



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: May 6, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Eel River Farms, LLC, Special Permit**
Record Number: PLN-13395-SP
Assessor's Parcel Number (APN): 217-121-002
Section 16 of Township 02 South, Range 04 East, H.B.&M., Eel Rock area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permit	Megan Marruffo

Project Description: A Special Permit for an existing 7,500 square foot (SF) outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation occurs in the southeastern portion of the parcel in three (3) existing greenhouses (1,400 SF, 1,100 SF, and 900 SF), with two (2) additional greenhouses proposed (2,200 SF and 1,900 SF), which would transition 4,100 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation at the same location. Ancillary propagation is proposed in a 750 SF greenhouse structure. Irrigation water is sourced from a permitted groundwater well on the subject parcel. Existing available water storage is 12,500 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression. Estimated annual water usage is 126,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. A maximum of two (2) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E).

Project Location: The project is located in the Eel Rock area, at the intersection of Eel Rock Road and Bella Rose Drive, approximately 255 feet south from the intersection of Orchard Lane and Eel Rock Road, on the property known to be in Section 16 of Township 02 South, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA5-20) Density: five to twenty acres per dwelling unit, Slope Stability: Moderate instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-13395-SP

Assessor's Parcel Number: 217-121-002

Applicant

Eel River Farms, LLC
12 Aviator Lane
Tustin, CA 92782

Owner

Christopher Trent
12 Aviator Lane
Tustin, CA 92782

Agents

Verdant Bridge Enterprises
Fauna O'Brien
PO Box 249
Fortuna, CA 95540

Omsberg & Preston
Kim Preston
402 E Street
Eureka, CA 95501

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.

Eel River Farms, LLC
Record Number: PLN-13395-SP
Assessor's Parcel Number: 217-121-002

Recommended Zoning Administrator Action:

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

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

Executive Summary: Eel River Farms, LLC, seeks a Special Permit to allow the continued cultivation of 7,500 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA5-20) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation takes place in the southeastern portion of the parcel in three (3) existing greenhouses (1,400 SF, 1,100 SF, and 900 SF), with two (2) additional greenhouses proposed (2,200 SF and 1,900 SF) to transition 4,000 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation in the same location, in addition to a 750 SF greenhouse proposed for appurtenant propagation. Two harvests are anticipated annually for a growing season that extends from May through October.

Drying and curing occurs onsite in an existing 320 SF storage container. Additional processing will occur offsite at a licensed processing or manufacturing facility. Up to two (2) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E). The operation will be secured behind a gated road and locked structures.

Water for irrigation is provided by a permitted well (18/19-0685) (Attachment 3) which appears to not be hydrologically connected to surface water. The well is also registered with the California Department of Water Resources (WCR2020-000879). The well is located west of the proposed greenhouses and west of the gravel access road, approximately 268 feet west of the nearest Streamside Management Area (Eel River) and 10 feet lower in elevation. According to the Well Completion Report (see Attachment 3), the well is 260 feet deep and drilled through topsoil, clay, shale, and solid blue rock with quartz. A blank is installed for the entire depth of the well. Based on the distance from the nearest watercourse and the use of a blank for casing of the entire well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. The well replaces a point of diversion that was historically used for cultivation. Conditions of approval require the applicant to monitor water use from the well annually to demonstrate there is sufficient water available to meet operational needs.

Existing available water storage is 12,500 gallons in three (3) hard tanks of which two (2) 5,000-gallon tanks are utilized for irrigation and a 2,500-gallon tank is dedicated to fire water storage per State Responsibility Area (SRA) requirements. Estimated annual water usage is 126,000 gallons (8.4 gal/SF/cycle) with peak demand occurring in July, August, and September at approximately 22,500 gallons per month, as shown in the table below.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
GALLONS USED:	0	0	4500	9000	13,500	13,500	22,500	22,500	22,500	18,000	0	0

Both the Humboldt County's WebGIS and the Plot Plan show no mapped streams on the subject property. Additionally, a Water Resources Protection Plan (WRPP) was prepared by the applicant in April 2017, which notes the cultivation area is located approximately 1,516 feet west of the nearest watercourse (the Eel River) and 328 feet higher in elevation. There are no stream crossings on the subject parcel. The project is conditioned to comply with the measures described in the WRPP to minimize potential impacts on water resources. Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development of a Site Management Plan (SMP), where any further recommendations for measures to protect water quality will be addressed.

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) on March 25, 2021, there are no mapped sensitive species onsite. The nearest Northern Spotted Owl (NSO) observation is located approximately 0.34 miles from the site, with the nearest NSO activity center located approximately 1.6 miles from the site. Per the applicant, power is supplied by PG&E and no generators will be utilized in order to preserve the surrounding habitat. There is no use of artificial lighting authorized by this permit. The conditions of approval require the applicant to adhere to Dark Sky Standards for greenhouse lighting and 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.

Review of aerial imagery dating back to 2004 indicates the proposed project will occur on previously disturbed areas and no timber conversion has occurred onsite after the CMMLUO environmental baseline of December 31, 2015. The applicant is proposing to construction three new greenhouses in the southeastern portion of the subject parcel to transition 4,000 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation in the same location, in addition to a 750 SF greenhouse proposed for appurtenant propagation. No additional timber conversion is authorized by the permit for development of the greenhouses. Planning staff supports reorganization of the full sun outdoor into the the greenhouses as water use would be decreased from historic levels.

Access to the site is via a driveway off of Eel Rock Road. The entire length of Eel Rock Road has been identified by the Public Works, Land Use Division to be a County-maintained roadway that meets (or is equivalent) road Category 4 standards, and no further analysis of the roadway is required. As a result, the roadway would be sufficient to serve the project and can accommodate the cumulative increased traffic from the project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted 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-13395-SP
Assessor's Parcel Number: 217-121-002**

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

WHEREAS, Eel River Farms, LLC, submitted an application and evidence in support of approving a Special Permit for an existing 7,500 square foot (SF) outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation occurs in the southeastern portion of the parcel in three (3) existing greenhouses (1,400 SF, 1,100 SF, and 900 SF), with two (2) additional greenhouses proposed (2,200 SF and 1,900 SF), which would transition 4,100 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation at the same location. Ancillary propagation is proposed in a 750 SF greenhouse structure. Irrigation water is sourced from a permitted groundwater well on the subject parcel. Existing available water storage is 12,500 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression. Estimated annual water usage is 126,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. A maximum of two (2) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E); and

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 for an existing 7,500 square foot (SF) outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation occurs in the southeastern portion of the parcel in three (3) existing greenhouses (1,400 SF, 1,100 SF, and 900 SF), with two (2) additional greenhouses proposed (2,200 SF and 1,900 SF), which would transition 4,100 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation at the same location. Ancillary propagation is proposed in a 750 SF greenhouse structure. Irrigation water is sourced from a permitted groundwater well on the subject parcel. Existing available water storage is 12,500 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression. Estimated annual water usage is 126,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. A maximum of two (2) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E)..

