



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: **H.I.P. Farms, LLC Special Permit**
Record Number: PLN-12063-SP
Assessor's Parcel Number (APN): 208-241-002
4580 County Line Creek Road, Dinsmore area

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Please contact Max Hilken, Planner, at 707-443-5054 or by email at hilkenm@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permit	Max Hilken

Project Description: A Special Permit for continued cultivation of 9,800 square feet (SF) outdoor cannabis. Ancillary propagation is proposed to occur in a 980-square-foot greenhouse. The proposed project includes relocation of a 1,440 SF historic cultivation area on slopes of up to 32-percent to an environmentally superior location on-site that has slopes ranging from 3-5-percent. Irrigation water is sourced from a 250,000-gallon rainwater catchment pond, where all existing available water is stored. Estimated annual water usage is 90,000 gallons. Processing including drying, occur within an existing 195-square-foot drying shed while trimming and packaging will occur in a proposed 2,400-square-foot commercial structure. A maximum of five (5) employees are required during peak operations. Power is provided by solar with a backup generator for emergency use.

Project Location: The project is located in the Dinsmore area, north of the Mad River on County Line Creek Rd., near the Humboldt and Trinity County line, on the property known as 4580 County Line Creek Rd., Dinsmore.

Present Plan Land Use Designations: Residential Agriculture (RA20-160) Density: 20-160 acres per dwelling unit, Slope Stability: High instability (3).

Present Zoning: Forestry Recreation

Record Number: PLN-12063-SP

Assessor's Parcel Number: 208-241-002

Applicant

H.I.P. Farms, LLC
4580 County Line Creek Rd.
Dinsmore, CA 95526

Owner

Neil Hardin
PO Box 82
Mad River, CA 95552

Agent

Same as Applicant

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

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

Major Issues: None.

Recommended Zoning Administrator Action:

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

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

Executive Summary: H.I.P. Farms, LLC, seeks a Special Permit for continued cultivation of 9,800 square feet (SF) full-sun outdoor cannabis. The site is designated as Residential Agriculture (RA20-160) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(40)). Cultivation will occur in two (2) separate areas: Cultivation Area 1 (upper area) contains one 3,800-square-foot greenhouse and will be the location for a relocation of 1,440 SF of cultivation within a proposed greenhouse. Cultivation Area 2 (lower area) contains one 4,560-square-foot greenhouse. Ancillary propagation will occur in a proposed 980-square-foot greenhouse. Up to one harvest is expected while utilizing light deprivation techniques for all cultivation areas, for a growing season that extends from April through October.

Drying activities occur onsite in a 195-square-foot drying shed. The project proposes a 2,400-square-foot processing building to handle trimming and packaging activities. A maximum of five (5) employees are required during peak operations. Power is provided by solar with a backup generator for emergency use. The operations will be secured behind a gated road, processing and drying locations are within lockable structures, and operations related to commercial cultivation and processing shall be performed in a discrete manner.

A Cannabis Remediation Report was prepared by DTN Engineering, Consulting, and Permitting (DTN) received June 11, 2019 (Attachment 3) which details a pre-existing cultivation that was relocated onsite. The pre-existing cultivation area previously located on cuts into a natural slope of 23-36% with approximately 5,600 feet of disturbance related to outdoor cultivation. The relocation site has a natural slope of 3-5% which required no re-grading for use. Remediation actions as recommended by DTN includes the removal of all structures, garbage, irrigation lines, and any other cannabis related materials, all bare areas of exposed soil shall be covered with straw and seeded for anti-erosion stabilization and the flat be replanted with native vegetation akin to the existing forest composition in the area.

Planning staff supports the relocation of this cultivation area as it reduced threat to water quality through potential erosion and sediment transfer due to the steep slopes. The project is conditioned to provide proof that all remediation actions have occurred as recommended by DTN, a letter with photographs or similar communication by a professional biologist or other similarly appropriate professional will be required.

A Timber Conversion Evaluation Report (Attachment 3) was prepared by Merritt Lindgren, RPF #2522 in October 2019 which indicated that two illegal conversions totaling 0.47 acres have been cleared in the initial conversion to create the cultivation areas prior to 1993. The report did not note any additional conversion occurring after 2013, this conversion is below the three-acre conversion exemption maximum, and the proposed project does not include the removal of additional timber. The project is conditioned to adhere to the recommendations made in the report including but not limited to improving and maintaining three (3) rolling dips on the access road and treating all slash piles and log

decks in compliance with the California Forest Practice Act. As reviewed and conditioned, the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.

Water for irrigation is sourced exclusively from an existing 250,000-gallon rainwater catchment pond constructed in 2017. An R2 Soils Report was prepared for the pond, by DTN Engineering, Consulting, and Permitting to back permit the pond through the Humboldt County Building Department (Attachment 3). The Report concludes that the existing pond has been constructed in accordance with industry standards and is stable. It recommends no additional earthwork beyond the 1,300-cubic-yards removed for its creation. Approximately 90,000-gallons (9.4gal/sf) of water are required annually for irrigation. A new pump house will be constructed for the pump, which is currently located approximately 6 feet from the catchment pond.

The parcel is situated on a slope with natural benches approximately 130 feet upslope from the Mad River. Numerous ephemeral Class 3 channels that drain to the Mad River are located on the property, but do not cross any roads or cultivation sites. A dwelling on site derives water from an existing spring box, not used for irrigation.

There are no mapped sensitive species onsite, although the nearest NSO activity center is located approximately 0.36 miles from the nearest proposed cultivation facility, lands surrounding the site are forested thus, there is high potential for NSO habitat and foraging. Adherence to best management practices, as directed by the Water Resource Management Plan (WRPP) prepared by Natural Resources Management Corporation dated November 2, 2018 for the Regional Water Quality Control Board, and Final Lake or Streambed Alteration Agreement (No. 1600-2018-0677-R1) with the California Department of Fish and Wildlife (CDFW) are required through the life cycle of this project (Attachment 3). On October 31, 2019, CDFW provided several comments on the proposed project voicing concerns regarding water resources including details on the pond, constructed in 2017, accuracy of stream mapping in the operations plan, and concerns about noise, and light emissions that could negatively impact sensitive species, especially the Northern Spotted Owl.

A Biological Resources Report (Attachment 3) was prepared by Emerald Hills LLC and Olofson Environmental and concluded that while there is the potential for some sensitive and protected species to be present onsite and the potential indirect impacts are mitigated through implementation of best management practices, the SMP required by the State Water Board and LSAA with CDFW. Furthermore, additional recommendations are included in the Conditions of Approval which include but are not limited to lighting requirements, nesting surveys, erosion control measures, and culvert construction.

The onsite generator, green house fans, dehumidifiers, trimming machines, and other machinery related to the project are conditioned to adhere to the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator and greenhouse fan 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). Furthermore, additional Conditions of Approval are included to ensure supplemental lighting associated with onsite propagation is fully contained with black out tarps or by the structural confines of the proposed propagation facility, have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Additionally, with adherence to the CDFW Bullfrog Management Plan (attachment 3), the project is conditioned to adhere to Dark Sky Standards for any security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

A Relocation, Retirement, and Remediation report was prepared by DTN Engineering and Consulting that evaluated the site considerations and environmental concerns with relocating 1,440 sf of historic cannabis cultivation from a cut into a hill that has a natural slope of 23-36-percent slopes to a previously disturbed location onsite that has natural slopes of 3-5-percent requiring no additional grading. The report includes recommendations to remediate and prevent further negative impacts on sediment delivery and watershed health including the removal of any manmade materials from the site, covering of bare areas of exposed soil with straw and seeded for anti-erosion stabilization, and the flats be replanted with native vegetation akin to the existing forest composition (Oak Woodland) in the area. The project is conditioned to adhere to these recommendations as outlined.

Access to the site is via a private access road off of River Road via County Line Creek Road. The project is accessed from a non-county-maintained road that originates in Trinity County. The Trinity County portion of the access road begins at the first crossing of the Mad River off Highway 36 onto a US Forrest Service Road for approximately 500 feet then branches left to County Line Creek Road. County Line Creek Road is a non-county-maintained private road that is maintained by the residents. A Road Evaluation report for River Road (County Line Creek Road) and the private access was prepared by David Niccoletti of DTN Consulting (Attachment 3) which concludes that although the roadway does not meet a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project. The project was referred to CAL TRANS as the access roads take access from Highway 36. Planning staff reached out to CAL TRANS on March 22, 2021, and CAL TRANS stated the encroachment from the USFS road appears to meet State standards and no further conditions were requested by CAL TRANS (see Attachment 4).

The access roads are in a Road Maintenance Agreement (RMA). The report also provides recommendation that are included as conditions of approval to bring the roads up to the appropriate standards. Due to the number of cultivation projects along River Road, both approved and pending, conditions of approval require the applicant to provide evidence, including notice, meeting minutes, and the decision to prove a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number: PLN-12063-SP
Assessor's Parcel Number: 208-241-002**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the H.I.P. Farms, LLC, Special Permit.

WHEREAS, H.I.P. Farms, LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 9,800 square foot (SF) cannabis cultivation operation

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 6, 2021 and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow continued cultivation of 9,800 square feet (SF) of outdoor cannabis with appurtenant propagation occurring in a proposed 980-square-foot greenhouse. Water for irrigation is provided by a 250,000-gallon rainwater catchment pond. Processing activities including drying, trimming, and packaging, will occur within a proposed 2,400-square-foot commercial building. Power is provided by solar with a backup generator.

EVIDENCE: a) Project File: PLN-12063-SP
- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

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

 c) A Water Resources Protection Plan was prepared by Compliance Farms to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. Conditions of approval require the applicant to adhere to the recommendations in the WRPP, demonstrate enrollment into

the State Water Resources Control Board Cannabis Cultivation program and maintain enrollment and reporting requirements.

- d) A R2 Soils Report dated December 2018 was prepared by DTN Engineering, Consulting, and Permitting, demonstrates how the previously unauthorized rainwater catchment pond utilized as the source for commercial irrigation requires no additional earthwork or improvements for safe and continued use. The project requires retro-active permitting of the pond through the Humboldt County Building Department.
- e) A Preliminary Biological Assessment Report was carried out by Emerald Hills LLC and Olofson Environmental in April of 2019. The Assessment methods included a search of the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) database. A habitat assessment was conducted in the project area. No Special Status species were observed during the assessment. Northern Spotted Owl habitat exists in the vicinity, but the nearest sighting is .36 miles from the site. An additional Botanical Reconnaissance Survey prepared by DTN Engineering, Consulting, and Permitting concluded that both the relocation of the cultivation area and construction of the pond including all observed cannabis cultivation activities had/have minimal impact on the CNDDDB listed sensitive and special status plant species within the Blake Mountain quadrant. To further protect NSO and other potential raptor foraging, 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.
- f) A Timber Conversion Evaluation Report (Attachment 3) was prepared by Merritt Lindgren, RPF #2522 in October 2019 which indicated that two illegal conversions totaling .47 acres have been cleared in the initial conversion to create the cultivation areas prior to 1993. The report did not note any additional conversion occurring after 2013. This conversion is below the three-acre conversion exemption maximum. The Report made recommendations regarding improving and maintaining rolling dips on the access road and recommend all slash piles and log decks be treated to be in compliance with the California Forest Practice Act which is included in the Conditions of Approval.
- g) A Cultural Resources Investigation was prepared in August 2019 by Nick Angeloff, M.A., and Saige Heuer, BA, of Archaeological Supply Company in Rio Dell, CA. The completed report was submitted for Tribal Review to the Bear River Band of Rohnerville Rancheria. The report recommended that no further studies be conducted, and that the standard inadvertent discovery protocols be followed.
- h) A Road Evaluation report for River Road and the private access was prepared by David Niccoletti of DTN Consulting which indicates and concludes that although the roadway does not meet a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project. The access roads are in a Road Maintenance Agreement (RMA) The report also provides for conditions of approval in order to bring the roads up to the appropriate standards.

FINDINGS FOR SPECIAL PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing u zone in which the site is located.
- EVIDENCE**
- a) The Forestry Recreation Zone or (FR) is intended to be applied to areas of the County in which general agriculture residential uses are the secondary uses.
 - b) All general agricultural, nurseries, and greenhouses are principally permitted in the FR zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,800 outdoor and 8,000 square feet of mixed-light cultivation on a 54 acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was legally created as part of 1968 Record of Survey for Timberline as Lot 156 on Record of Survey book 24 page 31
 - c) The project will obtain water for irrigation from an onsite rainwater catchment pond with a capacity of 250,000-gallons. A R2 Soils Report dated December 2018 was prepared by DTN Engineering, Consulting, and Permitting, demonstrates how the previously unauthorized rainwater catchment pond utilized as the source for commercial irrigation requires no additional earthwork or improvements for safe and continued use. The project requires retro-active permitting of the pond through the Humboldt County Building Department.
 - d) A Road Evaluation report for River Road and the private access was prepared by David Niccoletti of DTN Consulting which indicates and concludes that although the roadway does not meet a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project. The access roads are in a Road Maintenance Agreement (RMA) The report also provides for conditions of approval in order to bring the roads up to the appropriate standards.

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) A Timber Conversion Evaluation Report (Attachment 3) was prepared by Merritt Lindgren, RPF #2522 in October 2019 which indicated that two illegal conversions totaling .47 acres have been cleared in the initial conversion to create the cultivation areas prior to 1993. The report did not note any additional conversion occurring after 2013. This conversion is below the three-acre conversion exemption maximum. The Report made recommendations regarding improving and maintaining rolling dips on the access road and recommend all slash piles and log decks be treated to be in compliance with the California Forest Practice Act which is included in the Conditions of Approval.
- g) The location of the cultivation as proposed complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 9,800 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) The project will obtain water for irrigation from an onsite rainwater catchment pond with a capacity of 250,000-gallons. A R2 Soils Report dated December 2018 was prepared by DTN Engineering, Consulting, and Permitting, demonstrates how the previously unauthorized rainwater catchment pond utilized as the source for commercial irrigation requires no additional earthwork or improvements for safe and continued use. The project requires retro-active permitting of the pond through the Humboldt County Building Department.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing

unit. One existing residence is currently located onsite. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to be inhabited on this parcel.

DECISION

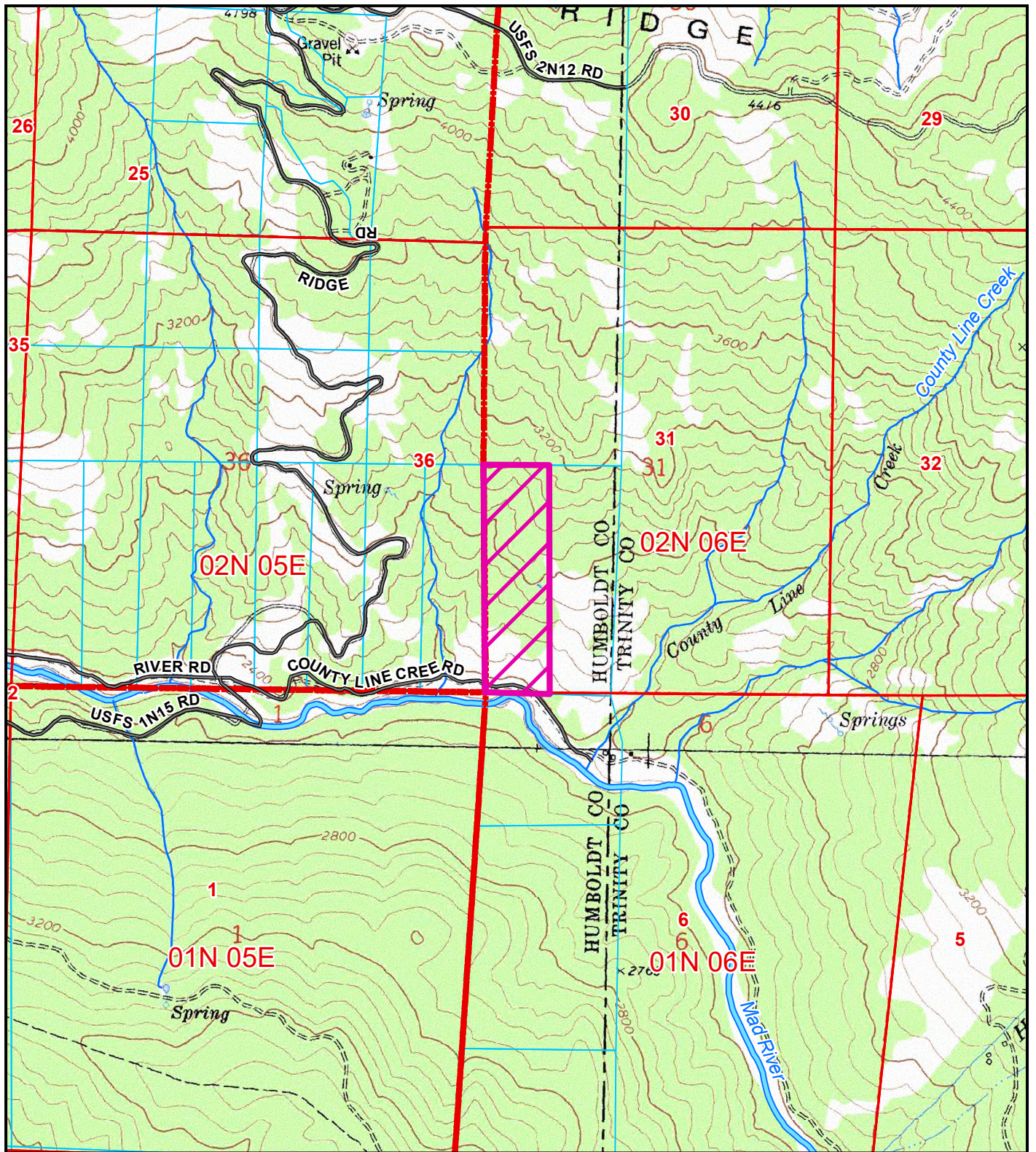
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for H.I.P. Farms, 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 May 6, 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 NEIL HARDIN
DINSMORE AREA
SP-16-386**

APN: 208-241-002

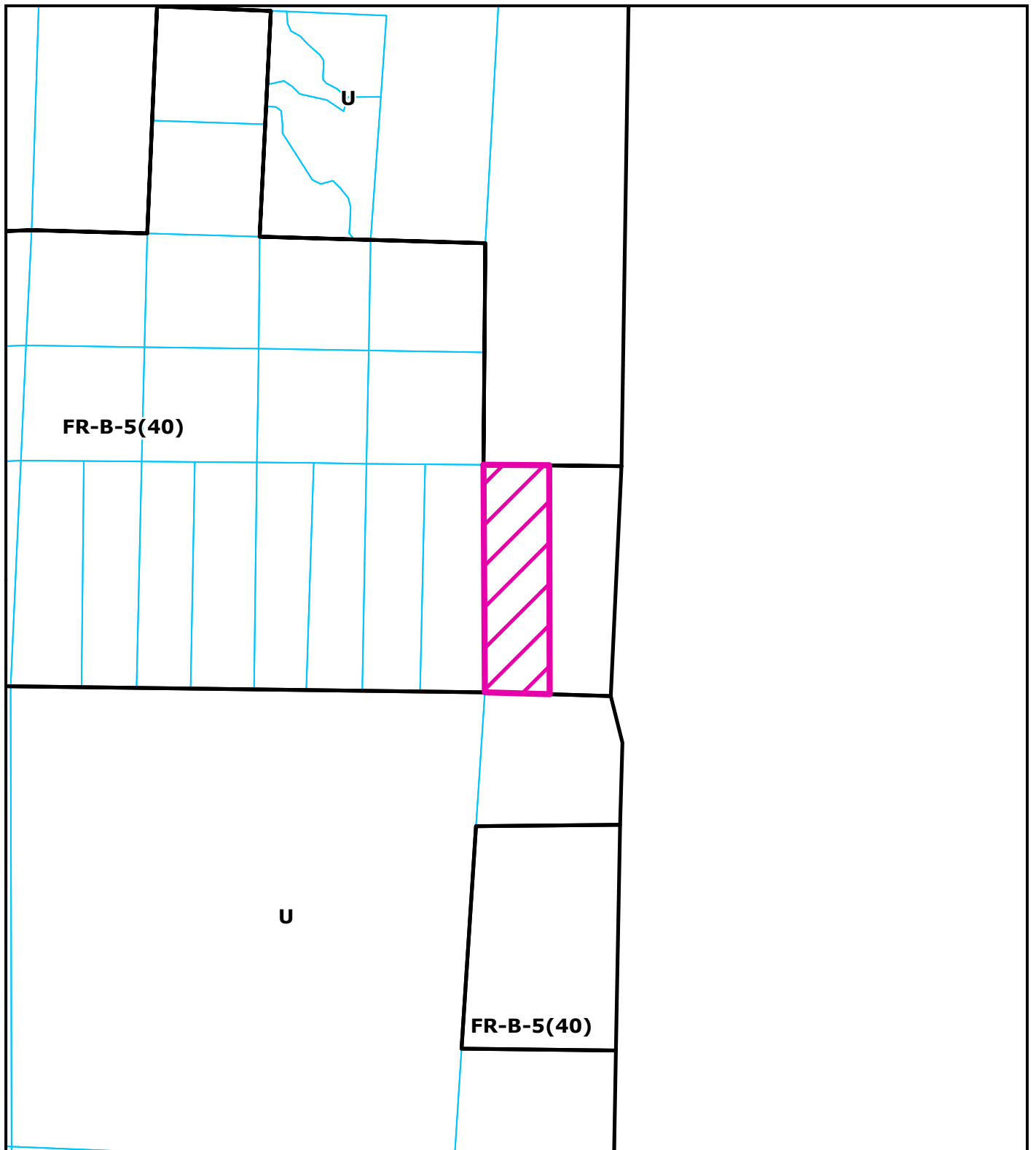
T02N R05E S36; T02N R06E S31; T01N R06E S6 HB&M (BLAKE MOUNTAIN)

