COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: April 15, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Peaksview, Inc., Special Permits and Zoning Clearance Certificate**
Record Number: PLN-2020-16866
Assessor's Parcel Numbers: (APNs): 216-082-002 and 216-082-006
1340 Bell Springs Road, Harris area

Table of Contents **Page**

Agenda Item Transmittal		2
Recommended Action and Executive Summary		3
Draft Resolution		8
Maps		
Topo Map		13
Zoning Map		14
Aerial Map		15
Site Plan		16
Attachments		
Attachment 1:	Recommended Conditions of Approval	18
Attachment 2:	CEQA Addendum	26
Attachment 3:	Applicant's Evidence in Support of the Required Findings	31
	A Cultivation Operations Plan	Separate
	B Site Management Plan	Separate
	C Road Evaluation Report	Separate
	D Soils Report	Separate
	E Bio Scoping Report	Separate
Attachment 4:	Referral Agency Comments and Recommendations	69

Please contact Jenifer King, Planner, at (360) 647-8320 or by email at jenifer.king@aecom.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Special Permits and Zoning Clearance Certificate	Jenifer King

Project Description: A Special Permit for the operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006) with ancillary propagation facilities. Cultivation will take place in one cultivation area consisting of four mixed-light greenhouses. A 12,960-square-foot immature plant propagation area will occur adjacent to the greenhouses. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002 to APN 216-082-006 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002 for immature plant propagation or wholesale nursery activities. Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage will consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the proposed cultivation areas for a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. Up to 12 employees may be utilized during peak operations. Power will be provided by four generators, two on each parcel. PG&E improvements are proposed to move to grid power. The proposed project includes a Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002.

Project Location: The project is located in the Harris area, on the southwest side of Bell Springs Road, approximately 1.4 miles south from the intersection of Alderpoint Road and Bell Springs Road, on the property known as 1340 Bell Springs Road.

Present Plan Land Use Designations: Agricultural Grazing (AG) Density: twenty to one hundred sixty acres per dwelling unit, Slope Stability: High instability (3).

Present Zoning: Agricultural Exclusive (AE-B-5 [160])

Record Number: PLN-2020-16866

Assessor's Parcel Numbers: 216-082-002 and 216-082-006

Applicant:	Owner:	Agent:
Peaksview, Inc.	Kevin Peak	Teisha Mechetti
P.O. Box 1951	P.O. Box 1951	732 5th Street
Redway, CA 95560	Redway, CA 95560	Eureka, CA 95501

Environmental Review: An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of CEQA Guidelines.

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

Major Issues: None.

Peaksview, Inc.
Record Number: PLN-2020-16866
Assessor's Parcel Numbers: 216-082-002 and 216-082-006

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 Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report, and adopt the Resolution approving the proposed Peaksview, Inc., project subject to the recommended conditions.

Executive Summary: Peaksview, Inc., seeks a Special Permit to allow the operation of up to 43,560 square feet of new mixed-light cannabis cultivation. The site consists of two contiguous parcels (APN 216-082-002 and APN 216-082-006) that are designated as Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive, Special Building Site (AE-B-5 [160]). APN 216-082-002 is currently developed with a 9,600 square-foot wholesale nursery, 4,440 square-foot immature plant propagation area, an 8,640 square-foot mixed-light greenhouse, one residence, and agricultural accessory structures. APN 216-082-006 is currently developed with a 2-story barn and 1-million-gallon rainwater catchment pond.

Cultivation will take place in one cultivation area consisting of four (4) 10,800 square-foot mixed-light greenhouses for a total cultivation area of 43,200 square feet. A 12,960 square-foot immature plant propagation area will occur adjacent to the greenhouses. Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage will consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the proposed cultivation areas for a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF).

Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. A maximum of 12 employees may be utilized during peak operations. Power is provided for APN 216-082-002 by a 36-kilowatt MQ Power Whisperwatt generator and a 220-kilowatt MQ Power Whisperwatt generator and power for APN 216-082-006 will be a 36-kilowatt MQ Power Whisperwatt generator and a temporary generator (size unknown). PG&E improvements are proposed to move to grid power. The parcel is fenced, and the entry gate remains locked at all times. There are motion-activated security cameras located within the cultivation areas, and security cameras will be installed at the main access gates.

The applicant further seeks a Zoning Clearance Certificate for operation of the wholesale nursery in accordance with Section 312-2 of the Humboldt County Code. A 12,960 square-foot immature plant propagation area will occur adjacent to the greenhouses. The 12,960 square-foot plant propagation area would accommodate 4,320 square feet of propagation area that would be authorized by this permit. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002 to APN 216-082-006. Restoring the wholesale nursery site on APN 216-082-002 would consist of removal of all cultivation-related materials and seeding and mulching bare soil areas. The existing 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002 will be repurposed for immature plant propagation or wholesale nursery activities. Wholesale nurseries are permittable in the in AE zoning district and the other eligibility criteria (e.g. nondiversionary source of water, renewable energy and access road) are met.

As stated above, water for irrigation is provided by a permitted 1.0-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 (see Site Plan). A.M. Baird Engineering and Surveying prepared a Grading and Erosion Control Plan in July 2020 that recommended monitoring earthmoving activities if construction occurs in the wet season (October 15 to April 15), installing and maintaining erosion control measures during the wet season, the use of straw mulch and fiber rolls to prevent runoff, revegetating disturbed areas, and limiting cut and fill slopes to be 2:1 (Attachment 3). In addition, a Soils Engineering Geologic (R-2) Soils Report was prepared for the project site by A.M. Baird Engineering and Surveying in July 2020 (Attachment 3). A.M. Baird assessed potential soils and geologic hazards associated with the site and made recommendations for proposed site development. The site is located in an area considered moderately unstable and lies outside of flood prone areas. The potential for liquefaction, slope instability, and surface rupture due to faulting or lateral spreading are considered low. A.M. Baird concluded that with adherence to recommendations in the Soils Report, the rainwater catchment pond site was suitable for development and that no further geological evaluation was required. The rainwater catchment pond was constructed in September 2020 and all management measures identified in the Grading and Erosion Control Plan and Soils Report were implemented. The rainwater catchment pond is currently collecting rainwater for irrigation use.

Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage will consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the proposed cultivation areas for a total available water storage of 1.05 million gallons. According to the Cultivation and Operations Plan prepared for the project (Attachment 3), estimated water usage is approximately 600,000 gallons (13.9 gal/SF).

Historically, water for irrigation on APN 216-082-002 was provided by an unpermitted, non-diversionary well. Water for irrigation is currently provided by the 1.0-million-gallon rainwater catchment pond located on APN 216-082-006. In their referral response comments for the project, the Department of Environmental Health (DEH) will require documentation to be provided to the DEH verifying legal non-confirming status, retroactively permit the well, or providing a well destruction permit for the unpermitted well (Attachment 4) and this condition is incorporated into the conditions of approval for the proposed project.

A Water Resources Protection Plan (WRPP) was prepared by Pacific Watershed Associates in February 2019 (included as Exhibit C to the Site Management Plan – see Attachment 3) 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 consistent with the North Coast Regional Water Quality Control Board Order RI-2015-0023 and the State Water Resources Control Board (SWRCB) Cannabis General Order. The WRPP identified thirty four (34) sites requiring remediation work including installation of rolling dips and water bars; ditch relief; erosion control; repair and maintenance of culverts; upgrading culverted stream crossings; decommissioning of culverts; proper storage of fertilizers, pesticides, herbicides, and petroleum products; and removal and remediation of a decommissioned cultivation site by the end of 2019. The WRPP states onsite septic systems are required to meet applicable County health standards and the Regional Water Board's Onsite Wastewater Treatment System policy and permitting of the onsite septic systems should occur by the end of 2020. The WRPP identifies ongoing requirements related to erosion control; annual water use; and storage and use of fertilizers, pesticides, herbicides, and petroleum products. The project is conditioned to implement all remaining requirements of the WRPP upon issuance of the project permits.

A Site Management Plan (SMP) was prepared in May 2020 by Mika Cook (Attachment 3) that identifies the remediation work that has occurred since preparation of the WRPP by Pacific Watershed Associates in August 2019. Completed remediation work includes erosion control management measures; abandonment of roadways; installation of water meters; providing proper storage of fertilizers, pesticides, herbicides, and petroleum products; installation of portable toilets, and remediation of decommissioned cultivation. The SMP does not identify additional remediation work beyond what is already included in the WRPP. The applicant is enrolled in the State Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste

Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1_12CC417448 Effective as of 12/2/2020; Expires 04/15/2024) (Attachment 3).

The Site Plans for each parcel (Attachment 3) depict unnamed intermittent streams with their associated 50-foot Streamside Management Area (SMA) buffers. These streams are tributaries to Rancheria Creek. As shown on the Site Plans, all proposed greenhouses and cultivation-related structures on APN 216-082-006 are outside of the SMA buffers.

The applicant seeks an additional Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002. According to the WRPP, the western edge of greenhouse was observed to be slightly within the 50-foot SMA. The WRPP determined that the greenhouse is designed to be a fully contained structure with a permanent concrete foundation that will contain and reuse irrigation water, nutrients, and planting medium. The WRPP concluded there would be minimal to no impacts to water quality from the greenhouse. Surveys conducted as part of the Biological Scoping Inspection and Report prepared by Blaire Forestry in August 2020 did not observe negative impacts to special-status biological resources due to cultivation activities. The 8,640 square-foot mixed-light greenhouse will be repurposed for immature plant propagation or wholesale nursery activities after development of the cultivation area on APN 216-082-006. Therefore, Planning staff determined that impacts to the watershed are minimized allowing the use of the mixed-light greenhouse pursuant to a Special Permit.

A Final Streambed Alteration Agreement (1600-2019-0159-R1) (Attachment 3) with the California Department of Fish and Wildlife (CDFW) was issued November 17, 2020 allowing 15 encroachments, one encroachment for water diversion for domestic uses from an unnamed tributary to Rancheria Creek and 14 encroachments for upgrading stream crossing and replacing existing culverts. Section 61.1.4.1 of the Humboldt County Streamside Management Area and Wetland Ordinance allows routine maintenance activities associated with existing public or private facilities when conducted pursuant to a Department of Fish and Wildlife Lake or Streambed Alteration Agreement. the project is conditioned meet the requirements of the issued Final Streambed Alternation Agreement Notification No.1600-2019-0159-R1.

A search of California Natural Diversity Database (CNDDB) biological resources database was performed on November 29, 2020. No special-status species have been documented on the subject parcels. The nearest Northern Spotted Owl (NSO) observation occurred approximately 1.5 miles from the cultivation site There are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 3.1 miles from the proposed cultivation site. The project site contains oak woodland and Douglas Fir mixed forest interspersed with prairie openings and lands surrounding the site consist of mature forests thus there is a moderate potential for NSO habitat. A Biological Scoping Inspection and Report (Report) (Attachment 3) was prepared by Blair Forestry and concluded that there is the potential for some sensitive and protected species to be present onsite. A floristic survey was conducted in June 2020 on APN 216-082-006 in the areas proposed for new cultivation and the pond site. No special-status plant species were observed during the survey. However, the Report recommended an additional floristic survey be conducted once the exact cultivation area footprint is identified. The Report recommended additional coordination with CDFW to determine if annual surveys for American bullfrogs and invasive species surveys at the rainwater catchment pond site is required. Furthermore, the Report recommended that vegetation removal and construction activities occur during the non-breeding season (September through January) for special-status birds and raptors or conduct nesting special-status bird and raptor surveys within 14 days of the onset of grading during the breeding season (February through August). The recommendations presented in the Report have been incorporated into the conditions of approval for the proposed project.

Until the property can be moved fully to P. G. & E. grid power, up to four generators will be used to provide power to the site. Performance standards for energy use for mixed light cultivation and nurseries only allow for generators to be used for 20% of energy needs for pre-existing cultivation. Therefore, prior to using power for operations the applicant is required to submit an energy budget show power demands will be met for the 8,640 square feet of outdoor and 9,600 sf pre-existing wholesale nursery.

Generators shall not be used to power operations for new mixed light or wholesale nursery space. Performance standards for noise are set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 314-55.4.11(o) Humboldt County Code which states noise levels shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS). The project proposes only outdoor cultivation with no artificial lighting and is conditioned to ensure any supplemental lighting associated with mixed-light cultivation and security lighting adheres to Dark Sky Association standards. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with Commercial Cannabis Land Use Ordinance performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

On February 14, 2018, Ms. Erika Cooper, the Tribal Historic Preservation Officer from the Bear River Band of the Rohnerville Rancheria, reviewed the project application and recommended that a cultural resources survey was required on APN 216-082-002 and APN 216-082-006 (On file and confidential). A Cultural Resource Investigation Report was prepared in November 2018 by Archaeological Research and Supply Company (On file and confidential). During surveys of both parcels, three isolated prehistoric resources were documented and collected onsite. The cultural report indicated that no further archeological investigations are necessary and recommended measures should be included to provide for inadvertent discovery of any buried cultural resources. The Bear River Band of the Rohnerville Rancheria requested a copy of the Cultural Resource Investigation Report be submitted for their review prior to submittal of a final report to Humboldt County to afford the Bear River Band opportunity for further comment. As stated in the Cultural Resource Investigation Report, the Bear River Band's review of the investigation resulted in concurrence with the recommendations found in the Cultural Resource Investigation Report (On file and confidential). Ongoing conditions of approval are incorporated regarding compliance with the recommendations of the Cultural Inventory and the Inadvertent Discoveries Protocol to protect cultural resources.

Access to the site is via a private driveway off of Bell Springs Road. Bell Springs Road is a Category 4 County- maintained roadway that has been approved for commercial cannabis use by the Department of Public Works. A Road Evaluation Report for the private driveway was prepared by DNT Engineers & Consulting (Attachment 3) in April 2019. Photo documentation is included in the Road Evaluation Report. The Road Evaluation concluded that the private driveway does not meet a category 4 equivalent standards and recommends improvements outlined in the evaluation report, including construction of waterbars and rolling dips. The recommendations specified in the Road Evaluation Report have been included incorporated into the conditions of approval for the proposed project. In their referral response comments for the project, the Department of Public Works requested improvements relating to the non-County access road (Attachment 4); and this condition is incorporated into the conditions of approval for the proposed project.

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 Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

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

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

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-

Record Number: PLN-2020-16866
Assessor's Parcel Numbers: 216-082-002 and 216-082-006

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Peaksview, Inc., Special Permits and Zoning Clearance Certificate request.

WHEREAS, **Peaksview, LLC,** submitted an application and evidence in support of approving a Special Permit for the operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006) with ancillary propagation facilities. Cultivation will take place in one cultivation area consisting of four mixed-light greenhouses. A 12,960-square-foot immature plant propagation area will occur adjacent to the greenhouses. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002 to APN 216-082-006 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002 for immature plant propagation or wholesale nursery activities. Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage will consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the proposed cultivation areas for a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. Up to 12 employees may be utilized during peak operations. Power will be provided by four generators, two on each parcel. PG&E improvements are proposed to move to grid power. The proposed project includes a Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. 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 April 15, 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 for the operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006) with ancillary propagation facilities. Cultivation will take place in one cultivation area consisting of four mixed-light greenhouses. A 12,960-square-foot immature plant propagation area will occur adjacent to the greenhouses. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002 to APN 216-082-006 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002 for immature plant propagation or wholesale nursery activities. Existing available water storage

is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage will consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the proposed cultivation areas for a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. Up to 12 employees may be utilized during peak operations. Power will be provided by four generators, two on each parcel. PG&E improvements are proposed to move to grid power. The proposed project includes a Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002.

EVIDENCE: a) Project File: PLN-2020-16866

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 Final Environmental Impact Report (FEIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE: a) CEQA Addendum prepared for the proposed project.

b) The proposed project does not present substantial changes that would require major revisions to the previous FEIR. 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* (WRPP) was prepared by Pacific Watershed Associates to show compliance with the North Coast Regional Water Quality Control Board Order No. R1-2015-0023. The WRPP recommends 34 improvements on the subject parcel to bring the site into compliance with Order No. R1-2015-0023. Conditions of approval require the applicant to adhere to and implement the recommendations in the WRPP.

d) A Site Management Plan (SMP) was prepared by Mika Cook to fulfill the State Water Resources Quality Control Board Order No. 2019-0001-DWQ. The SMP identifies completed remediation work since preparation of the WRPP. The SMP did not identify additional remediation work beyond what is already included in the WRPP.

e) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company in November 2018. The cultural resources investigation concluded that no additional cultural resources investigations are required and recommended Inadvertent Discoveries Protocol.

f) All development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife and riparian corridors.

g) The California Natural Diversity Database (CNDDB) did not show any known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl observation occurred approximately 1.5 miles from the site, and no activity centers were identified within 2 miles of the project site. Power is

provided by four generators. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species, adherence to the International Dark-Sky Association standards for lighting in zone 1 or 2.

h) A Biological Scoping Inspection and Report (Report) (Attachment 3) was prepared by Blair Forestry and concluded that there is the potential for some sensitive and protected species to be present onsite. A floristic survey was conducted in June 2020 on APN 216-082-006 in the areas proposed for new cultivation and the pond site. No special-status plant species were observed during the survey. However, the Report recommended an additional floristic survey be conducted once the exact cultivation area footprint is identified. The Report recommended additional coordination with CDFW to determine if annual surveys for American bullfrogs and invasive species surveys at the rainwater catchment pond site is required. Furthermore, the Report recommended that vegetation removal and construction activities occur during the non-breeding season (September through January) for special-status birds and raptors or conduct nesting special-status bird and raptor surveys within 14 days of the onset of grading during the breeding season (February through August).

i) Bell Springs Road, which provides direct access to the project driveway, is a County maintained roadway that meets Category 4 standards for Cannabis Projects.

