



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Hearing Date: February 18, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Sage Aldebaran Special Permit**
Record Numbers PLN-12585-SP
Assessor's Parcel Number (APN) 223-061-050
3 Tooby Ranch Road, Garberville

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Please contact Megan Marruffo, Senior Planner, at 707-443-5054 or by email at marruffom@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 18 2021	Special Permit	Megan Marruffo

Project Description: Sage Aldebaran seeks a Special Permit (PLN-12585-CUP) for an existing 10,000 square foot (SF) outdoor cannabis cultivation operation and for upgrades to two (2) stream crossings. Irrigation water is sourced from rooftop rainwater catchment and a point of diversion. Existing available water storage is 137,700 gallons in one (1) 80,000 gallon rain water collection tank, two (2) 10,000 gallon bladders, four (4) 5,000 gallon hard tanks, three (3) 3,500 gallon hard tanks, two (2) 2,500 gallon hard tanks, one (1) 1,200 gallon hard tank, and one (1) 1,000 gallon hard tank. Estimated annual water usage is 92,000 gallons (9.2 gal/SF). All processing and packaging occurs off-site at a licensed processing or manufacturing facility. The operation does not utilize any employees (other than the applicant). Power is provided by generators.

Project Location: The project is located in the Garberville area, on the east side of U.S. Highway 101, approximately 330 feet west from the intersection of East Branch Road and Greycliff Road, and approximately 0.74 miles north from the intersection of East Branch Road and a private drive on the property known as 3 Tooby Ranch Road, Garberville (APN: 223-061-050).

Present Plan Land Use Designations: Agricultural Grazing (AG), Density: 20-160 acres per dwelling unit, Slope Stability: Moderate instability (2)

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

Record Number: PLN-12585-CUP

Assessor's Parcel Number: 223-061-050

Applicant

Sage Aldebaran
PO Box 406
Redway, CA 99560

Owner

Same as Applicant

Agents

N/A

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

Sage Aldebaran
Record Number: PLN-12585-CUP
Assessor's Parcel Number: 223-061-050

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 Sage Aldebaran Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Sage Aldebaran seeks a Special Permit to allow the continued operation of an existing 10,000 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). Additionally, a Special Permit is requested for updates to two (2) stream crossings. The site is designated as Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timberland Production Zone (TPZ). Cultivation takes place in three (3) separate areas: Cultivation Area 1 (lower area) contains 1,556 SF of outdoor cultivation grown within three (3) cold frames (10'x60', 10'x38', and 12'x48'); Cultivation Area 2 (middle area) contains 2,160 SF of outdoor cultivation within one (1) cold frame (20'x108'); and Cultivation Area 3 (upper area) contains 6,262 SF of outdoor cultivation within seven (7) cold frames (14'x50', 10'x40', 10'x48', 10'x48', 20'x60', 20'x72', and 20'x90'). The cold frames are open-ended and contain raised beds, constructed of wood. Two (2) nursery areas are proposed on-site at Cultivation Area 2 (14'x60', 840 SF) and Cultivation Area 3 (20'x60', 1,200 SF), as described in the applicant's Cultivation and Operations Plan. Accessory buildings, including two sheds (12'x12' and 12'x40') and a metal agricultural building (30'x40') are also located on-site. Drying occurs within the 12'x40' shed located southeast of Cultivation Area 3. One harvest is anticipated annually for a growing season that extends from April through October.

All processing will occur offsite at a licensed processing or manufacturing facility. No employees, other than the applicant, are utilized under the existing operation. Power is provided by three (3) portable generators (25 KW, 6.5 KW, and 3 KW, respectively) and a solar array for pumping water, which allows for generator power to be utilized if necessary. The operation is secured behind four locked gates and fenced cultivation areas.

Timber Conversion

A Timber Conversion Report (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in June 2019 which identified six (6) separate conversion areas at the three (3) cultivation sites, totaling approximately 1.41 acres. The Report indicated the conversions to create the cultivation areas occurred between 2005 and 2009, 2009 and 2010, and 2016 and 2018, respectively. Incremental expansions occurred between 2009 and 2010, 2009 and 2014, 2009 and 2016, and 2010 and July 2016. Additionally, it is noted in the Report that, based on aerial imagery, "Cultivation Site 2" (as called in the Report) was expanded up until July 2016; a metal storage building, constructed between 2017 and 2018 at "Cultivation Site 3a", resulted in tree removal; at "Cultivation Site 3b", scattered clumps of trees within the footprint of the site were harvested between 2016 and 2018; and "Cultivation Site 3c" was developed between 2016 and 2018, which is after the established CEQA baseline for CCMLUO (January 1, 2016). Approximately 1.41 acres of timberland was converted which is below the three-acre conversion exemption maximum.

It is noted in the Report that the conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules. The Report recommends treating logs, slash, and woody debris at the areas identified as Cultivation Sites 2, 3a, and 3b on the map included within the Report, per the specifications stating in 14 CCR 1104.1(a)(2)(D) (Treatment of Slash and Woody Debris), and is included in the Conditions of Approval. For the expansions that occurred after January 1, 2016, the established CEQA baseline for CMMLUO, the applicant/owner is responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for CMMLUO. Although not recommended by TRC in the Report, the applicant is required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date. The project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two years.

Prior On-Site Relocation

As described in the Cultivation and Operations Plan (Attachment 3), consolidation of outdoor canopy areas occurred prior to 2016. It is stated in the Cultivation and Operations Plan that the outdoor container grow areas existed prior to 2014 and were transitioned and consolidated into cold frames near primary road access within Cultivation Sites 2 and 3 prior to 2015. As noted, outdoor container canopy areas, as shown in the primary submittal as evidence of preexisting cultivation, were abandoned and reconsolidated to Cultivation Sites 2 and 3. The preexisting areas were characterized as open field container gardens ("smart pots") and were located on natural ungraded contours. No soil disturbance occurred. These sites were abandoned and relocated because they had limited access, were difficult to get water to, were often damaged by animals and pests, and were difficult to operate and maintain.

As the outdoor container sites were on ungraded, natural contours and no soil disturbance occurred, no recontouring was necessary. To remediate the sites, trash was removed and disposed of at a County disposal site. As provided in the Cultivation and Operations Plan, the sites were inspected a minimum of two (2) times per year over a period of three (3) years. Native grass has returned to its full height. Some fence posts remained and are planned to be removed in a timely manner. Removal of the remaining fence posts is included as a Condition of Approval.

Water Resources

Water for irrigation is provided by rooftop rainwater catchment and a point of diversion permitted through the State Water Resources Control Board Division of Water Rights (Certificate No. H100417) on January 16, 2019 (Attachment 3). The Lake or Streambed Alteration Agreement (Agreement) issued by the California Department of Fish and Wildlife (CDFW) in September 2019 (Notification No. 1600-2019-0193-R1) allows for up to 100 gallons per day to be diverted from the point of diversion during the low flow season from May 15 to October 31 of each year for domestic use. No water would be diverted during this time for irrigation use. Existing available water storage is 137,700 gallons in one (1) 80,000 gallon rainwater collection tank, two (2) 10,000 gallon bladders, four (4) 5,000 gallon hard tanks, three (3) 3,500 gallon hard tanks, two (2) 2,500 gallon hard tanks, one (1) 1,200 gallon hard tank, and one (1) 1,000 gallon hard tank. Estimated annual water usage is 92,000 gallons (9.2 gal/SF) with peak demand occurring June through August at approximately 18,000 gallons per month. The Appropriate Right allows up to 140,116 gallons (0.43 acre-feet) to be diverted and used per year, and the rate of diversion to storage is limited to 42,000 gallons per day. A water well application (16/17-0553) was submitted to the Humboldt County Division of Environmental Health on November 18, 2016 for domestic use. Decommissioning and replacement of the two (2) existing 10,000 water storage bladders with hard tanks equal to 20,000 gallons of water storage has been incorporated as a condition of approval.

As noted above, the project was issued a Lake or Streambed Alteration Agreement (Agreement) from the California Department of Fish and Wildlife (CDFW) in September 2019 (Notification No. 1600-2019-0193-R1) for four (4) encroachments, including three (3) stream crossings (with upgrades to two (2) of the stream crossings proposed) and one (1) surface water diversion. As described in the Agreement, Stream Crossing 1 (STX-1) is an existing dirt ford on a Class III watercourse, which will be upgraded to a rocked ford per specifications. Stream Crossing 2 (STX-2) is an existing 60-inch diameter corrugated metal culvert on a Class II watercourse. The culvert is noted as "well rocked at the inlet and outlet, to grade, and

appropriately sized for a 100-year flow event.” As the culvert is functioning properly and appropriately sized, no work is proposed at this location. Stream Crossing 3 (STX-3) is an existing 18-inch diameter corrugated plastic culvert on a Class II watercourse. The culvert is not to grade and is undersized for a 100-year flow event. The Agreement requires replacement of this culvert with a minimum 36-inch diameter culvert installed per specifications. The new culvert shall be installed to grade, aligned with the natural stream channel, and long enough that it extends lengthwise completely beyond the toe of fill. The two stream crossing upgrades will require excavation, will result in temporary displacement of native soil, sandstone, and fill, and may require the loss of native grasses and forbs. The upgrades to STX-1 and STX-3 are anticipated to result in 60 and 100 square feet of overall disturbance, respectively. 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.

Class II streams and a Class III stream cross the site. These have been drawn on the Site Map and Site Map Addendum (Attachment 3). Distances provided on the Site Map indicate the cultivation areas are outside of the SMA buffers, in addition to the agricultural building utilized for storage and the proposed septic area. Based on the Site Map Addendum, the water storage tanks and bladders are also outside of the SMA buffers, except for the existing northernmost 2,500 gallon hard tank, located near the point of diversion. The applicant has indicated this tank is setback 25 feet from the Class II watercourse, which receives gravity flow from the upstream point of diversion. However, the existing water tank is included in the Agreement issued by CDFW in September 2019 and since relocation of the tank was not requested by CDFW, staff finds the location of the tank to be acceptable. No work is proposed at this location, as the existing point of diversion is properly functioning.

The Cultivation and Operations Plan (Attachment 3) indicates that watershed and habitat protection measures have been implemented onsite to mitigate any foreign materials, such as potting soil, spoils, and/or fertilizers, from entering waterways. It is also noted the project implements the specific best management practices required under North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, including but not limited to utilizing rolling dips, water bars, silt traps, and a combination of waddle, straw, jute netting, and geo textile to limit erosion silt and degradation of soil integrity. Where possible, runoff is directed to disperse into well vegetated areas. Additionally, spoils are deposited in a contained location, covered and are either reconditioned or disposed of properly. Trash and recyclables are contained in bins, are routinely removed from the site, and taken to a certified disposal center. Regulated products, including gasoline, diesel, pesticides, and fuels, are contained in sealed spill proof containers approved by the State of California. These containers are stored in secondary containments within the onsite agricultural storage building. Further, all sites and roads are routinely inspected and where improvements have been deemed necessary, the applicant proposes to complete these improvements with adequate protection measures in place.

Biological Resources

There are no mapped sensitive species onsite, nor are there mapped northern spotted owl (NSO) activity centers in close proximity to the site. The nearest mapped sensitive species is the long-eared myotis, a bat species, located approximately 0.5 miles to the northwest of the site. NSO have been observed approximately 1.5 miles southwest of the site. Due to the forested nature of the site and surrounding area, the site may provide foraging habitat; however, due to the distance of known NSO observances to the site and that no habitat modifications are proposed, a biological resource assessment is not required. A Water Resource Protection Plan (WRPP)/Site Management Plan (SMP) (Attachment 3) was prepared by the applicant (last updated in 2020) to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and addresses best management practices utilized onsite in order to minimize potential impacts associated with the current operation.

As noted above, portable generators are utilized onsite and are stored in the metal agricultural building on in the adjacent overhang area covered from weather. Per the supplemental information provided by the applicant on November 11, 2020 (Attachment 3), the generators are used for general power for accessory use, construction, maintenance, and supplemental water pumping. A condition has been

added to require noise attenuation measures, should the decibel level associated with the generators exceed 60 dB at the property line, in compliance with CMMLUO Section 55.4.11(o).

The applicant has indicated in the Cultivation and Operations Plan Addendum (Attachment 3) that low-voltage LED lighting has been installed in nursery areas and some of the cold frames for use during low light conditions and nighttime work. The project is conditioned to require the removal of any permanent lighting infrastructure in the cultivation greenhouses and to adhere to Dark Sky Standards for greenhouse lighting and any security lighting utilized onsite.

Additionally, as described above, the project was issued a Lake or Streambed Alteration Agreement (Agreement) from CDFW (Notification No. 1600-2019-0193-R1) for four (4) encroachments, including three (3) stream crossings (with upgrades to two (2) of the stream crossings proposed) and one (1) surface water diversion. The Agreement requires implementation of several avoidance and minimization measures, including but not limited to prohibition of the use of synthetic netting and requiring spoil piles be covered, 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 to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkiyone Wilderness Council in January 2019, with a batched review, including comments from NWIC, submitted to the Bear River Band of the Rohnerville Rancheria on July 10, 2019. The Bear River Band of the Rohnerville Rancheria responded on July 11, 2019, and requested a survey. A Cultural Resources Investigation was prepared in January 2020 by Mark Arsenault, M.A., RPA, Principal Investigator, and Elizabeth Hodges, B.A., Cultural Resources Specialist, Arsenault & Associates, Arcata, CA. Per the Report, outreach e-mails were sent to the Native American Heritage Commission (NAHC) and the Bear River Band of the Rohnerville Rancheria. However, as of the date of the Report, no responses had been received. Additionally, a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), historical background search, and a pedestrian survey was also conducted. The study area included the cultivation areas and 600-foot buffers around these areas, as required by the CMMLUO (§55.4.6.4.4(c)). The Report also notes that approximately 90% (73.52 acres) of the site was subjected to intuitive pedestrian survey; however, soil visibility in the areas examined by intuitive survey was generally poor, ranging from 0-5%. No cultural resources were identified by the pedestrian survey or background research. The Report concluded that the project will not result in any adverse changes to cultural resources, recommended the Inadvertent Discoveries Protocol, and noted that if engineering plans change or additional ground disturbing activities is necessary, the Report will need to be revised and to contact Mr. Arsenault for further information. A condition of approval has been included to require consultation with a cultural resources specialist in the event plans are revised and additional ground disturbance is proposed. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

Access

Access to the site is via a private driveway off of Tooby Ranch Road, a private road, via Sprowel Creek Road. Sprowel Creek Road is listed on the Department of Public Works' "Exhibit D" as a known Category 4 or equivalent road. Tooby Ranch Road bisects the subject property. A self-certified Road Evaluation Report was submitted by the applicant (Attachment 3) in August 2018 with Box 2 selected, indicating that the road is developed to the equivalent of a road category 4 standard. The roadway evaluated, referred to as "unnamed road" in the Road Evaluation report, is assumed to be Tooby Ranch Road. Per the Road Evaluation, the applicant indicates the road has been developed to the equivalent of a road category 4 standard. Supporting photographic documentation was provided by the applicant in December 2020.

The road conditions consist of a rocky road that has an average width of approximately 10 to 16 feet, as measured via aerial imagery. Per the road photos provided by the applicant, turnouts are provided, allowing traffic to operate and pass one another in both directions safely, and pinch points offer visibility where a driver can see oncoming vehicles with enough spacing to pull over and allow the vehicle to safely pass, per Category 4 equivalency standards. Traffic on Tooby Ranch Road is estimated by the applicant to comprise of four vehicles per day. Specific to the project, traffic typically comprises one vehicle per day. As the operation does not utilize any employees (other than the applicant), a significant increase in traffic as a result of the project is not anticipated.

As stated in the WRPP (Attachment 3), roads are rocky, appropriately out-sloped, and utilize rolling dips and water bars if the gradient is over 20 percent. Project traffic typically includes one vehicle per day and/or one ATV, operating on roads within the property. Roads are regularly monitored and maintained. Summer roads or trails (no wet season traffic) consist of bare dirt and vegetated by native grasses, but still incorporate best management practices and are monitored and maintained. Three (3) stream crossings are currently located onsite, including a rolling dip (Crossing 1), a 60-inch galvanized steel culvert (Crossing 2), and a 18-inch poly culvert (Crossing 3). Sediment from the road surface is controlled from entering the watercourses with several measures, including rolling dips, out sloping, water bars, native vegetation, wattles, and straw mulching.

Comments received from Public Works, Land Use Division require that all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) and 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. To ensure compliance with these comments and standards, they will be included as conditions of approval.

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-
Record Number PLN-12585-CUP
Assessor's Parcel Number: 223-061-050**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Sage Aldebaran Special Permit.

WHEREAS, Sage Aldebaran submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 10,000 square foot (SF) outdoor cannabis with appurtenant propagation and drying activities, and a Special Permit for upgrades to two (2) stream crossings;

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 10,000 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities, and a Special Permit for upgrades to two (2) stream crossings. Power is provided by generators and a solar array for water pumping. Water for irrigation is provided by a rooftop rainwater catchment and a permitted point of diversion.

EVIDENCE: a) Project File: PLN-12585-CUP

- 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 Water Resources Protection Plan/Site Management Plan was prepared by the applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.

- d) There are no mapped sensitive species onsite, nor are there mapped northern spotted owl (NSO) activity centers in close proximity to the site. The nearest mapped sensitive species is the long-eared myotis, a bat species, located approximately 0.5 miles to the northwest of the site. NSO have been observed approximately 1.5 miles southwest of the site. The WRPP/SMP prepared by the applicant in 2018 addresses best management practices utilized onsite in order to minimize potential impacts associated with the current operation.

A condition has been added to require noise attenuation measures, should the decibel level associated with the generators exceed 60 dB at the property line, in compliance with CMMLUO Section 55.4.11(o).

- e) The project was issued a Lake or Streambed Alteration Agreement (Agreement) from the California Department of Fish and Wildlife (CDFW) in September 2019 (Notification No. 1600-2019-0193-R1) for four (4) encroachments, including three (3) stream crossings (with upgrades to two (2) of the stream crossings proposed) and one (1) surface water diversion. In order to avoid or minimize adverse impacts to fish and wildlife resources, the Agreement requires implementation of several avoidance and minimization measures, which have been incorporated as Conditions of Approval.

