference (ft) H	Concentration time (min) T_c	Runoff coefficient C	100-year Return-Period Precipitation (in/hr) P	Area (acres) A	100-yr flood flow (cfs) Q100
1				0.4	4	1.5	2.4
2				0.4	4	7	11.2
3				0.4	4	5	8.0
4				0.4	4	16	25.6

This document utilizes the Rationale Method to determine the 100-year flood flow utilizing methods recommended in *"Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment"*. 2004 Peter Cafferata, Thomas Spittler, Michael Wopat, Greg Bundros, and Sam Flanagan. This report recommends that the rational method be limited to watersheds less than 100 acres. The 100-year return-period precipitation data is from: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca

3. Riparian and Wetland Protection and Management (Compliance: Y☒/ N☐)

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its or its Executive Officer may apply additional or alternative⁴ conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

Physical reconnaissance of the property revealed that all cultivation areas are adequately located outside of all riparian buffer zones.

- b. Buffers shall be maintained at natural slope with native vegetation.

All buffers appear to be maintained at natural slope with native vegetation.

- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

All buffers are vegetated and appear to be of sufficient width to filter wastes from runoff discharging from production lands and to maintain the essential functions of the watercourses.

4. Spoils Management (Compliance: Y☒/ N☐)

- a. Spoils⁵ shall not be stored or placed in or where they can enter any surface water.

Physical reconnaissance of the property revealed that there are no spoils being stored at this time. If spoils are ever stored on site, the Discharger shall ensure that they are located and contained so that they cannot enter surface water.

- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

Not applicable. There are no spoils being stored on the property at this time.

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

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

- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

No spoils generated through development or maintenance of roads, driveways, earthen fill pads, or cleared or filled areas were observed anywhere on the property.

5. Water Storage and Use (Compliance: Y ☒/ N ☐)

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12⁶ watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

There is approximately 21,800 ft² of cultivation area on the property. The primary source of Irrigation water will be sourced from an unpermitted groundwater well that is located at 3,063 feet in elevation and is 200 feet deep. The secondary source is a surface water diversion located in a Class II watercourse. The Discharger is in the process of having a LSAA permit prepared for the property, which will include the surface water diversion and all projects that will cause disturbance to a stream channel. The Discharger shall adhere to all mitigation and protective measures deemed necessary by CDFW in the Final LSAA.

- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

The Discharger utilizes a drip-line irrigation system and mulches soil surfaces to conserve water. It is recommended that the Discharger implement additional water conservation measures.

- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

There is 41,500 gallons of off-stream water storage on the property to minimize surface water diversion during low flow periods.

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

- d. Water is applied using no more than agronomic rates.⁷

The Discharger states that water is applied using no more than agronomic rates. Timberland Resource Consultants observed no conditions to suggest otherwise.

- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

The Discharger shall ensure that the diversion and/or storage of surface water is being conducted under a valid water right and in compliance with reporting requirements under Water Code section 5101.

- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

All water storage features appear to be maintained so as to prevent release into waters of the state.

6. Irrigation Runoff (Compliance: Y ☒ / N ☐)

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

No irrigation runoff was observed during the inspection, nor was there evidence that it had occurred in the past. The Discharger shall ensure that water and fertilizers are applied at or below standard agronomic rates, thus minimizing pollutant entrainment and preventing any irrigation runoff from occurring.

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

7. Fertilizers and Soil Amendments (Compliance: Y☑/ N☐)

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

Physical reconnaissance of the property revealed that all fertilizers, potting soils, compost, and other soils are adequately stored in a manner and location to prevent transportation to surface waters or leaching into groundwaters.

- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

The Discharger shall ensure that fertilizers and soil amendments are applied and used per packaging instructions and/or at proper agronomic rates. Timberland Resource Consultants observed no conditions to suggest otherwise.

- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

All cultivation areas appear to be maintained in a manner so as to prevent nutrients from leaving the sites during the growing season and post-harvest.

8. Pesticides/Herbicides (Compliance: Y☑/ N☐)

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

No pesticides and herbicides were observed on site. If at any time pesticides or herbicides are used or stored, the Discharger shall ensure that they are used per the specifications on the product's label, and that they are placed, and used in a manner that ensures that they will not enter or be released into surface or ground waters.

9. Petroleum products and other chemicals (Compliance: Y☒/ N☐)

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

Not applicable. There were no petroleum products or other chemicals observed on site at the time of the assessment.

- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

Not applicable. There are no above ground storage tanks located on the property.

- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

Not applicable. There are no diked areas on the property with the purpose of containing discharged chemicals.

- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

Not applicable. The Discharger does not have any fuel storage tanks that require implementation of spill prevention, control, and countermeasures (SPCC), or to have appropriate cleanup materials available onsite.

- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

Not applicable. There are no underground storage tanks 110 gallons or larger on the property.

10. Cultivation-related wastes (Compliance: Y☒/ N☐)

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

There were no cultivation related wastes being stored out of compliance with these Standard Conditions at the time of assessment. The cultivation areas appear to be well-maintained.

11. Refuse and human waste (Compliance: Y☒/ N☐)

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

A septic system is utilized for the disposal of domestic sewage.

- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

No uncontained refuse or garbage was observed at the time of assessment. The Discharger shall ensure that all refuse and garbage is stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

The Discharger states that all garbage and refuse is disposed of at an appropriate waste disposal location.

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

Identified Sites Requiring Remediation (See Standard Conditions Assessment)

Unique Map Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
Main access road from the entrance of the property to the residence	Surface erosion is occurring on several sections of the main access road due to inadequate surfacing	A.1.	N/A	The Discharger shall apply a fresh layer of crushed rock to the main access road, from the entrance of the property to the residence.	3	10/15/2019	
MP 1	surface erosion is occurring due to inadequate surfacing.	A.1.	N/A	The Discharger shall apply a fresh layer of crushed rock to the road surface at MP 1.	3	10/15/2019	
MP 2 – MP 3	This segment of road is located in the Class III buffer but no fill material has been placed in or directly alongside the Class III stream channel.	A.1	N/A	This segment of road shall be decommissioned via the installation of large waterbars at an "Extreme" Erosion Hazard Rating in combination with out-sloping. There is an abundance of conifer and hardwood regeneration located between the stream channel and outer edge of the road that requires protection to ensure bank stability.	3	10/15/2019	
MP 3 – MP 4	This segment of road is located in the Class III stream channel.	A.1	N/A	This segment of road shall be decommissioned using the "Inplace Outsloping" technique, in which approximately ½ of the road width shall be excavated and placed against the cutbank.	3	10/15/2019	

MP 4 – MP 5	This segment of road is located in the Class III buffer and some fill material has been sidecasted over the adjacent stream bank resulting in perched fill.	A.1	N/A	This segment of road shall be decommissioned by excavating back areas of perched or oversteepened (greater than 1.5:1 slope steepness) fill and placing this material against the cutbank. Like Segment A-B, there is an abundance of conifer and hardwood regeneration located between the stream channel and outer edge of the road that requires protection to ensure bank stability. In general, the oversteepened areas requiring excavation do not contain vegetation. Following removal of unstable fill material, the balance of the road shall be treated via the installation of waterbars at an "Extreme" Erosion Hazard Rating in combination with out-sloping.	3	10/15/2019	
MP 6	At Map Point #6 (MP 6) surface runoff is not adequately draining from the road surface.	A.1.	N/A	The Discharger shall remove the outboard berm, as well as install a drainage feature and/or reshape the road surface at MP 6 to ensure that surface runoff freely drains from the road surface at this location. Draining the road can be achieved in numerous different ways, including the installation of a water bar, a rolling dip, or by out-sloping the road.	3	10/15/2019	
MP 7	At Map Point #7 (MP 7) surface runoff is not adequately draining from the road surface. The Discharger shall remove the outboard berm, as well as install a drainage feature and/or reshape the road surface at MP 6 to ensure that surface runoff freely drains from the road surface at this location. Draining the road can be achieved in numerous different ways, including the installation of a water bar, a rolling dip, or by out-sloping the road.	A.1.	N/A	The Discharger shall remove the outboard berm, as well as install a drainage feature and/or reshape the road surface at MP 7 to ensure that surface runoff freely drains from the road surface at this location. Draining the road can be achieved in numerous different ways, including the installation of a water bar, a rolling dip, or by out-sloping the road.	3	10/15/2019	

Decommissioned cultivation site	There is a decommissioned cultivation site located at the southern property boundary, on the east side of Stream Crossing #4 (SC 4). The Discharger is in the process of removing all wastes from this site and restoring the area to predevelopment conditions.	A.1.	N/A	As planned, the Discharger shall restore the site to predevelopment conditions, per the attached specifications, as feasible.	3	10/15/2019	
All four cultivation areas	All four cultivation areas have areas of exposed soil, some of which are experiencing minor surface erosion.	A.1.	N/A	The Discharger shall apply crushed rock to all bare soil surfaces that will experience foot or vehicle traffic. The Discharger shall seed the areas that will not experience foot or vehicle traffic with locally native, non-invasive, and non-persistent grass species, followed by the application of weed-free straw mulch per the attached specifications. Exposed soil surfaces with slopes steeper than 2:1 (horizontal/vertical), shall have a rolled erosion control product such as jute netting anchored on top of the seed and straw mulch per the attached specifications.	3	10/15/2019	
SC 1	Stream Crossing #1 (SC 1) consists of dirt ford on a Class III watercourse, which is experiencing minor surface erosion and subsequent sediment delivery to surface waters.	A.2.	N/A	The Discharger shall replace this crossing with a minimum 18" diameter culvert per the attached specifications.	3	10/15/2020	
SC 2	Stream Crossing #2 (SC 2) consists of an 18" diameter CMP (Corrugated Metal Pipe) on a Class III watercourse, which is currently undersized to pass the expected 100-year peak streamflow. This crossing is on the previously mentioned road segment that requires decommissioning.	A.2.	N/A	If the road is decommissioned, this crossing shall also be decommissioned per the attached specifications. If the road is not decommissioned, this crossing shall be replaced with a minimum 36" diameter culvert per the attached specifications.	3	10/15/2020	

SC 3	Stream Crossing #3 (SC 3) consists of dirt ford on a class III watercourse, which also serves as the inlet for the on-stream pond. It appears that the stream channel originally passed Map Point #4 (MP 4) prior to converging with the adjacent Class III watercourse. It is recommended that the original path of the stream channel is restored. If the road is decommissioned, the channel shall be restored to its original orientation, as feasible.	A.2.	N/A	If the road is decommissioned, the channel shall be restored to its original orientation, as feasible. If the road is not decommissioned, the Discharger shall install a minimum 30" diameter culvert at MP 4 and restore the original path of the stream channel. The Discharger shall also upgrade the pond inlet to a rock ford per the attached specifications.	3	10/15/2020	
SC 4	Stream Crossing #4 (SC 4) consists of a 12" diameter CMP that serves as the outlet for the on-stream pond. This crossing is currently undersized for the expected 100-year peak streamflow.	A.2.	N/A	The Discharger shall upgrade this crossing to a minimum 42" diameter culvert per the attached specifications, or install an adequately sized rocked spillway.	3	10/15/2020	

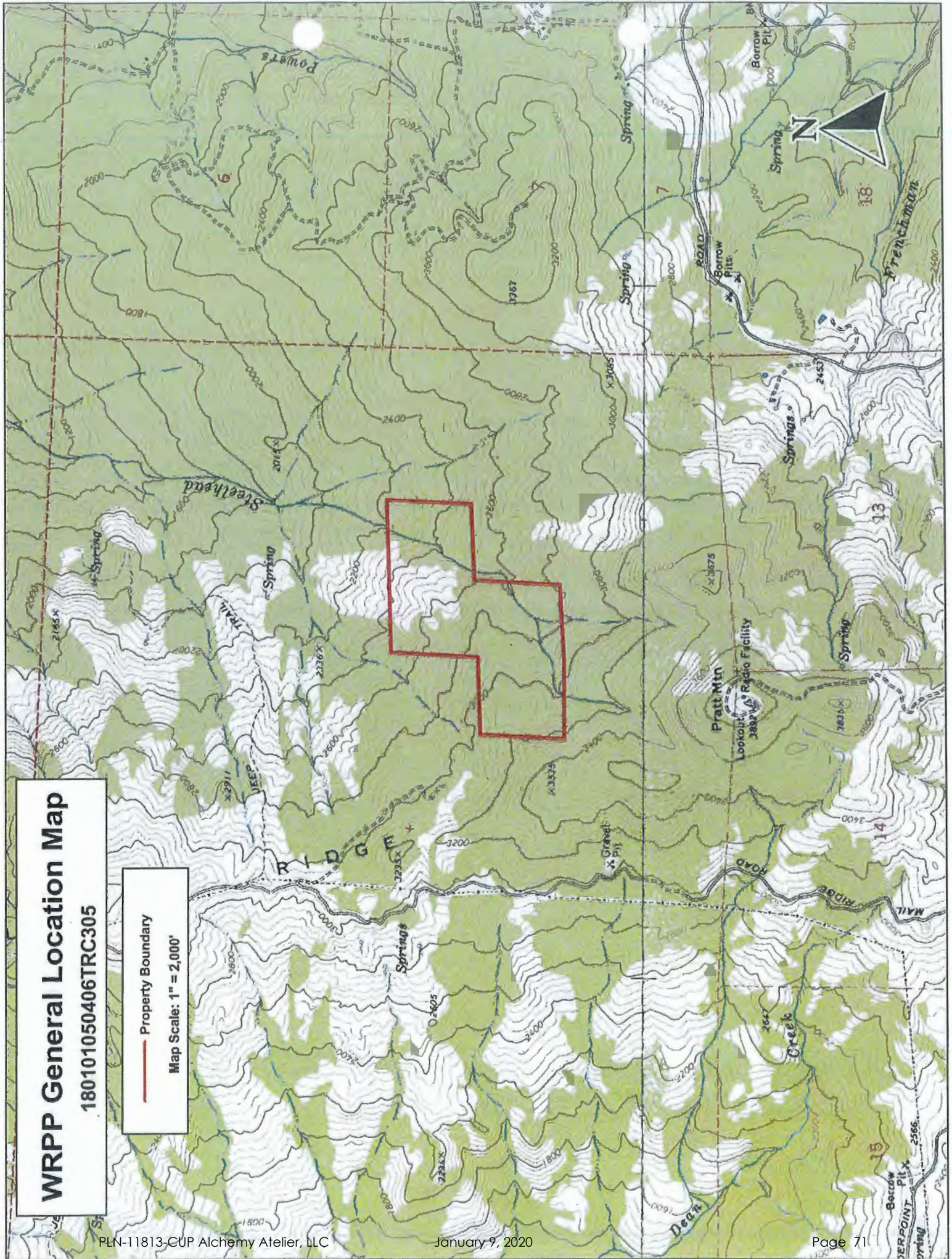
Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Nov. 15), (3) indicates a moderate priority with treatment being planned to occur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

