



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 7, 2021

To: Humboldt County Planning Commission

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

Subject: **Rolling Meadow Ranch, LLC, Conditional Use Permits**
Record Number: PLN-12529-CUP
Assessor's Parcel Numbers (APNs): 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001
2189 & 2487 McCann Road and the properties know to be in Sections 35 & 26, Township 01 South, Range 03 East, H. B. & M., Blocksburg/Myers Flat area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolutions	9
Maps	
Topo Map	11
Zoning Map	12
Aerial Map	13
Site Plans – see Attachment A, Pages 2 - 15 of Initial Study/Mitigated Negative Declaration	
Attachments	
Attachment 1: Recommended Conditions of Approval	14
Attachment 2: Required Findings for Approval	34
Attachment 3: Initial Study and Mitigated Negative Declaration	57
Attachment 4: Applicant's Evidence in Support of the Required Findings	58
Attachment 5: Referral Agency Comments and Recommendations	62
Attachment 6: Public Comments - Attached Separately	106

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 7, 2021	Conditional Use Permits	Meghan Ryan

Project Description: Six Conditional Use Permits for 5.73 acres of mixed light cultivation and processing facilities located in four distinct cultivation areas. The proposed cannabis operation will be primarily located on APNs 217-181-028 and 217-201-001. Cultivation would occur in 16 greenhouses. Operations would occur year-round and there will be a maximum of four cultivation cycles annually. Annual water use is approximately 4,628,200 gallons. Water will be provided by three existing groundwater wells. There will be 320,000 gallons of hard-sided tank storage that will store rain from rooftop runoff. Processing, including drying, curing and trimming, will take place on site within 5 proposed processing structures totaling 33,750 square feet. There will be a maximum of 30 employees during peak operations. The proposed project includes development of power from P. G. & E. The overall development will total 8.50 acres. The project is accessed by McCann Road using the McCann Bridge. Approximately 5 miles of private ranch roads will be used to access cultivation areas. At the property entrance, employees will park their vehicles and an electric bus or similar type vehicle will be used to transport employees to the cultivation and processing areas. Secondary access through Alderpoint Road will be utilized during the rainy season when the low-water bridge is not in use.

Project Location: The project is located in Humboldt County, in the Blocksburg/Myers Flat area, on both sides of McCann Road, approximately 2.15 miles east from the intersection of Dyerville Loop Road and McCann Road, on the properties known as 2189 & 2487 McCann Road and the properties know to be in Sections 35 & 26, Township 01 South, Range 03 East, H. B. & M.

Present Plan Land Use Designation: Agriculture Grazing (AG), Density: Range is 20 to 160 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3).

Present Zoning: Agriculture Exclusive with a Special Building Site combining zone; Timber Production (AE-B-5(160); TPZ).

Record Number: PLN-12529-CUP

Assessor Parcel Numbers: 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001.

Applicant

Rolling Meadow Ranch, Inc.
3060 Airport Road
Vero Beach, FL 32960

Owner

Rolling Meadow Ranch, Inc.
3060 Airport Road
Vero Beach, FL 32960

Agent

Four Star Reality
Attn: Jim Redd
331 Harris Street
Eureka, CA 95503

Environmental Review: An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: None.

Rolling Meadow Ranch, LLC

Record Number: PLN-12529-CUP

Assessor's Parcel Numbers (APNs): 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001

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:

Adopt the Mitigated Negative Declaration prepared for the Rolling Meadow Ranch, LLC, project pursuant to Section 15074 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permits based on evidence in the staff report and adopt the Resolution approving the proposed Rolling Meadow Ranch, LLC, project subject to the recommended conditions.

Executive Summary: The applicant is applying for six Conditional Use Permits for new, mixed light cannabis cultivation occurring in four distinct cultivation areas in accordance with the County's Commercial Medical Land Use Ordinance (CMMLUO). The subject parcels are located within a 7,110-acre ranch that historically has been used for ranching and timber operations. The parcels are currently undeveloped. The project includes the following proposed development:

Cultivation Area	Proposed Structures*	Total Square Footage (sf)
1	Greenhouses (2 x 19,656 sf)	39,312 sf
2	Greenhouses (3 x 19,584 sf) Processing Facility	58,752 sf 6,000 sf
3	Greenhouses (3 x 17,280 sf) Processing Facility	51,480 sf 8,250 sf
4	Greenhouses (5 x 19,485 sf and 1 x 17,568 sf) Processing Facility (1 x 8,000 sf and 1 x 7,000 sf)	114,993 sf 15,000 sf

*Onsite Wastewater Treatment Facilities will also be developed in each cultivation area.

In addition to the greenhouses and processing facilities, Onsite Wastewater Treatment Systems (OWTS) and water storage tanks that will capture rain from the roof runoff. The overall footprint of the cultivation areas would be 5.73 acres and with all the associated development will be 8.50 acres. Hours of operation will be 7am to 7pm daily. Generally, there will 22 employees on site on any given day with a maximum of 30 employees during peak operations. Due mitigated for noise impacts, hours of operation for construction are limited to the operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall only occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays. No heavy equipment related construction activities shall be allowed on Sundays or holidays.

Security lighting and cameras will be placed around all processing buildings. Processed cannabis will be stored in the processing buildings until it is taken off site. The buildings will always be locked. Each site will be fenced. A security gate with a guarded entrance will be placed on the private road that continues East

off McCann Road East that leads to Facilities #1 and #2. This security guard will have a small 6-foot by 4-foot structure to provide shelter (See Figure 13 for guard gate location). This security guard position will be staffed 24 hours a day. Another security gate will be placed on the road that leads to Facilities #3 through #16. This gate will be locked at all times. There will be cameras at both gates.

Estimated annual water usage is 4,628,200 gallons of water for both irrigation and domestic use. Water for irrigation is estimated to be 4,555,200, which equates 780 gallons per day per greenhouse (4.5 gallons/sf/cycle). The applicant will utilize drip irrigation to conserve water and ensure there is minimal to no run-off. The proposed project includes rain catchment systems to capture runoff and will be stored near each greenhouse site in hard-sided water storage tanks. Each greenhouse will have 20,000 gallons of water stored in four (4) 5,000 gallons storage tanks. There will be 320,000 gallons of hard sided storage tanks for rainwater catchment on site. This stored rainwater water will be generally used for summertime landscaping and lawn maintenance around the facilities as well as fire protection and supplemental water for dust mitigation. Average annual rainfall is approximately 55 inches per year during an average year. Each processing facility will be larger than 4,000 square feet, therefore, more than 137,060 gallons of water could be captured by each of the five facilities. Staff determined based on average annually rainfall and size of the processing facilities, the 320,000 gallons of rain catchment is reasonable and most likely to occur.

The applicant provided well permits and well completion logs (see Appendix E in the draft Initial Study/Mitigated Negative Declaration). The well completion logs, aerial analysis using the Humboldt County WebGIS and review of the site plans indicate the following:

Well Number	APN	Distance to Nearby Watercourses	Depth to First Water (ft)	Length and depth of Screen Casing
1	217-173-002	140 feet south	65	180 ft 60 ft to 240 ft
2	217-024-010	460 feet north	42	150 ft 40 ft to 190 ft
3	217-181-028	>100 feet	152	200 ft 70 ft to 270 ft

The applicant provided a *Letter regarding well connectivity* from Fisch Drilling dated February 15, 2018. (see Appendix E of the draft Initial Study and Mitigated Negative Declaration). The letter states that the wells are likely drilled into perched bedrock given the soil type and depth of the wells. An examination of the well logs indicate that the depth and screening intervals are such that the wells are not connected to a surface water feature, staff determined the wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board; the rain catchment system that will be installed to capture roof runoff does not require water rights either. Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand and provide evidence of metering at the time of annual inspection. Should the wells not provide sufficient water for the operation, the applicant is required to modify this permit and propose a different non-divisionary source of water, such as rain catchment and/or reduce the size of the cultivation area to be consistent with water availability. As conditioned, the project therefore conforms to the performance standards for water.

Biological Resources

As stated in the *Biological Resources* evaluation contained in the draft Initial Study/Mitigated Negative Declaration (IS/MND), the project location is on the north side of the main stem Eel River within a mosaic of redwood forest, mixed evergreen forest and coastal prairie and nonnative grassland, with inclusions of black oak woodland. Red alder forest forms the main vegetation type along and mainstem Eel. These

forested areas have been extensively logged by previous property owners and are largely composed of even-aged stands of second or third-growth trees. The proposed project footprint lies almost entirely within the prairie and grassland portions of this mosaic. The nearest mapped Marbled murrelet habitat is located more than 3 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1 mile to the northeast of Cultivation Area 1 on APN 217-181-028. According to the Biological Resources section of the IS/MND, there are four activity centers within 1.3 miles of the cultivation areas. Although NSO surveys have not detected NSO and there is the potential for habitat, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to no more than 50 db at 100 feet from the noise source or edge of habitat, whichever is closer, as required by the CMMLUO. No rodenticides will be used on site at any time. If rodents become an issue in the buildings, trapping or other non-poison methods will be used to remove them as stated in the IS/MND project description.

Golden eagle surveys were conducted from July 2 through July 16, 2018. No eagles were observed until the final survey (July 16), when a single bird was observed. This detection was made from a flat near the barn at the proposed site of Facilities #9-#16, when the eagle was observed flying from the northeast ridge in a southwesterly direction over the Eel River before disappearing over the next ridge. There was no indication this eagle was nesting or foraging in the project areas. In 2019, surveys were again conducted in the project areas. Surveys for golden eagles were conducted from April 9 through June 14, 2019. Due to heavy, late rains, access to the parcel via the McCann ferry was delayed, resulting in a delay in surveying during the CDFW recommendation of at least 1 survey from January 15 to February 15. A total of three surveys were conducted in 2019 and no golden eagles were detected. Golden Eagle survey results can be found in Appendix G of the IS/MND. On November 12, 2020, a qualified biologist utilized the geographic location data from the CNDDDB and the UTMs provided in the THP correspondence in an attempt to locate the Sonoma 6 nest, which was last identified as an active Golden Eagle Nest in 2003 prior to the area being heavily logged and is the only known historic nest site within 2 mile of the project site. All potential trees fitting the nest tree descriptions (both from the CNDDDB specific to the Sonoma 6 nest and the more generalized description of nest trees in the area as described above) were located and reviewed for signs of use (white wash, prey remains). No trees were found that appeared to have hosted or host a large raptor nest, and no white wash or prey remains were found. There were only 3 trees large enough to meet the CNDDDB description; all were Douglas fir, none observed with a broken top. The area around the location of the historic nest has been logged over in the last 17 years (see draft IS/MND Appendix G Supplemental Nest Location Survey Report, routes and notes). To ensure the project has a Less than Significant Effect on Golden Eagles, Biological Resources Mitigation Measure 16 requires construction to occur outside of the Golden Eagle breeding season unless preconstruction Golden Eagle surveys have been conducted which demonstrate that no active nests or breeding behavior are present within a 660-foot radius of the Project, which is the setback recommended by the United States Fish and Wildlife Service. The surveys shall be completed during at least two separate nonconsecutive days, with at least one survey occurring between January 15 and February 15.

A *Botanical Survey Report* was prepared by NRM, dated July 20, 2018, for the subject parcels. The purpose of the report was to identify special status plant species or communities on the subject parcels. According to the report, the current inventories of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 1, 2018), and the CDFW California Natural Diversity Database (CNDDDB, 2018) were consulted to determine which special status plant species may occur within the project area and to compile a target species list. A nine-Quad query of CNDDDB and CNPS Inventory records resulted in 39 listed vascular and nonvascular plant species and one Sensitive Natural Community. The report concluded that development at all sites would impact small stands of *Danthonia californica* Prairie (S3), and development in Tract 1/4 would impact several small stands of *Elymus glaucus* (S3). *Mitigation Measure – Biological Resources -5* requires that prior to construction seed from *Danthonia californica* and *Elymus glaucus* will be collected from the site (alternatively it can be collected from other

locations on the Ranch). This mitigation measures will guide the successful enhancement and restoration of a total of approximately 0.97 acres (42,446 square feet) of *Danthonia californica* prairie and approximately 0.89 acres (38,925 square feet) of *Elymus glaucus* prairie. Appendix L of the IS/MND describes the mitigation and monitoring plan for enhancement of the grasslands on the subject parcels.

The Project as designed will directly impact approximately 0.799 acres of potential Seasonally Saturated Nontidal Palustrine Emergent Wetland identified in a 2020 wetland delineation (See IS/MND - *Biological Resources*, Figures 40 through 43). These potential wetlands are within the project development footprint and 30-foot construction impact buffer, and completion of the project will result in unavoidable impacts. Approximately 0.239 acres will be impacted at site facility #10. Impacts to these wetlands will include both the placement of fill material and grading. These potential small, depressional, seasonal wetlands provide stormwater infiltration, seasonal surface water, and contribute to groundwater recharge, but are adjacent to a vast array of wetland/riparian complexes of similar type over the surrounding land ownership. Therefore, impacts to these small pockets of habitat will not significantly reduce habitat or wetland hydrologic function in the area. Additionally, a Mitigation and Monitoring Plan (MMP) will be written for the creation of in-kind wetland habitat at an appropriate location. New wetlands will be created at a ratio of between 1.5:1 and 3:1, as deemed appropriate. Equally, mitigation may entail quality and function enhancement of existing wetlands at similar ratios. Conditions of approval require the applicant to adhere to and implement the mitigation and monitoring plan for the life of the project.

A review of the California Natural Diversity Database (CNDDB) did not find any rare or species status species mapped for the subject parcels. A nine-quad search using the 'Rare Find' tool was conducted for the IS/MND and found the potential for habitat for 22 species of wildlife. An additional nine-quad search was conducted in 2020 the 'Quick View' tool that found potential habitat for 47 species of wildlife. Table 8 in the IS/MND lists Results of wildlife assessment. Species that have special status and habitat in the greater project vicinity. A site visit was conducted by NRM in October 2017 and no species status species were detected. Because there is potential habitat for several wildlife and plant species, 16 mitigation measures are included in the IS/MND to ensure the project has a less than a significant effect on biological resources. See the *Biological Resources* Section of the IS/MND for a complete discussion. The mitigation measures include preconstruction surveys and revegetation and monitoring associated with plant restocking. Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval. The California Department of Fish and Wildlife (CDFW) provided referral responses on January 24, 2018, and January 26, 2018 (see Attachment 5). Staff response was sent on July 8, 2020 (see Attachment 5). Comments from CDFW from August 2020 can be found in Attachment 4 of the staff report. No additional comments have been received from the California Department of Fish and Wildlife. If comments are received, they will be submitted Planning Commission consideration as a supplemental item (see discussion on IS/MND below for additional information).

The access for the project is located off McCann Road. This County road currently crosses the Eel River using McCann Bridge, a low-water bridge. When the Eel River flow volume increases to 3,500 cubic feet per second (cfs), typically late November through late April, Humboldt County closes the McCann Bridge and vehicle traffic across the bridge is not possible. The County will be replacing the low-water bridge with a year-round bridge sometime in the next few years (www.mccannbridge.com). Once McCann Road (West) reaches the property line, the roads become private ranch roads (see draft IS/MND - Figure 1). Approximately 5 miles, or 26,400 feet of private road will be used in reaching the project areas (see draft IS/MND - Figure 13). A gate with a guard station, bus drop off and turn-around, and 15 parking spaces will be built just after the entrance to the property (see draft IS/MND - Figure 13). Employees will enter the property and park their personal vehicles at this location. An electric bus will transport the employees to and from the work sites. This will greatly limit the traffic on the private roads. Road Maintenance work recommended by Oscar Larson and Associates in their 2019, Supplemental Internal Road Evaluation Reports (Appendix C) was done on these roads during the summer of 2019. With the roadwork now complete, all roads (using the existing prism) have been brought up to the Fire Safe standards. The 5 miles of private driveway has a minimum of 12 feet wide traffic lane and have turnouts in conformance with the County Roadway Design Manual and at intervals per Fire Safe standards. During the maintenance work additional road rock was added as needed and any areas of grade over 15% were heavily rocked. The 5 miles of private road contains one bridge and 20 culverts. These culverts are likely a mix of stream crossings and ditch relief culverts. Once the permits are approved the project will assess all stream crossings for compliance with the Standard Conditions of the State Water Board Cannabis Cultivation Order.

Alderpoint Road will provide cannabis project access when the low water bridge over the Eel River (McCann access) is not available (typically late November through late April). Alderpoint Road is a major rural collector for Humboldt county with speeds up to 45 mph. This road is paved and has a centerline and meets Category 4 road standards and is therefore appropriate for commercial cannabis traffic. From the intersection of Alderpoint Road, project traffic accesses the project areas through a combination of travel on-property roads and deeded easements. From Alderpoint Road, the length traveled on interior project roads and easements to the nearest Facility (Facility #16) is 8 miles; the length of the interior roads traveled to the furthest Facility (Facility #1) is approximately 12.3 miles. According to the *Rolling Meadows Ranch, INC Access Assessment for Compliance with Humboldt County Code Section 3112-12 - Fire Safe Regulations* prepared by Northpoint Consulting Group, Inc., revised October 2020, the Alderpoint Access Road meets Category 2 road standards and with improvements will meet the functional equivalent to a Category 4 road (see Appendix C of the draft Initial Study and Mitigated Negative Declaration).

Environmental Review

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from July 17, 2020, to August 17, 2020, at the State Clearinghouse. Due to substantial comments received from the California Department of Fish and Wildlife, the applicant submitted additional information, including Golden Eagle survey data, road and stream crossing evaluations for the Alderpoint Road access and a supplemental botanical report. The applicant revised the project to reconfigure site access to ensure the internal access occurs on roads with ownership and/or easements allowing use for the applicant, modified the location of the parking area and security guard station and relocated the processing building near Greenhouses #1 - #3 out of the flood plain to Cultivation Area #4 and required wetland setbacks, which reduced the amount of wetland filled proposed the project. A mitigation measure was also added regarding pre-construction Golden Eagle surveys. As a result of these changes the draft IS/MND was revised and was recirculated from December 1, 2020, to December 30, 2020. As of the date of the writing of this staff report, 29 public comments were received from concern community members (see Attachment 6) as well as comments from the California Department of Fish and Wildlife. Any additional comments received after the date of the staff report will be submitted for Planning Commission consideration as a supplemental item.

After the beginning of re-circulation of the IS/MND on December 1, 2020 the Planning Department had a conference with members of the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) to discuss concerns about potential impacts to Golden Eagles. In particular, Planning staff was informed that the 660-foot setback from Golden Eagle nests referenced in the draft IS/MND mitigation measure BIO-16 does not reflect current recommendations from the USFWS for protection of potential impacts to Golden eagle nests. Based on the available information and evidence, there does not appear to be nesting eagles present in the vicinity, however the presence of potential nesting habitat does indicate that a nesting pair of eagles could choose to nest in the area during any particular breeding season and construction activity associated with the project does have the potential to disrupt breeding and nesting activities. Accordingly, planning staff is recommending a replacement mitigation measure BIO-16 to reflect current USFWS guidance for protection against impacts to nesting Golden eagles. The replacement mitigation measure is informed by and developed from the guidance document published by the USFWS on December 2017 entitled *“Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada”*. This document is attached to this staff report in Attachment 4.

MM- Bio -16: Construction shall occur outside of the Golden Eagle breeding season unless pre-construction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries (an approximately 2,900-acre area). The surveys shall be completed during at least two separate non-consecutive days, with at least one survey occurring between January 15 and February 15. Survey results shall be submitted to the Humboldt County Planning Department.

This substitution mitigation measure is more effective in mitigating the potential significant impacts that were identified and does not in itself cause any potentially significant impacts on the environment.

The comments received and the substituted mitigation measure do not affect the conclusions of the document and do not require recirculation pursuant to Section 15073.5 of the CEQA Guidelines.

