



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: November 19, 2020

To: Humboldt County Planning Commission

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

Subject: **Mad River Horticulture, LLC, Conditional Use Permit & Special Permit**
Application Number 13139
Record Number PLN-13139-CUP
Assessor's Parcel Number (APN) 208-231-015-000
Located in the Dinsmore/Mad River area

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Please contact Portia Saucedo, Planner, at 707-445-7541 or by email at psaucedo1@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 19, 2020	Conditional Use Permit & Special Permit	Portia Saucedo

Project Description: Pursuant to Humboldt County Code Section 314.55.4.8.2.1 et seq., the applicant has applied for a Conditional Use Permit to allow the continued allowing for the continued operation of an existing 27,825 square foot (SF) commercial cannabis cultivation of which 5,425 SF mixed light and 22,400 SF outdoor. And, pursuant to Humboldt County Code Section 314.55.48.6 et seq., the applicant has applied for a Special Permit allowing for a water diversion from the Mad River used for irrigation water. Irrigation water is sourced from an existing permitted well and surface water diversion. Water storage consists of 21,000 gallons of HDPE water tanks. Total projected water use is 386,500 gallons (13.9 gallons per square foot). No employees are proposed. Processing will occur off-site at a licensed third-party facility or processing onsite (at a later date) by methods that meets all industry, county, state, and federal regulations. Power is provided by generators.

Project Location: The project is located in Humboldt County, in the Dinsmore/Mad River area, on both sides of River Road, approximately 6.42 miles northwest from the intersection of State Highway 36 and County Line Creek Road, on the property known to be in the south half of Section 35, Township 02, North, Range 05 East.

Present Plan Land Use Designations: Residential Agriculture (RA20-160), Airport Compatibility Zone (AP), Humboldt County General Plan (GP), Density: 20-160 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR) FR-B-5(40).

Application Number: 13139

Record Number: PLN-13139-CUP

Assessor's Parcel Number: 208-231-015-000

Applicant

Mad River Horticulture, LLC
Attn: Jesse Almas
P.O. Box 1019
Fortuna, CA 95540

Owner

Jesse Almas
P.O. Box 1019
Fortuna, CA 95540

Agent

Mother Earth Engineering
Attn.: Kendra Miers
920 Somoa Blvd.
Arcata, CA 95521

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

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

Major Issues: None

Recommended Commission Action

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

Find that the Commission has considered the addendum to the adopted Mitigated Negative Declaration for the CMMLUO, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Mad River Horticulture, LLC project subject to the recommended conditions.

Executive Summary: Mad River Horticulture, LLC, is applying for a Conditional Use Permit to allow the continued operation of an existing 29,425 square foot (SF) outdoor and mixed light cannabis cultivation operation. Annual water usage is 386,000 gallons (gal). Total water storage is approximately 21,000 gal in seven (7) tanks. Processing (drying and machine trimming) is done onsite in an existing shed and applicant proposes to process offsite at a licensed processing facility. Power for the operation is provided by a generator. The outdoor cannabis cultivation is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The proposed project site is designated as Residential Agriculture (RA20-160), Airport Compatibility Zone (AP), on the Humboldt County General Plan Land Use Map. The site is zoned Forestry Recreation (FR) FR-B-5(40). The parcel has a designation of a High Fire Severity.

Water Sources and Irrigation Methods

Primary water source is a permitted well. A secondary water source is a surface diversion with a 1600 agreement with CDFW. There are an additional 21,000 gallons of water storage in tanks onsite for gravity feed. Mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates and is monitored and reported annually. One (1) 3,000-gallon HDPE tank onsite is dedicated for fire suppression.

Hours/Days of Operation and Number of Employees

Cultivation activities will occur year-round, with peak activity occurring from March to October. There will be no agriculture water usage for the months of November through February. Hours of operation for the outdoor and mixed light cannabis cultivation will be Monday through Friday, 8:00 a.m. to 7:00 p.m. Hours of operation for the commercial activities such as shipping and receiving will be limited to 8:00 a.m. to 6:00 p.m. No employees are proposed.

Generator Use

Electrical power for all agricultural operations/activities is supplied by generator (Kubota Wrico 10kW GL110000). Generator operation of the generator is operation from 8:00 AM to 7:00 PM daily. The generator is operated inside an enclosure for noise dampening. Specifications for the generator indicate that the decibel rating at a full load is 68 dB/A at a distance of 23 feet. The generator will be enclosed according the Engineering Toolbox's reference Machine Noise Level Reduction guidelines to reduce noise levels to approximately 25.2 decibels at 100 feet. The generator is operated inside an enclosure to provide noise dampening.

Two (2) 55-gallon gasoline drums are stored with secondary containment inside the Metal Building denoted on the site map. One (1) diesel 500-gallon container is stored in the Generator Shed, which has concrete flooring, secondary containment, and noised attenuation measures in place.

Greenhouses/Lighting

All greenhouses are covered with blackout tarps to prevent nocturnal light emission. Lighting activities will be managed to adhere to the International Dark Sky Association International Standards.

There are three (3) greenhouses proposed for mixed light cultivation. Greenhouses have pervious floors (bare soil) nor perimeter foundations and are in compliance with Humboldt County Code Section 314-43.1.3.2.

Cultivation and Processing

Cannabis is harvested and dried onsite with the use of portable dehumidifiers and fans in shed. Processing is proposed to occur offsite at a licensed third-party processing facility. A schedule of activities is provided in Table 1.

Table 1. Schedule of Activities

Month	Activities
January	No activity. Infrequent visits for site maintenance.
February	No activity. Infrequent visits for site maintenance.
March	Preparation. Bring materials to site.
April	Bring starts. Plant.
May	Nursery and transplanting.
June	Farm operation and maintenance.
July	Farm operation and maintenance. Harvest.
August	Farm operation and maintenance. Replant.
September	Farm operation and maintenance. Harvest.
October	Harvest.
November	Dry. Send out for processing. Clean-up.
December	No activity. Infrequent visits for site maintenance.

Road Evaluation Report

The project parcel access roads were evaluated by a Professional Engineer for an adjacent project parcel (208-231-012-000) and the roads were determined to be less than equivalent to a Category 4 Standard for the segment of River Road that runs east-west from the Trinity County Line. The engineer's Road Evaluation Report (RER) detailed measures that must be undertaken to ensure safe travel along the road. A condition of approval has been incorporated that requires that the RER measures be completed. The project is accessed from a non-county-maintained road that originates in Trinity County. The Trinity County portion of the access road begins at the first crossing of the Mad River off Highway 36 in onto a US Forrest Service Road for approximately 500 feet then branches off to the left to County Line Creek Road. County Line Creek Road is a non-county-maintained private road that is maintained by the residents. A Road Evaluation was completed for this section of road by neighboring property owner, Seth Adams, and supplied the County with maps and photographs to show that the road is equivalent to Category 4 Standards.

Security on the Premises

The cultivation area will be fully enclosed with fencing with wildlife providing intrusion protection. In addition, all entrances to the facility are restricted by locked gates. The remote location of property provides an additional component of security. All cultivation related items and products will be stored in locked locations. The project site is equipped with an alarm service, motion sensor lighting, and game cameras are installed around the facilities.

Airport

The project parcel where cultivation is proposed is in a Federal Aviation Regulation (FAR) Area, and within the County's Airport Compatibility Zone and Airport Zone Building Regulation areas. The site plan shows the entire developed area to be inside airport restriction areas. An Airspace Certification form was submitted by Mother Earth Engineering with self-certification on the Federal Aviation Administration (FAA) website showing that all existing and proposed structures do not exceed the notice criterion specified

that warrant filing with the FAA. If any additional structures are proposed within the FAR area, the applicant will be required to fill out an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) form with the Federal Aviation Administration. An Airspace Certification Form was submitted to the County for this project October December 9, 2019. Mother Earth Engineering determined that the existing and proposed structures on the project parcel did not penetrate the restricted airspace as specified in County Code Section 333-4.

There are no schools, school bus stops, or places of worship within 600 feet of the cultivation or processing areas. The TPHO of the Bear River Band of the Rohnerville Rancheria reviewed the Cultural Resources report and recommended inadvertent discovery protocol as well as additional recommendations pertinent to ground-disturbing activities and planting techniques. The project has been conditioned accordingly.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) and Special Permit (SP).

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-
Record Number PLN-13139-CUP
Assessor's Parcel Number: 208-231-015-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Mad River Horticulture, LLC, Conditional Use Permit and Special Permit.

WHEREAS, Mad River Horticulture, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 29,425 square foot (SF) outdoor and mixed light cannabis cultivation operation and;

WHEREAS, Mad River Horticulture, LLC, submitted an application and evidence in support of approving the Special Permit to permit a surface water diversion from the Mad River used for irrigation water with a permitted well;

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 (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Record Number PLN-13139-CUP) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 19, 2020.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-13139-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit is approved as recommended and conditioned in Attachment 1 for Record Number PLN-13139-CUP.

Adopted after review and consideration of all the evidence on November 19, 2020.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

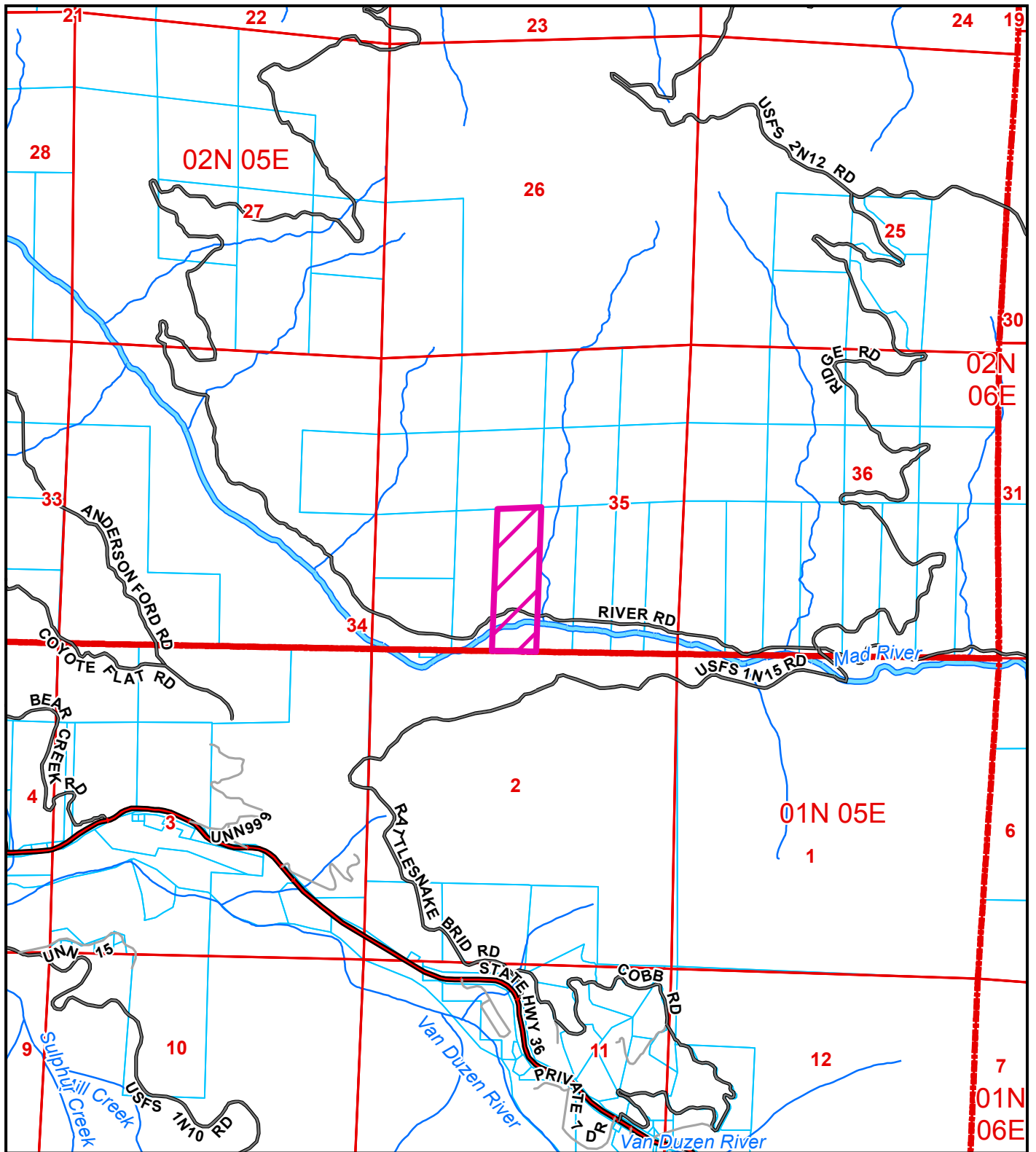
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries

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

John H. Ford, Director
Planning and Building Department



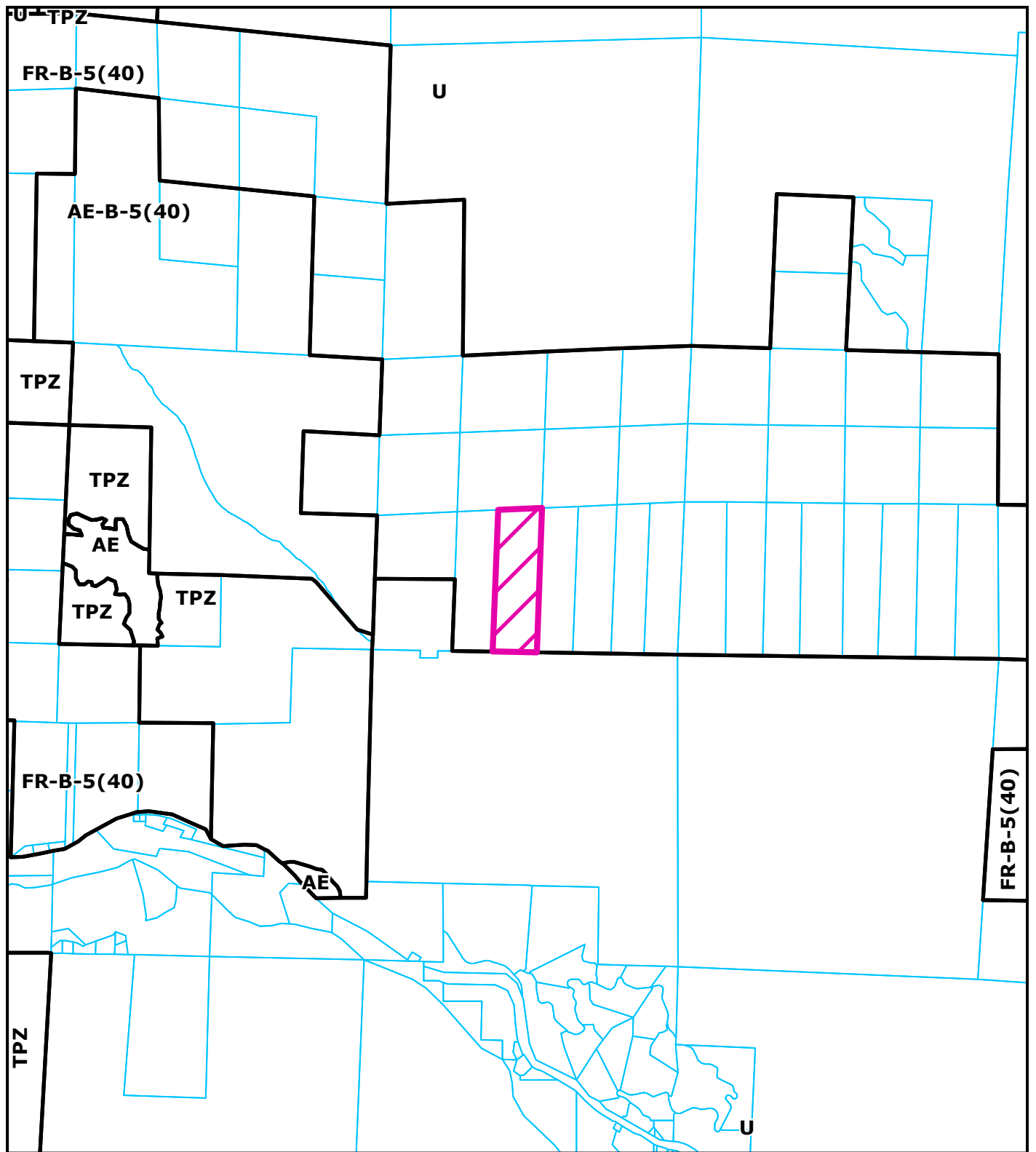
Project Area = 

**TOPO MAP
PROPOSED JESSE ALMAS
DINSMORE AREA
CUP-16-1009
APN: 208-231-015
T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

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

0 0.25 0.5 1 Miles

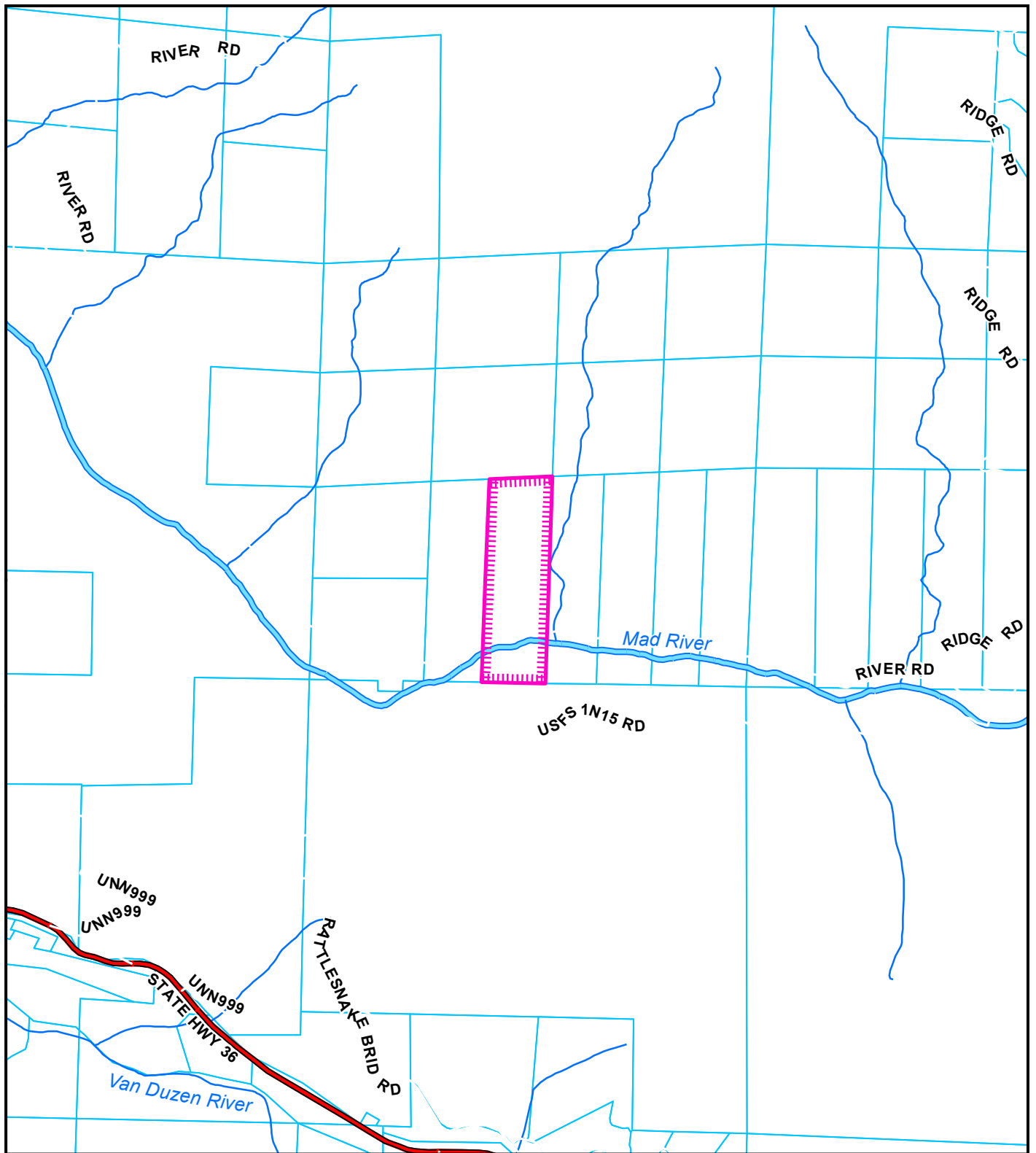




Project Area =

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

ZONING MAP
PROPOSED JESSE ALMAS
DINSMORE AREA
CUP-16-1009
APN: 208-231-015
T02N R05E S35 HB&M (BLAKE MOUNTAIN)



Project Area = 

**AERIAL MAP
PROPOSED JESSE ALMAS
DINSMORE AREA
CUP-16-1009
APN: 208-231-015
T02N R05E S35 HB&M (BLAKE MOUNTAIN)**



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

0 1,000 2,000 4,000 Feet

CANOPY AREA SUMMARY

CANOPY AREA ID	LICENSE TYPE	CANOPY DIMENSIONS (FT)	CANOPY AREA (SQ. FT.)
1	SMALL MIXED LIGHT, TIER 1	20'X65'	1300
2	SMALL MIXED LIGHT, TIER 1	20'X120'	2400
3	SMALL MIXED LIGHT, TIER 1	15'X75'	1125
TOTAL CANOPY, SMALL MIXED LIGHT, TIER 1 LICENSE			5825
4	MEDIUM OUTDOOR	IRREGULAR (81' X 142')	11500
5	MEDIUM OUTDOOR	IRREGULAR (60' X 83')	5000
6	MEDIUM OUTDOOR	IRREGULAR (70' X 84')	5900
TOTAL CANOPY, MEDIUM OUTDOOR LICENSE			23400
GRAND TOTAL CANOPY ON PARCEL			27625

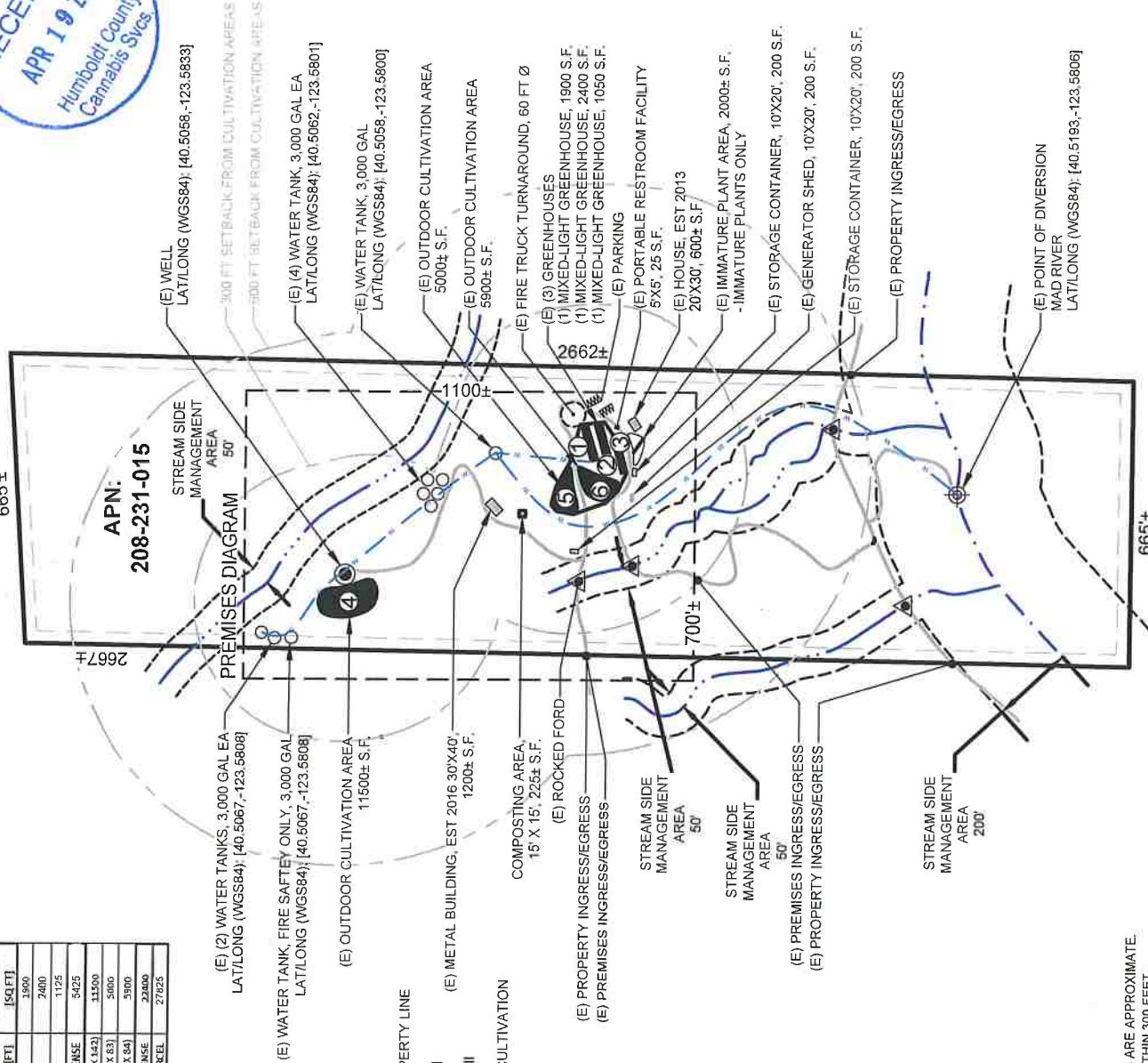
LEGEND

- PROPERTY LINE
- 30' SETBACK FROM PROPERTY LINE
- WATERCOURSE, CLASS 1
- WATERCOURSE, CLASS III
- WATERLINE, CANNABIS CULTIVATION
- ROADWAY
- BUILDING
- CULTIVATION AREA
- POINT OF DIVERSION
- CULVERT
- PARKING SPACE
- EXISTING



GENERAL NOTES:

- NO GRADING.
- PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE.
- NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET.
- ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
- NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES WITHIN 600 FEET.



PROPERTY DIAGRAM

SCALE: 1"=400'



SHEET NO.

1

OF 1

PROPERTY DIAGRAM

APN: 208-231-015
 APPLICANT: MAD RIVER HORTICULTURE LLC (JESSE ALMAS)
 MAILING ADDRESS: PO BOX 1019, FORTUNA CA 95540



**MOTHER EARTH
ENGINEERING**

220 SAMPOA BLVD, SUITE 210
ARCA CA 95521, 707-933-6321



METAL BUILDING AREA SUMMARY

BREAKDOWN OF BUILDING SQUAREFOOTAGE, BY LICENSE AND USE

CULTIVATION LICENSE TYPE	CANOPY AREA ID	TYPE # USE	DIMENSIONS L x W (FT)	AREA (SQ FT)	TOTAL AREA PER LICENSE (SQ FT)
SMALL MIXED LIGHT TIER 1	1,2,3	PACKAGING	10 X 15	150	600
		PROCESSING	15 X 20	450	
MEDIUM OUTDOOR	4,5,6	PACKAGING	30 X 15	450	600
		PROCESSING	15 X 30	450	
TOTAL BUILDING AREA					1,200

(E) (4) WATER TANK, 3,000 GAL EA LAT/LONG (WGS84): [40.5062,-123.5801]	TOTAL
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(E) WATER TANK, 3,000 GAL
LAT/LONG (WGS84): [40.5058,-123.5800]

(E) OUTDOOR CULTIVATION AREA
5000± S.F.

(E) OUTDOOR CULTIVATION AREA
5900± S.F.

FIRE TRUCK TURNAROUND, 60 FT Ø

CANOPY AREA SUMMARY

CANOPY AREA ID	LICENSE TYPE	CANOPY DIMENSIONS [FT]	CANOPY AREA [SQ FT]
1	SMALL MIXED LIGHT, TIER 1	20'X95'	1900
2	SMALL MIXED LIGHT, TIER 1	20'X120'	2400
3	SMALL MIXED LIGHT, TIER 1	15'X75'	1125
TOTAL CANOPY, SMALL MIXED LIGHT TIER 1 LICENSE			5425
4	MEDIUM OUTDOOR	IRREGULAR (81 X 142)	11500
5	MEDIUM OUTDOOR	IRREGULAR (60 X 83)	5000
6	MEDIUM OUTDOOR	IRREGULAR (70 X 84)	5900
TOTAL CANOPY, MEDIUM OUTDOOR LICENSE			22400
GRAND TOTAL CANOPY ON PARCEL			27825

(E) (3) GREENHOUSES

(1) MIXED-LIGHT GREENHOUSE, 1900 S.F.

