COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: February 18, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Nottingham Special Permit**
Record Number PLN-12647-SP
Assessor's Parcel Number (APN) 208-271-002
Anderson Ford Road, Dinsmore area

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Please contact Samantha Thomas, Associate Planner, at 707-443-5054 or by email at thomass@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	Samantha Thomas

Project Description: Jason Nottingham seeks a Special Permit (PLN-12647-SP) for an existing 8,325 square foot (SF) outdoor cannabis cultivation operation. The project entails relocating the existing outdoor cultivation footprint within a proposed five (5) 1,600 SF and one (1) 325 SF greenhouses for a total outdoor cultivation footprint of 8,325 SF. As the previous cultivation footprint has been relocated greater than 200 feet from a watercourse, the approval of a Special Permit (SP) for work performed within the Streamside Management Area (SMA) per the Streamside Management and Wetlands Ordinance (SMAWO) requirements as well as an SP for cultivation shall be required. Ancillary propagation is proposed in a 1,200 SF greenhouse. Irrigation water is sourced from a point of diversion (POD). Existing available water storage is 78,500 gallons via three (3) 2,500 gallon, two (2) 3,000 gallon, and five (5) 5,000 gallon hard sided water tanks and a proposed eight (8) 5,000 gallon HDPE water storage tanks. Estimated annual water usage is 71,150 gallons (8.54 gal/SF). Drying, machine trimming, and curing will occur onsite in a 160 SF Conex box, where all small buds will be crushed and transferred to an off-site licensed processing or manufacturing facility. One (1) to two (2) full-time employees will perform all processing via machine, forgoing the need for additional seasonal employees. Power is provided by a 6500-watt and 3000-watt gasoline powered generators and solar.

Project Location: The project is located in the Dinsmore area, on the east side of Anderson Ford Road, approximately 1,500 feet north from the intersection of Bear Creek Road and Anderson Ford Road, on the property known to be in the northwest quarter of Section 32 of Township 02 North, Range 05 East, Humboldt Base and Meridian (APN: 208-271-002).

Present Plan Land Use Designations: Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: High instability (3)

Present Zoning: Forestry Recreation (FR), Minimum building site area is 40 acres (B-5(40))

Record Number: PLN-12647-SP **Case Numbers:** SP16-787

Assessor's Parcel Number: 208-271-002

Applicant	Owner	Agents
Nottingham	Jason Nottingham	Abigail Nottingham
1794 Fickle Hill Road	1794 Fickle Hill Road	1794 Fickle Hill Road
Arcata, CA 95521	Arcata, CA 95521	Arcata, CA 95521

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

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

Major Issues: None

Nottingham
Record Number: PLN-12647-SP
Assessor's Parcel Number: 208-271-002

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

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

Executive Summary: Jason Nottingham seeks a Special Permit to allow the continued operation of an existing 8,325 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). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Forest Recreation (FR), with a minimum building site area of 40 acres (B-5(40)). Cultivation currently takes place outdoors within one (1) 8,325 SF area. Cultivation is proposed under the project to be relocated and take place within five (5) 1,600 SF and one (1) 325 SF greenhouses for a total cultivation footprint of 8,325 SF, utilizing light-deprivation. As the previous cultivation footprint has been relocated greater than 200 feet from a watercourse, the approval of a Special Permit (SP) for work performed within the Streamside Management Area (SMA) per the Streamside Management and Wetlands Ordinance (SMAWO) requirements as well as an SP for cultivation shall be required. Ancillary propagation is proposed in a 1,200 SF greenhouse. Supplemental lighting will be used in the proposed nursery from September through April with internal blackout sheeting to shield the greenhouses, minimizing light from entering and escaping. Two (2) harvests are anticipated annually in the outdoor area for a growing season that extends from May through October.

Drying, machine trimming, and curing will occur onsite in a 160 SF Conex box adjacent to the cultivation site. All small buds will be crushed and transferred to an off-site licensed processing or manufacturing facility. One (1) to two (2) full-time employees will perform all processing via machine, forgoing the need for additional seasonal employees. Power is provided by a 6500-watt and 3000-watt gasoline powered generators (46+ amp) and solar. The operation will be secured with a proposed new perimeter security fence around the cultivation area, new security gate installed at the access road, all greenhouses will have locked doors, and a new video surveillance system with motion sensitivity alerts and motion activated lights will be installed and monitored throughout the project area.

Timber Conversion
The California Department of Forestry and Fire Protection (CalFire) has indicated that they cannot support the project under the current conditions without a timber evaluation. A Timberland Conversion Evaluation Report was prepared for the Humboldt County Cannabis Permit Application #12647 by Timberland Resource Consultants (TRC) on October 19, 2020 (Attachment 3). TRC observed approximately 1.45 acres of timberland conversion for cultivation-related purposed, which does not exceed the three-acre conversion exemption maximum. Although the conversion does not exceed the three-acre conversion exemption maximum, the conversion activities related to cannabis cultivation conducted on the property does not comply with the California Forest Practice Act and the California Forest Practice Rules. Therefore, as a Condition of Approval, the following recommendations from a Registered Professional Forester (RPF) shall be implemented:

- Following the restoration of the Class III stream channel at Cultivation Site 2 per the CDFW 1600 Agreement and 401/404 permits, the landowner shall replant Cultivation Site 2 per the Restocking Plan provided in the Timberland Conversion Evaluation Report.

- The RPF observed slash, woody debris, and logs from past conversion activities at several locations along the periphery of Cultivation Site 2. Because this site shall be decommissioned, full slash treatment is not required. Slash may be looped and scattered. Looping is defined as severing and spreading of slash so that no part of it remains more than 30 inches above the ground. If the landowner chooses full slash treatment, no burning or removal of logs shall occur within the Class III buffer zone.
- A small segment of fill slope, approximately 50-75 feet in length and 3-4 feet in depth, located along the southeastern periphery of Cultivation Site 2, is perched and too steep. Concurrent with the restoration and remediation of this Site per the CDFW 1600 Agreement, the fill slope shall be pilled back to a slope steepness no greater than 2:1 or 50 percent.

On-Site Relocation and Remediation Plan
As described in the Site and Operations Plan (Attachment 3) measures shall be taken to remove all cultivation and associated materials from the remediation site and riparian buffer, including plant mass, root balls, potting containers, cultivation medium and any materials associated with the preparation, cultivation, and harvest of commercial cannabis, with no further cultivation to occur on the remediated site. All disturbed and/or unstable slopes shall be stabilized and returned to pre-project conditions. Slopes shall be contoured as close as feasible to natural grade and aspect with temporary erosion control measures applied to prevent sediment run-off. Soils exposed as a result of project work, soil above rock rip-rap, and interstitial spaces between rocks shall be revegetated with native species by living planting, seed casting, or hydroseeding prior to the rainy season. Restoration of the quality/health of the riparian stand shall promote shade and microclimate control, delivery of wood to channels, slope stability and erosion control, and ground cover.

As indicated in the Relocation Letter for Application #12647 dated October 19, 2020 and the Restocking Plan for 208-271-002 dated October 18, 2020 prepared by the Timberland Resource Consultants (TRC) (Attachment 3), the relocation of Cultivation Site 2 into the footprint of Cultivation Site 1 would meet the objectives of the CMMLUO as an environmentally superior option. Cultivation Site 2 does not comply with the State-wide Order WQ 2017-0023-DWQ as the Site is located within the Class III riparian buffer and has slopes that are greater than 30 percent. In addition, based on the applicant's CDFW 1600 Agreement, the Class III watercourse is currently being diverted along the northern edge of the cultivation site via a trench, which discharges back into the Class III channel 150 feet away. The CDFW 1600 Agreement requires decommissioning this Site and returning the stream back to its original channel. Cultivation Site 1 is an environmentally superior site primarily due to the proximity to watercourses, ranging from approximately 150 feet to 200 feet away, and having slopes that are less steep than Cultivation Site 2 (less than 30 percent).

As mentioned in the Timberland Evaluation Report, the applicant shall follow the instream work and removal of perched fill, and exposed bare soil shall be treated in compliance with State Water Resources Control Board Order WQ 2019-0001-DWQ through erosion prevention and sediment capture measures via an Erosion Control Plan and a Restocking Plan, provided by TRC. Per the Restocking Plan, the applicant shall plant Douglas-fir at a uniform spacing no less than 10-feet by 10-feet, or 425 trees per acre. As Cultivation Site 2 contained a total disturbed acreage of 0.46, the number of trees required would be 200. A segment of Anderson Ford Road accessing Cultivation Site 2 was closely evaluated by TRC for compliance with State Water Resources Control Board Order WQ 2019-0001-DWQ. It is a permanent rocked road that is in moderately good shape with no stream crossings, drainage facilities, or signs of excessive erosion located within the applicant's ownership. Although the applicant will not need to use the segment of Anderson Ford Road located between Cultivation Site 1 and 2 for cultivation related activities, until the applicant terminates coverage under the General Order and receives a Notice of Termination (NOT) from the State Water Board, all roads located within the property would need to be maintained per the Order regardless of whether cannabis cultivation occurs. As conditioned, the applicant shall obtain an approved Special Permit (SP) for work performed within the SMA per the Streamside Management and Wetlands Ordinance (SMAWO) requirements prior to the issuance of this permit.

Water Resources
Water for irrigation is provided by a point of diversion (POD) of an unnamed spring of an unnamed Class III watercourse, a tributary to the Mad River as indicated in the applicants Right to Divert and Use Water Certificate No. H500642 for one (1) Small Irrigation Use Registrations (SUIR No. S026942) from the State Water Board (Attachment 3). Water is gravity fed to three (3) 2,500 gallon, two (2) 3,000 gallon, and five (5) 5,000 gallon hard sided water tanks and a proposed eight (8) 5,000 gallon HDPE water storage tanks with allowed diversion for forbearance per the State Water Board from November 1st to May 31st for a total storage capacity not to exceed 0.17400594 acre-feet (approximately 56,700 gallons) with a rate of diversion to storage shall not exceed 42,000 gallons per day or the diversion rate specified in the current version of the State Water Board's Cannabis Policy. The total available water storage amount is 78,500 gallons, exceeding the total storage capacity allowed by the State Water Board. A total available water storage amount of 19,650 gallons would account for the amount of water required during the project's forbearance period based on the water usage estimates provided in the Site and Operation Plan (Attachment 3). Estimated annual water usage is 71,150 gallons (8.54 gal/SF) with peak demand occurring in July and August at approximately 14,000 gallons per month. A Final Streambed Alteration Agreement (SAA 1600-2017-0419-R1) with the California Department of Fish and Wildlife (CDFW) in relation to the aforementioned POD it's referred to in the project's Site and Operation Plan (Attachment 3). Indicated in the Water Resources Protection Plan (WRPP) (Attachment 3), the SAA from CFDW allows for diversion for forbearance from October 15th to March 15th. The project shall be conditioned to follow CDFW's allowed diversion for forbearance period of October 15th to March 15th as it is more restrictive than that of the State Water Board. The project shall be conditioned to demonstrate enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order); and provide a copy of the Final SAA obtained from the California Department of Fish and Wildlife, Notification No. 1600-2017-0419-R1.As the project includes onsite processing, the project shall be conditioned to indicate the area of the sewage disposal system and associated facilities on the Site Plan and included in the Operation Plan.

The Humboldt County's WebGIS shows the previously mentioned unnamed Class III watercourse, a tributary to the Mad River, has an associated 100-foot Streamside Management Area (SMA) buffer. However, the WRPP (Attachment 3) indicates that a minimum of 200-foot distance is maintained from all watercourses to the current cultivation area, and associated roads. The WRPP had proposed a future rainwater catchment pond to replace the pre-existing water bladder. However, the applicant has communicated that the pond is no longer being proposed for this project, but rather eight (8) 5,000 gallon HDPE water storage tanks, with water continuing to be sourced from the existing POD.

Biological Resources
Per the CDFW Resource Map, there are mapped sensitive species directly north of the site with the nearest NSO activity center located approximately 4,000 feet from the site and on-site relocation has occurred, as previously mentioned under **On-Site Relocation and Remediation Plan**. A Biological Resource Assessment Report was prepared by Naiad Biological Consulting dated November 18, 2020, concluding that given the existing habitat and environment within the project site, and the fact that no new project development is proposed, there is no foreseeable indirect impacts associated with this project to the environment, surrounding habitat, or wildlife. The following recommendations should be followed and/or taken into consideration as indicated in the Biological Resource Assessment Report through the development of the proposed and current projects and operations:

- The buffers and setbacks identified in this Report, and throughout the associated maps, are to be respected when carrying on with the project plan as a measure to protect sensitive habitats and special-status species that may reside within these habitats. If the applicant proceeds with cultivating cannabis in other locations not defined in this Report, protocol level surveys may be required in specific locations in order to more accurately establish the project sites required setbacks from watercourse and delineated wetland features.
- If future development for any reason does occur and depending on the level of that development that will occur, best management practices (BMPs) should be used to prevent

sediment, fuels or contaminates from entering the surrounding terrestrial and aquatic environments. The implementation of BMPs will be dependent on the project construction methods.

- A protocol-level floristic survey is not recommended to be completed since the survey described in this Report occurred at locations that have been heavily disturbed, and therefore do not appear to have habitat that would be suitable for any special-status plant species to occur. However, if local or state agencies request a protocol-level floristic survey to be completed prior to any ground disturbance, the survey should follow procedures recommended by CDFW, and are in accordance with the guidelines established by CNPS, from the document Protocols for Surveying and Evaluating Impacts to Specie Status Native Plant Populations and Sensitive Natural Communities10 (CDFW, 2018).
- Since the relocated cultivation site (current cultivation site) was determined to be environmental superior to the pre-2017 cultivation site, based on the setbacks to watercourses and therefore proximity to sensitive habitats, it is not required that this site location get decommissioned or moved to a new location.
- Restoration of the pre-2017 cultivation site should occur in accordance with guidance provided by CDFW staff.
- If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and USFWS can further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance with the Humboldt County Cannabis Program EIR, CDFW Survey and Monitoring Protocols and Guidelines.

As requested by the NCRWQCB, the project shall be conditioned such that the applicant provide an explanation of the necessity for each stream crossing and if the crossings are not necessary, shall indicate that the crossings will be decommissioned. Per the applicant, a combination of solar and gasoline powered generators (6500-watt and 3000-watt), 46+amps of electricity are available for use at the cultivation site. Per the applicant, projected generator use depends on cultivation activity and time of year and whenever possible, the use of solar is preferred. As indicated by the applicant in their Site and Operation Plan (Attachment 3), the generators are located in a small shed for noise reduction where noise levels do not exceed 49-58dBA at 100 feet, or the nearest property line, whichever was closer. As indicated in the Light and Noise Assessment provided in the Site and Operation Plan (Attachment 3), the baseline ambient noise level was measured at 43.4 dBA, and the average noise level with all noise sources running (exhaust fans, water pumps, and diesel generators) was 47.3 dBA at the parcel boundary nearest to the cultivation operations. Therefore, the existing noise sources do not exceed 60dBAs at the property line. Per the Light and Noise Assessment, supplemental lighting will be used in the proposed nursery from September through April with internal blackout sheeting to shield the greenhouses, minimizing light from entering and escaping that would result in uplight, backlight, or glare onto neighboring properties, thus complying with International Dark Sky Association Standards. Furthermore, the project is conditioned to continue adherence to Dark Sky Standards for greenhouse lighting and security lighting, maintain acceptable noise levels, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and will not negatively impact NSO or other sensitive species.

Tribal Cultural Resource Coordination

The project is located in the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center and Bear River Band in May 2019. The site plan indicates the cultivation area and associated infrastructure meets the 600-foot setback from Tribal Cultural Resources.

A response was received from the Northwest Information Center via email on February 15, 2019 requesting the following recommendations:

- As the proposed project area has the possibility of containing unrecorded archaeological site(s), a study by a qualified professional archaeologist is recommended prior to commencement of project activities.
- It is recommended that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values.
- Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

An email from the Bear River Band received on May 23, 2019 recommended the Inadvertent Discoveries Protocol in regard to discovery of historical and archeological resources shall they occur. As such, ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

Access
Access to the site is via a driveway off of Anderson Ford Road via Bear Creek Road. Bear Creek Road is designated as a local road per the County's WebGIS and is not listed on the Department of Public Works "Exhibit D" as a known Category 4 or equivalent road. An incomplete Road Evaluation Report dated November 30, 2017 was submitted to the County which did not include all of the roads used starting from State Highway 36. The applicant submitted two (2) revised Road Evaluation Reports dated December 30, 2019 and December 28, 2020, respectively, for Bear Creek Road from Oak Road to Anderson Ford Road, and for Anderson Ford Road from Bear Creek Road to Anderson Ford Road. The Reports indicate that the entire road segments are developed to the equivalent of a road category 4 standard to safely accommodate the amount of traffic generated by the proposed cannabis cultivation

There is currently no address assigned to this property and in order to take this project to hearing an address shall be assigned. The applicant has submitted a "Street Address Application" form to the County of Humboldt and approved the $80.00 fee to be charged to this permit as of September 21, 2020 (Attachment 3).

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 ADMINSTRATOR
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-
Record Number PLN-12647-SP
Assessor's Parcel Number: 208-271-002

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

WHEREAS, **Nottingham,** submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 8,325 square foot (SF) outdoor cannabis cultivation with appurtenant propagation and processing activities;

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 existing 8,325 square foot (SF) outdoor cannabis cultivation with appurtenant propagation and processing activities by a 6500-watt and 3000-watt gasoline powered generators and solar. Water for irrigation is provided by a point of diversion (POD).

   EVIDENCE:
   a) Project File: PLN-12647-SP

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

   EVIDENCE:
   a) Addendum Prepared for the proposed project.

   b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines

   c) As required under the original CEQA document, a Water Resources Protection Plan was prepared by Applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.

   d) A Timberland Conversion Evaluation Report was prepared for the Humboldt County Cannabis Permit Application #12647 by Timberland Resource

Consultants on October 19, 2020 which concluded that the 1.45 acres of potential timberland conversion for cultivation-related purposes did not exceed the three-acre conversion exemption maximum and with the incorporation of the Restocking Plan shall be in compliance with the California Forest Practice Act and the California Practice Rules. By incorporating the Restocking Plan there would be no net loss of timberland as evaluated by the CMMLUO and MND.

e) A Biological Resource Assessment Report was prepared by Naiad Biological Consulting dated November 18, 2020, concluding that given the existing habitat and environment within the project site, and the fact that no new project development is proposed, there is no foreseeable indirect impacts associated with this project to the environment, surrounding habitat, or wildlife.

f) As described in the Site and Operations Plan, Timberland Conversion Evaluation Report, Relocation Letter, and Restocking Plan measures shall be taken to remove all cultivation and associated materials from Cultivation Site 2 (remediation site) and the Class III riparian buffer, including plant mass, root balls, potting containers, cultivation medium and any materials associated with the preparation, cultivation, and harvest of commercial cannabis, with no further cultivation to occur on the remediated site. All disturbed and/or unstable slopes shall be stabilized and returned to pre-project conditions, and the Class III watercourse shall be brought back to its original channel via an Erosion Control Plan and a Restocking Plan provided by TRC. Per the Restocking Plan, the applicant shall plant Douglas-fir at a uniform spacing no less than 10-feet by 10-feet, or 425 trees per acre. As Cultivation Site 2 contained a total disturbed acreage of 0.46, the number of trees required would be 200. Restoration of the quality/health of the riparian stand shall promote shade and microclimate control, delivery of wood to channels, slope stability and erosion control, and ground cover. As previously discussed, the relocation of Cultivation Site 2 into the footprint of Cultivation Site 1 would meet the objections of the CMMLUO as an environmentally superior option due to its proximity to watercourses, ranging from approximately 150 feet to 200 feet away, and having slopes that are less steep than Cultivation Site 2 (less than 30 percent).

g) As the previous cultivation footprint has been relocated greater than 200 feet from a watercourse, the approval of a Special Permit (SP) for work performed within the Streamside Management Area (SMA) shall meet the requirements of the Streamside Management and Wetlands Ordinance (SMAWO).