EVIDENCE: a) Project File: PLN-13395-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 the applicant in April 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. Additionally, a Notice of Applicability was prepared by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. As a condition of approval, the applicant will be required to prepare and submit a Site Management Plan for the project.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDB) Spotted Owl Observation Database in March 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is 0.34 miles from the project area, however, the nearest activity center is 1.6 miles from the site. 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.
- e) Review of aerial imagery dating back to 2004 indicates the proposed project will occur on previously disturbed areas and no timber conversion has occurred onsite after the CMMLUO environmental baseline of December 31, 2015. The applicant is proposing to construction three new greenhouses in the southeastern portion of the subject parcel to transition 4,000 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation in the same location, in addition to a 750 SF greenhouse proposed for appurtenant propagation. No additional timber conversion is authorized by the permit for development of the greenhouses. Planning staff supports reorganization of the full sun outdoor into the greenhouses as water use would be decreased from historic levels.
- f) The Bear River Band of the Rohnerville Rancheria requested inclusion of Inadvertent Discovery Protocol, which have been included in the conditions of approval.
- g) Access to the site is via a private driveway off Eel Rock Road, which has been identified by Public Works, Land Use Division to be a County-maintained road that meets (or is equivalent to) road Category 4 standards. As such, the road is suitable for safe access to and from the project site.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an

agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

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

EVIDENCE

- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U 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 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 7,500 SF of outdoor cultivation on a 10.3-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 U (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by creation deed (1913-00395) recorded May 9, 1916, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) Water for irrigation is provided by a permitted onsite well (18/19-0685), which is also registered with the California Department of Water Resources (WCR2020-000879). The well is located west of the proposed greenhouses and west of the gravel access road, approximately 268 feet west of the nearest Streamside Management Area (Eel River) and 10 feet lower in elevation. According to the Well Completion Report, the well is 260 feet deep and drilled through topsoil, clay, shale, and solid blue rock with quartz. A blank is installed for the entire depth of the well. A blank is installed for the entire depth of the well. Based on the distance from the nearest watercourse and the use of a blank for casing for casing of the entire well, the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well annually to demonstrate there is sufficient water available to continue to meet operational needs.
- d) Access to the site is via a private driveway off Eel Rock Road, which has been identified by Public Works, Land Use Division to be a County-maintained road that meets (or is equivalent to) road Category 4 standards. As such, the road is functionally appropriate for the expected traffic.

- e) The slope of the land where cannabis will be cultivated is less than 50%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Based on review of aerial imagery dating back to 2004, the proposed project will occur on previously disturbed areas and no timber conversion appears to have occurred onsite after the CMMLUO environmental baseline of December 31, 2015. However, should timber conversion be required to accommodate the additional greenhouse structures, the applicant shall consult with a Registered Professional Forester (RPF) to prepare a Timber Conversion Report and Restocking Plan with appropriate recommendations and restocking requirements to ensure that an equivalent area will be restocked with timber and that there will therefore be no net loss of timberland as a result of the cultivation operation.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 7,5000 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 Public Works, Land Use Division to be a County-maintained road that meets (or is equivalent to) road Category 4 standards, which can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department (18/19-0685) and is also registered with the California Department of Water Resources (WCR2020-000879).
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

DECISION

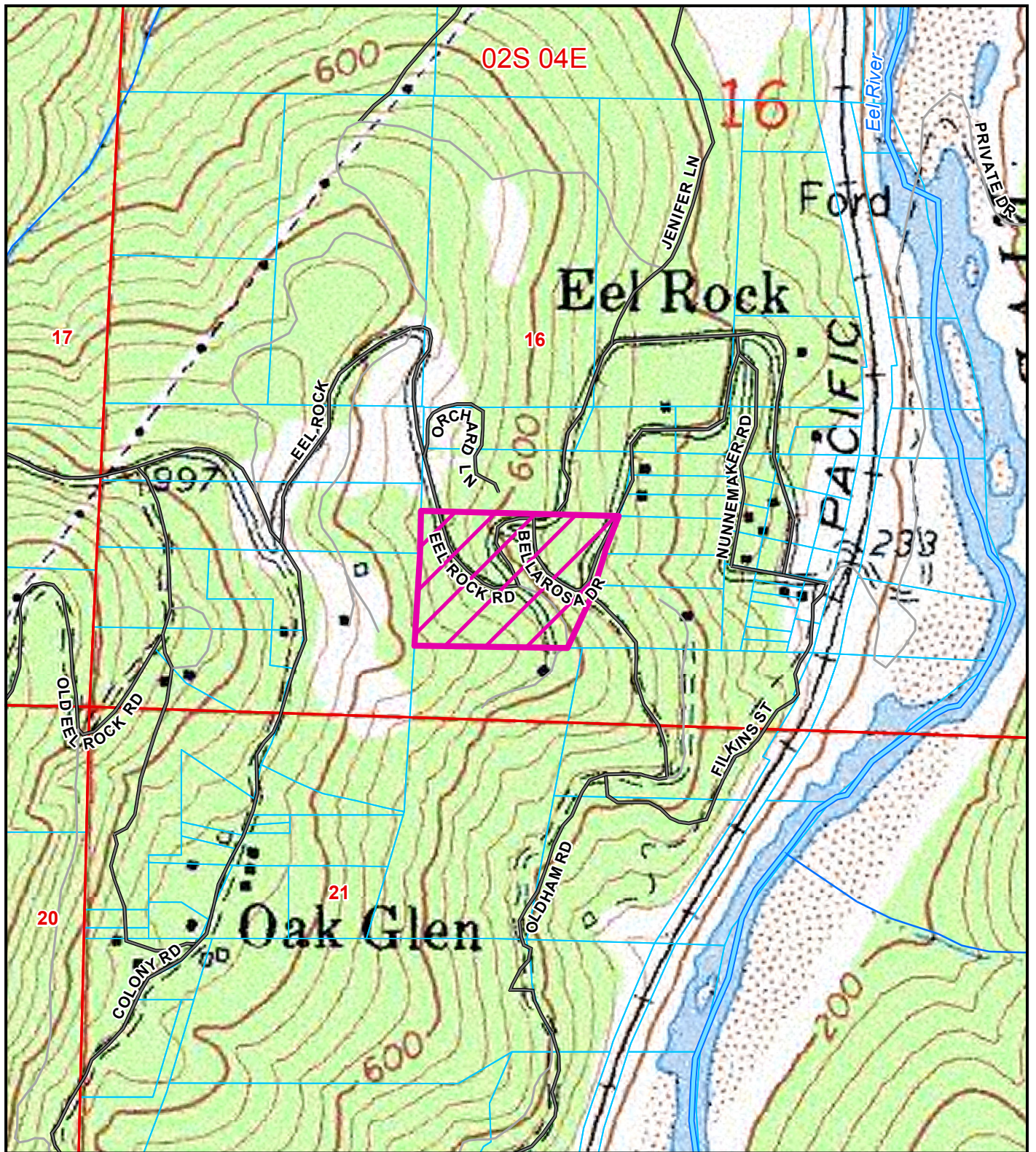
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Eel River Farms, LLC, 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