Public Comments

Twenty-nine public comments were received since recirculation of the draft IS/MND starting on December 1, 2020. Planning staff anticipates that several more public comment letters will be received prior to and up the public hearing on January 7, 2021, including additional comments from the California Department of Fish and Wildlife. A supplemental item with a response to public comments and additional comments received will be presented the Planning Commission prior to the hearing on January 7, 2021. Comments received from the public are in opposition to the project and voice several concerns with the proposed project, including the following:

- Size and scale of the project;
- Improper easements for access from Alderpoint Road;
- Impacts to biological resources, including, but not limited to: wetlands, Golden Eagles and overall degradation to the Eel River watershed;
- Water source, use and impacts to water quality;
- Access roads – Increase traffic, condition of access roads as related to water quality;
- Increased fire hazards, including lack of suitable ingress and egress for emergency responders and employees;
- Ability of P. G. & E. to adequate supply power needs for the project;
- Greenhouse gas emissions;
- Community safety; and
- Equity for local cultivators.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the conditional use permits. As discussed above, a significant amount of concern and opposition to this project has been raised by members of the public. While staff believes that the project complies with the ordinance and general plan requirements, the Planning Commission should take these concerns into consideration when determining whether the project would potentially have a negative impact on the public welfare.

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

Staff prepared a more thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). 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 unmitigable impacts.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-**

Record Number: PLN-12529-CUP

**Assessor Parcel Numbers: 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006,
217-024-010, 217-024-003, 217-025-001**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approve the Rolling Meadow Ranch, LLC, Conditional Use Permit request.

WHEREAS, Rolling Meadow Ranch, LLC, submitted an application and evidence in support of approving Conditional Use Permits Six Conditional Use Permits for 5.73 acres of mixed light cultivation and processing facilities located in four distinct cultivation areas. Operations would occur year-round and there will be a maximum of four cultivation cycles annually. Water for irrigation is provided by three groundwater wells and rainwater catchment. Annual water use is approximately 4,628,200 gallons for the project. Water will be provided by three existing wells. There will be 320,000 gallons of hard-sided tank storage that will store rain from rooftop runoff. Processing, including drying, curing and trimming, will take place on site within 5 proposed processing structures totaling 33,750 square feet and includes associated parking facilities. The applicant must process at an off-site licensed processing facility until the Onsite Wastewater Treatment System is permitted and installed. A maximum of 30 employees are required for peak operations. Power is provided by P. G. & E.; and

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

WHEREAS, an Initial Study and Mitigated Negative Declaration was prepared for the proposed Conditional Use Permits for 5.77 acres (or 251,341 square feet) of mixed light cannabis cultivation on APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001, pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the draft Initial Study and Mitigated Negative Declaration was first circulated from July 17, 2020, to August 17, 2020, at the State Clearinghouse; and

WHEREAS, due to substantial comments received from the California Department of Fish and Wildlife and adjacent property owners regarding access, the applicant submitted additional information and revisions to the project and additional mitigation measures were proposed; and

WHEREAS, the draft IS/MND was revised and was recirculated from December 1, 2020, to December 30, 2020, with a Notice of Availability and Intent to Adopt a Mitigated Negative Declaration sent to all parties who commented on the previously circulated IS/MND; and

WHEREAS, as a result of the public review process the county has concluded that a substitution mitigation measure to reduce the potential impacts of construction of the project on Golden eagle nesting habitat is more effective than that proposed in the ISMND that was circulated for public review; 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 Permits (Record Number: PLN-12529-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 7, 2021; and

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

1. The Planning Commission finds that the substitution mitigation measure BIO-16 as identified in the revised Mitigation Monitoring and Reporting Program is more effective in avoiding potential significant impacts from construction on nesting Golden eagles and that the proposed substitution mitigation measure will not in itself cause any potentially significant impact on the environment; and

2. The Planning Commission adopts the Mitigated Negative Declaration for the Rolling Meadow Ranch, LLC, project; and
3. The Planning Commission adopts the Mitigation Monitoring and Reporting Program identified in Attachment 1A to this staff report; and
4. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-12529-CUP based on the submitted substantial evidence; and
5. The Conditional Use Permits (Record Number: PLN-12529-CUP) are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 7, 2021.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

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

John Ford, Director
Planning and Building Department

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2020, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,456.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. The applicant shall secure permits for all structures (including, but not limited to: greenhouses, proposed processing facility, office and accessory structures) and grading (including road improvements, graded flats and ponds) related to the historic and proposed cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
2. For the life of the project, the applicant shall adhere to the Mitigation and Monitoring Program adopted for the project. Annual monitoring reports shall be made available to the Planning Department at the time of the annual inspection.
3. The applicant shall secure permits for all proposed structures (including greenhouses and processing facilities) and grading related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. The applicant shall obtain an encroachment permit from the Department of Public Works to pave a minimum width of 20 feet and a length of 50 feet where the County-maintained portions of McCann Road and Alderpoint Roads meet the privately-maintained portion the project access roads and complete the required improvements. A letter or similar communication from the Department of Public Works stating this work is completed to DPW's satisfaction will complete this condition.
5. Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads (from the intersections of McCann Road and Alderpoint Road) to the Rolling Meadow Ranch. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

6. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
7. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
8. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
9. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
10. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal review fees, notary fees and recording fees, as applicable.
11. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

12. The applicant shall obtain a 401 General Construction Permit (or other similar permit as applicable) from the North Coast Regional Water Quality Control Board for development activities as related to the cannabis cultivation sites and stream crossing and bridge improvements required for the project. The applicant shall adhere to and implement the recommendations and monitoring required by the permit. The applicant shall submit a copy of the permit and monitoring reports to the Planning Department to satisfy this condition.
13. The applicant shall submit a Lake or Streambed Alteration Notification to the California Department of Fish and Wildlife (CDFW) for all development within the CDFW jurisdiction as related to the cannabis cultivation project. This includes, but is not limited to installation, maintenance and repair of stream crossings, including bridges, along the access roads and internal ranch roads connecting the cultivation areas. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

14. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
15. The applicant shall contact CAL FIRE prior to commencing any tree removal activities on the subject parcel to determine if additional permits are required. If additional permits are required, the applicant shall adhere to and implement any requirements. To satisfy this condition, the applicant shall submit copies of any permits obtained from CAL FIRE for tree removal or provide a letter or similar communication from CAL FIRE that additional permits are not required.
16. 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.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
18. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
20. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
21. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
22. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
23. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

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

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
9. 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.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

12. Pay all applicable application and annual inspection fees.
13. 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.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. 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

18. 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."
19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.

- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

23. 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.

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

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

26. 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.

27. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
- III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

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

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

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. 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.

4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines.
6. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 1A

HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT MITIGATION MONITORING & REPORT PROGRAM

For the Rolling Meadow Ranch, LLC, Conditional Use Permits

APNs 217-022-004, 217-181-028, 217-201-001, 211-281-006, 217-181-017; Record Number: PLN-12520-CUP; Apps No. 12529.

Record Number: PLN-12529-CUP

Assessor Parcel Numbers: 217-022-004, 217-181-028, 217-201-001, 211-281-006, 217-181-017

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

Mitigation Measures and Applicant Proposed Operating Restrictions:

Aesthetics

Mitigation Measure – Aesthetics 1: Retaining walls proposed for Facilities 1 and 2 shall include an architectural treatment, such as in-wall plantings or an equivalent treatment, to soften the visual impact of the walls.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

Agriculture and Forestry Resources

Mitigation Measure – Agriculture and Forest Resources 1: Revegetation and Monitoring adapted from the 2019 State Water Board Order WQ 2019-0001-DWQ; Attachment A, Section 2, number 33-35. This is a Proposed Native Trees – Replanting and Monitoring Plan; the final Replanting Plan will be approved by Humboldt County Planning and Building Department (HCP&BD) prior to implementation.

NATIVE TREES - Replanting and Monitoring Plan:

1. The cultivator will plant three native trees for every one native tree damaged or removed.
 - a. The project will plant up to 72 trees.
 - i. The trees removed from meadows and other non-riparian locations will be replanted on the ranch in a similar environment to that from which they were removed:
 - (6) California Bay trees (*Umbellularia californica*)
 - (6) Big Leaf Maple Trees (*Acer macrophyllum*)
 - (3) Madrone (*Arbutus menziesii*)
 - (9) White Oak (*Quercus alba*)

(18) Doug fir (*Pseudotsuga menziesii*),

- ii. The trees that are removed as a result of stream crossing improvements will be replanted along the same riparian corridor from which they were removed, but not within or immediately adjacent to the roadbed:

(9) Doug fir (*Pseudotsuga menziesii*)

(3) White Oak (*Quercus alba*)

(3) Red Alder (*Alnus rubra*)

(3) Madrone (*Arbutus menziesii*)

(3) Big Leafed Maple (*Acer macrophyllum*)

(9) Bay Laurel (*Laurus nobilis*).

- b. Trees will be planted in groves in order to maximize wildlife benefits and will be derived from local stock.
- c. Trees will be planted 10-foot on center.

- 2. Growth and success of planted saplings will be monitored by a qualified professional for two (2) years.

d. After two (2) years, an 85% survival rate is required.

e. If success rate is less than 85%, the planting and monitoring steps will be repeated.

- 3. The project proponent shall maintain a copy of the **Native Trees Replanting and Monitoring Plan** and monitoring results onsite; HCP&BD will confirm implementation and monitoring results will be submitted annually (by December 31) to HCP&BD and made available, upon request, to additional Responsible Agencies under CEQA.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity and project operations.	Continuous		HCP&BD**		

Biological Resources

Mitigation Measure- Biology -1: A full early season botanical survey has not been completed on Facilities #6-#9. Prior to construction an early season survey will be completed. If any sensitive species are found that portion of the project will not be constructed. A survey was done on April 9th, 2019 but it was too early for some special status species. Results of the survey will be Submitted to Humboldt County prior to construction of Facilities #6-#9.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction	Once		HCP&BD**		

MM-Bio-2: To avoid the potential for significant impacts to *Pacific Gilia* (*Gilia capitata ssp. Pacifica*) populations, improvements to- and maintenance of the road shall occur after August 15th and before October 15th, in areas where Pacific gilia is impacted (Table 6b&c, Figure 29 & 31). Seed for erosion control mix will not be used in these areas and instead weed-free straw will be laid. Straw will be removed by May of

the following year. In addition, these areas will also be assessed by a qualified botanist for a period of five (5) years, following project implementation. These findings will be incorporated into a larger monitoring report of all proposed activities (facilities developments, etc.), which will be submitted to CDFW annually. Monitoring results will be used in an adaptive management process aimed at maintaining the Pacific gilia population.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction and annually	Continuous		HCP&BD**			

MM-Bio-3: To avoid the potential for significant impacts to *Pacific Gilia (Gilia capitata ssp. Pacifica)* all extraction of rock from the rock quarry (Map ID #4, Figures 27 and 30) shall occur after August 15th and before October 15th and occur no more frequently than every two (2) years (i.e. allowing two years between extraction events). Additionally, monitoring will occur every two (2) years following any rock extraction, within a period of ten (10) years following project implementation. Monitoring shall entail annual inventory and mapping of the extent of the Pacific gilia population on roads accessing project areas and within the rock quarry area. A monitoring report shall be submitted to CDFW annually within the above described monitoring period. Monitoring results shall be used in an adaptive management process aimed at maintaining the Pacific gilia population. For instance, if it appears that rock extraction is negatively impacting the population, a different plan shall be developed and implemented.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Annually		HCP&BD** and CDFW*			

MM-Bio-4: The densest portion of *Tracy's tarplant (Hemizonia congesta ssp. Tracyi)* population, the patch largely outside the project footprint (Map Point 8, Figure 30, Table 6b), will be protected during construction by the placement of construction fencing at the periphery of the population, to keep equipment operators out of the area. A qualified Botanist will oversee the construction of the fencing. The Botanist will prepare A report that will be submitted to the Humboldt County Planning Department which will include photos of the fence.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

activity, fence will be installed.					
------------------------------------	--	--	--	--	--

MM-Bio-5: The mitigation measure will guide the successful enhancement and restoration of a total of approximately 0.97 acres (42,446 square feet) of *Danthonia californica* prairie and approximately 0.89 acres (38,925 square feet) of *Elymus glaucus* prairie.

Many parts of the project parcel (ranch) have grasslands that have been severely degraded by historic grazing and are currently dominated by nonnative grasses and forbs. However, in some areas, large stands of native grassland (including *Danthonia californica* prairie and *Elymus glaucus* prairie) persist. These stands vary in the degree to which they are currently invaded by nonnative species. Several of these stands will be mapped and evaluated as part of the mitigation site selection process. Stands will be categorized as:

- High quality: ~0-30% non-native,
- Moderately invaded: ~31-60% non-native, and
- Heavily invaded: ~61-90% non-native.

These categories will be assigned using stand data collected according to the California Native Plant Society releve protocol (CNPS 2000). Mitigation sites will be created within stands that are moderately to heavily invaded and have the potential to be restored to a category of “high quality” by a combination of weeding and planting.

Fifty percent (50%) of the mitigation area will be within “moderately invaded” stands, and fifty percent (50%) will be within “heavily invaded” stands. Implementing mitigation via the restoration of existing stands is a better guarantee for success than planting into areas currently unoccupied by the target species, as these sites are more likely to have suitable environmental conditions for high quality prairie development. Once the mitigation areas have been identified, they will be mapped and visually demarcated in the field. The baseline stand conditions over the mitigation areas will be documented and mapped.

Mitigation areas will then be planted with ‘plug’ size *Danthonia californica* and *Elymus glaucus* plants, grown from seed collected on site (on the ranch). Plugs will be planted on 2-ft centers or as needed. After planting, the sites may also be seeded with additional *Danthonia California* and *Elymus glaucus* seed collected on site or purchased.

Across the mitigation sites, invasive plants (and non-native plant species that threaten to prevent the project from meeting the Success Criteria) shall be intensively managed. Management emphasis will be placed on any invasive species with a Cal-IPC rank of High or Moderate, and on any non-native plants threatening the successful establishment of any native plantings or natural recruits, herein referred to as weedy species (Cal-IPC 2018). Non-native species without a Cal-IPC rating and that do not threaten the establishment of native plantings or recruits will not be a management priority. Species meeting the criteria for removal are herein referred to as target species. At this site, target species are expected to include yellow star thistle and weedy perennial grasses.

Each year for the five years following planting in the month of April, an individual qualified to identify target species (as described above) will visit the site, and all occurrences of target species within the prairie mitigation site shall be recorded and mapped. All mapped species will be targeted for mechanical removal during a maintenance visit, which will occur within one month. If feasible, the mapping and maintenance can happen in the same visit. Any mechanically removed invasive plant parts shall be properly disposed of to reduce the chance of spread. This may include hauling off-site. If invasive plants are shipped off site for disposal they shall be transported in closed or covered containers and delivered to a suitable destination such as a waste disposal facility.

Success Criteria

The Project will be considered successful if by Monitoring Year 5:

4. A total of approximately 0.97 acres (42,446 square feet) *Danthonia californica* prairie and approximately 0.89 acres (38,925 square feet) of *Elymus glaucus* prairie have been established, which meet the ‘high quality’ category defined below and the membership rules of these vegetation alliance types as described by the Manual of California Vegetation (MCV) (MCV 2020).
 - a. ‘High quality’ stands will be defined as being between 0% and 30% invaded by non-native plants with a Cal-IPC rank.
 - b. For the *Danthonia californica* Herbaceous Alliance (California oat grass prairie) the membership rules include:
 - *Danthonia californica* > 50% relative cover in the herbaceous canopy.
 - *Danthonia californica* generally > 25% absolute cover in the herbaceous layer.
 - c. For the *Bromus carinatus* - *Elymus glaucus* Herbaceous Alliance (California brome - blue wildrye prairie), membership rules include:
 - *Elymus glaucus* > 30% relative cover in the herbaceous layer.
 - *Bromus carinatus*, *Elymus glaucus*, or *Pteridium aquilinum* > 30% relative cover in the herbaceous layer.
5. Total absolute cover (Section 6.1) by invasive species with a Cal-IPC rank of “High” shall be less than 10% at the site.

Monitoring

Annual Monitoring and Maintenance site visits shall occur every year beginning in the first growing season after construction for at least five (5) years or until Success Criteria are met (see Adaptive Management Section 10). Monitoring visits shall be conducted within the same three-week period in end of April-beginning of May each monitoring year to maintain seasonal consistency between surveys, and to allow time for needed maintenance or replacement plantings to be arranged for. Qualified botanists or restoration specialists shall perform annual monitoring.

Reporting

The results of the annual monitoring will be used to create an Annual Monitoring report which tracks progress toward meeting Success Criteria and recommends adaptive management and contingency plans for any problems, issues, additional maintenance needs etc. An Annual Monitoring Report will be submitted to Humboldt County and CDFW by December 31 of each monitoring year.

Appendix L Contains additional detail for the restoration plan and is incorporated here by reference.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction and annually until success criteria is met	Continuous		HCP&BD** & CDFW		

MM-Bio-6: Mitigate for direct impacts to 0.255 acres of *seasonal wetland* and 0.277 acres of *seasonal wetland within 100 feet of Facilities*. A total of 0.48 acres of wetland will be mitigated for

Goals and Objectives

The MMP shall be created to address requirements for wetland impact mitigation required by the USACE and California State Water Resources Control Board permits needed to complete the Project as designed. The goal is to create new, 3-parameter wetland at a ratio of 3:1. Equally, mitigation may entail quality and function enhancement of existing wetlands at similar ratios. The mitigation goals of this project are as follows:

1. Create 1.4 acres of 3-parameter seasonal wetland;
2. Mitigate project impacts to potential jurisdictional Waters of the US, resulting in no net loss of wetland habitat or hydrologic function within the watershed;

Success Criteria

The following performance criteria will be used to evaluate project success.

The Project will be considered successful if by Monitoring Year 5:

6. 1.4 acres of 3-parameter wetland have been established in the Mitigation Area, as defined by USACE methodology.
7. 85% of container plantings or an equivalent number of appropriate native recruits have survived, or planted areas have achieved greater than or equal to 85% total absolute vegetative cover.
8. Total absolute cover by invasive species with a Cal-IPC rank of “High” shall be less than 10% at the site.
9. Site hydrology is favorable for the development of wetland soils.

Monitoring

Overview

Annual Monitoring and Maintenance site visits shall occur every year beginning in the first growing season after construction for at least five (5) years or until Success Criteria are met. Maintenance Visits shall occur in April and Monitoring visits shall be conducted within the same three-week period in August each monitoring year to maintain seasonal consistency between surveys, and to allow time for needed maintenance or replacement plantings to be arranged for. The 3-parameter wetland delineations required in

years 3-5 should occur in early April, and the Hydrology Check site visits should occur sometime between December and March. Qualified botanists or restoration specialists shall perform annual monitoring.

Methods

All Monitoring Years

1. Monitor survival of all container plantings:

All planted stock will be inspected during the monitoring visit, and the following data recorded:

- Plant Species;
- Plant Survival: Dead or Alive;
- Any native recruits established in the Area will be counted.

2. Monitor absolute vegetative cover in the Mitigation Area;

- Randomly selected 1-square meter plots will be established within the Wetland Basin portion of the Mitigation Area. Within each plot, total absolute vegetative cover and absolute cover for each species present (including plantings and natural /seeded recruits) will be ocularly estimated;
- The Mitigation Area will be visually assessed for areas of low survivorship, in case these areas are missed in plot monitoring. Any such areas will be mapped and described.

3. Monitor and report Cal-IPC rank High species and other weedy species.

- All occurrences of Cal-IPC rank High invasive species shall be recorded and mapped within the Mitigation Area. The results will be used to develop a concise maintenance plan, if needed. Any other non-native, weedy species that are impacting plantings or the character of the site shall also be addressed.

