



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 23, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Ground Zero Special Permits**
APPS Number: 11945
Case Number: SP16-351/Record Number: PLN-11945-SP
Assessor's Parcel Number (APN): 222-071-017
3260 Seeba Lane, Garberville area

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Please contact Meghan Ryan, Senior Planner, at 707-445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 23, 2020	Special Permits	Meghan Ryan

Project Description: A Special Permit for 10,000 square feet of existing outdoor cannabis cultivation in three distinct cultivation areas. There will be a maximum of two cultivation cycles annually with harvests in August and October. Water is sourced from an onsite spring and rainwater catchment. Water for irrigation is stored in (3) 5,000 gallon, (8) 3,000 gallon, and (17) 2,500-gallon hard tanks along with (1) 30,000-gallon pond for a total of 114,910 gallons of irrigation water storage. The applicant has an additional 5,000-gallon water storage tank for fire suppression onsite. The applicant anticipates utilizing 3 family members for cultivation activities onsite. Processing activities such as drying is performed onsite, while activities such as trimming, and curing occur offsite at a third party permitted facility. Power for the project is provided by (3) 3kw generators for water pumps and fans. The proposed project includes a Special Permit for development within the Streamside Management Area for a wooden bridge that will replace an existing undersized stream crossing.

Project Location: The project is located in Humboldt County, in the Garberville area, on the North and South side of Seeba Lane, approximately 0.4 miles Northeast from the intersection of Seeba Lane and West Moody Road, on the property known as 3260 Seeba Lane.

Present Plan Land Use Designation: Residential Agriculture (RA40) Humboldt County General Plan 2017, Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Agriculture Exclusive (AE), Minimum building site area 60 acres (B-5(60))

APPS Number: 11945

Case Number: SP16-351

Record Number: PLN-11945-SP

Applicant

Ground Zero
Attn: Jeremy Bullock
P.O. Box 1258
Sebastopol, CA 95473

Owner

Ian M. & Melissa M.
McConnell & Jeremy Bullock
P.O. Box 1258
Sebastopol, CA 95473

Agent

Melissa McConnell
P.O. Box 1258
Sebastopol, CA 95473

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.

Ground Zero

APPS Number: 11945

Case Number: SP16-351

Record Number: PLN-11945-SP

Assessor's Parcel Number: 222-071-017

Recommended Zoning Administrator Action:

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

Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Ground Zero project subject to the recommended conditions.

Executive Summary: Ground Zero (Applicant), seeks approval of a Special Permit for an existing 10,000 square foot outdoor cultivation operation located on a on Assessor's Parcel Number (APN) 222-071-017, which is approximately 62 acres in size. The parcel is currently developed with two single family residences and agriculture accessory structures. The existing cultivation areas consist of 10,000 square feet of outdoor cultivation in three distinct areas. Power to the site is provided by generators. A maximum of three family members will provide labor for the operations. Drying will occur in an existing 384-square-foot shed or a proposed 720-square-foot barn. Additional processing, including trimming, will occur at an off-site licensed facility. There are two Onsite Wastewater Treatment Systems (OWTS) on the subject parcel. Until the OWTS are permitted through the Department of Environmental Health, the applicant is required to provide portable toilets and handwashing stations for employees. Parking is provided near the single-family residence. The cultivation facilities are enclosed by fencing and equipped with security cameras and motion-detection lighting. Access to the property is minimized and there is a community watch group monitoring local properties.

Irrigation water is currently sourced from a point of diversion on Jones Creek and rainwater catchment. Total annual water demand is estimated at 124,000 gallons (6.2 gallons/square foot) per cultivation cycle. There is 119,910 gallons of water storage in a 30,000-gallon pond, hard-sided tanks and water bladders. Condition of approval require the applicant to remove the water bladders within two years. An Initial Statement of Water Diversion and Use was filed with the State Water Resources Control Board in February 2015 for the point of diversion on Jones Creek. The applicant obtained a Right to Divert Water (Certificate Number D985) from the SWRCB that allows for diversion and storage of water from the point of diversion on Jones Creek for domestic purposes. The applicant contained a Right to Divert and Use Water from the SWRCB for the point of diversion in the unnamed Class III tributary to Sproul Creek for irrigation (Certificate Number H100293). The applicant obtained a Final Streambed Alteration Agreement from the Department of Fish and Wildlife (CDFW) (Notification Number: 1600-2016-0088-R1) for the point of diversion. Based on the submitted evidence, the project complies with the referenced section. Conditions of approval require the applicant to install water flow meters in accordance with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW.

Diversions within Streamside Management Areas (SMAs) are considered developments requiring a Special Permit (SP) under Section 314-61.1.9 of the Streamside Management Area Ordinance (SMAO). The diversion from Jones Creek commenced prior to April 25, 1995, the date of establishment of the SMAO, and do not require a Special Permit (SP). The points of diversion are registered with the California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board (SWCRB) for domestic and irrigation uses. The points of diversions are temporary structures and meet specifications required for CDFW to minimize impacts (such as entrapment) of aquatic species. Forbearance requirements from CDFW and SWRCB only allow for diversion when stream flows are higher, typically in the winter months, which decreases water diversion in the summer months when flows are lower.

To access the eastern cultivation area, the application utilizes a low-use foot trail/OHV path that includes a small wooden bridge to cross Jones Creek. Recommendations within in the Water Resource Protection Plan (WRPP) include replacing the wooden bridge and additional rock armoring along the banks to increase stabilization during high, winter flows. The work was completed in 2017. This permit includes an after-the-fact Special Permit for the development within the SMA that replaced the bridge structure and rock armoring of the streambank. Staff is supportive of the work conducted the SMA as the improvements reduce the potential for losing the original bridge to high flows and decrease erosion and sedimentation into Jones Creek, thus, improving baseline conditions.

There are no mapped Special Status species on the subject parcel. The nearest Marbled murrelet habitat is approximately 1.01 miles to the northeast. The Nearest Northern Spotted Owl activity center is located 0.89 miles southeast of the cultivation area with an observation on the adjacent parcel, approximately 0.54 miles southeast from the cultivation area. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff thinks that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and so does not recommend the prohibition of supplemental lighting during the breeding season but is recommending a condition of approval be added to this permit that would prohibit mixed-light until the applicant can demonstrate compliance with these noise standards. This application is one of two commercial cannabis applications within 1 mile of the NSO activity center, and there is therefore no likelihood of cumulative impacts on this activity center from permitted commercial cannabis cultivation sites in the vicinity.

Access to the site is off Oak Rock Road, a privately maintained road that intersects with Ranch Road then a paved County-maintained public road (Sprowel Creek Road). DPW requested A Road Evaluation Report be completed by a qualified professional that includes a 'Part B' evaluation. The applicant submitted a Road Evaluation Report for Gary Delorme (APN 222-071-027, APPS 10769) that evaluates Sprowel Creek Road for 6.8 miles (see Attachment 4 – Road Evaluation Report). The Delorme parcel is passed the subject parcel. According to 'Exhibit D' prepared by DPW, Sprowel Creek Road from the Old Briceland Road Bridge to PM 7.22 is approved for commercial cannabis use. After the end of the County-maintained road, there are approximately 2 miles of privately-maintained road (Segment 3 of the Road Evaluation Report). The Department of Public Works recommended conditional approval of the project. Conditions of approval require the applicant to improvement the intersection of Ranch Road and Sprowel Creek Road to meet commercial standards and adhere to the recommendations contained in the Road Evaluation Report. Conditions of approval also require the applicant to adhere to and implement the recommendations in the Road Evaluation Report for Gary Delorme (APN 222-071-

027, APPS 10769).

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Case Number: SP16-351/Record Number: PLN-11945-SP
Assessor Parcel Number: 222-071-017**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Ground Zero Special Permits request.

WHEREAS, Ground Zero, submitted an application and evidence in support of approving a Special Permit for the cultivation of commercial cannabis on APN 222-071-017 consisting of 10,000-square-feet of outdoor cultivation. Water for irrigation is sourced from Jones Creek, a Class II tributary to Jones Creek and rainwater catchment. Total water storage on the subject parcel is 274,000 gallons with 255,000 gallons stored between two ponds and 119,910 gallons in a series of hard-sided tanks, bladders and a 30,000-gallon storage pond. Drying will occur in an existing 384-square-foot shed or a proposed 720-square-foot barn while all other processing will occur at an off-site licensed processing facility. There will be a maximum of three people to meet operational needs during peak operations. Power is provided by generators; and

WHEREAS, Ground Zero, submitted an application and evidence in support of approving a Special Permit to allow for development with the Streamside Management Area for replacement of an existing wooden bridge and rock armoring of adjacent streambanks; 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 Special Permits (Case Number: SP16-351/Record Number: PLN-11945-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on January 23, 2020.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