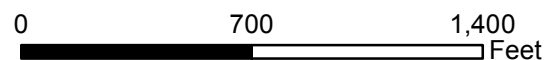


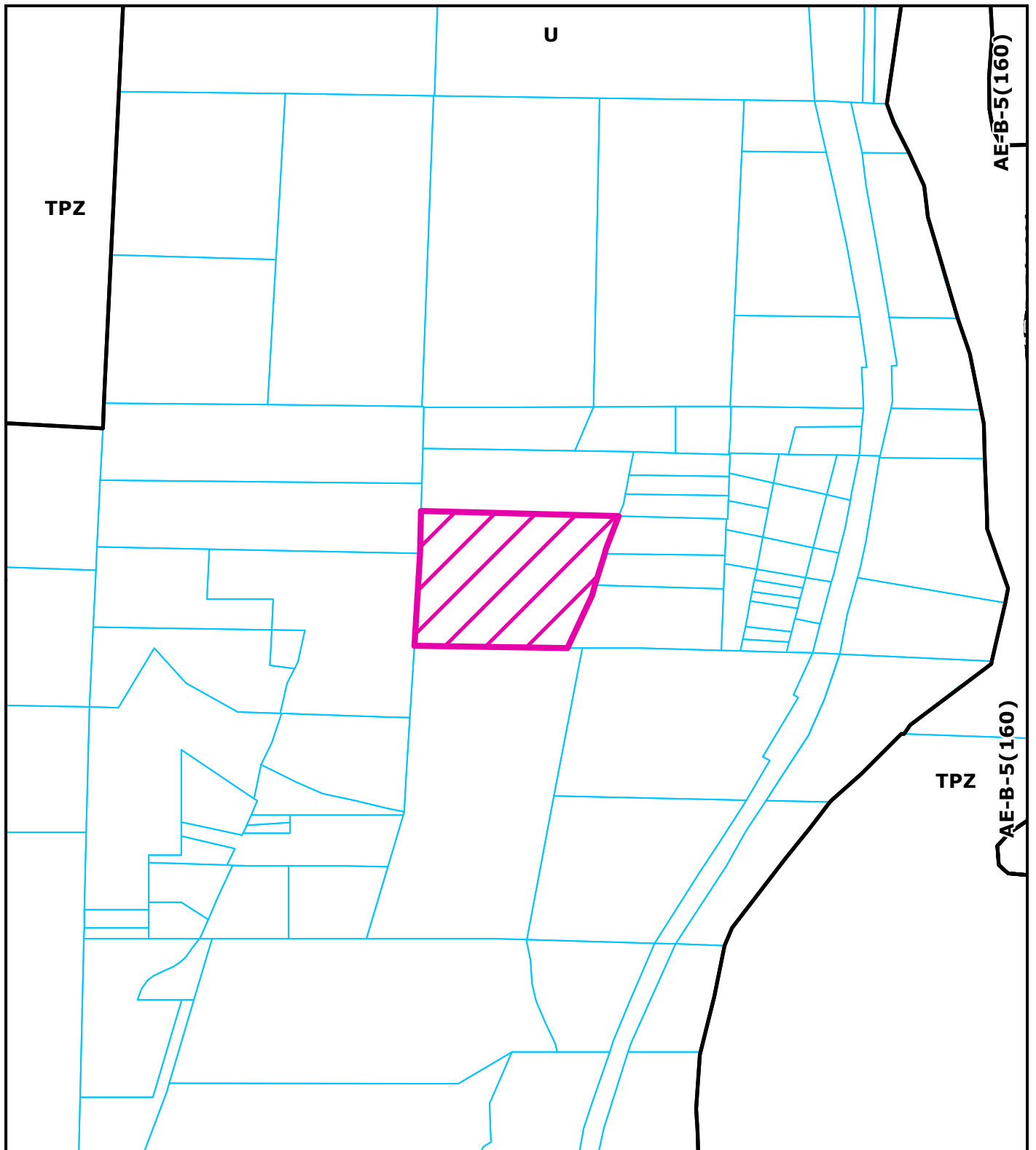
Project Area = 

TOPO MAP
PROPOSED CHRIS TRENT
BLOCKSBURG AREA
SP-17-082
APN: 217-121-002
T02S R04E S16 HB&M (BLOCKSBURG)



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.