4. Report pertinent site conditions:

- Any pertinent ecological conditions (outside of those outlined specifically in the Success Criteria) shall be recorded for reporting in the Annual Monitoring report. Adaptive management shall be utilized to determine a corrective course of action for any conditions that may impact project success, create water quality issues or otherwise negatively impact the site. Examples of such conditions include animal impacts, illegal dumping or camping, flood events, or wildfire. These observations will enhance the representation of site conditions in the Monitoring Reports.

5. Establishment of photo points around the project area:

- Initial photos shall be taken before restoration implementation, then once annually following restoration for each monitoring year. Photo point locations shall be permanently established and described, mapped, and images included in Annual Monitoring Reports. Photo point protocols shall conform to methods of the USDA Photo Point Monitoring Handbook (Hall, 2002).

Monitoring Years 3-5 Only:

3. Establish three (3) Wetland Survey Plots;

- Three plots will be subjectively selected within the Wetland Basin portion of the Mitigation Area. At each plot, a USACE methodology 3-Parameter survey will be conducted.
- A winter Hydrology Check should be conducted to survey and document hydrology of the site

Monitoring Year 5 Only:

- A full USACE 3-paramter method wetland delineation will be performed within the Mitigation Area.

Reporting

Appropriate statistical methods will be utilized to determine survivorship of plantings and the contribution of natural recruits/seeded species to survival each monitoring year. Change in total cover of native trees, shrubs and herbaceous species over time will be analyzed. This data will be useful in characterizing vegetation development over the site.

Each monitoring year an Annual Report (and at the end of year 5 a final report) detailing information collected during the monitoring will be submitted to CDFW and Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Annually		HCP&BD** and CDFW*			

MM – Bio-7: Protocol level surveys (Spot Checks) need to be conducted for the fourth year (2021) for *Northern Spotted Owl*. As per protocol if nesting NSOs are found within 0.25 miles of a project area, no construction will take place in the 0.25-mile buffer around the nest until after August 31. Survey results will be submitted to Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-8: If construction takes place during the breeding season for *Coopers hawk, Sharp-shinned hawk, American peregrine falcon, and osprey* pre-construction surveys for these species will take in the forested habitat in the 1000-foot buffer around each project location. If a nest is found, CDFW will be contacted and the agency will determine the appropriate no work buffer to remain around the nest until it has fledged. This is standard practice and often CDFW considers specific local factors when making buffer size decisions. In the past when working with CDFW on road construction projects a buffer of 500 feet has been placed on active raptor nests. Survey results shall be submitted to Humboldt County Planning Department. If work takes place outside of the breeding season, no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-9: If construction takes place during the denning season, then preconstruction surveys for *Fisher* den sites and structures will be completed in the more densely forested areas that occur within 1000 feet of facilities #6-#9 to determine presence or absence of denning potential for this species. Should evidence of denning be found, no work will take place at the facilities #6-#9 location until after the denning season has ended. Survey results shall be submitted to Humboldt County Planning Department. If work takes place at Facilities #6-#9 outside of the denning season, no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction	Once		HCP&BD**		

MM – Bio-10: If construction takes place during the nesting season for *grasshopper sparrow* and *Bryant's savannah sparrow* than 3 consecutive preconstruction surveys for these species will take place the within the grassland portions of all project footprints as well as a 500-foot buffer around the footprint. Survey will be completed no more than seven days before the start of construction in that area. If a nest is found, a 'no work' buffer will be flagged around the nest. The buffer will be maintained until the nest has fledged. This is standard practice and often CDFW considers specific local factors when making buffer size decisions. In the past when working with CDFW on road construction projects buffers ranging from 100 to 200 feet has been placed on active ground nesters nests. Survey results shall be submitted to Humboldt County Planning Department. If work takes place outside of the breeding season no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction	Once		HCP&BD**		

MM – Bio-11: Although pre-project surveys showed the barn is not being used as anything other than a temporary night roost, Removal of the barn could have an effect on *Townsend's big-eared bats* if they start using it for anything other than a temporary night roost. Preconstruction surveys of the barn should occur during breeding season to ensure no bats are using this structure for anything other than a temporary night roost. Survey results shall be submitted to Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction	Once		HCP&BD**		

MM – Bio-12: If construction of the infrastructure at facilities #1, and #2, takes place during the nesting season, preconstruction surveys *western pond turtle* nests will be conducted. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest. As is standard practice CDFW will

be consulted to help with buffer sizing. Often CDFW considers specific local factors when making buffer size decisions. Survey results shall be submitted to Humboldt County Planning Department. If work takes place outside of the breeding season no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction	Once		HCP&BD**		

MM – Bio-13: To mitigate for potential impacts to *migratory birds and black-tailed jackrabbit* three consecutive preconstruction surveys for these species should take place no more the one week prior to the start of construction at EACH location of vegetation removal or ground disturbance. The footprint of the disturbance area and a 300-foot buffer will be surveyed. Should any nests be found CDFW will be consulted for appropriate actions going forward, such as buffers or the delaying of work until nestlings have fledged. Survey results shall be submitted to Humboldt County Planning Department. Alternatively, no ground disturbing events should occur until August, when these species will have completed breeding for the season.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction	Once		HCP&BD**		

MM-Bio-14: To mitigate for potential impacts to *western bumble bee*. The project will first determine presence/absence. This can be achieved with three (3) nest seeking queen surveys or three (3) flight season surveys

- Nest-seeking queen surveys will target suspected preferred nesting areas (linear features with emphasis on forest transition zones). These surveys will be evenly spaced (approx. every two weeks) over the span of two months (Feb/March or March/April) depending on the expected emergence of the bee at the project area (weather dependent – queens are active after top layer of soil is consistently warm). The surveys will take place during warm sunny days over 70°F (21°C) without fog/rain or wind over 15mph. Surveyors will spend approximately one person hour per every three (3) acres surveyed. Searches will be conducted by a qualified biologist and use photography as means of positive identification of *Bombus* species unless a permit for handling bees is secured.
- Flight season surveys will target the optimal habitat in the project area and consist of a minimum of one (1) person hour per 3 acres of optimal habitat. Habitat that does not offer floral resources will not be surveyed. These three (3) surveys will be ‘free searches.’ They will be evenly spaced (one week apart) in the month of July (June/Aug depending on site conditions/season). The surveys will take place during warm sunny days over 70°F (21°C) without fog/rain or wind over 15mph. Searches will be conducted by a qualified biologist and

use photography as means of positive identification of *Bombus* species unless a permit for handling bees is secured.

If present presence is determined during the nest seeking queen surveys or three flight season surveys, the project will conduct nest searches in the impacted (earth disturbance) area.

- These will be conducted during the flight season using a modified version of the transect methodology presented by Osborne, J. et al. (2008). Qualified surveyors will utilize compass and pacing to walk a grid of the impact area (the impact area is the project footprint plus a 100 ft buffer). In general, surveyors will spend 5 minutes nest searching (watching for bees entering or exiting nest) for every 6m x 6m area. The surveys will take place during warm sunny days over 70°F (21°C) without fog/rain or wind over 15mph. Any nests that are found will be flagged and mapped and surveyor will consult with CDFW to determine appropriate action/nest buffer areas.

If nests are found the area will be buffered and construction will not proceed until the nest has been abandoned. A report of survey results will be submitted to CDFW and Humboldt County.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD** & CDFW			

MM-Bio-15: To ensure less than significant impacts to northern *red-legged frog*, *foothill yellow-legged frog*, and *red-bellied newt* work to upgrade 34 stream crossings on the project roads will be done during the summer and fall season when the streams should be dry with no frogs or newts are present. As per standard construction process, IF any streams are found to have water in them at the time of crossing reconstruction, preconstruction surveys for amphibians will be completed no more 2 days prior to construction. If frogs are found they will be relocated, CDFW will be notified, and a biological construction monitor will be on site for the duration of the construction of that crossing. A copy of the preconstruction survey report and construction monitoring (if needed) report will be submitted to CDFW and Humboldt County Planning within 7 days of the completion of work on the wet crossing.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD** & CDFW			

MM- Bio -16: Construction shall occur outside of the Golden Eagle breeding season unless pre-construction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries (an approximately 2,900-acre area). The surveys shall be completed during at least two separate non-

consecutive days, with at least one survey occurring between January 15 and February 15. Survey results shall be submitted to the Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD** & CDFW			

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

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

1. The proposed development must be consistent with the General Plan. 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 2017, 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
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Agriculture General (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation.</p> <p>Density range is 20 -160 acres/unit.</p>	<p>The Applicant is proposing new mixed light commercial cannabis cultivation operations on one legal parcel consisting of 5.73 acres (or 249,598 square feet) of cannabis cultivation consisting of on lands designated as Agriculture General. General and intensive agriculture are allowable use types for these designations. The project is, therefore, consistent with the AG designation.</p>

<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The access for the project is located off McCann Road. This County road currently crosses the Eel River using McCann Bridge, a low-water bridge. When the Eel River flow volume increases to 3,500 cubic feet per second (cfs), typically late November through late April, Humboldt County closes the McCann Bridge and vehicle traffic across the bridge is not possible. The County will be replacing the low-water bridge with a year-round bridge sometime in the next few years (www.mccannbridge.com). Once McCann Road (West) reaches the property line, the roads become private ranch roads (see draft IS/MND - Figure 13, Page 28). Approximately 5 miles, or 26,400 feet of private road will be used in reaching the project areas (see draft IS/MND - Figure 13, Page 28). A gate with a guard station, bus drop off and turn-around, and 15 parking spaces will be built just after the entrance to the property (see draft IS/MND - Figure 13, Page 28). Employees will enter the property and park their personal vehicles at this location. An electric bus will transport the employees to and from the work sites. This will greatly limit the traffic on the private roads. Road Maintenance work recommended by Oscar Larson and Associates in their 2019, Supplemental Internal Road Evaluation Reports (see draft IS/MND - Appendix C) was done on these roads during the summer of 2019. With the roadwork now complete, all roads (using the existing prism) have been brought up to the Fire Safe standards. The 5 miles of private driveway has a minimum of 12 feet wide traffic lane and have turnouts in conformance with the County Roadway Design Manual and at intervals per Fire Safe standards. During the maintenance work additional road rock was added as needed and any areas of grade over 15% were heavily rocked. The 5 miles of private road contains one bridge and 20 culverts. These culverts are likely a mix of stream crossings and ditch relief culverts. Once the permits are approved the project will assess all stream crossings for compliance with the Standard Conditions of the State Water Board Cannabis Cultivation Order.</p> <p>Alderpoint Road will provide cannabis project access when the low water bridge over the Eel River (McCann access) is not available (typically late November through late April. Alderpoint Road is a major rural collector for Humboldt county with speeds up to 45 mph. This road is paved and has a centerline and meets Category 4 road standards and is therefore appropriate for commercial cannabis traffic. From the intersection of Alderpoint Road, project traffic accesses the project areas through a combination of travel on-property roads and deeded easements. From Alderpoint Road, the length traveled on interior project roads and</p>
----------------------------------	--	---

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>easements to the nearest Facility (Facility #16) is 8 miles; the length of the interior roads traveled to the furthest Facility (Facility #1) is approximately 12.3 miles. According to the <i>Rolling Meadows Ranch, INC Access Assessment for Compliance with Humboldt County Code Section 3112-12 - Fire Safe Regulations</i> prepared by Northpoint Consulting Group, Inc., revised October 2020, the Alderpoint Access Road meets Category 2 road standards and with improvements will meet the functional equivalent to a Category 4 road (see Appendix C of the draft Initial Study and Mitigated Negative Declaration). The Department of Public Works Additionally, the private road intersection will be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). As conditioned, the project therefore conforms with the Circulation Element of the General Plan.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is therefore consistent with the Housing Element.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project is consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. There are several mapped Streamside Management Areas (SMAs), including Cameron Creek and Beatty Creek, that are tributaries to the Eel River. All development associated with the project is located outside of SMAs. See Section 10.3 <i>Biological Resources</i> for additional information.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>According to the <i>Biological Resources</i> evaluation contained in the draft Initial Study/Mitigated Negative Declaration (IS/MND), the project location is on the north side of the main stem Eel River within a mosaic of redwood forest, mixed evergreen forest and coastal prairie and nonnative grassland, with inclusions of black oak woodland. Red alder forest forms the main vegetation type along and mainstem Eel. These forested areas have been extensively logged by previous property owners and are largely composed of even-aged stands of second or third-growth trees. The proposed project footprint lies almost entirely within the prairie and grassland portions of this mosaic.</p> <p>Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is located more than 3 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1 mile to the northeast of Cultivation Area 1 on APN 217-181-028. According the Biological Resources section of the IS/MND, there are four activity centers within 1.3 miles of the cultivation areas. Although NSO surveys have not detected NSO and there is the potential for habitat, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to no more than 50 db at 100 feet from the noise source or edge of habitat, whichever is closer. as required by the CMMLUO. No rodenticides will be used on site at any time. If rodents become an issue in the buildings, trapping or other non-poison methods will be used to remove them as stated in the IS/MND project description.</p>
--	---	---

		<p>Golden eagle surveys were conducted from July 2 through July 16, 2018. No eagles were observed until the final survey (July 16), when a single bird was observed. This detection was made from a flat near the barn at the proposed site of Facilities #9-#16, when the eagle was observed flying from the northeast ridge in a southwesterly direction over the Eel River before disappearing over the next ridge. There was no indication this eagle was nesting or foraging in the project areas. In 2019 Surveys were again conducted in the project areas. Surveys for golden eagles were conducted from April 9 through June 14, 2019. Due to heavy, late rains, access to the parcel via the McCann ferry was delayed, resulting in a delay in surveying during the CDFW recommendation of at least 1 survey from January 15 to February 15. A total of three surveys were conducted in 2019 and no golden eagles were detected. Golden Eagle survey results can be found in Appendix G. On November 12, 2020 a qualified biologist utilized the geographic location data from the CNDDDB and the UTMs provided in the THP correspondence in an attempt to locate the Sonoma 6 nest. All potential trees fitting the nest tree descriptions (both from the CNDDDB specific to the Sonoma 6 nest and the more generalized description of nest trees in the area as described above) were located and reviewed for signs of use (white wash, prey remains). No trees were found that appeared to have hosted or host a large raptor nest, and no white wash or prey remains were found. There were only 3 trees large enough to meet the CNDDDB description; all were Douglas fir, none observed with a broken top. The area around the location of the historic nest has been logged over in the last 17 years (see IS/MND - Appendix G Supplemental Nest Location Survey Report, routes and notes). To ensure the project has a Less than Significant Effect on Golden Eagles, Biological Resources Mitigation Measure 16 requires Construction shall occur outside of the Golden Eagle breeding season unless preconstruction Golden Eagle surveys have been conducted which demonstrate that no active nests or breeding behavior are present within a 660-foot radius of the Project, which is the setback recommended by the United States Fish and Wildlife Service. The surveys shall be completed during at least two separate nonconsecutive days, with at least one survey occurring between January 15 and February 15.</p> <p>A <i>Botanical Survey Report</i> was prepared by NRM, dated July 20, 2018, for the subject parcels. The purpose of the report was to identified special status plant species or communities on the subject parcels. According to the report, no rare,</p>
--	--	--

		<p>endangered, or CNPS list 1, 2, 3 or 4 plants were found during the surveys. The overall survey results are summarized in Table 3 of the Botanical Survey Report found in Appendix I of the IS/MND. A total of 140 plant taxa were identified within the project area. The report concluded that development at all sites would impact small stands of <i>Danthonia californica</i> Prairie (S3), and development in Tract 1/4 would impact several small stands of <i>Elymus glaucus</i> (S3). <i>Mitigation Measure - Biology -1</i> requires that prior to construction seed from <i>Danthonia californica</i> and <i>Elymus glaucus</i> will be collected from the site (alternatively it can be collected from other locations on the Ranch). This seed will then be used to enhance native grasslands in mitigation area on the subject parcels.</p> <p>A review of the California Natural Diversity Database (CNDDDB) did not find any rare or species status species mapped for the subject parcels. A nine-quad search was conducted for the IS/MND and found the potential for habitat for 22 species of wildlife. A second nine-quad search using the 'Quick View' tool was conducted in August 2020 that found 47 species with potential habitat on the subject parcels. Table 8 of the IS/MND lists the species with a possibility of occurring in and around the project area. A site visit was conducted by NRM in October 2017 and no species status species were detected. Because there is potential habitat for several wildlife and plant species, 16 mitigation measures are included in the IS/MND to ensure the project has a less than a significant effect on biological resources. See the <i>Biological Resources</i> Section of the IS/MND for a complete discussion. The mitigation measures include preconstruction surveys and revegetation and monitoring associated with plant restocking. Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval.</p> <p>The Project as designed will directly impact approximately 0.239 acres of potential Seasonally Saturated Nontidal Palustrine Emergent Wetland identified in a 2020 wetland delineation (See IS/MND - <i>Biological Resources</i>, Figures 40 through 43). These potential wetlands are within the project development footprint and 30-foot construction impact buffer, and completion of the project will result in unavoidable impacts. Approximately 0.239 acres will be impacted at site facility #9. Impacts to these wetlands will include both the placement of fill material and grading. These potential small, depressional, seasonal wetlands provide stormwater infiltration, seasonal surface water, and contribute to groundwater recharge, but are</p>
--	--	--

