



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 18, 2021

To: Humboldt County Planning Commission

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

Subject: **Crisp Farms, LLC Conditional Use Permit**
Application Number 11016
Case Numbers CUP 11-016
Assessor's Parcel Number (APN) 315-092-007
USFS 4N06 Road, Willow Creek, CA 95573

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Please contact David J. R. Mack, AICP, Project Manager/Senior Planner (Harris & Associates) at 831-320-0413 or by email at david.mack@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 18, 2021	Conditional Use Permit – Type I	David Mack, AICP

Project Description: Crisp Farms, LLC, seeks Conditional Use CUP-11-016 to permit an existing 11,300 square foot (SF) outdoor (light deprivation) cultivation that is comprised of two cultivation areas (Cultivation Area 1 is 2,740 SF and Cultivation Area 2 is 8,560 SF).

Irrigation water is sourced from two rainwater catchment ponds and one (1) surface water diversion. Water is stored within the two rainwater catchment ponds, as well as eight (8) HDPE hard tanks that range in storage from 350 gallons to 3,000 gallons of water. Total water storage for cultivation related activities is 546,000 gallons. There is an additional 16,950 gallons of water storage to support domestic, fire suppression, and backup cultivation uses, yielding a total onsite storage of 562,950 gallons.

Drying and further processing activities would occur onsite. There would be an average of three (3) employees and up to twenty-five (25) employees during peak harvest. Power is provided primarily by solar energy, as well as a single gas-powered Honda generator (600 kW) used only during peak harvest and processing activities (October through November).

Project Location: The project site (APN: 315-092-007) is located along unnamed forest road USFS 4N06, off Highway 1, in the unincorporated community of Willow Creek, located in eastern Humboldt County.

Present Plan Land Use Designations: Timberland (T) Density: 40 - 160 acres per dwelling unit; Slope Stability: High Instability

Present Zoning: Agricultural Exclusive (AE) and Timberland Production Zone (TPZ)

Record Number: PLN-11016-CUP

Case Numbers: CUP-11016

Assessor's Parcel Number: 315-092-007

Applicant

Crisp Farms LLC
C/O Glenn Kaminsky
4270 Lentell Road
Eureka, CA 95503

Owner

Dean Crisp
4270 Lentell Road
Eureka, CA 95503

Agents

AgDynamix Inc.
C/O Teisha Mechetti
512 I Street, Eureka, CA 95501

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

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

Major Issues: No major issues/concerns were identified for this project.

Crisp Farms
Record Number: PLN-11-016-CUP
Assessor's Parcel Number: 315-092-007

Recommended Commission Action

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines; make all of the required findings for approval of the Conditional Use Permit; and adopt the Resolution approving the Crisp Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Crisp Farms seeks Conditional Use Permits (CUP-11-016) to permit an existing 11,300 square foot (SF) outdoor (light deprivation) cultivation that is comprised of two cultivation areas (Cultivation Area 1 is 2,740 SF and Cultivation Area 2 is 8,560 SF). The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site.

The site is zoned as Agricultural Exclusive (AE) and Timber Production Zone (TPZ) as defined in the Humboldt County 2017 General Plan Update. Drying and further processing activities would occur onsite. There would be an average of three employees and up to 25 employees during peak harvest activities. Power is provided by solar energy and a single gas-powered Honda generator (600 kW).

Water Resources

Irrigation water sources include two rainwater catchment ponds (285,000 gallons and 280,000 gallons) and one (1) surface water diversion (SIUR H100710). Water is stored within the two rainwater catchment ponds, as well as eight (8) HDPE hard tanks that range in storage from 350 gallons to 3,000 gallons of water. Total water storage for cultivation related activities is 546,000 gallons. There is an additional 16,950 gallons of water storage to support domestic, fire suppression, and backup cultivation uses, yielding a total onsite storage of 562,950 gallons. Annual water use for cultivation activities is estimated at 270,000 gallons, and would be provided to cultivation activities by drip-line irrigation directly from the rainwater catchment ponds (Water Use Estimate, WRPP 2017).

A Water Resources Protection Plan (WRPP) was created in order to protect the water resources of the project area, through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The project is enrolled with the State Water Board Waste Discharge Program (Water Quality Permit - WDID 1B171682CHUM). The project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with erosion control and required mitigation measures.

The WRPP assessment of standard project area conditions found that various road points (RP) need general maintenance, including updating water breaks, rolling dips and drainage outlets. A segment of road (RP17) is approximately 30 feet from a Class II watercourse, and a rocked rolling dip and straw waddles need to be installed 100 feet along the outboard edge of the road to help facilitate drainage (**Condition 10**).

The project includes ten total encroachments into waterways throughout the project area. Three encroachments are for water diversions, two encroachments are for off-stream ponds with spillways, and five encroachments are for stream crossing locations. There are four new stream crossings over Class

11 watercourses proposed.

A Lake and Streambed Alteration Agreement (LSAA) was granted by the California Department of Fish and Wildlife (CDFW) (Notification #: 1600-2016-0111-R1) on November 8, 2016. The LSAA is for 10 encroachments that include maintenance of water diversion infrastructure and a rocked ford, installation of the four new crossings, and construction of two ponds and two spillways (LSAA Table 1).

The Appropriate Right (SIUR H100710) for water usage allows up to 0.18 acre-feet per year (58,653 gallons per year) to be collected from January 1 to December 31, as well as the diversion season (April 1 to October 31), specified by the current 'State Water Board's Cannabis Policy'. The rate of diversion to storage is limited to 14,400 gallons per day (10 gallons per minute x 1,440 minutes/day), pursuant to the current State Water Board's Cannabis Policy 78.

Biological Resources

A list of potential special species was generated in December 2020, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database. A Northern Spotted Owl Activity Center was identified approximately 877 meters from the project area parcel. There was no further information about the owl center or recent sightings. There is one northern owl habitat area, located approximately 2,300 meters east of the project area. The CNDDDB search identified Siskiyou checkerbloom plant habitat located within the project area, but it is not a listed or special status species. Project activities are not expected to produce any adverse or cumulative effects to any special-species or habitat, due to the small size of the project area combined with the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.