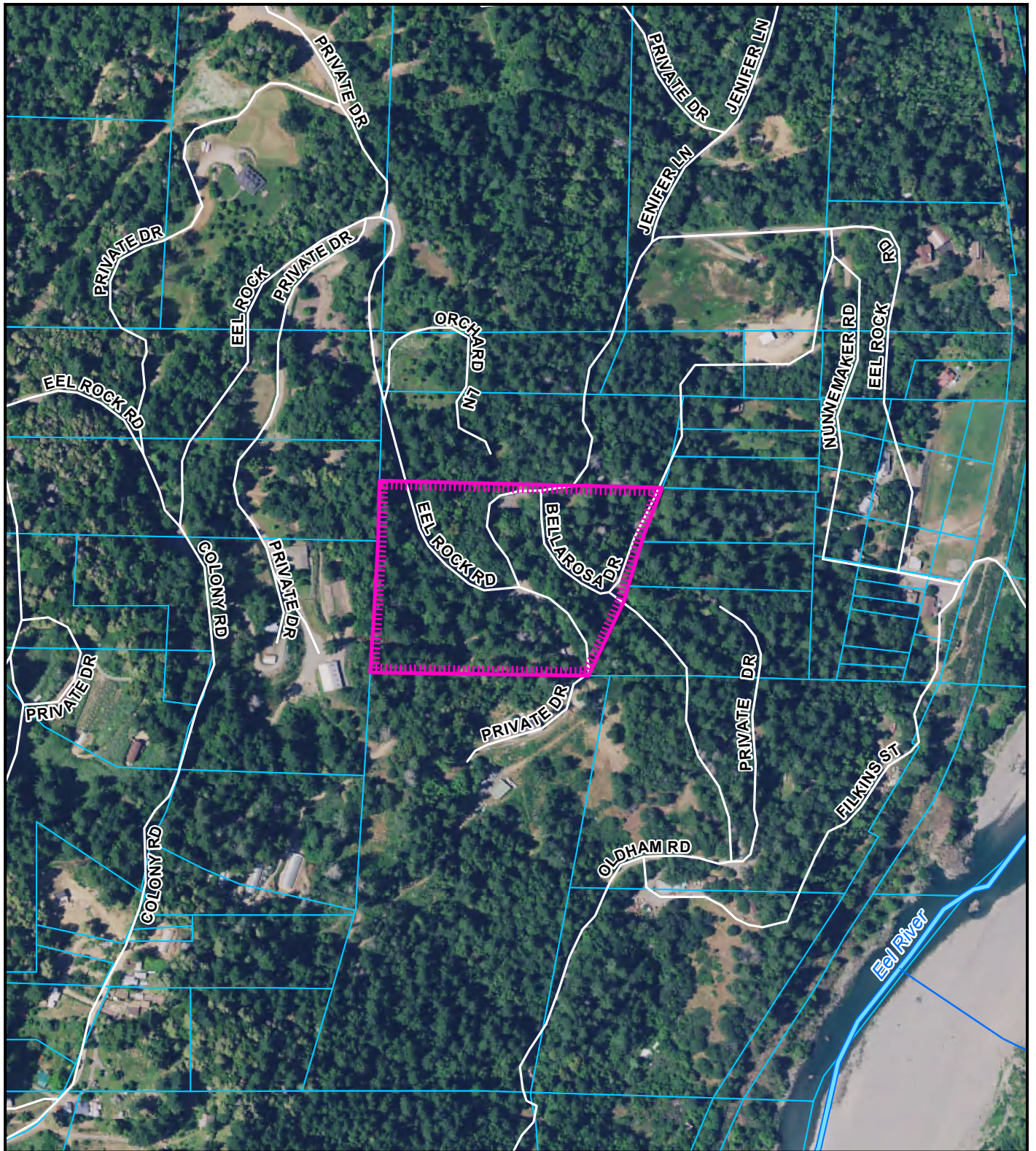
Project Area = 

**ZONING MAP
PROPOSED CHRIS TRENT
BLOCKSBURG AREA
SP-17-082
APN: 217-121-002
T02S R04E S16 HB&M (BLOCKSBURG)**

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

0 700 1,400 Feet



Project Area = 

**AERIAL MAP
PROPOSED CHRIS TRENT
BLOCKSBURG AREA
SP-17-082
APN: 217-121-002
T02S R04E S16 HB&M (BLOCKSBURG)**

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

0 500 1,000 Feet



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 #8. 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, any noise containment structures, and graded flats, 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 submit a site suitability report to the satisfaction of the Division of Environmental Health (DEH), prepared by Qualified Professional, to determine the site's suitability for an onsite wastewater treatment system. Until such time that an approved onsite wastewater treatment system can be permitted, upon demonstration of site suitability from a Qualified Professional, an invoice, or equivalent documentation, shall be provided to DEH to confirm the continual use of portable toilets

to serve the needs of cultivation staff prior to reissuance of annual permit. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.

8. The applicant shall implement all corrective actions and measures detailed in Water Resources Protection Plan developed for the parcel, dated June 2017. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
9. 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 applicant shall install a water monitoring device on the well and storage tanks applicable to monitor water used for cannabis irrigation separate from domestic use. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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 lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated

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

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. 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."
25. 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).
26. 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.
27. 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.
28. 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
29. 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.
30. 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.

31. 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.
32. 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.
33. 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.
34. 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.

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 217-121-002; Section 16 of Township 02 South, Range 04 East, H.B.&M., Eel Rock
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 an existing 7,500 square foot (SF) outdoor cannabis cultivation operation utilizing light deprivation techniques. Cultivation takes place in the southeastern portion of the parcel in three (3) existing greenhouses (1,400 SF, 1,100 SF, and 900 SF), with two (2) additional greenhouses proposed (2,200 SF and 1,900 SF) to transition 4,000 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation in the same location, in addition to a 750 SF greenhouse proposed for appurtenant propagation. Irrigation water is sourced from a permitted well. Existing available water storage is 12,500 gallons in three (3) hard tanks of which two (2) 5,000-gallon tanks are utilized for irrigation and a 2,500-gallon tank is dedicated to fire water storage per State Responsibility Area (SRA) requirements. Estimated annual water usage is 126,000 gallons (8.4 gal/SF/cycle). Drying and curing occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Up to two (2) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E).

Both the Humboldt County's WebGIS and the Plot Plan show no mapped streams on the subject property and per the project's Water Resources Protection Plan (WRPP) prepared by the applicant in April 2017, the cultivation area is located approximately 1,516 feet west of the nearest watercourse (the Eel River) and 328 feet higher in elevation. All approved cannabis activities would be located outside of any Streamside Management Area (SMA) and associated buffer and on slopes less than 50%. The nearest Northern Spotted Owl (NSO) observation is located approximately 0.34 miles from the site, with the nearest NSO activity center located approximately 1.6 miles from the site. Per the applicant, no generators will be utilized in order to preserve the surrounding habitat. Artificial lighting will be utilized to support the 750-square-foot propagation area. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has

been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 7,500 square feet of cultivation with ancillary propagation and drying and curing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plan prepared by Omsberg & Preston dated 3/26/21.
- Cultivation and Operations Plan prepared by Verdant Bridge Enterprises dated 3/9/20.
- Water Resources Protection Plan (WRPP) prepared by Applicant for the North Coast Regional Water Quality Control Board Order No. 2015-0023, dated 6/19/17.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

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. (Plot Plan prepared by Omsberg & Preston, dated 3/26/21 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Verdant Bridge Enterprises dated 3/9/20 - 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 Resources Protection Plan prepared for 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. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by applicant dated 6/19/17 – On file. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 18/19-0685 - Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Report dated April 21, 2021. (Attached).

North Coast Regional Water Quality Control Board

February 3, 2021

WDID:1_12CC429873

EEL RIVER FARM LLC
ATTN: CHRIS TRENT
3970 EEL ROCK ROAD
MYERS FLAT, CA 95554

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

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

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

Sincerely,

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

210203_1L_1_12CC429873_Eel_River_Farms_LLC_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, EEL RIVER FARM LLC, HUMBOLDT COUNTY APN(s) 217-121-002-000

Eel River Farm LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on December 11, 2020, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC429873**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note

that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

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

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

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

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by March 10, 2021, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

4. MONITORING AND REPORTING PROGRAM

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

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

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

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

REVISED
CULTIVATION & OPERATIONS PLAN

prepared for:

Humboldt County Planning Department

Application under Ordinance No. 2559

•Revision Date: 3/9/20•

~prepared by Verdant Bridge Enterprises~

STATEMENT OF RELEVANCE AND COHESION TO PREVIOUS VERSION(S):

Please be advised that as this is a living document, operational changes may have occurred since the initial Cultivation & Operations Plan was submitted. As such, and because the requirements from multiple governing agencies have evolved over time, there may be inconsistencies in format and content of the Cultivation & Operations Plan on file when compared to other submitted documents, including this one. Because this application was initially submitted under a previous version of the Ordinance, the Cultivation & Operations Plan is constantly being updated to accurately encompass all aspects as required by the current County Ordinance and will be submitted as necessary.

Cultivation and Operations Plan

1. PROJECT OVERVIEW

1.1. Project Summary & Site Location

The project involves seeking permit approval for pre-existing cultivation of 7500 sq. ft. of “Outdoor” cultivation (light deprivation in greenhouses). The operation produces two harvest cycles per season. Please see Section 2.1 for more information on operational information and schedule of activities.

The property is a 10.3 acre parcel located within the Middle Main Eel River watershed, approximately 7.5 miles west of the town of Myers Flat, in an unincorporated area of Humboldt County. The parcel is zoned U with a General Plan designation of RA5-20. The site address is 3970 Eel Rock Rd, Myers Flat CA 95554.

The slope of the cultivation area is approximately 1% gradient on a hard, level area near the southeastern corner of the property. Parcels surrounding the property are also zoned U with the same General Plan designation of RA5-20 and most are listed as vacant on Humboldt GIS with the exception of 217-111-001 to the south and 217-131-011 to the west, which are “Improved.” The parcel was surveyed in October of 2013, as detailed in the Survey Status Letter by Omsberg & Preston, included with this submittal. Access to the property is from Eel Rock Road, which is county-maintained.

1.2. Land Use & Right to Occupy

The property is owned by the Christopher William Trent Living Trust. Christopher William Trent is the sole member of Eel River Farms, LLC.

1.3. Regulatory Agencies and Compliance Status

Eel River Farms LLC is committed to becoming fully compliant with all local and state cultivation regulations. We realize that in this burgeoning industry there are many laws and/or agencies that have not fully come into play, as well as constant changes to existing regulations. As such, we are dedicated to remain in good standing with all regulatory departments and guidelines through this integrational period.