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>adjacent to a vast array of wetland/riparian complexes of similar type over the surrounding land ownership. Therefore, impacts to these small pockets of habitat will not significantly reduce habitat or wetland hydrologic function in the area. Additionally, a Mitigation and Monitoring Plan (MMP) will be written for the creation of in-kind wetland habitat at an appropriate location. New wetlands will be created at a ratio of between 1.5:1 and 3:1, as deemed appropriate. Equally, mitigation may entail quality and function enhancement of existing wetlands at similar ratios. Conditions of approval require the applicant to adhere to and implement the mitigation and monitoring plan for the life of the project.</p> <p>See findings for <i>Stormwater Drainage</i> (Chapter 11, <i>Water Resources</i>) for additional information regarding stormwater management and compliance with the State Cannabis Cultivation Discharge Policy.</p> <p>See findings for the <i>Streamside Management Area</i> (SMA) for additional information regarding SMAs, culverts and bridge along Alderpoint access road.</p> <p>See findings for <i>Performance Standards – Water</i> for additional information regarding the groundwater well, water use and storage.</p> <p>The California Department of Fish and Wildlife (CDFW) provided referral responses on January 24, 2018, and January 26, 2018 (see Attachment 5). Staff response was sent on July 8, 2020 (see Attachment 5). CDFW comments received are included in Attachment 5. As of the date the drafting of this report, additional comments from CDFW for the draft IS/MND in circulation have not been received. A complete response to comments will be presented as a supplemental item. Several conditions of approval typically requested by CDFW for wildlife and watershed protection, such as preparation and a prohibition on use of synthetic netting, are incorporated into the project. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Although the Intertribal Sinkyone Wilderness Council did not respond, NWIC and the Bear River Band of Rohnerville Rancheria requested an archeological survey of the subject parcels. The report concludes that no significant historic resources were located during this survey, nine (9)</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>pre-existing resources have been recorded on the property as a result of sixteen (16) previous surveys. None of the pre-existing resources will be impacted by this project, one historic burial is located adjacent an area proposed for development and should be monitored by a professional archaeologist during project implementation. The Bear River Band of Rohnerville Rancheria recommended conditional approval of the project with incorporation of inadvertent discovery protocol to protect cultural resources. Planning staff sent a formal AB 52 consultation request to the Bear River Band of Rohnerville Rancheria on July 29, 2020, and the Bear River Band of Rohnerville Rancheria has not responded as of the date of drafting these findings (July 31, 2020). Additional information from the Bear River Band of Rohnerville Rancheria will be submitted to the Planning Commission as a supplemental item. Adherence to Inadvertent Discovery Protocol is included as Cultural Resources Mitigation 1 and the conditions of approval require adherence to the mitigation measures. The project is therefore consistent with the Cultural Resource policies of the General Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of 5.73 acres (or 249,598 square feet) of mixed light cannabis cultivation. The project has been conditioned to fully shield existing all proposed lighting so that it does not direct light within the property boundaries and complies with Dark Sky standards as required by the CMMLUO. Within 30 days of the effective date, the applicant shall contact the Planning Department to set up a site inspection to verify that greenhouses and structures meet this requirement. With these conditions of approval, the proposed project would meet the goals and policies contained in this chapter relating to the protection of scenic areas. As conditioned, the project is therefore consistent with the Scenic Resource policies of the General Plan.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>Proposed cultivation areas at the project site will be located on slopes less than 15%, which will be graded to create flats for greenhouses, processing facilities and associated parking areas. All sites are designed to provide slope for drainage consistent with State and local requirements for stormwater drainage. Cultivation will occur in greenhouses with natural floors. All runoff will be contained inside the greenhouses. The sides of the greenhouses will be flush with the leveled greenhouse pad. This will ensure any surface water runoff from irrigation cannot leave the greenhouse. Plants will be grown in bags or pots set on the native soil surface or on benches. Drip irrigation will be used to minimize runoff. All greenhouses are located outside of stream buffers. To protect water quality, in addition to controlling irrigation water, all graded flats will have engineered design features to manage stormwater runoff (rainwater catchment tanks and engineered solutions to overflow as described above in the IS/MND). The parking spaces and pathways around and between greenhouses will be covered in gravel or wood chips to provide a stable year-round surface for walking and driving small electric utility vehicles. Any disturbed areas outside of designated parking spaces and pathways will be revegetated with grasses. In addition, prior to the wet season, the site will be winterized. Storm water from roof runoff (gutter connected greenhouses) will be stored near each greenhouse site in hard sided water storage tanks. Each greenhouse will have four (4) 5,000 gallons storage tanks. There will be 320,000 gallons of hard sided storage tanks for rainwater catchment on site (16 greenhouses). This stored rainwater water will be generally used for summertime landscaping and lawn maintenance around the facilities as well as fire protection and supplemental water for dust mitigation. Once storage capacity is reached water will travel through engineered French drains and/or infiltration trenches and be allowed to infiltrate into native soils and natural slopes without causing erosion or substantially altering the hydrology of the site. Various natural fertilizer and pesticide products will be used in cultivation; only pesticide products that are citrus or neem-seed based and/or permitted for use in organic farming will be used on the site. These materials will be kept in the processing buildings and will be returned to storage immediately after use.</p> <p>Conditions of approval require the applicant to enroll in the State Cannabis Discharge program prior to operation. The applicant shall provide a copy of the Notice of Applicability as evidence of enrollment into the State Cannabis Cultivation Discharge program. Conditions of approval require the applicant to submit copies of all documents</p>
--	--	---

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>filed with the State Water Resources Control Board, including, but not limited to a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan. The project is consistent with the Water Resource policies of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>Currently, there are no Onsite Wastewater Treatment Systems (OWTS) developed on the subject parcels. Department of Environmental Health recommended conditional approval for the project. Per DEH request, no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system and the OWTS are installed. Portable toilet and handwashing facilities will be allowed to be utilized during the construction of these permanent improvements. 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. As a part of this condition, the applicant is required to provide receipts or other documentation to the DEH for the continual use of portable toilets for employee use until a permanent septic system are installed to their satisfaction.</p>

<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Greenhouses are equipped with dehumidifiers and fans and power is provided by P. G. & E. Most noise will be generated by fans and the applicant provided a noise analysis from the fan manufacturer (see Appendix D of the draft Initial Study/Mitigated Negative Declaration). According to sound testing, at 100% speed, the 56-inch fans will produce an overall sound level of 47dB at a distance of 20-feet from the fan. The 30-inch gable fan will produce a sound level of 35 dBA at 10-feet. Other noise generated by the project includes the electric bus for transportation around the site and employees. Short term noise impacts will be generated from construction activities, which is anticipated to last 8 – 12 weeks. According the draft Initial Study and Mitigated Negative Declaration (IS/MND), the construction at the sites nearest these residences would be temporary in nature and, due to the large distances, would not exceed 61dBA at its peak.</p> <p>Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is located more than 3 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1 mile to the northeast of Cultivation Area 1 on APN 217-181-028. According the Biological Resources section of the IS/MND, there are four activity centers within 1.3 miles of the cultivation areas. Although NSO surveys have not detected NSO and there is the potential for habitat, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to no more than 50 db at 100 feet from the noise source or edge of habitat, whichever is closer. as required by the</p>
-----------------------------	--	---

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		CMMLUO. Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval. As conditioned, the project is consistent with the Noise Element.
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as Moderate Slope Instability (2) and High Slope Instability (3) in the County's GIS mapping. There are historic landslides located on the subject parcels, however, existing and proposed development will not be located in the historic landslide areas. A grading plan titled, <i>Rolling Meadow Ranch Humboldt County, California, Grading for Proposed Greenhouse Sites</i>, was prepared by Oscar Larson and Associates, dated January 11, 2019. The letter states that visual observations were conducted at the four distinct cultivation areas where the greenhouses are proposed and indicated grading can be balanced on-site, therefore, there will be no importing or exporting of soils. All areas proposed for development are located on slopes less than 15% (see Plan set, Pages 7 – 10 that includes imagery showing slope percent). Final grading plans will be prepared upon project approval. Conditions of approval require the applicant to obtain grading permits from the Humboldt County Building Inspection Division for all grading required for the proposed project, which will require the grading plans to meet State and local regulations. As conditioned, the project is consistent with the geologic resource policies of the Safety Element.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within levee inundation area, however, the parcels adjacent to the Eel River are mapped within a dam failure inundation area should the Scott or Cape Horn Dams, which are located in Mendocino County, fail in the future. According the Humboldt County Web GIS, the dam failure inundation areas are the similar to the 100-year-flood zone and all development for the proposed project is located outside of the 100-year flood zone, therefore, unlikely to be impacted by dam failures. At more than 200 feet above mean sea level and over 30 miles from the ocean, is project area is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with very high hazard severity. The parcel is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>According to the operations plan, a maximum of 30 employees will be on-site during peak operations. In addition to the three groundwater wells, there will be 320,000 gallons of hard-sided tank storage that will store rain from rooftop runoff that can be used for fire protection if needed. CAL FIRE was sent referrals for the project. The project is consistent with the fire protection policies of the Safety Element.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p> <p>For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</p>	<p>The subject parcel is located outside the response area for the Fruitland Ridge Protection District and it is assumed that no service would be available from the district, and that no acknowledgment would be received. For this reason, the project is conditioned that the applicant records an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Garberville Fire Protection District.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p>	<p>As a condition of project approval, applications for grading and or building permits shall be 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. The applicant submitted to application for the five generators to be used as emergency backup power sources (see Appendix H of the draft Initial Study and Mitigated Negative Declaration). As conditioned, the project is consistent with these policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:
The following table demonstrates that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcels of land known as APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001 consist of multiple patent and other legal parcels which will be merged as a condition of permit approval. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels. Therefore, the subject parcels were lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agricultural Exclusive §314-7.4 Timberland Production	Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which protection from encroachment from incompatible uses is essential to the general welfare. Existing outdoor cannabis cultivation is allowed on parcels zoned AE. Timberland Production (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The applicant is seeking six Conditional Use Permits for a proposed 5.73-acre (249,598-square-foot) mixed light cultivation operation a property zoned AE and TPZ. All cultivation will occur on the AE-zoned portion of the subject parcels. The proposed cannabis cultivation is specifically allowed with Conditional Use Permit in the AE zoning district and under Sections 314-55.4.8.2.2 and 314-55.4.8.2.1.1 of the CMMLUO.
Minimum Lot Size:	AE: 20 acres TPZ: 160 acres or 40 acres if the provisions of Government Code Section 51119.5 are met.	Over 800 acres (cumulative total)
Maximum Ground Coverage:	AE: 35% TPZ: None specified	<5%

Minimum Lot Width:	AE: 100 feet TPZ: None specified	>100 feet
Maximum Lot Depth:	None specified	>100 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	AE: Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required. TPZ: Front: 30 feet Rear: 20 feet Side: 20 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	<35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>Based on a review of the Humboldt County WebGIS and the site plans, there are several SMAs on the subject parcels, including Cameron Creek and Beatty Creek, that are tributaries to the Eel River. The project developments are plotted outside of the buffered areas for watercourses as defined by the SMA ordinance and the State Cannabis Cultivation Policy. The Project as designed will directly impact approximately 0.239 acres of potential Seasonally Saturated Nontidal Palustrine Emergent Wetland identified in a 2020 wetland delineation (See IS/MND - <i>Biological Resources</i>, Figures 40 through 43). These potential wetlands are within the project development footprint and 30-foot construction impact buffer, and completion of the project will result in unavoidable impacts. Approximately 0.239 acres will be impacted at site facility #9. Impacts to these wetlands will include both the placement of fill material and grading. These potential small, depressional, seasonal wetlands provide stormwater infiltration, seasonal surface water, and contribute to groundwater recharge, but are adjacent to a vast array of wetland/riparian complexes of similar type over the surrounding land ownership. Therefore, impacts to these small pockets of habitat will not significantly reduce habitat or wetland hydrologic function in the area. Additionally, a Mitigation and Monitoring Plan (MMP) will be written for the creation of in-kind wetland habitat at an appropriate location. New wetlands will be created at a ratio of between 1.5:1 and 3:1, as deemed appropriate. Equally, mitigation may entail quality and function enhancement of existing wetlands at similar ratios. Conditions of approval require the applicant to adhere to and implement the mitigation and monitoring plan for the life of the project.</p> <p>This project will consist of 5 miles of rocked access roads with multiple stream crossings. Overall, there is one bridge and 20 culverts on the access road. These culverts maybe a mix of stream crossing and ditch relief culverts. The project will also improve crossings on the internal ranch roads. Natural Resource Management Corp. has completed a summary evaluation of watercourse crossings at the Rolling Meadows Ranch (Appendix K) in which all watercourse crossings along roads within the Ranch used for access to proposed cultivation sites were surveyed. This included 2 entrance points from the end of McCann road, and access from Alderpoint Road. Crossings on the Rolling Meadows Ranch roads that do not access proposed cultivation sites were not inspected. A total of 45 crossings (including two existing bridges) were</p>
---	--	--

		identified. It was determined that 34 of the 45 crossings were in need of culvert installation, replacement or other repair. Conditions of approval require the applicant to submit a Lake or Streambed Alteration Notification to the California Department of Fish and Wildlife (CDFW) for all improvements with their jurisdiction related to the development of the cannabis cultivation project, including, but not limited to, the installation, repair and maintenance of the stream crossings, including bridges, along the access roads and internal ranch roads that connect the cultivation areas. The applicant is required to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three 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.	30 spaces

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2</p> <p>Timber Conversion</p>	<p>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>	<p>The subject parcel is split-zoned AE and TPZ. All development associated with the proposed project will occur on the portions of the site zoned AE. The proposed project is for 5.73 acres of new mixed light cultivation. The proposed project includes removal of 4 mature trees, two Big leaf maples and two California Bay trees. Doug fir saplings (< 5 inches dbh) and trees are not included in the total count, as this species is often associated with meadow encroachment and the active removal of these trees is facilitated by the State of California's Oak Woodlands Exemption as described by the draft Initial Study and Mitigated Negative Declaration (IS/MND). Also excluded from the list is the single tree of a domestic apple variety that is in the footprint of Facility #14 and three domestic apple tree species in the footprint of Facility #1. The project will improve crossings on the internal ranch roads. Natural Resource Management Corp. has completed a summary evaluation of watercourse crossings at the Rolling Meadows Ranch (see IS/MND - Appendix K) in which all watercourse crossings along roads within the Ranch used for access to proposed cultivation sites were surveyed. The crossing analysis identified between one (1) and ten (10) riparian area trees that will be removed as a result of the 34 crossing improvements. Lastly, road improvements to access roads will result in an additional 10 trees to be removed. In total, 24 trees are proposed for removal. The IS/MND includes <i>Mitigation Measure 1 – Agriculture and Forest Resources</i> that requires a revegetation and monitoring plan to replace the trees at a rate of 3:1 and requires monitoring for a minimum of 2 years with a 85% success rate for the replacement trees. Because the trees proposed for removal will be replaced, this does not constitute a timber conversion. Conditions of approval require the applicant to contact CAL FIRE prior to removal of any trees and obtain any necessary permits. Conditions of approval require the applicant to adhere to the mitigation and monitoring program for the life of the project. As conditioned, the project therefore conforms with this section.</p>
---	--	---

§314-55.4.8.2.1.1 New Outdoor and Mixed-Light Cultivation Areas	On parcels 320 acres or larger in size, in the eligible zoning districts described in 55.4.8.2.1, one additional cultivation area permit of up to one acre each for each one hundred acre increment (e.g. 3 for a 320 acre parcel, 6 for a 600 acre parcel, etc.), up to a maximum of 12 permits, may be issued with a Use Permit, subject to the limitations contained in section 55.4.8.10. No more than 20% of the area of Prime Agricultural soils on the parcel may be utilized for commercial medical marijuana cultivation activities.	The proposed action is for six Conditional Use Permits for 5.73 acres (or 249,598 square feet) of new mixed-light cultivation on APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001, which will be merged into one, legal parcel, consisting of over 800 acres that are split-zoned AE and TPZ. All proposed cultivation areas and associated development would be constructed on the AE-zone portions of the subject parcels. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant has not applied for any other cannabis activity permits and is entitled to four. Pursuant to CMMLUO Section 314-55.4.8.2.1.1, on parcels 320 acres or larger in size, in the eligible, one additional cultivation area permit of up to one acre each for each one hundred acre increment (e.g. 3 for a 320 acre parcel, 6 for a 600 acre parcel, etc.), up to a maximum of 12 permits, may be issued with a Use Permit. The subject parcel contains over 800 acres; therefore, the applicant is eligible for 8 acres of cultivation. This application is for 5.73 acres (or 249,598 square feet) of mixed light cannabis cultivation. If approved, the applicant will hold 6 Conditional Use Permits pursuant to CMMLUO Section 314-55.4.8.2.1.1.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing, including drying, curing and trimming, will take place on site within 5 proposed processing structures totaling 33,750 square feet. A maximum of 30 employees will be on-site during peak operations. Until the Onsite Wastewater Treatment Facility (OWTS) is installed to the satisfaction of the Department of Environmental Health, processing is required to take place at an off-site licensed processing facility. The applicant can also take harvested cannabis to a licensed processing facility for processing should they choose once the OWTS is installed. Conditions of approval require processing to occur off-site until the septic system is permitted.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.

§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
--	--	---

<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>Estimated annual water usage is 4,628,200 gallons of water for both irrigation and domestic use. Water for irrigation is estimated to be 4,555,200, which equates 780 gallons per day per greenhouse (4.5 gallons/sf/cycle). The applicant will utilize drip irrigation to conserve water and ensure there is minimal to no run-off. The proposed project includes rain catchment systems to capture runoff and will be stored near each greenhouse site in hard-sided water storage tanks. Each greenhouse will have 20,000 gallons of water stored in four (4) 5,000 gallons storage tanks. There will be 320,000 gallons of hard sided storage tanks for rainwater catchment on site. This stored rainwater water will be generally used for summertime landscaping and lawn maintenance around the facilities as well as fire protection and supplemental water for dust mitigation. Average annual rainfall is approximately 55 inches per year during an average year. Each processing facility will be larger than 4,000 square feet, therefore, more than 137,060 gallons of water could be captured by each of the five facilities. Staff determined based on average annually rainfall and size of the processing facilities, the 320,000 gallons of rain catchment is reasonable and most likely to occur. The applicant provided well permits and well completion logs (see Appendix E in the draft Initial Study/Mitigated Negative Declaration). The well completion logs indicate the wells are all drilled over 200 feet deep. The well was drilled through layers of sandstone and shale. The applicant provided a <i>Letter regarding well connectivity</i> from Fisch Drilling dated February 15, 2018. (see Appendix E of the draft Initial Study and Mitigated Negative Declaration). The letter states that the wells are likely drilled into perched bedrock given the soil type and depth of the wells. Therefore, staff determined the wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board; the rain catchment system that will be installed to capture roof runoff does not require water rights either. Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand and provide evidence of metering at the time of annual inspection. Should the wells not provide sufficient water for the operation, the applicant is required to modify this permit and propose a different non-divisionary source of water, such as rain catchment and/or reduce the size of the cultivation area to be consistent with water availability. As conditioned, the project therefore conforms to the performance standards for water.</p>
---	--	---

<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>Based on a review of aerial imagery and referral agency comments, the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources.</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 by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>Greenhouses are equipped with dehumidifiers and fans and power is provided by P. G. & E. Most noise will be generated by fans and the applicant provided a noise analysis from the fan manufacturer (see Appendix D of the draft Initial Study/Mitigated Negative Declaration). According to sound testing, at 100% speed, the 56-inch fans will produce an overall sound level of 47dB at a distance of 20-feet from the fan. The 30-inch gable fan will produce a sound level of 35 dBA at 10-feet. Other noise generated by the project includes the electric bus for transportation around the site and employees. Short term noise impacts will be generated from construction activities, which is anticipated to last 8 – 12 weeks. According the draft Initial Study and Mitigated Negative Declaration (IS/MND), the construction at the sites nearest these residences would be temporary in nature and, due to the large distances, would not exceed 61dBA at its peak.</p> <p>Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is located more than 3 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1 mile to the northeast of Cultivation Area 1 on APN 217-181-028. According the Biological Resources section of the IS/MND, there are four activity centers within 1.3 miles of the cultivation areas. Although NSO surveys have not detected NSO and there is the potential for habitat, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to no more than 50 db at 100 feet from the noise source or edge of</p>
--	---	---

		habitat, whichever is closer. as required by the CMMLUO. Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval. As conditioned, the project is consistent with the performance standards for noise.
§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 applications on December 27, 2016.

4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2019 Housing Inventory. The subject parcels do not contain housing units; however, the proposed project does not exclude development of dwelling units in the future. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building

Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment. Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was originally circulated from July 17, 2020, to August 17, 2020, at the State Clearinghouse. Due to substantial comments received from the California Department of Fish and Wildlife, the applicant submitted additional information and revisions to the project. As a result of these changes the draft IS/MND was revised and was recirculated from December 1, 2020, to December 30, 2020.

After the beginning of re-circulation of the IS/MND on December 1, 2020 the Planning Department had a conference with members of the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) to discuss concerns about potential impacts to Golden Eagles. In particular, Planning staff was informed that the 660-foot setback from Golden Eagle nests referenced in the draft IS/MND mitigation measure BIO-16 does not reflect current recommendations from the USFWS for protection of potential impacts to Golden eagle nests. Based on the available information and evidence, there does not appear to be nesting eagles present in the vicinity, however the presence of potential nesting habitat does indicate that a nesting pair of eagles could choose to nest in the area during any particular breeding season and construction activity associated with the project does have the potential to disrupt breeding and nesting activities. Accordingly, planning staff is recommending a replacement mitigation measure BIO-16 to reflect current USFWS guidance for protection against impacts to nesting Golden eagles. The replacement mitigation measure is informed by and developed from the guidance document published by the USFWS on December 2017 entitled *“Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada”*. This document is attached to this staff report in Attachment 4.

MM- Bio -16: Construction shall occur outside of the Golden Eagle breeding season unless pre-construction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries (an approximately 2,900-acre area). The surveys shall be completed during at least two separate non-consecutive days, with at least one survey occurring between January 15 and February 15. Survey results shall be submitted to the Humboldt County Planning Department.