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 Agricultural Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone in which the site is located.

EVIDENCE

a) The Agriculture Exclusive or (AE) Zone is intended to be applied to areas of the County in which agriculture is and should be the desirable predominant use.

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

c) Humboldt County Code section 314-55.4.6.1.2 b) allows cultivation of up to 43,560 square feet of outdoor cannabis in areas zoned AE, AG, FR, and U and on parcels over 10 acres subject to approval of a Special Permit. The application for up to 43,560 square feet of mixed light on a 173-acre parcel is consistent with this code section.

5. FINDING The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

EVIDENCE

a) The CCLUO allows existing and new cannabis cultivation and wholesale nurseries to be permitted in areas zoned AE (HCC 314-55.4.6.1.1).

b) The parcel known as APN 216-082-002 and 216-082-006 are comprised of one patent parcel dated May 12, 1975 in Book 1287 of Official Records, Page 164, under Recorder's Serial No. 7442, Humboldt County Records.

c) The project will obtain water from a 1,000,000-gallon, off-stream pond.

d) No timber conversion will occur for development of the cultivation areas.

e) Bell Springs Road, which provides direct access to the project driveway, is a County maintained roadway that meets Category 4 standards for Cannabis Projects.

f) The slope of the land where cannabis will be cultivated is less than 15%.

g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. 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.

h) Until the property can be moved fully to P. G. & E. grid power, up to four generators will be used to provide power to the site. Performance standards for energy use for mixed light cultivation and nurseries only allow for generators to be used for 20% of energy needs for pre-existing cultivation. Therefore, prior to using power for operations the applicant is required to submit an energy budget show power demands will be met for the 8,640 square feet of outdoor and 9,600 sf pre-existing wholesale nursery.

6. FINDING

The cultivation of up to 43,560 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

a) The site is located on road that can safely accommodate the amount of traffic generated by the proposed cannabis cultivation. Bell Springs Road, which provides direct access to the private access road, is a County maintained roadway that meets Category 4 standards for Cannabis Projects.

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

d) Irrigation water will come from a rainwater catchment system.

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) Neither parcel was included in the housing inventory of Humboldt County's 2019 Housing Element. APN 216-082-002 is developed with one residence and the approval of cannabis cultivation on this parcel will not conflict with the ability of existing residences onsite to continue to be utilized. APN 216-082-006 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:

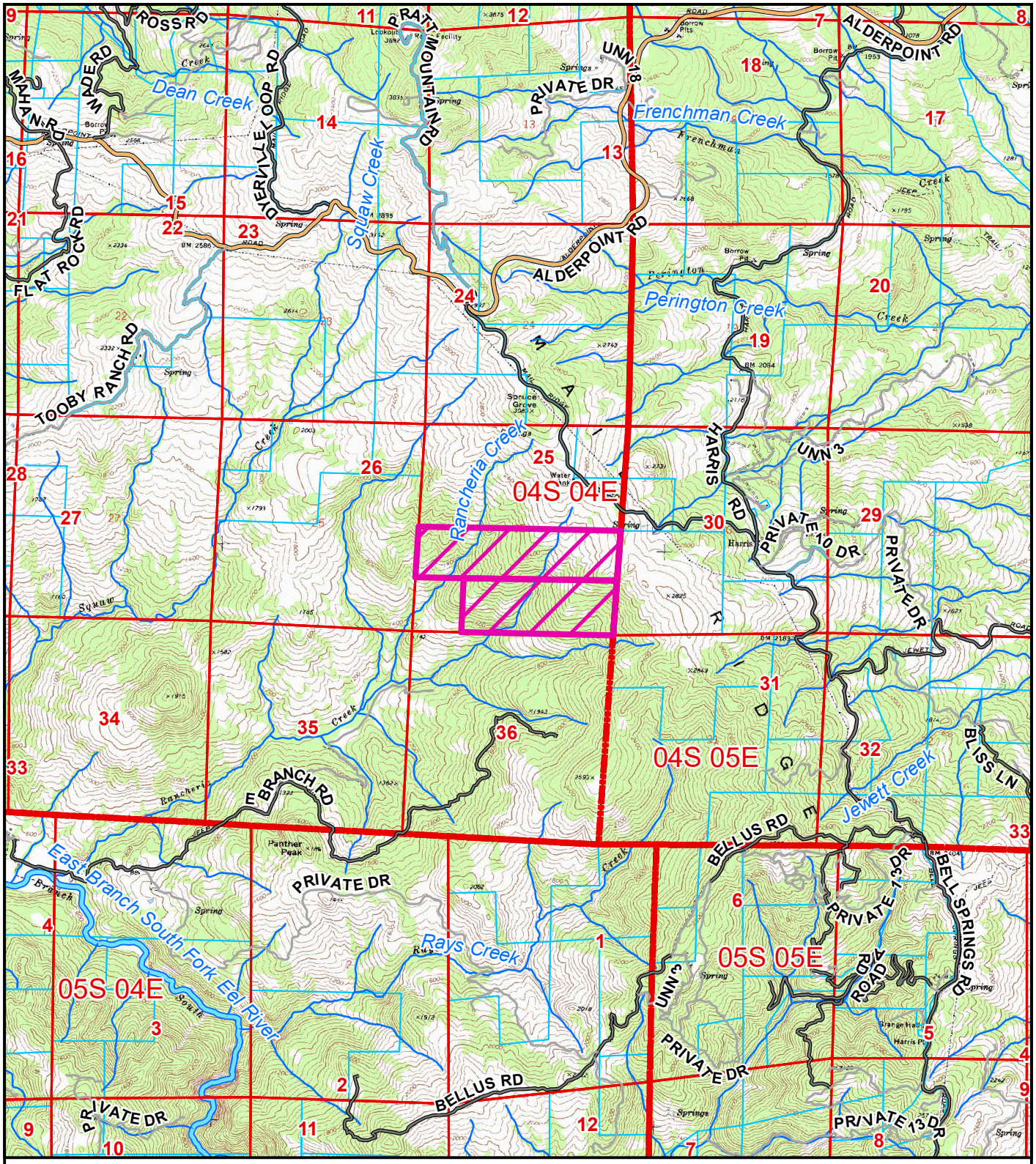
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Peaksview, Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on April 15, 2021.

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

_____

John H. Ford
Zoning Administrator, Planning and Building Department



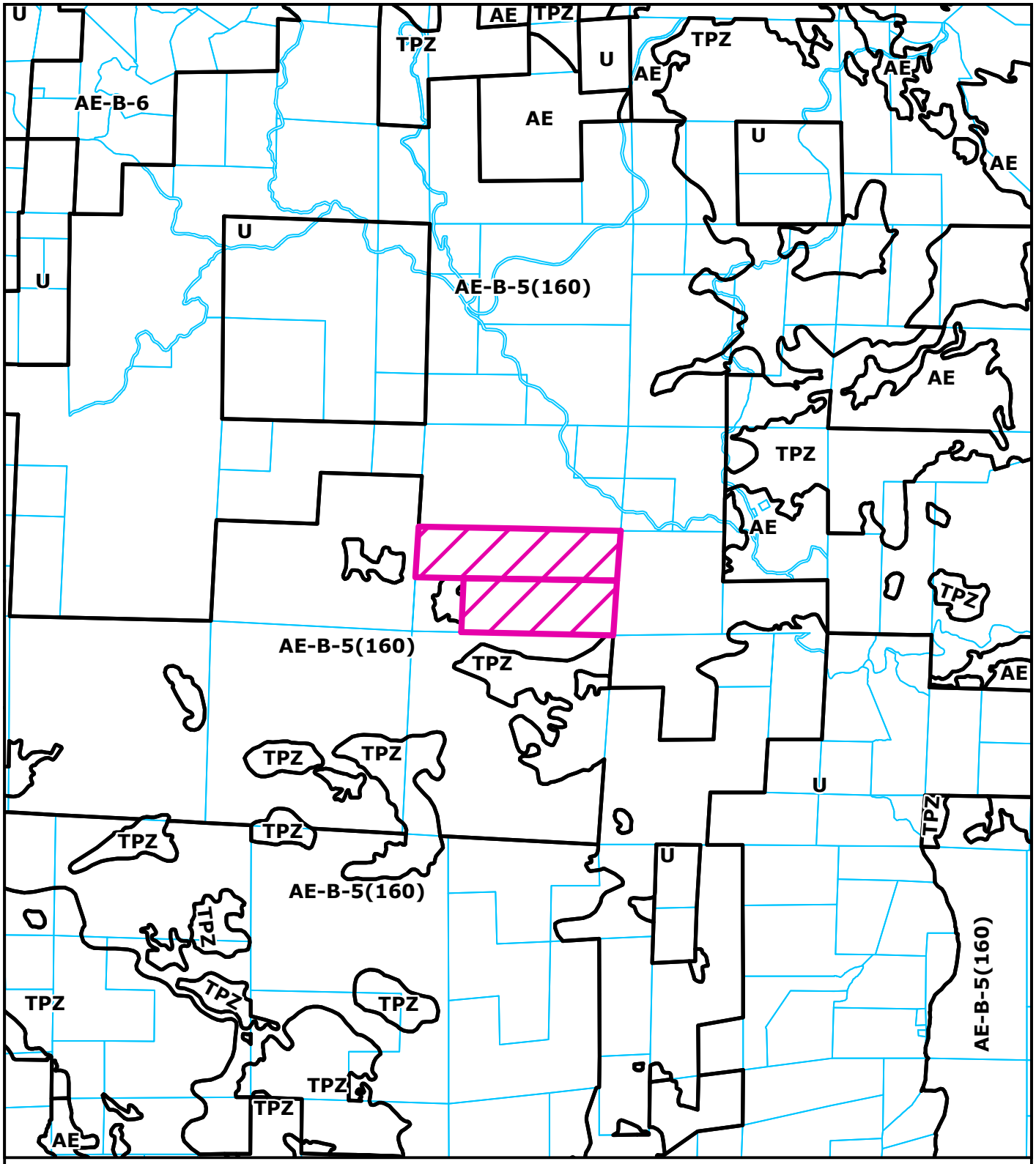
TOPO MAP
PROPOSED PEAKSVIEW, INC
ALDERPOINT AREA
PLN-2020-16866
APN: 216-082-002; ET AL.
T04S R04E S25 HB&M (HARRIS)

Project Area =

N

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

0 0.375 0.75 1.5 Miles



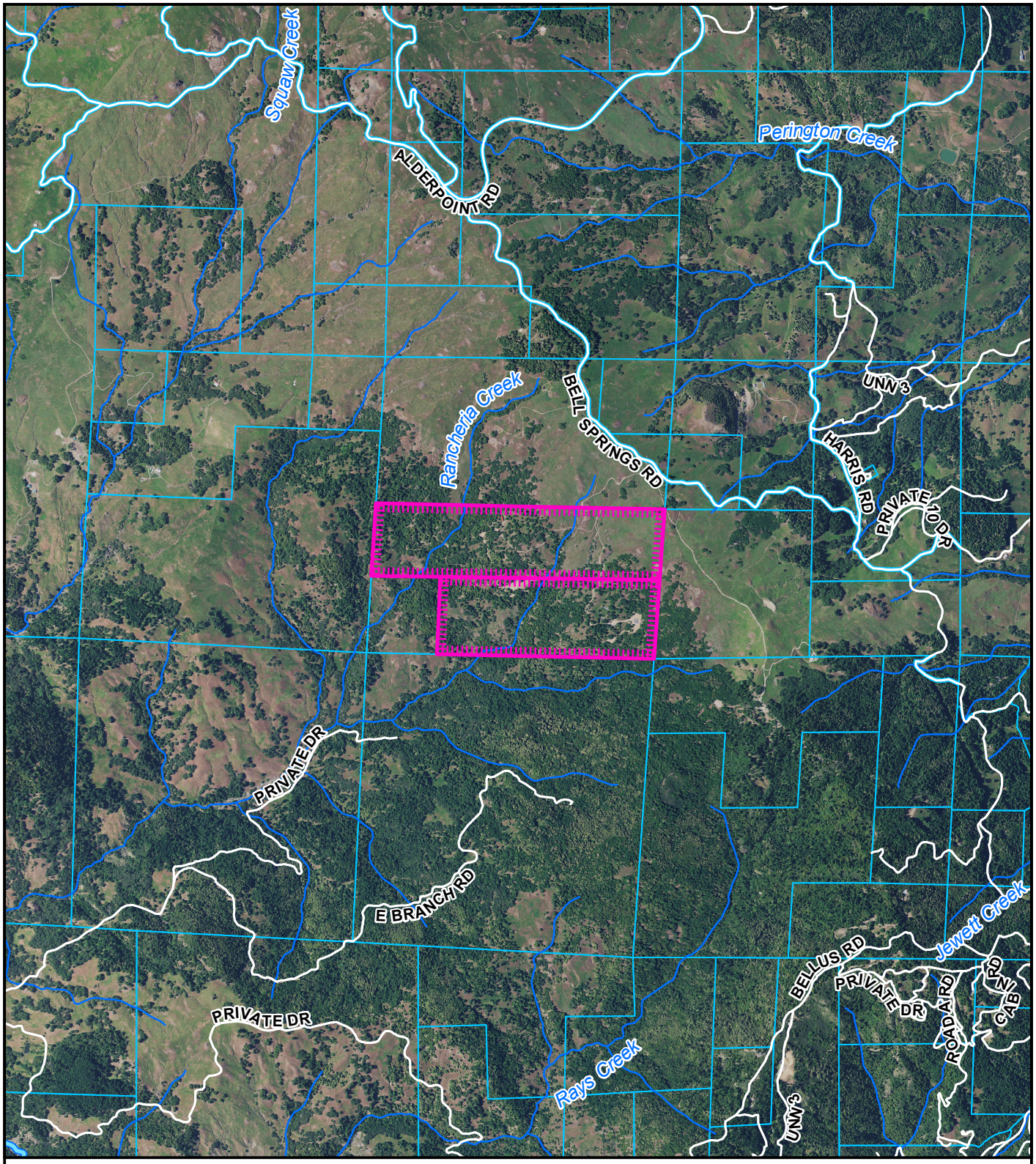
ZONING MAP
PROPOSED PEAKSVIEW, INC
ALDERPOINT AREA
PLN-2020-16866
APN: 216-082-002; ET AL.
T04S R04E S25 HB&M (HARRIS)

Project Area =

N

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

0 0.375 0.75 1.5 Miles



AERIAL MAP
PROPOSED PEAKSVIEW, INC
ALDERPOINT AREA
PLN-2020-16866
APN: 216-082-002; ET AL.
T04S R04E S25 HB&M (HARRIS)

Project Area =

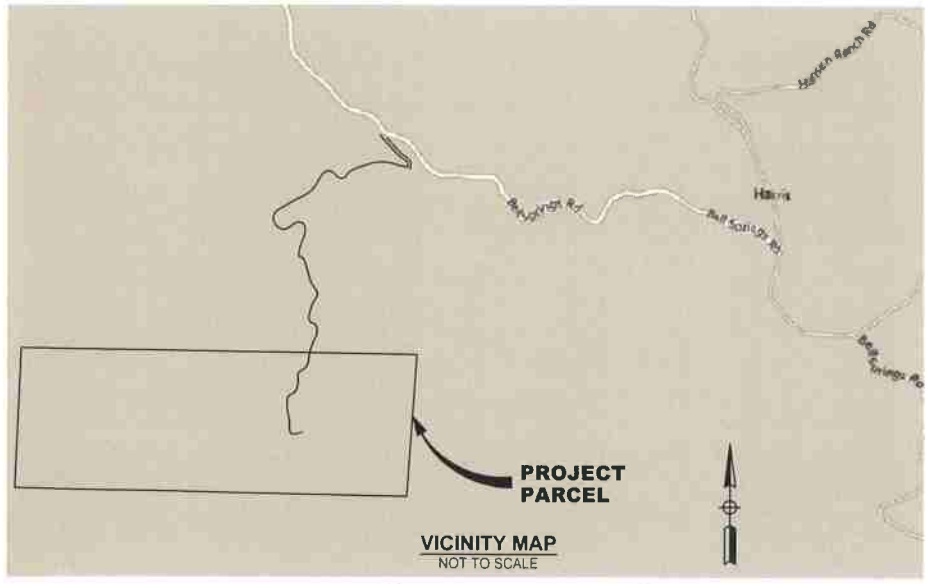
N

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

0 0.25 0.5 1 Miles

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of Humboldt Drafting Services and shall not be reused in whole or part for any other project without express written authorization.

PEAKSVIEW, INC
HUMBOLDT COUNTY
APN: 216-082-002



VICINITY MAP
NOT TO SCALE

RECEIVED
DEC 11 2020
Humboldt County
Building Division

NOTES:

1. ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
2. PROPERTY LINES ARE APPROXIMATE.
3. IMAGE SHOWN HEREON IS FROM BING.
4. NO TREES WILL BE REMOVED FOR THIS PROJECT.