WRPP General Location Map

180101050406TRC305














Property Boundary

Map Scale: 1" = 2,000'



WRPP Site Map

180101050406TRC305

- | | | | |
|--|---------------------------------|---|--------------------|
|  | Property Boundary |  | Building |
|  | Seasonal Dirt Road |  | Residence |
|  | ATV trail |  | Stream Crossing |
|  | Class III Watercourse |  | Water Storage Tank |
|  | Class II Watercourse |  | Map Point |
|  | Diverted Watercourse |  | Groundwater Well |
|  | Greenhouse | | |
|  | Cultivation Area | | |
|  | Decommissioned Cultivation Site | | |
|  | Pond | | |

Map Scale: 1" = 400'



WRPP Site Map

180101050406TRC305

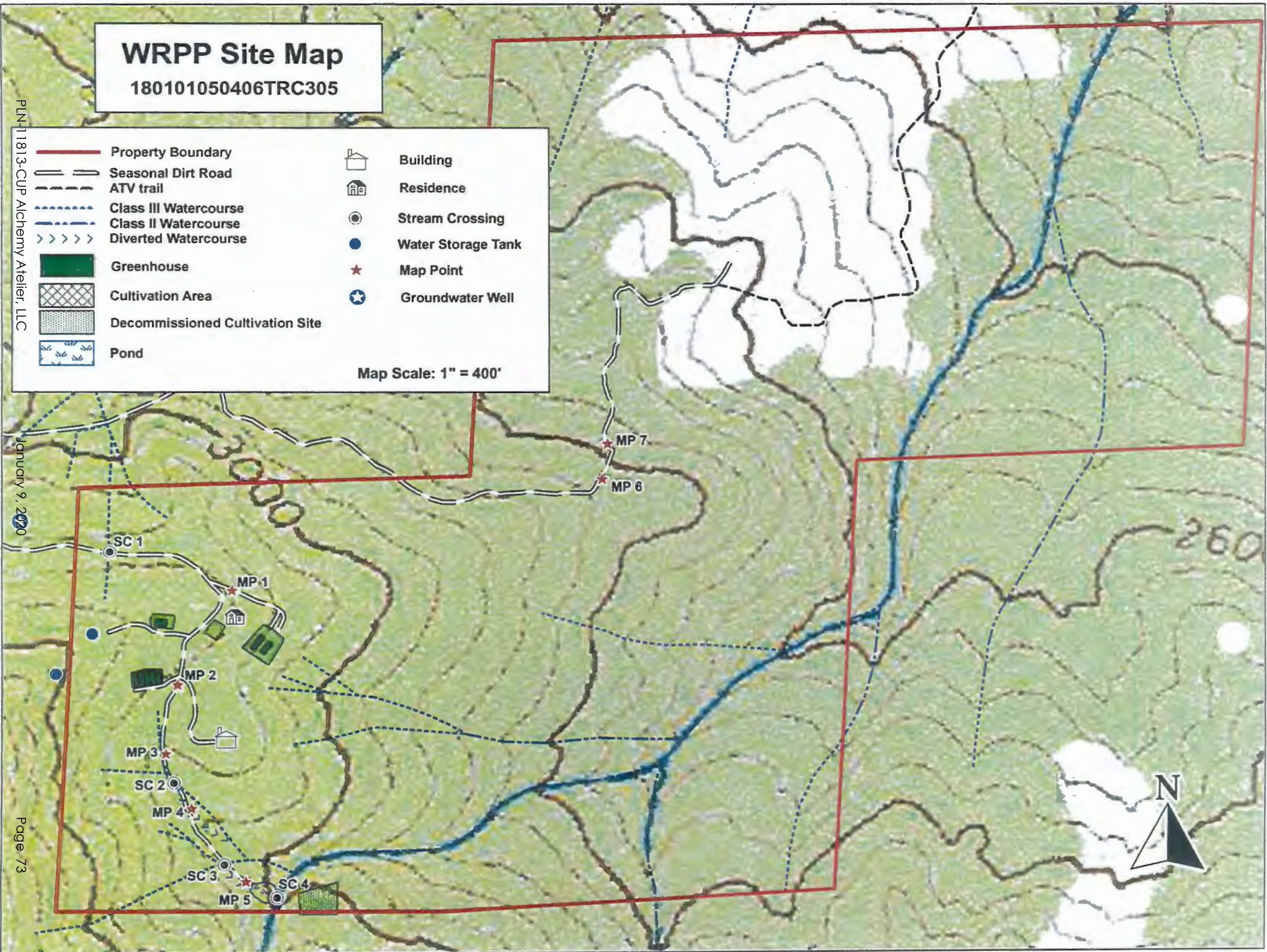
- | | | | |
|--|---------------------------------|--|--------------------|
| | Property Boundary | | Building |
| | Seasonal Dirt Road | | Residence |
| | ATV trail | | Stream Crossing |
| | Class III Watercourse | | Water Storage Tank |
| | Class II Watercourse | | Map Point |
| | Diverted Watercourse | | Groundwater Well |
| | Greenhouse | | |
| | Cultivation Area | | |
| | Decommissioned Cultivation Site | | |
| | Pond | | |

Map Scale: 1" = 400'

PLN-1813-CUP Alchemy Atelier, LLC

January 9, 2020

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WRPP Site Map

180101050406TRC305

- | | | | |
|--|---------------------------------|--|--------------------|
| | Property Boundary | | Building |
| | Seasonal Dirt Road | | Residence |
| | ATV trail | | Stream Crossing |
| | Class III Watercourse | | Water Storage Tank |
| | Class II Watercourse | | Map Point |
| | Diverted Watercourse | | Groundwater Well |
| | Greenhouse | | |
| | Cultivation Area | | |
| | Decommissioned Cultivation Site | | |
| | Pond | | |

Map Scale: 1" = 400'



Photographs



Photo #1: This image shows the surface erosion occurring on the main access road to the property. This main access road will have a fresh layer of crushed rock applied to the surface. Photo Date: 11/14/2017.

Photographs

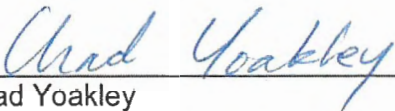


Photo #2: This image shows a portion of the bare soil surfaces within one of the cultivation areas. The bare soil surfaces will be surfaced with rock or seeded and straw mulched. Photo Date: 11/14/2017.

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

Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APNs 216-144-006 and 216-141-005 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted, and as disclosed to Timberland Resource Consultants by the landowner and/or Discharger. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.



Chad Yoakley
Timberland Resource Consultants

Attachments

BMP: General BMPs

- If operations require moving of equipment across a flowing stream, such operations shall be conducted without causing a prolonged visible increase in stream turbidity. For repeated crossings, the operator shall install a bridge, culvert, or rock-lined crossing.
- During construction in flowing water, which can transport sediment downstream, the flow shall be diverted around the work area by pipe, pumping, temporary diversion channel or other suitable means. When any dam or artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain fish life below the dam. Equipment may be operated in the channel of flowing live streams only as necessary to construct the described construction.
- Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portion of any stream channel shall be restored to as near their original condition as possible. Restoration shall include the mulching of stripped or exposed dirt areas at crossing sites prior to the end of the work period.
- Structures and associated materials not designed to withstand high seasonal flow shall be removed to areas above the high water mark before such flows occur.
- No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washing, oil or petroleum products, or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

BMP: General Erosion Control

- Timing for soil stabilization measures within the 100 feet of a watercourse or lake: For areas disturbed from May 1 through October 15, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface. For areas disturbed from October 16 through April 30, treatment shall be completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service or within 10 days, whichever is earlier.
- Within 100 feet of a watercourse or lake, the traveled surface of logging roads shall be treated to prevent waterborne transport of sediment and concentration of runoff that results from operations. Treatment may consist of, but not limited to, rocking, out sloping, rolling dips, cross drains, water bars, slope stabilization measures, or other practices appropriate to site-specific conditions.
- The treatment for other disturbed areas within 100 feet of a watercourse or lake, including: (A) areas exceeding 100 contiguous square feet where operations have exposed bare soil, (B) approaches to road watercourse crossings out to 100 feet or the nearest drainage facility, whichever is farthest, (C) road cut banks and fills, and (D) any other area of disturbed soil that threatens to discharge sediment into waters in amounts deleterious to the quality and beneficial uses of water, shall be grass seeded and mulched with straw or fine slash. Grass seed shall be applied at a rate exceeding 100 pounds per acre. Straw mulch shall be applied in amounts sufficient to provide at least 2- 4-inch depth of straw with minimum 90% coverage. Slash may be substituted for straw mulch provided the depth, texture, and ground contact are equivalent to at least 2 – 4 inches of straw mulch. Any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of operations.
- Within 100 feet of a watercourse or lake, where the undisturbed natural ground cover cannot effectively protect beneficial uses of water from operations, the ground shall be treated with slope stabilization measures described in #3 above per timing described in #1 above.
- Side cast or fill material extending more than 20 feet in slope distance from the outside edge of a landing which has access to a watercourse or lake shall be treated with slope stabilization measures described in #3 above. Timing shall occur per #1 above unless outside 100 feet of a watercourse or lake, in which completion date is October 15.

All roads shall have drainage and/or drainage collection and storage facilities installed as soon as practical following operations and prior to either (1) the start of any rain which causes overland flow across or along the disturbed surface within 100 feet of a watercourse or lake protection, or (2) any day with a National Weather Service forecast of a chance of rain of 30 percent or more, a flash flood warning, or a flash flood watch.

BMP: Rolling Dip

- Rolling dips are drainage structures designed to carry surface water across roads.
- The truck road shall dip into and out of the rolling dip to minimize diversion potential.
- The rolling dip shall be constructed with clean native materials.
- The rolling dips outlet may be armored to resist downcutting and erosion.
- Do not discharge rolling dips into swales that show signs of instability or active landsliding.
- If the rolling dip is designed to divert both road surface and ditch runoff, block the down-road ditch with compacted fill.

BMP: Rocked Rolling Dip

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

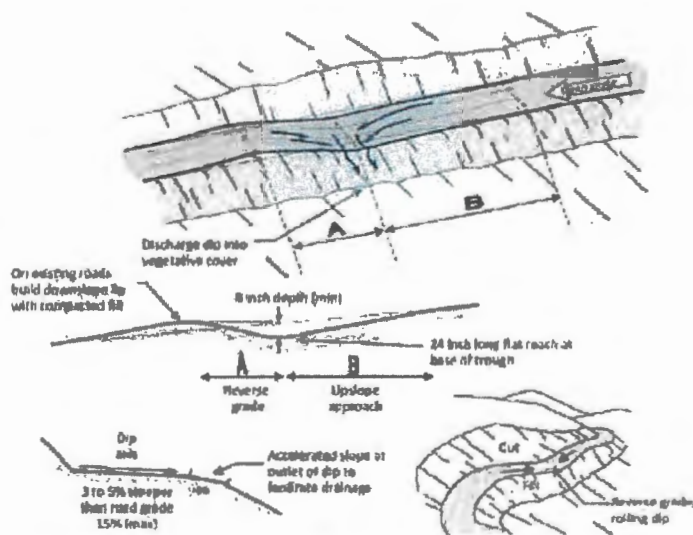
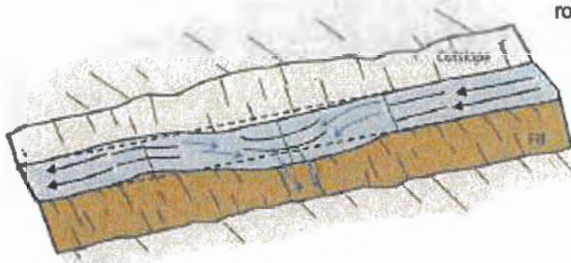


FIGURE 34. A classic Type I rolling dip, where the excavated up-road approach (B) to the rolling dip is several percent steeper than the approaching road and extends for 80 to 80 feet to the dip axis. The lower side of the structure reverses grade (A) over approximately 15 feet or more, and then falls down to rejoin the original road grade. The dip must be deep enough that it is not obliterated by normal grading, but not so deep that it is difficult to negotiate or a hazard to normal traffic. The outward cross-slope of the dip axis should be 3% to 5% greater than the up-road grade (B) so it will drain properly. The dip axis should be oversized sufficiently to be self-cleaning, without triggering excessive downcutting or sediment deposition in the dip axis (modified from: Best, 2013).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

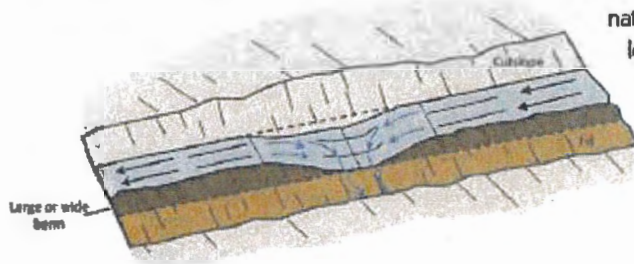
BMP: (Rocked) Rolling Dip (Cont.)