Tribal Cultural Resource Coordination

The project site does not have a clearly defined ethnographic territory, but was likely occupied by either the Chimariko, the Wintun, or the Tsnungwe tribes. A site field survey and a Cultural Resources Investigation was conducted in November 2018 by Nick Angeloff and Saige Heuer of Archaeological Research and Supply Company, in order to determine if any cultural resources exist within the project's 168-acre study area. The Cultural Resources Investigation included sending emails to the Native American organizations identified on the Native American Heritage Commission (NAHC) list, contacting the Northwest Information Center (NWIC), and conducting a historical background search of existing maps and publications relevant to the study area. The NWIC responded by indicating that there has been one previous survey conducted, and there are no known resources present in the project area.

The lead investigator, Nick Angeloff, concluded that the project would not result in any adverse changes to known historical or archaeological resources. However, he recommended the use of the Inadvertent Discoveries Protocol by a qualified professional archaeologist, if any previously unidentified cultural resources are encountered throughout project implementation.

Access

The project site is located along unnamed forest road USFS 4N06 in the unincorporated community of Willow Creek, located in eastern Humboldt County. The Department of Public Works reviewed the project referral and recommended a roadway evaluation be performed, because the road segment was not developed to road category 4 standards. An engineer with DNT Engineering and Consulting evaluated the USFS 4N06 Road and the private drive, to establish current conditions and provide recommendations (October 30, 2018).

Along the Unnamed Main Road, the engineer recommends unclogging all culverts and repairing roadside ditches. Along the Private Drive, the engineer recommends clearing partially clogged culverts and installing waterbars and rolling dips (**Condition 10**). Both roadways have some areas that are over 16% slope grade and have widths under 12 feet, but the engineer does not recommend improvements in these areas due to the environmental impacts that would be caused.

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 20-X
Record Number PLN-11016-CUP
Assessor's Parcel Number: 315-092-007

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Crisp Farms, LLC, Conditional Use Permit.

WHEREAS, Crisp Farms Conditional Use Permits (CUP-11-016) for the continued operation of an existing 11,300 square foot (SF) outdoor cannabis cultivation operation, with appurtenant propagation and drying activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented, as described by §15162(c) of California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **February 18, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit for the continued operation of an existing 11,300 square foot (SF) cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by solar energy and one onsite Honda (600kW) generator. Irrigation water is sourced from two rain catchment ponds, as well as one surface water diversion.

EVIDENCE: Project File: PLN-11016-CUP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been met. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum to the MND prepared for the proposed project in compliance with CEQA.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) A Biological Report was not prepared for the project, but an analysis was conducted of the project area using the following wildlife database systems: California Natural Diversity Database (CDFW 2019) and Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC).

Although the CNDDDB identified an occurrence of a Northern Spotted Owl activity center within the project area, there was no further information about the owl center or recent sightings on file. There was one northern owl habitat area, approximately 2.3 kilometers east of the project area. The CNDDDB search identified Siskiyou checkerbloom plant habitat located within the project area, but it is not a listed or special status species. Proposed cultivation activities would not degrade or remove any suitable habitat, or result in noise or disturbance that would adversely impact any protected species. Therefore, impacts to biological resources are considered low/unlikely.

- d) A Road Evaluation Report was prepared by DNT Engineering, to assess current road conditions within the project area, and receive approval from the Public Works referral. The engineer recommends: 1) along the Forest Service Road USFS 4N06, unclog all culverts and repair roadside ditches; 2) along one section of the USFS 4N06 (RP 17), install a rocked rolling dip and straw waddles 100 feet along the outboard edge of the road to facilitate drainage, due to the close (30feet) proximity to a Class II watercourse; and 3) on the Private Road, install water bars and rolling dips and clear partially clogged culverts (**Condition 10**).
- e) A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023, in order to protect the water quality of waterways within the project area.

- f) A Cultural Resources Investigation was prepared by Nick Angeloff of Archaeological Research and Supply Company in November 2018. The investigation concludes that the proposed project would not result in any adverse changes to known historical or archaeological resources, and it recommends the use of Inadvertent Discoveries Protocol in the event of unanticipated discoveries of resources and/or human remains.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE

- a) General agriculture is a use type permitted in the Agricultural Exclusive (AE) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control).

4. FINDING

The proposed development is consistent with the purposes of the existing Timber Production Zone (TPZ) in which the site is located.

EVIDENCE

- a) Timber Production Zones are intended to be applied to areas of the County in which timber production is the desirable predominant uses.
- b) All General agricultural uses are principally permitted in the TPZ zone.
- c) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior

to January 1, 2016. The application for a total of 11,300 SF of outdoor cultivation on a 168-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- b) The project will obtain water from two rainwater catchment bonds and a single surface water diversion (Certificate #H100710), that is registered with the State Water Control Board.
- c) The slope of the land where cannabis will be cultivated is less than 15%.
- d) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 11,300 square feet of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is accessed by a road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. All roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are hydrologically disconnected to receiving waters. All access roads within the project area have been assessed by an Engineer, who recommends updating erosion control measures along the USFS 4N06 and private road within the project area, which shall be applied to the project (**Conditions 12**).
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the

application process will not change the character of the area due to the large parcel sized in the area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come primarily from two rainwater catchment ponds and from one surface water diversion, which is certified with the Water Board (Certificate# H1000710).
- e) The Appropriate Right for water usage allows up to 0.18 acre-feet per year (58,653 gallons/year) to be collected during the diversion season from November 1 to March 31, as specified by the current State Water Board's Cannabis Policy. The rate of diversion to storage is limited to 14,400 gallons per day (10 gallons/minute x 1,440 minutes/day), pursuant to the current State Water Board's Cannabis Policy 78.
- f) Estimated annual water use is 270,000 gallons.
- g) Existing water storage onsite is 565,950 gallons. This amount of water storage would be sufficient to provide enough water for annual cultivation activities (270,000 gallons) to forbear completely during the forbearance period.
- h) Provisions have been made in the applicant's proposal to protect water quality, through yearly site inspection monitoring and reporting to the North West Regional Water Quality Control Board (NWRWQCB). The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

7. FINDING

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.