Project Area = 

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

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Project Area = 

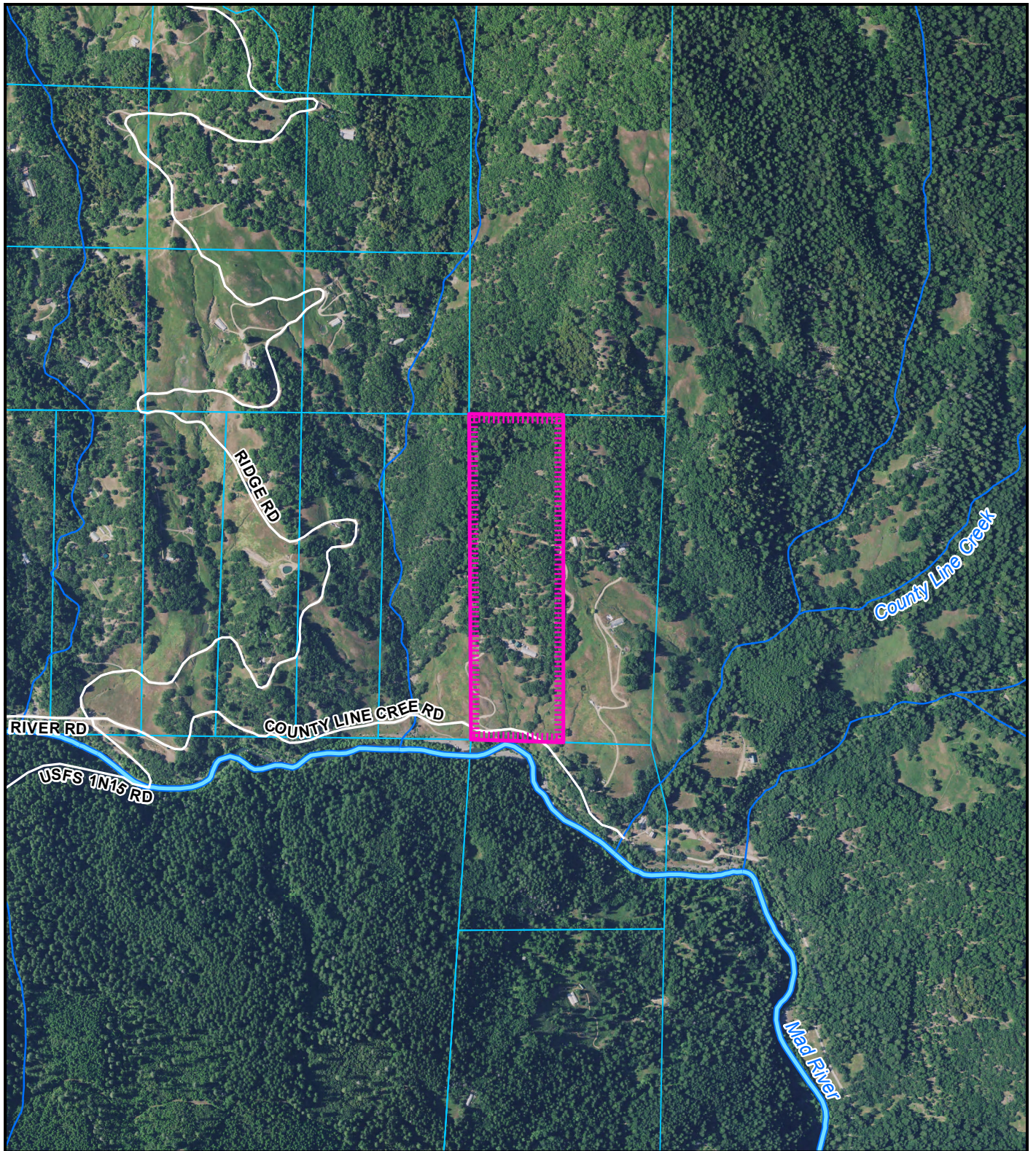
**ZONING MAP
PROPOSED NEIL HARDIN
DINSMORE AREA
SP-16-386
APN: 208-241-002**

T02N R05E S36; T02N R06E S31; T01N R06E S6 HB&M (BLAKE MOUNTAIN)

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Project Area = 

**AERIAL MAP
PROPOSED NEIL HARDIN
DINSMORE AREA
SP-16-386**

APN: 208-241-002

T02N R05E S36; T02N R06E S31; T01N R06E S6 HB&M (BLAKE MOUNTAIN)

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.

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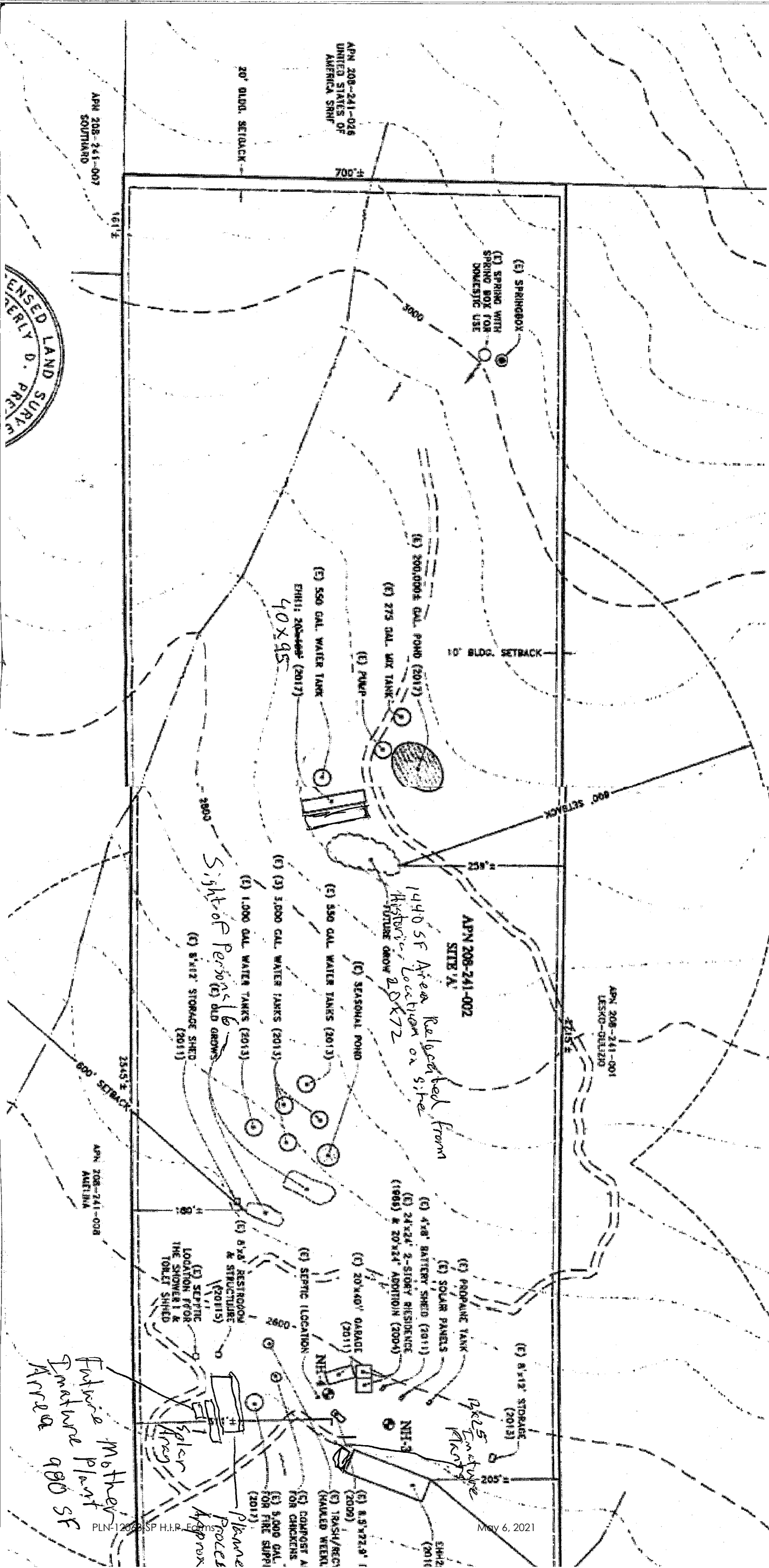
8. THE PROPERTY IS FULLY CONTAINED SHOWN HEREON ARE AT 40 FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
9. THE APPROXIMATE LOCATION OF LAND PLOTS, TOGETHER WITH ITS 300 FOOT UNDEVELOPED/AGRICULTURAL STRIPED MANAGEMENT AREA (SMA) AND CHECKS ARE CLASS M, IS AS SHOWN HEREON. NO OTHER WET AREAS OF SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
10. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
11. THIS PROJECT IS NOT LOCATED IN A FLOOD ZONE PER FIRM PANEL 060220C1350F.
12. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
13. A GRADING PERMIT WILL BE APPLIED FOR IN CONJUNCTION WITH THIS PROJECT, WITH THE GRADING, GRAVITAGE & EROSION CONTROL PLAN BEING PREPARED BY CONSULTING & PRESTON.
14. SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS IS ON-SITE, WITH SEPTIC TREATING, DESIGN AND REPORT PREPARATION BY CONSULTING & PRESTON, DATED 11/23/16.
15. WATER FOR THE PADDLE IS FROM AN ON-SITE SPRING AS SHOWN HEREON. ALL WATER SOURCES ARE WILL BE PROPERLY PERMITTED. WATER STORAGE PROVIDED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE PERMITTED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORTIFICATION PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS, POND, POND AND BLOWERS.

- ONLY BY THE OWNER.
17. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
- EASEMENTS AND ENCUMBRANCES NOT SHOWN HEREON
- (SEE SUPPLEMENTARY REPORT BY FIDELITY TITLE INSURANCE COMPANY, DATED JANUARY MAY 27, 2004)
21. EXTRACT FOR THE PURPOSE OF MORTGAGE, EASEMENTS AND PUBLIC UTILITIES PER BOOK 1313, PAGE 277, OF OFFICIAL RECORDS.

UTILITIES

WATER & SEWER	ON-SITE SPRAWNS
GAS	ON-SITE (PROPANE)
ELECTRIC	SOLAR/GENERATOR
TELEPHONE	CELLULAR SERVICE
T.V.	SATELLITE DISH

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1) GABAGE, ONE (1) DRYING SHED, TWO (2) STORAGE HOUSES.

I BASED ON USGS 1/5 ARC-SECOND DIGITAL

1) STREAMSIDE MANAGEMENT AREA (SMA) AND THAT ARE KNOWN TO EXIST ON THE PROPERTY.

VE BEEN LOCATED, HOWEVER, AS THERE EXISTS THE MEASURES MAY BE REQUIRED UNDER FEDERAL AND

AL RESOURCES ARE LOCATED WITHIN SIX HUNDRED

GRADING, DRAINAGE & EROSION CONTROL PLAN

ESTING, DESIGN AND REPORT PREPARATION BY

SOURCES ARE/WILL BE PROPERLY PERMITTED. WATER THE NEXT YEAR TO PROVIDE FOR IRRIGATION NIS, PONDS AND BLADGERS.

16. NO EMPLOYEES WILL BE UTILIZED FOR THE SITE'S COMMERCIAL AGRICULTURAL OPERATIONS. PROCESSING WILL BE DONE ONLY BY THE OWNER.

17. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

EASEMENTS AND ENCUMBRANCES NOT SHOWN HEREON

(PER PRELIMINARY REPORT BY REALTY TITLE INSURANCE COMPANY, DATED JANUARY MAY 27, 2004)

18. CASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 1313, PAGE 277, OF OFFICIAL RECORDS.

UTILITIES

WATER & SEWER

GAS

ELECTRIC

TELEPHONE

T.V.

ON-SITE SPRINGS

ON-SITE (PROPANE)

SOLAR/GENERATOR

CELLULAR SERVICE

SATELLITE DISH

TYP.

GAL.

S.F.

BLDG.

(YEAR)

EXISTING GREENHOUSE

EXISTING HOOPHOUSES

STREAMSIDE MANAGEMENT AREA

CONTOUR AT 40 FOOT INTERVALS

EXISTING CREEK

SEWAGE DISPOSAL TEST HOLE LOCATION

NH-3

LOCATION MAP
SCALE: 1" = 2,000'

RECEIVED

NOV 25 2019

Humboldt County
Planning Division

800' SETBACK

APN 208-241-001
LESKO-SULIZIO

APN 208-241-002
SITE 'A'

1440 SF Area Relocated from
Historic Location on site
FUTURE GROW 20x72

(E) 200,000+ GAL. POND (2017)

(E) 275 GAL. MIX TANK

(E) PUMP

(E) 550 GAL. WATER TANK

EH11: 20x40x95 (2017)

40x95

(C) SEASONAL POND

(E) 550 GAL. WATER TANKS (2013)

(E) (3) 3,000 GAL. WATER TANKS (2013)

(E) 1,000 GAL. WATER TANKS (2013)

(E) 5'x12' STORAGE SHED (2011)

(E) OLD GROWS

Sight of Person (6)

(E) 8'x8' RESTROOM & STRUCTURE (2011)

(E) SEPTIC LOCATION FOR THE SHOWER & TOILET SHED

(E) 20'x40' GABAGE (2011)

(E) SEPTIC LOCATION

(E) PROPANE TANK

(E) SOLAR PANELS

(E) 4'x8' BATTERY SHED (2011)

(E) 24'x24' 2-STORY RESIDENCE (1985) & 20'x24' ADDITION (2004)

2x25 Mature Plants

(E) 8'x12' STORAGE (2013)

EH2: 38'x120' (2010)

(E) 8.5'x22.9' DRYING SHED (2009)

(E) TRASH/RECYCLE AREA (HAULED WEEKLY)

(C) COMPOST AREA FOR CHICKENS

(E) 5,000 GAL. WATER TANK FOR FIRE SUPPRESSION (2017)

Planned Processing Shed
Approx 2400 SF

Spicer Area

Mother Future Plant
Mature 980 SF
Area

APN 208-241-008
AMULINA

2545' SETBACK

600' SETBACK

MAD RIVER

APN 208-034-002
UNITED STATES OF AMERICA

APN 208-034-001
UNITED STATES OF AMERICA

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. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure 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, graded flats 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 implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board, (Water Board) Waste Discharge Requirements, in congruence with Order WQ 2015-0023-DWQ. A sign-off from the Planning Department will satisfy this condition.

8. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability and 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.
9. The applicant shall implement and adhere to the recommendations in the Timber Conversion Report dated October 2019 prepared by Merritt Lindgren, RPF #2522 in October 2019. Any restocking shall be monitored for a minimum of 3 years with an 85% success rate. Annual monitoring reports shall be submitted to the Planning Department at the time of the annual inspection. A letter or similar communication from a Registered Professional Forester verifying that all recommendations have been satisfied shall be submitted to the Humboldt County Planning Department to satisfy this condition.
10. The applicant shall implement and adhere to the recommendations made in the Relocation, Retirement, and Remediation plan prepared by DTN Engineering and Consulting to remediate and prevent further negative impacts on sediment delivery and watershed health including the removal of any manmade materials from the site, covering of bare areas of exposed soil with straw and seeded for anti-erosion stabilization, and the flats be replanted with native vegetation akin to the existing forest composition (Oak Woodland) in the area. A sign-off from the Planning Department will satisfy this condition.
11. The applicant and associated Road Maintenance Association for River Road shall adhere to and implement the recommendations for road improvements included in the engineered road evaluation prepared by David Nicoletti received March 22, 2019. In the event the applicant is unable to coordinate road improvements through the Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A letter or similar communication indicating these recommendations have been implemented by a certified engineer shall satisfy this condition.
12. 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.
13. Any security lighting and lighting associated with the 980-square-foot nursery shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
14. The applicant shall construct noise containment structures for all generators used on the parcel. 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. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

15. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
16. The applicant shall comply with the CDFW Bullfrog Management Plan. Reporting requirements shall be submitted to CDFW at 619 2nd Street, Eureka, CA 95501, no later than December 31 of each year.
17. 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.
18. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the pond and shall be provided annually prior to or during the annual inspection.
19. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
20. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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. The applicant shall abide by recommendations of the Biological Assessment prepared by Emerald Hills Environmental, LLC and Olfson Environmental, Inc. dated April 2019 found on pages 17 and 18 which include but are not limited to:
 - a. Greenhouse lights and other light sources should be constructed and used so that they do not interfere with nighttime activities of mammals, including bats. If roosting bats are found on site, species-appropriate exclusion buffers should be determined and implemented.

- b. Activities that may cause disturbance should be avoided during the breeding season, from February 1 to September 1. If construction must occur during the breeding season, nesting bird surveys should be conducted no more than one week prior to commencement of the project activities to determine whether any birds are nesting on site. If nesting birds are found onsite, species-appropriate exclusion buffers shall be determined, and project activities will not occur within the buffer until the nest is no longer active, as determined by a biologist.
 - c. Additional Wildlife and General Resource Recommendations as described on pages 17 and 18 of the Biological Assessment.
- 4. 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.
- 5. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received October 31, 2019.
- 6. 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.
- 21. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
- 7. The applicant shall comply with the CDFW Bullfrog Management Plan (Attachment 3). Reporting requirements shall be submitted to CDFW at 619 2nd Street, Eureka, CA 95501, no later than December 31 of each year.
- 8. Fish stocking without written permission from the California Department of Fish and Wildlife is prohibited pursuant to Section 6400 of the Fish and Game Code.
- 9. The Applicant shall comply with the terms and conditions of the Final Lake or Streambed Alteration Agreement (No. 1600-2018-0677-R1) entered into with the California Department of Fish and Wildlife.
- 10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
- 11. The use of anticoagulant rodenticide is prohibited.
- 12. 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.
- 13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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).
19. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
21. 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.
22. 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).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. 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.

26. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. 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

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

- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
33. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
34. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
35. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
36. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
37. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- 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.
38. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to

assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

APN 208-241-002; 4580 County Line Creek Road, Dinsmore, 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 Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for continued cultivation of 9,800 square feet (SF) outdoor cannabis. Ancillary propagation is proposed to occur in a 980-square-foot greenhouse. Irrigation water is sourced from a 250,000-gallon rainwater catchment pond, where all existing available water is stored. Estimated annual water usage is 90,000 gallons (9.2 gal/SF). Processing including drying, occur within an existing 195-square-foot drying shed while trimming and packaging will occur in a proposed 2,400-square-foot commercial structure. A maximum of five (5) employees are required during peak operations. Power is provided by solar with a backup generator for emergency use. The project involves relocation of historic cultivation areas to an environmentally superior location on-site.

An R2 Soils Report was prepared for the rainwater catchment pond which serves as the primary water source, by DTN Engineering, Consulting. The report examined the applicability to retro-actively permit the pond through the Humboldt County Building Department (Attachment 3). The Report concludes that the existing pond has been constructed in accordance with industry standards and is stable. It recommends no additional earthwork beyond the 1,300-cubic-yards removed for its creation. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

The project site contains riparian habitat associated with tributaries to Mad River. The project includes relocation and restoration of previously used cultivation site that was located on slopes ranging from 23 to 36-percent. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. The Nearest Northern Spotted Owl (NSO) activity center is approximately 0.36 miles from the cultivation areas. Artificial lighting is used to support the 980-square-foot propagation area, therefore, conditions of approval require the applicant use noise attenuation to ensure the project has a Less the Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include approving the relocation of 1,440 square feet of historic cultivation that occurred after the CEQA baseline was established to protect water resources, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

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

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

- Plot Plans submitted by applicant, received 11/25/2019.
- Cultivation and Operations Plan prepared by Applicant received 9/12/2017, superseded by revisions received 11/25/2019.
- Water Resources Protection Plan (WRPP) prepared by Natural Resources Management Corporation for the North Coast Regional Water Quality Control Board Order No. 2015-0023. Received 3/22/2019.
- Timber Conversion Evaluation Report prepared by Timberland Resource Consultants dated 10/21/2019.
- Engineer's Road Evaluation Report for River Road and Private Access Road prepared by David Nicoletti, dated 12/4/2018 and received 3/22/2019.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Site Septic Suitability Analysis for H.I.P. Farms LLC, prepared by DTN Engineering and Consulting, date prepared 12/31/20.
- Botanical Reconnaissance Survey for Hard-in Produce and Farms, LLC, prepared by DTN Engineering and Consulting, (On-file); received 11/25/19.
- Biological Resource Report prepared by Emerald Hills Environmental, LLC and Olofson Environmental, Inc, (On-file); dated April 2019.