FINDINGS FOR SPECIAL PERMIT

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

EVIDENCE a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

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

EVIDENCE

a) The Forestry Recreation or FR Zone is intended to be applied to areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

b) All general agricultural uses are principally permitted in the FR zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22.000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 8,325 square feet of outdoor cultivation on a 40-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 FR (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 deed recorded October 1968, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.

c) The project will maintain compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board, Diversion of Water Rights by obtaining a statement of diversion of surface water from a stream and spring as required by Water Code Section 5101, as conditioned.

d) Road Evaluation Reports prepared by the applicant dated December 30, 2019 and December 28, 2020 demonstrate that all roads used starting from State Highway 36 to Anderson Ford Road are developed to the equivalent of a road category 4 standard to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.

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. A Timberland Conversion Evaluation Report was prepared for the Humboldt County Cannabis Permit Application #12647 by Timberland Resource Consultants on October 19, 2020 which concluded that the1.45 acres of potential timberland conversion for cultivation-related purposes did not exceed the three-acre conversion exemption maximum and with the incorporation of the Restocking Plan shall be in compliance with the California Forest Practice Act and the California Practice Rules. By incorporating the Restocking Plan there would be no net loss of timberland as evaluated by the CMMLUO and MND.

g) A Biological Resource Assessment Report was prepared by Naiad Biological Consulting dated November 18, 2020, concluding that given the existing

habitat and environment within the project site, and the fact that no new project development is proposed, there is no foreseeable indirect impacts associated with this project to the environment, surrounding habitat, or wildlife.

h) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING The cultivation of 8,325 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 a road that is developed to the equivalent of a road category 4 standard 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 sized in the area.

c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.

d) The project obtains water from a permitted diversionary water source. The Applicant has a Small Irrigation Use Registration (SUIR No. S026942), a Streambed Alteration Agreement Application (SAA 1600-2017-0419-R1), and a (Right to Divert and Use Water Certificate No. H500642) in conjunction with the identified diversionary water source.

e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

a) The parcel was included in the housing inventory of Humboldt County's 2019 Housing Element as the parcel is currently vacant and due to the zoning designation of FR with a minimum building site area of 40 acres, the parcel has 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

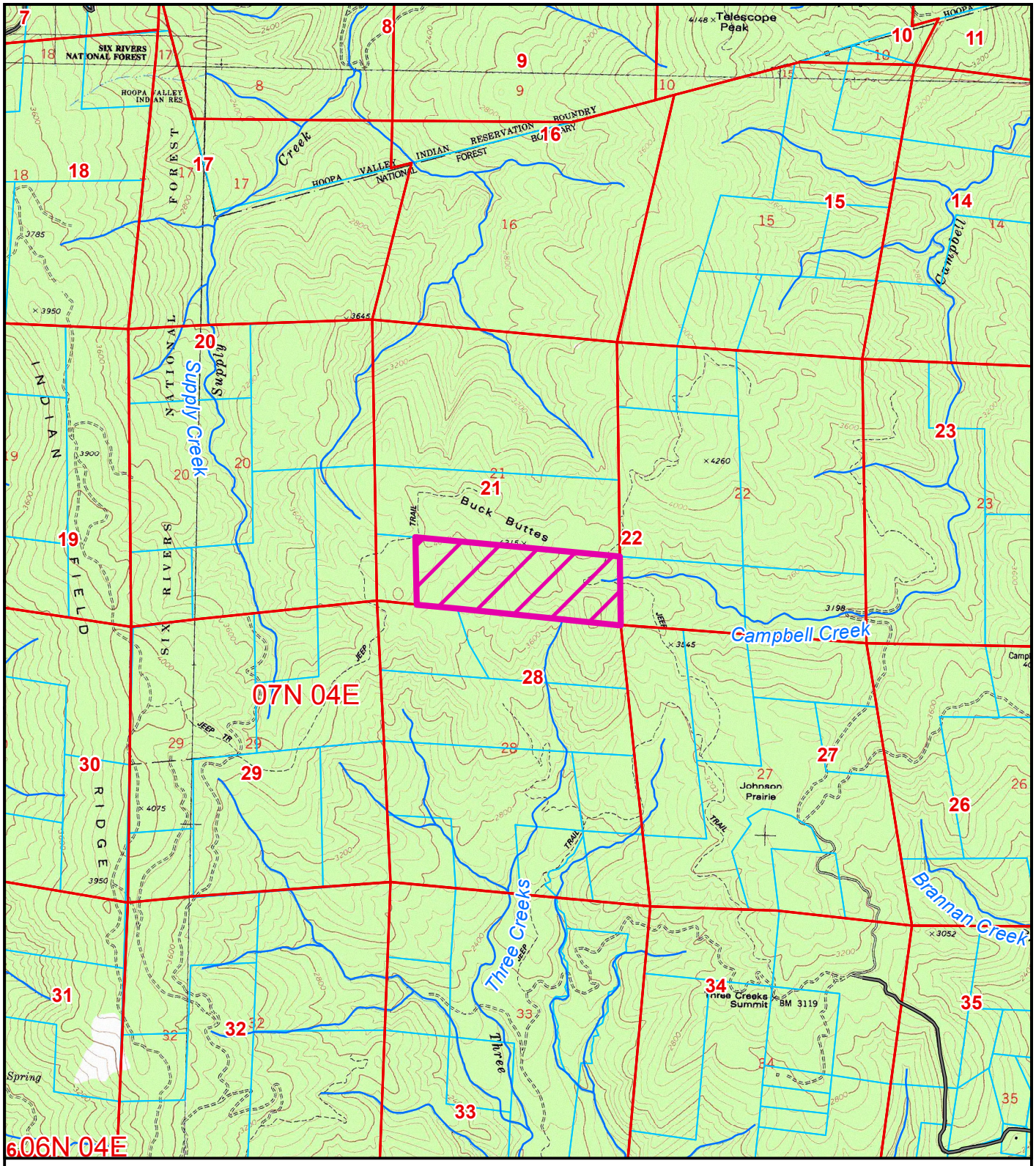
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Nottingham, 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 H. Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

_____
John H. Ford, Zoning Administrator
Planning and Building Department



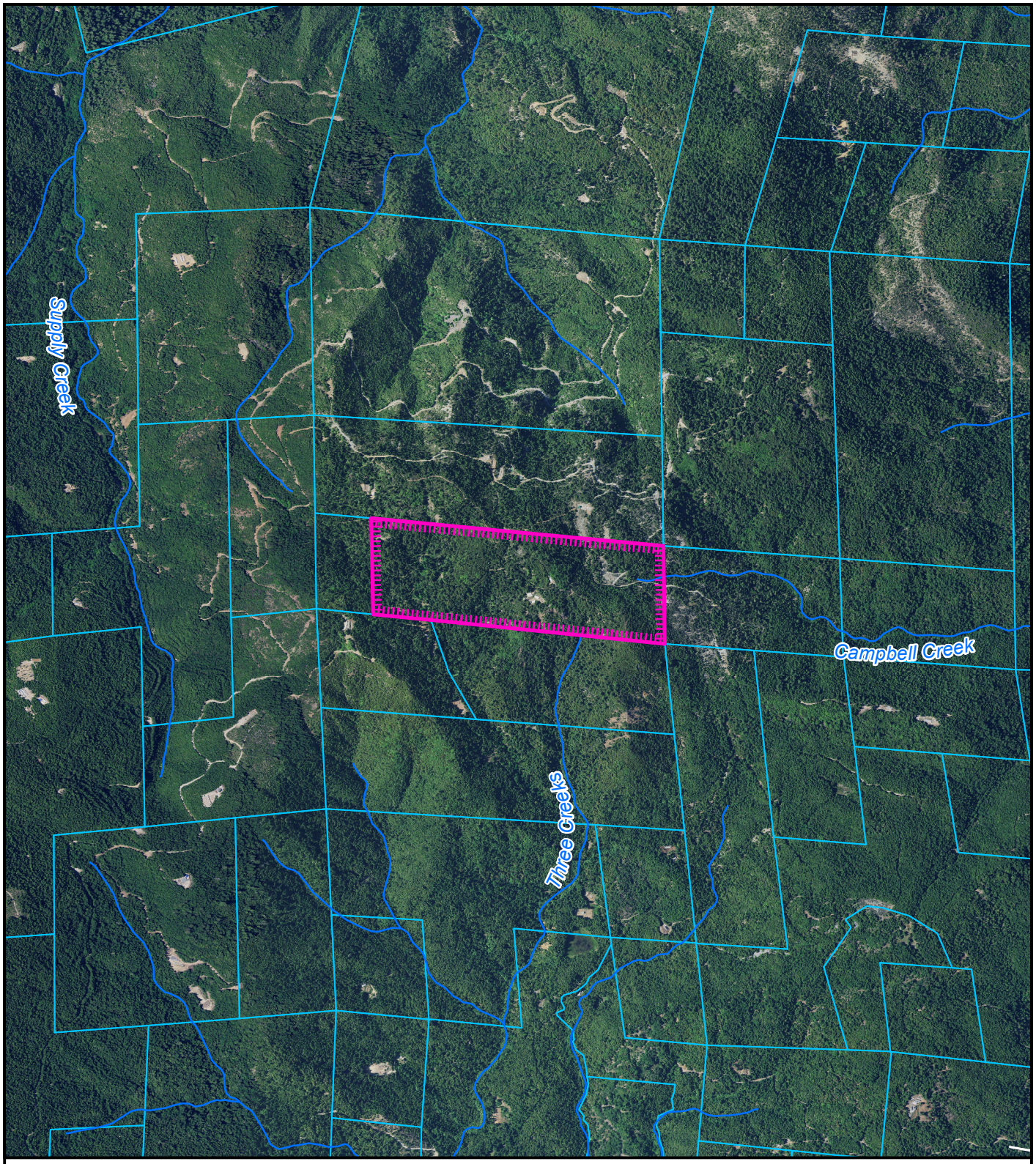
TOPO MAP
PROPOSED JOHN PICCIRILLI
WILLOW CREEK AREA
CUP-16-826
APN: 522-024-004-000
T07N R04E S21 HB&M (WILLOW CREEK)

Project Area =

N

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 0.275 0.55 1.1 Miles



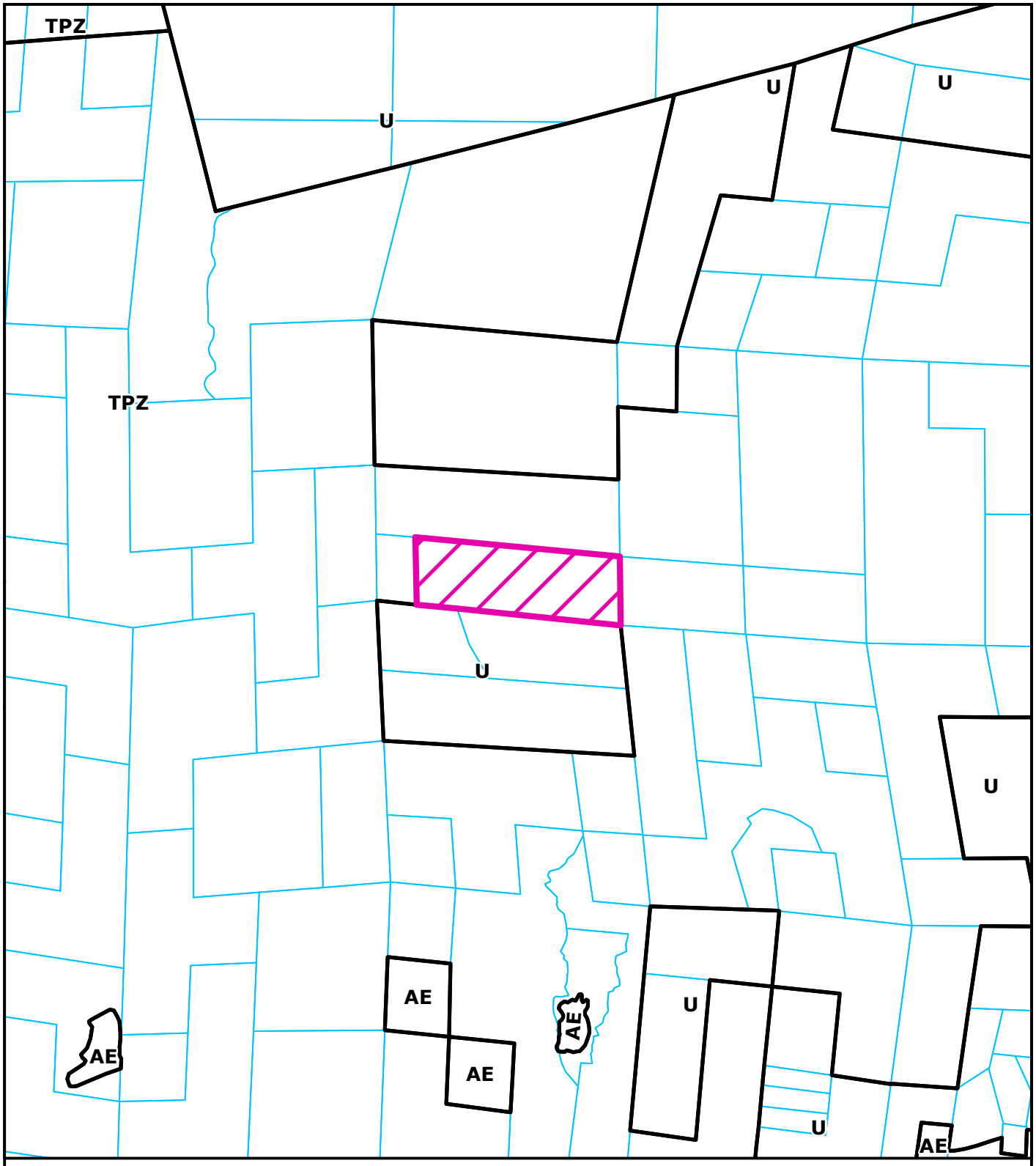
AERIAL MAP
PROPOSED JOHN PICCIRILLI
WILLOW CREEK AREA
CUP-16-826
APN: 522-024-004-000
T07N R04E S21 HB&M (WILLOW CREEK)

Project Area =

N

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

0 1,000 2,000 4,000 Feet



ZONING MAP
PROPOSED JOHN PICCIRILLI
WILLOW CREEK AREA
CUP-16-826
APN: 522-024-004-000
T07N R04E S21 HB&M (WILLOW CREEK)

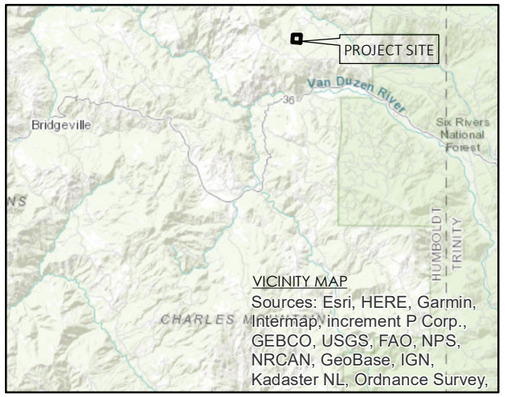
Project Area =

N

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 0.275 0.55 1.1 Miles

TRICHOME ACRES, LLC. (#12647)



DIRECTIONS TO SITE

TAKE US HWY 101-S FROM EUREKA TO ST HWY 36-E. TRAVEL ON 36-E FOR APPROXIMATELY 41.2 MILES. TURN LEFT ONTO DINSMORE ROAD, CONTINUE ONTO BEAR CREEK ROAD FOR 2 MILES. TURN RIGHT ONTO ANDERSON FORD ROAD AND CONTINUE FOR 0.2 MILES. PROJECT SITE IS ON THE LEFT.

PROJECT DESCRIPTION

TRICHOME ACRES, LLC IS SEEKING A CONDITIONAL USE PERMIT FOR 8,325 SQUARE FEET OF EXISTING OUTDOOR CANNABIS CULTIVATION IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE NO. 2559 (CMMLUO). WATER FOR IRRIGATION WILL BE SOURCED FROM AN EXISTING POINT OF DIVERSION ON AN UNNAMED SPRING AND A PROPOSED GROUNDWATER WELL. PROCESSING AND PACKAGING OCCURS OFFSITE. ELECTRICITY IS SOURCED FROM SOLAR AND GENERATOR POWER.

GENERAL NOTES

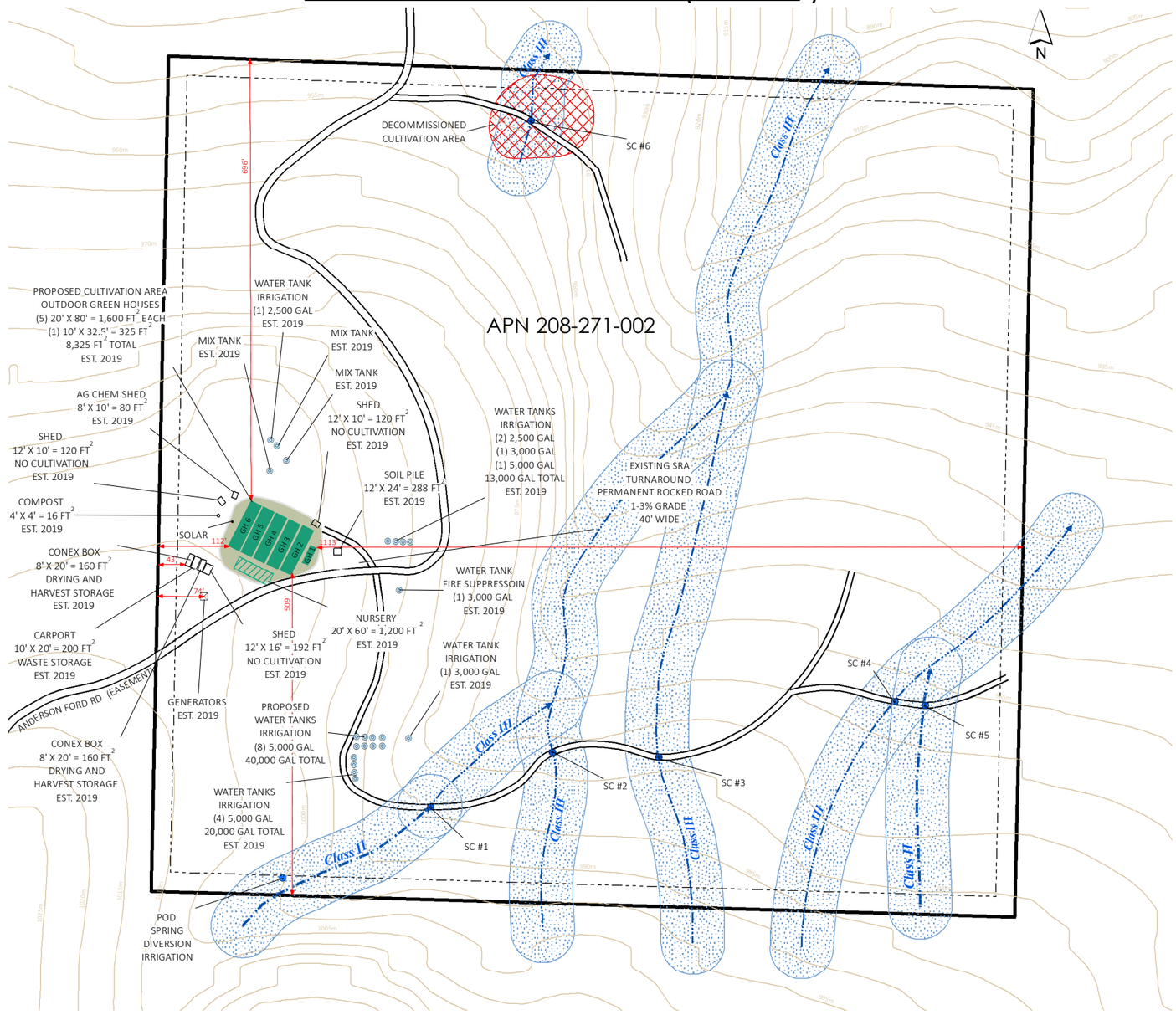
1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTIANED FROM HUMBOLDT COUNTY GIS DATA AND ADJUSTED BASED ON CONVERSATIONS WITH THE APPLICANT/OWNER.

3. THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.

4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREA.

5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL.



APPLICANT/OWNER

JASON NOTTINGHAM (APP#12647)
1794 FICKLE HILL ROAD
ARCATA, CA 95521

SITE ADDRESS

APN 208-217-002
ANDERSON FORD ROAD
DINSMORE, CA 95526

TREES TO BE REMOVED = NONE

OUTDOOR CULTIVATION = 8,325 SQ. FT.

EARTHWORK QUANITIES = NONE

WATER = PRIVATE
SEWER = N/A

PARCEL SIZE = 41.09 ACRES

ZONING = FR
GENERAL PLAN DESIGNATION = RA40

SRA AREA = YES

COASTAL ZONE = NO
100 YEAR FLOOD ZONE = NO

BSL = 30 FT

PREPARED BY CHRISTINA SUNDMAN FOR
TRICHOME ACRES, LLC
DECEMBER 29, 2020 V2

SCALE 1:2,400 1 INCH = 200 FEET
PARCEL: HUMBOLDT COUNTY GIS 2019

ABBREVIATIONS:
POD = POINT OF DIVERSION
SC = STREAM CROSSING
OD = OUTDOOR
GH = GREENHOUSE

POD(SPRING)	ACCESS ROAD	OUTDOOR CULTIVATION	RIPARIAN BUFFER - 50 FEET
WATER TANK	WATERCOURSE	NURSERY	GRADED FLAT
STREAM CROSSING	SETBACK	REMEDIATION AREA	30 FT BUILDING SETBACK LINE (BSL)
GENERATORS			

C0

Nottingham County Site Plan 12-29-20.pdf

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.

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

3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.

5. Within 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 prepared by a licensed surveyor showing the following, in addition to what is shown:
    a. Buffers/setback distances for natural waterways, including streams, springs and ponds in conformance with the Streamside Management Area (SMA) and Wetlands Ordinance (SMAWO) definition in HHC Section 314-6.1 as follows:
        a. 100 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams (Class 1, blueline).
        b. 50 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams (Class II and III).
        c. The width of the SMA shall not exceed 200 feet measured as a horizontal distance from the top of bank. The width of Streamside Management Areas shall be expanded to up to 200 feet measured as the horizontal distance from the top of bank as necessary to include slides or areas with visible evidence of slope instability.
    d. Graded flats, paving, and other development, including slopes near development.
    e. Existing and proposed leach fields, if applicable.
    f. On-site sanitation facility – portable toilets if no other facilities are available.

6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #23. The agreement shall provide a timeline for completing all outstanding items. All activities detailed

under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

7. 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.

8. 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.

9. The applicant shall contact the Humboldt County Building Inspection Division at (707)445-7244 to set up a site inspection as there may be additional requirements after the site visit.

10. The applicant shall obtain a permit to operate the 6500-watt and 3000-watt gasoline powered generators from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.

11. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to a Tier 2* enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB).

12. The applicant shall abide by all limitations and conditions set forth in their State Water Board Cannabis Small Irrigation Use Registration (SIUR), a Right to Divert and Use Water Certificate No. H500642, other than the designated forbearance period. The applicant shall abide by the CDFW's allowed diversion for forbearance period of October 15th to March 15th as it is more restrictive than that of the State Water Board.

13. The applicant shall provide an explanation of the necessity of stream crossing 1-5 listed in the WRPP, and if the crossings are not necessary, shall indicate that the crossings will be decommissioned.

14. The applicant shall demonstrate enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).

15. The applicant shall implement the following recommendations from a Registered Professional Forester (RPF) as indicated in the Timberland Conversion Evaluation Report by Timberland Resource Consultants (TRC) on October 19, 2020:
    a. Following the restoration of the Class III stream channel at Cultivation Site 2 per the CDFW 1600 Agreement and 401/404 permits, the landowner shall replant Cultivation Site 2 per the Restocking Plan provided in the Timberland Conversion Evaluation Report.
    b. The RPF observed slash, woody debris, and logs from past conversion activities at several locations along the periphery of Cultivation Site 2. Because this site shall be decommissioned, full slash treatment is not required. Slash may be looped and scattered. Looping is defined as severing and spreading of slash so that no part of it remains more than 30 inches above the ground. If the landowner chooses full slash treatment, no burning or removal of logs shall occur within the Class III buffer zone.
    c. A small segment of fill slope, approximately 50-75 feet in length and 3-4 feet in depth, located along the southeastern periphery of Cultivation Site 2, is perched and too steep. Concurrent

with the restoration and remediation of this site per the CDFW 1600 Agreement, the fill slope shall be pilled back to a slope steepness no greater than 2:1 or 50 percent.

16. The applicant shall implement all corrective actions detailed in the Relocation Letter for Application #12647 dated October 19, 2020 and the Restocking Plan for 208-271-002 dated October 18, 2020 prepared by the Timberland Resource Consultants (TRC).

17. The applicant shall obtain an approved Special Permit (SP) for work performed within the SMA per the Streamside Management and Wetlands Ordinance (SMAWO) requirements prior to the issuance of this permit.

18. The applicant shall follow and/or take into consideration through the development of the proposed and current projects and operations on site the recommendations as provided in the Biological Resource Assessment Report, prepared by Naiad Biological Consulting dated November 18, 2020.

19. The applicant shall submit a copy of the Final Streambed Alteration Agreement (SAA) obtained from the California Department of Fish and Wildlife, Notification No. 1600-2017-0419-R1.

20. The applicant shall indicate the area of the sewage disposal system and associated facilities on the Site Plan and included in the Operation Plan as onsite processing is proposed under the project.

21. The applicant shall contact the local fire service provider [Ruth Lake Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

22. 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.

23. 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.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to

crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.

5. 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.

6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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).

16. 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.

17. 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).

18. 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.

19. 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).

20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

21. Pay all applicable application, review for conformance with conditions and annual inspection fees.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

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

24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

<u>Performance Standards for Cultivation and Processing Operations</u>

25. 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."

26. 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).

27. 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.

28. 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.

29. 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

30. 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.

31. 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.

32. 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.

33. 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.

34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    a. Identifying information for the new owner(s) and management as required in an initial permit application;
    b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
    c. The specific date on which the transfer is to occur;
    d. Acknowledgement of full responsibility for complying with the existing permit; and
    e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

35. 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.

36. Documentation. The permit holder and subject property owner are to provide compliance documentation to assure that the activated being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #25 and 26 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 MEDICIAL MARIJUANA LAND USE ORDINANCE

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

APN 208-271-002; No Address Assigned, Dinsmore
County of Humboldt

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

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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-12647-SP) for an existing 8,325 square foot (SF) outdoor cannabis cultivation operation within a proposed five (5) 1,600 SF and one (1) 325 SF greenhouses for a total cultivation footprint of 8,325 SF. As the previous cultivation footprint has been relocated greater than 200 feet from a watercourse, the approval of a Special Permit (SP) for work performed within the Streamside Management Area (SMA) per the Streamside Management and Wetlands Ordinance (SMAWO) requirements as well as an SP for cultivation shall be required. Ancillary propagation is proposed in a 1,200 SF greenhouse. Irrigation water is sourced from a point of diversion (POD). Existing available water storage is 78,500 gallons via three (3) 2,500 gallon, two (2) 3,000 gallon, and five (5) 5,000 gallon hard sided water tanks and a proposed eight (8) 5,000 gallon HDPE water storage tanks. Estimated annual water usage is 71,150 gallons (8.54 gal/SF). Drying, machine trimming, and curing will occur onsite in a 160 SF Conex box, where all small buds will be crushed and transferred to an off-site licensed processing or manufacturing facility. One (1) to two (2) full-time employees will perform all processing via machine, forgoing the need for additional seasonal employees. Power is provided by a 6500-watt and 3000-watt gasoline powered generators and solar.

A Biological Resource Assessment Report was prepared by Naiad Biological Consulting dated November 18, 2020, concluding that given the existing habitat and environment within the project site, and the fact that no new project development is proposed, there is no foreseeable indirect impacts associated with this project to the environment, surrounding habitat, or wildlife.

As described in the Site and Operations Plan, Timberland Conversion Evaluation Report, Relocation Letter, and Restocking Plan measures shall be taken to remove all cultivation and associated materials from Cultivation Site 2 (remediation site) and the Class III riparian buffer, including plant mass, root balls, potting containers, cultivation medium and any materials associated with the preparation, cultivation, and harvest of commercial cannabis, with no further cultivation to occur on the remediated site. All disturbed and/or unstable slopes shall be stabilized and returned to pre-project conditions, and the Class III watercourse shall be brought back to its original channel via an Erosion Control Plan and a Restocking Plan provided by TRC. Per the Restocking Plan, the applicant shall plant Douglas-fir at a uniform spacing no less than 10-feet by 10-feet, or 425 trees per acre. As Cultivation Site 2 contained a total disturbed acreage of 0.46, the number of trees required would be 200. Restoration of the quality/health of the riparian stand shall promote shade and microclimate control, delivery of wood to channels, slope stability and erosion control, and ground cover. As previously discussed, the relocation of Cultivation Site 2 into the footprint of Cultivation Site 1 would meet the objections of the CMMLUO as an environmentally superior option due to its proximity to watercourses, ranging from approximately 150 feet to 200 feet away, and having slopes that are less steep than Cultivation Site 2 (less than 30 percent).

A referral from Bear River Band was received on May 23, 2019 recommending Inadvertent Discoveries Protocol be followed in regard to discovery of historical and archeological resources occurs. Additionally, all development currently meets, or will meet as a condition of approval:

- Appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors;
- Approval of a Special Permit (SP) for work performed within the Streamside Management Area (SMA) per the Streamside Management and Wetlands Ordinance (SMAWO) requirements;
- Category 4 road standards or functional capacity; and
- Remediation of Cultivation Site 2 and on-site relocation of the Site's footprint to Cultivation Site 1 to meet the objections of the CMMLUO as an environmentally superior option.

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 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 8,325 square feet of cultivation with ancillary propagation in a 1,200 SF greenhouse, as well as ancillary drying, machine trimming, and curing 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 Plans prepared by Applicant dated 05/01/17; and Revised Site Plan by Applicant dated 12/20/20.
- Site and Operation Plan prepared by Applicant received 01/03/19; and Revised Site Operations Plan by Applicant dated December 2020.
- Water Resources Protection Plan (WRPP) prepared by Applicant for the North Coast Regional Water Quality Control Board Order No. 2015-0023, dated 08/09/17 and received 01/03/19.
- State Water Board Water Rights: Statement of Water Diversion and Use Program (Right to Divert and Use Water Certificate No. H500642.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants (TRC) dated 10/19/20.
- Relocation Letter for Application #12647 dated 10/19/20 and the Restocking Plan for 208-271-002 dated 10/18/20 prepared by Timberland Resource Consultants (TRC).
- Biological Resource Assessment Report prepared by Naiad Biological Consulting dated 1/18/20.
- Road Evaluation Report for Anderson Ford Road prepared by Applicant dated 11/30/17 and received 01/03/19.
- Road Evaluation Report for Anderson Ford Road prepared by Applicant dated 12/28/20.
- Road Evaluation Report for Bear Creek Road prepared by Applicant dated 12/30/19.
- County of Humboldt Street Address Application prepared by Applicant dated 09/21/20.
- CDFW Resource Map. Proposed Nottingham, Dinsmore Area, CUP-16-787, APN: 208-271-002-000. T02N R05E S32 HB&M (Showers Mtn).

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. (Not applicable)

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 Plans prepared by Applicant received 12/20/20 – Attached)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Site and Operation Plan prepared by Applicant received 01/03/19 – 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. (State Water Board Water Rights: Statement of Water Diversion and Use Program (Right to Divert and Use Water Certificate No. H500642, dated 04/19/18 – Attached)

6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Site and Operation 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 – Not Provided. Water Resources Protection Plan (WRPP) prepared by Applicant dated 08/09/17 and received 01/03/19 – Attached. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – Not provided).

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. (CDFW 1600 Agreement Notification No. 1600-2017-0419-R1 – Not provided. Relocation Letter for Application #12647 dated 10/19/2020 and the Restocking Plan for 208-271-002 dated 10/18/20 prepared by Timberland Resource Consultants (TRC) – Attached).

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants (TRC) dated 10/19/20 – Attached)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)

12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)

13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)

14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)

15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

16. Biological Resource Assessment Report prepared by Naiad Biological Consulting dated 11/18/20. (Attached)

17. Road Evaluation Report for Anderson Ford Road prepared by Applicant dated 11/30/17. (Attached)

18. Road Evaluation Report for Anderson Ford Road prepared by Applicant dated 12/28/20. (Attached)

19. Road Evaluation Report for Bear Creek Road prepared by Applicant dated 12/30/19. (Attached)

20. CDFW Resource Map. Proposed Nottingham, Dinsmore Area, CUP-16-787, APN: 208-271-002-000. T02N R05E S32 HB&M (Showers Mtn). (On-file)

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JAN - 3 2019
Humboldt County
Planning Division

Site and Operation Plan

Nottingham

Application No. 12647

APN: 208-271-002

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A	Site Map
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C	Monthly Cultivation and Water Use Chart
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I. Site Plan Overview

A. Project Information and Description

Jason Nottingham ("Applicant") is submitting this application for a Zoning clearance certificate for 8,325 square feet of outdoor Production of Cannabis on a 40 acre parcel. Humboldt County Assessor's Parcel Number 208-271-002. This application is submitted in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Zoning Clearance Certificate would achieve the following results for the Applicant:

1. Certification of the parcel as appropriately zoned for the proposed use.

2. Allow the Applicant to seek further permitting from the State of California.

B. Project Summary

The proposed project and Relocation site has the essential elements necessary for department approval via Zoning Clearance Certificate and minimal to no watershed or habitat impact.

The proposed project:

1. Is located on the upper portion of the parcel that is flat to gently sloping.

2. Utilizes on-site water from a permitted water Diversion and storage.

3. Is greater than 200 feet from any watercourse.

4. Will not require further grading, or similar disturbances, and will have no erosional effect.

5. Will not have any impact on neighboring parcels via light pollution or water or pollutant discharge, and a negligible impact on privately-maintained roads.

C. Project Location

1. Address

The Applicant's parcel is located within the Mad River watershed, approximately 2.78 miles northwest of the town Dinsmore, county of Humboldt, state of California. The parcel is comprised of 40 acres and is identified by Humboldt County Assessor's Parcel Number 208-271-002.

Site Topography

The cultivation area and surrounding roads are gently sloping to flat at 0-2% slope, and well drained. A map of the Parcel's topography is included as Attachment 'B.'

D. Easements

There is one easement, Anderson Ford Road goes through the Parcel.

E. Natural Waterways

The Parcel has a total of six (6) stream crossings. #5 on map Attachment 'B' is a unnamed class II watercourse. While #'s 1, 2, 3, 4, & 6 are unnamed Class III seasonal watercourses, with no fish inhabitation.

The Proposed Project is situated at greater than 200 feet from either of these watercourses.

The Applicant is enrolled in the NCRWQCB's Waiver of Waste Discharge program as a Tier 2* discharger. There is no expected discharge from the relocated and proposed cannabis cultivation site, and no erosional conditions.

The water used for cannabis cultivation is diverted at no more than 1-3 gallons per minute the months of Oct 15th- Mar15th from a permitted SWD (surface water diversion) and gravity fed to storage. All diversion is monitored by a in-line meter.

F. Relocation and Area of Proposed Cultivation Site

The relocated and proposed cultivation area can be seen on the site map, Attachment 'A.' The site is situated at greater than 200 feet from any watercourse The Relocation of Project to the top of property is environmentally superior and will protect the watershed and habitat. No seasonal road is needed to access the cultivation site and there are not water crossings associated with said site.

There is a permanent access road in appropriate standard condition. The road from the property boundary to driveway of relocated and proposed cultivation site is rocked with adequate surfacing and drainage features. The access driveway is located at the low point of a 0-2% slope. No erosional features have been observed and sediment transport risk is low.

The proposed cultivation area is located greater than 600 feet from any School, School Bus Stop, Church or Other Place of Religious Worship, Public Park, or Tribal Cultural Resource. Additionally, the proposed site is located greater than 30 feet from any property line.

G. Access Roads

The Parcel is located off Anderson Ford Rd, which is maintained privately. There are no stream crossings on access road or driveways associated with the relocated cultivation site.

H. Existing and Proposed Buildings

Existing: There is one (1) existing structure on the Parcel and two (2) shipping containers.

Structure #1 is a 100 square foot tool shed.

Shipping containers are each 12 X 20 Ft and placed on footings alongside one another.

Proposed:

Applicant proposes to build four (4) 20 Foot x 100 Foot greenhouses, connected contiguously, for a total area 80 feet x 100 feet, or 8,000 square feet, within the proposed 8,325 square foot cultivation area.

Applicant proposes to build a Nursery space 25 Foot X 110 Foot greenhouse for immature plants with in the cultivation site.

Additionally, a larger Harvest storage Area is needed. There is a 2000 sq Ft flat adjacent to cultivation site that applicant proposes to build a permitted structure on.

I. Water Storage, Use and Watershed Protection

1. Water Storage

All water used for cultivation of cannabis is sourced on-site from the Parcel's permitted SWD (Notification #1600-2017-0419-R1), and stored in an aqua dam and hard plastic tanks, amounting to 65,000 gallons. The aqua dam is from 2011, additional storage was added via Hard Plastic Tanks in 2012, 2013, and 2016.

2. Water Use

The amount of water used for the cultivation of cannabis will vary seasonally, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Use Chart, attached as Attachment 'C.'

All water used for the cultivation of cannabis is sourced on-site from the Parcel's permitted Water Diversion and storage.

Irrigation of cannabis is completed by a timed drip system or by hand, and adjusted daily and weekly based on atmospheric conditions, such as temperature and humidity.

3. Watershed and Habitat Protection

The Relocated and proposed project is superior for this explicit reason: watershed and habitat protection.

The proposed project is located at greater than 200 feet from all watercourses. There will be no surface discharge from the cultivation site to the watercourses on parcel, of sediments or any other regulated materials.

The watercourses and surrounding vegetation will not be disturbed.

Irrigation is done with a timed dripper or by hand at a rate of 1-4 gallons per minute and is limited by the capacity of the storage tank. There is no potential for over irrigating.

Relocated and proposed cultivation site is very gentle slope 0-2% away from watercourses. No run off or discharge to stream is expected.