EVIDENCE

- a) The parcel currently contains a single residential unit (bed and breakfast). The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential unit on site.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permits (CUP-11-194) for Crisp Farms, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on February 18, 2021.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

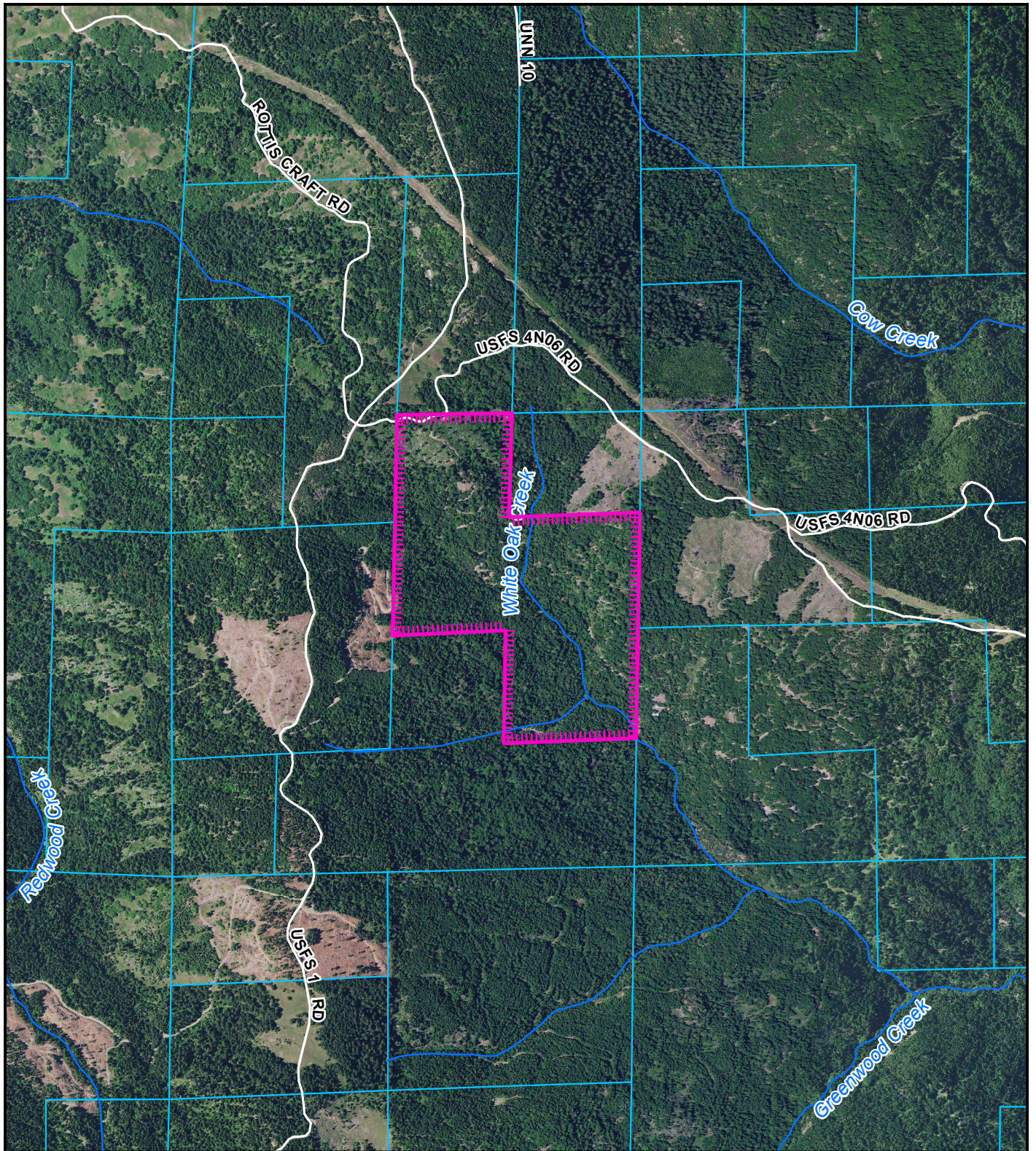
ABSENT: COMMISSIONERS:

ABSTAIN: 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



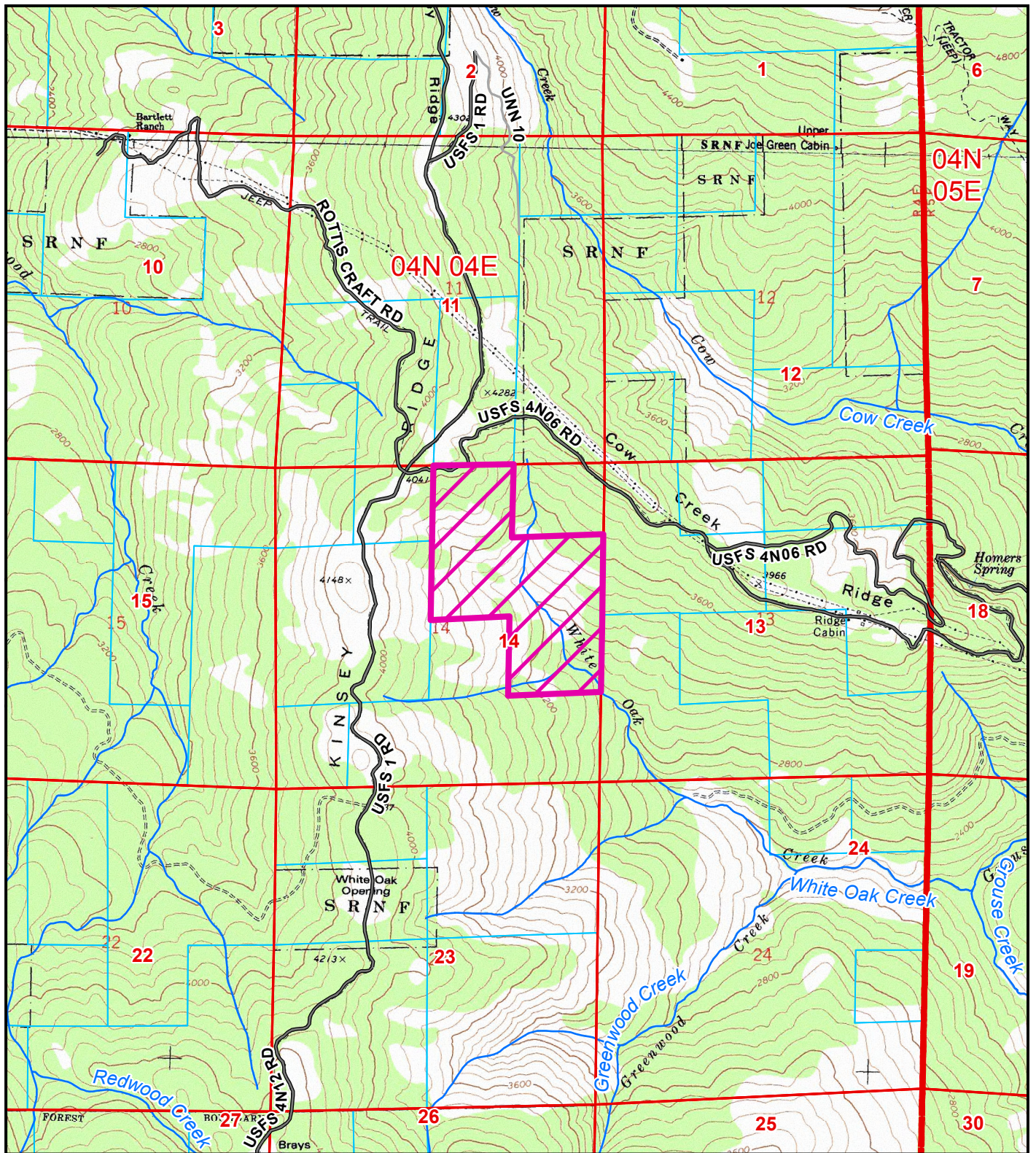
Project Area = 

**AERIAL MAP
PROPOSED CRISP FARMS
WILLOW CREEK AREA
CUP-16-126
APN: 315-092-007-000
T04N R04E S14 HB&M (BOARD CAMP MTN)**

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

0 1,000 2,000 4,000
Feet





Project Area = 

**TOPO MAP
PROPOSED CRISP FARMS
WILLOW CREEK AREA
CUP-16-126**

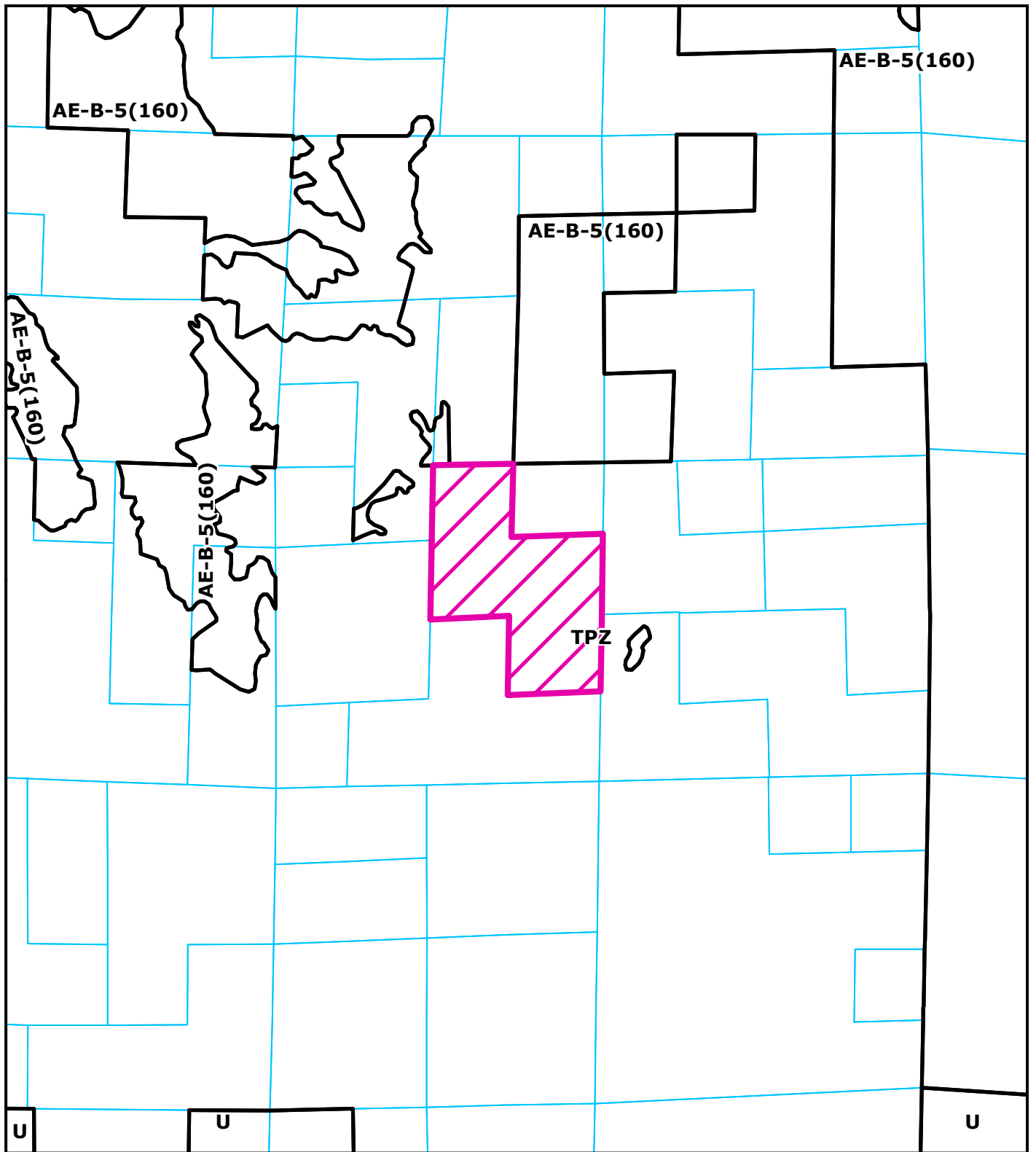
APN: 315-092-007-000

T04N R04E S14 HB&M (BOARD CAMP MTN)

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

0 1,000 2,000 4,000
Feet





Project Area = 

**ZONING MAP
PROPOSED CRISP FARMS
WILLOW CREEK AREA
CUP-16-126**

APN: 315-092-007-000

T04N R04E S14 HB&M (BOARD CAMP MTN)