(1) MIXED-LIGHT GREENHOUSE, 2400 S.F.

(1) MIXED-LIGHT GREENHOUSE, 1050 S.F.

(E) HOUSE, EST 2013
20'X30', 600± S.F.

(E) IMMATURE PLANT AREA, 2000± S.F. TOTAL,

IMMATURE PLANTS ONLY

- MEDIUM LICENSE AREA:

IRREGULAR (22' X 45'), 1000 S.F.

SMALL MIXED LIGHT LICENSE A

REGULAR (41' X 24') 1000 S.F.

PREMISES DIAGRAM

SCALE: 1"=150'

OF 1

PROPERTY DIAGRAM

APN: 208-231-015
 APPLICANT: MAD RIVER HORTICULTURE LLS (JESSE ALMAS)
 MAILING ADDRESS: PO BOX 1019, FORTUNA CA 95540

APN: 208-231-015

SHEET NO.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 -16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board (RWQCB) for the on-site sewage disposal system prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition.
5. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
6. Prior to issuance of any building or construction permits, a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
 - a. Adequate off-street parking.
 - b. Compliance with emergency vehicle access requirements.
 - c. Setbacks between project activities and wetlands, surface waters, and Streamside Management Areas.
 - d. Setbacks of cultivation areas to property lines.
 - e. Revised pond or water storage.
7. Prior to issuance of any building or construction permits, a revised operations plan shall be prepared by the applicant and reviewed and approved by the Planning Division demonstrating that there is sufficient water storage on-site to accommodate the projected water demand.
8. Prior to issuance of any building or construction permits, a grading, erosion, and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been done and any proposed grading.
9. Prior to any ground disturbance or the issuance of any permits, a qualified biologist shall survey the project site and identify the locations of all wetlands, springs, seeps, and riparian areas, or plants with

a California Rare Plant Rank of 1 or 2. A 150-foot buffer around all identified habitats shall be stacked in the field and shown on the revised site plan. No improvements or other activities are allowed within the 150-foot setback area. This shall be reflected in the operations plan.

10. Per the recommendation of the Bear River Band of the Rohnerville Rancheria Tribal Preservation Historic Officer, in addition to the inadvertent discovery protocol (as referenced in the ongoing conditions below):
 - a. No ground disturbing activities within the site recorded as MRH-01, cultivation shall be limited to above ground planting techniques.
 - b. No ground disturbing activities within the site recorded as MRH-02.
 - c. If project activities change to involve additional ground disturbance or cultivation, additional cultural review may be required.
11. The cultivation site adjacent to the wetland shall have all cannabis-related improvement and material removed, the grade of the area shall be restored to reflect the surrounding area, and remedial planting shall be undertaken as necessary.
12. Prior to issuance of any permits, the applicant shall demonstrate that there is sufficient on-site water storage to meet the annual demand of the future residence and cannabis cultivation.
13. The applicant shall obtain an appropriative water right from the State Water Resources Control Board for water storage related to irrigation uses.
14. Prior to issuance of any building permits, a permit shall be obtained from the Division of Environmental Health for an existing on-site septic system is used for wastewater disposal.
15. The applicant will complete the intersection improvements requested by Public Works within one (1) year of permit issuance.
16. 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 Humboldt County Code and available at the Planning Division.
17. 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 the project shall be developed, operated, and maintained in conformance with the project description, the approved site plan, the plan of operations, and these conditions of approval. Changes shall require modification of this permit (CUP & AA) except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. All cannabis cultivated on-site will be dried on-site, and further processing activities will occur at a licensed off-site location, which is addressed in the site 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 the Medical Cannabis Regulation and Safety Act (MCRSA), as applicable to the permit type.
3. 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.

4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. Comply with the terms specified in the final Lake and Streambed Alteration Agreement November 14, 2016 (LSA#: 1600-2016-0267-R1).
10. For cultivation area(s) for which no enrollment pursuant to North Coast RWQCB Order No. R1-2015-0023 is required by that order, comply with the standard conditions applicable to all Tier 1 dischargers.
11. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
12. Comply with the recommendations of the Southern Trinity Volunteer Fire Department:
 - I. Assured access to across parcel for emergency fire and EMS.
 - II. Please add USDA Forest Service, Mad River R.D. TF1SSR3 Bridgeville, CA 95526- provider of wildland fire protection to this parcel.
- 13.
14. 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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
15. Oak woodland removal is prohibited within 150 feet of all structures related to cannabis operation.
16. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control 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.

17. The environmental impacts of improper waste disposal are significant and well documented. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
15. Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking, hindrance to navigation, and physiological impacts such as stress and increased blood pressure and respiration. All generators/fans on the parcel shall have a cumulative noise impact of no more than 50 decibels measured from 100 feet.
18. Any existing on-site lighting or proposed lighting upgrades in the future, shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the 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). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
19. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
20. Pay all applicable application and annual inspection fees.
21. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of marbled murrelet or spotted owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the US Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest marbled murrelet or spotted owl habitat, whichever is closer.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
25. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

26. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in

the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”

27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing

i. On-site housing, if any

31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. 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 permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, 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 noncompliance. Failure to request reinspection or to cure any items of noncompliance 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.
33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
35. Permittee further acknowledges and declares that:
 - a. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - b. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Cannabis Regulation and Safety Act will be distributed within the State of California; and
 - c. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and

e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

37. 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 or 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 after 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 #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the 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 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 (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

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

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

Evidence Supporting the 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.

1. The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program. The following table documents 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, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	<p>Residential Agriculture (RA20-160): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p> <p>Density is 20-160 acres/unit</p>	<p>The proposed project includes permitting an existing 5,425 square foot (SF) mixed-light and 22,400 SF existing outdoor commercial cannabis cultivation area. The total cultivation area on the project site will be 27,825 SF. The proposed project also includes a Special Permit for a surface water diversion from the Mad River for a secondary irrigation source.</p> <p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The existing cultivation is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies in this chapter relate to a balanced, safe, efficient, accessible, and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into, and out of Humboldt County.</p> <p>Related policy: C-P3, Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Three separate Road Evaluation Reports are included with the staff report in Attachment 4. The project parcel access roads within Humboldt County were evaluated by a Professional Engineer for an adjacent parcel (208-231-012-000) and determined to be less than equivalent to a Category 4 Standard for the segment of River Road that runs east-west from the Trinity County Line into Humboldt County: Salyer Made River Road. The engineer's Road Evaluation Report (RER) detailed measures that must be undertaken to ensure safe travel along the road. A condition of approval has been incorporated that requires that the RER measures be completed. The Trinity County access roads were evaluated by the applicant and a Road Evaluation Reports were submitted as evidence of a category 4 equivalent access road to the project site. The Trinity County portion of the access road begins at the first crossing of the Mad River off Highway 36 in onto a US Forrest Service Road for approximately 500 feet then branches off to the left to County Line Creek Road. County Line Creek Road is a non-county-maintained private road that is maintained by the residents. A Road Evaluation was completed for this section of road by the property owner, Seth Adams, and supplied the County with maps and photographs to show that the road is equivalent to Category 4 Standards.</p>
Housing Chapter 8	<p>Goals and policies in this element seek to identify existing and projected housing needs and establish goals, policies, standards, and measures for the preservation, improvement, and development of housing.</p> <p>Related policy: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does show a proposed future residential development and will need to go through the proper setbacks, building permitting, and zoning requirements. The project site is not part of the Housing Element's Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel that is used by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Public Lands Section 4.7	Goals and policies contained in this chapter present a framework of goals and policies for use and protection of all the natural resources and open space assets of the county, including agricultural production. Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans.	Cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy. The project is adjacent to public lands (Six Rivers National Forest) which is managed by the United States Forest Service, however, cultivation activities are located more than 600 feet from the National forest boundary.
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 project is located within an Open Space Action Program because the project site is planned Residential Agriculture (RA) and zoned Forest Recreation (FR). The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the FR zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies 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; and BR-G3, Benefits of Biological Resources). Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas	All existing cultivation sites and structures with a nexus to cannabis are outside the SMA setbacks. The project has been conditioned to prohibit the removal of oak trees. The closest Northern Spotted Owl (NSO) activity center is approximately 1.7 miles east of the existing project area. No evidence of NSO were overserved on the project parcel, however, potential suitable habitat exists. The project has been conditioned such that applicant be required to mitigate for light and noise impacts to NSO.

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10 Cultural Resources Section 10.6</p>	<p>Goals and policies in this chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social, and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources). Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation</p>	<p>The project was referred to the TPHO of the Bear River band of the Rohnerville Rancheria. The TPHO requested inadvertent archaeological discovery protocol for the project. The standard inadvertent archaeological discovery language was included as an ongoing Condition of Approval for this permit in addition to the following as Condition of Approval:</p> <ul style="list-style-type: none"> • No ground disturbing activities within the site recorded as MRH-01, cultivation shall be limited to above ground planting techniques. • No ground disturbing activities within the site recorded as MRH-02. • If project activities change to involve additional ground disturbance or cultivation, additional cultural review may be required.
<p>Conservation and Open Space Chapter 10 Scenic Resources Section 10.6</p>	<p>Goals and policies 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 to a system of scenic highways and roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the county.</p> <p>Related policy: SR-S4, Light and Glare</p>	<p>The project involves mixed-light cultivation in three mixed-light greenhouses totaling 5,425 SF. 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 policy 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. The project will meet and comply with standards for the International Dark Sky Association. The project is located on lands that are only accessible via private roads and is not located in proximity to any scenic highway or roadway. Compliance with these requirements have been added as conditions of approval to the proposed project.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies 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 delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G, WR-G7, WR-G8, WR-G8).</p> <p>Related policy: WR-P8, Erosion and Sediment Discharge</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (RWQCB) Order No. R1-2015-0023, which requires preparation of a Water Resources Protection Plan (WRPP). The applicant has registered and is permitted through the North Coast RWQCB. The applicant retained Timberland Resource Consultants for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. Completion of the mitigation measures identified in the WRPP is a Condition of Approval of this permit. Completing these measures will ensure that this project conforms to the requirements of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies in this chapter relate to adequate public water supply as well as on-site 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-GX).</p> <p>Related policy: WR-IM7, Basin Plan Septic Requirements</p>	<p>The water source for the project comes from a permitted well and from a surface water diversion from the Mad River. The applicant is utilizing portable toilets on site. The Division of Environmental Health recommended conditional approval with the conditions that 1) no processing be approved until and acceptable site suitability reports can establish potential for onsite waste treatment and 2) an invoice, or equivalent documentation, be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. The project has been conditioned to meet the requirement of the Humboldt County Health Code.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies in this chapter discourage incompatible uses in communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures due to the presence of special-status, threatened, or endangered wildlife in the surrounding Six Rivers National Forest. The existing and proposed cultivation areas are mixed-light and use electrical generator as a primary power source. Noise generated from the generators will comply with the standards set forth in Section 314-55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 and the project has been conditioned accordingly.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies in this chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and man-made hazards, and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high-risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone, nor is it subject to liquefaction. The project also does not pose a threat to public safety related to exposure to natural or man-made hazards. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. Additional erosion control measures that shall be implemented have been identified in the Water Resource Protection Plan. These measures are a condition of approval of this permit.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies 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: FEMA</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee and inundation area and, at more than 2,400 feet above mean sea level, and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources.</p> <p>Related policy: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations</p>	<p>The subject parcel is located within an area with a very high and high fire hazard severity ratings. The subject property is located in the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. Cal Fire recommends compliance with the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. The applicant disclosed that water is stored on the property in a 5,000-gallon tank, which will serve fire protection in addition to cultivation needs. According to the applicant, the operation will not have employees.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14 Airport Safety</p>	<p>Land use and development in the vicinity of airports shall minimize exposure to unsafe noise and aircraft hazards.</p>	<p>The project site is located near the Dinsmore airport within the County's Airport Compatibility Zone and Airport Zone Building Regulation area. An Airspace Certification Form was submitted to the County on April 19, 2019. The County determined that the existing and proposed structures on the project parcel did not penetrate the restricted airspace as specified in County Code Section 333-4.</p> <p>The project site is also within the Federal Aviation Regulation Area (FAR 77); however, Mother Earth Engineering completed the Notice Criteria Tool on the Federal Aviation Administration (FAA) website. Given the location of the project and the height of the proposed structures, no waiver is required from the FAA as the project does not exceed the Notice Criteria.</p>
<p>Air Quality Element Chapter 15</p>	<p>Goals and policies 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, and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination</p>	<p>As a condition of project approval, applications for grading and/or building permits are referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	To implement this policy, conditions of approval for the project require the applicant to contact the local fire service provider (Southern Trinity Volunteer Fire Department and USDA Forest Service) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

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 and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement: Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 208-231-016 is Parcel 143 on Amended Record of Survey showing a portion of the Timberline Ranch Estates which map is on file in the Recorder's Office of Humboldt County, California, in Book 26 of Parcel Maps pages 135 October 1968 There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3 Forestry Recreation (FR-B-5(40)): Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. §314-17.1 "B" Combining Zone B - Special Building Site: Intended to be combined with any principal zone in which lot area and yard requirements should be modified. In B-zones, minimum parcel size is determined as specified on zoning maps designating in any such zone.	The applicant is seeking a Conditional Use Permit for an existing 5,425 SF mixed light and 22,400 SF outdoor cannabis cultivation operation on a property zoned FR-B-5(40). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	40 acres	The subject parcel is approximately 40 acres.
Maximum Ground Coverage	None specified	27,825 square feet.
Minimum Lot Width	200 feet	Approximately 680 feet
Maximum Lot Depth	None specified	Approximately 2600 feet
Setbacks Front: 20 feet Rear: 20 feet Side: 10 feet SRA setback from all property lines: 30 feet		Front, east property line: ~164 feet. Rear, west property line: ~35 feet. Side, south property line: ~1,025 feet. Side, north property line: ~900 feet.
Max. Building Height	35 feet	Less than 35 feet.
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Streamside management areas have been identified in the project parcel and all project operations are outside of the required buffers.
§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	The cultivation is operated by the owner and no employees are proposed. There are eight (8) parking spots denoted on the site map.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	In FR zoning districts on parcels one acre or larger, outdoor and mixed-light cultivation may be permitted.	The Cultivation Area Verification conducted by the Planning Division confirms evidence of 22,400 sq. ft. of pre-existing outdoor and 5,425 sq. ft. mixed light cannabis cultivation prior to January 1, 2016. In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being greater than one acre in size and the cultivation area being greater than 10,000 square feet.