Cultivation area will be vegetated with cover crop if left open in the winter to prevent soil loss.

The Applicant is enrolled with the NCRWQCB's Waiver of Discharge program as a Tier 2* Discharger

J. Distances from Significant Landmarks

There are no Schools, School Bus Stops, Churches or Other Place of Religious Worship, Public Parks, or Tribal Cultural Resources within 600 feet of the cultivation site. The site is located at greater than 30 feet from any property boundaries, and greater than 300 feet from any off-site residences.

II. Cultivation and Operations Plan

A. Water Use and Irrigation

The amount of water used for cultivation of cannabis will vary seasonally, with peak periods of use during the summer months. The Applicant's Cultivation and Water Usage is outlined in the Cultivation and Water Usage chart, attached as Attachment 'D.'

The water used for cannabis cultivation is sourced on-site from Parcel's permitted water diversion. Water is diverted from the months of Oct15th-Mar15th for forbearance at rate no more than 1-3 gallons per minute and gravity fed to storage. All diversion is monitored by an in-line meter. All storage tanks are regulated with float valves. For use water is then pumped to a storage tank above cultivation site and gravity fed to garden beds.

See Attachment 'D' for the Cultivation and Water Use Chart.

B. Watershed Protection

The proposed project does not take any surface waters from the property, at any time of year. There are no streambed disturbances from roads or water use.

The proposed project is located at greater than 200 feet from any watercourse. There will be no grading or other erosional disturbances. There will be no surface discharge from the cultivation site to the river or stream, of sediments or any other regulated substances.

The Applicant is enrolled with the NCRWQCB's Waiver of Discharge program as a Tier 2 Discharger.

C. Materials Storage

Currently there are no pesticides or herbicides registered for use directly on cannabis. Approved materials are listed in Table 2, Attachment 'E'. These materials will be contained in secondary containment vessels.

All fertilizers and amendments will be located in a storage shed on the Parcel. Fertilizers, amendments, and compost teas will be placed on the shelves and floor, in secondary containment vessels. All labels will be kept and directions followed when amendments are applied. The storage area will have posted instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks, and an absorbent material (kitty litter).

A small amount of gasoline (approximately 25 gallons) will be stored on-site for use in a 6500 and 3000watt gasoline-powered generators. This will be contained within the shed, in a secondary containment vessel at all times.

D. Power Source

The Parcel has no on-site connection to Pacific Gas and Electric Power. Therefore, alternative power is required. A combination between solar and Gasoline powered Generators 46+ amps of electricity are available for use at the cultivation site, which is sufficient.

Projected generator use depends on cultivation activity, and time of year. Whenever possible the use of solar is preferred.

Generators are located in a small shed for noise reduction. Noise levels do not exceed 49-58 dB.

E. Light Reduction and Compliance

The Nursery Greenhouse using mixed light September through May will use internal blackout sheeting to shield greenhouses so little to no light enters or escapes. The supplemental lighting shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare.

F. Cultivation Activities

The proposed cultivation site will utilize light-depravation. There will be ongoing harvest ("Rolling Harvest") July through October, approximating the yield of two cycles.

Cultivation activities will typically begin in January, with propagation in the on-site proposed nursery, located within the cultivation area. Supplemental lighting will be used in nursery September through April. Sunlight deprivation will be practiced May through August. All Supplemental lighting will be shielded from outside view sunset to sunrise. Harvest begins in July and continues through October.

See attached Cultivation and Water Use Chart for monthly schedule of activities.

G. Employment Practices

The Applicant will comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

The Applicant expects to employ one to two full-time employee.

H. Processing Plan

1. Summary

After Harvest, the cannabis will be dried, machine trimmed, and cured in the Shipping Containers. All small buds will be crushed and transferred to a permitted manufacturing facility. The "rolling harvest" technique utilized at this cultivation site will eliminate the need for a surge of seasonal employees. This work will be performed only by full-time employees, and no seasonal employment for processing is expected.

The Applicant will comply with the following Processing Practices:

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

b) Processing operation will implement protocols that prevent processing contamination and mold and mildew growth on cannabis.

c) Employees handling cannabis in processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function.

d) Employees shall wash hands sufficiently when handling cannabis.

2. Location of Processing

Processing will occur in the shipping containers adjacent to the cultivation site. Until Plans for Structure are approved and executed. Any remaining waste products, such as trim or small buds will be transferred to a permitted manufacturing facility.

3. Number of Employees

Two to three full time employees will perform all processing via machine. No additional seasonal employees are expected.

4. Summary of Employment Safety Practices

All employees will receive adequate safety training relevant to specific job functions, which may include:

a) Emergency Action Responses

b) Employee accident reporting and investigation policies

c) Fire Prevention

d) Materials Handling Policies

e) Personal Protective Equipment use, including Respiratory Protection.

f) Emergency Contacts, Including the Operation Manager, Emergency Responders and Poison Control Contacts. This information will be posted where visible during daily work.

5. Toilet and Hand-washing Facilities

There are two (2) portable toilets on-site serviced by Six Rivers Portable Toilets. Which will be more than sufficient to handle one to two employees without any adverse effects on the environment.

There are three (2) hand-washing facilities with hot water.
All grey water from hand-washing facilities is collected into an above ground tank.

6. Drinking Water Source

The drinking water is purchased in bulk from New World Water in Arcata.

7. Road Use

The increased road use from one to two full time employees will have a negligible effect. We do not expect to hire any additional seasonal employees, so there will not be a seasonal increase in road use.

8. On-site Housing

No on-site housing is available or necessary at this time.

I. Security Measures

The Applicant will install a new perimeter security fence around the cultivation area. The new security gate will be installed at the access road prior to commencement of cultivation activities. A new video surveillance system with motion sensitivity alerts and motion activated lights will be installed and monitored. All greenhouses will have locked doors.

The Shipping Containers will be locked at all times, and will additionally be monitored inside and out with video surveillance.

J. Remediation Plan and Cultivation Site Restoration

1. Removal of all materials

Remove all cultivation and associated materials from designated remediation site or Riparian buffer. This includes plant mass, root balls, potting containers, cultivation medium and any materials associated with the preparation, cultivation and harvest of commercial cannabis. No further cultivation will occur at said site.

2. Stabilize slope

All disturbed and or unstable slopes shall be stabilized and returned to pre-project conditions. Slopes shall be contoured as close as feasible to natural grade and aspect. Temporary erosion control shall be applied to prevent sediment run-off.

3. revegetation

Soil exposed as a result of project work, soil above rock rip-rap, and interstitial spaces between rocks shall be revegetated with native species by live planting, seed casting, or hydroseeding prior to the rainy season.

Restoration of the quality/health of the riparian stand shall promote:

a) Shade and microclimate control

b) Delivery of wood to channels

c) Slope stability and erosion control

d) Ground cover

K. Remediation plan Report

See attachment "D"

Attachment 'C'

Table 1. Monthly Cultivation and Water Use Chart

	Stage of Cultivation			Water Usage Estimate	
Month	Vegetative	Flowering	Harvesting	Total daily Use	Total Monthly Use
January	x			35	1050
February	x			83	2500
March	x			100	3000
April	x	x		116	3500
May	x	x		250	7500
June	x	x	x	333	10000
July	x	x	x	466	14000
August		x	x	466	14000
September		x	x	333	10000
October		x	x	116	3500
November	x			35	1050
December	x			35	1050

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Humboldt County
Planning Division

WATER RESOURCE PROTECTION PLAN

APN 208-271-002

Submitted to California Water Resources Control Board, North Coast Region

5550 Skylane Boulevard Suite A Santa Rosa, CA 95403

By Jason Nottingham

Trichome Acres LLC

August 9, 2017

This plan must be kept on site and produced upon request by North Coast Regional Water Board staff.

Water Resource Protection Plan

A. Purpose

This Water Resources Protection Plan (WRPP) has been prepared on behalf of the property owner, **Jason Nottingham**, 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 (RWB). The RWB may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and efficacy of the waiver's conditions. Order No. R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4. This WRPP is proposed as a means to improve water quality downstream of a cannabis cultivation project owned and managed by the landowner - a **Tier 2*** applicant.

B. Scope of Report

This document is being prepared in order to meet the North Coast Regional Water Quality Control Board requirements for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1-2015-0023. According to the Order "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resources protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the RWB individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

C. Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of reviewing soil maps (California Cooperative Soil-Vegetation Survey), CGS Geomorphic Features Map (North Coast Watershed Mapping, DMG CD 99-002, 1999) and Satellite Imagery. The office component included utilizing GIS software to generate base maps including the following layers: satellite, topography, watercourses and USGS soils. These maps are used to depict the location of all roads, watercourses, wetlands, cultivation sites, structures, boundaries and other issues of concern in context with a watershed scale.

The field component included identifying and mapping all surface waters, including to determine if wetlands were present on the property, using hydrologic and vegetative indicators and all appurtenant roads accessing such areas. No wetlands were found to exist on the property. Note that if disturbance of any wetland or within 50 feet of any wetland had occurred or is anticipated to occur, then a full delineation will be conducted consistent with the appropriate regional supplement to the Corps of Engineers Wetland Delineation Manual. Next, the property was assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per provision I.B of the Order. The WRPP required under Tier 2 is meant to describe the specific measures a discharger implements to achieve compliance with Standard Conditions. Therefore, all required components of the WRPP per Provision I.B of the Order were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended in section H of this report.

Specifically, the following Plan Elements were observed, assessed and mapped:

1. Roads: All roads were surveyed on foot with special attention paid to stream crossings, culvert placement, sizing, and condition; and road surface integrity. All areas of concern, and their potential for sediment delivery to watercourses were mapped and documented for the WRPP.

2. Hydrologic features: All water bodies, including streams, ponds, and wetlands were assessed for hydrologic connectivity and overall watershed health. Distances from cultivation areas to water bodies were measured and potential for contamination assessed.

3. Cultivation sites and associated facilities: Cultivation sites and associated facilities/structures including fuel, fertilizer and pesticide use and storage, and spoils management were assessed for any potential impacts on stream quality.

4. Water use: All domestic and agricultural water supply features including spring and stream diversions, wells, rainwater catchment systems, ponds, and all water storage tanks, bladders, and reservoirs.

5. Waste disposal: All waste storage, recycling, and disposal facilities were assessed for potential impacts on stream quality.

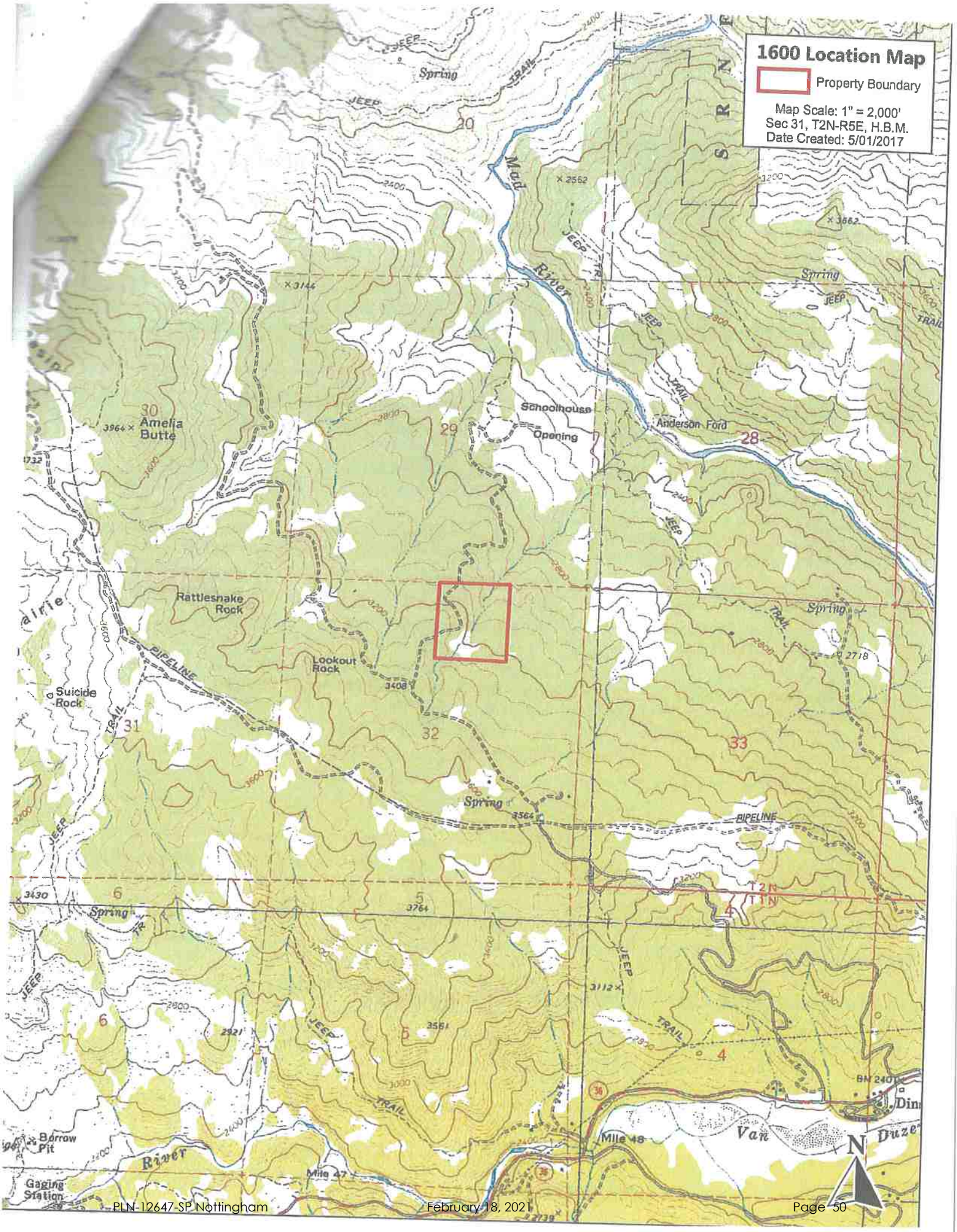
D. General Description

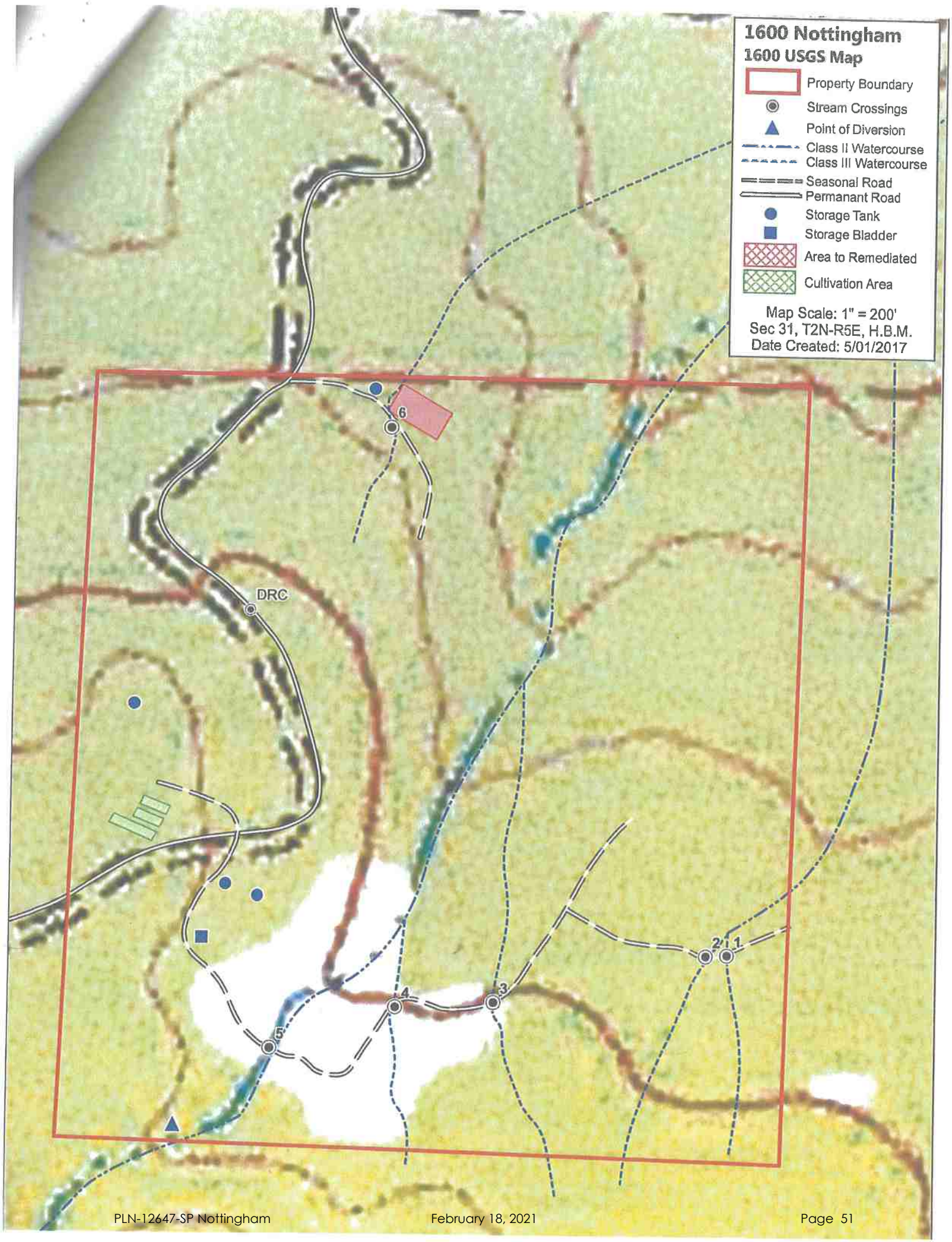
The Parcel is 40 acres and located in the Mad River sub-watershed 2.25 miles northwest of Dinsmore on Anderson Ford Road, which is off Bear Creek Road. The land is Forested with a mixed stand of Tan oak, Live oak, Douglas-Fir, and bestrewed various tree spices.

