



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

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

Hearing Date: February 18, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Live Oak Meadows, LLC Special Permit**  
Record Number PLN-11903-SP  
Assessor's Parcel Number (APN) 215-151-002  
1050 Stump Lane, Whitethorn area

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Please contact Emily Biro, Assigned Planner, at 510-893-3600 or by email at [emily.biro@aecom.com](mailto:emily.biro@aecom.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 18, 2021	Special Permit	Emily Biro

**Project Description:** Live Oak Meadows, LLC seeks a Special Permit (PLN-11903-SP) for an existing 8,650 square foot (SF) outdoor cannabis cultivation operation. A Special Permit is also being sought for an onsite Point of Diversion located on Rayiscioni Creek a tributary to the Mattole River which acts as the primary source of irrigation water. Existing available water storage is 151,000 gallons in sixteen (16) 5,000 gallon hard tanks, 14,000 gallons in four (4) 3,500 gallon hard tanks, 6,000 gallons in two (2) 3,000 gallon hard tanks, and 51,000 gallons in seventeen (17) 3,000 gallon bladders. Estimated annual water usage is 110,990 gallons (12.8 gal/SF). Drying and processing occurs onsite. No additional employees are required (other than applicant, who is also the property owner). Power is provided by solar and backup power is provided by a 17 KW diesel generator.

**Project Location:** The project is located in the Whitethorn area, on both sides of Stump Lane, adjacent to the intersection of Sunny Valley Lane and Stump Lane, on the property known as 1050 Stump Lane, Whitethorn (APN: 215-151-002).

**Present Plan Land Use Designations:** Residential Agriculture (RA20) Density: twenty acres per dwelling unit, Slope Stability: Moderate instability (2)

**Present Zoning:** Unclassified (U)

**Case Numbers:** PLN-11903-SP

**Assessor's Parcel Number:** 215-151-002

**Applicant**

Live Oak Meadows, LLC  
C/O Solomon Maceo Gienger  
PO Box 151  
Whitethorn, CA, 95589

**Owner**

same as applicant

**Agents**

Timberland Resource  
Consultants  
165 S Fortuna Blvd, Suite 4  
Fortuna, CA, 95540

**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:** None

**Live Oak Meadows, LLC**  
Record Number: PLN-11903-SP  
Assessor's Parcel Number: 215-151-002

**Recommended Zoning Administrator Action**

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

*Find that the Zoning Administrator has considered the Addendum to the 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 Special Permit and adopt the Resolution approving the Live Oak Meadows, LLC Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Live Oak Meadows, LLC seeks a Special Permit to allow the continued operation of an existing 8,650 square foot (SF) outdoor cannabis cultivation operation 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). A Special Permit is also being sought for an onsite Point of Diversion in accordance with the Humboldt County Code Section 314-61.1.5 of the Streamside Management Areas and Wetlands Ordinance (SMAWO) located on Raviscioni Creek a tributary to the Mattole River which acts as the primary source of irrigation water. The site is designated as Residential Agriculture (RA20) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Two crops annually are anticipated. There are three (3) cultivation areas onsite. Irrigation water is sourced from a Point of Diversion located on Raviscioni Creek. Existing available water storage is 151,000 gallons in sixteen (16) 5,000 gallon hard tanks, 14,000 gallons in four (4) 3,500 gallon hard tanks, 6,000 gallons in two (2) 3,000 gallon hard tanks, and 51,000 gallons in seventeen (17) 3,000 gallon bladders (to be replaced as a condition of approval). Estimated annual water usage is 110,990 gallons (12.8 gal/SF). Drying and processing occurs onsite. No additional employees are required (other than applicant, who is also the property owner). Power is provided by solar and backup power is provided by a 17 KW diesel generator.

The applicant has prepared an appropriate Operations Plan with Amended Cultivation Operating Procedures (as amended November 30, 2020), setting forth the details of the project related to water sources, storage, and use; cultivation operating procedures; curing, processing, and packaging; storage and transportation; and security features. The applicant has also provided the required site plan information illustrating the types and locations of proposed on-site facilities related to cannabis cultivation.

**Timber Conversion**

Review of aerial imagery indicates that this existing cultivation areas have been disturbed and utilized since 2005. However, between 2016 and 2018 an area of approximately 0.15 acres of timber has been removed from just north of the northernmost cultivation area. To address this timber conversion, the project is conditioned to retain a Registered Professional Forester (RPF) perform a site analysis and create a restocking plan as necessary to remediate these noted environmental changes from the December 31, 2015 baseline established in the CMMLUO Negative Declaration. The applicant will be required to adhere to the recommendations in the report, and within one year, a written sign-off of correct implementation will be required by an RPF submitted to the County Planning Department.

**Onsite Relocation**

The applicant is proposing to relocate 498 square feet of pre-existing cultivation area to the environmentally superior ridgetop cultivation area per the Operations Plan with Amended Cultivation Operating Procedures (as amended November 30, 2020) (Attachment 3). Approximately 4,500 square feet of pre-existing cultivation area has been relocated and decommissioned per the recommendation from Timberland Resource Consultants in a letter dated November 25, 2019 (Attachment 3). Onsite

relocation to the Main Cultivation Site is supported due to steepness, proximity to water resources, and proximity to riparian buffer zone. Remediation of the cultivation areas includes removing all cultivation related infrastructure and materials. Revegetation of the site will occur as recommended by Timberland Resource Consultants.

### **Water Resources**

Water for irrigation is provided by a Point of Diversion located on Raviscioni Creek permitted through the State Water Resources Control Board Division of Water Rights (Certificate No. H100256). Water is pumped seasonally from January to April. Domestic water is provided by a permitted surface diversion and a well. Water has been diverted via riparian water right since 2001. Per the Right to Divert and Use Water, the total storage capacity shall not exceed 1.54 acre-feet and the water appropriated shall be limited and not exceed 0.29 acre-feet per year (SIUR Certificate H100256). Existing available water storage is 151,000 gallons in sixteen (16) 5,000 gallon hard tanks, 14,000 gallons in four (4) 3,500 gallon hard tanks, 6,000 gallons in two (2) 3,000 gallon hard tanks, and 51,000 gallons in seventeen (17) 3,000 gallon bladders (which will be required to be decommissioned and replaced with hard tanks as a condition of approval). The applicant has enough water storage to comply with the forbearance period, based on their estimated water usage provided (which equates to approximately 100,615 gallons during this period). A Streambed Alteration Agreement (SAA 1600-2018-0858-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was also obtained in July 2019 for five encroachments, including water diversion from an unnamed tributary to the Mattole River and use and maintenance of the water diversion infrastructure, in addition to retroactively permitting four existing crossings where either no work or only maintenance is proposed. Per the Agreement, water diversion shall not exceed 3 gallons per minute and is restricted during the low-flow season from May 15 to October 31 of each year. In order to avoid or minimize adverse impacts to fish and wildlife resources, the Agreement requires implementation of several avoidance and minimization measures. Compliance with these measures specified in the Agreement has been included as a Condition of Approval.

An Initial Statement of Water Diversion and Use has been filed (5026420) and a Small Irrigation Use Registration Certificate has been issued (H100256). The applicant has also provided the County with a copy of a Notice of Applicability - Waste Discharge Requirements Water Quality, filed with the North Coast Regional Water Quality Control Board (Order WQ 2019-0001-DWQ) on September 6, 2019. The applicant has provided proof of the existing water right and permit to divert for cannabis cultivation use. Additionally, a Site Management Plan was prepared by Timberland Resource Consultants in November 2019.

Irrigation is accomplished by use of drip irrigation as well as hand watering once weekly. The use of carefully administered hand watering minimizes the chance of any overwatering or residual discharge of irrigation solutions outside of the "targeted" root zone. Mulch is carefully placed as a top dressing to optimize soil water retention.

Class II and Class III streams cross the site, which are drawn on the Site Plan, in addition to the respective Streamside Management Area (SMA) buffers. As indicated on the Site Plan, the cultivation areas and associated structures are located outside of the required SMA buffers.

### **Biological Resources**

No special status species have been documented on the project site. There is a Northern spotted owl (NSO) activity center located approximately 0.76 miles away from the project site; however, the project site may provide suitable foraging habitat. The proposed cannabis cultivation operations do not require the use of a generator except for back-up purposes. The Conditions of Approval include measures for noise and lighting minimization. Additionally, as described above, the Agreement issued by CDFW requires implementation of several avoidance and minimization measures in order to avoid or minimize adverse impacts to fish and wildlife resources, which have been incorporated as Conditions of Approval. Additional conditions are recommended to ensure refuse is contained in wildlife proof storage and to require the applicant to refrain from using anticoagulant rodenticides to further protect wildlife. As

proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

### **Tribal Cultural Resource Coordination**

The project was referred by the County to the Northwest Information Center (NWIC) on November 19, 2019. NWIC noted that there was no official record of any previous cultural resource survey for the area and recommended a study by a qualified archaeologist, in addition to contacting the local Native American tribes. On March 13, 2020, the Bear River Band of the Rohnerville Rancheria recommended that procedures should be included to provide for inadvertent discovery of any such resources. Conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect any previously unknown cultural or tribal cultural resources that may be encountered in the future.

### **Access**

Access to the site is via a driveway off of Stump Lane. The applicant has submitted a self-certified road evaluation report with photographs, dated November 2019, demonstrating that all roads used to access the project site meet the requirements of the County's road Category 4 equivalent standard. Because no additional employees will be required for the project other than the applicant (who is also the property owner), the project will not result in additional traffic that could exacerbate roadway deterioration. Access roadways in the project area are privately maintained. Security measures for the project site include a locked access gate.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

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

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

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

**Resolution Number 21- XXX  
Record Number PLN-11903-SP  
Assessor's Parcel Number: 215-151-002**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Live Oak Meadows, LLC, Special Permit.**

**WHEREAS, Live Oak Meadows, LLC,** submitted an application and evidence in support of approving a Special Permits for the continued operation of an existing 8,650 square foot (SF) outdoor cannabis cultivation operation and an existing Point of Diversion.

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

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on February 18, 2021 and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Zoning Administrator makes all the following findings:

- 1. FINDING:**                      **Project Description:** The application is a Special Permit to allow 8,650 square foot (SF) outdoor cannabis cultivation operation with processing activities, including trimming, drying, and packaging, occurring onsite. Power is provided by solar, and backup power is provided by a 17 KW diesel generator. Water for irrigation is sourced from a point of diversion in Ravischioni Creek which is a tributary to the Mattole River.