Type 1 Rolling Dip (Standard)



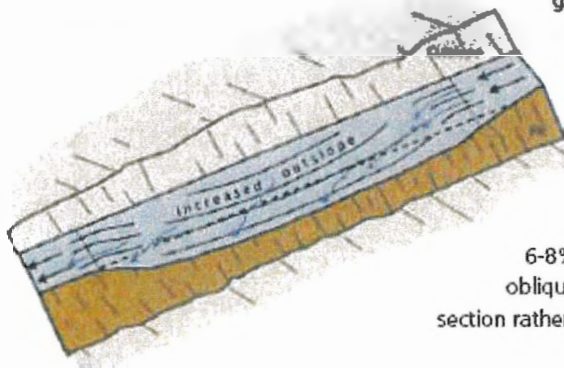
Type 1 rolling dips are used where road grades are less than about 12-14% and road runoff is not confined by a large through cut or berm. The axis of the dip should be perpendicular to the road alignment and sloped at 3-4% across the road tread. Steep roads will have longer and more abrupt dip dimensions to develop reverse grade through the dip axis. The road tread and/or the dip outlet can be rocked to protect against erosion, if needed.

Type 2 Rolling Dip (Through-cut or thick berm road reaches)



Type 2 rolling dips are constructed on roads up to 12-14% grade where there is a through cut up to 3 feet tall, or a wide or tall berm that otherwise blocks road drainage. The berm or native through cut material should be removed for the length of the dip, or at least through the axis of the dip, to the extent needed to provide for uninterrupted drainage onto the adjacent slope. The berm and slope material can be excavated and endhailed, or the material can be sidecast onto native slopes up to 45%, provided it will not enter a stream.

Type 3 Rolling Dip (Steep road grade)



Type 3 rolling dips are utilized where road grades are steeper than about 12% and it is not feasible to develop a reverse grade that will also allow passage of the design vehicle (steep road grades require more abrupt grade reversals that some vehicles may not be able to traverse without bottoming out).

Instead of relying on the dip's grade reversal to turn runoff off the roadbed, the road is built with an exaggerated outslope of 6-8% across the dip axis. Road runoff is deflected obliquely across the dip axis and is shed off the outsloped section rather than continuing down the steep road grade.

FIGURE 36. Rolling dip types

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: (Rocked) Rolling Dip (Cont.)

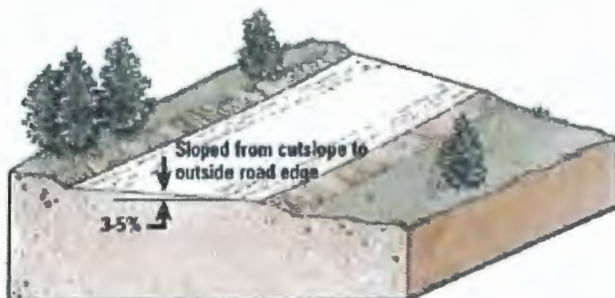


FIGURE 55. Steep roads that go straight up or down a hillside are very difficult to drain. This steep, fall line road developed a through cut cross section that was drained using lead out ditches to direct runoff off the road and onto the adjacent, vegetated hillside. The road was "outsloped" to drain runoff to the right side, and the lead out ditch was built slightly steeper than the road grade, to be self-cleaning. Four lead out ditches have been constructed at 100-foot intervals to the bottom of the hillside.

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Road Shaping and Draining

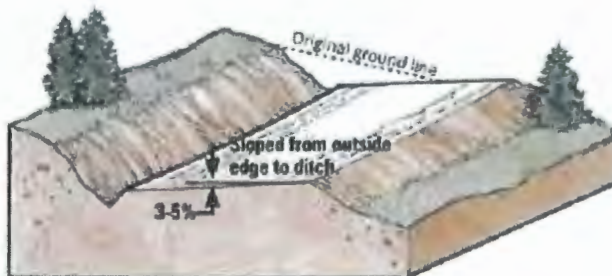
Outsloped



Outsloped roads are used:

- where road grades are gentle or moderate ($\leq 8-12\%$)
- to minimize construction costs
- where cutbanks are dry
- with an inside ditch, where cutbanks are wet
- where road surface drainage is to be dispersed
- always in concert with rolling dips

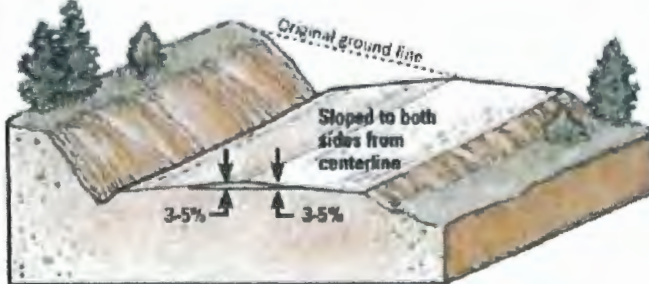
Insloped



Insloped roads are used:

- where road grades are moderate to steep ($\geq 8-12\%$)
- where road grades are moderate or steep and slippery (muddy, snowy or icy)
- where cutbanks are wet and ditches are used
- where ditches can be maintained
- where fillslopes are unstable or highly erodible

Crowned

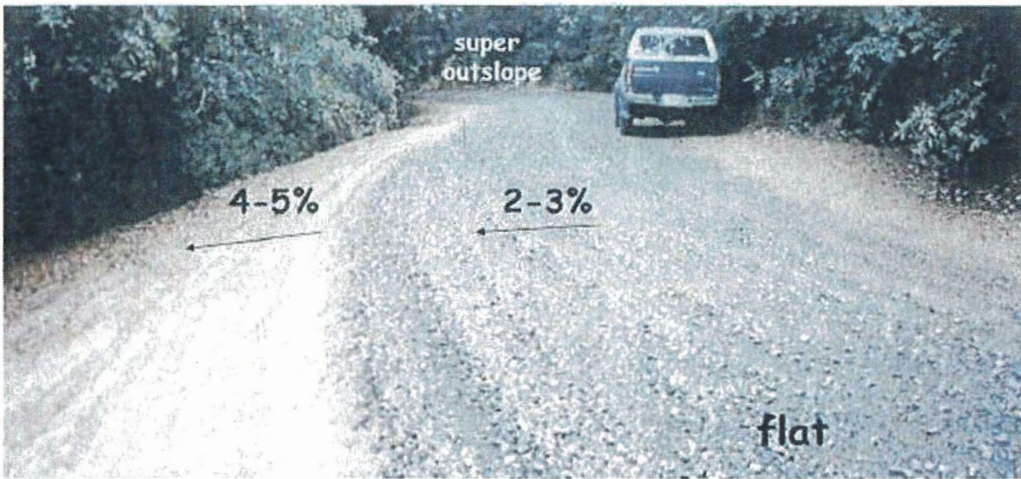


Crowned roads are used:

- where road grades are gentle or moderate ($\leq 8-12\%$)
- where ditches are maintained and can be drained frequently
- where roads are wide and two way traffic is common
- where commercial or high traffic use is common
- where slippery or icy conditions are common

FIGURE 27. Road surface shapes include outsloped, insloped and crowned. The diagram depicts an outsloped road with no ditch (top), an insloped road with the inside ditch (center), and a crowned road with an inside ditch (bottom). Outsloped road shapes are generally preferred because of lower construction and maintenance costs. Where cutbanks are wet with spring flow an outsloped road shape can be combined with an inside ditch. Note that insloped and crowned roads generally require more hillslope cutting and have higher cutbanks than outsloped roads because of the extra width needed for a ditch (Modified from: Adams and Storm, 2011).

Outsloping



HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

FIGURE 29. Road shape changes as the road travels through the landscape. For example, an out-sloped road will have a steep or "banked" outslope through inside curves, a consistent outslope through straight reaches and a flat or slightly insloped shape as it goes through an outside curve. The road may have an outslope of 2-3% across the travel surface while the shoulder is more steeply outsloped to ensure runoff and sediment will leave the roadbed.

TABLE 18. Outsloping "pitch" for roads up to 8% grade¹

Road grade	Outslope "pitch" for unsurfaced roads	Outslope "pitch" for surfaced roads
≤ 4%	3/8" per foot	1/2" per foot
5%	1/2" per foot	5/8" per foot
6%	5/8" per foot	3/4" per foot
7%	3/4" per foot	7/8" per foot
≥ 8%	1" per foot	1 1/4" per foot

¹California Department of Forestry and Fire Protection (2008)

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Permanent Culvert Crossing

- New culvert installations shall be sized to accommodate a 100-year storm.
- If the new culvert is replacing a poorly installed old culvert the crossing may need to be abandoned to the following standard:
 - When fills are removed they shall be excavated to form a channel that is as close as feasible to natural watercourse grade and orientation, and that is wider than the natural channel.
 - Excavated banks shall be laid back to a 2:1 (50%) or natural slope.
- New culverts shall be placed at stream gradient, or have downspouts, or have energy dissipaters at outfall.
 - Align culverts with the natural stream channel orientation to ensure proper function, prevent bank erosion and minimize debris plugging. See Figure 97 below.
 - Place culverts at the base of the fill and at the grade of the original streambed or install a downspout past the base of the fill. Downspouts should only be installed if there are no other options.
 - Culverts should be set slightly below the original stream grade so that the water drops several inches as it enters the pipe.
 - Culvert beds should be composed of rock-free soil or gravel, evenly distributed under the length of the pipe.
 - Compact the base and sidewall material before placing the pipe in its bed.
 - Lay the pipe on a well-compacted base. Poor basal compaction will cause settling or deflection in the pipe and can result in separation at a coupling or rupture in the pipe wall.
 - Backfill material should be free of rocks, limbs or other debris that could dent or puncture the pipe or allow water to seep around the pipe.
 - Cover one end of the culvert pipe, then the other end. Once the ends are secure, cover the center.
 - Tamp and compact backfill material throughout the entire process, using water as necessary for compaction.
 - Backfill compacting will be done in 0.5 – 1.0 foot lifts until 1/3 of the diameter of the culvert has been covered.
 - Push layers of fill over the crossing to achieve the final design road grade, at a minimum of one-third to one-half the culvert diameter.
- Critical dips shall be installed on culvert crossings to eliminate diversion potential. Refer to Figure 86 below.
- Road approaches to crossings shall be treated out to the first drainage structure (i.e. waterbar) or hydrologic divide to prevent transport of sediment.
- Road surfaces and ditches shall be disconnected from streams and stream crossings to the greatest extent feasible. Ditches and road surfaces that can not be feasible disconnected from streams or stream crossings shall be treated to reduce sediment transport to streams.
- If downspouts are used they shall be secured to the culvert outlet and shall be secure on fill slopes.
- Culverts shall be long enough so that road fill does not extend or slough past the culvert ends.
- Inlet of culverts and associate fill shall be protected with appropriate measures that extend at least as high as the top of the culvert.
- Outlet of culverts shall be armored with rock if road fill sloughing into channel can occur.
- Armor inlets and outlets with rock, or mulch and seed with grass as needed (not all stream crossings need to be armored).
- Where debris loads could endanger the crossing a debris catchment structure shall be constructed upstream of the culvert inlet.
- Bank and channel armoring may occur when appropriate to provide channel and bank stabilization.

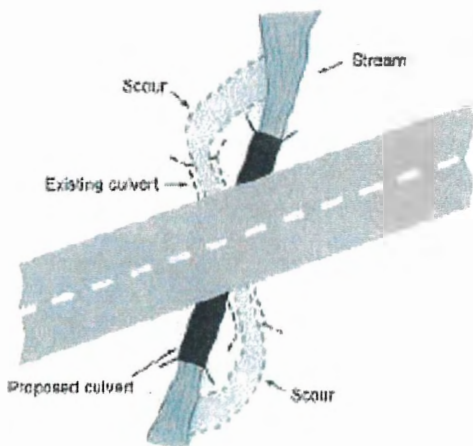


FIGURE 97. Culvert alignment should be in relation to the stream and not the road. It is important that the stream enters and leaves the culvert in a relatively straight horizontal alignment so streamflow does not have to turn to enter the inlet or discharge into a bank as it exits. This figure shows a redesigned culvert installation that replaces the bending alignment that previously existed. Channel turns at the inlet increase plugging potential because wood going through the turn will not align with the inlet. Similarly, channel turns at the inlet and outlet are often accompanied by scour against the channel banks (Wisconsin Transportation Information Center, 2004).

BMP: Permanent Culvert Crossing (Cont.)