See Attached Maps:

1. Trichome Acres LLC Regional Water Board Topographic Farm Map

2. Trichome Acres LLC Regional Water Board Aerial Farm Map


1600 Location Map
Property Boundary
Map Scale: 1" = 2,000'
Sec 31, T2N-R5E, H.B.M.
Date Created: 5/01/2017
Mad River
Schoolhouse Opening
Anderson Ford
Amelia Butte
Rattlesnake Rock
Lookout Rock
Suicide Rock
PIPELINE
JEEP TRAIL
Spring
Borrow Pit
Gaging Station
Mile 47
Mile 48
Van Duzen
N


1600 Nottingham
1600 USGS Map
Property Boundary
Stream Crossings
Point of Diversion
Class II Watercourse
Class III Watercourse
Seasonal Road
Permanant Road
Storage Tank
Storage Bladder
Area to Remediated
Cultivation Area
Map Scale: 1" = 200'
Sec 31, T2N-R5E, H.B.M.
Date Created: 5/01/2017
DRC
6
2
1
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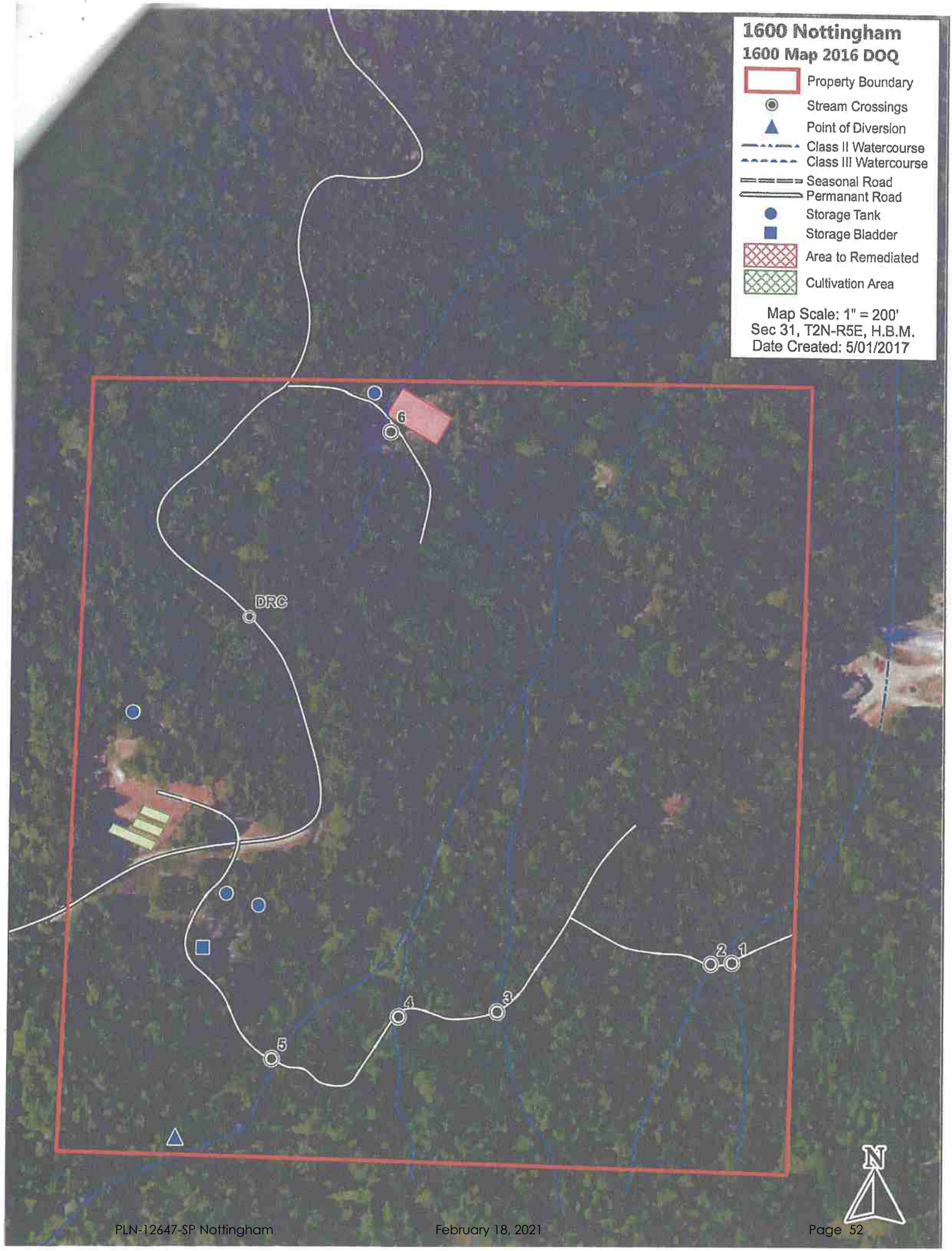
5


1600 Nottingham
1600 Map 2016 DOQ
Property Boundary
Stream Crossings
Point of Diversion
Class II Watercourse
Class III Watercourse
Seasonal Road
Permanant Road
Storage Tank
Storage Bladder
Area to Remediated
Cultivation Area
Map Scale: 1" = 200'
Sec 31, T2N-R5E, H.B.M.
Date Created: 5/01/2017
6
DRC
2
1
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3
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N

E. Identified Sites Requiring Remediation

Unique Map Point	Map Point Description	Associated Standard Condition	Temp BMP	Permanent BMP	Treatment Priority	Treatment Calendar	Completion Date
POD Point of diversion	5" screened intake on 1" poly at spring head of a class II watercourse	H.5.a.	N/A	Install Meter and record monthly Agricultural water use.	1	OCT-17	MAR-18
Stream Crossing 1-4	Dirt Ford Class III Watercourse	H.2.f	N/A	This crossing shall be upgraded to a Rock Ford	2	OCT-17	
Stream Crossing 5	Rock Ford Class II Watercourse	H.2.e	N/A	This Crossing requires placement of rip-rap armoring at northeast side of outlet	3	OCT-17	
Stream Crossing 6	Northern Cultivation site located on Class III Watercourse	H.2.d	Decommission site immediately	Decommission this site and return stream back to its original channel	4	OCT-17	

Note: "Treatment Priority" is a prioritization of site remediation based on potential magnitude of contamination to surface waters. Sites with greater magnitude of contamination require more immediate attention. However, due to cost or other factors (permitting delay), they may not be prioritized as the first improvement project in a Treatment Calendar. "Treatment Calendar" (see below) is a schedule of the above improvement projects listed in order of timeline for completion.

F. Treatment Calendar - Listed in calendar order for completion and identified by Unique Map Point

1. Point of Diversion – 3/1/18 – Install Meter and Record Monthly Agricultural water use.

2. Stream Crossing 1, 2, 3, & 4 – 10/1/17 – Dirt ford on a class III watercourse, which is head cutting and eroding the un-armored fill. This crossing shall be upgraded to a Rock Ford.

3. Stream Crossing 5 – 10/1/17 – Rock Ford on a class II watercourse. This crossing requires placement of rip-rap armoring at the northwestern side of outlet.

4. Stream Crossing – 10/1/17 – The norther cultivation site is located on a class III watercourse. The water Course is currently diverted along the northern edge of the cultivation site via a trench, which discharges back into the class III channel 150 feet away. Implement the decommissioning of this site and returning stream back to its original channel.

G. Monitoring Plan and Reporting Requirements

1. Monitoring Plan: The property owner will monitor, inspect and document each feature of interest listed on the site map. The plan for monitoring will match that required by the Order, namely, prior to October 15, following a 3" in 24 hours rain event, and following the accumulation of 3" of total precipitation or by November 15, whichever is sooner. Each listed site will be visually inspected and photographs taken to document changed site conditions and whether implementation of additional management measures is warranted. As a **Tier 2*** discharger, an annual report will be submitted (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year.

2. Reporting Requirements: Appendix C has been submitted by the landowner on **in January 2017** via hardcopy and will be submitted annually thereafter by March 31.

H. Assessment of Standard Conditions for APN 208-271-002

This section lists each of the Standard Conditions per the Order followed by a paragraph specifically pertaining to this APN.

1. Site maintenance, erosion control and drainage features [1]
    a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.
    b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.
    c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.
    d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.
    e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.
    f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

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[1] Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel.

Presently, the permanent access Road from Property boundary to premises driveway is rocked and on a 0-2% slope. The access Driveway is located at the low point. No Erosional features were observed on this access road or driveway to cultivation site. Sediment transport risk is also low. This Road is in appropriate standard condition and has adequate surfacing and drainage features.

Additionally, there is seasonal access/ foot trail crossing five watercourses. In addition to the rock ford upgrades at each crossing, it is recommended that rolling dips be employed above the crossings of three & four to minimized the possibility of future erosion.

2. Stream Crossing Maintenance
    a. Culverts and stream crossings shall be sized to pass the expected 100- year peak stream flow.
    b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak stream flow.
    c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
    d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
    e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.[2]
    f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.[3]

There are Six stream crossings on the property. Crossings 1, 2, 3, 4, & 6 are class III, while crossing five is a class II. Crossing six is to be decommissioned. Crossing upgrades and decommissioning will be conducted/implemented per BPMs. The crossing upgrades and decommissioning are expected to minimize baseline sedimentation levels entering the watershed from the property, and will avoid potential significant impacts associated with total crossing failure.

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[2] At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

[3] If infeasible to install a critical dip, an alternative solution may be chosen.

3. Riparian and Wetland Protection and Management
    a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II water course or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its Executive Officer may apply additional or alternative[4] conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.
    b. Buffers shall be maintained at natural slope with native vegetation.
    c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
    d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, stream bank stabilization, and flood peak attenuation and flood water storage.

A minimum 200-foot distance is maintained from all watercourses to the current cultivation area, and associated roads. The buffer is maintained at a natural slope with Native vegetation. The slope of the cultivation area is very gentle 0-2% slope away from the watercourses. No runoff or discharge to the stream is expected. It is recommended that the cultivation area be vegetated with cover crop if left open in the winter to prevent soil loss. Cultivation where minimum buffers could not be met has been permanently decommissioned and site is to be remediated per BMPs.

[4] Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures that cannot be relocated.

4. Spoils Management
    a. Spoils shall not be stored or placed in or where they can enter any surface water.[5]
    b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
    c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be side cast in any location where they can enter or be transported to surface waters.

The landowner's operation plan calls for minimal to no spoils accumulation.

A staging area for fertilizer and amendment additions to the cultivation area is located on 0-2% slope directly in front of the cultivation area. This pile will be fully tarped if any is remaining during the rainy season.

5. Water Storage and Use:
    a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12[6] watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board ExecutiveOfficer.
    b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
    c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods (see also footnote 11).
    d. Water is applied using no more than agronomic rates.[7]

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[5] Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media, or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.
[6] See definition and link to maps at: http://water.usgs.gov/GIS/huc.html
[7] "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone

e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

Water is gravity flow to storage tanks and bladder. A valid 1600 with CDFW allows for diversion for forbearance from OCT 15th - March 15th. All tanks are regulated with float valves. For use the water is pumped to a storage tank above the cultivation site which then gravity feeds the site.

The 250gallon nutrient mixing tank delivers to the garden. Presently all irrigation is done by hand using small staging tanks ensures no over watering or run off. Mulch and compost help us conserve water. Automation is a future plan we are working towards.

The water tanks are located on an old road bed, surfaced with gravel. The storage Bladder is located next to the tanks on a flat. The water storage is checked often for integrity. The permanent BPM is to remove water bladder and build a permitted rain catchment pond.

6. Irrigation Runoff Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water.

   In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure

that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

Infiltration rates of irrigation waters are expected to exceed the rate of application at all times. The irrigation is done by hand at a rate of 4-5 gallons per minute and is limited by the capacity of the storage tank. Thought the process is slow and time consuming the hands on approach allows the monitoring of infiltration. There is no potential for over –irrigation.

Fertilizers are applied at or below agronomic rates. Per laboratory analysis, the cultivation media is classified as a loam soil, with approximately 19% clay. This soil is expected to infiltrate at a sufficient rate.

Soil beds are cover cropped every year during rainy season.

7. Fertilizers and Soil Amendments
    a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
    b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates (see footnote on previous page).
    c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

No nutrient mixing or additions are or will occur within 200ft of any water course.

Nutrients will be stored in a container in a weatherproof, dry shipping Container.

Fertilizers and soil amendments are stored on shelves in the shipping container. The landowner uses fertilizers at or below agronomic rates.

The operator is managing fertilizer and amendment addition to the cultivation area in an "organic" management fashion. Dry amendments are incorporated into the soil, and compost tea (a very dilute additive) is applied throughout the season. There is no to very low risk of nutrients leaving the cultivation area.

A minimum 200ft buffer is maintained between the cultivation area and existing watercourse

8. Pesticides/Herbicides At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide not enter or be released into surface or ground waters.

No pesticides or herbicides are used on the property.

9. Petroleum products and other chemicals
    a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
    b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
    c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
    d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
    e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

Petroleum products and other chemicals are currently stored in a shed in secondary containment that prevents their spillage, discharge or leakage from reaching receiving waters. They are of small quantities only.

10. Cultivation-related wastes Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste,

and spent growth medium shall, for as long as they remain on the site, be store[8] at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

All cultivation-related wastes are stored in a manner and location that minimizes any potential impact to watercourses. The plastic containers are taken to the County Refuse Disposal Site. There are no excess fertilizers on site. Plant waste and soils are recycled through composting.

11. Refuse and human waste
    a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
    b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
    c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

Disposal of human waste for the property is processed by Six Rivers Portable toilets. Residential wastes are stored in an outdoor shed and taken periodically to a waste disposal location.

12. Remediation/Cleanup/Restoration Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native surfaced roads.

    Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as

[8] Plant waste may also be composted, subject to the same restrictions cited above for cultivation related waste storage.

stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

The remediation and restoration plan for this property will comply with all BMPs under the Order.

CERTIFICATION STATEMENT BY LANDOWNER

Name of legally responsible person (LRP): Jason Nottingham

Title (owner, lessee, operator, etc.): Owner, Operator

I hereby agree to be responsible to meet the stated terms and conditions of Order R-12015- 0023, and to release Village Ecosystems and its employees, contractors, and consultants, and will hold them harmless from liability that may arise from implementation of said Order and Water Resource Protection Plan to the extent allowed by law.

Jason E. Nottingham _____ Date 10-7-18

Landowner Signature

WRPP Prepared by Owner/Operator

REFERENCES

California Water Resources Control Board - North Coast Region. SWRCB Waste Discharge Order No. 2015-0023. http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_002 3_Cannabis_Order.pdf

Weaver, W. and Hagans, D., 1994, Handbook for Forest and Ranch Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Maintaining, and Closing Wildland Roads, Mendocino County Resource Conservation District, Ukiah, CA, 161 p. http://mcrcd.org/wp-content/uploads/HandbookforForestandRanchRoads.pdf

Federal Highway Administration, 1965, Hydraulic charts for the selection of highway culverts, HEC 5, Hydraulic Engineering Circular No. 5, U.S. Department of Commerce. Available at: http://www.fhwa.dot.gov/engineering/hydraulics/pubs/hec/hec05.pdf

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Jason Nottingham APN: 208-271-002

Planning & Building Department Case/File No.: 12647

Road Name: Bear Creek Road *(complete a separate form for each road)*

From Road (Cross street): Oak Road

To Road (Cross street): Anderson Ford Road

Length of road segment: 0.7 miles Date Inspected: 12/28/20

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.

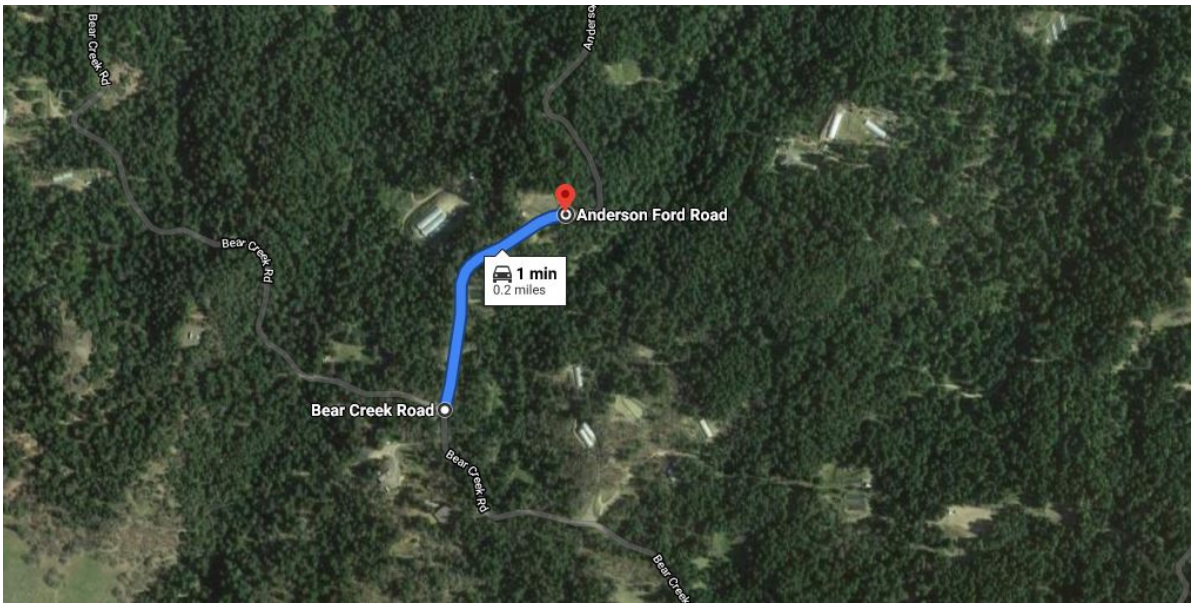
The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature 12/30/19 Date

Christina Sundman, Environmental Scientist
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.

ROUTE MAP



Anderson Ford Road to property entrance (0.2 miles total).

PHOTOS

Pinch point immediately north of Bear Creek Road and Anderson Ford Road intersection (0.0 miles). Vehicles can use intersection to pass.

Bear Creek Road and Anderson Ford Road intersection - over 20 feet wide.

Pinch point at 0.1 miles.

Turnout for pinch point (0.1 miles) at neighbor's driveway.

Anderson Ford Road is 20 feet wide at property entrance.

CONCLUSION

The road segment has a functional road width of 20 feet with occasional pinch points. Turnouts wider than 20 feet are present near pinch points to allow oncoming vehicles to pass. No improvements are needed to meet Category 4 Road standards.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Jason Nottingham APN: 208-271-002

Planning & Building Department Case/File No.: 12647

Road Name: Bear Creek Road *(complete a separate form for each road)*

From Road (Cross street): Oak Road

To Road (Cross street): Anderson Ford Road

Length of road segment: 0.7 miles Date Inspected: 12/28/20

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.

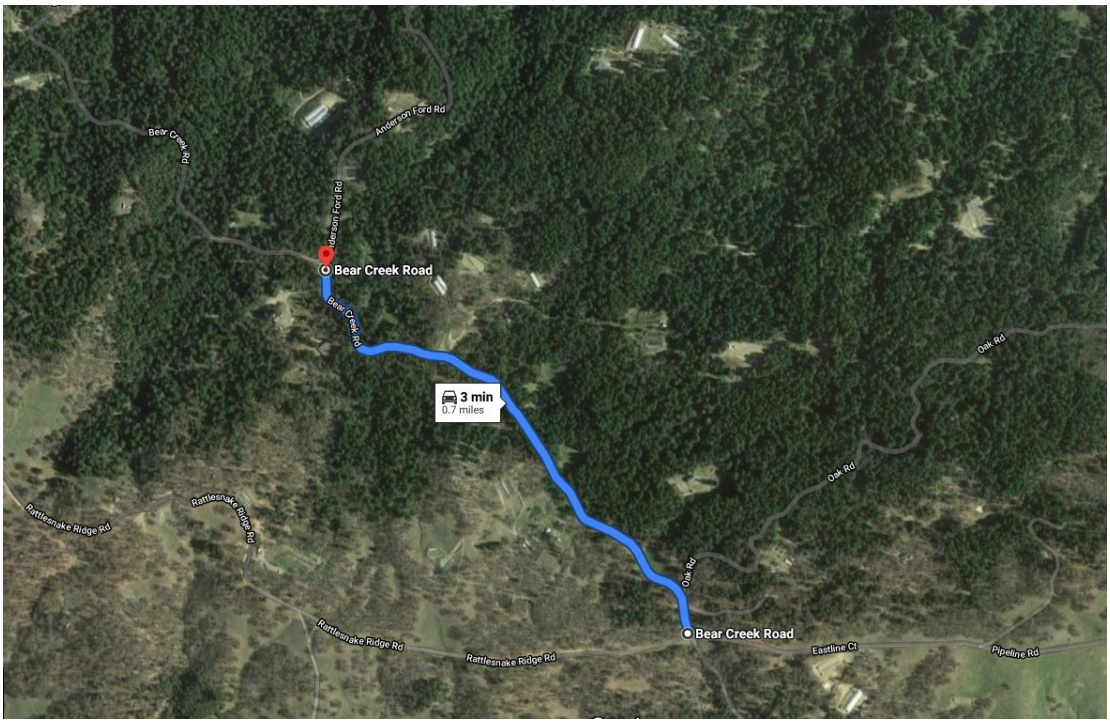
The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature 12/30/19 Date

Christina Sundman, Environmental Scientist
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.