**EVIDENCE:**                      a) Project File: PLN-11903-SP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:**                      a) Addendum Prepared for the proposed project.

   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 Site Management Plan was prepared by Timberland Resource Consultants to show compliance with the State Water Resources Control Board Cannabis Cultivation Policy, incongruence with Order WQ 2017-0023-

DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order).

- d) No special status species have been documented on the project site. There is a Northern spotted owl (NSO) activity center located approximately 0.76 miles away from the project site and the project site may provide suitable foraging habitat. The proposed cannabis cultivation operations do not require the use of a generator except for back-up purposes. The Conditions of Approval include measures for noise and lighting minimization. Therefore, the proposed project would not adversely affect biological resources.
- e) A Streambed Alteration Agreement (SAA 1600-2018-0858-R1) with the California Department of Fish and Wildlife (CDFW) was obtained in July 2019 for five encroachments, including water diversion from an unnamed tributary to the Mattole River and use and maintenance of the water diversion infrastructure, in addition to retroactively permitting four existing crossings where either no work or only maintenance is proposed. The Agreement requires implementation of several avoidance and minimization measures in order to avoid or minimize adverse impacts to fish and wildlife resources. Compliance with these measures specified in the Agreement has been included as a Condition of Approval.
- f) All development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.
- g) The Bear River Band of the Rohnerville Rancheria recommended that procedures be included to provide for inadvertent discovery of any such resources, which has been included as a condition of approval.
- h) The project applicant provided a self-certified Road Evaluation Report and photographic documentation, dated November 2019, which illustrates that all access roads are suitable for safe access to and from the project site.

**FINDINGS FOR SPECIAL 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 Residential Agriculture (RA) 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.

**4. FINDING**

The proposed development is consistent with the purposes of the existing U zone in which the site is located.

**EVIDENCE**

- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to

10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 8,650 square feet of outdoor cultivation is consistent with this 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 CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as described in the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance (2019-016253), recorded September 9, 2019.
- c) Water for irrigation is provided by a Point of Diversion located on Raviscioni Creek permitted through the State Water Resources Control Board Division of Water Rights (Certificate No. H100256). Water is pumped seasonally from January to April. Per the Right to Divert and Use Water, the total storage capacity shall not exceed 1.54 acre-feet and the water appropriated shall be limited and not exceed 0.29 acre-feet per year.
- d) The applicant has submitted a self-certified Road Evaluation Report with photographs, dated November 2019, demonstrating that all roads used to the access the project site meet the requirements of the County's road Category 4 equivalent standards and are functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) 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, more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 8,650 square feet of cannabis cultivation 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 project applicant provided a self-certified Road Evaluation Report with photographic evidence, dated November 2019, that the access roads to the project site can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- 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 from a Point of Diversion located on Raviscioni Creek, permitted through the State Water Resources Control Board Division of Water Rights (Certificate No. H100256).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be 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 was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Live Oak Meadows, 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

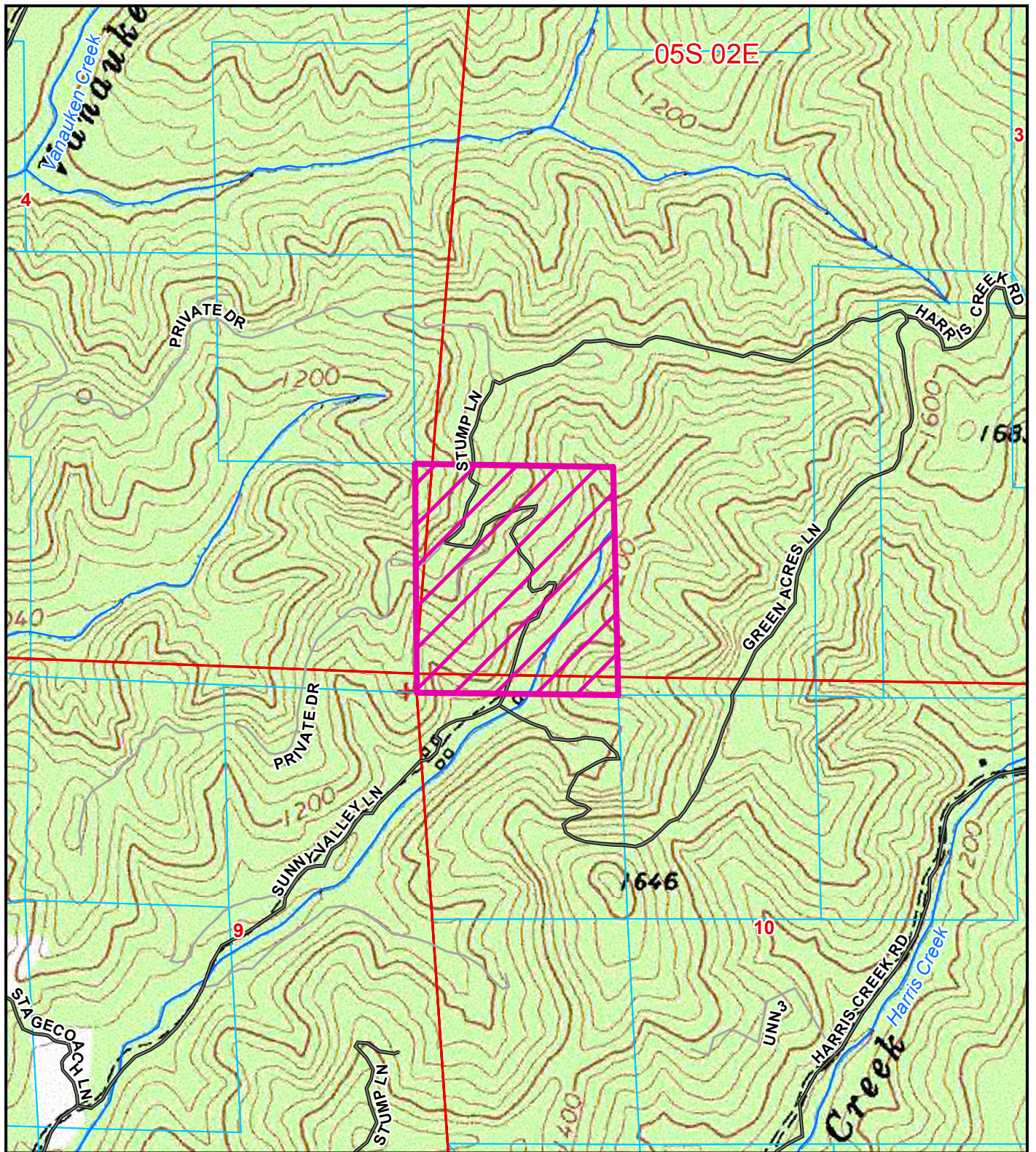
Adopted after review and consideration of all the evidence on February 18, 2021

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

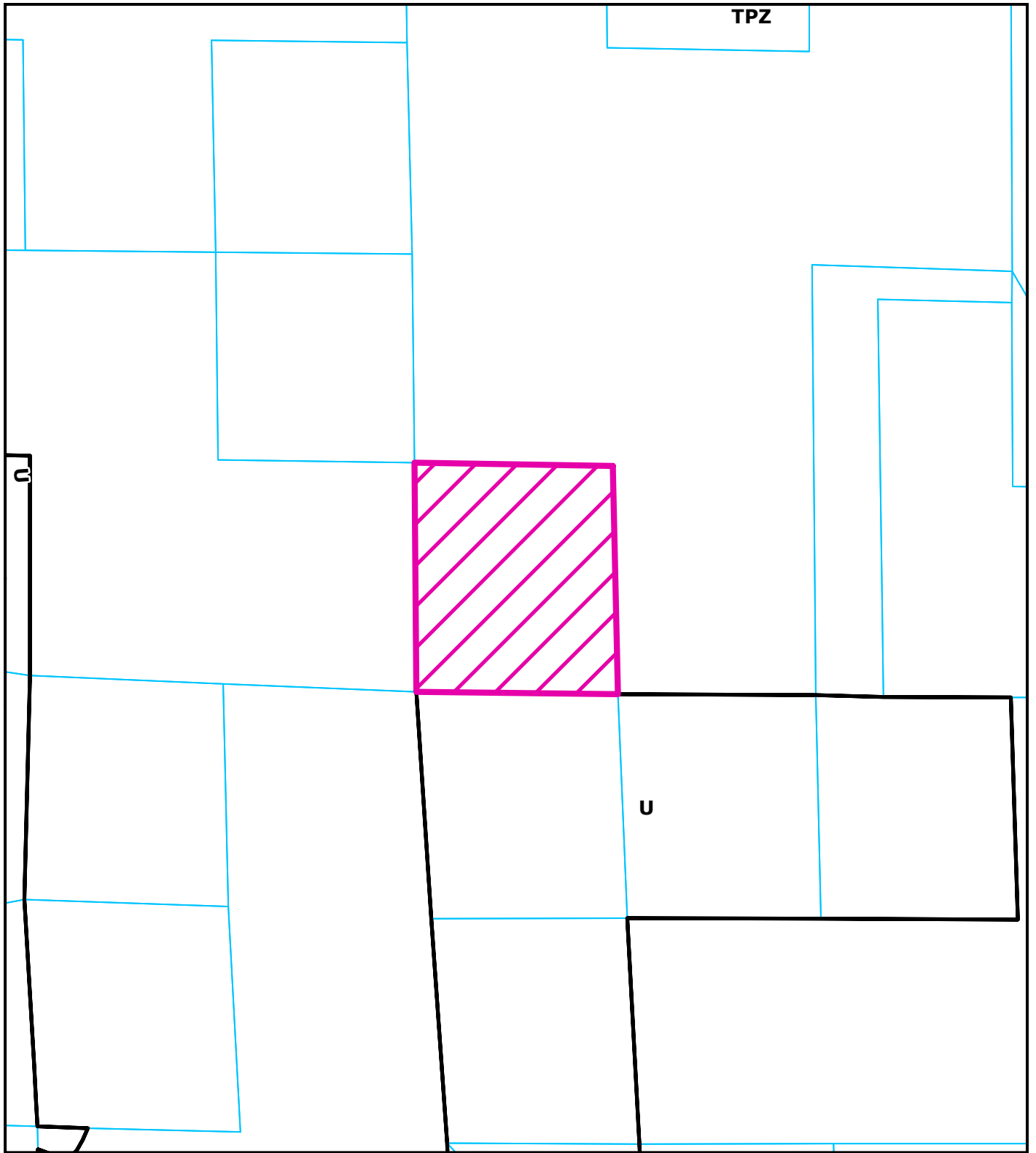
\_\_\_\_\_  
 John H. Ford, Director  
 Planning and Building Department