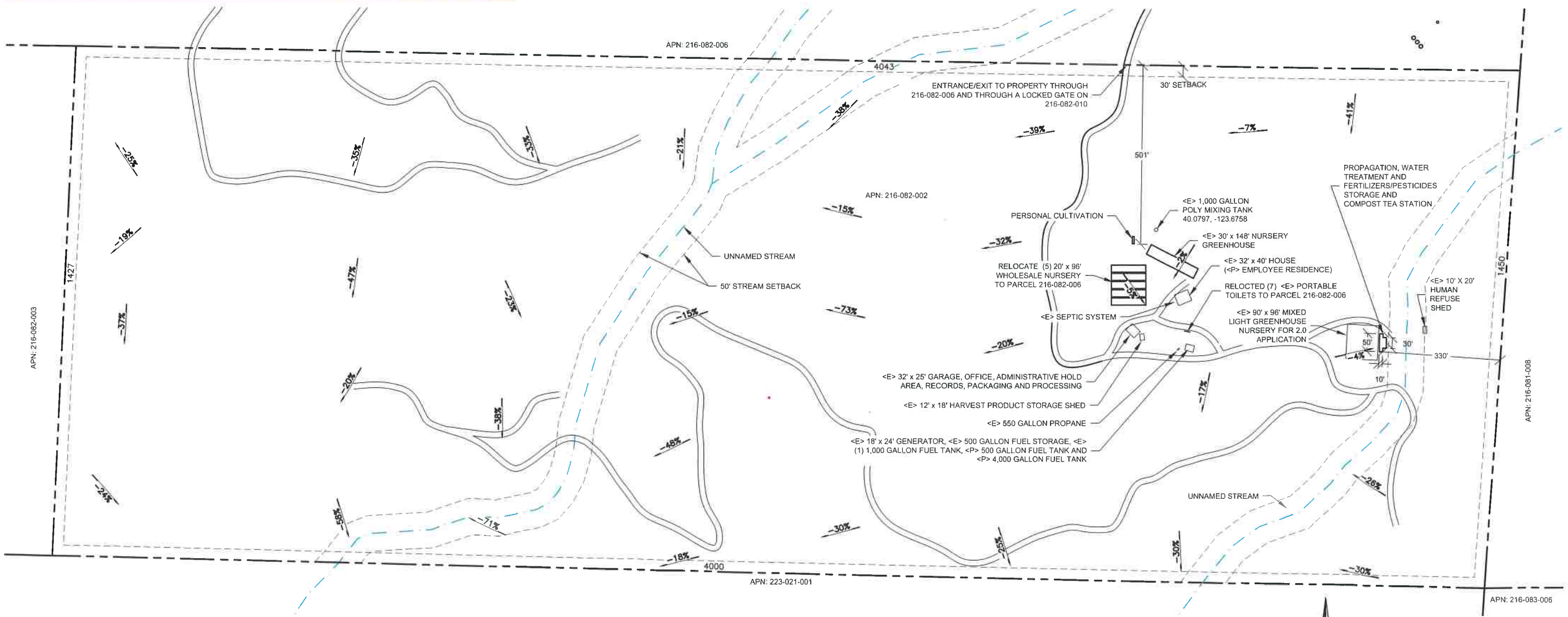
OWNER INFORMATION:

OWNER: KEVIN PEAK
P.O. BOX 1951
REDWAY, CA 95560

SITE INFORMATION:

151 ACRES

SRA: YES



PLAN
SCALE: 1"=300'

HDS HUMBOLDT DRAFTING SERVICES
(707) 601-1558 humboldtdraftingservices@yahoo.com

NO.	HISTORY / REVISION	BY	CHK.	DATE
				May 6, 2021

KEVIN PEAK
1340 BELL SPRINGS RD. HARRIS, CA 95542
G0.1 PLOT PLAN 216-082-002

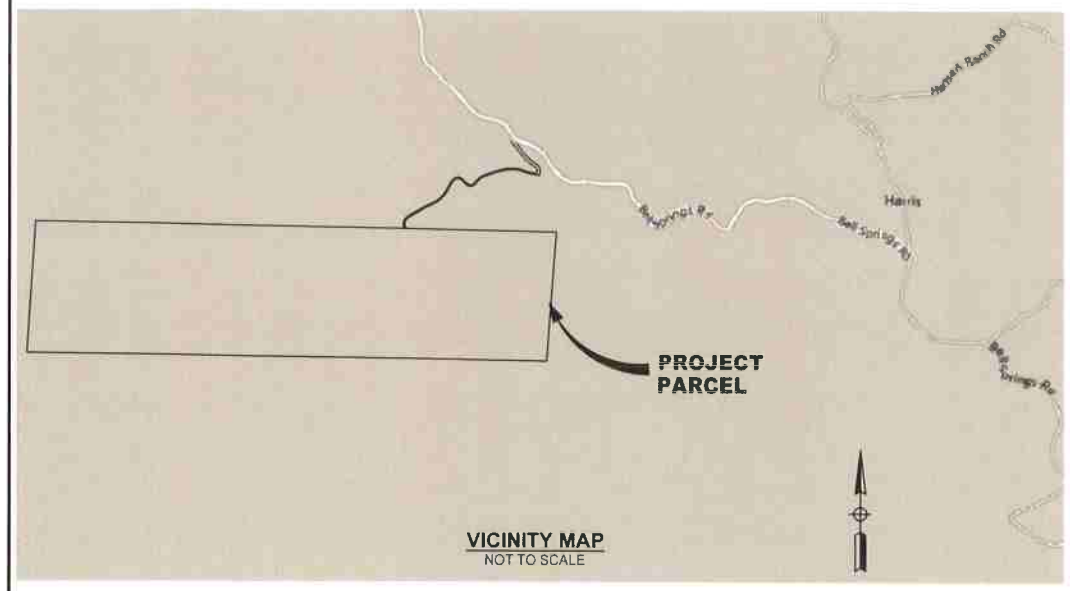
CANNABIS CULTIVATION ACTIVITIES
PLN-2020-16866 Peaksview Inc

DRAWN	DB
CHECK	TM
APPROVED	TM
DATE	5/24-2020
JOB NUMBER	5.24.2020
SHEET	G0.1

Dec 08, 2020-7:28am
PLACADY,CAD FILES\AG DYNAMIX\5-24-2020 PEAKSVIEW INC\DWGS\ G0.1 PLOT PLAN 216-082-002.dwg

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of Humboldt Drafting Services and shall not be reused in whole or part for any other project without express written authorization.

PEAKSVIEW, INC
HUMBOLDT COUNTY
APN: 216-082-006



VICINITY MAP
NOT TO SCALE

RECEIVED DEC 11 2020 Humboldt County Building Division

NOTES:

1. ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
2. PROPERTY LINES ARE APPROXIMATE.
3. IMAGE SHOWN HEREON IS FROM BING.
4. NO TREES WILL BE REMOVED FOR THIS PROJECT.

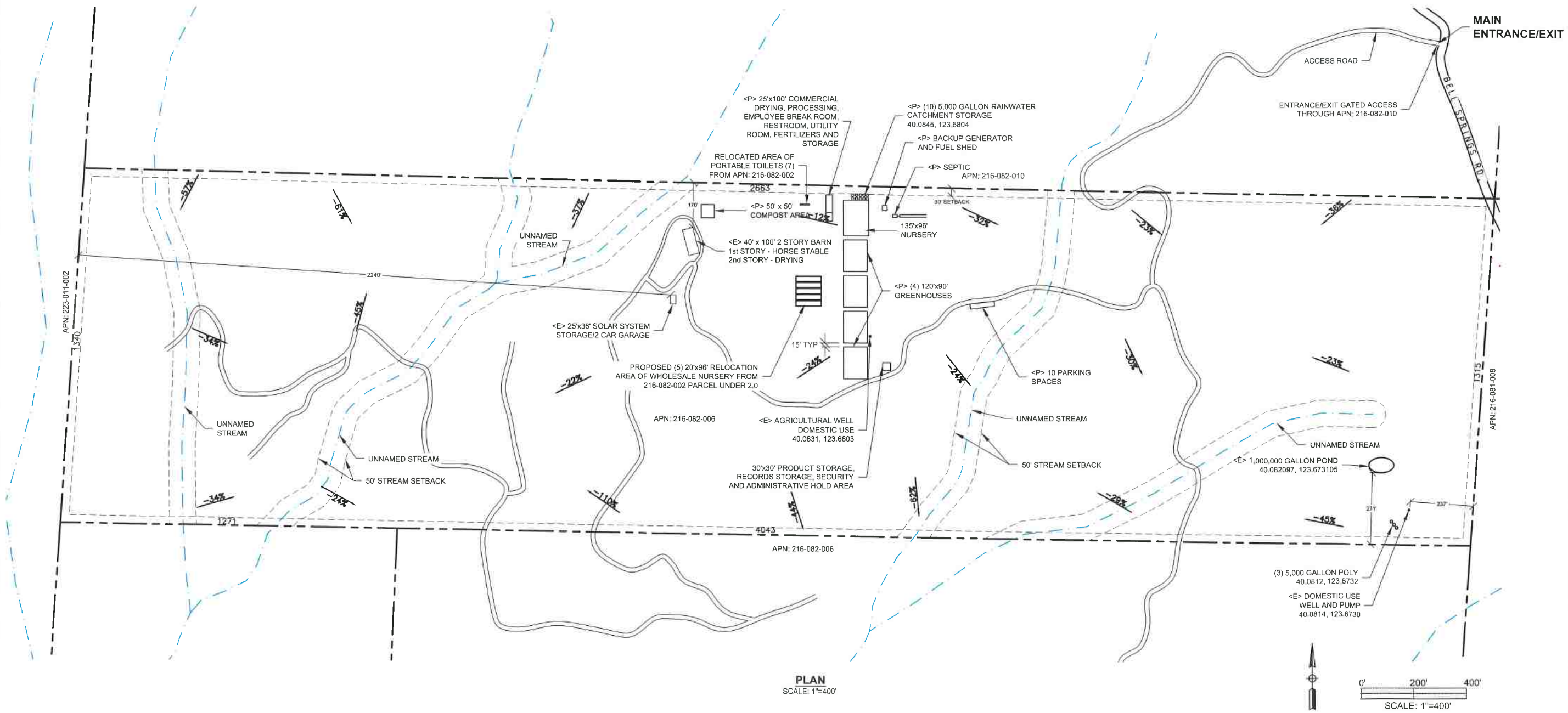
OWNER INFORMATION:

OWNER: KEVIN PEAK
P.O. BOX 1951
REDWAY, CA 95560

SITE INFORMATION:

173 ACRES

SRA: YES



PLAN
SCALE: 1"=400'

HDS HUMBOLDT DRAFTING SERVICES
(707) 601-1558 humboldtdraftingservices@yahoo.com

NO.	HISTORY / REVISION	BY	CHK.	DATE

May 6, 2021

KEVIN PEAINC
1340 BELL SPRINGS RD. HARRIS, CA 95542
PLOT PLAN 216-082-006

CANNABIS CULTIVATION ACTIVITIES

DRAWN	DB
CHECK	TM
APPROVED	TM
DATE	5/24-2020
JOB NUMBER	5.24.2020
SHEET	G0.2

PLN-2020-16866 Peaksview Inc

Dec 08,2020-7:28am
P:\ACAD\CAD FILES\AS BY\MARK\5-24-2020 PEAKSVIEW MBC\DWG\ G0.1 PLOT PLAN 216-082-006.dwg

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**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of $50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

5. The applicant shall submit an energy budget show power demands will be met for the project as whole, including limiting the generator use to 20% to allow for continued operation of 8,640 square feet of outdoor and 9,600 sf pre-existing wholesale nursery. The report shall establish a baseline for ambient noise by conducting a 24-hour noise evaluation as described by the CCLUO. Noise fromp operations shall not increase over 3 dB from current ambient noise levels. Generators shall not be used to power operations for new mixed light or wholesale nursery space. The energy budget shall include an estimated time frame of when P. G. & E. will be brought to the subject parcel. A sign-off from Planning will satisfy this condition.

6. The applicant shall secure building and grading permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. The applicant shall improve the intersection of the private driveway access and Bell Springs Road as follows:

a. 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. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.

8. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan prepared by Pacific Watershed Associates in August 2019. A letter or similar communication from a qualified professional biologist, geologist, or commercial engineer indicating these corrective actions have been implemented will satisfy this condition.

9. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

10. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

11. The project applicant shall have a qualified biologist conduct a floristic survey once the exact cultivation area footprint is identified. The applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. If special status or rare species are found within the proposed development area, the applicant shall modify this permit prior to construction. A sign-off from the Planning Department will satisfy this condition.

12. The applicant shall coordinate with CDFW to determine if annual surveys for American bullfrogs and invasive species surveys at the rainwater catchment pond site is required. Additionally, the applicant shall work with CDFW to determine if pond improvements are required. The applicant shall submit a Lake or Streambed Notification to CDFW as applicable. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department. The project applicant shall adhere to all measures required by CDFW. The applicant shall provide evidence of compliance by submitting the Final Streambed Alteration Agreement and annual reports or a letter or similar communication from CDFW stating a Lake or Streambed Alteration Agreement is not required. A sign-off from the Planning Department will satisfy this condition.

13. The applicant shall refrain from vegetation removal and construction activities during the non-breeding season (September through January) for special-status birds and raptors or conduct nesting special-status bird and raptor surveys within 14 days of the onset of grading during the breeding season (February through August). If surveys are conducted, the applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. A sign-off from the Planning Department will satisfy this condition.

14. The applicant shall submit a Remediation Plan detailing the timeline, methods and best management practices, including a revegetation plan, for restoring the wholesale nursery site on APN 216-082-002.

15. Within 5 years, the transfer of onsite power from generator use, to onsite Pacific Gas and Electric (PG&E) as proposed by the applicant in the supporting Operations Plan, must be completed by December 31, 2025. A bill or written communication from PG&E submitted to the Humboldt County Planning Department shall satisfy this condition.

16. The applicant shall provide documentation to the Humboldt County Department of Environmental Health (DEH) verifying legal non-confirming status, retroactively permit the well, or providing a well destruction permit for the unpermitted well on APN 216-082-002.

17. The applicant shall construct noise containment structures for all generators used on the parcels. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200–foot buffer from Class I and Class II streams, per the requirements of CDFW. <u>No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.</u>

18. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.

19. 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.

20. 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.

21. Prior to renewal of the permit, the applicant shall submit to DEH, a contract confirming sufficient use of potable toilets to serve the needs of the cultivation staff for the duration of the first year or provide a written assessment from a qualified septic consultant (REHS, PG, or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.

22. Onsite processing must be supported by a permanent means of sewage disposal. If the applicant is able to permit the proposed on-site processing facility, within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall provide a permanent means of sewage disposal for the proposed onsite processing facility. Operator shall install a permitted Onsite Wastewater Treatment System (OWTS), associated with a permitted structure, to support the project. Processing is required to occur at a licensed off-site processing facility until an OWTS is permitted by the Department of Environmental Health (DEH) and installed to the satisfaction of DEH. An acceptable site suitability report is required before permitting of the proposed OWTS can occur. Completion of an OWTS permit through DEH may include completing a percolation test and septic design or any other reports deemed necessary by DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.

23. The Applicant shall install and utilize a water meter on the rainwater catchment pond to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the water available in the rainwater catchment pond and storage tanks and shall be provided annually prior to or during the annual inspection.

24. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

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

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

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

4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.

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

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

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

8. The use of anticoagulant rodenticide is prohibited.

9. 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. No timber conversion is authorized under this permit. If timber conversion is required in the future, the applicant shall hire a registered forester to prepare a of the Timber Conversion Report, implement Recommendations in the report, and provide evidence to the Planning Department the work is complete.

11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

14. 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. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

16. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

17. Maintain enrollment in the Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1_12CC417448 Effective as of 12/2/2020; Expires 4/15/2024).

18. Comply with the terms of the Stream Alteration Agreement (1600-2019-0159-R1) obtained from the California Department of Fish and Wildlife (CDFW).

19. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

20. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

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

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

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

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

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

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

27. Cultivators engaged in processing shall comply with the following Processing Practices:
    a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
    b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
    c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
    d. Employees must wash hands sufficiently when handling cannabis or use gloves.

28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
    a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
        (1) Emergency action response planning as necessary;
        (2) Employee accident reporting and investigation policies;
        (3) Fire prevention;
        (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
        (5) Materials handling policies;
        (6) Job hazard analyses; and
        (7) Personal protective equipment policies, including respiratory protection.
    b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
        (1) Operation manager contacts;
        (2) Emergency responder contacts; and
        (3) Poison control contacts.
    c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing

facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

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

d. Acknowledgement of full responsibility for complying with the existing permit; and
e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

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 #9 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 #30 and 32 of the Ongoing Requirements/Development Restrictions, above.

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

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

4. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled Cannabis Palm Card and Cannabis Rack Card. This information shall also be provided to all employees as part of the employee orientation.

CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR) (State Clearinghouse # 2017042022), January 2018

APN 216-082-002 and APN 216-082-006; 1340 Bell Springs Road, Harris, County of Humboldt

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

April 2021

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The project involves a Special Permit for the operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006) with ancillary propagation facilities. Cultivation will take place in one cultivation area consisting of four mixed-light greenhouses. A 12,960 square-foot immature plant propagation area will occur adjacent to the greenhouses. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002 to APN 216-082-006 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002 for immature plant propagation or wholesale nursery activities. The applicant also seeks an additional Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002. Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage will consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the proposed cultivation areas for a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. Up to 12 employees may be utilized during peak operations. Power will be provided by four generators, two on each parcel. PG&E improvements are proposed to move to grid power.

A Cultural Resources Investigation was prepared in November 2018 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. The Bear River Band of the Rohnerville Rancheria reviewed the Cultural Resources Investigation and concurred with its recommendations. As such, ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect any previously unknown cultural or tribal cultural resources that may be encountered in the future.

A search of CNDDB biological resources database was performed on November 29, 2020. The nearest Northern Spotted Owl (NSO) observation occurred approximately 1.5 miles from the cultivation site There

are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 3.1 miles from the proposed cultivation site. However, lands surrounding the project site consist of mature forests thus there is a moderate potential for NSO habitat.