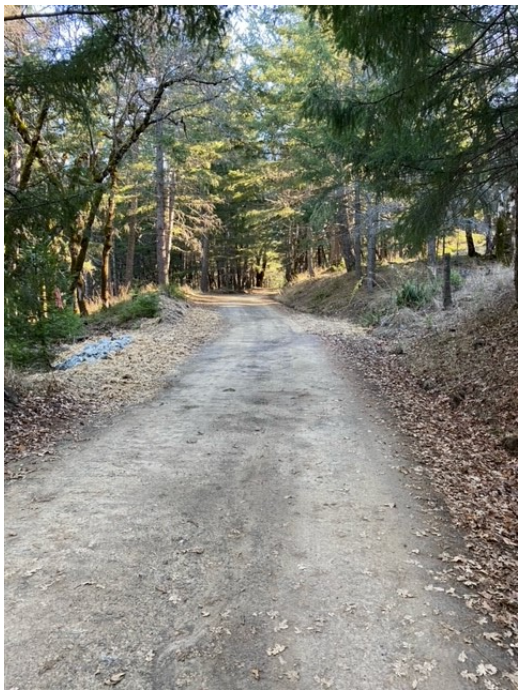
ROUTE MAP



Bear Creek Road from Oak Road to Anderson Ford Road (0.7 miles total).

PHOTOS

Bear Creek Road is generally 20 feet wide with a single pinch point at 0.3 miles.



Pinch point (left) and turnout in neighbor's driveway (right) at 0.3 miles looking south.

CONCLUSION

The road segment has a functional road width of 20 feet with one pinch point. A turnout greater than 20 feet is present near pinch point to allow oncoming vehicles to pass. No improvements are needed to meet Category 4 Road standards.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Jason Nottingham APN: 208-271-002

Planning & Building Department Case/File No.: permit App # 12647

Road Name: Anderson Ford Rd. *(complete a separate form for each road)*

From Road (Cross street): Bear Creek Rd.

To Road (Cross street): Hwy 36

Length of road segment: _____ miles Date Inspected: Oct 2017

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.

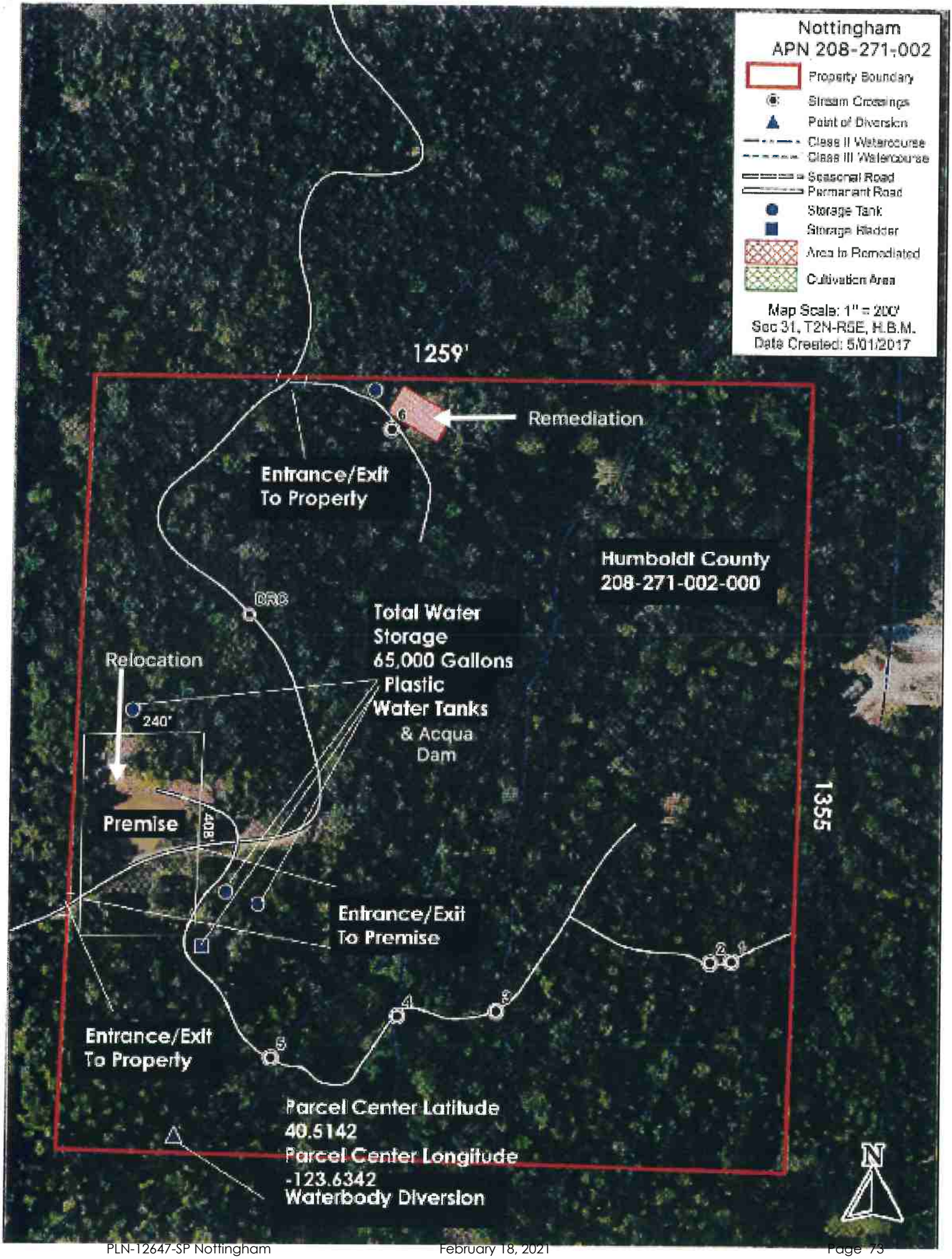
The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature _____ Date 11/30/17

Name Printed Jason Nottingham

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.

RECEIVED JAN - 3 2019 Humboldt County Planning Division


Nottingham
APN 208-271-002
Property Boundary
Stream Crossings
Point of Diversion
Class II Watercourse
Class III Watercourse
Seasonal Road
Permanent Road
Storage Tank
Storage Bladder
Area to Remediated
Cultivation Area
Map Scale: 1" = 200'
Sec 31, T2N-R5E, H.B.M.
Date Created: 5/01/2017
1259'
Remediation
Entrance/Exit
To Property
Humboldt County
208-271-002-000
DRC
Total Water
Storage
65,000 Gallons
Plastic
Water Tanks
& Acqua
Dam
Relocation
240'
Premise
40'
1355
Entrance/Exit
To Premise
Entrance/Exit
To Property
Parcel Center Latitude
40.5142
Parcel Center Longitude
-123.6342
Waterbody Diversion
N

Timberland Resource Consultants

165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

October 19, 2020

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

Dear Planner,

Re: APN 208-271-002
Application #12647

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

As a Third-Party representative to the Water Board who prepared the Applicant's CDFW 1600 Notification; Timberland Resource Consultants recommends relocating Cultivation Site 2 into the footprint of Cultivation Site 1 (see attached maps). The environmental benefits associated with relocation is described below.

1. Cultivation Site 2 does not comply with State-wide Order WQ 2017-0023-DWQ, General Requirement and Prohibition Number 37, which states: "*Cannabis cultivators shall comply with the minimum riparian setbacks for all land disturbance, cannabis cultivation activities, and facilities',* which in this case is a minimum 50 feet for Class III watercourses. Cultivation Site 2 is located within the Class III riparian buffer.

2. Based upon the Applicant's CDFW 1600 Agreement (1600-2017-0419-R1) Cultivation Site 2 is located within a Class III riparian buffer. The watercourse is currently diverted along the northern edge of the cultivation site via a trench, which discharges back into the Class III channel 150 feet away. The CDFW 1600 Agreement requires decommissioning this site and returning the stream back to its original channel.

Cultivation Site 1 is an environmentally superior site primarily due to the proximity to watercourses. The closest watercourse (Class III) to Cultivation Site 1 ranges from approximately 150-200 feet away. The slopes at Cultivation Site 1 are less steep (less than 30%) than Cultivation Site 2 (greater than 30%). Relocation may allow the Cultivator to lower/lessen the "risk" designation with regards to State-wide Order WQ 2017-0023-DWQ. Sites that pose a higher threat to water quality require a greater level of regulatory oversight, which translates to higher costs to achieve water quality protection. Minimizing risk by moving the site not only results in environmental superiority, but also saves time, money and resources from preparing additional technical reports.

Cultivation Site 2 Restoration

As of the October 14, 2020 site visit, the landowner has removed nearly all cultivation related infrastructure and material from the site. Remaining material such as a pile of bamboo stakes and several wire cloches shall be removed. Imported soil, water storage tanks, and water lines have been removed.

Per the Applicant's CDFW 1600 Agreement (1600-2017-0419-R1); the language in the table below for Crossing 6 pertains to the instream work required to realign the Class III watercourse back into its native channel.

Table 1. Project encroachments with descriptions.

ID	Latitude/Longitude	Description
POD 1	40.5124, -123.6358	Water diversion: Water diversion from a Class II stream in accordance with measures in this agreement.
Crossing 1	40.5133, -123.6323	Rock ford: Upgrade existing dirt ford on a Class III stream to a rock ford. Install rock armoring as needed to minimize erosion potential.
Crossing 2	40.5132, -123.6324	Rock ford: Upgrade existing dirt ford on a Class III stream to a rock ford. Install rock armoring as needed to minimize erosion potential.
Crossing 3	40.5130, -123.6338	Rock ford: Upgrade existing dirt ford on a Class III stream to a rock ford. Install rock armoring as needed to minimize erosion potential.
Crossing 4	40.5130, -123.6344	Rock ford: Upgrade existing dirt ford on a Class III stream to a rock ford. Install rock armoring as needed to minimize erosion potential.
Crossing 5	40.5128, -123.6352	Rock ford: Upgrade existing rock ford on a Class III stream. Remove wood at downstream end of crossing and install rock armoring as needed to minimize erosion potential.
Crossing 6	40.5157, -123.6345	Stream remediation: 1. Decommission existing stream crossing. 2. Restore 150 feet of stream channel adjacent to cultivation site. 3. Remove fencing, soil, and other cultivation materials within 150 feet from stream banks. 4. Revegetate stream banks, 30 feet from top of bank with native conifers (container, 8-10 feet spacing).

Concurrent with heavy equipment work associated with instream work described above; the Timberland Conversion Report dated October 19, 2020 requires the following:

1. A small segment of fill slope, approximately 50-75 feet in length and 3-4 feet in depth, located along the southeastern periphery of Cultivation Site 2, is perched and too steep. Concurrent with the restoration and remediation of this site per CDFW 1600 Agreement #1600-2017-0419-R1; the fill slope shall be pulled back to a slope steepness no greater than 2:1 or 50%.

Erosion Control Plan

Following the instream work and removal of perched fill, exposed bare mineral soil will need to be treated in compliance with State Water Resources Control Board Order WQ 2019-0001-DWQ, which states the following:

Interim erosion prevention and sediment capture measures shall be implemented within seven days of completion of grading and land disturbance activities, and shall consist of erosion prevention measures and sediment capture measures including:

- *Erosion prevention measures are required for any earthwork that uses heavy equipment (e.g., bulldozer, compactor, excavator, etc.). Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion*

prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection.

- *Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins.*

- *Long-term erosion prevention and sediment capture measures shall be implemented as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure access roads or improve access road drainage, installation of properly-sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land.*

- *Maintenance of all erosion protection and sediment capture measures is required year-round. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities.*

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

Recommendation: Reseed all bare mineral soil within at Cultivation Site 2, and any additional areas of disturbed soil with a native grass seed mix. Manually distribute seed mix evenly across the site during late fall, winter, or early spring and follow any specific instructions accompanying seed mix. No equipment use or seed burial is required. Some areas will have begun to naturally revegetate; if a given area has more than 75% ground cover, no reseeding is necessary. Though the seed mix may vary, TRC recommends the following:

Native Erosion Control Mix
Species Content:
- Bromus carinatus, California Brome
- Elymus glaucus, Blue Wildrye
- Festuca microstachys, Small Fescue
- Trifolium willdenovii, Tomcat Clover

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

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

Straw Mulching: Straw mulching can be used to protect newly sown seeds from wind and high precipitation events as well as stabilize exposed soils. Water Board Order WQ 2019-0001-DWQ requires that restored areas must be mulched, using at least 2 to 4 inches of weed-free, clean straw or similar biodegradable mulch over the seeded area.

Recommendation: After reseeding, apply weed-free straw mulch to Cultivation Site 2 and all additional areas of disturbed soil at one bale per 800 square feet. Some areas will have begun to naturally revegetate; if a given area has more than 75% ground cover, no mulching is necessary.

Restocking Plan

Following the instream work, removal of perched fill, and the application of erosion control (seed and straw); TRC's Timberland Conversion Report dated October 19, 2020 requires replanting Cultivation Site 2 with Douglas-fir per the attached Restocking Plan.

Appurtenant Access Road

The segment of Anderson Ford Road accessing Cultivation Site 2 was closely evaluated for compliance with State Water Resources Control Board Order WQ 2019-0001-DWQ, which states the following:

> *Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.*

Anderson Ford Road is a permanent rocked road that is in moderately good shape with no stream crossings, drainage facilities, or signs of excessive erosion located within the landowner's ownership. Following restoration of Cultivation Site 2, the landowner will not need to use the segment of Anderson Ford Road located between Cultivation Site 1 & 2 for cultivation related activities. However, because the property is enrolled in State Water Resources Control Board Order WQ 2017-0023-DWQ (WDID:1_12CC427418); until the Discharger terminates coverage under the General Order and receives a Notice of Termination (NOT), all roads located within the property need to be maintained per the Order regardless whether cannabis cultivation occurs.

Sincerely,

Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures

Picture 1: Cultivation Site 1. Photo date 10-14-2020.

Pictures

Picture 2: Cultivation Site 2. Dashed blue line is the location of the Class III's natural channel. The CDFW 1600 Agreement (1600-2017-0419-R1) requires remediation of the diverted stream back into its orignal channel. Photo date 10-14-2020.

Pictures

Picture 3: Cultivation Site 2. Dashed blue line is the location of the Class III's natural channel. The CDFW 1600 Agreement (1600-2017-0419-R1) requires remediation of the diverted stream back into its orignal channel. Photo date 10-14-2020.

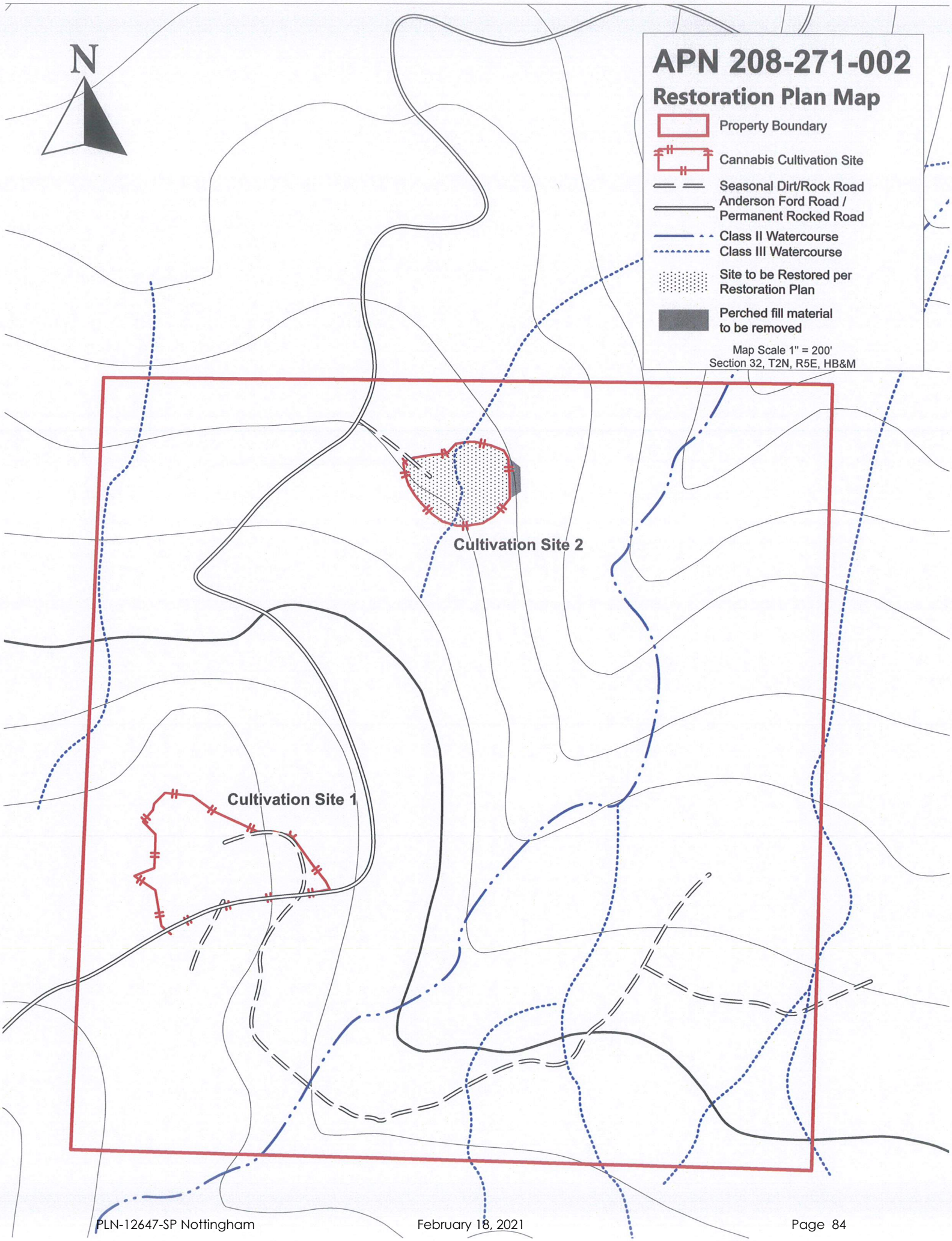
Pictures

Picture 4: Perched fill located along Cultivation Site 2's eastern periphery, which shall be pulled back to a minimum 2:1 slope steepness. Photo date 10-14-2020.

Pictures

Picture 5: Native vegetation in the form of Douglas-fir and Pacific madrone seedlings and saplings located in the eastern portion of Cultivation Site 2. All native vegetation shall be protected from restoration activities to the extent feasible. Photo date 10-14-2020.

