



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

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

Hearing Date: February 18, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Lynn Ryan Special Permit**  
Case Number PLN-11943-SP  
Assessor's Parcel Number (APN) 212-015-020  
500 Road DD, Redway

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Please contact Jody Fessler, Planner, at 916- 414-5800 or by email at [jody.fessler@aecom.com](mailto:jody.fessler@aecom.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 18, 2021	Special Permit	Jody Fessler

**Project Description:** Lynn Ryan seeks a Special Permit (PLN-11943-SP) for an existing 10,000-square-foot (SF) outdoor cannabis cultivation operation. One crop per year will be harvested outdoors, without the use of supplemental light. Irrigation water will be sourced from rainwater captured in on-site catchment ponds. In addition, a total of 21,500 gallons of water storage is available in six tanks. Water from the catchment ponds can be transferred to the tanks via a solar pump. Estimated annual water usage is approximately 91,600 gallons (9.16 gal/SF). Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. No additional employees will be required. A generator is not used for cannabis cultivation.

**Project Location:** The project site is located in Redway, on the south side of Road DD, approximately 2 miles from the intersection of Briceland Road and Seely Creek Road, on the property known as 500 Road DD, Redway (APN: 212-015-020).

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: Moderate instability (2)

**Present Zoning:** FR-B-5(40)

**Case Numbers:** PLN-11943-SP

**Assessor's Parcel Number:** 212-015-020

**Applicant**

Lynn Ryan  
1271 Evergreen Rd #934  
Redway, CA 95560

**Owner**

Klein Richard F & Ryan Lynn Tr  
P.O. Box 1850  
Redway, CA 95560

**Agent**

Nicole Harris  
PO Box 621  
Redway, CA 95560

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

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

**Major Issues:** None

**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 Lynn Ryan Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Lynn Ryan seeks a Special Permit (PLN-11943-SP) for an existing 10,000 square foot (SF) outdoor cannabis cultivation operation. One crop per year will be harvested outdoors, without the use of supplemental light. Irrigation water will be sourced from rainwater captured in on-site catchment ponds with a combined capacity of 244,000 gallons. In addition, a total of 21,500 gallons of water storage is available in six tanks. Water from the catchment ponds can be transferred to the tanks via a solar pump. Estimated annual water usage is approximately 91,600 gallons (9.16 gal/SF). A generator is not used for cannabis cultivation. No additional employees are required.

The applicant has prepared an appropriate Cultivation and Operations Plan (as amended September 17, 2018), setting forth the details of the project related to water sources, storage, and use; runoff and erosion control measures; watershed and habitat protection; cultivation and processing practices; security features; and Department of Environmental Health information. The applicant has also provided the required site plan information illustrating the types and locations of proposed on-site facilities related to cannabis cultivation.

**Timber Conversion**

No timber conversion has occurred; a few trees were cleared on the property in the 1980s and 1990s for personal use (i.e., camping), viewshed improvement, and vegetable gardening.

**Water Resources**

Diverted water is not used for cannabis irrigation, and since no additional employees other than the applicant (who is also the property owner) are employed for cannabis harvesting or processing, a Streambed Alteration Agreement is not required. Nevertheless, the project applicant has provided the County with a copy of a Streambed Alteration Agreement Notification with the California Department of Fish and Wildlife dated July 16, 2019. The applicant has also provided the County with a copy of a Notice of Intent for Enrollment under Waiver of Waste Discharge Requirement, as a Tier 2 Cultivation Site, filed with the North Coast Regional Water Quality Control Board (Order No. R1-2015-0023) on August 26, 2016.

There are six on-site water storage tanks, with a total storage capacity of 21,500 gallons.

The property includes four off-stream, non-jurisdictional rainwater catchment and storage ponds. Rainwater will be the sole source for project-related cannabis irrigation. The applicant has provided proof that all ponds were constructed prior to 2014. The four rainwater catchment ponds have a combined storage capacity of approximately 244,000 gallons. A solar powered pump is available on site to transfer water from the rainwater catchment ponds to the storage tanks. The individual pond storage capacity is presented in Table 1.

<b>Table 1. Water Storage Capacity</b>			
<b>Storage Type</b>	<b>Quantity</b>	<b>Capacity (gallons)</b>	<b>Total Capacity (gallons)</b>
Pond	3	32,000	96,000
Pond	1	148,000	148,000
<b>Total Storage Capacity</b>			<b>244,000</b>

The project will require an estimated total of 91,600 gallons of irrigation water per year. Table 2 shows projected monthly water requirements in gallons.

<b>Table 2. Estimated Monthly Water Demand</b>												
	<b>Gallons per Month</b>											
	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>
Rainwater Usage (gallons)	0	0	0	0	8,600	13,600	18,600	18,600	18,600	13,600	0	0
<b>Total Annual Water Demand</b>										<b>91,600</b>		

Cultivation Site OG-1 is located within 50 feet of a Class III watercourse, which is an unnamed tributary to Seely Creek. The project will be conditioned to require the applicant to relocate Cultivation Site OG-1 so that it is more than 50 feet from a Class III watercourse, for protection of biological, hydrology, and water quality values.

The lower and upper cultivation sites are well-drained, and situated on 18 inches of loam overlaying 19 inches of gravelly loam, while the centrally located cultivation site is well-drained, and situated on 12 inches of silt loam overlaying 15 inches of silty clay loam.

To prevent runoff and erosion, soil surfaces are vegetated or covered with mulch. Drip irrigation will be used. Additionally, roads and developed areas are maintained to prevent sedimentation of waterways.

The applicant has prepared a Water Resources Protection Plan that includes recommended best practices for erosion control, monitoring irrigation volumes to prevent runoff, and utilizing a secure storage facility for all cultivation-related materials.

### **Biological Resources**

A search of California Natural Diversity Database (CNDDB) biological resources database was performed on October 30, 2020. No special-status species have been documented on the project site. No Northern spotted owl (NSO) activity centers are within approximately 0.75-mile of the project site; however, the project site may provide suitable foraging habitat. The proposed cannabis cultivation operations do not require the use of a generator except for emergency back-up purposes. The Conditions of Approval include measures for noise and lighting minimization. Therefore, the proposed project would not adversely affect biological resources.

### **Tribal Cultural Resource Coordination**

The project was referred by the County to the Northwest Information Center on September 26, 2018. The Northwest Indian College (NWIC) noted that portions of the applicant's property were surveyed in 2003, and no cultural resources were identified during that survey. On June 17, 2019, Mr. Jesse Lopez, the Tribal Historic Preservation Officer Assistant from the Bear River Band of the Rohnerville Rancheria, reviewed the project application and determined that no known tribal cultural resources are present, but recommended that measures should be included to provide for inadvertent discovery of any such resources. The project site does not contain any structures that would qualify as historic resources. Conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect any previously unknown cultural or tribal cultural resources that may be encountered in the future.



## Access

The applicant has submitted a multi-part road evaluation report with photographs demonstrating that all roads used to access the project site meet the requirements of the County's road Category 4 equivalent standard. Because no additional employees will be required for the project other than the applicant (who is also the property owner), the project will not result in additional traffic that could exacerbate roadway deterioration. Access roadways in the project area are maintained by a homeowner's association. Security measures for the project site include a locked access gate and posted "No Trespassing" signs. Furthermore, the project site is in a remote area, and the cultivation area is not visible from the road.

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.

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

**Resolution Number 21-  
Record Number PLN-11943-SP  
Assessor's Parcel Number: 212-015-020**

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

**WHEREAS,** Lynn Ryan submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 10,000-square-foot (SF) outdoor cannabis cultivation operation;

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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 a 10,000-square-foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by a solar system. Water for irrigation is provided by rainwater catchment ponds.

**EVIDENCE:** a)   Project File: PLN-11943-SP

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

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

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

c)   A Water Resources Protection Plan was prepared by Compliant Farms to show compliance with the North Coast Regional Water Quality Control Board Order No. R1-2015-0023.

d)   A search of the California Natural Diversity Database (CNDDDB) was performed. There are no known special-status species at the project site. Northern Spotted Owl habitat exists in the vicinity, but no activity centers are within approximately 0.75 mile of the site. No generator will be used as part of the project (except for emergency backup purposes), which is powered by solar energy. The Conditions of Approval include measures for noise and lighting minimization. Therefore, the proposed project would not adversely affect biological resources.

- e) The project will be conditioned to relocate Cultivation Site OG-1 so that it is outside of the 50-foot Class III watercourse buffer. All other development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.
- f) No timber conversion has occurred.
- g) The Northwest Information Center and the Bear River Band of the Rohnerville Rancheria indicated there are no known cultural or tribal cultural resources at the project site, and recommended the inclusion of Inadvertent Discoveries Protocol.
- h) The project applicant provided photographic documentation illustrating that all access roads are suitable for safe access to and from the project site.

#### **FINDINGS FOR SPECIAL PERMIT**

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

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

**4. FINDING** The proposed development is consistent with the purposes of the existing FR-B-5(40) zone in which the site is located.

**EVIDENCE** a) The FR-B-5(40) is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

b) All general agricultural uses are principally permitted in the Federal Register (FR)-B-5(40) zone.

c) Humboldt County Code (HCC) section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 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 10,000 square feet of outdoor cultivation on a 20-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-B-5(40) (HCC 314-55.4.6.5).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, a certificate of compliance was recorded for the parcel (instrument number 2016-07297).

c) The project will obtain water from a non-diversionary water source.

d) All roads used to access the property are functionally appropriate for the expected traffic.

