



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: **Humboldt Bud Company, LLC, Special Permits**
Record Number: PLN-11934-SP
Assessor's Parcel Number (APN): 211-261-016
2500 Newton Road, Weott area

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Please contact Samantha Thomas, Associate Planner, at 707-443-5054 or by email at ThomasS@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permits	Samantha Thomas

Project Description: A Special Permit for a continued cultivation of 8,375 square feet (SF) of outdoor cannabis with 1,195 SF of ancillary propagation. Cultivation will occur in hoop houses for a minimum of two years before permanent greenhouses are installed. Irrigation water is sourced via a rain catchment system located on the roof of the agricultural building. Existing available water storage for agricultural use is 57,600 gallons in thirteen (13) hard sided tanks. An existing 2,500-gallon hard tank is designated for domestic use which is fed by an onsite spring. Estimated annual water usage is 41,000 gallons (4.9 gal/SF). Drying and storage occurs onsite and all other processing and packaging will occur off site at a licensed processing facility. No employees are proposed as the business would be owner operated. No power will be used for cultivation, though ancillary propagation will utilize power from P. G. & E. The proposed project also includes a Special Permit to reduce the required 600-foot setback from public lands.

Project Location: The project is located in the Avenues-Weott Community Planning Area, on the north and south side of Newton Road and east of Robinson Creek, approximately 1.8 miles east from the intersection of Newton Road and State Highway 101, on the property known as 2500 Newton Road, Weott.

Present Plan Land Use Designations: Residential Agriculture (RA40) Density: 40 acres per dwelling unit, Slope Stability: Moderate instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-11934-SP

Assessor's Parcel Number: 211-261-016

Applicant

Humboldt Bud Company, LLC
C/O David Shea and Gabriel
DeMartini
3820 H Street
Eureka, CA 95503

Owner

Daisy Flats, LLC
C/O David Shea
PO Box 1244
West Port, WA 98595

Agent

Same as Applicant

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

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

Major Issues: None.

Humboldt Bud Company, LLC
Record Number: PLN-11934-SP
Assessor's Parcel Number: 211-261-016

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 Humboldt Bud Company, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Humboldt Bud Company, LLC, seeks a Special Permit to allow the continued cultivation of 8,375 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 (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation takes place in four (4) separate full sun outdoor cultivation areas: Canopy 1 contains 2,240 SF, Canopy 2 contains 1,846 SF, Canopy 3 contains 2,150 SF, and Canopy 4 contains 2,150 SF. There is 1,195 SF of ancillary propagation next to the agricultural building utilizing cultivation grade lighting with power derived from the utility grid. One (1) to two (2) harvests are anticipated annually in the outdoor area for a growing season that extends from June through November.

Drying and storage occurs onsite in an existing 3,600 square foot agricultural building. Additional processing will occur off site at a licensed processing facility. No employees are proposed as the business would be owner operated. No power will be used for cultivation, though ancillary propagation will utilize power from the utility grid, or P. G. & E. The operation will be secured behind a primary locked gate to the property with motion triggered security lights on the premises, and the agricultural building will be a lockable structure. Operations will be discreet and not draw attention, with cultivation areas visibly obscured from the main road, and 'No Trespassing' signs posted on the single-access road.

Estimated annual water usage is 41,000 gallons (4.9 gal/SF) with peak demand occurring in July, August, and September at approximately 10,500 gallons per month. Water for irrigation is provided by a rainwater catchment system located on the roof of the agricultural building (see Attachment 3). Average annual rainfall in Weott is 58 inches and square footage of the agricultural building is 3,600 square feet. Using a 0.623 multiplier, in an average rain year, the applicant could capture up to 130,082 gallons of water. Therefore, sufficient water can be captured to meet the water demand for the project. Existing available water storage for agricultural use is 57,600 gallons in thirteen (13) hard-sided tanks. An existing 2,500-gallon hard tank is designated for domestic use which is fed by an onsite spring. An Initial Statement of Water Diversion and Use was submitted to the State Water Recourse Control Board in December of 2016 for an onsite spring referred to as Green Spring Diversion from unnamed tributaries to Robinson Creek (see Attachment 3). This water diversion commenced in 2012 and provides 130,040 gallons (0.4 acre-feet) to be diverted and used of which 20,000 gallons (0.06 acre-feet) can be stored for later use, annually. Water for the Green Spring Diversion is for domestic use to support human and animal needs, as well as provide for fire protection.