A Biological Scoping Inspection and Report (Report) was prepared by Blair Forestry and concluded that there is the potential for some sensitive and protected species to be present onsite. A floristic survey were was conducted in June 2020 on APN 216-082-006 in the areas proposed for new cultivation and the pond site. No special-status plant species were observed during the survey. However, the Report recommended an additional floristic survey be conducted once the exact cultivation area footprint is identified. The Report recommended additional coordination with CDFW to determine if annual surveys for American bullfrogs and invasive species surveys at the rainwater catchment pond site is required. Furthermore, the Report recommended that vegetation removal and construction activities occur during the non-breeding season (September through January) for special-status birds and raptors or conduct nesting special-status bird and raptor surveys within 14 days of the onset of grading during the breeding season (February through August). The recommendations presented in the Report have been incorporated into the conditions of approval for the proposed project.

The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife. Additional measures that would also protect biological resources are identified in the SMP prepared for the project and include drainage, runoff, and erosion control; watershed and habitat protection measures; and proper application, storage and disposal of fertilizers, pesticides, herbicides, and petroleum products.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new cannabis operations. These ensuring mixed light cultivation and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize up to 43,560 square feet (sf) of mixed-light cannabis cultivation with ancillary propagation, drying, and processing activities is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Site Plans prepared by Humboldt Drafting Services received 12/11/2020.
- Cultivation and Operations Plan prepared by AgDynamix dated 12/2020 and received 12/11/2020.
- Streambed Alteration Agreement (Notification No.1600-2019-0159-R1), California Department of Fish and Game, 11/17/2020.
- Water Resources Protection Plan prepared by Pacific Watershed Associates, dated 2/2019, for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Site Management Plan (WDID-1_12CC417448) prepared by Mika Cook, dated 5/17/2020 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Biological Scoping Inspection and Report prepared by Blair Forestry dated 8/2020.
- Soils Engineering Geologic R-2 Soils Report prepared by A.M. Baird dated 7/8/20 and approved Humboldt County Building Division 8/11/20.
- Grading and Erosion Control Plan for Catchment Pond prepared by A.M. Baird dated 7/7/20 and approved by Humboldt County Building Division on 8/24/20.
- Road Evaluation Report for APN #216-082-002, Apps 11506 prepared by DNT Engineering & Consulting, received 11/14/19.
- CNDDB biological resources search conducted by AECOM on 12/28/20.
- Final Cultural Resources Investigation of the Harris Peak and Popov Properties prepared by Archaeological Research and Supply Company, Rio Dell, CA, dated 11/2018.
- Cultural Resources Investigation of the Harris Peak and Popov Properties prepared by Archaeological Research and Supply Company, Rio Dell, CA, dated 11/2019.

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 previous Final EIR 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 EIR, 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. (Attached)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (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. (Not applicable)

6. Description of water source, storage, irrigation plan, and projected water usage. (Attached - See Cultivation and Operations Plan)

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 by Pacific Watershed Associates found in the Site Management Plan prepared by Mika Cook, dated May 17, 2020(**Attached Separately as Attachment 3B**); and Notice of Applicability attached)

8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached – Draft Streambed Alteration Agreement dated May 19, 2017; Condition – Submit Final Streambed Alteration Agreement and show compliance with terms and conditions)

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

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire

Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (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. (Attached - See Cultivation and Operations Plan)

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

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

15. Grading and Erosion Control Plan: Catchment Pond prepared by A.M. Baird Engineering, dated 7/7/2020 and approved 8/24/2020. (Attached)

16. Soils Engineering Geologic R-2 Soils Report prepared by A.M. Baird dated 7/8/20 and approved Humboldt County Building Division 8/11/20 (**Attached separately as Attachment 3D**).

17. Site Management Plan (WDID-1_12CC417448) prepared by Mika Cook, dated 5/17/2020 (**Attached separately as Attachment 3B**).

18. Water Resources Protection Plan prepared by Pacific Watershed Associated in 2/2019 (included as Exhibit C to the Site Management Plan –**see Attachment 3B**)

19. Road Evaluation Report for APN #216-082-002, Apps 11506 prepared by DNT Engineering & Consulting, received 11/14/19 (**Attached separately as Attachment 3C**).

20. Biological Scoping Inspection and Report prepared by Blair Forestry, dated 8/2020 (**Attached separately as Attachment 3E**).

21. Cultural Resources Investigation of the Harris Peak and Popov Properties prepared by Archaeological Research and Supply Company, dated 11/2018 (On file and confidential).

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

23. California Natural Diversity Database records of special-status plants (On file and confidential).

CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

November 15, 2019

WDID:1_12CC417448

KEVIN PEAK
PO BOX 1951
REDWAY, CA 95560

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

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

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

Sincerely,

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

191115_2H_1_12CC417448_1B16938CHUM_Peaksview_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, KEVIN PEAK, HUMBOLDT COUNTY APN(s) 216-082-002 & 216-082-006

Kevin Peak (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on June 20, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC417448**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16938CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) some portion of the disturbed area is located within the setback requirements, some portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 High Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

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

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

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

Currently, the direct link to that application is as follows:
https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:
https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by September 17, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

A Disturbed Area Stabilization Plan consistent with the requirements of General Order Provision C.1.c., and Attachment A, Section The Disturbed Area Stabilization Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. If the Discharger cannot achieve compliance by the next onset of the winter period (i.e., stabilization work will continue into the winter period or will continue the following year), the Discharger must include a time schedule and scope of work for approval by the Regional Water Board Executive Officer and use in preparing an enforcement order. Attachment D of the General Order provides guidance on the contents of the Disturbed Area Stabilization Plan.

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

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 High Risk. The 2018-2019 annual fee for that tier and risk level was set at $8,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: https://public2.waterboards.ca.gov/cgo), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (https://public2.waterboards.ca.gov/cgo). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

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

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

RECEIVED

NOV 17 2020

CDFW - EUREKA

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

STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2019-0159-R1
Unnamed Tributaries to Rancheria Creek, Tributary to East Branch South Fork Eel River, Tributary to South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Kevin Peak
Peak Water Diversion and Stream Crossings Project
15 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on March 6, 2019, with additional information obtained during a July 23, 2019 CDFW site visit, and revised on June 25, 2020, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located within the South Fork Eel River watershed, approximately 6.2 miles east southeast of the town of Garberville, County of Humboldt, State of California; Section 25, T4S, R4E, Humboldt Base and Meridian, in the Harris, CA U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 216-082-002 & 216-082-006; latitude 40.0836 N and longitude 123.6774 W at the point of diversion (POD).

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Gregory O'Connell on July 23, 2019.

The project is limited to 15 encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to Rancheria Creek. Water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The 14 other proposed encroachments are to upgrade stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
POD-1	40.0836, -123.6774	Water diversion
Crossing-2	40.0830, -123.6761	Replace existing culvert with properly sized culvert that will pass 100-year storm flow and debris.
Crossing-4	40.0817, -123.6759	Replace existing culvert with minimum 30" diameter culvert.
Crossing-8	40.0786, -123.6733	Replace existing culvert with minimum 24" diameter culvert.
Crossing-11	40.0784, -123.6744	Replace existing culvert with minimum 30" diameter culvert.
Crossing-13	40.0781, -123.6787	Replenish existing rocked ford crossing to prevent erosion.
Crossings-14 &15	40.0773, -123.6801	Install rocked ford crossings to realign streams into native channels.
Crossing-16	40.0779, -123.6813	Maintain existing culvert and install rock armoring at the outlet as notified.
Crossing-20	40.0814, -123.6853	Upgrade existing dirt ford crossing to a rocked ford crossing as notified.
Crossing-21	40.0816, -123.6856	Replace existing culvert with a rocked ford crossing.
Crossing-22	40.0826, -123.6863	Replace existing culvert with a rocked ford crossing. Alternatively, replace existing culvert with minimum 84" diameter culvert.
Crossing-26	40.0842, -123.6826	Maintain existing crossing.
Crossing-27	40.0836, -123.6785	Upgrade crossing as notified with downspout.
Map Point 28	40.0836, -123.6781	Install minimum 18" diameter culvert to realign stream to native channel.
Crossing-34	40.0830, -123.6728	Upgrade existing dirt ford to minimum 18" diameter culvert.

Permittee disclosed an additional 20 stream crossings, and the Notification states that these stream crossings are in good condition and meeting current performance standards. Existing stream crossings disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If maintenance (such as

armoring) and/or replacement becomes necessary, that work must be covered by a major amendment or a separate Notification.

The Notification also discloses the use of two water wells located at:
Well #1: 40.0815, -123.6763; and Well#2: 40.0832, -123.6804. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. Based on the available resources, and the site inspection, the wells may be hydraulically connected to streams and/or springs and shall be evaluated for potential impacts from commercial cannabis irrigation use through Humboldt County's cannabis cultivation permit (PLN-11506-SP).

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including "ponds"), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

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 boylii*), **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;
increased turbidity;
increased sedimentation (chronic or episodic);

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:
loss or decline of riparian habitat;
loss or decline of instream channel habitat;
direct impacts on benthic organisms;
direct and/or incidental take of aquatic and/or terrestrial organisms;

Impacts to natural flow and effects on habitat structure and process:
reduced instream flow;
cumulative effect of diversions in the watershed;

impediment of up- or down-stream movement;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

1.1 Documentation at Project Site. 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. 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 Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if 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 Permittee to resolve any conflict.

1.4 Project Site Entry. Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring, provided CDFW: a) provides 24 hours advance notice; and b) allows Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.

1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:

- The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.

- The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).

- All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.

- All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.

1.6 Cannabis Cultivation Policy. If commercial cannabis cultivation occurs on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html

1.6.1 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan and related technical reports prepared in conformance with the SWRCB Cannabis Cultivation Policy.

1.7 Water Rights. This Agreement does not constitute a valid water right. All water diversion facilities that Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here: https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.

1.8 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 fish and wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information 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.

1.9 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on March 6, 2019, with additional information obtained during a July 23, 2019 CDFW site visit, and revised on June 25, 2020 is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the

protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

2. Avoidance and Minimization Measures

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

Work Periods and Pre-Project Notice

2.1 Work Period. All work, not including authorized 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**. Permittee shall monitor precipitation forecasts and potential increases in stream flow when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation. A notice of completed work, including dates of activities and photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

2.2 CDFW Notification of Work Initiation and Completion. Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information provided shall include Agreement number, and the anticipated start date. Subsequently, Permittee shall notify CDFW in writing 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 CNDDB submissions as required below.**

2.3 Work Period Extension Requests. If Permittee needs more time to complete the project, CDFW may grant a work period extension on a day-to-day basis. Extension requests shall be made in writing before **October 5** of each year and shall: 1) describe the extent of work already completed; 2) detail the uncompleted activities; 3) detail the time required to complete each remaining activity; and 4) provide photographs of the completed work site(s) and remaining work. Requests shall describe the effects of increased stream flows, rain delays, increased erosion control measures, access constraints caused by saturated soils, and anticipated effects of climatic conditions on growth of erosion control grasses. Work period extensions are issued at the discretion of CDFW. CDFW will review the written request and may require additional measures to protect fish and wildlife resources.

General Stream Protection Measures

2.4 Prohibition of Live Stream Work. No work is authorized in a live flowing stream. All work shall be conducted when the stream is dry. Permittee shall notify CDFW if it determines that work in a live flowing stream is required to complete a project and will submit a diversion plan.

2.5 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 (as defined in FGC Section 45 "fish" means a 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.

2.6 Decontamination. Permittee shall ensure all project personnel adhere to the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that contacts water shall adapt watercraft decontamination protocols found in the AIS Decontamination Protocol. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline

2.7 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks, and away from riparian vegetation. 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 at the end of the yearly work period, whichever occurs first.

2.8 Equipment and Vehicle Leaks. Equipment or vehicles operated in or near the stream shall be checked and maintained daily to prevent leaks. Stationary equipment (e.g. motors, pumps, generators, welders, etc.) in or near the stream shall be positioned over drip pans. Stationary heavy equipment shall have sufficient containment to manage catastrophic spills or leaks.

2.9 Hazardous Substances. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any substance or material deleterious to fish, plant life, mammals, or bird life, or their habitat, shall be prevented from contaminating the soil and/or entering the waters of the State, pursuant to FGC Sections 5650 and 5652. Permittee shall ensure hazardous or toxic materials are stored in watertight containers and promptly removed from the worksite.

2.10 Spill Containment and Cleanup. All authorized activities performed in or near a stream shall have on-site cleanup equipment (e.g. boom, skimmers, etc.) and absorbent materials for spill containment and cleanup prior to the start of work and

for the duration of the project. In the event of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and initiate clean-up. Permittee shall immediately notify CDFW of any spills and shall follow CDFW cleanup procedures and guidance.

2.11 Stockpiled Materials. Materials shall not be stockpiled where they may wash into the stream or cover aquatic or riparian vegetation. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area and cover stockpiles if NWS predicts precipitation.

2.12 Erosion Control. Permittee shall implement erosion control measures throughout all phases of operation where sediment delivery could occur. Silt fences, straw bales, gravel or rock lined ditches, water check bars, broadcasted weed-free straw, or other approved erosion control measures shall be used wherever sediment has the potential to leave the work site and enter the stream.

2.13 Silt Laden Runoff. At no time shall silt laden runoff enter the stream or be directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.

2.14 Disposal and Removal of Material. Permittee shall remove from the work area, and relocate outside of the stream and riparian area, all spoils and construction debris prior to inundation. All removed material and debris shall be disposed of according to State and local laws and ordinances.

2.15 Waste Containment and Disposal. Permittee shall contain all refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of at the close of the cultivation season and/or when the parcel is no longer in use.

2.16 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

2.17 Allow Wildlife to Leave Unharmed. Permittee shall allow any wildlife encountered to leave the project area unharmed. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.

2.18 Escape Ramp in Trench. At the end of each work day, Permittee shall place an escape ramp at each end of any open trench deeper than six inches with walls greater than 30 degrees to allow entrapped animals to escape. The ramp may be constructed of either dirt fill, non-treated wood, or other suitable material placed at an angle no greater than 30 degrees.

2.19 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use erosion control devices containing plastic, including photo- or bio-degradable plastic netting. Erosion control mats, blankets, and straw or fiber wattles shall consist entirely of natural fiber.

2.20 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

Special Status Species Avoidance and Minimization

2.21 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (FGC, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2), any species that is listed or is a candidate for listing under the California Endangered Species Act (FGC Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5), or any fully protected species (FGC, §§ 3511, 4700, 5050, 5515). Permittee shall consult with the appropriate agency prior to commencing the project.

2.22 Avoidance of Nesting Birds. Permittee shall avoid nests occurring within and near the project site pursuant to the Migratory Bird Treaty Act of 1918 and FGC section 3503. Vegetation maintenance/removal shall be confined to the period **September 1 to January 31** of any year in which this Agreement is valid, provided the work area is outside the stream. Vegetation maintenance/removal may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

2.23 Nesting Bird Survey Before Commencement. If vegetation removal or other project-related improvements that could impact nesting birds are scheduled during the nesting season (typically **February 1 to August 31**), Permittee shall contact CDFW's Environmental Scientist [insert contact name] to determine if a biologist is needed for the project. If approved by CDFW, the biologist shall survey for active bird nests within seven (7) days prior to the beginning of project-related activities. Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The results of the survey shall be submitted to CDFW by email within three (3) business days of survey completion. Survey results shall include a description of the area surveyed, time and date of surveys, ambient conditions, species observed, active nests observed, evidence of breeding behaviors (e.g., courtship, carrying nesting material or food), and a description of any outstanding conditions that may have impacted survey results (e.g. weather conditions, excess noise, predators present). If an active nest is found, the Permittee shall avoid disturbance and destruction of the nest by implementing avoidance measures. If the nest cannot be avoided, the Permittee shall consult

with CDFW regarding appropriate action to comply with the Fish & Game Code section 3503. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey and if required, consultation with CDFW, will be required before project work can be reinitiated.

2.24 Special-Status Plants. If Special-Status plants (State listed and taxa that meet the definition of Rare or Endangered under CEQA Guidelines 15380) may occur on the project site, the Designated Biologist shall conduct seasonally-appropriate surveys of the area to document potential effects prior to the implementation of Project-related activities. If populations of any of these species are found:

2.24.1 Exclusion fencing shall be installed a minimum of 100 feet from the location of special-status plants, and no Project activity shall occur within the area occupied by special-status plants or the 100-foot buffer area around these plants.

2.24.2 If special-status plant populations are found on the Project site and it is not feasible to avoid them during Project-related activities, the Project applicant shall consult with CDFW to determine if the project may be covered under this Agreement. Separate notification pursuant to FGC section 1602 may be required in some instances.

Vegetation Management

2.25 Riparian Buffers. Riparian buffers shall be not be modified, unless authorized by CDFW in writing.

2.26 Minimum Vegetation Removal. No native riparian vegetation shall be removed, 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.

2.27 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of the authorized activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.

2.28 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: https://www.cal-ipc.org/plants/inventory/.

Water Diversion

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

2.30 Bypass Flow. 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.

2.31 Seasonal Diversion Minimization. For POD-1, no more than 200 gallons in any one day shall be diverted (intended for household domestic use only) during the low flow season from **May 15 to October 31** each year. Water shall be diverted only if Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.

2.32 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 Permittee. The device shall be installed within the flow of diverted water. Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

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

2.32.2 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).

2.32.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

Water Diversion Infrastructure

2.33 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.

2.34 Intake Structure Placement. Infrastructure installed in the streambed (e.g. 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 12 inches below the streambed.

2.35 Intake Screening Maintenance. Permittee shall regularly inspect, clean, and maintain screens in good condition.

2.36 Intake Screens on Non-Fish Bearing Streams. All intakes shall be screened and openings in the screen shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings.

2.37 Intake Shall Not Impede Aquatic Species Passage. 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.

2.38 Exclusionary Devices. Permittee shall keep diversion-related structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.

2.39 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve located near the source), or remove all intakes when no water diversion is planned for a period of one week or longer.

2.40 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

2.41 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks), except those specifically authorized by CDFW and included as encroachments in a current Agreement, shall be located outside the active 100-year floodplain. Covers/lids shall be securely affixed to water tanks to prevent entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are full.