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING** The cultivation of 10,000 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The project applicant has provided photograph evidence documenting that the access roads to the project site can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
  - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
  - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
  - d) Irrigation water will come from existing rainwater catchment ponds.
  - e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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

- EVIDENCE**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

## **DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Lynn Ryan, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

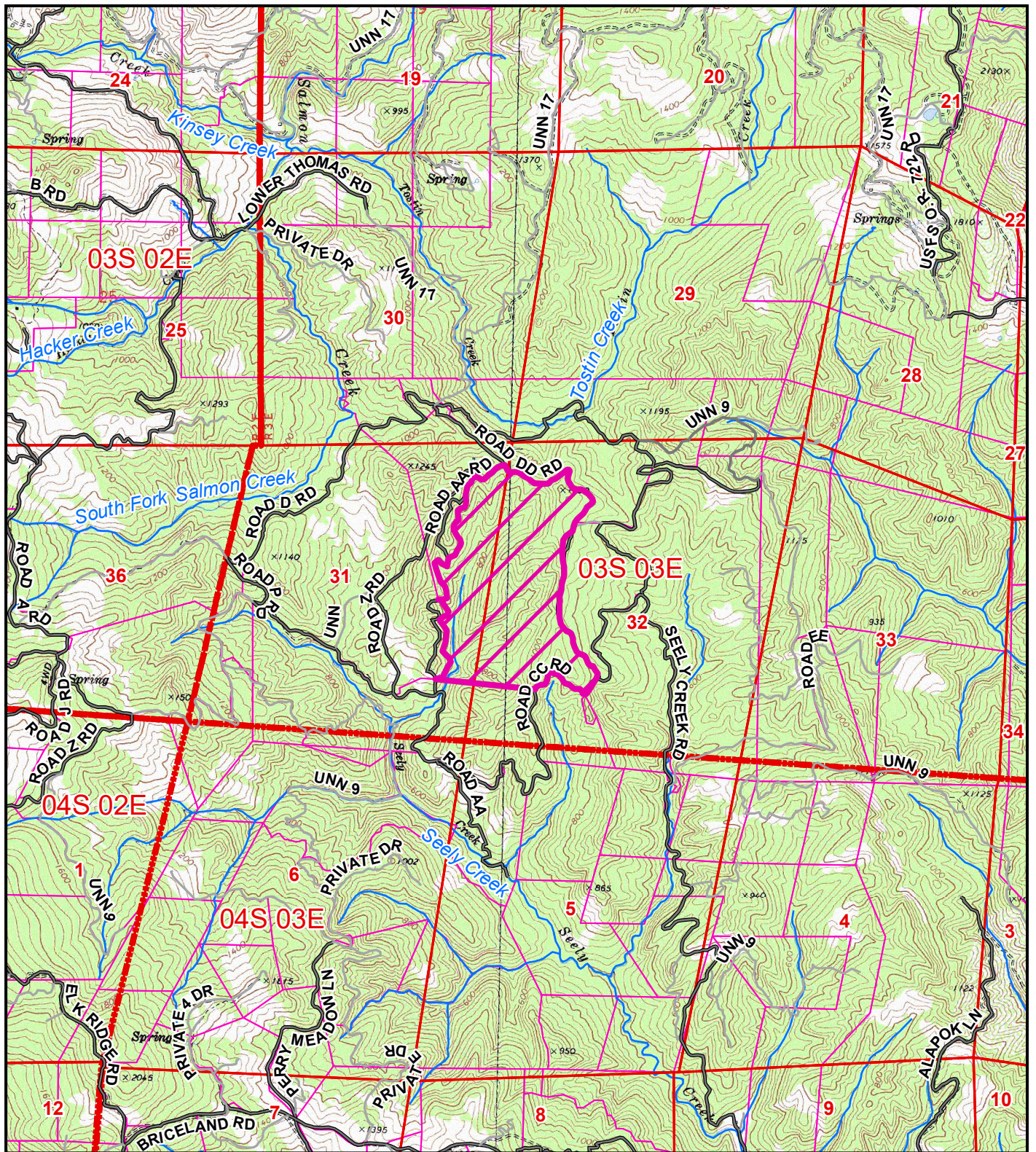
Adopted after review and consideration of all the evidence on February 18, 2021.

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

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John H. Ford  
Zoning Administrator, Planning and Building Department





**TOPO MAP  
PROPOSED WHITE OAK FARMS  
MIRANDA AREA  
SP-18-118**

**Project Area =** 

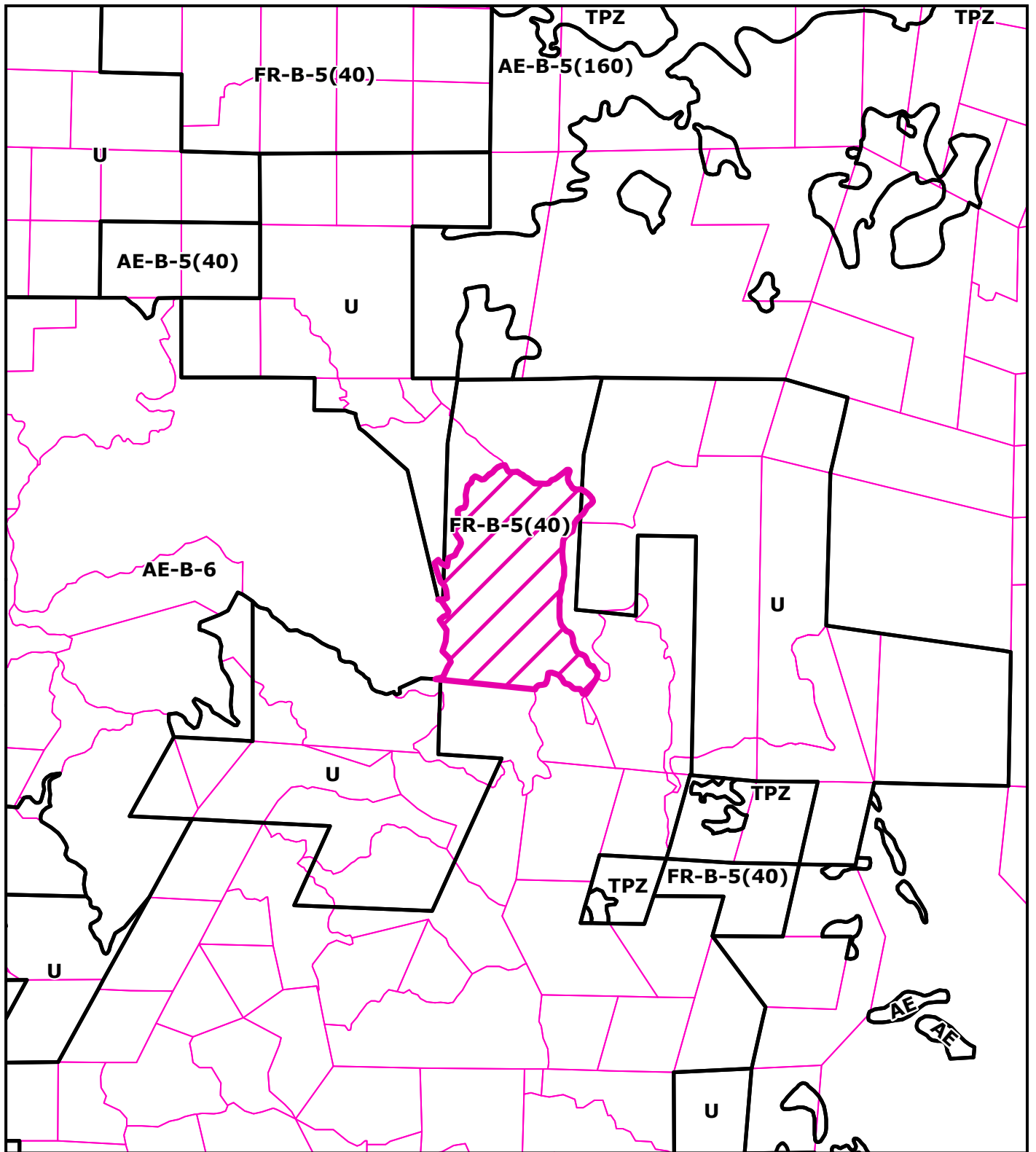
**APN: 212-015-020  
T03S R03E S31; S32 HB&M (ETTERSBURG)**

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 6,000 Feet








**Project Area =**

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

**ZONING MAP**  
**PROPOSED WHITE OAK FARMS**  
**MIRANDA AREA**  
**SP-18-118**  
**APN: 212-015-020**  
**T03S R03E S31; S32 HB&M (ETTERSBURG)**



0
1,000
2,000
4,000
6,000

Feet

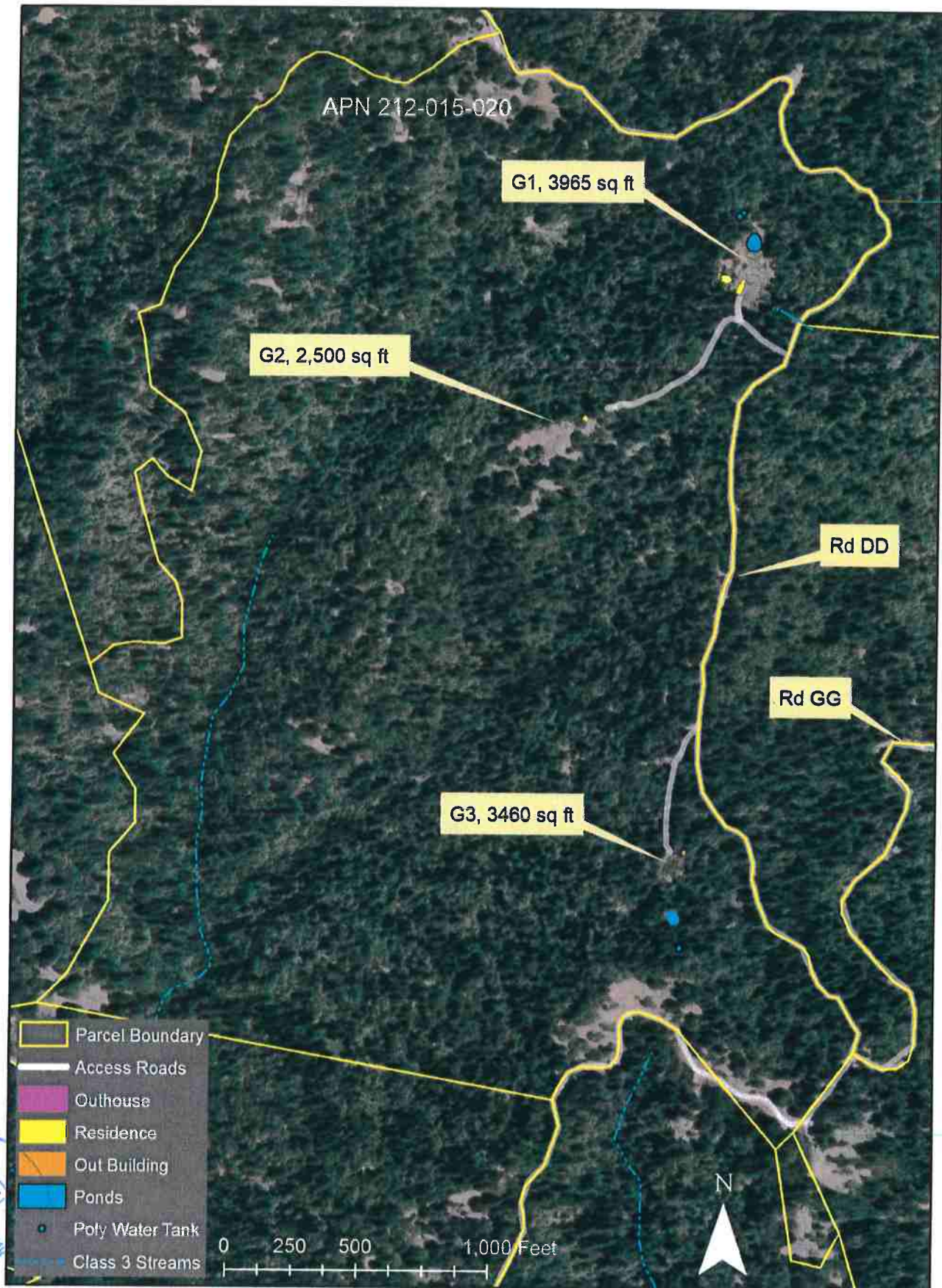






# Site Plan Update, Locator Map, Lynn Ryan, APN 212-015-020

UPDATED 9/17/18



No Easements

Parcel Size = 201 acres

No School, School Bus Stop, Churches  
or other Place of Worship, Public Park,  
or Tribal Cultural Resource with 600 ft.