- Relocation, Retirement, and Remediation Report prepared by A.M. DTN Engineering and Consulting, received June 11, 2019.
- R2 Soils Report prepared by DTN Engineering and Consulting, dated 12/31/18, received 11/25/19.
- Cultural Resources Investigation, prepared by Nick Angeloff, M.A., Principal Investigator, Archaeological Research and Supply Company, Rio Dell, CA, received 11/25/2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (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. (Riparian Water Rights Statement of Diversion and Use claims and reporting. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for the North Coast Regional Water Quality Control Board Order No. 2015-0023. (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan (WRPP) prepared by Natural Resources Management Corporation for the North Coast Regional Water Quality Control Board Order No. 2015-0023. Received 3/22/2019. – Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Condition of approval to submit a copy and comply with Notification No. 1600-2018-0677-R1)
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. (Timber Conversion Evaluation Report prepared by Timberland Resource Consultants dated 10/21/2019. – Attached)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation, prepared by Nick Angeloff, M.A., Principal Investigator, Archaeological Research and Supply Company, Rio Dell, CA, received 11/25/2019. (On file and confidential).
16. Engineer's Road Evaluation Report for River Road and Private Access Road prepared by David Nicoletti, dated 12/4/2018 and received 3/22/2019. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Site Septic Suitability Analysis for H.I.P. Farms LLC, prepared by DTN Engineering and Consulting, date prepared 12/31/20 for Existing Septic System Located at APN: 208-241-002. (On file)
19. R2 Soils Report prepared by DTN Engineering and Consulting, dated 12/31/18, received 11/25/19. – (Attached).
20. Biological Resource Report prepared by Emerald Hills Environmental, LLC and Olofson Environmental, Inc, (On-file); dated April 2019. (Attached)

21. Botanical Reconnaissance Survey for Hard-in Produce and Farms, LLC, prepared by DTN Engineering and Consulting, received 11/25/19. (Attached)



CULTIVATION, OPERATIONS, AND SECURITY PLAN APN 208-241-002 / APP. # 12063

PROJECT DESCRIPTION

Applicant proposes to permit 9,800 square feet of existing outdoor cultivation on a parcel in the Mad River area of Humboldt County, and amend the original application to request a permit for outdoor cultivation only (originally applied for mixed light, 9,800 square feet). Supplemental lighting is used in one (1) 12'x25' greenhouse, for mothering and starts only; therefore, no mixed-light cultivation is present at the site.

OPERATIONS PLAN

1. Water Source, Storage, Irrigation Plan & Projected Water Usage

WATER SOURCE & STORAGE: The primary source of irrigation water is an on-site spring and rainwater catchment pond. Applicant will be submitting a Water Management Plan ("WMP"), prepared by Natural Resource Management Corporation (NRM), which will outline the forbearance and bypass flow requirements for the surface water diversion. Applicant is working with NRM to develop his WMP and Water Resources Protection Plan ("WRPP") per the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023. NRM is also filing necessary Lake and Streambed Alteration Agreements ("LSAAs") with California Department of Fish and Wildlife ("CDFW").

Presently, Applicant has approximately 11,500 gallons of water storage on-site for their home. Applicant has sufficient water storage in a 200,000-gallon pond on-site to meet water requirements throughout the forbearance period.

IRRIGATION PLAN: Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant will water in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier will be used to minimize weed growth, which reduces water loss during watering. Applicant will use natural soil amendments to aid in soil moisture retention as part of irrigation plan.

PROJECTED WATER USAGE: Applicant will be cultivating approximately 9800 sq. ft. of outdoor cannabis, pursuant to a Special Use Permit. Based on California Department of Fish and Wildlife (CDFW) estimates for cannabis irrigation needs, and Applicant's irrigation practice of watering every other day, CDFW estimates that Applicant will be using 85,000 gallons of water ((169 days

÷ 2) x 980 gallons) during the forbearance period required by the ordinance. Based on a 180-day growing cycle, Applicant's total yearly water usage is estimated by CDFW to be 90,000 gallons.

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

2. Site Drainage, Runoff & Erosion Control Measures

SITE DRAINAGE: The site drains to the South. There are no significant waterways on the site, and drainage is not a significant issue with this project at this time. All road and graded surfaces will have maintained spillways in good working order, so as to avoid any sediment transport to surface waters. All drainage issues will be corrected through the application of proper erosion control techniques, and will be performed so as to minimize any sediment transport to surface waters.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resource Management Corporation to improve site drainage on an as needed basis.

EROSION CONTROL MEASURES: Applicant has performed minimal grading work on-site, and has not had any issues with sediment discharge into surface waters. The site does not have runoff issues, and is well vegetated with forest and perennial grasses.

The roads on the property have been rocked to reduce damage from storm events. Applicant will consult with, and implement recommendations from Omsberg & Preston and Natural Resources Management Corporation to improve erosion control measures on an as needed basis.

RUNOFF CONTROL MEASURES: There is no current runoff from any cultivation activities. Applicant will use drip irrigation and raised beds, will water at agronomic rates, and use timers to avoid overwatering. In addition, Applicant will maintain vegetation around cultivation and riparian areas to minimize runoff and sediment transport to receiving waters. Applicant will cultivate outdoors and provide appropriate runoff and sediment mitigation measures to deal with any concentrated storm water runoff from any cultivation areas. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resources Management Corporation to improve runoff control measures on an as needed basis.

3. Measures Taken to Ensure Protection of Watershed & Nearby Habitat

PROTECTION OF WATERSHED & HABITAT: The site has been developed for cultivation, and will continue to be utilized during the 2017 season. All cultivation areas shall be located outside of all SMA's on the property and native vegetation buffers shall be maintained between cultivation sites and riparian areas. Applicant's surface diversion is appropriately screened to minimize harm to organisms within habitat and riparian zones. Applicant's WMP will address water storage and water conservation and develop a plan that meets irrigation needs while observing forbearance periods and bypass flow requirements to promote and maintain in stream flows.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant will implement measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in raised beds, and using bio-amendments (cover crops) to re-amend soils, resulting in minimal soil waste on site. All waste soils will be placed in a refuse pile outside of streamside management areas and will be covered with a tarp and surrounded with straw waddles to contain any discharge that may occur. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will dispose of site cultivation refuse on an as needed basis.

REFUSE DISPOSAL: The site generates little human refuse, only associated with the residence on-site which is currently occupied. Applicant will take site refuse to the local dump on an as-needed basis.

HUMAN WASTE: There is a septic system on-site that will handle all human waste generated on-site.

4. Protocols for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products

PESTICIDES: Pesticides shall be stored in an on-site shed equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant shall maintain and keep personal protective equipment required by the pesticide label in good working order. All proper pesticide application protocols will be followed.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide

poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

FERTILIZERS & SOIL AMENDMENTS: Fertilizers and other amendments will be stored in the on-site shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols used for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer or soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

PETROLEUM PRODUCTS & STORAGE: All petroleum products stored on-site will be properly stored and managed to prevent any discharge of contaminants into the surrounding landscape. Secondary containment, as required by law, will be utilized on-site.

5. Cultivation Activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant is proposing to permit an existing outdoor cultivation site with cultivation area of 9,800 square feet. Applicant will irrigate cultivation from a surface water diversion pursuant to agreement with DFW. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant anticipates hiring some employees at the site for cultivation activities.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

6. Tentative Schedule of Activities During Each Month of the Growing & Harvesting Season

January, February, March

- Clean greenhouses and make necessary repairs
- Prepare beds for planting
- Maintenance of mother plants and clone prep
- Apply mulch
- Pot clones and starts at end of March
- Till cover crops and amend soils

April

- Planting and irrigation begins
- Apply nutrient feed with every watering
- Construct trellis system for plants

May

- Apply nutrient feed with every watering
- Applicant continues to re-pot starts and clones
- Nursery activities
- Mulch soil

June

- Top dress first run
- Irrigation continues
- Apply nutrient feed with every watering
- General landscape and bed maintenance

July

- Irrigation continues
- Apply nutrient feed with every watering
- General landscape and bed maintenance

August

- Irrigation continues
- Apply nutrient feed with every other watering

September

- Irrigation continues

- Apply nutrient feed with every third watering

October

- Begin harvesting plants
- De-leaf plants

November, December

- Trim and manicure harvested plants
- End of year reporting
- Cleanup/Winterize cultivation site
- Prepare mother plants for next year

PROCESSING PLAN & ACTIVITIES

PLAN: Processing will occur on-site, unless it is found to be more economical to take product to a licensed processing facility. In that case, Applicant will identify permitted processing facility once permits for such facilities have been issued by the County.

SECURITY FEATURES

Applicant will implement security measures to safeguard the product and prevent nuisance from occurring on the property. T-post and metal fencing will be established around some cultivation. The parcel has a locking gate and two access driveways onto the parcel. All doors and windows on all buildings and cultivation facilities shall remain locked when the parcel is not occupied. Security cameras shall be utilized along the outer perimeter of the cannabis garden. All finished product shall be stored under lock and key and away from processing activities. A prominent "No Trespassing" sign shall be displayed at the parcel's entrance. To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

SOIL AMENDMENTS AND FERTILIZER

PRODUCT USED

AMOUNT STORED ON-SITE

NOTES

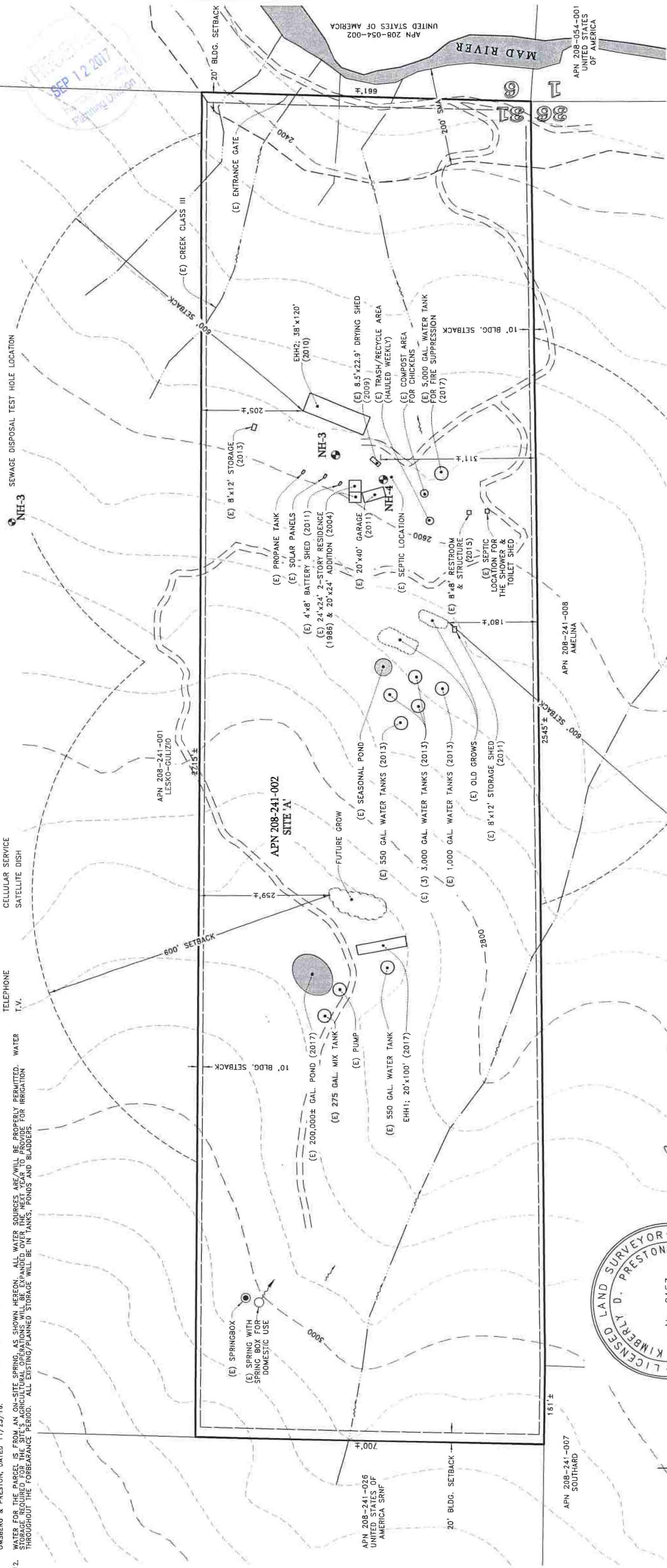
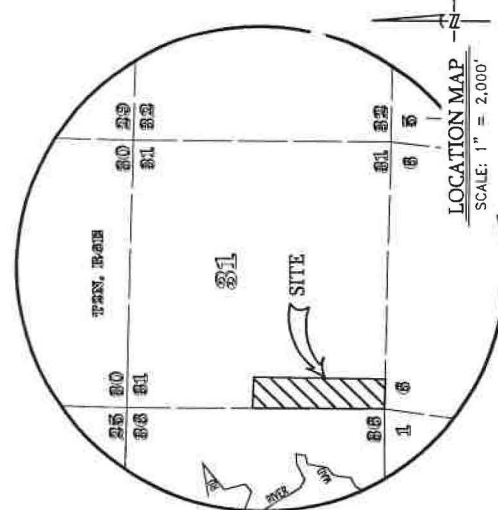
1. THIS PLOT PLAN, FOR APN 208-241-002 (SHOWN HEREON AS PARCEL "A"), HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMALUO) NO. 2539, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023. APPLICANT HAS APPLIED FOR THE EXISTING 9,800 S.F. OF MIXED LIGHT.
2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF P (FRWK) AND IS CURRENTLY ZONED FR-B-5(40).
3. THIS PLAT IS BASED ON RECORD INFORMATION PER BOOK 26 OF SURVEYS, PAGES 135-143, AND BOOK 36 OF SURVEYS, PAGE B3, AND SHALL NOT BE CONSIDERED A SURVEY, IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
4. THE PROPERTY IS CURRENTLY DEVELOPED WITH ONE (1) RESIDENCE AND ADDITION, ONE (1) GARAGE, ONE (1) DRYING SHED, TWO (2) STORAGE SHEDS, ONE (1) BATTERY SHED, ONE (1) SHOWER AND RESTROOM STRUCTURE, (2) HOOPHOUSES.
5. THE PROPERTY IS HILLY. CONTOURS SHOWN HEREON ARE AT 40 FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
6. THE APPROXIMATE LOCATION OF MAD RIVER, TOGETHER WITH ITS 200 FOOT "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA) AND CREEKS ARE CLASS III, IS AS SHOWN HEREON. NO OTHER WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
7. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
8. THIS PROJECT IS NOT LOCATED IN A FLOOD ZONE PER FIRM PANEL 08023C1350F.
9. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
10. A GRADING PERMIT WILL BE APPLIED FOR IN CONJUNCTION WITH THIS PROJECT, WITH THE GRADING, DRAINAGE & EROSION CONTROL PLAN BEING PREPARED BY ONSBERG & PRESTON.
11. SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS IS ON-SITE, WITH SEPTIC TESTING, DESIGN AND REPORT PREPARATION BY ONSBERG & PRESTON, DATED 11/23/18.
12. WATER FOR THE PARCEL IS FROM AN ON-SITE SPRING, AS SHOWN HEREON. ALL WATER SOURCES ARE/WILL BE PROPERLY PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORBEARANCE PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS, PONDS AND BLADDERS.

13. A SOILS REPORT HAS BEEN PREPARED BY WHITCHURCH ENGINEERING, INC., DATED 10/31/16, WHICH DETAILS THE SITE'S SPECIFIC GEOTECHNICAL RECOMMENDATIONS.
14. ACCESS TO THE SITE IS FROM SALVER MAD RIVER ROAD VIA STATE HIGHWAY 36.
15. THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
16. NO EMPLOYEES WILL BE UTILIZED FOR THE SITE'S COMMERCIAL AGRICULTURAL OPERATIONS. PROCESSING WILL BE DONE ONLY BY THE OWNER.
17. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
- EASEMENTS AND ENCUMBRANCES NOT SHOWN HEREON**
(PER PRELIMINARY REPORT BY FIDELITY TITLE INSURANCE COMPANY, DATED JANUARY MAY 27, 2004)
#3. EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER NOOK 1313, PAGE 277, OF OFFICIAL RECORDS.

UTILITIES

WATER & SEWER	ON-SITE SPRINGS
GAS	ON-SITE (PROPANE)
ELECTRIC	SOLAR/GENERATOR
TELEPHONE	CELLULAR SERVICE
T.V.	SATELLITE DISH

SYMBOL	INDICATES
	PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLON
S.F.	SQUARE FEET
BLDG.	BUILDING
(YEAR)	YEAR CONSTRUCTED/INSTALLED
EGH	EXISTING GREENHOUSE
EHH	EXISTING HOOPHOUSES
SMA	STREAMSIDE MANAGEMENT AREA
1800	CONTOUR AT 40 FOOT INTERVALS
	EXISTING CREEK
	SEWAGE DISPOSAL TEST HOLE LOCATION



Operation Plan Ap.# 12063

Place it in a clean turkey bag to be weighed out at the end of the day. There can be up to 5 temp. employees needed at the time of trim. There is a first aid kit available for any accidents.

There is a fully functioning bathroom on site for employees. Including a hand washing sink and soap. It has its own septic system as shown on the map's included. Employees must supply their own drinking water.

As far as road use there will be no increase in road use as the operation will not change from current practices.

The only employee housing would be temporary travel trailer for seasonal employee March-November

Revision of Operations Plan Application # 12063



I currently process in my shed as marked on the maps included in my packet. I do plan on constructing a 2,400 SF Processing shed in the future. It will include a 980 SF mother and immature plant greenhouse, and be powered by its own solar Array along with Backup generator.

Currently I am using the solar array that is near my house to power all operations.

The generators that is used to backup the power are 2000 Honda EU. They are in a covered shed near the solar panels. The noise level is not heard from 50-100 feet; they are only used when the batteries loose charge. There are 2 dehumidifiers used during drying which cannot be heard at 50ft. due to the fact they are indoors.

As far as processing practices, we supply gloves and Masks for those times when we remove the product from the receptacle we trim it then

California Home



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY STATE WATER RESOURCES CONTROL BOARD

California Integrated Water Quality System Project (CIWQS)

Facility At-A-Glance Report

[\[VIEW PRINTER FRIENDLY VERSION\]](#) [\[EXPORT THIS REPORT TO EXCEL\]](#)
SEARCH CRITERIA: [\[REFINE SEARCH\]](#) [\[NEW SEARCH\]](#) [\[GLOSSARY\]](#)
DRILLDOWN HISTORY: [\[BACK TO FACILITY LIST\]](#)
Place ID **827594**

General Information

Region	Place ID	Place Name	Place Type	Place Address	Place County
1	827594	Neil Hardin	Cannabis Site	Mad River, CA, 95552	Humboldt



Related Parties

Party	Party Type	Party Name	Role	Classification	Relationship Start Date	Relationship End Date
560977	Organization	Neil D. Hardin	Owner	Private-Individual	12/09/2016	
558942	Organization	Hardin, Neil	Owner and Operator	Private-Individual	08/30/2016	

Total Related Parties: 2



Regulatory Measures

Reg Measure ID	Reg Measure Type	Region	Program	Order No.	WDID	Effective Date	Expiration Date	Status	Amended?
408512	Enrollee Waiver	1	IRRICANNABIS	R1-2015-0023	1B161125CHUM	09/20/2016	08/13/2020	Active	N
410704	Letter	1	IRRICANNABIS	R1-2015-0023		08/25/2016		Active	N

Total Reg Measures: 2



Violations

Violation ID **Occurred Date** **Violation Type** **(-) Violation Description** **Corrective Action** **Status** **Classification** **Source**

Report displays most recent five years of violations. Refer to the [Interactive Violation Report](#) for more data.

Total Violations: 0

Priority Violations: 0

*Click the "(-) Violation Description" link to expand and contract the violation description.

*As of 5/20/2010, the Water Board's Enforcement Policy requires that all violations be classified as 1, 2 or 3, with class 1 being the highest. Prior to this, violations were simply classified as Yes or No. If a 123 classification has been assigned to a violation that occurred before this date, that classification data will be displayed instead of the Yes/No data.

Violation Types



Enforcement Actions

Enf Id	Enf Type	Enf Order No.	Effective Date	Status
--------	----------	---------------	----------------	--------

Total Enf Actions: 0



Inspections

Inspection ID	Inspection Type	Lead Inspector	Actual End Date	Planned	Violations	Attachment
---------------	-----------------	----------------	-----------------	---------	------------	------------

Total Inspections: 0

Last Inspection: None

The current report was generated with data as of: 11/02/2018
Regional Boards are in the process of entering backlogged data.
As a result, data may be incomplete.