§314-55.4.8.2.2 Criterial for approval of new outdoor and mixed-light cultivation areas:		
Slopes less than 15 percent		Per Humboldt County Web GIS, the slopes on the subject parcel do not exceed 15% where cultivation is occurring.
With documented current water right or other non-diversionary source of irrigation water.		Water for irrigation is sourced from a permitted well and secondarily by a surface water diversion from the Mad River. The diversionary source has a final LSAA from CDFW and SIUR from DWR.
In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.		<p>No observed conversion has occurred since the adoption of the CMMLUO.</p> <p>No trees are proposed to be removed as part of the project.</p>
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant (Mad River Horticulture, LLC) holds two (2) other cannabis activity permits (an CUP and SP) and is entitled to four. This application is for two permits (CUP and SP). In addition, the applicant has a separate application for another CUP. Therefore, the total permits would be for four (4), which is still within the four permits allowed per applicant.
§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.	All cannabis cultivated on-site will be dried on-site, and further processing activities will occur at a licensed off-site location.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for APN 208-231-015-000 was filed with the Planning Division on December 30, 2016, and within the specified time frame.
§314-55.4.10 Application Requirements	Identifies the information required for all applications.	Attachment 4 identifies the information submitted with the application and shows that all the required information was received.
§314-55.4.11 Performance Standards	Identifies the performance standards for cannabis cultivation activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the time frame of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>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.</p>	<p>The water source for the project comes primarily from a permitted well and secondarily from a surface water diversion from the Mad River. The applicant has applied for a special for a surface water diversion and the applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program per the conditions of approval. The applicant sources irrigation and water from a surface water diversion that has been registered with the North Coast Regional Water Quality Control Board. The Water Resource Protection Plan (WRPP) and has been added as a condition with specifications defined within the final Lake and Streambed Alteration Agreement filed November 14, 2016 with the California Department of Fish and Wildlife.</p>
<p>§314-55.4.11.d Performance Standards – Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources.</p>	<p>The applicant's site plan shows that the cultivation area conforms to the setbacks in the performance standards. There are no parks as defined by Humboldt County Code 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.</p>
<p>§314-55.4.11.o Performance Standards – Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible to humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of marbled murrelet or spotted owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the US Fish and Wildlife Service.</p>	<p>As discussed above the primary power source for the project is a generator. The large parcel, and interior location of project activities prevents the generator noise from being heard by neighbors. A sound analysis of the generators was reported by the applicant that demonstrates that the generators meet the noise performance standards and specifies additional secondary containment on the loudest model in use. The generator is operated inside an enclosure for noise dampening. The anticipated noise level from the enclosed generator is 25.2 decibels. The closest Northern Spotted Owl (NSO) Activity Center is approximately 1.7 miles southeast of the existing project area. No recorded incidences of NSO have been recorded on the project parcel, however, potential suitable habitat exists. The project has been conditioned such that the applicant will be required to mitigate for light and noise impacts to NSO.</p>

§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 30, 2016.
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4. **Public Health, Safety and Welfare:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety, and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project 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 County's General Plan and zoning regulations, and the proposed project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: (1) the reduction is consistent with the adopted General Plan including the Housing Element; (2) the remaining sites identified in the Housing Element are adequate to accommodate the County's share of the regional housing need; and (3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above, the property was not included in the Housing Element's Residential Land Inventory because of the land use designation and zoning. The site plans shows a future proposed residential unit and will require to meet the necessary zoning, setbacks, and building permits. The project is in conformance with the standards in the Housing Element.

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

California Environmental Quality Act §15164	Addendum to an EIR or Negative Declaration.	As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is a Conditional Use Permit for the approval of existing outdoor cultivation, and a Special Permit for a setback reduction from public lands, eventual on-site processing, and appurtenant propagation facilities. The environmental document on file includes detailed discussions of all the relevant environmental issues.
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ATTACHMENT 3

**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 208-231-004, 640 River Road, Mad River, *County of Humboldt*

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

October 08, 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 Conditional Use Permit to allow the continued allowing for the continued operation of an existing 27,825 square foot (SF) commercial cannabis cultivation of which 5,425 SF mixed light and 22,400 SF outdoor on a 40-acre parcel. And, pursuant to Humboldt County Code Section 314.55.48.6 et seq., the applicant has applied for a Special Permit allowing for a water diversion from the Mad River used for irrigation water. Irrigation water is sourced from an existing permitted well and surface water diversion. Water storage consists of 21,000 gallons of HDPE water tanks. Total projected water use is 386,500 gallons (13.9 gallons per square foot). No employees are proposed. Processing will occur off-site at a licensed third-party facility or processing onsite at a later date by methods that meets all industry, county, state, and federal regulations. Power is provided by generators. Existing water storage complies with the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area (SRA) water storage requirement of 2,500 gallons.

Drying/curing of harvested commercial cannabis will occur off-site within two agriculturally exempt carports. According to the operations plan, processing will occur off-site by a licensed third-party processor until such time as a processing facility is permitted. One (1) full time employee is proposed. Power to the site is provided by one solar array and two portable generators.

The Mad River (Class I) that runs east/west along the southern portion of the parcel. All cultivation activities proposed and existing are located more than 100 feet from the unnamed tributary and the Mad River. All fertilizers and other cultivation-related products will be properly stored to prevent exposure to precipitation events within the agricultural exempt storage shed.

There is a Northern Spotted Owl Activity Center located approximately 1.7 miles from the southernmost cultivation area. Additionally, individual historic NSO sightings have been observed at 0.2 miles from the southernmost cultivation area. Prohibition of use of synthetic netting, refuse contained in wildlife proof storage containers, noise containment structures for the generators, lighting conditions to meet International Dark Sky Association standards, prohibition on anticoagulant rodenticides, requirements to leave wildlife unharmed have all been added in the ongoing conditions of approval. The operation uses solar and generators, and generators are only used for fans associated with drying the cannabis. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that could be impacted from on-going cultivation. However, the project has been conditioned to include the following additional conditions of approval, as recommended by the Bear River Band:

- a. No ground disturbing activities within the site recorded as MRH-01, cultivation shall be limited to above ground planting techniques.
- b. No ground disturbing activities within the site recorded as MRH-02.
- c. If project activities change to involve additional ground disturbance or cultivation, additional cultural review may be required.

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, light, and other standards to limit disturbance to wildlife, compliance with all state agency requirements, and compliance with setback requirements.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 11,182 square feet outdoor cannabis cultivation and minor improvements necessary to bring the operation into compliance with the CMMLUO, as well as the special permit for a reduction to the required setback to public lands, 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:

- Final Lake and Streambed Alteration Agreement for APN 208-231-004, May 9, 2019.
- Water Resources Protection Plan for APN 208-231-004, June, 2018.
- Soils report prepared by A.M. Baird Engineering & Surveying, Inc., May 23, 2019.
- Road Evaluation Report prepared by Eight Mad Farmers, April 21, 2017.
- Road Evaluation Report prepared by
- Operations Plan and Site Plan for Eight Mad Farmers, updated October 31, 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 and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) 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; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attachment 4.A)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file and in Cultivation and Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Well Completion Report Attached)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site 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. Mad River Farms, LLC Operations Manual. (Attached)
16. Road Evaluation Reports (three). (Attachment 4.B)
17. Water Resource Protections Plan. (Attachment 4.C)
18. Airspace Certification. (Attached)
19. Generator Specifications. (Attached)



Cultivation and Operations Plan

1 WATER

Water source + Storage:

Primary water source is a permitted ground water well. There is also a surface water diversion with final LSAA from CDFW as well as an SIUR from DWR. There are 21,000 gallons of HDPE water storage tanks onsite for gravity feed. There is a 3,000-gallon HDPE tank onsite dedicated to fire suppression.

Irrigation Plan:

Mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates.

Projected Water Usage:

Estimated 386,500 gallons of water for per growing season. See attached for monthly water use as shown in the annual reporting submitted to the Regional Water Board for 2017 and 2018.

Water usage will be recorded monthly and reported annually pursuant to the Water Board, CDFW, DWR, and/or any other relevant agency requirements.

2 SITE CHARACTERISTICS

Drainage:

At all times water is used appropriately and applied at no more than agronomic rates.

Site has well-draining soils and natural vegetation is maintained around all cultivation areas. Rock and riprap is installed on all drainage ditches rock to reduce flow velocity and minimize erosion.

Runoff and Erosion Control Measures:

Buffers of native vegetation are maintained around all cultivation areas. Most of the parcel is covered by trees and perennial bushes and is conserved as wilderness.

All exposed areas of soil have been reseeded and mulched with straw and are monitored and maintained to promote revegetation. Erosion control measures (hay waddles, straw bales, etc.) are implemented prior to each rainy season to help minimize sediment discharge.

Rock is available on nearby parcel. Roads are well maintained with rock and water bars as required. Flats are french drained with sediment traps to promote infiltration.

3 WATERSHED + HABITAT PROTECTION

Applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program with Timber Resource Consultants. TRC is a certified third-party program, and has been contracted by the applicant for enrollment and development of a Water Resources Protection Plan to ensure riparian watershed and habitat protection. The Water Resources Protection has been fully implemented on-site.

All trash, recycling, amendments, fertilizers, and other cultivation related materials are stored such that they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat are maintained around all areas of human activity. The majority of parcel is undeveloped and conserved in a wild state.

Cultivation areas will be maintained to prevent nutrients from leaving the site at all times: during the growing season and post-harvest.

4 STORAGE + HAZARDOUS MATERIALS

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination.

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater, and cannot enter the environment.

Amendments and Nutrients:

Amendments will be brought to site and used immediately. No amendment storage onsite.

All other fertilizers, nutrients, etc are stored in shed. Secondary containment provided for all liquid products. All products applied per package directions or more conservatively.

Pesticides and Herbicides:

Only OMRI listed and/or approved products will be utilized for pest and disease control. All products are stored in a shed. Secondary containment is provided for all liquid products. All products are applied using package directions.

Fuel:

Two 55 gallon gasoline drums are stored with secondary containment inside the Metal Building denoted on site map. One diesel 500 gallon container is stored in the Generator Shed which has concrete flooring, secondary containment and noise attenuation. All fuels stored onsite are in compliance with all pertinent regulations.

5 SOILS MANAGEMENT

The bulk of non-native soils onsite have already been present in the garden areas for multiple seasons and are amended annually. Only nominal amounts of supplemental non-native soils are brought to site each year, if at all. Any new soils brought to site are typically used immediately. Only nominal amounts of soil stored onsite are stored in an enclosure or in accordance with Caltrans Construction Manual Stockpile Management WM-3 guidelines. At the conclusion of each season's activities, the site is winterized. All smart pots and garden beds are mulched with straw to prevent soil transport during the off-season. It is highly unusual to have waste soil onsite. All soils are amended and reused. In the event of there being waste soil or spent growing medium, it will be transported off site and disposed of at a licensed waste facility. Any waste soil/media shall be stored in accordance with Caltrans WM-3 until it can be transported off-site.

6 SOLID WASTE/RECYCLING

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

Storage Area: Trash and recycling are stored in trash cans with lids in shed.

Removal Frequency: Trash and recycling removed from site at least once weekly or more frequently.

Disposal Facility: McKinleyville or Eureka transfer station.

7 DESCRIPTION OF CULTIVATION ACTIVITIES

Existing mixed light and outdoor cultivation.

8 GENERATOR USE

There is 10 KW generator with typical daily use from 7am to 9 pm. Generator electricity is utilized for nursery and propagation activities in early spring and is used intermittently to pump water in summer months. In the fall the generator is used to run portable heaters and portable dehumidifiers for drying. Generator noise is less than 60 decibels at property line.

The River Camp project power is provided by a Kubota Wrico 10kW GL11000 Generator. Per manufacturer specifications, decibel rating at full load is 68 dB/A at a distance of 23 feet.

At 100 ft the expected noise level is 25.2 decibels. The generator is operated inside an enclosure for noise dampening. This noise level rating does not account for any noise attenuation (enclosure) which further reduces the noise level. Applying the Engineering Toolbox's reference Machine Noise Level Reduction guidelines (https://www.engineeringtoolbox.com/machines-sound-level-reduction-d_1411.html), a rigid sealed enclosure with slight sound absorption, similar to onsite conditions, is expected to reduce noise levels by about 30 decibels. The generator location provides for additional attenuation inside a shed and the generator is located more than 23 ft from any property line.

9 GREENHOUSE COMPLIANCE

The greenhouses have pervious floors (bare soil) and are in compliance with Humboldt County Code Section 314-43.1.3.2. They do not contain perimeter foundation, do not have improved floors and do not have improved footpaths.

All greenhouses and operations comply with International Dark Sky Association Standards. All greenhouses are covered with blackout tarps to prevent nocturnal light emission. No artificial light will escape at a level that is visible from neighboring properties

10 SCHEDULE OF ACTIVITIES

Month	Activities
January	No activity. Infrequent visits for site maintenance.
February	No activity. Infrequent visits for site maintenance.
March	Preparation. Bring materials to site.
April	Bring starts. Plant.
May	Nursery and transplanting.
June	Farm operation and maintenance
July	Farm operation and maintenance. Harvest
August	Farm operation and maintenance. Replant
September	Farm operation and maintenance. Harvest
October	Harvest
November	Dry. Processing (offsite). Clean up.
December	No activity. Infrequent visits for site maintenance.

11 OPERATIONS AND PROCESSING PROTOCOLS

Processing Practices:

Plants are harvested and dried onsite with use of portable dehumidifiers and fans in shed.

Currently crop is mechanically trimmed and/or processed offsite by a licensed facility as feasible. It is proposed that crop will be processed offsite at licensed 3rd party facility and/or processed onsite by a fully licensed mobile processing contractor and/or another processing method/approach that meets all industry, county, state, federal rules and guidelines.

Great care is taken to maintain all work surfaces and equipment in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew are strictly followed. Curing takes place in a controlled environment. The finished product is then moved to a secure location.

Processing operations include the following Processing Practices:

- (1) Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.

- (2) Processing operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- (3) Persons handling cannabis in processing operations will have access to facemasks and gloves and any other relevant PPE in good and operable condition as applicable to their job function.

Location: Processing offsite at licensed 3rd party facility as feasible. Onsite processing with machine trimming in Metal Building shown on site map.

Staffing + Staff Screening Processes

No employees at this time. Operations conducted by LLC members and immediate family only.

Days and Hours of Operation

The facility is not open to the public and will not accept visitors without a specific business purpose.