**Project Area =**

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

**TOPO MAP**  
**PROPOSED LIVE OAK MEADOWS LLC**  
**WHITETHORN AREA**  
**SP-16-343**  
**APN: 215-151-002-000**  
**T05S R02E S4; S3; S10 HB&M (BRICELAND)**




Project Area = 

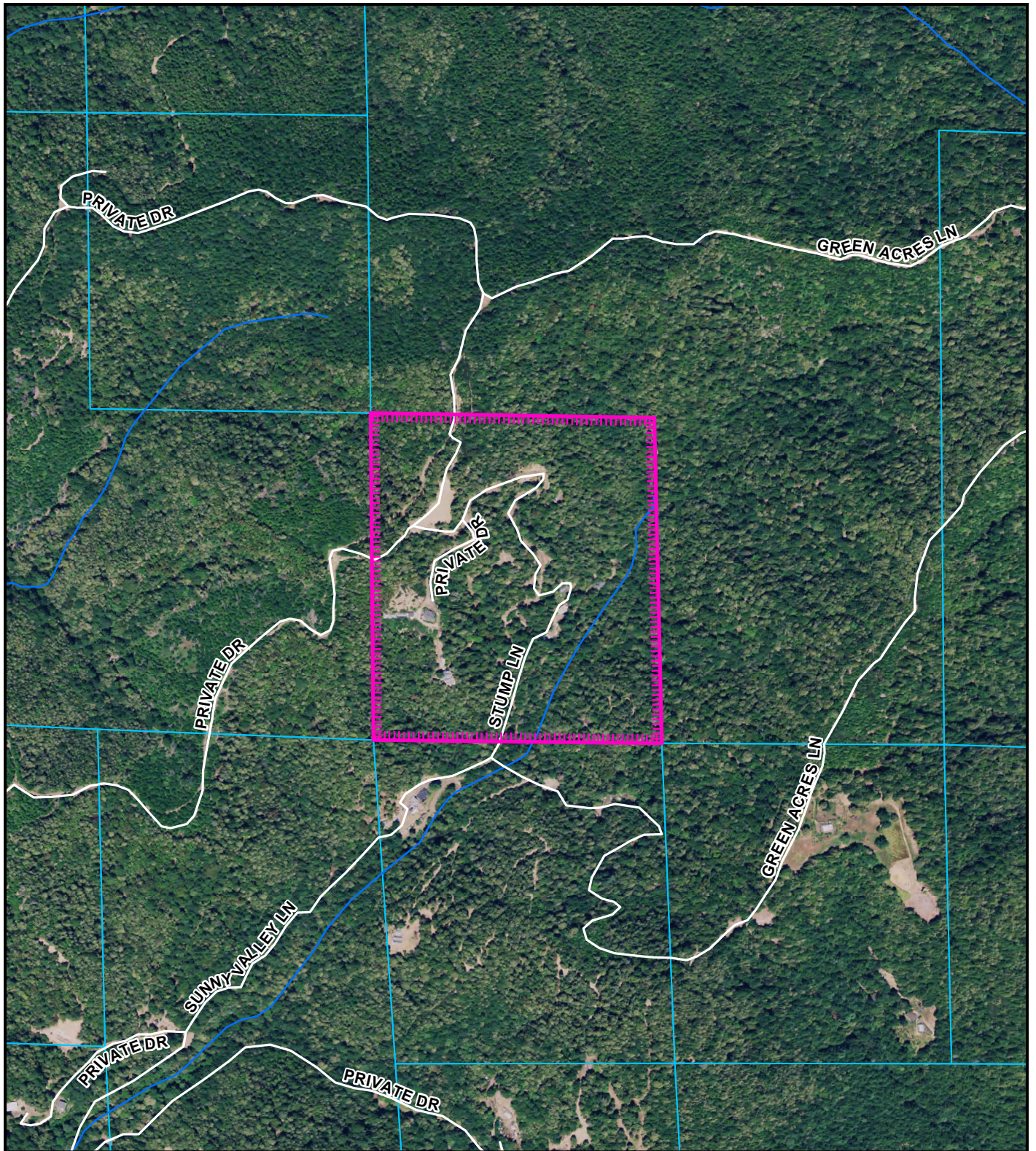
**ZONING MAP  
PROPOSED LIVE OAK MEADOWS LLC  
WHITETHORN AREA  
SP-16-343  
APN: 215-151-002-000  
T05S R02E S4; S3; S10 HB&M (BRICELAND)**



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0 1,000 2,000 Feet





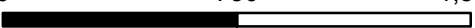
Project Area = 

**AERIAL MAP  
PROPOSED LIVE OAK MEADOWS LLC  
WHITETHORN AREA  
SP-16-343**

**APN: 215-151-002-000  
T05S R02E S4; S3; S10 HB&M (BRICELAND)**

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.

0 750 1,500 Feet



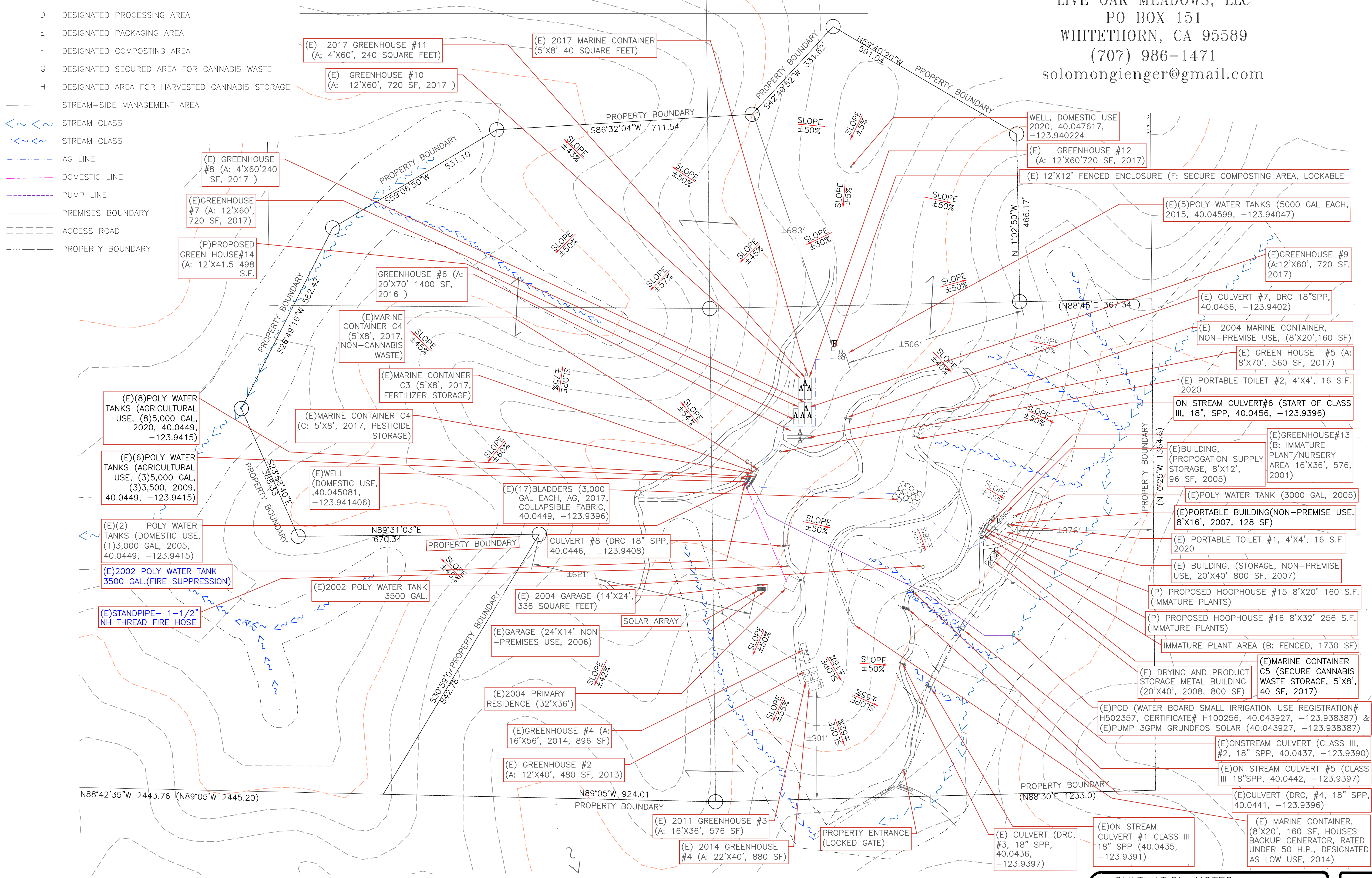
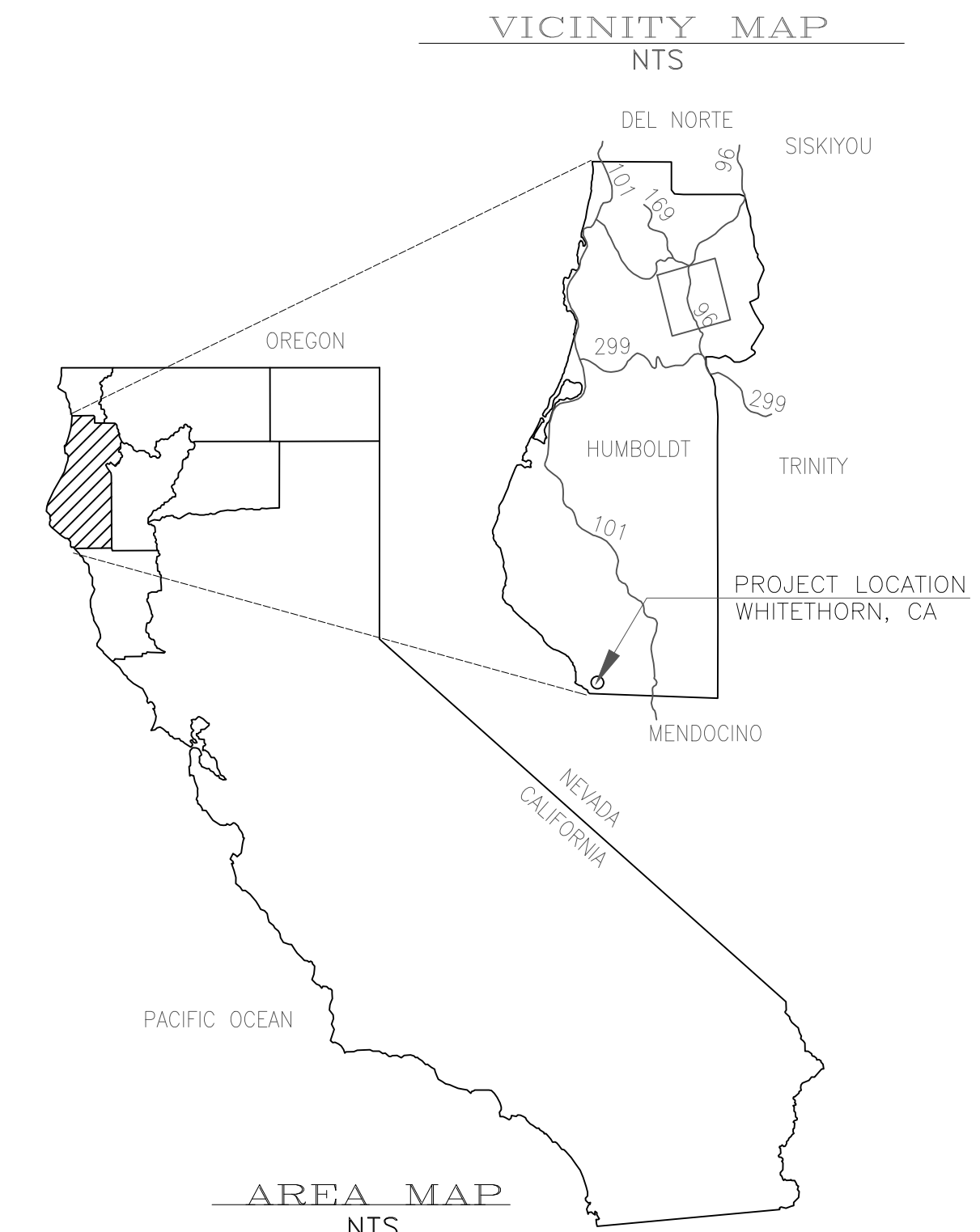