No off-site residences within 300 ft.

Directions to Site: Head West on Briceland Rd from  
Redway for 2.6 miles. Turn Right on Seely Ck Rd which  
becomes Rd GG. Continue for approx 2.9 miles until  
road intersects Rd DD. Turn right onto road DD, continue  
approximately .5 mile, and turn left onto driveway marked  
500 Rd DD.

February 18, 2021



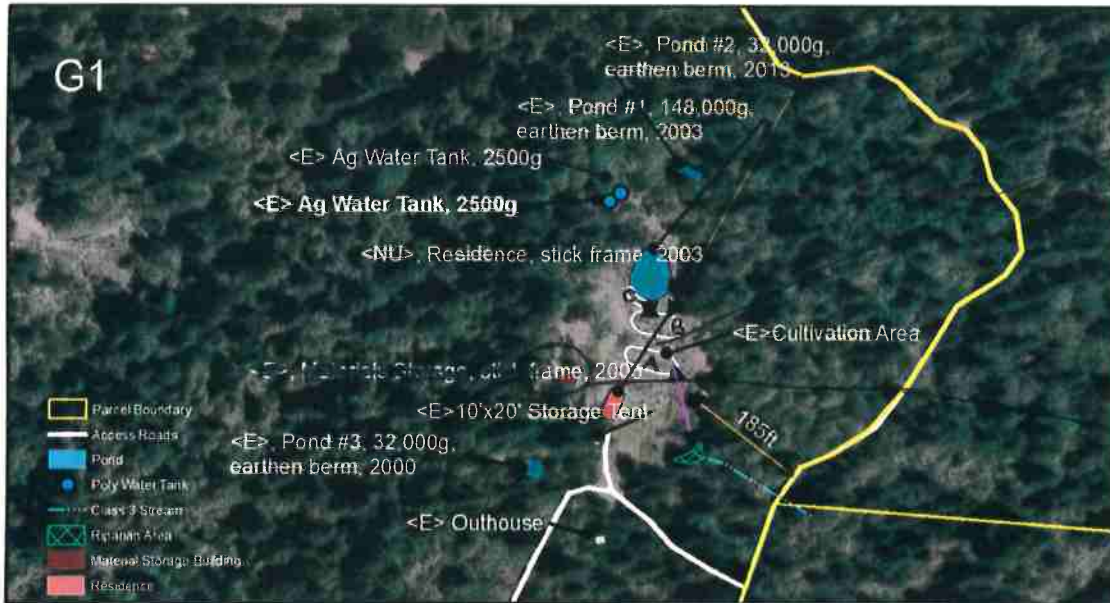


# Site Plan, Lynn Ryan,

APN 212-015-020

Gardens 1,2,3,

UPDATED 9/17/2018



SOLAR PANELS NOT USED IN CONNECTION WITH CANNABIS CULTIVATION

Garden 1 Cultivation Area Square Footage = 3946 sq

3 POLYGONS:  
A: 1730 SQ. FT.  
B: 1905 SQ. FT.  
C: 311 SQ. FT.

STICK FRAME CABIN (2003), NOT USED IN CONNECTION WITH CANNABIS CULTIVATION



PROPOSED SITE FOR FUTURE STORAGE TENT FOR MATERIALS (10x20' SQ. FT.)

Garden 2 Cultivation Area Square Footage = 2532 sq



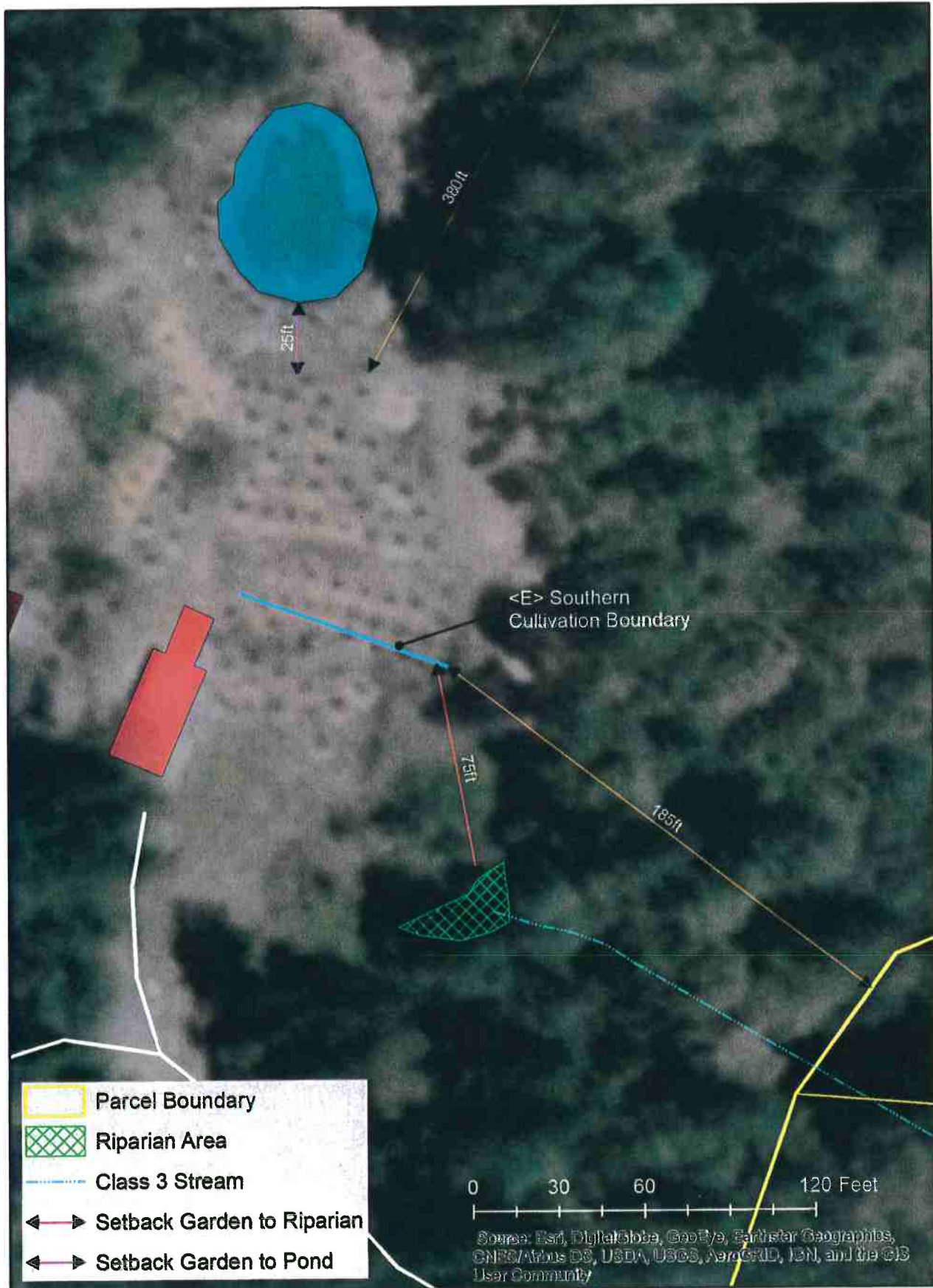
FERTILIZER STORAGE SHED (3x6 ft. SQ.)

Garden 3 Cultivation Area Square Footage = 3480 sq

ALL PONDS ARE RAIN WATER COLLECTION ONLY FOR RESIDENCES ARE PRE-EXISTING STRUCTURES NOT USED ("NU") IN CONNECTION WITH CANNABIS CULTIVATION



Site Plan Update, Lynn Ryan, **RIPARIAN SETBACK**  
Garden 1 Detail, APN 212-015-020 **UPDATED 9/17/18**



map author Cullen Cramer

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
5. Within 1 year of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit evidence showing that Cultivation Site OG-1 has been relocated so that it meets the setback requirements of the Streamside Management Area and Wetlands Ordinance, and shall provide the County with a remediation plan, along with evidence documenting that recommended remedial actions are being implemented.
  - a. Buffers/setback distances from natural waterways, including streams, springs and ponds in conformance with the Streamside Management Area and Wetlands Ordinance (SMAWO) definition in HCC Section 314-6.1, shall be as follows:
    - (1) 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.
    - (2) 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.
    - (3) 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.
    - (4) 50 feet for seasonal wetlands.
    - (5) 150 feet from perennial wetlands.

6. Within 2 years of the effective date of permit approval, the applicant shall provide the County with the California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (1602 Permit) for the seasonal water diversion from Tostin Creek.
7. As required by the Humboldt County Department of Environmental Health (DEH), the applicant shall do the following within 1 year of the effective date of the permit application:
  - a. Provide an invoice, or equivalent documentation to DEH to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.
  - b. A pit privy is shown on the provided Site Map. Discontinue the use of and decommission the pit privy. Disposal of the end product must be in accordance with HCC § 615-6. Alternatively, obtain approval of pit privy from DEH.
8. Within 120 days of the effective date of permit approval, provide an amended plot plan showing the reduced cultivation area equating to the applicant's requested reduction from 13,750 square feet to 10,000 square feet of cannabis cultivation.
9. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #5 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
10. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, water tanks over 5,000 gallons (if any), and existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
11. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
12. The applicant shall install water monitoring device on each source – rainwater catchment ponds and storage tanks as applicable - to monitor water used for cannabis irrigation separate from domestic use.
13. The applicant shall contact the local fire service provider 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.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

15. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
16. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

1. The combination of background, generator, or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3,000 kelvins or less and 3) only placed where needed.
3. 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.
4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
7. Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the

Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
8. The use of anticoagulant rodenticide is prohibited.
  9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
  10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
  11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
  12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
  13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
  14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
  15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

### **C. Performance Standards for Cultivation and Processing Operations**

1. Pursuant to the MAUCRSA, 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."
2. 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, California Occupational Safety and Health Administration (Cal/OSHA), Occupational Safety and Health Administration (OSHA), the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
3. 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.
4. 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:
  - b. Emergency action response planning as necessary;
    - (1) Employee accident reporting and investigation policies;
    - (2) Fire prevention;
    - (3) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (4) Materials handling policies;
    - (5) Job hazard analyses; and
    - (6) Personal protective equipment policies, including respiratory protection.
  - c. 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.
  - d. 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.
  - e. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
5. 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
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

#### **D. 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 #11 and 12 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.

**ATTACHMENT 2**

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

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

**APN 212-015-020; 500 Road DD, Redway  
County of Humboldt**

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

**January 2021**

## Background

### **Modified Project Description and Project History –**

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

The modified project involves a Special Permit (PLN-11943-SP) for an existing 10,000-square-foot (SF) outdoor cannabis cultivation operation. Irrigation water is sourced from rainwater catchment ponds. Existing available water storage is 21,500 gallons in six (6) hard tanks and 244,000 gallons (total) in four catchment ponds. Estimated annual water usage is 91,600 gallons (9.16 gal/SF). Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. No additional employees are required (other than applicant, who is also the property owner) and power is provided by solar.