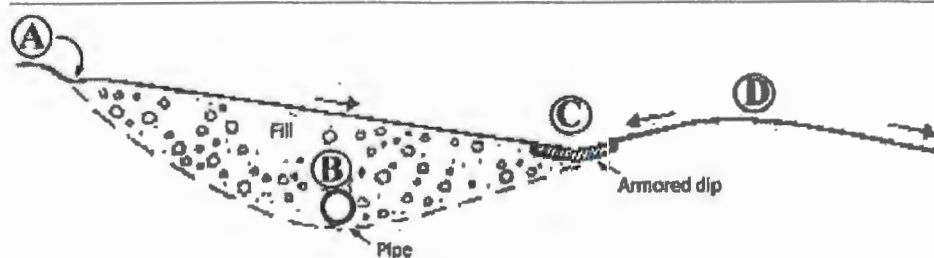
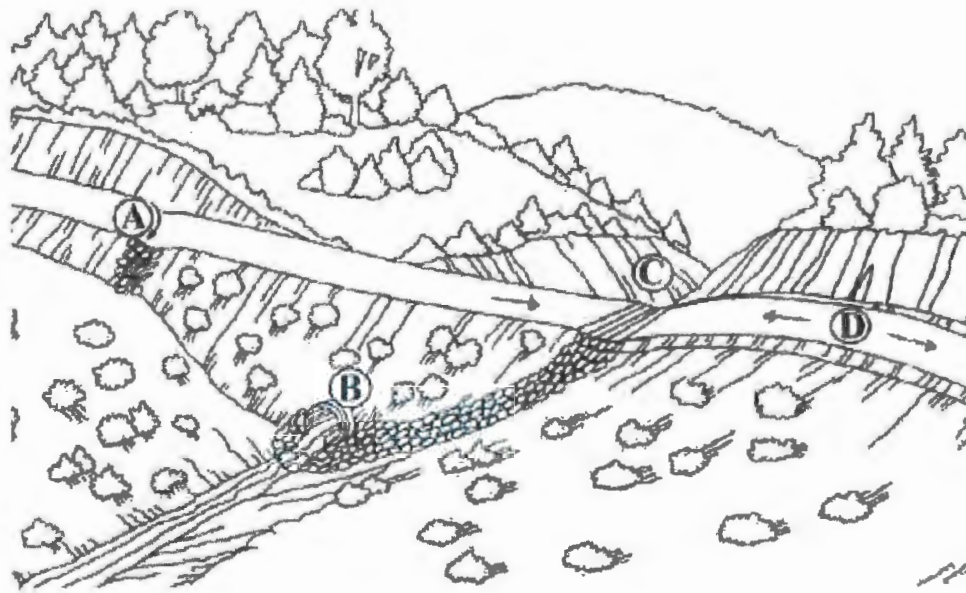


FIGURE 84. Critical dips or dipped crossing fills should be centered near a stream crossing's down-road hingeline, not over the centerline of the crossing where overtopping could cause washout or severe erosion of the fill. If the stream crossing culvert (B) plugs, water will pond behind the fill until reaching the critical dip or low point in the crossing (C) and flowing back down into the natural stream channel. The down-road ditch must be plugged to prevent streamflow from diverting down the ditch line. For extra protection in this sketch, diprap armor has been placed at the critical dip outfall and extending downslope to the stream channel. This is only required or suggested on stream crossings where the culvert is highly likely to plug and the crossing fill overtopped. The dip at the hinge line is usually sufficient to limit erosional damage during an overtopping event. Road surface and ditch runoff is disconnected from the stream crossing by installing a rolling dip and ditch relief culvert just up-road from the crossing (A) (Keller and Sherar, 2003).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Permanent Culvert Crossing (Cont.)

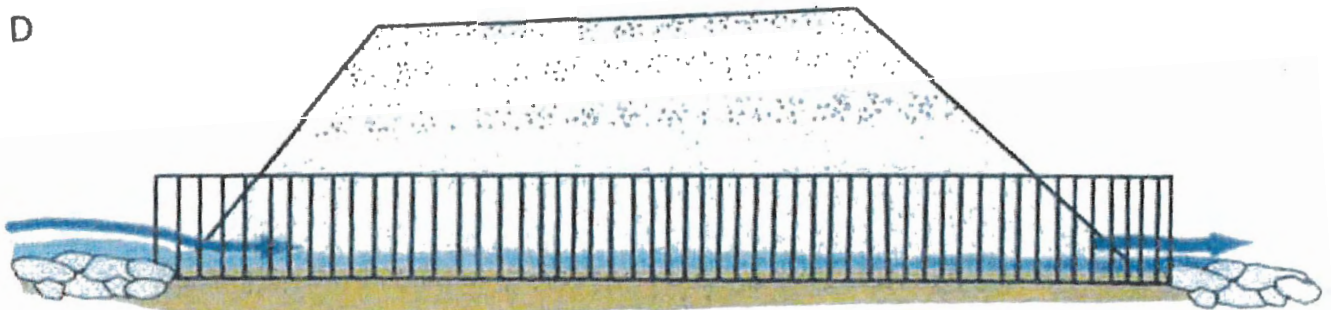
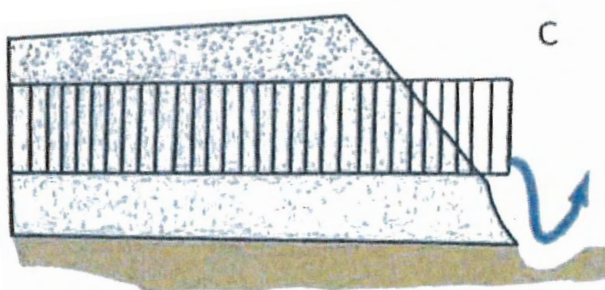
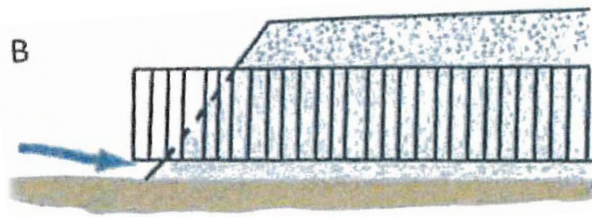


FIGURE 155. Proper culvert installation involves correct culvert orientation, setting the pipe slightly below the bed of the original stream, and backfilling and compacting the fill as it is placed over the culvert. Installing the inlet too low in the stream (A) can lead to culvert plugging, yet if set too high (B) flow can undercut the inlet. If the culvert is placed too high in the fill (C), flow at the outfall will erode the fill. Placed correctly (D), the culvert is set slightly below the original stream grade and protected with armor at the inlet and outlet. Culverts installed in fish-bearing stream channels must be inset into the streambed sufficiently (>25% embedded) to have a natural gravel bottom throughout the culvert (Modified from: MDSL, 1991).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Inlet and Outlet Armoring

- Inlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert.
- Outlets of culverts shall be provided a rock energy dissipater at the outfall of the culvert.
- Outlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert if road fill sloughing into channel can occur.
- Prior to inlet and outlet rocking, the inlet and outlets shall be prepared. Preparation will include removal of vegetation and stored materials from the inlet and outlet.
- Inlets may require construction of an inlet basin.
- Slopes at the outlet should be shaped to a 2:1 or natural slope prior to placing rock armor.
- Rock used at culvert inlets and outlets should be a matrix of various sized rocks and rip-rap that range from a 3" dia. to a 2' dia.
- The largest rocks should be places at the base of the culvert or fill. Incrementally smaller rocks shall be placed over the larger rocks at the armoring extend up the slope. Voids and spaces shall be back filled with smaller gravels and rocks.

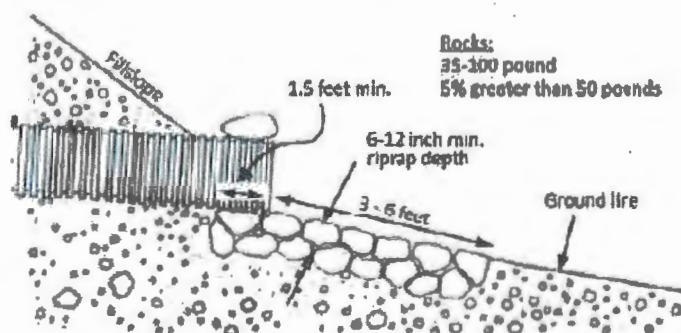


FIGURE 107A. Riprap armor at culvert outlet (Modified from: Keller et al., 2011).

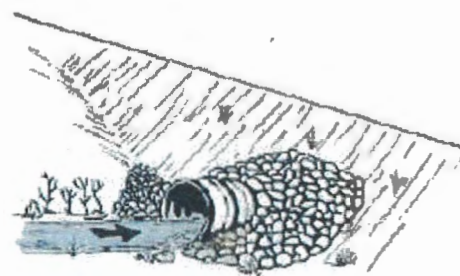


FIGURE 107B. Riprap armor at culvert inlet (Keller and Sheraz, 2003).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Stream Bank Armoring (Riprap)

- Riprap should be installed on top of geotextile fabric or a clean mixture of coarse gravel and sand.
- The riprap should be keyed into the streambed and extend below the maximum expected scour depth with an adequately sized key base width at a thickness of a minimum of 2x the median (D50) rock diameter with the largest stone sizes placed at the base of the riprap structure.
- The armor should be set into the streambank so it does not significantly protrude into, or constrict, the natural channel, or otherwise reduce channel capacity.
- The riprap should extend along the length of unstable or over steepened bank and up the bank sufficiently to encompass the existing bank instability and/or design flood elevations.

BMP: Rocked Ford

- Rocked fords are drainage structures designed to carry watercourses across roads with little to no erosion of the road surface or fill.
- Fords constructed in-channel shall be of appropriately sized material that shall withstand erosion or displacement by expected velocities and placed in a broad, U-shaped channel to create a drivable crossing.
 - The road shall dip into and out of the rocked ford to minimize diversion potential. Construct a broad rolling dip across the roadbed, centered at the crossing, which is large enough to contain the expected 100-yr flood discharge while preventing flood flow from diverting down the road or around the rock armor.
- The road surface at the ford shall be constructed with clean rock. The rock shall be applied to a minimum depth of 6 inches.
 - A range of interlocking rock armor sizes should be selected and sized so that peak flows will not pluck or transport the armor off the roadbed or the sloping fill face of the armored fill.
- The ford's outlet shall be rock armored to resist downcutting and erosion.
 - *Excavate the keyway and armored area* - Excavate a two to three foot deep "bed" into the dipped road surface and adjacent fillslope (to place the rock in) that extends from approximately the middle of the road, across the outer half of the road, and down the outboard road fill to where the base of the fill meets the natural channel. At the base of the fill, excavate a keyway trench extending across the channel bed.
 - *Armor the basal keyway* - Put aside the largest rock armoring to create the buttresses. Use the largest rock armor to fill the basal trench and create a buttress at the base of the fill. This should have a "U" shape to it and it will define the outlet where flow leaves the armored fill and enters the natural channel.
 - *Armor the fill* - Backfill the fill face with the remaining rock armor making sure the final armor is unsorted and well placed, the armor is two coarse-rock layers in thickness, and the armored area on the fill face also has a "U" shape that will accommodate the largest expected flow.
 - *Armor the top of the fill* - Install a second trenched buttress for large rock at the break-in-slope between the outboard road edge and the top of the fill face.
- Road approaches to rocked fords shall be rock surfaced out to the first drainage structure (i.e. waterbar, rolling dip, or hydrologic divide) to prevent transport of sediment using rock.
- Bank and channel armoring may occur when appropriate to provide channel and bank stabilization.
- Road approach rock and rock ford armoring shall be reapplied following use as needed to maintain a permanent crossing.

BMP: Rocked Ford (Cont.)

FORD: A large dip is graded into the road at the axis of the stream channel. The outside fill face is dished out to form a spillway with large rock. On large watercourses, rock is keyed several feet into firm native soils. The road surface is rocked with 6" of minus rock.