LEGEND

- A CANOPY AREA(S)  
B AREA OUTSIDE THE CANOPY THAT SHALL CONTAIN IMMATURE PLANTS  
C DESIGNATED PESTICIDE AND OTHER CHEMICAL STORAGE AREA  
D DESIGNATED PROCESSING AREA  
E DESIGNATED PACKAGING AREA  
F DESIGNATED COMPOSTING AREA  
G DESIGNATED SECURED AREA FOR CANNABIS WASTE  
H DESIGNATED AREA FOR HARVESTED CANNABIS STORAGE  
--- STREAM-SIDE MANAGEMENT AREA  
--- STREAM CLASS II  
--- STREAM CLASS III  
--- AG LINE  
--- DOMESTIC LINE  
--- PUMP LINE  
--- PREMISES BOUNDARY  
--- ACCESS ROAD  
--- PROPERTY BOUNDARY

PLOT PLAN  
APN: 215-151-002

FOR  
LIVE OAK MEADOWS, LLC  
PO BOX 151  
WHITETHORN, CA 95589  
(707) 986-1471  
solomongienger@gmail.com

PROJECT LOCATION  
1050 STUMP LANE WHITETHORN CA.  
HUMBOLDT COUNTY



CULTIVATION NOTES


WATER STORAGE

WATER STORAGE TYPE	SOURCE	AMOUNT (GALLONS)
POLY TANKS DIVERSION	DIVERSION	100,000
BLADDERS	DIVERSION	51,000
TOTAL:		151,000

PLOT PLAN

1"=150'

0 150 300

SCALE IN FEET

GENERAL NOTES

ZONING: ACRES: 93.49 ACRES  
WATER: P.O.D.  
WASTEWATER: ONSITE  
POWER: GENERATOR  
PHONE: VERIZON

WATER NOTES

(E) P.O.D. (WATER BOARD SMALL IRRIGATION USE REGISTRATION# H502357, CERTIFICATE# H100256
--

SURVEY NOTES

BOUNDARY SURVEYED BY KELLY-O'HERN ASSOCIATES FOR PURPOSE OF LLA. BASES OF SURVEY FROM RS BOOK 11 PAGE 135. BOUNDARY LOCATION IS APPROXIMATE.
--

NURSERY/IMMATURE PLANT AREA NOTES

(E) GREENHOUSE #14 16'X36', 576 S.F. (P) HOOP HOUSE #15 8'X20', 160 S.F. (P) HOOP HOUSE #16 8'X32', 256 S.F. REMAINING FENCED AREA 738 S.F. TOTAL NURSERY/IMMATURE PLANT AREA: 1730 SQUARE FEET
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NUTRIENT NOTES ( )

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CULTIVATION NOTES

SITE	DIMENSIONS	AREA (SF)
#1	16'X56'	896
#2	12'X40'	480
#3	16'X36'	576
#4	22'X40'	880
#5	8'X70'	560
#6	20'X70'	1400
#7	12'X60'	720
#8	4'X60'	240
#9	12'X60'	720
#10	12'X60'	720
#11	4'X60'	240
#12	12'X60'	720
#13	PROPOSED 12'X41.5'	498
TOTAL CULTIVATION AREA:		8,650 SF

WASTE HANDLING NOTES

REFUSE SHALL BE STORED IN 5'X8' METAL MARINE CONTAINERS.
REFUSE MUST BE HAULED TO AN APPROVED WASTE FACILITY WEEKLY.
COMPOST SHALL BE STORED IN 10'X10' FENCED AREA. CANNABIS WASTE CANNOT EXCEED 50% OF THE GENERATED ORGANIC MATERIAL.

APPROVED BY:

DATE OF ISSUE: 09/29/2019

SCALE: AS SHOWN

PROJECT NO: 001

DRAWING NO: C01

WHITETHORN, HUMBOLDT COUNTY, CALIFORNIA

PLOT PLAN

SOLOMON GIENGER  
PO BOX 151  
WHITETHORN CA 95589  
(707) 986-1471

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

##### 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 this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at 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 1 year of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan prepared by a licensed surveyor showing the following, in addition to what is shown:
  - a. Exact setbacks of cultivation areas and onsite drying facilities to demonstrate areas are more than 30 feet from any property line, more than 300 feet from any off-site residence, unless written letter of permission from adjacent landowner provided, and more than 600 feet from any school, church, public park or Tribal Cultural Resource. Should any cultivation or drying structures be within the boundary, the applicant shall relocate to an existing disturbed area or reduce the size to meet the setback.
6. 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 #7 through #17. 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.
7. Within 2 years of effective date of permit the applicant shall replace bladders with hard sided water storage in a previously disturbed location. Update site operations plan as applicable.
8. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, water tanks over 5,000 gallons (if any),

and existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

9. 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.
10. Obtain a permit to operate the EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
11. The applicant shall submit a grading, erosion and sediment control plan that shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
12. An invoice, or equivalent documentation, shall be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit until such time the existing onsite wastewater treatment system (OWTS) is evaluated by a Qualified Professional and updated, as necessary, to serve the existing operation.
13. The applicant shall demonstrate that a properly functioning OWTS serves the operation. This can be accomplished by either installing a new, permitted septic system, or by providing DEH with an assessment of the existing system performed by a qualified engineering, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies the existing system complies with the State Water Resources Control Board (SWRCB) definition of a Tier 0 system (i.e., not impairing groundwater or surface water resources). A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
14. The applicant shall install a water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use.
15. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
16. The applicant shall retain a Registered Professional Forester (RPF) to review the occurrence of timber conversion onsite and have a restocking plan prepared if required to negate the impact on timber resources onsite. A letter or similar communication from an RPF verifying that all their recommendations including restocking have been correctly implemented will satisfy this condition.
17. The applicant shall adhere to all requirements specified in the Streambed Alteration Agreement entered into between the California Department of Fish and Wildlife (CDFW) and applicant (Permittee) on July 1, 2019 (Notification No. 1600-2018-0858-R1) for five encroachments, including water diversion from an unnamed tributary to the Mattole River and use and maintenance of the water diversion infrastructure, in addition to retroactively permitting four existing crossings where

either no work or only maintenance is proposed. Per the Agreement, water diversion shall not exceed 3 gallons per minute and is restricted during the low-flow season from May 15 to October 31 of each year. Additionally, the applicant shall implement the avoidance and minimization measures specified in the Agreement to avoid or minimize adverse impacts to fish and wildlife resources. Written confirmation from a CDFW representative verifying that their requirements have been implemented will satisfy this condition.

18. The applicant shall contact the local fire service provider [Whitethorn Fire PDAA] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
19. 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.
20. 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.
21. Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.
22. 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.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise 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 lighting shall be fully contained within structures such that no light escapes (e.g., through 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; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3,000 kelvins or less and 3) only 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. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
8. Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
  - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of

approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

12. 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.
13. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
14. 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.
15. 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.
16. 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).
17. Maintain enrollment in the State Water Resources Control Board Cannabis General Order for Waste Discharge (WDR), if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. 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).
19. 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.
20. 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.

24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. 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

26. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

30. All cultivators shall comply with the approved processing plan as to the following:
- Processing practices
  - Location where processing will occur
  - Number of employees, if any
  - Employee Safety Practices
  - Toilet and handwashing facilities
  - Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - Drinking water for employees
  - Plan to minimize impact from increased road use resulting from processing
  - On-site housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
35. 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
  - A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - The specific date on which the transfer is to occur;
  - Acknowledgement of full responsibility for complying with the existing permit; and
  - Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. 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 #6 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 #31 and 33 of the Ongoing Requirements/Development Restrictions, above.
3. 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 MEDICAL MARIJUANA LAND USE  
ORDINANCE**

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

**APN 215-151-002; 1050 Stump Lane, Whitethorn  
County of Humboldt**

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

**February 2021**

## Background

### **Modified Project Description and 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.

The modified project involves a Special Permit (PLN-11903-SP) for an existing 8,650 square foot (SF) outdoor cannabis cultivation operation. Irrigation water is sourced from a Point of Diversion located on Raviscioni Creek. Existing available water storage is 151,000 gallons in sixteen (16) 5,000 gallon hard tanks, 14,000 gallons in four (4) 3,500 gallon hard tanks, 6,000 gallons in two (2) 3,000 gallon hard tanks, and 51,000 gallons in seventeen (17) 3,000 gallon bladders. Estimated annual water usage is 110,990 gallons (12.8 gal/SF). Drying and processing occurs onsite. No additional employees are required (other than applicant, who is also the property owner). Power is provided by solar and backup power is provided by a 17 KW diesel generator.