APN 208-271-002
Location Map
Property Boundary
Map Scale 1" = 2,000'
Section 32, T2N. R5E, HB&M
Showers Mountain 7.5' USGS
Mad River
Schoolhouse Opening
Anderson Ford
Amelia Butte
Rattlesnake Rock
Lookout Rock
PIPELINE
JEEP TRAIL
Spring
T 2 N
T 1 N
Dinsmore
Van Duzen
Mile 48
BM 2401
BM 2386
N


N
APN 208-271-002
Restoration Plan Map
Property Boundary
Cannabis Cultivation Site
Seasonal Dirt/Rock Road
Anderson Ford Road /
Permanent Rocked Road
Class II Watercourse
Class III Watercourse
Site to be Restored per
Restoration Plan
Perched fill material
to be removed
Map Scale 1" = 200'
Section 32, T2N, R5E, HB&M
Cultivation Site 2
Cultivation Site 1

Timberland Resource Consultants

RESTOCKING PLAN

FOR

208-271-002

October 18, 2020

165 South Fortuna Blvd
Fortuna, CA 95540
707-725-1897
707-725-0972 Fax
trc@timberlandresource.com

Restocking Plan

Restocking Area: See attached Restocking Plan Map

Site	Total Acreage	# Trees at 10'x10' Spacing
Cultivation Site 2	0.46	200

Site Preparation: Site preparation is commonly utilized to facilitate timber stand establishment. The primary objective of this practice is to create an area suitable for planting seedlings and establishing a new stand of trees. Site preparation activities remove or reduce competing vegetation, reduce or remove unwanted trees and logging debris, and prepare the soil to ultimately promote the growth and survival of desired tree species. There are many methods of site preparation that fall under either chemical or mechanical site preparation. Subsoiling/ripping is a mechanical site prep method for heavy soils on cutover timberlands or agricultural lands that have a compacted layer at or below the soil surface that limits root growth and development. Subsoiling/ripping increases aeration and water-holding capacity of compacted soils and breaks up root restricting hardpans and/or traffic pans. Chemical preparation includes broadcast and directed herbicide application.

Recommendation: Concurrent with the grading required to restore the Class III stream diversion and removal of perched fill material; the landowner shall ensure that all graded and/or disturbed surfaces be ripped with heavy equipment to help facilitate replanting. Areas that are left undisturbed from heavy equipment, in the interest of protecting native vegetation and conifer/hardwood regeneration, may be planted with a pick/shovel.

Types of Seedlings: Harvested and/or understocked timberlands should be artificially regenerated with naturally-occurring conifer species and cultivars well-adapted to the timber stand's specific climate, elevation, and other environmental conditions. Planting seedlings from appropriate seed zones and elevation ranges ensures better seedling success and, eventually, a more resilient timber stand. Specifically, timberland within the property is characterized by Douglas-fir and oak woodland. The areas to be planted occur within California Seed Zone 303 at approximately 3,200 feet in elevation.

Recommendation: The landowner shall plant Douglas-fir (best suited for Seed Zone 340 at ~3,000-foot elevation) at a uniform spacing no less than 10-feet by 10-feet, or 435 trees per acre.

Most conifer seedlings that come from nurseries are available in two forms: bareroot seedlings and containerized seedlings. Bareroot seedlings are essentially stock whose roots are exposed at the time of planting. Bareroot seedlings are grown in nursery seedbeds and lifted from the soil in which they are grown to be planted in the field. Containerized seedlings are grown individually in a variety of hard-walled vessels or in peat pots from seed. They're typically more expensive than bareroots but usually have a higher survival rate after planting due to their well-formed root system.

Recommendation: Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.

Seedling Care: Seedling care and handling is extremely important to ensure post planting survival.

Recommendation: For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.

Restocking Plan

Planting Instructions: When planting seedlings, the landowner or tree planter should abide by the following:

1. Tree planting shall only occur in winter or early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
4. Pack the soil down firmly around the seeding to remove any air pockets.
5. See Appendices A-D for illustrations for correct planting techniques.

Stock Purchase: Ideally, landowners should procure seedlings from sources growing local, site-specific stock. Appropriate stock is determined by stand type, seed zone, elevation, as well as other factors like soil type, site quality, and weather.

Recommendation: The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korbel, California. For inquiries, contact Nursery Superintendent Glen Lehar at (707) 668-4439. He will recommend the appropriate stock based on geographic area and site conditions.

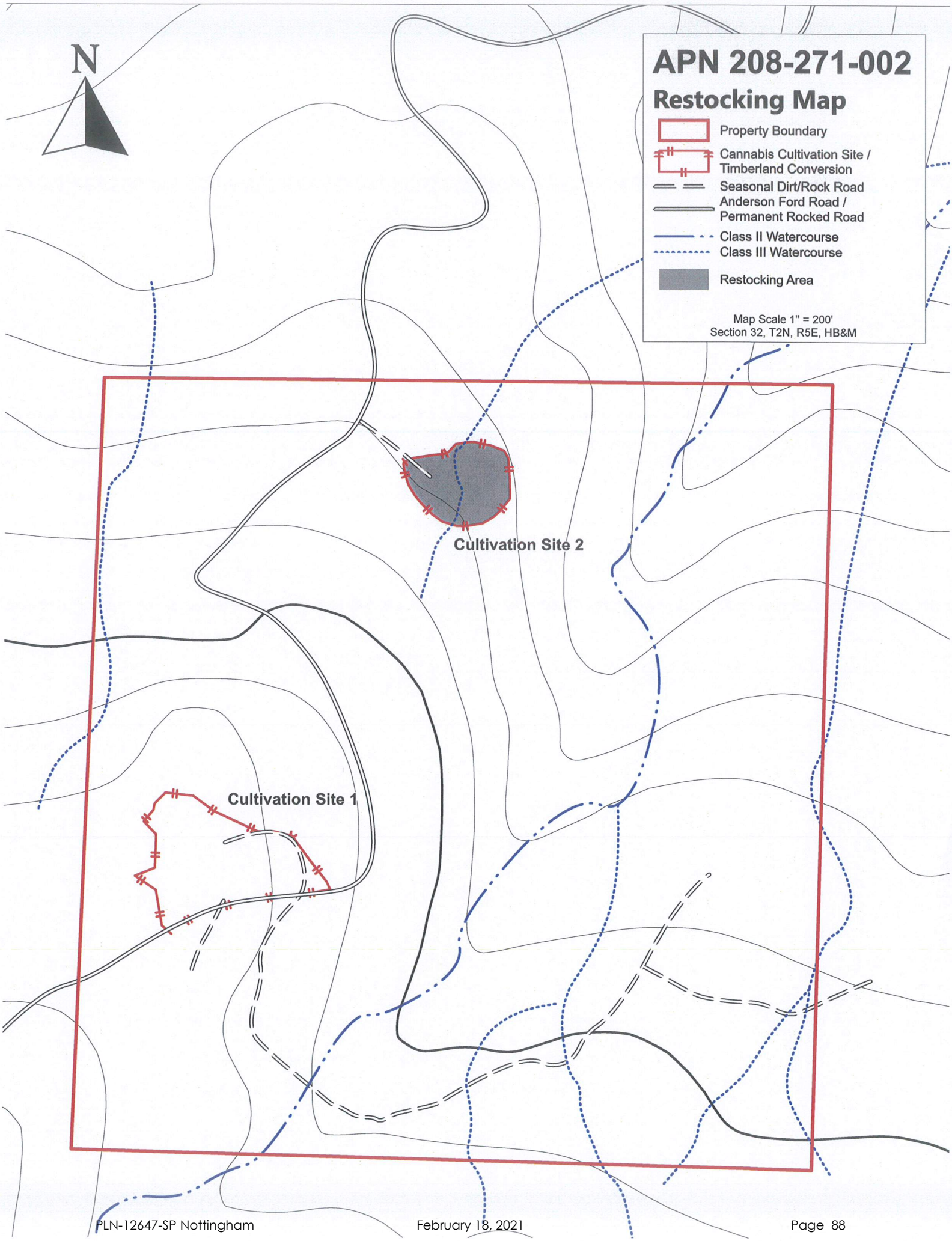
Monitoring Seedling Survival: Although a newly planted stand immediately fulfills stocking standards, the timber stand must continually contain an average density of at least 300 trees per acre (or 12-foot by 12-foot spacing) in order to meet the intent of the California Forest Practice Rules (CFPRs). A ***Countable Tree*** per 14CCR 895.1 must be in place at least two growing seasons among other requirements. Seedling survival can vary widely depending on several factors including genetics, weather, herbivory, etc. Monitoring growth and success of planted seedlings is key to ensure a minimum 300-point count stocking level is maintained or achieved 2-years after planting.

Recommendation: Monitor growth and success of planted trees one year after planting. Conduct a point count stocking sampling survey (protocol described in CFPRs 14CCR 1072). If less than 55% of the planted area meets the 300-point count minimum stocking level, repeat the planting process.

Certification: Within five years of planting, a report of stocking shall be submitted to the county by an RPF, which certifies that the area meets the minimum stocking standards of 14 CCR 912.7.

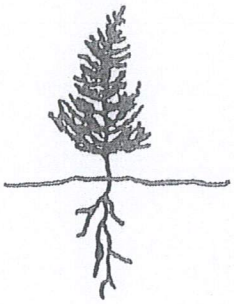
Sincerely,

Chris Carroll, RPF# 2628
Timberland Resource Consultants


N
APN 208-271-002
Restocking Map
Property Boundary
Cannabis Cultivation Site / Timberland Conversion
Seasonal Dirt/Rock Road
Anderson Ford Road / Permanent Rocked Road
Class II Watercourse
Class III Watercourse
Restocking Area
Map Scale 1" = 200'
Section 32, T2N, R5E, HB&M
Cultivation Site 2
Cultivation Site 1

APPENDIX A

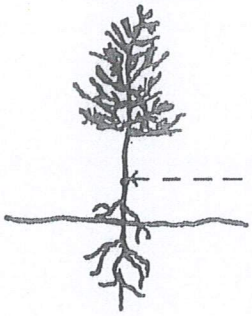
CORRECT METHOD OF SEEDLING PLANTING



- Soil firmly packed around roots.
- No air pockets.
- Roots straight with no J or L bends.
- Root collar at or slightly below ground level.
- Root not pruned.

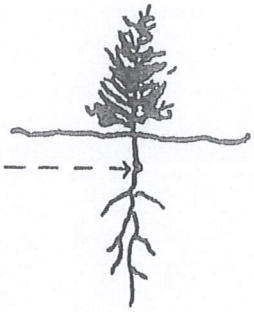
ERROR IN PLANTING

Too shallow



- Hole not deep enough.
- Root collar and upper roots exposed.
- Roots dry out.

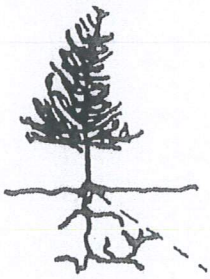
Too Deep



- Hole is too deep.
- Root collar buried.

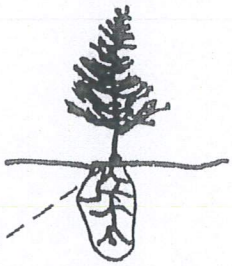
Root Collar

J or L Roots



Hole is not deep enough — planting in rocky soil.
Roots cannot effectively take up water.
Tree not wind-firm.

Air Pockets



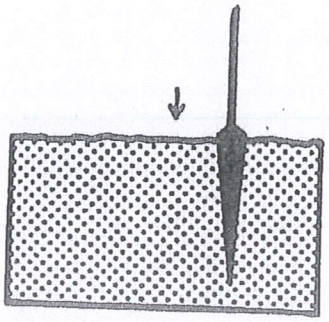
- Soil not firmly packed around roots.
- Air pocket forms.
- Roots dry out.

Root Collar

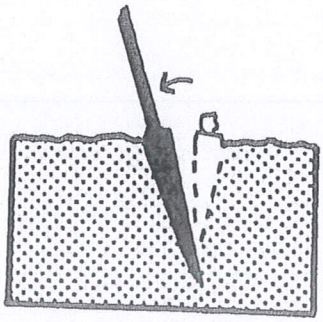
APPENDIX B

PLANTING WITH A FLAT BAR

1. Insert flat bar straight down.

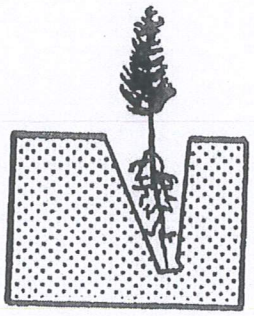


2. Pull flat bar backward to open hole.

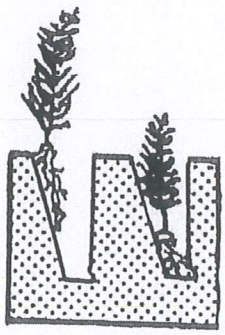


3. Remove flat bar and place seedling at correct depth with root collar at or slightly below ground level.

Correct



Incorrect

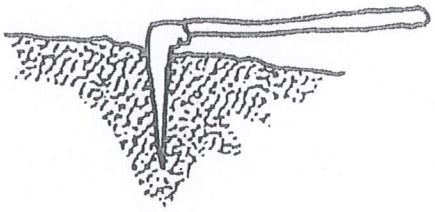


6

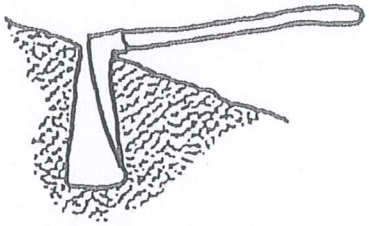
APPENDIX C

PLANTING WITH A HOE

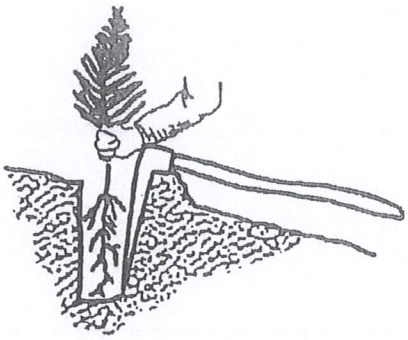
1. Swing hoe to get full penetration.



2. Lift handle and pull up to widen hole.

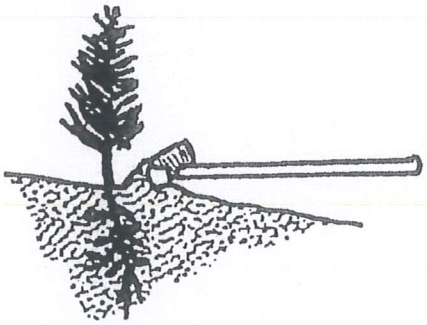


3. Place seedling while using hoe to hold back soil.



4. Use hoe to pack soil at bottom of hole.

5. Use hoe to pack soil at top hole.

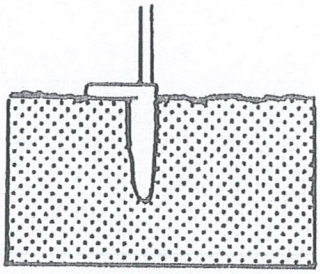


6. Firm soil around seedling with feet.

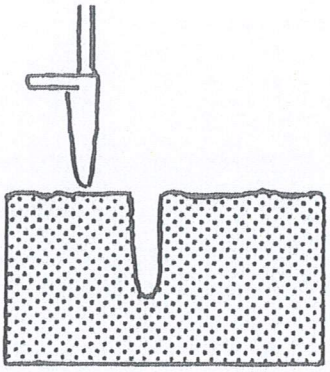
APPENDIX D

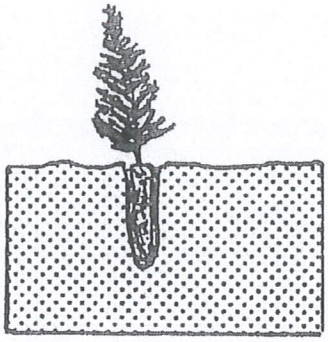
PUNTING WITH A PLUG BAR

1. Insert plug bar straight down until plug bar footrest is level with ground.

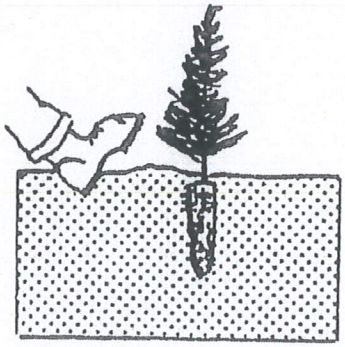


2 Remove plug bar and place seedling in hole.





3. Firm soil around seeding with heel of boot.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H500642* CERTIFICATE *H100025*

Right Holder: *Jason Nottingham*
1794 Fickle Hill Road
Arcata, CA 95521

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *03/26/2018*. 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)
Class II POD	Unnamed Stream	Mad River	Mad River	40.5124	-123.6358	Humboldt	208-271-002

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	208-271-002	0.40174472

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *04/19/2018*.
The place of use is shown on the map filed on *04/19/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.17 **acre-feet per year** to be collected from 11/01 to 05/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy. The total storage capacity shall not exceed 0.17400594 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, which is available online at: http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.

7. Diversion works shall be constructed and water applied to beneficial use with due diligence.

8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)

9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.

10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.

11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.

13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

    a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;

    b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;

    c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,

    d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.

14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)

18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife Policy and the State Water Boards Cannabis Cultivation 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: 04/19/2018 16:26:14

© 2018 - State Water Resources Control Board

STEP 1: Applicant Information
Please provide as much information as possible. Street address applications require a signature of the property owner.

Applicant: Jason Nottingham

Mailing Address: 1794 Fickle Hill Road

City: Arcata **State:** CA **Zip Code:** 95521

Phone: (831)212-6069 **Fax:** N/A **Email:** abi4humboldt@gmail.com

Street Name: Anderson Ford

Nearest Cross Street(s): Bear Creek Road **Closest City:** Dinsmore

Assessment Parcel Number: 208-271-002

Current Street Address on Parcel (if any): _____

If Change of Address Give Reason: _____

Signature of Property Owner: _____ **Date:** _____

Print Name of Property Owner: _____

Owner Address: _____
(if different from above)

Intended Use: ☐ **Residential** ☐ **Commercial** ☑ **Cannabis**

STEP 2: Location Map
Please follow all instructions found on page three of this application to visually describe the location of the structure(s) and the access route to the property from a main road. An example is provided. Your application may be delayed if the necessary information cannot be interpreted from the map you provide.

STEP 3: Fees
Make payment and mail application to:

Humboldt County Planning Division
3015 H Street
Eureka CA 95501

☑ Address Assignment	$80.00 each	Total	$80.00 (1)	(maximum $400 for five addresses or more)
☐ Address Change	$60.00 each	Total	$_____	
☐ Address Verification	$30.00 each	Total	$_____	

APPS #12647

Note: The applicant and/or owner acknowledges that the issuance by the County of Humboldt of an address to the subject property identified in this application does not in any way establish or grant recognition as to the legal status of any real property or as to compliance of any building or structure located thereon with other provisions of the Humboldt County Code.