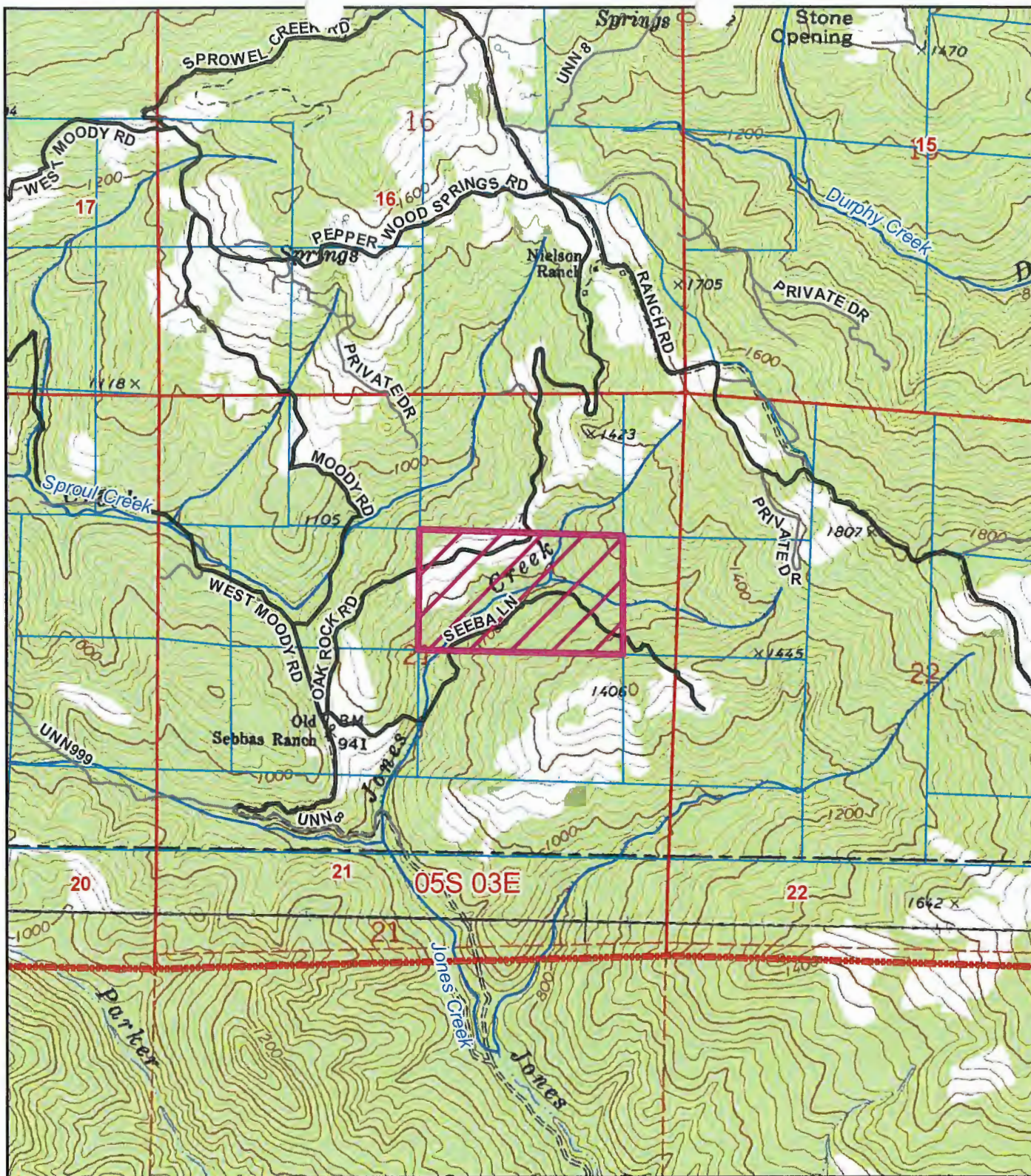
1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 for Case Number: SP16-351/ Record Number: PLN-11945-SP to support approval of the project based on the submitted substantial evidence; and

3. The Special Permit (Case Number: SP16-351/Record Number: PLN-11945-SP) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 23, 2020.

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

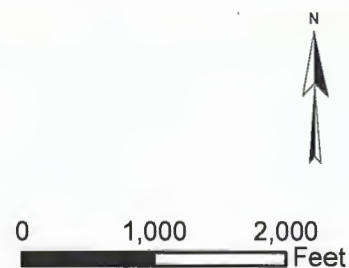
John Ford, Director
Planning and Building Department

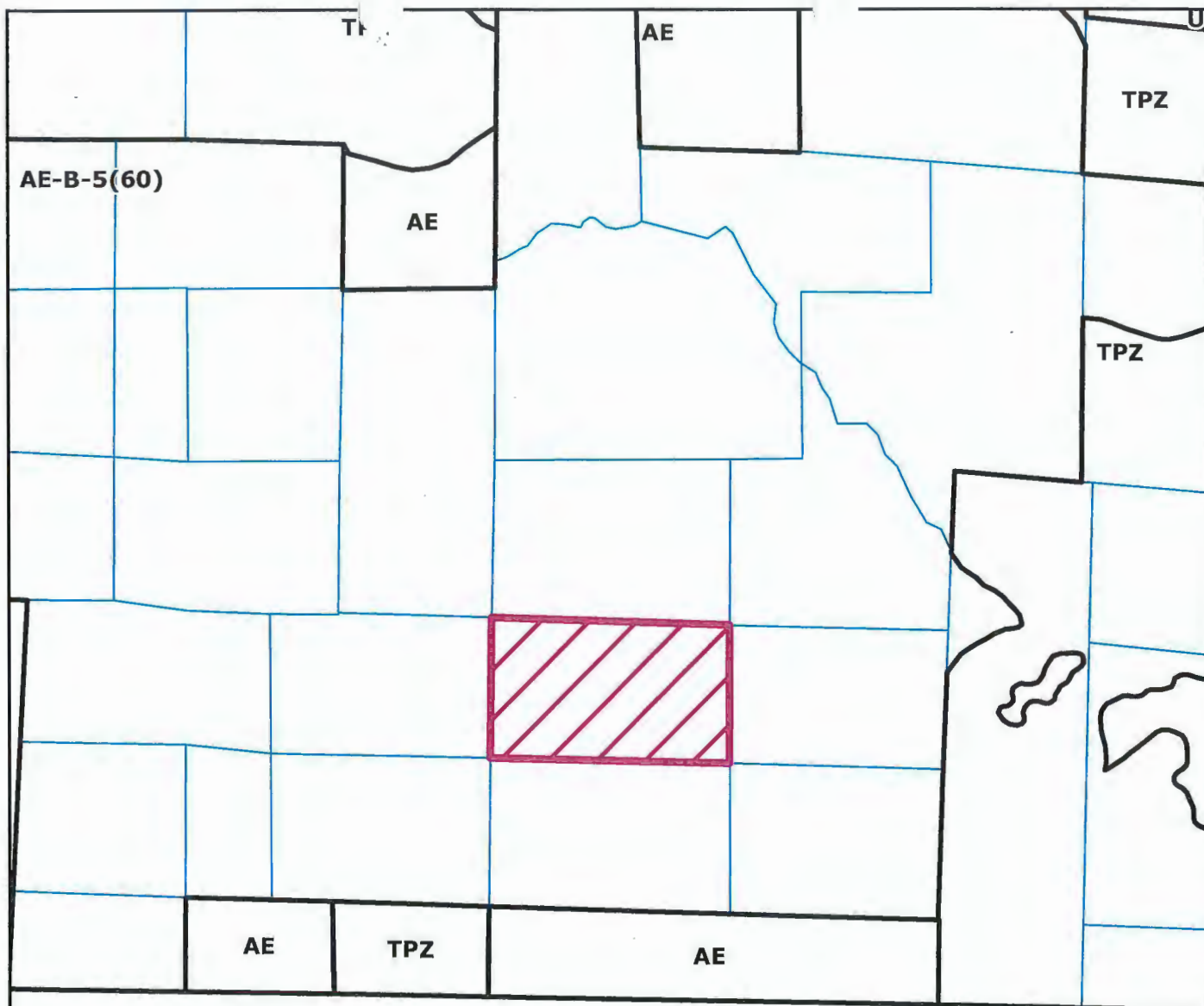


TOPO MAP
PROPOSED GROUND ZERO
GARBERVILLE AREA
SP-16-351
APN: 222-071-017-000
T05S R03E S21 HB&M (GARBERVILLE)

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.