Cultural resources consultations conducted with the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria concluded that no known cultural or tribal cultural resources are present and recommended Inadvertent Discoveries Protocol. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. No timber conversion has occurred, no supplemental lighting is used, and no generator will be required for cannabis cultivation. Thus, project-related noise will not harass nearby wildlife.

**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 Environmental Impact Report (EIR) or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 10,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by the project applicant on 11/23/16 and Plot Plans prepared as part of the Water Resources Protection Plan prepared by Compliant Farms in 2017.
- Amended Cultivation and Operations Plan dated September 17, 2018.
- Right to Divert and Use Water for personal use, with the State Water Resources Control Board, Division of Water Rights, dated June 28, 2018.
- Streambed Alteration Agreement, California Department of Fish and Game, July 2019
- Water Resources Protection Plan (WRPP) prepared by Compliant Farms for the North Coast Regional Water Quality Control Board Order No. 2015-0023, prepared in 2017.
- Access Roads – photographic documentation provided by the applicant (July 2019)
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- CNDDDB biological resources search conducted by AECOM on October 29, 2020
- Cultural resources consultation materials: Letter from Northwest Information Center dated September 26, 2018 and letter consultation with Bear River Band of the Rohnerville Rancheria dated June 17, 2019

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

## **FINDINGS**

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

## **CONCLUSION**

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

### **ATTACHMENT 3**

#### **APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site plans prepared by project applicant – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Lynn Ryan, amended 9/17/18 - Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Riparian Water Rights Statement of Diversion and Use claims and reporting for personal use only, dated November 21, 2018, on file. Not applicable for cannabis cultivation.)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan (WRPP) prepared by Compliant Farms – Attached as Attachment 3a. Notice of Intent (NOI) and Reporting: Waiver of Waste Discharge Requirements Water Quality Order R1-2015-0023 – Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Agreement Notification (Application) from the California Department of Fish and Wildlife. (Dated July 9, 2019 – Attached as Attachment 3b)
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 Forestry Recreation (FR), Unclassified (U) or Timber Production Zone (TPZ), or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under Senate Bill (SB) 18 (Burton) and Assembly Bill (AB) 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources consultation with Northwest Information Center dated September 26, 2018 and letter consultation with Bear River Band of the Rohnerville Rancheria dated June 17, 2019 (On-file and confidential).
16. Photographic evidence provided by Lynn Ryan demonstrating that all access roads meet County category 4 equivalent standards (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

UPDATED 9/17/2018

Amended  
Cultivation & Operations Plan

Lynn Ryan

APN#212-015-020 APPS#11943



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# Cultivation and Operations Plan

## Project Description

The proposed project is for a Conditional Use Permit to cultivate 10,000 square feet of commercial cannabis outdoors. Prior to January 1, 2016, the cultivation of non-commercial cannabis occurred at the project location.

## Water Source, Storage and Use

The following provides a description of where irrigation water is sourced and stored, and an overview of the irrigation plan and projected water usage.

### Water Source

Irrigation water is sourced from rainwater captured from the sky by four onsite ponds.

### Water Storage

The four rainwater catchment ponds have a combined storage capacity of approximately 244,000 gallons. The individual pond capacity is presented in the table below.

Storage Type	Quantity	Capacity (gallons)	Total Capacity (gallons)
Pond	3	32,000	96,000
Pond	1	148,000	148,000
Total Storage Capacity			244,000

### Irrigation Plan

Drip irrigation, and by hand when needed.

### Projected Water Usage by Month

It is estimated that the project will require 91,600 gallons of irrigation water per year. The table below shows projected monthly water requirements in gallons.

Source	J	F	M	A	M	J	J	A	S	O	N	D
Rainwater Storage (gallons)	0	0	0	0	8,600	13,600	18,600	18,600	18,600	13,600	0	0

## Description of Site Drainage, Including Runoff and Erosion Control Measures.

### Site Drainage

Overall the project location drains to an unnamed Class III tributary to Seely Creek. As seen on the Site Plan, both the lower and upper cultivation sites are well-drained, and situated on 18 inches of loam overlaying 19 inches of gravelly loam, while the centrally located cultivation site is well-drained, and situated on 12 inches of silt loam overlaying 15 inches of silty clay loam. The

slopes combined with fine soil particle of all 3 cultivation sites support a high likelihood of storm water runoff; however, none of the sites are prone to flooding or ponding by water.

### Runoff and Erosion Control Measures

To prevent runoff and erosion, soil surfaces are vegetated or covered with mulch. Additionally, roads and developed areas are maintained to prevent sedimentation of waterways.

### Watershed & Habitat Protection

To enhance watershed and habitat conditions, the following management practices shall be implemented:

- Protection and setbacks from riparian areas.
- Monitoring and maintenance of roads.
- Capture and storage of rainwater to supply irrigation needs.
- Fuel load reduction projects.
- Follow the monitoring and management schedule established in a site-specific water resources protection plan created by Compliant Farms Certified to exceed the requirements established by the Regional Water Quality Control Board's Cannabis Cultivation Discharge Waiver program.

### Description of Cultivation Activities (e.g. outdoor, indoor, mixed-light). If Application Includes Mixed-light Cultivation, Identify the Number of Annual Cultivation Cycles

One to two crops per year will be cultivated outdoors without the use of light.

### Schedule of Activities During Each Month of the Growing and Harvesting Season, Including Projected Generator Use

- I. January – Winter monitoring of site.
- II. February- Winter monitoring of site.
- III. March- Winter monitoring of site.
- IV. April- Amend soil and prepare garden space, including cover crop maintenance.
- V. May- Preparing garden space and cultivation. Plant early season crop.
- VI. June- Plant full season crop.
- VII. July- Water and maintain full season crop.
- VIII. August- Water and maintain full season crop. Harvest early season crop.
- IX. September- Water and maintain full season crop.
- X. October- Water and maintain full season crop.
- XI. November- Maintain and harvest full season crop. Fuel load reduction to improve forest health, reduce fire danger, and produce wood chips for site winter protection and soil health improvement.
- XII. December- Winter monitoring of site.

No generator used in association with cannabis cultivation except as occasional back-up for solar-operated pump used to transfer water from rainwater catchment ponds to tanks.



## Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products Utilized

Whole earth based non-synthetic amendments are used.

## Processing Practices and Plan

### Description of Toilet and Handwashing Facilities

Handwashing occurs at a sink within the onsite residence.

### Description of Increased Road Use Resulting from Processing and a Plan to Minimize That Impact.

No increased road use is expected.

## Summary of Processing Practices

The following Processing Practices shall be implemented at all times:

- Great care is taken to maintain a clean working environment during all stages of harvest. Work surfaces, and equipment, are kept in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold or mildew are followed at all times. Owners shall clean hands sufficiently when handling cannabis or use gloves.
- During harvest cannabis plants are cut down to approximately 18 inch lengths of stem and transported from garden area to processing facility off-site. Large water leaves are also removed during this process. All work is performed while wearing gloves using sheers or clippers.

## Employee Practices

No employees will be used.

The following emergency equipment will be kept at project location:

- Personal protective equipment including gloves and respiratory protection are provided where necessary.
- Fire extinguisher.
- First Aid kit.
- Snake Bite/Bee Sting kit.
- Eye washing kit.
- Epi pen.

## Emergency Contacts

Operations and processing facilities shall visibly post and maintain an emergency contact list which includes at a minimum:

- Land owner contact(s):
  - Land Owner: Lynn Ryan: (707) 845-2825
- Emergency Responder Contact(s):
  - EMERGENCY CALL 911
  - Nonemergency Sheriff: (707) 445-7251
  - Briceland Volunteer Fire Department: (707) 923-7204
- Poison control contact(s):
  - EMERGENCY CALL 911
  - Poison Control Centers (800) 222-1222

## Road Use

Roads will be monitored and maintained to ensure that they are in good condition, and not a source of sediment.

## Security Plan

This security plan has been developed to incorporate best practices suggested by security industry professionals and law enforcement personnel. The security plan will be continually updated and improved as further information becomes available.

- Few people have access to the property, which lowers the probability of breach of security measures.
- A neighborhood watch is in place to identify and alert land owners of possible suspicious activity or vehicles.
- A locked gate accesses the property.
- 'No Trespassing' signs are posted on the single-access road.
- The cultivation area is visually obscured from the main road.
- Operations shall be discreet and not draw attention.

## Department of Environmental Health Information

### Onsite Wastewater Review and Update

- Structures and manmade landscape features on the property (see site map).
- Typically, two to four (2-4) owners would be working under CMM Permit during production from April to October.
- Residence has handwashing sink.
- Distance between restrooms and work areas:
  - Upper garden: longest distance 390 feet.
  - Lower garden: longest distance 150 feet.

### Water Production/ Well Construction

- Irrigation water is sourced from stored rainwater for agriculture.
- Daily water demand will vary by season. Projected use during operational periods will vary from 287 and 620 gallons per day. For complete water use information, please see submittals to Regional Water Board.

### Hazardous Materials

- Gasoline (no more than 55 gallons ever) is stored onsite for domestic use only. All fuels are stored in approved storage containers. Gasoline is stored in covered area with containment device.
- All fertilizers, soil amendments used onsite are stored in approved containers, which in turn are stored in material storage areas - at G1, a 10'x20' storage tent for which an Agricultural Structure Exemption permit will be filed; at G3 there is a 3'x6' garden shed that is used for fertilizers/amendments. G2 might need another storage tent like that at G1 - see site plan for proposed location (this will only materialize once a provisional permit has been issued for the project).

### Solid Waste/ Recycling

- Garbage is stored in sealed storage containers.
- Garbage will be removed from the property on a bi-weekly basis.
- Solid waste is hauled to approved Humboldt County collection locations.
- Excess used soils are cover cropped, amended and reused.



**NOTICE OF INTENT FORM  
FOR ENROLLMENT UNDER  
WAIVER OF WASTE DISCHARGE REQUIREMENTS  
ORDER NUMBER R1-2015-0023**

Submission of this Notice of Intent (NOI) to the North Coast Regional Water Quality Control Board (Regional Water Board) or an approved third party constitutes notice that a discharger, identified in Section I of this form, requests and receives authorization to discharge pursuant to the Waiver of Waste Discharge Requirements Order number R1-2015-0023 (Order). Upon submittal of the NOI, waste discharges are authorized pursuant to the conditions of the Order. Order coverage is required for existing Tier 1, 2, and 3 cultivation sites by February 15, 2016. Dischargers who begin operations after February 15, 2016, must file an NOI prior to commencement of cultivation activities.