This substitution mitigation measure is more effective in mitigating the potential significant impacts that were identified and does not in itself cause any potentially significant impacts on the environment. The comments received and the substituted mitigation measure do not affect the conclusions of the document and do not require recirculation pursuant to Section 15073.5 of the CEQA Guidelines.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this Conditional Use Permit and Special Permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2020, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,456.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. This requirement appears as Condition #2 of Attachment 1 (Section 1).

ATTACHMENT 3

Initial Study and Mitigated Negative Declaration

Link to CEQA online: <https://ceqanet.opr.ca.gov/2020070339/2>

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 $\frac{1}{4}$ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached - see IS-MND)
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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of approval)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Condition of approval – obtain Final Streambed Alteration Agreement)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached – see Appendix E in the draft Initial Study/Mitigated Negative Declaration)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. DEH Worksheet. (On file)
16. *Cultivation Site 4A Preliminary Grading Plan* prepared by Northpoint Consulting Group, Inc. dated October 14, 2020. (Attached – see Appendix B of the draft Initial Study and Mitigated Negative Declaration)
17. *Rolling Meadow Ranch Humboldt County, California, Grading for Proposed Greenhouse Sites*, prepared by Oscar Larson and Associates, dated January 11, 2019. (Attached – see Appendix B of the draft Initial Study and Mitigated Negative Declaration)
18. *Rolling Meadows Ranch, Inc. Access Assessment for Compliance with Humboldt County Code Section 3112-12 - Fire Safe Regulations* prepared by NorthPoint Consulting Group, Inc. revised October 2020. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
19. *Alderpoint Access Evaluation Letter* prepared by Manhard Consulting dated January 10, 2018. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
20. *Road Evaluation Report* prepared by David Rask dated November 2017. ((Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
21. *Engineer's Report of Rolling Meadow Ranch Internal Access Road Evaluation*, prepared by Oscar Larson and Associates, dated April 3, 2018. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
22. *Supplemental Field Investigation Rolling Meadow Ranch Internal Access Road Evaluation*, prepared by Oscar Larson and Associates, dated January 14, 2019. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
23. *Gro-Tech Greenhouse Sample Schematic*, prepared by Linchpin Structural Engineering, dated June 9, 2017. (Attached – see Appendix D of the draft Initial Study and Mitigated Negative Declaration)

24. Letter regarding Fan Noise prepared by CRS Supply Group. (Attached - prepared by Oscar Larson and Associates, dated April 3, 2018. (Attached – see Appendix D of the draft Initial Study and Mitigated Negative Declaration)
25. Letter regarding well connectivity from Fisch Drilling dated February 15, 2018. (Attached – see Appendix E of the draft Initial Study and Mitigated Negative Declaration)
26. Prime agricultural soils information. (Attached – see Appendix F of the draft Initial Study and Mitigated Negative Declaration)
27. Northern Spotted Owl Survey data from Rolling Meadow Ranch THP. (Attached – see Appendix G of the draft Initial Study and Mitigated Negative Declaration)
28. *Golden Eagle Survey Report for Rolling Meadow Ranch* prepared by NRM Corp., Inc., (Attached – see Appendix G of the draft Initial Study and Mitigated Negative Declaration)
29. Application form to the North Coast Unified Air Quality Management District for use of 5 generators for emergency purposes. (Attached – see Appendix H of the draft Initial Study and Mitigated Negative Declaration)
30. *Botanical Survey Report: Rolling Meadow Ranch Tract 1/4: Humboldt County APN 217-201-001, Tract 2/3: Humboldt County APNs 217-181-028, 217-182-014, and 211-284-009*, prepared by NRM, dated July 20, 2018. (Attached – see Appendix I of the draft Initial Study and Mitigated Negative Declaration)
31. *Assessment of Road Improvement and Maintenance Activities Impacts to Botanical Resources* prepared by NRM Corp, Inc., dated October 2020. (Attached – see Appendix I of the draft Initial Study and Mitigated Negative Declaration)
32. *Stream Crossing Evaluation Study* prepared by NRM Corp., Inc., Revised October 15, 2020. (Attached – see Appendix K of the draft Initial Study and Mitigated Negative Declaration)
33. *Mitigation Measure- Biology-5 Danthonia californica and Elymus glaucus Prairie (Sensitive Natural Community) Mitigation and Monitoring Plan for Rolling Meadow Ranch* prepared by NRM Corp., Inc., Revised August 2020. (Attached – see Appendix L of the draft Initial Study and Mitigated Negative Declaration)
34. *Delineation of Waters Report: Survey Name: Humboldt County 217-181-028-000 and 217-201-001-000* prepared by NRM Corp., Inc., Survey conducted 2020. (Attached – see Appendix M of the draft Initial Study and Mitigated Negative Declaration)
35. *Limited Literature Review and Working Protocol, Western Bumble Bee (Bombus occidentalis)*, prepared by NRM Corp. Inc., dated Sept 2020. (Attached – see Appendix N of the draft Initial Study and Mitigated Negative Declaration)
36. *A Cultural Resources Investigation of the Rolling Meadows Machata Property Final Report*, APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001, completed by Archeological Research and Supply Company, dated October 2017. (On file and confidential)

U.S. Fish and Wildlife Service

Pacific Southwest Region

Migratory Birds Program

Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada

December 2017

For most ground-based human activities, we recommend a one-mile no-disturbance buffer surrounding golden eagle nesting sites in California and Nevada; see table below for specifics on activity and buffer recommendations. Recommended buffers may increase or decrease depending on specific site or activity circumstances and local jurisdiction recommendations. Buffers may be reduced in consultation with the U.S Fish and Wildlife Service (Service) when the nest is not in use or activities are out of line-of-sight of the nest^a. In parts of California, eagles maintain year-round territories that may require additional protection. We recommend consultation with the Service for determining buffer zones for high intensity or long duration activities, unique circumstances, activities not listed in the table below, or when historic levels of human activity are a consideration.

Activity	Recommended No-Disturbance Buffer
Off-Road Passenger Vehicle and Boating Activity: Any passenger vehicle driving off-road, or on dirt or gravel roads, and not part of a routinely used transportation corridor. Also includes motorized boating activities.	1 mile
Small Personal Vehicle Activity: Including, but not limited to, all-terrain vehicles, dirt bikes, and snowmobiles.	1 mile
Pedestrian and Non-Motorized Activity: Including, but not limited to, walking, running, hiking, biking, camping, rock climbing, bird watching, fishing, hunting, horseback riding, canoeing, kayaking, and biological surveys.	1 mile
Developed Sites: Including, but not limited to, facilities, developed campground sites, and snowmobile and off-road vehicle courses.	1 mile
Industrial, Municipal, and Construction Activity: Including, but not limited to, urbanization; mining; oil and gas development; solar development; logging; power line construction; road construction & maintenance; facilities construction; and agricultural operations.	1 mile
Blasting and other loud non-regular noise: Including, but not limited to, detonation devices, fireworks classified by the Federal Department of Transportation as Class B explosives, recreational shooting, and outdoor concerts.	2 miles

^a An *in-use nest* is defined as a “golden eagle nest characterized by the presence of one of more eggs, dependent young, or adult eagles on the nest in the past 10 days during the breeding season” (50 CFR 22.3) and “(b)reeding begins... with the start of courtship...” (*Programmatic Environmental Impact Statement for the Eagle Rule Revision*, United States Department of the Interior, Fish and Wildlife Service, December 2016).

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works - Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	Attached
CAL FIRE	✓	Conditional approval	Attached
Department of Fish & Wildlife	✓	Comments	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Unified School District		No response	



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



6/20/2017

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, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Southern Humboldt Joint Unified School District, Humboldt County Sherriif

Applicant Name Rolling Meadow Ranch, Inc. (Tract 1) **Key Parcel Number** 217-022-004-000

Application (APPS#) 12529 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** CUP16-720
CUP16-721
CUP16-722
CUP16-723
CUP16-752

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 7/5/2017

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:

see paperwork



**PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION**

3015 H STREET EUREKA CA 95501 FAX: (707) 445-7446 PHONE: (707) 445-7245
<http://www.co.humboldt.ca.us/planning/>

Planning Referral Comments

- Submit complete plan of operations, including any plans of employees, processing, or manufacturing.
- Secure all building permits for any tenant improvements, all non-permitted structures, and all proposed structures.
- Submit current plot plan showing all grading, pond building, and springs, with all structures on parcel, include dimensions of all structures, with declared use, and setbacks to property lines, roads, right of ways, and creeks and streams.
- Submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing and proposed Ag exempt structures and an Ag Exempt letter of intent for each.
- Submit 2 complete sets of construction plans for all proposed buildings that are not AG exempt.
- Declare amount in cubic yards of all grading that has been done and any proposed grading.
- Recommend conditional approval based on application required for Building Department permits such as; Grading, Building, Ag exempt structures, Commercial grow processing structures, etc.,



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 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cannabis Planner, Planning & Building Department

FROM: Ken Freed, Assistant Engineer

DATE: 8/9/2017

RE: NOTICE OF INCOMPLETE APPLICATION

APPLICATION No. 12529; APN 217-022-004



The Department has received a greater number of projects than can be processed in the time frame provided. The Department is providing the following abbreviated review of the project. Once the requested information has been provided, please re-refer the project to the Department.

All boxes that are checked apply.

- ☐ (1) Prior to the project being presented to the Planning Commission or the Zoning Administrator, it is recommended that the project should be referred to:
- ☐ Caltrans; ☐ Bureau of Land Mgmt.; ☐ US Forest Service; ☐ City of _____

Prior to the project being presented to the Planning Commission of the Zoning Administrator, the following must be done:

- ☒ (2) Applicant shall submit a completed Public Works Road Evaluation Report form for each road that is used to access the subject property. The applicant shall provide a "google earth" type map showing the locations of the road being evaluated that is indexed to each Road Evaluation Form. Road evaluations are needed for all roads that access off of Mc Cann Rd.

☒ Including Mc Cann Rd (FROM DYERVILLE LOOP RD TO ACCESS).

A Road Evaluation Report form is available from the Land Use Division. The Department recommends that the applicant make an appointment with staff to go over the road evaluation process.

- ☐ The submitted Road Evaluation Form(s) is(are) inadequate. See attached road evaluation report response for comments.

- ☐ (3) Applicant shall submit Airspace Clearance Form. The subject property is located within the area covered by County Code section 333-1 et seq., the applicant shall submit evidence that the project complies or will comply with County Code.

☐ The submitted Airspace Clearance Form is inadequate. See below for comments.

- ☐ (4) The subject property has deferred subdivision improvements that must be completed. Prior to the project being presented to the Planning Commission or the Zoning Administrator for approval or prior to the issuance of any building permits, whichever occurs first.



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

16/17-1403
RECEIVED

6/20/2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

JUN 27 2017

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Southern Humboldt Joint Unified School District, Humboldt County Sherriif

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Applicant Name Rolling Meadow Ranch, Inc. (Tract 4) **Key Parcel Number** 217-201-001-000

Application (APPS#) 12542 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** CUP16-734
CUP16-735
CUP16-736
CUP16-737

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 7/5/2017

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: 08/17/17
PLN 12529 CUP Rolling Meadows

PRINT NAME: MARIO KALSON
January 7, 2021

Page 66

2746

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: July 6, 2017



John Ford, Director
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Attention: Michelle Nielsen**Applicant:** Rolling Meadow Ranch, Inc. (Tract 4)**APN:** 217-201-001-000**Area:** Blocksburg**Case Numbers:** CUP16-734, CUP16-735
CUP16-736, CUP16-737**Humboldt County Application #:** 12542**Type of Application:** Conditional Use Permit**Date Received:** 6/29/2017**Due Date:** 7/5/2017

Project Description: Four (4) Conditional Use Permits for commercial medical cannabis cultivation on the subject parcel of land that is approximately 420 acres in size, and is referred to as Tract 4 of Rolling Meadow Ranch. On Tract 4, the applicant proposes mix-light commercial medical cannabis cultivation totaling 88,000 square feet (SF) in size, on one (1) location, to occur in four (4) new greenhouses that are each 22,000 SF in size. The application seeks CUPs for both new and existing cannabis cultivation. One area of existing cannabis cultivation within the boundaries of Tract 4 will be repositioned to the area of mix-light cultivation as described above. Additionally, the applicant proposes the development of a 2,000 SF appurtenant processing facility, to be served by a sewage disposal system, and parking areas. These ancillary improvements will be adjacent to the cultivation areas. The applicant estimates that each 22,000 SF greenhouse will have a total water demand of approximately 820 gallons per day: 780 gallons (gal.) for cultivation; 30 gal. for general and personal use, and 10 gal. for additional when processing. Irrigation water for cultivation is proposed to be sourced from an on-site well for which the applicant has applied for a well permit from the County of Humboldt. Irrigation water will be applied using drip irrigation. If required, the applicant will capture rainwater from the roofs of the greenhouses, and store the water in containment ponds or tanks, and it will be used for landscaping and fire suppression. All power is proposed to be from the electrical grid. A propane standby generator will only be used in the event of a power failure. The applicant estimates there will be seventeen (17) employees at peak operations. In order to comply with Humboldt County Code Section 314-55.4.8.10, the applicant will transfer all approved permits above the specified limit of four (4) permits to eligible independent third parties prior to initiating cultivation activities.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for

high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

From: O'connell.Gregory@Wildlife
To: [Ryan.Meghan](#)
Cc: [Planning Clerk](#)
Subject: Rolling Meadows; HumCo PLN-12529-CUP; IS/MND SCH# 2020070339
Date: Thursday, September 10, 2020 10:56:23 AM
Attachments: [RollingMeadows_AppendixWellInfo.pdf](#)
[CEQA_2020-R1-HUM_RollingMeadows_MND_LTR_FINAL.docx.pdf](#)

Hi Meghan. I'm writing for two reasons: 1) to get an update on any project or CEQA changes that will be presented at the Sept 17, 2020 Planning Commission hearing, and 2) to provide a suggestion regarding the use of the project's three water wells.

1. I saw that the Rolling Meadows was not heard at the Sept 3 Planning Commission hearing and it was pushed to Sept 17. CDFW submitted a comment letter (attached) for the MND on August 17. Can you provide an update on where the project stands regarding any project or CEQA changes that address CDFW's prior comments?

2. I've attached excerpts from the MND regarding the use of water wells. I recognize that CDFW did not make formal comments on this topic in our Aug 17 letter, but I think it's important to follow up on this topic with some suggestions prior to the first public hearing. Based on available information, CDFW is not likely to require the wells be included in a Lake or Streambed Alteration (LSA) notification. This does not imply that the use of these wells may not indirectly effect surface waters, but rather that they are not direct surface water diversions. CDFW considers potential impacts associated with these wells a CEQA issue and not an LSA topic. I'm glad the MND addressed the use of these wells, but I'm concerned the evidence and analysis in the MND may be insufficient. The MND states the 5.77 acres of proposed new mixed light cultivation would use approximately 4,628,200 gallons of water (14+ acre feet of water) per year. The MND relies on statements from a Feb 15, 2018 letter from David Fisch of Fish Drilling. I do not see any professional certifications or licenses for David Fisch listed on his letter. I understand that there may be certain licensing requirements in California to practice geology and related groundwater interpretations. In light of the project's geologic setting and mapped springs (see attached image), and based on the high volume of proposed groundwater extraction, CDFW recommends the applicant retain a qualified professional licensed to practice in California (e.g. CA Certified Hydrogeologist) to conduct an evaluation of the project's potential impacts to local surface water flows, and to provide recommendations that ensure project activities will not substantially affect aquatic resources. CDFW would normally expect this comment to be addressed prior to completion of CEQA, but given that this is coming to you after the official MND comment period has ended, please consider the addition of a Certified Hydrogeologist assessment as a condition of project approval if there is not enough time to address this prior to completing CEQA. Some relevant literature is included below:

- i. Streamflow Depletion by Wells—Understanding and Managing the Effects of Groundwater Pumping on Streamflow:
https://pubs.usgs.gov/circ/1376/pdf/circ1376_barlow_report_508.pdf

- ii. Ground-Water-Level Monitoring and the Importance of Long-Term Water-Level Data: <https://pubs.usgs.gov/circ/circ1217/pdf/circular1217.pdf>
- iii. Basic ground-water hydrology: <https://pubs.usgs.gov/wsp/2220/report.pdf>

Please save this email to the project file and provide a copy to the Planning Commissioners prior to the scheduled Sept 17 hearing.

Thank you,

Greg O'Connell
Environmental Scientist
Coastal Conservation Planning
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
Gregory.OConnell@Wildlife.ca.gov



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 619 Second Street
 Eureka, CA 95501
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 17, 2020

Meghan Ryan, Senior Planner
 Humboldt County Planning and Building Department
 3015 H Street, Eureka, CA 95501
mryan2@co.humboldt.ca.us

Subject: Rolling Meadows (SCH# 2020070339) Conditional Use Permits Initial Study and Draft Mitigated Negative Declaration

Dear Meghan Ryan:

The California Department of Fish and Wildlife (CDFW) received from the County of Humboldt (Lead Agency) the Initial Study/Draft Mitigated Negative Declaration (IS/MND) for the Rolling Meadows (Project), in McCann, Humboldt County, California. CDFW understands the Lead Agency will accept comments on the Project through August 17, 2020.

CDFW recently received a Lake or Streambed Alteration (LSA) Notification to rebuild a bridge on Larabee Creek that will serve as an alternate access to the Project from Alderpoint Road. CDFW staff conducted a site visit of Facilities #1-16 of the Project area on Thursday, August 13, 2020.

The Project proposes 306,648 square feet (7.04 acres) of new cannabis facility space, including 251,451 square feet (5.77 acres) of new mixed-light cannabis cultivation. The Project also proposes use of three wells for irrigation in addition to 80,000 gallons of proposed rainwater catchment. The mixed-light cultivation is proposed to be powered by Pacific Gas and Electric, however new connection lines and associated infrastructure will be needed. The Project is proposed to operate on one legal parcel consisting of two Assessor's parcel numbers totaling 1,632 acres. The subject parcel was previously a part of the "Wheat/Whitlow Ranch" that was historically used for livestock and timber.

As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Responsible and Trustee agency to address potential substantial environmental impacts by recommending avoidance and minimization measures. These

comments are intended to reduce the Projects impacts on public trust resources.

Incomplete Scoping for Special Status Species

The IS/MND list 27 special status botanical taxa (species) reported within a nine-quad search, however CDFW's Natural Diversity Database reports 39 botanical species in the current nine quad search. Additionally, the IS/MND list 22 special status animal species reported within a nine-quad search, however CDFW reports 44 animal species in the current nine quad search, including the western bumblebee (*Bombus occidentalis*) that is now a candidate for listing under the California Endangered Species Act. The IS/MND does not address potential occurrences or impacts to 34 special status species. A complete scoping list is needed for the IS/MND to consider if the Project will have a substantial adverse effect, either directly or through habitat modifications, on any species or habitats identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service. Potential impacts to additional species and habitats identified in the Humboldt County General Plan, such as Roosevelt elk (*Cervus canadensis roosevelti*), should be addressed in the IS/MND.

The IS/MND should be revised to include an analysis of potential Project impacts on all special status species and habitats identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service as occurring within the region and propose avoidance/mitigation where appropriate (**Recommendation 1**).