2.42 Water Storage Maintenance. WSFs shall have float valves to prevent overfilling. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and water diversion infrastructure, and immediately repair leaks.

2.43 Water Conservation. Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

2.44 Limitations on Impoundment and Use of Diverted Water. 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.

Stream Crossings

2.45 Road Approaches. Permittee shall treat road approaches to new or re-constructed crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including during the construction or reconstruction of a stream crossing. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.

2.46 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the stream, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.47 Runoff from Steep Areas. Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential, or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.48 No Equipment in Wetted Areas. No heavy equipment shall enter the wetted stream channel.

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

2.50 Material Sizing. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.

2.51 Crossing Maintenance. Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable. Permanent culverts shall be maintained and kept open year-round. Permittee is responsible for such maintenance as long as the culvert remains in the stream.

2.52 Armoring. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.

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

2.54 Crossing Decommissioning. When stream crossings and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.

Culvert Installation

2.55 Permanent Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads (Cafferata et al. 2017, Designing Watercourse Crossings for Passage of 100-Year Flood Flows, Wood, and Sediment). http://timbertraining.resources.ca.gov/mod/resource/view.php?id=378

2.56 Critical Dips. Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.

2.57 Culvert Materials in High Fire Zones. If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged. https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

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

2.59 Culvert Grade. Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be placed in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). Permittee shall ensure basins are not constructed and channels are not widened at culvert inlets.

2.60 Culvert Bed. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted. No geotextile fabric shall be placed in the culvert bed, streambed, bank or channel.

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

Fords, Armored, and Vented Crossings

2.62 Design Capacity. Fords, armored, and vented crossings are considered permanent watercourse encroachments and shall be designed and sized to accommodate the 100-year flood flow plus associated sediment and debris.

2.63 Crossing Maintenance. Fords, armored, and vented crossings and hydrologically-connected road approaches shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.

2.64 Outslope Crossings. Fords, armored, and vented crossings shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing.

2.65 Crossing Alignment. The lowest point of fords, armored, and vented crossings shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bankfull and to avoid diversion potential.

2.66 Crossing Materials. Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.

2.66.1 If maximum fill heights exceed 15 feet or fill volumes exceed 500 cubic yards, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 (Simplified Design of Rock-armored Crossings) of Cafferata et al. (2017).

2.67 Scour Prevention. Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent scour or removal of armor during high flows. Scour is expected through road surface rock cap.

2.68 No Geotextiles in Stream. No geotextile fabric shall be placed in the streambed, bank or channel.

2.69 Ford Use. Fords shall only be used when the fording surface is dry.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

3.1 CDFW Notification of Work Initiation. 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. Notification of completion will include dates work occurred, photographs of work stages and 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 Project Inspection. The Project shall be inspected a by licensed professional to ensure that the stream crossings were installed and functioning as designed and in accordance with this Agreement, and/or the stream restoration was implemented and is functioning as designed and/or the diversion infrastructure complies with the terms of this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of each separate project. Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

3.4 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 **March 31** of each year beginning in **2021,** to report the preceding year's diversion.

3.5 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within **30 days** of submittal to the SWRCB.

3.6 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Designated Biologist shall submit California Natural Diversity Data Base (CNDDB) forms to the CNDDB

within **five (5) working days** of the sightings. A summary of CNDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDB may be found at: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be submitted as follows:

To Permittee:

Kevin Peak
PO Box 1951
Redway, California 95560
kevindpeak@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 2nd Street
Eureka, California 95501
Attn: LSAA#1600-2019-0159-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 KEVIN PEAK

Kevin Peak (Nov 16, 2020 16:03 PST)	Nov 16, 2020
Kevin Peak	Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville Senior Environmental Scientist Supervisor	Date

Prepared by: Andrew Orahoske, Environmental Scientist, October 2, 2020

A.M. BAIRD
ENGINEERING & SURVEYING, INC.
1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

CONSULTING – LAND DEVELOPMENT – DESIGN – SURVEYING

GRADING & EROSION CONTROL PLAN

Catchment Pond

PREPARED FOR

Kevin Peak

APN: 216-82-002 6
Bell Springs Rd.

APPROVED AUG 24 2020 Humboldt County Building Division

Engineer to inspect footings/excavations

GARBERVILLE, HUMBOLDT COUNTY, CA

REGISTERED PROFESSIONAL ENGINEER ALLAN M. BAIRD No. 23681 Exp. CIVIL STATE OF CALIFORNIA

PREPARED BY:

ALLAN M. BAIRD, RCE 23681

July 7, 2020
Job# 20-4905

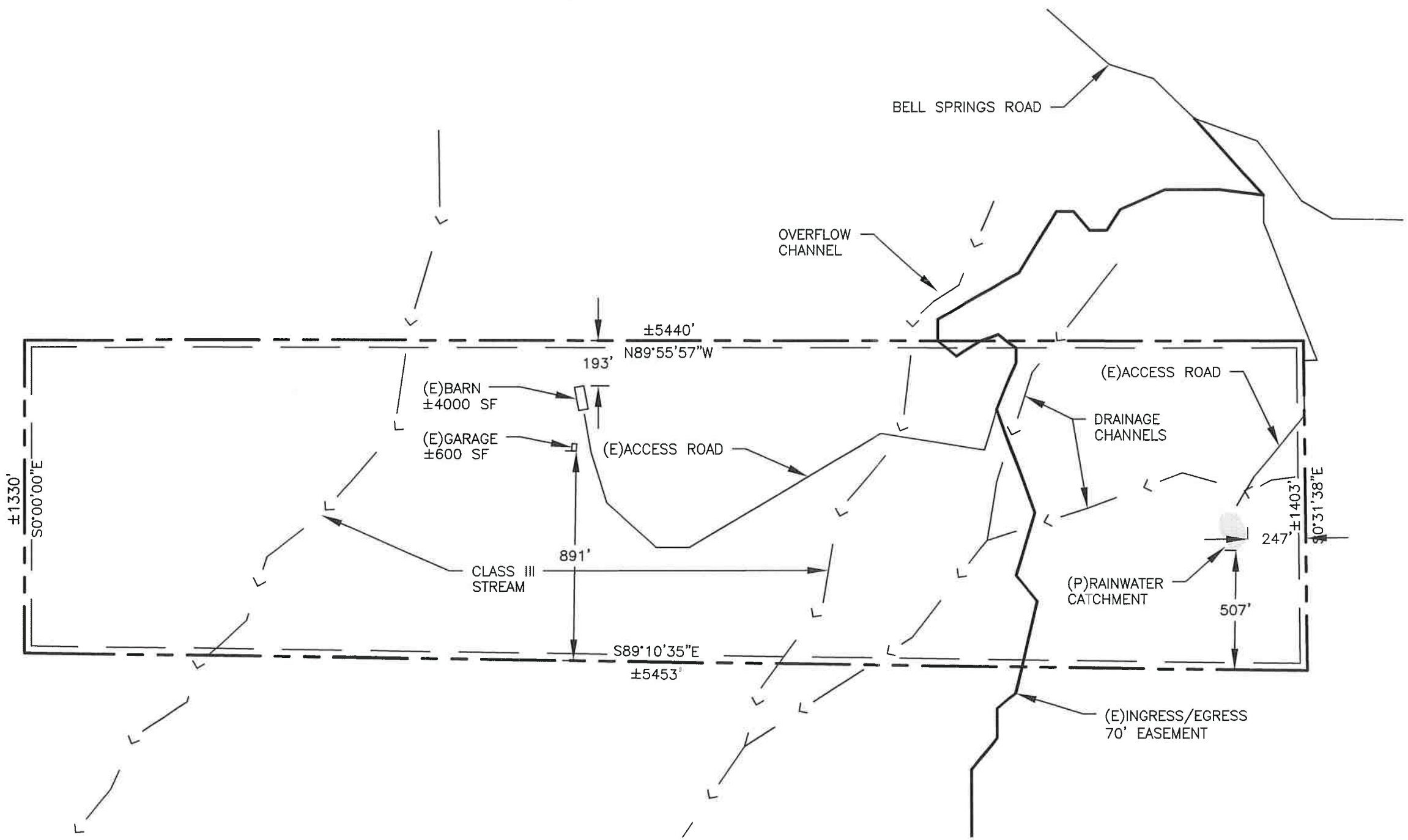
NOTES:

1. WATER SOURCE IS PRIVATE.
2. NO TREES TO BE REMOVED.
3. PROPOSED POND OF ±900 THOUSAND GALLONS.
4. NO KNOWN STREAM(S), SPRING(S), OR WETLAND(S) IN PROPOSED VICINITY.
5. POND SHALL CONFORM TO SRA SETBACK.

DIRECTIONS:
FROM GARBERVILLE, TRAVEL 8 MILES ON ALDERPOINT RD. TURN RIGHT ON TO BELL SPRINGS RD. AND TRAVEL 1.8 MILE TO PROPERTY ENTRANCE ON RIGHT.

LEGEND

— — — —	PROPERTY LINE
——— ———	SRA 30' SETBACK
——— > ———	FLOW LINE
▭	WATER SURFACE
(E)	EXISTING
(P)	PROPOSED



CATCHMENT POND SITE PLAN

SCALE 1"=500'
0 250 500 1000

LEGAL

ADDRESS: LAT. 40.082436
LONG. -123.672978

ASSESSOR'S PARCEL NUMBER: 216-082-006

OWNER: KEVIN PEAK
P.O. BOX 1951
REDWAY, CA 95560
PHONE: (707) 223-1422

SETBACK: 30' PERIMETER

PROJECT: RAINWATER CATCHMENT

LOT SIZE: ±165 ACRES

DISCLAIMER:
MAPPING INFORMATION PROVIDED IS FOR DESIGN PURPOSES ONLY.

THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT ARE USEFUL TO ASSURE THAT THE POND DESIGN IS LOCATED APPROPRIATE TO ITS SURROUNDINGS. HOWEVER, NONE OF THE INFORMATION SHOWN IS IMPLIED TO SUGGEST OR SUBSTITUTE FOR A CONTRACTED ACTUAL LAND SURVEY.

A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES NO RESPONSIBILITY ARISING FROM THE USE OF INFORMATION PROVIDED, OTHER THAN WHAT HAS BEEN SPECIFICALLY INTENDED FOR THE POND DESIGN.

NO.	DATE	DESCRIPTION
		REVISIONS

A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O.Box 396,
Fortuna, CA 95540, (707) 725-5182

SCALE: AS SHOWN
DRAWN BY: MJN
CHKD: A.M.B.
DATE: 7/6/2020

KEVIN PEAK
APN 216-082-006
HUMBOLDT CO. CA,

RAINWATER CATCHMENT

SITE PLAN

JOB # 20-4905

SHEET # G1 OF 7

May 6, 2021

PLN-2020-16866 Peaksview Inc

ybergDesktopBackup\Nyberg\Peak\PeakPond2.dwg, 7/14/2020 9:19:41 AM, 11×17,
1:1

NOTES:

1. SURFACE CONTOURS ARE 10' MAJOR AND 2' MINOR.
2. TOTAL EXCAVATION IS APPROXIMATELY 2500 CY WITH CUT AND FILL BALANCED.
3. POND WATER SURFACE RELATIVE ELEVATION AT 2668 FEET.
4. CUT SLOPES SHALL NOT EXCEED 2:1 GENERALLY, WITH EXTERNAL POND BERM FILL SLOPES NOT TO EXCEED 3:1.
5. NO TREES TO BE REMOVED
6. NO KNOWN STREAM(S), SPRING(S), OR WETLAND(S) IN DEVELOPMENT AREA.
7. TOP OF POND BERM DESIGNED AT 5-FEET-WIDE, BUT MAY BE WIDER TO BALANCE CUT/FILL.
8. TOP OF BERM SHALL SLOPE TOWARD POND @ ±1% ON FILL AND SHALL BE SLOPED AWAY AT 1% TO DIVERT SURFACE RUN-OFF FROM CATCHMENT.
9. ARMORED OVERFLOW CHANNEL HAS BEEN ENGINEERED FOR 100-YEAR 10-MINUTE DESIGN STORM FLOWS.
10. A 3 INCH LAYER OF ROAD BASE MATERIAL IS RECOMMENDED TO CAP THE POND BERM. AT A MINIMUM CAP MUST BE SEEDED AND PROTECTED WITH STRAW UNTIL VEGETATED.
11. A BENTONITE CLAY LAYER OR PLASTIC LINER MAY BE NECESSARY FOR IMPERMEABILITY.
12. FILL MATERIAL SHALL NOT CONTAIN ANY IRREDUCIBLE MATERIAL (ROCK) >6" DIAM. OR CONTAIN AMOUNTS OF ORGANIC MATERIAL DETRIMENTAL TO THE STRUCTURAL INTEGRITY OF THE FILL.
13. ALL FILL SHALL BE COMPACTED TO 90% RELATIVE COMPACTION.
14. A 10-FOOT-WIDE 3:1 STRIP SHOULD BE PLACED AT SOME LOCATION IN THE POND TO PROVIDE SAFE ACCESS POINT
15. ALL GROUND RECEIVING FILL SHALL BE CLEARED, SCARIFIED, KEYED AND STEPPED IN ACCORDANCE WITH APPENDIX J OF THE 2019 CBC
16. OWNERS &/OR CONTRACTOR ARE TO FOLLOW EROSION & SEDIMENT CONTROL MEASURES OUTLINED ON SHEET G6
17. REVEGETATE ALL DISTURBED AREAS W/ NATIVE GRASSES & COVER W/ STRAW MULCH. KEEP MOIST UNTIL VEGETATION HAS BECOME ESTABLISHED
18. TEMPORARY FIBER ROLLS ARE TO REMAIN IN PLACE UNTIL VEGETATION IS RE-ESTABLISHED. WHEN REMOVED, NETTING SHALL BE DISPOSED OF AND FIBER ROLL CONTENT MAY BE BROADCASTED ON-SITE.

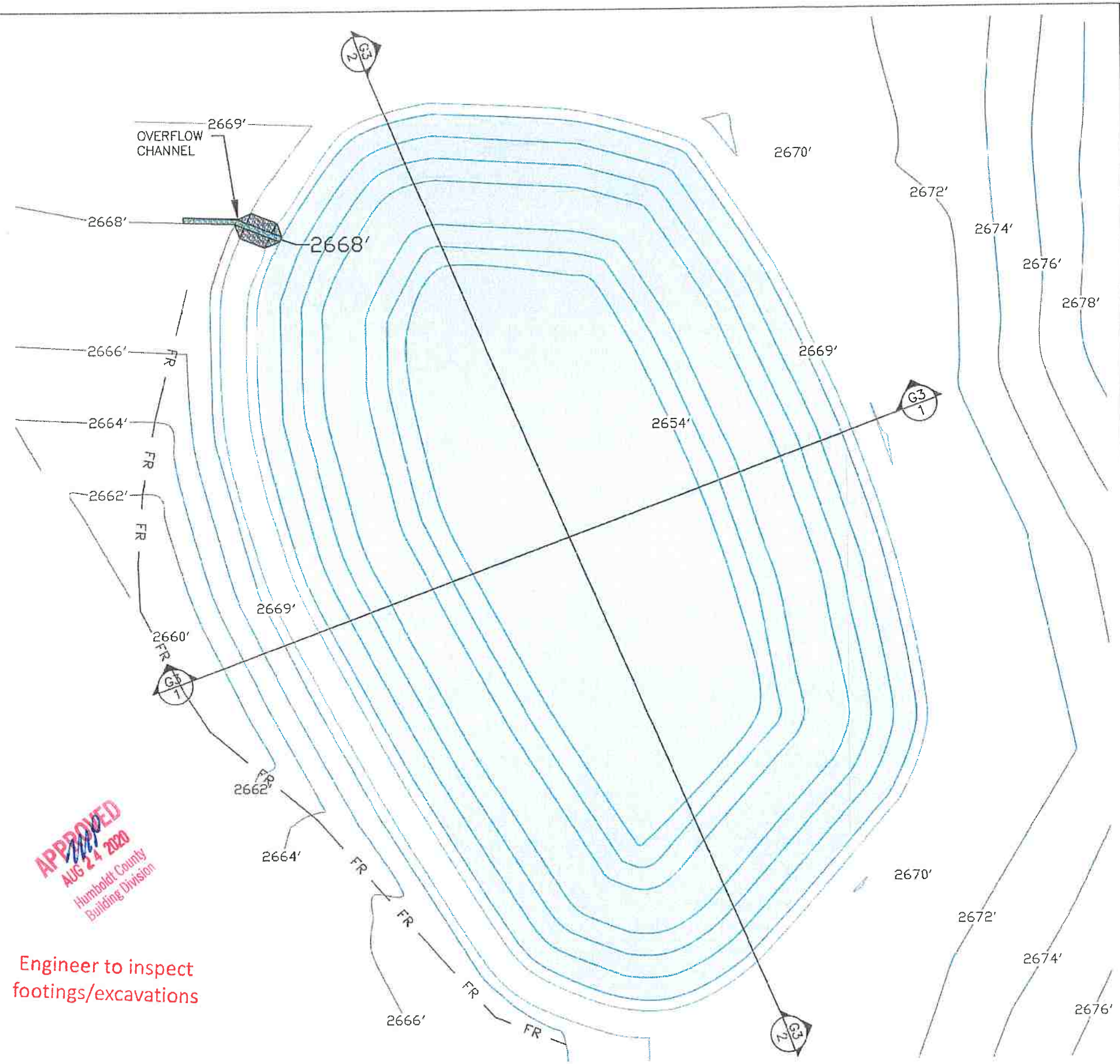
LEGEND

- PROPERTY LINE
- GRADING BOUNDARY
- SRA 30' SETBACK
- FR — FIBERROLL
- CUT AREA
- FILL AREA
- WATER SURFACE
- SHEET NUMBER / SECTION NUMBER