To obtain authorization, dischargers must complete and submit this NOI form, encompassing sections I and II, complete and submit the reporting information required in Appendix C of the Order, and submit the appropriate fee. The reporting form in Appendix C must be submitted annually by March 31 thereafter and an annual fee is subject to a separate invoicing from the State Water Board. Any additional documentation required by the Order, such as a water resource protection plan, site map, and monitoring records must be completed and secured on-site, to be made available upon request by the Regional Water Board. This NOI form must be submitted upon enrollment and the discharger shall amend and resubmit the NOI within 30 days of changed site conditions that result in a change in Tier status.

Completed forms must be signed and submitted to the Regional Water Board or an approved third party.

Forms submitted to the Regional Water Board shall be submitted electronically to [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) or, if electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Fee payments shall be made payable either to an approved third party or the State Water Resource Control Board (SWRCB) according to the schedule in section 2200.7 of the Water Code. Approved third parties that collect fees from their enrollees are required to submit the fees to the Regional Water Board. Initial payments shall be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403. Invoices will be issued annually, thereafter.

**Order No. R1-2015-0023  
REPORTING FORM****A. Site WDID:** \_\_\_\_\_**B. Subwatershed (HUC-12)<sup>2</sup>:** 180101060402**C. Enrollment date:** August 26, 2016**D. Reporting date:** August 26, 2016**E. Please check the box corresponding to the enrolled site's current tier (Tier 3 sites with cultivation must also check Tier 2).**☐ Tier 1    ☒ Tier 2    ☐ Tier 3**Has the site's tier status changed since the last reporting period?** Y ☐ / N ☐

If YES, briefly explain: \_\_\_\_\_

**F. Check all fields that apply to the enrolled site:****i. Tier 1 sites:**

(see Order at page 6 for details on Tier 1 characteristics)

- ☐ Average slope of each individual cultivation area is no more than 35% slope.
- ☐ Total cultivation area is no more than 5,000 square feet.
- ☐ No cultivation areas or associated facilities are located within 200 feet of a surface water. (Surface waters include wetlands and Class I, II, and III watercourses.)
- ☐ No surface water diversion from May 15 through October 31.
- ☐ The site is in compliance with all Standard Conditions under Order R1-2015-0023, section I.A.

**ii. Tier 2 sites:**

- a. A Water Resource Protection Plan has been developed and is being implemented?**  
Y ☐ / N ☒

If NO, expected date when plan will be ready and implementation will begin:  
within 180-days of enrollment.If YES, have there been changes to the implementation schedule since the prior year of reporting? Y ☐ / N ☐

<sup>2</sup> 12-digit HUC-12 subwatershed codes are available online at  
[http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP\\_SHOW\\_HIDE:](http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE:)

**REPORTING FORM**

Page 3/5

- d. Will work to bring site into compliance with Standard Conditions require disturbance to a stream or wetland over the coming year? Y ☐/N ☒

If YES, indicate status of work authorization by Regional Water Board. Specifically, check one or more of the following and provide the date if/as applicable.

- ☐ I plan to submit my project plans to the Regional Water Board by the following date: \_\_\_\_\_
- ☐ I submitted my project plans to the Regional Water Board on the following date: \_\_\_\_\_
- ☐ The Regional Water Board Executive Officer authorized my project plans on the following date: \_\_\_\_\_
- ☐ I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows: \_\_\_\_\_
- ☐ Instream work anticipated to occur between the following dates: \_\_\_\_\_

**iii. Tier 2\* sites:**

Total cultivation area is less than 10,000 square feet? Y ☐/N ☐

Water resource protection plan developed and fully implemented? Y ☐/N ☐

All Standard Conditions met? Y ☐/N ☐

Site was inspected and verified as Tier 2\* by Regional Water Board staff (NAME) \_\_\_\_\_ or approved third party program (NAME): \_\_\_\_\_ on (DATE) \_\_\_\_\_.

**iv. Tier 3 Sites:**

- ☐ A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.
- ☐ The Cleanup and Restoration Plan has been approved by the Regional Water Board.
- ☐ The timeline for the approved Cleanup and Restoration plan is being followed.
- Will restoration work require disturbance to a stream or wetland in the coming year? Y ☐/N ☐
- Instream work anticipated to occur between the following dates: \_\_\_\_\_
- ☐ Cannabis cultivation is occurring or will occur on the site over the coming year. (If this box is checked, ensure that Tier 2 portions of the reporting form are completed as well).

## REPORTING FORM

Page 5/5

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete.

Print name: LYNN RYANSignature: *Lynn Ryan* Date: 7/28/2016

Preparer: Complete if MRP was prepared by someone other than the discharger, including an approved third-party

Organization Name (if applicable):

Compliant Farms

Prepared by:

First Name, Middle Initial

HollieR

Last Name

Hall

Preparer Address:

Street

P.O. Box 5306

City

Arcata

State

CA

ZIP

95518

Phone Number:

7075024870

Email:

HollieRHall@gmail.com

**MRP: Reporting Form, page 4/5, Attachment**

Cultivation Sites	Area (square feet)	Distance to Surface Water (feet)	Average Slope (%)
OG1	17,500	30	17
OG2	4,800	300	45
OG3	4,400	250	10
<b>Total</b>	<b>26,700</b>		

Reservoir (Pond)	Estimated Volume (gallons)	Water Source	Requires Engineering?
R1	148,000	Rain Water	TBD
R2	32,000	Rain Water	TBD
R3	32,000	Rain Water	TBD
R4	32,000	Rain Water	TBD
<b>Total</b>	<b>244,000</b>		

Crossings	Size (inches)	Stream Class	Requires Upgrade
1	Ford	Class III	Yes, requires culvert installation.

**Water Use by Source and Month**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Total Water Use from Rainwater Ponds</b>												
OG1	0	0	0	0	4,400	6,400	8,400	8,400	8,400	6,400	0	0
OG2	0	0	0	0	2,200	3,200	4,200	4,200	4,200	3,200	0	0
OG3	0	0	0	0	2,000	4,000	6,000	6,000	6,000	4,000	0	0
	<b>Water Use from Storage (Ponds)</b>				8,600	13,600	18,600	18,600	18,600	13,600		
OG1	0	0	0	0	4,400	6,400	8,400	8,400	8,400	6,400	0	0
OG2	0	0	0	0	2,200	3,200	4,200	4,200	4,200	3,200	0	0
OG3	0	0	0	0	2,000	4,000	6,000	6,000	6,000	4,000	0	0
<b>Water Use from Diversion</b>												
<b>All</b>	0	0	0	0	0	0	0	0	0	0	0	0

**NOTICE OF INTENT FORM  
FOR ENROLLMENT UNDER  
WAIVER OF WASTE DISCHARGE REQUIREMENTS  
ORDER NUMBER R1-2015-0023**

Submission of this Notice of Intent (NOI) to the North Coast Regional Water Quality Control Board (Regional Water Board) or an approved third party constitutes notice that a discharger, identified in Section I of this form, requests and receives authorization to discharge pursuant to the Waiver of Waste Discharge Requirements Order number R1-2015-0023 (Order). Upon submittal of the NOI, waste discharges are authorized pursuant to the conditions of the Order. Order coverage is required for existing Tier 1, 2, and 3 cultivation sites by February 15, 2016. Dischargers who begin operations after February 15, 2016, must file an NOI prior to commencement of cultivation activities.

To obtain authorization, dischargers must complete and submit this NOI form, encompassing sections I and II, complete and submit the reporting information required in Appendix C of the Order, and submit the appropriate fee. The reporting form in Appendix C must be submitted annually by March 31 thereafter and an annual fee is subject to a separate invoicing from the State Water Board. Any additional documentation required by the Order, such as a water resource protection plan, site map, and monitoring records must be completed and secured on-site, to be made available upon request by the Regional Water Board. This NOI form must be submitted upon enrollment and the discharger shall amend and resubmit the NOI within 30 days of changed site conditions that result in a change in Tier status.

Completed forms must be signed and submitted to the Regional Water Board or an approved third party.

Forms submitted to the Regional Water Board shall be submitted electronically to [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) or, if electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Fee payments shall be made payable either to an approved third party or the State Water Resource Control Board (SWRCB) according to the schedule in section 2200.7 of the Water Code. Approved third parties that collect fees from their enrollees are required to submit the fees to the Regional Water Board. Initial payments shall be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403. Invoices will be issued annually, thereafter.

rcd 7/2017

**Order No. R1-2015-0023  
REPORTING FORM**A. Site WDID: 1B161163CHUMB. Subwatershed (HUC-12)<sup>2</sup>: 180101060402C. Enrollment date: August 26, 2016D. Reporting date: June 27, 2017

E. Please check the box corresponding to the enrolled site's current tier (Tier 3 sites with cultivation must also check Tier 2).

☐ Tier 1 ☒ Tier 2 ☐ Tier 3Has the site's tier status changed since the last reporting period? Y ☐ / N ☒

If YES, briefly explain: \_\_\_\_\_

F. Check all fields that apply to the enrolled site:

## i. Tier 1 sites:

(see Order at page 6 for details on Tier 1 characteristics)

- ☐ Average slope of each individual cultivation area is no more than 35% slope.
- ☐ Total cultivation area is no more than 5,000 square feet.
- ☐ No cultivation areas or associated facilities are located within 200 feet of a surface water. (Surface waters include wetlands and Class I, II, and III watercourses.)
- ☐ No surface water diversion from May 15 through October 31.
- ☐ The site is in compliance with all Standard Conditions under Order R1-2015-0023, section I.A.

## ii. Tier 2 sites:

- a. A Water Resource Protection Plan has been developed and is being implemented?
- 
- Y
- ☒
- / N
- ☐

If NO, expected date when plan will be ready and implementation will begin:  
\_\_\_\_\_If YES, have there been changes to the implementation schedule since the prior year of reporting? Y ☒ / N ☐

<sup>2</sup> 12-digit HUC-12 subwatershed codes are available online at  
[http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP\\_SHOW\\_HIDE:](http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE:)

**REPORTING FORM**

Page 3/5

- d. Will work to bring site into compliance with Standard Conditions require disturbance to a stream or wetland over the coming year? Y ☐ / N ☒

If YES, indicate status of work authorization by Regional Water Board. Specifically, check one or more of the following and provide the date if/as applicable.

- ☐ I plan to submit my project plans to the Regional Water Board by the following date: \_\_\_\_\_
- ☐ I submitted my project plans to the Regional Water Board on the following date: \_\_\_\_\_
- ☐ The Regional Water Board Executive Officer authorized my project plans on the following date: \_\_\_\_\_
- ☐ I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows: \_\_\_\_\_
- ☐ Instream work anticipated to occur between the following dates: \_\_\_\_\_

**iii. Tier 2\* sites:**

Total cultivation area is less than 10,000 square feet? Y ☐ / N ☐

Water resource protection plan developed and fully implemented? Y ☐ / N ☐

All Standard Conditions met? Y ☐ / N ☐

Site was inspected and verified as Tier 2\* by Regional Water Board staff (NAME) \_\_\_\_\_ or approved third party program (NAME): \_\_\_\_\_ on (DATE) \_\_\_\_\_.