The following sections (1.3.1.-1.3.4.) outline compliance status and progress with the main regulatory agencies as of the spring of 2020. As this is a living document, the information contained herein will change as time passes, our operation matures, and as the regulatory process evolves.

1.3.1. Humboldt County Building Department

We understand that in addition to any proposed structures or developments, all pre-existing structures with a nexus to the cannabis operations will need to be retroactively permitted. Eel River Farms

Cultivation and Operations Plan

LLC has enlisted the help of Omsberg & Preston, Engineers to oversee the process of attaining any building, septic, and/or grading permits that may be necessary to achieve approval of our cannabis permit as well as to create ideal future functionality.

The 720 sq. ft. cabin on the southern property line has no connection to the operational nexus, and a portable toilet and additional storage are available for operational use as shown on the Revised Plot Plan by Omsberg & Preston (included with this submittal.)

1.3.2. State Water Resources Control Board (SWRCB) and North Coast Regional Water Quality Control Board (NCRWQCB)

This property was enrolled under the Statewide Cannabis General Order on June 13, 2019 as Tier 1 - Low Risk. The Notice of Receipt for application (#417214) is included with this submittal.

1.3.3. CalFire SRA Requirements

The property is located within a State Responsibility Area (SRA) for fire protection. All cannabis-related structures on the property meet the required 30-foot SRA setback from property lines. As shown on the Plot Plan, a 2,500-gallon water tank is located near the cabin for easy access and availability to CalFire. This tank is not used for any commercial or domestic needs, and is kept full throughout the year.

1.3.4. CDFA CalCannabis

As of the date of this document, Eel River Farms LLC has an application (LCA20-0000286) under review with CDFA for approval of a Small Mixed Light Tier 1 cultivation license. The application was submitted to CDFA on 2/21/2020.

2. OPERATIONAL PROCEDURES

2.1. Cultivation Types and Seasonal Schedule of Activities

February - March

- Season begins: site preparation, maintenance of water lines, tilling in cover crops or amending of soil for the season as needed
- Property maintenance and operational setup as the weather permits
- First crop genetic prep and care - vegetative stage

April

- Transplant first crop into greenhouses, growth period
- Water, fertilizer, and pesticide use monitoring and recording

Cultivation and Operations Plan

May

- Transition first crop into bloom cycle, crop maintenance
- Second crop genetic prep and care - vegetative stage
- Water, fertilizer, and pesticide use monitoring and recording

June

- Begin harvest phase of first crop, drying and curing begins
- Transplant second crop into greenhouses, growth period
- Water, fertilizer, and pesticide use monitoring and recording

July

- Finish harvest phase of first crop
- Maintenance of second crop - growth period
- Water, fertilizer, and pesticide use monitoring and recording

August

- Transition second crop into bloom cycle, crop maintenance
- Water, fertilizer, and pesticide use monitoring and recording

September

- Second crop bloom stage maintenance
- Preparation for second crop harvest
- Water, fertilizer, and pesticide use monitoring and recording

October

- Begin harvest phase of second crop, drying and curing begins
- Water, fertilizer, and pesticide use monitoring and recording

November

- Farming season conclusion
- Greenhouse skins removed and stored
- All soil in beds and pots covered and secured for winter
- Misc. Supplies stored for winter
- Water lines prepared for winter

December-January

- Winterization measures and monitoring of property as needed

2.2. Greenhouses & Other Operational Structures

As shown on the Plot Plan, this application concerns using 7500 sq. ft. of existing and proposed greenhouses, (dimensions shown on Revised Plot Plan by Omsberg & Preston, included with this submittal) that are constructed out of rebar and pvc piping, with lumber to reinforce the frames. The greenhouses have unimproved flooring and the footpaths are bare ground covered with weed fabric and/or wood chips.

The proposed greenhouses are not “new” or “expanded” cultivation, but merely a transition from full term outdoor cultivation type to light deprivation cultivation type in the same location. Please see Note #8 on the Revised Plot Plan by Omsberg & Preston.

Cultivation and Operations Plan

The ancillary structures included in the operational nexus are as follows: one 9'x12' shed, an 8'x40' cargo container for harvest storage. As stated previously in this document, the 720 sq. ft cabin on the southwestern property line is not included in the operational nexus.

2.3. Nutrient/Amendment Protocols & Storage

Fertilizer is bought and used as needed. Very little is stored onsite. Any unused fertilizer and amendments is kept in the 9'x12' ag supply storage shed near the southern parcel boundary. (See Plot Plan for location). We primarily use the following nutrients/amendments:

- Doctor Earth All Purpose
- Doctor Earth Flower Girl Bud & Bloom
- Nitrogen Bat Guano
- Seabird Phosphorus Guano

Before fertilizer application, our workers are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, cross-contamination, equipment malfunctions, or creation of any health hazards. Care is taken that plants are not over watered to minimize runoff in order to prevent nutrients from entering any watercourses.

As we continue to streamline our operation under the new, evolving regulations, we will keep a detailed farm log of all products used in cultivation for more accurate records than were kept in the past. All officers and workers are required to follow labels and feeding charts as well as standard safety protocols when administering any nutrients. Material Safety Data Sheets for all products used in our operation are kept onsite with our farm log and compliance paperwork.

2.4. Harvest, Drying & Storage

During harvest, the plants will be cut down as they are ready and then dried and cured in the 8'x40' harvest storage cargo container (see Plot Plan for location). Fans and/or dehumidifiers may be used in the container depending on ambient weather conditions. Once product is cured and stable, it will be packaged and sent to an off-site processing facility.

All officers and employees of Eel River Farms LLC wear gloves and clean clothing when in contact with the plants during harvest, and we keep all cannabis product labelled and sterile during the drying and curing stage. Our supplies are cleaned and stored properly to avoid cross contamination, and we keep safety and cleanliness protocols posted at the work site.

Cultivation and Operations Plan

2.5. Processing Plan

All processing will take place off-site as this parcel does not currently have the infrastructure to develop a proper processing facility. As such, no extra personnel will be needed for processing, and there will be no additional impacts to wastewater or road wear.

2.6. Staffing Requirements & Employee Safety Policies

The existing cultivation operation requires two workers during the farming season. We don't anticipate needing further laborers during harvest, as all processing is done off-site, but in the event that we find ourselves understaffed, we will hire employees through a local, established staffing agency for temporary seasonal help.

All employees are provided with gloves and protective eyewear as needed. We keep bottled drinking water, eye wash solution and basic first aid kits onsite for employee use. As stated elsewhere in this document, Material Safety Data Sheets for all nutrients, amendments, and other compounds used for the operation are kept on location so that employees can easily identify how to respond to any spills, accidents, or emergencies.

2.7. Security Plan and Hours of Operation

The parcel where this operation is located is in a very remote rural location in what is primarily thickly forested area, and to this point, no stringent security measures have been necessary. The cultivation area is isolated from view and cannot be easily accessed from any well-traveled public road. There is no foot traffic through or near the parcel except by the property owner and the employees who work for Eel River Farms LLC, and the only vehicular access to the cultivation site is from the private gravel access drive through a locked gate.

During the harvest phase, all dried flower material will be stored under lock and key in the 8'x40' harvest storage container, as mentioned in previous sections of this document (see Plot Plan for location). We are willing to employ any additional security measures that the governing agencies deem necessary for permit approval.