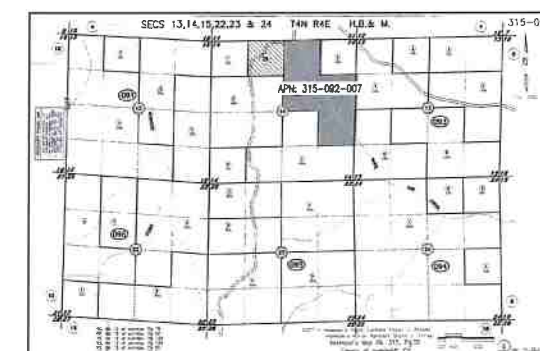
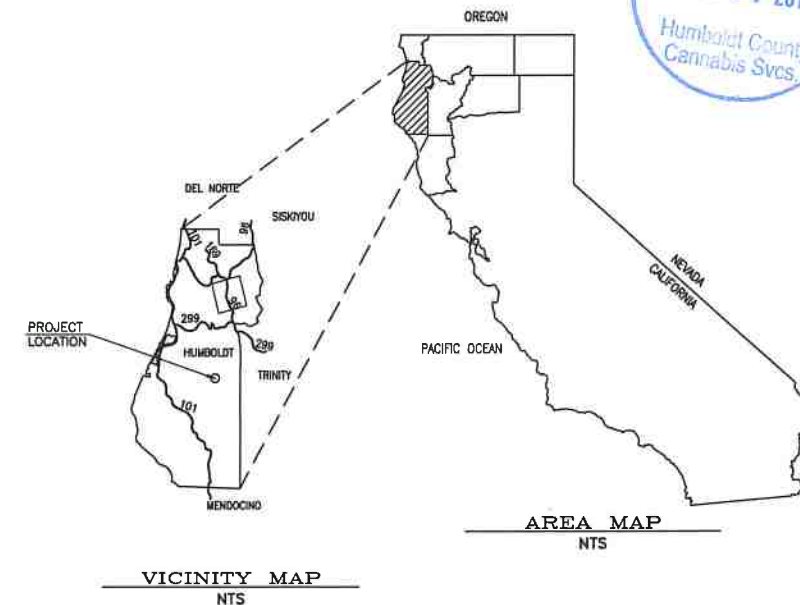
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 1,000 2,000 4,000 Feet



PROPERTY DIAGRAM
APN: 315-092-007

DEAN CRISP
USFS 4N06 ROAD OFF OF ROUTE 1
WILLOW CREEK, CA 95573



LOCATION MAP
NTS

CULTIVATION TOTALS

APN: 315-092-007	
(E) CULTIVATION AREA 1	2,740 SF
(E) CULTIVATION AREA 2**	8,560 SF
TOTAL PROPERTY CULTIVATION AREA	11,300 SF
5,000 SF PERMIT ON PROPERTY	2,740 SF

NOTE: ALL CULTIVATION ACTIVITIES LABELED
"CULTIVATION AREA" IN THIS TABLE ARE OUTDOOR.

**AREA 2 ADDED TO APN:315-093-006 ONE ACRE
PERMIT AND ADDED IN TOTAL PROPERTY
CULTIVATION AREA

WATER TOTALS

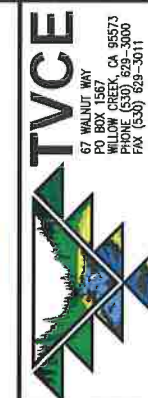
APN: 315-092-007

AMOUNT	SIZE	TOTAL (GALLONS)
(4)	3,000 GAL	12,000 GAL
(1)	1,550 GAL	1,550 GAL
(1)	550 GAL	550 GAL
(1)	350 GAL	350 GAL
(1)	2,500 GAL	2,500 GAL
(2) RAINWATER CATCHMENT POND 1 & POND 2	285,000 GAL 280,000 GAL	
		545,000 GAL
TOTAL WATER STORAGE :		548,950 GAL

CULTIVATION NOTES

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.

THERE ARE NO OFFSITE RESIDENCES WITHIN 300 FEET OF CULTIVATION AREAS.

[illegible]

DEAN CRISP
APN: 315-092-007
USFS 4N06 ROAD

PROPERTY DIAGRAM

WILLOW CREEK, HUMBOLDT COUNTY, CALIFORNIA

DRAWN BY: A. DOMINICK	DESIGNED BY: T. LYNN	CHECKED BY: J. MCKNIGHT	APPROVED BY: TWCF
DATE OF ISSUE: NOVEMBER 2018			
SCALE: AS SHOWN			
PROJECT NO: 857			
DRAWING NO:			

C01

TRINITY VALLEY CONSULTING ENGINEERS, INC.

—

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.

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building 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.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A 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), shall be paid 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.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. Communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted was approved by Building Inspection Department on August 27, 2020.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. Obtain a permit to operate the proposed generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
9. Prior to renewal of the permit, the operator is required to submit to the Department of Environmental Health (DEH), receipts or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the first year, or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling (Department of Environmental Services).
10. The US Forest Service USFS4N06 road and private road within the project area are conditioned to undergo maintenance on drainage structures within the project area, which includes unclogging culverts and re-constructing roadside ditches. Along the private road, erosion control measures shall be installed (water bars and rolling dips), as outlined in the Road Evaluation Report. A segment of USFS4N06 road (at Road Point 17) is approximately 30 feet from a Class II watercourse, and a rocked rolling dip and straw waddles 100 feet along the outboard edge of the road shall be installed to help facilitate drainage. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approve for a business license.
11. Within 60 days of project approval, the owner/applicant/operator shall submit a lighting plan, for all mixed light cultivation/light deprivation cultivation areas. The lighting plan shall be reviewed and approved by the Director of Planning and Building Services.
12. The applicant shall install a water monitoring device on each source – rainwater catchment pond and surface diversion if/when utilized and storage tanks as applicable - to monitor water used for cannabis irrigation separate from domestic use.
13. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding 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.
15. 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.
16. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CMMLUO 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan, showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building Services.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the

edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance, prepared by the United State Fish and Wildlife Service and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only be placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. To minimize the risk of wildlife entrapment, the permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. 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. Any changes shall require modification of this permit, except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. 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.
11. If operating pursuant to a written approved compliance agreement, the permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two years from the date of issuance of a provisional clearance or permit. The permittee shall provide plans for curing such

violations to the Planning and Building Department within one year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. The permittee shall have 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.
13. The permittee shall be in 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.
14. The permittee shall ensure 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).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NWRWQCB) 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.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall 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.
18. The permittee shall consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. 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."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage

- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal 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.
32. 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.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance

or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity, but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 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 #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

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

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

**APN 315-092-007; USFS 4N06 Road, Willow Creek, CA 95573
County of Humboldt**

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

December 2020

BACKGROUND

Purpose of Addendum

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

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

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

Modified Project Description

The modified project involves a Conditional Use Permit (CUP-11-016) to permit an existing 11,300 square foot (SF) outdoor (light deprivation) cultivation that is comprised of two cultivation areas (Cultivation Area #1 and Cultivation Area #2). Drying and further processing activities would occur onsite on the adjacent parcel. There would be an average of three employees and up to 25 employees during peak harvest activities. Power is provided by solar energy and a single gas-powered generators (600kW).

Irrigation water sources includes two rainwater catchment ponds (285,000 gallons and 280,000 gallons), as well as one surface water diversion (SIUR H100710). Water is stored within the two rainwater catchment ponds, as well as eight (8) HDPE hard tanks that range in storage from 350 gallons to 3,000 gallons of water. Total water storage for cultivation related activities is 546,000 gallons. There is an additional 16,950 gallons of water storage to support domestic, fire suppression, and backup cultivation uses. Annual water use is estimated at 270,000 gallons.

In order to preserve water resources within the project area, a Water Resources Protection Plan (WRPP) was created that includes annual reporting is required, site inspection and monitoring of all water-related activities to the North Coast Regional Water Quality Control Board (NCRWQCB) by March 31st of each year. The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with erosion control and required mitigation measures.

The project includes ten total encroachments into waterways throughout the project area. Three encroachments are for water diversions, two encroachments are for off-stream ponds with spillways, and five encroachments are for stream crossing locations. A Lake and Streambed Alteration Agreement (LSAA) was granted by the California Department of Fish and Wildlife (Notification #: 1600-2016-0111-R1) on March 17, 2016. The LSAA is for 10 encroachments and includes maintenance of water diversion infrastructure and a rocked ford, installation of the four new crossings, and construction of two (2) ponds and two (2) spillways (LSAA Table 1).

A list of potential special species was generated using the following information systems: California Natural Diversity Database (CDFW 2019) and Biogeographic Information and Observation system (BIOS), Norther Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database. A Northern Spotted Owl Activity Center was identified approximately .87 km from the project area parcel. There was no further information about the owl center or recent sightings. There was one northern owl habitat area, approximately 2.3 km meters east of the project area. The CNDDDB search identified Siskiyou checkerbloom plant habitat located within the project area, but it is not a listed or special status species. Project activities are not expected to produce any adverse or cumulative effects to any special-species or habitat, due to the small size of the project of the project area combined with the type of proposed activities. Therefore, impacts to biological resources are considered low/unlikely.

A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in November 2018. The lead investigator, Nick Angeloff, concluded that the proposed project would not result in any adverse changes to known historical or archaeological resources. However, he recommended the use of Inadvertent Discoveries Protocol by a qualified professional archaeologist, if any previously unidentified cultural resources are encountered throughout project implementation. The Northwest Information Center (NWIC) was contacted and responded by indicating that there has been one previous surveys conducted, and no known resources present in the project area.

The site is located along unnamed forest road USFS 4N06 in the unincorporated community of Willow Creek, located in eastern Humboldt County. The Department of Public Works reviewed the project referral and recommended a roadway evaluation be performed by a qualified engineer. An engineer with DNT Engineering and Consulting evaluated the roadways and made the following recommendations: clear partially clogged culverts and reconstruct drainage features along the USFS 4N06, and install waterbars and rolling dips along the private road (**Condition 10**). These conditions have been applied to the project, and no re-refer is required.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigation measures. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 11,300 SF outdoor cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Trinity Valley Consulting Engineers, created November 2018, received 9/17/2019
- Cultivation and Operations Plan prepared by AgDynamix on 9/21/2019, received 9/17/2019
- Lake and Streambed Alteration Agreement for California Department of Fish and Wildlife, (Notification # 1600-2016-0111-R1), dated 3/17/2016, received 6/30/2017
- Water Resources Protection Plan (WDID 1B171682CHUM) prepared by Timberland Resource Consultants on 11/24/2017, received 5/18/2018
- Cultural Resources Investigation of the Crisp Farms Property, Willow Creek, Humboldt County, California. Conducted by Nick Angeloff (MS) and Saige Heuer, Archaeological Research and Supply Company Report Dated November 2018 (Submitted for Tribal Review)
- North West Information Center (NWIC) records search conducted by Bryan Much on 6/26/2020
- Road Evaluation Report, DNT Engineering & Consulting by David Nicoletti (PE), evaluated on 12/19/2020, received 12/30/2019

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than

shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Crisp Farms, would be the same or similar, with no substantial increase in severity, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

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

CONCLUSION

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

Attachment 3 Application Report of Findings

Attachment 3 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. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Trinity Valley Consulting Engineers, created November 2018, **Map 4**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by AgDynamix, for APN: 315-092-007, September 21, 2019 – **Attachment 3a**)
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. - (Right to Divert and Use Water, Certificate # H100710, granted October 19, 2017, Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, WRPP, and verified via email with the applicant on December 30, 2020 (**Attachment 3b**)).
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 (**Notice of Applicability – Waste Discharge Requirements for Water Quality Order, WDID: 1_12CC427538, dated August 5, 2020. On File.**)
8. If any on-site or off-site component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on March 17, 2016 (**LSAA# 1600-2016-0111-R1**)
9. If the source of water is a well, a copy of the County well permit, if available. (**Not Applicable**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(Project is in compliance with CalFire)**

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. For indoor cultivation facilities, identification of 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. Acknowledgment 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. Acknowledgment 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. Cultural Resources Investigation of the Crisp Farm Property, Willow Creek, Humboldt County, California. Conducted by Nick Angeloff (MS) and Saige Heuer, Archaeological Research and Supply Company, 440 Wildwood Ave. Rio Dell, CA 95562. Report Dated November 2018 (Submitted for Tribal Review). **(On-file and confidential)**.
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). **(On-file)**



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION D032637

CERTIFICATE D1077

Right Holder: Dean Crisp
4270 Lentell Road
Eureka, CA 95503

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **March 18, 2016**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017. The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small domestic use appropriation. (Wat. Code, § 1228 et seq.)

