



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

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

Hearing Date: August 06, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Southern Humboldt's Phoenix, Zoning Clearance Certificate and Special Permits**  
Record Numbers: PLN-2018-15173  
Assessor's Parcel Numbers (APNs): 219-081-003 and 219-081-001

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

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> August 06, 2020	<b>Subject</b> Zoning Clearance Certificate and Special Permits	<b>Contact</b> Liza Welsh
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**Project Description:** A Zoning Clearance Certificate for 10,000 square feet of existing outdoor cannabis cultivation under the CCLUO accompanied by a Special Permit for minor site reconfiguration and a Special Permit for activity in a Streamside Management Area associated with the decommissioning and restoration of a historic cultivation site. Cultivation will occur in four greenhouses using light deprivation. A 1,000 square foot ancillary nursery will support the operation. Water for irrigation will be sourced from a proposed 200,000-gallon rainwater catchment pond and will be stored in the pond and in existing water tanks. Drying and processing will occur onsite in a proposed 32'X 32' (1,024-square-foot) structure. The power source to the project will be a solar array with a backup generator. No employees will work onsite. The Zoning Administrator will consider an Addendum to a previously adopted Environmental Impact Report per §15164 of CEQA Guidelines.

**Project Locations:** The project is located in Humboldt County, in the Salmon Creek area, on the east side of Lower Thomas Road, approximately 1.43 miles south from the intersection of Thomas Road and Lower Thomas Road, then approximately 1.3 miles south on a private road, on the property known to be in the southeast quarter of the southwest quarter of Section 19, Township 03 South, Range 03 East.

**Present Plan Land Use Designations:** Residential Agriculture - 40 acres (RA40), 2017 General Plan, Density: Density range is 40 acres per unit, Slope Stability: High Instability (3).

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

**Record Number:** PLN-2018-15173

**Assessor Parcel Number (APN):** 219-081-003 and 219-081-001

**Applicant**

Southern Humboldt's Phoenix, LLC  
Graham Borst  
PO Box 103  
Miranda, CA 95553

**Owner**

Graham Borst and  
Darleen Hansen-Borst  
110 Echo Street  
Santa Cruz, CA 95060

**Agent**

Timberland Resource Consultants  
Ana Canter  
165 South Fortuna Blvd  
Fortuna, CA 95540

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

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

**Major Issue:** None.

**Southern Humboldt's Phoenix, LLC, Zoning Clearance Certificate and Special Permits**

Record Numbers: PLN-2018-15173

Assessor's Parcel Numbers (APNs): 219-081-003 and 219-081-001

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on the evidence in the staff report and adopt the Resolution approving the proposed Southern Humboldt's Phoenix, LLC, projects subject to the recommended conditions.*

**Executive Summary:** An application has been submitted to the Planning Division for a Zoning Clearance Certificate for 10,000 square feet of outdoor cannabis cultivation. The project requires a Special Permit for minor site reconfiguration and a Special Permit for activity in a Streamside Management Area associated with the decommissioning and relocation of a historic cannabis cultivation site. This commercial cannabis activity is authorized by Section 314- 55.4.6.5. et seq., of the CCLUO. The application meets the requirements of zoning, size of cultivation area, setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CCLUO.

The proposed activity on APN 219-081-003 includes 10,000 square feet of existing outdoor cannabis cultivation using light deprivation, microbusiness activity, and ancillary structures on a 40.01-acre (assessed lot size) legal parcel in the Salmon Creek area. Development on the parcel is limited to the cannabis cultivation site and ancillary features. A review of historic imagery using GoogleEarthPro indicates that in 2014, there was approximately 2,100 square feet of mixed light and approximately 7,900 square feet of outdoor cannabis cultivation on the subject parcel. Historic cultivation is within the Streamside Management area around a small tributary to Tostin Creek and is proposed for relocation. Relocation will protect watercourses on the subject parcel and will increase buffer between cultivation areas and forested areas on the parcel. The decommissioned footprint will be restored. The garden fence, poles, and other debris will be removed, and the applicant will replant the footprint with native grass and will eradicate any invasive plants present on the footprint. A Special Permit for minor site reconfiguration and a Special Permit for activity in a Streamside Management Area are included in the project.

Going forward, cultivation is proposed to occur in greenhouses using light deprivation, as follows:

Structure	Dimensions	Size
Greenhouse #1	25' X 100'	2500 square feet
Greenhouse #2	25' X 100'	2500 square feet
Greenhouse #3	25' X 100'	2500 square feet
Greenhouse #4	25' X 100'	2500 square feet
Nursery #1	20' X 50'	1,000 square feet
TOTALS:		<b>10,000 square feet cultivation 1,000 square feet propagation</b>

Conditions of approval will require the applicant to obtain the appropriate permits or clearances for the hoop houses, the ag-barn, and any ancillary structures over 120 square feet in size on both

parcels.

Water for cannabis irrigation on APN 219-081-003 was historically sourced from a rain catchment system consisting of 44,250 gallons of water stored in hard tanks and was supplemented by water sourced from a point of stream diversion on APN 219-081-001. Going forward, no further diversion will occur, and water will be sourced from and stored in a proposed 200,000-gallon rain catchment pond and in the existing water tanks. Water will be delivered to plants via drip lines and hand watering. The anticipated annual water use is a maximum of 200,000 gallons per year.

Clones will be sourced from a licensed third-party provider and will be raised in the proposed 1,000-square-foot ancillary nursery. The nursery will be shielded when supplemental lighting is used such that no light escapes at a level visible from neighboring properties in compliance with International Dark Sky Standards. The applicant anticipates two cycles per year.

A shed on 219-081-001 with a slate floor will be used to store fertilizer, amendments, nutrients, and organic pesticides, which will also be kept in secondary containment totes. Drying and processing will occur on site in a proposed 32' X 32' (1,204-square-foot) structure on APN 219-081-003. The applicant may also rent a commercial kitchen offsite for infusion manufacturing. Approval for this will be sought under a separate application.

The power source is an existing solar array with battery storage and generator backup. No employees will work on site. The project was reviewed by the Department of Environmental Health, which recommended conditional approval. To process on site, the applicant must demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the structure proposed for processing.

The subject parcels are located on Lower Thomas Road, a privately-maintained road that is accessed via Salmon Creek Road and the publicly-maintained portion of Thomas Road. The applicant has provided a Road Evaluation for the access route stating that the roads have the functional capacity of a Category 4 road capable of accommodating commercial traffic. The projects were reviewed by the Public Works Department which recommended road improvements at the intersection of Thomas Road and Lower Thomas Road, including that the intersection be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) and that Lower Thomas Road be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Thomas Road. This road improvement has already been completed by another applicant. Conditions of approval for this project require the applicant to consent to join or establish a Road Maintenance Association (RMA) for Lower Thomas Road and to participate in the maintenance of the intersection in compliance with the Sight Visibility Ordinance.

The subject parcels are classified as agricultural land and contain patchy mixed conifer and hardwood forests and open grassland with narrow stretches of sparse riparian habitat along the South Fork Salmon Creek and Tostin Creek. The parcels were historically logged and contain some residual roads and landings. CalFire reviewed the projects and had no concerns as to resource management. There is a vegetated buffer between the proposed relocation cultivation areas and water courses on the parcel, and following onsite relocation, no development will occur within Streamside Management areas on the sites. Relocation is supported by a Biological Study, a Botanical Study, and an Aquatic Resources Delineation, which find that with appropriate mitigations, the relocation will not affect rare, threatened, or endangered plant and animal species or aquatic resources on the subject parcel.



The project was referred to the California Fish and Wildlife Department (CDFW) and they have not provided comments as of the date of this staff report. Conditions have been added to ensure protection of natural resources. The applicant shall enclose or otherwise muffle their generator to ensure that noise levels remain below 50db at 100 feet from the generator and at the edge of forest habitat and that noise levels do not increase by more than 3 decibels above ambient noise levels. Submission of a noise survey demonstrating compliance with these requirements is a condition of project approval. Further, as an ongoing condition of approval, the applicant shall adhere to the terms and reporting requirements established through their Final Streambed Alteration Agreement, or through any future Streambed Alteration Agreement. Additional ongoing conditions require the applicant to leave wildlife on the subject parcel undisturbed and to allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant 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. Security lighting shall be motion activated and downward facing in compliance with International Dark Sky Standards, and the propagation greenhouse shall be shielded from 30 minutes prior to sundown to 30 minutes after sunrise to ensure that no light escapes at a level visible from neighboring properties. Finally, all refuse shall be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 19-**

**Record Number: PLN-2018-15173**

**Assessor's Parcel Number (APN): 219-081-003 and 219-081-001**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Southern Humboldt's Phoenix, LLC, Zoning Clearance Certificate and Special Permits request.**

**WHEREAS**, Southern Humboldt's Phoenix, LLC, submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit the continued operation of an existing cannabis cultivation site consisting of 10,000 square feet of existing outdoor light deprivation cannabis cultivation and ancillary nursery and storage facilities. Water will be provided from a rainwater catchment system and a proposed pond. Power will be provided by an existing solar array. Drying and processing will occur onsite in a proposed structure. No employees will work on site; and

**WHEREAS**, Southern Humboldt's Phoenix, LLC, submitted an application and evidence in support of approving the Special Permit to permit minor site reconfiguration.

**WHEREAS**, Southern Humboldt's Phoenix, LLC, submitted an application and evidence in support of approving the Special Permit to permit an encroachment into the Streamside Management Area for restoration work associated with decommissioned cultivation areas; and

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

**WHEREAS**, The County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate and Special Permits (Record Number PLN-2018-15173); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on August 06, 2020.

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

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and

2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report support approval of Record Number PLN-2018-15173 based on the submitted substantial evidence; and
3. Zoning Clearance Certificate and Special Permit Record Number PLN-2018-15173 are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on August 06, 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.

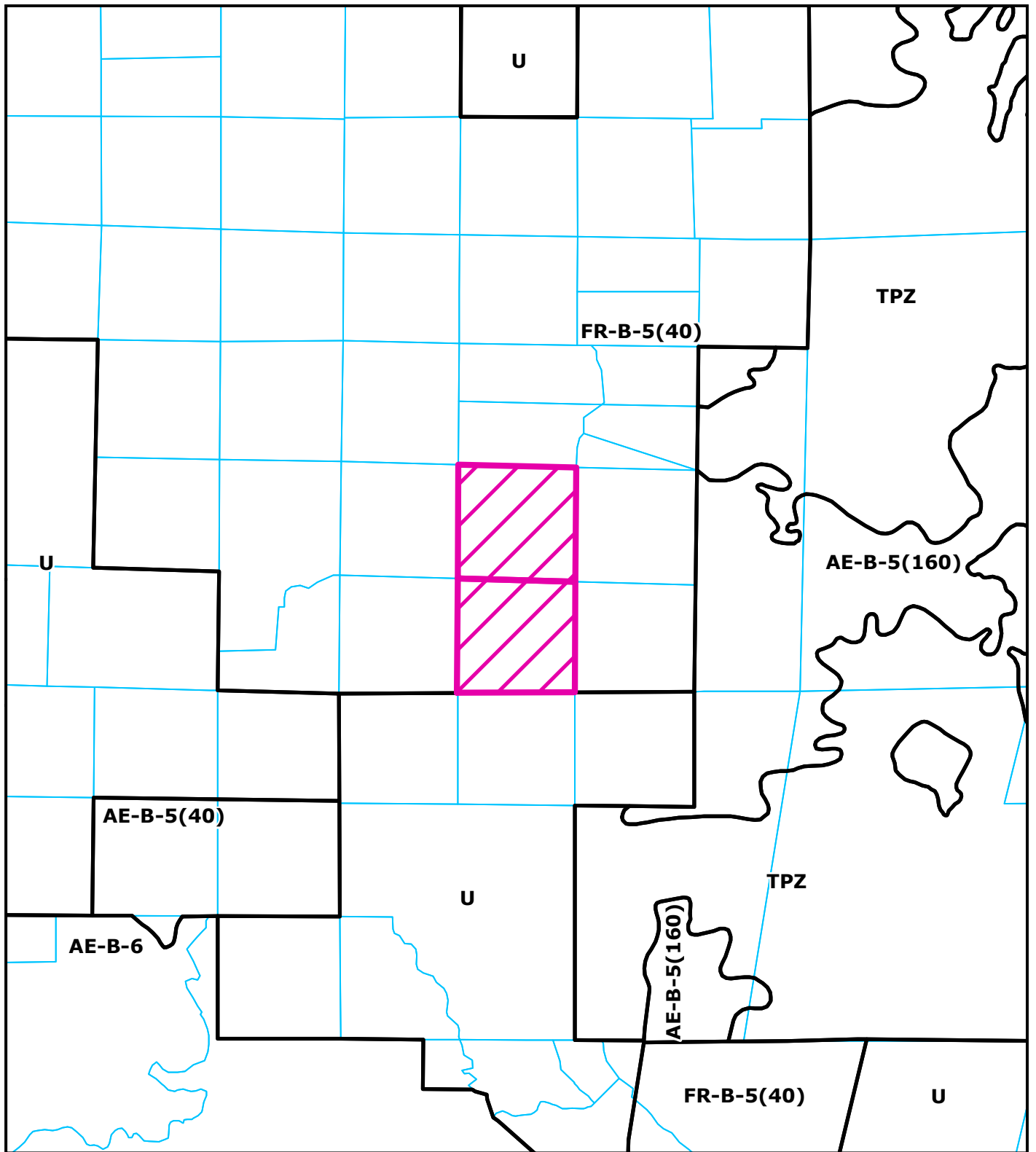
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John Ford  
Zoning Administrator  
Planning and Building Department