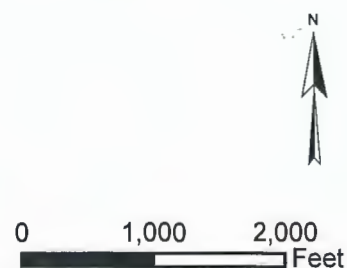


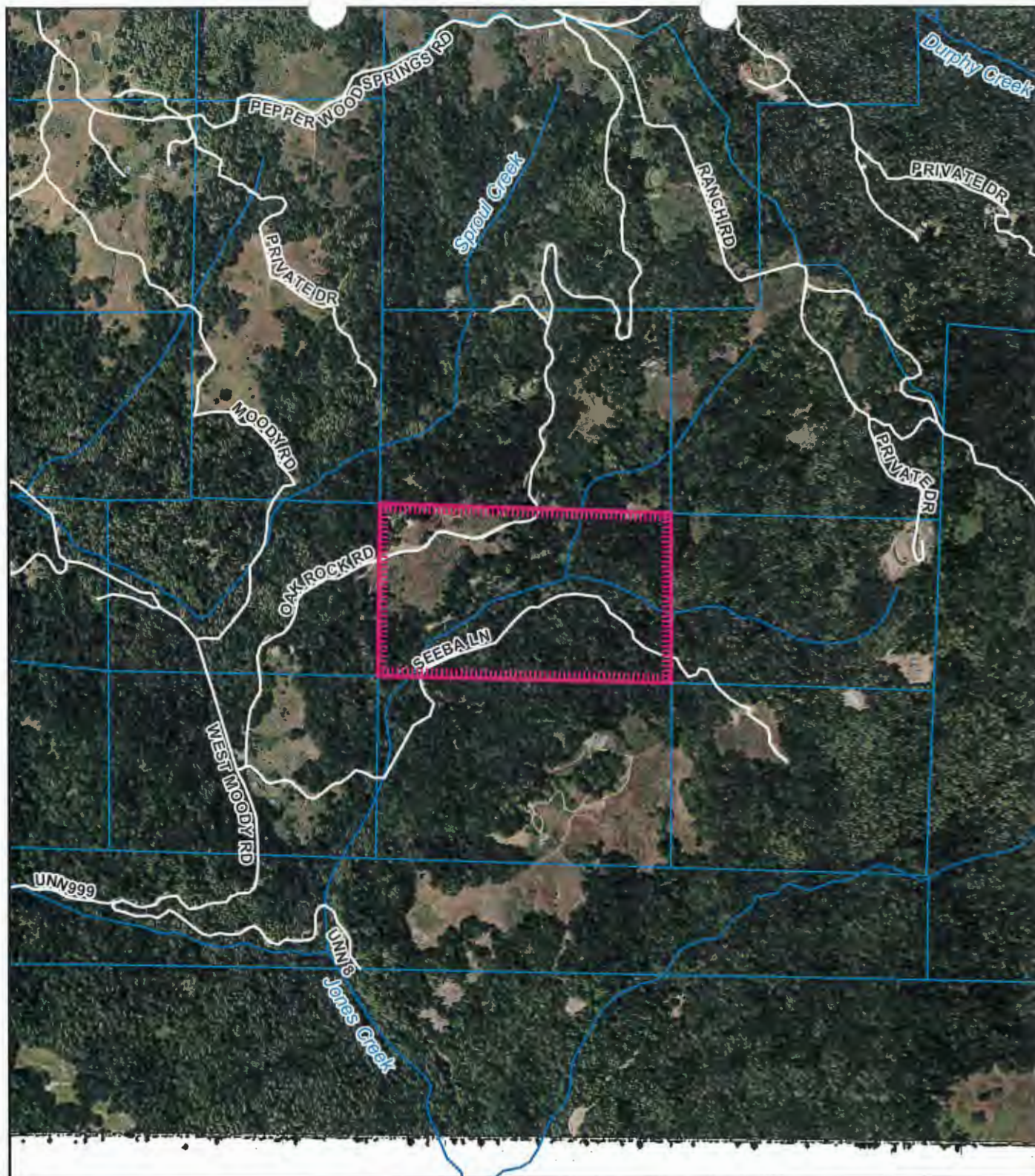


Project Area = 

**ZONING MAP
PROPOSED GROUND ZERO
GARBERVILLE AREA
SP-16-351
APN: 222-071-017-000
T05S R03E S21 HB&M (GARBERVILLE)**

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.





Project Area = 

**AERIAL MAP
PROPOSED GROUND ZERO
GARBERVILLE AREA
SP-16-351
APN: 222-071-017-000
T05S R03E S21 HB&M (GARBERVILLE)**

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

0 1,000 2,000 Feet

11945

APN 222-071-017
GRADING PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences

2815 TELEGRAPH AVENUE, SUITE 400
DUNSMITH, CALIFORNIA 95925 P: 530.818.8058



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January 23, 2020

PN-11945-Stand Zero

PROJECT NUMBER: 546.08

SCALE: AS NOTED

DATE: 9/19/2018

DESIGN: JM

DRAWN: CL

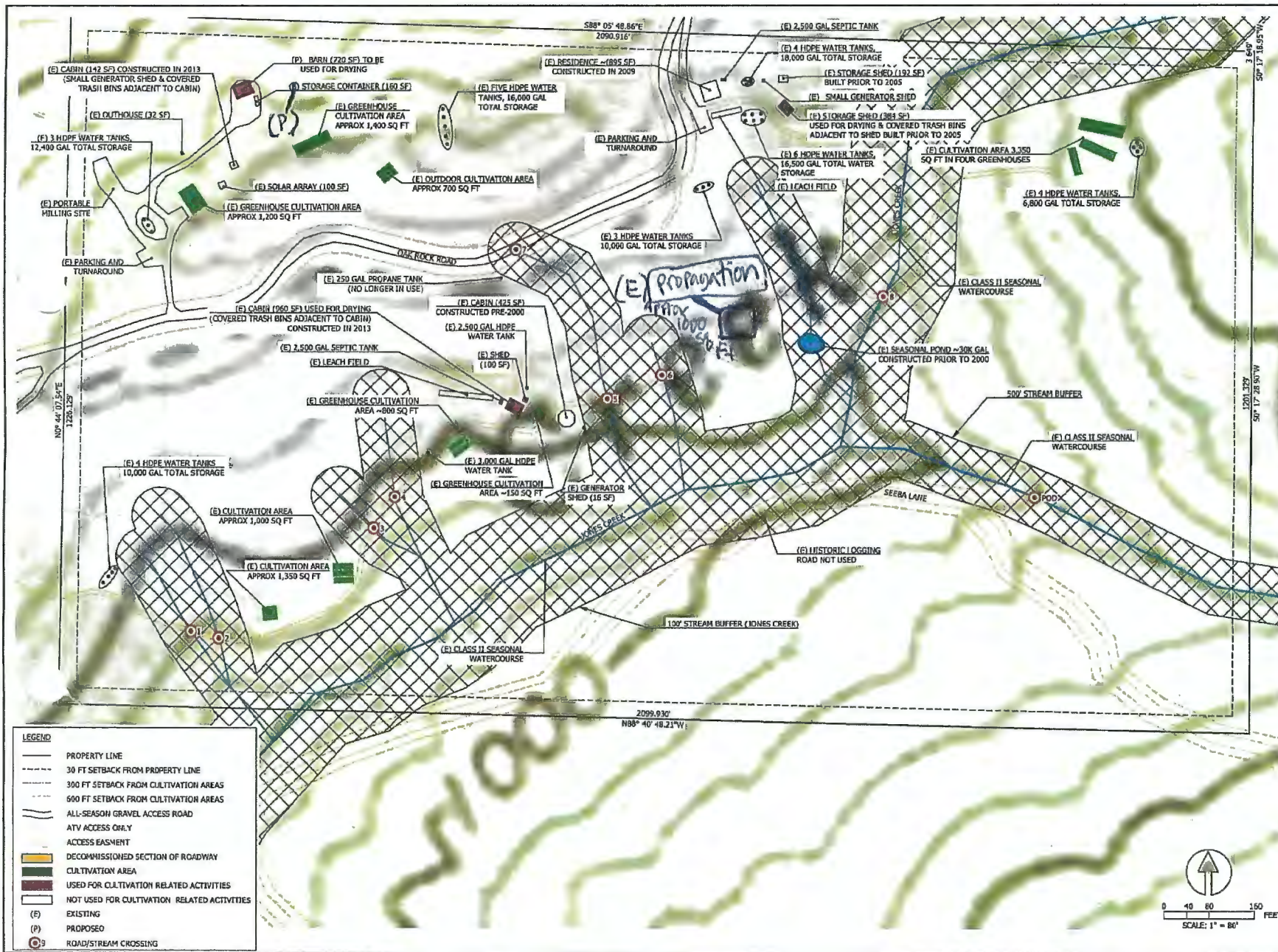
CHECKED: JM

APPROVED: JM



TOPO PLOT PLAN

SHEET 2 OF 3



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 7. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures, including the existing greenhouses and storage sheds, and proposed 720-square-foot barn for drying, and grading related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall secure the approval of the Division of Environmental Health for the on-site sewage disposal system showing it can accommodate the proposed use. A letter from those agencies indicating approval has been issued will satisfy this condition. The applicant shall provide receipts of the use of portable toilets and handwashing stations for cultivation staff, or demonstrate the existing septic system serving the residence is adequate for the operators and up to three (3) family members. A letter from the Division of Environmental Health (DEH) indicating approval has been issued will satisfy this condition.
4. The access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Sprowel Creek Road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
5. The applicant shall submit a Timber Conversion Evaluation Report prepared by a Registered Professional Forester (RPF) that describes the amount of timber removal, tree species removed and whether or not the tree removal was done in compliance with the Forest Practices Act. Conditions of approval require the applicant to adhere to and implement any corrective actions contain in the Timber Conversion Evaluation Report.
6. The applicant shall adhere to and implement the recommendations in the Water Resource Protection Plan and Site Management Plan prepared by Stillwater Sciences dated November 2018 developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program and the State Cannabis Cultivation Policy General Order, including those measure determined necessary during annual and periodic site inspections in accordance with the monitoring element. The applicant shall provide substantial evidence that all corrective actions detailed within the Water Resource Protection Plan and Site Management Plan prepared by Stillwater Sciences dated November 2018 have been completed. A copy of the report 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 NCRWQCB.
7. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
8. The applicant shall adhere to the Final Lake and Streambed Alteration Agreement (Notification #1600-2015-0088-R1) by the California Department of Fish and Wildlife (CDFW) and comply with all applicable

terms.

9. The applicant shall adhere to the terms and conditions of the Right to Use and Divert Water (Certificate #H100293) issued by the State Water Resource Control Board and comply with all applicable terms.
10. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
11. 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 residences.
12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
13. The applicant shall contact the local fire service provider [Sprowel Creek Volunteer Fire Department] 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.
14. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. The water use for cultivation is limited to the amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
15. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
16. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
17. All mixed light cultivation shall 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, up light, 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. No artificial lighting for the appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
18. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No mixed-light is authorized by this permit until the applicant can be demonstrated to compliance with this standard.

19. Prior to issuance of any building or construction permits, a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
 - a) Adequate off-street parking;
 - b) Compliance with emergency vehicle access requirements;
 - c) Setbacks between project activities and wetlands, surface waters and Streamside Management Areas;
 - d) Approved square footage; and
 - e) Setbacks of cultivation areas to property lines.
20. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
21. 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. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
16. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

17. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
18. 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).
19. 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.
20. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. 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.
22. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
23. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute

delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

24. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
25. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.
26. Permittee further acknowledges and declares that:
 - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
27. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
28. 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 #23 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.
9. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.