The proposed project includes a Special Permit requesting to reduce the 600-foot setback from adjacent lands owned by the California State Parks. The cultivation areas are approximately 280 feet from the adjacent State Park parcels. Planning staff contacted California State Parks staff on March 16, 2021, inquiring if the California State Parks had any objections to the reduction in 600-foot setback (see Attachment 4). California State Parks staff responded on March 29, 2021, and stated they did not have

any concern regarding this project (see Attachment 4).

The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The *HRSPGP* identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The *HRSPGP* states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The *HRSPGP* also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impact to the park's prime resources.

The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The *HRSPGP*'s provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers (THPO) and avoidance of sensitive tribal cultural resources. Additionally, a Water Resource Protection Plan was developed for the project. The plan was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Burlington Campground, located over 4,660 feet southeast. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan; Final Draft 2019* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

A Draft Streambed Alteration Agreement (SAA 1600-2019-0378-R1) with the California Department of Fish and Wildlife (CDFW) (see Attachment 3) was also obtained in November 2019 limiting the Applicant to one encroachment for water diversion from unnamed tributaries to Robinson Creek for domestic use. The Agreement requires the removal of the existing unpermitted water diversion, installation of the new water diversion structure consistent with the Agreement and use and maintenance of water diversion infrastructure. The Agreement allows no more than 3 gallons per minute at any time, with no more than 200 gallons per day during the low flow season from April 1 to October 31.

A Notice of Applicability for Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ from the North Coast Regional Water Quality Control Board (Regional Water Board) (see Attachment 3) was obtained in August of 2020. Based on the information submitted by the Applicant, the Regional Water Board deemed the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order, and therefore, classified as Tier 1 Low Risk. The Applicant was assigned waste discharge identification (WDID) number 1_12CC404181. Humboldt County's WebGIS shows one (1) mapped stream for Robinson Creek, a Class III intermittent stream, with the associated 50-foot Streamside Management Area (SMA) buffer. All four (4) cultivation areas and associated infrastructure are outside of the SMA buffer. The Site Cultivation and Operation Plan (see Attachment 3) indicates that to improve watershed and habitat conditions protective buffers around spring riparian

area will be established, bare soil surfaces will be vegetated and mulched, the project will capture rainwater to supply irrigation needs, and roads will be maintained. As noted on the site plan, all cultivation areas meet the 100-foot setback from the onsite spring except for Canopy 3, which has an 80-foot setback. As a result, the project is conditioned to move Canopy 3 to meet the 100-foot setback.

The subject is mainly forested with three areas that were converted for the proposed development. Two areas were converted prior to January 1, 2016, and the easternmost area was converted between 2014 – 2016 based on a review of Humboldt County WebGIS. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016.

Per the Draft SAA from CDFW (see Attachment 3) there is the potential for existing fish and wildlife resources to be substantially adversely affected. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices, the Cultivation and Operations Plan, and Draft SAA with CDFW. As a result, the project is conditioned to include but are not limited to, biological surveys to ensure no potential special status plant or animal species or communities are present should additional ground disturbance be proposed in the future and ensuring all outdoor light sources comply with the International Dark Sky Association standards, and are designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare to reduce light exposure to wildlife and their potential habitat. No comments have been received from CDFW. As proposed and conditioned, the project is consistent with CMLUO performance standards and CDFW guidance and will not negatively impact sensitive species.

Access to the site is via a driveway off of Newman Road via State Highway 101. State Highway 101 is a State maintained highway. Public Works, Land Development requested a Road Evaluation Report for the project, as Newsom Road. A Road Evaluation Report with associated photos (see Attachment 3) dated March 20, 2020 was submitted to the County for Newsom Road from S. Spring Street indicating that the entire road segment is developed to the equivalent of a road category 4 standard. Additional conditions include requiring within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads (from post mile 2.8 of Old Three Creeks Road) to the project site located on Assessor's Parcel Number 522-031-008. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

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

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

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project;

2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

**Resolution Number 21-
Record Number PLN-11934-SP
Assessor's Parcel Number: 211-261-016**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt Bud Company, LLC, Special Permits request.