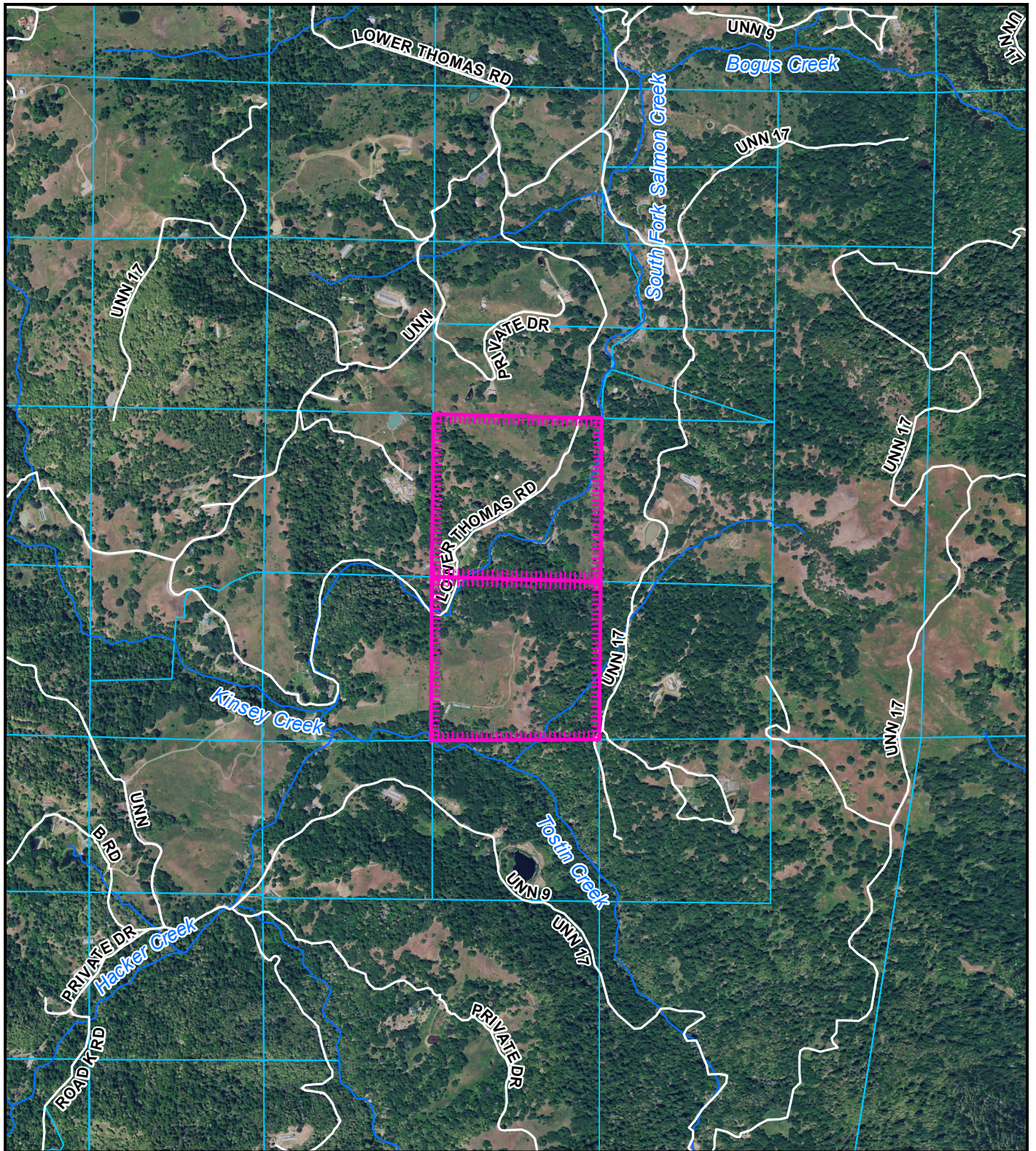


**Project Area =**

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.

**ZONING MAP**  
**PROPOSED SOUTHERN HUMBOLDTS PHOENIX LLC**  
**SALMON CREEK AREA**  
**PLN-2018-15173**  
**APN: 219-081-001; ET AL.**  
**T03S R03E S19 HB&M (ETTERSBURG)**



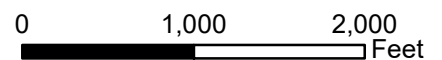


**AERIAL MAP  
PROPOSED SOUTHERN HUMBOLDTS PHOENIX LLC  
SALMON CREEK AREA  
PLN-2018-15173**

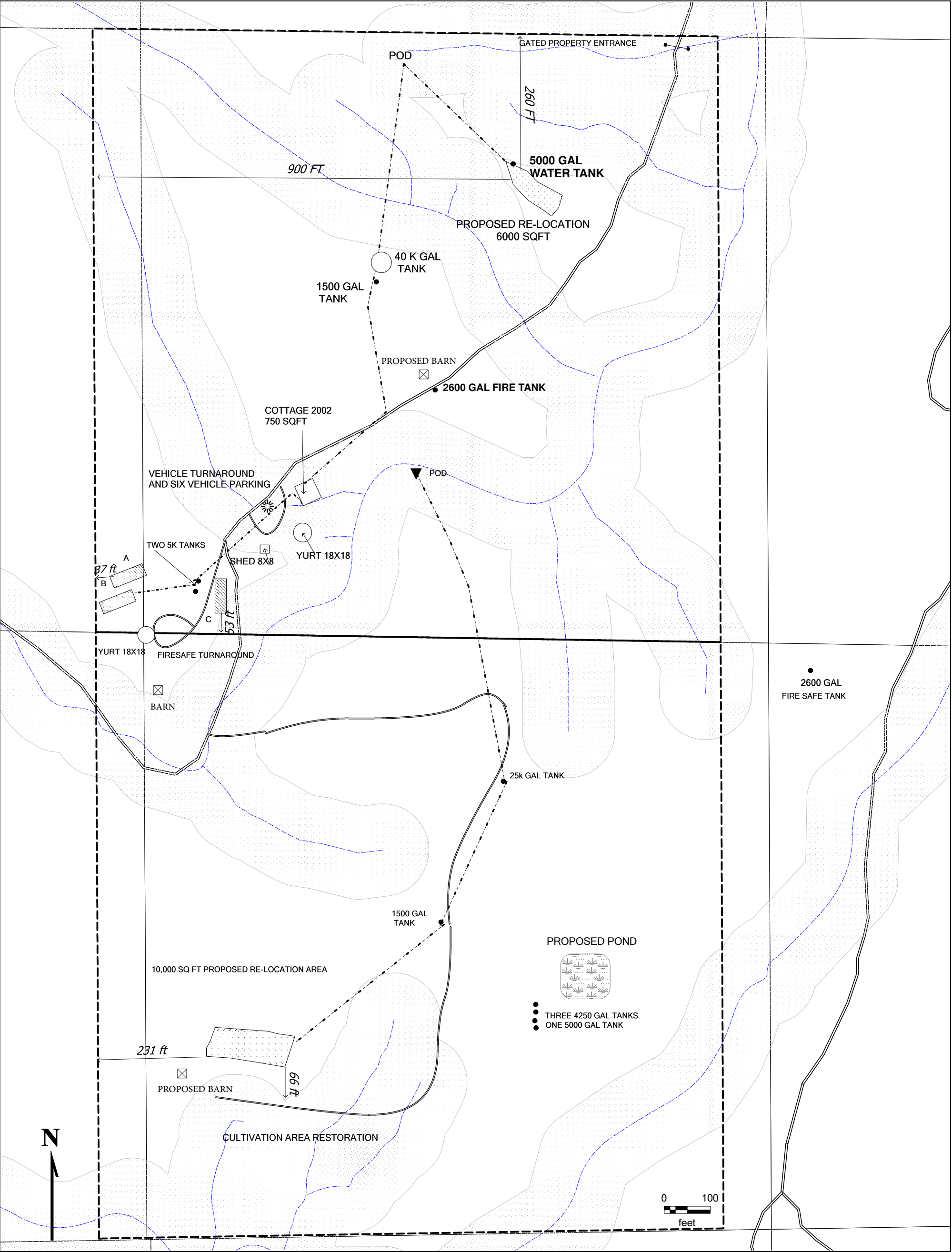
**Project Area =** 













**APN: 219-081-001; ET AL.  
T03S R03E S19 HB&M (ETTERSBURG)**

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.



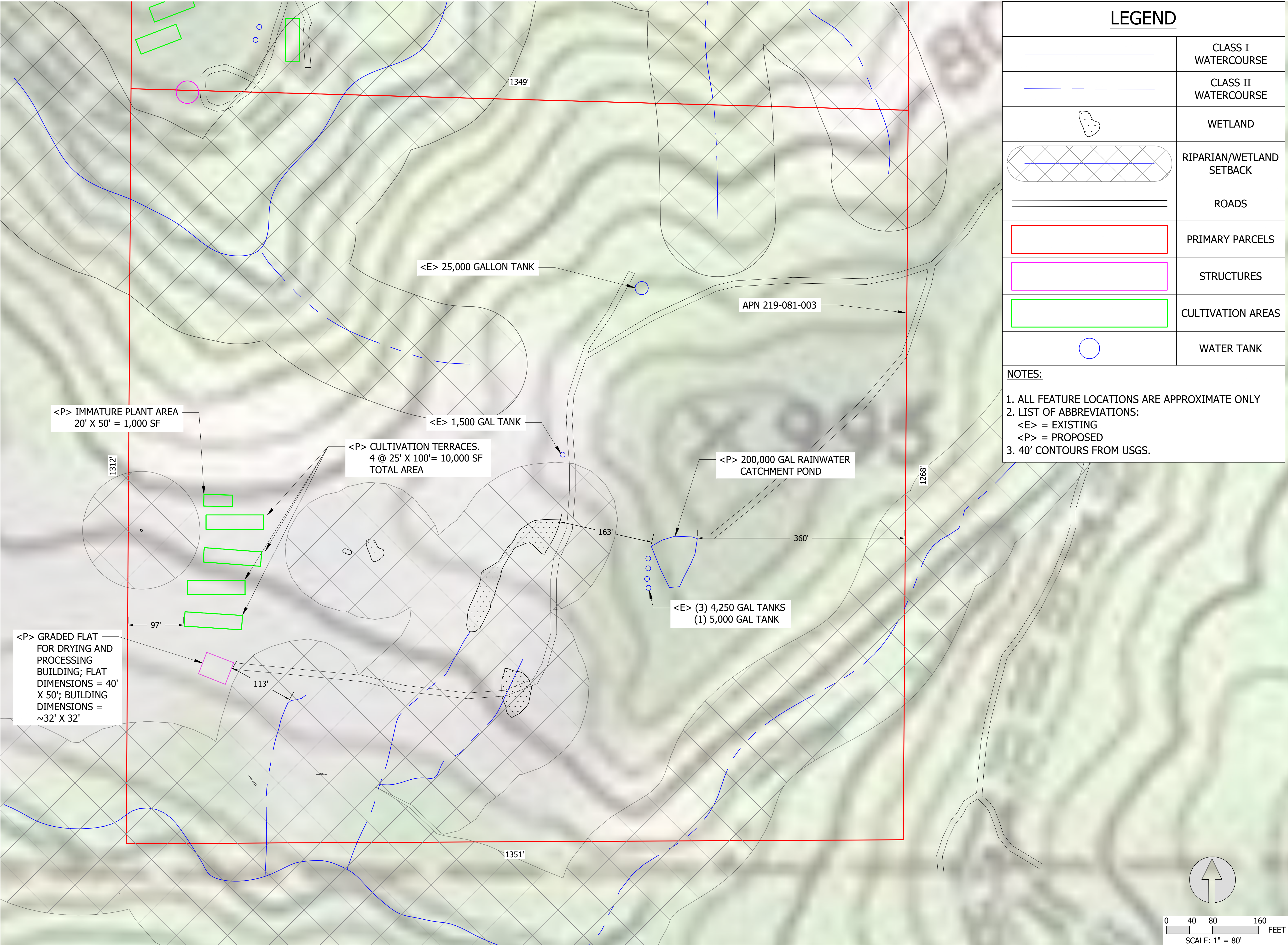




-  CULTIVATION AREA
-  PROPOSED CULTIVATION
-  POD
-  PROPERTY BOUNDARY
-  WATER TANK
-  WATER DISTRIBUTION LINE
-  WATERCOURSE
-  SMA 100 FT
-  SOLAR PANELS
-  STRUCTURES
-  ACCESS ROAD
-  GATE

**APPLICANT: HUMBOLDT PHOENIX**  
**APS: 219-081-001 6,620 SQFT**  
**APN: 219-081-003 10,000 SQFT**





LEGEND	
	CLASS I WATERCOURSE
	CLASS II WATERCOURSE
	WETLAND
	RIPARIAN/WETLAND SETBACK
	ROADS
	PRIMARY PARCELS
	STRUCTURES
	CULTIVATION AREAS
	WATER TANK

NOTES:

1. ALL FEATURE LOCATIONS ARE APPROXIMATE ONLY
2. LIST OF ABBREVIATIONS:  
<E> = EXISTING  
<P> = PROPOSED
3. 40' CONTOURS FROM USGS.

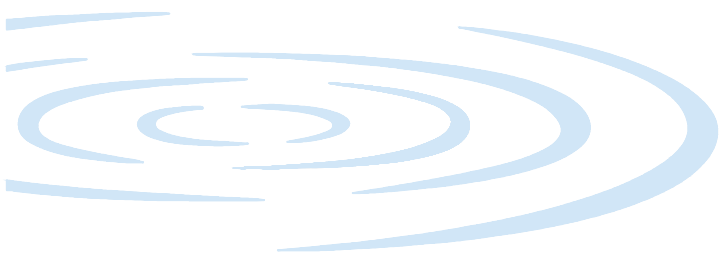
BORST  
SITE PLAN  
APN 219-081-003

HUMBOLDT COUNTY, CA

Stillwater Sciences

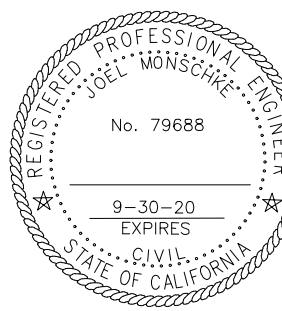
850 G STREET SUITE K  
ARCATA, CA 95521

P: (707) 822-9607



PROJECT NUMBER: 546.74  
SCALE: AS NOTED  
DATE: 6/28/2020

DESIGN: JM  
DRAWN: TC  
CHECKED: JM  
APPROVED: JM



SITE OVERVIEW

SHEET 1 OF 1



**ATTACHMENT 1**  
**Recommended Conditions of Approval**

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. All outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4–#16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
4. The applicant shall secure permits for all structures and graded areas related to the cannabis cultivation and other commercial cannabis activity including the greenhouses, the proposed structure to be used for drying and processing, all water tanks with a capacity greater than 5,000 gallons, all areas where greater than 50 cubic yards of soil will be graded, and all sheds and outbuilding greater than 120 square feet in size. The structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk. A letter or similar communication from the Building Division verifying that all structures and graded areas related to cannabis cultivation are permitted will satisfy this condition.
5. Within two weeks prior to ground disturbing activities, a qualified biologist shall conduct a pre-construction survey for the western bumble bee, obscure bumble bee, and western pond turtle, as grassland habitat within the project footprint is suitable for nesting habitat by each of these species. Should pre-construction surveys reveal the presence of nest sites for any of the aforementioned species, mitigation measures shall be recommended by the qualified biologist to avoid impacts. If no nests are located, project activities may proceed as proposed.
6. Per the Department of Environmental Health, the applicant shall demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the proposed processing building on the subject parcel or shall process off site. Confirmation from DEH that an approved OWTS is present on the property or a written statement from the applicant that they will process off site with a licensed third-party facility will satisfy this condition.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof

of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

8. The applicant shall contact the local fire service provider [Salmon Creek VFC] and shall furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. 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. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
9. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.
10. The applicant shall join or form a Road Maintenance Association for Lower Thomas Road. Documentation of participation in a Road Maintenance Association will be adequate to satisfy this condition.
11. The applicant shall submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
12. The applicant shall submit a soils management plan detailing the use of imported and native soil to the Planning Department for review and approval. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.
13. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6.
14. The applicant shall install water meters to track water usage.
15. The applicant shall complete and implement all corrective actions detailed within the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order and Notice of Applicability. The applicant shall provide the Planning Department of copy of the Site Management Plan, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. 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. A letter or similar communication from the SWRCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this

condition.

16. Prior to initiating commercial cannabis cultivation or associated activities the property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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

1. The primary power source is an existing solar array, but when a project-specific or backup generator is used, a noise containment structure shall be used with the generator. The generator shall be used for less than 20% of the time and the noise produced by said generator shall not be audible by humans from neighboring residences. The decibel level for the generator, measured at 100 feet from the generator or at the property line, shall be no more than 50 decibels. Sound levels must show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.
2. No ground disturbance is to occur within 100 feet of the cultural resource identified as "WRA 01-Borst Site", and the applicant shall adhere to heightened inadvertent discovery language. If any potential cultural resources are identified on the parcel, the applicant shall halt all activity within 100 feet of the cultural resource and shall immediately notify the Bear River Band and the Planning Department. The applicant shall ensure that the resource is handled in accordance with recommendations provided by the Tribal Historic Preservation Officer of the Bear River Band.
3. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, the Water Resource Protection Plan, the Lake and Streambed Alteration Agreement, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
4. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
5. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
6. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

7. 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.
8. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
9. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
10. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
11. 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).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
15. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
16. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
18. All refuse shall always be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.

**Performance Standards for Cultivation and Processing Operations:**

15. 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."
16. 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).
17. 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.
18. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
19. 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.

20. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP 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.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

21. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23, 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.

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt 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
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

23. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
  - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
24. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native

American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.



**ATTACHMENT 2**  
**Required Findings for Approval**

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

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

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

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

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA):</b> Lands used for large lot residential uses that typically rely upon on-site water and wastewater systems. Allowable land uses vary and include residential, cottage industry, bed and breakfast inns, community assembly, neighborhood commercial, non-commercial recreation, office and professional, private institution, general and intensive agriculture, stables and kennels, timber production, fish and wildlife management, essential services, and similar compatible uses.</p> <p>Density range is 40 acres per unit.</p>	<p>The proposed project includes 10,000 square feet of existing outdoor cannabis cultivation on APN 219-081-003 (App#15173) using light deprivation in proposed greenhouses and ancillary drying and storage buildings on a legal parcel designated as Residential Agriculture. General and intensive agriculture are allowable use types for this designation.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<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>The subject parcel is located on Lower Thomas Road, a privately-maintained road that is accessed via Salmon Creek Road and the publicly-maintained portion of Thomas Road. The applicant has provided a Road Evaluation for the access route stating that it has the functional capacity of a Category 4 road capable of accommodating commercial traffic. The project was reviewed by the Public Works Department which recommended road improvements at the intersection of Thomas Road and Lower Thomas Road, including that the intersection be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) and that Lower Thomas Road be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Thomas Road. This road improvement has already been completed by another applicant. Conditions of approval for this project require the applicant to consent to join or establish a Road Maintenance Association (RMA) for Lower Thomas Road and to participate in the maintenance of the intersection in compliance with the Sight Visibility Ordinance.</p>
Housing Chapter 6	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.</p>

Relevant Plan Section(s)	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>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcels is approximately 40 acres in size. Fences or vegetated buffers are maintained between the cultivation area and property lines.</p> <p>(See Biological Resources Section 10.3 for additional discussion).</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project is in the South Fork Eel Planning Watershed, the Salmon Creek HUC12 Watershed which is a cannabis-impacted watershed, and the South Fork Salmon Creek Super Planning Watershed. The subject parcel is classified as agricultural land and contains patchy mixed conifer and hardwood forests and open grassland with narrow stretches of riparian habitat along the South Fork Salmon Creek and Tostin Creek. The parcel was historically logged and contains some residual roads and landings. CalFire reviewed the projects and had no concerns as to resource management.</p> <p>There is a vegetated buffer between the cultivation area and water courses on the parcels and, following onsite relocation, no development will occur within Streamside Management areas on the site. Per the applicant's Aquatic Resources Delineation Report, prepared by Kyle Wear, there is approximately 1,000 square meters of seasonal wetlands on the parcel, mostly within the Streamside Management Areas of tributaries to Tostin Creek, but outside of the historic cultivation area, the proposed relocation cultivation area, the footprint of the proposed drying and processing building, and the proposed footprint of the applicant's 200,000 rainwater catchment pond, which will be</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>the primary irrigation source, replacing the applicant's historic irrigation water source, a point of diversion on APN 219-081-001. Results of the Botanical Survey, conducted by Kyle Wear on 6/16/2020, concluded there are no special status plants within any of the project areas on the subject parcel.</p> <p>A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the nearest Northern Spotted Owl (<i>Strix occidentalis caurina</i>) siting is approximately .7 miles away from the cultivation area on APN 219-081-003, while the nearest activity center is approximately 1.2 miles away. The nearest mapped Marbled Murrelet (<i>Brachyramphus marmoratus</i>) habitat is approximately 4.3 miles away. A Biological Reconnaissance Study was prepared for the parcel pursuant to a site visit by Biologist Jessica Stauffer of S.E. McAllister &amp; Associates on December 12, 2019. The study concluded that project activities are not expected to produce adverse cumulative effects to sensitive wildlife species due to the small size of the project and the lack of significant habitat alteration. However, it recommended pre-construction surveys for obscure bumble bee, western bumble bee and western pond turtle as grassland habitat within the project footprint is suitable for nesting by each of these species. Should pre-construction surveys reveal the presence of nest sites of any of the aforementioned species, mitigation measures should be recommended to avoid impacts. If no nests are located, project activities should proceed as proposed. The need for preconstruction surveys is included as a condition of approval.</p> <p>Conditions have been added to ensure protection of natural resources. The applicant shall enclose or otherwise muffle their generator to ensure that</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>noise levels remain below 50db at 100 feet from the generator and at the edge of forest habitat and that noise levels do not increase by more than 3 decibels above ambient noise levels. Submission of a noise survey demonstrating compliance with these requirements is a condition of project approval. Further, as an ongoing condition of approval, the applicant shall adhere to the terms and reporting requirements established through their Final Streambed Alteration Agreement, or through any future Streambed Alteration Agreement. Additional ongoing conditions require the applicant to leave wildlife on the subject parcel undisturbed and to allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant 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. Security lighting shall be motion activated and downward facing in compliance with International Dark Sky Standards, and the propagation greenhouse shall be shielded from 30 minutes prior to sundown to 30 minutes after sunrise to ensure that no light escapes at a level visible from neighboring properties. Finally, all refuse shall be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that a Cultural Resources Survey be conducted. William Rich and Associates visited the parcel in July 2019, and cultural resources were identified at two locations on APN 219-081-003 where no project activities are occurring or are proposed. The survey was sent to the THPO who reviewed it and requested that the area where the cultural resource was identified remain undisturbed. No ground-disturbing actions are to occur within 100 feet of the site recorded as "WRA 01-Borst Site", and the applicant shall adhere to heightened inadvertent discovery language. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 100-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. Since artifacts were identified on the property, the chance of encountering cultural resources may be more likely. Prior to having work done by any outside contracted firm, the applicant shall communicate that they are in a culturally sensitive area to their contractors. The applicant should not hesitate to follow the protocols if they find suspected cultural resources.</p>

Relevant Plan Section(s)	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>Supplemental lighting will only be used in the applicant's proposed ancillary nursery, and the nursery will be shielded between 30 minutes prior to sunset and 30 minutes after sunrise in compliance with International Dark Sky Standards such that no light escapes at a level visible from neighboring parcels. Security lighting will also be shielded and downward facing. Vegetated buffers are maintained between all cultivation areas and neighboring parcels or roads.</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-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The applicant has enrolled in the State Waterboard Cannabis General Order as a Tier 2 discharger. A Notice of Applicability was issued for the sites (WDID 1_12CC404177). A Site Management Plan (SMP) was subsequently prepared for APNs 219-081-003 and 219-081-001- by Timberland Resource Consultants. The SMP identifies 33 points on the parcels that require treatment. These points include replacement of an inboard ditch where water spills onto a road surface with a rocked rolling dip or ditch relief culvert, installation of several new culverted watercourse crossings, installation of several ditch relief culverts, removal of a fuel storage tank in the riparian setback of a Class III watercourse, removal of two decommissioned legacy indoor cultivation structures in a riparian setback, removal of two outhouses and filling in of pits associated with them, and infill of exposed pits, and other work necessary to correct drainage and erosion issues on roads on the subject parcel and the adjacent parcel to the North, APN 219-081-001.</p> <p>As a condition of approval, the applicant shall complete and implement all corrective actions detailed within the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order and Notice of Applicability. The applicant shall provide the Planning Department of copy of the Site Management Plan, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. 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. A letter or similar communication from the SWRCB verifying that all their requirements have</p>
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Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
Water Resources Chapter 11  Onsite Wastewater Systems	<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>	No employees will work on the site. Processing will occur on site in a proposed 32' X 32' (1,024-square-foot) commercial structure. The projects were reviewed by the Department of Environmental Health, which recommended conditional approval. Conditions of approval require the applicant to provide portable toilets to workers on the parcels or to demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation. This can be accomplished by either installing a new, permitted, septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State Regional Water Quality Control Board definition of a Tier 0 system – not impairing groundwater or surface water resources.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The proposed project is for cultivation of cannabis outdoors in greenhouses using light deprivation and for a 1,000-square foot ancillary nursery. The power source for the projects is an existing solar array with generator backup. The nearest Northern Spotted Owl (<i>Strix occidentalis caurina</i>) siting is approximately .7 miles away from cultivation areas on the subject parcel, while the nearest activity center is approximately 1.2 miles away. The nearest mapped Marbled Murrelet (<i>Brachyramphus marmoratus</i>) habitat is approximately 4.3 miles away. Ongoing conditions of approval require that noise levels remain at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of NSO habitat or Marbled Murrelet habitat, whichever is closer. Additionally, the applicant shall submit a noise plan detailing ambient noise levels on the parcels as a condition of project approval.</p>
Safety Element Chapter 14  Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone or is subject liquefaction. The site is in an area designated as High Instability (3) on the County's GIS. There are no mapped landslides on the subject parcel. Based on the project and evidence before staff, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p> <p>The structures and grading associated with the project shall be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing and proposed structures and grading.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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>According to the Flood Insurance Rate Map (FIRM) Panel No. 0623C1985F (effective 11/4/2016), the project site is not located in a flood hazard area. The project site is not within a mapped dam or levee inundation area and is outside of the 100-year flood area. At greater than 12 miles distance from the coast, the project site 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-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is in an area designated with a high fire hazard severity. They are located within the fire response area for Salmon creek VFC, and they are also within the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p> <p>Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a condition of approval.</p> <p>No employees will work on the parcel. A 2,500-gallon water tank is available for fire suppression.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Community Infrastructure and Services Element, Chapter 5  Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	To implement this policy, conditions of approval for the proposed project require the applicant to contact the local fire service provider [Salmon Creek VFC] and to furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)  Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.	The project is an existing operation, but new structures are proposed. The project was referred to the North Coast Air Quality Management District, but no response was received. Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	APN 219-081-003 is one legal parcel (lot 43) as shown on Parcel Map recorded in Book 1 of Parcel Maps page 34.  There are no terms or conditions that apply to new development on the parcels and there are no violations of Humboldt county Code on the parcels.
§314-7.3  Forestry Recreation Zone (FR)          §314-17.1  Minimum Building Site Area 40 acres (B-5(40))	The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.  The Special Building Site Combining Zone or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirement should be modified.	The proposed action would permit a commercial cannabis cultivation site in existence prior to January 1, 2016, on parcels zoned FR The existing cultivation area totals 10,000 square feet on APN 219-081-003. The proposed cannabis cultivation uses are specifically allowed with a Special Permit in the FR under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	1 acre	40.01 acres
Minimum Lot Width:	200 feet	1350 feet
Maximum Lot Depth:	None specified	1300 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 20 feet	Front: >30 feet Rear: >30 feet Side: > 30 feet

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Through the SRA Setbacks	Side: 10 feet  SRA: 30 feet all sides	
Minimum Distance Between Major Buildings:	None specified	> 20 ft apart
Maximum Ground Coverage:	None specified	< 35%
Maximum Ground Coverage:	None specified	< 35%
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	<p>The project is in the South Fork Eel Planning Watershed, the Salmon Creek HUC12 Watershed which is a cannabis-impacted watershed, and the South Fork Salmon Creek Super Planning Watershed. The South Fork of Salmon Creek and three unnamed tributaries run through the Northern half of the subject parcel. There are no historic or proposed project-related features within the Streamside Management Area for these watercourses. Tosten Creek and several unnamed tributaries run through the Southwestern quadrant of the parcel, and the historic cultivation area is within the Streamside Management Area for one of these tributaries. The area is proposed for decommissioning and relocation. The decommissioned footprint will be restored. The garden fence, poles, and other debris will be removed, and the applicant will replant the footprint with native grass and will eradicate any invasive plants present on the footprint. A Special Permit for minor site reconfiguration and a Special Permit for activity in a Streamside Management Area are included in the project. Following this relocation, there will be no project-related components within Streamside Management Areas on the subject parcel.</p> <p>Per the applicant's Aquatic Resources Delineation, the parcel contains approximately 1,000 square meters of seasonal emergent wetland in small topographic depressions and larger swales that drain into small streams. These are mostly situated around two unnamed tributaries to Tosten Creek and are outside of the project area and proposed relocation area.</p>

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	6 spaces between APNs 219-081-003 and 219-081-001.

<b>CCLUO Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the CCLUO Finding</b>
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, the party who is the Southern Humboldt's Phoenix, LLC, applicant, submitted two applications for a total of 16,220 square feet of existing cultivation area and is entitled to eight acres. This application is for one Special Permit for a 10,000-square-foot cultivation area.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	The subject parcel is classified as agricultural land and contain second-growth forest and mixed meadow areas. CalFire reviewed the projects and had no concerns as to timber conversion or resource management.



<p>§ 314-55.4.6.1</p> <p>Eligibility Requirements – Resource Production and Residential Areas</p> <p>Zoning</p> <p>Minimum Parcel Size and allowed Cultivation Area</p>	<p>Outdoor and Mixed-light Cultivation Activities, On-Site Processing, and Nurseries shall be principally permitted with a Zoning Clearance Certificate or Special Permit when meeting the following Eligibility and Siting Criteria and all applicable Performance Standards, except when otherwise specified.</p> <p>AE, AG, FR and U when accompanied by a Resource Production General Plan land use designation requiring a parcel size of 5 acres or more.</p> <p>On parcels 10 acres or larger, up to 43,560 square feet of Cultivation Area with a Special Permit.</p>	<p>The project sites feature existing cultivation operations in rural Humboldt County on legal parcels zoned Forestry Recreation Special Building Site with assessed lot sizes of approximately 40 acres. A review of historic imagery using TerraServer indicates that in 2014 there was 2,100 square feet of mixed light and 7,900 square feet of outdoor cannabis cultivation visible using aerial imagery on APN 219-081-003. Going forward, the applicant proposes 10,000 square feet of outdoor light deprivation cannabis cultivation in greenhouses. The cultivation areas are consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CCLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.4</p> <p>Processing Facilities</p>	<p>Processing Facilities for commercial cannabis for other than an appurtenant, on-premises cultivation operation as provided in Section 314-55.4.9.1 shall be a permitted use in zoning district AG, AE, and RA as specified in the CMMLUO and shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Section 314-55.4.11 (q) through (u).</p>	<p>Drying and processing will occur on the subject parcel in a proposed 32' X 32' (1,024-square-foot) commercial structure. Processing may also occur off site at a licensed third-party facility. The project was reviewed by the Department of Environmental Health, which recommended conditional approval. The applicant must demonstrate that a properly functioning and approved Onsite Wastewater Treatment System (OWTS) serves the processing building. This is included as a condition of project approval.</p>

§314-55.4.6.4.4  Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The Site Plan and additional materials submitted by the applicant demonstrate that all cultivation facilities are located at least 30 feet from any property line. No schools or school bus stops are located within 600 feet of the cultivation areas. There are no parks as defined in County Code Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. There are no identified places of religious worship within 600 feet.
§314-55.4.11 Application Requirements	Identifies the information required for all applications	Attachment 4 identifies the information submitted with the applications and shows all the required information was received.
§314-55.4.12 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.
§314-55.4.12.1.8 Performance Standards–  Road System	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	The subject parcels are located on Lower Thomas Road, a privately-maintained road that is accessed via Salmon Creek Road and the publicly-maintained portion of Thomas Road. The applicant has provided a Road Evaluation for the access route stating that the roads have the functional capacity of a Category 4 road capable of accommodating commercial traffic. The projects were reviewed by the Public Works Department which recommended road improvements at the intersection of Thomas Road and Lower Thomas Road, including that the intersection be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) and that Lower Thomas Road be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Thomas Road. This road improvement has already been completed by another applicant. Conditions of approval for this project require the applicant to consent to join or establish a Road Maintenance Association (RMA) for Lower Thomas Road and to participate in the maintenance of the intersection in compliance with the Sight Visibility Ordinance.