ATTACHMENT 2

Required Findings for Approval

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

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

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA-40): Large lot residential uses that typically rely upon on-site water and wastewater systems. The RA-40 designation applies to more remote, steep, and high hazard areas and is meant to ensure compatibility with adjacent resource production and open space uses.</p> <p>Allowable uses include single family residential, second residential unit, guest house, planned developments, and residential accessory uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The proposed project includes approximately 100,000 square feet of outdoor commercial cannabis cultivation on a 62-acre parcel. Commercial cannabis is an agricultural use. General and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is off Oak Rock Road, a privately maintained road that intersects with Ranch Road then a paved County-maintained public road (Sprowel Creek Road). DPW requested a Road Evaluation Report be completed by a qualified professional that includes a 'Part B' evaluation. The applicant submitted a Road Evaluation Report for Gary Delorme (APN 222-071-027, APPS 10769) that evaluates Sprowel Creek Road for 6.8 miles (see Attachment 4 – Road Evaluation Report). The Delorme parcel is passed the subject parcel. According to 'Exhibit D' prepared by DPW, Sprowel Creek Road from the Old Briceland Road Bridge to PM 7.22 is approved for commercial cannabis use. After the end of the County-maintained road, there are approximately 2 miles of privately-maintained road (Segment 3 of the Road Evaluation Report). The Department of Public Works recommended conditional approval of the project. Conditions of approval require the applicant to improve the intersection of Ranch Road and Sprowel Creek Road to meet commercial standards and adhere to the recommendations contained in the Road Evaluation Report. Conditions of approval also require the applicant to adhere to and implement the recommendations in the Road Evaluation Report for Gary Delorme (APN 222-071-027, APPS 10769).</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the Unclassified zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program (see Biological Resources Section 10.3 for additional discussion).

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>There are no mapped Special Status species on the subject parcel. The nearest Marbled murrelet habitat is approximately 1.01 miles to the northeast. The Nearest Northern Spotted Owl activity center is located 0.89 miles southeast of the cultivation area with an observation on the adjacent parcel, approximately 0.54 miles southeast from the cultivation area. Power to the subject parcel is provided by generators. Conditions of approval require construction of noise containment structures for all generators on the parcel. Noise released from each generator containment structure will be no more than 50 decibels measured from 100ft or the edge of habitat, whichever is closer. Conditions of approval also require the project complies 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, up light, 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. No artificial lighting in the nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards. Project conditions regarding mitigation of generator noise and light are designed to prevent direct or indirect impacts to spotted owl or marbled murrelet species into the future. There is an additional condition of approval (per recommendation by CDFW) that the applicant not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. This will minimize the risk of ensnaring and strangling wildlife.</p> <p>A point of diversion on Jones Creek, a Class II tributary to Indian Creek then the South Fork Eel River, and rainwater catchment provide water for irrigation. The applicant estimates 124,000 gallons (approximately 6.2/gallons/sf/cycle) of water is required to meet the annual water demand. Total water storage on the subject parcel is 119,910 gallons with 30,000 gallons stored in an existing pond and 89,910 gallons in a series of hard-sided tanks and two bladders. The applicant submitted an Initial Statements of Water Diversion and Use to the State Water Resources Control Board (SWRCB) for the point of diversion in Jones Creek. The applicant obtained a Right to Divert Water (Certificate Number D985) from the SWRCB that</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		allows for diversion and storage of water from the point of diversion for domestic purposes. The applicant obtained a Right to Divert and Use Water from the SWRCB for the same point of diversion for irrigation (Certificate Number H100293). The applicant obtained a Final Streambed Alteration Agreement from the Department of Fish and Wildlife (CDFW) (Notification Number: 1600-2015-0088-R1) for the point of diversion. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW. Several conditions of approval requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]	The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The NWIC and the Bear River Band of Rohnerville Rancheria requested a cultural resources study. The applicant retained Archeological Research and Supply Company who completed a cultural resource survey dated October 2019. The survey found no archeological or historical resources on the subject parcel. The report was reviewed by the Bear River Band of Rohnerville Rancheria who recommended conditional approval. A condition of approval has been incorporated regarding inadvertent discovery protocol to protect cultural resources.

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>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 is for 10,000 square feet of outdoor cultivation; however, the applicant uses artificial lighting in the 1,000-square-foot propagation greenhouse during the months of February and April to grow immature plant starts. 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. No artificial lighting in the nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The WRPP describes and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. Conditions of Approval required 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.</p> <p>A WRPP/Site Management Plan was prepared by Stillwater Sciences dated November 2018. The WRPP/Site Management Plan includes evaluation of 26 monitoring points through the subject parcel that were on or nearby roads, road-stream crossings and cultivation sites. The recommendations in the report include installation of Best Management Practices (BMPs) such as constructing/improving existing water bars, inboard ditches and installing straw waddles. Two stream crossings will require replacement and one is recommended to be removed. The recommendations also include installation of a wooden bridge (see Streamside Management Area Ordinance findings in Section 2 for more detail). Implementation of the recommendations contained in the Water Resources Protection Plan and Site Management Plan will improve stormwater management and drainage on the subject parcel.</p> <p>The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Notice of Applicability and the Site Management Plan. 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>
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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>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 subject parcel contains two septic systems constructed without the benefit of County review. As conditioned by the Department of Environmental Health, processing is to occur at a licensed, off-site processing facility until an acceptable site suitability report can establish potential for an onsite waste treatment system. The approval of any unpermitted OWTS described in the Cultivation and Operations Plan. The applicant shall use portable bathroom and handwashing facilities to meet the needs of the cultivation staff. An invoice, or equivalent documentation, shall be provided to the Department of Environmental Health to confirm the continual use of portable toilets prior to annual renewal of the permit.</p>
<p>Noise Chapter 13</p>	<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>Power to the subject parcel is provided by generators. Although his project is for outdoor cultivation, artificial lighting will be used in the nursery during March and April only to grow plant stock. The operations do not require artificial lighting the remainder of the cultivation season. The nearest Marbled murrelet habitat is approximately 1.01 miles to the northeast. The Nearest Northern Spotted Owl activity center is located 0.89 miles southeast of the cultivation area with an observation on the adjacent parcel, approximately 0.54 miles southeast from the cultivation area. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Because the applicant is reorganizing full sun cultivation into greenhouses, conditions of approval require the applicant to install the solar power system to reduce reliance on generators before the relocation occurs. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting.</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>Geologic & Seismic</p>	<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 15-30% or less which is seismically classified as moderate instability. There are mapped historic landslides near Jones Creek. According to the Water Resource Protection Plan and Site Management Plan prepared by Stillwater Sciences dated November 2018, no evidence of large-scale mass wasting was observed on the property. Conditions of approval require the applicant to adhere to the recommendations included in the Water Resource Protection Plan and Site Management Plan prepared by Stillwater Sciences dated November 2018 and implement the corrective measures and retain a grading permit for any grading relating to site development of cannabis cultivation. As conditioned, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<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, at over 10 miles distance from the coast and over 1,000 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a high fire hazard severity. The parcel is located within the Sprowel Creek Volunteer Fire District Response Area and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>According to the applicant, a maximum of three people are required for peak operations. Total water storage is 114,910 gallons in the ponds and hard-sided tank storage. that can be used for fire protection is needed.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Sprowel Creek Volunteer Fire Department] 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>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>The proposed project includes relocation of a cultivation area in the northwestern portion of the subject parcel to the east-central location as the historic cultivation area was within a Streamside Management Area (SMA). The proposed project includes additional site grading to increase the area when the cultivation will be relocated. The North Coast Air Quality Unified Management District was sent and project referral and did not respond.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel (APN 222-071-017) is one legal parcel (lot 17) as shown on Parcel Map No. 942 recorded in Book 8 of Parcel Maps page 71. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agricultural Exclusive	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.	The applicant is seeking a Special Permit for an existing 10,000 square feet of existing outdoor cultivation on a parcel zoned AE. The proposed use is specifically allowed with a Special Permit in this zoning district under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	20 acres	62 acres
Maximum Ground Coverage:	35%	<35%
Minimum Lot Width:	100 feet	2,085 feet
Maximum Lot Depth:	None specified	1,221 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	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. SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	<35 feet

<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>A point of diversion on Jones Creek, a Class II tributary to Indian Creek then the South Fork Eel River, and rainwater catchment provide water for irrigation. The applicant estimates 124,000 gallons (approximately 6.2/gallons/sf/cycle) of water is required to meet the annual water demand. Total water storage on the subject parcel is 119,910 gallons with 30,000 gallons stored in an existing pond and 89,910 gallons in a series of hard-sided tanks and two bladders. The applicant submitted an Initial Statements of Water Diversion and Use to the State Water Resources Control Board (SWRCB) for the point of diversion in Jones Creek. The applicant obtained a Right to Divert Water (Certificate Number D985) from the SWRCB that allows for diversion and storage of water from the point of diversion for domestic purposes. The applicant obtained a Right to Divert and Use Water from the SWRCB for the same point of diversion for irrigation (Certificate Number H100293). The applicant obtained a Final Streambed Alteration Agreement from the Department of Fish and Wildlife (CDFW) (Notification Number: 1600-2015-0088-R1) for the point of diversion. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW. Several conditions of approval requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project.</p> <p>According to the <i>Initial Statement of Water Diversion and Use</i> filed with the State Water Resources Control Board, the point of diversion in Sproul Creek commenced in 1978, predating the SMA permitting requirements. The point of diversion in the unnamed Jones Creek is used for domestic uses. The point of diversion is permitted through the California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board. According to the WRPP/Site Management Plan, two culvert replacements are recommended, including the replacement of small, wooden bridge and additional rock armoring along the banks to increase stabilization during high, winter flows. The work was completed in 2017. This permit includes an after-the-fact Special Permit for the development within the SMA that replaced the bridge structure and rock armoring of the streambank. Staff is supportive of the work conducted the SMA as the improvements reduce the potential for losing the original bridge to high flows and decrease erosion and sedimentation into Jones Creek, thus, improving</p>
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		baseline conditions. Several of the recommended improvements are permitted by the CDFW in the Final Streambed Alteration Agreement issued for the subject parcel. A special permit is not required from the County for these diversions or culvert replacement and/or maintenance activities.
§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	3 spaces