SCALE 1"=20'

0 10 20 40

N



APPROVED AUG 24 2020 Humboldt County Building Division

Engineer to inspect footings/excavations

GRADING PLAN

NO.	DATE	DESCRIPTION
		REVISIONS

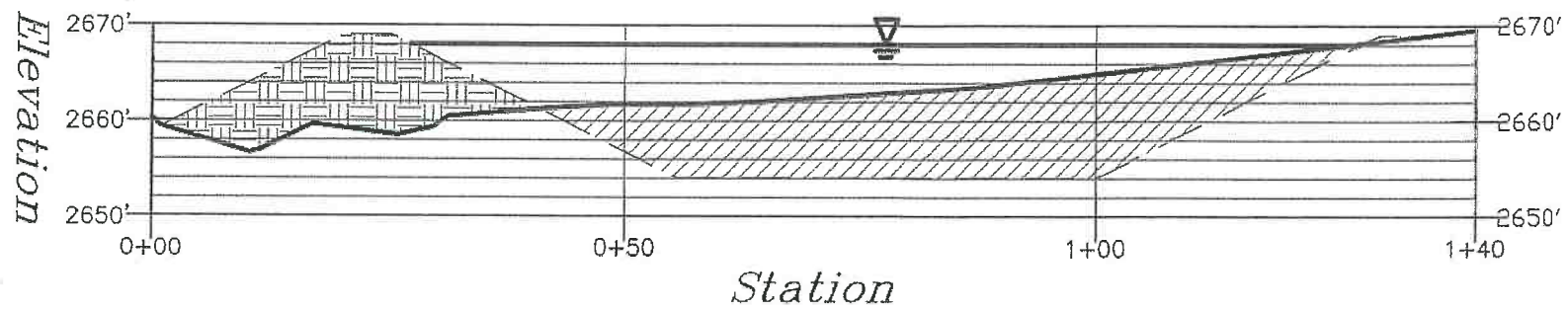
A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O.Box 396,
Fortuna, CA 95540, (707) 725-5182

SCALE: AS SHOWN
DRAWN BY: MJN
CHKD: A.M.B.
DATE: 7/6/2020

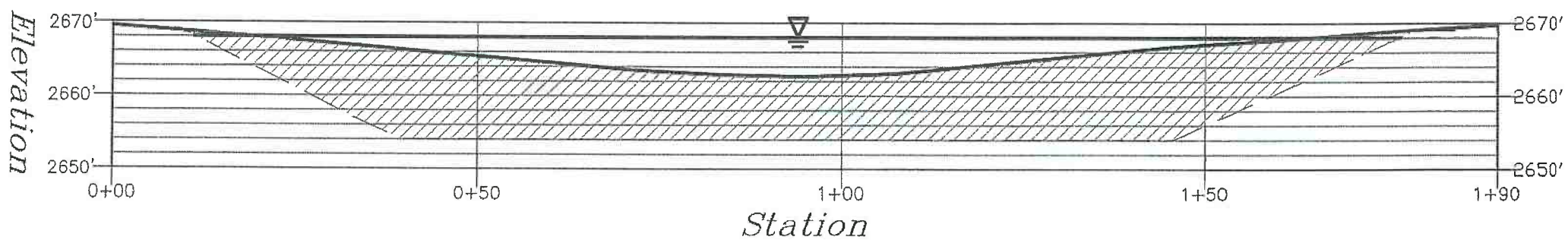
KEVIN PEAK
APN 216-082-006
HUMBOLDT CO. CA,
RAINWATER CATCHMENT
GRADING PLAN

JOB # 20-4905
SHEET # G2 OF 7

F:\NybergDesktopBackup.Nyberg\Peak\Peak Pond2.cwg, 7/9/2020 10:19:08 AM, 11 x 17, 1:1



LONGITUDINAL X-SECTION G2 1



LATERAL X-SECTION G2 2

EXISTING GRADE

FINISH GRADE

CUT AREA

FILL AREA

SHEET NUMBER
SECTION NUMBER

WATER SURFACE

Engineer to inspect footings/excavations

APPROVED AUG 24 2020 Humboldt County Building Division

SCALE 1"=20'

0 10 20 40

GRADING X-SECTIONS

NO.	DATE	DESCRIPTION
		REVISIONS

A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O.Box 396,
Fortuna, CA 95540, (707) 725-5182

SCALE: AS SHOWN
DRAWN BY: MJN
CHKD: A.M.B.
DATE: 7/6/2020

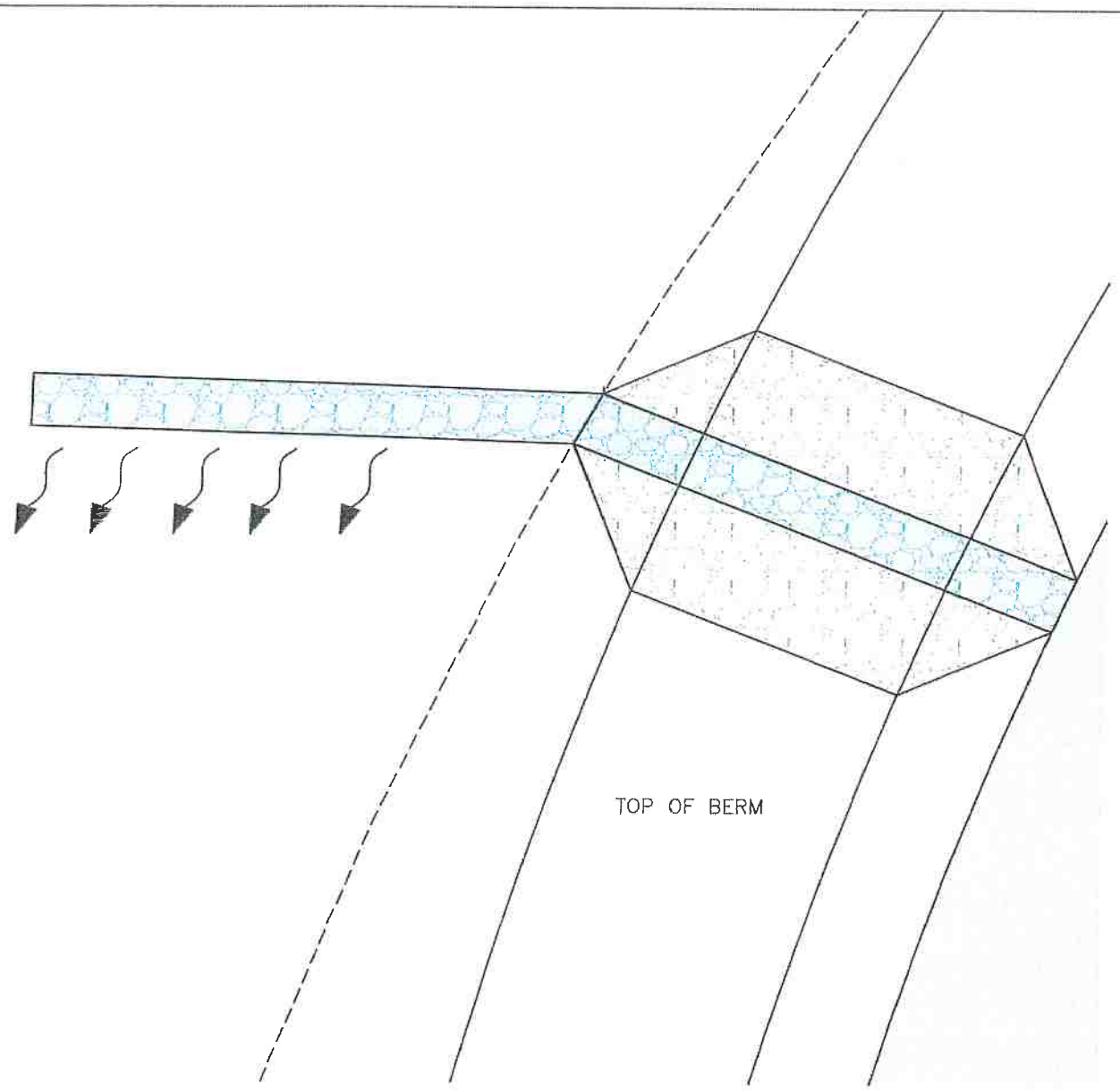
KEVIN PEAK
APN 216-082-006
HUMBOLDT CO. CA,

RAINWATER CATCHMENT

GRADING X-SECTIONS

JOB # 20-4905

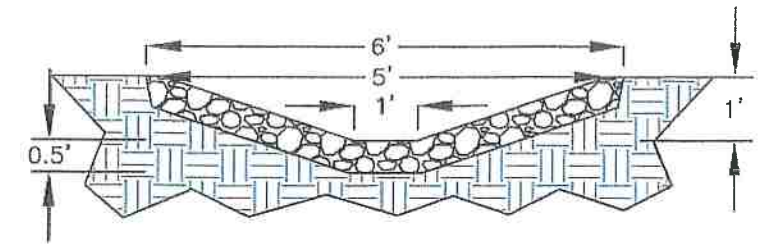
SHEET # G3 OF 7



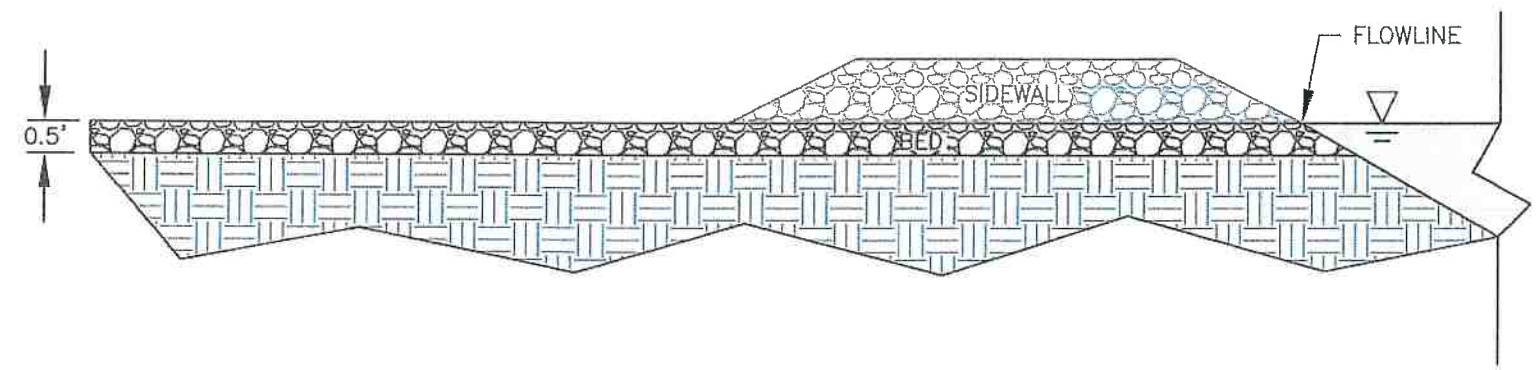
CHANNEL PLAN VIEW

SCALE 1"=5'

0 2.5 5 10



CHANNEL X-SECTION



CHANNEL PROFILE

N.T.S.

Required riprap gradation for D50 selected				
% Smaller	Rock dia., inches min.	Rock dia., inches max.	Rock weight, lb min.	Rock weight, lb max.
100	3.0	4.0	2	5
85	2.6	3.6	1	3
50	2.0	3.0	1	2
10	1.6	2.6	0	1

CHANNEL RIPRAP

LEGEND:

- CHANNEL RIPRAP
- BERM FILL
- NATURAL GROUND
- WATER SURFACE
- FLOW

N

Engineer to inspect footings/excavation

NOTES:

1. CHANNEL RIPRAP SHALL BE PLACED IN 2 LAYERS; LAYERS SHALL BE NO LESS THAN D50 AND NO GREATER THAN D85 IN THICKNESS.
2. EACH LAYER SHALL HAVE NATIVE EXCAVATED MATERIAL JETTED INTO VOID SPACES UNTIL SEALED.
3. THE OVERFLOW CHANNEL SHALL REQUIRE 1.5–2 CY OF GRADATED ANGULAR ROCK.
4. FOLLOWING SIGNIFICANT PRECIPITATION EVENTS, THE OVERFLOW STRUCTURE SHOULD BE INSPECTED FOR DAMAGE AND REPAIRED AS NECESSARY.

OVERFLOW CHANNEL DETAILS

NO.	DATE	DESCRIPTION
		REVISIONS

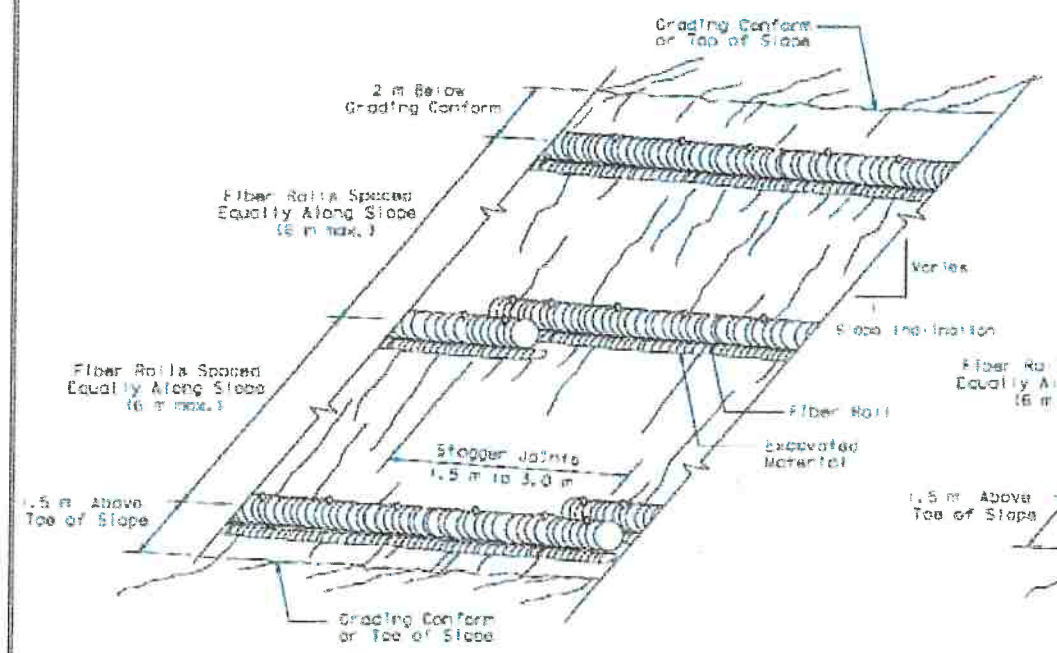
A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O.Box 396,
Fortuna, CA 95540, (707) 725-5182

SCALE: NTS
DRAWN BY: MJN
CHKD: A.M.B.
DATE: 7/6/2020

KEVIN PEAK
APN 216-082-006
HUMBOLDT CO. CA,
RAINWATER CATCHMENT
OVERFLOW CHANNEL

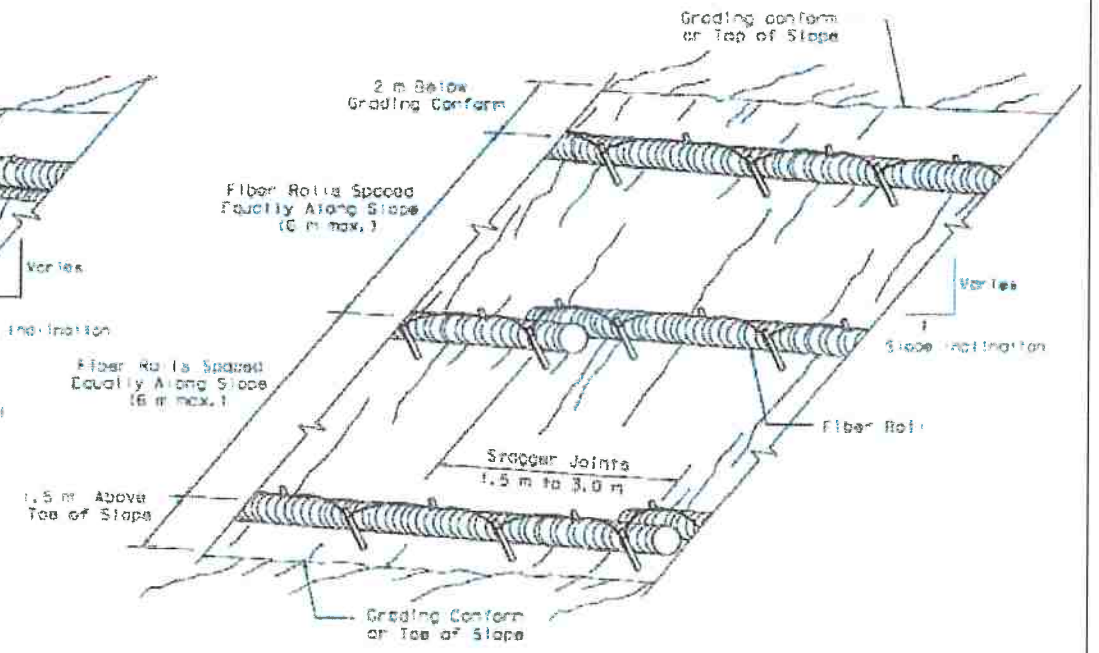
JOB # 20-4905

SHEET # G4 OF 7



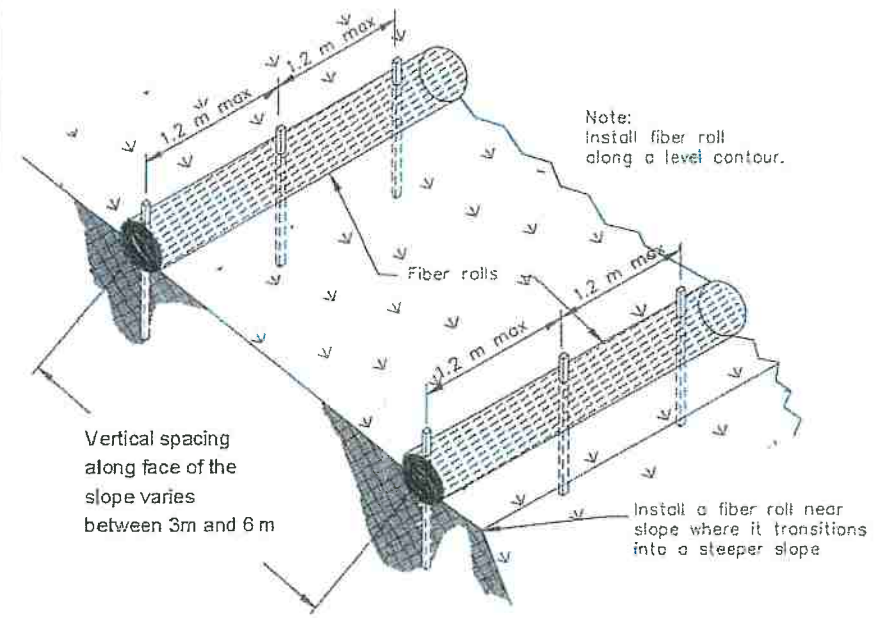
PERSPECTIVE

TEMPORARY FIBER ROLL (TYPE 1)



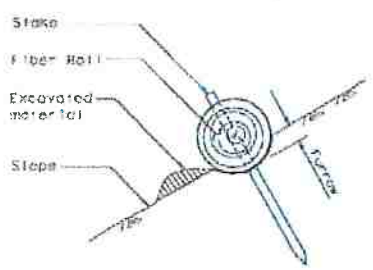
PERSPECTIVE

TEMPORARY FIBER ROLL (TYPE 2)



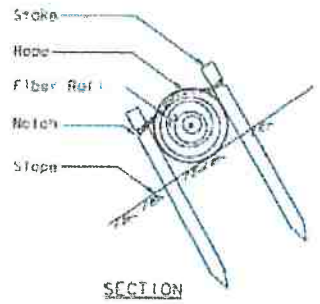
TYPICAL FIBER ROLL INSTALLATION

N.T.S.