Hours of operation will typically be from 8 AM to 7 PM. Commercial activities such as shipping and receiving will be limited to 8:00 AM to 6:00 PM. Due to the remote location of the facility and the limited commercial activity window, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

Safety Practices: Cultivation and processing operations implement best practices to the highest degree feasible. There no employees at this time, if the operation chooses to include employees in the future it will comply with any other relevantCounty and State regulations where applicable.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, there will be access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations.

Drinking water is supplied by the permitted groundwater well.

Applicant has contract with B+B portable toilet to provide and maintain toilet and hand-washing facilities in accordance with the requirements of all relevant regulations.

Increased Road Use:

Project activities do not present a significant increase in road use.

Onsite Parking:

There is ample onsite parking. Eight parking spots are noted on the Site Map.

Onsite Housing:

No onsite housing.

12 SECURITY PLAN

The security measures located on the premises will include the following:

- a) Lighting and Surveillance- Motion sensor lighting and game cameras are installed around the facilities.
- b) Alarm — Guard dogs are also present on the property during operations.
- c) Access Control - All entrances to the facility are restricted by locked gates. The remote location of property provides an additional component of security.
- d) Fencing — The cultivation area is fenced for wildlife providing intrusion protection.
- e) All cultivation related items and products will be stored in locked and secured locations.
- f) All Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H503792

CERTIFICATE H100460

Right Holder: *Jesse Almas*
PO BOX 1019
Fortuna, CA 95540

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 03/29/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Mad River	Pacific Ocean	Pacific Ocean	40.502707	-123.580133	Humboldt	208-231-015

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	208-231-015	0.18

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 10/29/2018.

The place of use is shown on the map filed on 10/29/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.16 acre-feet per year** to be collected from 11/01 to 05/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.55 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 10/29/2018 01:37:13

© 2019 - State Water Resources Control Board



State Waterboard Online 2018 Cannabis Water Quality Monitoring & Reporting Program

You completed application 410364 on 02/28/2019 09:38:34

[Return to Dashboard](#)

SECTION A ENROLLMENT INFORMATION:

★ Enter WDID for cultivation site:

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

SECTION A ENROLLMENT INFORMATION:

WDID Number **1_12CC403246** is Enrolled Under Order Number:

★

Facility Enrollment Type and Discharger Name:

★

If the Enrollment Type and Discharger Name above is blank or does not look to be associated with your cannabis cultivation please confirm WDID number **1_12CC403246** is the WDID number listed on the Notice of Applicability (NOA) issued by the Regional Water Quality Control Board (RWQCB) or State Water Resource Control Board (SWRCB). You can re-enter the WDID by going back to the previous screen.

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

SECTION B ANNUAL MONITORING REPORT GENERAL ORDER NO. WQ 2017-0023-DWQ

Welcome to the Cannabis Cultivation General Order Annual Monitoring Report Portal. This online tool allows dischargers, also referred to as cannabis cultivators, or representative to electronically submit the Annual Monitoring Report as required by the State Water Resources Control Board Order WQ 2017-0023-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis Cultivation General Order). This online portal fulfills the requirement in Attachment B of the Cannabis Cultivation General Order.

The portal consists of the following sections:

Section A: Site Enrollment Information

Section B: Facility Status Information for Tier 1 and Tier 2 dischargers characterized as low, moderate, or high risk

Section C: Site Maintenance Status for Tier 1 and Tier 2 dischargers characterized as moderate or high risk

Section D: Storm Water Runoff Monitoring for Tier 1 and Tier 2 dischargers that are characterized as moderate or high risk

Section E: Self Certification of information provided

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

At anytime you can close the window and return at a later date to continue at your last saved page.

Click 'Save and Continue' below to continue.

SECTION B FACILITY STATUS: Winterization Measures Implemented

Winter Period:

- i. Santa Clara County, Santa Cruz County, and Monterey County: October 15 to April 15
- ii. Marin County: October 1 to April 15
- iii. Lahontan Regional Water Board: October 15 to May 1 (for elevations above 6,000 feet)
- iv. All other areas: November 15 to April 1

Please review the Winterization Best Practical Treatment Controls (BPTC), also known as requirements in Attachment A of the Cannabis Cultivation General Order and indicate the facilities compliance with those standard conditions. 'Yes' meaning your facility was in compliance with the standard conditions by the onset of the winter period (listed above), 'Not applicable' meaning the condition does not apply to your specific site, and 'No' meaning the facility did not meet the condition by the onset of the winter period. If you mark 'No' please indicate the compliance date or the expected date of compliance.

Report Dates MMDDYYYY

Cannabis cultivators shall block or otherwise close any temporary access roads to all motorized vehicles no later than the onset of the winter period each year. ★

- ☐ Not Applicable
- ☒ Yes
- ☐ Not completed by the beginning of the winter period but were completed or will be completed by:

Cannabis cultivators shall not operate heavy equipment of any kind at the cannabis cultivation site during the winter period, unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. ★

- ☒ Yes
- ☐ Not completed by the beginning of the winter period but were completed or will be completed by:

Cannabis cultivators shall apply linear sediment controls (e.g., silt fences, wattles, etc.) along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow length at the frequency specified in Attachment A of the Cannabis Cultivation General Order. ★

- ☐ Not Applicable
- ☒ Yes
- ☐ Not completed by the beginning of the winter period but were completed or will be completed by:

Cannabis cultivators shall maintain all culverts, drop inlets, trash racks and similar devices to ensure they are not blocked by debris or sediment. The outflow of culverts shall be inspected to ensure erosion is not undermining the culvert. Culverts shall be inspected prior to the onset of fall and winter precipitation and following precipitation events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation to determine if maintenance or cleaning is required. ★

- ☐ Not applicable
- ☒ Yes
- ☐ Not completed by the beginning of the winter period but were completed or will be completed by:

Cannabis cultivators shall stabilize all disturbed areas and construction entrances and exits to control erosion and sediment discharges from land disturbance. ★

- ☒ Yes
- ☐ Not completed by the beginning of the winter period but were completed or will be completed by:

Cannabis cultivators shall cover and berm all loose stockpiled construction materials (e.g., soil, spoils, aggregate, etc.) that are not actively (scheduled for use within 48 hours) being used as needed to prevent erosion by storm water. The cannabis cultivator shall have adequate cover and berm materials available onsite if the weather forecast indicates a probability of precipitation. 🌟

- ☐ Not applicable
- ☐ Yes
- ☐ Not completed by the beginning of the winter period but were completed or will be completed by:

Cannabis cultivators shall apply erosion repair and control measures to the bare ground (e.g., cultivation area, access paths, etc.) to prevent discharge of sediment to waters of the state. 🌟

- ☐ Not applicable
- ☐ Yes
- ☐ Not completed by the beginning of the winter period but were completed or will be completed by:

Were all winterization measures implemented by the onset of the Winter Period?



☒ Yes ☐ No

If winterization had not been completed by the beginning of the winter period:

What were the outstanding winterization measures? How were they addressed or how will they be addressed?

SECTION B FACILITY STATUS: Tier Status Confirmation

Stabilization of disturbed areas may change the tier status of a facility. Contact the North Coast Regional Water Quality Control Board at northcoast.cannabis@waterboards.ca.gov if a change in any of the fields below is appropriate or if the "Tier Status And Risk Level", "Cultivation Area" or "Disturbed Area" is blank. When contacting the Regional Board please reference your WDID number 1_12CC403246.

Please select one of the following, which best describes your cannabis cultivation activities: 🌟

- ☐ The cultivation occurs completely outdoors with no indoor cultivation component.
- ☐ The cultivation occurs both outdoors and indoors and all industrial wastewaters generated by the indoor cultivation is discharged to a community sewer system consistent with the sewer system requirements.
- ☐ The cultivation occurs both outdoors and indoors and irrigation tailwater, hydroponic wastewater, or other miscellaneous industrial wastewaters generated by the indoor cultivation is discharged to an on-site wastewater treatment system (such as a septic tank and leach field), to land, or to surface water.
- ☐ The cultivation occurs both outdoors and indoors and irrigation tailwater, hydroponic wastewater, or other miscellaneous industrial wastewaters generated by the indoor cultivation is discharged to an appropriate collection tank, and the wastewater in the collection tank is regularly collected by an authorized waste hauler who disposes of the wastewater to a community sewer system consistent with the sewer system requirements.

Below is your current discharge information related to you Cannabis Cultivation General Order Enrollment:

Tier Status And Risk Level

🌟 1L

Note: 1L = Tier 1 Low Risk
1M = Tier 1 Moderate Risk
1H = Tier 1 High Risk
2L = Tier 2 Low Risk

2M = Tier 2 Moderate Risk

2H = Tier 2 High Risk

Cultivation Area sqft

★

Disturbed Area sqft

★

NOTE: 1 acre = 43,560 sqft

Do you need to update your tier status, risk level, disturbed area, or cultivation area for the 2019 Monitoring and Reporting period?

★ ☒ Yes ☐ No

Was this site/property previously enrolled in a Regional Cannabis Order (General Waiver R1-2015-0023 or General Order R5-2015-0113) at anytime during the 2018 reporting period?

★ ☒ Yes ☐ No

If you selected 'Yes' above, provide the following:

Previously Enrolled WDID Number:

The General Waiver R1-2015-0023 WDID will be in the format 1X1####CXXX (ex. 1D13456CWLZ) and the General Order R5-2015-0113 WDID will be in the format 5X##MJ00### (ex. 5H23MJ00456) where Xs are letters, 0 are zero's, and #'s are numbers.

Voluntary Information: If applicable please enter the information below.

Small Irrigation Use Registration Number:

California Department of Food and Agriculture (CDFA) License Number:

California Department of Fish and Wildlife (CDFW) LSA Self-Certification Application or Notification (Standard or General) Number:

SECTION B FACILITY STATUS: Third Party Identification

Some Regional Water Boards may approve third party programs to assist cannabis cultivators with enrollment and compliance with the Cannabis Cultivation General Order.

Has there been any change in third party status?

★ ☒ Yes ☐ No

If there has been any change in third party status: Please describe change in third party status. (company/agent: address: email: phone: etc)

SECTION E: Certification 2017-0023-DWQ

If there were no violations observed during the reporting period type "No Violations Observed" in the field below. If violations were observed summarize the numbers and severity of the violations found during the reporting period, and actions taken or planned to correct the violation and prevent future violations.

★ No Violations Observed

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of the those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

★

Full legal name of the individual signing:

Title of the individual signing: (e.g.,
Owner, Consultant, Cultivator)

Owner

Date of signature:

02/26/2019

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

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

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

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

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

Click 'Save and Continue' below to continue.

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

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

1B16422CHUM Enrollee - Waiver under for Mad River Horticulture LLC TRC29

1_12CC403246 Enrollee - WDR under Cannabis General Order for Mad River Horticulture LLC TRC29

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

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

County ★ Humboldt

APN(s) ★ 208-231-015-000

Tier ★ 1 If tier 2 or 3 answer the following:

Date Water Resource Protection Plan
developed

08/13/2016

Date instream work completed (if
applicable)


Planned date to begin instream work (if
applicable)

Discharger Relationship to Property 

☐ Owner

☐ Operator

☒ Owner and Operator


Report Preparer  Authorized Representative Authorized Representative Organization (if applicable) Mother Earth Engineering

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




Site in Compliance with Standard Conditions?

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

 ☒ Yes
☐ No
Standard Condition 1: Site Maintenance, erosion control, and drainage features


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

 ☒ Yes
☐ No
Standard Condition 2: Stream crossing maintenance


If "No", expected date of compliance for
SC 2

 ☒ Yes
☐ No
Standard Condition 3: Riparian and wetland protection management

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

 ☒ Yes
☐ No
Standard Condition 4: Spoils management

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


 ☒ Yes
☐ No
Standard Condition 5: Water storage and use

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

 ☒ Yes
☐ No

**Standard Condition 6:
Irrigation runoff**


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

 ☒ Yes
☐ No
**Standard Condition 7:
Fertilizers and soil
amendments**

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

 ☒ Yes
☐ No
**Standard Condition 8:
Pesticides and herbicides**


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

 ☒ Yes
☐ No
**Standard Condition 9:
Petroleum products and other
chemicals**

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

 ☒ Yes
☐ No
**Standard Condition 10:
Cultivation-related waste**

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


 ☒ Yes
☐ No
**Standard Condition 11: Refuse
and human waste**


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


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

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

Outdoor (Full Sun) Operations

 Sum of cultivation area(s) (sq ft)

 # of Adult Plants (per harvest)

 Planting Medium

Mixed-Light Operations

★ Sum of cultivation area(s) (sq ft) 0

★ # of Adult Plants (per harvest) 0

★ Planting Medium na

Indoor Operations

★ Sum of cultivation area(s) (sq ft) 0

★ # of Adult Plants (per harvest) 0

★ Planting Medium NA

★ 29000

Total sum of all cultivation areas (all types) (sq ft)

★ 200+

Shortest distance from any cultivation area (ft) to nearest Class I Watercourse

★ 100-149

Shortest distance from any cultivation area (ft) to nearest Class II Watercourse

★ 100-149

Shortest distance from any cultivation area (ft) to nearest Class III Watercourse

★ Average slope of cultivated area (%) 19

★ 1

Number of road crossings of surface waters

★ 1/2 mile - 1 mile

Length of unpaved roads on enrolled parcel(s)

★ 22840

Total water storage capacity (gallons)

★ 418

★ 376

Total annual nitrogen use (lbs)

★ Total annual phosphorus use (lbs)

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

Water Input to Storage (gallons per month)

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

Input Source 1

Input Source 1	Groundwater Well(s)
★ January	0
★ February	0
★ March	0
★ April	10000
★ May	30000
★ June	40000
★ July	62000
★ August	77500
★ September	75000
★ October	62000
★ November	0
★ December	0

Input Source 2

Input Source 2	Surface Diversion(s)
January	0
February	0
March	0
April	10000
May	0
June	0
July	0
August	0
September	0
October	0
November	20000

December

Input Source 3

Input Source 3

January

February

March

April

May

June

July

August

September

October

November

December

Water Applied to Plants (gallons per month)

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

Application Source 1

★ Application Source 1	Tank(s)
★ January	<input type="text" value="0"/>
★ February	<input type="text" value="0"/>
★ March	<input type="text" value="10000"/>
★ April	<input type="text" value="10000"/>
★ May	<input type="text" value="30000"/>
★ June	<input type="text" value="40000"/>
★ July	<input type="text" value="62000"/>