The project was referred by the County to the Northwest Information Center on November 19, 2019. NWIC noted that there was no official record of any previous cultural resource survey for the area and recommended a study by a qualified archaeologist, in addition to contacting the local Native American tribes. On March 13, 2020, the Bear River Band of the Rohnerville Rancheria recommended that procedures should be included to provide for inadvertent discovery of any such resources. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect any previously unknown cultural or tribal cultural resources that may be encountered in the future. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

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. No timber conversion has occurred, ensuring security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

**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.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 8,650 square feet of 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:

- Plot Plans prepared by the project applicant prepared as part of the Operations Plan with Amended Cultivation Operating Procedures in November 2020.
- Operations Plan with Amended Cultivation Operating Procedures prepared HUBER C&D and revised by applicant in November 2020.
- Right to Divert and Use Water, with the State Water Resources Control Board, Division of Water Rights, received August 11, 2017.
- Notice of Applicability – Waste Discharge Requirements Water Quality Order 2019-0001-DWQ, dated September 6, 2019 and received November 13, 2019
- Streambed Alteration Agreement, California Department of Fish and Game, dated July 1, 2019 and received November 19, 2019.
- Site Management Plan (18170415CHUM) prepared by Timberland Resource Consultants, dated 11/19/2019, for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Road Evaluation Report for Stump Lane prepared by applicant dated 11/08/2019 and received 11/13/2019.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- CDFW Resource Map.
- Pre-existing Investigation prepared by Arsenault & Associates, not dated.

- Cultural resources consultation materials: Letter from Northwest Information Center, letter consultation with Bear River Band of the Rohnerville Rancheria, and email from the County.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### **ATTACHMENT 3**

#### **Applicant's Evidence in Support of the Required 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. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by project applicant – Attached with project Maps)
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), 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 HUBER C&D and applicant amended November 2020- Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Riparian Water Rights Statement of Diversion and Use claims and reporting, dated 6/24/2017 - On file.)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
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. (Site Management Plan prepared Timberland Resource Consultants – On file (WDID-18170415CHUM) – Attached. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Agreement Notification (Application) from the California Department of Fish and Wildlife. (Notification No. 1600-2018-0858-R1, dated 7/1/ 2019 – Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Domestic water is provided by well (Permit Number 19/20-0828))

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources consultation with Northwest Information Center dated December 3, 2019 and letter consultation with Bear River Band of the Rohnerville Rancheria dated March 13, 2020 (On-file and confidential).
16. Road Evaluation Report and photographic evidence for Stump Lane demonstrating that all access roads meet County category 4 equivalent standards prepared by applicant, dated 11/08/2019 and received 11/13/2019. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
18. Pre-existing Investigation prepared by Arsenault & Associates, not dated (On-file)

RECEIVED  
AUG 11 2017

**State Water Resources Control Board  
DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Diverter Information			
Diverter Name(s) Solomon Gienger			
Mailing Address PO BOX 151	City Whitethorn	State CA	Zip 95589
Phone Number (707) 986-1471		Email Address (if available) solomongienger@gmail.com	

Person Filing Statement			
(If different from diverter information above)			
Person Filing Statement Name Timberland Resource Consultants			
Mailing Address 165 South Fortuna Blvd	City Fortuna	State CA	Zip 95540
Phone Number 707-725-1897		Email Address (if available) trc@timberlandresource.com	

Land Owner Name			
Land Owner Name Solomon Gienger			
Mailing Address PO. box 151	City Whitethorn	State CA	Zip 95589
Phone Number (707) 986-1471		Email Address (if available) solomongienger@gmail.com	

Mail Receiver:	
(Select one only)	
<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing Statement

Checklist for Submission of an Initial Statement of Water Diversion and Use	
<input type="checkbox"/> Answer each question completely	
<input type="checkbox"/> Attach map referenced in Section 4 with outline of Place of Use. Include Point of Diversion location if not identified in Section 3	
<input type="checkbox"/> Sign and Date form	

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000

Or email to

DWR-statements@waterboards.ca.gov

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

Revised March 2017

## Initial Statement of Water Diversion and Use

Page 2 of 4

**Section 1: Type of Claim**

(Select all that apply to the type of claim(s) under which you are diverting water)

☒ Riparian    ☐ Pre-1914    ☐ Court Decree\*    ☐ Pending Appropriative Application\*    ☐ Pueblo    ☐ Other\*: \_\_\_\_\_

\*If you checked Court Decree, Pending Appropriative Application, or Other, list the Decree Number, Application ID Number or Status or provide an explanation

List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345)

**Section 2: Water Course Description**

Water Course Name at the Point of Diversion (POD)

Raviscioni Creek

Water Course is tributary to

Mattole River

**Section 3: Point of Diversion and Legal Land Description**

Provide the location of the POD using one of the following methods (check one box and enter data if applicable)

☒ Latitude/Longitude Measurements:    Latitude: 40° 2' 38.1768"    Longitude: -123° 56' 18.2508"
☐ California Coordinate System (NAD1983)    North: \_\_\_\_\_    East: \_\_\_\_\_    Zone: \_\_\_\_\_

☐ USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify Point of Diversion)

Assessor's Parcel Number (APN) where Point of Diversion is located (if APN has been assigned)

215-151-002

County

Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)

 SW \_\_\_\_\_ ¼ of the SW \_\_\_\_\_ ¼ of Section 3    Township 5 South    Range 2 East    B&M Humboldt
**Section 4: Place of Use Description**

(Check boxes indicating each map to be provided)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

☒ USGS Topographic Map    ☐ County Assessor's Parcel Map    ☐ Map with identifiable landmarks

Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigated crops, campground, etc.)

domestic water supply and irrigation

Assessor's Parcel Number(s), where the water was used (if APNs have been assigned)

215-151-002

**Section 5: Purpose of Use Description**

(Select all that apply)

☒ Irrigation  
Number of acres:
0.30
☒ Domestic  
Maximum number of persons served:
3
☐ Stock watering  
Number and type of stock:

☒ Other  
Explain:
fire protection

Initial Statement of Water Diversion and Use  
Page 3 of 4

**Section 6: Special Use**

(If you have selected Yes to the question below, please fill out Special Use Attachment at the end of this form)

During the previous calendar year, were you using any water diverted under this statement for the cultivation of cannabis?

☒ Yes ☐ No

**Section 7: Diversion Works Description**

Name of Diversion Works, if you wish to name (e.g. Bob's Pump)

pump

Year in which diversion began, to the best of your knowledge. (Specify single year)

2001

Type of Diversion Facility. (Select one only)\*

\*A separate Initial Statement of Water Diversion and Use must be filed for EACH diversion

☐ Gravity ☒ Water Course Pump ☐ Well Pump ☐ Other: \_\_\_\_\_

**Direct Diversion Information**

Do you directly divert water?

(Direct refers to water taken and used immediately)

If Yes, identify Direct Diversion Works flow rate and Unit

☐ Yes ☒ No Rate: \_\_\_\_\_ ☐ Cubic Feet per Second ☐ Gallons per Minute ☐ Gallons per Day

**Storage Diversion Information**

Do you divert to storage?

(If no, skip to Section 8)

If Yes, identify type of Storage

☒ Yes ☐ No ☐ On-stream Storage (If on-stream, fill in Subsection A below)  
☒ Off-stream Storage (If off-stream, fill in subsections A and B below)

(A) Capacity of Storage Tank(s) or Reservoir Identified in Acre-Feet or Gallons

Quantity: 58,000.000

☒ Gallons

☐ Acre-Feet

(B) Maximum Diversion Rate of Storage Diversion Works

Rate: 5.00

☐ Cubic Feet per Second

☒ Gallons per Minute

☐ Gallons per Day

**Section 8: Quantity of Water Diverted**

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: 2016

Measurement provided in:

☒ Gallons

☐ Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2,500.000	2,500.000	52,500.000	3,500.000	10,500.000						2,500.000	1,500.000	75,500.000

**Section 9: Maximum Rate of Diversion per month**

(If data is available)

Data being provided for calendar year: 2016

Measurement provided in:

☐ Cubic Feet per Second

☒ Gallons per Minute

☐ Gallons per Day

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
5.000	5.000	5.000	5.000	5.000					5.000	5.000	5.000

**Section 10: Recent Water Use**

Provide data of annual water use in recent years

Minimum: 40,000.000

☒ Gallons

☐ Acre-Feet

Maximum: 78,500.000

☒ Gallons

☐ Acre-Feet

Initial Statement of Water Diversion and Use  
Page 4 of 4

**Section 11: Water Conservation Efforts/Conjunctive Use**

(Answer only fields applicable to your diversion)

Are you currently employing any methods of water conservation?

☒ Yes ☐ No

If Yes, describe any water conservation efforts in use:

timers, float valves, float switches, mulch

Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?

☐ Yes ☒ No

Are you using groundwater in lieu of surface water?

☐ Yes ☒ No

**Section 12: Water Diversion Measurement**

As a diverter, you may be required to measure your diversion rate and use of water. Details on your obligation to measure diversions are located at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/water\\_use.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml) or in the instructions at the end of this form on page 5 of 5.

I have reviewed the measurement requirements; I certify that I understand and will comply with the measurement regulations.

(Initial here to certify)

CVC

Based on the measurement regulations, check the appropriate box below:

- ☐ I am **required** to measure as of the date this form is submitted
- ☒ I am **not required** to measure as of the date this form is submitted

Additional information regarding measurement of diversions

- If you are required to measure your diversion, you will need to provide information about your measurement device, the accuracy of your device, method of installation and other questions on a supplemental statement of water diversion and use during the next calendar year. Samples of questions regarding measurement for supplemental statements are located at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/docs/statement.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/docs/statement.pdf)
- If you have or will be cultivating cannabis, measurement of your diversions and storage will be required in accordance with the Cannabis Cultivation Policy (Policy), which is currently under development. Updates on the Policy are located at [http://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_rights.shtml](http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml)

**Section 13: Signature**

I declare that the information in this report is true to the best of my knowledge and belief.

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, §5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 OF EACH YEAR OR IF THERE IS A CHANGE IN THE NAME OF ADDRESS OF THE DIVERTER. (Wat. Code, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §5107.)

Signature:

*Chris V Carroll*

Date:

*6-24-17*

Printed Name:

Chris

V

Carroll

(first name)

(middle name)

(last name)

**State Water Resources Control Board**  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
**SPECIAL USE ATTACHMENT**

This attachment is for additional information related to the special use of diverted water for cannabis cultivation, and must be attached to the Statement of Water Diversion and Use form for the claimed right under which water was diverted.