**iv. Tier 3 Sites:**

- ☐ A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.
- ☐ The Cleanup and Restoration Plan has been approved by the Regional Water Board.
- ☐ The timeline for the approved Cleanup and Restoration plan is being followed.

Will restoration work require disturbance to a stream or wetland in the coming year? Y ☐ / N ☐

Instream work anticipated to occur between the following dates: \_\_\_\_\_

- ☐ Cannabis cultivation is occurring or will occur on the site over the coming year. (If this box is checked, ensure that Tier 2 portions of the reporting form are completed as well).



rcd 7/2017

MRP: Reporting Form, page 4/5, Attachment

Cultivation Sites	Area (square feet)	Distance to Surface Water (feet)	Average Slope (%)
OG1	11,000	85	17
OG2	4,800	300	45
OG3	4,400	250	10
Total	20,200		

Reservoir (Pond)	Estimated Volume (gallons)	Water Source	Requires Engineering?
R1	148,000	Rain Water	TBD
R2	32,000	Rain Water	TBD
R3	32,000	Rain Water	TBD
R4	32,000	Rain Water	TBD
Total	244,000		

Crossings	Size (Inches)	Stream Class	Requires Upgrade
C1	Ford	Class III	Yes, requires culvert installation.

Water Use by Source and Month													
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
Total Water Use from Rainwater Ponds													
OG1	0	0	0	0	4,400	6,400	8,400	8,400	8,400	6,400	0	0	
OG2	0	0	0	0	2,200	3,200	4,200	4,200	4,200	3,200	0	0	
OG3	0	0	0	0	2,000	4,000	6,000	6,000	6,000	4,000	0	0	
Water Use from Storage (Ponds)													
OG1	0	0	0	0	4,400	6,400	8,400	8,400	8,400	6,400	0	0	
OG2	0	0	0	0	2,200	3,200	4,200	4,200	4,200	3,200	0	0	
OG3	0	0	0	0	2,000	4,000	6,000	6,000	6,000	4,000	0	0	
Water Use from Diversion													
All	0	0	0	0	0	0	0	0	0	0	0	0	

## REPORTING FORM

Page 5/5

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete.

Print name:

LYNN RYAN

Signature:

Lynn Ryan

Date:

6/21/2017

Preparer: Complete if MRP was prepared by someone other than the discharger, including an approved third-party

Organization Name (if applicable):

Compliant Farms

Prepared by:

First Name, Middle Initial

Daniel

J

Last Name

Mar

Preparer Address:

Street

PO Box 5306

City

Arcata

State

CA

ZIP

95518

Phone Number:

707

633

5403

Email:

hightidepermaculture@gmail.com

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

PART 1



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

Applicant Name: LYNN RYAN APN: 212-015-020

Planning & Building Department Case/File No.: APPS 11943

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

From Road (Cross street): BRICELAND ROAD

To Road (Cross street): ROAD CC

Length of road segment: 2.9 miles miles Date Inspected: 7/6/2019 <sup>BY</sup> (APPLICANT)

Road is maintained by: ☐ County ☒ Other SEELY CREEK RD. ASSOC., (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.

Lynn Ryan  
Signature

7/7/2019  
Date

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.

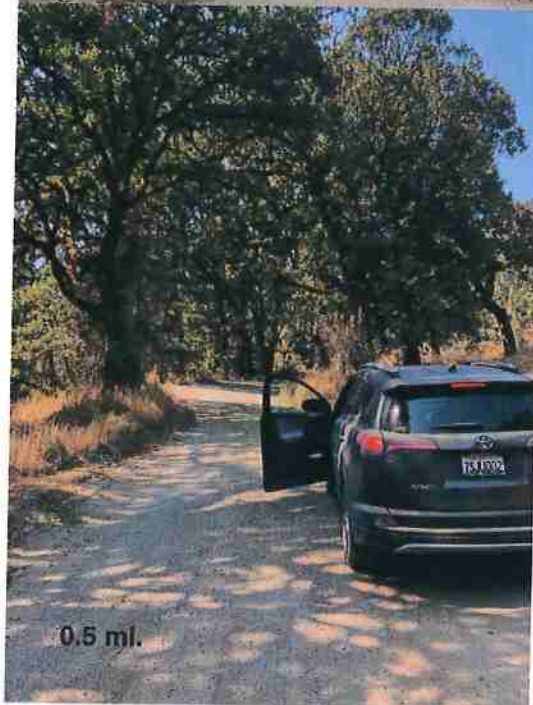
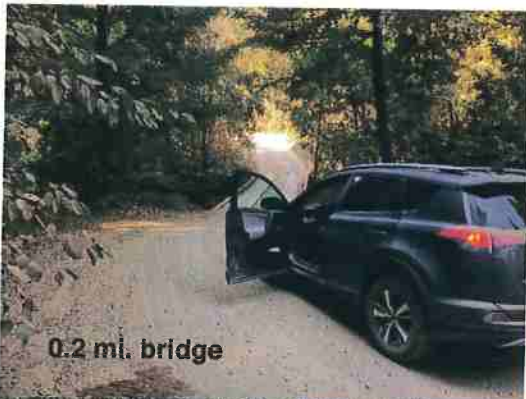
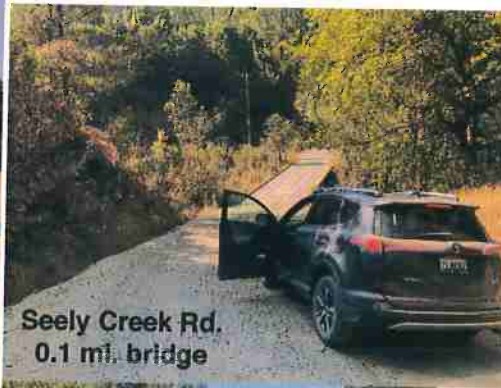


# Road Evaluation Report (Seely Creek Rd. to Skyline Rd.)

And on to Road CC  
entering Seely  
Creek Rd

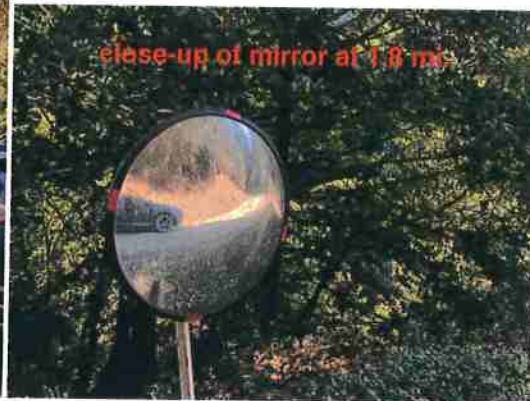
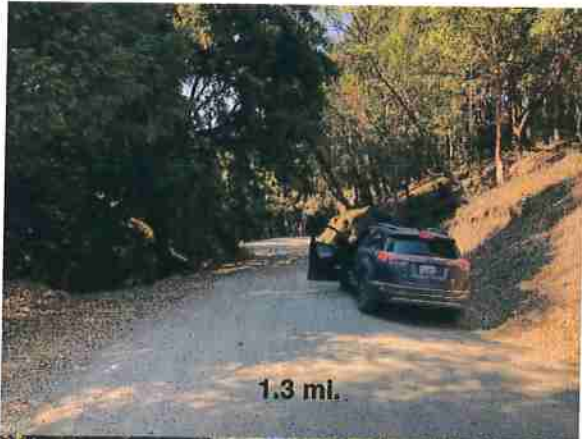


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# SEELY CREEK RD. ON TO RD. CC





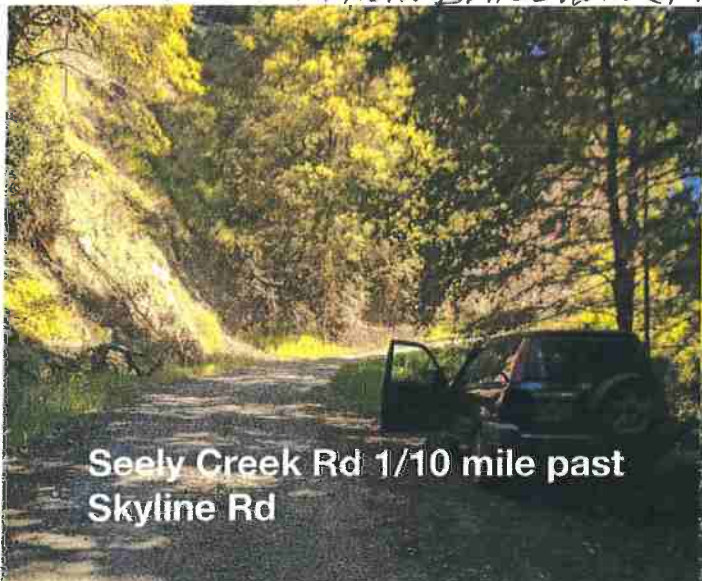
# SEELY CREEK RD. ON TO ROAD CC

1

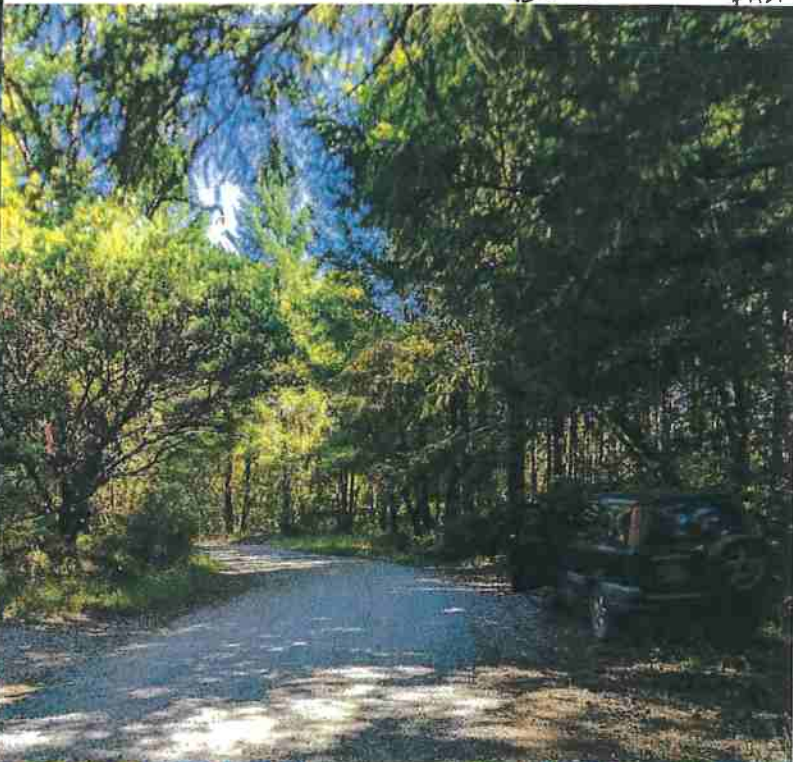
## Seely Creek Rd After Skyline Rd Junction