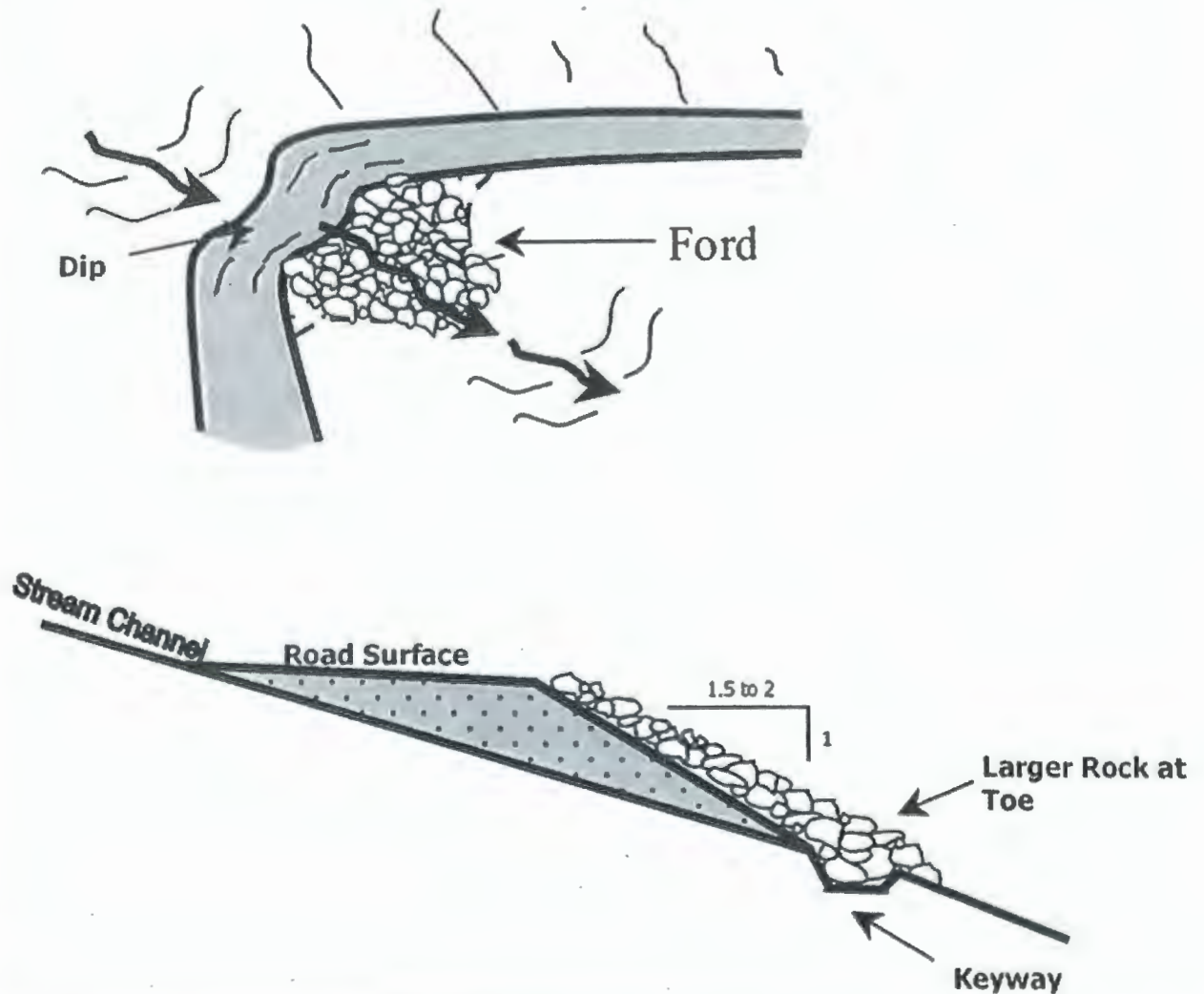




FIGURE 121D. Well graded rock armor is then backfilled into the structure and spread across the breadth of the U-shaped stream crossing, and about one-third the way up the roadbed, so that streamflow will only flow over or come in contact with resistant armor material. The armor must be spread and compacted across the design width of the expected flood flow channel width so peak flows will not flank the armored structure.



FIGURE 121E. Two weeks after this armored fill was constructed, a storm flow event occurred and the structure maintained its function and integrity. The road approaches had not yet been compacted or surfaced with road rock.



FIGURE 121F. The same armored fill as it appeared after the first winter flood flows. No maintenance was required to reopen the road. It is also clear that no stream diversion is possible at this stream crossing site, and the volume of fill within the crossing has been reduced to the minimum amount needed to maintain a relatively smooth driving surface on this low volume road.

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Crossing Abandonment

- When fills are removed they shall be excavated to form a channel that is as close as feasible to natural watercourse grade and orientation, and that is wider than the natural channel to accommodate 100 year flood flows.
- Excavated banks shall be laid back to a maximum 2:1 (50%) or natural slope. This shall include the removal of unstable or potential unstable sidecast and fill slope materials that could otherwise fail and deliver sediment to a stream.
- The bare soils shall be mulched and seeded to minimize erosion until natural vegetation can protect the surface. Slope stabilization measures are listed above.
- The road approaches shall be treated to disperse and reduce surface runoff onto the freshly exposed bare soils. This shall be done by ripping, outslipping, and/or cross draining.

Road Decommissioning

FIGURE 271A. This abandoned, inner gorge road was targeted for permanent closure (decommissioning) because of the steep slopes, unstable road fill and the proximity of a fish bearing stream. Vegetation has been cut from the fill slope and straw bales have already been staged along the road for mulching after the heavy equipment work is complete. Most of the decommissioning involved endhauling spoil about 1000 feet down the road to a broad, low gradient area located far from the stream.



FIGURE 271B. After decommissioning, all the potentially unstable fill material has been excavated and endhauled off-site. Some excavated material has been placed along dry portions of the cut-bank, but seeps and springs have been left uncovered to freely drain down the slope. The excavated fill slope and road bench has been covered with alder trees that were growing on the slope, and the remaining bare soil areas were seeded and mulched with straw. The threat to the stream at the base of the slope has been eliminated.



HANDBOOK FOR FOREST, RANCH, AND RURAL ROADS

FIGURE 274A. Log landing with spoil and woody debris pushed over the edge and onto steep streamside slopes. This road and landing was previously managed for timber harvesting and had been recently added to Redwood National Park (RNP). As a part of watershed restoration, the road and landing were to be permanently decommissioned (RNP).



FIGURE 274B. Using Inplace Out-sloping (IPOS) techniques, the rocky sidecast soils were excavated and placed against the tall cutbank of this dry ridge. Woody debris was separated from the dirt and chipped for mulch. Three years later, alder trees have invaded the bare soil surface and were rapidly growing. Minor surface erosion and rilling had occurred while the surface was sparsely vegetated, but there was no sediment delivery to a stream (note person for scale) (RNP).



HANDBOOK FOR FOREST, RANCH, AND RURAL ROADS

United States Department of Agriculture



STRAW MULCHING

What is it?

The application of straw as a protective cover over seeded areas to reduce erosion and aid in revegetation or over bare soils that will be landscaped later to reduce erosion.

When is it used?

This method is used on slopes which have been seeded and have high potential for erosion. It requires some type of anchoring by matting, crimping or other methods to prevent blowing or washing away.

Straw mulch forms a loose layer when applied over a loose soil surface. To protect the mulch from wind drifting and being moved by water, it must be covered with a netting such as plastic or punched into the soil with a spade or roller, or by spraying it with a tacking agent. The mulch should cover the entire seed or bare area. The mulch should extend into existing vegetation or be stabilized on all sides to prevent wind or water damage which may start at the edges.

Methods and Materials:

On gentle to moderate slopes, straw mulch can be applied by hand broadcasting to a uniform depth of 2 - 3 inches. On steep slopes, the straw should be blown onto the slope to achieve the same degree of cover. When applied properly, approximately 20-40 percent of the original ground surface can be seen. The application rate per acre should be about 2 tons (or one 74 pound bale per 800 square feet). Straw should be clean rice, barley, or wheat straw.

Anchoring of straw mulch can be accomplished using the following methods:

Hand Punching:

A spade or shovel is used to punch straw into the slope until all areas have straw standing perpendicularly to the slope and embedded at least 4 inches into the slope. It should be punched about 12 inches apart.

Roller Punching:

A roller equipped with straight studs not less than 6 inches long, from 4 - 6 inches wide and approximately one inch thick is rolled over the slope.

Crimper Punching:

Like roller punching, the crimper has serrated disk blades about 4 - 8 inches apart which force straw mulch into the soil. Crimping should be done in two directions with the final pass across the slope.

Matting:

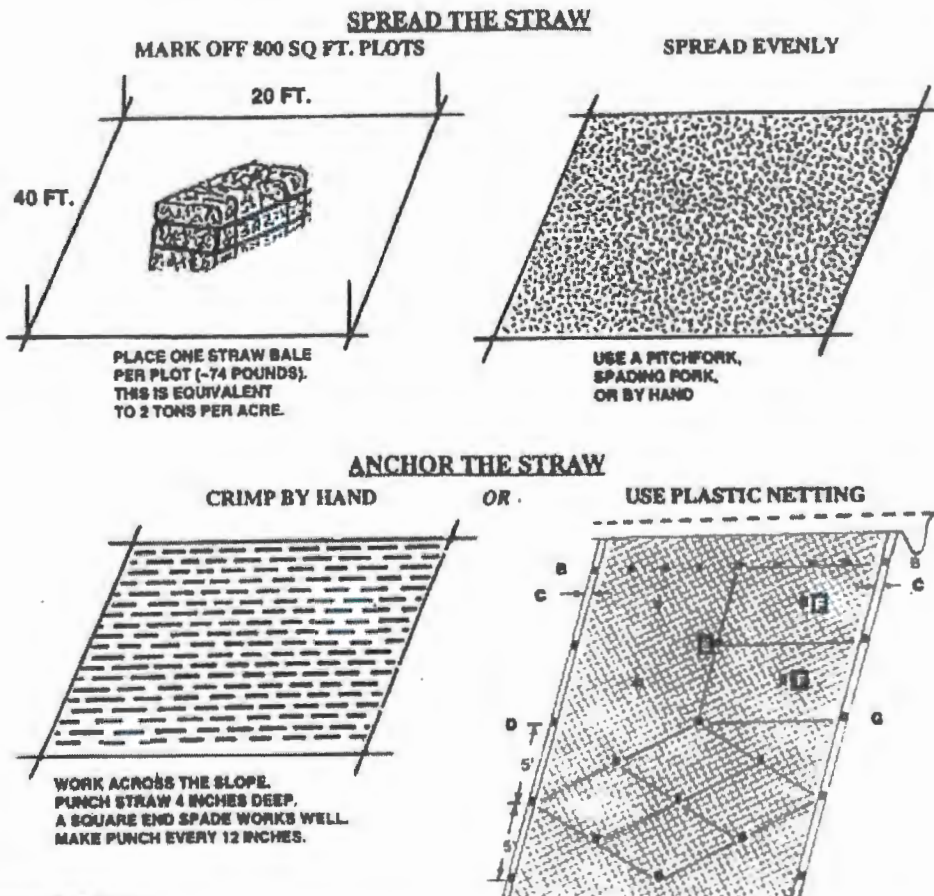
Matting is used on large, steep areas which cannot be punched with a roller or by hand. Jute, wood excelsior or plastic netting is applied over unpunched straw.

Where to Get Help:

Technical Assistance is available from your local USDA Natural Resources Conservation Service office or your local Resource Conservation District regarding this practice and other treatments.

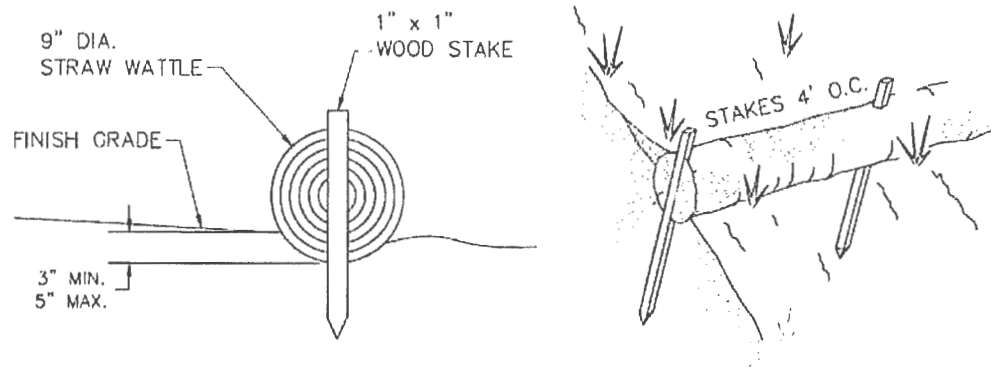
July 2002 Arizona

Straw Mulching



Construction Notes

1. Lay matting in strips down the slope over the straw. Bury upper end in 6-8 inch deep and wide trench. Most netting comes in 14-17 feet wide rolls.
2. Secure the upper end with stakes every 2 feet.
3. Overlap seams on each side 4-5 inches.
4. Secure seams with stakes every 5 feet.
5. Stake down the center every 5 feet.
6. Stake middles to create diamond pattern that provides stakes spaced 4-5 feet apart.
7. Use pointed 1x2 inch stakes 8-9 inches long. Leave 1-2 inch top above netting or use "U" shaped metal pins at least 9 inches long.
8. When joining 2 strips, overlap upper strip 3 feet over lower strip and secure with stakes every 2 feet like in "B" above.

BMP: Straw Wattles

BMP: Cultivation Site Restoration

- Remove all cultivation and associated materials from designated cultivation site.
 - This includes plant mass, root balls, potting containers, cultivation medium and any materials associated with the preparation, cultivation, and harvest of commercial cannabis.
 - Cultivation medium removed from the site shall be stored/disposed of in compliance with Order conditions related to spoils management.
- All disturbed and/or unstable slopes shall be stabilized and returned to pre-project conditions.
 - Slopes shall be contoured as close as feasible to natural grade and aspect.
 - Temporary erosion control shall be applied to prevent sediment run-off.
- Soil exposed as a result of project work, soil above rock riprap, and interstitial spaces between rocks shall be revegetated with native species by live planting, seed casting, or hydroseeding prior to the rainy season of the year work is completed.
 - Native plants characteristic of the local habitat shall be used for revegetation when implementing and maintaining cleanup/restoration work in riparian and other sensitive areas.
 - Native forbes and graminoids shall be planted to replace sediment stabilization, sediment filtration and nutrient filtration
 - Native trees and shrubs shall be planted to replace bank stabilization, inputs of large woody debris and temperature control within riparian areas.
 - Restoration of the quality/health of the riparian stand shall promote: 1) shade and microclimate controls; 2) delivery of wood to channels, 3) slope stability and erosion control, 4) ground cover, and 5) removal of excess nutrients.