Cannabis Cultivation Information												
(This section should only be filled out if Yes was selected in Section 6: Special Use regarding the prior year usage of diverted water for cannabis cultivation)												
Subsection 1: Special Use												
Provide the calendar year associated with reporting under this water right: <span style="float: right;">20<u>16</u></span>												
Provide the total amount of water used under this water right for cannabis cultivation during the calendar year <span style="float: right;">Quantity <u>59,000.00</u> <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet</span>												
Subsection 2: Cultivation Size and Lighting Conditions												
Provide the APN(s) for all parcel(s) where cannabis is cultivated with water used under this right: <u>215-151-002</u>												
Provide the amount of cannabis cultivated under this water right during the calendar year by lighting condition type.												
	Indoor	Outdoor	Mixed Light									
Cultivated canopy size in square feet		10,000		Square Feet								
Total number of plants harvested during the calendar year				Plants harvested								
Number of Harvests				Harvests								
Subsection 3: Watering Method												
Check all irrigation methods that have been used to cultivate cannabis? (Check all that apply)												
<input checked="" type="checkbox"/> Hand water <input checked="" type="checkbox"/> Drip/micro-spray irrigation <input type="checkbox"/> Flood Irrigation <input type="checkbox"/> Row Irrigation <input type="checkbox"/> Other: _____												
Subsection 4: Commercial Use												
Is your cultivation of cannabis a commercial cannabis activity? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span>												
If you intend to apply for a license under California Department of Food and Agriculture's Medical Cannabis Cultivation Program, your response will help the State Water Board to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.												
Subsection 5: Quantity of Water Diverted for the Purpose of Cannabis Cultivation												
Provide monthly diversion data specific to the cultivation of cannabis. If this is the same data as identified in the Initial Statement of Water Diversion and Use: Section 8: Quantity of Water Diverted, check this box <input type="checkbox"/> and leave the rest of this subsection blank.												
Data being provided for calendar year: <u>2016</u> Measurement provided in: <span style="float: right;"><input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet</span>												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0.000	0.000	50,000.000	1,000.000	8,000.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	59,000.000

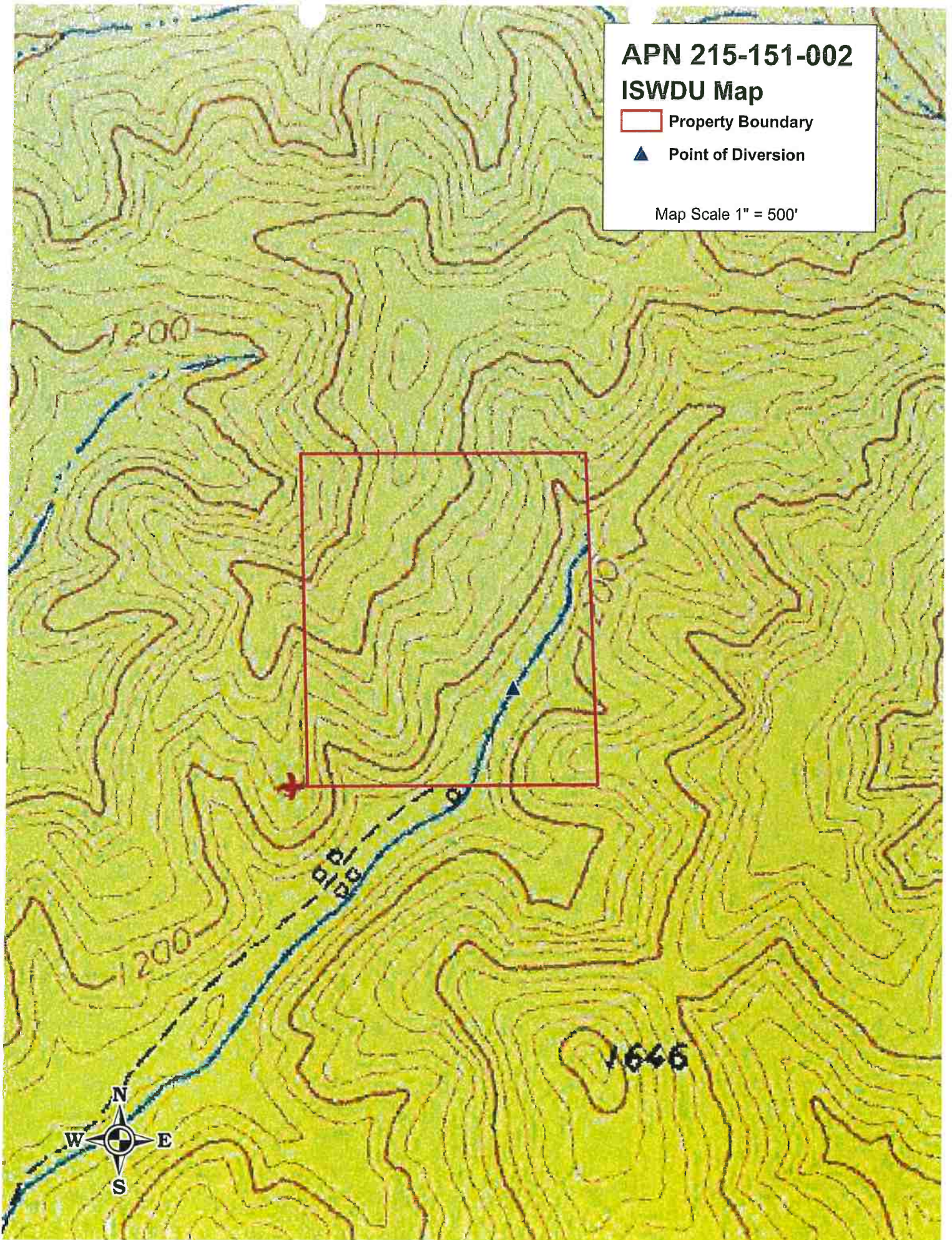
**APN 215-151-002**

**ISWDU Map**

 Property Boundary

 Point of Diversion

Map Scale 1" = 500'





**North Coast Regional Water Quality Control Board**

September 6, 2019

WDID:1\_12CC415056

LIVE OAK MEADOWS LLC  
ATTN: SOLOMON GIENGER  
PO BOX 151  
WHITETHORN, CA 95589

**Subject:** Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

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

Sincerely,

  
On Behalf Of  


2019.09.06 14:48:40 PDT

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

190906\_1L\_1\_12CC415056\_1B170415CHUM\_A1\_NOA\_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

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



**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, LIVE OAK MEADOWS LLC, HUMBOLDT COUNTY APN(s) 215-151-002**

Live Oak Meadows LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on May 02, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC415056**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B170415CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/190403/180731\\_031616\\_401\\_WQ2017-0023-Application.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality/certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality/certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### 3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by July 30, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### 4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).

Notice of Applicability  
WQ 2019-0001-DWQ-R1  
WDID #1\_12CC415056

- 6 -

September 6, 2019

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

RECEIVED

JUN 28 2019

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2018-0858-R1

Unnamed Tributary to Mattole River and the Pacific Ocean

Solomon Gienger  
Gienger Water Diversion and Stream Crossings Projects  
5 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Solomon Gienger (Permittee).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 31, 2018, 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 Mattole River watershed, approximately 7 miles SW of the town of Redway, County of Humboldt, State of California. The project is located in Section 3, T5S, R2E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 215-151-002; latitude 40.0898 N and longitude -123.9385 W at the point of diversion (POD).

**PROJECT DESCRIPTION**

The project is limited to five encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to the Mattole River. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The four other proposed encroachments are to

retroactively permit existing crossings where either no work or only maintenance is proposed. An Amendment or separate Notification is required to replace these crossings since the Notification specifies they are adequately sized and functioning properly and no work is proposed. CDFW may recommend additional work or replacement upon site inspection.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.0434, -123.9391	No work is proposed for this site. Photo shows the inlet of the 18" CMP slightly crushed, a substantial amount of freshly placed rock at the inlet and outlet and transport of fine sediments perched within the outlet and delivered onto fresh rock. Replacement of this crossing will require an amendment or new notification.
Crossing-2	40.0438, -123.9389	No work is proposed for this site other than to monitor its functionality throughout winter months. CDFW considers this 18" culvert to be undersized and the 20 foot downspout is likely to increase velocity and downstream erosion. Replacement of this crossing will require an amendment or new notification.
Crossing-3	40.04424, -123.9395	No work is proposed for this 18" culvert other than T-posts added in 10' increments to help stabilize the downspout during high flow event. Replacement of this crossing will require an amendment or new notification.
Crossing-4	40.0455, -123.9395	No work is proposed for this 18" culvert other than T-posts added in 10' increments to help stabilize the downspout during high flow event. Replacement of this crossing will require an amendment or new notification.
POD-1	40.0898, -123.9385	Point of Diversion (POD) is to be removed from watercourse during forbearance period.

The Notification also discloses the use of a well located at Lat/Long 40.04500, -123.9415. CDFW did not evaluate hydraulic connection of the well to surface water, no Well Completion Report was provided, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

No other projects that may be subject to FGC1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described above.

## PROJECT IMPACTS

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

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

**Impacts to water quality:**

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

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

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

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

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

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

The 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 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.

- 1.4 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.5 **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.
- 1.6 **Other Agency Permitting Requirements.** The U.S. Army Corps of Engineers (Corps) has permitting requirements for certain instream projects under Section 404 of the Federal Clean Water Act. If this project features the placement of dredged or fill materials into the channels of streams (below the ordinary high water mark) that are waters of the United States, a permit may be required by the Corps. If your project needs a permit from the Corps, you will also need to obtain a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act from the Regional Water Quality Control Board (Regional Water Board). In addition, if your project will involve disturbance within or discharges of pollutants to waters of the State of California, the Regional Water Boards may require a permit, whether or not the Corps requires a permit. If there is any question regarding the possibility of the project meeting the above limitations, the Permittee should contact the Corps and the Regional Water Board prior to beginning work. This Agreement in no way represents permitting requirements by the Corps or the Regional Water Board. It is the responsibility of the Permittee to contact the Corps, and to comply with the provisions of any Section 404 permit issued, if required by the Corps. Similarly, it is the responsibility of the Permittee to contact the Regional Water Board and to comply with the provisions of any Section 401 Certification, Regional Water Board Waste Discharge Requirements or waiver of Waste Discharge Requirements issued by the Regional Water Board.
- 1.7 **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 bypass flows, diversion rates or other measures 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.
- 1.8 **Notification to the California Natural Diversity Database.** If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDB) forms to the CNDDB within five (5) working days of the sightings. A summary of CNDDB submissions shall be included with the completion notification. Forms and instructions for

submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## **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 Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on December 31, 2018.
- 2.2 **Listed Species.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 **Nesting Birds.** Actively nesting birds and their nests shall not be disturbed by project activities.