Our hours of operation are generally 9:00am to 11:00am for garden maintenance, Monday through Friday during the farming season. These hours change with weather and daylight throughout the farming season, so inspectors and contractors are encouraged to call the contact number at the bottom of this document to schedule appointments.

Cultivation and Operations Plan

3. ENVIRONMENTAL CONSERVATION

3.1. Water Source and Storage

Water for the cannabis operation comes from a 200 ft. deep groundwater well that was drilled in the beginning of February 2019. The well is permitted and the Well Completion Report is included with this submittal. (The prior cultivation plan referenced a spring, but the well has been installed since that time and no surface water is currently used for irrigation.)

As stated previously in this document, there is a 2500 gallon water tank on the property per SRA requirements which is kept full at all times. There are also two 5,000 gallon water tanks that are used to store water for cultivation, for a total of 10,000 gallons kept in reserve for the operation. Because no forbearance is anticipated due to the depth and construction of the well, the current water storage should be sufficient and no additional tanks should be needed. If this changes through the permit approval process, we will implement storage as needed and submit an addendum to this document outlining the necessary changes.

3.2. Irrigation Plan & Projected Water Use

The irrigation system for this project is a series of timer-governed drip lines that use sprayers in the cultivation beds. This system has proven to be effective and efficient, and we create no run-off due to over-saturation of our soil.

Water usage will be carefully monitored each month during the cultivation season using in-line meters at the irrigation source - a 200 ft. deep groundwater well. Our total water usage for the total 7500 sq. ft. of cultivation footprint will be approximately 126,000 gallons per year in years with average weather during the season, based on monthly usage in the table below.

The following chart shows the average estimated water use in gallons per month, by cultivation type:

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
GALLONS USED:	0	0	4500	9000	13,500	13,500	22,500	22,500	22,500	18,000	0	0

3.3. Site Drainage, Runoff, and Erosion Control

The site is in the best possible location for low environmental impact. There is only one garden site on the parcel, which is located over 900 feet away from any Class 1, 2, or 3 watercourses. Our soil is amended with biochar as well, which encapsulates nutrients and keeps them at the root site, preventing leaching.

Cultivation and Operations Plan

The cultivation area is very flat with a slope of approximately 1% to the south which minimizes any potential sediment delivery to the surrounding areas. The ground under the cultivation area is hard-packed and no erosion has been observed, even in heavy rain events. Any bare soil near the cultivation areas will be covered with straw during the wet season.

We will consult with and implement recommendations from our hired professionals on a regular basis to maintain proper erosion control and runoff prevention measures as well as prevent any destabilization of banks, roads, or cultivation areas.

3.4. Watershed and Habitat Protection

The garden area is over 900 feet away from any watercourses in the area. The cultivation sites do not pose a danger to any sensitive watershed or habitat areas. As mentioned in previous sections, our soil is contained in beds inside the greenhouses, and the watering system is designed to ensure that there is no overflow or runoff due to overwatering. We cover the beds during any period of time that they are not being used, to prevent wind or rain from spreading sediment away from the greenhouses.

We will work closely with our team of licensed professionals on the design and development of the property as we upgrade and improve the existing conditions. We care very much for the environment and are committed to proper land stewardship in our agricultural practices.

3.5. Energy and Generator Usage

All power for the operation will come from PG&E. In order to preserve the habitat surrounding our cultivation site, no generator will be used for our operation.

3.6. Use and Storage of Pesticides

We are educated on the Department of Pesticide Regulations' guidelines for products that are acceptable to use on cannabis, and we rarely have any fungal or pest problems needing treatment. On the rare occasion that we develop powdery mildew or mites, we purchase and use one or more of the following products:

- Green Cleaner - Active Ingredients: Soybean Oil, Sodium Lauryl Sulfate, Citric Acid
- Plant Therapy - Active Ingredients: Soybean Oil, Peppermint Oil, Citric Acid
- Pure Crop 1 - Active Ingredients: Corn Oil, Soybean Oil

Any unused portions are kept in the 9'x12' ag supply storage shed with the nutrients and amendments.

Before pesticide application, our workers are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, cross-contamination, equipment malfunctions, or creation of any health hazards.

Cultivation and Operations Plan

As we continue to streamline our operation under the new, evolving regulations, we will keep a detailed farm log of all products used in cultivation for more accurate records than were kept in the past. All officers and workers are required to follow labels and standard safety protocols when administering any pest prevention or treatment. Material Safety Data Sheets for all products used in our operation are kept onsite with our farm log and compliance paperwork.

3.7. Waste Management Plan

Our garbage is kept in a dump trailer near the log cabin residence and taken to the Eel River Recology at the Redway Transfer Station every week during the season. Please see Revised Plot Plan for location of the trailer where trash is kept during accumulation. The majority of our supplies are reusable and we strive to create very little waste. All biodegradable cannabis waste (such as leaves and stems) is composted (see Revised Plot Plan for location).

3.8. Onsite Sanitation Disposal

There is an on-site portable toilet as well as an RV with working kitchen, shower, and toilet facilities. Both the trailer and the portable toilet are serviced regularly by B&B.



Humboldt County
Department of
Health & Human
Services

RECEIVED

JAN 28 2019

Division of Environmental Health
100 H Street - Suite 100 - Eureka, CA 95501
Phone: 707-445-6215 - Toll Free: 800-963-9241
Fax: 707-441-5699
envhealth@co.humboldt.ca.us

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

WATER WELL APPLICATION

CONSTRUCTION - REPAIR - DESTRUCTION

The Well Permit will be returned to the property owner when approved by
Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete both sides and submit the Water Well Application with required fee. Include Well Driller's signature and property owner's signature.
2. Work on a well shall not be started prior to approval of the Water Well Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. Well Driller shall notify DEH a minimum of 24 hours prior to sealing the annular space.

Site Address _____ APN 217-121-002
City/State/Zip _____ CA _____
Directions to Site _____

Applicant George Bushnell Contact George
Mailing Address PO Box 530 Work Phone 707 448-3937
City/State/Zip Miranda CA 95553 Cell Phone _____

Property Owner Christopher Trent Home Phone _____
Mailing Address 1212 Buena Vista Work Phone _____
City/State/Zip Austin CA 92702 Cell Phone _____

I hereby grant 'right-of-entry' for inspection purposes _____

Drilling Contractor George Bushnell C-57 License # 403708

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.