2.2 mi from BRICELAND Rd

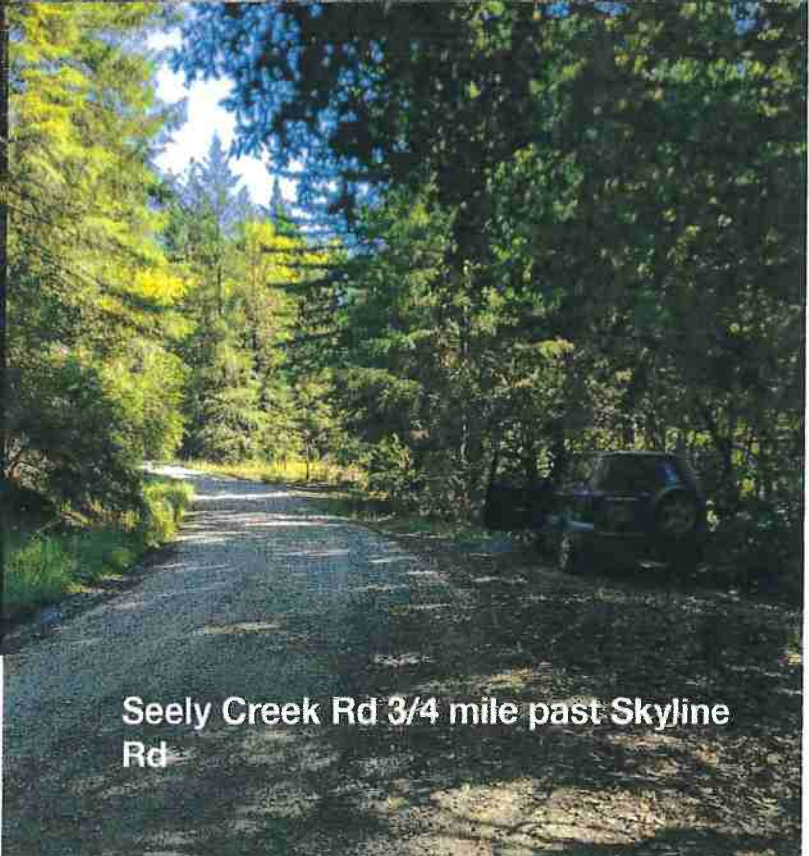
Seely Creek Road 2.7 mi  
past  
BRICELAND  
RD  
↓ 0.5 mile past  
Skyline or 2.7 miles  
past BRICELAND  
RD



Seely Creek Rd 1/10 mile past Skyline Rd



Seely Creek Rd 1/4 mile past Skyline Rd



Seely Creek Rd 3/4 mile past Skyline Rd

2.3 mi past  
BRICELAND Rd

2.9 mi past BRICELAND ROAD  
ROAD CC enters SEELY CREEK RD

APPS 11943

PART 1, page 3 of 3



PART (2)

Applicant Name: LYNN RYAN APN: 212-015-020

Planning & Building Department Case/File No.: APPS 11943

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

From Road (Cross street): Road CC, and Seely Creek Rd

To Road (Cross street): ROAD DD and Seely Creek Rd

Length of road segment: 0.5 mile miles Date Inspected: 7/7/2019 (By Applicant)

Road is maintained by: ☐ County ☒ Other Seely Creek Road Association (private)  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

**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 \_\_\_\_\_

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.

# ROAD CC SEGMENT OF SEELY CREEK RD

## Road CC.

Seely Creek Road begins at the paved Briceland Road, the intersection being 2.5 mi from



Redwood Drive in Redway. We think maybe Road CC joins Seely Creek Road about 2.1 miles from Briceland Road. At that point Seely Creek Road, as it is known to the neighborhood, is the same as Road CC for 0.5 miles. At that point, apparently Seely Creek Rd and Road CC, locally known as South Road, continue left at the "Y". Road DD takes off to the right heading north. My driveway on Road DD is 0.6 miles from the "Y". Road DD is locally known as North Road. This way continues for many miles, eventually running west and connecting to Elk Ridge Road. Note on our site plan we likely misread Humboldt County assessors map Road CC to be Road GG. We now believe our Road GG label is incorrect and should be labeled Road CC. We would like to make that change amendment to our site plan.

Road CC enters Seely Creek Road 2.9 miles from the Briceland Road.



ROAD CC SEGMENT OF  
SEELY CREEK RD.

3.3 mi above Briceland Road the  
intersection of Road CC/SCR and  
Road DD. Total length of Road  
CC superimposed on Seely  
Creek Rd. is 0.5mi. Rd DD  
going uphill heading  
right, north. Maybe Road  
CC goes left??



Pg. 3 Road CC

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

PART (3)

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

Applicant Name: LYNN RYAN APN: 212-015-020

Planning & Building Department Case/File No.: APPS 11943

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

From Road (Cross street): ROAD CC and Sedy Creek Rd

To Road (Cross street): My driveway 500 Rd. DD., Redway, Ca

Length of road segment: 0.6 mile miles Date Inspected: 7/7/2019 (by Applicant)

Road is maintained by: ☐ County ☐ Other Sedy Creek Road Association (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.

Lynn Ryan  
Signature

7/7/2019  
Date

LYNN RYAN  
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.





## Road DD

Road DD begins 3.3 miles from Briceland Road at the intersection of RoadCC/ Seely Creek Road and Road DD. Turn right heading north. My driveway on Road DD is 0.6 miles from "Y" intersection. 500 Road DD, Redway Road DD is locally known as North Road. This way continues for many miles, eventually running west and connecting to Elk Ridge Road.

Note on our site plan we likely misread Humboldt County assessors map Road CC to be Road GG. We now believe our Road GG label is incorrect and should be labeled Road CC. We would like to make that change amendment to our site plan.

Intersection Road DD and RoadCC/Seely Creek Road 3.3 miles from Briceland Road.

As you look uphill in this photo, Road DD goes right north at the "Y" intersection



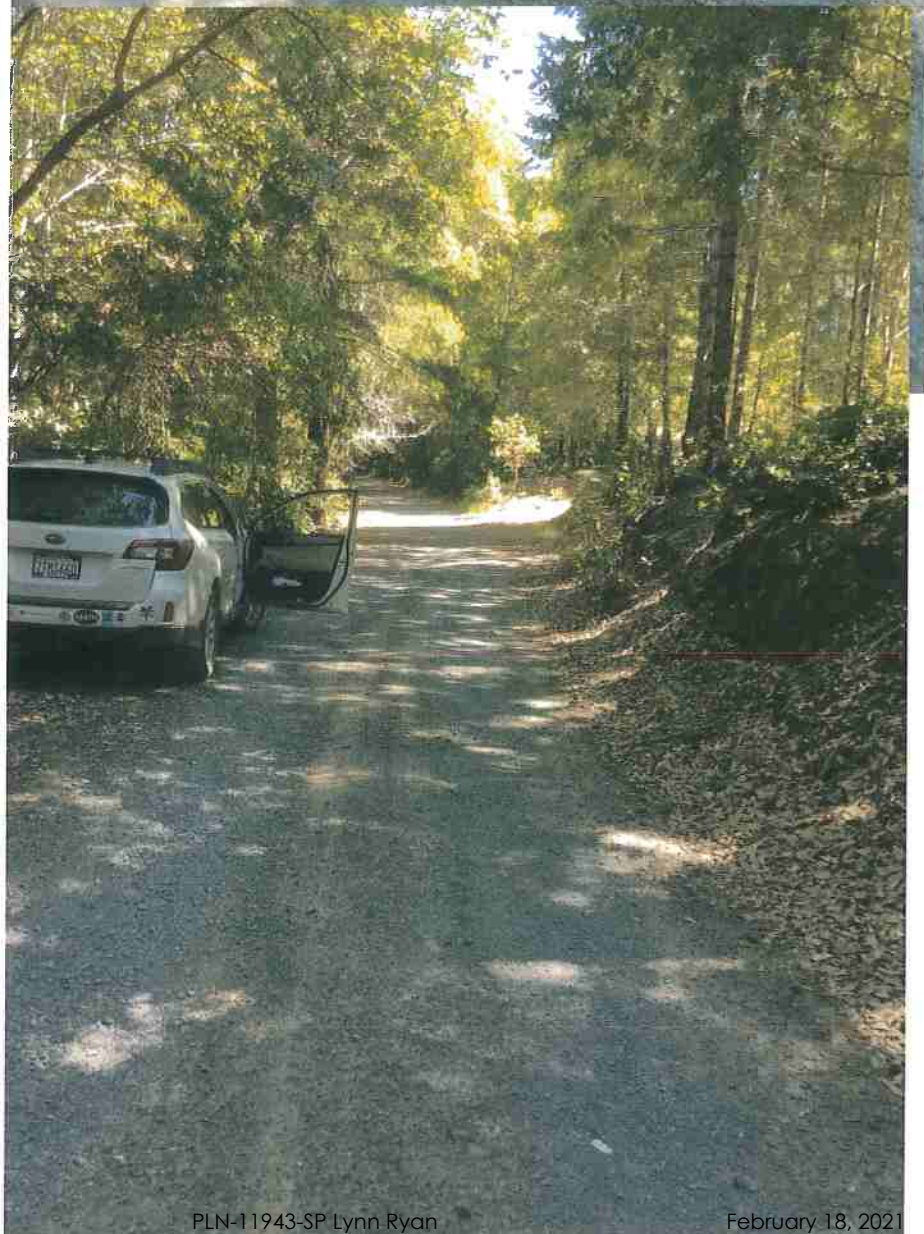
Road DD 3.4mi above Briceland Rd. pullout at pinch point.

*PAGE 3,*  
pg.1 Rd. DD.





Road DD 3.6 mi above Briceland Road



Rd DD 3.7 mi from Briceland Rd  
which is 0.3mi from intersection Rd  
DD and Rd CC/Seely Creek Rd

Part 3,  
page 2. Road DD





Road DD 4.0 miles from Briceland Road, 500 Road DD, Redway

PART 3,  
Pg 3 of 3 Road. DD

State Water Resources Control Board

NOV 21 2018

In Reply Refer to:  
D032948

Lynn Ryan  
PO Box 1866  
Redway, CA 95560

Dear Ms. Ryan:

SMALL DOMESTIC USE CERTIFICATE D1178 (REGISTRATION D032948) TO  
APPROPRIATE WATER FROM TOSTIN CREEK IN HUMBOLDT COUNTY

**This is an important document related to your right to divert water. Do not discard.**

You have received this letter because you are the owner, or the agent for the owner, of a water right registration on file with the State Water Resources Control Board (State Water Board). The purpose of this letter is to inform you that the State Water Board has issued the enclosed water right certificate for your registration. You should carefully read the water right certificate and associated documents to ensure that you understand and comply with any requirements for construction, diversion of water, and beneficial use of water.

If you have any questions, please contact me at [darin.clark@waterboards.ca.gov](mailto:darin.clark@waterboards.ca.gov) or (916) 341-5384. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Darin Clark, P.O. Box 2000, Sacramento, CA, 95812-2000.