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**Water Resource Protection Plan
for APN 208-241-002
WDID# 1B161125CHUM
Humboldt County**



Submitted to:

*California Regional Water Quality Control Board -
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, California 95403*

Prepared by:

*Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501*

November 2, 2018



Site Maps for Parcel



Figure 1. Vicinity map for parcel 208-241-002

1

Water Resource Protection Plan
WDID 1B161125CHUM
APN 208-241-002

Natural Resources Management Corporation
November 2, 2018

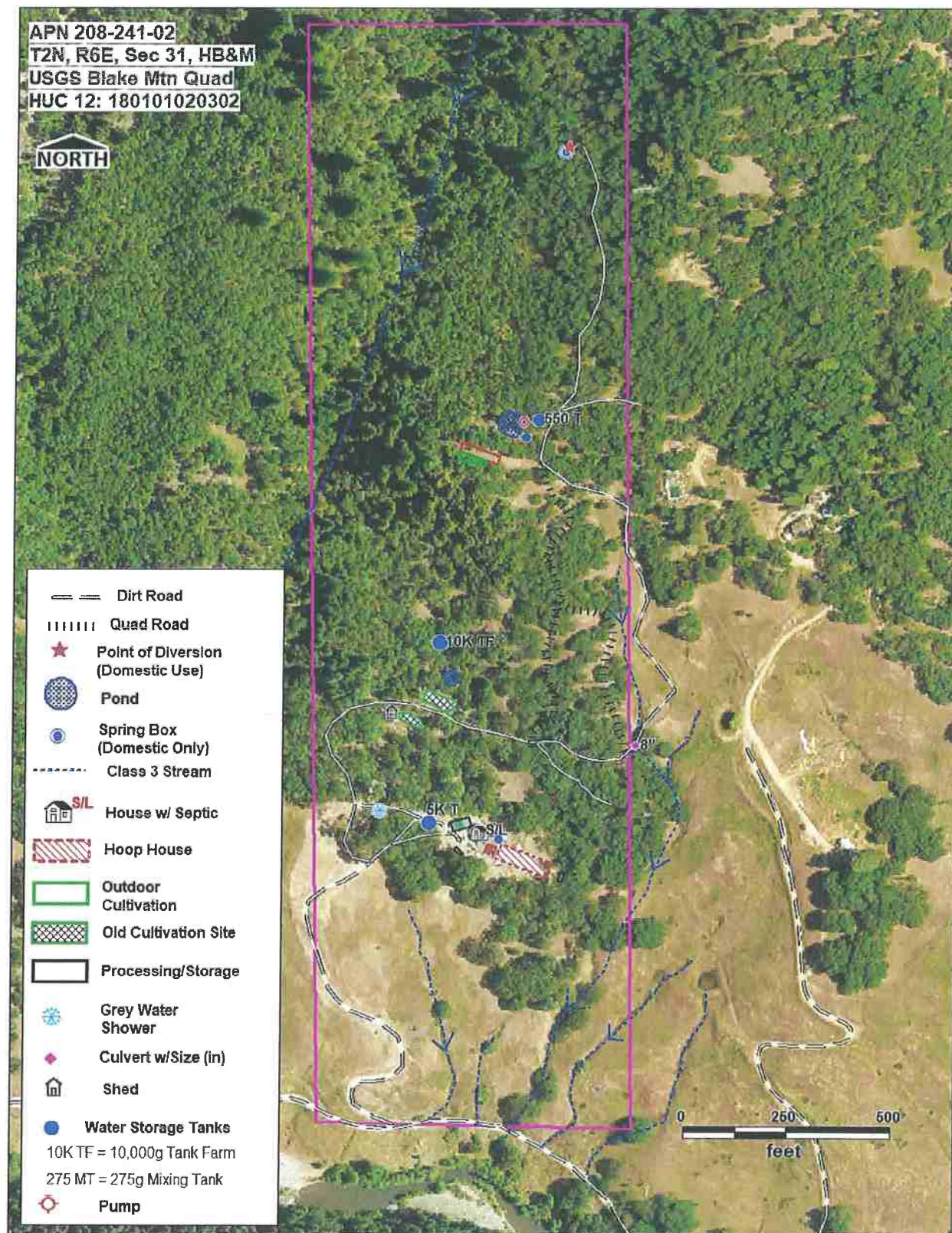


Figure 2. Ortho map of parcel 208-241-002 with infrastructure

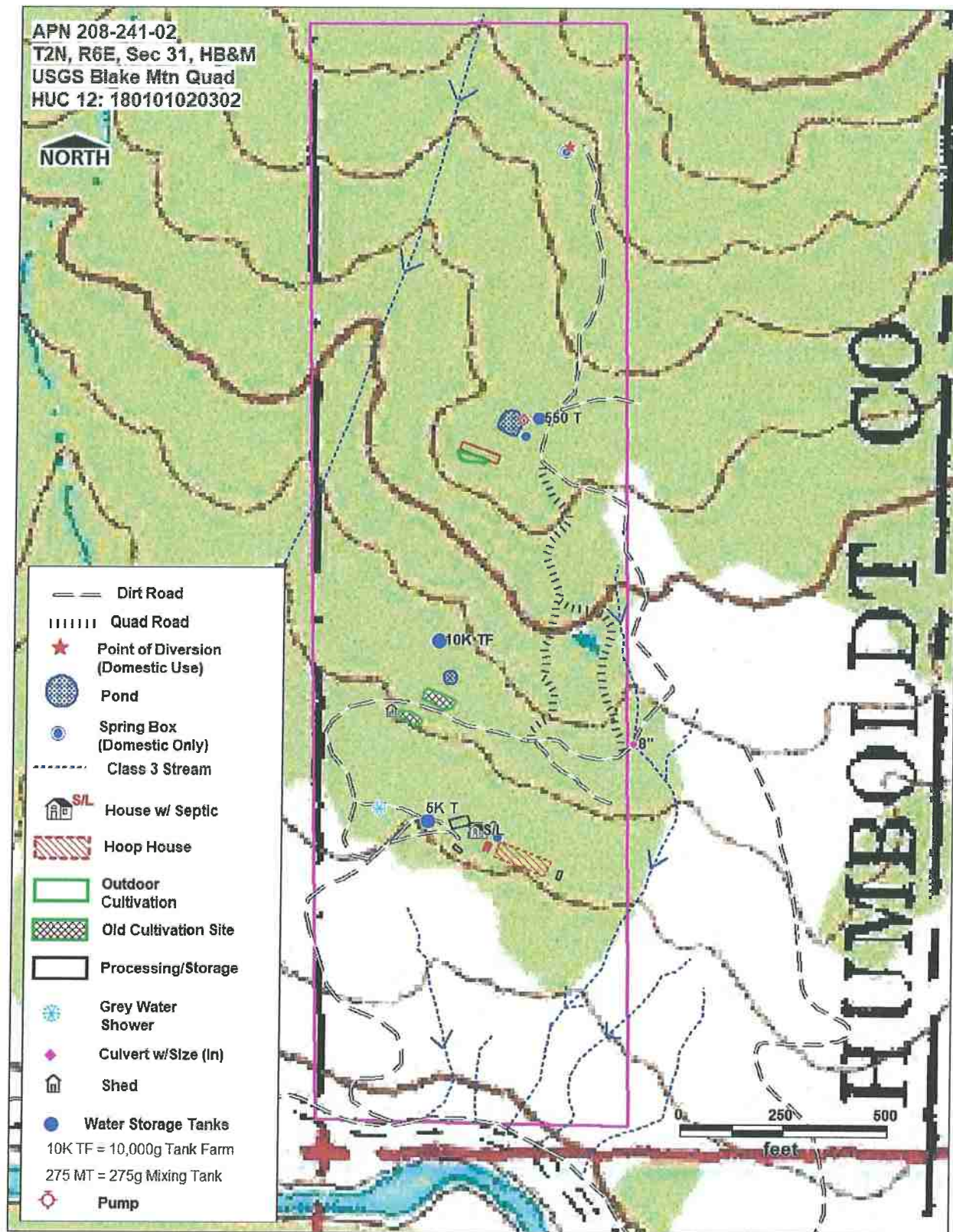


Figure 3. Topo map of parcel 208-241-002 with infrastructure

Water Resource Protection Plan

This document serves as the water resource protection plan (WRPP) for site APN 208-241-002 pursuant to Order No. R1-2015-0023. On August 13, 2015, the North Coast Regional Water Quality Control Board (NCRWQCB; Regional Water Board) adopted a General Waiver of Waste Discharge requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1-2015-0023. One of the requirements of Order No. R1-2015-0023 is to prepare a Water Resource Protection Plan (WRPP) for all sites that are enrolled under Tier 2 of the order.

Summary

This 38-acre parcel is the primary residence for the landowner. The parcel lies within the Mad River watershed on a natural hillslope ranging from approximately 12 percent to 34 percent. The elevation ranges from 3,140 feet at the northern boundary to 2,400 feet at the southern boundary. There is a large, permitted house on a septic system, a large garage, additional cargo containers, sheds, and miscellaneous structures. All processing and storage of cannabis is conducted strictly outside the home residence. As with many rural residences, there is some amount of scattered old appliances and general cleanup that is still needed and is currently being addressed.

The current cultivation area is a total of 8,040 square feet with two hoop houses by the main house and an upper terrace with a hoop house and outdoor full sun plants. Cultivation areas are watered every other day by hand, and nutrients applied every third watering. The primary water source on the property is a rainwater catchment pond that was newly installed in June 2017. The water is pumped through a gravity feed 1-inch line to a 550-gallon settling tank, and then to the cultivation areas. Previously, water was sourced from an isolated spring, which produces abundantly during the winter season, but drops down to approximately 200 gallons per day by September. Currently, this spring is only used for domestic water and is connected by 1-inch line to a series of hard tanks totaling 10,000 gallons for domestic storage.

Current Conditions

Watercourses

The parcel is situated on a slope with natural benches and the south end of the parcel is approximately 130 feet upslope from the Mad River. There are many ephemeral Class 3 channels that drain down towards the Mad River within the parcel vicinity (Figure 2). The parcel contains a Class 3 stream flowing north to south in the northwest corner of the parcel that does not cross any roads. The only stream crossing is on the eastern side of the parcel where a Class 3 stream crosses the main road leading up to the upper cultivation terrace (Figure 4).

The primary water source on the property is a 137,000-gallon 60-foot by 70-foot rainwater catchment pond that was newly installed in June 2017 and is located next to the upper cultivation terrace (Photo 4, Appendix A). The water is pumped through a 1-inch gravity feed line, to a 550-gallon settling tank and then is fed to the cultivation areas (Photo 5, Appendix A). This pump is 6 feet from the pond edge on a plastic tray and will be moved further away from the pond with a roof overhead; landowner plans to build a pump house near the rainwater pond for this reason.

Previously, water was sourced from an isolated spring, which produces abundantly during the winter season, but drops down to approximately 200-300 gallons per day by September. The spring emerges and has a developed

channel down the steeper grade of the hillside for approximately 100 feet before it benches out and fully dissipates in a broad, flat expanse of the terrain (Photo 9, Appendix A). The rainwater pond was filled by the spring for the 2017 cultivation season (due to lack of rain after pond was completed); however, this spring now (as of July 2017) is only used for domestic purposes. The spring is connected by 1-inch line to a series of hard tanks totaling 10,000 gallons for domestic storage (Photo 6, Appendix A).

Next to the 10,000-gallon tank farm is a seasonal rainwater pond for the purposes of wildlife and aesthetics (Photos 7-8, Appendix A). This pond has an approximately 10,000-gallon capacity, and was dry in mid-November and mid-August at site visits. This seasonal pond is a stable water feature; it is not lined, nor is it used for water storage or irrigation. Corrective actions for this parcel include a culvert upgrade, battery and pump containment and pit toilet remediation.

Roads

There is one main road (2/3 mi) that switchbacks up the hill through the property from the lower gate at County Line Road to the upper cultivation terrace and rainwater catchment pond. There is a driveway to the lower terrace off this main road. Improvements along the lines of additional road dips and rock are encouraged. Other than at the watercourse crossing, the road meets standard conditions for water quality as it is. The roads are dirt with a fair amount of native rock.

There are two quad roads that cut between the main road switchbacks (Figures 2 and 3); the eastern one appears abandoned and the western one has been used recently but landowner intends to ensure it will not continue to be used. The western skid should have a tank trap installed at the bottom (near the main road) to eliminate any surface flow from getting to the main road. Additional obstacles could be placed here to eliminate ATV use. Likewise, the other (eastern) skid should be hydrologically disconnected from the main road.

Watercourse Crossings

This parcel has only one stream crossing, located on a Class 3 stream on the main road on the eastern property border (Photos 11-13, Appendix A). This main road switchbacks up the hill through the property from the lower gate at County Line Road to the upper cultivation terrace and rainwater catchment pond.

This Class 3 stream crossing is an undersized 8-inch plastic pipe set just a few inches below the road. The headwall (from the channel bottom to the Inboard Edge Road) however, is greater than 6 feet. This configuration allows a pond to form here in the winter. The pond is purely ornamental. The crossing also shows erosion at the outboard edge of the road from road tread input, and possibly from the pond overwhelming the existing culvert. There is evidence of at least 2 prior failed culverts at this location. This crossing needs to be upgraded with an 18-inch corrugated metal pipe (Table 1), installed at the channel bottom and set at a grade that rests the outlet on the channel bottom downstream of the road. The site will also require a rolling dip or waterbar uproad of the crossing to eliminate road input as well as a critical dip installed to eliminate diversion potential.

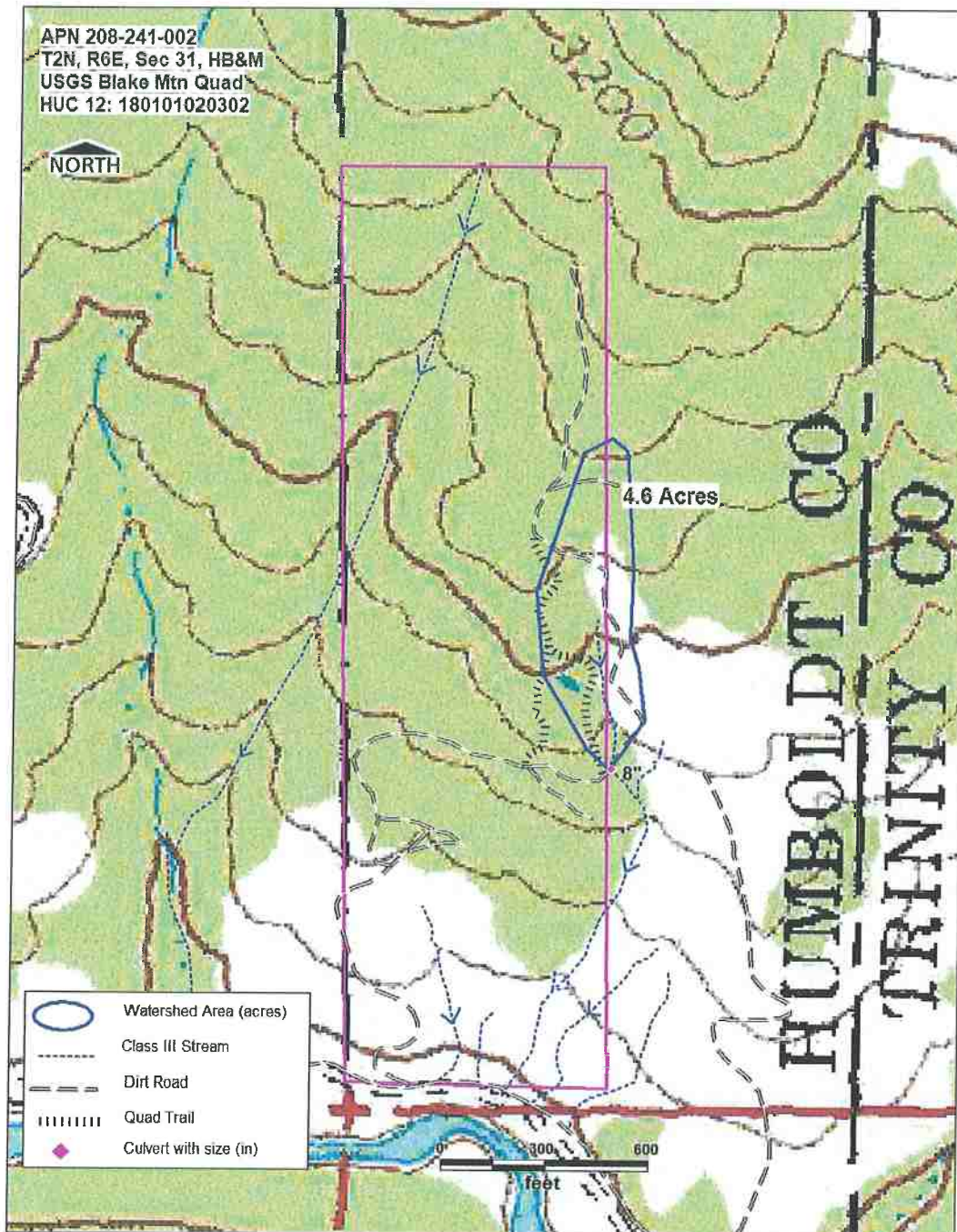


Figure 4. Watershed map for parcel APN 208-241-002 used for CulvertQ analysis

Table 1. Existing Culvert Information and Culvert Size Recommendations Based on Culvert Q

ID#	Existing Culvert Diameter (in)	Headwall Height (in)	HW/D (ratio)	Selected Discharge Method	Q100 (cfs)	Culvert Capacity (cfs)	Is Culvert Undersized?	Recommended Culvert Diam. (in)	Recommendation Based On
I	8	10	1.3	Rational	4	0	TRUE	18	Q100

Cultivation Areas

There are two active cultivation terraces on this property. The lower terrace contains the domestic structures (house, garages, storage, chicken coop) as well as a 38-foot by 130-foot hoop house and a smaller 20-foot by 10-foot hoop house (Photos 1-2, Appendix A). This terrace has a slope of 1 percent and a natural hillslope of 34 percent. It is vegetated with short grasses. This cultivation area is 300 feet from the closest watercourse (Class 3 stream). The larger hoop house has plants in raised beds and the smaller hoop house has plants in plastic pots; all plants are watered by hand and fertilizing is facilitated with use of a 275-gallon mixing tank.

The second cultivation area is a newly graded terrace upslope (north) approximately 950 feet from the lower terrace. It has a slope of 1 percent and a natural hillslope of 12 percent. It contains a 20-foot by 96-foot hoop house with approximately 192 plants in smart pots and 980 square feet of full-sun plants just adjacent to the hoop house with 34 plants in smart pots on wooden pallets (Photo 10, Appendix A). The rainwater catchment pond is located just above this terrace, and all plants are watered by hand and fertilizing is facilitated with use of a 275-gallon mixing tank (Photos 4-5, Appendix A). The closest watercourse (Class 3 stream) is 150 feet away from the cultivation area.

The total cultivation area on this parcel is 8,040 square feet.

Other Graded Areas

There are two small, older graded terraces that are no longer used for cannabis cultivation; one of them is now used as a vegetable garden. These are located off the main road between the active cultivation areas, near the water storage tank farm.

General Property Conditions

In general, the property was in decent condition with no riparian buffer zone conflicts with the limited number of drainages on the parcel. About 300 feet from the house up the road is an old 8-foot by 10-foot shower structure and across from this is what looks like a dry pond; landowner says this pond does not hold any water. On the lower terrace, east of the hoop house there is an 8-foot by 12-foot tiny house used by a seasonal employee. On the vegetable garden terrace (by the water tanks), there is a 10-foot by 12-foot shed that has an uncontained battery under the small porch (Photo 14, Appendix A). Next to this house there is a pit toilet that needs to be replaced with a portable toilet. There is a small amount of miscellaneous trash on the parcel that will be appropriately disposed of in a licensed waste facility.

List of Chemicals Stored Onsite & Information about Use

Landowner uses Age Old Organic (Liquid Blends) products and molasses for fertilizing the cultivation areas. Nutrients are applied at a dilution of 1 oz per gallon of water; a 275-gallon nutrient mixing tank is used for each cultivation area to facilitate watering. All plants are hand watered.

Table 2. 2018 Fertilizer and nutrient monthly usage

Product Name	January	February	March	April	May	June	July	August	September	October	November	December
nitrogen bat guano (pounds)	0	0	0	150	0	0	50	0	0	0	0	0
black bat guano (pounds)	0	0	0	300	0	0	100	0	0	0	0	0
bone meal (pounds)	0	0	0	150	0	0	50	0	0	0	0	0
trace minerals (pounds)	0	0	0	150	0	0	50	0	0	0	0	0
oyster shell (pounds)	0	0	0	150	0	0	50	0	0	0	0	0
diatomaceous earth (pounds)	0	0	0	100	0	0	50	0	0	0	0	0
age old organics grow (gall.)	2	4	4	7	5	5	10	2	2	2	2	2
age old organics bloom (gall.)	0	0	0	0	10	10	10	20	20	0	0	0
cal mag (gall.)	0.3	0.3	0.3	0.5	1.5	1.5	1.5	1.5	1.5	0.3	0.3	0.3
molasses (gall.)	0	0	0	0	1	5	0	0	2	10	0	0

Water Use

For the 8,040 square feet of cultivation, 74,250 gallons of water are used to irrigate during the cultivation season of January through December. The primary water source on the property is a 137,000-gallon 60-foot by 70-foot rainwater catchment pond that was newly installed in June 2017 and is located next to the upper cultivation terrace. The water is pumped through a gravity feed 1-inch line, to a 550-gallon settling tank and then fed to the cultivation areas. Previously, water was sourced from an isolated spring, which produces abundantly during the winter season, but drops down to approximately 200-300 gallons per day by September. The rainwater pond was filled by the spring for the 2017 cultivation season (due to lack of rain after pond was completed); however, this spring now is only used for domestic purposes. The spring is connected by 1-inch line to a series of hard tanks totaling 10,000 gallons for domestic storage and use.

Table 3. 2018 Monthly domestic water use estimation -spring

Domestic	January	February	March	April	May	June	July	August	September	October	November	December
Direct Diversion	3500	3500	3500	4000	4250	4500	4500	4500	4500	4000	3500	3500
To Storage	0	0	0	0	0	0	0	0	0	0	0	0
From Storage	0	0	0	0	0	0	0	0	0	0	0	0

Table 4. 2018 Monthly irrigation water use estimation -rainwater pond

Irrigation	January	February	March	April	May	June	July	August	September	October	November	December
Direct Diversion	250	750	1500	2500	9000	10250	17500	17750	10750	3500	250	250
To Storage	0	0	0	0	0	0	0	0	0	0	0	0
From Storage	0	0	0	0	0	0	0	0	0	0	0	0

For future compliance, **water meters will be used** to quantify water use for irrigation and storage. A photo of the meter reading will be taken monthly to document water use.