Per the site plan, the cultivation areas comply with required waterway and property setbacks.

- f) A Timber Conversion Report was prepared by Timberland Resource Consultants in July 2019. A total of 1.41 acres of unauthorized timberland conversion occurred on the property, which does not exceed the three-acre conversion exemption maximum. However, the conversion activities do not comply with the California Forest Practice Act and the California Forest Practice Rules. A condition of approval is included to require the applicant treat log, slash, and woody debris at the locations identified in the Report per the specifications stated in 14 CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris. Additionally, to mitigate for the conversions that occurred after January 1, 2016, the applicant is required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date. The project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two years.
- g) A Cultural Resources Investigation Report was carried out by Arsenault & Associates in January 2020 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended the Inadvertent Discoveries Protocol.
- h) A self-certified Road Evaluation Report was submitted for Tooby Ranch Road (however, labeled as “unnamed road” in the report) by the applicant in August 2018 which identified that the road is suitable for safe access to and from the project site. Supporting photographic documentation was provided by the applicant in December 2020. Per the road photos provided by the applicant, turnouts are provided, allowing traffic to operate and pass one another in both directions safely, and pinch points offer visibility where a driver can see oncoming vehicles with enough spacing to pull over and allow the vehicle to safely pass, per Category 4 equivalency standards. As

the operation does not utilize any employees (other than the applicant), a significant increase in traffic as a result of the project is not anticipated.

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 permitted use type in the Agricultural Grazing (AG) 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 zone in which the site is located.
- EVIDENCE**
- a) Although the site is zoned as both Agriculture Exclusive (AE) and Timberland Production Zone (TPZ), the portion of the site in which the existing cannabis cultivation operation is located is within the portion of the site zoned as TPZ. The TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. However, other agricultural uses, such as the proposed project, are listed as principally permitted uses that are compatible with timber production in the TPZ zone.
 - b) 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 10,000 square feet of outdoor cultivation on a 160-acre parcel 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 TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by patent on October 18, 1889 (Certificate No. 6155), before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
 - c) The project will obtain water for irrigation from rooftop rainwater catchment and a point of diversion permitted through the State Water Resources Control Board Division of Water Rights (Certificate No. H100417) on January 16, 2019. Per the Right to Divert and Use Water Certificate, total storage capacity shall not exceed 0.43 acre-feet (140,116 gallons). Existing available water storage onsite is 137,700 gallons.
 - d) A self-certified Road Evaluation Report was completed by the applicant in August 2018, with supporting photographic documentation provided in December 2020. The Evaluation addressed Tooby Ranch Road (a private

road) to Sprowel Creek Road. The road appears to be functionally appropriate for the expected traffic, due to turnouts provided and since the operation does not utilize any employees (other than the applicant).

- 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 once proper restocking occurs onsite. A Timber Conversion Report was completed by Timberland Resource Consulting in July 2019. The Report identified six (6) separate conversion areas at the three (3) cultivation sites, totaling approximately 1.41 acres. The conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules. The Report indicates the sites had been converted primarily before the environmental baseline established in the CMMLUO; however, additional expansion activities occurred post-baseline, up until July 2016, between 2017 and 2018, and 2016 and 2018, respectively. In addition to the recommendations contained in the Report, the applicant is required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date. The project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two years. The Restocking Plan will ensure that an equivalent area will be restocked with timber and that there will therefore be no net loss of timberland as a result of the cultivation operation.
- 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 10,000 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 site is located on road that has been self-certified by the applicant to 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 sizes in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is provided by rooftop rainwater catchment and a point of diversion permitted through the State Water Resources Control Board Division of Water Rights (Certificate No. H100417).
- 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.

- f) As conditioned, the applicant will be required to provide portable restroom facilities onsite until such time that an approved onsite wastewater treatment system can be permitted, upon demonstration of site suitability from a Qualified Professional, and provide an invoice, or equivalent documentation, to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

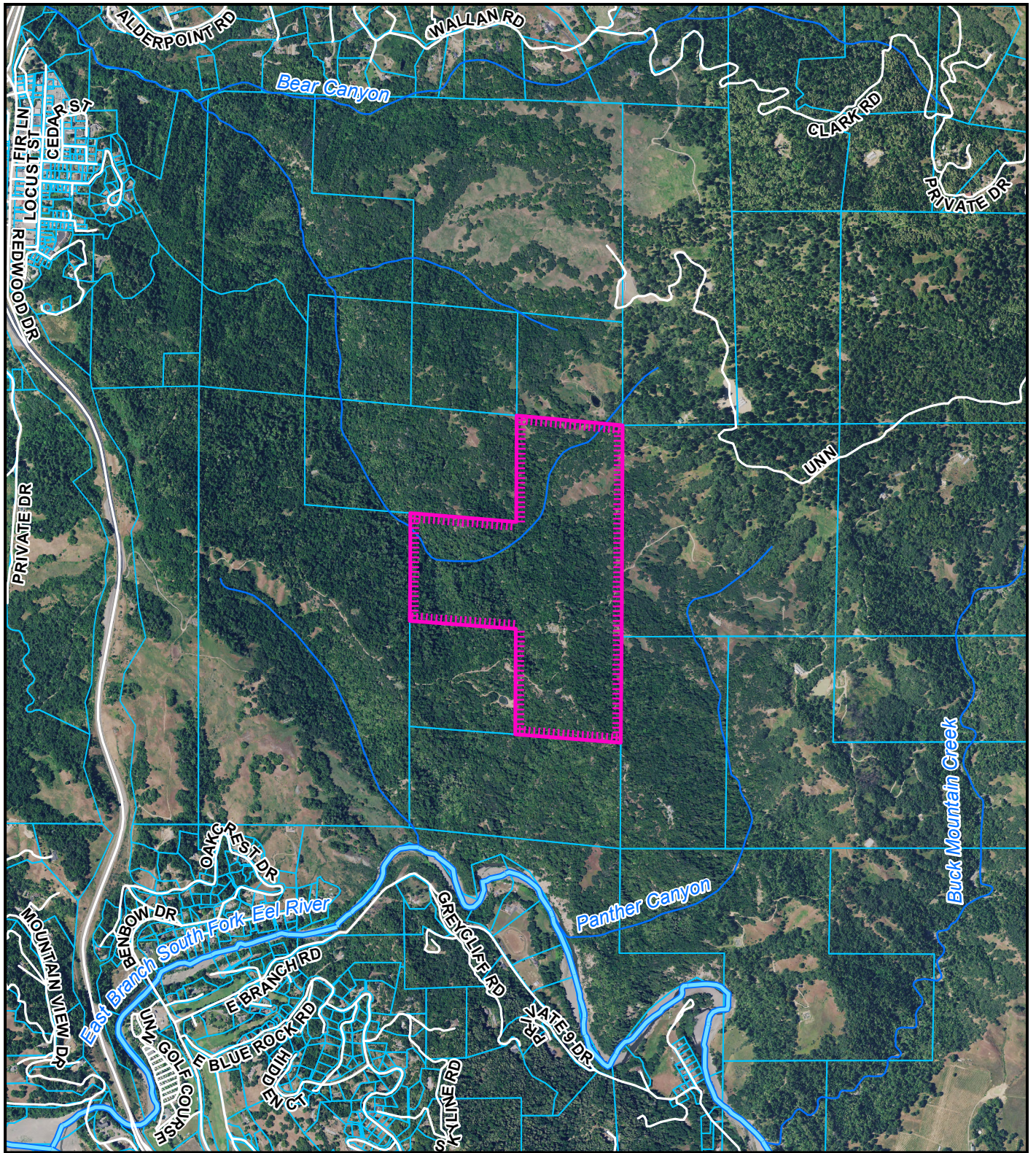
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Sage Aldebaran, 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.

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

John H. Ford
Zoning Administrator, Planning and Building Department

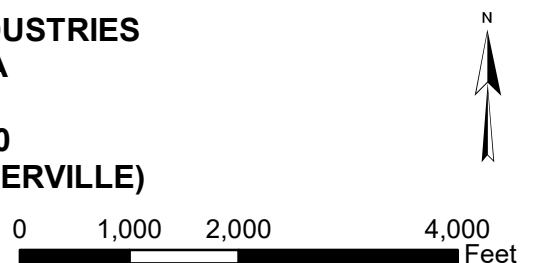


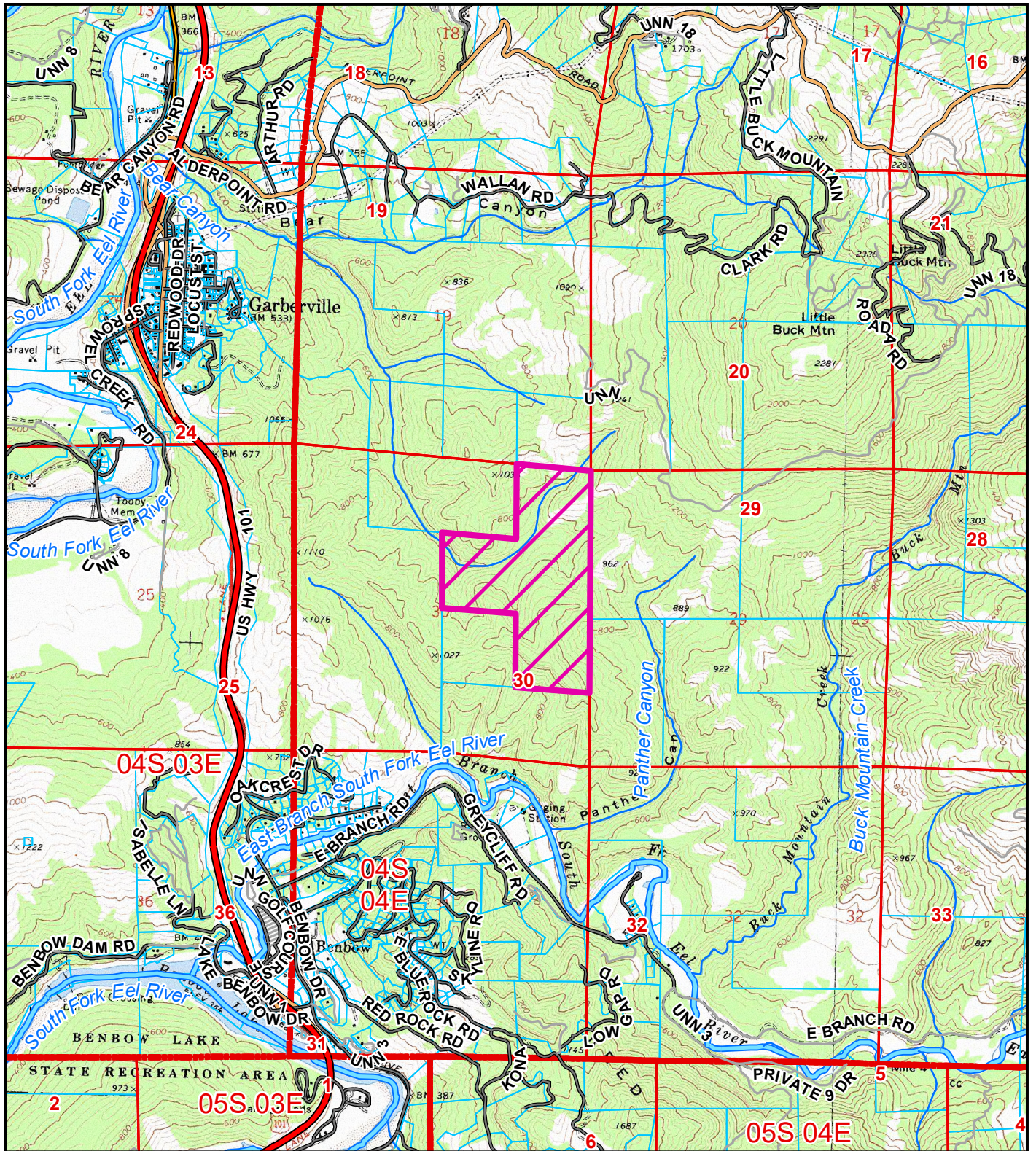
**AERIAL MAP
PROPOSED ALDEBARAN INDUSTRIES
GARBERVILLE AREA
CUP-16-758**

Project Area = 

**APN: 223-061-050-000
T04S R04E S30 HB&M (GARBERVILLE)**

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 ALDEBARAN INDUSTRIES
GARBERVILLE AREA
CUP-16-758
APN: 223-061-050-000
T04S R04E S30 HB&M (GARBERVILLE)

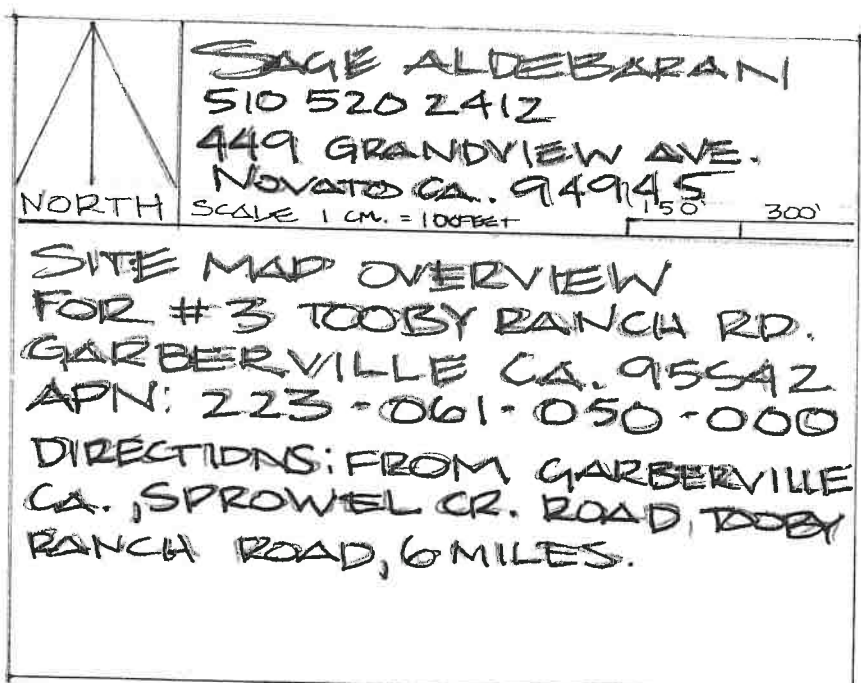
Project Area = 

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.

0 0.25 0.5 1 Miles



23 Oct 038 133 1.2'



223 061 046

1310'

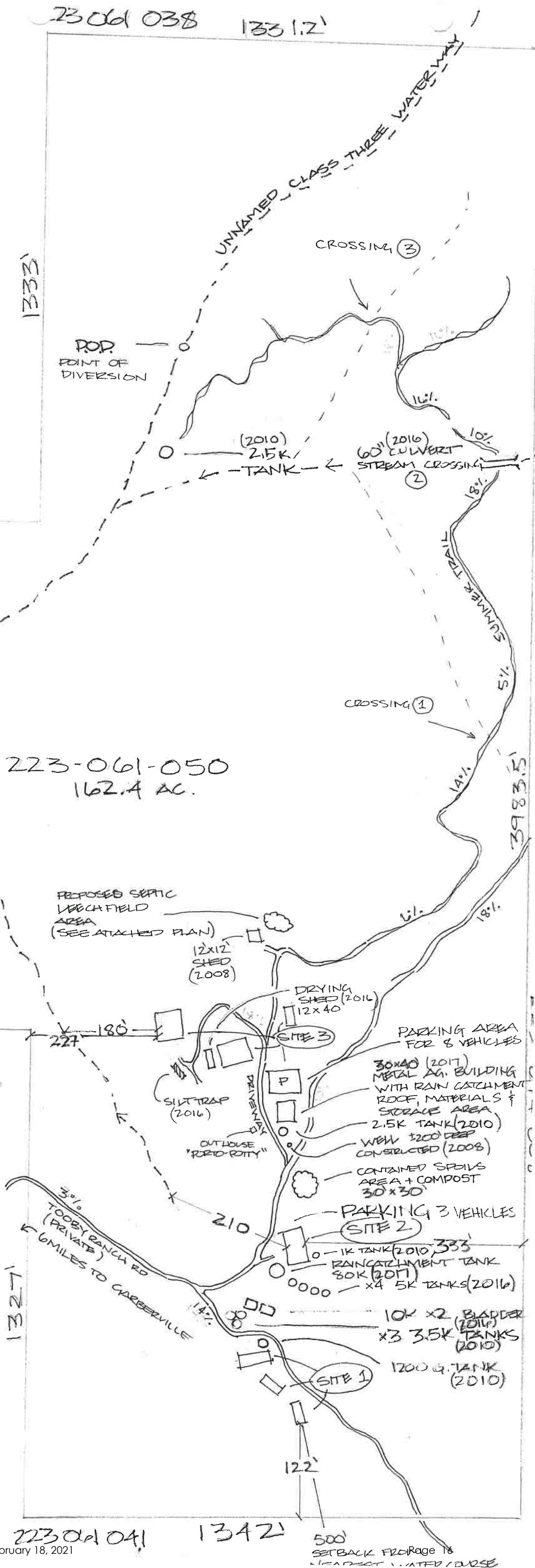
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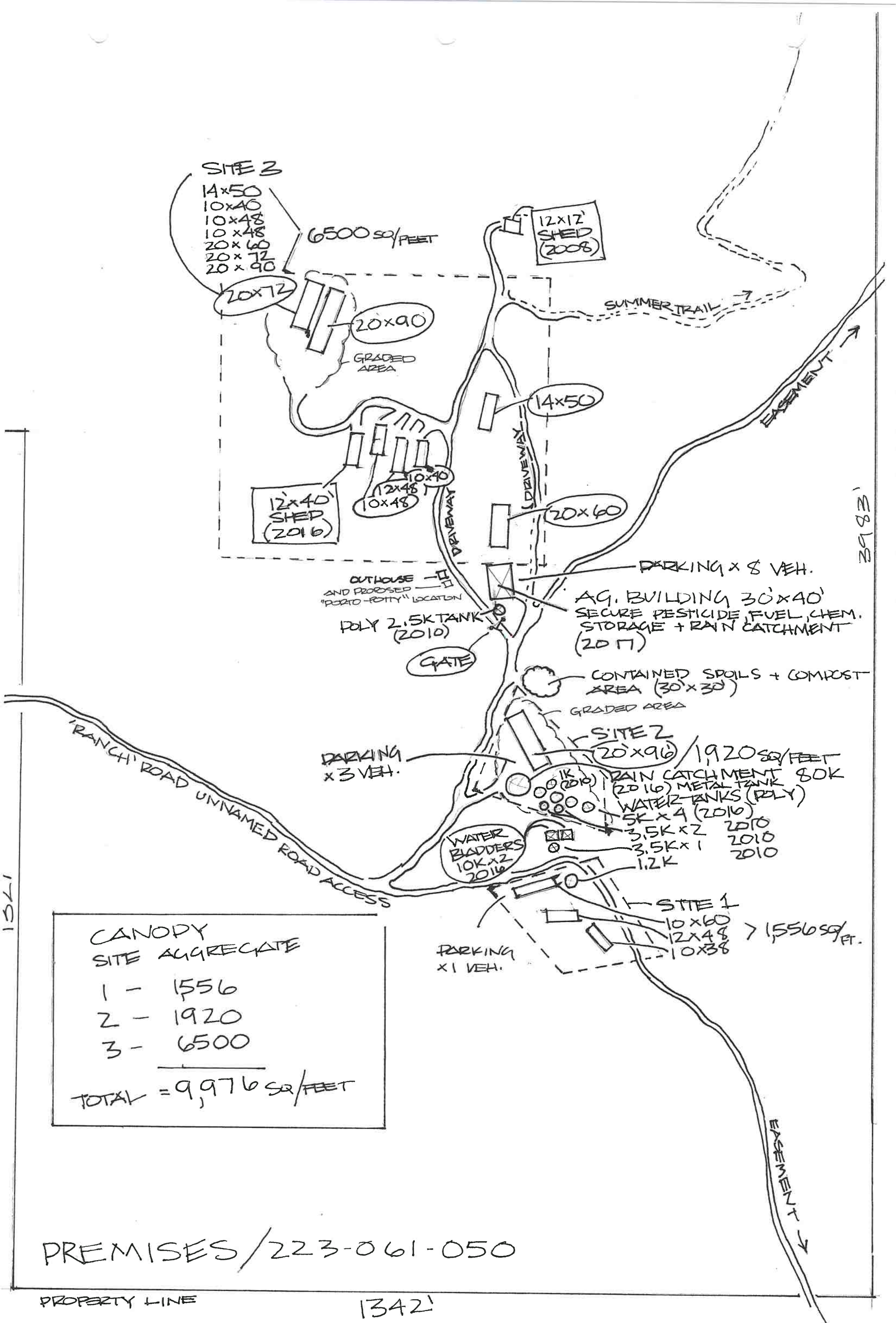
223 Od 048 1316'