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 Timber Conversion	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 forested site zoned AE-B-5(60) and was reviewed for timberland conversion. A review of Google Earth imagery shows that timberland conversion occurred on the subject parcel sometime between 2005 - 2012. The area where outdoor cultivation occurs has been a natural clearing since 1998. No trees are proposed to be removed as part of the project. Conditions of approval require the applicant to submit a Timberland Conversion Evaluation Report prepared by a Registered Professional Forester and adhere to any recommendations required to ensure compliance with CAL FIRE standards.
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§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 Special Permit for 10,000 SF of existing outdoor cultivation on APN 222-071-017, which is a 62-acre parcel zoned AE. A review of Google Earth imagery in May 2014 found the 10,000 square feet was cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. 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, Ground Zero, Applicant, holds no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing will occur both on-site and well as being delivered to off-site processing facilities. An existing 384-square-foot storage shed and proposed 720-square-foot barn structure will be used for drying. Once the cannabis is dried, the applicant will transport harvested cannabis to a licensed processing facility. A maximum of three people will be assisting with daily farm operations. Conditions of approval require the applicant to obtain building permits for all structures associated with commercial cannabis operations.
§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 as 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.	A point of diversion on Jones Creek, a Class II tributary to Indian Creek then the South Fork Eel River, and rainwater catchment provide water for irrigation. The applicant estimates 124,000 gallons (approximately 6.2/gallons/sf/cycle) of water is required to meet the annual water demand. Total water storage on the subject parcel is 119,910 gallons with 30,000 gallons stored in an existing pond and 89,910 gallons in a series of hard-sided tanks and two bladders. The applicant submitted an Initial Statements of Water Diversion and Use to the State Water Resources Control Board (SWRCB) for the point of diversion in Jones Creek. The applicant obtained a Right to Divert Water (Certificate Number D985) from the SWRCB that allows for diversion and storage of water from the point of diversion for domestic purposes. The applicant obtained a Right to Divert and Use Water from the SWRCB for the same point of diversion for irrigation (Certificate Number H100293). The applicant obtained a Final Streambed Alteration Agreement from the Department of Fish and Wildlife (CDFW) (Notification Number: 1600-2015-0088-R1) for the point of diversion. The annual water usage and storage as reported by the applicant are within the limit described by the <i>Right to Divert and Use Water</i> and the Final Streambed Alteration Agreement. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW. Based on the submitted evidence, the project complies with the referenced section.
§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 operation is setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>Power to the subject parcel is provided by generators. Although his project is for outdoor cultivation, artificial lighting will be used in the nursery during March and April only to grow plant stock. The operations do not require artificial lighting the remainder of the cultivation season. The nearest Marbled murrelet habitat is approximately 1.01 miles to the northeast. The Nearest Northern Spotted Owl activity center is located 0.89 miles southeast of the cultivation area with an observation on the adjacent parcel, approximately 0.54 miles southeast from the cultivation area. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Because the applicant is reorganizing full sun cultivation into greenhouses, conditions of approval require the applicant to install the solar power system to reduce reliance on generators before the relocation occurs. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application prior to December 16, 2016.</p>

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

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

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

6. Environmental Impact: The following 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, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO.

The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site drying operations, and improvements within the Streamside Management Area. 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 MEDICAL MARIJUANA LAND USE ORDINANCE**

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

APN 222-071-017, 3260 Seeba Lane, Garberville, County of Humboldt

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

January 2020

Background

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

The modified project involves a Special Permit for 10,000 square feet of existing outdoor cannabis cultivation in three distinct cultivation areas. There will be a maximum of two cultivation cycles annually with harvests in August and October. Water is sourced from an onsite spring and a seasonal rainwater catchment pond. Water for irrigation is stored in (3) 5,000-gallon, (8) 3,000-gallon, and (17) 2,500-gallon hard tanks along with (1) 30,000-gallon pond for a total of 114,910 gallons of irrigation water storage. The applicant has an additional 5,000-gallon water storage tank for fire suppression onsite. The applicant anticipates utilizing 3 family members for cultivation activities onsite. Processing activities such as drying is performed onsite, while activities such as trimming, and curing occur offsite at a third party permitted facility. Power for the project is provided by (3) 3kw generators for water pumps and fans.

According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by the California Department of Fish and Wildlife (CDFW), there are no occurrences of any state listed special-status or threatened species in the vicinity of the subject parcel. Habitat for Northern Spotted Owl (NSO) exists in the project vicinity (approximately one mile away) but although minimal generator and artificial lighting is proposed, the project is conditioned to minimize noise to 50 dB from noise source or edge of habitat, whichever is closer. Therefore, impacts to NSO as a result of noise and light will be well below the thresholds that could cause disturbance of the species. The Water Resource Protection Plan/Site Management Plan prepared for the site indicate the cultivation areas are stable with no signs of mass wasting. The site was also analyzed for sensitive cultural or archaeological resources and a Cultural Resource Survey found that no potential significant cultural resources were identified onsite and that no project-specific recommendations are warranted. The project as designed protects water resources because it utilizes a municipal water source and meets appropriate Streamside Management Area buffers and implements light and noise attenuation measures to limit impacts to critical habitat for sensitive and endangered species.

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

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 10,000 square feet outdoor cultivation, on-site processing activities, 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. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies (see Attachment 4 for a complete listing of supporting documentation):

- Cultivation and Operations Plans and addendum prepared by A.G.R. Multi Services, LLC, dated October 2018
- Site Plan prepared by Stillwater Sciences
- Right to Divert and Use Water (Certificate #D985)
- Water Resources Protection Plan and Site Management Plan prepared by Stillwater Sciences dated November 2018
- Road Evaluation Report
- DEH Worksheet

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. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached separately and on-file)
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. (Attached – Right to Divert and Use Water; On file – Small Domestic Use Registration application materials)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – in cultivation and operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached Separately and on-file –Water Resources Protection Plan & Site Management Plan for APN 221-171-017 prepared by Stillwater Sciences dated November 2018; On file -Enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached – Final Streambed Alteration Agreement (Notification Number: 1600-2015-0088-R1) dated July 26, 2016; On file – Notification of Lake or Streambed Alteration)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Condition of Approval)
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 for Gary Delorme dated May 2017. (Attached separately and on-file)
16. DEH Worksheet. (On file)



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION D032361

CERTIFICATE D985

Right Holder:

Jacob Bullock
Jeremy Bullock
3952 Sprowl Creek Rd.
Garberville, CA 95542

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **March 19, 2015**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small domestic use appropriation. (Wat. Code, § 1228 et seq.)

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

1. Source of water: **Jones Creek**

tributary to: **Indian Creek thence Eel River**

within the County of **Humboldt**.



2. Location of point of diversion

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
North 1,892,013 feet and East 6,047,207 feet	Humboldt	222-071-017

Location of place of storage

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
N/A	Humboldt	222-071-017

3. Purpose of use	4. Place of use	
	County	Assessor's Parcel Number
Domestic and Fire Protection	Humboldt	222-071-017

The place of use is shown on map on file with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.24 acre-foot per year** to be collected from November 1 of each year to May 31 of the succeeding year.
6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless the right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless the right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment within the place of use.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. Right holder shall grant, or secure authorization through the right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

13. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, the right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, the right holder may be required to otherwise compensate the holders of such rights for injury caused.
14. This right shall not be construed as conferring right of access to any lands or facilities not owned by the right holder.
15. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
16. If storage or diversion of water under this right is by means of a dam, the right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
17. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife.
18. This right does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
19. No water shall be diverted under this right unless the right holder complies with the reporting, measuring, and monitoring requirements of Chapters 2.7 and 2.8 of Division 3 of Title 23 of the California Code of Regulations. If there is any conflict or inconsistency between these regulations and the conditions in this right for reporting, measuring, and monitoring the diversion and use of water, the more stringent requirement or requirements shall control in each instance.
20. This right is subject to renewal prior to the expiration of each five-year period following the priority date of this right. This right shall be renewed only if the right holder has paid the renewal fee and properly reported the diversion and use of water under this right in accordance with the requirements of the State Water Board. This right shall be revoked upon failure of the right holder to renew the right as required by the conditions of this certificate. (Wat. Code, § 1228.5.)

21. Right holder is on notice that any of the following may be cause for the State Water Board to consider revocation (including partial revocation) of this right: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence; (2) cessation or partial cessation of beneficial use of water; (3) failure to observe any of the terms or conditions of this right; or (4) a finding by the State Water Board that the right holder knowingly made a false statement or knowingly concealed any material fact in the registration. (Wat. Code, § 1228.4.)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: JAN 23 2018



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H501598

CERTIFICATE H100293

Right Holder: *Melissa McConnel*
3260 Seeba Lane
Garberville, CA

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 07/05/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
S024742	Jones Creek	Indian Creek	South Fork Eel River	40.0091	-123.8367	Humboldt	222071017

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	222-071-017-000	0.25

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 10/22/2018.

The place of use is shown on the map filed on 10/22/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.368 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.39 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd)** or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.