State of California
Well Completion Report
 Form DWR 188 Submitted 6/20/2019
 WCR2019-008588

Owner's Well Number _____ Date Work Began 06/17/2019 Date Work Ended 06/20/2019
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 18/19-0549 Permit Date 01/15/2019

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>Janice Umina</u>	Activity <u>New Well</u>
Mailing Address <u>P.O. Box</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>Whitethorn</u> State <u>CA</u> Zip <u>95589</u>	

Well Location	
Address <u>0 Dyerville Loop RD</u>	APN <u>216-144-006</u>
City <u>Garberville</u> Zip <u>95542</u> County <u>Humboldt</u>	Township <u>04 S</u>
Latitude <u>40</u> <u>7</u> <u>48</u> N Longitude <u>-123</u> <u>41</u> <u>36.2399</u> W	Range <u>04 E</u>
Deg. Min. Sec. Deg. Min. Sec.	Section <u>11</u>
Dec. Lat. <u>40.13</u> Dec. Long. <u>-123.6934</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>91</u> (Feet below surface)
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>210</u> Feet	Water Level <u>68</u> (Feet) Date Measured <u>06/20/2019</u>
Total Depth of Completed Well <u>210</u> Feet	Estimated Yield* <u>4</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>4</u> (Hours) Total Drawdown <u>119</u> (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface	Feet to Feet	Description
0	4	top soil
4	36	brown sandstone silt
36	52	shale
52	156	shale sandstone mix
156	188	hard shale
188	210	soft shale



Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	70	Blank	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563			
1	70	210	Screen	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	210	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	210	10

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>FISCH DRILLING</u>			
Person, Firm or Corporation			
3150 JOHNSON ROAD		HYDESVILLE	CA 95547
Address		City	State Zip
Signed		06/20/2019	683865
	electronic signature received	Date Signed	C-57 License Number
	C-57 Licensed Water Well Contractor		

Attachments
Scan.pdf - Location Map

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

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



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2018-0600-R1

Unnamed Tributary to Steelhead Creek, Tributary to the Eel River and
the Pacific Ocean

Kyle Umina
Umina Water Diversion, Pond, and Stream Crossings Project
6 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on October 3, 2018, 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 Steelhead Creek watershed, approximately 5.6 miles northeast of the town of Garberville, County of Humboldt, State of California. The project is located in Section 11, T4S, R4E, Humboldt Base and Meridian; in the Fort Seward U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 216-144-006 and 216-144-003; latitude 40.1249 N and longitude 123.6937 W.

PROJECT DESCRIPTION

The project is limited to six encroachments. The first encroachment is for water diversion from an unnamed tributary to Steelhead Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the

216-144-006 11813

water diversion infrastructure. Four 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. The last encroachment is to decommission an old logging road that is connected to a Class III stream. Work for this will include excavation, and installation of water bars. The notification also contains information on a groundwater well that will be used for agricultural irrigation.

Table 1. Encroachments with descriptions

ID	Lat/Long	Description
POD	40.1250, -123.6938	1-inch poly pipe in Class II pool
Crossing-1	40.1320, -123.6945	Existing dirt/rock ford on a Class III stream upgraded to a minimum 18' diameter culvert
Crossing-2	40.1298, -123.6937	Existing 18' diameter culvert to be decommissioned
Crossing-3	40.1291, -123.6931	Existing 18' diameter culvert to be decommissioned
Crossing-4 (Pond)	40.1287, -123.6925	Existing pond with a 12' diameter culvert outflow to be lowered and armored to provide minimum 2" freeboard
In-stream Road Decommission	40.1298, -123.6937	Old logging road decommission alongside a Class III watercourse

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Steelhead Trout (*O. mykiss*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Northern Red-legged Frog (*Rana aurora*), 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;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

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

- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on October 3, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 Work Completion. The proposed work shall be completed by no later than **October 1, 2020**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

- 2.6 Avoidance of Nesting Birds. Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

Vegetation Management

- 2.7 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.8 Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Water Diversion

- 2.9 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.10 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.
- 2.11 Seasonal Diversion Minimization. No more than **150 gallons per day** shall be diverted during the low flow season from **May 15 to November 15** of each year. Water shall be diverted only if the Permittee can adhere to conditions 2.9 and 2.10 of this Agreement.
- 2.12 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.12.1 The date diversion occurred.
- 2.12.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).

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

Water Diversion Facility Retrofit

- 2.13 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.
- 2.14 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.15 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.15.1 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%.
- 2.15.2 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.
- 2.15.3 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.
- 2.15.4 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.
- 2.16 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.
- 2.17 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) **covered at all times** to prevent the entrance and entrapment of amphibians and other wildlife.

- 2.18 Diversion Infrastructure Plan (DIP). The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the CDFW Fish Screen Criteria will be achieved under this Agreement.
- 2.19 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.20 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

- 2.21 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.22 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- Reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping.
- 2.23 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.24 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

- 2.25 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.

Reservoirs

- 2.26 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
- 2.27 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
- 2.27.1 Bullfrog Management Plan. If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A.
- 2.28 Off-stream reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.
- 2.29 Seasonal Diversion Minimization. To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: From November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.

Stream Crossings

- 2.30 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.
- 2.31 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.
- 2.32 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.
- 2.33 Dewatering.
- 2.33.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.33.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.33.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these

species are detected.

- 2.33.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.
- 2.33.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.
- 2.33.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.
- 2.33.7 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.
- 2.34 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.
- 2.35 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.
- 2.36 Culvert Installation.
- 2.36.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is not recommended.

- 2.36.2 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.36.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.
- 2.36.4 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
- 2.36.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.36.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.37 Crossing Maintenance

- 2.37.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow
- 2.37.2 No heavy equipment shall enter the wetted stream channel.
- 2.37.3 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.37.4 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.37.5 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

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

2.39 Foothill Yellow-legged Frog Avoidance

2.39.1 No crossing construction/reconstruction shall occur if water is present, unless a visual encounter survey is conducted for all life-stages of FYLF by a qualified individual (knowledgeable of all life stages of FYLF and similar species) within the project area no more than two weeks prior to operations.

2.39.2 Visual encounter surveys shall consist of walking the entire survey reach and visually scanning in the water and on the banks. Any frog species encountered shall be recorded and submitted to the Department along with the work completion report. Observation reports shall be recorded on a CNDDDB report form found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

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

Erosion Control and Pollution

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

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

2.43 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub

seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

- 2.44 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.45 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.46 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.47 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.48 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 Work Completion. The proposed work shall be completed by no later than **October 1, 2020**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.

- 3.2 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.11) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.
- 3.3 **Diversion Infrastructure Plan.** The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan (condition 2.18). This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501
- 3.4 **Invasive Species Management for Reservoirs.** The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs (condition 2.27) including subsection 2.27.1, **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.5 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (condition 2.40) 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:

Kyle Umina
P.O.Box 82
Whitethorn, California 95589
707-986-9949

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2018-0600-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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


AUTHORIZATION

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

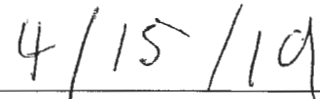
CONCURRENCE

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

FOR Kyle Umina




Kyle Umina

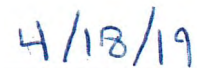


Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor



Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, March 29, 2019

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: Alchemy Atelier LLC APN: 216-144-006

Planning & Building Department Case/File No.: 11813

Road Name: Private Dr (complete a separate form for each road)

From Road (Cross street): Dyerville Loop Rd

To Road (Cross street): Private Driveway

Length of road segment: 1.1 miles Date Inspected: 9/10/19

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

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature Jennifer Parent

9/10/19
Date

Jennifer Parent

Name Printed

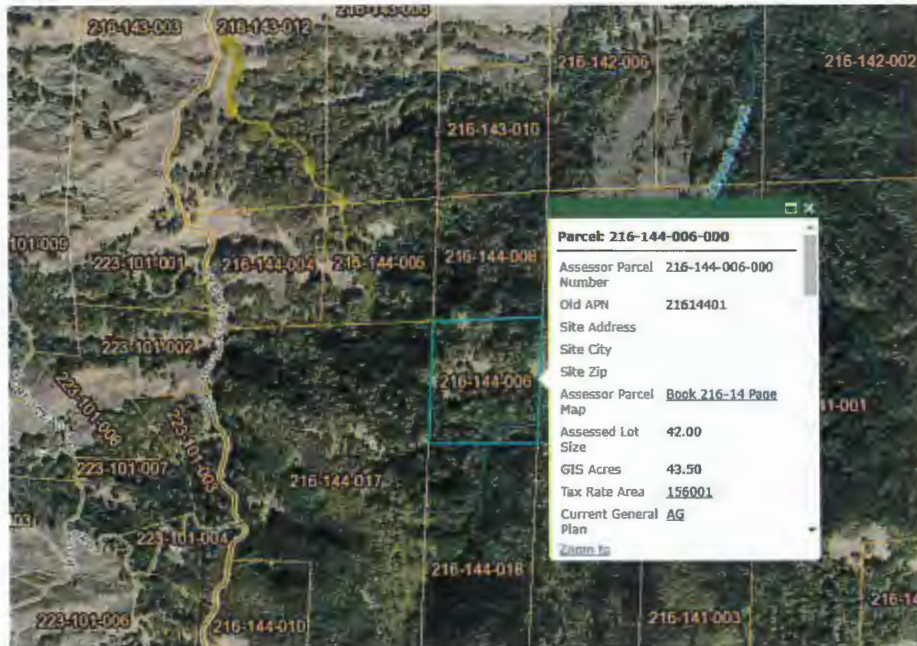
Important: Read the Instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



Road Evaluation Photos

Apps No. 11813

APN: 216-144-006



Access Road Photos



Road Photo#1



Road Photo#2



Road Photo#3



Road Photo#4



Road Photo#5



Road Photo#6

Restoration Plan

APN: 216-144-006

11813



Prepared by



**GREEN
ROAD**
CONSULTING

1650 Central Ave, Suite C

Mckinleyville CA, 95519

707-630-5041

www.greenroadconsulting.com

August 14, 2018

A handwritten signature in blue ink, appearing to read "Ty Robin Collins".

Ty Robin Collins, P.E.

Seal



1. Introduction

The attached report is a restoration plan designed by Green Road Consulting (GRC) for parcel number 216-144-006. A recent survey of the parcel boundaries shifted the property boundaries to the South and the property owner acquired a cultivation area previously located on an adjacent parcel. The purpose of this restoration plan is to outline the cleanup of cultivation related wastes from the area acquired by the property owner during the recent survey of the parcel boundaries and permanently decommission the grow site.

Information for the parcel and surrounding area was collected through a site visit performed on August 6th, 2018 as well as through a variety of county, state, and private websites (USDA web soil survey, Google Earth, Humboldt County Web GIS). The site maps were created using ArcMap and surveyed with a 2 to 4- meter accuracy GPS unit to document areas of improvement.

Timberland Resource Consultants (TRC) is contracted by the client to perform inspections and evaluation reports related to water resource issues and stream crossings located on the newly acquired portion of the property.

Site Description

APN: 216-144-006

Acreage (GIS Acres): 43.5

Legal description: SE 1/4 of NE 1/2 SEC 11 T4S-R4E

USGS 7.5' Quadrangle: Fort Seward 2015

Humboldt County Zoning: AE-B-5(160); TPZ

Land Owner: Janice F Umina

The site is located off Dyerville Loop road in South-Eastern Humboldt County, and includes sections of intermittent (Class II) and ephemeral (Class III) watercourses flowing towards the Eel River.

Overview map of the parcel boundaries as shown on the Humboldt County Web GIS (Figure 1):



Figure 1: Overview of APN 216-144-006 taken from Humboldt County WebGIS.

This report specifically addresses the clearing and cultivation area South of Steelhead Creek in the Southeastern portion of the parcel. Cultivation areas in the Western and Central portions of parcel are and have been within the parcel boundaries according to previous surveys and are currently being cultivated. Previously used for cannabis cultivation, the agricultural infrastructure within the area specifically addressed in this report is to be dismantled until further notice and any associated residuals removed. By the time of the site inspection on August 6th, 2018 this process has already begun, with the three (3) large greenhouse structures removed.

2. Restoration Measures

Mitigate Disturbances

In order to rectify the environmental issues inherited during the parcel boundary survey, all remnants of previous cannabis cultivation and all aspects of the parcel shall be brought into compliance with local and state regulations. Restoration measures requiring Immediate action are identified in the following map (Figure 2), with key points detailed below.