NOTES

DISTANCE FROM NEAREST	
SCHOOL	8092'
BUS STOP	5000'
PLACE OF WORSHIP	8114'
PUBLIC PARK	5900'
TRIBAL CULTURAL CENTER	
OFF SITE RESIDENCE	1700'

SITE NUMBER	WATERWAY SETBACK	PROPERTY LINE SETBACK
1	500'	122'
2	210'	333'
3	180'	227'
AG BUILDING STORAGE	300'	603'
PROPOSED SEPTIC	754'	650'





CANOPY SITE AGGREGATE	
1 -	1556
2 -	1920
3 -	6500
TOTAL = 9,976 SQ/FEET	

PREMISES / 223-061-050

PROPERTY LINE

1342'

Addendum to site map :

1. showing a missing set back from the 2500 gallon water tank (located below POD) and below crossing #3 on site map

2. Notes of minor water system changes from 2018

3. Showing table of setbacks for constancy and clarity

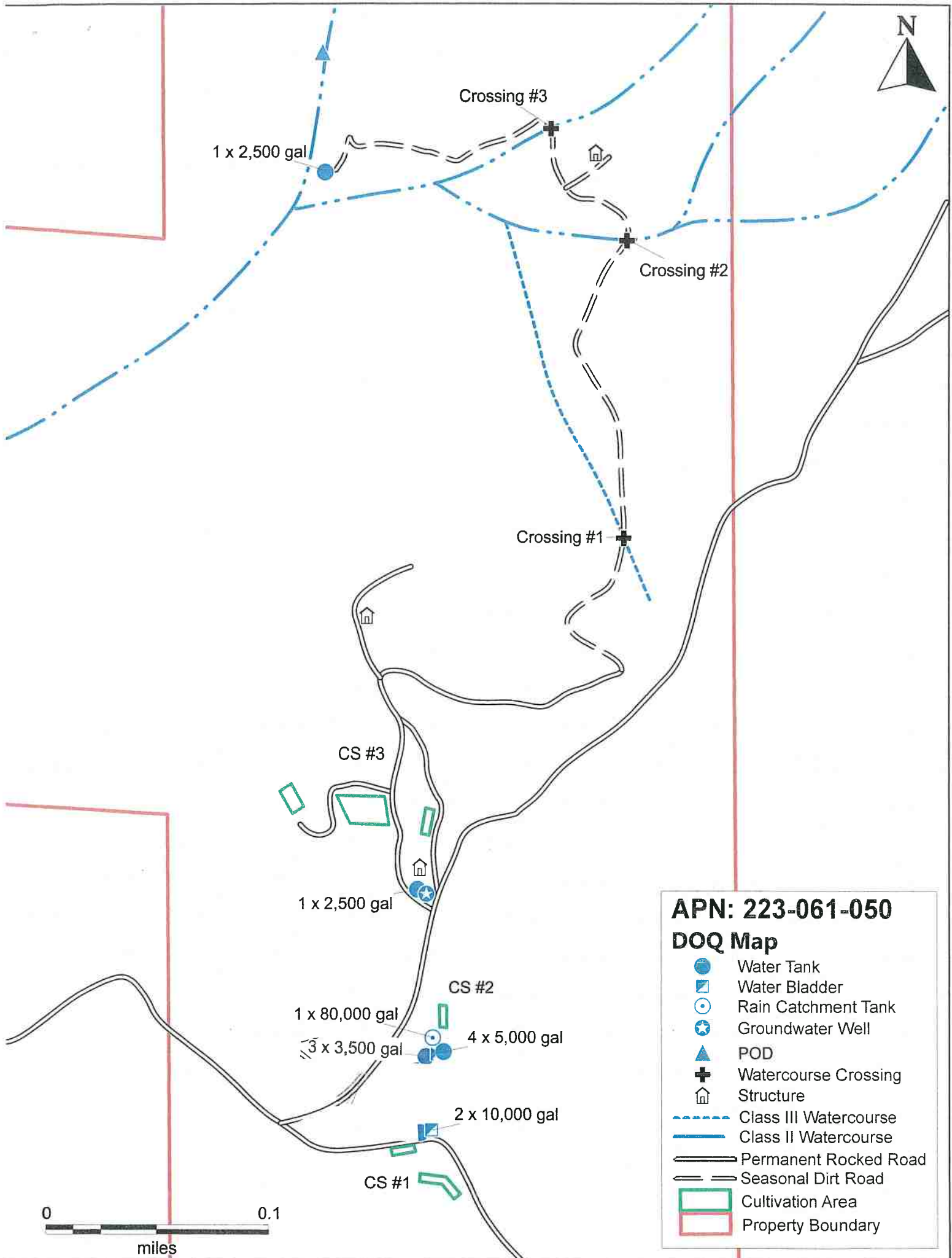
Addendum map , Showing 3 x 3500 gallon water tanks from site 1 have been moved to site 2 , reason being pump efficiency and metering , storage efficiency.

Proposed Additions of NON flowering nursery areas as allowed by CAL cannabis approval.

One at site 2: 14x60 =840 sq feet














One at site 3: 20x60 = 1200 sq feet

Description:	Setback watercourse / property line	Notes	
2500 gallon water tank adjacent to POD , shown as 1x2500 past crossing #3	Tank setback 25' from class 3 watercourse, 240' from western property line	Tank location has been deemed ok , by CDFW in approved 1600 LSA permit .. as it must receive gravity flow from upstream POD.	
Three 3500 gallon water tanks ,relocated from site1 -to site 2	Tanks set back 210' from watercourse , 333' from eastern property line	Tanks were moved for pump efficiency and overall metering of use.	
Nusery 1 : NON flowering , located at site 2	210' from watercourses 333" from eastern property line	California state regulation regarding non flowering areas.	
Nursery 2 ; NON flowering , located at site 3	180' from watercourse 227 from western property line	"	



APN: 223-061-050

DOQ Map

-  Water Tank
-  Water Bladder
-  Rain Catchment Tank
-  Groundwater Well
-  POD
-  Watercourse Crossing
-  Structure
-  Class III Watercourse
-  Class II Watercourse
-  Permanent Rocked Road
-  Seasonal Dirt Road
-  Cultivation Area
-  Property Boundary

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. Within 60 days of the effective date of permit approval the applicant shall remove all permanent lighting from the outdoor cultivation greenhouses and shall submit either time certain photographic evidence or schedule a site visit for confirmation. Small wattage and work lighting is not currently authorized in Humboldt County outdoor cultivation areas.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The 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.
4. 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.
5. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
6. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Location and dimensions of the proposed nursery spaces at Cultivation Site 2 and Cultivation Site 3.
7. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall provide additional clarification to justify the proposed nursery area as described in the "Addendum to Site Map" which includes a total of 2,750 square feet total divided between Cultivation Site 2 (14'x60', 840 SF) and Cultivation Site 3 (20'x60', 1,200 SF). The additional information shall, to the satisfaction of the Planning Director, demonstrate why additional nursery space beyond the typical allowance of between 10 and 15 percent of the size of the cultivation area, or between approximately 1,000 and 1,500 square feet for the proposed project is warranted. Alternatively, the nursery area may be reduced to between 1,000 and 1,500 square feet. Additionally, any nursery operations that involve any form of lighting shall be located in a sperate structure or otherwise be able to demonstrate to the satisfaction of the Planning Director that nursery lighting is not available for use during the remaining cultivation cycle and would not create a mixed-light operation.

8. To mitigate for the timberland conversions that occurred after January 1, 2016, the CMMLUO baseline date, the applicant shall submit to the Planning and Building Department a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two years. The applicant shall submit evidence from a Registered Professional Forester as to what portion of the approximately 1.41 acre conversion occurred after January 1, 2016. Absent this evidence the applicant will be required to restock the entire 1.41 acres consistent with the timing mentioned above.
9. 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 #10 through #27. 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.
10. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
11. 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.
12. If using, the applicant shall obtain a permit to operate EPA Tier 4 diesel generators from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
13. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been 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.
14. Until such time that an approved onsite wastewater treatment system can be permitted, upon demonstration of site suitability from a Qualified Professional, 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.
15. Within two years of permit issuance the two (2) existing 10,000 gallon water storage bladders onsite shall be decommissioned and replaced with hard tanks equal to 20,000 gallons of water storage in a previously disturbed location, outside of any streamside management area or wetland setbacks.
16. All driveways and public 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.
17. 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.

18. 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.
19. The applicant shall adhere to all requirements specified in the Right to Divert and Use Water (Registration No. H505054, Certificate No. H100417) issued by the State of California, California Environmental Protection Agency, State Water Resources Control Board, Division of Water Rights on January 16, 2019, including but not limited to the following:
- a. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.43 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 0.43 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.
 - b. 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 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.

- c. 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 and other approvals required by other agencies.
- d. Diversion works shall be constructed and water applied to beneficial use with due diligence.
- e. 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).)
- f. 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.
- g. 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.
- h. 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.

- i. 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.
- j. 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 and 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.

20. 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 September 18, 2019 (Notification No. 1600-2019-0193-R1) pertaining to the three stream crossings (with upgrades to two (2) of the stream crossings proposed) and the surface water diversion, including but not limited to the following avoidance and minimization measures:

- a. Permitted Project Activities. Except where otherwise stipulated in the 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 by CDFW on March 13, 2019.
- b. Listed 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).
- c. Foothill Yellow-Legged Frog Avoidance. To avoid take of the foothill yellow-legged frog during its CESA candidacy period, the Permittee shall implement each sub measure below if any surface water or saturated soil conditions exist at any time during the work period.
- d. Conduct a Pre-Construction Survey. Within 3-5 days prior to entering or working at the project site, a qualified biologist shall examine the project site to determine the presence/absence of standing or flowing water, and the presence and/or the potential for presence of FYLF adults, juveniles, tadpoles or egg masses within the project area and 150 feet upstream and downstream. Prior to commencing work, Permittee shall provide to CDFW for review preconstruction notes and observations.

1. If FYLF are found during the pre-construction survey, Permittee shall:

- a. Consult CDFW immediately by either telephone or e-mail and provide a short description of observations, including a count of individuals and life stage(s), conditions at the site, and other aquatic species observed; and

- b. Either propose site-specific mitigation measures that will be utilized to avoid take, or obtain an Incidental Take Permit (ITP) if take of FYLF cannot be avoided. Instream work shall not commence until CDFW has provided written approval of the proposed avoidance measures or an ITP has been issued.
- 2.If no FYLFs are found during the pre-construction survey and no surface water is present in the project area, work may commence without further surveys.
- 3.If no FYLFs are found but surface water is present during the pre-construction survey, or if surface water becomes present at any time during the work period, a qualified biologist shall survey the work site each day before commencement of work activities where equipment and/or materials may come in contact with FYLFs, streams, or riparian habitat.
- 4.If FYLFs are observed at any time during the construction season, work in the immediate area shall be halted, CDFW immediately consulted, and conservation measures developed and agreed to by CDFW prior to recommencing work.
- e. Nesting Birds. Actively nesting birds and their nests shall not be disturbed by project activities.

Project Timing

- f. 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.
- g. Extension of 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.
- h. Work Completion. The proposed work shall be completed by no later than October 15, 2021. 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

- i. 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 the 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.
- j. 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

- k. 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 3 days or less before commencing project activities and 2) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.

- l. 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.
- m. 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 with 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 animal, or the carcass of any dead bird.
- n. 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.
- o. 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.
- p. 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.

Erosion Control Measures

- q. 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.
- r. 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 draining 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.
- s. 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.

- t. 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.
- u. 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.

Water Diversion Infrastructure

- v. 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.
- w. 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.
- x. Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
 - 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. The intake's 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 surface screen.
 - 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.
 - 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.
 - 5. The screen shall be designed to distribute the flow uniformly over the entire screen area.
 - 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.
- y. 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.
- z. 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.
- aa. 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.

- bb. Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- cc. 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

- dd. 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.
- ee. 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.
- ff. Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

Stream Crossings

- gg. Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings on Class I and II watercourses to minimize erosion and sediment delivery to the watercourse. 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.
- hh. 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.
- ii. 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 treat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- jj. 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.
 - 1. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
 - 2. No heavy equipment shall enter the wetted stream channel.
 - 3. No fill materials, other than clean rock, shall be placed in the stream channel.

4. Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
 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.
- kk. Culvert Installation. Permanent culverts shall be sized to accommodate the estimated 100-year flow (i.e., ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater), including debris, culvert embedding, and sediment loads.
- ll. If the project is located in a high to very high Fire Hazard Severity Zone as Designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is discouraged.
- mm. Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- nn. Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not widened at culvert inlets.
- oo. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
- pp. Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill materials and the outfall area.
- qq. Fords, Armored Fill and Vented Crossings.
1. Fords, armored and vented crossings are considered permanent watercourse encroachments and shall be designed and sized to accommodate the 100-year flood flow plus associated sediment and debris.
 2. Fords, armored and vented crossings and hydrologically-connected road approaches shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.
 3. Fords, armored and vented crossings shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing.
 4. The lowest point of fords, armored and vented crossings shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bank-full and to avoid diversion potential.
 5. Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.
 6. If maximum fill heights exceed 15 feet or fills exceed 500 cubic yards of fill, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 of Cafferata et al (2017).
 7. Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent significant scour or removal of armor during high flows. Scour is expected through road surface rock cap.

8. Fords shall only be used when the fording surface is dry.

21. The applicant shall implement the recommendations in the Timber Conversion Report dated July 19, 2019, prepared by Timberland Resource Consultants (TRC). Specifically, the applicant shall treat logs, slash, and woody debris at Cultivation Site 2 and Cultivation Sites 3a and 3b (as shown on the map contained within the Report; Attachment 3). Treatment shall occur per the specifications stated in 14 CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris. A letter or similar communication with photographs verifying completion of the recommendations shall be submitted to the County to satisfy this condition.
22. The applicant shall follow the recommendations in the Cultural Resources Investigation prepared by Arsenault & Associates in January 2020, which requires conformance to the Inadvertent Discoveries Protocol in the event of inadvertent discovery and requires further consultation in the event project plans are revised and additional ground disturbance is proposed.
23. 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.
24. 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.
25. 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.
26. The applicant shall install 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.

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

1. All outdoor artificial light sources shall be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare to reduce light exposure to wildlife and their potential habitat. 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 3000 kelvins or less and 3) only placed where needed.
2. The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels pursuant to CMMLUO Section 55.4.11(o). A building permit shall be obtained should any structures be necessary for noise attenuation.
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. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, 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.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
24. If engineering plans change and/or additional ground disturbing activities are proposed, the project archaeologist (Arsenault and Associates) shall be contacted in order to evaluate the changes and determine if further investigation is required and the cultural resource investigation, prepared in January 2020, needs to be revised.
25. The applicant shall continue to implement the measures identified in the Water Resource Protection Plan/Site Management Plan.
26. Per the Streambed Alteration Agreement entered into between the California Department of Fish and Wildlife (CDFW) and applicant (Permittee) on September 18, 2019 (Notification No. 1600-0193-R1, the applicant shall provide site maintenance for the life of the stream crossing 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.
27. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

Performance Standards for Cultivation and Processing Operations

28. 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."
29. 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).