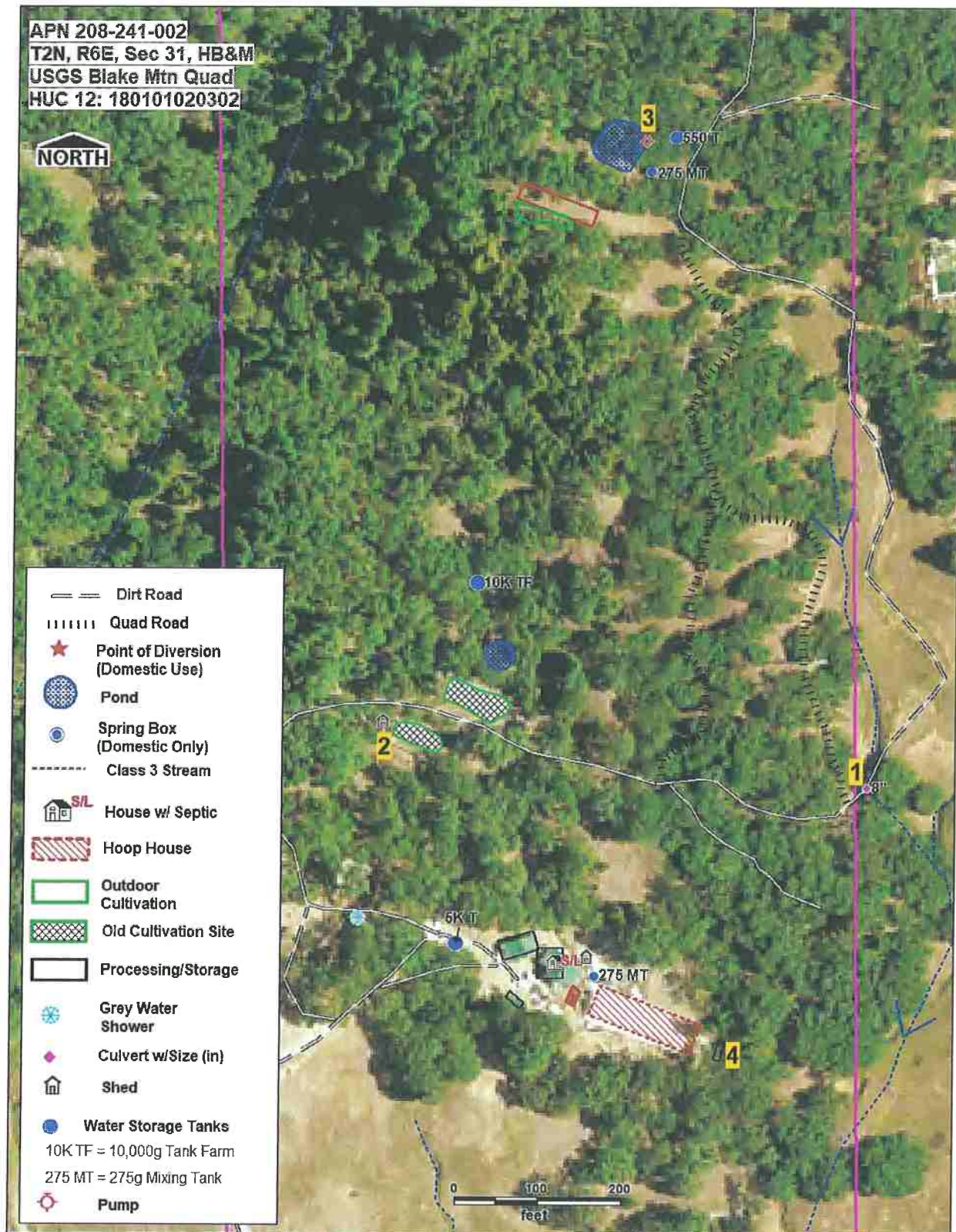


Figure 5. Corrective Actions Map

Corrective Actions Please refer to Figure 5, Corrective Actions map

Table 5. Features that need improvement. See Appendix B for Associated Standard Conditions (A.S.C.)

Unique Map Points	Map Point Descriptions	A.S.C	Temporary BMP	Permanent BMP (Best Management Practices)	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
1	8-in Culvert at Class III crossing	2.a. 2.e.	Keep pipe clear of debris	Replace 8-in culvert with 18-in culvert, install rolling dip and critical dip on road surface	4	October 15, 2022 (CDFW deadline may be October 2019)	
2	Uncontained battery	9.a.	N/A	Store battery in secondary containment	1	October 15, 2017	
3	Uncontained pump	9.a.	Put roof overhead and move away from pond	Build pumphouse to contain pump	1	October 15, 2017	
4	Pit Toilet	11.a.	Use portable toilet	Use toilet on septic system	1	October 15, 2017	

Priority time frames: 1 is high priority with treatment being planned to occur immediately; 2 is a high priority for treatment to occur prior to the start of the non-diversion period; 3 is a moderate priority for treatment to occur within a year, or prior to the winter of the second season of operations; 4 is a lower priority with treatment being planned within the shortest time possible, but no later than the expiration of this Order (five years).

- 1) This crossing needs to be upgraded with an 18-inch corrugated metal pipe, installed at the channel bottom and set at a grade that rests the outlet on the channel bottom downstream of the road. The site will also require a rolling dip or waterbar uproad of the crossing to eliminate road input as well as a critical dip installed to eliminate diversion potential. A CDFW Lake and Streambed Alteration permit (1600) is needed prior to working on this project. See Photos 11-13 in Appendix A.
- 2) This battery, located next to the shed by the tomato garden, will be placed in secondary containment with roof overhead to prevent any leakage into surface waters. See Photo 14 in Appendix A.
- 3) The pump by the rainwater catchment pond will be moved further away from the pond (approximately 15 feet) with a roof overhead. Placing pump in a pumphouse would be the best management practice.
- 4) The pit toilet by the worker's small dwelling will be discontinued and portable toilet may be used instead until permanent best management practice of using toilet connected to permitted septic is completed.

Winter Site Preparation

Prior to winter rains at the end of the growing season the following steps will be taken to prepare the site for winter.

- Soil used in cultivation will be either piled and covered securely, or left in beds planted with a cover crop depending on what is best for each cultivation area.
- Any bare soil on the fill slopes on the landing will be covered with straw 2 to 3 inches thick and secured with a tackifier.
- Cannabis stems and root balls will be burned or disposed of at a licensed waste facility.
- All nutrients, fuels, and other chemicals will be placed in a secure storage shed in secondary containment.
- All cultivation trash and debris will be properly disposed of at a waste disposal facility. Receipts for disposal will be kept.
- Any vegetation or debris obstructing the inlet or outlet of the culvert will be removed and disposed of where they cannot enter any streams and at least 200 feet from any streams.
- Roads will be maintained to prevent the development of surface ruts, gullies or surface erosion that results in sediment delivery to surface waters.
- All miscellaneous trash on the parcel will be either stored in a location where it will not interact with any surface water, or disposed of at a waste disposal facility.

Monitoring

Corrective Action Monitoring

Corrective Actions 2-4 will be checked at the annual 2017 fall/winter monitoring by client self-monitoring or NRM site visit. Corrective Action 1 will be checked in 2018/2019 by NRM at the annual fall/winter monitoring site visit date.

Annual Monitoring

Fall / Winter Monitoring

Annual monitoring for this site will follow the revised Appendix C from the Order No. 2015-0023. Each year, monitoring will occur on a minimum of three occasions: prior to October 15th; by December 15th; and immediately following a precipitation event with 3 inches of accumulation in a 24hr period.

During each monitoring event, the following items will be inspected:

1. Pumps, nutrients, fertilizers, and any petroleum products are stored in a dry, enclosed location.
2. Soils, growing mediums and any spoils are properly contained and covered to prevent nutrient leaching.
3. Culvert inlets and outlets
4. Waterbars, rolling dips and critical dips

Monitoring may be done by the landowner/registrant. Photos will be taken at each monitoring point. Monitoring photos and notes will be kept on-site. The landowner/registrant will submit monitoring forms and photos to NRM or the NCRWQCB.

Growing Season Monitoring

During the growing season, the landowner will monitor the following items at least monthly:

- Tanks, bladders, and water lines to ensure there are no leaks
- Cultivation area during or immediately after watering to ensure irrigation water is infiltrating (not running off)
- Cultivation area to ensure that all fertilizers and other chemicals are properly contained in the storage shed and that all trash and debris is properly contained and secured.

The landowner/registrant will keep a record of monitoring completion dates and any necessary corrective actions. A copy of this record will also be submitted to NRM.

During the growing season, all fertilizer and irrigation water use will be tracked. The type and amount of fertilizers used and the monthly total of water used for irrigation will be reported to NRM by December 31st of each year.

The annual monitoring report will be submitted to the Regional Water Board by March 31st of each year. The report will include the Appendix C reporting form the NCRWQCB Order No. R1-2015-0023.

Water Resource Protection Plan

Name of Legally Responsible Person (LRP)_____

Title for LRP (owner, lease, operator, etc.)_____

Signature:_____ Date:_____

WRPP prepared by: **Natural Resources Management Corp. (NRM)**

Date:_____

NRM Signature:_____

Appendix A. Photo Documentation



Photo 1. Lower terrace with 38-foot by 120-foot hoop house and smaller full-sun hoop house.
Photo taken August 8, 2017.



Photo 2. Raised beds in hoop house (shown in Photo 1). Photo taken Sept 15, 2016.



Photo 3. Generator shed, at lower terrace. Photo taken August 8, 2017



Photo 4. Rainwater catchment pond. Photo taken August 8, 2017.



Photo 5. 550-gallon settling tank and future location for pumphouse next to rainwater pond. Photo taken August 8, 2017

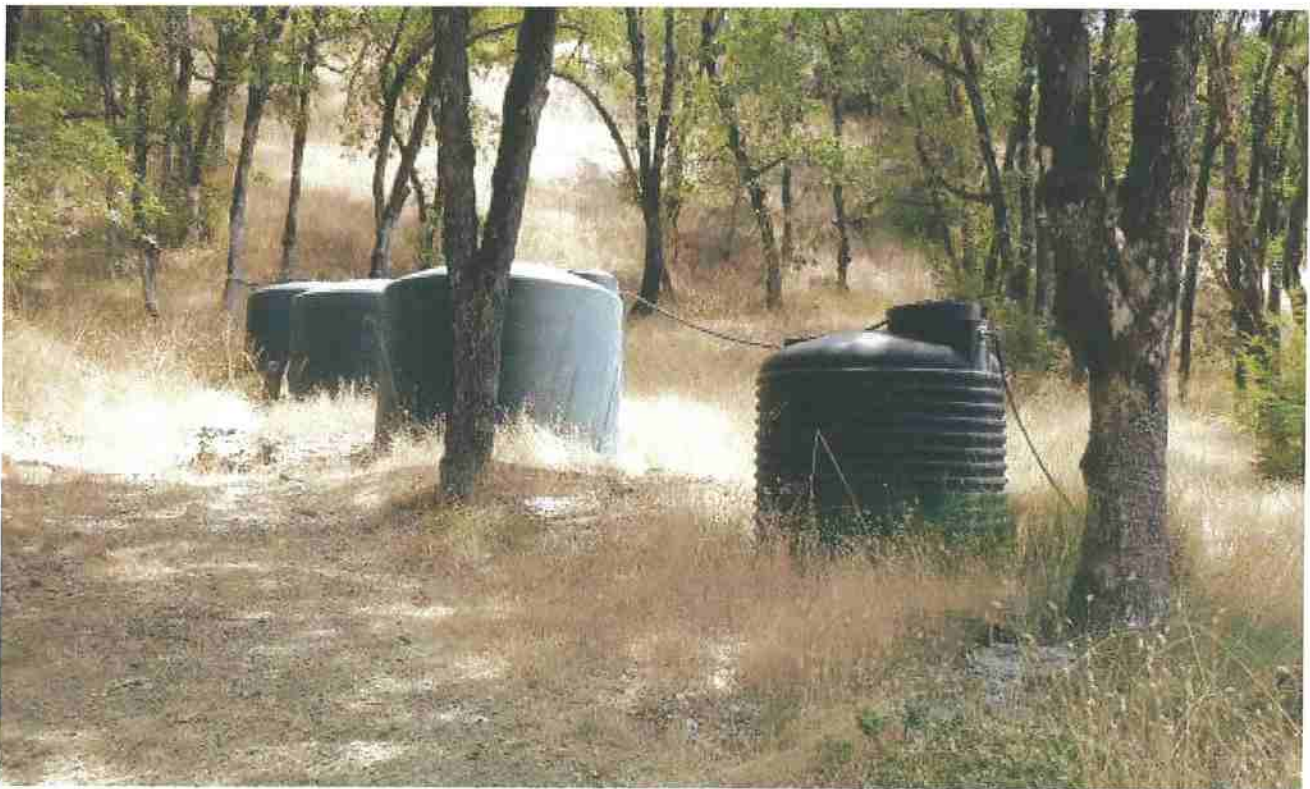


Photo 6. 10,000-gallon tank system used for domestic water storage. Photo taken August 8, 2017.



Photo 7. Seasonal pond (dry), approx. 10,000-gallon capacity. Photo taken August 8, 2017.



Photo 8. Seasonal pond (full), approx. 10,000-gallon capacity. Photo taken Nov 30, 2016.



Photo 9. Spring emergence site, spring box in channel (domestic use only). Photo taken Sept 15, 2016.



Photo 10. Upper terrace with 20-foot by 96-foot hoop house and full sun plants. Photo taken August 8, 2017

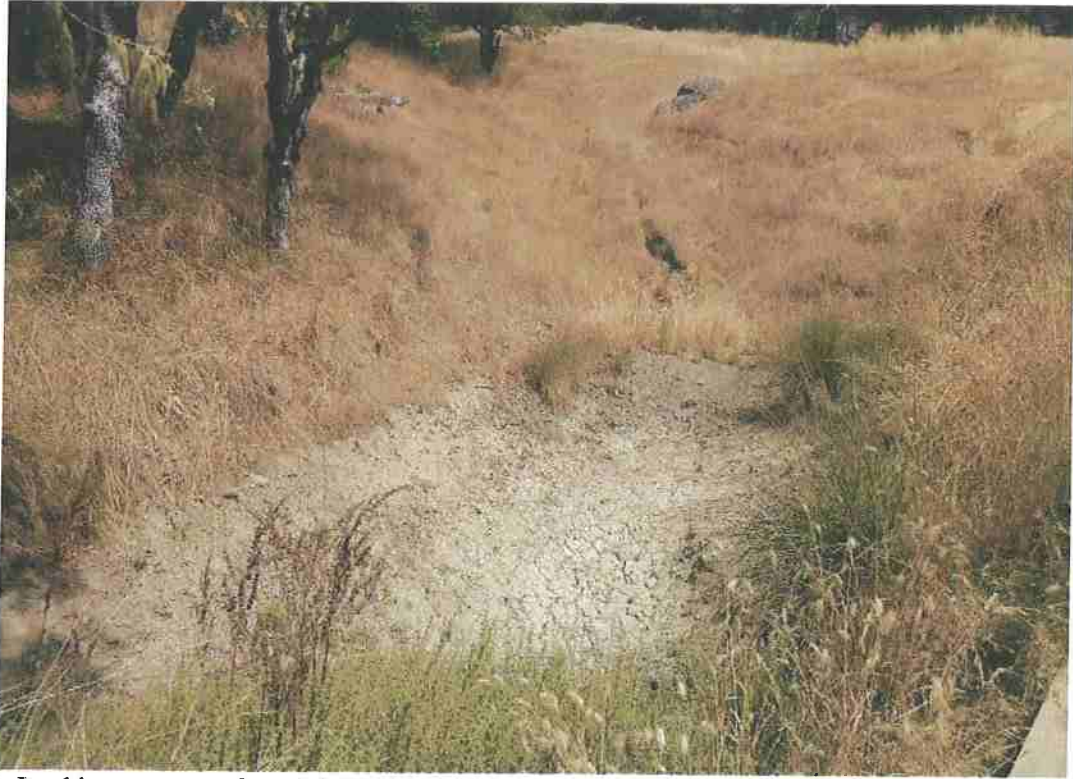


Photo 11. Looking upstream from inlet at 8-inch culvert stream crossing. Pool forms here and spills onto road.
Photo taken August 8, 2017



Photo 12. 8-inch inlet set close to road surface. Photo taken Sept 15, 2016.



Photo 13. 8-inch outlet at stream crossing. Photo taken Sept 15, 2016.

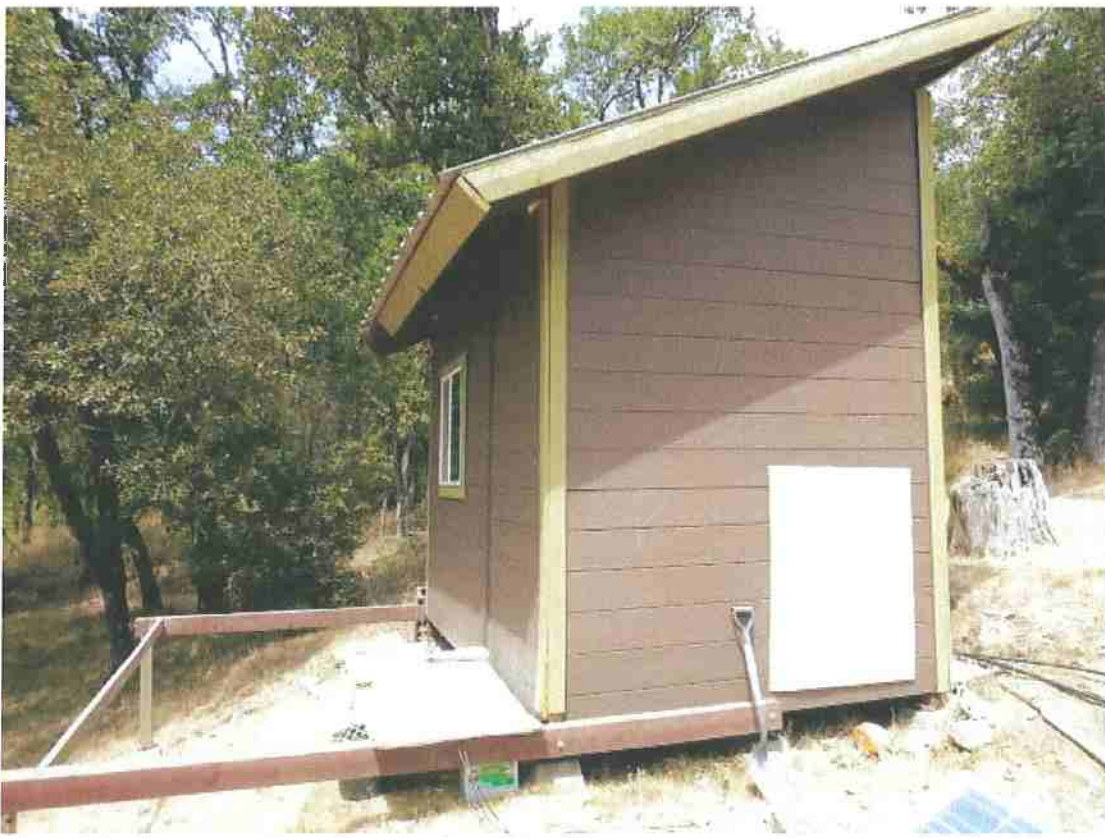


Photo 14. Storage shed by tomato garden with uncontained battery. Photo taken August 8, 2017

Appendix B. Associated Standard Conditions

I. As described in the Order, dischargers will fall within one of three tiers.

Discharger shall be in the tier that covers the most impactful part of the operations (i.e., different sections of a property cannot be divided among the tiers). **All dischargers**, regardless of Tier are subject to the standard conditions in section **I.A.**, MRP section **I.D.**, and General Terms, Provisions and Prohibitions. **Tier 2 Dischargers** are also subject to section **I.B. (a Water Resources Protection Plan)**, and Tier 3 Dischargers are subject to sections **I.A.**, **I.B.** (if cultivating cannabis), and **I.C.**

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.
- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.
- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.
- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams. Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf).
- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.
- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

2. Stream Crossing Maintenance

- a. Culverts and stream crossings shall be sized to pass the expected 100- year peak streamflow.

October 21, 2019

Neil Hardin
P.O. Box 82
Mad River, CA 95552



**Neil Hardin Conversion Evaluation Report
for Humboldt APN #208-241-002
Approximately W 1/2 of SW 1/4 of Section 31, T2S, R6E HB&M**

Neil Hardin has applied for a Humboldt County *Cannabis* cultivation permit under Ordinance 2544. Within the Ordinance under Section 55.4.10 (j), is the requirement "Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL FIRE, the applicant shall secure the services of a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL FIRE written Notice of Availability of the RPF's report. If CAL FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act (FPA). The clearing efforts that occurred are conversion of timberlands and were performed without a proper permit from CAL FIRE.

1. Contact Information

a. Timberland/Timber Owner of Record:

Neil Hardin
P.O. Box 82
Mad River, CA 95552

b. Registered Professional Forester Preparing Report:

Merritt Lindgren RPF # 2522
1434 Third Street
Eureka, CA 95501
(707) 442-1735

2. Location of Project

- a. Site Address: 865 County Line Creek Road (aka Salyer-Mad River Road)
- b. Community Area: Mad River, CA
- c. Assessor's Parcel No(s): 208-241-002
- d. Parcel Size(s): 40

Note: A legal parcel boundary survey was not a part of this Timberland Conversion Report. Parcel boundary lines on maps in this report are from Humboldt County GIS data and do not constitute a legal survey. Actual boundaries maybe different than as depicted on maps in the report.

3. Project Description

- a. Timber stand characteristics including species composition and age class.

The property is within a Douglas-fir/oak forest. The surrounding forest composition consists primarily of uneven aged second growth Douglas-fir and oak with a minor amount of other hardwood species. With all species combined, basal area ranges between 40 to 120 square feet per acre with 0% to 80% closed canopy. Many openings in the forested areas were created by the initial harvests. The property is zoned Forest Recreation with Building Site (FR-B-5(40)).

- b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

RIPARIAN BUFFER WIDTHS:

There are 5 class III watercourses and no class II watercourses on the parcel.

Class III watercourse 14CCR 916.9(h): (within the Coastal Anadromy Zone)

30 ft. for side slopes <30%.

50 ft. for side slopes >30%.

- c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

The conifer forests in the area were harvested in the late 50's to early 70's where the large diameter Douglas-fir trees were tractor yarded.