★ August	77500
★ September	75000
★ October	62000
★ November	20000
★ December	0

Application Source 2

Application Source 2

January

February

March

April

May

June

July

August

September

October

November

December

Application Source 3

Application Source 3

January

February

March

April

May

June

July

August

September

October


November

December

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

How was water use estimated?  Application Rate

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

 Was this site transferred to the Statewide Cannabis Order during 2018? ☐ No ☒ Yes


REGIONAL ORDER NO. R1-2015-0023: Certification

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


1B16422CHUM Enrollee - Waiver under for Mad River Horticulture LLC TRC29

1_12CC403246 Enrollee - WDR under Cannabis General Order for Mad River Horticulture LLC TRC29

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and that, based on my collection of this information or my inquiry of those individuals immediately responsible for collecting the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

 Full legal name of the individual signing

Jesse Almas

 Title of individual signing: (e.g., Owner, Consultant)

Owner

 Date of signature

02/26/2019

Submission

SUBMISSION PAGE

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

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

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

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**Order No. R1-2015-0023
REPORTING FORM****A. Site WDID:** 1B16422CHUM**B. Subwatershed (HUC-12):** 180101020302**C. Enrollment date:** 02/05/2016**D. Reporting date:** 03/31/2017**E. Please check the box corresponding to the enrolled site's current tier (Tier 3 sites with cultivation must also check Tier 2).**Tier 1 ☐ Tier 2 ☒ Tier 3 ☐**Has the site's tier status changed since the last reporting period?** Y ☐/N ☒

If YES, briefly explain:

F. Check all fields that apply to the enrolled site:**i. Tier 1 sites:**

(see Order at page 6 for details on Tier 1 characteristics)

☐ Average slope of each individual cultivation area is no more than 35% slope.☐ Total cultivation area is no more than 5,000 square feet.☐ No cultivation areas or associated facilities are located within 200 feet of a surface water. (Surface waters include wetlands and Class I, II, and III watercourses.)☐ No surface water diversion from May 15 through October 31.☐ The site is in compliance with all Standard Conditions under Order R1-2015-0023, section I.A.**ii. Tier 2 sites:****a. A Water Resource Protection Plan has been developed and is being implemented?**Y ☒/N ☐

If NO, expected date when plan will be ready and implementation will begin:

If YES, have there been changes to the implementation schedule since the prior year of reporting? Y ☒/N ☐

REPORTING FORM

Page 2/5

ii. Tier 2 sites continued

- b.** Check below as to whether or not the site meets Standard Conditions under Order R1-2015-0023, section I.A. If a standard condition is not yet met, please indicate the expected date of compliance as identified in the Water Resource Protection Plan. Upon initial enrollment, provide an estimated expected date of compliance.

Standard Conditions Met**If NO, expected date of compliance**

Site maintenance, erosion control, and drainage features Y <input type="checkbox"/> /N <input checked="" type="checkbox"/>	10/15/2018
Stream crossing maintenance Y <input type="checkbox"/> /N <input checked="" type="checkbox"/>	10/15/2018
Riparian and wetland protection and management Y <input checked="" type="checkbox"/> /N <input type="checkbox"/>	
Spoils management Y <input type="checkbox"/> /N <input checked="" type="checkbox"/>	10/15/2017
Water storage and use Y <input type="checkbox"/> /N <input checked="" type="checkbox"/>	06/15/2019
Irrigation runoff Y <input checked="" type="checkbox"/> /N <input type="checkbox"/>	
Fertilizers and soil amendments Y <input checked="" type="checkbox"/> /N <input type="checkbox"/>	
Pesticides and herbicides? Y <input checked="" type="checkbox"/> /N <input type="checkbox"/>	
Petroleum products and other chemicals Y <input checked="" type="checkbox"/> /N <input type="checkbox"/>	
Cultivation-related wastes Y <input checked="" type="checkbox"/> /N <input type="checkbox"/>	
Refuse and human waste Y <input type="checkbox"/> /N <input checked="" type="checkbox"/>	02/05/2021

- c.** All management measures are being implemented as part of the Water Resource Protection Plan? Y☒/N☐

If YES, do management measures appear to be effective in preventing and minimizing discharges of waste to surface water? Y☒/N☐

If management measures do not appear to be effective, are additional measures being implemented iteratively to prevent and minimize discharges of waste to surface water? Y☐/N☐

If NO, describe management measures or practices that have not been effective in preventing and minimizing discharges of waste to surface water, if applicable. Describe plans for new or additional management measures to prevent and minimize discharges of waste, if applicable. Attach additional sheets as necessary.

[Type text]

[Type text]

Version 2 <February 17, 2016>

REPORTING FORM**PAGE 3/5**

- d. Will work to bring site into compliance with Standard Conditions require disturbance to a stream or wetland over the coming year? Y ☒ /N ☐

If YES, indicate status of work authorization by Regional Water Board. Specifically, check one or more of the following and provide the date if/as applicable.

☒ I plan to submit my project plans to the Regional Water Board by the following date: At least 60 days prior to operations

☐ I submitted my project plans to the Regional Water Board on the following date: Click here to enter a date.

☐ The Regional Water Board Executive Officer authorized my project plans on the following date: Click here to enter a date.

☐ I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows: Click here to enter a date.

☐ Instream work anticipated to occur between the following dates: Click here to enter a date.

iii. Tier 2* sites:

Total cultivation area is less than 10,000 square feet? Y ☐ /N ☐

Water resource protection plan developed and fully implemented? Y ☐ /N ☐

All Standard Conditions met? Y ☐ /N ☐

Site was inspected and verified as Tier 2* by Regional Water Board staff (NAME) Click here to enter text. Or approved third party program (NAME): Click here to enter text. on (DATE) Click here to enter a date.

iv. Tier 3 Sites:

☐ A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.

☐ The Cleanup and Restoration Plan has been approved by the Regional Water Board.

☐ The timeline for the approved Cleanup and Restoration plan is being followed.

Will restoration work require disturbance to a stream or wetland in the coming year? Y ☐ /N ☐

Instream work anticipated to occur between the following dates: Click here to enter a date.

☐ Cannabis cultivation is occurring or will occur on the site over the coming year. (If this box is checked, ensure that Tier 2 portions of the reporting form are completed

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1/1/2016 To 12/31/2016
Month/Day/Year Month/Day/Year

*Upon initial enrollment only, a best estimate is acceptable for reporting annual soil amendment and chemical use, monthly water stored, and monthly water use. Attach additional sheets if more space is needed for your responses.

REPORTING FORM

Page 5/5

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete.

Print name: Jack A HenrySignature:  Date: 03/24/2017

Preparer: Complete if MRP was prepared by someone other than the discharger, including an approved third-party

Organization Name (if applicable):Timber Land Resource Consultants**Prepared by:**

First Name, Middle Initial

Jack

Last Name

Henry**Preparer Address:**

Street

165 S. Fortuna Blvd

City

Fortuna

State

CA

ZIP

95540

Phone Number

707-725-1897

Email Address

trc@timberlandresource.com

COPY

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

RECEIVED

NOV 14 2016

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2016-0267-R1

Unnamed Tributary to the Mad River and the Pacific Ocean

Mr. Jesse Almas
Almas Water Diversion and Stream Crossings Project
3 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 13, 2016, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Mad River watershed, approximately 1.7 miles northeast of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 35, T2N, R5E, Humboldt Base and Meridian; in the Dinsmore U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-231-15; latitude 40.5027 N and longitude 123.5802 W at the point of diversion.

PROJECT DESCRIPTION

The project is limited to three encroachments. One encroachment is for water diversion from the Mad River. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The other proposed encroachments include properly abandoning a Class II crossing by laying back the slopes (40.5062 N, 123.5796 W), and installing a rocked ford at a

Class II crossing with no current infrastructure (40.5052 N, 123.5810 W). Work for these projects will include excavation and placement of rock armoring to minimize erosion.

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.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on June 13, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute (gpm) at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

- 2.4 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted during the low flow season from July 1 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation 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.
- 2.7 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.8 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.9 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.10 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.11 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.
- 2.12 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

- 2.18 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.19 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **water diversion records (condition 2.5)** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2016**.
- 3.2 Water Management Plan. The **Permittee shall submit a Water Management Plan no later than May 15, 2017**, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW 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. Jesse Almas
P.O. Box 1019
Fortuna, California 95540

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0267-R1

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 Crossing

- 2.13 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 15 of each year. Work within the active channel of a stream shall be restricted to periods of **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.
- 2.14 Excavated Fill. Excavated fill material shall be placed in 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.
- 2.15 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.
- 2.16 Rock Armor Placement.
- 2.16.1 No heavy equipment shall enter the wetted stream channel.
- 2.16.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.16.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.16.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.17 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

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. Jesse Almas




Jesse Almas

11/7/2016

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

11/16/16

Date

Prepared by: David Manthorne, Environmental Scientist, October 7, 2016



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

November 8, 2016

Dear Client:

You are receiving this letter as a reminder of several conditions included in your CDFW 1600 Stream Alteration Agreement. It is your responsibility to ensure that these Measures are addressed. Below are examples of Measures that are typical in each Agreement, but there may be others included in addition to these.

2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.

2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation 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. Please contact me if you require assistance with preparation of the Plan

3.1 Measurement of Diverted Flow. Copies of the **water diversion records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2016.**

Please contact my office if you have any questions.

Thank you,



Chris Carroll, RPF #2628
Timberland Resource Consultants



MOTHER EARTH
ENGINEERING



920 Samoa Boulevard Suite 210, Arcata, CA 95521 | tel: 707.633.8321 | web: www.motherearthengineering.com

Project Name: Almas - Mad River Horticulture
Project Number: 17019.1
APN: 208-231-015
APP #: 13139

**Airspace Certification Form and
Evidence of Compliance with CC 333-3 and FAA Form 7460-1**

Included in this packet are images showing the relative location of the parcel to the governing airspace regulatory surfaces as well as evidence of compliance with both CC 333-3 and Far 77: Form 7460-1.



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3506

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
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

AIRSPACE CERTIFICATION FORM

Airport Name: Dinsmore Airport Runway Number: 9, 27

Project Name: Mad River Horticulture - Jesse Almas

Project Address: N/A

Project APN: 208-231-015

Planning & Building Department Application and Project Numbers: 13139

Brief Project Description: Cultivation Permit

Maximum Height of proposed structure above ground level (feet): N/A

Closest vertical distance between the structure and the imaginary surfaces (feet): ¹ N/A

1. Is the proposed project in compliance with County Code Section 333-4 (Height Limits) for the above airport?

☒ Yes ☐ No

2. Does the proposed project penetrate any imaginary surfaces defined in 14 CFR Part 77 for the above airport? If YES, submit a Form 7460-1 to the FAA along with a copy of this form.

☒ Yes ☐ No

3. Does the proposed project penetrate any surfaces defined in an aviation/flight easement?

☐ Yes ☐ No recording information for easement _____
☒ Not Applicable; there is no easement of record.

4. This certification is:

☐ Pre-construction (based on plans) ☒ Post-construction (based on survey)¹

¹ A post-construction certification based upon a field survey is required when the proposed structure is within 5 feet of the imaginary surfaces.

5. This certification is based upon:

☐ Field survey ☒ USGS maps²

² USGS maps shall only be used to demonstrate that the tallest point of the proposed structure is at least 20 feet lower than the imaginary surface. If not, a field survey is required.

6. Status of FAA Form 7460-1:

☐ Approved by FAA without conditions³
☐ Approved by FAA with conditions³
☒ Not required; exempt per 77.9.(e).(1)⁴

³ Attach a copy of all FAA response documents.

⁴ See FAA Form 7460-1 instructions for exemptions.

Attached are signed and stamped calculations and survey data supporting the above statements. I certify that the statements above are true and correct.

4/05/2019

Signature of Land Surveyor or Civil Engineer

Date



COUNTY USE ONLY

Pre-Construction	<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend approval with post-construction certification req'd. <input type="checkbox"/> Recommend denial	By: _____ Date: _____
Post-Construction	<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial	By: _____ Date: _____
Staff certification in lieu of completing form	<input type="checkbox"/> Recommend approval. From observation the maximum height of the proposed structure is located significantly below the imaginary surfaces. (<input type="checkbox"/> Approval is contingent upon FAA approval of Form 7460-1. See Form 7460-1 for guidance on when the form is req'd.)	By: _____ Date: _____

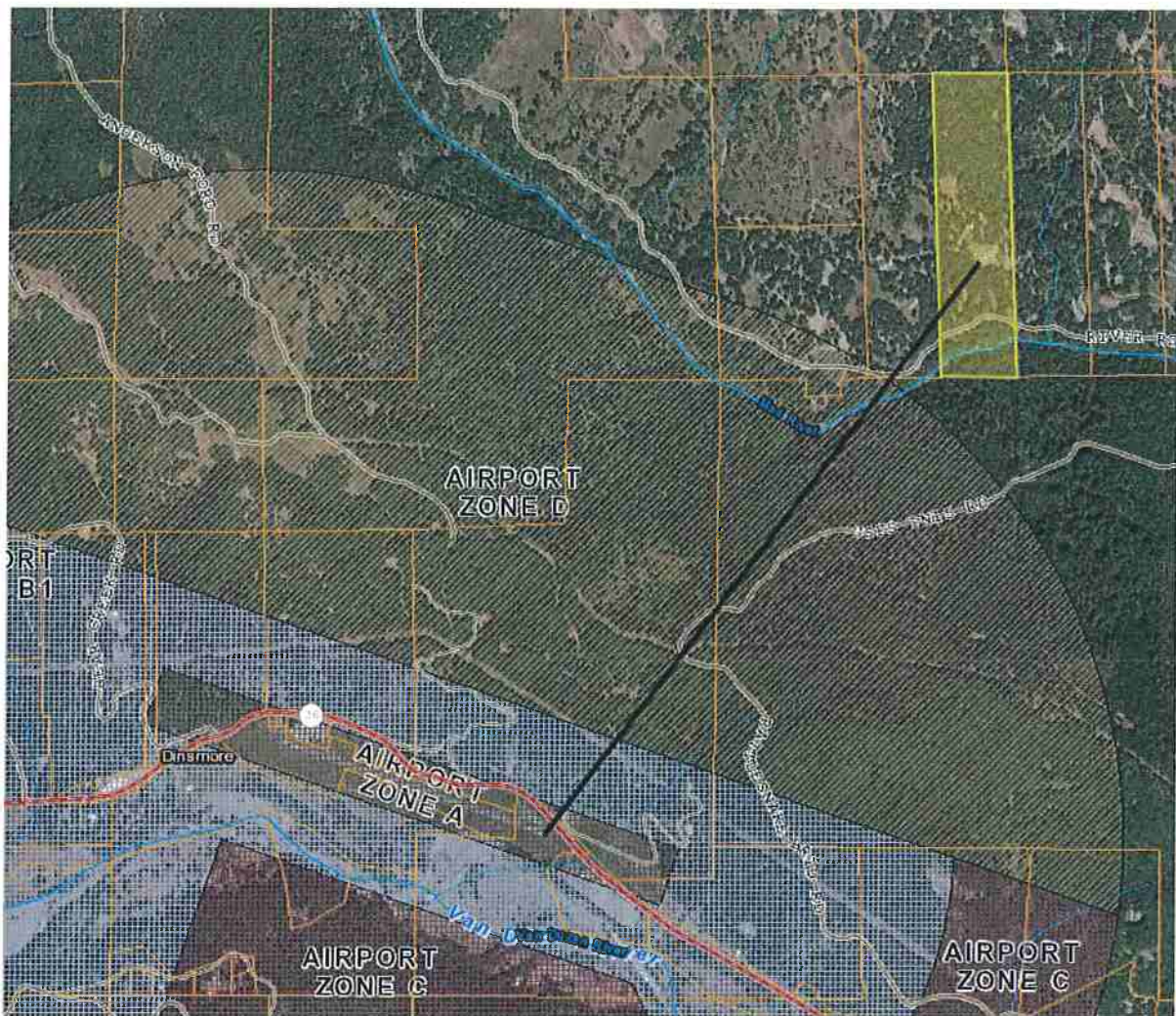


Figure 1: Parcel 208-231-015 location relative to Dinsmore Airport Compatibility Zone. Black line represents transect from center line of runway to tallest building on property.