### **Project Timing**

- 2.4 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW **at least 10-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 15.
- 2.6 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2024**. Extensions to this date may be granted on a case by case basis as a minor amendment requested at least 30 days prior to this date. Failure to complete work by this date may result in suspension or revocation of this Agreement. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

## **Vegetation Management**

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

## **General Stream Protection Measures**

- 2.9 **Fish and Aquatic Amphibians.** If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.
- 2.10 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.11 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.12 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.13 **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.

- 2.14 Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.15 Clean-up.** Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.16 Erosion Control Measures**
- 2.16.1 Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.16.2 Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.16.3 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

- 2.16.4 Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.17 Waste Containment and Disposal.** Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use.
- 2.18 Site Management Plan.** Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

### **Water Diversion**

- 2.19 Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.20 Bypass Flow.** The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.21 Seasonal Diversion Minimization.** No water shall be diverted during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.22 Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.22.1** A log including the date, time and quantity of water diverted from the POD.
- 2.22.2** The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).

- 2.22.3 Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

### **Water Diversion Infrastructure**

- 2.23 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.
- 2.24 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.25 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.25.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet.
- 2.25.2 The intakes screen shall be designed so that approach velocity is no more than 0.1 foot per second (fps). Approach velocity is the velocity of the water perpendicular to the screen face measured three inches in front of the screen surface.
- 2.25.3 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.25.4 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.25.5 The screen shall be designed to distribute the flow uniformly over the entire screen area.
- 2.25.6 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be

placed in pool habitat.

- 2.26 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.
- 2.27 Intake Maintenance.** Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed
- 2.28 Exclusionary Devices.** Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.29 Diversion Intake Removal.** Permittee shall remove all intakes at the end of each diversion season.
- 2.30 Heavy Equipment Use.** No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

#### **Diversion to Storage**

- 2.31 Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.32 Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.33 Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.34 Limitations on Impoundment and Use of Diverted Water.** The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it

may be impounded and used, and the location(s) where water may be impounded and used.

- 2.35 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](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### **Stream Crossings**

- 2.36 Road Approaches. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.37 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.
- 2.38 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.
- 2.39 Crossing Maintenance. The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.39.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow
- 2.39.2 No heavy equipment shall enter the wetted stream channel.
- 2.39.3 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.39.4 Rock shall be sized to withstand washout from high stream flows, and

extend above the ordinary high water level.

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

### **3. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 3.1 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2024**. Extensions to this date may be granted on a case by case basis as a minor amendment requested at least 30 days prior to this date. Failure to complete work by this date may result in suspension or revocation of this Agreement. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 within seven (7) days of project completion.**
- 3.2 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in 2019.
- 3.3 **Site Management Plan.** The Permittee shall submit to CDFW the project's **Site Management Plan** within **30 days** from the date it is submitted to the State Water Board. Permittee shall submit subsequent revisions and updates to the Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

### **CONTACT INFORMATION**

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

#### **To Permittee:**

Solomon Glenger  
1050 Stump Lane  
Whitethorn, California 95589  
707 986-1471  
solomongienger@gmail.com

**To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2018-0863-R1

**LIABILITY**

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 Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 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 Fish and Game Code section 1605, subdivision (b), 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, 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 Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (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 <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

## **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 Fish and Game Code section 1605, subdivision (a)(2) requires.

## **AUTHORITY**

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


## AUTHORIZATION

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

## CONCURRENCE

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

### FOR SOLOMON GIENGER

  
\_\_\_\_\_  
Solomon Gienger

  
\_\_\_\_\_  
Date

### FOR DEPARTMENT OF FISH AND WILDLIFE

  
\_\_\_\_\_  
Cheri Sanville  
Senior Environmental Scientist Supervisor

  
\_\_\_\_\_  
Date

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



**PART A:** *Part A may be completed by the applicant*

Applicant Name: LIVE OAK MEADOWS LLC APN: 215-151-002-000

Planning & Building Department Case/File No.: PLN-11903-SP

Road Name: STUMP LANE (complete a separate form for each road)

From Road (Cross street): BRICELAND ROAD

To Road (Cross street): NA

Length of road segment: 1.25 miles Date Inspected: 11/08/2019

Road is maintained by: ☐ County ☒ Other Privately Maintained Road  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

**Box 1** ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

**Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

**Box 3** ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Solomon Gienger  
Signature

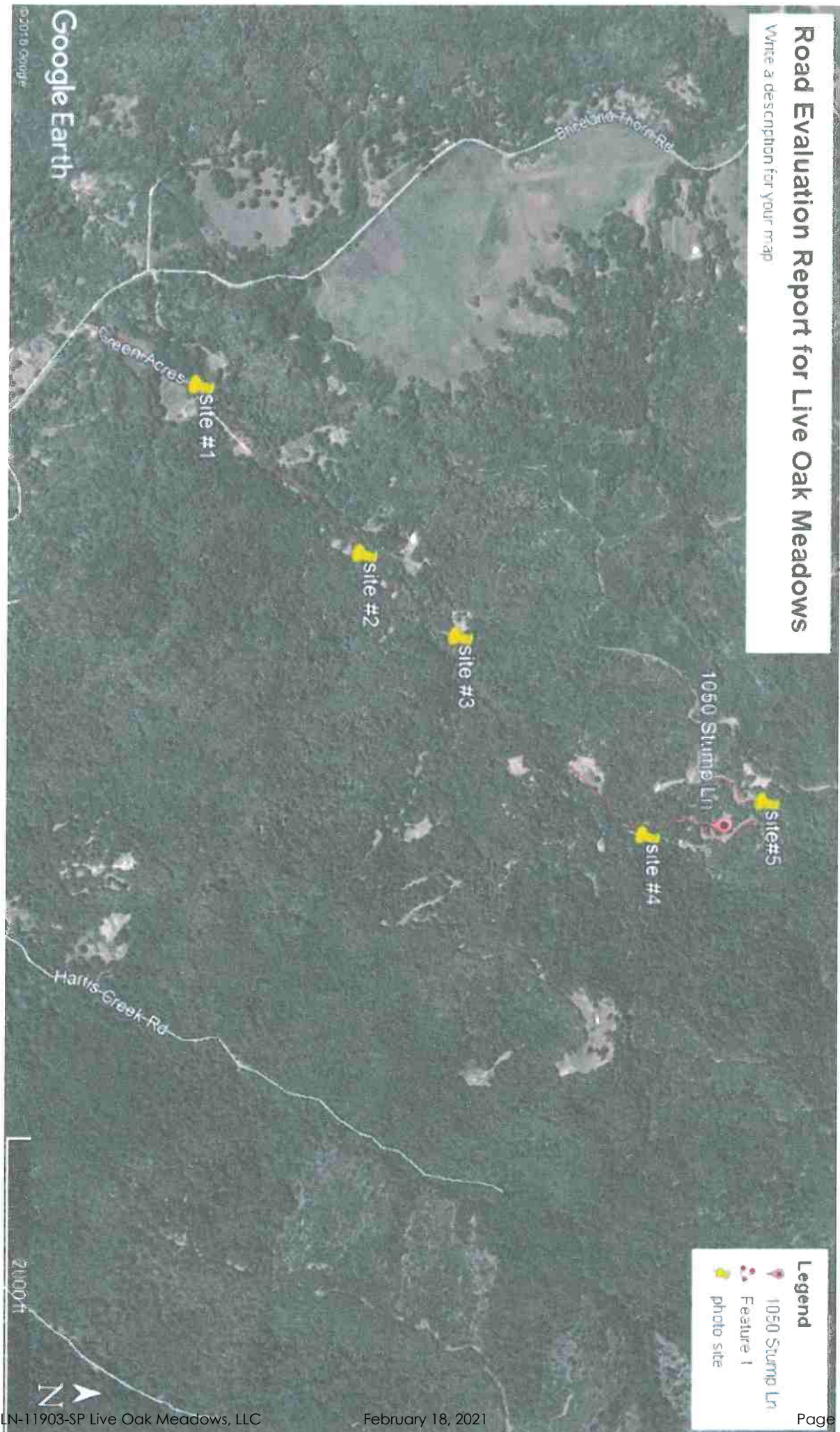
11/08/2019  
Date

SOLOMON GIENGER  
Name Printed

**Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7285.**

# Road Evaluation Report for Live Oak Meadows

Write a description for your map





SITE 2



SITE 3

2



SITE 3



SITE 4



SITE 5



SITE  
#1



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

November 25, 2019

Cannabis Services Division  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Dear Planner,

Re: APN 215-151-002  
Application #11903

This letter is in response to Department Policy Statement No. 16-002, which states, *"If a workable alternative cultivation site exists on a parcel and its relocation will bring the cultivation into compliance with performance standards of the CMMLUO, this approach could meet the objectives of the CMMLUO provided it is the environmentally superior option."*

As a Third-Party representative to the Water Board, Timberland Resource Consultants recommends relocating Cluster 1, 2, 3 and the Historic Cultivation Site to the Main Cultivation Site as shown on the attached Relocation Maps.

Cluster's 1-3 have a combined area of 4,104ft<sup>2</sup> of cultivation. The Main Cultivation Site is superior to Cluster's 1-3 for the following reason detailed below;

1. Cluster's 1-3 reside on hillsides with slopes ranging from 25-45 percent. Due to the steepness of the terrain, and proximity to watercourses, the use of Cluster's 1-3 would have a potential to discharge into nearby streams. Even if the sites and the roads used to access these sites were significantly improved with erosion control, rock surfacing, rolling-dips, and ditch relief culverts; it will always be a source of erosion, and a maintenance headache due to the steep terrain. The Main Cultivation Site has a slope of 0 to 5 percent, the access road has a maximum of 20 percent road grade, and the road is well drained.
2. Additionally, the Main Cultivation Site is environmentally superior to Cluster 1 because it is outside of the riparian buffer zone. The project was previously enrolled in Water Board Order No. 2015-0023 and is therefore grandfathered into the setbacks required by this order. Water Board Order No. 2015-0023, Standard Condition (I)(A)(3)(a), states that *"While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands"*. Portions of Cluster 1 are located within the 50-feet of a Class III watercourse. The Main Cultivation Site is located at the highest elevation on the property and is approximately 170+ feet away from the nearest Class III watercourse.