- d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

The two illegal conversions totaling **0.47 acres** have been cleared. Most of the conversion areas were cleared prior to 1993 and only a few trees were removed since then. Please see the Conversion Evaluation Maps and Photos for the locations of the conversion sites. The current owners purchased the property in 2003. Site A is a 0.15 acre conversion near the middle of the property and Site B is a 0.32 acre conversion located in the southern of the property. They both are on gently rolling ridges.

Name	Acres
Site A	0.15
Site B	0.32
Total	0.47

Conversion Site A

The conversion area is on a nearly flat midslope bench with a southwest. The surrounding slopes range from about 10% to 25%. The total area converted at this site without a 1104.1(a) permit is **0.15 acres**.

Conversion Site B

This conversion area is also on a midslope bench with a southwest aspect. The surrounding slopes range from about 10% to 25%. The total area converted at this site without a 1104.1(a) permit is **0.15 acres**.

4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules (CFPR)

- a. Harvest Practices and Erosion Control (CFPR Section 914)

No permits were obtained prior to conversion operations. Some erosion issues were associated with the appurtenant roads for the timber conversion sites.

b. Logging Roads, Landings, and Logging Road Watercourse Crossings (CFPR Section 923)

The access roads to the conversion sites are the appurtenant roads for the conversion operations that occurred. One of the roads has a new, adequately sized and functioning watercourse crossing. The recommendations that are included in this report will improve the road drainage.

c. Watercourse and Lake Protection Zones (CFPR Section 916)

No watercourse protection issues are present at either of the conversion sites. The nearest class III watercourse is about 200' from site B.

d. Hazard Reduction (CFPR Section 917 and 1104.1(a)(2)(D) 4.

Slash created by the conversion efforts may be present at the sites.

e. Rare, Threatened or Endangered Plants or Animals (CFPR Section 919)

No Rare, Threatened or Endangered Plants or Animals were observed in the vicinity of the conversion site. According to California's Natural Diversity Database There are listed or sensitive species near the property. Steelheads are listed as being in the Mad River about 700' from the nearest conversion area, a Northern Goshawk is about a NSO's were within 1.3 miles.

f. Significant Historical or Archeological Sites (CFPR Section 929)

No evidence of historical or archaeological activities were observed.

5. Summary and Recommendations

Summary

The appurtenant roads are fairly well drained with some exceptions. The only watercourse crossing on the appurtenant road has been recently upgraded to a functioning 18" culvert which was sized for a 100 year flood event.

Recommendations

1. At Map Point 1 improve and maintain the existing rolling dip.
2. At Map Point 2 improve and maintain the existing rolling dip.
3. At Map Point 3 install a new rolling dip to divert the road surface flow off of the road.
4. Where slash was created during the conversion efforts it must be treated in accordance with CCR 14 1104.1 (a)(2)(D)

CCR 14; 1104.1 (a)(2)(D) {summation of pertinent points}

This section refers to Slash and Woody Debris resulting from Timber Operations associated with conversion exemptions. The Timber Operator shall be the responsible party for the treatment of logging Slash and Woody Debris.

1. Unless otherwise required, Slash greater than one inch in Diameter and greater than two feet long, and Woody Debris shall receive full treatment.

4. Initial treatment shall include limbing Woody Debris and cutting Slash and Woody Debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.

6. Full Slash and Woody Debris treatment may include any of the following:

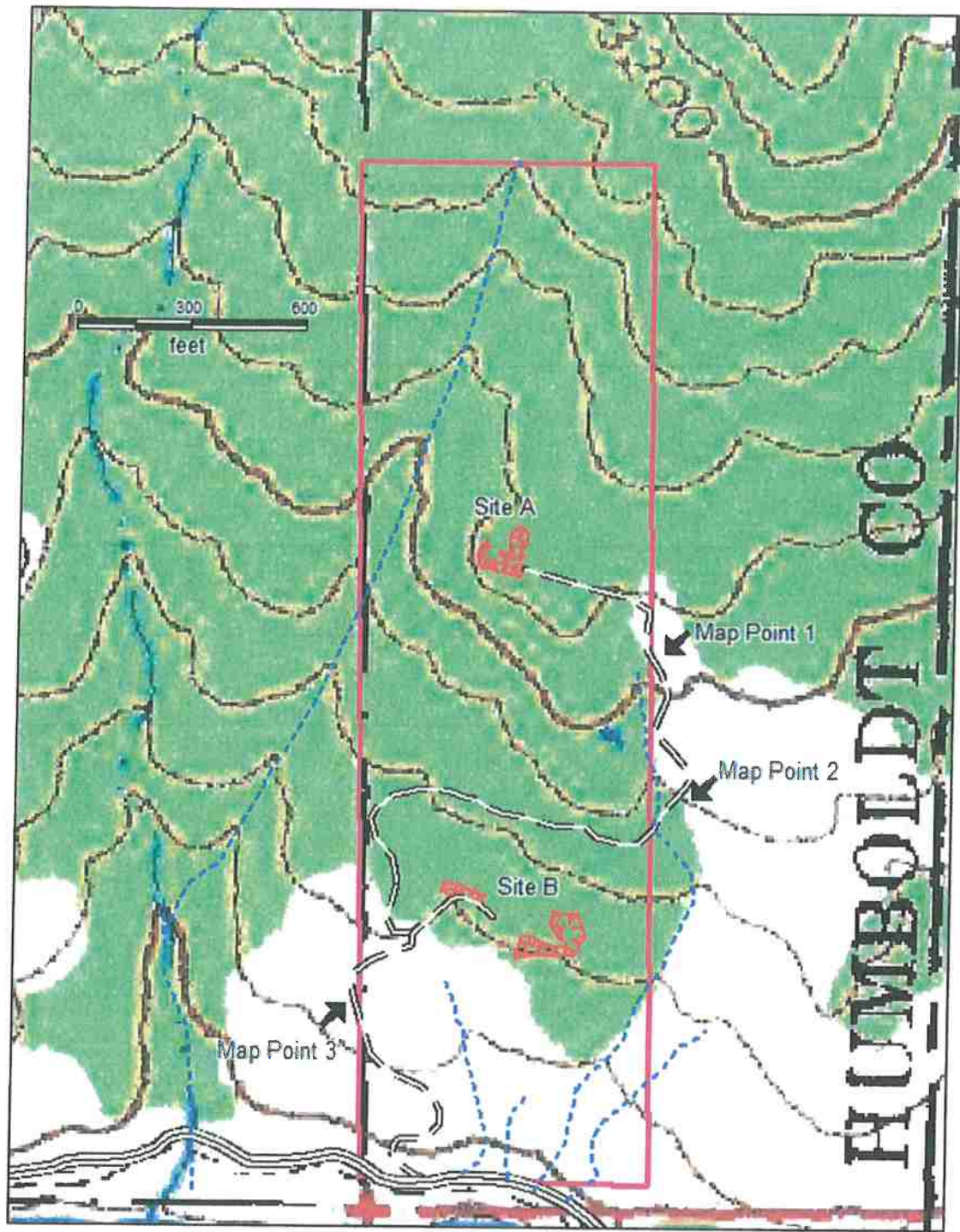
- a. burying;
- b. chipping and spreading;
- c. piling and burning; or
- d. removing Slash and Woody Debris from the site for treatment in compliance with (a)-(b).

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

7. Slash and Woody Debris, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation.

8. Any treatment which involves burning of Slash or Woody Debris shall comply with all state and local fire and air quality Rules.

6. Photos, Figures, Map



Hardin Conversion Evaluation Map
2016 NAIP Ortho Photo
208-241-002
~ W1/2 of SW1/4 of Sec. 31, T2N, R6E HB&M



0 300 600
feet

Legend



Hardin Property Boundary



Conversion Area Boundary



Public Permanent Road



Appurtenant Permanent Road

Hardin Conversion Evaluation Map
 2005 NAIP Ortho Photo
 208-241-002
 ~ W1/2 of SW1/4 of Sec. 31, T2N, R6E HB&M



0 300 600
 feet

- Legend**
-  Hardin Property Boundary
 -  Conversion Area Boundary
 -  Public Permanent Road
 -  Appurtenant Permanent Road

Real Quest Pro – Hardin Property Detail Report

RealQuest.com ® - Report

Page 1 of 1

Property Detail Report

For Property Located At :

CA



Owner Information

Owner Name: HARDIN NEIL D
Mailing Address: PO BOX 82, MAD RIVER CA 95552-0082 B002
Vesting Codes: UM //

Location Information

Legal Description: - S02 T01N R05E/ TIMBERLINE RANCH ESHESB11P56 M KEMP TR0600601145B A 4 C
County: HUMBOLDT, CA APN: 208-241-002-000
Census Tract / Block: / Alternate APN: 208-241-02
Township-Range-Sect: 1N-5E-02 Subdivision:
Legal Book/Page: Map Reference: /
Legal Lot: Tract #
Legal Block: School District: MAD RIVER MAD RIVER
Market Area: School District Name: MAD RIVER MAD RIVER
Neighbor Code: 208 Munic/Township:

Owner Transfer Information

Recording/Sale Date: 09/18/2003 / 09/02/2003 Deed Type: QUIT CLAIM DEED
Sale Price: 1st Mtg Document #:

Document #: 36312

Last Market Sale Information

Recording/Sale Date: / 1st Mtg Amount/Type: /
Sale Price: / 1st Mtg Int. Rate/Type: /
Sale Type: / 1st Mtg Document #: /
Document #: / 2nd Mtg Amount/Type: /
Deed Type: / 2nd Mtg Int. Rate/Type: /
Transfer Document #: Price Per SqFt:
New Construction: Multi/Split Sale

Title Company:

Lender:

Seller Name:

Prior Sale Information

Prior Rec/Sale Date: / Prior Lender: /
Prior Sale Price: / Prior 1st Mtg Amt/Type: /
Prior Doc Number: / Prior 1st Mtg Rate/Type: /
Prior Deed Type:

Property Characteristics

Gross Area:	Parking Type:	Construction:
Living Area:	Garage Area:	Heat Type:
Tot Adj Area:	Garage Capacity:	Exterior wall:
Above Grade:	Parking Spaces:	Porch Type:
Total Rooms:	Basement Area:	Patio Type:
Bedrooms:	Finish Bsmnt Area:	Pool:
Bath(F/H): /	Basement Type:	Air Cond:
Year Built / Eff: /	Roof Type:	Style:
Fireplace: /	Foundation:	Quality:
# of Stories:	Roof Material:	Condition:

Other Improvements: Building Permit

Site Information

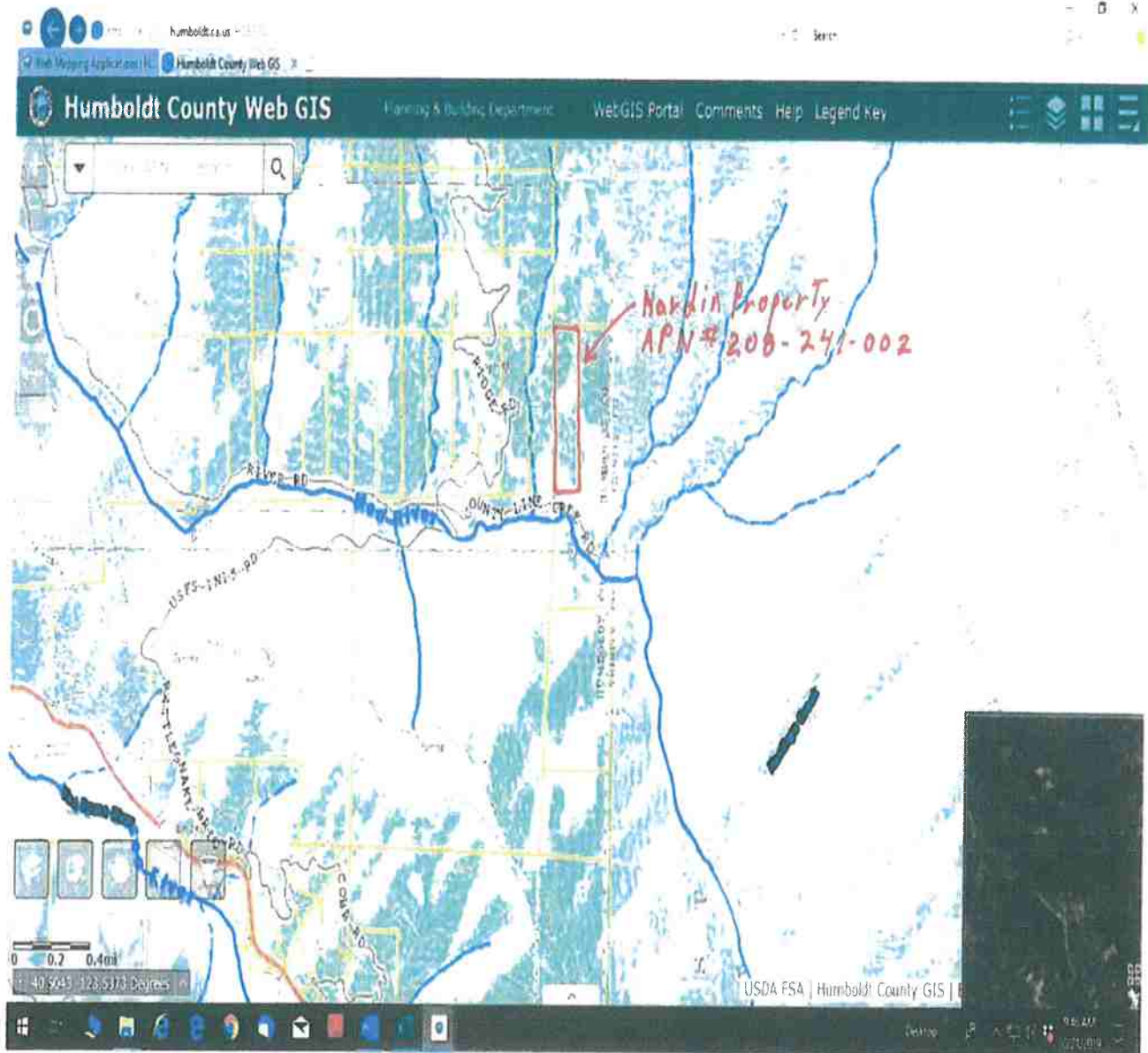
Zoning: FR-B-5(40)	Acres: 40.00	County Use: RURAL - RESD IMPR 20-40 ACRES (3104)
Lot Area: 1,742,400	Lot Width/Depth: *	State Use:
Land Use: RURAL HOMESITE	Res/Comm Units: /	Water Type:
Site Influence:		Sewer Type:

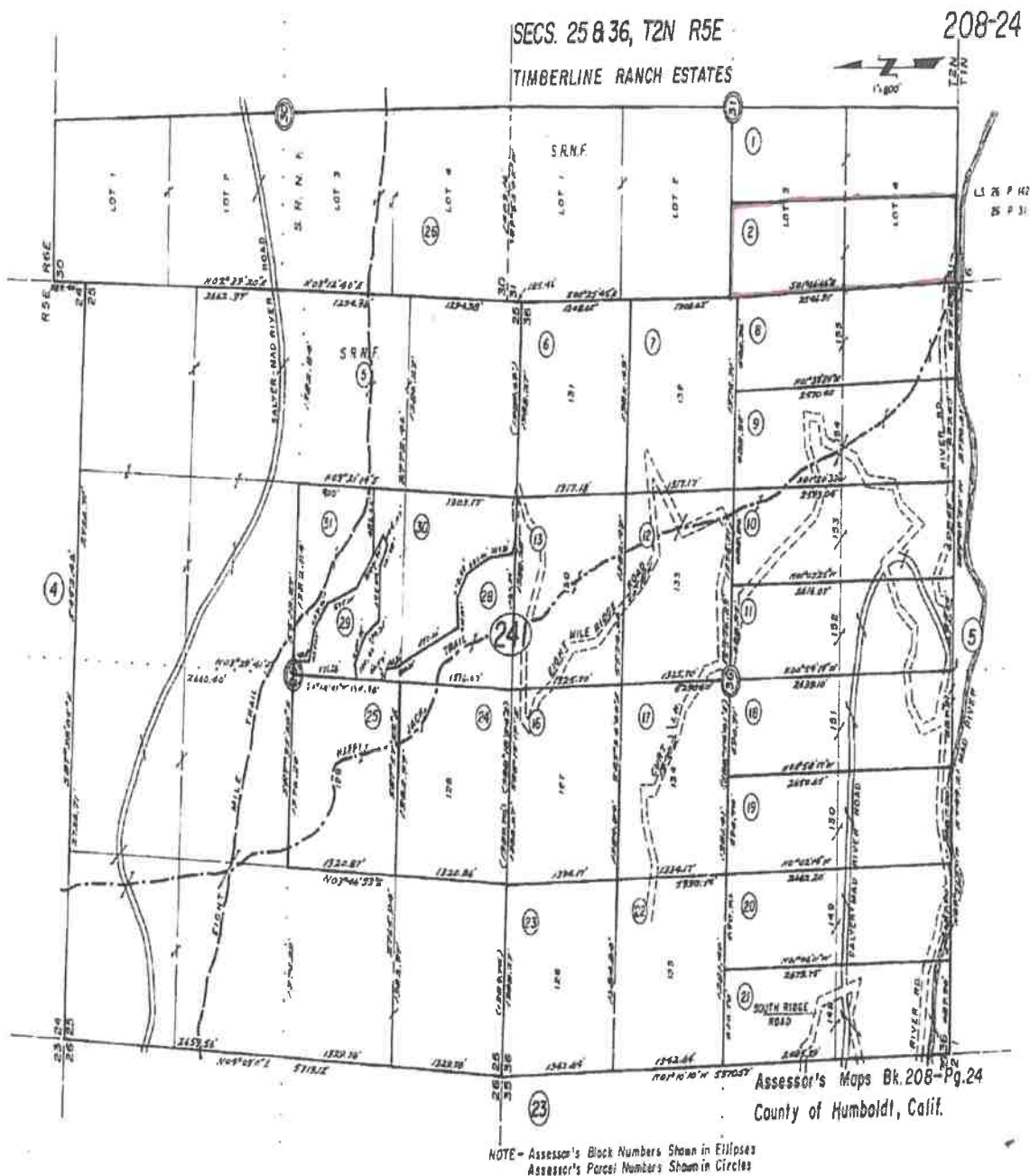
Tax Information

Total Value: \$234,616	Assessed Year: 2019	Property Tax: \$2,399.06
Land Value: \$114,957	Improved %: 51%	Tax Area: 158000
Improvement Value: \$119,659	Tax Year: 2018	Tax Exemption:
Total Taxable Value: \$234,616		

<http://pro.realquest.com/jsp/report.jsp?action=confirm&type=getreport&recordno=0&reportopt...> 10/21/2019