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

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

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

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

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

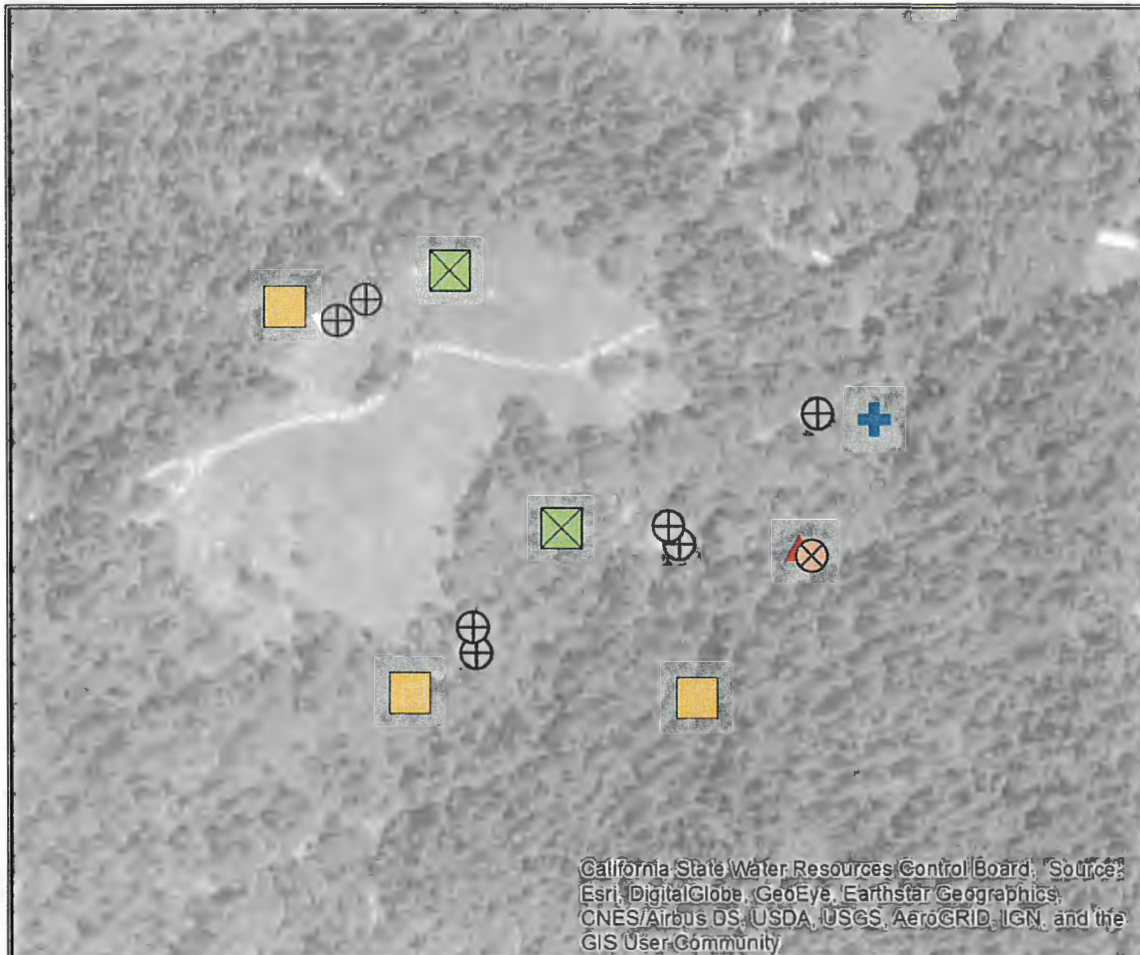
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

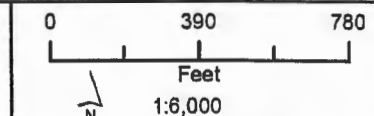
This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 10/22/2018 12:51:14

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- | | |
|-------------------------------------|----------------------------|
| Primary Point of Diversion | Additional Diversion Point |
| Pump | Indoor grow area |
| Storage (tank, bladder, pond, etc.) | Greenhouse |
| Well | Outdoor grow area |



Date: 10/10/2018

Map generated by Cannabis GO Survey tool.

OWNER: Melissa McConnel
 PRIMARY POINT OF DIVERSION: S024742
 SOURCE: Jones Creek
 TRIBUTARY TO: Indian Creek thence South
 Fork Eel River
 LATITUDE: 40.0091
 LONGITUDE: -123.8367
 APN: 222071017
 COUNTY OF: Humboldt

STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

REGISTRATION NUMBER H501598
 CERTIFICATE NUMBER H100293

SMALL IRRIGATION USE REGISTRATION

DATE CREATED: 2018-10-22

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Melissa McConnel
3260 Seeba Lane
Garberville, CA

Dear Melissa McConnel:

CANNABIS SMALL IRRIGATION USE CERTIFICATE H100293 (REGISTRATION H501598) TO APPROPRIATE WATER FROM JONES CREEK IN HUMBOLDT COUNTY

This is an important document related to your right to divert water. Do not discard.

You have received this letter because you are the owner or the agent for the owner of a water right registration on file with the State Water Resources Control Board (State Water Board). The purpose of this letter is to inform you that the State Water Board has issued the enclosed water right certificate for your registration. You should carefully read the water right certificate and associated documents to ensure that you understand and comply with any requirements for construction, diversion of water, and beneficial use of water.

In accordance with the State Water Boards's Cannabis Policy, your **maximum eligible diversion season is November 1 to March 31**, and your **maximum diversion rate is 10 gallons per minute (gpm)**. See Cannabis Policy for details.

If you have any questions, please contact me at dyana.mcpherson@waterboards.ca.gov or (916) 341-5632. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Dyana McPherson P.O. Box 2000, Sacramento, CA, 95812-2000.

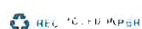
Sincerely,

Dyana McPherson
Associate Governmental Program Analyst
Cannabis Registration Unit
Division of Water Rights

Enclosures: 1) Important Information about Registrations
2) Copy of Certificate
3) Map

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 www.waterboards.ca.gov



ATTACHMENT: IMPORTANT INFORMATION ABOUT YOUR NEW REGISTRATION

Viewing Your Water Right Online

The State Water Board maintains the electronic Water Rights Information Management System (eWRIMS), a computer database where you may view the current information related to your water right(s). The database can be accessed at the following website:

<http://www.waterboards.ca.gov/ewrims>

Conditions

You are responsible for complying with the terms and conditions for construction and the diversion and use of water specified in your registration certificate. Violation of these terms and conditions may be subject to enforcement.

The conditions in your registration certificate include the general conditions from the State Water Board, including the requirement that you have obtained and are in compliance with all necessary permits or other approvals required by other agencies. As discussed below, the registration certificate may also include conditions imposed by the California Department of Fish and Wildlife (CDFW).

The CDFW may impose lawful conditions on your water right at any time. Any conditions the CDFW submitted to the State Water Board for your water right are enclosed. If the CDFW has not imposed any conditions as of the date of this letter, the CDFW may still impose conditions at any time. If the CDFW imposes or modifies any conditions, they will provide those conditions to you and the State Water Board.

By submitting the registration form to the State Water Board, you certified that you will comply with all lawful conditions, whether required by the State Water Board or the CDFW. This includes conditions for impacts that commenced prior to the date the registration form was submitted to the CDFW or the State Water Board. Failure to comply with the conditions will subject your water right to revocation and enforcement action by the State Water Board.

Your water right is subject to prior rights. This means that, with respect to other water rights from this source, the priority of your right commences with the date of filing your registration. In times of water shortage, therefore, those with rights senior to yours are entitled to take their full amount of water first.

There may be times when water is flowing in the stream, but you are not able to divert under the water right. Certain registration certificates include bypass requirements. If there is not enough water to meet the bypass flow requirement, you must stop diverting or limit your diversions to ensure that the bypass requirement is met. In each watershed, the right holders must divert in accordance with the priority of their rights. The priority of the water right is the date that the application or registration was filed, and is listed near the top of the water right. In times of water shortage, a junior right holder must stop diverting if there is not enough water to serve a more senior right. If applicable, the water availability analysis prepared for your registration likely describes conditions when there is either limited or no water for your use. You can determine the rates or quantities of water diverted under other rights in your watershed by reviewing the State Water Board's computer database at the following website: <http://www.waterboards.ca.gov/ewrims>

Small Domestic Use Registrations and Irrigation of Commercial Crops

For parties with small domestic use registrations (SDU), if your water right includes the Domestic purpose of use, be aware that you cannot use water diverted under this water right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment (e.g. home or cabin) within the place of use. Although an SDU is not available for the cultivation of commercial cannabis, a commercial cannabis cultivator may hold an SDU for their domestic use, including the potential incidental irrigation of up to six cannabis plants per establishment that are cultivated for personal use only. **The California Department of Food and Agriculture will not issue a Cannabis Cultivation License for cultivation with a source of water supply based on an SDU.**

For more information about water rights topics related to cannabis cultivation, please visit this website:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml

Reporting, Measuring and Monitoring

On March 21, 2016, regulations regarding the measurement and reporting of water diversions adopted by the State Water Board became effective. The regulations require all water right holders, including holders of registration certificates, to electronically report the diversion and use of water on an annual basis. Additionally, measurement and monitoring requirements apply for some registration certificates that meet certain criteria. It is your responsibility to review the regulations to determine if your project needs to measure and monitor under this right. These requirements may change over time due to either modification of your project or the measurement requirement. Some common triggers for monitoring and measurement relevant to registrations are:

1. If your registration is for annual diversion of 10 acre feet or less, but covers a reservoir with a capacity of greater than 10 acre feet;

2. If you have a small irrigation use registration, general conditions of your right require measurement and monitoring; or
3. If you use the point of diversion or place of use under another basis of right, depending on total amount diverted under all relevant basis of right.