30. 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.
31. 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.
32. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any

33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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:

- 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 #8 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 #33 and 35 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 223-061-050; 3 Tooby Ranch Road, Garberville
County of Humboldt**

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

December 2020

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-12585-CUP) for an existing 10,000 square foot (SF) outdoor cannabis cultivation operation. Irrigation water is sourced from rooftop rainwater catchment and a point of diversion. Existing available water storage is 137,700 gallons in one (1) 80,000 gallon rain water collection tank, two (2) 10,000 gallon bladders, four (4) 5,000 gallon hard tanks, three (3) 3,500 gallon hard tanks, two (2) 2,500 gallon hard tanks, one (1) 1,200 gallon hard tank, and one (1) 1,000 gallon hard tank. Estimated annual water usage is 92,000 gallons (9.2 gal/SF). All processing and packaging occurs off-site at a licensed processing or manufacturing facility. The operation does not utilize any employees. Power is provided by generators and a solar array for water pumping.

A Cultural Resources Investigation was prepared in January 2020 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. 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. These include restocking the area that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and 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 10,000 square feet of cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Map prepared by the applicant, not dated.
- Addendum to Site Map prepared by the applicant, not dated.
- Cultivation and Operations Plan prepared by the applicant, not dated.
- Addendum to the Cultivation and Operations Plan prepared by the applicant, dated 11/1/19.
- Right to Divert and Use Water, Registration H505054 and Certificate H100090, from the State Water Resources Control Board, Division of Water Rights, dated 1/16/19.
- Water Resources Protection Plan (WRPP)/Site Management Plan (SMP) (WDID 1B171670CHUM) prepared by the applicant for the North Coast Regional Water Quality Control Board Order No. 2015-0023, 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), not dated and received 12/13/18.
- Timber Conversion Report prepared by Timber Resource Consultants, dated 7/19/19.
- Self-Certified Road Evaluation Report for Unnamed Road (Tooby Ranch Road) prepared by the applicant, dated 8/13/18.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits.
- Cultural Resources Investigation for the Aldebaran Commercial Cannabis Cultivation, Humboldt County, California, prepared by Mark Arsenault, M.A., RPA, Principal Investigator, and Emily Hodges, B.A., Cultural Resources Specialist, Arsenault & Associates, Arcata, CA., dated 1/15/20.

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.
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Map and Addendum prepared by applicant, not dated – 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, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan, not dated, and Addendum, dated 11/1/19, both prepared by the applicant - 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. (Right to Divert and Use Water, Certificate H100417, dated 1/16/19 – Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation and Operations Plan (item 4. above))
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. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by applicant – 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 Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2019-0193-R1 executed September 18, 2020 – Attached)
9. 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. (Timber Conversion Report prepared by Timberland Resource Consultants, dated 6/19/17 – Attached)

10. 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)
11. 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)
12. 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)
13. 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)
14. Cultural Resources Investigation for the Aldebaran Commercial Cannabis Cultivation, Humboldt County, California, prepared by Mark Arsenault, M.A., RPA, Principal Investigator, and Emily Hodges, B.A., Cultural Resources Specialist, Arsenault & Associates, Arcata, CA, dated 1/15/20. (On-file and confidential)
15. Self-Certified Road Evaluation Report for Unnamed Road (Tooby Ranch Road) prepared by the applicant, dated 8/13/18. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
17. Water Well Application (16/17-0553) for domestic -private use, date received by DEH 11/18/16. (On-file)
18. Generator Specifications. (Attached)

Cultivation and Operations Plan
Parcel number 223-061-050-000
Humboldt County Permit application number #12585
Water Board discharge -WDID #1B171670CHUM
Owner : Sage Aldebaran

A :
Amount of cultivation being applied for 10,000 sq. Feet

B:
Monthly water use table

Month	Water in gallons
Jan	0
Feb	0
March	5000
April	5000
May	8000
June	18000
July	18000
August	18000
Sept	10000
Oct	10000
Nov	0
Dec	0
Total =	92000

C:
Water Tank description/ location and capacity table

Tank	Description	Location	Size
1	rain water collection	Site 2	80,000
2	Poly hardside	Site 2	5000
3	Poly hardside	Site 2	5000
4	Poly hardside	Site 2	5000
5	Poly hardside	Site 2	5000

Tank	Description	Location	Size
6	Poly hardside	Site 2	1000
7	Poly hardside	Site 2	3500
8	Poly hardside	Site 2	3500
9	Poly hardside	Site 2	3500
10	Bladder	Site 1	10000
11	Bladder	Site 1	10000
12	Poly hardside	Site 1	1200
13	Poly hardside	Site 3	2500
14	Poly hardside	Pump tank	2500
Total bulk storage	Multiple	All	137,700 gallons

Conservation and use plan:

Grow sites are sloped with gentle gradients (+/- 2-3% max slopes.) all measures are employed as recommended by the BMP of code section order no. R1-2015-0023 California state water control section #3. Including and not limited to utilizing rolling dips, water bars, silt traps and combination of waddle , straw, jute netting ,geo textile to limit erosion silt or degradation of soil integrity. When ever possible runoff is directed to disperse in well vegetated areas , All sites and roads are inspected routinely with notations for areas to improve and plans to complete them with adequate measures. Refer to Site Management Plan for other specifics.

Watershed / Habitat Protection Measures:

All riparian zones have adequate set backs from any grow sites. Measures have been utilized to mitigate any foreign materials , such as potting soil or spoils and or fertilizers from entering the water table or waterways. All spoils are deposited in a contained location ,covered and are either reconditioned or disposed of properly. Trash and recyclables are contained in bins then routinely removed from the land to a certified disposal center.

Site	Riparian or water course setback in feet	Property line setback in feet	Notes
1	500'	122'	
2	210'	333'	
3	180'	227'	

AG building/ secure harvest storage	300'	603'	
Septic area (proposed)	754'	650'	

Regulated products:

Protocol for all regulated products including gasoline, diesel, pesticides and fuels is to be contained in sealed spill proof vessels that are approved by the state of California . Then those vessels are stored in secondary containments within the AG building structure. See attached list of exact products

Regulated products list.

Material or product	Quantity	Location	Use
Gasoline (unleaded) Diesel (dyed)	1-50 gallons 1-50 gallons	Contained in spill proof vessels , stored in covered areas	Fuel for machines
Engine oil	Less than 5 gallons	Contained in spill proof vessels , stored in covered areas	Farm equipment/ generators/ etc.
Liquified propane	200 gallons	Contained in spill proof vessels , stored in covered areas	Heating
Horticulture oil	1-5 gallons	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control
Peppermint oil	1 pint - 1 gallon	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control
Lemon oil	1 pint - 1 gallon	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control
Sulphur dust	1-5 lb	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control

Pest management plan:

Cultural pest management control methods: Providing adequate light , air space and humidity's to plants in all stages of growth. watering in a manner as to retain and maximize water and fertilizer efficiency. Specific care for individual plants emphasizing preventative measures to mitigate pest outbreaks, establishing healthy root systems, upgrading container sizes in a timely manner. Providing visual inspections and if necessary quarantine of infected plants to be treated accordingly.

All steps will be taken to reduce the impact of excessive fertilizing or using redundant amounts of pesticides. All treatments will be California state approved products regarding pest care as outlined in the CalCannabis requirements.

Biological pest management control: infrequently ladybugs are deployed but with limited results as they disperse quickly.

Chemical / natural pest management control methods : A routine and preventative inspection of plants are employed throughout the cycle of growth. Plants are kept in best health possible to prevent outbreaks of pests and pathogens. Typically a light routine of preventative spraying with natural and non toxic solutions (listed on table below) help defend plant against any severe outbreaks.

Vermin and rodents are caught in traditional mechanical spring traps.

Product name	Active ingredient	Stage of growth
horticulture oil / water	Horticulture oil / water	All
Peppermint oil	Peppermint oil	All
Lemon oil	Lemon oil	All
Sulphur dust	Sulphur	Vegetative

Description of cultivation practices:

Project Description:

In past years such as 2014 there was evidence (areal imagery) of + 13,000 square feet of cultivation, noted by county CAV

***NOTE: currently applicant is utilizing the 8,100 square feet that the interim permit allows for. Some structures noted are reduced in size to stay within the legal current permit.**

Currently , three active areas of cultivation on the property. The cultivation areas are all located on ridge areas utilizing rocked access roads and canopy sites are on graded or benched natural contours not exceeding 3-5%. There is and has been extensive efforts to contain any sediment from reaching any water course. There is no refuse or litter at any site and responsible land stewardship is practiced. Spoils are contained in a centralized location and either composted, reconditioned there or disposed of (shown on site maps as secure spoil containment area) .

Site 1 is three cold frames 10x60, 10x38, 12x48 = 1556 sq. Feet

Site 2 is one cold frames 20x108 = 2160 sq. Feet

**Site 3 is seven cold frames 20x53, 10x43, 10x48, 12x66, 20x85, 20x90 = 6262 sq. feet
total canopy of 9,978 sq. Feet combined for all sites**

Parameters in aggregate square footage of the total cultivation canopy with setbacks can be found on the table below, location are referenced on site map. And specific photos of each site is provided on photo attachment.

Cultivation site	Area (sq. feet)	adjoining hillside %	Distance from watercourse / property line
1	1556	34	500/122
2	2160	24	210/333
3	6262	30	180/227
Total =	----- 9978		

There is plans for two state approved nursery areas (non flowering)

At site 2: 14x60 = 840 sq feet

At site 3: 20x60 = 1200 sq feet

Non flowering nursery	Area	Adjoining hillside %	Distance from watercourse / property line
Site 2	14X60= 840 sq feet	24	210/333
Site 3	20x60=1200 sq feet	30	180/227

The parcel is remote and has no evidence of being within any minimum setback from any school, bus stop, place of worship, public park, tribal cultural center, or off site residence. An archeological survey has conducted and the conclusion is there are no archeological sensitive areas on property concerning cultural preservation, see attached report

distances to any of the above are located on sitemap,

The discharger is applying for 10,000 sq. Feet of preexisting cultivation

Water has been supplied by means of rain catchment system tank with a 1256 square foot metal roof and utilizing an agricultural buildings metal roof= 1856 square feet.

Other water sources:

One well drilled to 200+_ feet (constructed in 2008) the applicant has retained a SIUR and a residential use permit with CDFW and regional water control board , a search of a well record is being sought through DWR.

A POD located in an unnamed class three water course located on the property. Seasonal water from the class three watercourse POD has been registered (see attached CDFW 1600 prepared by Timberland Resource Consultants) the POD will be utilized

during the non forbearance period (Oct 15- May 15) for storage, and during any forbearance period (May 15-Oct 15) no more than 100 gallons per day will be diverted.

Cannabis is grown in basic open-ended cold frames utilizing raised beds, constructed of wood. Care is taken to apply the BMP guidelines of the state water board section R1-2015-0023 section #3 including site maintenance and preventing effluent or leeching in to riparian zones. Mechanical traps are set for rodent infestations.

In the spring phase immature plants are transplanted to containers various times, in nursery areas and finally placed in raised beds for the flower maturing cycle. The plants are tended with water conservation techniques to best establish drought tolerances. Watering in mornings or evenings to reduce water loss by evaporation. Drip systems and mulching are employed to further increase efficiency of water and fertilizer. Semi dry cropping occurs after plants are established.

Non toxic / natural /organic, food grade approved disease and pest treatments consistent to the Humboldt County and California State recommendations, care is taken to avoid over use of these product.

Fertilizer use is minimal and predominantly natural, organic and amended directly in to soil. Regenerating healthy soil biology is a constant theme, by monitoring and adding organic amendments to increase vitality. Cut buds are hand harvested ,hung or screen dried in well ventilated secure sheds with some supplemental generator powered ventilation and propane heat if necessary.

All processing and or packaging is to be done off site.

D:

Onsite parking

There is onsite parking at site 1: for 1 vehicles . Site 2: for up to 3 full sized trucks and site 3: for 8 vehicles , on rocked and maintained roads and pullouts

E:

Onsite sanitation facility plan includes a RV with a contained bathroom, pumped as necessary , a rental or purchase of a porto-potty if needed ,additionally the potential future plans for a engineered septic system ,(designed by AM Baird Engineers , Fortuna California (see attached plan)

Waste management plan:

Composting onsite of plant spoils in contained area, excess self hauled to Humboldt County dump to be disposed of at either green waste or landfill.

**Collection and containment of refuse sorted by type then recycled or self hauled and disposed of routinely at a Humboldt County dump located at:
Conservation Camp Rd, Redway, CA 95560**

F:
Schedule of Activity

Month	Schedule of activities description and BPTC measures	Projected generator use
Jan	BMP for winter management or storms and erosion control, routine maintenance and monitoring, Water pumping via solar panels	Less than 4 hours per week misc. use
Feb	BMP for winter management or storms and erosion control, routine maintenance and monitoring, Water pumping via solar panels	Less than 4 hours per week misc. use
March	BMP for winter management or storms and erosion control, routine maintenance and monitoring, water pumping via solar panels BMP for road maintenance Nursery maintenance and planting	4-10 hours per week , electrical accessories related to plant care, misc. use
April	BMP for spring management or storms and erosion control, routine maintenance and monitoring, water pumping via solar panels BMP for road maintenance Nursery maintenance and planting	4-10 hours per week ,electrical accessories related plant care
May	BMP of roads and property ending phase Transplanting	4 hours per week Misc use

Month	Schedule of activities description and BPTC measures	Projected generator use
June	Transplanting and maintenance of crop	4 hours per week Misc use
July	Maintenance plantcare	4 hours per week Misc use
Aug	Maintenance plantcare	4 hours per week Misc use
Sept	Maintenance plantcare	4 hours per week Misc use
Oct	Harvest and beginning of BMP for post season dormancy - cover crop seeding , clean up , spoil consolidation and BMP for wet season property care	>20 hours per week Drying shed fans, drying shed lighting for harvest
Nov	Completion of post season maintenance and BMP	2-4 hours per week , misc use
Dec	No activity but monitoring of standard conditions	No activity

G:

Processing Plan

**There is no plan to process on site , All processing will occur off site
No employees are utilized and none are to be housed on site , see addendum revised 11/1/19 on staggered planting practices**

H:

Greenhouses:

Existing structures are simple "cold frames" consisting of galvanized metal with ground posts in native soil , wood raised beds , but no permanent foundations or walls.

I:

Security plan-

Property is located in a remote and rugged location. Private access is only through four locked gates on private propertys. Grow sites are further gated.

J:

Site Plan

**See attached maps: (including addendum) the overview map contains setbacks and water tanks, water features , roads and crossings, POD location, etc
Premises map has canopy specifics details
See photos of attachments**

K:

Remediation Repair and Consolidation history notes:

Consolidation of preexisting outdoor canopy areas was made during the time period prior to 2016

Outdoor container canopy areas shown in the primary submittal as evidence for preexisting cultivation were abandoned and reconsolidated to sites 2,3

The preexisting areas were characterized as open field container gardens (smart pots) ,located on natural ungraded contours. Reasons for abandoning the mentioned areas was that these sites were remote from real practical vehicle access, water distribution system, often damaged by animals and pests ,furthermore the sites were difficult to operate and maintain ,access was predominantly by foot and only reasonable during dry weather. Other issues : Creating access for vehicle egress would be a strain financially and difficult to maintain.

The fore mentioned “outdoor” container grow areas all existed prior to 2014 ,and were transitioned and consolidated into cold frames near primary road access- within sites 2,3 before 2015 , the consolidated canopy is now represented as open ended cold frame greenhouses. Cold frame cultivation is more manageable, efficient ,contained and secure, far less impacting on native flora and fauna.

The properties total canopy was reduced to its current 9,976 square feet. This reduction was intended to reduce water and fertilizer consumption.

Repairs: the Outdoor Container Sites were on ungraded and natural contours , grow bags were simplify placed on natural existing grades and no soil was disturbed so no re contouring is necessary , trash was hauled away from abandoned sites, disposed of at the Humboldt County Refuse disposal site. native grass has returned to its full height. During the past three years sites were inspected a 2+ times per year (2 or more times a year x 3 years for 6+ times total) and no significant observable change has been noted, current conditions , native grass is fully present, no erosion or sediment is being discharged. Some fence posts exist and are planned to be removed in a timely manner.

ADDENDUM REVISED 11/1/2019 TO CULTIVATION AND OPERATIONS PLAN -#12585

1. Addendum response to the request for a description of employees and housing plan via a phone conversation with Humboldt County senior planner Meghan Ryan- regarding Humboldt county permit application #12585
— I have no employees. And there is no need for permanent housing—
2. I do have a septic plan on file for the possibility of creating a private personal residence in future.
3. I do store and utilize my own RV with bathroom and shower on the premise (septic is emptied by a local septic service, or pumped out while RV is taken on road trips)

As a note some of my operations and cultivation work /labor schedules are based due to my parenting obligations:

I often work in early mornings and late evenings to allow myself adequate time to facilitate transportation of children to school, volunteer working and participation in the kids enrichment activities such as , soccer , baseball , jiu jitsu.

My work schedule is adapted to this priority, and I will routinely be able to only work during evening - night. During such low light conditions I utilize some low voltage led lighting installed in nursery areas and some of the cold frames . This is necessary to allow my work process to be possible at night, or early morning, and is NOT for flowering or mixed light cultivation.

The lighting is for tasks such as transplanting, watering , treatments, planting , maintenance , harvest . This low voltage lighting is deemed necessary for my own safety and practicality of daily efficiency.

The grow operations and cultivation process I have always used is a “staggered planting and harvesting” routine.

This is a management system to operate the production with minimal stress and maximum efficiency.

I plant sections alone that I can accommodate the labor for and complete in one work day, while caring for the nursery and other tasks. These sections will be typically one cold frame per day, or what can be accomplished in 5-8 hours .