Incomplete Botanical Surveys and Impact Analysis

The IS/MND states botanical surveys for rare plants and sensitive natural communities did not encompass the entire Project area due to changes in the Project footprint occurring after the 2018 botanical field work season. The entire Project area should include the "whole of the action", including all proposed buildings, new powerlines, borrow pits, access roads, and other areas of new ground disturbance. The IS/MND proposes completing botanical surveys as a preconstruction mitigation measure. CDFW understands that additional botanical surveys occurred in 2020 but results were not included in the IS/MND. Furthermore, CDFW is aware that an additional rare plant species, Pacific gilia (*Gilia capitata* ssp. *pacifica*) and stands of native grasslands (California oat grass prairie [*Danthonia californica*]; blue wildrye prairie [*Elymus glaucus*]) were detected within the Project site in 2020. Based on CDFW's August 13, 2020 site visit, it appears the 2020 additional botanical surveys have not yet covered the entire Project area.

The IS/MND should be revised to include the results of complete botanical surveys for the entire Project area. Surveys and reporting should be in accordance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* and propose avoidance/mitigation

where appropriate (**Recommendation 2**).

Mitigations for Loss of Sensitive Natural Communities

Vegetation types, also known as natural communities, are categorized and classified by the Manual of California Vegetation (MCV) Online. Using the best available data on the abundance, distribution, and threat to these natural communities, CDFW's VegCamp, then assigns natural communities a global (G) and state (S) rarity rank.

Rarity ranks range from 1 (very rare and threatened) to 5 (demonstrably secure). Natural Communities with State ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA and its equivalents. A question mark (?) denotes an inexact numeric rank because of insufficient samples over the full expected range of the type, but existing information points to this rank.

The IS/MND identifies stands of native grassland prairies dominated by *Danthonia californica* and *Elymus glaucus*. These perennial bunchgrasses typically dominate in areas where native prairie soils, which takes centuries to develop, are undisturbed by plowing and have had limited or no cattle grazing. These native grasslands were assessed by CDFW during the August 13, 2020 site visit, and as indicated in the IS/MND, CDFW concurs they meet the MCV definition of California oat grass prairie (S3) and blue wild rye montane meadows (S3?), respectively, though the dominance of the two species varies among stands and Project sites. Consequently, as described in the IS/MND they are both considered Sensitive Natural Communities. To off-set the loss of these Sensitive Natural Communities, the IS/MND's proposes as mitigation collecting seed from these species in grassland prairies that will be lost to Project infrastructure, and using the seed to re-vegetate fill slopes and other disturbed areas once Project construction is completed.

CDFW finds this mitigation has a very low likelihood of success due to 1) the lack of undisturbed prairie soils in areas proposed for mitigation, 2) the highly unlikely possibility of creating or recreating new prairie soils, and 3) the high likelihood of re-seeded native grasses being out-competed by invasive European annual grasses. Consequently, CDFW finds the proposed mitigation for the loss of these Sensitive Natural Communities to remain significant unless avoidance or other effective mitigations are developed and approved by CDFW.

CDFW recommends the IS/MND should be revised to include Project layout changes to avoid impacts to these Sensitive Natural Communities or other effective mitigations are developed and approved by CDFW (**Recommendation 3**).

Lack of Wetland Delineation Results

The IS/MND discusses "potential wetland areas" identified in the 2018 Botanical Survey Report and mentions results of a 2020 wetland delineation, however a formal wetland delineation of the entire Project area using accepted methods and procedures was not included in the IS/MND. CDFW is also concerned that the wetland delineation has not yet covered the entire Project area.

The IS/MND should be revised to include the results of complete Project area wetland delineation results done in accordance with the Army Corp's *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* and propose avoidance/mitigation where appropriate (**Recommendation 4**).

Wetland Fill and Development Setbacks

The IS/MND indicates development of cultivation sites (e.g. Facilities #3 and #10) will result in nearly one acre of wetland fill and additional encroachments on wetland setback requirements identified in the County General Plan and the State Waterboard's Cannabis Cultivation Policy. Approximately 90 percent of California's historical wetlands have been filled or converted to other uses, with a consequent reduction in the functions and values wetlands provide.

CDFW recommends the IS/MND be revised to include Project layout changes to avoid wetland fill and associated development setbacks. CDFW recommends the Project avoid wetland fill and adhere to Humboldt County wetland setbacks. CDFW also recommends the Project proponent consult with the North Coast Regional Water Quality Control Board regarding the State Waterboard's Cannabis Cultivation Policy and its mandate to "protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation." (**Recommendation 5**).

Stream Crossings

The IS/MND lacks sufficient information, impact analysis, and avoidance/minimization measures for upgrades to stream crossings. The IS/MND states the condition of all stream crossings will be assessed after Project approval, including one bridge and 20 culverts occurring on five miles of access roads. CDFW recently received an LSA Notification for improvements to the bridge on Larabee Creek as part of the alternative access to Alderpoint Road, but no other stream crossing improvements were proposed in the Notification. Based on CDFW interpretation of aerial imagery and topography, it appears over 40 stream crossings may occur along Project access roads (including approximately 10 miles to the Alderpoint Road alternative access) and will need to be assessed for upgrades. The Alderpoint Road alternative access should be included in IS/MND analyses as part of the whole of the action, particularly due to 1) the age and condition of the existing Eel River seasonal low water crossing at McCann, 2) uncertain timeline of the County building a permanent year-round bridge at McCann, and 3) potential the Alderpoint Road may be the Project's primary access point. Additionally, CDFW will need to rely on the IS/MND to comply with CEQA when issuing a final LSA Agreement, including any authorizations needed for upgrades to the Alderpoint Road access.

The IS/MND should be revised to include analysis of potentially significant impacts associated with all stream crossing related work within the entire Project. (**Recommendation 6**).

Development within the 100-year Flood Zone

The Project proposes locating three greenhouses (Facilities #1, #2 and #3) and a processing building within the 100-year flood zone of the Eel River. Floodplains, by their nature, are likely to be inundated by high flow events. They also connect streams and rivers to upland habitat and provide an important ecological transition zone (CDFW 2014). Grading within the floodplain and placement of complex, automated mixed-light greenhouses, and ancillary facilities, would likely result in pollution and debris during a 100-year flood event.

The IS/MND should be revised to include Project layout changes to avoid non-essential development in Eel River 100-year floodplain. (**Recommendation 7**).

Electric Infrastructure Expansion

The IS/MND indicates approximately four miles of new electrical lines will be installed to connect existing powerlines to proposed cannabis cultivation sites. Based on the IS/MND, it appears the new electrical lines will be installed, primarily buried within the road prism except for one section across a sloped meadow area north of Facility #3.

The IS/MND should be revised to include analysis of potentially significant biological impacts (e.g. rare plants, wetlands, raptors, etc.) associated with new electric utility lines in the sloped meadow area (**Recommendation 8**). Additionally, the IS/MND should be revised to include further analysis on potential additional development or growth inducing impacts within the local region that may be facilitated by the creation of four miles of new electrical utilities (**Recommendation 9**).

Mixed-light Cultivation

CDFW and others have observed light pollution originating from greenhouses throughout the County. This is inconstant with the County General Plan and International Dark Sky Standards. The IS/MND suggests International Dark Sky Standards will be upheld by the Project. CDFW questions the Lead Agency's ability to effectively regulate potential light pollution impacts. Please explain how the Lead Agency will monitor and ensure light pollution avoidance will be accomplished (**Recommendation 10**).

Invasive Species

The IS/MND does not address potential significant effects from introduction or spread of invasive plant and animal species. Invasive species are known to result in habitat loss and other impacts to native species and may result in an overall loss of biodiversity.

CDFW recommends a mitigation measure or condition of approval to require an invasive species management plan that would manage any existing invasive species and prohibit planting, seeding or otherwise introducing invasive species on Project

parcels, including all access roads (**Recommendation 11**).

Rodenticides and Similar Harmful Substances

This Project has potential high use areas for birds of prey including, Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), golden eagle (*Aquila chrysaetos*), and other species. New agricultural development has the potential to increase rodent populations, which are sometimes treated with rodenticides. Rodents killed by rodenticide have the potential to be consumed by raptors, other birds of prey, and wildlife species, resulting in harm or mortality. CDFW recommends a condition of approval that will prohibit the use of rodenticides and similar harmful substances on Project parcels (**Recommendation 12**).

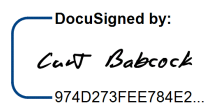
Revise and Recirculate IS/MND

One of the main purposes of CEQA is to disclose to the public and resource agencies the potential significant environmental effects of a Project, including the whole of the action. CDFW, the Planning Commission, other decision makers, and the public cannot assess the adequacy of biological surveys or potentially significant environmental impacts if a CEQA document does not contain necessary biological surveys completed prior to public circulation or if the results are not included in the public document. Additionally, the feasibility and adequacy of proposed mitigations cannot be sufficiently evaluated in a CEQA document unless all potentially significant environmental impacts have been assessed in the CEQA document.

Consequently, this ISMND may need to be recirculated after revisions to analyze all potentially significant environmental impacts within the entire Project area. The entire Project area should include the whole of the action, including all proposed buildings, new powerlines, borrow pits, access roads, and other areas of new ground disturbance. Once the entire Project area has been determined, an updated and complete scoping list for special status species should be created. The results of complete botanical surveys, assessment of sensitive wildlife habitats, and wetland delineations should be included in the revised IS/MND. These complete surveys should then be used as the basis for creating avoidance and feasible mitigation measures for potentially significant impacts (**Recommendation 13**).

We appreciate the opportunity to comment on this IS/MND. If you have any questions please contact Environmental Scientist Greg O'Connell by email at Gregory.OConnell@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

 974D273FEE784E2...

Curt Babcock

Northern Region Habitat Conservation Program Manager

Page 7 of 7

Citation

CDFW. 2014. Development, land use, and climate change impacts on wetland and riparian habitats—A summary of scientifically supported conservation strategies, mitigation measures, and best management practices. Technical Memorandum. California Department of Fish and Wildlife, Northern Region. Redding, CA.

ec:

State Clearinghouse, Office of Planning and Research
state.clearinghouse@opr.ca.gov

Mona Dougherty and Kason Grady
Regional Water Quality Control Board
mona.doherty@waterboards.ca.gov, Kason.Grady@waterboards.ca.gov

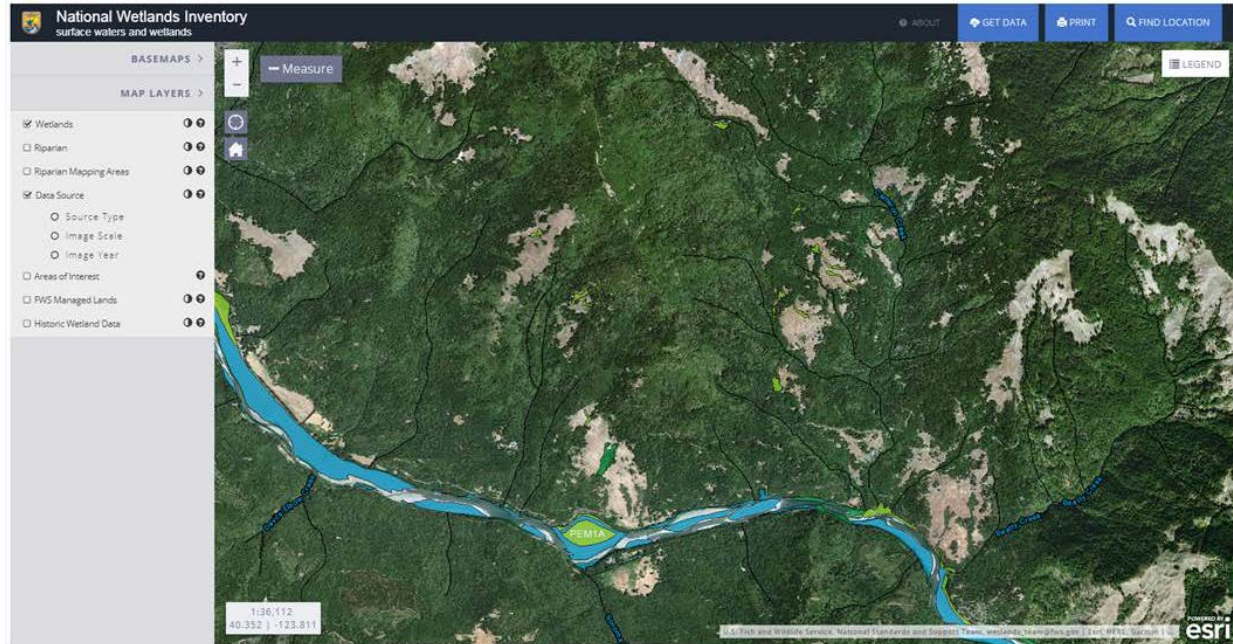
Curt Babcock, Scott Bauer, Laurie Harnsberger, Gordon Leppig, Greg O'Connell, Cheri Sanville
California Department of Fish and Wildlife
Curt.Babcock@wildlife.ca.gov, Scott.Bauer@wildlife.ca.gov,
Laurie.Harnsberger@wildlife.ca.gov, Gordon.Leppig@wildlife.ca.gov,
Gregory.OConnell@wildlife.ca.gov, Cheri.Sanville@wildlife.ca.gov

From: Bocast, Kalyne@Wildlife
To: [Nielsen, Michelle](#)
Cc: [Planning Clerk; Bauer, Scott@Wildlife](#)
Subject: CDFW: Rolling Meadows Ranch, Conditional Use Permits, APPS-12529, 12536, 12540, 12542, CEQA-2017-0253, 0254, 0255, 0256
Date: Friday, January 26, 2018 10:45:27 AM
Attachments: [Exhibit A. Bullfrog Management Plan-CEQA_2017_0253_0254_0255_0256.docx](#)
[CEQA Referral APPS-12529, 12536, 12540, 12542 CEQA-2017-0253, 0254, 0255, 0256.pdf](#)

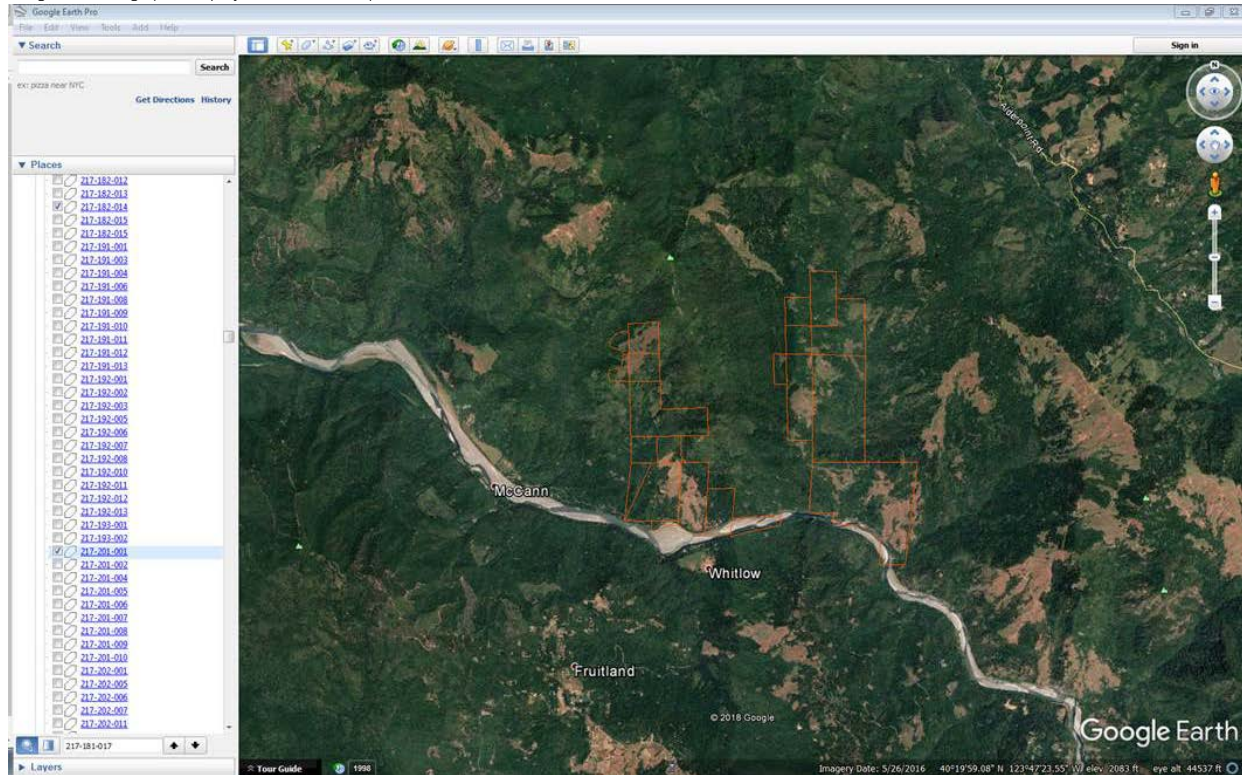
To Whom It May Concern,

Please see the attached comments for the subject applications along with a map from the National Wetlands Inventory (NWI) database below. To use as comparative reference for the NWI map, I have included aerial imagery from Google Earth. Please note, CDFW has requested revised project details for some of the application numbers listed. CDFW intends to provide additional comments once requested information is received.

National Wetlands Inventory Map (all four project tracts included)



Google Earth Image (all four project tracts included)



Thank you for the opportunity to comment on this Project. For additional information, please email inquiries to kalyn.bocast@wildlife.ca.gov.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0253-R1 THROUGH CEQA-0256-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting

stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and **the underside of the bullfrogs hind legs are not shaded pink or red.**



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

Applicant: Rolling Meadows Ranch (Tract 1)		Date: 1/24/2018	
APPS No.: 12529	APN: 217-022-004 etc.	CDFW CEQA: 2017-0253	Case No.: CUP16-720-723, 752
<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 132,000	<input type="checkbox"/> Outdoor (SF):	<input type="checkbox"/> Indoor <input checked="" type="checkbox"/> RRR

Applicant: Rolling Meadows Ranch (Tract 2)		Date: 1/24/2018	
APPS No.: 12536	APN: 211-281-006 etc.	CDFW CEQA: 2017-0256	Case No.: CUP16-726-729
<input type="checkbox"/> New <input type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input type="checkbox"/> Outdoor (SF):	***Need Revised Project Transmittal

Applicant: Rolling Meadows Ranch (Tract 3)		Date: 1/24/2018	
APPS No.: 12540	APN: 217-181-017 etc.	CDFW CEQA: 2017-0254	Case No.: CUP16-730-733
<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 88,000	<input type="checkbox"/> Outdoor (SF):	<input type="checkbox"/> Indoor <input checked="" type="checkbox"/> RRR

Applicant: Rolling Meadows Ranch (Tract 4)		Date: 1/24/2018	
APPS No.: 12542	APN: 217-201-001 etc.	CDFW CEQA: 2017-0255	Case No.: CUP16-734-737
<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 88,000	<input type="checkbox"/> Outdoor (SF):	<input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

Please provide and/or note the following information:

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information prior to permit approval. Please see the list of items below.
- ☐ Recommend Denial. See comments below.
- ☒ If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.

- b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW recommends that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- ☒ The referral materials suggest that there is a plan to construct a pond onsite. CDFW requests, as a condition of Project approval, that a professional geologist assess and identify an appropriate site for a pond. In addition, CDFW requests that pond features contain measures to prevent wildlife harm or entrapment.
- ☒ The referral materials suggest that there is a plan to construct a pond onsite. If a pond will be constructed, CDFW requests, as a condition of Project approval, that the applicant comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- ☒ CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from Class I and Class II streams (measured horizontally from the outer edge of the riparian).
- ☒ If the project is within one mile of a mapped polygon for a California Rare Plant Ranked - species, include protocol level surveys for that species by a qualified botanist. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ Aerial imagery suggest that wetlands may occur onsite. CDFW requests that the applicant, prior to Permit approval, provide a wetland delineation conducted by a qualified person (i.e. at minimum, successfully completed a 40-hour training that satisfies the requirements for basic wetland delineation training as specified by the Army Corps of Engineers using the 1987 ACOE Wetland Delineation manual and appropriate regional supplements).
- ☒ If the project proposes to remove vegetation, include description of project (type of vegetation/amount/location).
- ☒ If the Project requires fill disposal, include the disposal location on the site plan/map.
- ☒ Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ If a Retire Remediate Relocate (RRR) project, CDFW recommends, notification pursuant to Fish and Game Code Section 1602 (Lake or Streambed Alteration) for all jurisdictional points located on the Remediation site, whether currently or previously utilized.