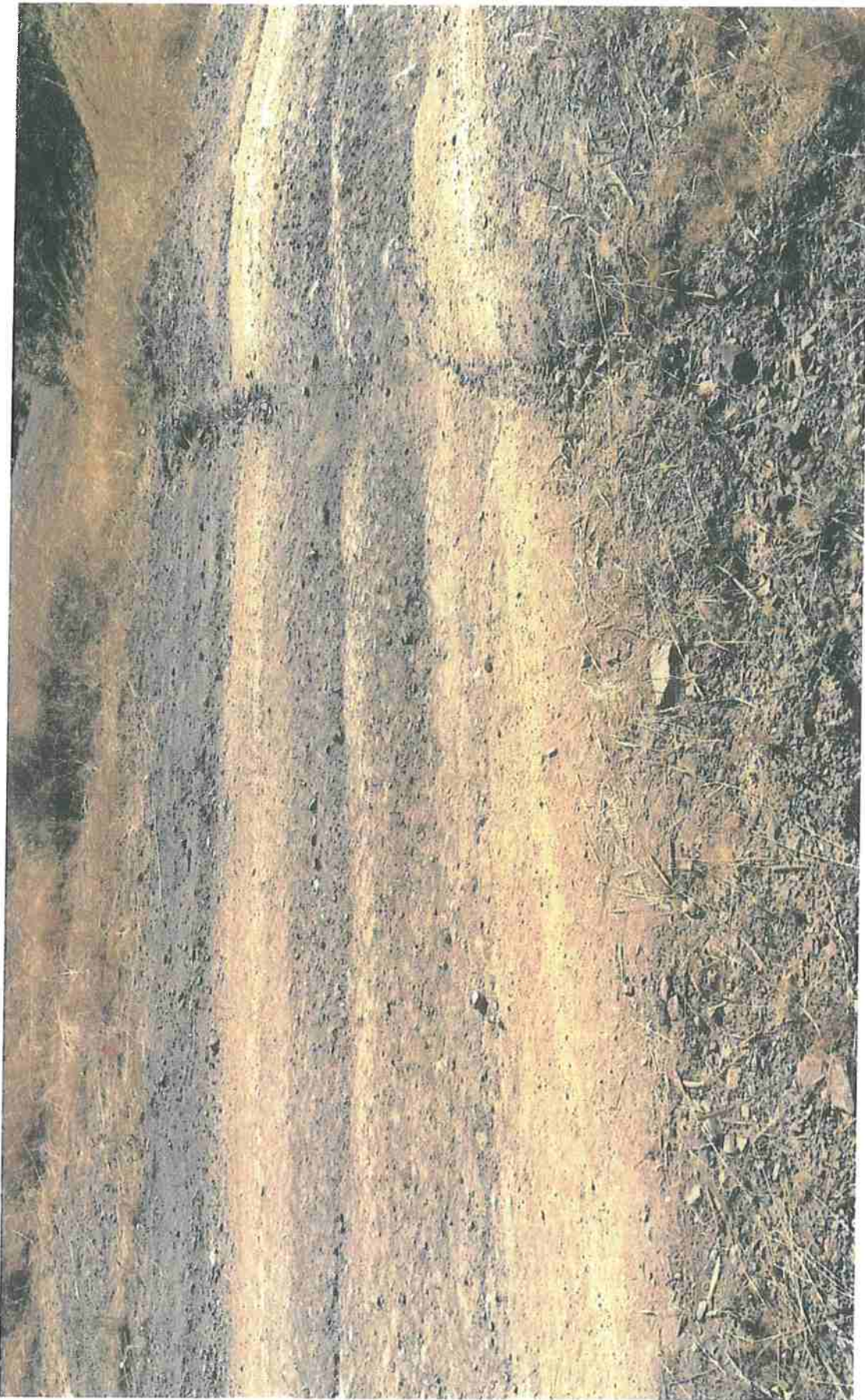
Humboldt Co. Parcel View Map



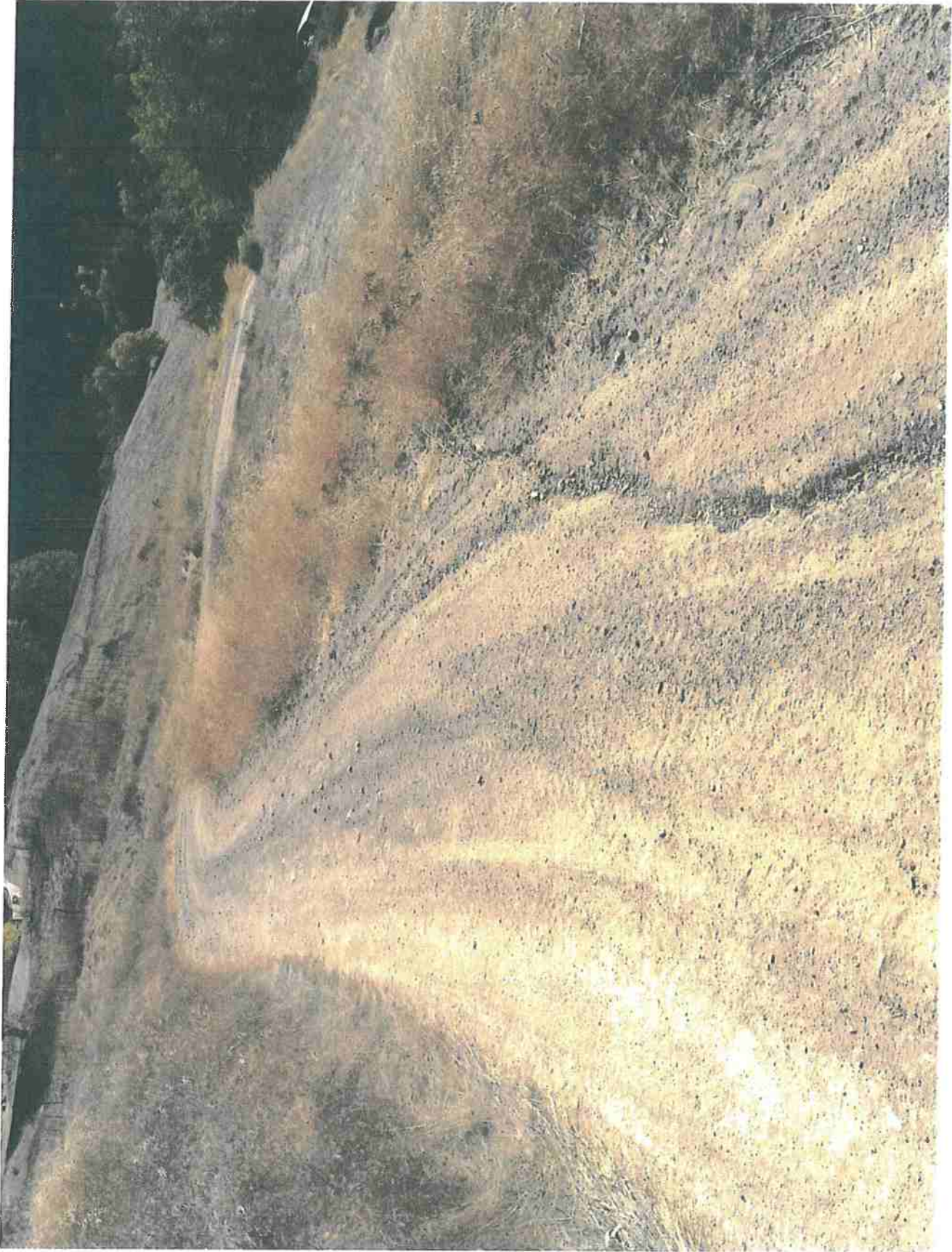


☐ Hardin Property

Map Point 2.



Map Point 3.



Detail Drawing for Rolling Dips

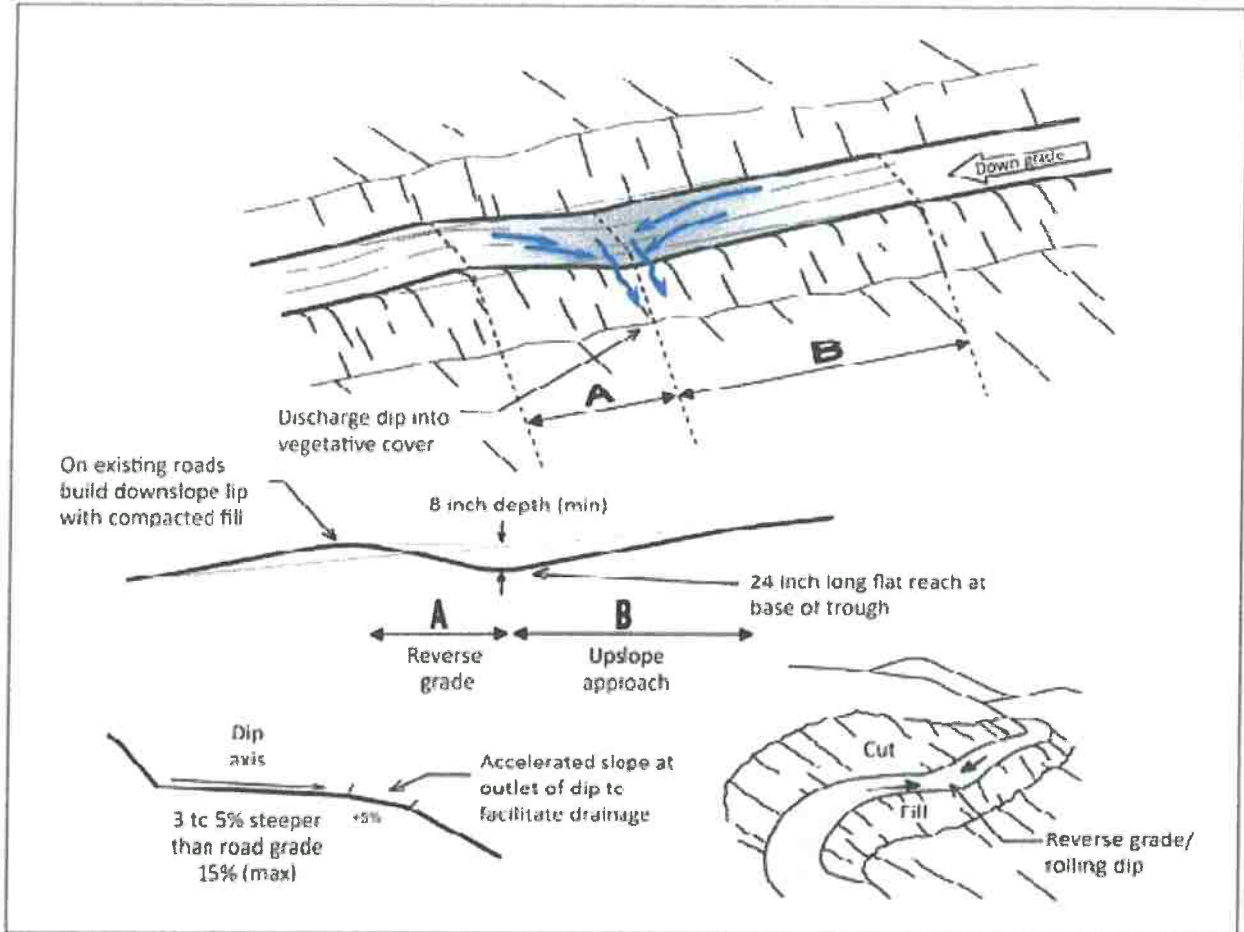


Figure 5. A classic Type I rolling dip, where the excavated up-road approach (B) to the rolling dip is several percent steeper than the approaching road and extends for 60 to 80 feet to the dip axis. The lower side of the structure reverses grade (A) over approximately 15 feet or more, and then falls down to rejoin the original road grade. The dip must be deep enough that it is not obliterated by normal grading, but not so deep that it is difficult to negotiate or a hazard to normal traffic. The outward cross-slope of the dip axis should be 3% to 5% greater than the up-road grade (B) so it will drain properly. The dip axis should be outsloped sufficiently to be self-cleaning, without triggering excessive downcutting or sediment deposition in the dip axis (Modified from: Weaver et.al 2015).

Table 2. Dimensions for rolling dip construction.

Road grade (%)	Upslope approach (distance from uproad start of rolling dip to trough) (ft)	Reverse grade (distance from trough to crest) (ft)	Depth below average road grade at discharge end of trough (ft)	Depth below average road grade at upslope end of trough ₂ (ft)
< 6	55	15-20	0.9	0.3
8	65	15-20	1.0	0.2
10	75	15-20	1.1	0.1
12	85	20-25	1.2	0.1
>12	100	20-25	1.3	0.1

7. References and Conditions

Handbook for Forest, California Forest Practice Rules; 2019; Title 14, California Code of Regulations;
Humboldt County Web GIS; <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>; Google Earth
California Natural Diversity DataBase, BIOS; <https://apps.wildlife.ca.gov/bios/?al=ds85>

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE
PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN

1. This information has been prepared for the sole use of the **Landowners of Record**, for the express purpose of submitting the document to CAL Fire and or the local county planning department.
2. Natural Resources Management Corporation does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Natural Resources Management Corporation did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Natural Resources Management Corporation at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local state or county agencies.
7. Natural Resources Management Corporation shall not be responsible for the supervision of mitigation operations following approval of this conversion plan.

Signature Page

Landowners of Record: Neil Hardin

Signature: _____ Date: _____

Registered Professional Forester: Merritt Lindgren RPF #2522

Signature: Merritt Lindgren Date: 10/23/2019

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Neil Hardin APN: 208-241-002

Planning & Building Department Case/File No.: _____

Road Name: Salger Mad River Rd (complete a separate form for each road)

From Road (Cross street): Forestry 1

To Road (Cross street): NA

Length of road segment: 1/4 miles Date Inspected 9-17-16

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

Check one of the following:

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

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

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

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

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

Signature

Neil Hardin

Date

9-12-17

Name Printed

Neil Hardin

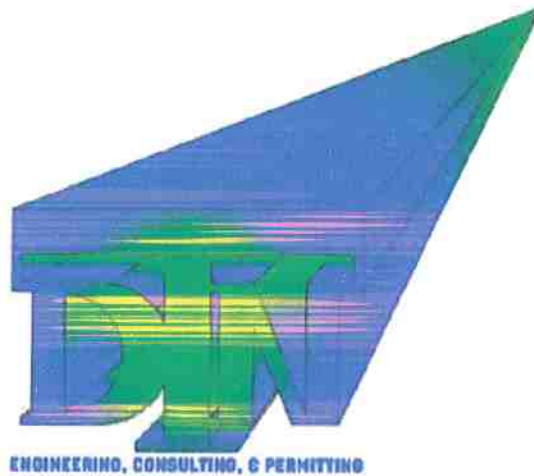
R2 Soils Report

For

Neil Hardin

A Portion of The NE ¼ Sections 36, T2N, R5E H. B. & M.

**Mad River, County of
Humboldt California
APN 208-241-002
APPS #12063**



December 2018

1.

Date:	December 20, 2018	Project Number:	2018_AB-1
Owner:	Neil Hardin	Project Name:	R2 Soils Report
Location:	Mad River, California	APN:	208-241-002

Introduction:

DTN Engineering (Engineer) was secured by Neil Hardin (client) to evaluate the existing conditions for the above referenced parcel. The client is seeking back permitting for the existing rain water catchment pond at the location identified on the Google Earth Map Photos 1-6 (Exhibit A). The following is an outline of our findings and recommendations.

Project Site Location:

The project site is located is off River Rd. approximately .40 miles west of the Humboldt \ Trinity County Line. (see **Exhibit A** for Location Map and **Exhibit B** for Google Earth Map). Latitude and Longitude of the project site is 40.5053 N and -123.5485 W. The parcel is approximately 40 acres in size (Parcel Map Book 208 and Page 24). The parcel is zoned both FR-B-5 under the County of Humboldt zoning code. Surrounding the parcels are primarily agricultural and timberlands. The approximate site elevation of the project site is from approximately 2400' to 3040' above mean sea level. Ingress/egress is provided from Private Drive via River Rd.

Project Site Geology:

The subject property is mostly undeveloped besides pre-existing access roads, landings, and agricultural structures. Slopes on site in general are slightly inclined (approximately less than 10% to greater than 25%) with a southerly aspect towards a tributary to Mad River. Geologically, the site lies within Central Belt of the Franciscan Complex apart of the greater Coast Range Physiographic Province (McLaughlin and others, 2000). The existing development primarily lies atop of early Tertiary to Late Cretaceous-age mélangé of the Central Belt (cm2). The cm2 portion of the assemblage is described as predominately subequal amounts of metasandstone and meta-argillite. The geomorphology exhibited by this portion of the Franciscan assemblage is irregular topography that lacks well incised sidehill drainages but is less lumpy than cm1 (mélangé unit). No active sliding or faulting was observed during the site visit within and outside of the graded areas.

The project parcel has the Vogan Fault running through it according to the Humboldt County GIS system. is not located near any earthquake faults.

Proposed Project:

The proposed project for this site is to perform a general soils investigation as needed to provide an engineering assessment for the back permitting for grading that constructed the existing rainwater catchment pond.

Soil Conditions:

A field investigation was conducted by the Engineer at this site on October 15, 2018. This investigation consisted of site observations and general observations of the area of the existing development. The soil conditions observed on site were that of a clay loam.

Site Soil Evaluation:

Conservatively, site soils will yield a bearing pressure of two thousand (1500) psf for vertical bearing and one hundred and fifty (100) psf for lateral bearing (2016 California Building Code, Table 1806.2).

Seismic Considerations and Flood Considerations:

There are no active faults nearby and the site does not lie within an Alquist-Priolo zone. The following coefficients shall be used for seismic design (See **Exhibit C** for USGS Seismic Hazard Data):

TABLE 3-SPECTRAL RESPONSE ACCELERATIONS		
<u>Situs Information:</u> APN 109-182-004 & 003 1050 & 1058 Spring Road, Shelter Cove	Latitude / Longitude	40.5053 / -123.5485
	Risk/Occupancy Category	I
	Seismic Design Category	E
	Site Class	D
Spectral Accelerations	S _s (Site Class D)	1.381
	S ₁ (Site Class D)	.61
Site Coefficients	F _a / F _v	1.0 / 1.5
Response Accelerations (g)	S _{MS}	1.381
	S _{M1}	1.381
	S _{DS}	.92
	S _{D1}	.61

The project site is listed to be in an area that is *highly instable* by the County of Humboldt GIS mapping.

3. Based on the location and geographical setting, the project site lies outside any flood prone areas.

Due to the site soils, depth to groundwater, distance to the nearest known quaternary fault, and distance to descending slopes, the potential for liquefaction, surface rupture, soil strength loss, or faulting at this site is moderate, and no special mitigation hazards are necessary.

Pond Evaluation:

The existing rainwater catchment pond is approximately 250,000 gallons in size with that is approximately 10 feet deep with 2:1 side slopes. The pond liner has been installed adequately and the Engineer did not observe any piping of material or pond leakage. Based upon the site survey of the pond the quantity of earthwork that was moved during construction is approximately 1300 cubic yards.

Conclusion:

This report documents the history, present conditions and pond stability, as well as the geologic hazards associated with the site. Included in this report are design and construction recommendations based on the site conditions encountered, the requirements of the 2016 CBC and County of Humboldt grading ordinance.

Based on our review of historical data, site exploration and observations, it is in our opinion that the existing pond has been constructed in accordance with industry standards and is stable. No additional work on the pond is recommended at this time.

Exhibit A

Pond Location

Neil Hardin

APN 208-241-002

- 1.JPG
- 2.JPG
- 3.JPG
- 4.JPG
- 5.JPG
- 6.JPG

Google Earth



Exhibit B



Photo #1 Pond Overflow Area



Photo #2 Pond



Photo #3 Pond



Photo #4 Pond



Photo #5 Pond



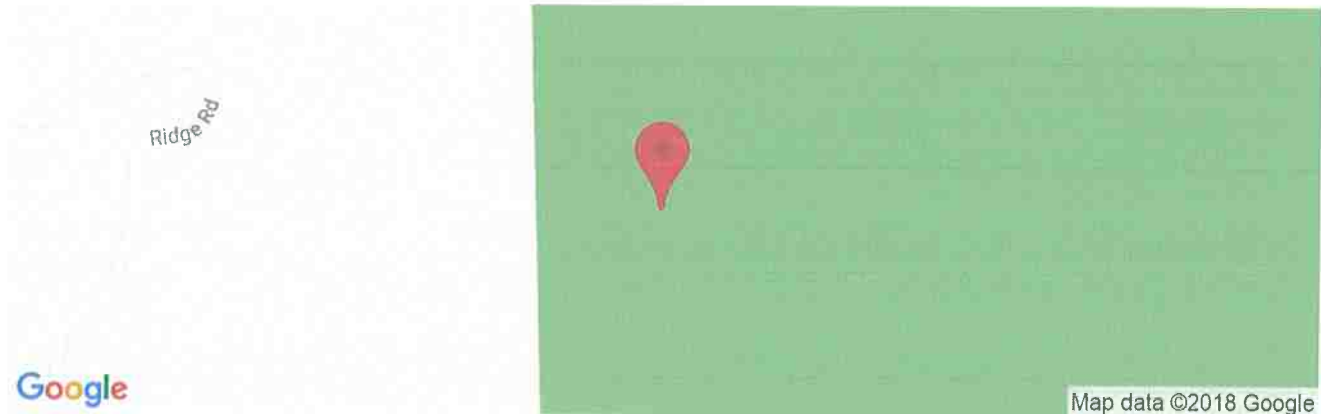
Photo #6 Pond

Exhibit C



Neil Hardin Soil Report

Latitude, Longitude: 40.5053, -123.5485



Date	12/20/2018, 6:01:08 AM
Design Code Reference Document	ASCE7-10
Risk Category	I
Site Class	D - Stiff Soil

Type	Value	Description
S _s	1.381	MCE _R ground motion. (for 0.2 second period)
S ₁	0.61	MCE _R ground motion. (for 1.0s period)
S _{MS}	1.381	Site-modified spectral acceleration value
S _{M1}	0.915	Site-modified spectral acceleration value
S _{DS}	0.92	Numeric seismic design value at 0.2 second SA
S _{D1}	0.61	Numeric seismic design value at 1.0 second SA

Type	Value	Description
SDC	D	Seismic design category
F _a	1	Site amplification factor at 0.2 second
F _v	1.5	Site amplification factor at 1.0 second
PGA	0.527	MCE _G peak ground acceleration
F _{PGA}	1	Site amplification factor at PGA
PGA _M	0.527	Site modified peak ground acceleration
T _L	16	Long-period transition period in seconds
S _{sRT}	1.381	Probabilistic risk-targeted ground motion. (0.2 second)
S _{sUH}	1.41	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration
S _{sD}	1.5	Factored deterministic acceleration value. (0.2 second)
S _{1RT}	0.61	Probabilistic risk-targeted ground motion. (1.0 second)
S _{1UH}	0.653	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration.
S _{1D}	0.672	Factored deterministic acceleration value. (1.0 second)
PGA _d	0.527	Factored deterministic acceleration value. (Peak Ground Acceleration)
C _{RS}	0.979	Mapped value of the risk coefficient at short periods

Type	Value	Description
CR1	0.934	Mapped value of the risk coefficient at a period of 1 s

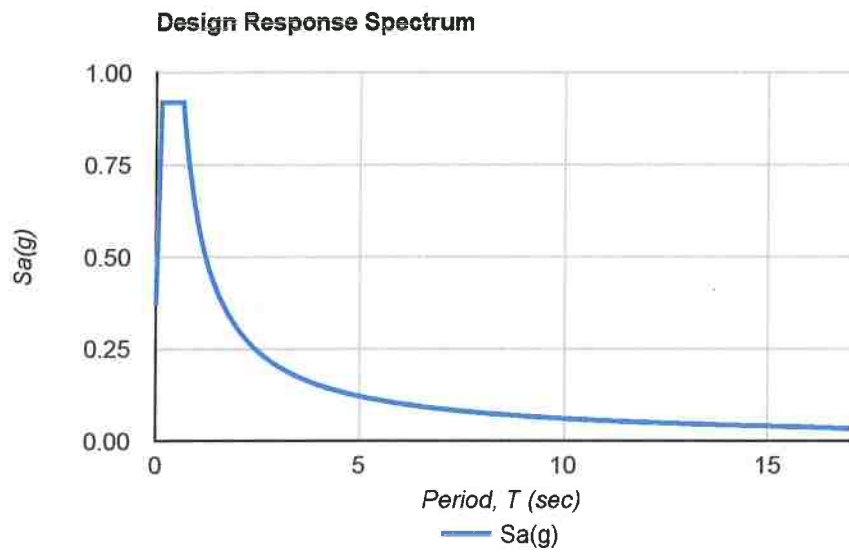
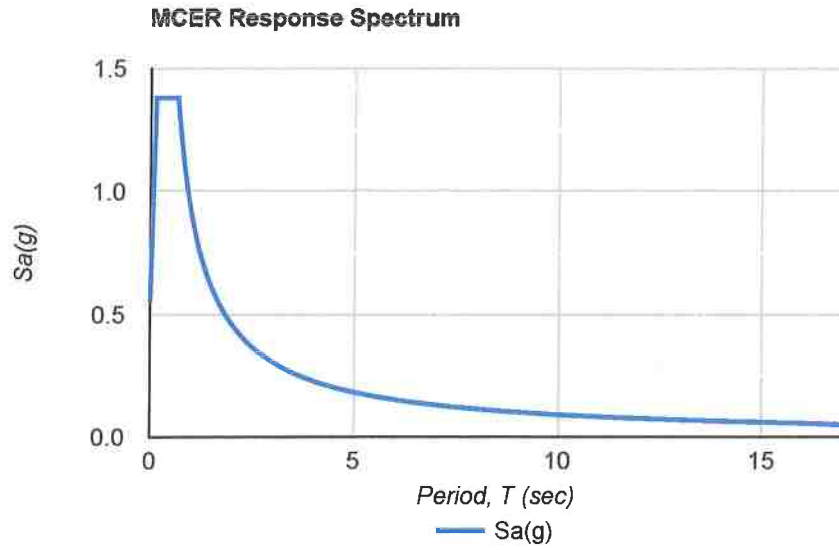