By “staggering” the cold frames are delayed in sequence of both routine maintenance and/or harvest a few days, up to a few weeks to allow for harvests to be spaced out in a timeline that is practical to maintain. I have refined this strategy to allow efficient planting, maintenance , and harvest activities. Drying shed capacity and secure storage are other compounding reasons to stagger productions in this way.

For example I can complete a certain area of square feet of the mentioned tasks , such as planting or harvesting in 6-12 hours. This schedule allows me to be efficient and keep my costs as low as possible. There are times during the year when this becomes more difficult with shorter days and my personal life balance, that is why I necessitate some low voltage lighting to allow for a work safe environment.

3. A RV / trailer is used by myself for cooking, bathing, etc

The trailer is routinely serviced either on site by a septic pump service or at a rv park with similar services. The trailer is located near the shop building and in good working order.

4. Some conversations with CAL Cannabis officials last year gave me plans for the allowance for non flowering “nursery” areas. The nursery areas are to be added adjacent to site 2, and 3 (shown on new addendum map)

The nursery located currently on “premises plan ,at site 3 as 14’x50’ will be moved to site two and replaced by a 20’x48’ flowering cold frame at that site.

*I have edited the WRPP and Site Management Plan to reflect the additions of the nursery and to show the added Dimentions of grow sites as allowed by the VAM to 10,000 sq feet.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H505054

CERTIFICATE H100417

Right Holder: Sage Aldebaran
449 Grandview Avenue
Novato, CA 94945

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 12/20/2018. 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 Spring	South Fork Eel River	Eel River	40.090160	-123.770884	Humboldt	223-061-050

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	220-061-050	0.1940312

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/16/2019.

The place of use is shown on the map filed on 01/16/2019 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 0.43 **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 0.43 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

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

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

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

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

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: 01/16/2019 12:38:07

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Water Resource Protection Plan / Site Management Plan

**APN 223-061-050-000
Humboldt County , California
Permit App #12585
Water Board discharge -WDID #1B171670CHUM
Updated 2020 revision
Submitted to:
Humboldt County Planning and Building Dept.**

***Prepared by Sage Aldebaran, land owner
(points on this plan are in reference to the site management plan profile described in the
technical report guide, "general requirements and waiver of discharge of wastes
associated with cannabis cultivation activities")***

Purpose

This Water Resource Protection Plan (WRPP) and site management plan has been prepared by the discharger, in reference to the Humboldt County property identified as APN 223-061-050-000, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board.

Property Description:

The property assessed is one parcel totaling 162.43 Acres. This property is located in the East half of the Northwest Quarter of the Southwest quarter of the Northeast quarter of the Southeast quarter of section 30, Township 4 South, Range 4 East, Humboldt meridian. The property is located 2 miles from Garberville CA.

It is accessed by way of private roads known as "Tooby ranch rd." off "Sprowel Creek Road."

Address is: #3 Tooby ranch road, Garberville Ca. 95542

Vegetation on the property consists of mixed forest including Douglas fir, black oak ,white oak, timberland, grassy areas and zoned TPZ and AG, AE, The property topography is composed of ridges and sloped timberland and meadows, with multiple aspects. Elevations from 500' to 1150' feet above sea level. The project contains an unnamed watercourse that drains into Bear canyon , a tributary to the South Fork Of The Eel River.

Site Characteristics:

1.1.1. General features are shown in photo attachments including but not limited to; sites and canopy areas, roads , gates , water tanks, vehicle parking areas, streams and crossings, cultivation sites, contained composting area, AG building housing secure pesticide and chemical containment ,dry storage of fertilizer and organic amendments. Relevant features such as secure harvest storage and a potential septic site leech field. All water tanks are located on stable level ground and or gravel pads.

Water bladders are located on flat stable areas, pea gravel base, and are secured to prevent migration or movement.

1.1.2. Roads are rocked, appropriately out sloped ,utilize rolling dips and water bars if gradient is over 20% then water baring is every thirty feet or less. Traffic on shared easement “driveway” is estimated at +_ 4 vehicles per day on a private road, described as “Tooby ranch road”. Specific to this project , traffic is usually one vehicle daily and or one ATV, operating on roads within the property. “driveway” roads are rocked , maintained and monitored. Summer roads or trails (no wet season traffic) consist of bare dirt and are vegetated by native grasses but still treated with BMP measures monitored and maintained.

1.1.3. Description of class three crossings crossing one is a rolling dip of a collection area , it is monitored frequently and has no excessive erosion, an armored channel is planned for this in future improvements. Crossing 2 (see [attachment 1](#)) one culvert is utilized to cross a class three watercourse (unnamed tributary of Bear canyon, a tributary of the South Fork of the Eel River) the culvert is properly sized for a 100 year maximal storm event. there is no visible obstructions and is inspected weekly. It is 60” diameter galvanized steel, condition is excellent no visible rust. It is orientated and sloped correctly with no drop at exit and maintained free of obstructions, it is armored with rock at entrance and exit. Sediment from road surface is controlled from entering the class 3 water course with numerous rolling dips, out sloping , water bars ,native vegetation ,waddle and straw mulching. Crossing three is a 18” poly culvert, that shows no sign of obstruction but will be re-sized depending on the report from Timberland Resource Consultants data .

1.2 Sediment Erosion Prevention and Sediment Capture Plan: In each specific location where needed responsible measures have been utilized to protect the environment and native waterways from erosion, silt deposits , and excessive water run off. Preventive features are maintained and monitored routinely. Straw, jute netting, reseeding and waddle controls are utilized to provide additional security failsafes.

1.2.1. Erosion Prevention BPTC Measures

1.2.1.1. Measures taken and implemented to limit erosion are maintenance of out sloped roads and sites , use of silt traps , rocking, armoring where necessary. Straw and waddle or geo textile sheeting to control/disperse and capture runoff sediment. Well vegetated areas are utilized to further gradually disperse run off.

[See attachment 2 of photos depicting examples of silt traps and water bars.](#)

BPTC schedule	BPTC	Physical measure
OCTOBER 15-MAY15	No activity except monitoring of sites , roads , water crossing, and minor maintenance of road water barring, or access related storm damage. Planning phase for BMP	Hand tool use, use of straw mulch , geo textile

BPTC schedule	BPTC	Physical measure
MAY 15- OCTOBER15	Maintenance plan activity for material delivery and site remedy's, road repairs and if necessary deploying erosion prevention measures	Road rocking, water bar, silt trap construction.

Implementation schedule for future site improvements.

Time line (tentative)

Spoils containment area improvement, walled bin construction In next 5 years

Refuse containment area improvement, walled bin construction In next 5 years

Septic field construction TBD

1.2.2. Sediment Control BPTC Measures: Utilizing Silt traps , water bars and weed free straw mulch, waddle and native vegetation to disperse and capture sediment. Silt fences and geo textile or tarp placing will be utilized to control emergency damages if a strong rain event overwhelms normal preventative measures. Although preventative maintenance of each area has been historically adequate as no erosion is occurring on any premise within the property.

1.2.3. Maintenance Activitys-EPsD

Monitoring of sediment controls will occur weekly and or during each storm. Log books will be compiled to address repairs and prioritize locations.

Captured sediment will be either removed by machine excavation or by hand tools ,relocated to a more stable location and or revegetated after stabilization. Such work will take place in dry season when soil moisture is adequate.

2. Fertilizer, Pesticide, Herbicide, And Rodenticide BPTC Measures:

Protocol for all regulated products including gasoline, diesel, pesticides and fuels is to be contained in sealed spill proof vessels. Then those vessels are stored in secondary containments out of the weather or inside a dry roofed AG structure.

Attachment 3 photos of secure dry storage.

See attached list of exact products

All agricultural products will be stored in a covered building, contained and distributed to the grow sites as needed.

2.1.

Material or product	Quantity	Location	Use
Gasoline (unleaded)	1-50 gallons	Contained in spill proof vessels , stored in covered areas	Fuel for machines
Diesel (dyed)	1-50 gallons		

Horticulture oil	1-5 gallons	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control
Peppermint oil	1 pint - 1 gallon	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control
Lemon oil	1 pint - 1 gallon	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control
Sulphur dust	1-5 lb	Contained in spill proof vessels , stored in covered areas	Insect /pathogen Pest preventer and control
organic fertilizer soluble and granular: Fish emulsion, bone meal, oyster shell, chicken manure, sea bird guano, kelp extracts.	20 gallons liquid / 150-400lb dry	Contained in spill proof vessels , stored in covered areas	Plant fertilizer

2.2. See map noting AG building for secure storage location.

2.3. Bulk quantities of fertilizer are distributed to each site and utilized that day, then excess material is returned to the secure contained storage location. Mixing of mentioned granular or manure fertilizers is done by hand and or machine tilling of the soil.

Soluble fertilizer is distributed by micro drip system via mixer dosing equipment.

Spraying of pest controls and foiler fertilizer occurs by way of mobile spray unit. All related equipment is securely stored under an overhang adjacent to the AG building.

2.4 Spill Prevention Protocol:

Gasoline/ diesel	Contained in spill proof secondary containers Spill kit on site , absorbent pads , removal of contaminated soil if necessary
Fertilizer	Excess recovered and reused, in event of contaminated native soil it is removed or amended to grow sites soils or disposed of.

Pesticides / rodenticide	Dosing of concentrates done in contained area - rodenticide: Mechanical traps , disposed in refuse of if they fail
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3. Petroleum Product BPTC Measures: Summary Table

Unleaded fuel 20 gallons Diesel dyed fuel 20-50 gallons	Stored in 5-50 gallon containment , in secondary containments, under roofed buildings
Liquefied propane 5 -8 gallon steel bottles	Stored in roofed buildings
engine oil 1-12 quarts	Stored in roofed buildings
Two cycle oil 1-2 quarts	Stored in roofed buildings

3.1. Fuel either unleaded or diesel is transported to the site by 5 gallon individual increments within CA. approved vessels are maintained and stored in secondary containment. The fuel is kept out of any weather elements in a weatherproof AG building Location.

If any of the products are not used entirely during the active grow season, then they are stored in the same manner , covered and contained in secondary containments. engine oil and two cycle oil stored in product vessel and within secondary containments, in roofed buildings

liquified Propane is stored in the same manner , stored in roofed buildings

3.2. See site map noting AG building secure storage of chemicals and pesticides

3.3. Fuel is distributed to generators and care is taken to not spill by use of funnels or dispensing nozzles , protocol spill kits are in vehicles to promptly mitigate any spill that potentially could occur.

Empty vessels are reused , maintained and disposed of when determined to be damaged. Engine oil is recycled at county/ state approved locations.

Empty containers are disposed of at county / state approved locations.

3.4. Spill prevention is emphasized by careful distribution, funnels, nozzles and avoiding fueling during rain events. Clean up measures include removal of excess , careful removal of contaminated soil to a hazardous material disposal site if such event occurs.

4. Trash/Refuse, and domestic Wastewater BPTC Measures:

4.1. Plastic sheeting and or bagged soil or amendment packaging are the predominate refuse

These materials are contained in a secure area, then periodically (monthly) disposed of at a County approved refuse disposal site. Preventions are taken to keep animals , wind , rain and other elements from distributing the refuse in to the environment.

4.1.1. Site map is attached

4.2. No employees are housed, some visitors include delivery personal, independent contractors, and consultants.

4.2.1 No domestic wastewater is currently generated, but there are plans available to add a county approved and permitted septic in the future (See attached Septic plan prepared by AM Baird Engineers, 1257 main st. Fortuna CA. 95540)

4.2.2.3. A outhouse is located on the property and located on the site plan. And a portable potty is planned to be rented or purchased to replace the needs of the outhouse.

5. Winterization BPTC Measures:

5.1. Winterization methods utilized are the responsible storage of all materials listed above, including all controlled or hazardous materials, amendments and associated grow supplies in roofed AG building (shown on site map). Sediments and erosion controls under BPTC are employed in late summer to fall in preparation for rain events, including but not limited to maintained silt traps, water bars, rocked and out sloped roads, deployed straw mulch, wattle, silt fences, geo textile, jute netting, (see attached photos).

Clean up of any and all spoils, fertilizer, fuels, refuse. Spoils are securely contained, disposed of and or covered with plastic sheeting. Fuels and waste are stored in a responsible and secure manner.

5.2. Maintenance of all culverts, and water dispersion features such as water bars, rolling dips to be free of obstructions. Routine monitoring of sediment capturing devices, removal of rocks, soil and tree limbs or debris to ensure functionality.

5.3. Revegetation plans finalized i.e. seeding, mulching.

5.4. if any BPTC measure cannot be completed before the onset of winter the RWB will be contacted establish a compliance schedule.

Project Description:

There is currently three active areas of cultivation on the property. The cultivation areas are all located on ridge areas utilizing rocked access roads and on graded natural contours not exceeding 5%. There is and has been extensive efforts to contain any sediment from reaching any water course. Spoils are contained in a centralized location and either composted, reconditioned there or disposed of, at a county approved disposal site.

Site 1 has three flowering cold frames 10x60, 10x38, 12x48 = 1,556 sq. Feet

Site 2 has one flowering cold frames 20x108 = 2,160 sq. Feet

Site 3 has seven flowering cold frames 20x53, 10x43, 10x48, 12x66, 20x85, 20x90 for a total of square feet at site 3 = 6,262

total canopy of 9,978 sq. Feet combined aggregate total all sites

*Two NON flowering cold frames are to be utilized: 14x50 at site 2 and a 20x48 at site 3

The discharger is applying for 10,000 sq. Feet of preexisting cultivation

Water has been supplied by means of rain catchment system tank with a 1,256 square foot roof and utilizing an agricultural buildings metal roof 1856 square feet, additionally a preexisting well (2008) drilled to 160+ feet, discharger retained a current SIUR with state and regional water boards for the POD located in a unnamed class three water course located on the property. Water rights from the class three watercourse POD is

currently registered with CAL EPA and SWRCB , number #H505054 certificate #H100417
The POD will be utilized during the non forbearance period (Oct 15- May 15) to store agricultural and fire protection water ,and after the forbearance period less than 100 gallons per day will be diverted for domestic use (May 15-Oct 15).

Parameters in cumulative square footage of the total cultivation canopy can be found on the table below, location are referenced on site map. And specific photos of each site is provided on photo attachment.

Cultivation site	Area (sq. feet)	adjoining hillside %	Distance from watercourse
1	1556	34	632
2	2160	24	418
3	6262	30	200
Total =	----- 9978		

Water diversion:

The predominant source of water will be a combination of wet season rain catchment harvesting, and a planned annual winter storage diversion (a SIUR is currently being filed) during December-April from a seasonal class 3 waterway. Additional and supplemental water is to be drawn from a ridge top well.

Well water is currently supplied by a well that is 160' deep and was constructed in 2008 ,a well report has been requested from the driller, and will be provided when available. The well location is on ridge top (at elevation 1025 ft. and drilled to 200 feet) logical assumption would be that it is not drawing river water as the East Branch of the South Fork of the Eel River is over 3000 feet distant and 825 feet lower than the wells bottom point.

The Well historically has been shown to produces 2-5 gpm. . During the non-diversionary period of 152 days from May 15 through Oct 15 the well could supply a potential of approx. 164,160 gallons to the storage (@ 3 gpm. average 3x60min. x 6 hours x 152 days)

The POD is a screened pipe siphoning from a natural pool in a undisturbed class three waterway,(further explained in detail within the CDFW 1600) the 3/4" diameter line feeds to a 2500 gallon tank, aprox. 150 feet away by gravity pressure. beginning in 2020 the applicant shall forbear diverting the stream flow to only 100 gallons a day during the period of low flow (May 15- Oct 15)

The water is pumped from the 2.5k collection tank by means of an electric pump powered by a solar array.

Guttered rain water collection is harvested from a 1856 sq. foot metal roof system, in addition to the 1256 square foot rainwater collection tank roofs integrated gutter system. For a total of 3,112 sq. Feet of aggregate rain collection area.

Water source	Oct 15-May15 (rainy season)	May 15- Oct 15 (dry season)
Rain catchment	200,000 potential	0
Class 3 POD	100,000 aprox.	30,000
160' well	30,000	>164,160

Water use and conservation:
Water use table.

Month	Water use in gallons	POD / Well contributions
Jan	0	15000/1000
Feb	0	15000/1000
March	5000	30000/1000
April	5000	30000/1000
May	8000	15000/1000
June	18000	>5000/1000
July	18000	>5000/1000
August	18000	>5000/1000
Sept	10000	>5000/1000
Oct	10000	>5000/1000
Nov	0	0
Dec	0	0
Total =	+_92000	130000/10000

Water from the well is to be used for irrigation purposes, during peak rain fall water from the POD in the class three waterway is stored for additional irrigation use later in year (after may 15th)

The combined cultivation areas of 9,976 sq. feet of canopy.

The Irrigation plan : water distributed by a network of buried PVC and Poly pipes, ranging in sizes from 1.5" to 3/4" double clamped or welded PVC. Grow sites are fed by gravity flow at normal pressures in the 20-60 psi range. These sites are cold frames constructed of galvanized steel with raised beds with drip lines. Efficient water practices are utilized at all steps. Utilizing drip systems , watering before 10am or after 6pm , Mulching and repairing all leaky pipes immediately, etc. Some occasional spot watering occurs by hand. Water use is calculated by periodic monitoring of individual tank levels by sight gauge & refilling them from the bulk storage that also has a gauge of capacity. Yearly data is logged from which is averaged and estimated to be 92,000 gallons between March and November.

***Small plants and cool temps during March through May result in less water use. During fall weather similar cooling temperatures shorter days and rain result in reduced consumption of water.**

Water storage:

The water storage capacity on the parcel is 137,700 gallons this is in various sized hard sided tanks totaling 37.7k and one metal rain water collection tank, with concrete foundation, wind and seismic reinforced anchors and 80k gallon capacity, plus two 10,000 gallon water bladders . All tanks, and bladders are located on level ground, with packed gravel bases. Years of installation are noted on site map(s).

Water storage table.