- ☒ Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.
- ☒ All or part of the proposed Project is located within the County Streamside Management and/or the State Water Board and CDFW required setback areas. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 200 feet from the Eel River, 150ft from all other perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development. As currently proposed, many of the greenhouses are located between 30 and 70 feet from the riparian zone; in addition, several greenhouses appear to be proposed on top of or adjacent to potential wetlands.
- ☒ A biological survey of the property was conducted to determine whether rare species or sensitive natural communities are present on the proposed project site. Based on report findings CDFW has identified the following:
 - The report findings show that Grasshopper Sparrow (*Ammodramus savannarum*), was identified onsite however, it was not identified as a special status species. Grasshopper sparrow is a State Species of Special Concern and is currently undergoing significant declines throughout its range. CDFW requests that the scientist re-evaluate the potential impacts to this species.
 - Based on the photo documentation provided in the Report and known species range, it appears that the site contains potential habitat for Bryant's Savannah Sparrow (*Passerculus sandwichensis alaudinus*), a State Special Species of Concern. CDFW requests that the scientist re-evaluate the potential impacts to this species.
 - Report findings suggest that multiple bat species utilize the large building located on Project Tract 4, primarily as a night roost site. CDFW requests a qualified bat biologist survey the site during the maternity season and conduct a more comprehensive habitat assessment to provide more concrete findings of the type and duration of use. In addition, CDFW requests that the assigned biologist provide more information about the amount and type of guano found on site.
 - The Report states, "There have been no reported activity for NSO in the vicinity for 12 years, and the closest NSO AC (HUM 0523) has not been active for 17 years." This statement is misleading. Unless additional surveys have been conducted, it is inaccurate to state that the AC has been inactive for 17 years, as there are no data to determine whether the AC has been active or inactive. According to the information provided, the last surveys were completed 17 years ago, which resulted in a positive occurrence, and no data have been collected since then. A lack of data is not equivalent to species absence. Additional protocol level surveys are necessary to determine the current status of NSO in the project area.
 - The timeline to conduct protocol level surveys for Northern Spotted Owl is insufficient based on the proposed 2018 start date. As stated in the *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* (USFWS, 2012), six complete surveys over the course of two years shall be completed to determine the presence or absence of NSO.
 - Preconstruction surveys by a qualified wildlife biologist should be conducted to avoid disturbance to special status species including Fisher (*Pekania pennanti*), a state candidate threatened species. If Humboldt Marten or Fisher dens are found onsite, construction of project facilities and roads shall take place after August 31.

- ☒ Leave Wildlife Unharmd. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmd.
- ☒ CDFW is concerned that the Project may result in potentially significant direct and cumulative adverse impacts to fish and wildlife resources. CDFW believes an environmental document such as a mitigated negative declaration or an environmental impact report is required for approval of this Project.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Grasshopper Sparrow (*Ammodramus savannarum*), Bryant's Savannah Sparrow (*Passerculus sandwichensis alaudinus*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Bank Swallow (*Riparia riparia*), Fisher (*Pekania pennanti*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Green Sturgeon (*Acipenser medirostris*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 30, 2020

Meghan Ryan, Senior Planner
 Humboldt County Planning and Building Department
 3015 H Street
 Eureka, CA. 95501
mryan2@co.humboldt.ca.us

Subject: Rolling Meadows ([SCH# 2020070339](#)) Conditional Use Permits Initial Study and Draft Mitigated Negative Declaration

Dear Meghan Ryan:

The California Department of Fish and Wildlife (CDFW) received from the County of Humboldt (Lead Agency) a recirculated Initial Study and Draft Mitigated Negative Declaration (IS/MND), dated November 25, 2020, for the Rolling Meadows (Project), in McCann, Humboldt County, California. CDFW understands the Lead Agency will accept comments on the Project through December 30, 2020.

Previously, on July 16, 2020, the Lead Agency circulated an IS/MND. On Thursday, August 13, 2020, CDFW staff conducted a site visit of Facilities #1-16 of the Project area. On August 17, 2020, CDFW submitted written comments on the IS/MND. On October 8, 2020, CDFW issued a final Lake or Streambed Alteration (LSA) Agreement to rebuild an existing bridge on Larabee Creek that will serve as an alternate access to the Project from Alderpoint Road. Work at several additional stream crossing locations disclosed in the IS/MND are subject to LSA Notification and have not yet been evaluated or authorized by CDFW.

The Project is located on Humboldt County Assessor's Parcel Numbers (APNs) 217-181-028, 217-201-001, 217-022-004, 217-201-001, 211-281-006, and 217-181-017. The project proposes 306,648 square feet (7 acres) of new cannabis facility space, including 249,739 square feet (5.73 acres) of new mixed-light cannabis cultivation. The Project also proposes use of three wells for irrigation in addition to 320,000 gallons of proposed greenhouse roof rainwater catchment that will be stored in tanks. The mixed-light cultivation is proposed to be powered by Pacific Gas and Electric, however new connection lines and associated infrastructure will be needed.

As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize project impacts and

Meghan Ryan, Senior Planner
 Humboldt County Planning and Building Department
 December 30, 2020
 Page 2

avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Clarification of CEQA Document Type

The CEQA document currently in circulation is called an “Initial Study and Environmental Checklist”, however the November 30, 2020 Notice of Intent calls the document an IS/MND. For this comment letter, CDFW assumes the document currently in circulation is an IS/MND. However, the Environmental Checklist on page 33 of the November 25, 2020 IS/MND was not completed or signed.

Please provide clarification if the document is 1) IS/MND or 2) an Initial Study and Environmental Checklist that will be used to determine the appropriate CEQA Environmental Document (i.e., Mitigated Negative Declaration or an Environmental Impact Report) (**Recommendation 1**).

Golden Eagle

The IS/MND discloses a previously documented golden eagle (*Aquila chrysaetos*) nest site within line-of-site from the Project (California Natural Diversity Database occurrence #80, Nelson 2000), however complete protocol level golden eagle surveys for the Project have not yet occurred. The IS/MND acknowledges golden eagles are designated as Fully Protected pursuant to FGC section 3511, and that take of Fully Protected Species is prohibited. Additionally, the low and declining population numbers of golden eagles within northwestern California (Harris 2005, Hunter et al. 2005) and the broader Bird Conservation Region (BCR) where the Project occurs (Millsap et al. 2016, USFWS 2016) suggest impacts to golden eagle may be potentially significant (CEQA Guidelines section 15125 (c)). However, the IS/MND does not contain complete or adequate survey results for this species (Pagel et al. 2010). Without sufficient and complete surveys for golden eagle, CDFW cannot adequately comment on the potential for take or significant impacts to this species nor the effectiveness and feasibility of mitigations.

No Sustainable Take Rates. The importance of conserving golden eagle populations and their habitats is highlighted by their low and declining population numbers within BCR, where the Project occurs. BCR 5 spans from Alaska to Sonoma County, California and is estimated to contain only 189 golden eagle breeding pairs with no sustainable take rates (Millsap et al. 2016, USFWS 2016). While avoiding disturbance to nest locations is important during courtship, breeding, and rearing of young, it is also important to ensure that adequate grassland foraging habitat remains within a golden eagle territory. Prior studies in the western US suggest a radius of two miles encompasses 50 to 80 percent of golden eagle use and represents densely used core area (Watson et al. 2014, Hansen et al. 2017).

Project Juxtaposition to Golden Eagle Breeding Habitat. Grasslands within one mile of nest sites may be particularly vulnerable to disturbance effects on golden eagle while

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 3

they are feeding nestlings (USFWS 2020). From the location of the documented 2003 nest site, the Project's two eastern most clusters of greenhouse facilities lie within one-mile and are within in line-of-site of the nest location (Figure 1- 2). The juxtaposition of the Project area to the 2003 nest site would maximize visual and other disturbances perceived at the nest site and potentially eliminate the majority of the foraging habitat within the core area (Figure 1 – 2).

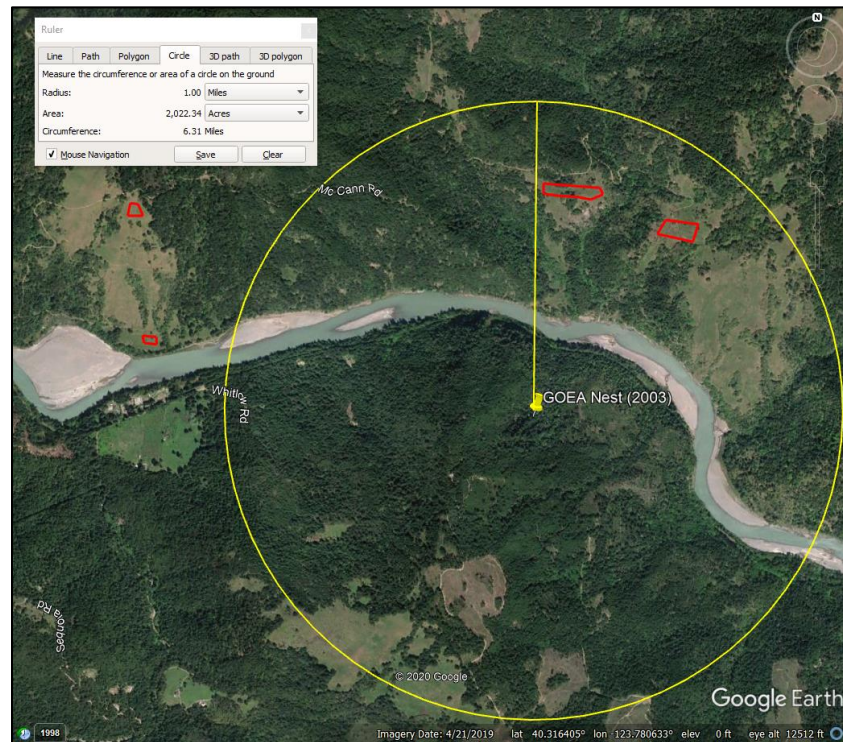


Figure 1. A one-mile radius around the 2003 nest site. Project areas are shown in red and two locations are within the one-mile no disturbance buffer. Note: alternative nest sites may be closer to the Project.

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 4

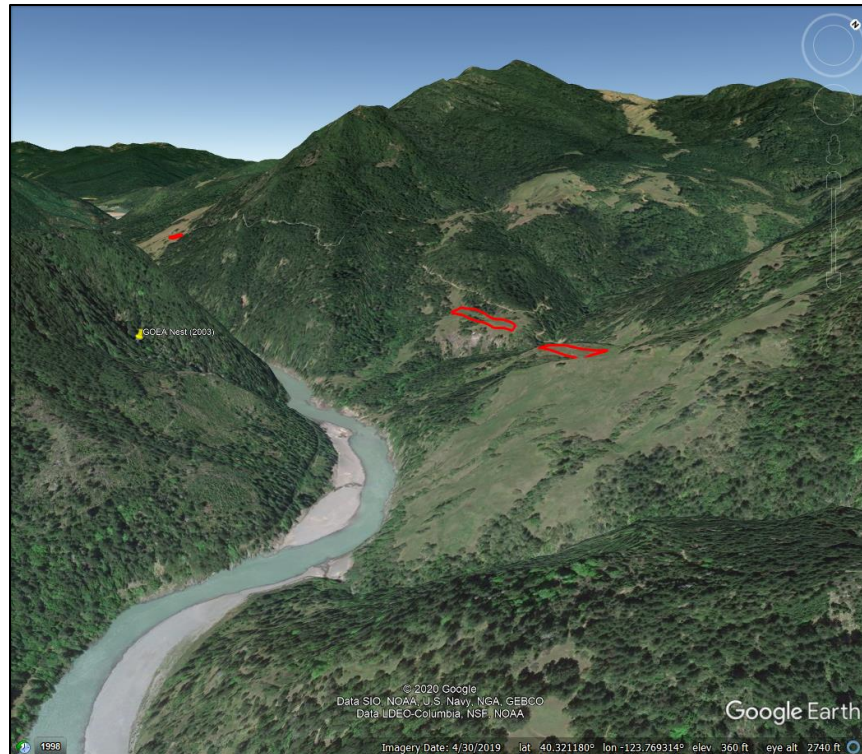


Figure 2. A documented golden eagle nest site (yellow pin) is within line-of-site of Project cultivations areas (shown in red). Note: alternative nest sites may be closer to the Project.

Golden Eagle Sensitivity to Disturbance. Although not well described in the Environmental Setting section of the IS/MND, the pre-Project baseline level of anthropogenic disturbance (e.g., visual, noise, and light) is very low or non-existent within the Project area. Any golden eagles in this vicinity are likely to be especially sensitive to human disturbance. Based on the range of disturbance distance thresholds for golden eagles (Hansen et al. 2017), they may flush from their nests or reduce feeding young with even low to moderate disturbance (including pedestrian activity) occurs within 1,000 meters (3,281 feet or 0.62 miles). Furthermore, nest-site protection is only beneficial if there is adequate access to prey. While male golden eagle's presence at nests is generally limited to prey delivery or brief assistance with young, they frequently rest on perches in view of nests (Watson et al. 2014). In southwestern Idaho, golden eagles perched away from nests were 12 times more likely to flush in response to recreationists than eagles at nests (Hansen et al. 2017). This suggests frequent human activity away from nests could result in chronic disturbance of foraging golden eagles and reduced provisioning rates at the nest. For example, if the 1,000-meter disturbance metric is applied to Project cultivation areas that may affect grassland foraging areas within a one-mile no disturbance buffer of the 2003 nest site, approximately 125 acres of 219 acres (57 percent) of foraging area may be avoided by foraging golden eagles attempting to feed their young (Figure 3).

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 5

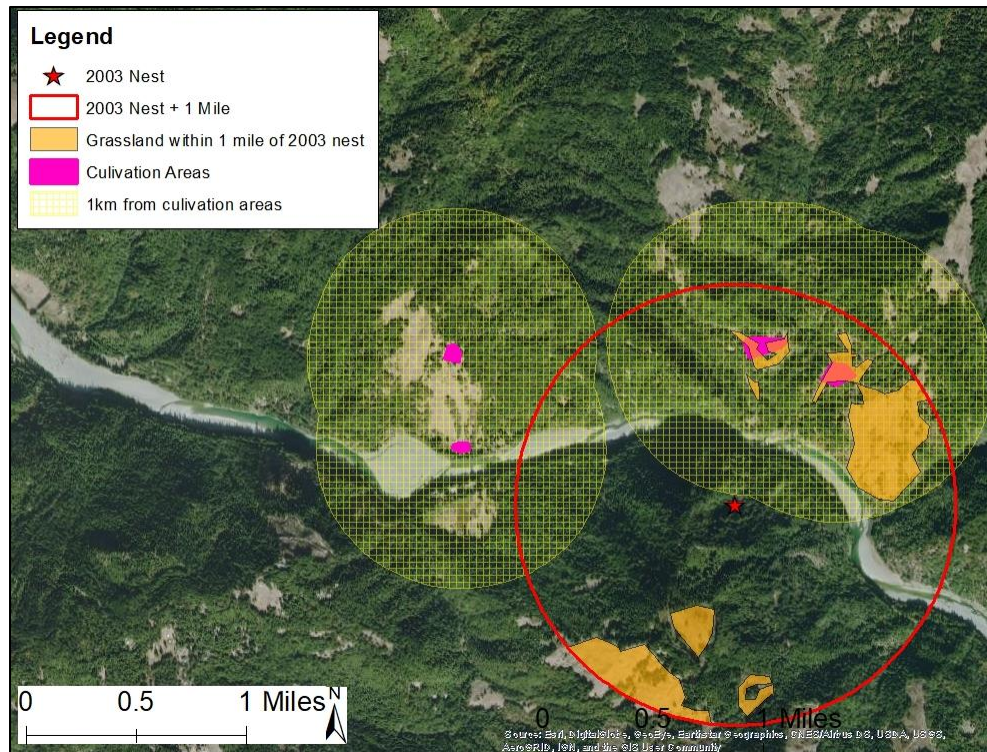


Figure 3. Assuming no golden eagles forage within 1,000 meters of cultivation sites, the Project would result in a 57 percent reduction of foraging habitat within a one-mile no disturbance buffer.

Unlike short term disturbance impacts (e.g., timber harvest), ongoing chronic disturbance may warrant buffers in excess of 1,000 meters, further supporting the USFWS' one-mile no disturbance buffer for golden eagle nest sites. Importantly, the IS/MND Mitigation Measure Bio-16 calling for a 660-foot buffer from nest sites was intended by the USFWS for bald eagles (*Haliaeetus leucocephalus*) (USFWS 2017), who are much less sensitive to disturbance than golden eagles (USFWS 2016).

Golden Eagle Surveys. Deficiencies in Project golden eagle surveys include: 1) none of the golden eagle surveys conducted for the Project occurred during the courtship season when golden eagles are most likely to be detected. Once golden eagles have paired and laid eggs after courtship, they become secretive and difficult to detect. The protocol specifically states the first inventory and monitoring surveys should be conducted during courtship when adults are mobile and conspicuous. Other deficiencies of the Project's golden eagle surveys include: 2) survey duration less than four hours (as recommended in the protocol), 3) surveyor location movement during surveys (survey should occur in blinds or other cryptic locations because golden eagles will avoid human presence and activities, potentially resulting in false negative survey results), 4) insufficient Project area coverage from survey locations (cultivation locations are nearly two miles apart and likely require multiple four-hour protocol observation points), 5) anecdotal conclusions based on out-of-season observations that the documented 2003 nest site is unoccupied, and 6) no evaluation of potential alternative nest sites within the Project vicinity (golden eagles often rotate annual occupancy of several alternative nest sites within a core area (Watson et al., 2014)).

Meghan Ryan, Senior Planner
 Humboldt County Planning and Building Department
 December 30, 2020
 Page 6

Regarding anecdotal conclusions based on out-of-season observations, the IS/MND provides insufficient evidence to support current unoccupancy at the 2003 golden eagle nest that occurs about 1,000 meters south of the Project. The nest was last reported occupied in 2003 (Nelson 2020), but there are no records of attempts to verify continued nesting until one month ago, outside the breeding season. Project biologists visited the 2003 nest vicinity in November 2020 and concluded the nest is no longer present due to a lack of visible white-wash (fecal matter) or prey remains on the ground. If that nest location was occupied in 2020, young may have fledged from the nest several months prior and evidence of white-wash and prey remains may no longer have been present in November. The lack of a physical nest observation in 2020 does not support the conclusion a nesting site is no longer there because, 1) nests can occur in any portion of trees that could support a large stick platform and can be obscured from ground view when located at the top of a tree or in complex side-branch structures, 2) nest structures can be 10-feet in diameter and retain white-wash and discarded prey remnants where they cannot be observed from the ground, and 3) nests platforms occasionally fall out of trees and are rebuilt by golden eagles when they choose to nest in that tree again as part of their semi-annual rotation of alternative nest sites within a territory, of which they exhibit nest site fidelity over years and decades (Hansen et al., 2017).

Regarding no evaluation of potential alternative nest sites within the Project vicinity, the IS/MND states that no golden eagle nesting habitat exists in the immediate vicinity of the Project based on the assumption that potential nesting habitat is synonymous with northern spotted owl (NSO) high quality nesting/roosting habitat, but this statement is not supported. While NSO may be more likely to utilize forested areas with many larger trees, golden eagles can nest in locations with just one tree large enough to support a nest platform anywhere within the tree (Menkens et al. 1987, Baglien 1975). Given that many large diameter trees (e.g., Douglas fir [*Pseudotsuga menziesii*] crown diameter 40+ft visible on Google Earth) occur within one mile of Project locations, suitable nesting trees with complex branch structures may occur closer to the Project than the 2003 nest location.