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

1. Source of water: **(1)(2) Unnamed Springs**

tributary to: **(1)(2) White Oak Creek thence Grouse Creek thence South Fork Trinity River
thence Trinity River**

within the County of **Humboldt**.

2. Location of points of diversion

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
(1) North 2,154,383 feet and East 6,093,159 feet (2) North 2,154,417 feet and East 6,093,282 feet	Humboldt	315-092-007

Location of place of storage

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
(1) North 2,155,225 feet and East 6,092,822 feet (2) North 2,154,079 feet and East 6,094,187 feet	Humboldt	315-092-007
Tanks		

3. Purpose of use	4. Place of use	
	County	Assessor's Parcel Number
Domestic and Fire Protection	Humboldt	315-092-007

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

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **3,000 gallons per day** by direct diversion and **1.2 acre-feet per year** by storage from October 1 of each year to June 1 of the succeeding year as follows: 0.6 acre-foot per year in Impoundment #1 and 0.6 acre-foot per year in Impoundment #2. The capacities of the reservoirs shall not exceed the following: 0.6 acre-foot for Impoundment #1 and 0.6 acre-foot for Impoundment #2. The total amount of water taken from the source (direct diversion plus collection to storage) under this right shall not exceed **3.43 acre-feet per year**.
6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless the right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless the right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment within the place of use.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. Right holder shall grant, or secure authorization through the right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;

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

20. This right is subject to renewal prior to the expiration of each five-year period following the priority date of this right. This right shall be renewed only if the right holder has paid the renewal fee and properly reported the diversion and use of water under this right in accordance with the requirements of the State Water Board. This right shall be revoked upon failure of the right holder to renew the right as required by the conditions of this certificate. (Wat. Code, § 1228.5.)
21. Right holder is on notice that any of the following may be cause for the State Water Board to consider revocation (including partial revocation) of this right: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence; (2) cessation or partial cessation of beneficial use of water; (3) failure to observe any of the terms or conditions of this right; or (4) a finding by the State Water Board that the right holder knowingly made a false statement or knowingly concealed any material fact in the registration. (Wat. Code, § 1228.4.)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
ROBERTO CERVANTES FOR,

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: May 10, 2018



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION D032638

CERTIFICATE D1078

Right Holder: Dean Crisp
4270 Lentell Road
Eureka, CA 95503

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **March 18, 2016**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017. The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small domestic use appropriation. (Wat. Code, § 1228 et seq.)

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

1. Source of water: **an Unnamed Spring**

tributary to: **White Oak Creek thence Grouse Creek thence South Fork Trinity River thence Trinity River**

within the County of **Humboldt**.

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
North 2,154,051 feet and East 6,094,708 feet	Humboldt	315-092-007

Location of place of storage

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
N/A	Humboldt	315-093-006

3. Purpose of use	4. Place of use	
	County	Assessor's Parcel Number
Domestic and Fire Protection	Humboldt	315-093-006

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

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **2,500 gallons per day** by direct diversion and **0.07 acre-foot per year** by storage from October 13 of each year to August 5 of the succeeding year. The total amount of water taken from the source (direct diversion plus collection to storage) under this right shall not exceed **2.33 acre-feet per year**.
6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless the right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless the right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment within the place of use.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. Right holder shall grant, or secure authorization through the right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

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

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

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
ROBERT CERVANTES FOR:

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated:

MAY 07 2018



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION D032639

CERTIFICATE D1030

Right Holder: Dean Crisp
4270 Lentell Rd
Eureka, CA 95503

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **March 18, 2016**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017. The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small domestic use appropriation. (Wat. Code, § 1228 et seq.)

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

1. Source of water: **Unnamed Stream**

tributary to: **White Oak Creek thence Grouse Creek thence Trinity River**

within the County of **Humboldt**.

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
North 2,150,183 feet and East 6,099,075 feet	Humboldt	315-094-003

Location of place of storage

By California Coordinate System of 1983 in Zone 1	County	Assessor's Parcel Number
North 2,149,600 feet and East 6,100,156 feet	Humboldt	315-094-003

3. Purpose of use	4. Place of use	
	County	Assessor's Parcel Number
Domestic and Fire Protection	Humboldt	315-094-003

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

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **2,500 gallons per day** by direct diversion and **0.2 acre-foot per year** by storage from October 1 of each year to May 1 of the succeeding year. The capacity of the reservoir shall not exceed **0.2 acre-foot**. The total amount of water taken from the source (direct diversion plus collection to storage) under this right shall not exceed **1.82 acre-feet per year**.
6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless the right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless the right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment within the place of use.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. Right holder shall grant, or secure authorization through the right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

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

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

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
ROBERT CERVANTES FOR:

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: APRIL 25, 2018



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H509518*

CERTIFICATE *H100710*

Right Holder: *Crisp Farms
4270 Lentell Road
Eureka, CA 95501*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *07/16/2020*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Stream	White Oak Creek	Grouse Creek	40.720551	-123.668912	Humboldt	315-094-003

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	315-094-003	0.11

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *06/22/2020*.

The place of use is shown on the map filed on *06/22/2020* with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.18 **acre-feet per year** to be collected from 11/01 to 03/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.19 acre-feet. Together, the rate of direct diversion and the rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive**. For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

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

Diversion and use of water under this right may deviate from applicable conditions and requirements of the State Water Board's Cannabis Policy to the extent such diversion and use is in compliance with a local cooperative solution that supersedes specified general conditions of this right and which the Deputy Director for Water Rights has approved. To the extent of any conflict, the local cooperative solution shall supersede the general conditions of the Cannabis Policy as of the date the Deputy Director for Water Rights approves the local cooperative solution, unless the Deputy Director specifies a later effective date. The applicable conditions and requirements of this right shall revert to the general conditions of the Cannabis Policy if the local cooperative solution is withdrawn or canceled. Diversion or uses of water in violation of a local cooperative solution or agreement approved by the Deputy Director for Water Rights is subject to enforcement as a violation of the Cannabis Policy and the conditions of this right.