Exhibit D

Exhibit E

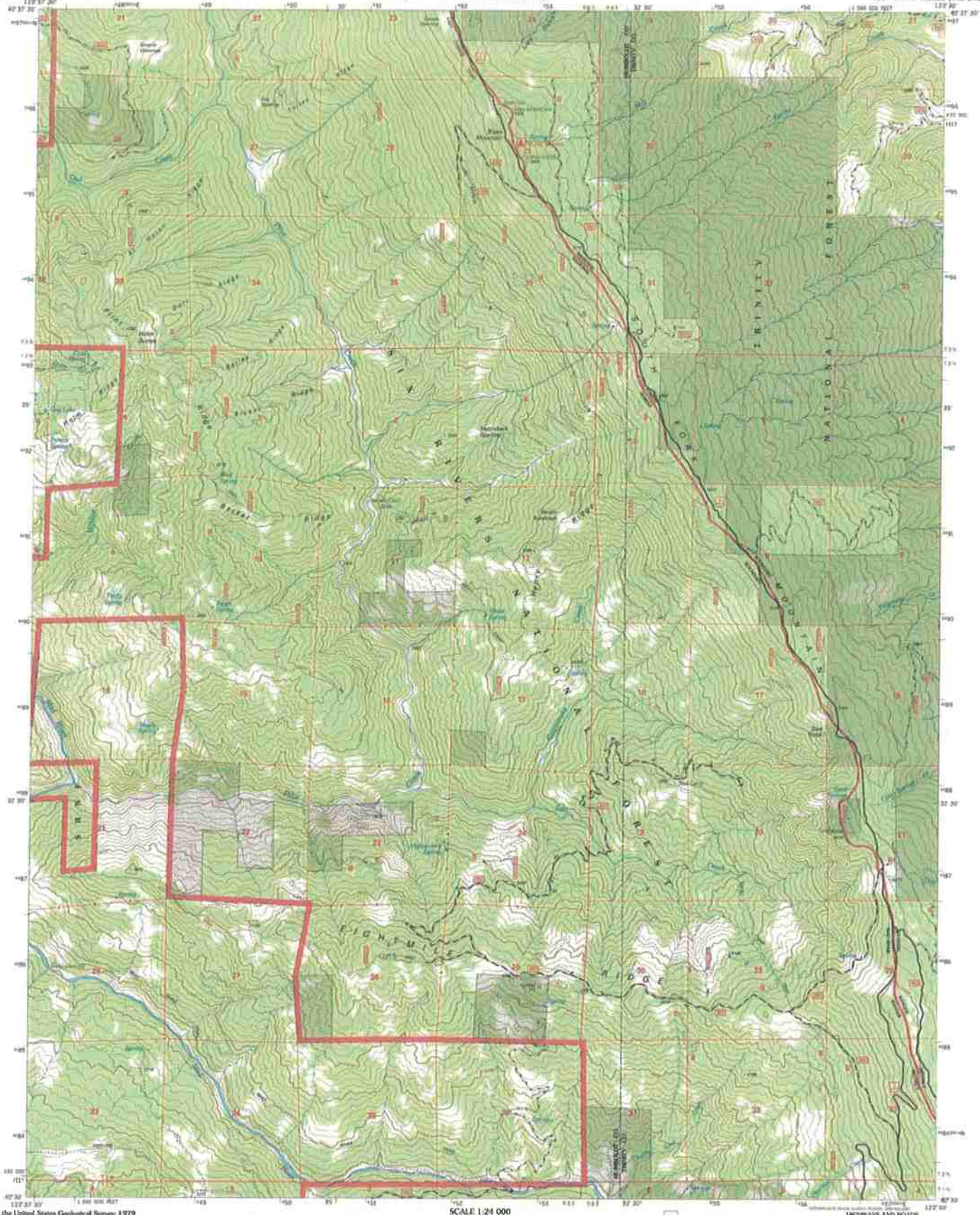


U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

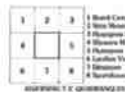
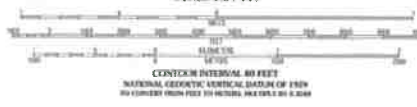


U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

BLAKE MOUNTAIN QUADRANGLE
CALIFORNIA
7.5-MINUTE SERIES (TOPOGRAPHIC)



Produced by the United States Geological Survey 1979
Revisions by USDA Forest Service 1997
Topography compiled 1972. Photography derived from imagery taken 1965
and other sources. Public Land Survey System and survey control points
as of 1977.
North American Datum of 1922 (NAD 22). Projection used is UTM Zone
18N. California coordinate system, zone 18N (datum uncorrected zone).
Blue 1:50,000-scale National Topographic Map sheets, zone 18N.
North American Datum of 1983 (NAD 83) is shown by dashed contour lines.
The values of the shift between NAD 22 and NAD 83 for 7.5-minute
quadrangles are available from National Geodetic Survey NADCON software.
When National Forest System lands within the National Forest
Subdivisions may vary in other National or State jurisdictions.
This map is not a legal land title or ownership document. Public lands are
subject to change and leasing, and may have access restrictions, check
with local offices. Check permission before entering private lands.



BLAKE MOUNTAIN, CA
1997
Page 96 of 113

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Division Environmental Health		No Response	
Public Works, Land Use Division	✓	Additional Review	Attached
CAL FIRE		No Response	
California Department of Fish & Wildlife	✓	Comments	Attached and includes staff response to comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band	✓	Comments	On file and confidential
Ruth Lake CSD: FPD		No Response	
South Trinity Joint Union School District		No Response	
Humboldt County Sheriff	✓	Comments	On file
Six Rivers NF: US Forest Service	✓	Denial	Attached
Humboldt Bay Municipal Water District		No Response	
CAL TRANS		Comments	Attached
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

From: ROBERTSON, JESSE GRAHAM@DOT
To: [Meghan Ryan](#)
Cc: [Rightnar, Jacob@DOT](#); [Max C. Hilken](#); [Samantha C. Thomas](#)
Subject: RE: APPS #12063 - H.I.P. Farms, Dinsmore Area, Humboldt County - APN 208-241-002
Date: Tuesday, March 23, 2021 9:07:31 AM

Nothing further is needed for H.I.P. Farms, no.

Jesse Robertson
Transportation Planning
Caltrans District 1
(707) 684-6879 (mobile)

From: Meghan Ryan <ryanm@lacoassociates.com>
Sent: Tuesday, March 23, 2021 8:54 AM
To: ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>
Cc: Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>; Max C. Hilken <hilkenm@lacoassociates.com>; Samantha C. Thomas <thomass@lacoassociates.com>
Subject: Re: APPS #12063 - H.I.P. Farms, Dinsmore Area, Humboldt County - APN 208-241-002

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi Jesse – Thank you for getting back to me. I concur with your evaluation and we are using similar sources of information. In reviewing the County DPW referral response, State Highway 36 was underlined and I think CAL TRANS was written on the form and I saw a referral to CAL TRANS, so I wanted to make to reach out in case the Planning Commission is curious. I think we are resolved on the Diehl permit as well. I wanted to confirm nothing further is being required by CAL TRANS.

I appreciate your time!

Thanks again,
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>

From: "ROBERTSON, JESSE GRAHAM@DOT" <jesse.robertson@dot.ca.gov>
Date: Tuesday, March 23, 2021 at 7:32 AM

To: Meghan Ryan <ryanm@lacoassociates.com>

Cc: "Rightnar, Jacob@DOT" <Jacob.Rightnar@dot.ca.gov>, "Max C. Hilken" <hilkenm@lacoassociates.com>

Subject: RE: APPS #12063 - H.I.P. Farms, Dinsmore Area, Humboldt County - APN 208-241-002

Hi Meghan,

It looks as though the road connects to Rattlesnake Bridge Road, which we show to be a US Forest Service-maintained road. This is one of the same access points potentially used by the Diehl cultivation site. The Forest Service Road appears to meet State standards. We would not require an encroachment permit because the USFS road is in good condition. Let me know if you are using another source of information to identify roads and access. I use Google and the County's Web GIS parcel service.

You had also sent a reply to me following my comments for the Diehl cultivation permit, which I haven't respond to, but thought it may be a good idea to arrange a phone call in case there are any questions that did not get resolved. Feel free to call if you are still waiting or would like clarification.

Thanks.

Jesse Robertson
Transportation Planning
Caltrans District 1
(707) 684-6879 (mobile)

From: Meghan Ryan <ryanm@lacoassociates.com>

Sent: Monday, March 22, 2021 8:22 PM

To: ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>

Cc: Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>; Max C. Hilken <hilkenm@lacoassociates.com>

Subject: APPS #12063 - H.I.P. Farms, Dinsmore Area, Humboldt County - APN 208-241-002

EXTERNAL EMAIL. Links/attachments may not be safe.

Good evening, Jesse – I hope you are doing well! I am reviewing APPS #12063 and it looks like CAL TRANS was sent a project referral, however, I do not see a response. The subject parcel is accessed by private roads that connect to Highway 36. I attached the Road Evaluation Report for your review. Please let me know if you have any questions.

I am scheduling this project for hearing on April 15, 2021, so the sooner I can receive comments, the better.

I appreciate your time!

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
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From: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: ["Johnson, Cliff"](#); [Max C. Hilken](#)
Subject: APPS #12063 - H.I.P. Farms, APN: 208-241-002 - PROJECTED HEARING DATE: April 15, 2021
Date: Tuesday, March 23, 2021 11:04:00 AM
Attachments: [12063_ref_CDFW.pdf](#)
[12063 Soils Report 11.25.2019.pdf](#)
[12063 Botanical Survey 11.25.2019.pdf](#)
[12063 Biological Resource Report 5.2.19.pdf](#)
[12063 Remediation Report 06.11.19.pdf](#)
[12063 Conversion Evaluation Report 11.25.2019.pdf](#)
[12063 WRPP 03.22.2019.pdf](#)

Good morning, Scott – I hope you’re doing well. I am writing today to respond to CDFW comments for the H.I.P. Farms project. The project description is the following:

A Special Permit for continued cultivation of 9,800 square feet (SF) outdoor cannabis. Ancillary propagation is proposed to occur in a 980-square-foot greenhouse. The proposed project includes relocation of historic cultivation areas to an environmentally superior location on-site. Irrigation water is sourced from a 250,000-gallon rainwater catchment pond, where all existing available water is stored. Estimated annual water usage is 90,000 gallons. Processing including drying, occur within an existing 195-square-foot drying shed while trimming and packaging will occur in a proposed 2,400-square-foot commercial structure. A maximum of five (5) employees are required during peak operations. Power is provided by solar with a backup generator for emergency use.

Please see responses to CDFW comments below:

1. Please see attached soils report, botanical survey and biological survey. I also attached a remediation report for on-site relocation of a portion of the historic cultivation area. Based on the WRPP, spring water was diverted into the pond in 2017 and has been discontinued for irrigation use since that time. The spring is only used for domestic purposes. Planning staff supports use of the pond to gather and store water for irrigation to reduce reliance on stream diversions. Use of water meters on both the pond and spring are conditions of approval.
2. Please see attached timber conversion report.
3. Please see WRPP attached. The WRPP states that cultivation is located outside of required setbacks and did not identify any wetlands on the subject parcel. The WRPP also recommends 1 culvert replacement, which will require the applicant to notify CDFW prior to replacement. I will include that in the COAs.
4. Noise and light attenuation measures are included in the COAs.
5. The remaining items will be included in the COAs.

Please let me know if you have any further questions or concerns on this project.

Thanks!
Meghan

Meghan Ryan
Planning Director
LACO Associates
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707 443-5054

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California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Hard-in Produce and Farms LLC		Date: 10/31/2019	
APPS No.: 12063	APN: 208-241-002	DFW CEQA No.: 2019-12063	Case No.: PLN-12063-SP
<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 9,800 and ancillary Mixed-light nursery 2,400SF- (24.5% of proposed cultivation area)		

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ CDFW is concerned that the Project in conjunction with ~25 other cannabis cultivation application sites in this area may result in significant direct and cumulative adverse impacts to sensitive fish and wildlife resources. CDFW believes an environmental document such as a mitigated negative declaration or an environmental impact report is required for approval of this Project.
- ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- ☒ Provide additional information on the rainwater catchment pond used for irrigation. CDFW requests additional information on this source including, date of construction and whether a botanical survey report was conducted for the location(s) of disturbance.
- ☒ Aerial Imagery analysis suggests that following the CEQA baseline, the cultivation area(s) have been expanded along with other ground disturbing activities, including the installation of a new pond and additional excavation of an existing hydrologically connected pond. CDFW requests, mitigation for the loss of habitat and/or unpermitted disturbance, including but not limited to oak woodland restoration (see additional comment below).
- ☒ Aerial imagery and referral materials suggest that grading and tree removal have occurred on parcel following the CEQA baseline. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part, and/or mitigation.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical,

and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW's 2009 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>)

- ☒ It appears wetlands may occur onsite. Please include a wetland delineation by a qualified person (i.e. at minimum, successfully completed a 40-hour training that satisfies the requirements for basic wetland delineation training as specified by the Army Corps of Engineers using the 1987 ACOE Wetland Delineation manual and appropriate regional supplements). If wetlands have been disturbed, post CEQA baseline, CDFW may request mitigation in the form of wetland restoration and/or enhancement.
- ☒ All or part of the Project appears to be located within the CDFW recommended minimum stream setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft buffer from Class I streams/perennial wetlands, 100ft from Class II streams, and 50ft from Class III streams/seasonal wetlands) measured from the outer edge of the riparian or top of bank, whichever results in a greater buffer. These areas should be identified as no-disturbance buffers. CDFW requests confirmation of this setback prior to Project approval and remediation of the impacted area. Restoration activities may be subject to fish and Game Code 1602, Lake or Streambed Alteration Program.

If the County elects to move this Project forward to hearing and subsequently Project approval, prior to consultation on the above stated comments, CDFW requests the following items be incorporated as conditions of Project approval:

- ☒ The proposed Mixed-light ancillary nursery may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. The Project proposes to utilize Mixed-light (artificial light and fans in greenhouse structures) cultivation approximately 0.16 miles from NSO critical habitat. Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of Mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, fans, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which a recent study found was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include, but are not limited to, the prohibition of Mixed-light ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval:

- The construction of noise containment/dampening structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of NSO habitat whichever is closer. CDFW further requests, a noise attenuation

monitoring and management plan for this activity within thirty-days, following execution of the final permit.

- That artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting 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. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
 - That additional timber removal be prohibited within 150ft of the designated cultivation sites.
 - CDFW seeks a response from Humboldt County Planning Department regarding the outcome of these requests.
- ☒ To minimize the risk of wildlife entrapment, CDFW requests, as a condition of Project approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of erosion control and/or cultivation operations. CDFW recommends that alternatives such as geotextiles, fiber rolls, and other erosion control measures be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
 - ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
 - ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
 - ☒ CDFW requests, as a condition of Project approval, all generators and associated fluids be relocated to stable surfaces with a minimum 200ft buffer from waters of the state (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
 - ☒ The referral materials state that there is an existing pond(s) designated as water sources for this project. CDFW requests:
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 2nd Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.

- ☒ Referral materials suggest that the Project has negatively impacted oak woodlands. California deciduous oak woodlands provide many ecological, cultural, and economic benefits, and often represent unique plant communities that harbor native rare and declining species (Cocking et al. 2015). Oak woodlands have suffered substantial losses in area and ecological integrity in the post-settlement era due to land conversion and widespread fire exclusion (Cocking et al. 2015). Oaks are important ecologically at individual tree and woodland scales (Vesely et al. 2004). Diversity of bird species is often higher in oak forests than in adjacent conifer forests (Cole 1977). Additional contributions to biological richness include, increased diversity of native insect populations, provides nest and den sites for wildlife, provides unique microhabitats for mosses and lichens, are an important food source for many species of wildlife, and they maintain ecological processes (Vesely and Tucker 2004). Land conversion and encroachment by development, including cannabis operations, may have potentially significant adverse effects on biological resources. The Department requests mitigation for expansion/relocation in the form of oak woodland enhancement. Remnant oak woodlands in many areas are undergoing further conversion to conifer forest as shade tolerant, and often less fire-tolerant species invade and increase in abundance (Cocking et al. 2015). CDFW requests as a condition of Project approval, 5:1 mitigation (i.e. one acre illegally converted, five acres restored) in the form of oak woodland release from conifer encroachment (oak woodland health improvement) for the total area of expansion, or a 10:1 mitigation (i.e. 10 oak trees planted for every one oak tree removed) in the form of native oak tree planting (genus *Quercus*) with a five-year monitoring plan and minimum 80% survival rate; areas selected for mitigation shall be determined by a qualified botanist in consultation with CDFW and CAL FIRE. areas selected for mitigation shall be determined by a Registered Professional Forester (RPF), in consultation with CDFW and CAL FIRE.
- ☒ The Department requests, as conditions of Project approval, adherence to the County SMA and wetland setbacks, wherein Project activities shall take place outside a minimum of 50 ft buffer from Class III streams/seasonal wetlands, 100ft buffer from Class I or II streams and 150ft buffer from perennial wetlands measured from the outer edge of the riparian zone or edge of wetland habitat. Provided unpermitted construction of structures and grading within the SMA, CDFW requests mitigation of these encroachments in the form of:
 - 1) Removal and/or relocation of facilities outside of the SMA (and wetland if applicable).
 - 2) Revegetation within the respective buffer zones where the encroachment(s) has occurred. Revegetation shall consist of planting native riparian plant species with a minimum five-year monitoring plan. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for this activity.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0677-R1) has been issued to the applicant.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Goshawk (*Accipiter gentilis*), Northern Spotted Owl (*Strix occidentalis caurina*), Oregon Goldthread (*Coptis laciniata*), Tracy's Sanicle (*Sanicula tracyi*), Grasshopper Sparrow (*Ammodramus savannarum*), Coastal Rainbow Trout (*O. mykiss irideus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Rough-skinned Newt (*Taricha granulosa*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

References

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- Vesely, D.G. and G. Tucker. 2004. A landowner's guide to restoring and managing Oregon white oak habitats. Pacific Wildlife Research. Corvallis, Oregon.



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

9/12/2018

PROJECT REFERRAL TO: Sheriff

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Ruth Lake CSD Fire Protection District, South Trinity JUSD School District

Applicant Name Neil Hardin **Key Parcel Number** 208-241-002-000

Application (APPS#) 12063 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-386

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 9/27/2018

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: NO NEGATIVE PMS CONTACTS W/ APPLICANT

DATE:

09-25-18

PRINT NAME:

MICHAEL NEUTRANT



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
BUSINESS
ENGINEERING
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445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 10-09-2018

RE:

Applicant Name	Neil Hardin
APN	208-241-002
APPS#	12063
CASE#	SP 16-386

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:

Applicant has submitted road evaluation report, dated 9/12/17,
with Part A-Box 2 checked, certifying that the road is
equivalent to a Category 4 standard.

Review Items #1 & 2 on Exhibit "C".

// END //

Additional Review is Required by Planning & Building Staff

APPS # 12063

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

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

☐ YES ☐ NO

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

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

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

☐ YES ☐ NO

Trinity County?

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

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

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

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

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

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

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

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

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

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

// END //



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



3/18/2019

Project Referred To The Following Agencies:

Building Inspections, Environmental Health, County Counsel, CalFire, Cal Fish & Wildlife, NWIC, Bear River Band, RWQCB, NCUAQMD, District Attorney, AG Commissioner, CA Division of Water Rights, Ruth Lake CSD:FPD, South Trinity Joint Union:School District, PW Land Use, Sheriff, **Six Rivers NF:US Forest Service**, Humboldt Bay Municipal Water District, CalTrans Dist 1

Applicant Name Neil Hardin **Key Parcel Number** 208-241-002-000

Application (APPS#) PLN-12063-SP Historic Planning **Assigned Planner** Issac Hansen

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: 4/2/2019

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

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

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

Other Comments:

Transportation of cannabis over Forest Service roads
is illegal - see attached letter. County Line Road is A Forest Service
Road over the first 3 miles.

DATE: 18 March 2019 PRINT NAME: George Frey



United States
Department of
Agriculture

Forest
Service

Pacific Southwest Region
Six Rivers National Forest

1330 Bayshore Way
Eureka, CA 95501
707-442-1721
TDD: 707-442-1721
Fax: 707-442-9242

File Code: 1500

Date: August 29, 2018

Michelle Nelson
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN
Acting Forest Supervisor