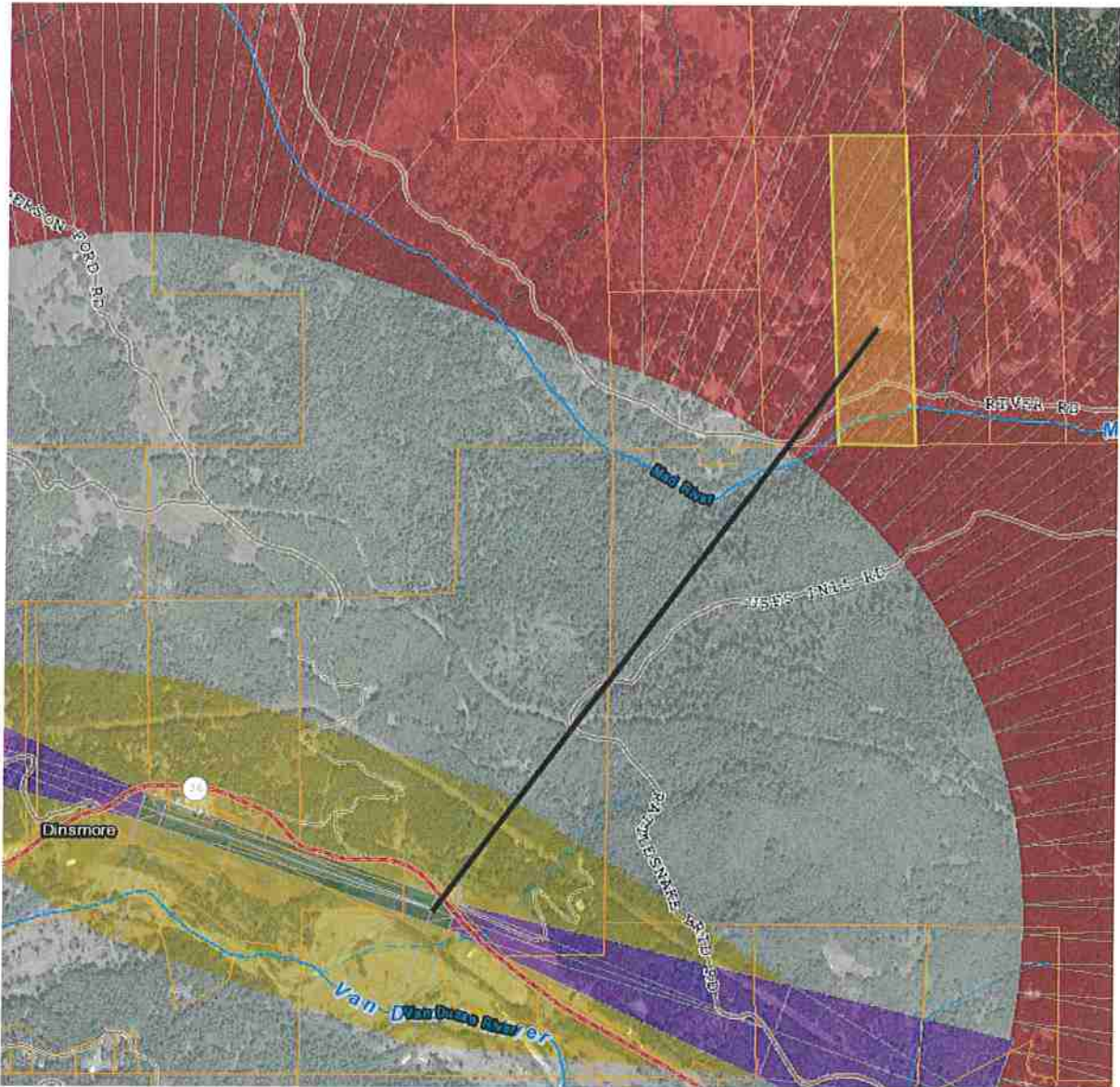


Figure 2: Parcel 208-231-015 location relative to Dinsmore Airport FAR 77 Imaginary Surface. Black line represents transect from center line of runway to tallest building on property.

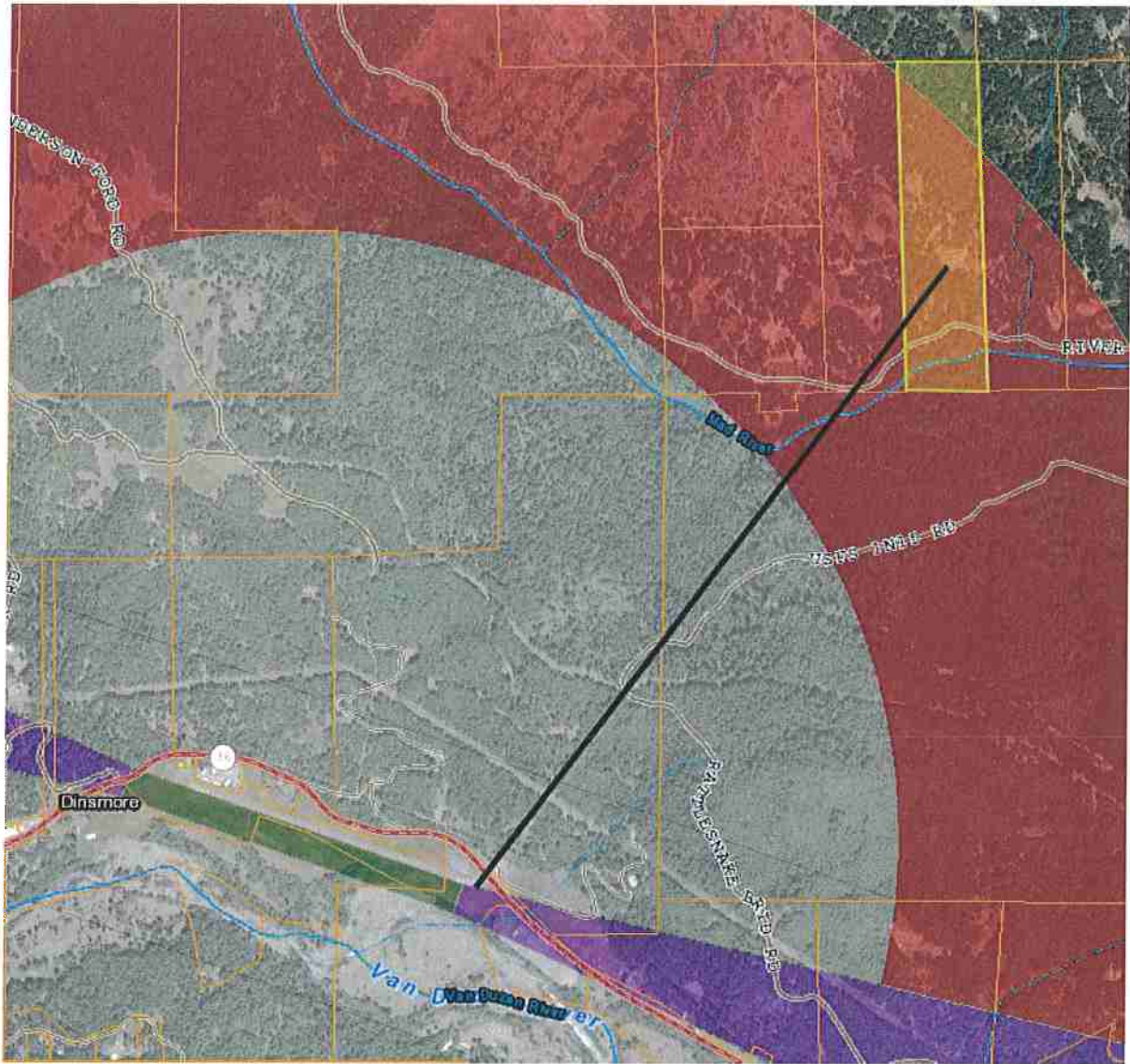


Figure 3: Parcel 208-231-015 location relative to Building Height Restriction Area CC 333-3. Black line represents transect from center line of runway to tallest building on property.

Table 1: FAR 77 Imaginary Surfaces dimensions for Dinsmore Airport.

FAA Imaginary Surface		
Transitional Surface	Horizontal Surface 150 ft above runway	Conical Surface
7:1	5000 feet radius	20:1

The FAA Imaginary Surface was constructed using the information in Table 1. A representation of the ground surface elevation profile was constructed using an elevation profile sourced from CalTopo USGS 7.5' Topo Map. The resulting figure may be found below (Figure 4).

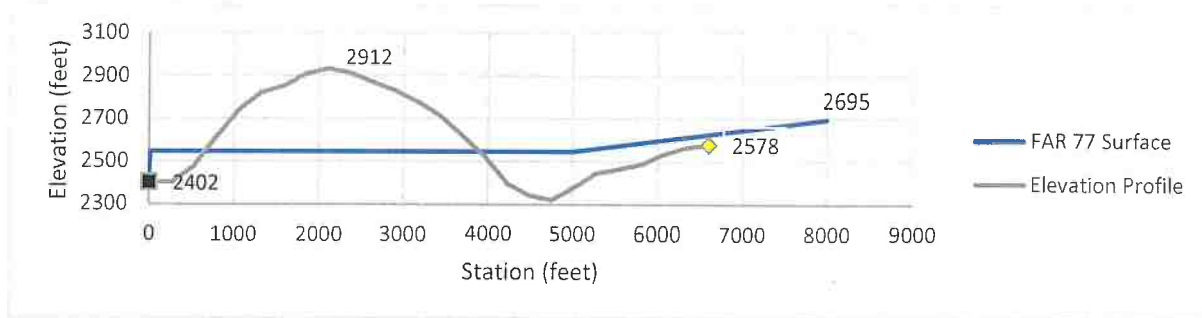


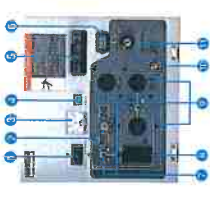
Figure 4: Ground elevation profile relative to FAR 77 Surface with nearest structure represented by the yellow marker and the airport represented by the black marker. This transect is also represented by the black line shown in Figures 1 – 3.

As shown in the Figure above, the airport elevation is indicated by the black marker, and the project site elevation is indicated by the yellow marker. While the nearest structure on the property resides roughly 50 feet below the FAR 77 Imaginary Surface, the natural terrain intersects the imaginary surface well before the parcel does. Therefore, a FAA 7460-1 form is not required, and is exempt per FAA Form 7460-1: 77.9.(e).(1).

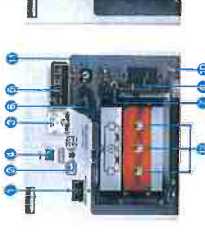
CONTROL PANEL

GL SERIES

GL7000 / GL11000



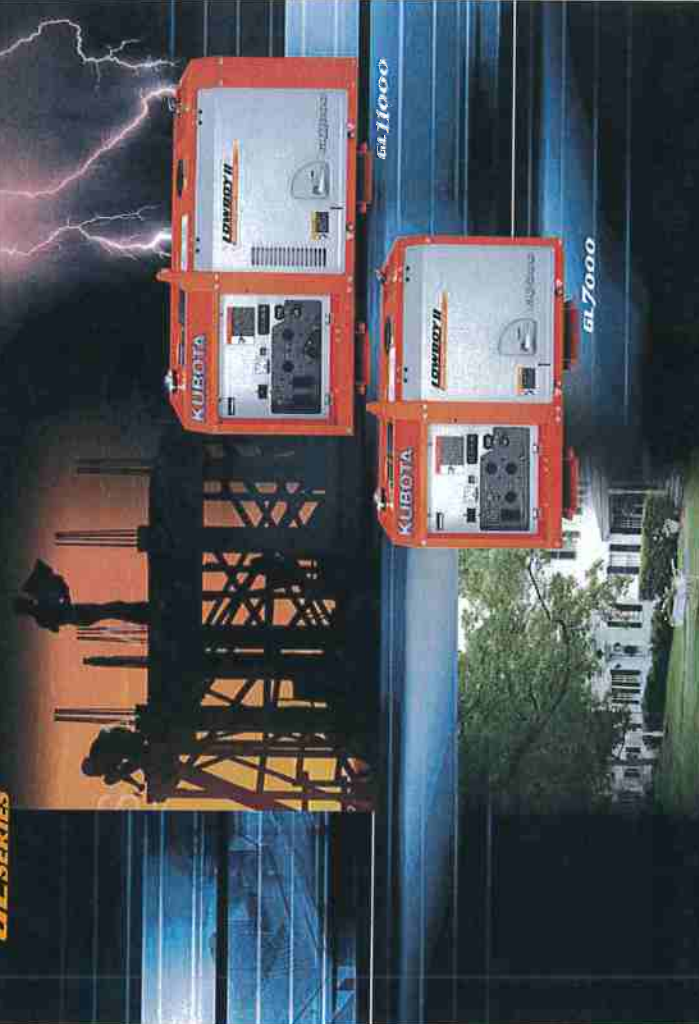
GL7000M / GL11000M



- 1 Circuit Breaker
- 2 Voltage Selector Switch
- 3 AC Voltmeter
- 4 Pilot Lamp
- 5 Monitor Lamps
- 6 Hour Meter
- 7 Receptacle Protector
- 8 GFCI
- 9 Output Receptacles
- 10 Ground Terminal
- 11 Key Switch
- 12 Output Terminals

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LOWBOY II saves space and the environment.