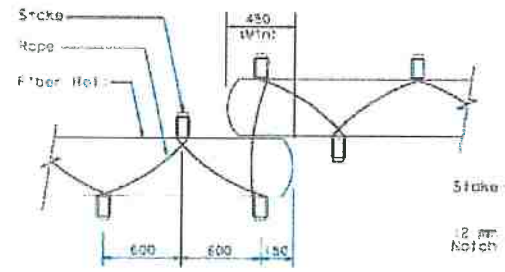


SECTION

TEMPORARY FIBER ROLL (TYPE 1)

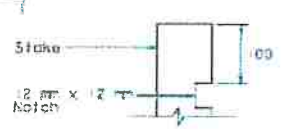


SECTION



PLAN

TEMPORARY FIBER ROLL (TYPE 2)

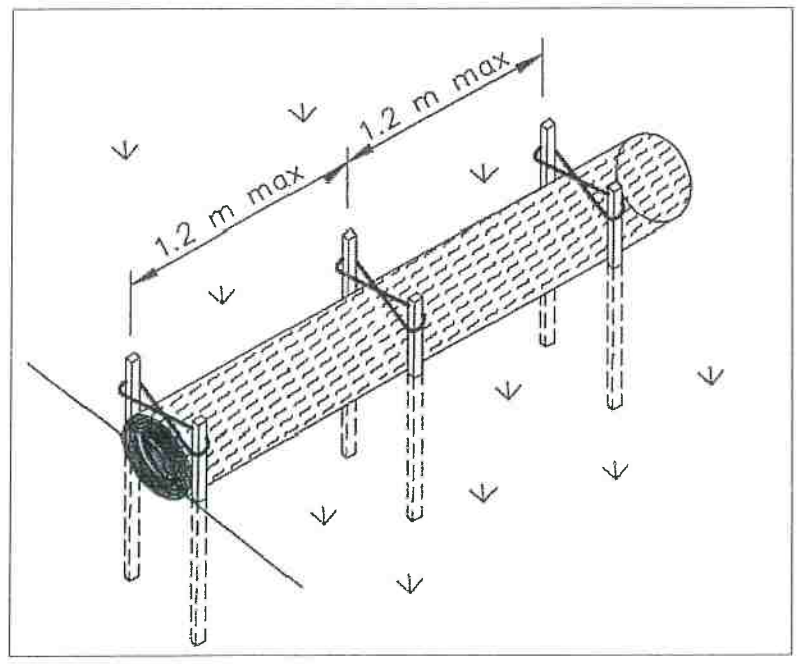


ELEVATION

NOTCH DETAIL

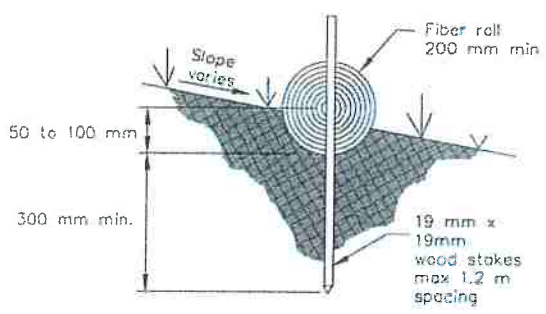
NOTE

1. Temporary fiber roll spacing varies depending upon slope inclination.



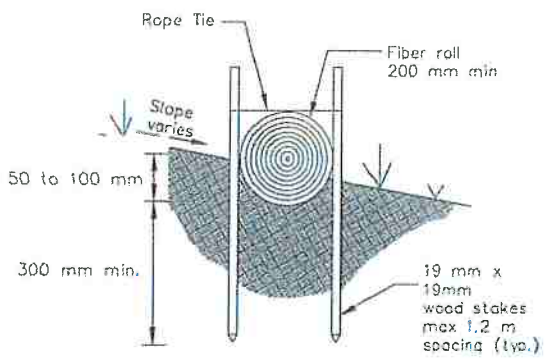
TYPICAL FIBER ROLL INSTALLATION

N.T.S.



ENTRENCHMENT DETAIL

N.T.S.



OPTIONAL ENTRENCHMENT DETAIL

N.T.S.

FIBER ROLLS DETAILS

SCALE: N.T.S.

NO.	DATE	DESCRIPTION
		REVISIONS

A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O.Box 396,
Fortuna, CA 95540, (707) 725-5182

SCALE: NTS
DRAWN BY: MJN
CHKD: A.M.B.
DATE: 7/6/2020

KEVIN PEAK
APN 216-082-006
HUMBOLDT CO. CA,
RAINWATER CATCHMENT

FIBER ROLL DETAILS

JOB # 20-4905

SHEET # G5 OF 7

EROSION AND SEDIMENT CONTROL PLAN—IMPLEMENTATION MEASURES

GENERAL:

OWNER(S): KEVIN PEAK
ORGANIZERS: A.M. BAIRD ENGINEERING & SURVEYING, INC.
PROJECT LOCATION: LAT. 40.082436 LONG. −123.672978, GARBERVILLE CA, 95542
ACTIVITY : CONSTRUCTION OF CATCHMENT POND

1. ENGINEER'S DECLARATION:
THIS EROSION & SEDIMENT CONTROL PLAN WAS PREPARED BY ME OR UNDER MY DIRECTION & IS BASED UPON THE CALTRANS CONSTRUCTION SITE BEST MANAGEMENT PRACTICES (BMP)S MANUAL MARCH 2015.

REGISTERED PROFESSIONAL ENGINEER ALLAN M. BAIRD No. 23681 CIVIL STATE OF CALIFORNIA

ALLAN M. BAIRD R.C.E. 23,681 exp. _____

DATED 7-10-20

2. GRADING & EROSION CONTROL MEASURES TO BE TAKEN AT TIME OF PERMIT, & TO CONTINUE THROUGHOUT CONSTRUCTION PROCESS.
3. OWNER(S) INTEND TO BEGIN CONSTRUCTION AS SOON AS PERMIT IS ISSUED.
4. IF CONSTRUCTION IS TO OCCUR BETWEEN OCTOBER 15 & APRIL 15, SITE INSPECTIONS WILL BE CONDUCTED BY THE CONTRACTOR &/OR OWNER(S): PRIOR TO A FORECASTED STORM, AFTER A RAIN EVENT, WEEKLY THROUGHOUT THE RAINY SEASON, AND EVERY TWO WEEKS THROUGHOUT CONSTRUCTION
5. SITE WILL BE MONITORED DAILY DURING WET WEATHER BY CONTRACTOR &/OR OWNER(S). CONTRACTOR &/OR OWNER(S) ARE RESPONSIBLE FOR REPORTING ANY HAZARDOUS SITUATIONS TO THE ENGINEER.
6. IN THE EVENT THAT ANY ASPECT OF THIS PLAN FAILS, THE OWNER(S) IS/ARE RESPONSIBLE FOR IMMEDIATELY CONTACTING THE ENGINEER FOR RECOMMENDATION(S) AND A PROFESSIONAL CONTRACTOR SHALL FOLLOW RECOMMENDATION(S)
7. IF A FOOTING REVIEW IS REQUIRED, SITE MUST BE EVALUATED BY AN ENGINEER, & IF NECESSARY, ADDITIONAL EROSION CONTROL MEASURES WILL BE TAKEN.
8. UPON COMPLETION OF THE PERMITTED ROUGH GRADING WORK & AT THE FINAL COMPLETION OF THE WORK FOR "ENGINEERED GRADING", OR WHEN PROFESSIONAL INSPECTION IS PERFORMED FOR REGULAR GRADING; A FINAL REPORT SHALL BE SUBMITTED BY THE ENGINEER, IF REQUIRED.
9. THE PERMIT APPLICANT/OWNER(S) SHALL NOTIFY THE BUILDING OFFICIAL WHEN THE GRADING OPERATION IS READY FOR FINAL INSPECTION, AS REQUIRED.
10. IF REQUIRED BY NOTE NINE (9.) ABOVE, A FINAL REPORT SHALL BE PREPARED BY THE ENGINEER AND SUBMITTED TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT BEFORE THE FINAL INSPECTION TO ENSURE THE SITE IS IN ACCORDANCE WITH THIS EROSION CONTROL PLAN & HUMBOLDT COUNTY CODE 331−17.

SEDIMENT CONTROL, SLOPE CONSTURCITON, & PROTECTION OF WATER COURSES:

11. DIRECT RUNOFF FROM SPOUTS WILL DISCHARGE TO SPLASH BLOCKS & FLOW AWAY FORM THE FOUNDATION &/OR FILL. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURE AS PER CURRENT BUILDING CODE.
12. ALL EXPOSED, DISTURBED GROUND SHALL BE TEMPORARILY COVERED W/ TWO INCHES OF STRAW MULCH IMMEDIATELY FOLLOWING GRADING.
13. IF APPLICABLE, CUT &/OR FILL AREAS SHALL BE COVERED W/ NATIVE GRASSES, COVERED W/ STRAW MULCH, & KEPT MOIST UNTIL GRASSES ESTABLISH.
14. DRIVEWAY SHALL BE PAVED OR COVERED BY 4−INCHES BASE ROCK TO PREVENT VEHICLE TRACKING OF MUD ONTO PUBLIC ROADWAYS DURING CONSTRUCTION.
15. FIBER ROLLS SHALL BE CONSTRUCTED ON CONTOURS DOWN SLOPE OF DISTURBED AREAS, DETAILS ON SHEET THREE 3.
16. FIBER ROLL LOCATION(S), OTHER EROSION, & SEDIMENT CONTROL MEASURES WERE SPECIFICALLY PLACED BASED ON TOPOGRAPHY OF ENCLOSED MAP. MINOR CHANGES TO THE PROPOSED DEVELOPMENT THAT WOULD CHANGE THE ASSUMED DIRECTION OF SURFACE FLOWS SHOULD APPROPRIATELY CHANGE THE LOCATION OF FIBER ROLLS STATED IN NOTE 15.

DISPOSAL OF EXCAVATED MATERIALS:

17. APPROXIMATELY 2500 CU. YDS. OF MATERIAL WILL BE GRADED ON SITE. NO SOIL TO BE REMOVED FROM SITE, CUT=FILL.
18. CUT & FILL SLOPES ARE NOT TO EXCEED 2:1 OR LESS AS PER PLANS; RUNOFF FROM ROOF/DRIVEWAY SHALL BE DIRECTED AWAY FORM CUT & FILL AREAS.
19. EROSION OF EXPOSED EXCAVATED MATERIALS WILL BE PREVENTED BY COMPACTING TO 90% BY TRACKING W/ HEAVY EQUIPMENT IN EIGHT INCH LIFTS. MULCHING, & RE−SEEDING IMMEDIATELY FOLLOWING PLACEMENT, IF APPLICABLE.

REMOVAL OF VEGETATION & REVEGETATION:

20. EXISTING VEGETATION SHALL BE PROTECTED BY ESTABLISHING THE CONSTRUCTION BOUNDARY PRIOR TO COMMENCEMENT OF SOIL−DISTURBING ACTIVITIES.
21. EXISTING VEGETATION TO BE DISTURBED BY GRADING ACTIVITIES SHALL BE REPLACE W/ NATIVE GRASSES.
22. ALL EXPOSED CUT &/OR FILL SLOPES SHOULD BE RE−VEGETATED TO MATCH EXISTING VEGETATION IN SURROUNDING AREA.
23. CUT &/OR FILL SLOPES ARE LESS THAN NATURALLY OCCURRING SLOPES THAT SUPPORT PERMANENT VEGETATION.
24. SITE WILL BE MONITORED ON A DAILY BASIS DURING PERIODS OF HEAVY RAIN OR WIND. REAPPLICATION OF STRAW MULCH OR RE−SEEDING SHOULD BE COMPLETED AS NECESSARY.

NO.	DATE	DESCRIPTION

REVISIONS

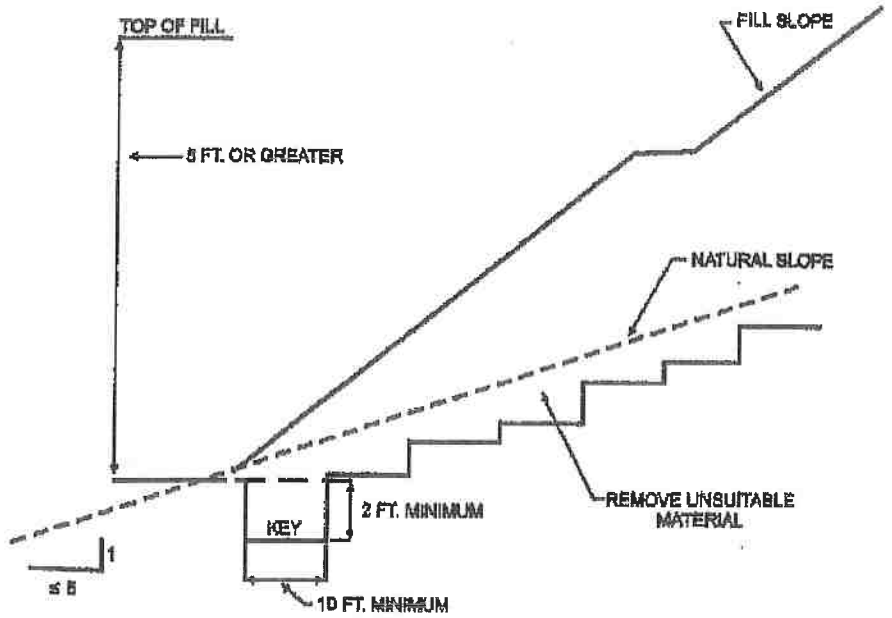
A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street, P.O.Box 396,
Fortuna, CA 95540, (707) 725−5182

SCALE: NA
DRAWN BY: MJN
CHKD: A.M.B.
DATE: 7/6/2020

KEVIN PEAK
APN 216−082−006
HUMBOLDT CO. CA,
RAINWATER CATCHMENT
GEC NOTES

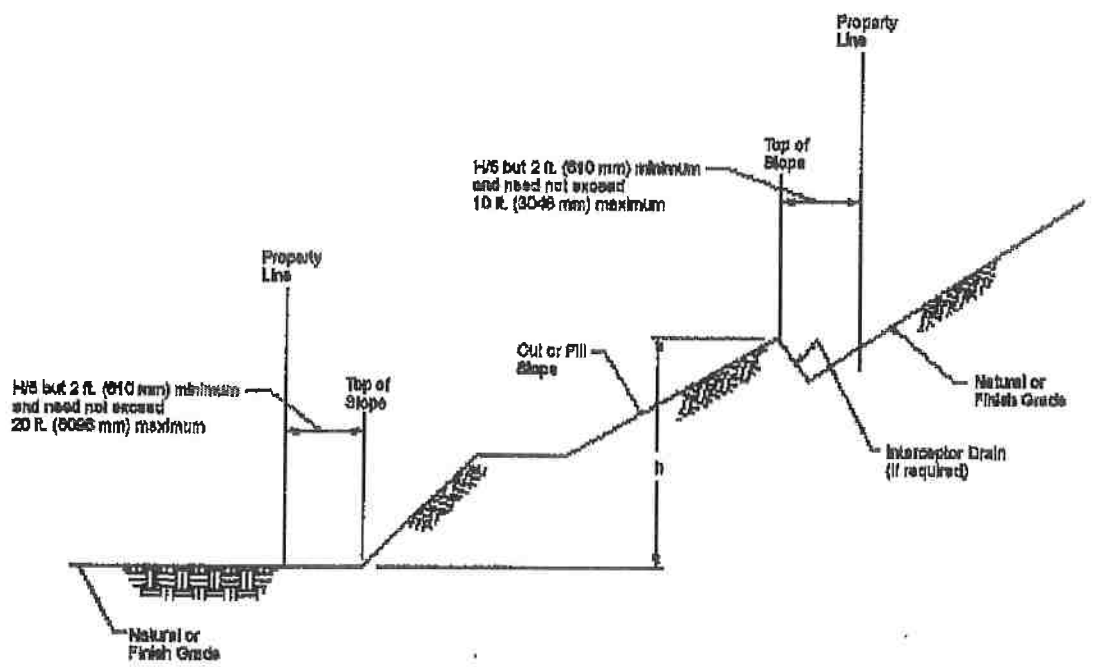
JOB # 20−4905

SHEET # G6 OF 7



For SI: 1 foot = 304.8 mm.