It is your responsibility to keep accurate records of the diversion and use of water and keep the State Water Board informed of your ongoing compliance with the terms of your registration. You are required to submit a separate report for each registration. Your report will include information regarding your compliance with the conditions of your registration and your diversion and use of water. (Wat. Code, § 348.; Cal. Code Regs., tit. 23, § 907 et seq.) In addition to the reporting requirements, you may also be required to measure and/or monitor the amount of water you divert and use and related information. If you do not meet the criteria requiring measurement and/or monitoring, you must provide an estimate of the amount of water you divert and use. For more information about your reporting, measuring and monitoring requirements, please visit the State Water Board's website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml

Reports must be submitted to the State Water Board through the Report Management System (RMS), a component of eWRIMS. Unique RMS Credentials are associated with your registration record, and they will be sent to you in separate correspondence. These credentials are needed to complete your reporting requirement. To access RMS, you may use your RMS Credentials or create your own account with a unique User ID and Password. If you choose to create your own account, you will need the RMS Credentials to associate your registration record with your account for reporting purposes. RMS is available on the State Water Board's website at:

<http://www.waterboards.ca.gov/rms>

The State Water Board will not remind you when reporting is due. However, the State Water Board has developed an electronic notification system to provide certain general reporting and fee payment reminders to water right holders and claimants. The State Water Board encourages you to subscribe by visiting the following website:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml (select Water Rights and then Water Rights Reporting Notification)

Renewal Requirement

Your registration is subject to renewal every five years. Renewal of your registration can only occur if you are in substantial compliance with the reporting requirements of the State Water Board and have paid the renewal fee. More information about the reporting and fee requirements is provided in this fact sheet. If you do not meet these two requirements, your registration will be revoked by operation of law. At the conclusion of each five-year period, the State Water Board will review your record to determine if your registration should be renewed or revoked. When your registration is renewed, it will be subject to the State Water Board's general conditions that are in effect at that time.

Fees

You are responsible for paying all required fees. The current fee is \$750 due annually. The State Water Board's fees, including the registration renewal fee, are published in a fee schedule that is reviewed and updated periodically. For more information regarding the water rights fee schedule, please visit the State Water Board's water right fees web page at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/ (select Water Rights and then Water Rights Reporting Notification)

Official Mail Receiver and Party Records

The eWRIMS database identifies the current Official Mail Receiver for your registration. The State Water Board requires designation of an Official Mail Receiver to receive all correspondence related to a water right. The designated Primary Owner is normally considered the Official Mail Receiver, however if you have designated an Agent, then the State Water Board may consider the Agent to be the Official Mail Receiver. The State Water Board may direct all communication to the Official Mail Receiver without notifying any of the designated owners. You are required to immediately inform the State Water Board of any change in ownership of the right. (Cal. Code Regs., tit. 23, § 830 et seq.) If you would like to change the designation of, or contact information for, the Official Mail Receiver, Agent, or owners, please complete the relevant forms available on the following web site:

http://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership

Change Requests

Your registration certificate identifies the point(s) of diversion where water may be diverted and place(s) of use where water may be used. In order to change the point of diversion and/or place of use, you must submit a new registration form and obtain the State Water Board's approval with issuance of an amended certificate. The registration forms are available at the following website:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations

Statement of Water Diversion and Use

The point(s) of diversion identified in your registration certificate may also be associated with one or more Statement of Water Diversion and Use (statement) records (Wat. Code, § 5100 et seq.). You should check the eWRIMS database (see above) if you are unsure whether you have any statement records and whether they are associated with your registration. If there is a statement record associated with your registration, the statement record has one of the following two statuses that require your attention:

1. Claimed. If your statement record has a status of "claimed", then the statement record is still active and you are required to

submit annual reports of the diversion and use of water associated with the statement record, and any failure to complete the annual reports is subject to potential monetary penalty. However, please note that Water Code section 5101, subdivision (b) provides that a statement is not necessary if the diversion and use of water is covered by a water right registration, permit or license. If you determine that all of your diversion and use of water from the point of diversion associated with the statement can be reported under the annual report for the registration, you may request to make your statement inactive to eliminate your need to complete two separate reports. Alternatively, you may choose to complete the two annual reports separately if you prefer or need to report amounts diverted separately under each right, understanding that you should not report the same amounts of water diverted and used under the separate water right types.

2. Inactive. If your statement record has a status of "inactive", then the statement record is no longer active and you are not required to submit annual reports of the diversion and use of water associated with the statement record. If the inactivation of the statement record occurred simultaneously with the issuance of your registration certificate, then it is likely that State Water Board staff determined that the statement was filed for the diversion and use of water related to your registration in order to comply with the reporting requirements of Water Code section 5100 et seq. If you feel that the statement was inactivated in error, please contact the State Water Board at (916) 341-5300.

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

RECEIVED

JUL 26 2016

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2015-0088-R1

Jones Creek, Tributary to Indian Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Mr. Ian McConnell, Mr. Jeremy Bullock, and Mr. Jacob Bullock
McConnell/Bullock Water Diversion and Erosion Control Project
8 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Ian McConnell, Mr. Jeremy Bullock, and Mr. Jacob Bullock (Permittees).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittees initially notified CDFW on May 18, 2015, that the Permittees intend 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 Permittees have reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittees agree to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Indian Creek watershed, approximately 2.5 miles northwest of the town of Cooks Valley, County of Humboldt, State of California. The project is located in Section 21, T5S, R3E, Humboldt Base and Meridian; in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 222-071-17; latitude 40.0088 N and longitude 123.8336 W.

PROJECT DESCRIPTION

The project is limited to eight encroachments (table 1). These encroachments include two points of water diversion. The point of diversion (POD) is located on Jones Creek and provides water for domestic use and irrigation. Work will include maintenance and

use of the diversion. The other seven encroachments are upgrades at stream crossing locations to install armored rocked fords, upgrade an existing culvert, and decommission a stream crossing. These projects will minimize sediment delivery rates to jurisdictional streams. Work for these encroachments will include excavation, removal and placement of a culvert, and placement of rock armoring as needed.

Table 1. Project encroachments with location and description.

ID	Latitude/Longitude	Description
Point of Diversion	40.0088, -123.8336	Water diversion from Jones Creek (Class II)
Site 1	40.0100, -123.8358	Decommission crossing at Jones Creek
Site 9	40.0095, -123.8376	Replace failing and undersized 12" diameter culvert with new 24" diameter culvert, armor
Site 14	40.0091, -123.8387	Construct an armored ford crossing
Site 15	40.0090, -123.8389	Construct an armored ford crossing
Site 17	40.0083, -123.8397	Construct an armored ford crossing
Site 18	40.0084, -123.8400	Construct an armored ford crossing
Site 24	40.0103, -123.8363	Decommission unused fill crossing

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), foothill yellow legged frog (*Rana boylei*), 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 bed, channel, or bank and effects on habitat structure:

soil compaction or other disturbance to soil layer;
temporary increase in fine sediment transport;

Impacts to water quality:

increased water temperature;
temporary increase in turbidity;

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

loss or decline of riparian and/ 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;

the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittees or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

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

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittees 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 Permittees Notification received on May 18, 2015, with additional information received on May 19, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.

Water Diversion

- 2.2 Compliance with FGC Section 5901. All water diversion facilities shall be designed, constructed, and maintained so they do not prevent, impede, or tend to prevent or impede the passing of fish upstream or downstream, as required by Fish and Game Code Section 5901. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream aquatic life movement and migration.
- 2.3 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 5 gallons per minute. The instantaneous diversion rate shall not exceed 10% of the total flow of the stream at any time. This condition is subject to modification should further analysis warranting such action become available at a later date.
- 2.4 Bypass Flow. The Permittees shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.5 Minimized Seasonal Water Use. The Permittees shall add sufficient water storage and/or water conservation measures by July 15, 2016, and the Permittee shall divert no more than 150 gallons per day (gpd) from July 1 to October 15 of 2016. The Permittee shall divert no more than 150 gpd from May 15 to October 15 of

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittees 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 Permittees 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 Permittees, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Limitations of Authorization for Water Use. This agreement does not authorize any diversion, use, or storage of water unless already permitted by law.
- 1.4 Adherence to Existing Authorizations. All water diversion facilities that the Permittees own, operate, or control shall be operated and maintained in accordance with current law and applicable water rights.
- 1.5 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until corrective measures approved by the Department 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.
- 1.6 Notification of Conflicting Provisions. The Permittees shall notify CDFW if the Permittees 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 Permittees to resolve any conflict.
- 1.7 Project Site Entry. The Permittees agree to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring

each year beginning in 2017. All water diversion shall occur only if conditions 2.3 and 2.4 within this Agreement are met.

- 2.6 Measurement of Diverted Flow. The Permittees shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittees. The Permittees shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittees can record the frequency of pumping and the time to fill storage. Copies of the water diversion records shall be provided to CDFW at the 619 Second Street, Eureka, CA 95501 office no later than December 31 of each year.
- 2.7 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.8 Water Conservation. The Permittees shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.9 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittees shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.10 Manage Invasive Bullfrogs. The off-stream pond and nearby surrounding areas shall be monitored for invasive bullfrogs each year. If bullfrogs are or become present they shall be appropriately managed. The Permittees shall contact CDFW should bullfrogs occupy either of the onsite ponds, the Permittees shall then implement the draft bullfrog management plan prepared by CDFW staff. For bullfrog management plan inquiries, please contact CDFW Environmental Scientist, David Manthorne by phone at (707) 441-5900 or via email at david.manthorne@wildlife.ca.gov.
- 2.11 Intake Screening. Screening constructed to prevent aquatic life from entering the diversion intake shall be installed at both the stream and pond points of diversion. The diversion intake shall be screened or covered to prevent animals from becoming entrapped in it. The screen shall meet the following criteria:
- a) Surface Area: The minimum unobstructed screen surface shall be 40 square inches.
 - b) Material: The screen material shall be wire mesh, perforated plate, wedge wire or slotted pipe. Round openings in the mesh shall not exceed 3/32 inches (2.38 millimeters) in diameter, square openings shall not exceed 3/32 inches diagonally, and slotted openings shall not exceed 0.069 inches (1.75 millimeters) in width.