LOWBOY II

1. Compact Design

Low Profile and More Compact

The LOWBOY II series is designed to have the minimum possible height while using vertical diesel engines. This is achieved by direct coupling of the engine crankshaft with the cooling fan. Since they require less space for operation, the range of possible applications has been greatly increased.



2. Easy Maintenance

Easy One-Side Maintenance

Large swing-up side panel enables quick and easy engine inspection and maintenance. Engine oil and coolant drain extensions are provided to ease regularly scheduled maintenance. Oil gauge, oil filter, oil replenishment port, fuel filter, water reserve tank, battery, and air cleaner are all located on one side.

3. Safety

Safety Measures

Automatically shuts the engine down if the water temperature is excessive or the oil pressure drops below a safe level. Equipped with a starter safety relay to prevent the starter from engaging after the engine starts up.

Removable Cover for Control Panel

Terminal type is equipped with an output connection cover that will stop the engine immediately when it is opened during operation.



3. Safety

Double Circuit Protectors

In addition to the overall circuit protector, each receptacle also has a circuit protector that will shut the engine down to prevent overcurrent damage.

4. Operator Friendly

Transportability One-point lifting eye makes it easy to transport all GL series generators. Special forklift openings are provided in the base of the machine.

Longer Continuous Operation

Large-capacity fuel tank (7.4gal; 28L) enables longer continuous operation on a single tank.



5. Quiet

Lower Noise Levels

Four separate features help reduce overall noise levels. First, the large-capacity radiator successfully reduces fan-related noise by direct coupling to the crankshaft with a slower-speed fan. Second, the large-capacity, built-in muffler helps reduce exhaust-related noise. Third, the longer air-cleaner hose reduces air-suction-related noise.

Model	Sound level during Rated Output at 23 ft. (7m) [dB(A)]
GL7000	66.0
GL7000TM	65.0
GL1000	66.0
GL1000TM	66.0

6. ATS

Access Terminals for ATS Make Wiring Easy

Access terminals for Automatic Transfer Switches (ATS) are located behind the control panel.



SPECIFICATIONS



MODEL	Unit	GL7000	GL7000TM	GL1000	GL1000TM
Type			Rotating field single-phase AC generator		
Frequency	Hz		60		
Standby Output	kVA (kW)				11.0 (11.0)
Prime Output	kVA (kW)				10.0 (10.0)
Voltage - Single Phase	V		120/240		
Voltage - Three Phase	V				
Armature Connection			Series		
Phase / Wire		1-4			1-3
Power Factor			1.0		
No. of Poles			2		
Insulation	Class				
Voltage Regulation	%				
Type of Coupling			Direct coupled		
AMPS					
Single Phase 120V	A	27.1 x 2	27.1 x 2	41.7 x 2	41.7 x 2
Single Phase 240V	A	27.1	27.1	41.7	41.7
Three Phase 208V	A				
Three Phase 480V	A				
NO. OF RECEPTACLES					
5-15R (GFCI)					
5-20RA (GFCI)					
6-15R					
L5-20R					
L5-30R					
L6-30R					
L14-30R					
CS-6369					
TERMINAL					
Terminal		Available	Available	Available	Available
DIESEL ENGINE					
Type			Vertical, liquid-cooled, 4-cycle diesel engine		
Model			Z482		D722
No. of Cylinders			2		3
Bore x Stroke	mm (in.)		67.0 x 68.0 (2.6 x 2.7)		67.0 x 68.0 (2.6 x 2.7)
Displacement	L (cu. ft.)		0.479 (9.2)		0.719 (43.9)
Engine Speed	rpm			3600	
Continuous Rated Output	kW (HP)		8.1 (10.9)		12.2 (16.3)
Lubricant (API Classification)				Above CF grade	
Oil Capacity	L (qt.)		2.2 (0.58)		3.4 (0.9)
Coolant Capacity	L (qt.)		3.7 (0.98)		4.1 (1.1)
Starting System				Electric - 12 volt DC	
SET					
Fuel				Diesel fuel No.2 (ASTM D975)	
at Full Load	L/gal./h		2.6 (0.69)		4.1 (1.09)
at 3/4 Load	L/gal./h		2.1 (0.55)		3.3 (0.86)
at 1/2 Load	L/gal./h		1.7 (0.45)		2.7 (0.71)
at 1/4 Load	L/gal./h		1.4 (0.36)		2.2 (0.59)
Fuel Tank Capacity	L (gal.)		28.0 (7.4)		28.0 (7.4)
Continuous Operation Hours	h		10.0		7.0
at Full Load	h		13.3		6.5
at 3/4 Load	h		16.5		10.4
at 1/2 Load	h		20.0		12.7
at 1/4 Load	h				
Battery (V/Wh)					55B24R (12V x 36Ah)
Dimensions					1281 x 618 x 698
L x W x H	mm				50.4 x 24.3 x 27.5
Approx. Net Weight	kg (lbs.)				235 (518)
Sound Level (Full Load at 23 ft. [7m])	dB (A)		66		68
Emergency Stop System					

In case of abnormal oil pressure, water temperature, or when the access terminal cover is opened (terminal type only).

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		Recommendation	Location
Building Inspection Division	✓	Conditional Approval- 1. Site/plot plan appears to be accurate. 2. Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.	Attached
Public Works Land Use Division	✓	Conditional Approval –	On file with Planning
Health and Human Services Environmental Health Division	✓	Conditional approval – d. No processing can be approved until an acceptable site suitable report can establish potential for onsite waste treatment. e. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of the cultivation staff prior to reissuance of annual permit	Attached
Current Planning Division		No response.	
Cal Fire	✓	Conditional Approval – 1. Comply with standards regarding fire safe, resource management, and cannabis. 2. Emergency Access – turnarounds 3. Signing and Building Numbers 4. Emergency Water Standards – designated water storage for fire. 5. Fuel modification standards.	On file with Planning
Department of Fish & Wildlife		No response.	
County Counsel		No response.	

Referral Agency		Recommendation	Location
NWIC	✓	Comments	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional Approval –confidential	On file with Planning
Humboldt County Sheriff		No response.	
Water Resources Quality Control Board-Div. of Water Rights		No response.	
NCUR Air Quality Board		No Response.	
Trinity Fire Department	✓	Conditional Approval –	On file with Planning
Humboldt Bay Municipal Water District	✓	Other	On file with Planning
Southern Trinity Joint Unified School District		No response.	
Humboldt County District Attorney		No response.	
Humboldt County Agriculture Commissioner		No response.	
SWRCB		No response.	
Division of Water Rights		No response.	
Ruth Lake Fire Protection District		No response.	



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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



Building Division's Referral Comments for Cannabis Operations:

Application No.: 44602
Parcel No.: 208-231-015
Case No.: 13139

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

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

☐ Other Comments: _____

Name: Ian Mion

Date: 10/5/17

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



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

8/31/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District

Applicant Name Jesse Almas **Key Parcel Number** 208-231-015-000

Application (APPS#) 13139 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1009

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 9/15/2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

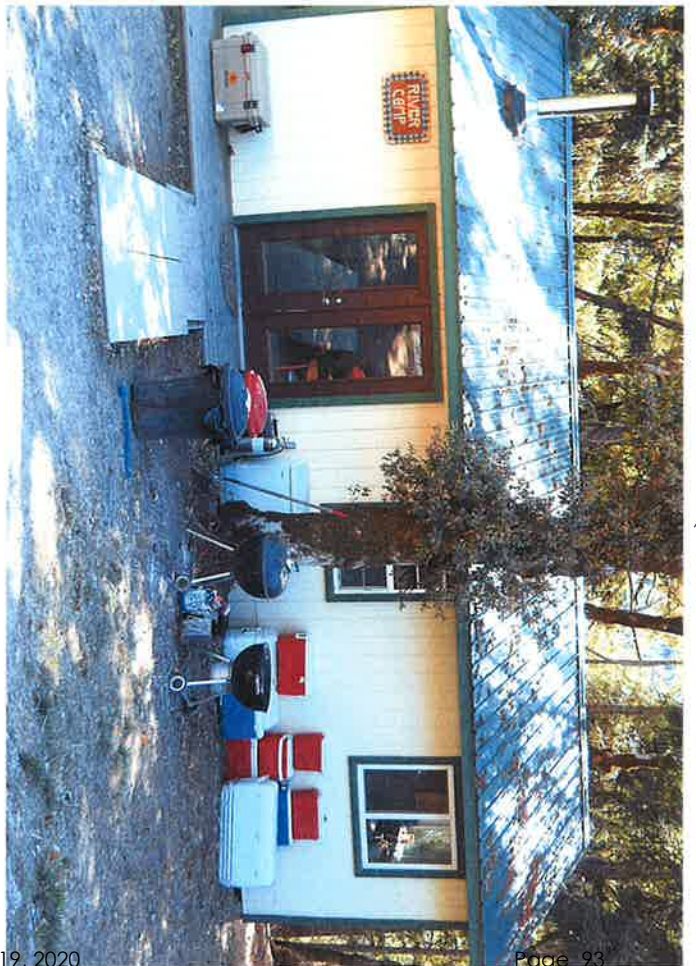
☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

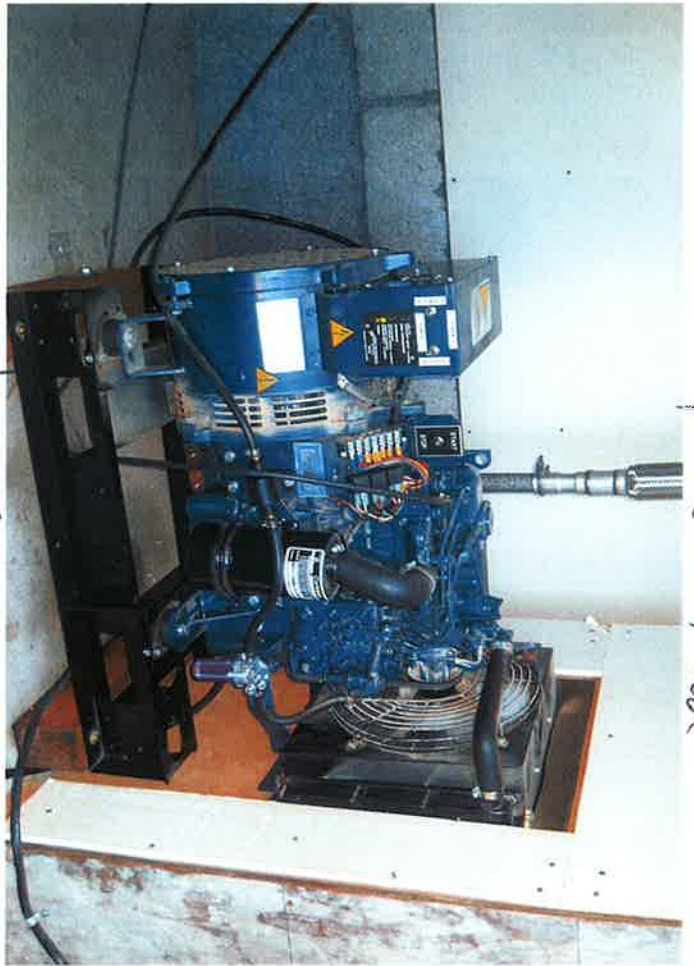
DATE: 10/5/17

PRINT NAME: Ian Mion

208-231-015



house



gene shed



main ca



storage



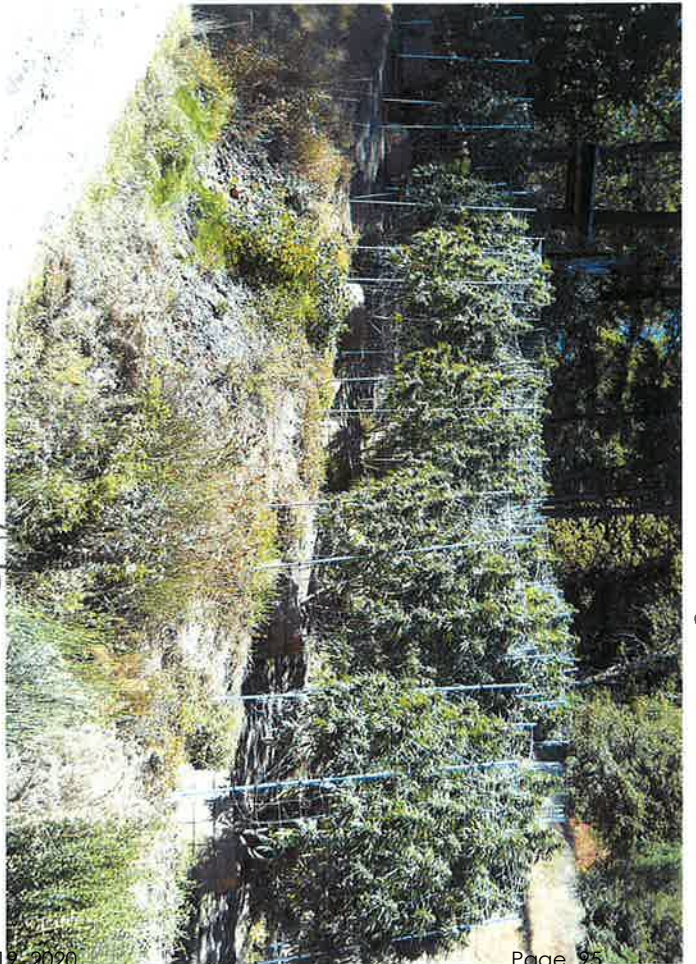
Mixed lt.



Mx lt



terrac



Mx lt





storage



terrace area



well



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

DEH Received
9-1-17

Project Referred To The Following Agencies:

1718-0547

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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District

Applicant Name Mad River Horticulture, LLC **Key Parcel Number** 208-231-015-000

Application (APPS#) 13139 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1009 SP18-023

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:

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

DISTRIBUTED

3-26-18

*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.