FIGURE J107.3
BENCHING DETAILS



For SI: 1 foot = 304.8 mm.

EXCAVATION NOTES (CBC.2019 SECTION J106):

1. MAXIMUM SLOPE: THE SLOPE OF CUT SURFACES SHALL BE NO STEEPER THAN IS SAFE FOR THE INTENDED USE, & SHALL BE NO STEEPER THAN ONE UNIT VERTICAL IN TWO UNITS HORIZONTAL (50%) SLOPE UNLESS THE OWNER(S) AUTHORIZED AGENT FURNISHES A GEOTECHNICAL REPORT JUSTIFYING A STEEPER SLOPE.
   1.1. EXEMPTIONS:
      1.1.1. A CUT SURFACE SHALL BE REMITTED TO BE AT A SLOPE OF ONE & A HALF UNITS HORIZONTAL TO ONE UNIT VERTICAL (67%) SLOPE PROVIDED THAT ALL OF THE FOLLOWING ARE MET:
         1.1.1.1. IT IS NOT INTENDED TO SUPPORT STRUCTURES OR SURCHARGES.
         1.1.1.2. IT IS ADEQUATELY PROTECTED AGAINST EROSION.
         1.1.1.3. IT IS NO MORE THAN EIGHT FEET (8') IN HEIGHT.
         1.1.1.4. IT IS APPROVED BY THE BUILDING CODE OFFICIAL.
         1.1.1.5. GROUND WATER IS NOT ENCOUNTERED
      1.1.2. A CUT SURFACE IN BEDROCK SHALL BE PERMITTED TO BE AT A SLOPE OF ONE UNIT HORIZONTAL TO ONE UNIT VERTICAL (100%) SLOPE.

SETBACKS NOTES (CBC.2019 SECTION J108):

1. GENERAL: CUT & FILL SLOPES SHALL BE SET BACK FROM THE PROPERTY LINES IN ACCORDANCE W/ THIS SECTION. SETBACK DIMENSIONS SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE & SHALL BE AS SHOWN IN FIGURE J108.1, UNLESS SUBSTANTIATING DATA IS SUBMITTED JUSTIFYING REDUCED SETBACKS.
2. TOP OF SLOPE: THE SETBACK AT THE TOP OF A CUT SLOPE SHALL BE NOT LESS THAN THAT SHOWN IN FIGURE J108.1, OR THAN IS REQUIRED TO ACCOMMODATE ANY REQUIRED INTERCEPTOR DRAINS, WHICHEVER IS GREATER.
3. SLOPE PROTECTION: WHERE REQUIRED TO PROTECT ADJACENT PROPERTIES AT THE TOE OF A SLOPE FROM ADVERSE EFFECTS OF THE GRADING, ADDITIONAL PROTECTION, APPROVED BY THE BUILDING OFFICIAL, SHALL BE INCLUDED. SUCH PROTECTION MAY INCLUDE BUT SHALL NOT BE LIMITED TO:
   3.1. SETBACKS GREATER THAN THOSE REQUIRED BY FIGURE J108.1.
   3.2. PROVISIONS FOR RETAINING WALLS OR SIMILAR CONSTRUCTION.
   3.3. EROSION PROTECTION OF THE FILL SLOPES.
   3.4. PROVISION FOR THE CONTROL OF SURFACE WATERS.

FILL NOTES (CBC.2019 SECTION J107):

1. GENERAL: UNLESS OTHERWISE RECOMMENDED IN A GEOTECHNICAL REPORT, FILL SHALL COMPLY W/ PROVISIONS BELOW.
2. SURFACE PREPARATION: THE GROUND SURFACE SHALL BE PREPARED TO RECEIVE FILL BY REMOVING VEGETATION, TOPSOIL, & OTHER UNSUITABLE MATERIALS, & SCARIFYING THE GROUND TO PROVIDE A BOND W/ THE FILL MATERIAL.
3. BENCHING: WHERE EXISTING GRADE IS AT A SLOPE STEEPER THAN ONE UNIT VERTICAL IN FIVE UNITS HORIZONTAL (20%) SLOPE & THE DEPTH OF THE FILL EXCEEDS FIVE FEET; BENCHING SHALL BE PROVIDED IN ACCORDANCE WITH FIGURE J107.3. A KEY SHALL BE PROVIDED THAT IS AT LEAST TEN FEET IN WIDTH & TWO FEET IN DEPTH.
4. FILL MATERIAL: FILL MATERIAL SHALL NOT INCLUDE ORGANIC, FROZEN, OR OTHER DELETERIOUS MATERIALS. NO ROCKS OR SIMILAR IRREDUCIBLE MATERIAL GREATER THAN 12" IN ANY DIMENSION SHALL BE INCLUDED IN FILLS.
5. COMPACTION: ALL FILL MATERIAL SHALL BE COMPACTED BY METHODS THAT WILL ACHIEVE 90% OF MAXIMUM DENSITY. AT A MINIMUM, LIFTS NOT EXCEEDING 8" IN DEPTH, SHALL BE COMPACTED WITH HEAVY EQUIPMENT/SHEEPS FOOT OR EQUIVALENT MECHANICAL METHOD.
6. MAXIMUM SLOPE: THE SLOPE OF FILL SURFACES SHALL NOT BE STEEPER THAN IS SAFE FOR THE INTENDED USE. FILL SLOPES STEEPER THAN ONE UNIT VERTICAL IN TWO UNITS HORIZONTAL (50%) SLOPE SHALL BE JUSTIFIED BY A GEOTECHNICAL REPORT OR ENGINEERING DATA.

DRAINAGE & TERRACING NOTES (CBC.2019 SECTION J109):

1. GENERAL: UNLESS OTHERWISE RECOMENDED BY A REGISTERED DESIGN PROFESSIONAL, DRAINAGE FACILITIES & TERRACING SHALL BE PROVIDED IN ACCORDANCE W/ THE REQUIREMENTS OF THIS SECTION.

   EXCEPTION: DRAINAGE FACILITIES & TERRACING NEED NOT BE PROVIDED WHERE THE GROUND SLOPE IS NOT STEEPER THAN ONE UNIT VERTICAL IN THREE UNITS HORIZONTAL (33%) SLOPE.

2. TERRACES: TERRACES AT LEAST SIX FEET (6') IN WIDTH SHALL BE ESTABLISHED AT NOT MORE THAN 30' VERTICAL UNIT INTERVALS ON ALL CUT OR FULL SLOPES TO CONTROL SURFACE DRAINAGE & DEBRIS. SUITABLE ACCESS SHALL BE PROVIDED TO ALLOW FOR CLEANING & MAINTENANCE.
   WHERE MORE THAN TWO TERRACES ARE REQUIRED, ONE TERRACE, LOCATED AT APPROXIMATELY MID-HEIGHT, SHALL BE AT LEAST 12' IN WIDTH.
   SWALES OR DITCHES SHALL BE PROVIDED ON TERRACES. THEY SHALL HAVE A MINIMUM GRADIENT OF ONE UNIT VERTICAL IN 20 UNITS HORIZONTAL (5%) SLOPE & SHALL BE PAVED W/ CONCRETE NOT LESS THAN THREE INCHES (3") IN THICKNESS, OR W/ OTHER MATERIAL SUITABLE TO THE APPLICATION. THEY SHALL HAVE A DEPTH NOT LESS THAN 12 INCHES (12") & A WIDTH ONT LESS THAN FIVE FEET (5').
   A SINGLE RUN OF SWALES OR DITCH SHALL NOT COLLECT RUNOFF FROM A TRIBUTARY AREA EXCEEDING 13,500 SQUARE FEET W/OUT DISCHARGING INTO A DOWN DRAIN.
3. INTERCEPTOR DRAINS: INTERCEPTOR DRAINS SHALL BE INSTALLED ALONG THE TOP OF CUT SLOPES RECEIVING DRAINAGE FROM A TRIBUTARY WIDTH GREATER THAN 40 FEET (40'), MEASURED HORIZONTALLY. THEY SHALL HAVE A MINIMUM DEPTH OF ONE FOOT & A MINIMUM WIDTH OF THREE FEET (3'). THE SLOPE SHALL BE APPROVED BY THE BUILDING OFFICIAL, BUT SHALL BE NOT LESS THAN ONE UNIT VERTICAL IN 50 UNITS HORIZONTAL (2%) SLOPE. THE DRAIN SHALL BE PAVED W/ CONCRETE NOT LESS THAN THREE INCHES (3") IN THICKNESS, OR BY OTHER MATERIALS SUITABLE TO THE APPLICATION. DISCHARGE FROM THE DRAIN SHALL BE ACCOMPLISHED IN A MANNER TO PREVENT EROSION & SHALL BE APPROVED BY THE BUILDING OFFICIAL.
4. DRAINAGE ACROSS PROPERTY LINE: DRAINAGE ACROSS PROPERTY LINES SHALL NOT EXCEED THAT WHICH EXISTED PRIOR TO GRADING. EXCESS OR CONCENTRATED DRAINAGE SHALL BE CONTAINED ON SITE OR DIRECTED TO AN APPROVED DRAINAGE FACILITY. EROSION OF THE GROUND IN THE AREA OF DISCHARGE SHALL BE PREVENTED BY INSTALLATION OF NON-EROSIVE DOWN DRAINS OR OTHER DEVICES.

NO.	DATE	DESCRIPTION
		REVISIONS

A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O.Box 396,
Fortuna, CA 95540, (707) 725-5182

SCALE: NTS
DRAWN BY: MJN
CHKD: A.M.B.
DATE: 7/6/2020

KEVIN PEAK
APN 216-082-006
HUMBOLDT CO. CA,
RAINWATER CATCHMENT
CUT, FILL, & BENCHING

JOB # 20-4905
SHEET # G7 OF 7

Application # 51973

AF # 216-082-006

Owner Name Peak, Kevin

Buyer Name

Fire District

Plan Check Fee

Receipt #

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	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	Attached
Public Works, Land Use Division	✓	Conditional approval	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center		No response	
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file with Planning and confidential
Sinkyone Intertribal Wilderness Council		No response	
Southern Humboldt School District		No response	
Alderpoint Volunteer Fire Department			
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Williamson Act Committee		No response	

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

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

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

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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03-14-2018

RE:

Applicant Name	Peaksview, MBC
APN	216-082-002
APPS#	11506 SP16-239

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

☑ The Department's recommended conditions of approval are attached as **Exhibit "A"**.

☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**

☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**

☑ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 11506

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

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

Exhibit "D"

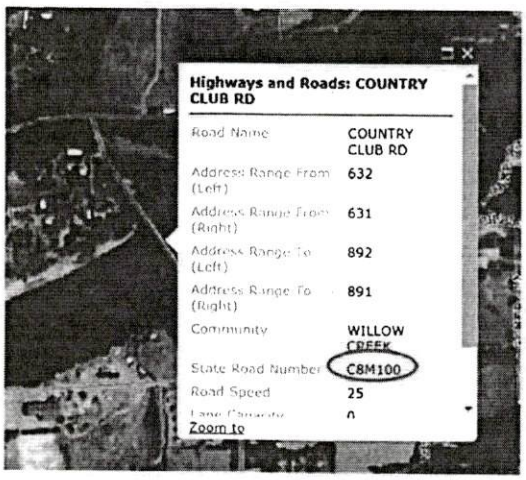
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide *Road Evaluation Reports* for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

   The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

   When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

   The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

A	is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
B	is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
C	is a grid identifier letter for the Y-axis for the grid.
DDD	is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD	
A3M020	Murray Road
F6B165	Alderpoint Road
6C040	Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST" List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	**Road Number**	**Range meeting (or equivalent to) Road Category 4 standard**
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	**Road Number**	**Range not meeting (or not equivalent to) Road Category 4 standard**
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

From:	Meghan Ryan
To:	Bauer, Scott@Wildlife
Cc:	Cliff Johnson <CJohnson@co.humboldt.ca.us>
Subject:	APPS #16866 - Peaksview, Inc. - APNs 216-082-002 and 216-082-006: PROJECTED HEARING DATE - April 15, 2021
Date:	Tuesday, April 6, 2021 8:32:00 AM

Good morning, Scott – I hope you're doing well. I am reviewing the Peaksview, Inc. project and did not see and CDFW comments in the project file.

The project description is the following:

A Special Permit for the operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006) with ancillary propagation facilities. Cultivation will take place in one cultivation area consisting of four mixed-light greenhouses. A 12,960-square-foot immature plant propagation area will occur adjacent to the greenhouses. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002 to APN 216-082-006 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002 for immature plant propagation or wholesale nursery activities. Existing available water storage is a 1-million-gallon rainwater catchment pond located in the southeast corner of APN 216-082-006 and additional proposed water storage will consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the proposed cultivation areas for a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006. Up to 12 employees may be utilized during peak operations. Power will be provided by four generators, two on each parcel. PG&E improvements are proposed to move to grid power. The proposed project includes a Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002.

Please let me know if you have any comments or questions regarding this project.

Thanks!
Meghan

Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
http://www.lacoassociates.com

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.

RECEIVED
SEP 2017
Humboldt County
Planning Division

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

Ref: 7100 Planning
Date: September 22, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Peaksview, MBC
APN: 216-082-002-000
Area: New Harris
Case Numbers: SP16-239, SP16-240

Humboldt County Application #: 11506
Type of Application: Special Permit x 2
Date Received: 9/15/2017
Due Date: 9/29/2017

Project Description: A Special Permit (SP16-239) for 8,640 square feet (SF) of existing medical cannabis cultivation area, and Special permit (SP16-240) for a wholesale medical cannabis nursery are being requested. Current cultivation area of 11,400 SF of mixed-light would be reduced to 8,640 SF mixed-light, and the remaining 3,000 SF mixed-light would be converted to a wholesale nursery. Water source consists of an unpermitted well. Water storage of 15,000 gallons occurs in tanks. Processing would occur off-site at a licensed facility. A generator serves electricity to the site.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

-Fire Safe
-Resource Management
-Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For ***Hugh Scanlon***, Unit Chief

FIRE SAFE

General:
CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:
Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:
Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.

2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eve ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.

3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
   a) California Fire Code (CFC) — for overall design standards
   b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
   c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
   d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps

4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
   During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
   During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
   There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
   Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.

5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.

2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.

3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.

4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.

5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.

6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:
CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:
Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:
The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.

2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.

4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

RECEIVED
OCT 10 2017
Humboldt County
Planning Division

From: Lake, M. Isaac@CALFIRE
To: HUU CEQA@CALFIRE; Planning Clerk
Subject: APN: 216-082-002-000 Peaksview, MBC
Date: Friday, October 06, 2017 4:36:56 PM

No additional comments from B-1211 other than: any artificial light being used shall not escape at a level that is visible from neighboring properties.

M. Isaac Lake
Battalion Chief
CAL FIRE
HUMBOLDT-DEL NORTE UNIT
Battalion 1
Alderpoint~Garberville~Thorn
Cell (707) 499-2249
Office (707) 923-3446
Schedule Thrs, Fri, Sat
MLake@fire.ca.gov

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

RECEIVED 12/11 JAN 12 2018 Humboldt County Planning Dept.

9/14/2017

PROJECT REFERRAL TO: Building Inspection 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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, CA Water Resources Division of Water Rights, Humboldt County Sheriff, Southern Humboldt School District

---

Applicant Name Peaksview, MBC **Key Parcel Number** 216-082-002-000

Application (APPS#) 11506 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-239 SP16-240

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 9/29/2017

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

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: SEE ATTACHED COMMENTS.

DATE: 1/17/18 PRINT NAME: MARC PHIPPEN

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44912 / 11506
Parcel No.: 216-082-002, -006
Case No.: SP16-239 + SP16-240

The following comments apply to the proposed project, (check all that apply).

☐ Site/plot plan appears to be accurate.

☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

☐ Existing operation appears to have expanded, see comments:_____

☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

☐ Proposed new operation has already started.

☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☒ Other Comments: SEE PHOTOS ATTACHED UNDER APN IN FILE. CURRENTLY UNDER CONSTRUCTION ARE TEA SHEDS BEHIND 90'X96' GREENHOUSE (SEE PHOTOS) W/ 1 SMA + CROSSING.

Name: MARC PHIPPEN Date: 1/19/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.

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

DEH received 9-14-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0673

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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, CA Water Resources Division of Water Rights, Humboldt County Sheriff, Southern Humboldt School District, Williamson Act Committee

---

Applicant Name Peaksview, MBC **Key Parcel Number** 216-082-002-000

Application (APPS#) 11506 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-239 SP16-240

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED 5-14-18

Comments:
DEH recommends approval with the following conditions:
Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.
One well is described in the provided Cultivation and Operations Plan. **Legalize or destroy the wells**: Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

*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.

Response Date: 5/14/2018 **Recommendation By:** Joev Whittlesev