Well Driller Signature: George Bushnell
Would driller like a copy of approved application? ☒ Yes ☐ No

☒ U.S. Mail address: _____
☒ Email address: Jacob Bushnell@yahoo.com

Type of Application:
☒ Construction
☐ Destruction
☐ Repair/Modification

Construction:
Estimated Depth (ft.) 200'
Diameter (in.) 4
Depth of Seal (ft.) 25"
Sealing Material Bentonite

Intended Use:
☒ Domestic - private
☐ Community Supply
☒ Irrigation
☐ Other _____

Estimated Work Dates:

Start Feb-12-2019

Completion Feb 13-2019

Casing:

Diameter (in.) 5"

Material PVC

Type of Sewage System:

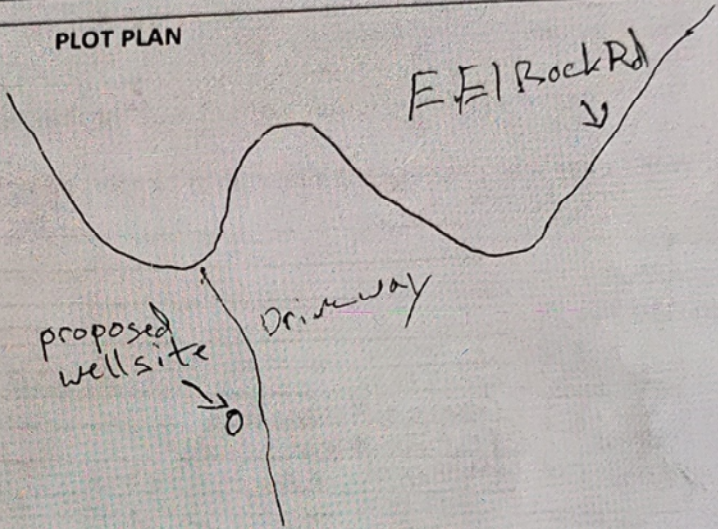
☐ Community Sewer

☐ OWTS (Septic)

Distance from well site to OWTS None

Special Requirements/Comments:

PLOT PLAN



Coastal Zone: ☐ Yes ☒ No

FOR OFFICE USE ONLY

Fee: 373.00

Date: 1/28/19

Receipt: 338731 to 585957

Project #: 18/19-0685

Paid by: Chris Trent

Site Approved by:

Site Approved Date:

Sealed to Depth of:

Seal observed:

Final Approved Date:

J. Whitham
2/1/19

☐ Yes ☐ No

State of California
Well Completion Report
Form DWR 188 Submitted 1/21/2020
WCR2020-000879

Owner's Well Number	1	Date Work Began	02/04/2019	Date Work Ended	02/04/2019
Local Permit Agency	Humboldt County Department of Health & Human Services - Land Use Program	Permit Number	18/19-0685	Permit Date	01/28/2019
Secondary Permit Agency	Planned Use and Activity				

Well Owner (must remain confidential pursuant to Water Code 13752)

Name chris trent
Mailing Address 1212 aviator Ln.
City Tustin State ca Zip 92782

Planned Use and Activity

Activity	New Well
Planned Use	Water Supply Irrigation - Agriculture

Well Location

Address _____		City _____		Zip _____		County Humboldt		APN 217-121-002
Latitude 40 17 8.8439 N		Longitude -123 44 8.8439 W		Township 02 S		Range 04 E		
Dec. Lat. 40.28579		Dec. Long. -123.73579		Section 16		Baseline Meridian Humboldt		
Vertical Datum _____		Horizontal Datum WGS84		Ground Surface Elevation _____		Elevation Accuracy _____		
Location Accuracy _____		Location Determination Method _____		Elevation Determination Method _____				

Borehole Information

Orientation	Vertical	Specify	
Drilling Method	Direct Rotary	Drilling Fluid	Air
Total Depth of Boring	260	Feet	
Total Depth of Completed Well	260	Feet	

Water Level and Yield of Completed Well

Depth to first water	220	(Feet below surface)
Depth to Static		
Water Level	215	(Feet)
Estimated Yield*	5	(GPM)
Test Length	1	(Hours)
Date Measured	02/04/2019	
Test Type	Air Lift	
Total Drawdown	15 (feet)	

*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet		Description
0	20	brown topsoil
20	60	blue clay
60	180	sanfriscan shale
180	260	solid blue rock with quartz

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	260	Blank	PVC	OD: 5.563 in. I Thickness: 0.375 in.	0.375	5.563	Milled Slots		0-240 blank pvc 240-260 032 milled part.

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	21	Bentonite	Non Hydrated Bentonite	3/8s	
21	260	Filter Pack	Other Gravel Pack	3/8 pea gravel	

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	260	9

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	BUSHNELL ENTERPRISES		
Person, Firm or Corporation			
649 BEAR CREEK ROAD	GARBERVILLE	CA	95542
Address	City	State	Zip
Signed	electronic signature received	01/21/2020	403708
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

DWR Use Only									
CSG #	State Well Number			Site Code	Local Well Number				

				N
--	--	--	--	---

Latitude Deg/Min/Sec

						W
--	--	--	--	--	--	---

Longitude Deg/Min/Sec

TRS:

APN:

Water Resource Protection

Plan For

APN 217-121-002



Purpose

This Water Resource Protection Plan (WRPP) has been prepared by the owner/operator or proposed discharger, Christopher Trent, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and

is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of reviewing the following sites:

<http://maps.conservation.ca.gov/cgs/gmc/>

<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

<http://webgis.co.humboldt.ca.us/HCEGIS2.0/> , <https://www.google.com/earth/>

The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands that could be impacted by onsite activities within/on cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision 1.8 of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision 1.8 of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Identified Sites Requiring Remediation:

Currently there are no sites requiring remediation on this parcel. remediation

Treatment Priority: The time frame for treatment of the site. (1) would indicate a very high priority with treatment being planned to occur immediately. (2) would indicate a high priority site with treatment to occur prior to the start of the winter period (Nov. 15). (3) would indicate a moderate priority with treatment being planned to occur within a year 1, or prior to the winter period (Nov. 15) of the 2nd season of operations. (4) would indicate a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program. Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by December 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

Monitoring Plan Reporting Requirements

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Name: (LRP) _____

Title: _____

Signature:  Date: 6/19/17

Water Resource Protection Plan
Assessment of Standard Conditions
For APN 217-121-002



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.

On-Site road is a mix of paved/dirt road(s). The paved portion of the road is the termination of Eel Rock Road. There is another vehicular dirt path that leads to the on-site Cabin. On-site roadway distance to nearest waterway = 1,516 feet. There is no evidence of sediment transport or erosion. There is no on-site threat that will result 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

Roads will be maintained at all times.

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.

There are no unstable areas or earthen fills on-site. An exam of the property revealed no unstable areas.

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.

The area associated with the cultivation is located 1,516 ft from a watercourse (Eel River), and shall be maintained so that they are hydrologically disconnected.

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.

Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained.

f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

There are no anticipated construction materials that will be stockpiled or stored on-site.

2. Stream Crossing Maintenance

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

b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.

- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible .
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible .

Not Applicable, there are no stream crossings within the property.

3. Riparian and Wetland Protection and Management

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

pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

The cultivation areas or associated facilities are located greater than 100 feet from a watercourse. Buffer zones around watercourses are maintained with native vegetation and with the natural slope of the land. The cultivation site sites 328 ft above the waterway, and over 1,516 linear feet away from the waterway. There is no visible evidence of erosion or road related runoff

4. Spoils Management

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

There are currently no soil spoils on-site. The site is not wet or unstable, or in an area where slope stability could be adversely affected. Any future spoil piles will not be placed adjacent to wetlands and/or watercourses. The site is upslope from the nearest watercourse which is located approximately 1,516 linear feet away. Any soil spoils generated will be stored in accordance to BMP's

5. Water Storage and Use:

a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC- 126 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods. d. Water is applied using no more than agronomic rates .

e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

if possible, will develop off-stream storage facilities to minimize surface water diversion during low flow periods of the year. A Ag well is planned to be in use before cultivation starts.

6. Irrigation Runoff Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label

specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

The owner/operator will irrigate at an agronomic rate, utilizing drip irrigation. The cultivation site is located approximately 1516 feet upslope from Eel River. Considering the topography, and distance to Eel River, there is no hydrologic connectivity via surface flow from the cultivation site to any downstream watercourses.

7. Fertilizers and Soil Amendments

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

The owner/operator stores fertilizers in an outbuilding as shown on the attached maps. Plants

are fertilized using Maxsea All Purpose Plant Food (16-16-16) during the vegetative growing season. During flowering Maxsea Bloom Plant Food 3-20-20 is used. Fertilizer is mixed in the 400 gallon water tank. It is then sent through the drip lines to the plants. Fertilizer application rate will not exceed manufacturer's instructions. (In fact owner/operator utilized half of the manufacturer's suggested rate. Fertilization is cycled into the watering schedule, so each plant receives 5 gallons of fertilizer water mix every 7 to 14 days depending on growth needs. Fertilizing and watering in this method ensure no runoff.

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

Owner/operator will always choose a "pest-specific" pesticide or herbicide that is designed to kill only the pest causing the damage. As well "natural, organic or biodegradable" products will be used when available. The following BMP's will be practiced.

Mixing of Products: Always wear appropriate protective clothing. Never wash contaminated clothing with other clothing. Take precautions to prevent spills. (For example, close containers tightly after each use, even if you plan to reopen them soon.) Know what to do if a spill occurs. Mix only the amount needed for the job. Follow the directions on the label exactly.

Usage of Products: Avoid spraying over impervious surfaces. Do not spray on a windy day. Do not apply to bare or eroding soil. Do not apply near water systems such as wells, streams, and lakes. Reduce cleaning and waste by clustering jobs that use the same solution.

Storage of Products: Will be kept in original containers. Products will be stored indoors in a shed. Shed will be a minimum of 150 ft from any well or water source. Empty containers will be

crushed or punctured so they cannot be reused.

9. Petroleum products and other chemicals

a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

Not applicable.

10. Cultivation-related wastes Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in

a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

Cultivation-related wastes will be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

11. Refuse and human waste a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

Garbage and refuse is picked up weekly by a local garbage company. Human waste disposal systems consist of bathrooms in the house which is connected to a septic tank and leach field system.

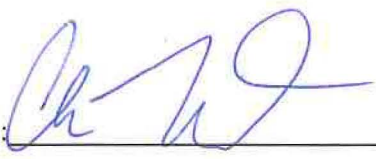
12. Remediation/Cleanup/Restoration Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road out sloping and rolling dip installation where safe and suitable, installing ditch relief culverts and

overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

Not Applicable.

Name: (LRP) _____

Title: _____

Signature:  Date: April 10, 2017

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	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division		No Response	
CalFIRE	✓	Comments	Attached
California Department of Fish & Wildlife		No Response	
Northwest Information Center		No Response	
Bear River Band of the Rohnerville Rancheria		Comments	On file and confidential
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff	✓	No Response	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

Megan Marruffo

From: Megan Marruffo
Sent: Monday, March 29, 2021 1:19 PM
To: 'Bauer, Scott@Wildlife'
Cc: Cliff Johnson <CJohnson@co.humboldt.ca.us>; Meghan Ryan
Subject: Apps #13395 - Eel River Farms, LLC, APN: 217-121-002
Attachments: 13395 O&P Revised Plot Plan 3-26-21.pdf

Good afternoon, Scott,

We are preparing the above referenced project for hearing and wanted to provide an additional request for comment on the project. The project description is as follows:

"A Special Permit for an existing 7,500 square foot (SF) outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation occurs in the southeastern portion of the parcel in three (3) existing greenhouses (1,400 SF, 1,100 SF, and 900 SF), with two (2) additional greenhouses proposed (2,200 SF and 1,900 SF), which would transition 4,100 SF of former full-sun outdoor cultivation to outdoor light deprivation cultivation at the same location. Ancillary propagation is proposed in a 750 SF greenhouse structure. Irrigation water is sourced from a permitted groundwater well on the subject parcel. Existing available water storage is 12,500 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression. Estimated annual water usage is 126,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. A maximum of two (2) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E)."

I have attached the Site Plan for your convenience. Please let me know if you have any questions or concerns on this project.

Thank you,
Megan



Megan Marruffo
Senior Planner / Project Manager
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443 5054
<http://www.lacoassociates.com>

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DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: October 5, 2017

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

Attention: Cannabis Planner (CPOD)**Applicant:** Trent, Chris**APN:** 217-121-002-000**Area:** Eel Rock**Case Numbers:** SP17-082**Humboldt County Application #:** 13395**Type of Application:** Special Permit**Date Received:** 9/28/2017**Due Date:** 10/11/2017

Project Description: A Special Permit for 7,500 square feet (SF) of existing mixed-light commercial medical cannabis cultivation is requested. Irrigation water is to be provided by an on-site spring. Water storage on the property will include a proposed 50,000 gallon water bladder and an existing poly water tank (no storage capacity of this vessel is included). The total projected water usage annually is 24,225 gallons. After being harvested, cannabis is taken to a proposed agriculture building for processing (1,488 SF Footprint). Power is provided by Pacific Gas & Electric.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Monday, October 02, 2017 3:34 PM
To: Planning Clerk
Subject: FW: APN# 217-121-002 Trent, Chris



13395

Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Titus, Lucas@CALFIRE
Sent: Monday, October 2, 2017 8:31 AM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: APN# 217-121-002 Trent, Chris

It may be necessary for a CALFIRE harvest permit to be obtained prior to expanding this cultivation and new development sites. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. Previous land use activities may have resulted in harvest without an permit and harvesting without a plan or a license. More information is required for a proper evaluation.

Lucas Titus

Forester I, Bridgeville Resource Management

Department of Forestry and Fire Protection

CAL FIRE

Humboldt-Del Norte Unit

Office (707)777-1720

Cellular (707)599-6893

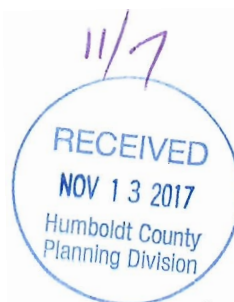
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HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



9/26/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt JT School District

Applicant Name Chris Trent **Key Parcel Number** 217-121-002-000

Application (APPS#) 13395 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP17-082

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

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

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

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

Return Response No Later Than 10/11/2017

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

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

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

☒ Other Comments: SEE ATTACHED COMMENTS.

DATE: 11/7/17

PRINT NAME: MARC PHIPPEN



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 45054/13395
Parcel No.: 217-121-002
Case No.: SP17-082

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☐ Other Comments: ADVISED OWNER THAT WATER BLADDERS
ARE NOT PERMITTED BY BUILDING-DEPT.

Name: MARC PHIPPEN

Date: 11/7/17

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



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

DEH received
9-27-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

17/18-0822
Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt JT School District

Applicant Name Chris Trent **Key Parcel Number** 217-121-002-000

Application (APPS#) 13395 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP17-082

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.

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

4-27-18

Comments:

DEH recommends approval with the following conditions:

(1) No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

Response Date: 4/26/2018 **Recommendation By:** Joey Whittlesey

PLN-13395-SP Eel River Farms, LLC

May 6, 2021

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