Tank	Description	Location	Size
1	rain water collection	Site 2	80,000
2	Poly hardside	Site 2	5000
3	Poly hardside	Site 2	5000
4	Poly hardside	Site 2	5000
5	Poly hardside	Site 2	5000
6	Poly hardside	Site 2	1000
7	Poly hardside	Site 2	3500
8	Poly hardside	Site 2	3500
9	Poly hardside	Site 2	3500
10	Bladder	Site 1	10000
11	Bladder	Site 1	10000

Tank	Description	Location	Size
12	Poly hardside	Site 1	1200
13	Poly hardside	Site 3	2500
14	Poly hardside	POD Pump tank	2500
			Total = gallons 137,700

Irrigation runoff:

Due to water conservation techniques, drip and mulching no irrigation runoff occurs on any site.

Monitoring and Reporting:

Water logs will be submitted to CDFW each year. Monitoring will include visual and if necessary photographic documentation of each feature , changes or progress will be noted. sites will monitored during the following times:

- 1. Just prior to October 15 for overall preparation for storm water run off and rain 108events.***
- 2. Following more than 3" total precipitation or by November 15 which ever occurs first.***
- 3. Any time 3" of total precipitation occurs in in 24 hours based on data from NOAA and zip code of the parcel number.***

Water use has been metered by way of tank level observation with sight gauges and logged, yearly self reports have been sent to California state regional water control board regarding WDID #1B171670CHUM for parcel #223-061-050-000 water plan was enacted on 8/29/17

Conservation and use plan:

Grow sites are predominately flat with gentle gradients for drainage (+/_ 2-3% max slopes.) water run off controls are as recommended by the BMP of code section order no. R1-2015-0023 California state water control section #3. Including and not limited to utilizing rolling dips, water bars, silt traps and combination of waddle , straw, jute netting ,geo textile cloth to prevent erosion ,silt deposits or degradation of soil integrity. When ever possible runoff is directed to disperse gradually in well vegetated areas , All sites and roads are inspected routinely, small issues are fixed and maintained when noticed.

Current site conditions review :

Roads will be classified as "permanent" used all year , "seasonal" being used primarily during summer or dry periods, and "trail" occasional use for property feature access. Permanent roads will be well constructed and rocked , out slope drained, water bared utilizing rolling dips where needed.

Currently no "permanent roads" within the property have any need for ditch relief and all culverts , and are in good condition.

Seasonal roads are rocked and where necessary out sloped water barred etc. some of the seasonal summer roads will continue to be improved, utilizing all BMP measures related to timing and reporting.

Trails are primarily native dirt but drained and water barred, monitored for erosion and debris ,maintained as needed.

Cultivation Sites are located on south to south west exposures on ridges, cold frame greenhouses are utilized. The slopes are less than 5% and adjoining natural slopes of 35% or less. No site shows instability or signs of erosion.

crossing #1 is a rolling dip ,and storm water is channeled across the road bed effectively, some rock armoring is planned to provide more assurance for abnormally intense rainfall events. Crossing #2 is a properly sized culvert, it exhibits no erosion or rust and is adequately armored , waddle and straw are deployed and maintained. Culvert is sized for a 100 year storm event. A lake and streambed alteration agreement is filed with CDFW, and approved.

Crossing #3 is also in good condition and the 18" poly culvert does need resizing. The DWR has been notified for a request of any existing well report.

See photos and attached timberland conversion report from July 9/2019 documenting current site and feature conditions.

Priority based feature improvement list:

Feature	Problem	Solution	Date of completion
Roads , water bars and water dispersion control features	Normal wear and tear of road surface maintenance of water bars and drainage.	Rock and grade , deploy waddle dams before rain season, monitor during and post storm events	Ongoing -
Culvert replacement at crossing #3	Undersized, armoring needed	re size and install during dry season	To be determined 2020
Armoring of channel for crossing #1	Needs rock armoring	Needs rock armoring	To be determined in 2020
Slash at sites 2,near ag building and site 3	Needs processing	Brush to be processed per spec. Stated in 14CCR 1104 treatment of slash and wood, firewood to be cut and stored.	2020

North Coast Regional Water Quality Control Board

June 4, 2019

WDID:1_12CC414775

SAGE ALDEBARAN
449 GRANDVIEW AVENUE
NOVATO , CA 94945

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.

Sincerely,

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

190604_1M_1_12CC414775_1B171670CHUM_Tooby Ranch _NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, SAGE ALDEBARAN, HUMBOLDT COUNTY APN(s) 223-061-050-000

Sage Aldebaran (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_12CC414775**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B171670CHUM.

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 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, some 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 Moderate 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

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.

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 Erosion and Sediment Control Plan consistent with the requirements of General Order Provision C.1.b., and Attachment A, Section 5. The Site Erosion and Sediment Control Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. Attachment D of the General Order provides guidance on the contents of the Site Erosion and Sediment Control 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. 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/wqo2019_0001_dwq.pdf#page=32

A copy of the Regional Supplement 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/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Moderate Risk with the current annual fee assessed at \$1,800. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*. NOT forms should be submitted electronically through the same online portal used to apply for General Order coverage:

<https://public2.waterboards.ca.gov/cgo>

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

July 19, 2019

Sage Aldebaran
449 Grandview Avenue
Novato CA, 94945

Dear Sage,

Re: APN 223-061-050

Application #12585

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application for APN 223-061-050. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

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

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites contained within the application on July 15, 2019. The RPF exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

Project Location

APN: 223-061-050

Acreage: 162 acres

Legal Description: E 1/2 of E 1/2 of Section 30,

Township 4 South, Range 4 East,

Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Garberville

Humboldt County Zoning: Timber Production (Project Area) and Agricultural Exclusive

Site Address: None

Landowner/Timber Owner: Sage Aldebaran

Project Location (Cont.)

The project is located east of Highway 101 between Garberville and Benbow. Access to the property is via an un-named rocky road off Sprowel Creek Road near Tooby Park, which winds southeasterly under Highway 101 to a trending ridge located between Bear Canyon and East Branch South Fork Eel River. See attached Location Map.

Parcel Description & Timber Harvest History

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

The property consists of residual and second growth Douglas-fir, black oak, and madrone. Review of aerial imagery suggest that timber harvesting occurred (selectively) between 1948 and 1968; however, no distinctive timber type change can be discerned that could be attributed to large scale clearcutting. Field review revealed scattered small diameter old growth Douglas-fir stumps, and a variety of second growth Douglas-fir age classes intermixed within the project area. There have been no subsequent commercial harvests per Cal Fire's Watershed Mapper (http://egis.fire.ca.gov/watershed_mapper/). The current landowner purchased the property from Harris Land & Cattle LLC on 1-4-2008.

Project Description

Three cultivation sites were inspected during the field assessment within APN 223-061-050. The following table lists the inspected sites and their acreage; see detailed site descriptions below.

Cultivation Site/Associated Area	Total Acreage	Converted?	Converted Acreage
Cultivation Site 1a	0.10	Yes	0.10
Cultivation Site 1b	0.06	Yes	0.06
Cultivation Site 2	0.26	Yes	0.26
Cultivation Site 3a	0.18	Yes	0.18
Cultivation Site 3b	0.75	Yes	0.75
Cultivation Site 3c	0.06	Yes	0.06
TOTAL	1.41		1.41

Cultivation Site 1a

Review of Google and NAIP aerial imagery reveals that the cultivation site was initially developed between 2005 and 2009 and later expanded to its present size and configuration between 2009 and 2010. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 1b

Review of Google and NAIP aerial imagery reveals that the cultivation site was developed to its present size and configuration between 2009 and 2010. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 2

Review of Google, NAIP and Terra Server aerial imagery reveals that the cultivation site was initially developed between 2009 and 2010, which consisted of a very small forest opening. The site was incrementally expanded to its present size and configuration between 2010 and July 24, 2016 (TerraServer). The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Project Description (Cont.)

Cultivation Site 3a

Review of Google and NAIP aerial imagery reveals that the cultivation site was initially developed between 2005 and 2009, and incrementally expanded to its present size and configuration between 2009 and 2014. A metal storage building was constructed between 2017 and 2018 (TerraServer), which appears to have resulted in tree removal. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 3b

Review of Google and NAIP aerial imagery reveals that the cultivation site was initially developed between 2005 and 2009, and incrementally expanded to its present size and configuration between 2009 and 2016. Scattered clumps of trees located within the footprint of the site were harvested between 2016 and 2018 (TerraServer), but no stumps appear to have been removed. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 3c

Review of Google, NAIP, and Terra Server aerial imagery reveals that the cultivation site was developed between 2016 and 2018. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Timberland Conversion Summary

TRC observed approximately 1.41 acres of timberland conversion for cultivation-related purposes. This total does not exceed the three-acre conversion exemption maximum.

Watercourses and Water Resources

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

No conversion areas exist within a Watercourse and Lake Protection Zone (WLPZ). The nearest watercourse (Class III) is approximately 125 feet from Cultivation Site 3b.

Slash, Woody Debris, and Refuse Treatment

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

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

- 1) *Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 2) *All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.*
- 3) *All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.*
- 4) *Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.*
- 5) *Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 6) *Full slash and woody debris treatment may include any of the following:*
 - a) *Burying;*
 - b) *Chipping and spreading;*
 - c) *Piling and burning; or*
 - d) *Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and*

Limitations and Considerations for Timberland Conversion Activities

woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.

- 7) *Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.*
- 8) *Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.*

Slash, woody debris, and/or logs requiring treatment were observed at Cultivation Site 2 and Cultivation Site 3a and 3b as shown on the attached maps.

Biological Resources and Forest Stand Health

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

A query of the California Natural Diversity Database (CNDDB) on July 17, 2019 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern (see attached CNDDB Map) within the 0.7-mile biological assessment area surrounding the property.

The query of the CNDDB NSO Database revealed no known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile biological assessment area surrounding the cultivation sites and associated areas.

The conversion areas did not include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

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

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

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

Recommendations

In summary, a total of 1.41 acres of unauthorized timberland conversion has occurred within APN 223-061-050. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules.

1. The RPF recommends treating logs, slash, and woody debris at Cultivation Site 2 and Cultivation Site 3a and 3b as shown on the attached maps. Treatment shall occur per the specifications stated in 14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris.

Sincerely,



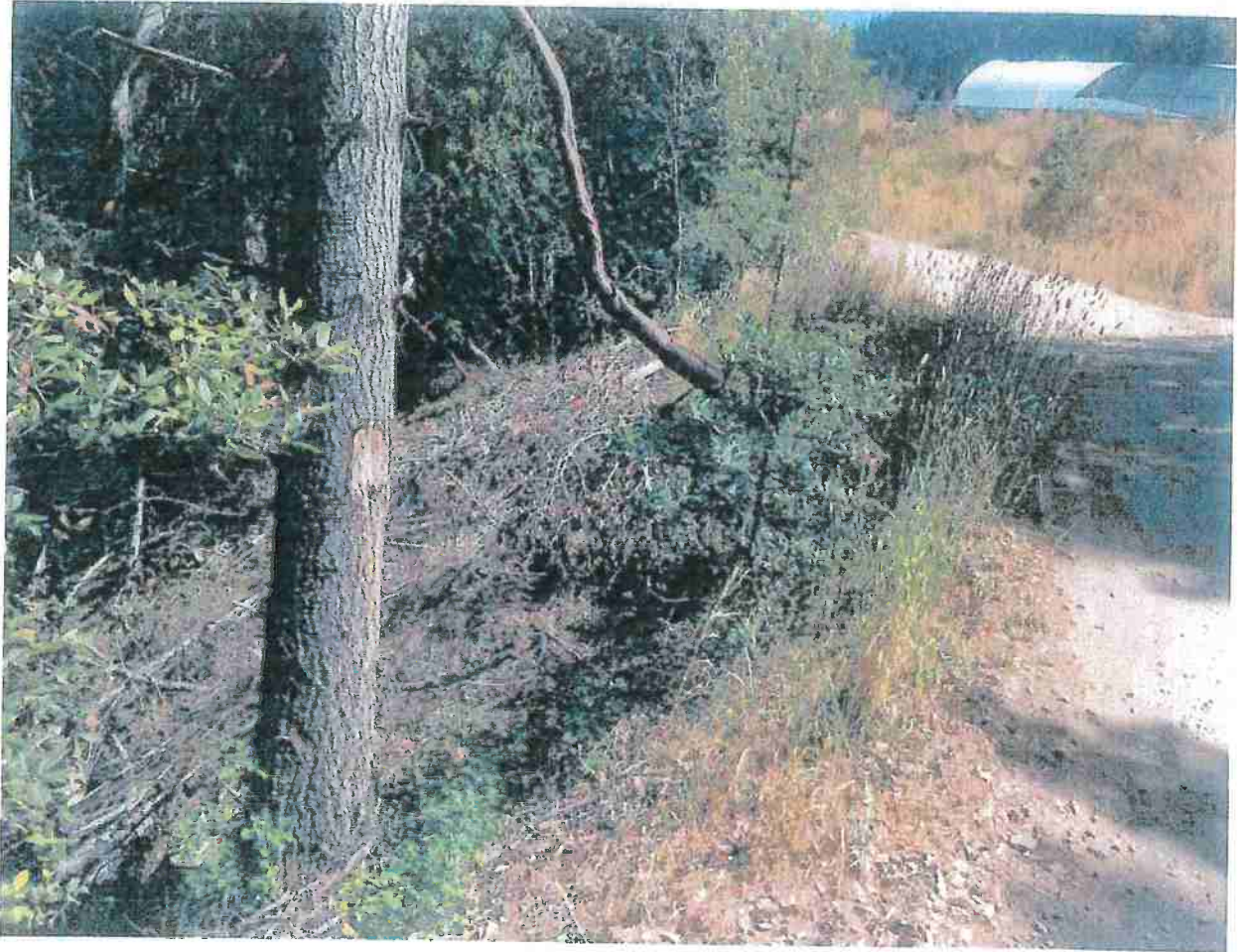
Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



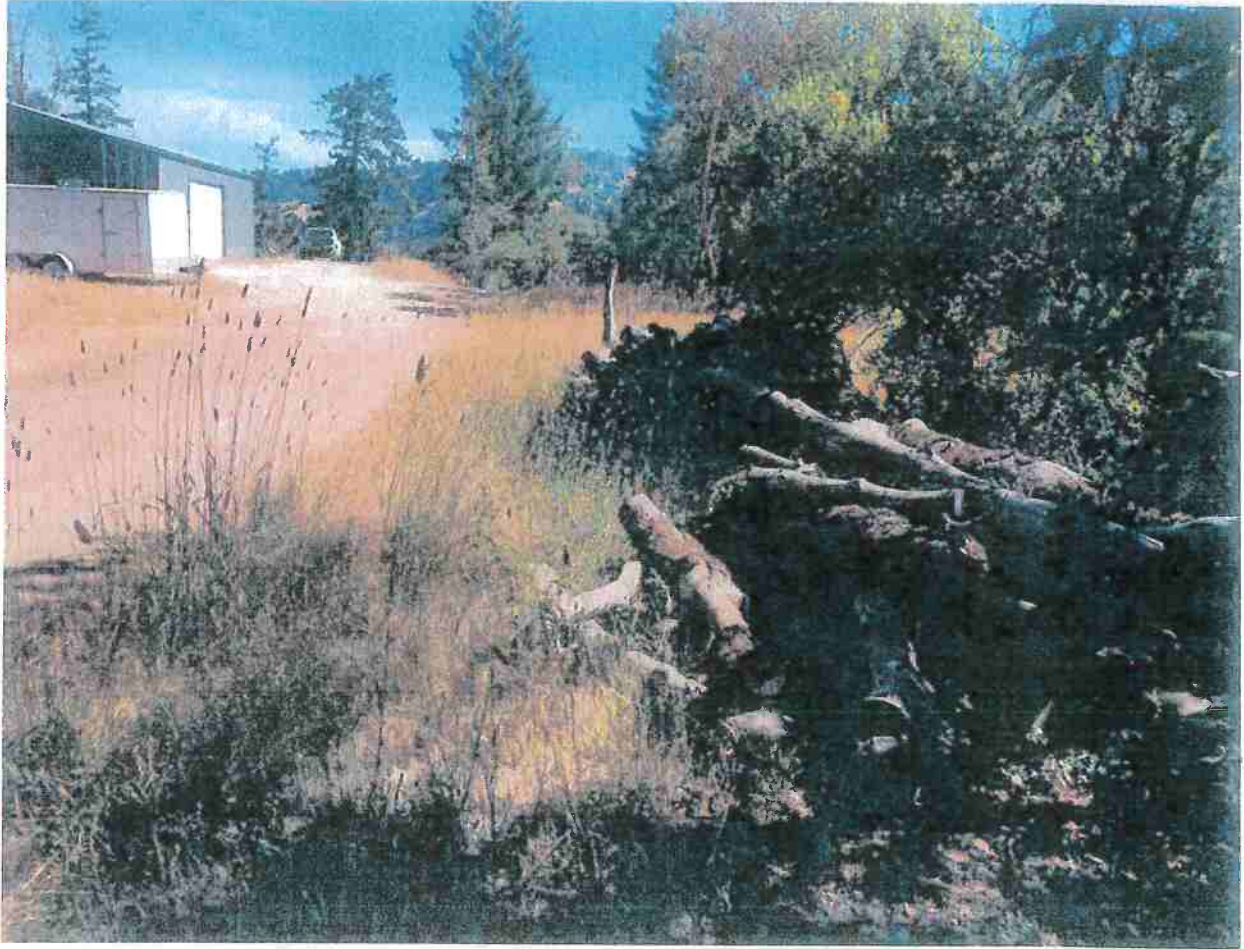
Picture 1: Slash requiring treatment located southeast of CS 2. Photo date 7-15-2019