- c) **Maintenance:** The Permittee shall inspect, maintain, and clean the screen as needed to ensure proper operation and fish and amphibian protection.

- 2.12 **Removal of Structures.** Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first.
- 2.13 **Minimum Riparian Setbacks.** All structures should be a minimum of 50 feet from any watercourse. If structures are unable to meet the minimum setback distance, erosion control and riparian planting shall be conducted.

Stream Crossings

- 2.14 **Work Period.** All work, not including water diversion, shall be confined to the period June 15 through October 15 of each year. Work within the active channel of a stream shall be restricted to periods of **no stream flow and 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.
- 2.15 **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.
- 2.16 **Culvert Installation.**
 - 2.16.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
 - 2.16.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).
 - 2.16.3 Culvert bed shall be composed of either compacted rock-free soil or 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.

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

2.16.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.5 times the width of the active (bankfull) channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.17 Rock Armor Placement.

2.17.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.18 Water Contamination. Refueling of equipment, adding or draining lubricants, coolants and/or hydraulic fluids shall not take place within any stream or where activities could risk contamination of a stream. All such fluids and containers shall be disposed of at an appropriate waste facility. Equipment placed adjacent to the stream shall use drip pans as needed to prevent soil and water contamination.

2.19 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.

2.20 Erosion Control. Adequate and effective erosion control measures shall be used on exposed soils to prevent sediment or turbid water or runoff of nutrients from entering the stream. Erosion control measures shall be employed prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Vegetative (i.e., seeding) or other non-vegetative methods shall be utilized such as jute mat, coir mat, wood chip mat, straw mat or wattle, straw mulch, native duff (leaves, needles, fine twigs, etc.), or lopped native slash to protect and stabilize soils. Straw mulching shall utilize at least 2 to 4

inches of clean straw (such as rice, barley, wheat) or weed-free straw. Seeding shall use regional native seed or non-native seed that is known not to persist or spread [e.g., barley (*Hordeum vulgare*), or wheat (*Triticum aestivum*)]. No known invasive grass seed such as annual or perennial ryegrass (*Lolium multiflorum* or *L. perenne*), which are now referred to as *Festuca perennis*, shall be used.

- 2.21 Runoff from Steep Areas. The Permittees shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.22 Project Inspection. The Project shall be inspected by Stillwater Sciences or a licensed engineer to ensure that the crossings and spillway were built 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.
- 2.23 Permanent Erosion Control Materials. The Permittees shall utilize wildlife-friendly 100 percent biodegradable erosion control products that will not entrap or harm wildlife. Erosion control products shall not contain synthetic (i.e., plastic or nylon) netting or materials for permanent erosion control measures that will be left in place after completion of the project. Photodegradable synthetic products are not considered biodegradable.
- 2.24 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.
- 2.25 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 Permittees 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 707-441-2075 and consulted regarding clean-up procedures.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. The Permittees shall submit copies of the **water diversion records (condition 2.6)** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 office **no later than December 31 of each year beginning in 2016.**

3.2 Project Inspection. The Permittee **shall submit the Project Inspection Report (condition 2.16)** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

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

To Permittees:

Mr. Ian McConnell, Mr. Jeremy Bullock, and Mr. Jacob Bullock
P.O. Box 862
Garberville, California 95542
707-223-4966

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2015-0088-R1

LIABILITY

The Permittees shall be solely liable for any violation of the Agreement, whether committed by the Permittees or any person acting on behalf of the Permittees, 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 Permittees to proceed with the project. The decision to proceed with the project is the Permittees alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittees or any person acting on behalf of the Permittees, 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 Permittees 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 Permittees an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittees, 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 Permittees 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittees. To request

an amendment, the Permittees 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 Permittees 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 Permittees 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 Permittees 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 Permittees 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 Permittees fails to submit a request to extend the Agreement prior to its expiration, the Permittees 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 Permittees 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 Permittees 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 Permittees, the signatory hereby acknowledges that he or she is doing so on the Permittees behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

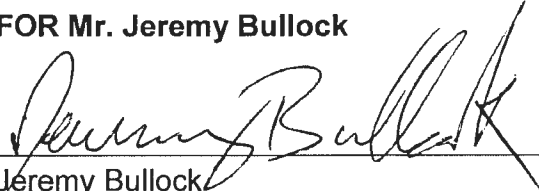
AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Jeremy Bullock



Jeremy Bullock

7/23/16
Date

FOR Mr. Jacob Bullock



Jacob Bullock

7/23/16
Date

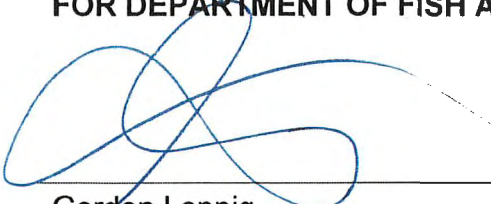
FOR Mr. Ian McConnell



Ian McConnell

7/22/16
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Gordon Leppig
Senior Environmental Scientist Supervisor

7/26/16
Date

Prepared by: David Manthorne, Environmental Scientist, June 28, 2016

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	✓	Approved	Attached
Public Works - Land Use Division	✓	Conditional approval	Attached
Environmental Health Division	✓	Conditional approval	On file with Planning (Accela)
CA Department of Fish & Wildlife	✓	Comments	Attached
CAL FIRE	✓	No comments	Attached
NWIC	✓	Recommended further study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
North Coast Unified Air Quality Management District (NCUAQMD)		No response	
Department of Water Resources		No response	
District Attorney		No response	
Agricultural Commissioner		No response	
Humboldt County Sheriff	✓	Approved	On file with Planning
Southern Humboldt Joint Unified School District		No response	
Sprowel Creek Volunteer Fire Department		No response	



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

1/24/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Sprowel Creek: FPD, RWQCB, NCUAQMD, Southern Humboldt Joint Unified School District, Cal Fish & Wildlife, Division of Water Resources, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Ground Zero **Key Parcel Number** 222-071-017-000

Application (APPS#) PLN-11945-SP Historic Planning **Assigned Planner** Meghan Ryan

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

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

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

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

Return Response No Later Than: 2/8/2019

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments:

Applicant is submitting revised site map based on site visit

DATE:

6/11/19

PRINT NAME:

Rudy Marengli



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3595
AVIATION 839-5401

PUBLIC WORKS BUILDING
SECOND & L ST. EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493
NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01/25/2019

RE:

Applicant Name	GROUND ZERO
APN	222-071-017
APPS#	PLN-11945-SP

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

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

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Cannabis Services on May 15, 2018, with Part A -Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations in Segment 2 and 3 be completed. In addition, all recommendations in Segment 4 up to the access point of the driveway.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11945

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //



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

Applicant: Ground Zero		Date: 9/16/2019	
APPS No.: 11945	APN: 222-071-017	DFW CEQA No.: 2019-0058	Case No.:
<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Outdoor (SF): 10,000		

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 note the following information:

- ☒ A Final Lake or Streambed Alteration Agreement (1600-2015-0088-R1) has been issued to the applicant.
- ☒ The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.
- ☒ 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.
- ☒ 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 fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Coho Salmon (*O. kisutch*), 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), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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

Ryan, Meghan

From: Ryan, Meghan
Sent: Thursday, December 26, 2019 11:57 AM
To: Manthorne, David@Wildlife
Cc: Bocast, Kalyn@Wildlife
Subject: APPS #11945- APN 222-071-17 - Ground Zero

Good morning, David – Thank you for comments regarding the Ground Zero project dated September 16, 2019. Noise and light attenuation measures as described in the comments are conditions of approval and must be demonstrated prior to use of artificial lighting in the propagation nursery. All other comments are incorporated into the conditions of approval (e.g. prohibition on synthetic netting, wildlife-proof trash containers, etc.).

Please let me know if you have any questions or comments.

Best,
Meghan



MEGHAN RYAN

Senior Planner
[Planning and Building Department](#)
County of Humboldt
3015 H Street
Eureka, CA 95501
707.445.7541



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

Applicant: Ground Zero
Date: 12/26/2019
APPS#: 11945
PLANNER: MR Ryan

Senior Planner Review: _____
Comments: _____

STAFF REPORT CHECKLIST

Please ensure the following items are complete prior to submitting a staff report to review:

- ☒ Check 2018 or 2019 aerial imagery for expansion, expansion, false start, timber removal or new structures
- ☒ Confirm SF is consistent with County verification, Interim Permit and Proposed project
- ☒ Respond to CDFW comments - see Attachment 5
- ☒ Draft staff report, including CEQA document (e.g. addendum or Notice of Exemption). Assemble staff report as stated in the table of contents.
- ☒ Draft notice and notice order (Special or Conditional Use Permits only)
- ☒ Prepare haul route map (as applicable, Special or Conditional Use Permits only)
- ☒ Draft compliance agreement - upon approval
- ☒ Update record in Accela, including:
 - ☒ Project Description
 - ☒ Tab 2 - Planning Information, Tab 4 - CEQA and Tab 5 - Cannabis
 - ☒ Task log/time entry updated
 - ☒ Project Status - Workflow
 - ☒ Hearing Date - Workflow
- ☒ Request invoice (currently - Mallory: messex@co.humboldt.ca.us) to bring account current prior to noticing Chelsey
- ☒ Contact Applicant re: confirm project description, provide conditions of approval, provide invoice and discussing hearing details (e.g. time, location, procedures). (For ZCCs - provide compliance agreement, invoice, RRR documents (as applicable) and discuss approval timeline). - Email ready, just need response from Chelsey.
- ☒ Update GTL

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

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

Forester Comments:

Date: 1/3/20	Name: Tim Meyers
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AP#11945
APN 222-071-017

Battalion Chief Comments:

Date:	Name:
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Summary: