



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 1, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Optimal Farms, Inc., Special Permits**
Record Number: PLN-11317-SP
Assessor's Parcel Number: 221-101-012
9295 Doody Ridge Road, Ethersburg area

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Please contact Stephen Luther Planner, at 707-268-3737, or by email at sluther@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date October 1, 2020	Subject Special Permits	Contact Stephen Luther
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Project Description: A Special Permit for an existing 9,880-square-foot cannabis cultivation operation of which 2,160 square feet (SF) is outdoor and 7,720 SF is mixed-light. Onsite relocation is proposed for environmental protection from erosion. Irrigation water is sourced from a Class III stream diversion. Estimated irrigation water use is 101,000 gallons per year. Existing water storage capacity is 78,500 gallons in 17 hard-sided tanks. An additional 50,000-gallon steel tank is proposed to bring the total to 128,500 gallons. Drying and curing only will occur onsite in a proposed 1,250-square-foot building, and additional processing will occur offsite at a licensed processing facility. Power for the operation is provided by a 4-kW solar array and supplemented by two Honda EU2000 and EU3000 generators. The applicant will provide a plan for phasing out generators. A Special Permit is also requested to permit after-the-fact development within the Streamside Management Area (SMA) for the point of diversion located on an unnamed Class III tributary to Mattole Canyon Creek.

Project Location: The project is located in the Ettersburg area, on the east and west sides of Doody Ridge Road, approximately 2.6 miles North from the intersection of Dutyville Road and Doody Ridge Road, on the property known as 9295 Doody Ridge Road.

Present Plan Land Use Designation: Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-11317-SP

Assessor’s Parcel Number: 221-101-012

Applicant	Owner	Agent
Humboldt Optimal Farms, Inc. Alan Bates 2110 Stanford Circle Eureka, CA 95503	Alan Bates & Matthew Humecke 20452 Kittridge Street Winnetka, CA 91306	North Point Consulting, Inc.

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

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Humboldt Optimal Farms, Inc. Special Permits

Record Number: PLN-11317-SP

Assessor's Parcel Number: 221-101-012

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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report, and adopt the Resolution approving the proposed Humboldt Optimal Farms, Inc. project subject to the recommended conditions.

Executive Summary

A Special Permit (SP) is requested for a 9,880-square-foot cannabis cultivation operation of which 2,160 square feet (SF) is outdoor and 7,720 SF is mixed-light. The subject parcel is currently developed with a single-family residence, a garage, two sheds, and an accessory building. The applicant proposes construction of a 1,250 SF metal building for drying and curing and a 120 SF pesticide and agricultural shed. A Special Permit is also requested for work within the Streamside Management Area (SMA) consisting of the relocation of a water tank and shed out of the SMA and the after-the-fact permitting of a spring box used for agricultural diversion located within an unnamed Class III tributary to Mattole Canyon Creek.

Cultivation areas are arranged on the subject parcel as described in the following table:

Cultivation Area	Number of Greenhouses	Size of Greenhouses (SF)	Cultivation Type
1	3	2,160 2,280 750 (propagation)	Mixed light
2	2	2,160 1,120	Mixed light
2	1	2,160	Outdoor

In order to meet the setback to the western property line, the 2,160-square-foot greenhouse was relocated 15 feet east. The four mixed-light greenhouses and the nursery utilize supplemental lighting to extend daylight hours and achieve up to two harvest cycles per year. The outdoor greenhouse utilizes light deprivation and no supplemental lighting will be used. The four (4) mixed-light greenhouses and one (1) propagation greenhouse shall be covered when lights are in use such that no light escapes, and all lighting will comply with International Dark Sky Standards. Power for the operation is provided by an existing 4 kW solar array and two generators, a Honda Eu 2000 and 3000. Generators are housed in containment sheds. A Northern Spotted Owl (NSO) activity center is located 0.77 miles from the project. Final Critical Habitat for NSO and Marbled Murrelet is mapped 0.55 miles from the project site. All operational noise, including fans, pumps and generators, shall be less than 50 decibels as measured 100 feet from the source or to the edge of the tree line, whichever is closer. Staff contacted the agent on September 2, 2020 to inquire whether their client would be amendable to voluntarily transitioning to renewable energy. The agent responded on September 10 indicating the applicant was willing to pursue a plan to

transition the power source away from generators to a predominantly solar-powered operation. Depending on the final approved transition plan, a generator may still be onsite as an emergency backup source. A Condition of Approval requires an implementation schedule be provided within 90 days of project approval.

The project proposes to relocate a historic cultivation area to a single environmentally superior area. Humboldt Optimal Farms, Inc. provided a relocation report prepared by NorthPoint Consulting (see section 1.1.1 of the Cultivation and Operations Plan). Cultivation historically occurred on a flat in the southeastern portion of the parcel near the residence. According to the USGS web mapping, the site is located on slopes greater than 50% and is approximately 40 feet from a Class III stream buffer. The proposed relocation site has slopes between 15 to 30% and is more than 200 feet from all waterways. The relocation site was cleared of timber through an approved Less-Than-3-Acre-Conversion Exemption. The abandoned area will be restored laying straw mulch and reseeding with native vegetation. A condition of approval requires a monitoring report be provided annually for a period of two years to demonstrate the successful remediation of the historic cultivation site.

Four employees are necessary for the operation. Drying and curing currently occur in the existing shed but will take place in the proposed 1,250 SF building upon construction. Processing will occur off-site at a licensed processing facility. The residence is served by an unpermitted septic system. The Division of Environmental Health commented on the project. Humboldt Optimal Farms, Inc will be required to provide portable restrooms and handwashing facilities to cultivation staff.

A review of aerial imagery shows three clearings that occurred after 2014. The applicant provided a report prepared by Timberland Resource Consultants on March 8, 2019 evaluating potential timberland conversion (see Attachment 4). The applicant conducted clearing of cultivation site 2 and the tank site under a Less than 3-Acre Conversion Exemption (1-15EX-222 HUM) approved in August 2015. Cultivation Site 1 was cleared between 2012 and 2014 and constitutes 0.35 acres of unauthorized conversion. According to the RPF evaluation, no untreated slash or debris was observed, and the site complies with the Forest Practice Rules. The RPF made no additional recommendations.

The projected water usage is 101,000 gallons per year. The water source for irrigation is a Point of Diversion (POD) on a Class III stream that is tributary to Mattole Canyon Creek. Water storage totals 78,500 gallons in seventeen (17) hard-sided plastic tanks. The applicant proposes to add a 50,000-gallon steel tank, which would bring the total to 128,500 gallons. Plants are hand watered, and the applicant plans to improve water efficiency by installing drip lines. As a condition of approval, water meters will be installed to quantify irrigation water use. The applicant was enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger (WDID 1B16388CHUM). A Water Resources Protection Plan (WRPP) was prepared for the project site by North Point Consulting. As a condition of approval, the applicant will implement the road improvements, fertilizer and fuel storage, and remediation activities described in the WRPP. In addition, the applicant shall enroll in the State Water Board General Order.

The site is accessed from Eppersburg Road via 4.89 miles of Dutyville Road and 2.96 miles of Doody Ridge Road. The private road system serves twenty-four parcels and is maintained by a Road Maintenance Association. A Road Evaluation Report has been prepared by a Professional Engineer of North Point Consulting Group. Per Department of Public Works guidance, the Road Evaluation Form includes an analysis of the Average Daily Traffic (ADT) because the road does not meet the functional equivalent of a category 4. The ADT for Dutyville Road was estimated at 96 based on two trips per day per parcel. Doody Ridge Road has an ADT of 10, based on two

trips per day for each of the ten parcels. The project will have four employees at peak operations, thus increasing the ADT by 8 trips. Minor improvements were listed in the report to improve sight visibility and safety conditions, including installation of signs notifying motorists of a single lane bridge, the installation of new turn outs and maintenance of existing turnouts. The project is conditioned on demonstrating the recommended improvements have been implemented in collaboration with the RMA.

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

Staff recommends that the Zoning Administrator describe the application 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 staff does not recommend further consideration of these alternatives.

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

Resolution Number 20-

**Record Number: PLN-11317-SP
Assessor's Parcel Number: 221-101-012**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Humboldt Optimal Farms, Inc., Special Permits request.

WHEREAS, Humboldt Optimal Farms, Inc., submitted an application and evidence in support of approving the Special Permit for a 9,880 square foot (SF) cannabis cultivation operation of which 2,160 SF is outdoor and 7,720 SF is mixed light. Irrigation water is provided by a Point of Diversion. Total water storage is 128,500 gallons, four employees are used. Power is provided by solar and generators; and

WHEREAS, evidence has been provided to support a Special Permit for development within the Streamside Management Area (SMA) for continued use of point of diversion within an unnamed Class III watercourse that is tributary to Mattole Canyon Creek and removal of a water tank and shed from the SMA; 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 Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-11317-SP) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020.

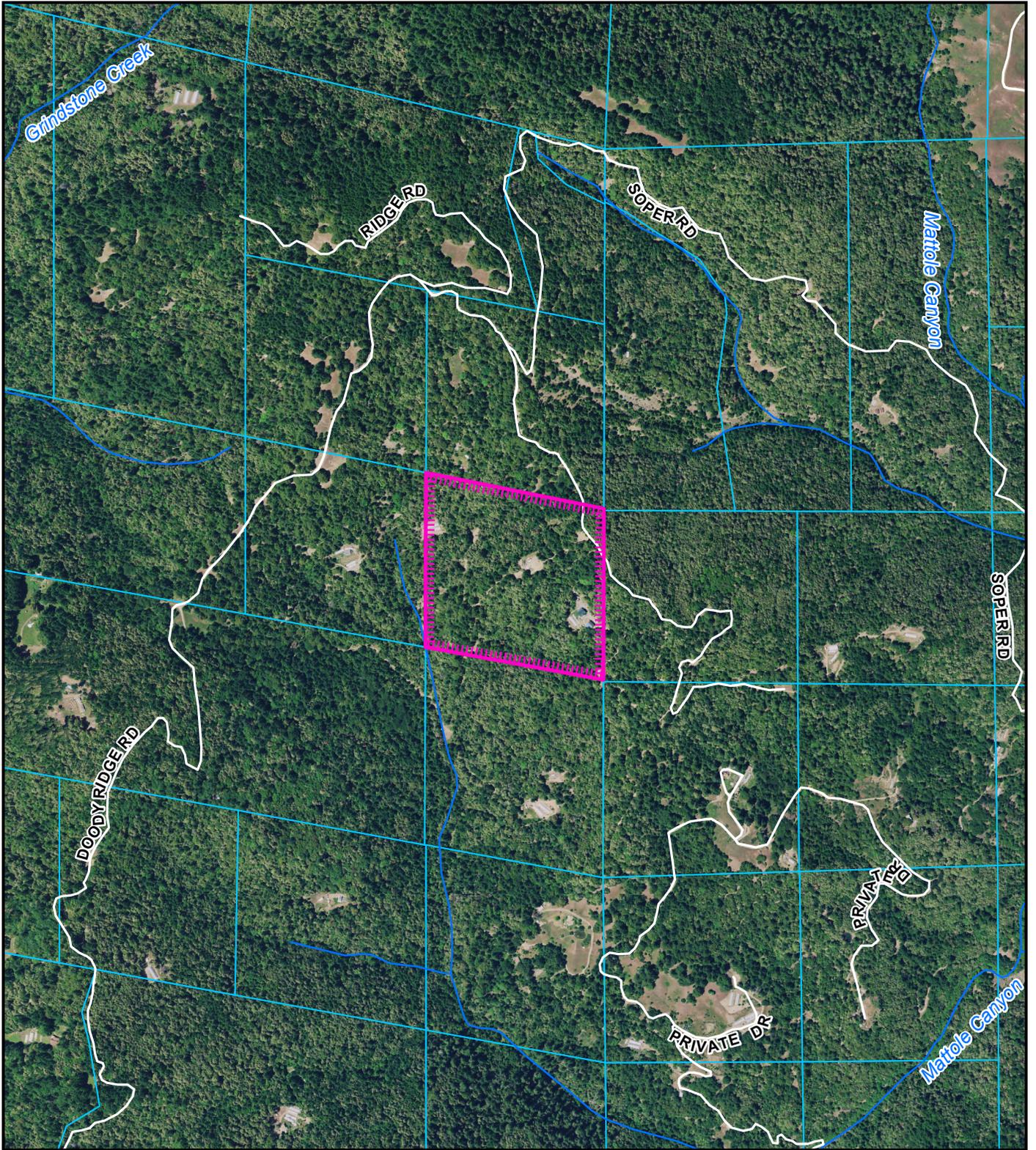
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The proposed project is exempt from environmental review; and
2. The Zoning Administrator makes the findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-11317-SP is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on October 1, 2020.

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

John Ford, Zoning Administrator
Planning and Building Department
County of Humboldt

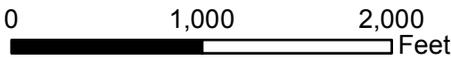


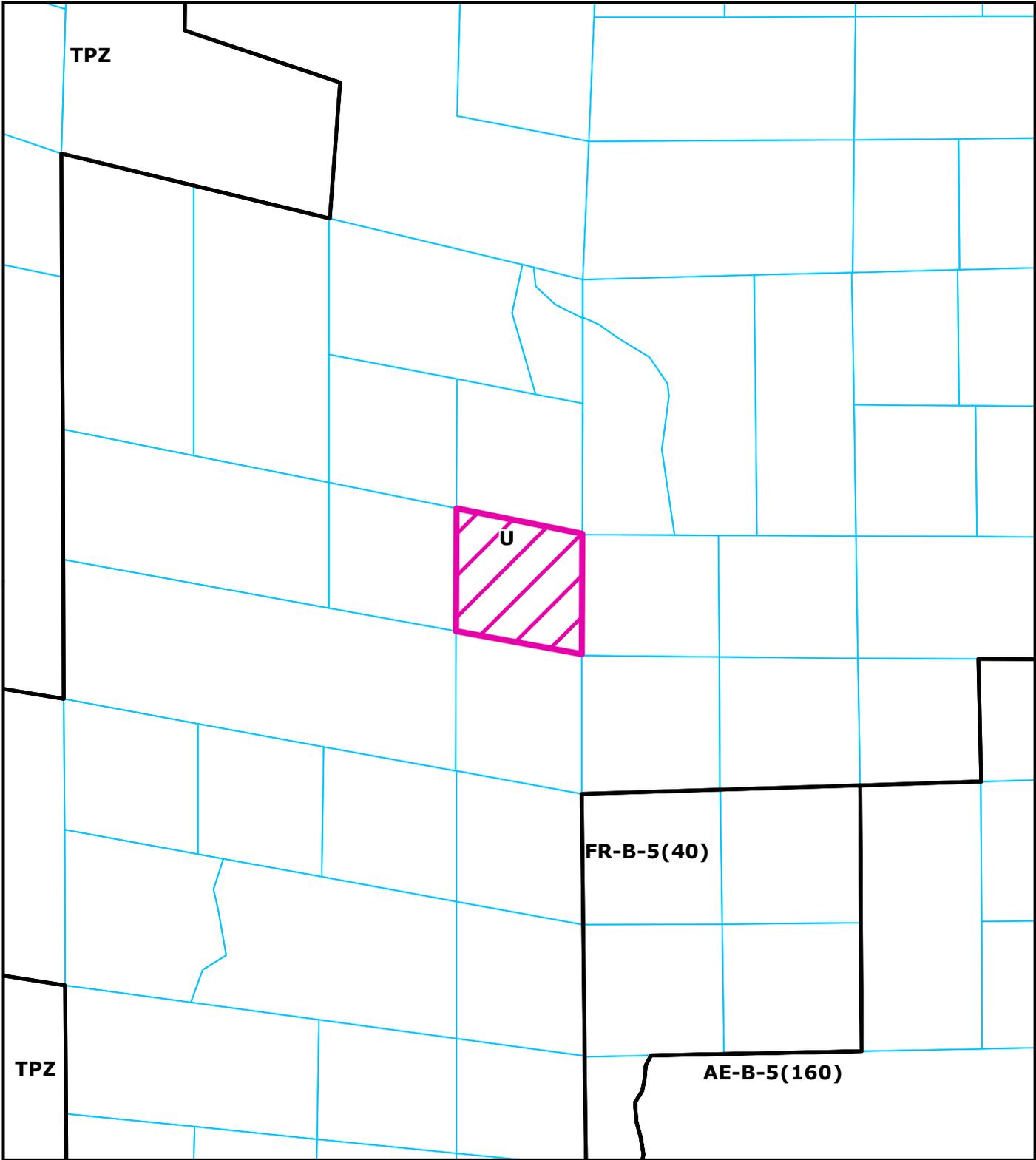
AERIAL MAP
PROPOSED HUMBOLDT OPTIMAL FARMS, INC.
ETTERSBURG AREA
SP-16-199
APN: 221-101-012
T03S R02E S17 HB&M (ETTERSBURG)

Project Area = 



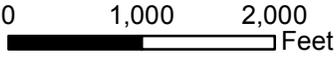
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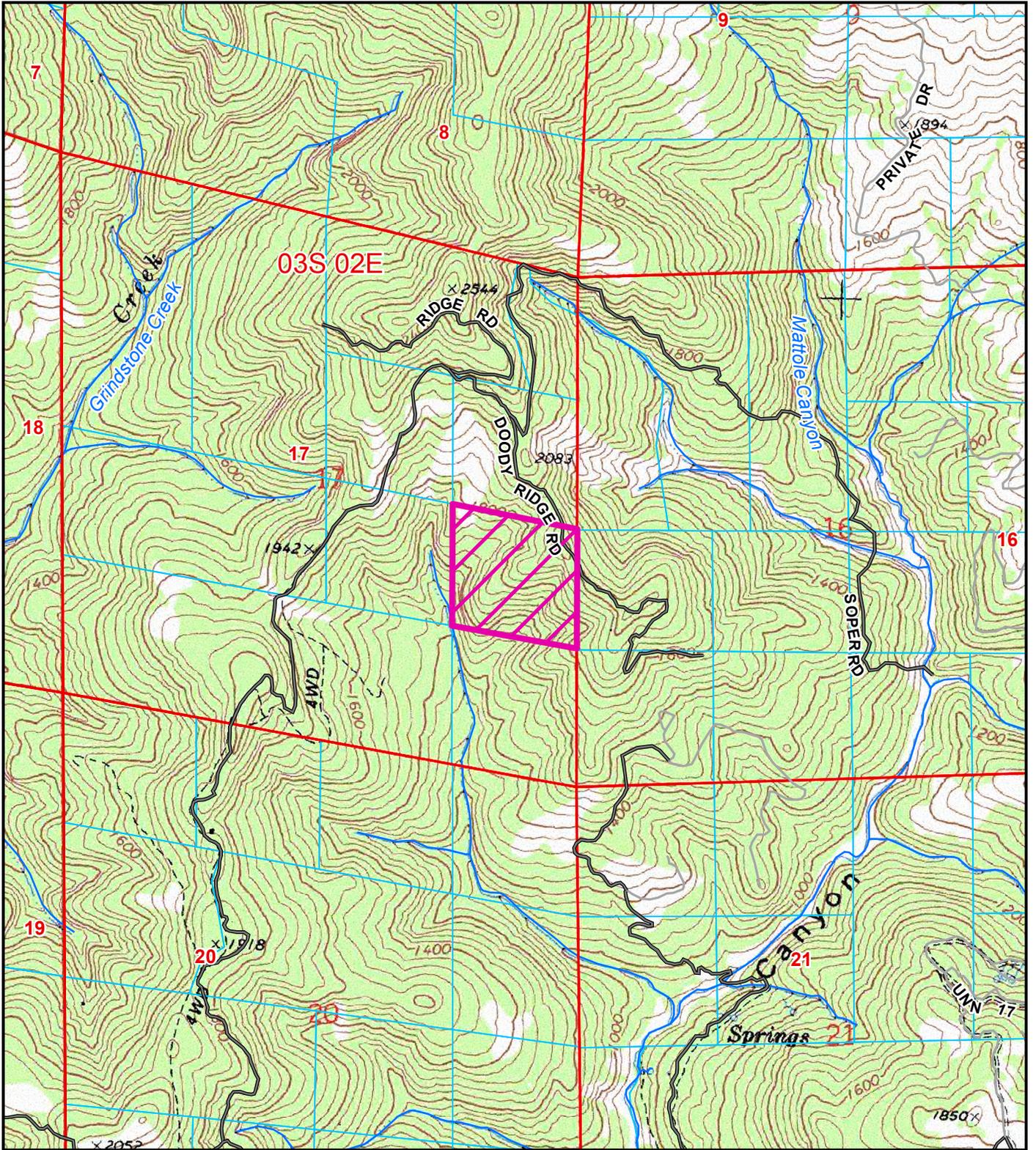


ZONING MAP
PROPOSED HUMBOLDT OPTIMAL FARMS, INC.
ETTERSBURG AREA
SP-16-199
APN: 221-101-012
T03S R02E S17 HB&M (ETTERSBURG)

Project Area = 

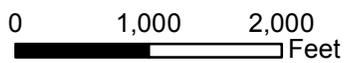


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



TOPO MAP
PROPOSED HUMBOLDT OPTIMAL FARMS, INC.
ETTERSBURG AREA
SP-16-199
APN: 221-101-012
T03S R02E S17 HB&M (ETTERSBURG)

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.

HUMBOLDT OPTIMAL FARMS, INC. SPECIAL PERMIT

APN: 221-101-012



VICINITY MAP
NOT TO SCALE

- DIRECTIONS TO SITE:**
FROM EUREKA, CA
-SOUTHBOUND ON US-101 (APPROX. 63 MILES)
-TAKE EXIT 642 FOR REDWOOD DR, CONTINUE ONTO REDWOOD DR (APPROX. 1.8 MILES)
-TURN RIGHT ONTO BRICELAND THORN RD (APPROX. 10 MILES)
-STAY STRAIGHT ONTO ETTERSBURG RD (APPROX. 5.5 MILES)
-TURN RIGHT ONTO DUTYVILLE RD (APPROX. 5 MILES)
-TURN LEFT ONTO DOODY RIDGE RD (APPROX. 1.4 MILES)
-SITE DRIVEWAY ON RIGHT

PROJECT DESCRIPTION:

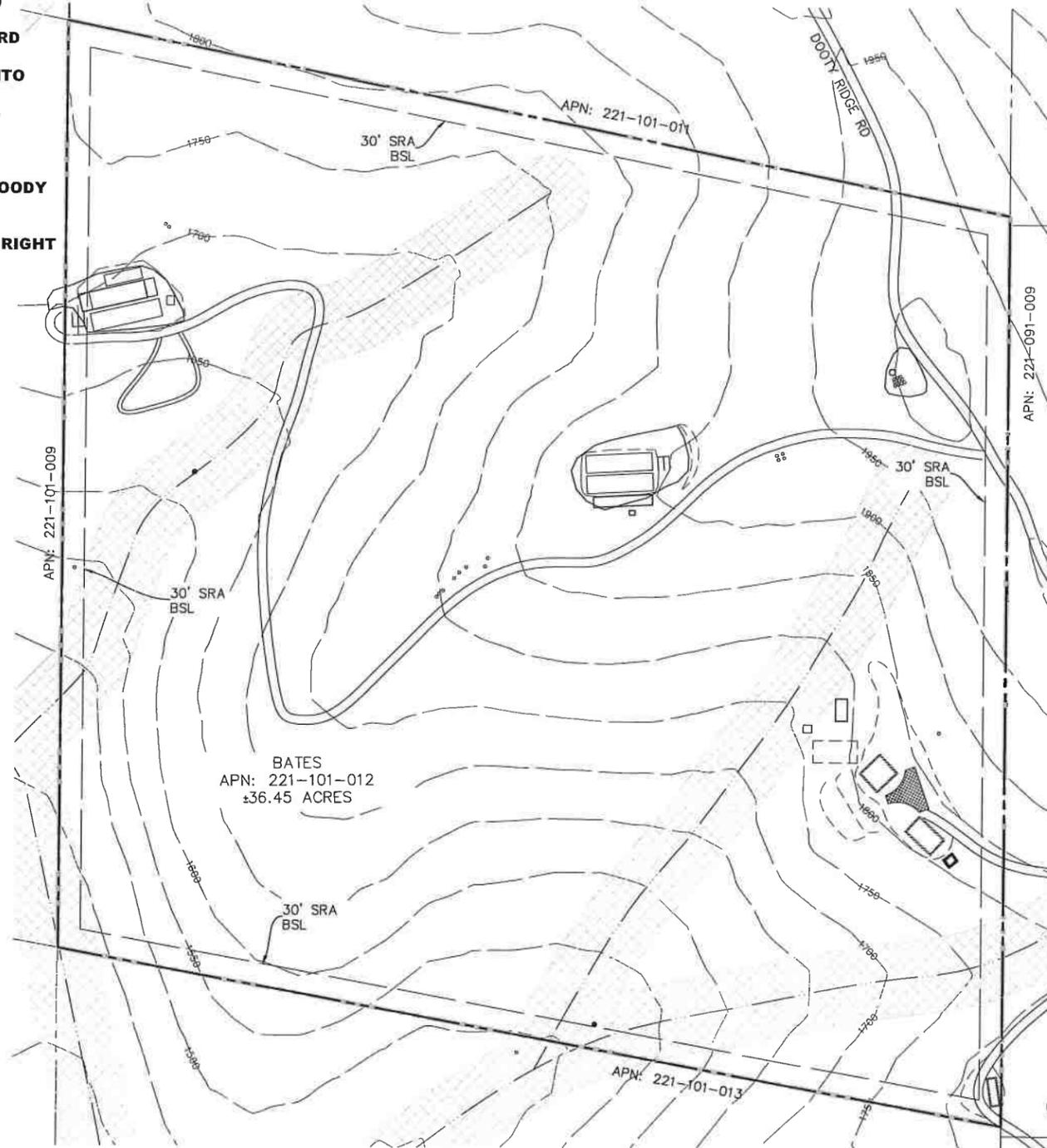
HUMBOLDT OPTIMAL FARMS, INC. IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 9,880 SQUARE FEET (SF) OF CANNABIS CULTIVATION AREA WHICH INCLUDES 2,160 SF OF OUTDOOR CULTIVATION AND 7,720 SF OF MIXED LIGHT CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, 1 FACILITY FOR DRYING, CURING, GRADING AND TRIMMING OF CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE SPECIAL PERMIT.

NCRWQCB ORDER NUMBER R1-2015-0023

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE NCRWQCB CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM. WQID NUMBER 1B16388CHUM.



PROJECT INFORMATION:

APPLICANT:
 HUMBOLDT OPTIMAL FARMS, INC.
 P.O. BOX 2543
 REDWAY, CA 95560

PROPERTY OWNER:
 ALAN BATES & MATTHEW HUMECKE
 115 TRANQUILITY LN
 WHITETHORN, CA 95589

OWNERS AGENT:
 NORTHPOINT CONSULTING GROUP, INC
 317 3RD STREET, SUITE 15
 EUREKA, CA 95501
 (707) 798-6438

SITE ADDRESS:
 APN: 221-101-012
 ETTERSBURG, CA 95542

TREES TO BE REMOVED = NONE
 EXISTING OUTDOOR CULTIVATION AREA = 2,160 SQ. FT.
 EXISTING MIXED LIGHT CULTIVATION AREA = 7,720 SQ. FT.

EARTHWORK QUANTITIES = TBD
 WATER = PRIVATE
 SEWER = PRIVATE
 PARCEL SIZE = ±36.45 ACRES

ZONING: = U (UNCLASSIFIED)
 GENERAL PLAN DESIGNATION = AL40 (FRWK)

BUILDING SETBACKS:

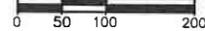
	SRA
FRONT	30'
SIDE	30'
REAR	30'

MAX. BLDG. HT. = NONE SPECIFIED

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

PLOT PLAN

22x34 SHEET: 1"=100'
 11x17 SHEET: 1"=200'



SHEET INDEX:

- CO - SP PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - EXISTING AND PROPOSED PLOT PLAN

DATE	REVISION
1/17/2019	SRA UPDATES
8/7/2019	GREENHOUSE REMOVED FROM SRA SETBACK



HUMBOLDT OPTIMAL FARMS, INC.
 ETTERSBURG, CA 95501 / APN:221-101-012
 PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ. NO.	PBS
DRAWN BY	YR
DATE	1/15/19
SCALE	AS SHOWN

SHEET
CO
 18-28

HUMBOLDT OPTIMAL FARMS, INC.

EXISTING AND PROPOSED PLOT PLAN

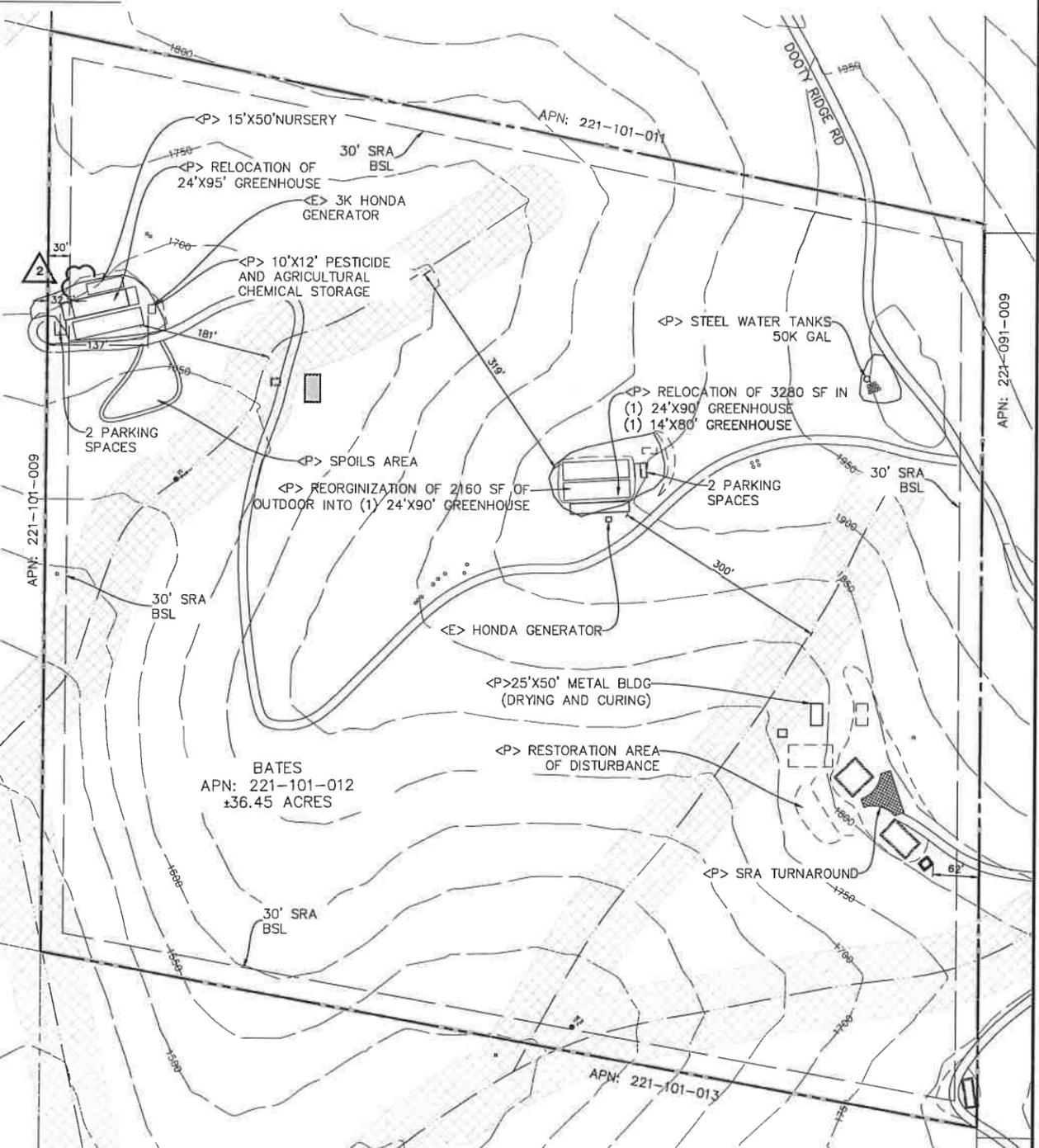
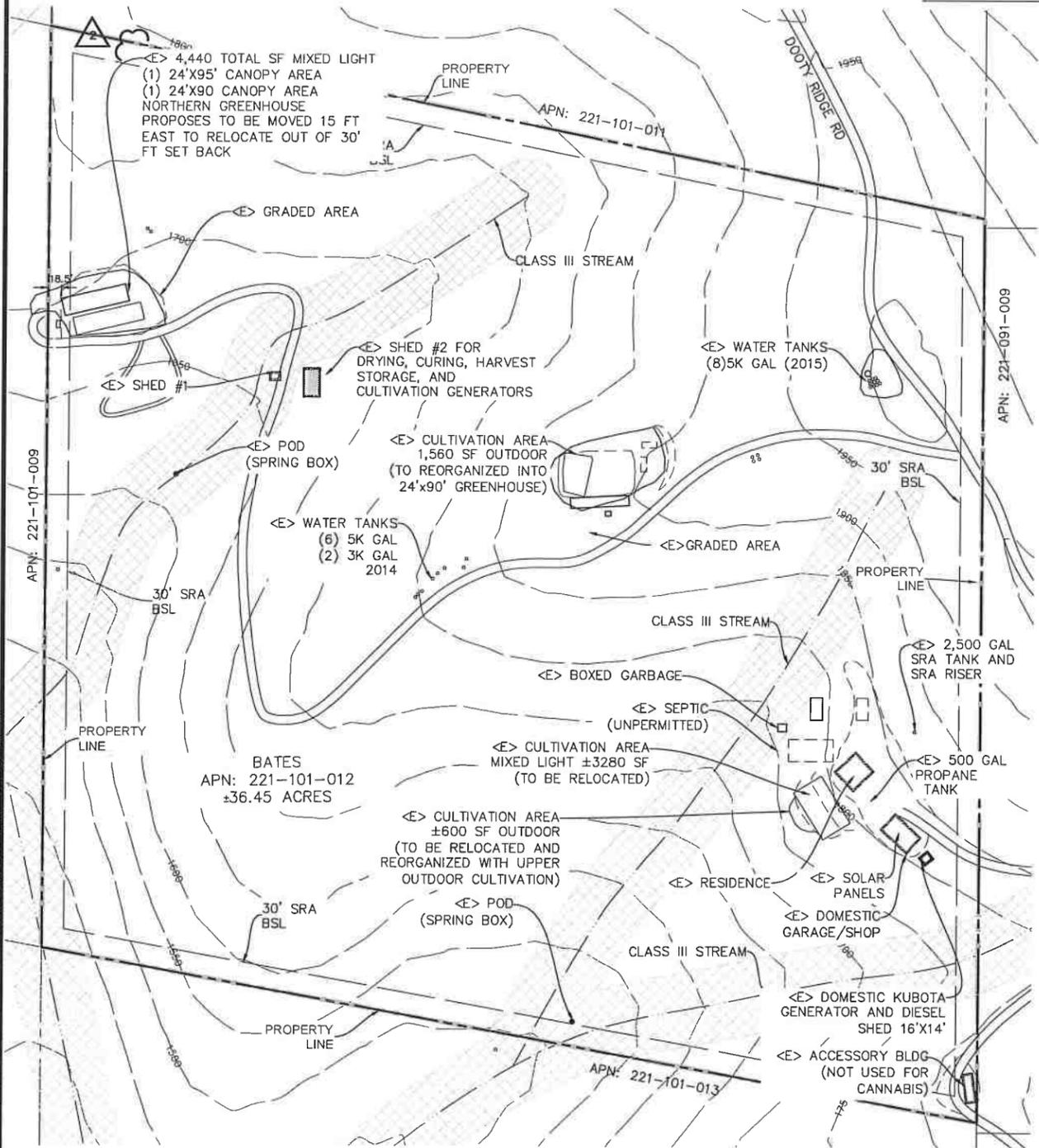
APN: 221-101-012

DRAWN BY	
REVISION	
DATE	

NorthPoint
CONSULTING GROUP

HUMBOLDT OPTIMAL FARMS, INC.
ETTERSBURG, CA 95501 / APN:221-101-012
EXISTING AND PROPOSED PLOT PLAN

PROJ. NO.	PBS
DRAWN BY	YR
DATE	1/15/19
SCALE	AS SHOWN
SHEET	C1
	18-28



22x34 SHEET: 1"=100'
11x17 SHEET: 1"=200'



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 shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #5 – 8. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No mixed light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
3. Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. No mixed light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
4. 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.
5. **Within 90 days of the date of approval**, the applicant shall provide a timeline for the implementation of an alternative off-grid energy source to supply power for the commercial cannabis operation, such that a generator would only be necessary as an emergency backup power source.
6. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, and barns used in cultivation. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
7. The applicant shall complete and implement all corrective actions detailed within the Water Resource Protection Plan/Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB). 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.

8. The applicant shall provide a copy of the Small Irrigation Use Registration right to divert and use water provided by the State Water Resources Control Board, Water Rights Division.
9. The access road Dutyville Road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Ettersburg Road. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. All private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
10. In collaboration with the Road Maintenance Association, the applicant shall demonstrate the completion of safety improvements as described in the Road Evaluation Report prepared by North Point Consulting, including installation of signs for narrow one-way bridge, clearing existing turnouts of vegetation, and installing turnouts at RP6, RP8 and RP11, and RP12.
11. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
12. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for

curing such violations to the Planning 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.

4. 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).
5. 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.
6. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
7. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit 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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event

more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #8 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, then the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

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

ATTACHMENT 2

Required Findings for Approval

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p>Residential Agriculture (RA): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Density range is 40 -160 acres/unit.</p>	<p>The proposed project includes approximately 2,160 square feet of outdoor and 7,720 square feet of mixed-light cannabis cultivation on lands designated as Residential Agriculture. General agriculture is allowable use type for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-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 accessed from Ettersburg Road via 4.89 miles of Dutyville Road and 2.96 miles of Doody Ridge Road. A Road Evaluation Report prepared by a Professional Engineer of North Point Consulting Group (see Attachment 4) identifies safety improvements, including installation of signs notifying motorists of a single lane bridge, the installation of new turn outs and maintenance of existing turnouts. Due to the low ADT volume of the rural road and increase of just 8 trips per day from the operation, the project doe Per Department of Public Works guidance, the Road Evaluation Form includes an analysis of the Average Daily Traffic (ADT) because the road does not meet the functional equivalent of a category 4. The ADT for Dutyville Road was estimated at 96 based on two trips per day per parcel. Doody Ridge Road has an ADT of 10, based on two trips per day for each of the ten parcels. The project will have four employees at peak operations, thus increasing the ADT by 8 trips. The project is conditioned on demonstrating the recommended improvements have been implemented in collaboration with the RMA. Public Works has commented and requested conditions of approval. The private road intersection at Ettersburg Road shall be maintained in accordance with the County Site Visibility Ordinance and the applicant will apply for an encroachment permit to pave 20 feet</p>

		wide and 50 feet long. All fences and gates shall be relocated out of the County right of way. These have been included as Conditions of Approval for the project.
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The proposed project is located within Open Space Land Plan because the project site is an area rated with moderate geologic instability. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5.	According to the California Natural Diversity Database (CNDDB), there are no sensitive or threatened species mapped on the parcel. A Northern Spotted Owl (NSO) activity center is located 0.77 miles from the project. Final Critical Habitat for NSO and Marbled Murrelet is mapped 0.55 miles from the project site. The off-grid power source is a 4-kilowatt solar array. Portable Honda Eu2000 and Eu3000 generators are used as a supplemental power source for lights and fans in greenhouses, as well as dehumidifiers in drying. Generators will be housed in containment structures. Any generator noise and fan noise used in the operation

	<p>Streamside Management Areas.</p>	<p>shall be less than 50 decibels as measured 100 feet from the source or to the edge of the tree line, whichever is closer. The applicant will pursue a plan to transition the power source away from generators except as an emergency backup source. A Condition of Approval requires an implementation schedule for the switch to alternative energy be provided within 90 days of project approval. There are two Class III drainages on the property that are located on an unnamed tributary to Mattole Canyon Creek. The irrigation water source is a spring box in the channel of the drainage on the southeast side of the parcel. The applicant has a Final Streambed Alteration Agreement with the California Department of Fish and Wildlife for the diversion and culvert upgrades (see Attachment 4). Cultivation areas are setback more than 100 feet from the SMA. According to the Water Resources Protection Plan prepared by Manhard Consulting (see Attachment 4) a shed and water tank are within the SMA and must be removed. A wetland delineation was conducted by Timberland Resource Consultants and found no wetlands within 200 feet of cultivation activities (see Attachment 4). The project was referred to California Department of Fish and Wildlife (CDFW) and comments were received on July 17, 2019. Staff responded to CDFW on August 31, 2020 (see Attachment 5). Conditions of approval require that all mixed light be shielded to prevent lighting impacts on wildlife.</p>
<p>Conservation and Open Space Chapter 10 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) Related policies: CU-P1. Identification and Protection,</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural Resource Survey may be needed. The Bear River Band responded indicating an archaeological survey is not required at this time. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated</p>

	CU-P2. Native American Tribal Consultation.	regarding the inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.7	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2) Related policies: SR-S4. Light and Glare	Mixed light cannabis cultivation and the ancillary nursery will utilize artificial lighting. The CMMLUO requires that mixed-light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The project complies with International Dark Skies Association standards by covering greenhouses with lightproof covers during hours when supplemental lighting is applied. The applicant has provided a Lighting Diagram showing the lumen output of bulbs and plans to shield the light (see Attachment 4).
Water Resources Chapter 11 Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9) Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.	The applicant was enrolled as a Tier 2 discharger (WDID# 1B16614CHUM) under the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order). A Water Resources Protection Plan (WRPP) was prepared by Manhard Consulting received on March 8, 2019 (see Attachment 4). The WRPP identified areas where the project site does not meet all 11 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. Corrective actions include stream crossing maintenance, and cultivation-related wastes. Conditions of Approval required the Applicant to adhere to the WRPP and implement the corrective measures. The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control

		Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
Water Resources Chapter 11 Onsite Wastewater Systems	Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.	The site is developed with a single-family residence that is served by an unpermitted septic system. There will be up to four workers on site. Processing is limited to drying and curing; there will be no trimming on-site. The project was referred to the County Division of Environmental Health which has recommended approval of the project on the condition that cultivation staff be served by portable restrooms and handwashing facilities. Conditions of approval also include provide receipts to show continued use of portable restrooms.
Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The subject parcel is located in an area that requires special noise attenuation measures. Power is provided by a solar array and an EU3000 generator rated at 58 decibels. Northern Spotted Owl (NSO) activity center is 0.77 feet from the project site. Marbled murrelet habitat is located approximately 0.55 miles from the project area. Generators are housed in containment structures. Other noise sources include ventilation fans in greenhouses, diversion pump, and dehumidifiers in drying building. On-going conditions of approval require noise from the operation not to exceed 50 dB as measured 100 feet from the source or to the edge of habitat.
Safety Element Chapter 14	Goals and policies contained in this Chapter relate to communities that are designed and built to	The parcel is mapped as having moderate geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are

<p>Geologic & Seismic</p>	<p>minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>no mapped historic landslides on the parcel. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation occur are variable from 15% to 30%. According to the USGS web mapping, the site is located on slopes greater than 50% and is approximately 40 feet from a Class III stream buffer. An existing cultivation area is being decommissioned due to its proximity to slopes greater than 30%. The decommissioned area will be covered in straw and reseeded for erosion control prevention. The proposed relocation site has slopes between 15 to 30% and is more than 200 feet from all waterways. The relocation site was cleared of timber through an approved Less-Than-3-Acre-Conversion Exemption. The abandoned area will be restored laying straw mulch and reseeded with native vegetation. A condition of approval requires a monitoring report be provided annually for a period of two years to demonstrate the successful remediation of the historic cultivation site.</p> <p>As a condition of approval, the applicant will obtain all grading and building permits from the Building Inspection Division (BID). The existing uses, which are proposed to continue, are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14 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-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p>	<p>Goals and policies of this Chapter encourage development designed to</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The subject property is located within the Telegraph</p>

<p>Fire Hazards</p>	<p>reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>Ridge Fire Protection District and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The site has approximately 128,500 gallons of water storage for use in case of fire emergency. The Telegraph Ridge Fire Protection District commented and recommended employee fire safety training and compliance with CAL-FIRE standards such as installation of a standpipe and a emergency vehicle turnaround.</p> <p>With respect to the Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has a designated fire turnaround and pullout area for emergency vehicles and adequate water storage available for fire suppression.</p>
<p>Community Infrastructure and Services Element Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is within the Telegraph Ridge Fire Protection District and therefore meets this standard.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. Per the 2009 Housing Element H-IM3, to reduce and avoid air quality impacts from naturally occurring asbestos the County shall refer all building permits on parcels which appear to be underlain by ultramafic rock to the NCUAQMD for</p>

	and federal requirements. (AQ-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	appropriate standards and recommendations.
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2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 221-101-012 has been determined to be one legal parcel by creation deed 1910-99109 recorded August 12, 1971. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
314-8.1 Unclassified	Unclassified: All of the unincorporated area of the County not otherwise zoned is designated as the Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications.	The proposed project is a Special Permit with a total of 2,160 square feet of outdoor and 7,720 square feet of mixed light cannabis cultivation on a parcel zoned U. The proposed use is an agricultural use that is specifically allowed with a Special Permit in this zoning district under Section 314-55 of the Humboldt County Code.
Min. Lot Area	6,000 square feet	41.66 acres
Min. Lot Width	50 feet	1,274 feet
Max. Lot Depth	Three (3) times the width	
Min. Lot Depth	One hundred feet	
Max. Ground Coverage	Forty percent	<40%
Minimum Yard Setbacks	Front: 20 feet Side: 5 feet Rear: 10 feet SRA: 30 feet, all sides	31 feet, east side >30 feet, west, north and south
Max. Building Height	Thirty-five feet	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's	According to the Site Plan, there are two Class III drainages on the property that are tributary to Mattole Canyon Creek. The irrigation water source is a spring box in the channel of the drainage on the southeast side of the parcel. The applicant has a Streambed Alteration Agreement with the California Department of Fish and Wildlife for

	Open Space Element of the General Plan.	the diversion. The continued use and maintenance of the diversion Cultivation areas are setback more than 100 feet from the SMA. An existing water tank and a shed were located within the SMA. The shed is being deconstructed, and the water tank relocated. A wetland delineation was conducted by Timberland Resource Consultants and found no wetlands within 200 feet of cultivation activities.
Off-Street Parking §314-109.1	<p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*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.</i></p>	4 spaces
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area,	A review of aerial imagery shows three clearings that occurred after 2014. The applicant provided a report prepared by Timberland Resource Consultants on March 8, 2019, evaluating potential timberland conversion. The applicant conducted clearing of timber for development of Cultivation site 2 and the tank site under a Less than 3-Acre Conversion Exemption (1-15EX-222 HUM) approved in August 2015. Cultivation Site 1 was cleared between 2012 and 2014 and constitutes 0.35 acres of unauthorized conversion (see Attachment 4). According to the timberland conversion

	or non-timberland open area.	evaluation, no untreated slash or debris was observed, and the site complies with the Forest Practice Rules. No additional conditions were recommended by the RPF.
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit (SP) or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district... TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. No expansion of the existing cultivation area shall be permitted.	Aerial imagery submitted by the applicant and verified by Department staff shows existing cultivation on the parcel prior to January 1, 2016. Satellite imagery from TerraServer® September 18, 2015, shows approximately 2,603 sf outdoor and 8,875 sf mixed light cultivation. The applicant is only seeking to permit 10,000 square feet of existing. A portion of the existing cultivation was relocated for erosion control purposes. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, one of the managing members of Humboldt Optimal Farms, Inc, Matthew Humecke, is also a managing member of Bridgecreek, LLC, which has an application for one cannabis permit. The applicant does not have more than four cannabis permits.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Cannabis will be dried and cured on site. Drying occurs in the existing shed #2. Upon construction of the proposed 25'x50' metal building, drying will occur in there. Owner-operator will take all product off-site for additional processing i.e. trimming.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received. Contents of the application are on file.

§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Irrigation water is sourced from a point of diversion on a Class III watercourse that is tributary to Mattole Canyon Creek. The applicant has applied for a Small Irrigation Use Registration (SIUR) with the State Water Resources Control Board to divert and store water. Water storage onsite is currently 78,500 gallons in hard-sided tanks, and an additional 50,000-gallon steel tank will bring the total to 128,500 gallons. The estimated annual irrigation water use is 101,000 gallons. Upon construction of the steel water tank, the project will meet the forbearance requirements. A condition of approval requires the applicant provide a copy of the appropriative water right in order to comply with this section.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	There are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. Per comments provided by the Bear River Band THPO, there are no TCRs present on the site. A boundary survey prepared by a licensed surveyor received on August 7, 2019 (see Attachment 4) found the existing westernmost greenhouse was 17 feet from the property line. The greenhouse will be relocated to comply with the 30-foot SRA setback. The site plan shows the project complies with property line setbacks.
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will	Generators are used as a power source for lighting in ancillary propagation and mixed-light cultivation. A Honda Eu2000i and a Honda Eu3000i are stored in containment structures. A Northern Spotted Owl (NSO) activity center is located 0.77 miles from the project. Final Critical Habitat for NSO and Marbled Murrelet is mapped 0.55 miles from the project site. Operational conditions require any generator noise used in the operation shall be less than 50 decibels as measured 100 feet from the source or to the edge of the tree line, whichever is closer. The

	not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	applicant will pursue a plan to transition the power source away from generators except as an emergency backup source. A Condition of Approval requires an implementation schedule be provided within 90 days of project approval.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Special Permit Application on October 24, 2016.

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

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§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 parcel was not included in the 2019 Housing Inventory.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, authorization for a point of diversion for continued agricultural use, on-site drying and off-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

Attachment 3
CEQA Addendum

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

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

APN 221-101-012, 9295 Doody Ridge Road, Etersburg, County of Humboldt

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

September 2020

Background

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

The modified project involves a Special Permit for an existing 9,880-square-foot cannabis cultivation operation of which 2,160 square feet (SF) is outdoor and 7,720 SF is mixed-light. Onsite relocation is proposed for environmental protection from erosion. Irrigation water is sourced from a Class III stream diversion. Estimated irrigation water use is 101,000 gallons per year. Existing water storage capacity is 78,500 gallons in 17 tanks. An additional 50,000-gallon steel tank is proposed to bring the total to 128,500 gal. Drying and curing only will occur onsite in a proposed 25' x 50' (1250 SF) building, and additional processing will occur offsite at a licensed processing facility. Power for the operation is provided by solar and generators. A Special Permit is also requested for work within the Streamside Management Area for the Point of Diversion located in an unnamed Class III tributary to Mattole Canyon Creek and removal of a water tank and shed from the SMA. The applicant has a Final Streambed Alteration Agreement with the California Department of Fish and Wildlife for the diversion and culvert upgrades (see Attachment 4). Cultivation areas are setback more than 100 feet from the SMA.

According to the California Natural Diversity Database (CNDDB), there are no sensitive or threatened species mapped on the parcel. A Northern Spotted Owl (NSO) activity center is located 0.77 miles from the project. Final Critical Habitat for NSO and Marbled Murrelet is mapped 0.55 miles from the project site. The off-grid power source is a 4-kilowatt solar array. Portable Honda Eu2000 and Eu3000 generators are used as a supplemental power source for lights and fans in greenhouses, as well as dehumidifiers in drying. Generators will be housed in containment structures. Any generator noise and fan noise used in the operation shall be less than 50 decibels as measured 100 feet from the source or to the edge of the tree line, whichever is closer. The applicant will pursue a plan to transition the power source away from generators except as an emergency backup source. All mixed light will be shielded to prevent light leakage.

A review of aerial imagery shows three clearings that occurred after 2014. The applicant provided a report prepared by Timberland Resource Consultants on March 8, 2019, evaluating potential timberland conversion. The applicant conducted clearing of timber for development of Cultivation site 2 and the tank site under a Less than 3-Acre Conversion Exemption (1-15EX-222 HUM) approved in August 2015. Cultivation Site 1 was cleared between 2012 and 2014 and constitutes 0.35 acres of unauthorized conversion (see Attachment 4). According to the timberland conversion evaluation, no untreated slash or debris was observed, and the site complies with the Forest Practice Rules. No additional conditions were recommended by the RPF.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the operation of a 9,880-square-foot commercial cannabis farm is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- *Cultivation and Operations Plan* prepared by North Point Consulting;
- Final Streambed Alteration Agreement with California Department of Fish and Wildlife 1600-2017-0305-R1);
- *Road Evaluation Report* prepared by North Point Consulting dated January 21, 2019;
- Water Resource Protection Plan prepared by Manhard Consulting received March 8, 2019;
- *Wetland Evaluation for APN 221-101-002* prepared by Timberland Resource Consultants dated March 6, 2019; and
- *Timber Conversion Evaluation* prepared by Timberland Resource Consultants dated March 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation on a site that is fully in compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within $\frac{1}{4}$ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (mixed light, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Condition of approval)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached - in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached- Water Resources Protection Plan (WRPP) prepared by Manhard Consulting received on March 8, 2019; On file – enrollment documents)
8. A copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached - Final Streambed Alteration Agreement No. 1600-2017-0305-R1)

9. If the source of water is a well, a copy of the County well permit, if available. (N/A)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Attached - *Timber Conversion Evaluation Report* prepared by Timberland Resource Consultants dated March 2019 and *CAL FIRE Less than 3 Acre Conversion Exemption #1-15EX-222 HUM* dated August 2015)
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* prepared by North Point Consulting dated January 21, 2019 (Attached).
16. *Wetland Evaluation for APN 221-101-012* prepared by Timberland Resource Consultants dated March 6, 2019 (Attached).
17. *Boundary Exhibit* prepared by Kolstad Land Surveyors dated April 4, 2019. (Attached)

Exhibit C

Water Resources Protection Plan

For fulfillment of

Order No. 2015-0023

Waiver of Waste Discharge Requirements

and

General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Effects in the North Coast Region



Prepared for:

Alan Bates

and

North Coast Regional Water Quality Control Board

Prepared by:



September 2016

General Information

OWNER: Alan Bates
P.O. Box 294
Weott, CA 95571

SITE ADDRESS: 8300 Doody Ridge Road
Garberville, CA 95542

PARCEL: Assessor Parcel Number: 221-101-012
General Plan: Agriculture Land (AL40);
Zone: UnClassified (U)

ACRES: Approximately 36.4505 acres (per Humboldt County WebGIS)
Disturbed Area: Approximately 0.8 acres

INTRODUCTION

This Water Resources Protection Plan (Plan) was developed to satisfy conditions of the Tier 2 enrollment requirements in the State Water Resource Control Board (SWCRB) Order No. 2015-0023 (Order). The purpose of the Order is to provide a water quality regulatory structure to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Under this Order, any landowner or operator cultivating cannabis that results in a discharge of waste to an area that could affect waters of the State may elect to enroll and comply with this Order to ensure their discharges are authorized and receive a conditional waiver for the discharges and associated activities described in Finding 4 of the Order. Using data from an onsite assessment, this Plan includes measures to be implemented to meet "Standard Conditions" listed in the Order Provision I.A for cannabis cultivation and associated activities to meet the waiver requirement.

SITE LOCATION

The site occurs in the Mattole River watershed in Southern Humboldt County approximately five miles from the town of Ettersburg. To reach the site from Eureka take US-101 south for 63.2 miles to exit 642 onto Redwood Drive. Follow Redwood drive to Redway and make a right onto Briceland thorn Road. Follow Briceland Thorn Road for 10 miles and make a right onto Ettersburg Honeydew Road. After 5.5 miles make a right onto Dutyville Road and follow for 6 miles. Take a slight left onto Doody Ridge Road and follow for 1.6 miles. The project site will be on the left at 8300 Doody Ridge Road. The site is located in Section 17, Township 3 South, Range 2 East, H.B. & M. and can be seen on the Ettersburg North West 7.5' USGS quadrangle map. Furthermore, the Site is located at Latitude 40.2001 N and Longitude - 123.9712. The subject parcel is approximately 36.4505 acres in size (per Humboldt County WebGIS).

SITE DESCRIPTION

The property is located on a mountainous slope above Grindstone Creek at an elevation of approximately 1,800 ft above mean sea level. The terrain has moderate to extreme slopes with drainage flowing towards the south and west of the property. The landscape hosts a dense hardwood forest intermixed with oak and other species. The climate is characterized by a pattern of high-intensity rainfall in winter, and warm, dry summers. Mean annual precipitation is approximately 90 inches. The soils within the area are comprise predominately of the Canoecreek-Sproulsh-Redwohly Complex (50 to 70 percent slopes) and

Crazycoyote-Sproulish-Canoecreek Complex (30 to 50 percent slopes) which are considered well drained and have a water table that is typically greater than 80 inches deep (NRCS Websoil Survey).

The property is in the Mattole River Watershed which has been listed as an impaired waterbody for excessive sediment and temperature under Section 303(d) of the Clean Water Act. The Mattole River provides habitat for five endangered salmonid species, and has been identified as an important population of coho salmon for the region. The river enters the ocean approximately four miles west-southwest of Petrolia at the Mattole Estuary.

The Site has a Land Use Designation of Agriculture Land (AL40) as described in the Humboldt County General Plan – Volume 1, Framework Plan (FWRK). The site is zoned as UnClassified (U). The majority of the surrounding parcels are planned Agriculture Exclusive (AE), UnClassified (U), and Timberland Production Zone (TPZ).

INVENTORY AND ASSESSMENT

Office analysis and a field inventory were used to assess the property for compliance with the Standard Conditions as listed in Order Provision I.A. Pre-field inspection, an air photo analysis (google earth and air photos) was used to identify existing infrastructure, watercourses, and general layout of the property. Geomorphic information was evaluated and a soils report generated to assess potential erosivity of the site. The field inventory was conducted by the engineering staff of Manhard Consulting. The inventory included GPS mapping of structures, water tanks, ponds, roads, agricultural sites and other infrastructure features. GPS was also used to map watercourse features including: extent of streams, riparian zones, ponds, ditches, and wetlands.

Information on the current and planned use of buildings was collected. Structures that contained fertilizers, petroleum products, or pesticides associated with cannabis cultivation were inventoried to assess proper storage. Buildings were assessed in office for compliance with local building ordinances.

Water systems were evaluated for their source, storage, and use. Points of diversions were mapped, photographed, and data collected for analysis regarding stream type and the diversion method. Elements of the water storage system were mapped and data collected on the number and size of tanks and ponds, pumping system, efficiency, stability, and potential for catastrophic failure. All aspects of the water system were evaluated for existing erosion and the potential for sediment delivery to the stream network. Assessment of seasonal: diversion rates, storage, and water use were calculated in the office. Upgrade and treatment recommendation for the water system were developed using field observation and office analysis.

Roads were evaluated to identify and prescribe treatment for discharges and controllable sediment delivery sites. The road network was examined for opportunities to discontinued use and restoration of high sediment risk roads. Road surfaces, cutbanks, and fillslopes were examined for rills, gullies and surface erosion delivering sediment to the stream network. Road drainage was evaluated for effectiveness in routing water away from watercourse and maintaining road stability. Stream crossings were evaluated for ability to pass 100-year storm event (in office), potential for plugging, and erosion of the fill slopes. Location of treatment recommendations were mapped and incorporated into the design plan set in the office.

Cannabis cultivation sites were evaluated for controllable sediment delivery sites, irrigation runoff, waste disposal, and storage of petroleum, fertilizers, and other chemicals used in the cultivation process. Proximity of cultivation areas to riparian zones, wetlands, and streams was recorded. Owners were

consulted for information on the rate and application method of fertilizers, and other compounds, used in cultivation.

CURRENT SITE CONDITIONS

The site is currently being used as a residence and cannabis cultivation. The parcel has three cultivation sites, two of which utilize greenhouses and the third is an outdoor cultivation. The buildings on site include two residences, a garage, and several out building. Current agricultural consists of two 24 ft x 96 ft greenhouses, one 21 ft x 60 ft greenhouse, one 10 ft x 75 ft greenhouse, and 5,000 ft² of outdoor cultivation, totaling to 11,600 ft² of cannabis cultivation. All of the cultivation sites are greater than 100 ft to the nearest stream network. The site has several small intermittent streams (Class III) throughout the property, two of which are stream crossing on the access roads. There is one main roadway leading to the garage, residences, and two greenhouses. There is also a steep access road leading to the outdoor cultivation area and to the lower greenhouses. The residence site had some waste management and housekeeping practices that will need to be improved. The greenhouses on the residence site are on a terraced slope that will potentially be relocated due to the natural slopes approaching 35% in this region. The outdoor cultivation site was clean and not a significant threat to water quality with two shipping containers used for storing tools and fertilizers. The lower greenhouse site was also clean with moderate slopes in the vicinity. The storage buildings near the lower greenhouse site has potential to impact the stream network. The graded flat has altered the stream channel and is hydrologically connect the road network. There is also a shed and fuel storage tank with secondary containment that is in the riparian buffer on this flat.

The total length of road network on the property is approximately 0.55 miles in length. The road to the residences are native surface, in good condition, and not highly connected to the stream network. The road to the lower greenhouses is steep, in ok condition, and is connected to the stream network. There are also a few abandoned logging roads on the property that were not evaluated in the site inspection. While the landscape is unstable, the soils are well drained and not highly erosive (see Measures to Meet Standard Conditions - Site Maintenance, Erosion Control and Drainage Features). Water for the site is currently drawn from an unnamed Class III stream by means of a spring box. The water is then pumped up to a series of holding water tanks at the top of property. The water is then gravity fed down to storage tanks at the cultivation sites where fertilizer is added (see section Measures to Meet Standard Condition – Water Storage and Use).

Overall, the property is in good shape but has potential to impact water quality. While the main road network receives yearly maintenance it would benefit from maintaining ditch relief culverts, outsloping, rocking the surface, and the installation of rolling dips. Abandoned logging roads will need to be assessed to determine their risk of contributing sediment into streams (RI). There was a minor amount garbage by the residence that needs to be collected and transported to an appropriate waste disposal site. Greenhouses and outdoor cultivation sites have been constructed away from riparian zones and streams. Fertilizers and pesticides are currently stored in the garage and will need secondary containment. Sites have been identified for storage/disposal of spoils and cultivation waste (WRPP map – Attachment A).

DESCRIPTION OF CANNABIS ACTIVITIES

Onsite cultivation will consist of two cycles of the “light deprivation” cultivation for the greenhouses. Light deprivation is a cultivation technique that manipulates the amount of light a plant receives to induce flowering, even during the elongated daylight hours of summer months. This technique can shorten the growing and flowering stages of a plant producing a larger quantity of smaller crops. Starts are purchased

off site as clones for the greenhouses. The outdoor cultivation uses seeds that are propagated on site. Harvested plants are dried and processed on site. The main bulk soil amendments are trucked in from local producers. Transportation and sale of the final product are addressed in the property owner's application for commercial cultivation under Humboldt County Ordinance No. 2455, *the Commercial Medical Marijuana Land Use Ordinance (CMMLOU)*.

Plants are grown in beds in the greenhouse and directly in the ground for the outdoor cultivation. The soil mix is supplemented with amendments and fertilizers (Attachment D). Fertilizers and water will be mixed into several 275-gallon tanks located at each cultivation site. The fertilized water is applied with every watering. Growing plants are hand watered every other day in peak summer and every 3 to 4 days for spring and fall. Each greenhouse and the outdoor cultivation uses roughly 250-gallons per watering. Water meters will be installed at the main water tanks to monitor water use for cultivation and will be reported with the end of year monitoring report. Application rates of soil amendments and fertilizers will be recorded as well.

CORRECTIVE ACTIONS

Based on field investigations, corrective actions were developed to treat areas on the property that were not compliant with the Standard Conditions as listed in Order No. 2015-0023 Provision I.A (Table 1). Each location was recorded on the Water Resources Protection Plan Map (Attachment A) with a unique Map ID that relates back to Table 1. The current condition was evaluated and an appropriate treatment selected based Best Management Practices (BMPs) outlined in Appendix B of the Order. A priority was attached to each corrective action based on threat to water quality and multi-year treatment planning. Some treatments will require the issuance of permits before work can commence. Areas that receive corrective actions will be monitored to evaluate the success of the treatment.

TABLE 1. Identified sites for corrective action at Bates Parcel Number: 221-101-012.

Map ID	Description	Associated Standard Condition	Current Condition	Corrective Action	*Priority for Action (1 = High)	Permanent BMP Time Schedule
CW-1	Disposal of stems and leaves from Cannabis cultivation and processing	I.A.10	Leaves and stems are stored in various locations	Anticipated cultivation waste will be composted at a designated location on site by the residences	1	Oct-16
CW-2	Disposal of stems and leaves from Cannabis cultivation and processing	I.A.10	Leaves and stems are stored in various locations	Anticipated cultivation waste will be composted at a designated location on site by the lower greenhouses	1	Oct-16
EC-1	Erosion Control	I.A.1.c I.A.1.d	Exposed cut slope around graded flat for lower greenhouse	Apply seed and straw to stabilize cut slope	2	Oct-16
EC-2	Erosion Control	I.A.1.c I.A.1.d	Gully formed from graded flat runoff	Fill gully with 4" rock	2	Oct-16
EC-3	Erosion Control	I.A.1.c I.A.1.d	Exposed soil around greenhouse	Apply straw to exposed soil on the greenhouse graded flat	2	Oct-16
EC-4	Erosion Control	I.A.1.c I.A.1.d	Exposed cut slope around graded flat for outdoor cultivation	Apply seed and straw to exposed cut slope approximately 60 ft x 10 ft on the outdoor cultivation graded flat	2	Oct-16
EC-5	Erosion Control	I.A.1.c I.A.1.d	Gully formed from ditch relief culvert	Fill gully with 4" rock	2	Oct-16
EC-6	Erosion Control	I.A.1.c I.A.1.d	Exposed soil around greenhouse	Apply straw and seed to exposed soil on the greenhouse graded flat	2	Oct-16

TABLE 1. Identified sites for corrective action at Bates Parcel Number: 221-101-012.

Map ID	Description	Associated Standard Condition	Current Condition	Corrective Action	*Priority for Action (1 = High)	Permanent BMP Time Schedule
FT-1	Fuel Tank	I.A.9.a I.A.9.b I.A.9.c I.A.9.d	Fuel tanks with secondary containment	Relocate fuel tanks at least 50' away from Class III stream and keep spill cleanup kit with fuel tanks	1	Oct-17
GR-1	Garbage Removal	I.A.11.c	Tires piled behind storage shed	Remove tires and dispose of at the appropriate disposal location	2	Oct-16
GR-2	Garbage Removal	I.A.11.c	Miscellaneous garbage	Remove garbage and dispose of at the appropriate disposal location	2	Oct-16
IBD	In-board Ditch	I.A.1.b I.A.1.e	An in-board ditch filling with woody debris	Clear and maintain in-board ditch	2	Oct-17
OS (all)	Outslope Roads	I.A.1.a I.A.1.c I.A.1.e	Roads are currently disconnected from stream network	Outslope main access roads	2	Oct-17
RD (all)	Rolling Dips	I.A.1.a I.A.1.b I.A.1.d	Roads currently have no distinct drainage pattern	Install rolling dips as identified and according to standard drainage spacing	2	Oct-17
RI	Road Inventory	I.A.1.a I.A.1.c I.A.1.e	Abandoned (legacy) logging roads on property	Field inventory and assess risk to water quality of legacy logging roads on property	3	Oct-19
RS (all)	Rock road surface	I.A.1.a	No real drainage pattern with some gullying	Rock road with 3/4" minus diameter	1	Oct-17
RZ-1	Riparian Zone	I.A.3.a I.A.3.b I.A.3.c I.A.3.d	Water tank in the stream channel	Relocate water storage tank out of stream channel	1	Oct-17

TABLE 1. Identified sites for corrective action at Bates Parcel Number: 221-101-012.

Map ID	Description	Associated Standard Condition	Current Condition	Corrective Action	*Priority for Action (1 = High)	Permanent BMP Time Schedule
RZ-2	Riparian Zone	I.A.3.a I.A.3.b I.A.3.c I.A.3.d	Storage building and fuel tanks within 50' riparian buffer	Relocate storage building and fuel storage tanks to at least 50' from riparian zone	1	Oct-17
SC-1	Sediment Control	I.A.1.c I.A.1.d I.A.6	Graded greenhouse flat with no distinct drainage pattern	Install fiber rolls around the southern perimeter of lower greenhouses	2	Oct-16
SC-2	Sediment Control	I.A.1.c I.A.1.d I.A.6	Graded greenhouse flat with no distinct drainage pattern	Install fiber rolls around the eastern perimeter of upper greenhouses	2	Oct-16
SC-3	Sediment Control	I.A.1.c I.A.1.d I.A.6	Graded greenhouse flat with no distinct drainage pattern	Install sediment basin to capture sediment runoff	2	Oct-16
SS	Septic System	I.A.11.a	N/A	Property owner is in the process of applying for permits to repair the existing septic system on site	2	Oct-17
STR-1	Stream Restoration	I.A.2.a I.A.2.b I.A.2.d I.A.2.e I.A.5.f	Approximately 30 ft of stream channel was altered during construction of flat	The stream section will be restored and designed to not erode while have the capacity to allow the flows for a 100-yr storm event	1	Subject to issuance of LSA by DFW
STX-1	Class III Stream Crossing	I.A.2.a I.A.2.b I.A.2.d I.A.2.e I.A.5.f	18" diameter pipe on a seasonal Class III stream with woody debris around inlet	Install a 36" culvert with a critical dip, rock inlet, rock outlet, armor lower channel and clear upstream channel of woody debris	1	Subject to issuance of LSA by DFW

TABLE 1. Identified sites for corrective action at Bates Parcel Number: 221-101-012.

Map ID	Description	Associated Standard Condition	Current Condition	Corrective Action	*Priority for Action (1 = High)	Permanent BMP Time Schedule
STX-2	Class III Stream Crossing	I.A.2.a I.A.2.b I.A.2.d I.A.2.e I.A.5.f	18" diameter pipe on a seasonal Class III stream	Clear the inlet/outlet of woody debris, and armor the inlet/outlet	1	Subject to issuance of LSA by DFW
SW-1	Disposal of soils from Cannabis cultivation	I.A.10	N/A	Soils from cannabis cultivation will be stored at a designated location on site and reused	1	Oct-16
WM-1	Water Management	I.A.1.c I.A.1.d	No drainage pattern	A drainage swale will be installed to direct surface flow on the graded flat into a sediment basin	2	Oct-16

MEASURES TO MEET STANDARD CONDITIONS

Site Maintenance, Erosion Control and Drainage Features

There is one main road on the property to the residence and one to the lower cultivation sites. The main road to the residence is native surface with no drainage pattern. This road is heavily used and needs to be outsloped, rocked, and rolling dips installed. The road to the lower cultivation sites is steep with moderately use and needs to be in-sloped, rocked, and rolling dips installed (WRPP Map – Attachment 1). The abandoned logging road are not in use and will need to include a sediment source inventory of abandoned logging roads on the property to assess the risk to water quality (RI). The ditch relief culverts on the access road to the lower greenhouse site will have the inlets and outlets cleared and rock installed at the outfalls.

Lower Greenhouse Cultivation Site (WRPP site map area 1)

The lower greenhouse site will have fiber rolls installed around the southern perimeter of the greenhouses to prevent any graded flat sediment or cultivation soil from leaving the site (SC-1). The cut slope of the graded flat will have straw and seed applied for slope stabilization (EC-1). A drainage ditch will be installed direct surface runoff into a sediment basin (SC-3 & WM-1). A gully forming on the fill slope will be filled with 4" rock for stabilization (EC-2). Straw and seed will be applied to the bare soil around the greenhouses (EC-3). The water tank in the stream channel will be relocated away from riparian zone (RZ-1). A storage shed and fuel tank will be relocated out of the riparian 50' buffer (RZ-2 & FT-1). There are tires piled behind the storage shed that will be disposed of properly off site at the appropriate waste facility (GR-1). The road leading down to the lower cultivation site will be in-sloped with the existing in-board ditch maintained (IBD).

Outdoor Cultivation Site (WRPP site map area 2)

The outdoor cultivation site will have the graded flat covered with ¾" rock (RS). The cut slope will have seed and straw applied to stabilize bank (EC-4).

Greenhouse Cultivation Site by Residence (WRPP site map area 3)

The bare soil around greenhouse will have seed and straw applied to the bare soil (EC-6). Cultivation waste will be stored/ composted at the specified location (CW). Fibers rolls will be installed around the eastern border of the greenhouses to prevent cultivation soil from leaving the site (SC-2). The ditch relief culvert that is draining the residence graded flat has a shotgun outlet and is creating a gully on the hillslope. The culvert will have a downspout installed and the outfall rocked for energy dissipation (EC-5). Garbage on this site will be stored in a manner that will prevent it from discharging into receiving water. The garbage will be disposed at the appropriate waste disposal location (GR-2). This cultivation site is potentially going to be relocated to a more stable landing, due to the steep terrain in this region of the property.

Stream Crossing Maintenance

There are two stream crossings with culverts installed on Class III unnamed drainages. The first stream crossing (STX-1) is on the access road to the lower greenhouses and has an 18" corrugated plastic pipe. The culvert will be replaced with a 36" culvert and will have a critical dip installed between the stream crossing and storage buildings. The inlet and outlet will be armored with rock. The channel above the crossing will be cleared out of sediment and woody debris. The stream channel below the culvert is highly modified and will require a stream restoration for approximately a 20' section (STR-1). The restoration will need an engineered plan that will require a survey of the upstream and downstream stream channel. The restoration plan will involve the channel below and above to be excavated with 2:1 side slopes, armored with rock, and native vegetation to be planted for further stabilization. The next stream crossing (STX-2) is an 18" corrugated plastic pipe conveying a Class III unnamed drainage. The inlet and outlet will be armored

with rock and a critical dip will be installed at the culvert. Rock will be installed at the outfall for energy dissipation. The channel above the culvert will also be cleared of woody debris and the fill slope on the outlet side will be armored with rock.

Riparian and Wetland Protection and Management

Currently cultivation sites are > 100 ft from the nearest respective watercourse with a vegetative buffer. The cultivation sites by the residence is ~ 100 ft from the nearest stream. The outdoor cultivation site is ~ 400 ft to the nearest stream. The lower greenhouse cultivation site ~ 200 ft to the nearest stream. There is a water tank that will be relocated out of the stream channel (RZ-1). There is also a storage building and petroleum storage tank that will need to be relocated out of the 50 ft riparian buffer (RZ-2).

Spoils Management

There are currently no grading spoils on the parcel. Future spoils will be placed in designated area where they cannot be transported to surface water (WRPP Map – Attachment A). The spoils will also be contained or stabilized with erosion and sediment control BMPs to prevent sediment mobilization and potential delivery to surface waters.

Water Storage and Use Plan

Water Rights

The primary water source is a point of diversion (POD) located on an unnamed Class III stream. A second POD exists on an unnamed Class III stream and is subject to seasonal flows estimated in Table 2, and is primarily used for domestic purposes. Both POD’s are tributaries to the Mattole River and in the process of being registered with the SWRCB under a riparian right. Once the riparian rights are established, a Small Domestic Use Registration (SDUR) and a Small Irrigation Use Registration (SIUR) will be filed by the end of 2016. The registration prescribed additional storage to meet a proposed 150-day forbearance period. The summary of annual water use below reflects the current storage and diversion rate.

Water Storage and Use

Water for primary and incidental domestic use is diverted from one POD. Currently, water is pumped to a series of storage tanks with a cumulative holding capacity volume of 58,775 gallons (Table 3). The registrant is in the process of installing a 50,000 water tank and is looking at potentially installing a rain catchment pond in the future. Direct diversion and diversion from storage for cannabis are specified in the table below. Riparian rights may be exercised to meet strictly domestic demands if needed. The property owner is currently increasing storage to forbear withdrawal during the dates below. Cannabis cultivation will remain at agronomic rates using conservative irrigation systems. Annual water use on the property is summarized below.

TABLE 2. Dates of Water Diversion and Quantities diverted.

Purpose of Use	Start Date	End Date	From Diversion (gal)	From Storage (gal)
Storage	Dec. 1	Mar. 31	59,000	
Domestic	July 1	Mar. 31	29,700	
Cannabis Cultivation	July 1	Oct. 31	66,400	
Domestic	Apr. 1	Oct. 31		9,900
Cannabis Cultivation	Apr. 1	Oct. 31		49,100

TABLE 3. List of Current Water Storage Vessels on Site.

Type	Quantity (gal)	Number	Total Storage (gal)
Plastic Tank	275	1	275
Plastic Tank	2,500	1	2,500
Plastic Tank	3,000	2	6,000
Plastic Tank	5,000	10	50,000
Total Storage on Site	---	14	58,775

Irrigation Runoff

No evidence of water movement or erosion in the cultivation area was observed during the inventory. The current cultivation sites are over 100 ft from the nearest stream course. Water conservation and containment measures will prevent irrigation runoff from leaving the greenhouse cultivation sites. To further prevent connectivity the property owner will:

- implement water conservation measures;
- irrigate at agronomic rates;
- apply fertilizers/chemicals according to label specifications;
- maintain stable vegetated buffer between cultivation area and riparian zone; and
- install water, erosion, and sediment BMPs as required.

As per the Standard Conditions, future cultivation areas and associated facilities will not be located or occur within 100 ft of any Class I or II watercourse or within 50 ft of any Class III watercourse or wetlands.

Fertilizer and Soil Amendments

The fertilizer/soil amendments being used on site are listed in Attachment D (Fertilizers/Pesticides). Also included in Attachment D is a list of all pesticides, fungicides, and herbicides used on site. The onsite inventory found no fertilizers or soil amendments stored in locations that could leach or be transported to the stream system. Fertilizers and soil amendments are currently being stored in two sheds (WRPP Map – Attachment A). Liquid fertilizers will be placed in bins, or other container for secondary containment. Property owner will apply and use fertilizers and soil amendments per packaging instructions and/or at proper agronomic rates. Application rates will be tracked and reported with the end of the year monitoring.

Pesticides/Herbicides

The property owner uses two types of pesticides, insecticides and fungicides permitted for use on cannabis by the Order (Appendix B). SaferGro Mildew Cure is a fungicide with garlic oil, cotton seed oil and clove oil as the active ingredients. Neem oil is used as an insecticide and fungicide. The use of these products will be consistent with product labelling and it will be stored in the enclosed storage shed along with the fertilizers and soil amendments (Attachment D). Application rates will be tracked and reported with the end of the year monitoring report (Attachment F).

Petroleum Product and other Chemicals

There is one large generator at the residence that is stored in the garage. The gasoline tank located inside of the garage has a secondary containment for spill prevention. All other chemicals and petroleum products are stored in the garage or storage shed and will need secondary containment. Spill clean-up kits will be kept on site in the garage and in the storage shed by fuel tanks.

Cultivation and Waste

Vegetation matter such as branches and leaves will be composted in the specified location and cast on the surrounding hillslope of the cultivation site (WRPP Map – Attachment A). The root balls and large stems will be burned in the winter during the appropriate burn days recommended by the local fire department. There is currently no cultivation soil waste but anticipated waste will be stored at the outdoor cultivation site (SW-1). Soil will be covered and sediment control BMPs installed to prevent transport of nutrients to the stream system via overland flow. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

Refuse and Human Waste

The property owner is in the process of permitting the existing septic system and will be repaired by October 2017 (Attachment E). The property is clean and generally free of garbage. The small amount of garbage on the site will be collected and transported to an approved disposal area. Future garbage will be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters until it is disposed at an appropriate waste disposal location.

Remediation/Cleanup/Restoration

The modified stream channel by STX-1 will be restored as specified in the stream crossing and maintenance section of this report (STR-1).

MONITORING AND REPORTING

Monitoring

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in Attachment F with photo points identified on WRPP map (Attachment A). Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site;
- Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff;
- By December 15; and,
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

Reporting

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports (Attachment F).

ATTACHMENTS

- A. Water Resources Protection Plan Set
- B. Design Plans
- C. Water Rights Documentation
- D. Cultivation Fertilizer and Pesticide List
- E. Septic System Documentation
- F. Monitoring Plan
- G. RWQCB Order No. 2015-0023 and Appendices
- H. RWB Enrollment Documents

Exhibit B

RECEIVED

NOV 16 2017

CDFW - EUREKA

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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2017-0305-R1
Unnamed Tributary to Mattole Canyon Creek, Tributary to Mattole River
River and the Pacific Ocean

Mr. Alan Bates
Bates Water Diversion and Stream Crossing Project
3 Encroachments



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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on May 26, 2017, with revisions received on July 28, 2017, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located within the Mattole River watershed, approximately 9 miles northwest of the town of Redway, County of Humboldt, State of California. The project is located in Sections 16 and 17, Township 3 S, Range 2 E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-101-012 and ; latitude 40.2005, N and longitude-123.9729 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to 3 encroachments (Table 1). Encroachment 1 is for water diversion from a stream, using an existing spring box, for irrigation and domestic use. Work for the water diversion will include use and maintenance of the water diversion

infrastructure (spring box). Encroachments 2 and 3 are for upgrading two culverts and restoration of a stream channel.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
Point of Diversion	-123.9729, 40.2005	Water diversion from a Class II stream using existing spring box
Crossing 1	-123.9720, 40.2010	Replace 18" diameter culvert with 24" diameter x 20 foot long culvert
Crossing 2	-123.9680, 40.1990	Replace 18" diameter culvert with 36" diameter x 30 foot long culvert, remove fill and recontour stream channel, apply rock armor to culvert outfall

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*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

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

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 Work Period. All work, not including water diversion, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.2 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on May 26, 2017 and revised on July 28, 2017, together with all maps, BMPs, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.3 Wildlife Safe Products Only. Only wildlife-friendly 100 percent biodegradable erosion control products that will not entrap or harm wildlife shall be used. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.

Water Diversion

- 2.4 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall **not exceed 10 gallons per minute (gpm)** at any time.
- 2.5 Bypass Flow. The Permittee shall **pass 80% of the stream flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.6 Seasonal Diversion Minimization. No more than **150 gallons** per day shall be diverted during the low flow season from **March 31 to December 15** of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.4 and 2.5 of this Agreement.
- 2.7 Measurement of Diverted Flow. The Permittee shall install and maintain measuring devices acceptable to CDFW to accurately measure and manage the 80 percent bypass condition, and the quantity of water diverted from the stream. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee **shall record the quantity of water** diverted on a weekly basis.
- 2.8 Water Management Plan. The Permittee shall submit a Water Management Plan **within 60 days of the date the Agreement is executed**, that describes how compliance will be achieved under this Agreement. The Water Management Plan

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

- 2.9 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.11 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.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

- 2.13 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.
- 2.14 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.
- 2.15 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.

- 2.16 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.
- 2.17 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.18 Fill Excavation. 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.

Conditions for Permanent Culverts

- 2.19 Culvert Placement. Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).
- 2.20 Streambed Construction. 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.
- 2.21 Armoring. Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

- 2.22 Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow (slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.
- 2.23 Work Completion. The proposed work shall be completed by **no later than October 1, 2018**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.
- 2.24 Project Inspection. The Project shall be inspected by a licensed engineer or other qualified professional to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of **Water Diversion Records** (condition 2.7) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year **beginning in 2017**.
- 3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.8) **within 60 days of the date the Agreement is executed**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.3 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.24) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Mr. Alan Bates
8300 Doody Ridge Road
Garberville, CA 95542
(707) 932-0030
myaddressiseasy@gmail.com

To CDFW:

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

Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0305-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the

completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Alan Bates



Alan Bates

11/15/17
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

11/27/17
Date

Prepared by: Angela Liebenberg, Senior Environmental Scientist Specialist, October 11, 2017



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

Exhibit E
 2.) Timber Evaluation
 March 6, 2019

Humboldt Optimal Growth Farms, Inc.
 Attention: Alan Bates
 P.O. Box 2543
 Redway, CA 95560

Dear Alan Bates,

Re: APN 221-101-012 / Application #:11317

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application (Apps #11317) for APN 221-101-012. The Applicant has an Interim Permit for 2,603 square feet of existing outdoor cannabis cultivation and 8,875 square feet of existing mixed-light cannabis cultivation Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation site and associated areas contained within the application on February 15, 2019, 2019. The RPF also visited the property on several occasions in May 2015 in association with the preparation of a *CalFire Less Than 3-Acre Conversion Exemption* (Conversion Exemption 1-15EX-222 HUM). The RPF exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report.

Project Location

APN: 221-101-012

Acreage: 37 acres

Legal Description: NE ¼ of SE ¼ Section 17
Township 3 South, Range 2 East,
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Ettersburg

Humboldt County Zoning: Unclassified

Site Address: None

Landowner/Timber Owner: Alan Bates & Matthew Humecke

The project is located in Humboldt County, in the Ettersburg area, on the south side of Doody Ridge Road, approximately 2.6 miles north from the intersection of Dutyville Road and Doody Ridge Road.

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.

The property consists of scattered predominant/residual tanoak and second growth tanoak and Douglas-fir with a minor component of madrone. The scattered tanoak trees, which are "goosed-out" and fire-scarred, are relics from the previous old growth stand, which was harvested approximately 60-70 years ago. Review of 1968 aerial imagery reveals that the property and surrounding areas were recently harvested (within approximately 10-20 years) as evidenced by truck roads, skid roads, landings, and distinct timber/vegetation type changes. There are no signs of more recent ground disturbance or changes in stand structure or composition suggesting additional large-scale logging entries (THP/NTMP) have occurred since the original harvest. Moreover, none have been recorded by Cal Fire (Watershed Mapper v2 http://egis.fire.ca.gov/watershed_mapper/). TRC prepared Conversion Exemption 1-15EX-222 HUM for the landowners, which was approved by Cal Fire in July 10, 2015. The areas converted via the permit are shown on the attached map. Cal Fire deemed the project "Completed" on February 26, 2016 via a field inspection on February 16, 2016. The Conversion Exemption and Notice of Inspection (completion inspection) are attached. The current landowners, Alan Bates & Matthew Humecke, purchased the property from Robert L & Lenore Ake on 12-20-2011.

Project Description

Three cultivation related sites were inspected during the field assessment within APN 221-101-012. The following table lists the inspected site and its acreage; see detailed site descriptions below.

Cultivation Site/Associated Area	Total Acreage	Converted?	Converted Acreage
Cultivation Site 1	0.32	Yes	0.32
Cultivation Site 2	0.53	Yes	0.53
Tank Site	0.16	Yes	0.16
TOTAL	1.01		1.01

Cultivation Site 1

Review of 1993 Google and 1998 NAIP aerial imagery reveals that the cultivation site occupies a partially cleared area, which could be forest opening, log landing, or simply a disturbed area from past logging. This existing clearing appears to have been slightly expanded between 2005-2009, and significantly enlarged between 2010-2012 to its current size and configuration. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Project Description (Cont.)

Cultivation Site 2

This site was converted via Conversion Exemption 1-15EX-222 HUM in August 2015. Cal Fire issued a Final Completion on February 26, 2016 with no violations observed. This site was converted legally via the requirements of 14 CCR § 1104.1(a).

Tank Site

This site was converted via Conversion Exemption 1-15EX-222 HUM in August 2015. Cal Fire issued a Final Completion on February 26, 2016 with no violations observed. This site was converted legally via the requirements of 14 CCR § 1104.1(a).

Timberland Conversion Summary

TRC observed approximately 0.32 acres of unauthorized timberland conversion at Cultivation Site 1 for cultivation-related purposes. This total does not exceed the three acre conversion exemption maximum.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

No conversion areas exist within Watercourse and Lake Protection Zones (WLPZs) or Equipment Exclusion Zones (EEZs) on the property. The RPF inspected all areas within 100+ feet of Cultivation Site 1 for the presence of watercourses with none observed. Further, the landowner's Water Resource Protection Plan (Manhard Consulting, September 2016) reveals no watercourses within 100+ feet of Cultivation Site 1.

Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.*
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.*
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.*
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 6) Full slash and woody debris treatment may include any of the following:*
 - a) Burying;*
 - b) Chipping and spreading;*
 - c) Piling and burning; or*
 - d) Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.*
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.*

Limitations and Considerations for Timberland Conversion Activities (Cont.)

8) *Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.*

The RPF observed no untreated slash, logs, and/or woody debris at the three sites inspected.

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

A query of the California Natural Diversity Database (CNDDDB) on February 24, 2019 revealed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the property. No sensitive, rare, threatened, or endangered species or species of special concern were observed during the TRC field assessment of the project area, though potential habitat may exist on the property.

The query of the CNDDDB NSO Database revealed no known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile radius biological assessment area (BAA) surrounding the property.

No major forest health issues were observed during the field assessment. The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), however the RPF observed no symptoms, signs, and evidence of oak mortality. The conversion area did not appear to include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

14 CCR 1104.1 (2)(I): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the TRC field assessment. The RPF conducted pre-field research for the project's geographic location and closely surveyed the converted site and surrounding undisturbed areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Chris Carroll, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #575). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surfaces.

Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

Recommendations

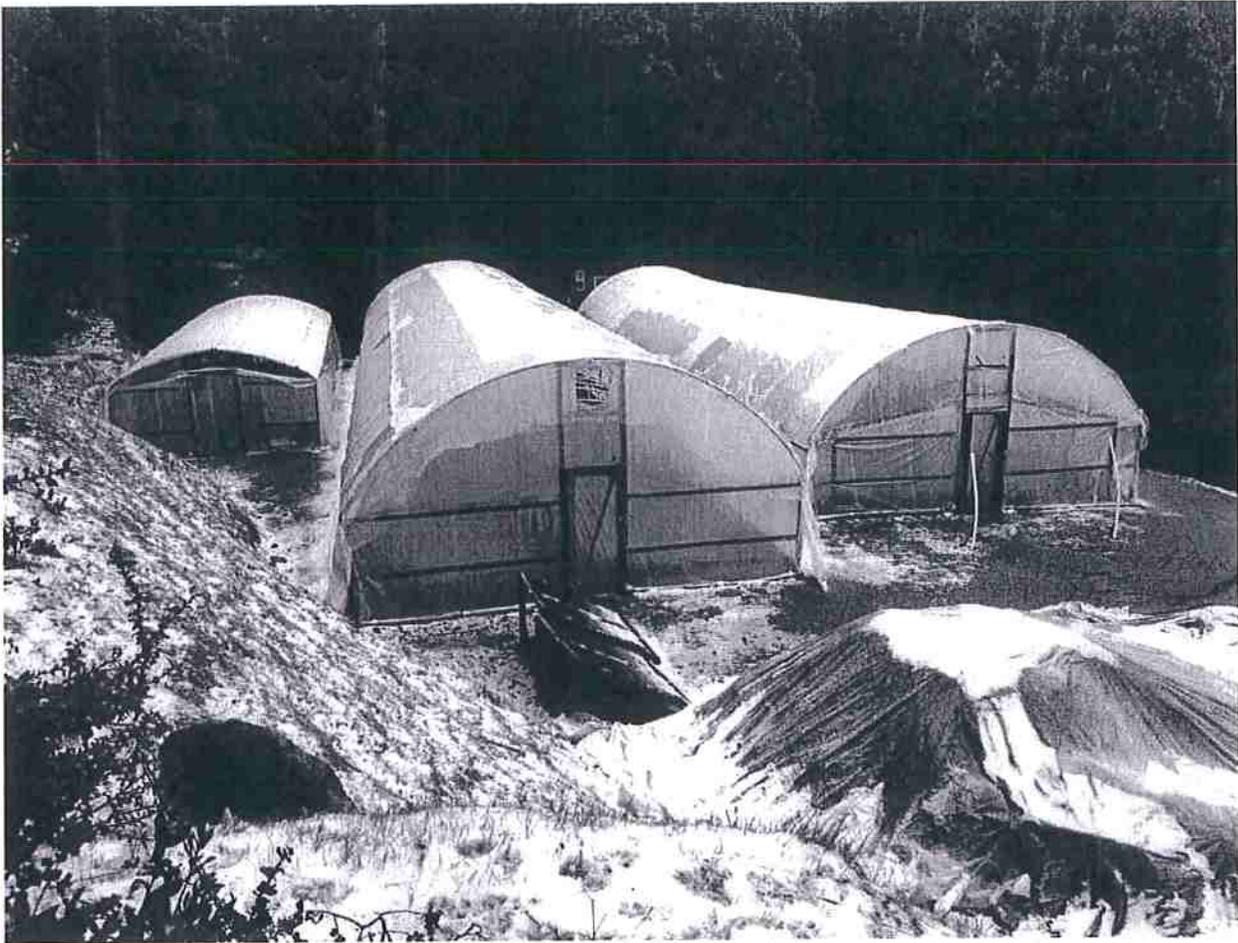
In summary, a total of 0.32 acres of unauthorized timberland conversion has occurred within APN 221-101-012. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property complies with the California Forest Practice Act and the California Forest Practice Rules. The RPF has no recommendations.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1: Cultivation Site 1. Photo date 2-15-2019.

Pictures



Picture 2: Cultivation Site 1. Photo date 2-15-2019.

Pictures



Picture 3. Cultivation Site 1. Photo date 2-15-2019.

APN 221-101-012

Location Map

 Property Boundary

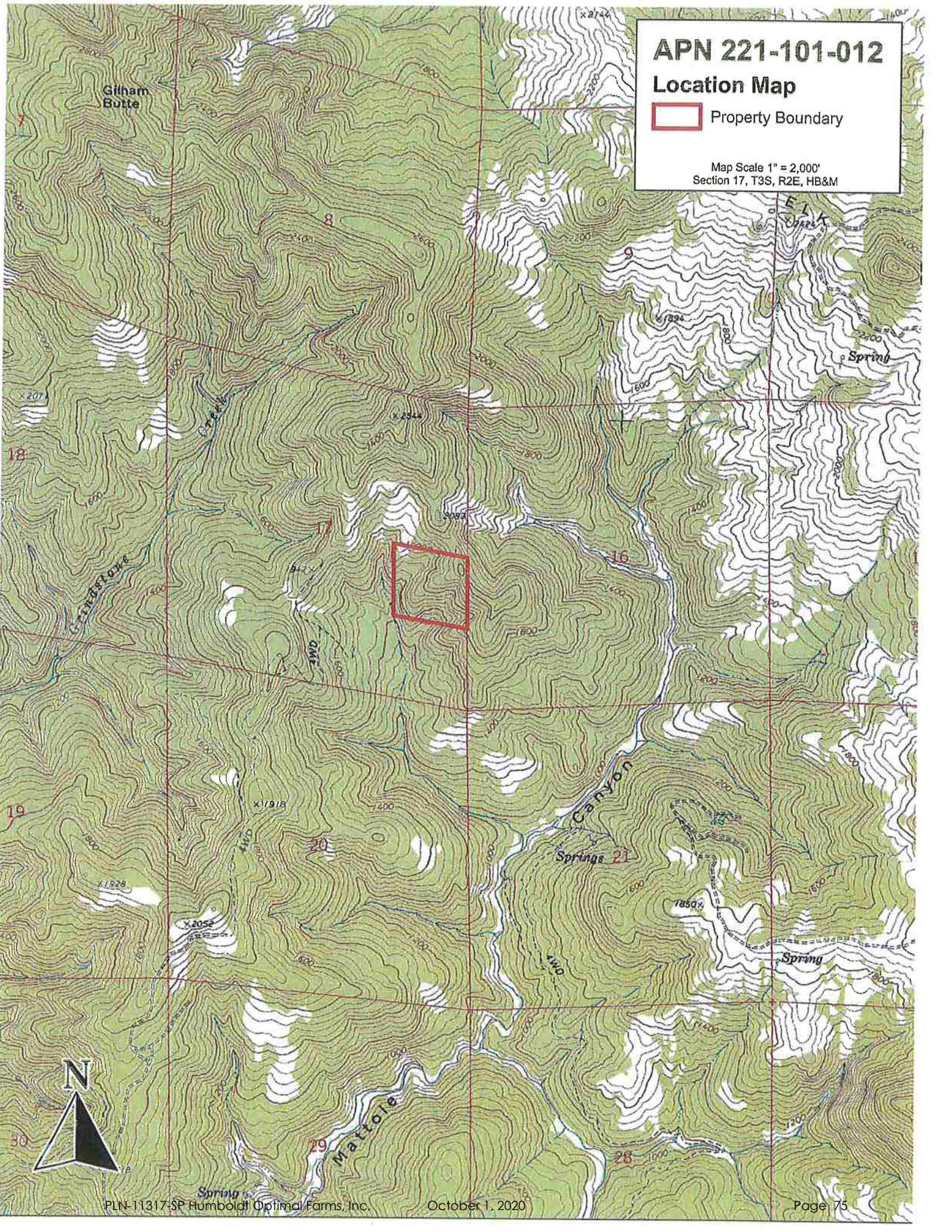
Map Scale 1" = 2,000'
Section 17, T3S, R2E, HB&M

Gilham Butte

Spring

Spring

Spring



APN 221-101-012

Conversion Evaluation Map

X 2083

-  Property Boundary
-  Conversion Exemption
1-15EX-222 HUM
-  Unpermitted Timberland
Conversion
-  Seasonal Road
-  Doody Ridge Road
-  Permanent Road
-  Class III Watercourse
-  Class II Watercourse
-  Residence
-  Shop

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M

Doody Ridge Road

Tank Site

Cultivation Site 1

Cultivation Site 2

1800



APN 221-101-012

Conversion Evaluation Map

-  Property Boundary
-  Conversion Exemption
1-15EX-222 HUM
-  Unpermitted Timberland
Conversion
-  Seasonal Road
-  Doody Ridge Road
-  Permanent Road
-  Class III Watercourse
-  Class II Watercourse
-  Residence
-  Shop

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M

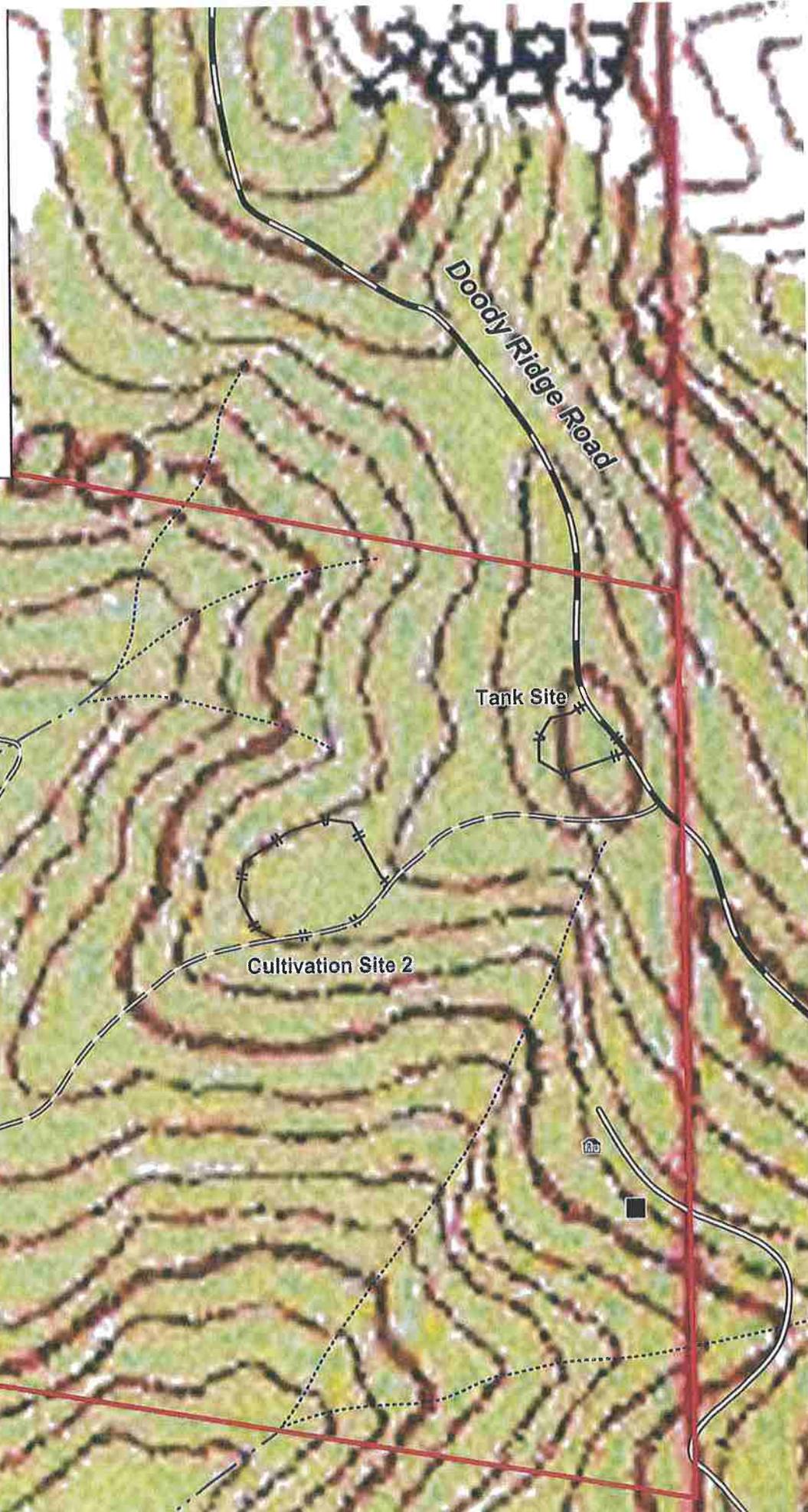


APN 221-101-012

Conversion Evaluation Map

-  Property Boundary
-  Conversion Exemption
1-15EX-222 HUM
-  Unpermitted Timberland
Conversion
-  Seasonal Road
-  Doody Ridge Road
-  Permanent Road
-  Class III Watercourse
-  Class II Watercourse
-  Residence
-  Shop

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M



APN 221-101-012

CNDDDB Map

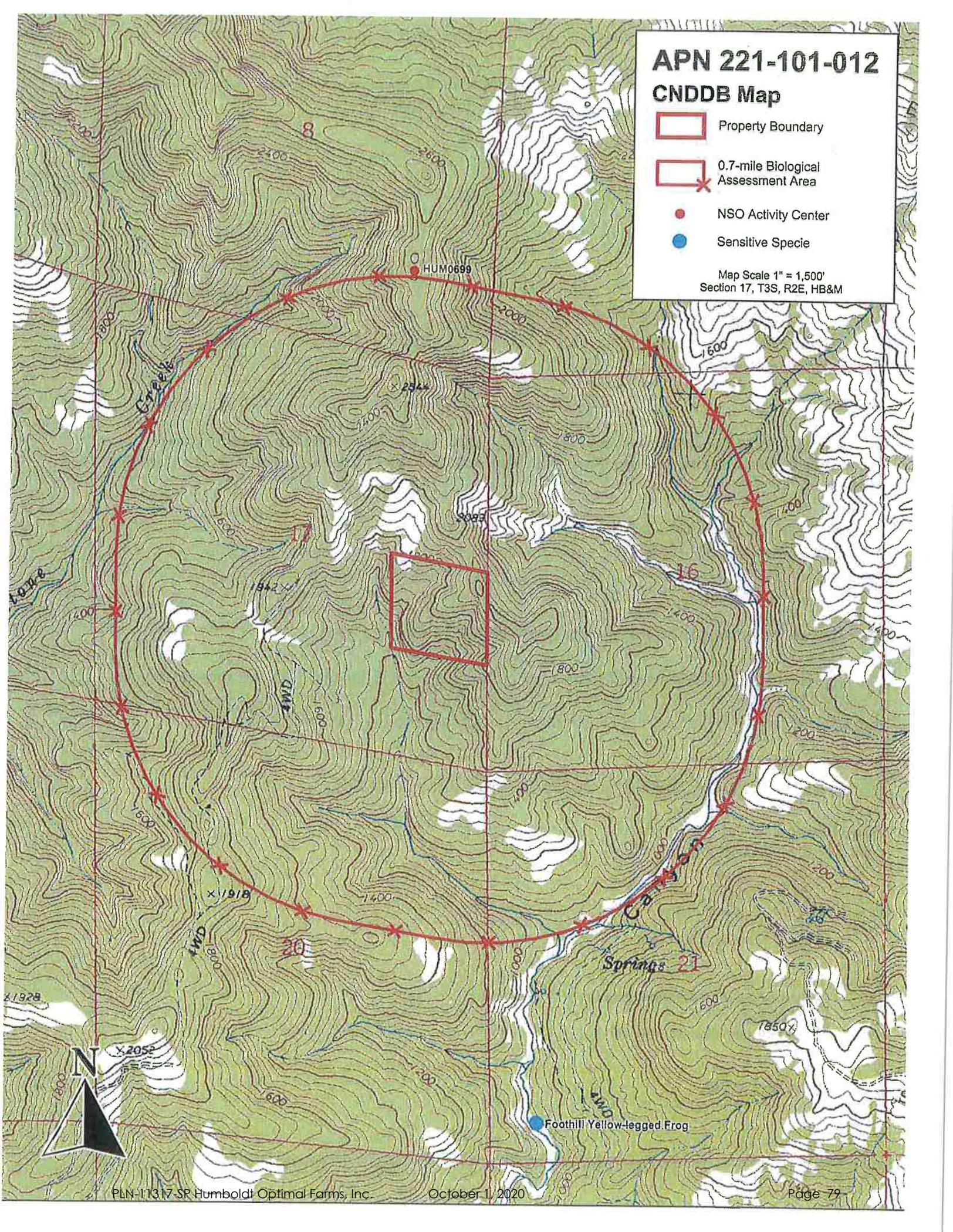
 Property Boundary

 0.7-mile Biological Assessment Area

 NSO Activity Center

 Sensitive Specie

Map Scale 1" = 1,500'
Section 17, T3S, R2E, HB&M





DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Resource Management
 118 Fortuna Blvd
 Fortuna, CA 95540
 (707) 726-1251
 Website: www.fire.ca.gov



CHRISTOPHER CARROLL
 TIMBERLAND RESOURCE CONSULTANTS
 165 SOUTH FORTUNA BLVD
 FORTUNA, CA 95540

Date: February 26, 2016

NOTICE OF INSPECTION

Section 4604 of the Public Resources Code (PRC) requires the Department to inspect timber operations for compliance with the Forest Practice Act and rules of the Board of Forestry and Fire Protection.

Harvest Document: 1-15EX-222-HUM
 Inspection Date: February 16, 2016
 Inspection Number: 2
 On-Site Contact: NONE

NO VIOLATIONS WERE OBSERVED ON THE AREA INSPECTED.

This completion inspection covers the conversion area and all harvesting activities and slash treatments required by the FPR. The erosion control structures and drainage facilities are installed and functioning properly. This will be the final inspection report that you will receive from the Department.

If you have any questions, please contact Tim Meyers at (707) 946-2204.

Hugh Scanlon
 Unit Chief, Humboldt Del Norte Unit

by: 
 Tim Meyers RPF #2813
 Forest Practice Inspector

Attachment:
 CC: North Coast Region I Headquarters
 HUU RP File
 CAL FIRE Inspector—T. Meyers
 LTO
 RPF
 Timberland Owner

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

RECEIVED

OCT - 2 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT

Area: _____

Date Received: OCT - 2 2015

Date Approved: _____

Date Sent to B.O.E.: _____

TIMBER OPERATIONS WORK COMPLETION AND/OR STOCKING REPORT
(As per Div. 4, Chap. 8, Sections 4585 and 4587 PRC, and Title 14 CCR Sections 1070-1075)

Certification By Timber Owner or Agent: I certify that the declarations herein are true and correct to the best of my knowledge and belief. I am notifying the Department of Forestry and Fire Protection of the status of compliance with the completion and stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection for:

Harvest Document Number: 1-15EX-222 HUM

Harvest document includes a Timber Harvesting Plan (THP), a Nonindustrial Timber Management Plan's Notice of Timber Operations (NTO), a Less Than Three Acre Conversion Exemption (EX), or an Emergency Notice (EM). For Timberland Conversion Permits (TCP), include the THP Number above, as well as the Conversion Permit No.: _____

Completion Report

- Final Completion Report On (date): _____ all work on the operation was completed, and no further harvesting shall be conducted.
- Partial Completion Report On (date): _____ all work on a part of the plan as shown on the attached map was completed. Additional harvesting is anticipated on the remaining portion of the logging area. **Only one partial completion report may be accepted by the CAL FIRE during any calendar year.**
- NTMP-NTO Completion Report On (date): _____ all work on this NTO was completed for this calendar year. Additional harvesting is anticipated in following years.
- EX Completion Report On 9/29/15 all work on this Less Than Three Acre Conversion Exemption was completed. No stocking report is required.
- TCP Completion Report On (date): _____ all work on this Timberland Conversion Permit was completed. No stocking report is required.

Stocking Report: The area declared as complete in this report or a previously approved completion report meets all of the stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection. The stocking status after completion of timber operations was determined by:

- One of the sampling procedures adopted by the Board of Forestry and Fire Protection. The identification of the person sampling, plot data, and a map of the area sampled are attached.
- Physical examination of the area by the timber owner or the agent thereof after completion of timber operations determined that the area's stocking obviously meet the requirements of the Forest Practice Rules and a waiver of stocking sampling is requested.
- As stated in the harvest document, the area was **substantially damaged** as per 14 CCR § 1080.1, and only dead, down, or dying trees were salvaged, or the Site Class is IV or V, hence no restocking is required.

This is a stocking report for the:

- Entire operating area covered by the harvest document.
- Entire operating area covered by this completion report or the completion report previously submitted on (date): _____
- Part of the operating area for which this completion report is submitted.

A map indicating the area completed (if the actual area harvested is less than approved) and/or stocked must be submitted with this report. Additional information can be found in the instruction pages of this form.

Chris Carroll
Signature

10/2/15
Date

Chris Carroll
Print Name

165 S. Fortuna Blvd.
Address

Fortuna
City

CA
State

95540
Zip Code

707-725-1897
Telephone Number (with Area Code)

DIRECTOR'S CERTIFICATION

Report In Conformance

The Director has determined that all of the requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection have been completed **except** stocking for the area described in this report. Erosion control maintenance is required for at least one year following the submission of this report, or until stocking is met, whichever is later, and it may be extended to three years.

The area described by this report has been found to meet all of the requirements of the Forest Practice Act and forest practice rules **including** stocking as shown on the attached map. Erosion control maintenance is required for at least one year following the submission of this report or until stocking is met for the entire area of the harvest document, whichever is later, and it may be extended to three years.

The area described by this report has been found to meet all of the requirements of the Forest Practice Act and Forest Practice Rules including stocking for the entire area as shown on the THP (or other harvest document) map. Erosion control maintenance is required for at least one year following the submission of this report, and it may be extended to three years.

Maintenance Period

The prescribed maintenance period for erosion control shall be:

- One Year.** Ending date: _____
- Three Years.** Ending date: _____
- Other.** Specify length: _____ years and ending date: _____

RECEIVED

OCT -2 2015

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

Report Not In Conformance

- The area described by this report has been found **not to be in compliance** with the Forest Practice Act and Forest Practice Rules. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.
- The Director has determined that the **stocking** requirements of the Forest Practice Act and forest practice rules **have not been met**. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.

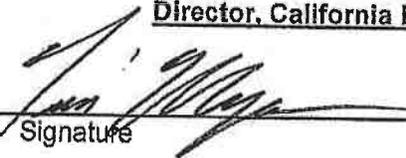
Other Reports

- Conversion Permit.** The Completion Report is necessary, but a stocking report is not required.
- Less Than Three Acre Conversion Exemption.** The Completion Report is necessary, but a stocking report is not required.
- Emergency Notice or a THP with Substantially Damaged Timberland** as per 14 CCR § 1080.1, where a stocking report is not required.

For the selection from **Other Reports** above, the Director has determined that all of the requirements of the Forest Practice Act and Forest Practice Rules:

- Have been completed.
- Have not been completed and are not in compliance with the regulations and/or the rules. See attached documents for further information. **A new completion report must be submitted** upon completion of the work required in the documents attached.

Director, California Department of Forestry and Fire Protection

By:  Tim MEYERS
Signature Print Name

Forester I 2813 2/25/16
Title RPF # Date

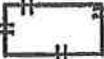
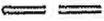
RECEIVED

OCT -2 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT

APN 221-101-012

Conversion Map

-  Property Boundary
-  Conversion Exemption Area
-  Landing
-  Existing Seasonal Road
-  Existing Permanent Road

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M

Doody Ridge Road



RECEIVED
SHERIFF'S OFFICE
ESQUIMONTO, WYOMING
RESOURCE MANAGEMENT



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave.
Santa Rosa, CA 95401
Website: www.fire.ca.gov
(707) 576-2959



Exhibit E
1.) 3 Acre Conversion

Date: July 10, 2015
Ref.: 1-15EX-222-HUM

ALAN BATES & MATTHEW HUMECKE
115 TRANQUILITY LN
WHITETHORN, CA 95589

Dear MR. BATES & MR. HUMECKE:

This is to acknowledge that your **Less Than 3 Acre Conversion Exemption** was accepted on **July 8, 2015**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

*****Please read the enclosed notice regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.*****

In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)--Title 14 of the California Code of Regulations, will be determined by future inspection(s).

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

Jeremiah Steuterman
Forestry Assistant II

Enclosure

cc: Unit
Board of Equalization
RPF – Chris Carroll
LTO – Justin French
File
[ftp://thp.fire.ca.gov/THPLibrary/North Coast Region/](ftp://thp.fire.ca.gov/THPLibrary/North_Coast_Region/)

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

D

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):
- A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
 - B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
 - C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
 - D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
 - E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1-3.
 - F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
 - G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
 - H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
 - I. No timber operations are allowed on significant historical or archeological sites.
 - J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
 - K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

6. I, _____, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item **MUST** be completed. If it has not, see Item 7.)

SIGNATURE See following signature page Date _____

7. Registered Professional Forester preparing Notice: Chris Carroll Number 2628
 Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone 707-725-1897
 I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and dated a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF Chris Carroll Date 7-1-15

8. NOTICE SUBMITTER(S): Alan Bates & Matthew Humecke

Address: 115 Tranquility Lane
 City: Whitethorn State: CA Zip: 95589 Phone: 221-101-012

Submitter must be 1, 2, or 3 above, and must sign.
 SIGNATURE Matthew Humecke Date 6-24-15
 SIGNATURE Alan Bates Date 6-24-15

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road Redding, CA 96002	Forest Practice, CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties

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 COAST AREA OFFICE
 RESOURCE MANAGEMENT



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

5/22/2015

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division

Applicant Name Alan Bates and Matthew Humecke **Key Parcel Number** 221-101-012-000

Application (APPS#) 9840 **Assigned Planner** Karen Meynell (707) 268-3731 **Case Number(s)** TRM15-018

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

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

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

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

Return Response No Later Than 6/6/2015

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

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 5/29/15

PRINT NAME: MARC PHIPPEN

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COAST AREA OFFICE
 RESOURCE MANAGEMENT
 Page 87

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):
- A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
 - B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
 - C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
 - D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
 - E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1.-3.
 - F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
 - G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
 - H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
 - I. No timber operations are allowed on significant historical or archeological sites.
 - J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
 - K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

6. I, Karen Meynell, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item **MUST** be completed. If it has not, see Item 7.)

SIGNATURE Karen Meynell Date 5-29-15

7. Registered Professional Forester preparing Notice: Chris Carroll Number 2628

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone 707-725-1897

I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and dated a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF _____ Date _____

8. NOTICE SUBMITTER(S): Alan Bates & Matthew Humecke

Address: 115 Tranquility Lane

City: Whitethorn State: CA Zip: 95589 Phone: 221-101-012

Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE _____ Date _____

SIGNATURE _____ Date _____

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road Redding, CA 96002	Forest Practice, CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties

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Project Description

This Conversion Exemption proposes to convert timberland into agriculture. Per the Humboldt County General Plan, the conversion exemption area is presently zoned Unclassified with an agricultural general plan designation. Agriculture is a principally permitted use on such zoned lands. Humboldt County's Grading and Open Space Ordinance applies to this project and the County has reviewed and signed off on this project. See attachment from County.

Addendum 14CCR 1104.1(a)(1)(E)(1-4)

The timberland owners have certified via their signatures, under penalty of perjury, that this is a one-time conversion to agriculture. The timberland owners understand that a "Bona Fide Intention or bona fide intent" is a present, sincere intention of the applicant to conform with and successfully execute the conversion plan, as determined by the Director in accordance with provisions of Sec. 1105.2 (Ref.: Sec. 4623, PRC). The timberland owners, acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, have not obtained an exemption pursuant to this section in the last five years.

Addendum 14CCR 1104.1(a)(2)(F)

There are no watercourses, ELZs, or WLPZs within the conversion exemption area.

Addendum 14CCR 1104.1(a)(6)

The extent of the vegetation removal and site preparation required for the conversion;

Both sites consist of tanoak/madrone and Douglas-fir. Both sites require tree and vegetation removal and treatment. Both conversion sites are expected to require excavation and cutting and/or filling to successfully convert the sites.

The suitability of soils, slope, aspect, and microclimate for the stated non-timber use;

The conversion exemption area's slopes, microclimate, and aspects are suitable for the stated uses. The soils are inadequate for agriculture but grow medium is imported and therefore not a limiting factor.

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**COAST AREA OFFICE
RESOURCE MANAGEMENT**

Addendum 14CCR 1104.1(a)(2)(D) - Treatment of Logging Slash and Woody Debris.

1. Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
2. All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.
3. All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.
4. Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.
5. Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
6. Full slash and woody debris treatment may include any of the following:
 - a. Burying;
 - b. Chipping and spreading;
 - c. Piling and burning; or
 - d. Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.
7. Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.
8. Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.

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**COAST AREA OFFICE
RESOURCE MANAGEMENT**

WINTER OPERATING PLAN

1. The erosion hazard rating for the conversion exemption area is moderate.
2. Mechanical site preparation is proposed.
3. The yarding system for the conversion exemption is ground based.
4. This Winter Operating Plan is for all timber operations occurring from October 15 to May 1.
5. No watercourses occur the conversion exemption area.
6. Use of logging roads, tractor roads, or landings shall not take place at any location where "Saturated Soil Conditions" exist, where a "Stable Operating Surface" does not exist, or when visibly turbid water from the road, landing, or skid trail surface or inside ditch may reach a watercourse or lake.
7. No unstable areas occur within or nearby the conversion exemption area.
8. Winter Operations Restrictions:
 - a. Logging roads, landings or tractor roads shall not be used when visibly turbid water from the road, landing or tractor road (skid trail) or an inside ditch associated with the logging road, landing or tractor road may reach a watercourse or lake in amounts sufficient to cause a turbidity increase in Class I, II, III or IV waters.
 - b. Log hauling on logging roads and landings shall be limited to those which are hydrologically disconnected from watercourses to the extent feasible, and exhibit a stable operating surface.
 - c. Concurrent with use for log hauling, approaches to logging road watercourse crossings shall be treated for erosion control as needed to minimize soil erosion and sediment transport and to prevent the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water.
 - d. Concurrent with use for log hauling, all traveled surfaces of logging roads in a WLPZ or within any ELZ or EEZ designated for watercourse or lake protection shall be treated for erosion control as needed to minimize soil erosion and sediment transport and to prevent the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water.
 - e. Grading to obtain a drier running surface more than one time before reincorporation of any resulting berms back into the road surface is prohibited.
 - f. Unless the winter period operating plan proposes operations during an extended wet weather period with low antecedent soil wetness, no tractor roads shall be constructed, reconstructed, or used on slopes that are over 40 percent and within 200 feet of a Class I, II, or III watercourse, as measured from the watercourse or lake transition line during the extended wet weather period.
 - g. Logging roads, landings and tractor roads shall not be used when sediment from the logging road, landing or tractor road surface is transported to a watercourse or a drainage facility that discharges into a watercourse in amounts sufficient to cause a visible increase in turbidity in Class I, II, III, or IV waters.
 - h. Logging roads and landings shall not be used for log hauling when saturated soil conditions result in the visible increase in turbidity specified in Class I, II, III, or IV waters.

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RESOURCE MANAGEMENT

WINTER OPERATING PLAN (CONT.)

- i. **SATURATED SOIL CONDITIONS:** means that soil and/or surface material pore spaces are filled with water to such an extent that runoff is likely to occur. Indicators of saturated soil conditions may include, but are not limited to: (1) areas of ponded water, (2) pumping of fines from the soil or road surfacing material during timber operations, (3) loss of bearing strength resulting in the deflection of soil or road surfaces under a load, such as the creation of wheel ruts, (4) spinning or churning of wheels or tracks that produces a wet slurry, or (5) inadequate traction without blading wet soil or surfacing materials.
- j. **STABLE OPERATING SURFACE:** means a road or landing surface that can support vehicular traffic and has a structurally sound road base appropriate for the type, intensity and timing of intended use.

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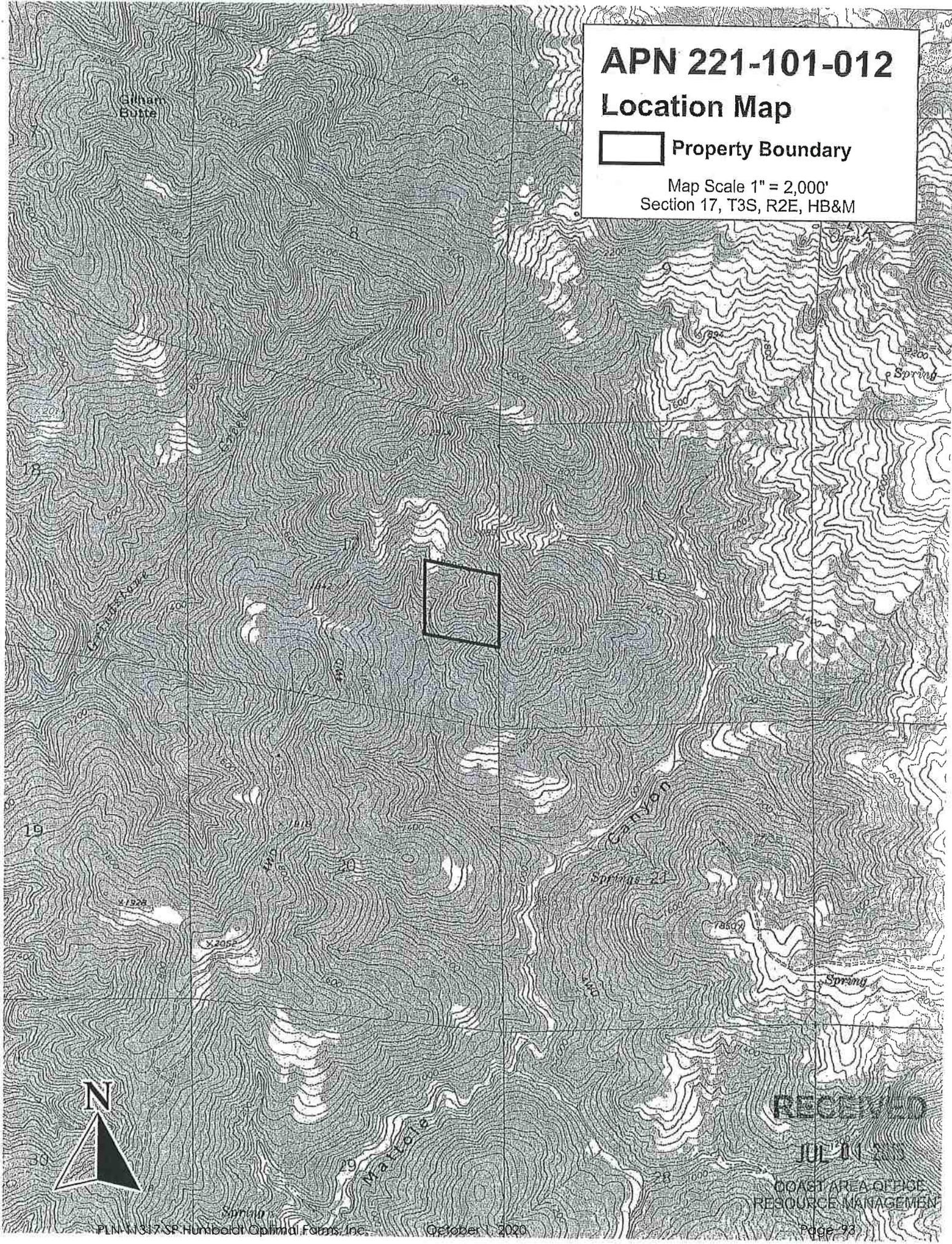
**COAST AREA OFFICE
RESOURCE MANAGEMENT
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APN 221-101-012

Location Map

 **Property Boundary**

Map Scale 1" = 2,000'
Section 17, T3S, R2E, HB&M



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**COAST AREA OFFICE
RESOURCE MANAGEMENT**

APN 221-101-012

Access Map



Property Boundary



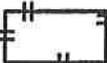
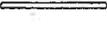
Permanent Rock Road
Access to Property

Map Scale 1" = 2,800'
Section 17, T3S, R2E, HB&M



APN 221-101-012

Conversion Map

-  Property Boundary
-  Conversion Exemption Area
-  Landing
-  Existing Seasonal Road
-  Existing Permanent Road

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M



Doody Ridge Road



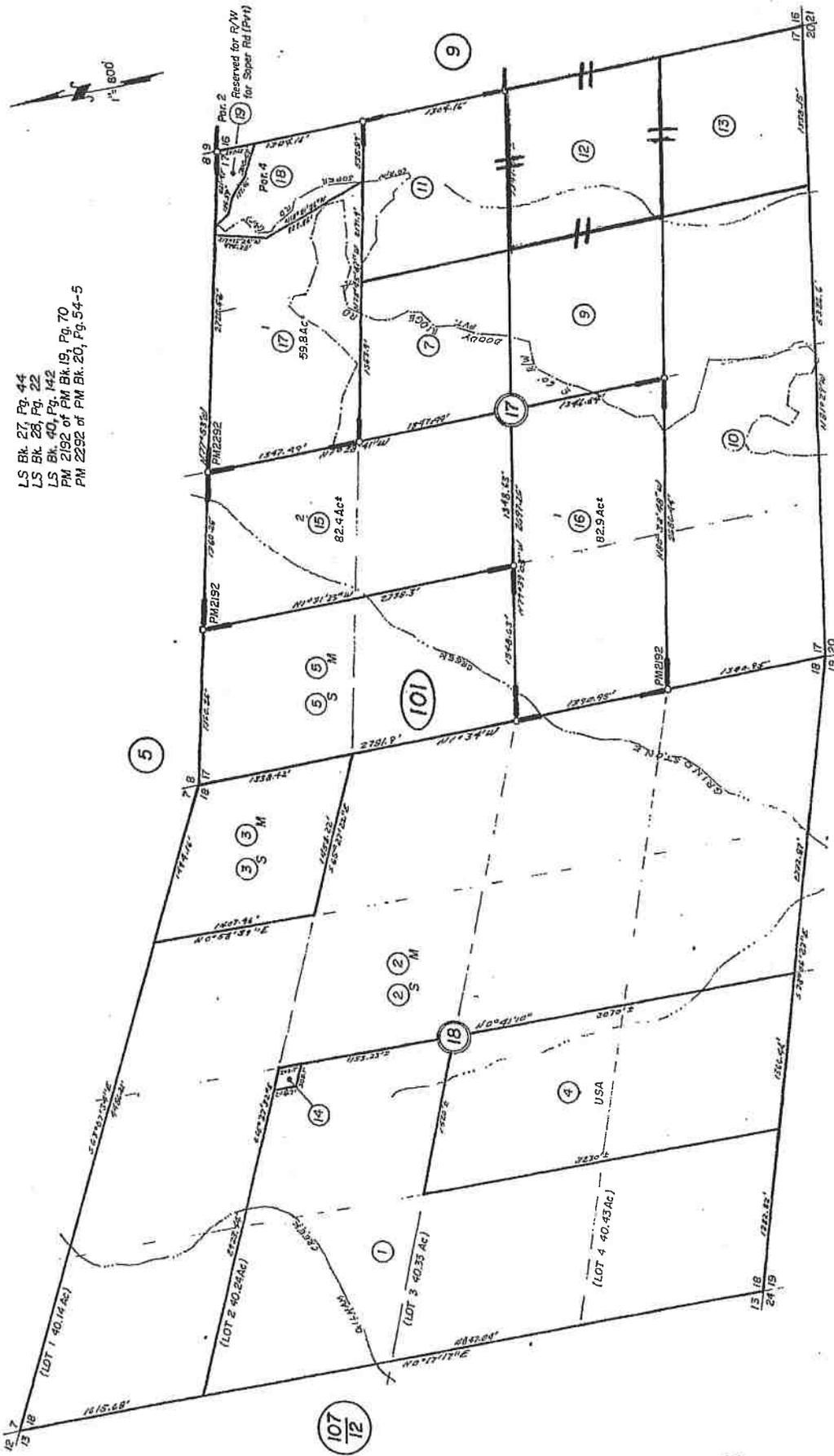
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JUL 1 2015

COUNTY SEA OFFICE
RESOURCE MANAGEMENT
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221-10

SECS 17 & 18, T 3S R 2E, H B & M

LS Bk. 27, Pg. 44
LS Bk. 26, Pg. 22
LS Bk. 40, Pg. 142
PM 2192 of PM Bk. 19, Pg. 70
PM 2292 of PM Bk. 20, Pg. 54-5



Assessor's Maps Bk. 221-Pg. 10
County of Humboldt, Calif. *11/84* *JLH*

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RESOURCE MANAGEMENT
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Additional Information

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RESOURCE MANAGEMENT
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Less Than 3-acre Conversion Exemption NOTICE OF TIMBER OPERATIONS

Date of Posting of this Notice: 5-16-2015

A Conversion exemption that may be of interest to you will be submitted to the California Department of Forestry & Fire Protection. The California Department of Forestry & Fire Protection will be reviewing the proposed timber operation for compliance with various laws and rules. The following briefly describes the proposed conversion exemption and where and how to get more information. Questions about the proposed conversion exemption or laws and rules governing timber operations should be directed to:

California Department of Forestry and Fire Protection
Forest Practice Program
135 Ridgeway Avenue
Santa Rosa, CA 95402
(707) 576-2959

Information about the Conversion Exemption is as follows:

1. TIMBER OWNER OF RECORD: Alan Bates & Matthew Humecke
Address: 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone: 707-986-4086
2. TIMBERLAND OWNER OF RECORD: Alan Bates & Matthew Humecke
Address: 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone: 707-986-4086
3. LICENSED TIMBER OPERATOR(S): Justin French Lic. No. A-11295
Address: P.O. Box 591
City Whitethorn State CA Zip 95589 Phone: 707-926-5486
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 4.5 miles north-northeast of Ettersburg in the NE ¼ of SE ¼ of Section 17, T3S, R2E, HB&M, Humboldt County, APN 221-101-012. Access to the conversion exemption area is from Ettersburg Road to Dutyville Road to Doody Ridge Road. The property is 7.6 miles from Ettersburg County Road.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

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

July 1, 2015

Native American Heritage Commission
1550 Harbor Blvd., Room 100
West Sacramento, CA 95691

Dear Native American Heritage Commission:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Harwood, I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: Alan Bates & Matthew Humecke

Address: 115 Tranquillity Lane

City: Whitethorn State: CA Zip: 95589 Phone: 707-986-4086

2. TIMBERLAND OWNER OF RECORD: Alan Bates & Matthew Humecke

Address: 115 Tranquillity Lane

City: Whitethorn State: CA Zip: 95589 Phone: 707-986-4086

3. LICENSED TIMBER OPERATOR: Justin French Lic. No. A-11295

Address: P.O. Box 591

City: Whitethorn State: CA Zip: 95589 Phone: 707-926-5486

4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department

6. PROJECT LOCATION: Located approximately 4.5 miles north-northeast of Ettersburg in the NE ¼ of SE ¼ of Section 17, T3S, R2E, HB&M, Humboldt County, APN 221-101-012. Access to the conversion exemption area is from Ettersburg Road to Dutyville Road to Doody Ridge Road. The property is 7.6 miles from Ettersburg County Road.

7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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

July 1, 2015

Bear River Band of Rohnerville Rancheria
266 Kiesner Road
Lolita, CA 95551

Dear Erica Cooper, Tribal Historic Preservation Officer:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Harwood, I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
2. TIMBERLAND OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
3. LICENSED TIMBER OPERATOR: Name: Justin French Lic. No A-11295
Address: P.O. Box 591
City: Whitethorn State: CA Zip: 95589 Phone: 707-926-5486
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 4.5 miles north-northeast of Etnersburg in the NE ¼ of SE ¼ of Section 17, T3S, R2E, HB&M, Humboldt County, APN 221-101-012. Access to the conversion exemption area is from Etnersburg Road to Dutville Road to Doody Ridge Road. The property is 7.6 miles from Etnersburg County Road.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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

July 1, 2015

InterTribal Sinkyone Wilderness Council
P. O. Box 1523
Ukiah, CA 95482

Dear Hawk Rosales, Executive Director:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Harwood, I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD Alan Bates & Matthew Humecke

Address 115 Tranquillity Lane

City Whitethorn

State CA

Zip 95589

Phone 707-986-4086

2. TIMBERLAND OWNER OF RECORD: Alan Bates & Matthew Humecke

Address 115 Tranquillity Lane

City Whitethorn

State CA

Zip 95589

Phone 707-986-4086

3. LICENSED TIMBER OPERATOR: Name: Justin French

Lic. No A-11295

Address: P.O. Box 591

City: Whitethorn

State: CA

Zip: 95589

Phone: 707-926-5486

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Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

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Zip 95540

Phone (707) 725-1897

5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department

6. PROJECT LOCATION: Located approximately 4.5 miles north-northeast of Ettersburg in the NE ¼ of SE ¼ of Section 17, T3S, R2E, HB&M, Humboldt County, APN 221-101-012. Access to the conversion exemption area is from Ettersburg Road to Dutyville Road to Doody Ridge Road. The property is 7.6 miles from Ettersburg County Road.

7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

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

July 1, 2015

Round Valley Indian Tribes of the Round Valley Reservation
77826 Covelo Road
Covelo, CA 95428

Dear Stephanie Britton, Natural Resources:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Harwood, I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquillity Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
2. TIMBERLAND OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquillity Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
3. LICENSED TIMBER OPERATOR: Name: Justin French Lic. No A-11295
Address: P.O. Box 591
City: Whitethorn State CA: Zip: 95589 Phone: 707- 926-5486
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 4.5 miles north-northeast of Ettersburg in the NE ¼ of SE ¼ of Section 17, T3S, R2E, HB&M, Humboldt County, APN 221-101-012. Access to the conversion exemption area is from Ettersburg Road to Dutylville Road to Doody Ridge Road. The property is 7.6 miles from Ettersburg County Road.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

RECEIVED

JUL 01 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT
Page 102



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

July 1, 2015

Wailaki Tribe
P.O. Box 1284
Redway CA 95560

Dear Louis Hoaglin Sr., Chairperson:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Harwood, I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
2. TIMBERLAND OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
3. LICENSED TIMBER OPERATOR: Name: Justin French Lic. No A-11295
Address: P.O. Box 591
City: Whitethorn State: CA Zip: 95589 Phone: 707-926-5486
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 4.5 miles north-northeast of Etnersburg in the NE 1/4 of SE 1/4 of Section 17, T3S, R2E, HB&M, Humboldt County, APN 221-101-012. Access to the conversion exemption area is from Etnersburg Road to Dutyville Road to Doody Ridge Road. The property is 7.6 miles from Etnersburg County Road.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

RECEIVED

JUL 01 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT



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

July 1, 2015

Wiyot Tribe
1000 Wiyot Drive
Loleta, CA 95551

Dear Thomas Torma, Cultural Director/Tribal Historic Preservation Officer:

As the Registered Professional Forester preparing a Conversion Exemption per 14CCR 1104.1 for Thomas Harwood, I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
2. TIMBERLAND OWNER OF RECORD: Alan Bates & Matthew Humecke
Address 115 Tranquility Lane
City Whitethorn State CA Zip 95589 Phone 707-986-4086
3. LICENSED TIMBER OPERATOR: Name: Justin French Lic. No A-11295
Address: P.O. Box 591
City: Whitethorn State: CA Zip: 95589 Phone: 707- 926-5486
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 4.5 miles north-northeast of Etersburg in the NE ¼ of SE ¼ of Section 17, T3S, R2E, HB&M, Humboldt County, APN 221-101-012. Access to the conversion exemption area is from Etersburg Road to Dutyville Road to Doody Ridge Road. The property is 7.6 miles from Etersburg County Road.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

RECEIVED

JUL 01 2015

COAST AREA OFFICE
RESOURCE MANAGEMEM



Timberland Resource Consultants

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

Exhibit F
Wetland
Evaluation

March 6, 2019

Humboldt Optimal Growth Farms, Inc.
Attention: Alan Bates
P.O. Box 2543
Redway, CA 95560

Dear Alan Bates,

Re: APN 221-101-012 / Application #:11317

1. INTRODUCTION

The following report is in response to Humboldt County Planning Department – Cannabis Services Division’s letter dated January 22, 2019 requesting additional information. Specifically, Item 7 requests *“Wetland delineation in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, or appropriate regional supplement as part of analysis confirming that no aspect of the project will adversely affect the waters of state.”*

The purpose of this study was to identify and delineate wetlands within APN 221-101-012 that could be impacted by commercial cannabis cultivation.

2. WETLAND DEFINITIONS

The Army Corps of Engineers defines wetlands as:

“...areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

The State Water Board defines wetlands as:

“An area that is covered by shallow water or where the surface soil is saturated, either year-round or during periods of the year; Where that water coverage has caused a lack of oxygen in the surface soil; And has either no vegetation or plants of a type that have adapted to shallow water or saturated soil. Some examples are fresh water marshes, bogs, riparian areas, vernal pools, coastal mud flats and salt marshes.

3. PROJECT AREA DESCRIPTION

Location

The project is located in Humboldt County, in the Ettersburg area, on the south side of Doody Ridge Road, approximately 2.6 miles north from the intersection of Dutyville Road and Doody Ridge Road.

Vegetation

The property consists of scattered predominant/residual tanoak and second growth tanoak and Douglas-fir with a minor component of madrone. The scattered tanoak trees, which are "goosed-out" and fire-scarred, are relics from the previous old growth stand, which was harvested approximately 60-70 years ago. Review of 1968 aerial imagery reveals that the property and surrounding areas were recently harvested (within approximately 10-20 years) as evidenced by truck roads, skid roads, landings, and distinct timber/vegetation type changes. There are no signs of more recent ground disturbance or changes in stand structure or composition suggesting additional large-scale logging entries (THP/NTMP) have occurred since the original harvest. Moreover, none have been recorded by Cal Fire (Watershed Mapper v2 http://eqis.fire.ca.gov/watershed_mapper/).

Soil

The soil mapped in the study area is Crazycoyote-Sproulish-Canoeecreek complex, 30 to 50 percent slopes (5505) (USDA, NRCS 2019). These soils are dominated by the Crazycoyote series, which consist of very deep, well drained soils formed in colluvium and residuum derived from sandstone and mudstone. Crazycoyote soils are on mountains. Slopes range from 15 to 75 percent.

Hydrology

The developed areas are located between 1,600-2,000 feet in elevation in the upper headwaters of an un-named tributary to Mattole Canyon Creek. The property contains Class II and III watercourses with relatively steep gradients. No springs or wetlands were observed on the property.

4. METHODS

Timberland Resource Consultants (TRC) inspected and evaluated the property on February 15, 2019, which included the cultivation sites, appurtenant road system, and associated areas supporting cannabis-related activity and/or infrastructure. Timberland Resource Consultants is a Regional Water Board approved third party under Order No. R1-2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification and Monitoring and Reporting Program for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*. TRC staff have (foresters, geologists and biologists) the expertise and experience required for identification and classification of "waters of the state".

The wetland delineation consisted of a close inspection of all areas located within 200 feet of the cultivation sites and appurtenant roads for "waters of the state". "Waters of the state" (Section 13050-13051) means any surface water or groundwater, including saline waters, within the boundaries of the state. All waterbodies encountered were mapped via GPS and are shown on the attached map. In addition, TRC randomly traversed the entire property outside of the "focus area" for the purposes of verifying watercourse mapping as depicted in the landowner's Water Resource Protection Plan (Manhard Consulting, September 2016). Water Resource Protection Plan mapping appears accurate.

5. RESULTS

This project is located within the U.S. Army Corps of Engineers Land Resource Region A (LRR:A) within the Western Mountains, Valleys, and Coast Region. The Northwest Forests and Coast sub region often experiences frequent and heavy rainfall events that create ample opportunities for wetland vegetation to propagate. Although these sites may show a diverse range of wetland vegetation, they often lack proper hydrology and/or hydric soils to meet the definition of a wetland (U.S. Army Corps of Engineers 2010).

No wetlands were observed within 200 feet of developed areas associated with cannabis cultivation. No Hydrophytic Vegetation, Hydric Soil, or Wetland Hydrology were observed except in and directly alongside Class II watercourses.