OFFICE USE ONLY

Rec'd by: _____ APPS # _____ Permit # _____

New Address: _____

☐ Letter Complete ☐ AP Book ☐ GIS ☐ LIS ☐ Accela ☐ Multi-Situs

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DRAW SKETCH OR ATTACH LOCATION MAP HERE

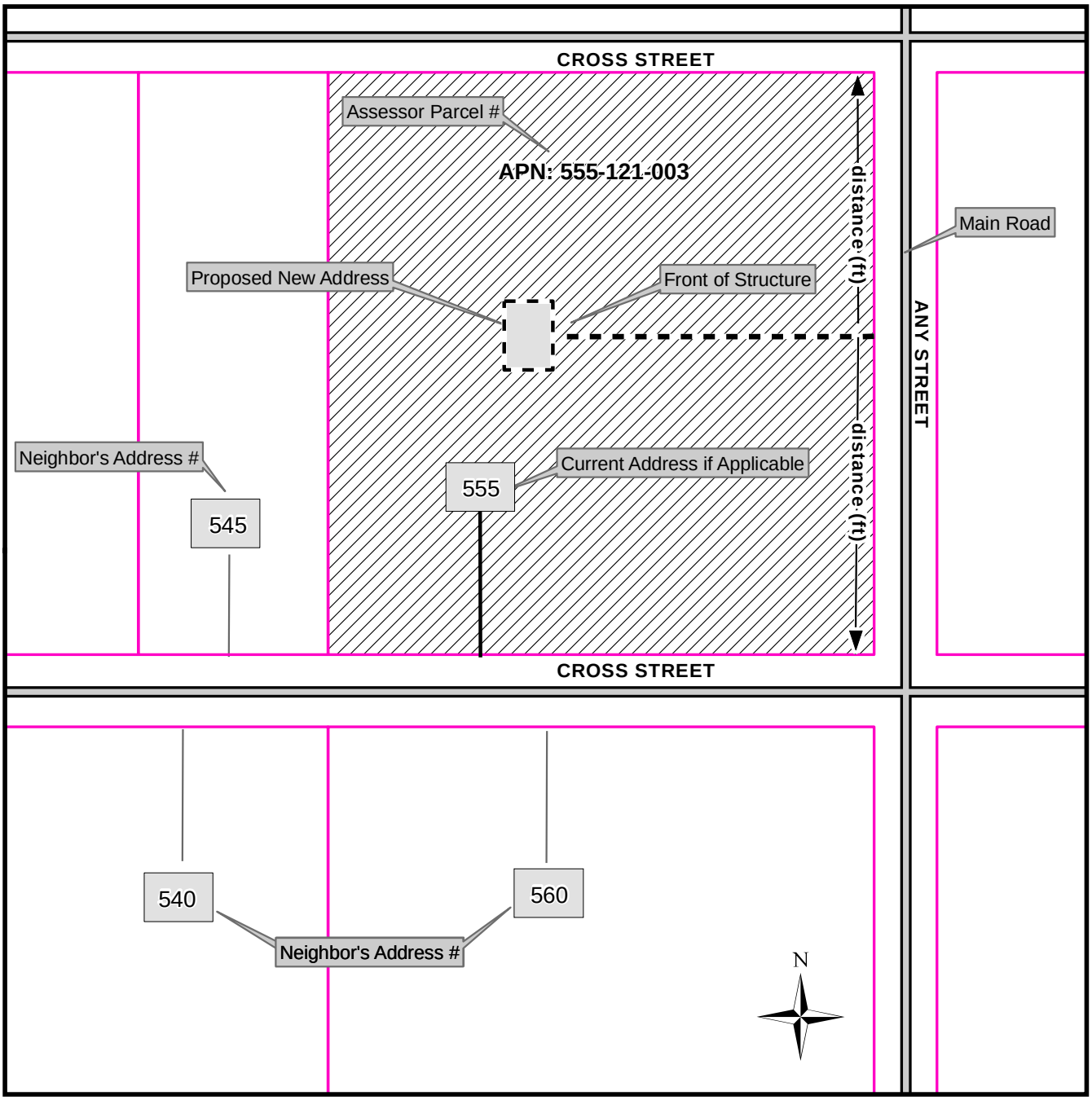
Provide a plan or sketch showing the structures for which this application is being submitted. **Show the location of the driveways and access back to a main road including road names and nearest cross streets.** Please also show other structures which have existing addresses, and the approximate distances (in feet) from the structure to all property lines and roads. Please include neighboring addresses if available. If the property abuts more than one road, please indicate which direction the front of the structure will be facing. For additional guidance, see sample plot plan following this page.

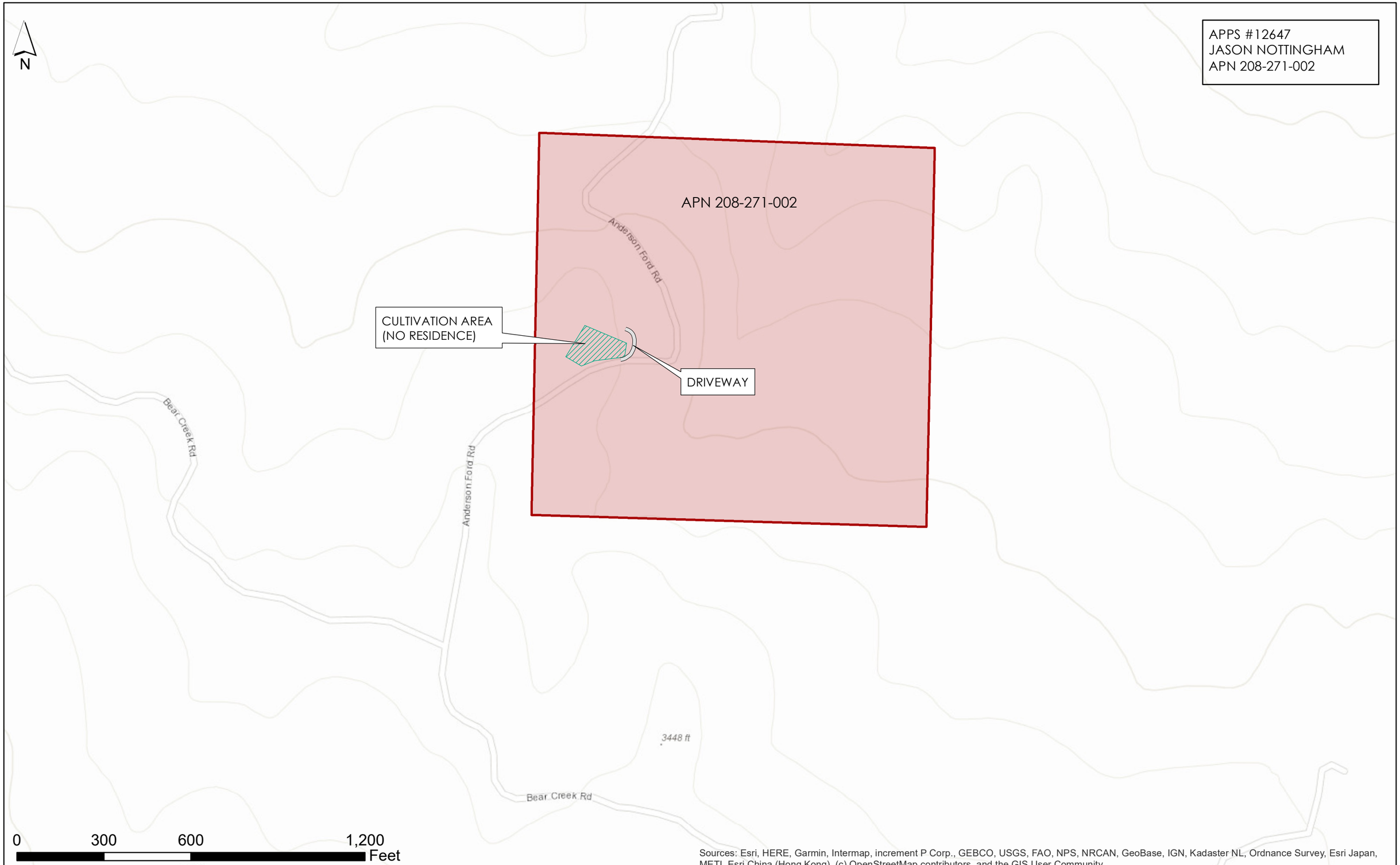
SEE ATTACHED

Attach additional pages if necessary

SAMPLE LOCATION MAP
FOR NEW OR CHANGE OF ADDRESS

Provide a plan or sketch showing the structures for which this application is being submitted. **Show the location of the driveways and access back to a main road including road names and nearest cross streets.** Please also show other structures which have existing addresses and the approximate distances (in feet) from the structure to all property lines and roads. Please include neighboring addresses if available. If the property abuts more than one road, please indicate which direction the front of the structure will be facing. For additional guidance, see sample plot plan following this page.




N
APPS #12647
JASON NOTTINGHAM
APN 208-271-002
APN 208-271-002
Anderson Ford Rd
CULTIVATION AREA
(NO RESIDENCE)
DRIVEWAY
Bear Creek Rd
Anderson Ford Rd
3448 ft
Bear Creek Rd
0
300
600
1,200
Feet
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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	✓	Denial	Attached
Northwest Information Center	✓	Arch study might be needed	On file
Bear River Band	✓	Conditional Approval	On file
North Coast Regional Water Quality Control Board	✓	Conditional Approval	Attached
California Department of Fish & Wildlife		No Response	
CalTrans, District 1		No Response	
Ruth Lake Community Service District, Fire Protection District		No Response	
Southern Trinity Unified School District		No Response	
Humboldt County Municipal Water 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	
State Water Resources Control Board – Division of Water Resources		No Response	

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596
AVIATION 839-5401

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: Elizabeth Schatz, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 02/08/2019

RE:

Applicant Name	**NOTTINGHAM**
APN	**208-271-002**
APPS#	**PLN-12647-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; See **Exhibit "D"**.

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items 1 & 2 on Exhibit "C".

Applicant has submitted an incomplete road evaluation report dated 11/30/17, stamped received by the Humboldt County Planning Division, with Part A- Box 2 checked, certifying that the roadway is equivalent of a road cat 4 standard. The road evaluation appears to have not included all the roads used starting for State Highway 36.

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12647

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc…)?

   ☒ YES ☐ NO

   If **YES**, the project does not need to be referred to the Department. Include the following requirement:

   All recommendations in the *Road Evaluation Report(s)* for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

   ☒ YES ☐ NO

   If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

   If **YES**, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

   How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel __ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

   If **YES** then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

   If **YES**, include the following requirement:

   The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

   If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

   - If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
   - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
   - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
   - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

     Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

     Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

     Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

   If **YES**, include the following requirement:

   The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

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

- [ ] The Department has no comment at this time.
- [ ] Suggested conditions attached.
- [ ] Applicant needs to submit additional information. List of Items attached.
- [ ] Recommend denial.
- [ ] Other comments.

Date: 12/30/19 Name:

Forester Comments: 2/13/19 Lucas Titus

CAL FIRE RM can not support this project at this time. Timberland conversions have occurred on this property in the past without any operational documents (specifically at garden area A and potentially elsewhere on the property). A Timber evaluation is needed from a Registered Professional Forester documenting.

Date: 12/30/19 Name:

Battalion Chief Comments:

Summary:

CEQA Project Review and Comment Cannabis Program Project Name: Nottingham WDID No. (1B16224CHUM) Date: 2/22/19			
APN: 208-271-002	County: Humboldt	Case, File or Appl. No. PLN-12647-CUP	RWB Reviewer: A. Piscitelli
Date Referral Received: 2/7/19		Date Comments Requested By: 2/22/19	
Site Location and Landowner Information			
Physical Site Address: **Anderson Ford Rd.** **Dinsmore, CA**		Mailing Address: **Jason Nottingham** **1794 Fickle Hill Rd** **Arcata CA 95521**	
CEQA Lead Agency Contact		**Document Type**	
Humboldt County		CEQA: ☐ CE ☐ NOP ☐ IS ☐ ND ☐ MND ☐ DEIR Other: ☐ General Plan ☒ Project Referral	
Project Description			
Conditional Use Permit for 8,325 square feet of existing, outdoor, medical cannabis cultivation. The applicant projects two cultivation cycles per year. Water for irrigation is sourced from a point of diversion of an unnamed spring. Water is stored in an aqua dam and hard plastic tanks, totaling 65,000 gallons. Processing, including drying and trimming, occurs on-site in an existing structure. The applicant states that two employees are needed for operations. Electricity is sourced from solar and generator power.			
Cannabis Program Enrollment			
North Coast Regional Water Quality Control Board Order No. R1-2015-0023 Enrolled? ☒ Yes, ☐ No Enrollment Tier ☐ Tier 1, ☒ Tier 2, ☐ Tier 2*, ☐ Tier 3		State Water Board Cannabis Program Order No. WQ-2017-0023-DWQ Enrolled? ☐ Yes, ☐ No, ☐ Exempt (Personal Use), ☐ Conditionally Exempt Enrollment Tier ☐ Tier 1, ☐ Tier 2 Risk Level	

	☐ Low, ☐ Medium, ☐ High

Tribal Authorization, for cultivation within 600 feet of tribal lands (PRC section 21073)

☐ Authorized
☐ Request for authorization denied by Tribe
☐ Authorization required
☒ Not applicable (Cultivation not within 600 feet of tribal lands)

CEQA Document Review and Project Proposal Comments

☐ No Comment at this time
☒ Recommend Conditions be Applied to the Project (See requirements below)
☐ Recommend Environmental Impact Report
☐ Additional Information Requested or Potential Permits Required (see comments below)

Regional Water Board Authority

The North Coast Regional Water Quality Control Board (Regional Water Board) implements the Porter Cologne Water Quality Control Act and Federal Clean Water Act, and is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) otherwise known as Waters of the State and United States and the protection of the beneficial uses associated with those waters. We regulate the discharge of waste to land and waters of the state as well as implement the federal Clean Water Act in California.

The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "'Waters of the state' refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e)." This definition is broader than that of "waters of the United States" and consequently should always be acknowledged and considered when determining impacts upon water resources.

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated.

Any impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. Project proponents are required to first avoid and second to minimize impacts to waters of the State, such efforts must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

<u>Antidegradation Policy</u>

The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Therefore, projects are

not authorized to discharge increased concentrations of pollutants, increased volumes of treated wastewater, or adversely modify an ecosystem that may result in degradation of high quality waters.

Please consider the following water quality concerns identified below when adding conditions of approval to a project or conducting a CEQA analysis of potential impacts.

Watershed	Section 303 d Listings

Mad River
Cal Water (version 2.2) – Mad River, Butler Valley, Eightmile Ridge, Bear Creek 1109.300101
HUC 12 – Mad-Redwood, Middle Mad River, Bear Creek-Mad River 180101020302

Section 303 d Listings

- ☒ Sediment
- ☒ Siltation
- ☐ Nutrients
- ☒ Temperature
- ☐ Aluminum
- ☐ Oxygen, Dissolved
- ☐ Mercury
- ☐ Indicator Bacteria
- ☐ PCBs
- ☐ Microcystin
- ☐ Phosphorous
- ☐ pH (High)
- ☒ Turbidity
- ☐ Manganese
- ☐ Specific Conductivity
- ☐ Organic Enrichment/Low Dissolved Oxygen
- ☐ Diazinon
- ☐ Dioxins Toxic Equivalents
- ☐ Biostimulatory Conditions

TMDL Projects

- ☐ NONE
- ☒ Total Maximum Daily Load Implementation Policy for Sediment Impaired Receiving Waters
- ☐ Albion River
- ☐ Big River
- ☐ Eel River, North Fork
- ☐ Eel River, Upper Main
- ☐ Eel River, Middle Main
- ☐ Eel River, Middle Fork
- ☐ Eel River, Lower Main
- ☐ Eel River, South Fork

☐ Elk River
☐ Freshwater Creek
☐ Garcia River
☐ Gualala River
☐ Klamath River
☐ Laguna De Santa Rosa
☐ Lost River, Upper
☐ Lost River, Lower
☒ Mad River
☐ Mattole River
☐ Navarro River
☐ Noyo River
☐ Redwood Creek
☐ Russian River
☐ Salmon River
☐ Scott River
☐ Shasta River
☐ Stemple Creek
☐ Ten Mile River
☐ Trinity River
☐ Trinity River, South Fork
☐ Van Duzen River

Beneficial Uses

☒ MUN--Municipal and Domestic Supply
☒ AGR--Agricultural Supply
☒ IND--Industrial Service Supply
☒ PRO--Industrial Process Supply
☒ GWR--Groundwater Recharge
☒ FRSH--Freshwater Replenishment
☒ NAV--Navigation
☒ POW--Hydropower Generation
☒ REC-1--Water Contact Recreation
☒ REC-2--Non-Contact Water Recreation
☒ COMM-- Commercial and Sport Fishing
☐ WARM--Warm Freshwater Habitat
☒ COLD--Cold Freshwater Habitat
☐ ASBS--Preservation of Areas of Special Biological Significance
☐ SAL--Inland Saline Water Habitat

☒ WILD--Wildlife Habitat
☒ RARE--Rare, Threatened, or Endangered Species
☐ MAR--Marine Habitat
☒ MIGR--Migration of Aquatic Organisms
☒ SPWN--Spawning, Reproduction, and/or Early Development
☐ SHELL--Shellfish Harvesting
☐ EST--Estuarine Habitat
☒ AQUA--Aquaculture
☒ CUL--Native American Culture
☐ FLD--Flood Peak Attenuation/ Flood Water Storage
☐ WET--Wetland Habitat
☐ WQE--Water Quality Enhancement
☐ FISH--Subsistence Fishing

Threatened and Endangered Species

☐ Tidewater Goby

☐ Lost River Sucker
☐ Modoc Sucker
☐ Bull Trout
☐ Eulachon
☐ Longfin Smelt
☐ Green Sturgeon
☒ Chinook Salmon California Coastal ESU
☐ Coho Salmon Central California Coast ESU
☒ Coho Salmon Southern Oregon Northern California Coastal ESU
☒ Steelhead Trout Northern California Distinct Population Segment (DPS)
☐ Steelhead Trout Central California Coast DPS
☐ California Tiger Salamander
☐ California Red Legged Frog
☐ Scott Bar Salamander
☐ Shasta Salamander
☐ Siskiyou Mountains Salamander
☐ Southern Torrent Salamander
☐ Point Arena Mountain Beaver
☐ Freshwater Shrimp

This is not a comprehensive account of listed species, please refer to the CA Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and NOAA-National Marine Fisheries Service for a complete list.

Documentation Required to Assess Project Compliance with the Water Code

☐ Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
☐ Low Impact Development Strategy
☐ Waste Characterization/Disposal Strategy
☐ Riparian/Stream/Wetland Avoidance Strategy
☐ Water Rights Documentation
☐ Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
☐ Water Resource Protection Plan/Site Management Plan
☐ Cleanup and Restoration Plan
☐ Evidence of Consultation with Army Corps of Engineers
☐ Evidence of Consultation with Dept. of Fish and Wildlife
☐ Cumulative Impact Assessment for Project Sub Watershed
☐ Other, described as follows:

Permits and Mitigations Likely Required for Project Compliance

☐ Federal Clean Water Act section 401 State Water Quality Certification
https://www.waterboards.ca.gov/water_issues/programs/cwa401/
☐ Cannabis Regulatory Program Enrollment

https://www.waterboards.ca.gov/water_issues/programs/cannabis/
☐ Waste Discharge Requirements / Water Quality Certification for Instream Work
https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190125/180731_031616_401_R1-2015-0023-Application.pdf
☐ Construction Storm Water General Permit (for disturbed area greater than one acre)
https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html
☐ Industrial Storm Water Permit
https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html
☐ National Pollutant Discharge Elimination System Permit (NPDES)
Describe NPDES permit required:

Additional Comments or Recommendations

In the event the project proponent or lead agency has already addressed requested information please provide the information identified above or develop such information to demonstrate compliance with the Water Code. In the event that the project applicant determines the requested information is not necessary, please provide justification to support the project's compliance with the Water Code.

Discharger did not submit 2017 annual report required under Regional Order (R1-2015-0023).

Submit 2018 Annual Report under Regional Cannabis Order (R1-2015-0023) by March 31, 2019.

Unclear why crossings 1-5 are needed, consider decomissioning if appropriate.

Recommendations in WRPP should be implemented (provide updated schedule for implementation if needed).

If any future instream work (affecting waters of the state) is proposed Water Quality Certificatio will be needed.

Discharger will need to transition into State Cannabis Order (WQ 2017-0023-DWQ) by July 1, 2019. Once under the State Order additional activities needed may include winterization measures, review State Order requirements and conditions. SIUR may be needed.

Signature Block

Amanda Piscitelli		Date: 2/22/19