The Historic Cultivation Site consists of 900ft<sup>2</sup> of cultivation. The Main Cultivation Site is superior to the Historic Cultivation Site for the following reasons detailed below;

1. The Historic Cultivation Site resides on a hillside with slopes that are 45-55 percent. Depending upon how slope is measured; there could be portions of this site that are 50%. State-wide Order WQ 2017-0023-DWQ, Section 1 – General Requirements and Prohibitions states:

*Unless authorized by a Regional Water Board site-specific WDR, cannabis cultivators shall not cultivate cannabis or have cannabis cultivation related land disturbance on slopes greater than 50 percent.*

The Proposed Relocation Site has a slope of approximately 0-5 percent, the access road has a maximum of 20 percent road grade, and the road is well drained.

2. Additionally, the Main Cultivation Site is environmentally superior to the Historic Cultivation Site because it is outside of the riparian buffer zone. The project was previously enrolled in Water Board Order No. 2015-0023 and is therefore grandfathered into the setbacks required by this order. Water Board Order No. 2015-0023, Standard Condition (I)(A)(3)(a), states that “While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands”. Portions of the Historic Cultivation Site are located within the 50-feet of a Class III watercourse. The Main Cultivation Site is located at the highest elevation on the property and is approximately 170+ feet away from the nearest Class III watercourse.

The Cultivator is subject to State-wide Order WQ 2019-0001-DWQ. The Cannabis Policy provides criteria to evaluate the threat to water quality based on site conditions. The threat is risk-based based upon:

- a. Disturbed area
- b. Slope of disturbed area
- c. Proximity to surface water body

Cluster 1 and the Historic Cultivation Site are classified as “High Risk” to water quality due to the proximity to surface water. Cluster 2 and 3 are classified as “Moderate Risk” to water quality due to the disturbed area having a slope greater than 30 percent. The Proposed Relocation Site is classified as a “Low Risk” to water quality based on slope and compliance with the setback requirements for surface water.

## **Restoration Plan**

Once relocation is approved, remediation of Cluster 1, 2, 3, and the Historic Cultivation Site will occur.

The Cultivator shall remove all cultivation related infrastructure and material. Trash, refuse, and solid waste shall be disposed of at an appropriate waste disposal location. Native grasses surround the cultivation site and will eventually spread vegetatively through rhizomes below the soil, and via seed production. However, revegetation of the site with native grasses is recommended per the following Revegetation Plan. Timberland Resource Consultants has prepared the Site Management Plan, which further addresses decommissioning and restoration of the sites and access roads leading to them.

## Revegetation Plan

**Reseeding Methods:** Reseeding is key to site restoration, especially at sites where understory vegetation or topsoil has been removed. Grasses are fast-growing and quickly provide vegetative cover to protect exposed soils from erosion. Native grasses are typically better adapted to site-specific climate and environmental conditions. Though reseeding is a simple practice, timing is important. Seeds should be planted during the wet seasons so soils are viable for seed germination. Planting during hot summer or early fall months can deprive seeds of necessary moisture.

**Recommendation:** Reseed the decommissioned cultivation site and all additional areas of disturbed soil with a native grass seed mix. Manually distribute seed mix evenly across the site during late fall, winter, or early spring and follow any specific instructions accompanying seed mix. No equipment use or seed burial is required. Some areas will have begun to naturally revegetate; if a given area has more than 75% ground cover, no reseeding is necessary. Though the seed mix may vary, the RPF recommends the following:

### *Native Erosion Control Mix*

#### Species Content:

- Bromus carinatus, California Brome
- Elymus glaucus, Blue Wildrye
- Festuca microstachys, Small Fescue
- Trifolium willdenovii, Tomcat Clover

"This grass mixture features California native grasses that are acclimated to varying conditions around our state. Typically, this mix will grow 2 to 3 ft tall given normal soil conditions and normal rainfall patterns. On shallow soils, there is potential for vegetative cover if there is adequate resources to sustain 24 to 36 inches of annual reseeding vegetation. This mix can be modified with the addition of other species including wildflowers."

This seed mix can be purchased from Pacific Coast Seed in Livermore, California, on the following website: <http://store.pcseed.com/product/UNative-Erosion-Control-Mix.aspx>

**Straw Mulching:** Straw mulching can be used to protect newly sown seeds from wind and high precipitation events as well as stabilize exposed soils. Humboldt County proposes straw mulching all areas of disturbed soils to prevent potential erosion.

**Recommendation:** After reseeding, apply straw mulch to the decommissioned cultivation site and all additional areas of disturbed soil at one bale per 800 square feet. Some areas will have begun to naturally revegetate; if a given areas has more than 75% ground cover, no mulching is necessary. See NRCS Straw Mulching guidelines for more instructions.

Sincerely,



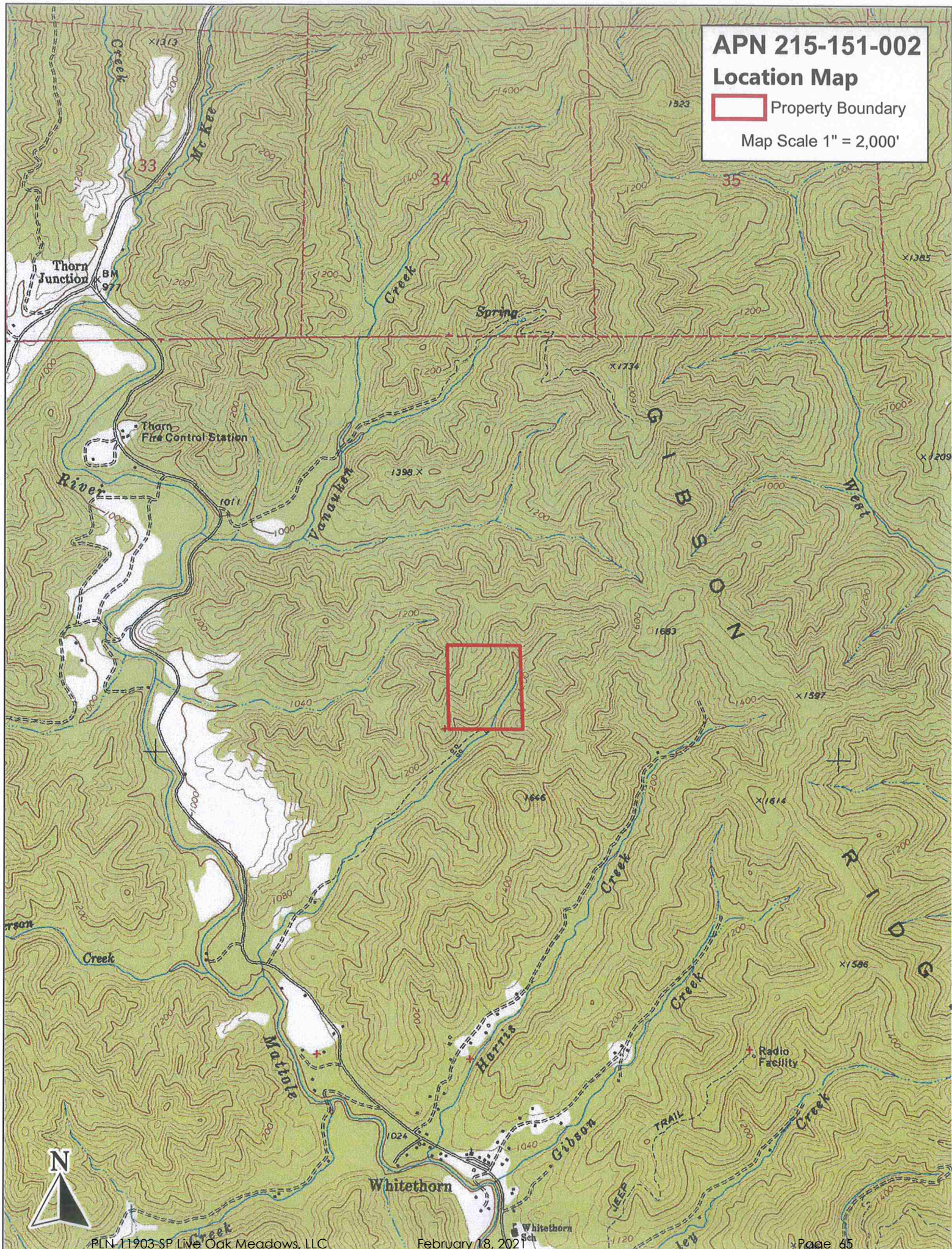
Chris Carroll, RPF #2628  
Timberland Resource Consultants

**APN 215-151-002**

**Location Map**

 Property Boundary

Map Scale 1" = 2,000'









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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H502357

CERTIFICATE H100256

Right Holder: *Solomon Gienger*  
*PO Box 151*  
*Whitethorn, CA 95589*

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 08/28/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Stream	Mattole River	Pacific Ocean	40.043927	-123.938387	Humboldt	215-151-002

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	215-151-002	10000

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

The place of use is shown on the map filed on 09/26/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.29 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 1.54 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 09/26/2018 08:03:59

© 2018 - State Water Resources Control Board

## 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		No response	
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	No comments	On file
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study; Contact Native American Tribes	On file and confidential
Bear River Band Tribe	✓	Comments	On file and confidential
Intertribal Sinkyone Wilderness Council		No response	
Southern Humboldt Joint Unified School District		No response	
County Counsel		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights	✓	Approval	Attached
Whitethorn Fire Protection District		No response	



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

ON-LINE  
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409  
ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MANAGEMENT 445-7493  
NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS 445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388  
LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Max Hilken, Planner, Planning & Building Department  
FROM: Kenneth M. Freed, Assistant Engineer  
DATE: 12/23/2019

RE:

Applicant Name	LIVE OAK MEADOWS LLC
APN	215-151-002
APPS#	PLN-11903-SP

The Department has reviewed the above project and has the following comments:

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 11/08/19, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

Note: The Humboldt County GIS has the road labeled as Sunny Valley Lane at the intersection with the county road.

// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

AAPS # 11903

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)**

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

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

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING**  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

11/19/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Whitethorn, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

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**Applicant Name** Live Oak Meadows LLC **Key Parcel Number** 215-151-002-000

**Application (APPS#)** PLN-11903-SP **Assigned Planner** Max Hilken 707-441-2623

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

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

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

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

**Return Response No Later Than: 12/4/2019**

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

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

- ☒ Recommend Approval. The department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments: Possession of valid SIUR

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DATE: 11/26/2019 PRINT NAME: Samuel Warner