Pictures



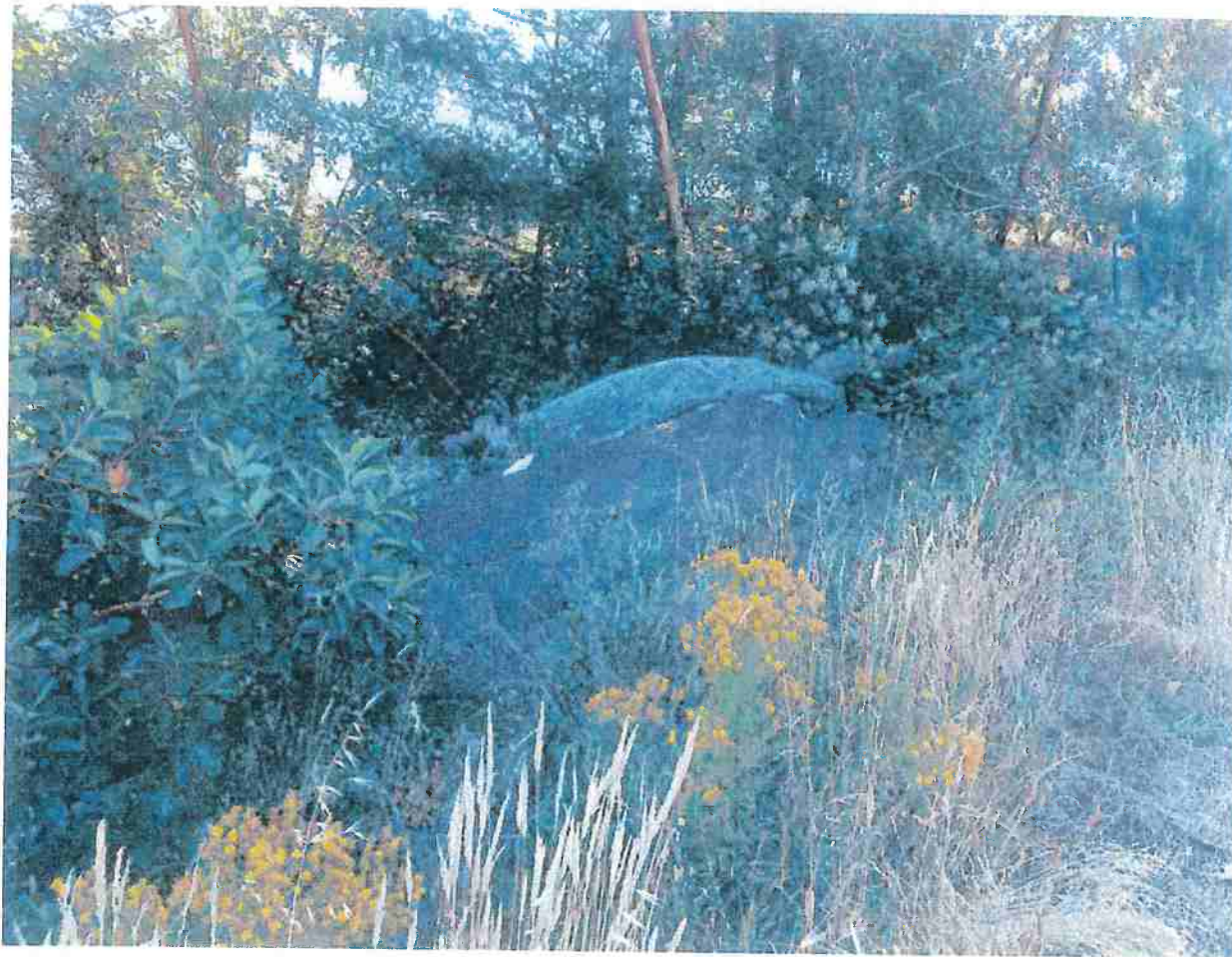
Picture 2: Slash requiring treatment located west of CS 2. Photo date 7-15-2019

Pictures



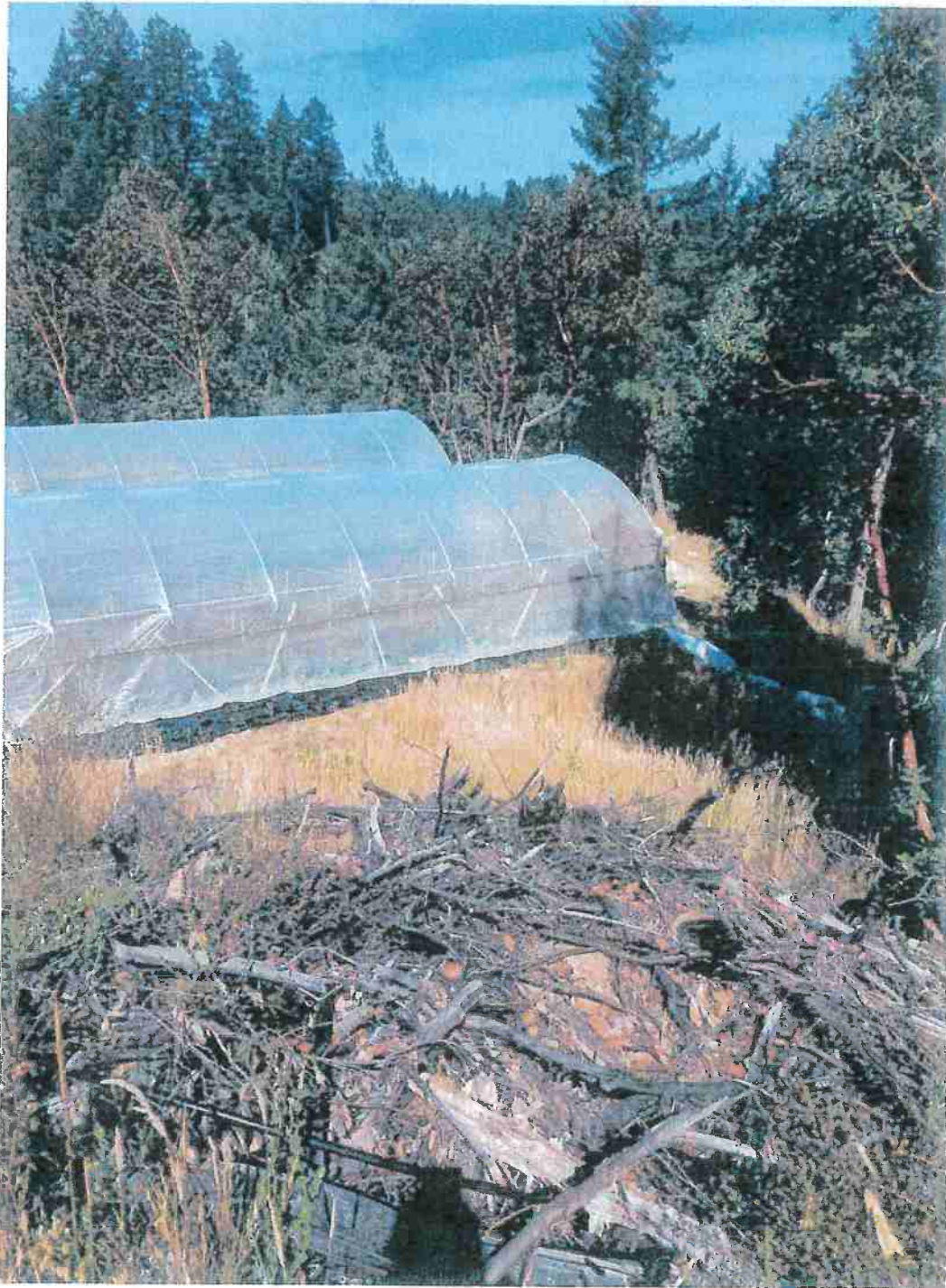
Picture 3: Logs requiring treatment located southeast of CS 3a. Photo date 7-15-2019

Pictures



Picture 4: Logs requiring treatment located north-northwest of CS 3a. Photo date 7-15-2019

Pictures



Picture 5: Slash requiring treatment located north-northeast of CS 3a. Photo date 7-15-2019

Pictures



Picture 6: Cultivation Site 1. Photo date 11-15-2018

Pictures



Picture 7: Cultivation Site 2. Photo date 11-15-2018

Pictures

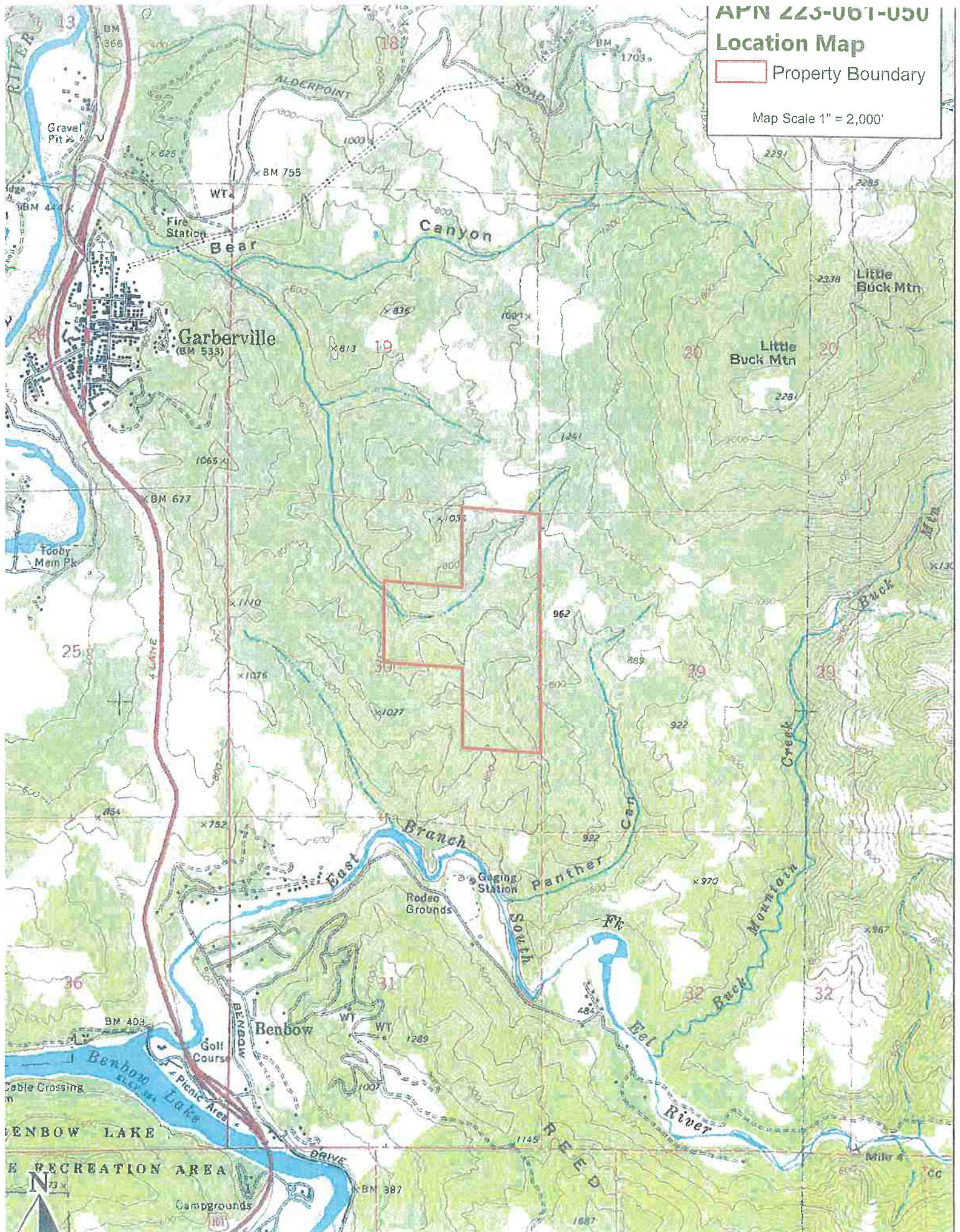


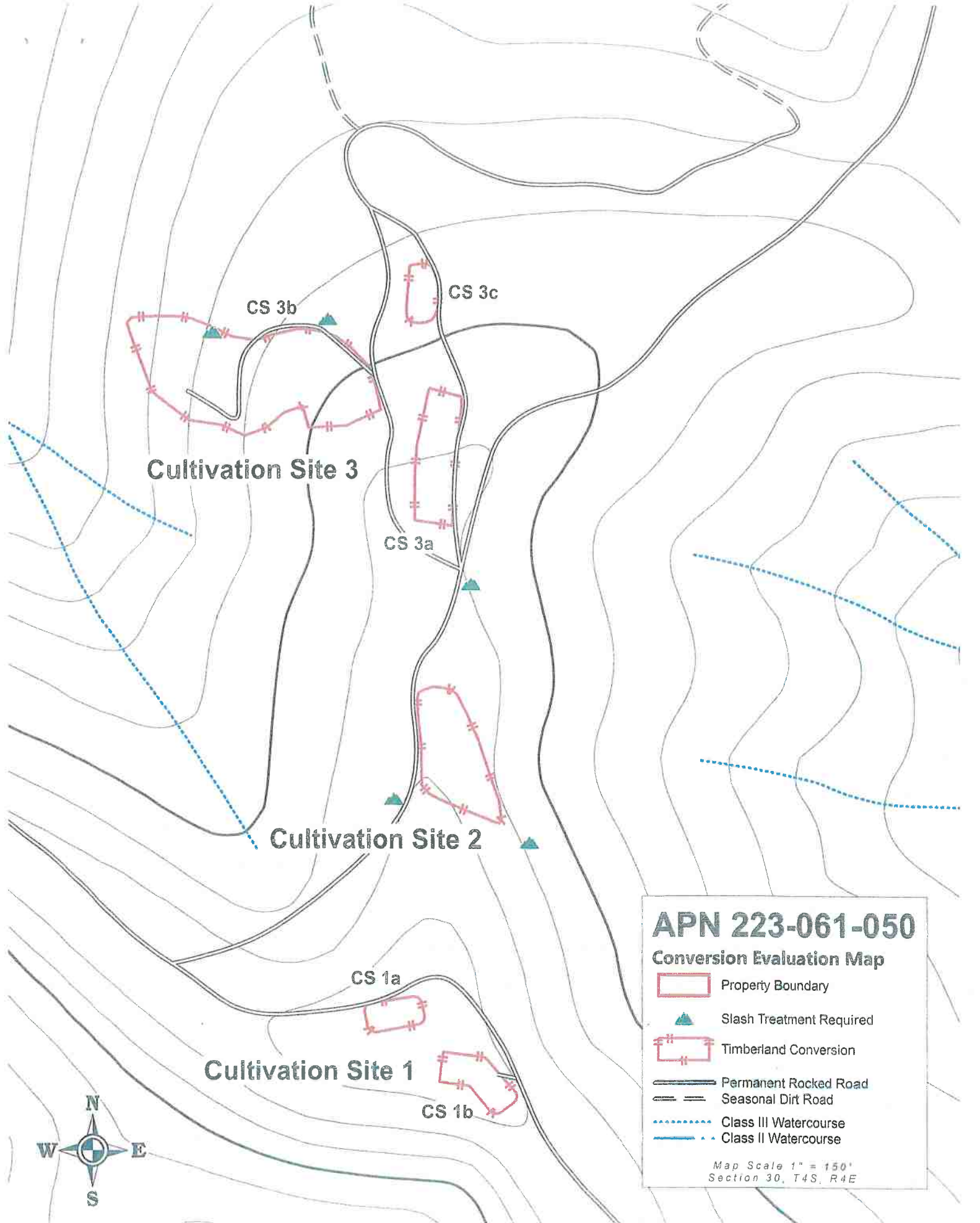
Picture 8 & 9: Cultivation Site 3. Photo date 11-15-2018
APN 223-061-050 – Timberland Conversion Evaluation

Location Map

 Property Boundary

Map Scale 1" = 2,000'





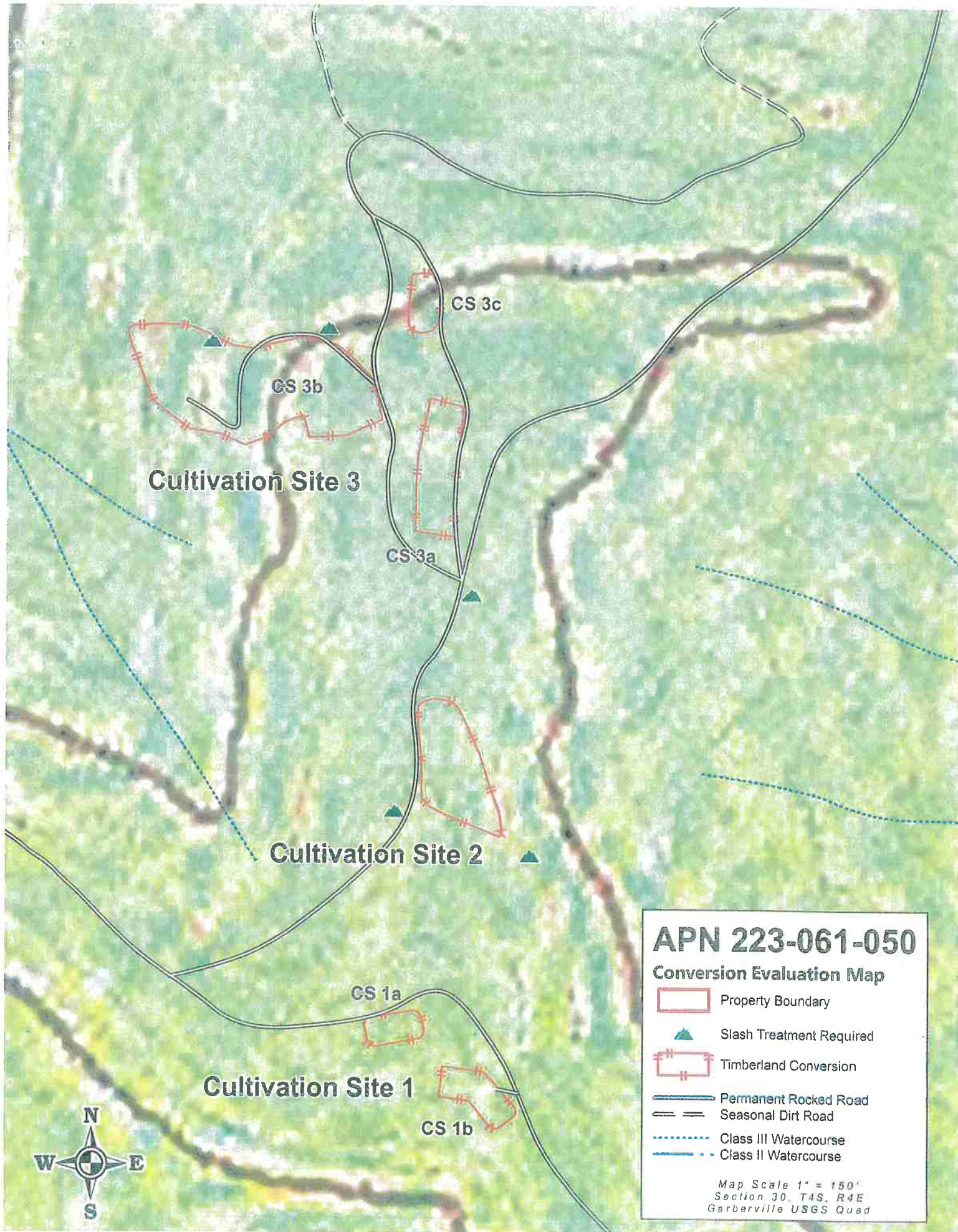
APN 223-061-050

Conversion Evaluation Map

- Property Boundary
- Slash Treatment Required
- Timberland Conversion
- Permanent Rocked Road
- Seasonal Dirt Road
- Class III Watercourse
- Class II Watercourse