Sincerely,



Darin Clark, AGPA  
Petition, Licensing and Registration Section  
Division of Water Rights

Enclosures: 1) Important Information about Registrations  
2) Copy of Certificate

cc (w/o enclosures): Richard F. Klein  
PO Box 1850  
Redway, CA 95560

Pigaporn Khaasard  
PO Box 163  
Redway, CA 95560

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Lynn Ryan

- 2 -

Michel and Gayle Forner  
PO Box 163  
Redway, CA 95560

ec (w/enclosures): Lynn Ryan  
lynn8@gmail.com

Richard F. Klein  
alercerfk@gmail.com

Jane Arnold  
Northern Region  
California Department of Fish and Wildlife  
jane.arnold@wildlife.ca.gov

Cheri Sanville  
Northern Region  
California Department of Fish and Wildlife  
cheri.sanville@wildlife.ca.gov

Sean Windell  
Water Branch  
California Department of Fish and Wildlife  
sean.windell@wildlife.ca.gov

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

RECEIVED

NOV 19 2019

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION NO. 1600-2019-0569-R1

Tostin Creek, Tributary to South Fork Salmon Creek, Tributary to the  
South Fork Eel River, Tributary to the Eel River, and the Pacific Ocean

Lynn Ryan  
Ryan Water Diversion Project  
1 Encroachment



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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 9, 2019 with revisions July 16, 2019 and October 24, 2019. A site inspection has been conducted on October 24, 2019 during negotiation of the draft Agreement. The Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the South Fork Eel River watershed, approximately 5.8 miles SW of the town of Miranda, County of Humboldt, State of California. The project is located in Section 29, T03S, R03E, Humboldt Base and Meridian; in the Miranda U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 212-015-020; latitude 40.16.77N and longitude -123.8735 W at the point of diversion (POD).



## PROJECT DESCRIPTION

The project is limited to one encroachment (Table 1). One encroachment is for water diversion from Tostin Creek. Water is diverted for domestic use only. Work for the water diversion will include use and maintenance of the water diversion infrastructure.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.1642, -123.8726	Domestic use only. Surface water diversion. <u>Maximum Diversion Rate:</u> The maximum instantaneous diversion rate from the water intake shall not exceed three (3) gallons per minute (GPM) at any time. <u>Bypass flow:</u> The Permittee shall pass 80 % of the flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the POD. <u>Seasonal Diversion Minimization:</u> Water shall only be drafted from October 31 to May 15 of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement. Permittee shall ensure the diversion infrastructure complies with the terms of this Agreement.

Table 2 describes 4 rain catchment ponds labeled (A, B, C, & D) that are included only as described features within this Agreement. The ponds are described as rainwater catchment. All ponds A, B, C, and D are lined with black plastic have approximately a 3:1 sloped banks, with outlets that require additional rocking and addition of escapement ramps for wildlife. No notification is required to conduct this work since these descriptive features are not subject to 1600 code. These rain catchment ponds are geographically located on the top of a ridge and are hydrologically disconnected from all streams.

Table 2. Descriptive Features **not** Covered Under This Agreement

ID	Latitude/Longitude	Description
Pond A	40.1643, -123.8727	Irrigation for cannabis only.
Pond B	40.1640, -123.8727	Irrigation for cannabis only.
Pond C	40.1629, -123.8728	Irrigation for cannabis only.
Pond D	40.1571, -123.8730	Irrigation for cannabis only.

## PROJECT IMPACTS

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

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

### **Impacts to water quality:**

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

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

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

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

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

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site.** The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 Other Agency Permitting Requirements. The U.S. Army Corps of Engineers (Corps) has permitting requirements for certain instream projects under Section 404 of the Federal Clean Water Act. If this project features the placement of dredged or fill materials into the channels of streams (below the ordinary high water mark) that are waters of the United States, a permit may be required by the Corps. If your project needs a permit from the Corps, you will also need to obtain a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act from the Regional Water Quality Control Board (Regional Water Board). In addition, if your project will involve disturbance within or discharges of pollutants to Waters of the State of California, the Regional Water Boards may require a permit, whether or not the Corps requires a permit. If there is any question regarding the possibility of the project meeting the above limitations, the Permittee should contact the Corps and the Regional Water Board prior to beginning work. This Agreement in no way represents permitting requirements by the Corps or the Regional Water Board. It is the responsibility of the Permittee to contact the Corps, and to comply with the provisions of any Section 404 permit issued, if required by the Corps. Similarly, it is the responsibility of the Permittee to contact the Regional Water Board and to comply with the provisions of any Section 401 Certification, Regional Water Board Waste Discharge Requirements or waiver of Waste Discharge Requirements issued by the Regional Water Board.
- 1.7 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW

are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this Agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

- 1.8 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.9 **Notification to the California Natural Diversity Database.** If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## **2. Avoidance and Minimization Measures**

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on July 9, 2019 and revised on July 16, 2019.
- 2.2 **Listed Species.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 **Nesting Birds.** Actively nesting birds and their nests shall not be disturbed by project activities.



## **Project Timing**

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

## **Vegetation Management**

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

## **General Stream Protection Measures**

- 2.9 **Fish and Aquatic Amphibians.** If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.

- 2.10 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.11 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.12 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to FGC section 5937.
- 2.13 Maintain Passing of Fish Up and Down Stream. It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (*wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn or ovum of any of those animals*) up and down stream pursuant to FGC section 5901
- 2.14 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.15 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.16 Clean-up. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

## 2.17 Erosion Control Measures

2.17.1 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two (2) to four (4) inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.17.2 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify CDFW immediately.

2.17.3 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

2.17.4 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

2.18 Waste Containment and Disposal. Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when

the parcel is no longer in use. Photo documentation of newly installed storage containers shall be included in the Work Completion Report.

- 2.19 Site Management Plan. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

### Water Diversion

- 2.20 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.

- 2.21 Bypass Flow. The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the POD.

- 2.22 Seasonal Diversion Minimization. No more than **150 gallons in any one day** shall be diverted during the low flow season from **May 15 to October 31** of each year. Water shall only be drafted from October 31 to May 15 of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.

- 2.23 Permittee shall ensure the diversion infrastructure complies with the terms of this Agreement. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.

- 2.24 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

2.24.1 A log including the date, time and quantity of water diverted from the POD.

2.24.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).

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

OUR PUMP  
IS OUT  
of Testin Creek  
MAY 15 → OCT 31.  
No pumping in  
low flow season.  
Rate & Bypass  
Flow as on  
pg 2 of 17



## **Water Diversion Infrastructure**

- 2.25 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.26 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10% of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.27 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.27.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet.
- 2.27.2 The intakes screen shall be designed so that approach velocity is no more than 0.1 foot per second (fps). Approach velocity is the velocity of the water perpendicular to the screen face measured three (3) inches in front of the screen surface.
- 2.27.3 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.27.4 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.27.5 The screen shall be designed to distribute the flow uniformly over the entire screen area.
- 2.27.6 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.28 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

- 2.29 Intake Maintenance. Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed.
- 2.30 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.31 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.32 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.33 Diversion Infrastructure Plan (DIP). The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the **Water Diversion Infrastructure** conditions will be achieved under this Agreement.

### **Diversion to Storage**

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

- 2.38 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 *et seq.* as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu_registration.pdf).

### 3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 **CDFW Notification of Work Initiation.** The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2024**. Failure to complete work by this date may result in suspension or revocation of this Agreement. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.3 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.
- 3.4 **Diversion Infrastructure Plan.** The Permittee shall submit **Diversion Infrastructure Plan** within **60 days** from the effective date of this Agreement. Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan. This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501.
- 3.5 **Site Management Plan.** The Permittee shall submit to CDFW the project's **Site Management Plan within 30 days** from the date submitted to the State Water Board. Permittee shall submit subsequent revisions and updates to the Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

### CONTACT INFORMATION

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

To Permittee:

Lynn Ryan  
1271 Evergreen Rd. #2 PMB 934  
Redway, CA 95560  
707-845-2825  
Lynnr8@gmail.com

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program – Christine Hahn Vertical  
Notification #1600-2019-0569-R1

**LIABILITY**

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

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

**SUSPENSION AND REVOCATION**

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

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



limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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

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

## **AMENDMENT**

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

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an

amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

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

## **EXTENSIONS**

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

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

## **EFFECTIVE DATE**

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

## **TERM**

This Agreement shall **expire five (5) years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any

provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

#### **AUTHORITY**

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

#### **AUTHORIZATION**

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

#### **CONCURRENCE**

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

**FOR LYNN RYAN**

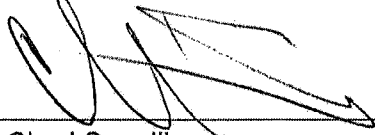


Lynn Ryan

Nov 15, 2019

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**



Cheri Sanville

Senior Environmental Scientist Supervisor

11/21/19

Date

Notification #1600-2019-0569-R1  
Streambed Alteration Agreement  
Page 17 of 17

Prepared by: Christine Hahn Vertical, Environmental Scientist, October 14, 2019, revised on October 24, 2019



## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
California Department of Forestry and Fire Protection	✓	No Comments	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Survey on file, contact Native American tribes	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
County Counsel			
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	



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

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Brice Land Fire Protection District, Southern Humboldt Unified School District, Humboldt County Sheriff, Division of Water Rights

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Applicant Name Lynn Ryan Key Parcel Number 212-015-020-000

Application (APPS#) 11943 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP18-118

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

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

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

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

Return Response No Later Than Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

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We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

- (1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.
- (2) A pit privy is shown on the provided Site Map. **Discontinue the use of and decommission the pit privy.** Disposal of the end product must be in accordance with HCC § 615-6. Alternatively, obtain approval of pit privy from DEH.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

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ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

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

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

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

445-7491  
445-7652  
445-7377  
445-7493

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

445-7741  
267-9540  
445-7651  
445-7421

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

LAND USE

445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Cliff Johnson, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 10/10/2018

RE:

<b>Applicant Name</b>	LYNN RYAN
<b>APN</b>	212-015-020
<b>APPS#</b>	11943
<b>CASE#</b>	SP18118

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 08/01/2018, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The report evaluation does not appear to be complete. Multiple roads are used to access the subject parcel. Submitted road evaluation report only mentions one road.

// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11943

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

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

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

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

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

No site plan showing dimensions submitted. All work appears to be east of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

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

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

// END /





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

9/18/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Briceland Fire Protection District, Southern Humboldt Unified School District, Humboldt County Sheriff, Division of Water Rights

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Applicant Name Lynn Ryan Key Parcel Number 212-015-020-000

Application (APPS#) 11943 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP18-118

---

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

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

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

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

Return Response No Later Than 10/3/2018

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

E-mail: [PlanningClerk@co.humboldt.ca.us](mailto:PlanningClerk@co.humboldt.ca.us) Fax: (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: \_\_\_\_\_

---

DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

**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:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**