Given the high-quality nesting and foraging habitat in the Project vicinity (large trees and grasslands), the previously documented nest site, 2018 golden eagle flyover observation during Project surveys, multiple other recent reports of juvenile golden eagles in the vicinity (Gaffin 2014 and 2015), and fidelity to nesting sites over years or decades (Hansen et al. 2017), the potential for an active breeding territory within the Project vicinity is high. Without adequate surveys for this species and, if present, a detailed effects analysis of potential Project impacts, CDFW is concerned that the Project could interfere with breeding, nesting success, feeding, sheltering behavior, and result in a loss of productivity, nest failure (e.g., disturbance-induced reduced provisioning of young), or complete abandonment of a golden eagle breeding territory (due to long term chronic disturbance).

Based on the golden eagle information discussed above, CDFW recommends the Project complete protocol golden eagles surveys and consult with CDFW prior to completion of CEQA (**Recommendation 2**). There is a reasonable likelihood an active

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 7

golden eagle breeding territory occurs within the Project vicinity and that several alternative nest sites may exist within relatively close proximity to the Project. Without sufficient protocol surveys for this species, we cannot adequately comment on the potential for significant impacts nor the effectiveness and feasibility of take avoidance or mitigations. Additionally, as proposed in the IS/MND, mitigation measure Bio-16's 660-foot nest buffer may be inadequate for this species and could potentially result in take of a Fully Protected species.

Cumulative Impacts to Grassland Prairies

The Lead Agency's Commercial Medical Marijuana Land Use Ordinance states no more than 20 percent of the area of prime agricultural soils on a parcel may be permitted for commercial cannabis cultivation. It is unclear if the ordinance and its supporting CEQA analysis intended new cultivation sites to be located within remote (i.e., exurban), hillside grassland prairies (where sensitive species may occur) as opposed to traditional agricultural lands already associated with crop production. An unintended consequence of requiring new cultivation on prime agricultural soils (and allowing new areas to be classified as such with no minimum size) is the targeting of small, isolated, flat grasslands within larger prairie complexes on steeper slopes. These habitats are vital elements of biodiversity and provide important habitat for wildlife (Stromberg et al. 2007, CNPS 2011, CDFW 2014a). For example, grasslands in less developed portions of the County correspond with golden eagle foraging habitat and may be occupied by sensitive breeding territories, as described previously in this letter.

The Humboldt County Planning and Building Department has received at least 45 commercial cannabis applications occurring within 1 mile (recommended no disturbance buffer) of documented golden eagle nest sites (Table 1, Battistone, 2020). Furthermore, over 150 commercial cannabis cultivation applications occur within two miles of documented golden eagle nest sites. Given the number of proposed projects within one mile of documented nest sites and that 50 to 80 percent of eagle habitat use is reported to occur within 2 miles of nest sites, CDFW is concerned cumulative project impacts could eliminate golden eagle territories within Humboldt County.

Additional cumulative impacts could occur to other grassland-dependent special status species such as northern red-legged frog (*Rana aurora*), grasshopper sparrow (*Ammodramus savannarum*), mountain plover (*Charadrius montanus*), northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), Pacific gilia (*Gilia capitata* ssp. *pacifica*), short-leaved evax (*Hesperis matronalis* var. *brevifolia*), Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*), Kneeland prairie pennycress (*Noccaea fendleri* ssp. *californica*), maple-leaved checkerbloom (*Sidalcea malachroides*), Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*), beaked tracyina (*Tracyina rostrata*), leafy reed grass (*Calamagrostis foliosa*), Hitchcock's blue-eyed grass (*Sisyrinchium hitchcockii*), and other special status species (CDFW 2020a).

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 8

Table 1. Humboldt County commercial cannabis applications within two miles of documented golden eagle nest sites.

Key Parcel Distance to Mapped Golden Eagle Nest (Miles)	Number of County Cannabis Cultivation Applications
0 - 0.25	9
0.26 - 0.5	9
0.51 - 1	27
1.1 - 2	112
Total	157

Cumulative impacts could also occur to rare vegetation types known as Sensitive Natural Communities. Using the best available data on the abundance, distribution, and threat, CDFW assigns natural communities rarity ranks and/or a designation as “Sensitive” (*). Rarity ranks range from 1 (very rare and threatened) to 5 (demonstrably secure). Sensitive Natural Communities (S1 – S3 or otherwise designated as sensitive) should be addressed in the environmental review processes of CEQA and its equivalents (CDFW 2020b). Cumulative impacts could occur to grassland-associated Sensitive Natural Communities in Humboldt County including California brome – blue wildrye prairie (*Bromus carinatus* – *Elymus glaucus*; S3), Oatgrass - Tufted Hairgrass - Camas wet meadow (*Danthonia californica* – *Deschampsia cespitosa* – *Camassia quamash*; S4*), Idaho fescue - California oatgrass grassland (*Festuca idahoensis* – *Danthonia californica*; S3), California goldfields – dwarf plantain – small fescue flower fields (*Lasthenia californica* – *Plantago erecta* – *Vulpia microstachys*; S4*), and other sensitive natural communities.

The IS/MND should evaluate cumulative impacts to grassland prairies, particularly special status species and sensitive natural communities (**Recommendation 3**).

Use of Water Wells

The IS/MND relies on written statements from David Fisch of Fisch Drilling to assess well use impacts to groundwater. Although Mr. Fisch is a Licensed Water Well Contractor, it is not apparent that he is licensed to provide geologic interpretations and/or related evaluations of groundwater/surface water connectivity. The scientific and engineering community universally accepts the connectivity of surface water and groundwater systems and that groundwater discharge to streams constitutes a sizeable and important fraction of streamflow (Fetter 1988, Winter et al. 1998, Department of Water Resources 2003, Barlow and Leake 2012, Province of British Columbia 2016).

In light of the Project’s geologic setting, mapped springs, wetlands, and other surface water features (IS/MND Figure 61 on page 197), and based on the potential total volume of groundwater extraction from the three new wells, CDFW recommends the applicant retain a qualified professional (e.g. geologist or engineer with hydrogeology background) licensed to practice in California to conduct a preliminary evaluation of the Project’s potential impacts to local surface water flows, and to provide

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 9

recommendations that ensure Project activities will not substantially affect aquatic resources (**Recommendation 4**).

Post-project Reclamation and Restoration

As described in the IS/MND, the Project will occur in a remote area of the County that supports numerous special status species and habitats. The Project's seven acres of new cannabis facility development and infrastructure will have lasting effects on the landscape if the Project permanently ceases operations at some point in the future. Similar to other industries with this spatial magnitude of ground disturbance (e.g., mining) it is appropriate to decommission facilities and restore the area at the end of a project's life.

CDFW recommends a mitigation measure or condition of approval to require a Post-project Reclamation and Restoration Plan. That plan should be implemented if project activities cease for five years (**Recommendation 5**).

The following resource topics were brought up in our August 17, 2020 letter for this Project, and are reiterated with additional information here as the revised IS/MND did not appear to fully address these:

Botanical Surveys and Impact Analysis

The IS/MND states botanical surveys for rare plants did not encompass the entire Project area, specifically Facilities #6 through #9. The entire Project area should include the "whole of the action" (CEQA Guidelines section 15003 (h)), including all proposed buildings, new powerlines, borrow pits, access roads, and other areas of new ground disturbance. The IS/MND proposes completing botanical surveys as a mitigation measure. Based on the IS/MND, it appears floristic botanical surveys have not yet covered the entire Project area, including proposed work on the access road to Alderpoint, which contains suitable habitat for a Humboldt County milk-vetch (*Astragalus agnicidus*), a State Endangered Species.

To avoid deferred analysis, and potential deferred mitigation, the IS/MND should include the results of floristically appropriate botanical surveys for the entire Project area. Surveys and reporting should be in accordance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* and propose avoidance/mitigation where appropriate (**Recommendation 6**).

Wetland Fill and Development Setbacks

The IS/MND indicates development of Facility #9 will require wetland fill and encroachments on wetland setbacks at Facilities #1 and #2. Approximately 90 percent of California's historical wetlands have been filled or converted to other uses, with a consequent reduction in the functions and values wetlands provide (CDFW 2014b). Additionally, there may not be a viable path for wetland fill to create cultivation sites

Meghan Ryan, Senior Planner
 Humboldt County Planning and Building Department
 December 30, 2020
 Page 10

pursuant to the SWRCB's Cannabis Cultivation General Order (SWRCB 2019a).

CDFW recommends the Project adhere to Humboldt County General Plan wetland setbacks through Project layout changes to avoid wetland fill and associated development setbacks (**Recommendation 7**). CDFW also recommends the Project consult with the North Coast Regional Water Quality Control Board regarding the State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy and its mandate to protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation (SWRCB 2019b).

Development within the 100-year Flood Zone

The Project proposes locating two greenhouses (Facilities #1 and #2) within the 100-year flood zone of the Eel River (IS/MND Figure 63 on page 200). Floodplains, by their nature, are likely to be inundated by high flow events. They also connect streams and rivers to upland habitat and provide an important ecological transition zone (CDFW 2014b). Grading within the floodplain and placement of complex, automated mixed-light greenhouses, and ancillary facilities, would likely result in pollution and debris during a 100-year flood event.

CDFW recommends Project layout changes to avoid non-essential development in Eel River 100-year floodplain. (**Recommendation 8**).

Electric Infrastructure Expansion

The IS/MND indicates approximately four miles of new electrical lines will be installed to connect existing powerlines to proposed cannabis cultivation sites. Based on the IS/MND, it appears the new electrical lines will be installed, primarily buried within the road prism.

Although CDFW appreciates the Project using existing disturbed areas for the utility alignment, the IS/MND should include further analysis on potential additional development or growth inducing impacts within the local region that may be facilitated by the creation of four miles of new electrical utilities (**Recommendation 9**). If the Project will not be growth inducing, as stated in the IS/MND, it may be appropriate to include development limitations on these parcels in the form of a Development Plan recorded with the County.

Mixed-light Cultivation

Light pollution effects on wildlife include disruption of circadian rhythms and suppressed immune response, changes in foraging behavior, altered navigation and migration patterns, altered predator-prey relationships, impacts on reproduction, and phototaxis (CDFW 2018, CDFW 2020c). CDFW and others have observed light pollution originating from greenhouses throughout the County. This is inconsistent with the County General Plan and International Dark Sky Standards. The IS/MND suggests International Dark Sky Standards will be upheld by the Project.

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 11

Based on experience with other similar cultivation projects, it is difficult to monitor and regulate potential light pollution impacts from non-compliance with permit conditions. The County should ensure the measures to comply with International Dark Sky Standards are implementable and easy to confirm or monitor (**Recommendation 10**).

Invasive Species

The IS/MND does not address potential significant effects from introduction or spread of invasive plant and animal species. Invasive species are known to result in habitat loss and other impacts to native species and may result in an overall loss of biodiversity, particularly special status species (Duenas et al. 2018). Invasive plant species may enter or spread through the Project area from imported soil, attachment to vehicles, and other means of accidental introduction.

CDFW recommends a mitigation measure or condition of approval to require an invasive species management plan that would manage any existing invasive species and prohibit planting, seeding or otherwise introducing terrestrial or aquatic invasive species on Project parcels, including all access roads (**Recommendation 11**).

Rodenticides and Similar Harmful Substances

This Project has potential high use areas for birds of prey including, white-tailed kite (*Elanus leucurus*), red-tailed hawk (*Buteo jamaicensis*), ferruginous hawk (*Buteo regalis*), golden eagle, and other species. New agricultural development has the potential to increase rodent populations, which are sometimes treated with rodenticides. Rodents killed by rodenticide have the potential to be consumed by raptors, other birds of prey, and wildlife species, resulting in harm or mortality (CDFW 2018, CDFW 2020c).

CDFW recommends a condition of approval that will prohibit the use of rodenticides and similar harmful substances on Project parcels (**Recommendation 12**).

We appreciate the opportunity to comment on this IS/MND. If you have any questions please contact Environmental Scientist Greg O'Connell by email at Gregory.OConnell@Wildlife.ca.gov.

Sincerely,

DocuSigned by:
Curt Babcock
974D273FEE784E2...

Curt Babcock
Northern Region Habitat Conservation Program Manager
California Department of Fish and Wildlife

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 12

ec:

State Clearinghouse, Office of Planning and Research
state.clearinghouse@opr.ca.gov

Humboldt County Planning Commission Clerk
planningclerk@co.humboldt.ca.us

Mona Dougherty, Kason Grady
Regional Water Quality Control Board
mona.doherty@waterboards.ca.gov; Kason.Grady@waterboards.ca.gov

Curt Babcock, Scott Bauer, Laurie Harnsberger, Greg O'Connell, Cheri Sanville
California Department of Fish and Wildlife
Curt.Babcock@wildlife.ca.gov; Scott.Bauer@wildlife.ca.gov;
Laurie.Harnsberger@wildlife.ca.gov; Gregory.OConnell@Wildlife.ca.gov;
Cheri.Sanville@wildlife.ca.gov; CEQACommentLetters@wildlife.ca.gov

Citations

Barlow, P.M., and Leake, S.A. (2012). Streamflow depletion by wells—Understanding and managing the effects of groundwater pumping on streamflow: U.S. Geological Survey Circular 1376, 84 p. (Also available at <https://pubs.usgs.gov/circ/1376/>.)

Baglien, J. W. (1975). Biology and habitat requirements of the nesting Golden Eagle in southwestern Montana. M.S. thesis, Montana State University, Bozeman, MT, USA.

Battistone, C. (2020). Golden Eagle Observations [ds963]. California Department of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved December 14, 2020 from <http://bios.dfg.ca.gov>

CDFW. (2014a). California Wildlife Habitat Relationships. Sacramento, CA. Accessed at <https://wildlife.ca.gov/data/cwhr>

CDFW. (2014b). Development, land use, and climate change impacts on wetland and riparian habitats—A summary of scientifically supported conservation strategies, mitigation measures, and best management practices. Technical Memorandum. California Department of Fish and Wildlife, Northern Region. Redding, CA.

CDFW. (2018). A Review of the Potential Impacts of Cannabis Cultivation on Fish and Wildlife Resources. California Department of Fish and Wildlife, Habitat Conservation Planning Branch. Sacramento, CA.

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 13

CDFW. (2020a). California Natural Diversity Database Quick View Tool. Biogeographic Data Branch, California Department of Fish and Wildlife. Retrieved December 14, 2020 from <https://wildlife.ca.gov/Data/CNDDB>

CDFW. (2020b). Vegetation Classification and Mapping Program. Biogeographic Data Branch, California Department of Fish and Wildlife. Retrieved December 14, 2020 from <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

CDFW. (2020c). Impacts of Cannabis Cultivation on Fish and Wildlife Resources. California Fish and Wildlife Journal. Sacramento, CA.

[CNPS] California Native Plant Society. (2011). California's Prairies and Grasslands. Fremontia. Vol. 39, No. 2 and 3.

Department of Water Resources. (2003). California's Groundwater: State of California, The Resources Agency, Department of Water Resources Bulletin 118, 2003 Update, 246 p.

Duenas, M. A., Ruffhead, H. J., Wakefield, N. H., Roberts, P. D., Hemming, D. J., & Diaz-Soltero, H. (2018). The role played by invasive species in interactions with endangered and threatened species in the United States: a systematic review. Biodiversity and Conservation, 27(12), 3171-3183.

Fetter Jr., C.W. (1988). Applied Hydrogeology: Charles E. Merrill Publishing Company.

Gaffin, J. (2014). eBird Checklist: <https://ebird.org/checklist/S20325960>. eBird: An online database of bird distribution and abundance. eBird, Ithaca, New York. Available: <http://www.ebird.org>. (Accessed: Date December 14, 2020).

Gaffin, J. (2015). eBird Checklist: <https://ebird.org/checklist/S25900515>. eBird: An online database of bird distribution and abundance. eBird, Ithaca, New York. Available: <http://www.ebird.org>. (Accessed: Date December 14, 2020).

Hansen, D.L., R.J. Spaul, B. Woodbridge, D. Leal, J.R. Dunk, J.W. Watson, and J. T. Driscoll. (2017). Human disturbance of breeding golden eagles (*Aquila chrysaetos*). Unpublished report prepared for the Western Golden Eagle Team, U.S. Fish and Wildlife Service. Available online at: <https://ecos.fws.gov/ServCat/Reference/Profile/112570>

Harris, S. W. (2005). Northwestern California birds: a guide to the status, distribution, and habitats of the birds of Del Norte, Humboldt, Trinity, northern Mendocino, and western Siskiyou counties, California. Living Gold Press, Klamath River, California.

Hunter, J. E., D. Fix, G. A. Schmidt, and J. C. Power. (2005). Atlas of the breeding birds of Humboldt County, California. Redwood Region Audubon Society, Eureka, California

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 14

Menkens, G. E., Jr., and S. H. Anderson. (1987). Nest site characteristics of a predominantly tree-nesting population of Golden Eagles. *Journal of Field Ornithology* 58: 22–25.

Millsap B., E. Bjerre, M. Otto, G Zimmerman, and N. Zimpfer. (2016). Bald and golden eagles: population demographics and estimation of sustainable take in the United States, 2016 update. U.S. Fish and Wildlife Service. Division of Migratory Bird Management, Washington, DC USA.

Nelson, M. (2020). California Natural Diversity Database [ds85]. California Department of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved December 14, 2020 from <http://bios.dfg.ca.gov>

Pagel, J.E., D.M Whittington, and G.T Allen. (2010). Interim golden eagle inventory and monitoring protocols and other recommendations: Division of Migratory Bird Management, U.S. Fish and Wildlife Service.

Province of British Columbia. (2016). Determining the likelihood of hydraulic connection – Guidance for the purpose of apportioning demand from diversion of groundwater on streams: Version 1.0, Water Science Series, WSS2016-01, Province of British Columbia, Victoria, British Columbia, <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-science-data/water-science-series>.

SWRCB. (2019a). Cannabis Cultivation General Order Resolution Number 2019-0007. State Water Resources Control Board. Sacramento, CA. Accessed at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2019/rs2019_0007.pdf

SWRCB. (2019b). Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation. State Water Resources Control Board. Sacramento, CA. Accessed at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

Stromberg, M. R., Corbin, J. D., and Antonio, C. M. (2007). California grasslands: ecology and management. Univ of California Press.

U.S. Fish and Wildlife Service. (2016). Final programmatic environmental impact statement for the Eagle Rule revision. Department of Interior, Washington D.C., USA.

U.S. Fish and Wildlife Service. (2017). Recommended Buffer Zones for Human Activities around Nesting Sites of Bald Eagles in California and Nevada. Pacific Southwest Region, Migratory Birds Program.

Meghan Ryan, Senior Planner
Humboldt County Planning and Building Department
December 30, 2020
Page 15

U.S. Fish and Wildlife Service. (2020). Recommended buffer zones for ground-based human activities around nesting sites of golden eagles in California and Nevada. Pacific Southwest Region, Migratory Birds Program.

Watson, J. W., A. A. Duff, R. W. Davies. (2014). Home range and resource selection by GPS-monitored adult golden eagles in the Columbia Plateau Ecoregion: implications for wind power development. The Journal of Wildlife Management, 78(6), 1012-1021.

Winter, T.C., J.W. Harvey, O.L. Franke, and W.M. Alley. (1998). Ground Water and Surface Water A Single Resource: U.S. Geological Survey Circular 1139, Denver, Colorado, 79 p.

ATTACHMENT 6
PUBLIC COMMENTS
Attached Separately