Map Scale 1" = 150'
Section 30, T4S, R4E

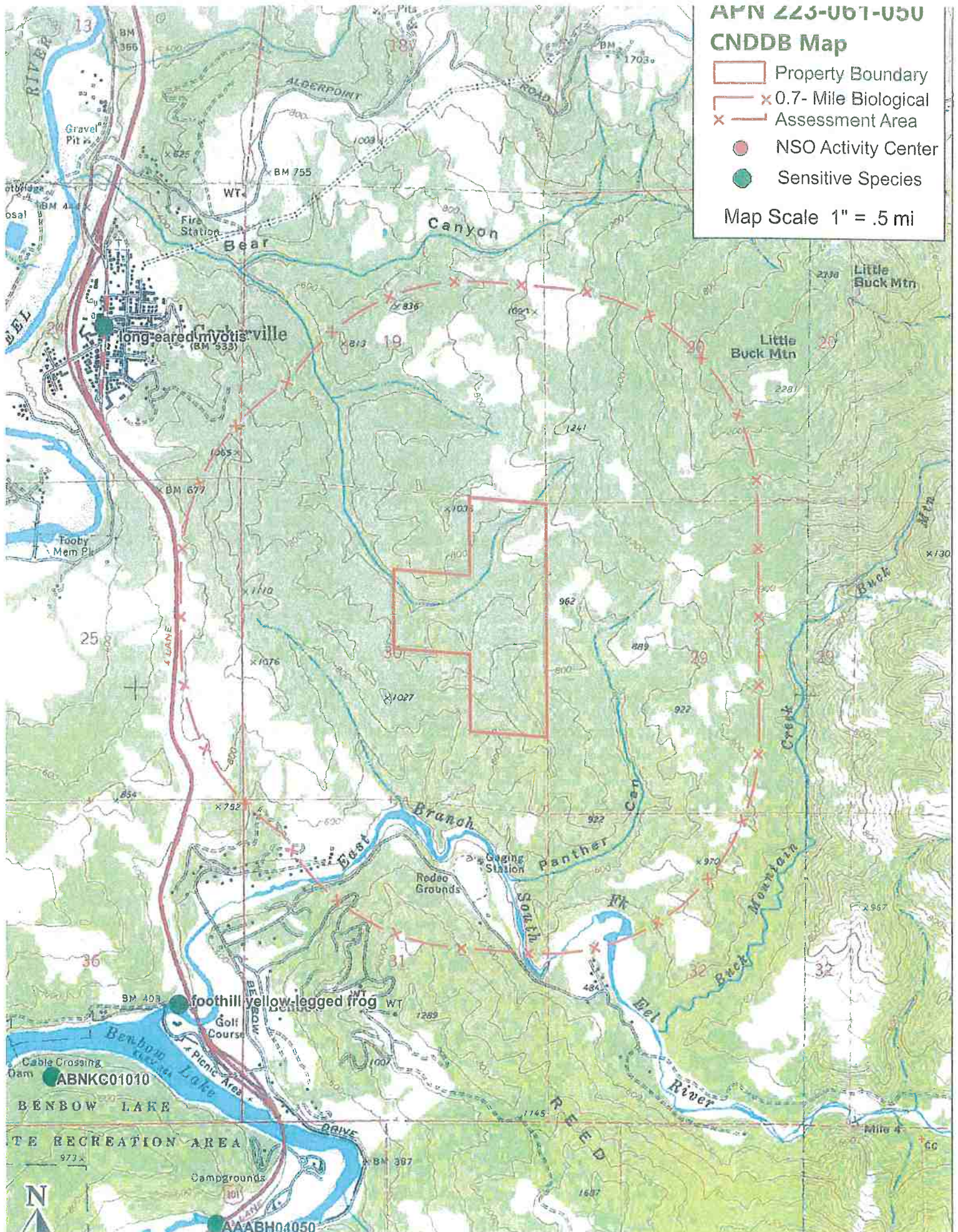




CNDDDB Map

- Property Boundary
- x 0.7- Mile Biological Assessment Area
- x NSO Activity Center
- Sensitive Species

Map Scale 1" = .5 mi



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: SAGE ALDEBARAN APN: 223-061-050-000

Planning & Building Department Case/File No.: 12585

Road Name: UNNAMED ROAD (complete a separate form for each road)

From Road (Cross street): SPRONI CREEK RD.

To Road (Cross street): N/A

Length of road segment: 3 miles Date Inspected: AUG 13 2018

Road is maintained by: ☐ County ☒ Other PRIVATE
(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.


Signature

AUG 13 / 2018
Date

SAGE ALDEBARAN
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 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
From Road: _____ (Post Mile _____) Planning & Building
To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:

(Contact the Planning & Building Department for information on other nearby projects.) _____

ADT: _____ Date(s) measured: _____

Method used to measure ADT: ☐ Counters ☐ Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? ☐ Yes ☐ No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* for guidance.)

A. Pattern of curve related crashes.

Check one: ☐ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☐ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☐ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer _____

Date _____

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

REFERENCES:

- Humboldt County *Road Design Manual*, Chapter 7, Design Standards for Roadway Categories.
- American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*.
- American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (AKA "Green Book")
- Institute of Transportation Engineers (ITE) *Trip Generation*

INSTRUCTIONS: The *Road Evaluation Report* consists of two parts. The first part (Part A) may be completed by the applicant. If the second part (Part B) is needed, it must be completed by a Civil Engineer licensed by the State of California. The .pdf version of this document provides fields that can be filled in.

A separate *Road Evaluation Report* is required for each road. **Save Time: before completing these forms consult with the Land Use Division at 707.445.7205 to make sure you are evaluating all of the necessary roads for your project; that other cannabis projects in the vicinity have been included; and to make sure that you understand what is needed.**

Special instructions to the applicant's Civil Engineer in completing Part B:

- Engineer will need to contact the Department for a list of other cannabis projects that may be using all or some of the same roads in the roadway network.
- Engineer will need to determine which of these projects utilize the roads within the same roadway network by personally reviewing the cannabis project applications at the Planning & Building Department. Many of the cannabis project applications are incomplete; therefore the engineer may need to directly contact other applicants to determine how these other cannabis projects will utilize the roads in question.
- Engineer may propose a master plan in which any required roadway improvements are incrementally divided among several cannabis projects. However, the master plan must be designed so that improvements to the road(s) will be adequate when constructed incrementally.

// END //

McClenagan, Laura

From: sage aldebaran <aldebaran.ranch@gmail.com>
Sent: Friday, December 11, 2020 12:38 PM
To: Megan Marruffo
Subject: Re: Humboldt County Application #12585 (Aldebaran Industries)



Access left Turn off of sprowl creek road



Average road condition with turn out area to left



Pinch point /narrow turn



Entrance to the private driveway and agricultural building , rocked and with pull out and turnaround

Hello , here are the photos of the road from Sprowl creek road (county road) and some examples of road conditions, pull outs , pinch points etc..

let me

Know if I need to provide more info.

Best regards sage aldebaran

On Tue, Dec 1, 2020 at 1:39 PM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good afternoon, Sage,

Thank you! The holiday was nice. I'm glad yours was as well.

I double checked the file, but am not seeing any photos. If you're sure you sent some, I can ask the County to recheck the file.

Regarding what the photos should be of, they should please be of the access road. Please include photos of pitch points and turns with a vehicle in view for scale to show line of sight and how those areas are navigated.

Thank you,
Megan



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

707 443 5054

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From: sage aldebaran <aldebaran.ranch@gmail.com>

Sent: Tuesday, December 1, 2020 1:31 PM

To: Megan Marruffo <marruffom@lacoassociates.com>

Subject: Re: Humboldt County Application #12585 (Aldebaran Industries)

Thank u and yes I hope yours was nice as well.

I recall the previous request from the senior planner about the road report. I thought I sent photos ?

But ok I will look to get u some this week.

To clarify do u mean the private access road from the county road or just my own driveway network ?

On Mon, Nov 30, 2020 at 9:18 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good morning, Sage,

I hope you had a wonderful Thanksgiving holiday. I wanted to follow up with you regarding your application, and specifically, the requested photos of pinch points and turnouts to accommodate the Road Evaluation. Have you had a chance to take some photos? If you could send those my way at your convenience, I would sure appreciate it.

Thank you,
Megan



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

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From: sage aldebaran <aldebaran.ranch@gmail.com>
Sent: Thursday, November 12, 2020 11:30 AM
To: Megan Marruffo <marruffom@lacoassociates.com>
Subject: Re: Humboldt County Application #12585 (Aldebaran Industries)

hello Meghan

I hope this clarifies some of your questions . yes as so much time has passed since i submitted this info i was assuming there would be some small changes but its accurate .

I have personally handled most of the reports to the best of my ability and hope u can help me make any positive changes u require to allow this project to progress.

I will attach the 1600 lsa file and photos in a separate email.

not sure what happened to the missing pages ,but i was sure i sent them in the meghan markle update i sent at the beginning of the year.

hope this finds u well

thanks Sage

On Wed, Nov 11, 2020 at 12:17 PM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good afternoon, Mr. Aldebaran,

I am the assigned planner who will be working on your cannabis cultivation permit application through the County of Humboldt (Application No. 12585), including preparing the staff report. I have reviewed your file provided by the County and was hoping you could address the following initial questions and request I have regarding the project:

1. Can you please confirm if the below project description from the County is still accurate?

The Applicant is seeking a Special Permit for 10,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from rooftop rainwater catchment and a point of diversion. Irrigation water is stored in (1) 80,000 gallon rainwater collection tank, (14) 5,000 gallon hard tanks, (2) 10,000 gallon bladders, (3) 3,500 gallon hard tanks, (1) 2,500 gallon hard tank, (1) 1,200 gallon hard tank, and (1) 1,000 gallon hard tank for a total of 137,700 gallons. No processing activities are proposed onsite. Power is provided by generator use.

2. I read in the Operations Plan that water pumping is via solar panels. Are any generators utilized onsite for the existing operation?
 - *If so, please also provide the number of generators utilized onsite, what they are utilized for, where they are kept, and their specifications, including noise ratings.*
3. How far is the existing 2,500 gallon tank in the northern portion of the site, as shown on the site plan, setback from the onsite streams?
4. Several pages (the even pages, pages 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20) of the Streambed Alteration Agreement (Notification No. 1600-2019-0193-R1) issued by the California Department of Fish and Wildlife (CDFW) appear to be missing from the County files. Would you be able to provide a copy of either the missing pages or the document in its entirety? These pages include the signature of the issuer, the date the Agreement was issued, as well as some of the avoidance and minimization measures.
5. Box 2 of the Road Evaluation Report, dated August 13, 2018, indicates the road segment is development to the equivalent of a road category 4 standard. Evidence, such as photos or other documentation, justifying that determination is requested. Please provide imagery of pitch points and turns with a vehicle in view for scale to show line of sight and how those areas are navigated.

I appreciate your help in addressing my questions. I will be in touch with any additional questions and as the process moves forward.

Thank you,

Megan



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

707 443 5054

<http://www.lacoassociates.com>

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**Response to HCBD , email letter dated 11/11/2020
Meghan Marruffo , LACO Ass.**

1. The project description is still accurate , seeking 10,000 sq feet. Water storage is same , no processing activity proposed , generator power with some plans for solar in future.

2. Water is pumped via solar array , with the option for generator power to be supplemental if need arises. Generator types and specs are included here :

**Portable generators for accessory use , construction , maintenance , supplemental water pumping etc.
Stored in metal agricultural building , or in adjacent overhang area covered from weather**

Engine

Honda iGX390

Displacement

389cc

AC Output

120/240V 6500W max. (54.1/27.1A) / 5500W rated (45.8/22.9A)

iAVR Output

7000W (58.3/29.2A) for 10 sec.

Receptacles

20A 125V GFCI Duplex (2), 30A 125V Locking Plug, 30A 125/250V Locking Plug

DC Output

N/A

Starting System

Recoil

Fuel Tank Capacity

6.2 gal.

Run Time per Tankful

6.9 hrs. @ rated load, 10.4 hrs. @ 1/2 load

Dimensions (L x W x H)

41.9" x 27.2" x 29.2"

Noise Level

67 dB(A) @ rated load, 64 dB(A) @ 50% load

Dry Weight

220 lbs.

Residential Warranty

3 Years

Commercial Warranty

3 Years

Specifications

Engine

Honda GX200

Displacement

196cc

AC Output

120V 3000W max.(25A) 2800W rated (23.3A)

Receptacles

20A 125V Duplex, 30A 125V Locking Plug

DC Output

NA

Starting System

Recoil, electric

Fuel Tank Capacity

3.4 gal.

Run Time per Tankful

6.9 hr @ rated load 19.6 hr @ 1/4 load

Dimensions (L x W x H)

25.9" x 17.6" x 22.0"

Noise Level

57 dB(A) @ rated load, 50 dB(A) @ 1/4 load

Dry Weight

130.7 lb.

Residential Warranty

3 Years

Commercial Warranty

3 Years

Multi quip 25kw

Used for general power including construction, welding maintenance etc. supplemental water pumping

Unit Specifications

Prime Rating	20 kW	25 kVA
Standby Rating	22 kW	27.5 kVA
Generator RPM	1800	
Voltage - Three Phase	208, 220, 240, 416, 440, 480V Switchable	
Voltage - Single Phase	120, 127, 139, 240, 254, 277V Switchable	
Generator Design	Revolving field, Self-ventilated, Drip-proof, Single bearing	
Voltage Regulation (No Load to Full Load)	±0.5 %	
Power Factor	0.8	
Armature Connection	Star with Neutral/ Zig Zag	
Excitation	Brushless with AVR	
No. Poles	4-pole	
Frequency	60 Hz	
Frequency Regulation (steady state load)	±3-5 %	
Sound Level (Full Load at 23 ft.)	59 dB(A)	

Engine Specifications

Make/Model	Isuzu / BV-4LE2	
Emissions	EPA Interim Tier 4 Certified	
Starting System	Electric	
Design	4-cycle, water cooled, direct injection	
Gross Engine Power Output	35.9 bhp	35.9 kW
Fuel Tank Capacity	41.7 gal	158 L
Fuel Consumption:		
Full load	1.66 gph	6.3 lph
3/4 load	1.21 gph	4.6 lph

1/2 load	0.85 gph	3.2 lph
1/4 load	0.57 gph	2.2 lph
Coolant Capacity	1.7 gal	6.4 L
Oil Capacity	2.25 gal	8.5 L
Battery	12V 53Ah x 1	

3. Existing water tank located in the northern part of property is deflated to be set back apron 25' from class 3 water course. This tank is 2500 gallons and is the primary catchment for the POD located(40.0889802 - 123.7700769) in a unnamed tributary to bear canyon cr.

The tank is on a stable shelf above any flood water level and not exhibiting any erosion of instability. The streambed alteration 1600 report was compiled by Timberland resource consulting and the tank is fed via gravity from the POD.

The details are registered and described, approved by the CDFW 1600 and deemed outside of 100 year flow by Timberland Resource Consultants.

4. I will resend the CURRENT CDFW LSA 1600 file or if u like a copy will be sent upon request.

5. Road evaluation photos of pinch points and turnarounds will be sent asap.

Thanks u for the follow up on this project I look forward to compiling this information and moving this project forward. Let me know any further details I can clarify for u !

Best regards Sage Aldebaran

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		No response	
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFire	✓	No Comment	On file
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Intertribal Sinkiyone 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



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

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

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01/25/2019

RE:

Applicant Name	ALDEBARAN INDUSTRIES
APN	223-061-050
APPS#	PLN-12585-CUP

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 08/13/2018, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

Site Plan states access road name is “Tooby Ranch Road”, while the road evaluation report uses “unnamed road”. The Departments recommendations are based on the roads being the same road.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12585

☐ 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 SPROWEL CREEK 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.

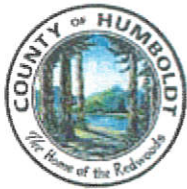
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

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

1/24/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, Southern Humboldt Joint Unified School District, Cal Fish & Wildlife, CalFire, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC, California Water Resources Control Board, Division of Water Rights: Other

Applicant Name Aldebaran Industries **Key Parcel Number** 223-061-050-000

Application (APPS#) PLN-12585-CUP Historic Planning **Assigned Planner** Meghan Ryan

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: 2/8/2019

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

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

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

Other Comments: Has a valid SIUR Water Right. Registration ID
H505054, Certificate H100417, Application # 407599

DATE: 3/5/19 PRINT NAME: Scott M. [Signature]