A local cooperative solution or agreement has not been approved by the Deputy Director for Water Rights.

The current version of the State Water Board's *Cannabis Policy* and the approval status of any proposed local cooperative solutions or agreements are available online at: <https://www.waterboards.ca.gov/cannabis> (<https://www.waterboards.ca.gov/cannabis>).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal

downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 07/16/2020

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ATTACHMENT 4

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	✓	Revisions needed to plot plan (completed)	On file
Department of Health & Human Services	✓	Approved	On file
Public Works, Land Use Division	✓	Road evaluation needed	On file
CalFIRE	✓	No Comment	On File
Northwest Information Center (NWIC)	✓	Cultural resource Survey needed	On file and Confidential
California Department of Fish & Wildlife, Lake and Streambed Alteration Agreement	✓	LSAA	Attached
State Water Quality Control Board, Division of Water Resources	✓	Water rights needed (obtained)	On file

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



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2016-0111-R1

Unnamed Tributaries to White Oak Creek, Tributary to Grouse Creek,
Tributary to the South Fork Trinity River, Tributary to the Trinity River,
Tributary to the Klamath River and the Pacific Ocean

Mr. Dean Crisp
Crisp Water Diversions, Pond Construction, and Stream Crossings
Project
10 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on March 17, 2016, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Grouse Creek watershed, approximately 12.6 miles south/southwest of the town of Salyer, County of Humboldt, State of California. The project is located in Section 14, T4N, R4E, Humboldt Base and Meridian; in the Board Camp Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 315-092-07; latitude 40.7318 N and longitude 123.6886 W at the Point of Diversion #1 (POD-1), latitude 40.7319 N and longitude 123.6903 W at the POD-2, and latitude 40.7310 N and longitude 123.6852 W at POD-3.

PROJECT DESCRIPTION

The project includes ten total encroachments (table 1). Three encroachments are for water diversion, two encroachments are for off-stream ponds with spillways, and five encroachments are for stream crossing locations. Four new stream crossing locations are proposed on a new road that will replace an over steepened existing road that is proposed to be abandoned. The work for these projects will include use and maintenance of the water diversion infrastructure, installation of four new crossings on Class II streams, maintenance of a rocked ford, and construction of the two ponds and spillways. All excavation related encroachments will be conducted using best management practices to minimize erosion and sediment delivery to streams.

Table 1. Project encroachments with description.

ID	Latitude/Longitude	Description
Crossing-1	40.7342, -123.6914	New road construction with minimum diameter 18" culvert on Class III
Crossing-2	40.7345, -123.6918	New road construction with minimum diameter 18" culvert on Class III
Crossing-3	40.7349, -123.6941	New road construction with minimum diameter 18" culvert on Class III
Crossing-4	40.7350, -123.6946	New road construction with minimum diameter 18" culvert on Class III
Pond-1	40.7339, -123.6923	New off stream pond with spillway
Pond-2	40.7306, -123.6886	New off stream pond with spillway
Spring-1	40.7318, -123.6907	Existing water diversion from a spring
Spring-2	40.7319, -123.6903	Existing water diversion from a spring
Spring-3	40.7310, -123.6852	Existing water diversion from a spring
Rocked Ford	40.7312, -123.6889	Rocked ford maintenance including armoring to minimize erosion

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to bed, channel, or bank and effects on habitat structure:

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

Impacts to water quality:

increased water temperature;
reduced instream flow;
temporary increase in turbidity;

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict

with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.

- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on March 17, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 20% of the total flow at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 Forbearance Period: Points of Diversion 1, 2, and 3. The Permittee shall add sufficient water storage and/or water conservation measures by July 15, 2016, and the Permittee shall bypass 100% of the flow from July 15 to October 15 in 2016. The Permittee shall bypass 100% of the flow from May 15 to October 15 of each year beginning in 2017.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.
- 2.6 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.7 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not

exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.

- 2.8 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.9 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.11 Management of Invasive Bullfrogs. The Permittee shall monitor the pond each year for invasive bullfrogs. If bullfrogs are or become present, they shall be appropriately managed. Management of Bullfrogs shall follow the guidelines in Exhibit A.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu_registration.pdf.

Stream Crossings and Pond Construction

- 2.13 Work Period. All work, not including water diversion, shall be confined to the period May 15 through October 15 of each year. Work within the active channel of a stream shall be restricted to periods of **no stream flow and dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.14 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.15 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion

potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.16 Culvert Installation.

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

2.16.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).

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

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

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

2.17 Rock Armor Placement.

2.17.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.18 Project Inspection. The Project shall be inspected by Trinity Valley Consulting Engineers or a licensed engineer to ensure that the crossings, ponds, and spillways were built as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

2.19 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

2.20 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

2.21 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

3. Reporting Measures

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

3.2 Project Inspection. The Permittees **shall submit the Project Inspection Report** (condition 2.17) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

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

To Permittee:

Mr. Dean Crisp
4270 Lentell Road
Eureka, California 95503
deancrisp1@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0111-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

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

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

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

EFFECTIVE DATE

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

TERM

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

EXHIBITS

Bullfrog Monitoring and Management Plan

AUTHORITY

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

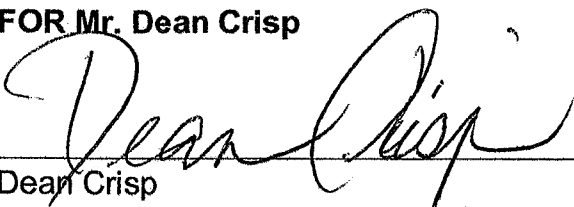
AUTHORIZATION

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


CONCURRENCE

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

FOR Mr. Dean Crisp



Dean Crisp



Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Gordon Leppig
Senior Environmental Scientist Supervisor

Date

Prepared by: David Manthorne, Environmental Scientist, June 8, 2016