Please note that landowner's Water Resource Protection and CDFW 1600 Notification identifies no wetlands within the property, or at least within proximity to development supporting cannabis cultivation. Furthermore, CDFW did not identify any wetlands per CDFW Agreement #1600-2017-0305-R1.

In summary, there are not wetlands located on the subject property, APN 221-101-012.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

APN 221-101-012

Location Map

 Property Boundary

Map Scale 1" = 2,000'
Section 17, T3S, R2E, HB&M



APN 221-101-012

X 2083

-  Property Boundary
-  Cultivation Site
-  Seasonal Road
-  Doody Ridge Road
-  Permanent Road
-  Class III Watercourse
-  Class II Watercourse
-  Residence
-  Shop

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M

Doody Ridge Road

Tank Site

Cultivation Site 1

Cultivation Site 2

1800

N

APN 221-101-012

 Property Boundary

 Cultivation Site

 Seasonal Road

 Doody Ridge Road

 Permanent Road

 Class III Watercourse

 Class II Watercourse

 Residence

 Shop

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M

Doody Ridge Road

Tank Site

Cultivation Site 1

Cultivation Site 2



APN 221-101-012

 Property Boundary

 Cultivation Site

 Seasonal Road

 Doody Ridge Road

 Permanent Road

 Class III Watercourse

 Class II Watercourse

 Residence

 Shop

Map Scale 1" = 200'
Section 17, T3S, R2E, HB&M

Doody Ridge Road

Tank Site

Cultivation Site 1

Cultivation Site 2







11317

NOTES:

THIS MAP PREPARED BY DYLAN KOLSTAD, LS 8152, APRIL 4, 2019, BASED ON FIELD SURVEY BY THIS OFFICE ON MARCH 29, 2019.

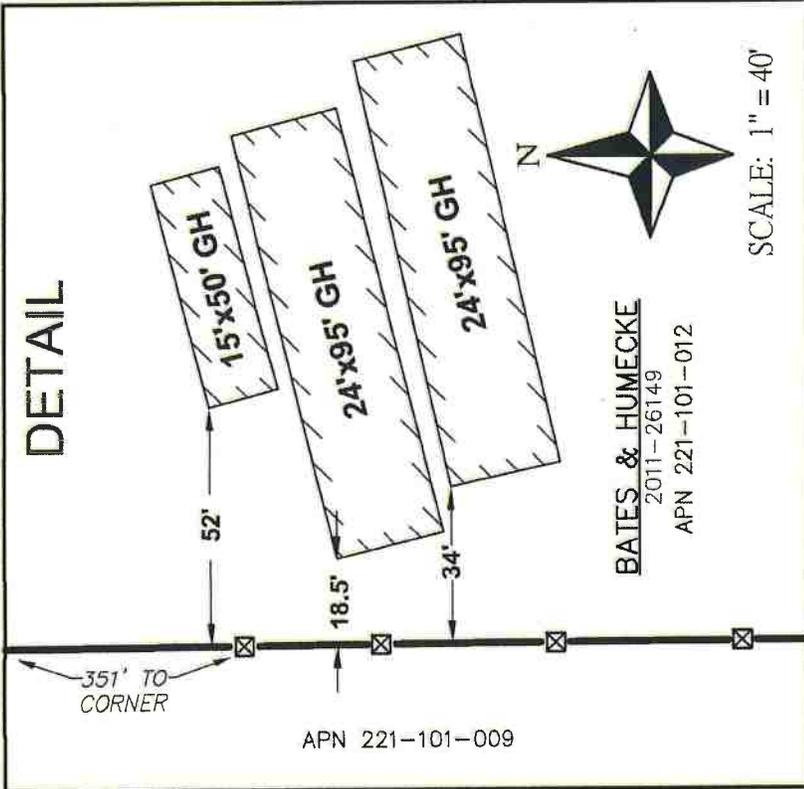
THE PURPOSE OF THIS MAP IS TO ILLUSTRATE THE RELATIONSHIP OF GREENHOUSES NEAR THE NORTHWEST CORNER OF THE LANDS OF APN 221-101-012, WITH WEST BOUNDARY LINE THEREOF. 1 SET WOOD LATH WITH PINK FLAGGING ON A PORTION OF SAID WEST BOUNDARY LINE ADJACENT TO GREENHOUSES.

RELATIONSHIPS OF AERIAL IMAGERY (GOOGLE EARTH - MAY 28, 2014) OR TOPOGRAPHIC IMAGERY (USGS TOPO QUAD "ETTERSBURG", 1969), IF APPLICABLE, TO BOUNDARY LINES ARE APPROXIMATE. BOUNDARY DIMENSIONS SHOWN ARE BASED ON RECORD DATA PER BOOK 52 OF SURVEYS, PAGE 47, HUMBOLDT COUNTY RECORDS.



Dylan L. Kolstad
Prepared April 4, 2019

BOUNDARY EXHIBIT
SHEET 1 OF 1
KOLSTAD LAND SURVEYORS
VOICE (707) 822-2718
FAX (707) 822-5636
95524
BAYSIDE, CA



LEGEND

- FOUND SURVEY MONUMENT
- ⊠ WOOD LATH SET ON PROPERTY BOUNDARY
- SUBJECT PROPERTY BOUNDARY LINES
- ADJACENT PROPERTY BOUNDARY LINES
- RECORD DIMENSIONS PER BOOK 52 OF SURVEYS, PAGE 47, H.C.R.



(N 01'27" W 1325.68')



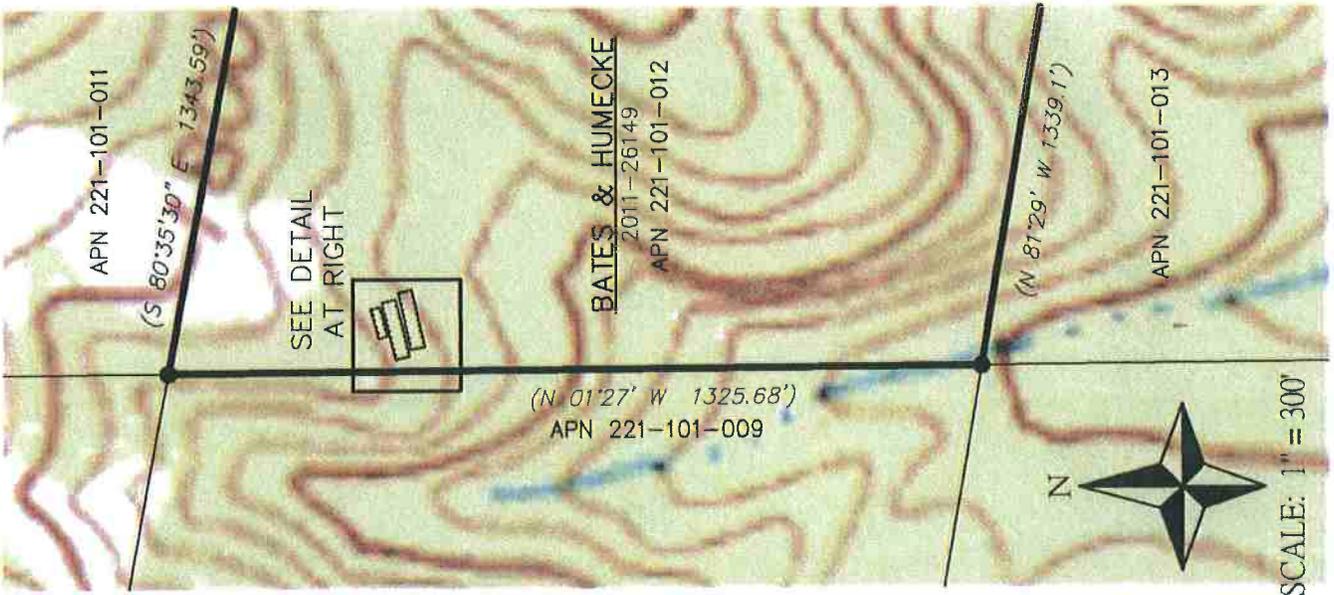
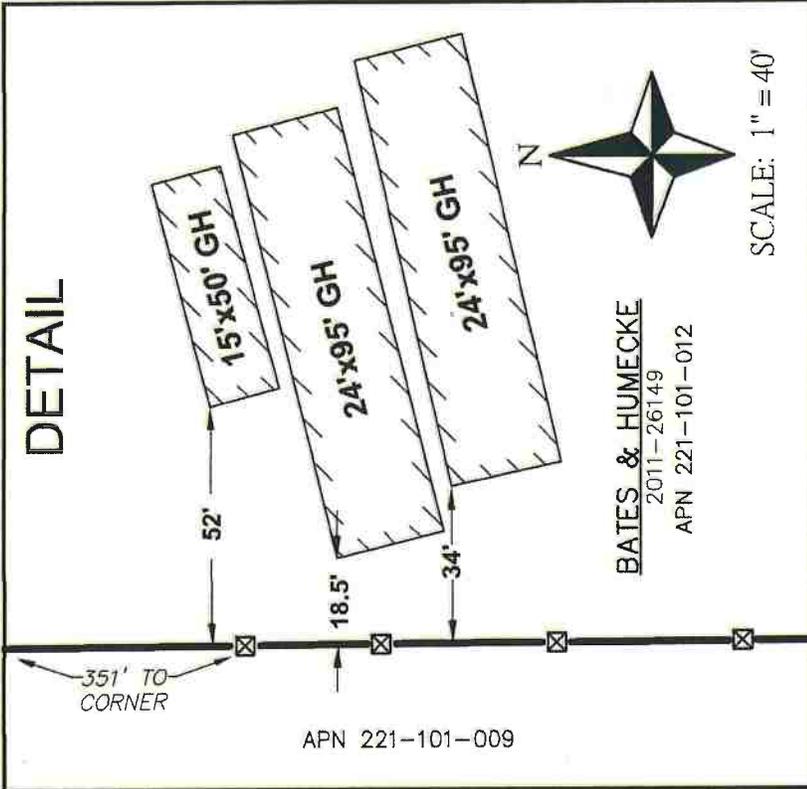
11317

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Dylan L. Kolstad
Prepared
April 4, 2019

BOUNDARY EXHIBIT
SHEET 1 OF 1
KOLSTAD LAND SURVEYS

VOICE (707) 822-2718
FAX (707) 822-5636
PO BOX 594
BAYSIDE, CA 95524

LEGEND

- FOUND SURVEY MONUMENT
- ⊠ WOOD LATH SET ON PROPERTY BOUNDARY
- ▭ SUBJECT PROPERTY BOUNDARY LINES
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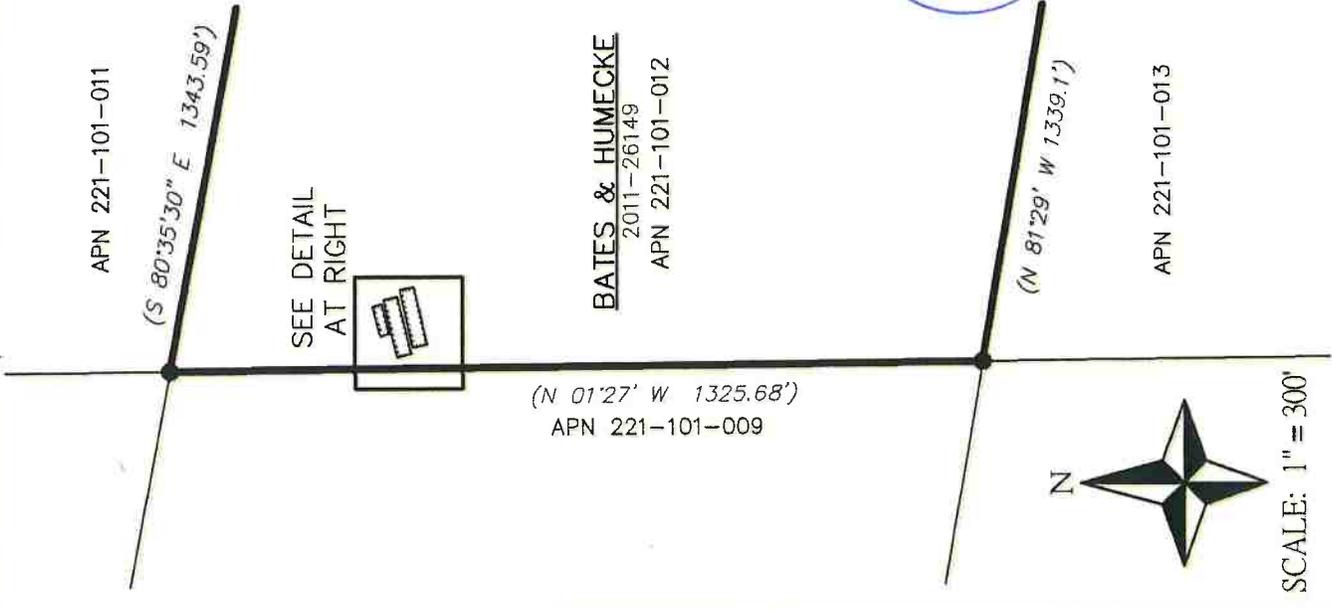
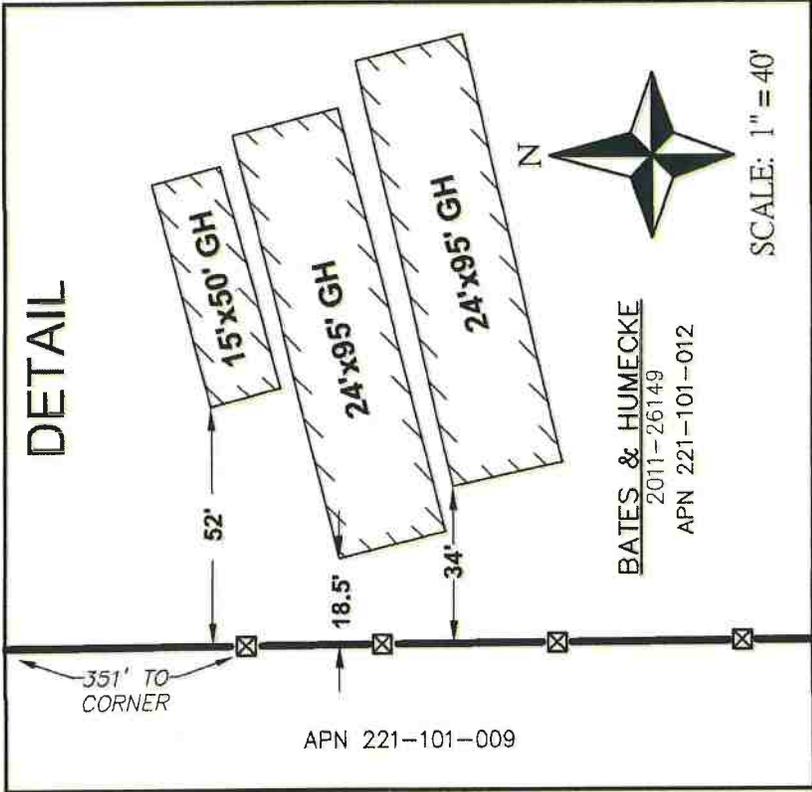
11317

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Dylan L. Kolstad
Prepared Apr. 4, 2019

LEGEND

- FOUND SURVEY MONUMENT
- ⊠ WOOD LATH SET ON PROPERTY BOUNDARY
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(N 01°27' W 1325.68')

BOUNDARY EXHIBIT
SHEET 1 OF 1

KOLSTAD LAND SURVEYORS
PO BOX 594
BAYSIDE, CA 95524
VOICE (707) 822-2718
FAX (707) 822-5636

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Public Works Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Conditional Approval	Attached
Army Corps of Engineers	✓	Additional Information requested	On file with Planning
Department of Fish & Wildlife	✓	Conditional Approval	Attached
CAL FIRE	✓	Conditional Approval	Attached
Mattole Unified School District	✓	Comments	On file with Planning
Telegraph Ridge Fire Protection District	✓	Comments	On file with Planning
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Inadvertent Discovery	On file with Planning
Intertribal Sinkyone Wilderness Council		No Response	
Humboldt County Agricultural Commissioner		No Response	
RWQCB		No Response	
County Counsel		No Response	
District Attorney		No Response	
Humboldt County Sheriff		No Response	



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

ARCA1A-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION	839-5401	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
		BUSINESS	445-7692	NATURAL RESOURCES PLANNING	257-9540		
		ENGINEERING	445-7377	PARKS	445-7651		
		FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421		

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 2-22-2018

RE:

Applicant Name	Humboldt Optimal Growth Farms, Inc
APN	221-101-012
APPS#	11317

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"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11317

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //



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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, SWRCB, Division of Water Rights, Humboldt County Sheriff, Telegraph Ridge Fire Protection District, Mattole Unified Community Services District, RRR Planner

Applicant Name Humboldt Optimal Growth Farms, Inc. Key Parcel Number 221-101-012-000

Application (APPS#) 11317 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-199

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

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

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

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

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.



Applicant: Humboldt Optimal Growth Farms		Date: 7/17/2019	
APPS No.: 11317	APN: 221-101-012	DFW CEQA No.: 2017-0826	
<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 2,400	<input checked="" type="checkbox"/> Outdoor (SF): 9,900	

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

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

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

- In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should develop a nine-quad search and conduct appropriate surveys in all areas that have the potential to be directly and indirectly impacted by the project. This includes but is not limited to ground disturbing activities (e.g. relocation of facilities, etc.). CDFW databases such as the California Natural Diversity Database (CNDDDB) can be accessed for minimum baseline information regarding biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Special attention should be focused on rare plants, Species of Special Concern, and State- and federally listed species. Once preliminary surveys are complete, additional focused surveys may be needed to assess potential Project effects on rare, declining, or listed species. A qualified biologist or botanist should conduct all biological/botanical surveys, and/or wetland delineations. A report of findings should be provided to the County and CDFW for Staff Review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>

2. BOTANICAL FIELD SURVEYS

Evaluate the need for botanical field surveys prior to the commencement of any activities that may modify vegetation, such as clearing, mowing, or ground-breaking activities. It is appropriate to conduct a botanical field survey when:

- Natural (or naturalized) vegetation occurs in an area that may be directly or indirectly affected by a project (project area), and it is unknown whether or not special status plants or sensitive natural communities occur in the project area;
- Special status plants or sensitive natural communities have historically been identified in a project area; or
- Special status plants or sensitive natural communities occur in areas with similar physical and biological properties as a project area.

Scoping is part of preparation for survey:

context. Consult the CNDDDB⁹ and BIOS¹⁰ for known occurrences of special status plants and sensitive natural communities in the project area prior to botanical field surveys. Generally, identify vegetation and habitat types potentially occurring in the project area based on biological and physical properties (e.g. soils) of the project area and surrounding ecoregion¹¹. Then, develop a list of special status plants and sensitive natural communities with the potential to occur within the vegetation and habitat types identified. The list of special status plants with the potential to occur in the project area can be created with the help of the CNDDDB QuickView Tool¹² which allows the user to generate lists of CNDDDB-tracked elements that occur within a particular U.S. Geological Survey 7.5' topographic quad, surrounding quads, and counties within California. Resulting lists should only be used as a tool to facilitate the use of reference sites, with the understanding that special status plants and sensitive natural communities in a project area may not be limited to those on the list. Botanical field surveys and subsequent reporting should be comprehensive and floristic in nature and not restricted to or focused only on a list. Include in the botanical survey report the list of potential special status plants and sensitive natural communities that was created, and the list of references used to compile the background botanical information for the project area.

- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical, and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW's 2009 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (See:

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

- ☒ The proposed Existing Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. The Project proposes to utilize Mixed-light (artificial light and fans in greenhouse structures) cultivation within NSO habitat (0.5 miles). Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of Mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, fans, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include, but are not limited to, the prohibition of generators, project lighting and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval:

- The construction of noise containment/dampening structures for to all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
 - That artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
 - ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
 - ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0305-R1) has been issued to the applicant.
 - ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Zander, AnaCena

From: Lake, M. Isaac@CALFIRE <M.Lake@fire.ca.gov>
Sent: Monday, October 09, 2017 11:13 AM
To: Planning Clerk; HUU CEQA@CALFIRE
Subject: APN: 221-101-012-000 Humboldt Optimal Growth Farms, Inc.



No additional comments from B-1211 other than: any artificial light being used shall not escape at a level that is visible from neighboring properties.

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

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