<p>§314-55.4.12.1.10 Performance Standards– Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>The project is in the South Fork Eel Planning Watershed, the Salmon Creek HUC12 Watershed which is a cannabis-impacted watershed, and the South Fork Salmon Creek Super Planning Watershed. The subject parcel is classified as agricultural land and contains patchy mixed conifer and hardwood forests and open grassland with narrow stretches of riparian habitat along the South Fork Salmon Creek and Tostin Creek. The parcel was historically logged and contains some residual roads and landings. CalFire reviewed the projects and had no concerns as to resource management.</p> <p>There is a vegetated buffer between the cultivation area and water courses on the parcels and, following onsite relocation, no development will occur within Streamside Management areas on the site. Per the applicant's Aquatic Resources Delineation Report, prepared by Kyle Wear, there is approximately 1,000 square meters of seasonal wetlands on the parcel, mostly within the Streamside Management Areas of tributaries to Tostin Creek, but outside of the historic cultivation area, the proposed relocation cultivation area, the footprint of the proposed drying and processing building, and the proposed footprint of the applicant's 200,000 rainwater catchment pond, which will be the primary irrigation source, replacing the applicant's historic irrigation water source, a point of diversion on APN 219-081-001. Results of the Botanical Survey, conducted by Kyle Wear on 6/16/2020, concluded there are no special status plants within any of the project areas on the subject parcel.</p> <p>A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest Northern Spotted Owl (<i>Strix occidentalis caurina</i>) siting is approximately .7 miles away from the cultivation area on APN 219-081-003, while the nearest activity center is approximately 1.2 miles away. The nearest mapped Marbled Murrelet (<i>Brachyramphus marmoratus</i>) habitat is approximately 4.3 miles away. A Biological Reconnaissance Study was prepared for the parcel pursuant to a site visit by Biologist Jessica Stauffer of S.E. McAllister &amp; Associates on December 12, 2019. The study concluded that project activities are not expected to produce adverse cumulative effects to sensitive wildlife</p>
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		<p>species due to the small size of the project and the lack of significant habitat alteration. However, it recommended pre-construction surveys for obscure bumble bee, western bumble beam and western pond turtle as grassland habitat within the project footprint is suitable for nesting by each of these species. Should pre-construction surveys reveal the presence of nest sites of any of the aforementioned species, mitigation measures should be recommended to avoid impacts. If no nests are located, project activities should proceed as proposed. The need for preconstruction surveys is included as a condition of approval.</p> <p>The applicant shall enclose or otherwise muffle their generator to ensure that noise levels remain below 50db at 100 feet from the generator and at the edge of forest habitat and that noise levels do not increase by more than 3 decibels above ambient noise levels. Submission of a noise survey demonstrating compliance with these requirements is a condition of project approval. Further, as an ongoing condition of approval, the applicant shall adhere to the terms and reporting requirements established through their Final Streambed Alteration Agreement, or through any future Streambed Alteration Agreement. Additional ongoing conditions require the applicant to leave wildlife on the subject parcel undisturbed and to allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant 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. Security lighting shall be motion activated and downward facing in compliance with International Dark Sky Standards, and the propagation greenhouse shall be shielded from 30 minutes prior to sundown to 30 minutes after sunrise to ensure that no light escapes at a level visible from neighboring properties. Finally, all refuse shall be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.</p>
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§314-55.4.12.2 Performance Standards–  Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project, as proposed and conditioned, meets all the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.
§314-55.4.12.4 Performance Standards–  Light Pollution Control	a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise. b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.	The proposed project is for 10,000 square feet of existing outdoor cannabis to be cultivated in greenhouses using light deprivation and for a 1,000 square foot ancillary nursery. When supplemental lighting is used in the ancillary nursery, it shall be shielded between 30 minutes prior to sundown and 30 minutes after sunrise such that no light escapes at a level visible from neighboring properties, in compliance with International Dark Sky Standards. Security lighting shall also be motion-activated and downward facing.
§314-55.4.12.5 Performance Standards–  Energy Use	All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards: • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.	Power to the project is provided by an existing solar array with a backup generator. Conditions of approval require that the generator be used less than 20% of the time in compliance with the performance standard for energy use.

§314-55.4.12.6 Performance Standards–  Noise	Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.	The proposed projects are for cultivation of cannabis in greenhouses using light deprivation and for an ancillary nursery and an ancillary drying and processing building. The power source for the project is an existing solar array with a backup generator. The nearest Northern Spotted Owl siting is approximately .7 miles away. The nearest Northern Spotted Owl activity center is approximately 1.2 miles away. Ongoing conditions of approval require that noise levels remain at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of NSO habitat or Marbled Murrelet habitat, whichever is closer. Additionally, as a Condition of Approval, the applicant shall submit a noise plan detailing ambient noise levels on the parcel per 314-55.4.12.6.
§314-55.4.12.7 Performance Standards –  Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	Water for cannabis irrigation on APN 219-081-003 is sourced from a rain catchment system consisting of 44,250 gallons of water stored in hard tanks and a proposed 200,000-gallon rain catchment pond. Water is delivered to plants via drip lines and hand watering. The applicant's maximum anticipated annual water use is 200,000 gallons. Until the pond is constructed, the applicant will limit themselves to one cultivation cycle per year to ensure that their current capacity for water storage meets their water demand.
314-55.4.12.10 Performance Standards –  Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	Conditions of approval require the applicant to submit a soils management plan detailing the use of imported and native soil to the Planning Department for review and approval. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed. an invasive species control plan. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.

314-55.4.12.16 Performance Standards –  Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	Conditions of approval require the applicant to submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
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**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 projects will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permits and are included as conditions of approval.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed projects 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
§312-17.1.5 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 project would not change the housing development potential of the site or surrounding properties.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed projects are consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The projects are for the approval of existing cultivation and ancillary facilities, a Special Permit to allow the use of a point of diversion and a Special Permit that would allow for restoration activity within Streamside Management Areas. The environmental document on file include detailed discussions of all the relevant environmental issues.



ATTACHMENT 3

CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

*Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)  
(State Clearinghouse # 2017042022), January 2018*

*APN 219-081-003, Salmon Creek, County of Humboldt*

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

July 2020

## Background

**Project Description and Project History** – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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 EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Zoning Clearance Certificate for 10,000 square feet of existing outdoor cannabis cultivation under the CCLUO accompanied by a Special Permit for minor site reconfiguration and a Special Permit for activity in a Streamside Management Area associated with the decommissioning and restoration of a historic cultivation site. Cultivation will occur in four greenhouses using light deprivation. A 1,000 square foot ancillary nursery will support the operation. Water for irrigation will be sourced from a proposed 200,000-gallon rainwater catchment pond and will be stored in the pond and in existing water tanks. Drying and processing will occur onsite in a proposed 32'X 32' (1,024-square-foot) structure. The power source to the project will be a solar array with a backup generator. No employees will work onsite. The proposal to relocate the historic cannabis cultivation site to an environmentally superior location is supported by a Biological Survey, a Botanical Survey, and an Aquatic Resources Delineation, which state that with appropriate mitigations (pre construction surveys for western bumble bee, obscure bumble bee, and western pond turtle) there will be no impact to special status plants or animals within the areas proposed for relocation of the cannabis, construction of the processing building, and construction of the proposed rainwater catchment pond.. The Zoning Administrator will consider an Addendum to a previously adopted Environmental Impact Report per § 15164 of CEQA Guidelines.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, supplying irrigation water from a non-diversionary source and electricity from renewable sources.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize 1,825 square feet of mixed light and 1,550 square feet of outdoor commercial cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan and Addendums prepared by the applicant, received 12/6/2018, 1/6/2020, and 6/22/2020.
- Site Plan prepared by unknown party, showing existing project elements, received 6/22/2020.
- Site Plan prepared by Stillwater Sciences, showing proposed project elements, received 07/14/2020.
- Site Management Plan prepared by Timberland Resource Consultants, received 4/30/2020.
- Biological Report prepared S.E. McAllister & Associates, received 7/22/2020.
- Wetland Report prepared by Kyle Wear, received 6/22/2020.
- Botanical Report prepared by Kyle Wear, received 7/14/2020.
- Cultural Resources Study prepared by William Rich, M.A. RPA, received 08/05/2019.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR 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 EIR was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, 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 parcels, written consent of the owner for the application with original signature and notary acknowledgement. (On File)
3. Amended Site plan, showing APN 219-081-003, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A Cultivation and Operations Plan and Addendums for projects on APN 219-081-001 and APN 219-081-003 that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights. (Certificate H502398 – Attached for historic water source to be replaced by rain catchment pond)
6. Description of water source, storage, irrigation plan, and projected water usage. (See Cultivation and Operations Plan)
7. Copy of Notice of Applicability demonstrating enrollment in the Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ covering APN 219-081-001 and APN 219-081-003. (Attached)
8. Site Management Plan prepared by Timberland Resource Consultants for APN 219-081-001 and APN 219-081-003. (Attached)
9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Notification# 1600-2020-0081-R1 - Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report. (Attached)
16. Copy of the DEH Referral Worksheet. (On file)
17. Cultural Resources Study, prepared by William Rich, M.A., RPA, received 8/5/2019. (On file and confidential)
18. Biological Study, prepared by S.E. McAllister & Associates, received 7/22/2020. (On file and confidential)
19. Botanical Survey Results, prepared by Kyle Wear, received 7/14/2020 (On file and confidential)

20. Aquatic Resources Delineation, prepared by Kyle Wear, received 6/22/2020. (On file and confidential)

**Welsh, Liza**

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**From:** Darleen Hansen <southernhumboldtsphoenix@gmail.com>  
**Sent:** Monday, January 06, 2020 12:07 PM  
**To:** Welsh, Liza  
**Subject:** Re: App #15173 - APN 219-081-003 - Clarification Needed

Dear Liza,

Happy New Year! We are writing you to answer and clarify your 11 bullet points from your email dated 12-5-19. On 12-10-2019, we did hire Chris Carrol with TRC to update our 1600 report with CDFW. We are awaiting results and will forward to you as soon as we get it. We also hired Sean McCalister and Jessica Stauffer to survey our relocation garden spots and to survey proposed location for our pond. Additionally, we will forward that to you as soon as we get it. Ana, with TRC, will be updating our site map with all of the things that you have requested.

In reference to your latest email regarding question #1. We agree with option A. 10,000 Square Feet of Light Deprivation Cultivation with the addition of an Ancillary Nursery of 1,000 square feet. That is application #15173 and APN 219-081-003. (Please make correction on your letter, option A, you put 219-081-002, should be 219-081-003).

In reference to question #2, Application #17174 and APN 219-081-001. We accept 6220 square feet with an Ancillary Nursery of 1,000 square feet.

In reference to question #3, we hired a biologist to get our surveys completed regarding relocation and restoring our existing cultivation sites.

Regarding question #4, TRC has been hired and paid in full to complete a new 1600 with CDFW,

Regarding question #5, TRC is also updating our site map, with all of our stream side management areas, culverts, and new location spots, etc.....

In question #6, regarding the well, the SMP has clarified that it is not a well, It is considered a Spring. We are proposing a pond on application #15173, APN 219-081-003.

Regarding question #7, On December 10th, we hired Sean McCallister & Jessica Stauffer. They are working on getting our biology and environmental surveys for garden relocation and pond installation. We will forward this to you as we get them and we will continue to take the steps on our end to hire an engineer and then to get the proper permits to build the pond and begin relocating.

Question #8, regarding the barns. We will make sure that the proposed barn is clear on our site map. As far as the existing barn, it was built in 2007. This barn is on property 219-081-003. This barn is with in the Stream side Management Area and we will need to propose an alternate location to dry our cannabis. We will comply to your guidance and advise regarding this barn.

Question #9, the site map shows a Yurt on the property line. This property line is incorrect. We will show the correct property line on the revised site map, soon to come. The Yurt is beyond 30 feet from our Neighbors property line.

Question #10, we are working on getting the rest of the road evaluation. We will send it to you as soon as we get it.

Question #11, we will be purchasing, 2- 2,500 gallon fire suppression water tanks. We will include them on the updated site map. We will have this done by April 15th 2020.

Thank you, Liza< for your time and assistance. As soon as we receive our other reports we will send them to you immediately.

Sincerely,  
Darleen and Graham  
Southern Humboldt's Phoenix, LLC  
707-805-0501



On Dec 12, 2019, at 3:28 PM, Welsh, Liza <[lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us)> wrote:

Hi Darleen,

Thank you for letting me know! I look forward to receiving the clarifications and getting these projects scheduled for their hearings.

Best wishes,

Liza

<image001.png> *Liza Welsh*  
Planner / Cannabis Services Division  
Planning and Building Department  
[lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us)  
707.445.7541

New Redway Office Hours

Monday and Wednesday, 9:30 am to 3:30 pm

3156 Redwood Dr, Redway (707) 383-4100

Mondays – Building, Current Planning and Code Enforcement

Wednesdays – Building, Cannabis Planning and Long Range Planning

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**From:** Darleen Hansen <[southernhumboldtsphoenix@gmail.com](mailto:southernhumboldtsphoenix@gmail.com)>

**Sent:** Thursday, December 05, 2019 1:17 PM

**To:** Welsh, Liza <[lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us)>

**Subject:** Re: App #15173 - APN 219-081-003 - Clarification Needed

Dear Liza,

We have filled out and mailed our application for address assignment. We will work on the 11 clarifications in this following email. We will email you as soon as we have all 11 topics clarified. Thank you so much and have a great day.

Sincerely,

Darleen Hanen

p.s #1 Should read APN 219-081-003.

On Dec 4, 2019, at 10:51 AM, Welsh, Liza <[lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us)> wrote:

Hi Darleen,

I have drafted a Staff Report for App#15173 and App#15174. It will be one Staff Report that covers both permits. In working on the Staff Report, I've run into a few areas where I need additional clarification in order to properly explain things or to make the findings that the projects comply with County Code and State Law.