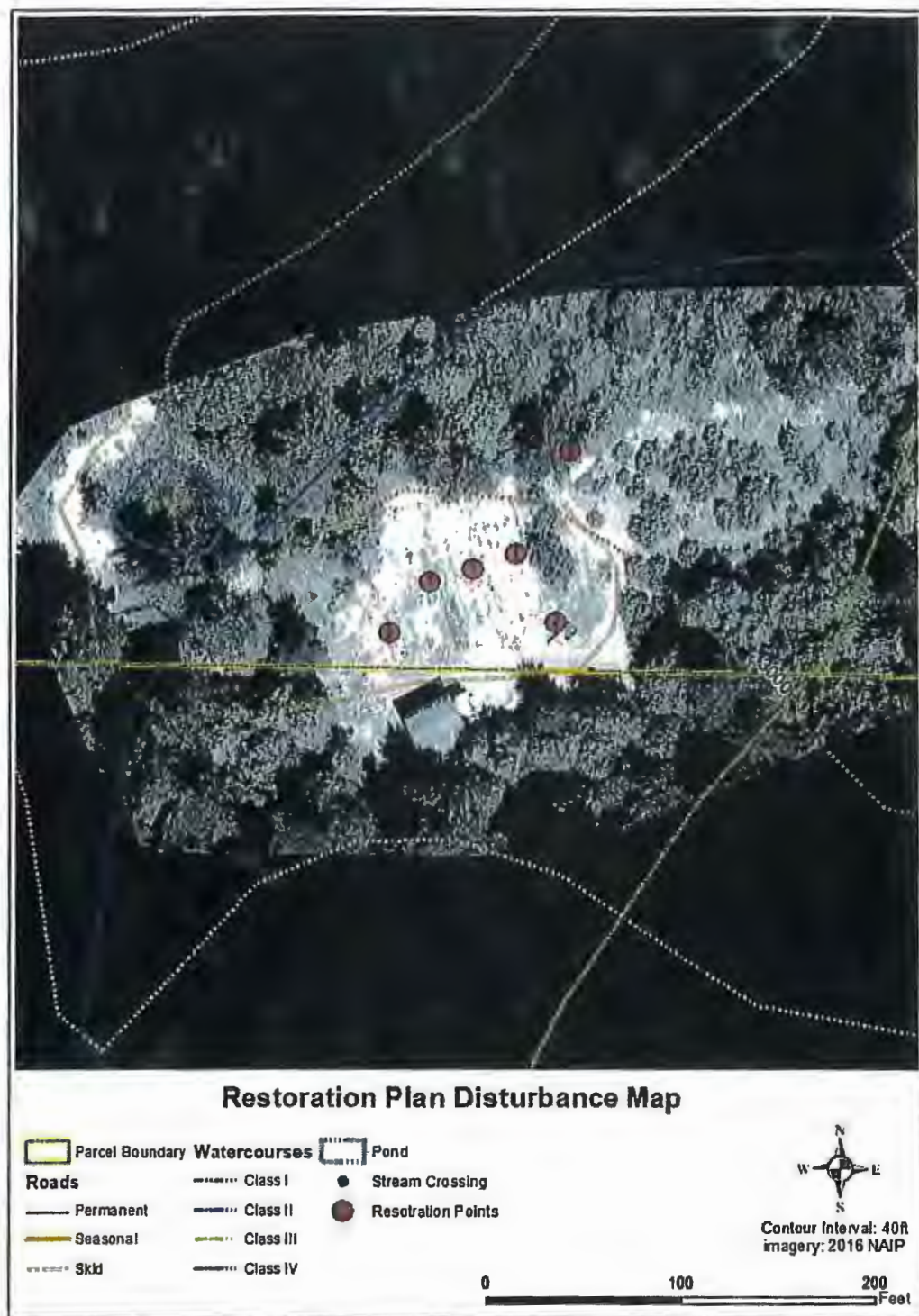


Figure 2: Location of mitigation and disturbance points required to decommission the cultivation site.

Key Points:

1. Remove Cannabis Infrastructure: A total of nine (9) raised beds contained in the remnants of three (3) large greenhouses shall be deconstructed, and the remaining soil removed. All construction and soil materials will be transported off site for reuse or to a proper waste disposal facility.
2. Remove Cannabis Infrastructure and Garbage: A small greenhouse structure located down a skid road to the East of the cultivation area shall be deconstructed and removed. All miscellaneous garbage associated with the cultivation site shall be removed.

The earthworks required for returning this flat to natural contours would result in the release of more sediment through erosion than the current condition of the flat risks depositing in its present condition. Therefore, the reconstruction of the flat is not advised. Instead, once the flat is cleared of cultivation waste and structures, the cut slopes, flat, and fill slopes shall be coated with straw and seeded, as described below, to stabilize the surface and reduce the risk of future erosion. The flat shall be monitored according to the schedule below to guard against flat failure and erosion.

Sediment and Erosion Control

All areas of bare soil and unstable fill shall be treated to reduce the risk of erosion and sediment delivery to water bodies on and near the parcel. Locations of necessary sediment and erosion control measures are indicated on the following map (Figure 3), with key points detailed below.

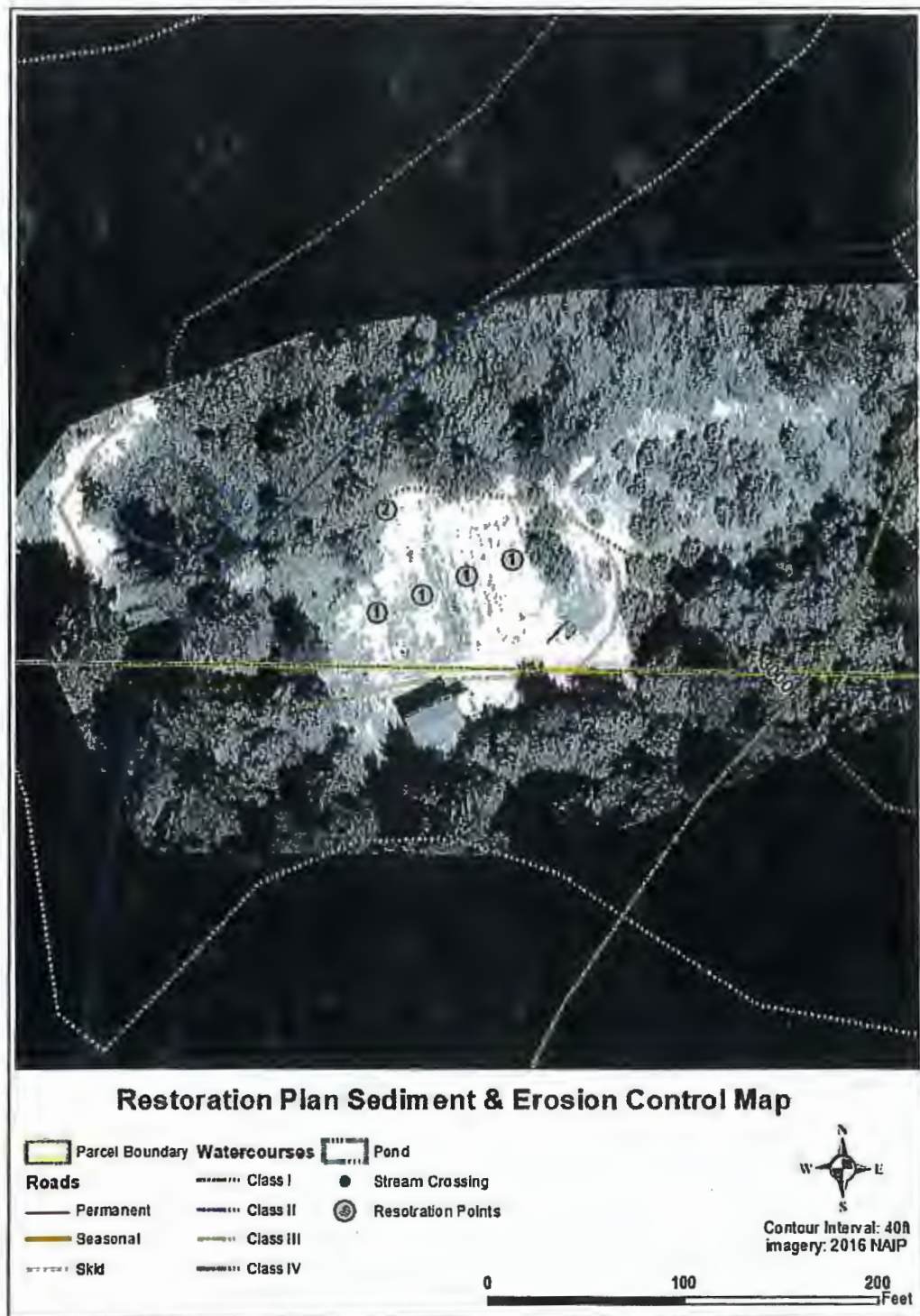


Figure 3: Location of sediment and erosion points required to decommission the cultivation site.

Key Points:

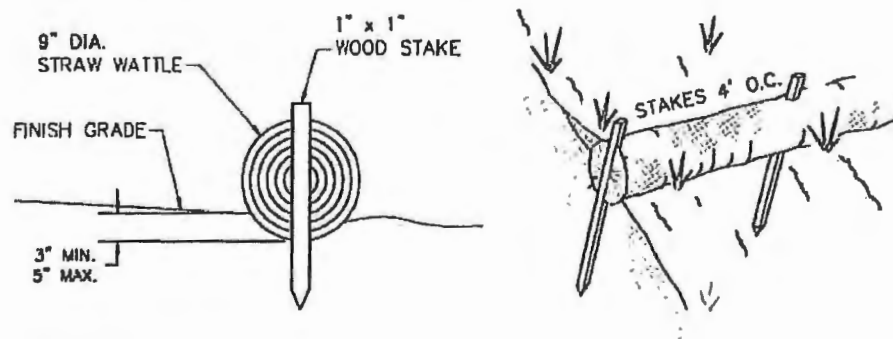
1. Bare Soil: An area of bare soil will require seeding and ground cover as described in the guidelines below.
2. Hydrologically Connected Runoff: Wattles shall be installed at the Northwestern corner of the raised bed area to reduce scour velocity and protect sediment laden runoff from entering the Class-II watercourse to the North.

Erosion Control Guidelines

Upon completion of structure removal, slope reconstruction, or incidental soil disturbance operations exposed soil areas within the work area shall be stabilized by applying mulch and seed. First, seed shall be spread via broadcast dispersal of local/native, non-invasive and weed free erosion control grass seeds (e.g. American Meadows Western Grass Seed or Larner Seeds Golden State Native Grass Erosion Control Mix). Seeding shall be applied at a rate of 15-20 pounds per acre of bare soil. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Following this, restored areas shall be mulched using two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, seeding may be covered with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting or erosion control blanketing.

Introduced plant seed or seedling species shall not include those identified in the California Invasive Pest Plant Council's database, available at: www.cai-ipc.org/paf/.

Steep slopes, such as areas identified as unstable fill, shall have straw wattles placed along the entire length of the fill at 10-foot increments. Wattle installation shall follow the best management practices indicated by the following diagram.



Road Maintenance Guidelines

Roads on the property shall be inspected and maintained to ensure concentrated runoff and surface erosion are avoided. Timber Resource Consultants has been contracted by the client to perform evaluations related to stream crossing and water resources.

Monitor and Maintain

Restoration work shall be completed in keeping with the timeline of goals detailed in section 4 below. Required work shall be carried out as described in the guidelines sections above. The goal of this work is to limit the impact of development features on this parcel on riparian health and impact on natural resources. These guidelines were designed based on Best Management Practices (BMPs) which were in turn selected to meet the standards set forth by various local, regional, and national regulations. Specifically, the minimum performance standards for this work are (1) to revegetate bare soil areas to 80% coverage through grass seeding and mulch cover and (2) to reduce concentrated runoff from developed surfaced by discontinuing channelized flow of storm water outside of natural stream channels.

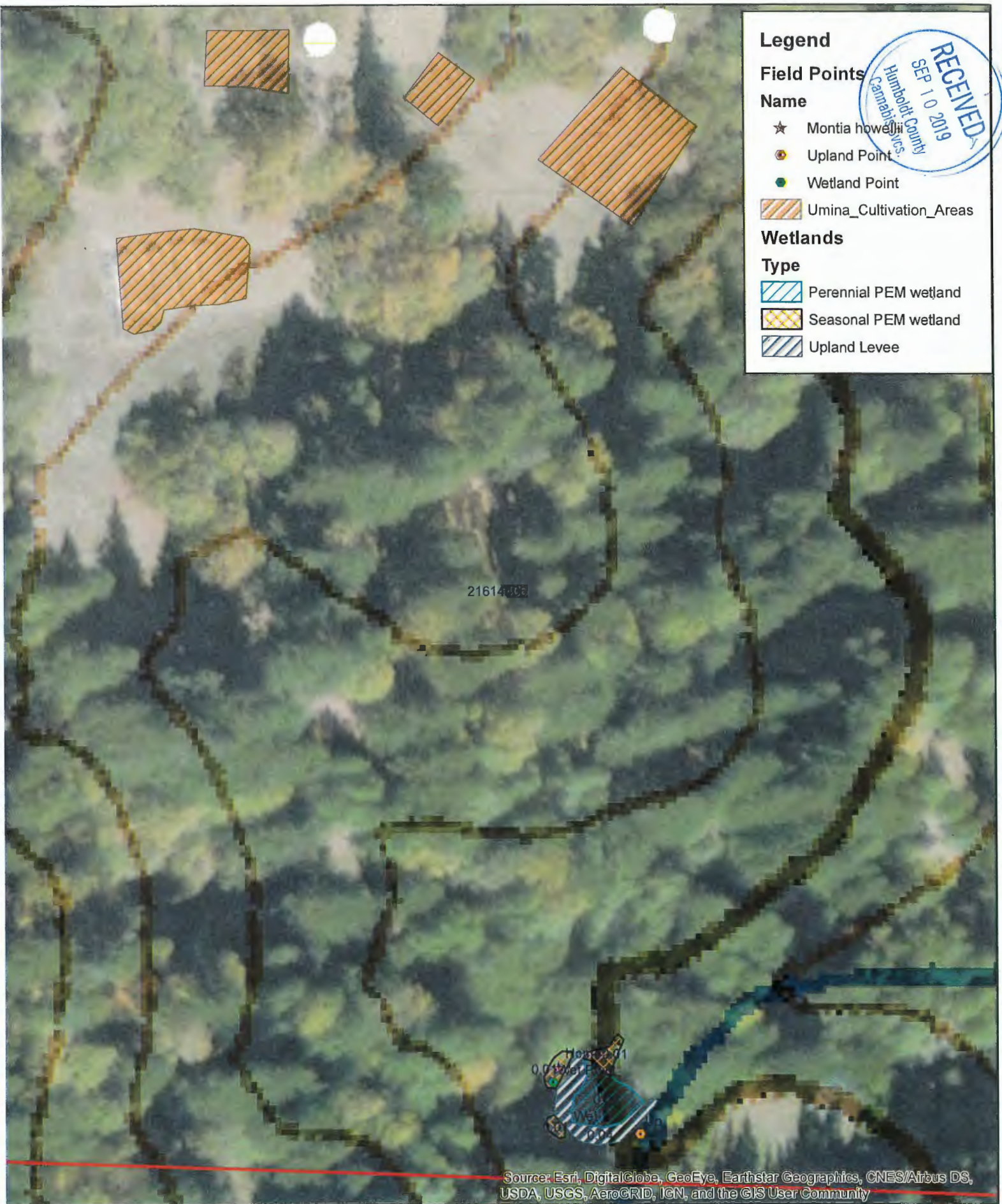
Monitoring guidelines

Monitoring will be carried out via visual inspection by the landowner once per season, with special care to monitor that heavy rains during the winter season to not degrade or otherwise undo restoration areas and the erosion control measures installed there. In addition to the four inspections per year, monitoring shall take place after major storm events to ensure the integrity of restoration areas.

Reseeded areas shall be inspected each season with re-seeding and re-mulching each spring until the goal of 80% vegetative cover is met. Road surfaces and the edges of the graded flat shall be inspected for signs of scouring to ensure that channelized flow and sediment transport are absent from developed features.

3. Timeline of Goals

Required Action	Completion Goal
Remove Cannabis infrastructure	October 2018
Treat bare soil, and stabilize flat	October 2018
Monitor/maintain erosion control measures	November 2018, then every 4 months



Parcel 216-144-006

Cultivation areas are

~ 725' from observed wetlands

and Howell's montia observation

PN-11813-CUP Alchemy Atelier, LLC

0

50

100

200

300

400

500

January 9, 2020

Page 132

Feet

N

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		No Response	
Environmental Health Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
CALFIRE	✓	Conditional Approval	Attached
Bear River Band of the Rohnerville Rancheria	✓	Recommended Inadvertent Discovery Protocol	On file with Planning
NWIC	✓	Recommended Tribal Consultation	On file with Planning
Army Corps of Engineers	✓	Recommended wetland delineation	Attached
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
RWQCB		No Response	
Intertribal Sinkyone Wilderness Council		No Response	
Southern Humboldt Unified School District		No Response	
Humboldt County Sheriff		No Response	



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Alchemy Atelier		Date: 11/8/2019	
APPS No.: 11813	APN: 216-144-006 and 216-141-005	DFW CEQA No.: 2017-1048	
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 13,477		

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

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

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

- ☒ The project includes a submittal that identifies an unpermitted conversion of trees in which the pre-existing cultivation area was relocated. The project further identifies that relocation was due to the availability of an environmentally superior location. CDFW requests that the area identified within the Streamside Management Area (SMA) be replanted with appropriate tree species in consultation with CDFW.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical, and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW's 2009 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>)

Please note the following information and/or requested conditions of Project approval:

- ☒ Water for this Project is sourced from a groundwater well. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress,

increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ CDFW recommends the applicant be required to submit a Noise Attenuation Plan for review and approval in consultation with CDFW prior to use of lights, generators, and fans as applicable to this project.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ CDFW requests, as a condition of Project approval, all generators and associated fluids be relocated to stable surfaces with a minimum 200ft buffer from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0600-R1) has been issued to the applicant.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Howell's Montia (*Montia howellii*), Maple-leaved Checkerbloom (*Sidalcea malachroides*), Giant Fawn Lily (*Erythronium oregonum*), Golden Eagle (*Aquila chrysaetos*), Northern Goshawk (*Accipiter gentilis*), Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), North American Porcupine (*Erethizon dorsatum*), Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Tailed Frog (*Ascaphus truei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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

Luther, Stephen

From: Luther, Stephen
Sent: Thursday, November 07, 2019 2:18 PM
To: Manthorne, David@Wildlife
Cc: Ryan, Meghan; Johnson, Cliff
Subject: 11813 Alchemy Atelier CDFW comments
Attachments: 11813 CAV.pdf; 11813 LSAA 07.02.19.pdf; 11813 Restoration Plan 8.30.2018.pdf; 11813 Alchemy Atelier Cult Ops 9.16.19.pdf; 11813 Map Set 11.05.2019.pdf; 11813 Site Plan 9.11.19.pdf; 11813 Biological Assessment 07.02.19.pdf; 11813 Native Species Survey Form 07.02.19.pdf; 11813 well completion report.pdf

David,

Please find additional information on this project on APN 216-144-006 and 216-141-005 that may be helpful in CDFW preparing a referral response. I am forecasting a Dec. 5th or 19th PC hearing date. The project is:

A Conditional Use Permit (CUP) for an existing 13,477 square foot (SF) outdoor commercial cannabis cultivation operation. Water for irrigation is sourced from a permitted groundwater well. Water storage totals 34,000 gallons. The estimated annual water usage for irrigation is 141,120 gallons. Drying and curing is completed on-site in an existing drying building. Up to two employees are necessary. All other processing occurs off-site at a 3rd party processor. Electricity is sourced from generator power.

1. CAV: On March 2, 2018 staff verified 10,365 SF based on 11/4/2015 TerraServer image. It appeared applicant had expanded. The settlement determined that the southernmost existing cultivation area had been missed because it appears to be off-parcel. A surveyor's data verified the area is on the subject parcel, and the additional square footage brought the total to the 13,477 sq ft for which an Interim Permit was executed in June 2018.
2. The decommissioned area was within the SMA of Steelhead Creek. A seasonal wetland was also identified in the area. The cultivation area was relocated to the areas labelled CA#3 and GH #7-8 on the attached Site Map. These were previously disturbed areas with existing cultivation on existing graded flats (see attached Restoration Plan).
3. The water source is a permitted groundwater well (see attached well completion report).
4. No artificial lights will be used in the operation. All cultivation is outdoor only and hoop houses use light deprivation without the use of supplemental lights. There is no proposed nursery on site (see Cult/Ops Plan)
5. The power source is a generator. It is housed in a drying shed and contained to less than 50 db when in use.
6. The biological report identified the presence of fawn lily and howell's montia on the site. The report concluded existing project activities will not indirectly or directly impact these species. The project is conditioned on implementing and monitoring the restoration plan for the southern cultivation area.
7. The site has a Final LSA (1600-2018-0600-R1).

Thank you,



Stephen Luther
Planner, Cannabis Division
Planning and Building Department
707.268.3737

Luther, Stephen

From: Luther, Stephen
Sent: Thursday, December 19, 2019 5:28 PM
To: Manthorne, David@Wildlife
Cc: Johnson, Cliff
Subject: RE: CDFW Referral Comments: Alchemy Atelier (APPS: 11813), CEQA 2017-1048, APN: 216-144-006 and 216-141-005

Hi Dave,

I do see the historic tree removal in the decommissioned cultivation area within the SMA. I have added a condition of approval requiring the applicant to replant the riparian areas at a ratio of 3:1.

Thank you,



Stephen Luther
Planner, Cannabis Division
Planning and Building Department
707.268.3737

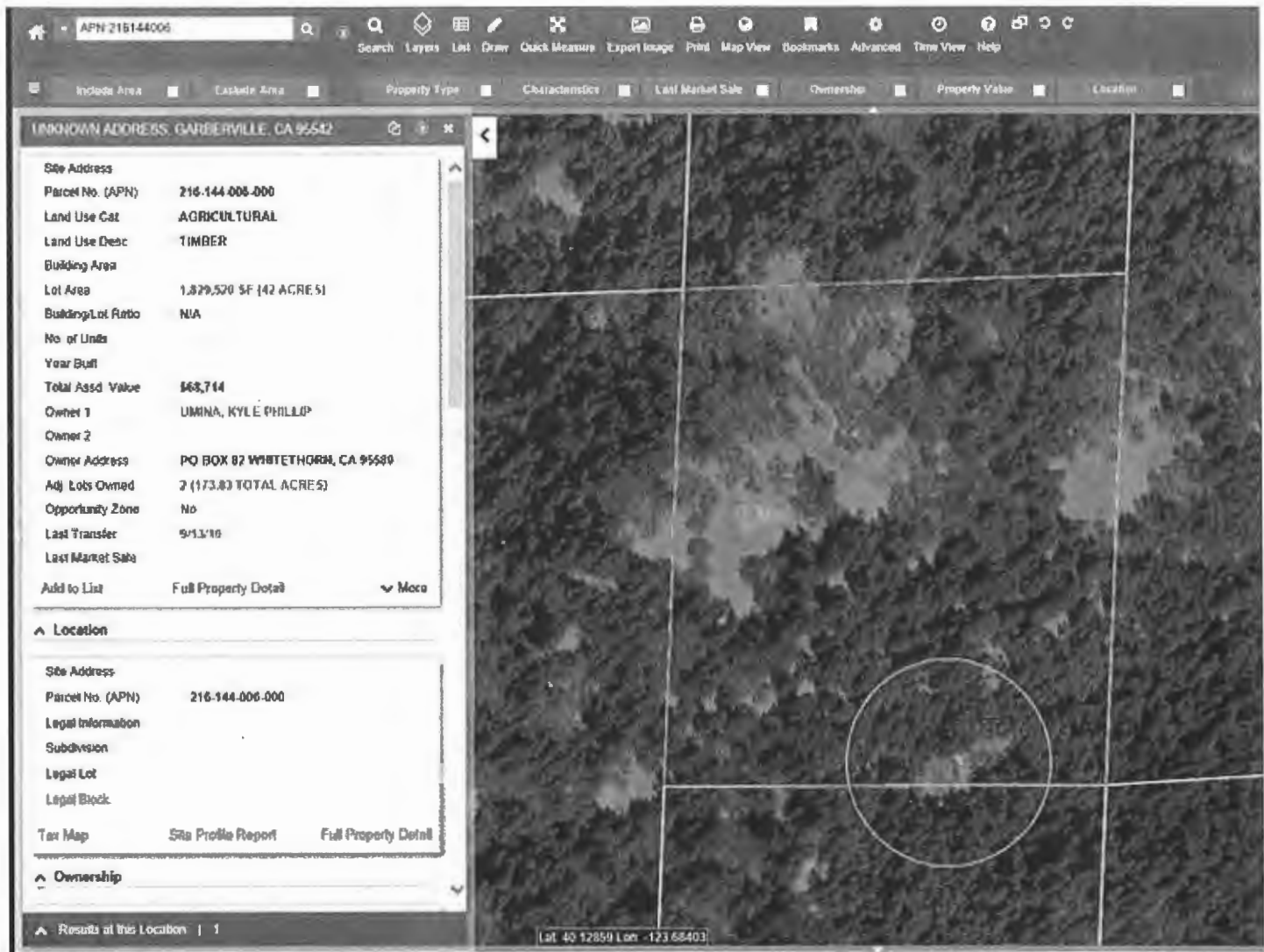
From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Thursday, December 19, 2019 2:10 PM
To: Luther, Stephen <SLuther@co.humboldt.ca.us>
Subject: RE: CDFW Referral Comments: Alchemy Atelier (APPS: 11813), CEQA 2017-1048, APN: 216-144-006 and 216-141-005

Hi Stephen,

I will respond by the numbering for clarity.

1. The cultivation was relocated from the SMA. The SMA has experienced tree removal, at least historically it can be seen in 2009-2010. Since the area has certainly experienced impacts from cultivation, CDFW has requested that the area be replanted within the SMA. Please see the pasted photo with circle indicating area relocated.
2. It seems to me that you have to disturb the ground typically to place greenhouses. As suggested by our expert in house botanist, meadows are places where rare plants may exist, and absence of data in CNDDDB does not confirm the absence. I imagine that it is not possible to assess the plant assemblage because the relocation has occurred prior to final project approval.
3. Sounds good.
4. Sounds good.
5. That sounds consistent with our comments.
6. Sounds good.

Thank you



From: Luther, Stephen <SLuther@co.humboldt.ca.us>

Sent: Thursday, December 19, 2019 11:41 AM

To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Subject: RE: CDFW Referral Comments: Alchemy Atelier (APPS: 11813), CEQA 2017-1048, APN: 216-144-006 and 216-141-005

David,

This project is scheduled for the PC on January 9, 2020. Please see my response to CDFW's referral comments.

- 1) Please clarify the location of unpermitted conversion for relocated cannabis. Planning staff analysis of the site did not identify the removal of trees.
- 2) The project does not propose substantial ground disturbance. The cultivation and infrastructure is existing. Two greenhouses were added in the open meadow area next to existing greenhouses in cultivation area 4 as the result of a relocation. The decommissioned cultivation area was in a Streamside Management Area. The relocation area is environmentally superior.
- 3) A condition of approval requires the applicant provide annual results of well drawdown tests.
- 4) The applicant is required to maintain ongoing operational compliance with the noise standards requiring noise be 60 decibels or less as measured 100 feet from the source.
- 5) Based on review of Northern Spotted Owl observations and the spider diagram, there are no sightings within 4 miles of project activity. The project is all outdoor with no supplemental lights, and no propagation takes place on-site. A solar array is used to power the well pump. A 2kw generator is located within the drying building and

is used as an occasional power source. Given these factors, a Noise Attenuation plan is not required of the applicant.

6) The remaining comments have been incorporated as ongoing operational conditions.

Please let me know if CDFW has any additional concerns about this project in advance of the hearing.

Best,



Stephen Luther
Planner, Cannabis Division
Planning and Building Department
707.268.3737

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Sent: Friday, November 08, 2019 11:39 AM

To: Planning Clerk <planningclerk@co.humboldt.ca.us>

Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Luther, Stephen <SLuther@co.humboldt.ca.us>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>

Subject: CDFW Referral Comments: Alchemy Atelier (APPS: 11813), CEQA 2017-1048, APN: 216-144-006 and 216-141-005

To Whom it May Concern:

Please see the attached comments regarding the subject application, Alchemy Atelier (APPS: 11813), CEQA 2017-1048, APN: 216-144-006 and 216-141-005.

Thank you for the opportunity to comment on this project.

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