We will need a revised Site Map and an Addendum to the cultivation and operations plan that addresses the following items:

1. For App#15173/ APN 219-081-002 - While aerial imagery supports 10,000 square feet of pre-2016 cultivation, it doesn't support it all being mixed light. The year with the most cultivation that I found is 2014. I found about 2100 square feet of greenhouse (possibly mixed light) cultivation and 7,900 square feet of full sun cultivation. We cannot support approval of 10,000 square feet of mixed light cultivation. As I see it, you have two options:
  - a. We can support 10,000 square feet of light deprivation cultivation (pulling tarps, but no supplemental lighting). The County considers light deprivation cultivation to be a form of outdoor cultivation (and taxes it as outdoors). Then you can propose the addition of an ancillary nursery greenhouse of up to 1,000 square feet where you can start the clones and keep them under lights for a while. We allow supplemental lights in nurseries as long as they are shielded in accordance with International Dark Sky Standards such that no light escapes from 30 minutes prior to sunset and 30 minutes after sunrise. Ancillary nurseries are also exempt from taxes. This may be the smoothest path forward, and I believe it would be less expensive at the State level as you would only need one State license (for light dep cultivation, which the State considers mixed light).
  - b. You can do mixed light cultivation in one of your 2,000-square-foot greenhouses and have the other 8,000 square feet be outdoor/light deprivation. You could still add the ancillary nursery if you want. You would end up needing two State licenses, which may be more expensive.

Please consider these two options and let me know what you choose. If you want a nursery, its proposed footprint will need to be shown on the Site Map. If you want to designate one greenhouse as mixed light and have the others be outdoor/light deprivation, that will also need to be shown. These changes can take the form of hand edits if necessary.

2. For App #15174, application materials suggest that you are seeking a permit for 10,000 square feet of existing cultivation, however the Site Map only shows three greenhouses at 75' X 22' each on the parcel, for a total of 4,950 square feet, and when I looked at imagery of pre-2016 cultivation, the most that I could find was 6,220 square feet (3,000 square feet in greenhouses and 3,220 square feet full sun outdoor), and so we can't authorize 10,000 square feet. You can propose an amount up to 6,220 square feet, but it all needs to be shown on the Site Map. Historic areas that need to be relocated and restored need to be shown and the exact footprints of any areas proposed to be relocated also need to be shown. Your options here are the same as above - you can differentiate between mixed light and outdoor as long as they are in separate greenhouses and clearly labeled, or you can do the whole crop as light deprivation. You also have the option to add an ancillary nursery here if you like. Locations need to comply with Streamside Management Area requirements, as discussed below.
3. The Site Management Plan prepared by Timberland Resource Consultants describes cultivation areas and structures within riparian buffers of Class III streams. Looking at the map in the Site Management Plan, I see three Class III streams on APN 219-081-003 that are not shown on your Site Map. I also see various streams on An 219-081-001 We need to see these on the Site Map along with their respective Streamside Management Areas. We also need to see the wetland discussed in the Biological Reconnaissance Study with an appropriate buffer shown around it. Any cultivation-related areas or structures that are

within Streamside Management or Wetland Area buffers will need to be relocated elsewhere on the parcel and the footprints restored. It looks like the proposed relocation areas identified on your Site Map may work, but we can confirm that when we see all buffers and the exact footprints of where you will put the greenhouses.

4. The Site Management Plan describes various stream crossings and culverts that are not covered in your Streambed Alteration Agreement with CDFW. Notification to CDFW of these features is a requirement. Please let me know if you have satisfied it already. Otherwise, you will need to apply for a Streambed Alteration Agreement covering these features within 60 days of project approval.
5. Please label all water tanks on the parcel with their correct sizes.
6. Please let me know if you have had any success obtaining more documentation about your well (Well Completion Report, Well Log, etc). It is difficult to evaluate whether it's a non-diversionary source of water without this information. If your consultant can prepare a letter with an analysis of its likelihood for hydrologic connectivity, that may be helpful.
7. If you want to propose a pond as part of Phase II, we need to see its footprint on the Site Map and to know its size. Please add it. Please be sure that it is outside of Streamside Management Areas. Ultimately, you will need a Grading Permit to build this pond. Do you have plans prepared for it already? If so, please provide them.
8. Please provide more information about the proposed Ag Barn. Comments from the building inspector suggest that it may be existing. Please clarify.
  - a. If proposed, we need to know its size (footprint) and the location specified may not work if it is within a Streamside Management Area.
  - b. If this barn is actually existing, we need to know that, and to know when it was built. If it's within a Streamside Management Area, it may not be able to be used for cannabis and you may need to propose an alternate location to dry your cannabis.
9. Please clarify where employees will stay (onsite housing) while working on site, or state that they will stay off site.
  - a. Note that the Site Map shows an 18' X 18' yurt on the property line between APN 219-081-001 and APN 219-081-003. This can't be used for cannabis cultivation as the State Responsibility Area Ordinance requires all structures to be 30 feet from property lines. If there is no nexus to cannabis, we won't look at it as part of this process.
10. Comments from Public Works indicate that the Road Evaluation provided does not cover Lower Thomas Road, which is privately maintained. Please submit a Road Evaluation for that segment. I have attached the form. The engineer from Stillwater Sciences who prepared your Road Evaluation may have already completed an evaluation of this segment, so I suggest checking with him.
11. Please describe your preferred water source and/or stored water available for fire suppression on the parcels (Recommendation is 2,500 gallons minimum for rural sites).

Informational Note – As archaeological resources were identified on APN 219-081-003, the Bear River Band has requested the following: "No new ground disturbing actions within 100 feet of the site recorded as "WRA 01-Borst Site". If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 100-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. Since artifacts were identified on the property, the chance of encountering cultural resources may be more likely. Prior to having work done by any outside contracted firm, have the applicants communicate that they are in a culturally sensitive area to their contractors. The applicant should not hesitate to follow the protocols if they find suspected cultural resources."

I have a Draft Staff Report prepared, so once I receive the requested clarification, provided that it complies with County Code and State Law, I can plug the information into the Staff Report fairly quickly and get a hearing scheduled.

Best wishes,

Liza

<image001.png>

*Liza Welsh*

Planner / Cannabis Services Division

Planning and Building Department

[lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us)

707.445.7541

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Mondays – Building, Current Planning and Code Enforcement

Wednesdays – Building, Cannabis Planning and Long Range Planning

<Road Evaluation Report Form (2017-10-26).pdf>

Cultivation and Operations Plan: APN #219-083-003 , Application #15173

1. Description of water source, storage, irrigation plan, projected water usage, and forbearance.

**WATER SOURCE AND STORAGE:** Under an agreement with the department of Fish and Wildlife, and with an agreement with the State Water Board, we are allowed to divert and store water for our cannabis cultivation needs. We are permitting for 10,000 square feet and 1000 square feet of ancillary nursery. We will have 4 - 25' X 100' greenhouses. And, 1- 20' X 50' greenhouse for ancillary nursery. We are building a 200,000 gallon rain catching pond. We have a 25,000 gallon pioneer water tank for storage. And, we have a 5000 gallon storage tank. Total storage for water is 230,000 gallons.

**IRRIGATION PLAN:** We will have irrigation drip lines in all of our greenhouses. We plan on using a cover crop to keep moisture in the soil to practice better water conservation. We also plan on watering our gardens once or twice per week by hand, depending on heat and sun and excessive hot days. We will be working off of our 5000 gallon tank. That tank is filled regularly from the pond or the 25,000 gallon tank. We do this to safeguard and protect us from any water leaks or breaks in the water lines.

**PROJECTED WATER USAGE:** We will be using 1000 to 1500 gallons of water per day. From June through October we project to use 180,000 to 200,000 gallons of water total.





## Cultivation and Operations Plan:

1. Description of water source, storage, irrigation plan, projected water usage, and forbearance.

**WATER SOURCE AND STORAGE:** Under an agreement with the department of Fish and Wildlife, and with an agreement with the State Water Board, we are allowed to divert and store water for our cannabis cultivation needs. We are permitting 2 parcels, 219-081-001 & 219-081-003. The 2 parcels are connected with pre-existing 10,000 square feet for each parcel. Parcel, 219-081-001 has a well. We store 40,000, 5000, 1500, 5000 and 5000 gallon tanks. We use the tanks to store the water from the well. Parcel, 219-081-003 has a Fish and Wildlife 1600 permit with a streambed alteration. We also have State Water Board Certificates for storage of water for cannabis use. We store this forbear or diverted water in water tanks. The tanks sizes are: 25,000 gallons; 1500 gallons; 5000 gallons; and three tanks that are rain catchment tanks, 4250 gallons, 4250 gallons, and 4250 gallons.

**IRRIGATION PLAN:** We use drip line & top mulch. We find that this is the most efficient and best practice for water conservation and utilization. We also hand water once a week.

**PROJECTED WATER USAGE:** During the hot and dry periods of the summer we estimate we will be using 100 gallons per bed. We have 6 beds, totalling 600 gallons per day. The total projected daily dripline and dripper irrigation use is projected to be 600 gallons per day, during the hottest days, and slightly less during days without dry heat. Once a week plants receive hand watering. This is projected to be 1000 gallons per week. If the grow period is between May 15th and October 15th, the total possible water usage is projected at:

PHASE (I) One Deprivation Cycle

PHASE (II) Two Deprivation Cycles

PHASE (I) Total possible water usage is projected at 36,000 gallons of dripline with an additional 8000 gallons of water with hand watering. Total water usage is 44,000 gallons of water, per parcel.

PHASE (II) Total possible water usage is projected at 72,000 gallons of dripline with an additional 16,000 gallons of water with hand watering. Our total projected water usage for cannabis is projected at 88,000 gallons per parcel, 176,000 gallons for both parcels for phase (II).

2. Description of site drainage including runoff and erosion control measures.

**SITE DRAINAGE:** On parcel 219-081-001 we garden on a site of our property, which is flat. We have 4 garden spots. They are in raised beds and pots and we do not have any runoff sediment. We plant cover crop after season to prevent any and all erosion. On parcel 219-081-003 we garden on a flat area as well. Our gardens are in raised beds and pots. There is no runoff sediment and we plant cover crop to prevent any and all erosion.

**EROSION CONTROL MEASURES:** We are taking multiple measures, including hiring Timberland Resource Consultants, to develop a roads and site drainage plan. We have planted the cultivation area away from any unstable or erosion zones.

3. Detail of measures taken to ensure protection of watershed and nearby habitat.

The cultivation area on parcel 219-081-001 is currently located within the SMA close to a water course. We propose to re-locate this cultivation area to a more suitable site that is in the best interest of the habitat and water course. Please refer to the Site Map for the proposed re-location area. We have hired a biologist and have brought up all of these concerns. We are awaiting results. Our grow area on parcel 219-081-003 is far enough away from any water courses. We have preserved forest lands as buffer zones for habitat as well as wind buffers.

4. Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized.

**STORAGE OF FARM PRODUCTS:** We have a garden shed with a slate floor and shelves for storage of organic only liquid fertilizer. All other organic amendments, nutrients, and organic pesticides are stored in plastic food grade bins, in the same shed which is lockable. We only utilize products that are sold in local grow supply stores, and seek out products that are OMRI certified organic. We have buckets and storage containers for disposal of concentrated nutrients, petroleum products, or hazardous materials.

5. Description of cultivation activities.

**CURRENT CULTIVATION ACTIVITIES:** On parcel, 219-081-001, we currently utilize two cultivation sites, labeled 1 and 2 on the site map. Cultivation Area 1 consists of two 75'x22' sq ft light deprivation greenhouses. Cultivation Area 2 exists near the cottage on site and contains a single 75' x 22' sq ft light deprivation greenhouse as well as nearly 9,000 sq ft of existing smartpots and light deprivation beds. Cultivation Areas 4-6 are all located on the neighboring parcel to the south APN: 219-081-003. Cultivation Area 4 consists of a single 40'x50 sq ft light deprivation greenhouse labeled as D on the site map. Cultivation Area 5 consists of a single 80' x25' sq ft light deprivation greenhouse labeled as E on the site map. Cultivation Area 6 consists of three 80'x25' sq ft light deprivation greenhouses labeled as F,G,H on the site map.

**PROPOSED ACTIVITY:** We propose to re-locate greenhouses D and E to the centralized location just north of the greenhouses labeled F,G,H. A Ag barn is proposed near this site as well for drying, processing and storage areas. Please refer to site map for proposed re-location areas.

We propose to re-locate the entire cultivation area 2 to a undisturbed flat in the north east quarter of APN: 219-081-001. Please refer to site map for proposed re-location area.

We post all safety standard and operations procedure on poster board within the garden areas. We follow all product application rates, safety standards for equipment, and basic safety work conditions for our land. We will chart all farm activity on a chart and calendar in our greenhouse. We will test all products before they are available for patients and clients. We will

follow all protocol involving clean up of all cultivation sites. We will maintain the highest standards of preserving the habitat and keeping the land in pristine condition.

**SOILS MANAGEMENT PLAN:** We recycle all of our soil and amend the soil at the beginning of each season. We purchase more soil each year, quantities depend on how much is needed.

6. **Processing Plan:** We are not permitting for processing. We will process off site at a certified permitted processing plant. We would like to ultimately apply for a processing permit as we grow. We have a sanitized drying room barn. We utilize bleach and hydrogen peroxide in our sanitation process. We will naturally hang dry on wires for approximately 2 weeks for each garden. We have a solar powered facility and we use fans to keep the air circulating and fresh during the drying process. We have a back up Honda EU 7000is generator for emergency power only. We have 15 - 175 watt solar panels. We have 16 deep cycle batteries. Our plan is to add more solar and more battery storage as we grow.

We comply with all the safety standards for a workplace. We have emergency phone numbers, local resource information, rights and responsibilities are posted.

**MATERIALS & SOIL MANAGEMENT PLAN:** Our materials for each year include: soil, clones, organic fertilizer, and organic pesticides, black plastic and clear plastic. We acknowledge that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

#### 7. Schedule of activities during each month of the growing and harvesting season:

##### January-February

- Maintain roads and waterways, culverts, and fix and emergency unexpected problems.
- Fill all of our water storage tanks

##### March

- Preparation of garden beds
- Amending soil
- Clean up land area at cultivation sites
- Maintain infrastructures and water lines

##### April

- Purchasing clones
- Planting in pots under light
- Cover all gardens with dark plastic to prevent light at night
- Watering and managing

##### May



- Continue watering and managing
- Transplanting from pots to garden beds

#### June

- Mulching
- Watering and managing
- Pulling dark plastic to begin our light deprivation process

#### July

- Watering and managing
- Continue pulling plastic
- Prepare round 2 of clones, no lights necessary, we will be using natural sunlight

#### August

- Harvesting 1st cycle
- Managing the drying process
- Amending beds for 2nd cycle
- Replanting beds for 2nd cycle
- Watering and maintaining gardens

#### September

- Continue watering and maintaining

#### October

- Harvesting 2nd cycle
- Drying 2nd cycle
- Maintaining the gardens

#### November

- Cleaning up
- Shutting down
- Taking all necessary steps for winterization

#### December

- Planting cover crop
- Mulching

8. Identify the operation's primary power source including projected generator use. For all generators provide noise levels in decibels (dB), and any noise reduction provided for conformance to Humboldt County Code Section 314-55.4.11 (o).

- Our primary source of power is: 15 - 175 watt solar panels. We have 16 back up storage batteries. The batteries and generator are stored in a junior barn.
- We have a backup generator, Honda 7000eu, dB @ ¼ load is 52 dB. At maximum load it is 58 dB. We never use more than ¼ load.

#### 9. Security Plan

- Locked gates at the driveway entrances and exits
- Security cameras at locked gates
- Security camera are tied in with our phones and computer. We are able to keep a constant watch on all operations
- All buildings have lockable doors and windows
- We additionally have 4 hidden game cameras throughout the property
- All finished product is stored in a facility that cannot be breached
- There is a safe/vault in the plan for the future

Pre-Existing Cultivation Areas

Parcel 219-081-003





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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H502398*

CERTIFICATE *H100259*

Right Holder: *Darleen Hansen*  
*4140 Lower Thomas road*  
*Miranda, CA 95553*

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 *09/05/2018*. 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)
Primary POD	South Fork Salmon Creek	Salmon Creek	South Fork Eel River	40.184901	-123.885600	Humboldt	219-081-001

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	219-081-001	0.23
Irrigation	Humboldt	219-081-003	0.23

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *09/26/2018*.

The place of use is shown on the map filed on *09/26/2018* 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 **2.03 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 3.36 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](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: 09/26/2018 08:19:00

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North Coast Regional Water Quality Control Board

September 20, 2018

WDID:1\_12CC404177

DARLEEN HANSEN  
4140 LOWER THOMAS RD  
MIRANDA, CA 95553

Subject: Notice of Applicability - Waste Discharge Requirements Water  
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy: Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

  
in behalf of  
Water Boards

2018.09.21 14:57:29 PDT

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

180917\_11\_1\_12CC404177\_Southern Humboldt's Phoenix\_NOA\_TW

David M. Nixson, owner | Matthias St. John, executive services  
5555 Skyline Blvd., Suite A, Santa Rosa, CA 95405 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)

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RECEIVED

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

JUN 15 2020

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION No. 1600-2020-0081-R1

Unnamed Tributaries to the South Fork Salmon Creek, Tributary to  
Salmon Creek, Tributary to the South Fork Eel River, Tributary to the  
Eel River and the Pacific Ocean

Darleen Hansen and Graham Borst  
Hansen and Borst Water Diversion and Stream Crossings Project  
8 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Darleen Hansen and Graham Borst (Permittees).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittees initially notified CDFW on February 19, 2020, 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 Salmon Creek and South Fork Eel River watersheds, approximately 5.5 miles west/southwest of the town of Philipville, County of Humboldt, State of California. The project is located in Section 19, T3S, R3E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 219-081-001 and 219-081-003; latitude 40.1853 N and longitude 123.8857 W.



## PROJECT DESCRIPTION

The project is limited to eight encroachments. Two encroachments are for water diversion from unnamed tributaries to the South Fork Salmon Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The six other proposed encroachments are to upgrade culverts, install two new culverts, rock armor inlets and outlets of culverts, and realign a diverted stream. Work for these encroachments will include excavation, removal of existing culverts, installation or replacement with new culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.1878, -123.8836	Rock armor existing 24" diameter culvert at road/stream crossing
Crossing-2	40.1872, -123.8839	Realign diverted stream from ditch to the natural channel and install a minimum 18" diameter culvert at road/stream crossing
Crossing-3	40.1862, -123.8848	Permit recently installed 36" diameter culvert and associated rock armoring at road/stream crossing
Crossing-4	40.1850, -123.8867	Maintain and rock armor outlet of existing 18" diameter 60 foot-long culvert through developed area near structure
Crossing-5	40.1814, -123.8856	Rock armor inlet of existing 18" diameter culvert at road/stream crossing
Crossing-6	40.1814, -123.8861	Replace existing dirt ford with a minimum 18" diameter culvert at road/stream crossing
POD-1	40.1876, -123.8857	Water diversion from a shallow horizontal well for domestic use and irrigation
POD-2	40.1853, -123.8857	Water diversion from the South Fork Salmon Creek for emergency or as needed

## PROJECT IMPACTS

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

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

**Impacts to water quality:**  
increased water temperature;  
reduced instream flow;

temporary increase in fine sediment transport;

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

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

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

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

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittees shall meet each administrative requirement described below.

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

- 1.5 **Notification of Conflicting Provisions.** The Permittees shall notify CDFW if the Permittees determine or learn that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Project Site Entry.** The Permittees agree to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittees shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittees shall notify CDFW no later than seven (7) days after the project is fully completed.

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

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the 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 February 19, 2020, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

### **Project Timing**

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2021**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittees wish to extend the work period after October 1, a written request shall be made to

CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

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

### **Vegetation Management**

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

### **Water Diversion**

- 2.9 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **five (5) gallons per minute (gpm)** at any time.
- 2.10 Bypass Flow: South Fork Salmon Creek. The Permittees shall bypass **95% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.11 Seasonal Diversion Minimization. No more than **200 gallons per day** shall be diverted during the low flow season from **May 15 to December 15** of each year. Water shall be diverted only if the Permittees can adhere to conditions 2.9 and 2.10 of this Agreement.
- 2.12 Measurement of Diverted Flow. Permittees shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittees. The device shall be installed within the flow of diverted water. The Permittees shall maintain records of diversion, and provide information including, but not limited to the following:

2.12.1 The date diversion occurred.

- 2.12.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.12.3 Permittees shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.13 **Water Management Plan.** The Permittees shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

### **Water Diversion Facility Retrofit**

- 2.14 **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.
- 2.15 **Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.16 **Intake Screening.** The Permittees shall regularly inspect, clean, and maintain screens in good condition.
- 2.16.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.16.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.16.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should

be taken not to use materials deemed deleterious to aquatic species.

- 2.16.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.17 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.18 Exclusionary Devices. Permittees shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.19 Diversion Infrastructure Plan (DIP). The Permittees shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the CDFW Fish Screen Criteria will be achieved under this Agreement.
- 2.20 Diversion Intake Removal. Permittees shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.21 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittees shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

### **Diversion to Storage**

- 2.22 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.23 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittees shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittees shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.



- 2.24 Water Conservation. The Permittees shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.25 State Water Code. This Agreement does not constitute a valid water right. The Permittees shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### **Stream Crossings**

- 2.26 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.
- 2.27 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.
- 2.28 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.29 Dewatering.
- 2.29.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittees shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.29.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittees shall allow sufficient water at all times to pass downstream to maintain aquatic life

below the dam pursuant to Fish and Game Code §5937.

- 2.29.3 Stranded Aquatic Life.** The Permittees shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.
- 2.29.4 Coffer Dams.** Prior to the start of construction, Permittees shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.
- 2.29.5 Minimize Turbidity, Siltation, and Pollution.** Permittees shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittees shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.
- 2.29.6 Remove any Materials upon Completion.** Permittees shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.
- 2.29.7 Restore Normal Flows.** Permittees shall restore normal flows to the effected stream immediately upon completion of work at that location.
- 2.30 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.
- 2.31 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.

## **2.32 Culvert Installation.**

2.32.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is not recommended.

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

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

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

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

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

## **2.33 Crossing Maintenance**

2.33.1 The placement of armoring shall be confined to the work period when the

stream is dry or at its lowest flow

2.33.2 No heavy equipment shall enter the wetted stream channel.

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

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

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

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

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

## **Erosion Control and Pollution**

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

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

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

### 3. Reporting Measures

- 3.1 Work Completion. The proposed work shall be completed by no later than **October 1, 2021**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.12) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2020**.
- 3.3 Water Management Plan. The Permittees shall submit a **Water Management Plan** (condition 2.13) within **60 days** from the effective date of this agreement. The

Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 3.4 Diversion Infrastructure Plan. The Permittees shall submit the **Diversion Infrastructure Plan** (condition 2.19) to CDFW at the 619 Second Street, Eureka, CA 95501.
- 3.5 Project Inspection. The Permittees shall submit the **Project Inspection Report** (condition 2.35) 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:

Darleen Hansen and Graham Borst  
Southern Humboldt's Phoenix  
P.O. Box 103  
Miranda, California 95553  
707-367-5957  
[southernhumboldtsphoenix@gmail.com](mailto:southernhumboldtsphoenix@gmail.com)

### To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2020-0081-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 Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

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

## **EXTENSIONS**

In accordance with FGC section 1605(b), the 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 fail 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](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

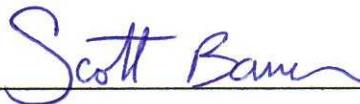
The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR Darleen Hansen / Graham Borst**

  
\_\_\_\_\_  
Darleen Hansen / Graham Borst

6-12-2020  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

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

6/17/2020  
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, June 1, 2020



## ATTACHMENT 5

### Referral Agency Comments and Recommendations for APP#15173

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

Referral Agency	Response	Recommendation	Location
Public Works Land Use	✓	Conditional Approval	Attached
Department of Environmental Health	✓	Conditional Approval	Attached
Building Inspection	✓	Other Comments	Attached
Cal Fire	✓	Other Comments	Attached
Humboldt County Sheriff	✓	Other Comments	Attached
North Coast Regional Water Quality Control Board	✓	Other Comments	Attached
NWIC	✓	Other Comments	On file
Bear River Band	✓	Other Comments	On file
Cal Fish and Wildlife		No response	
Sinkyone Intertribal Wilderness Council		No response	
County Counsel		No response	
District Attorney		No response	
Ag Commissioner		No response	
Salmon Creek FPD		No response	
RWQCB		No response	
NCUAQMD		No response	
Southern Humboldt Unified School District		No response	



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

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

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: Liza Welsh, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 02/25/2019

RE:

<b>Applicant Name</b>	<b>SOUTHERN HUMBOLDT'S PHOENIX, LLC</b>
<b>APN</b>	<b>219-081-001</b>
<b>APPS#</b>	<b>PLN-15173-ZCC</b>

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 appears to have submitted a road evaluation report missing the non-County maintained access road to the subject parcel, known as Lower Thomas Road. The County roads, Salmon Creek Rd and Thomas Rd are listed on the "accepted list" of Exhibit D.

// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15173

☐ **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: (AT END OF COUNTY MAINTAINED RD)**

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 //

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Status:

[History](#)

### PRE-SITE

#### Project Started

☐ Yes ☐ No

#### AOB Inspection

☐ Yes ☒ No

#### Soil Required Due to

#### Project is in flood zone A

☐ Yes ☒ No

#### 2nd Flood Certificate Required

☐ Yes ☒ No

#### SRA requirements apply

☒ Yes ☐ No

#### SRA water storage requirements apply

☐ Yes ☐ No

#### Grading permit required

☐ Yes ☐ No

#### Erosion and sediment control measures required

#### Lot created prior to 1992

☐ Yes ☐ No

#### Incomplete Submittal Construction Plan

☐ Yes ☐ No

 Standard Comment

#### Plans Stamped by Licensed Prof Required

☐ Yes ☐ No

#### Soil Report Required

☐ Yes ☐ No

#### FIRM panel number

(Text)

#### Flood elevation certificate required

☐ Yes ☐ No

#### Project appears to be within wet area

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

☐ Yes ☐ No

#### Driveway slope appears to be

#### Submit engineered foundation for

#### Applicant must locate property lines

☒ Yes ☐ No

#### Plot plan incomplete, must be revised

☒ Yes ☐ No

#### Other concerns exist

☐ Yes ☐ No

Project Referral  
3/5/19 AM  
- revise and re-submit plot plan  
(existing barn, correct number of water tanks and sizes)

**check spelling**

**Attachment(s) :** 

**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.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**





## North Coast Regional Water Quality Control Board

### CEQA Project Review and Comment Cannabis Program Project Name: WDID No. (1\_12CC404177) Date: 3/4/2019

APN: 219-081-001	County: Humboldt	Case, File or Appl. No. PLN-2018-15173	RWB Reviewer: MWASHINGTON
Date Referral Received: February 1, 2019		Date Comments Requested By: February 16, 2019	
<b>Site Location and Landowner Information</b>			
Physical Site Address: 4140 Lower Thomas Rd. Miranda, CA 95553		Mailing Address: 4140 Lower Thomas Rd. Miranda, CA 95553	
<b>CEQA Lead Agency Contact</b>		<b>Document Type</b>	
Liza Welsh		CEQA: <input type="checkbox"/> CE <input type="checkbox"/> NOP <input type="checkbox"/> IS <input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> DEIR Other: <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Project Referral	
<b>Project Description</b>			
A Zoning Clearance Certificate for 10,000 square feet of mixed light cannabis cultivation and microbusiness activity on APN 219-081-003. The water source is stream diversion, a well, and rainwater catchment. 44,250 gallons of water is stored in hard tanks serving two project, the subject application and App #15174 on APN 219-081-001. and delivered to plants via drip lines and hand watering. The anticipated annual water use in Phase One is 44,000 gallons. The anticipated annual water usage in Phase Two is 88,000 gallons. The applicant anticipates two cycles per year. Drying will occur onsite. Other processing will occur off site at a third party facility. The power source is solar with a backup generator. Water for cultivation is sourced from a well.			
<b>Cannabis Program Enrollment</b>			
North Coast Regional Water Quality Control Board Order No. R1-2015-0023 Enrolled? <input type="checkbox"/> Yes, <input checked="" type="checkbox"/> No  Enrollment Tier <input type="checkbox"/> Tier 1, <input type="checkbox"/> Tier 2, <input type="checkbox"/> Tier 2*, <input type="checkbox"/> Tier 3		State Water Board Cannabis Program Order No. WQ-2017-0023-DWQ Enrolled? <input checked="" type="checkbox"/> Yes, <input type="checkbox"/> No, <input type="checkbox"/> Exempt (Personal Use), <input type="checkbox"/> Conditionally Exempt  Enrollment Tier	

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)



	<input checked="" type="checkbox"/> Tier 1, <input type="checkbox"/> Tier 2  Risk Level <input checked="" type="checkbox"/> Low, <input type="checkbox"/> Medium, <input type="checkbox"/> High
<b>Tribal Authorization, for cultivation within 600 feet of tribal lands (PRC section 21073)</b>	
<input type="checkbox"/> Authorized <input type="checkbox"/> Request for authorization denied by Tribe <input type="checkbox"/> Authorization required <input checked="" type="checkbox"/> Not applicable (Cultivation not within 600 feet of tribal lands)	
<b>CEQA Document Review and Project Proposal Comments</b>	
<input type="checkbox"/> No Comment at this time <input type="checkbox"/> Recommend Conditions be Applied to the Project (See requirements below) <input checked="" type="checkbox"/> Recommend Environmental Impact Report <input checked="" type="checkbox"/> Additional Information Requested or Potential Permits Required (see comments below)	
<b>Regional Water Board Authority</b>	
<p>The North Coast Regional Water Quality Control Board (Regional Water Board) implements the Porter Cologne Water Quality Control Act and Federal Clean Water Act, and is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) otherwise known as Waters of the State and United States and the protection of the beneficial uses associated with those waters. We regulate the discharge of waste to land and waters of the state as well as implement the federal Clean Water Act in California.</p> <p>The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "Waters of the state" refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e)). This definition is broader than that of "waters of the United States" and consequently should always be acknowledged and considered when determining impacts upon water resources.</p> <p>Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated.</p> <p>Any impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. Project proponents are required to first avoid and second to minimize impacts to waters of the State, such efforts must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.</p> <p><u>Antidegradation Policy</u></p> <p>The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law.</p>	

Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Therefore, projects are not authorized to discharge increased concentrations of pollutants, increased volumes of treated wastewater, or adversely modify an ecosystem that may result in degradation of high quality waters.

Please consider the following water quality concerns identified below when adding conditions of approval to a project or conducting a CEQA analysis of potential impacts.

### Watershed

**Eel River, South Fork Eel River, Weott,**  
Cal Water # Weott Creek, 1111.310202  
HUC 12- South Fork Salmon Creek, 180101060404

### Section 303 d Listings

- ☒ Sediment
- ☒ Siltation
- ☐ Nutrients
- ☒ Temperature
- ☒ Aluminum

### TMDL Projects:

- ☐ NONE
- ☐ Total Maximum Daily Load Implementation Policy for Sediment Impaired Receiving Waters
- ☒ Eel River, South Fork
- ☐ Elk River
- ☐ Freshwater Creek

### Beneficial Uses

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> MUN--Municipal and Domestic Supply</li> <li><input checked="" type="checkbox"/> AGR--Agricultural Supply</li> <li><input checked="" type="checkbox"/> IND--Industrial Service Supply</li> <li><input checked="" type="checkbox"/> PRO--Industrial Process Supply</li> <li><input checked="" type="checkbox"/> GWR--Groundwater Recharge</li> <li><input checked="" type="checkbox"/> FRSH--Freshwater Replenishment</li> <li><input checked="" type="checkbox"/> NAV--Navigation</li> <li><input checked="" type="checkbox"/> POW--Hydropower Generation</li> <li><input checked="" type="checkbox"/> REC-1--Water Contact Recreation</li> <li><input checked="" type="checkbox"/> REC-2--Non-Contact Water Recreation</li> <li><input checked="" type="checkbox"/> COMM-- Commercial and Sport Fishing</li> <li><input checked="" type="checkbox"/> WARM--Warm Freshwater Habitat</li> <li><input checked="" type="checkbox"/> COLD--Cold Freshwater Habitat</li> <li><input type="checkbox"/> ASBS--Preservation of Areas of Special Biological Significance</li> <li><input type="checkbox"/> SAL--Inland Saline Water Habitat</li> </ul> | <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> WILD--Wildlife Habitat</li> <li><input checked="" type="checkbox"/> RARE--Rare, Threatened, or Endangered Species</li> <li><input type="checkbox"/> MAR--Marine Habitat</li> <li><input checked="" type="checkbox"/> MIGR--Migration of Aquatic Organisms</li> <li><input checked="" type="checkbox"/> SPWN--Spawning, Reproduction, and/or Early Development</li> <li><input type="checkbox"/> SHELL--Shellfish Harvesting</li> <li><input type="checkbox"/> EST--Estuarine Habitat</li> <li><input checked="" type="checkbox"/> AQUA--Aquaculture</li> <li><input type="checkbox"/> CUL--Native American Culture</li> <li><input type="checkbox"/> FLD--Flood Peak Attenuation/ Flood Water Storage</li> <li><input type="checkbox"/> WET--Wetland Habitat</li> <li><input type="checkbox"/> WQE--Water Quality Enhancement</li> <li><input type="checkbox"/> FISH--Subsistence Fishing</li> </ul> |
|---|---|

### Threatened and Endangered Species

- ☐ Tidewater Goby
- ☒ Chinook Salmon California Coastal ESU
- ☒ Coho Salmon Central California Coast ESU
- ☐ Coho Salmon Southern Oregon Northern California Coastal ESU
- ☒ Steelhead Trout Northern California Distinct Population Segment (DPS)
- ☐ Steelhead Trout Central California Coast DPS
- ☐ California Tiger Salamander
- ☐ California Red Legged Frog
- ☐ Freshwater Shrimp

**This is not a comprehensive account of listed species, please refer to the CA Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and NOAA-National Marine Fisheries Service for a complete list.**

### Documentation Required to Assess Project Compliance with the Water Code

- ☐ Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
- ☐ Low Impact Development Strategy
- ☐ Waste Characterization/Disposal Strategy
- ☐ Riparian/Stream/Wetland Avoidance Strategy
- ☐ Water Rights Documentation
- ☐ Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
- ☐ Water Resource Protection Plan
- ☐ Cleanup and Restoration Plan
- ☐ Evidence of Consultation with Army Corps of Engineers
- ☐ Evidence of Consultation with Dept. of Fish and Wildlife
- ☐ Cumulative Impact Assessment for Project Sub Watershed
- ☐ Other, described as follows:

### Permits and Mitigations Likely Required for Project Compliance

- ☐ Federal Clean Water Act section 401 State Water Quality Certification  
[https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/](https://www.waterboards.ca.gov/water_issues/programs/cwa401/)
  - ☐ Cannabis Regulatory Program Enrollment  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/water_issues/programs/cannabis/)
  - ☐ Waste Discharge Requirements / Water Quality Certification for Instream Work  
[https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/orig\\_401\\_app\\_form.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/orig_401_app_form.pdf)
  - ☐ Construction Storm Water General Permit (for disturbed area greater than one acre)  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)
  - ☐ Industrial Storm Water Permit  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html)
  - ☐ National Pollutant Discharge Elimination System Permit (NPDES)
- Describe NPDES permit required:

### Additional Comments or Recommendations

In the event the project proponent or lead agency has already addressed requested information please provide the information identified above or develop such information to demonstrate compliance with the Water Code. In the event that the project applicant determines the requested information is not necessary, please provide justification to support the project's compliance with the Water Code.

- The South Fork Salmon Creek, is critical habitat for Coho, Chinook salmon, and steelhead. Reassess the riparian setback requirements for all cultivation areas.
- Cultivation area one, is situated on sloped terrain, make sure proper BPTC measures are implemented to reduce and eliminate erosion potential.

### Signature Block

Date: 3/4/2019