WHEREAS, Humboldt Bud Company, LLC, submitted an application and evidence in support of approving a Special Permit for a continued cultivation of 8,375 square feet (SF) of outdoor cannabis with 1,195 SF of ancillary propagation. Cultivation will occur in hoop houses for a minimum of two years before permanent greenhouses are installed. Irrigation water is sourced via a rain catchment system located on the roof of the agricultural building. Existing available water storage for agricultural use is 57,600 gallons in thirteen (13) hard sided tanks. An existing 2,500-gallon hard tank is designated for domestic use which is fed by an onsite spring. Estimated annual water usage is 41,000 gallons (4.9 gal/SF). Drying and storage occurs onsite and all other processing and packaging will occur off site at a licensed processing facility. No employees are proposed as the business would be owner operated. No power will be used for cultivation, though ancillary propagation will utilize power from P. G. & E.

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 April 15, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit for a continued cultivation of 8,375 square feet (SF) of outdoor cannabis with 1,195 SF of ancillary propagation. Cultivation will occur in hoop houses for a minimum of two years before permanent greenhouses are installed. Irrigation water is sourced via a rain catchment system located on the roof of the agricultural building. Existing available water storage for agricultural use is 57,600 gallons in thirteen (13) hard sided tanks. An existing 2,500-gallon hard tank is designated for domestic use which is fed by an onsite spring. Estimated annual water usage is 41,000 gallons (4.9 gal/SF). Drying and storage occurs onsite and all other processing and packaging will occur off site at a licensed processing facility. No employees are proposed as the business would be owner operated. No power will be used for cultivation, though ancillary propagation will utilize power from P. G. & E.

EVIDENCE: a) Project File: PLN-11934-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have

been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum Prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resources Protection Plan was prepared by Compliance Farms to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. A Notice of Applicability for Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ from the North Coast Regional Water Quality Control Board was obtained in August of 2020 deeming the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order, and therefore, classified as Tier 1 Low Risk. As noted on the site plan, all cultivation areas meet the 100-foot setback from the onsite spring except for Canopy 3, which has an 80-foot setback. Conditionals of approval will require the project is move Canopy 3 to meet the 100-foot setback.
- d) A Draft Streamside Alternation Agreement from the California Department of Fish and Wildlife was prepared indicating there is the potential for existing fish and wildlife resources to be substantially adversely affected by the project. Conditions of approval will require biological surveys to ensure no potential special status plant or animal species or communities are present should additional ground disturbance be proposed in the future and ensuring all outdoor light sources comply with the International Dark Sky Association standards, and are designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare to reduce light exposure to wildlife and their potential habitat.
- e) The project was referred to the Northwest Information Center (NWIC) and Bear River Band of Rohnerville Rancheria in May 2018. The Tribal Historic Preservation Officer (THPO) for the Bear River Band of Rohnerville Rancheria provided comment requesting the inclusion of inadvertent archaeological discovery language. No further study is required. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.
- f) Access is provided via a driveway off of Newson Road via South Spring Street where the entire road segment is developed to the equivalent of a road Category 4 standard as indicated in the Road Evaluation Report.

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.

- b) Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Burlington Campground, located over 4,660 feet southeast. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan; Final Draft 2019* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park. California State Parks staff responded on March 29, 2021, and stated they did not have any concern regarding this project.

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 8,375 square feet of outdoor on an 18.5-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 by an approved and recorded Parcel Map Subdivision (Parcel 2 of Parcel Map 1347, Book 12, Page 4).
- c) The project will obtain water from a non-diversionary water source, a rainwater catchment system located on the roof of the agricultural building. Average annual rainfall in Weott is 58 inches and square footage of the agricultural building is 3,600 square feet. Using a 0.623 multiplier, in an average rain year, the applicant could capture up to 130,082 gallons of water. Therefore, sufficient water can be captured to meet the water demand for the project.

- d) Access is provided via a driveway off of Newson Road via South Spring Street where the entire road segment is developed to the equivalent of a road category 4 standard as indicated in the Road Evaluation Report.
- e) The slope of the land where cannabis will be cultivated is less than 15% based on Google Earth imagery.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.
- h) The cultivation site would be approximately 3,790 feet from a parcel of land in the Humboldt Redwoods State Park. The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The project was found to be consistent with the *HRSPGP* and the nearest developed facility to the project site is the Burlington Campground, located over 4,660 feet southeast. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park. California State Parks staff responded on March 29, 2021, and stated they did not have any concern regarding this project.

6. FINDING

The cultivation of 8,375 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) As conditioned, approval will require the project submit a Road Evaluation Report that indicates the roadway either meets a category 4 equivalent standard, or the roadway can accommodate the cumulative increased traffic from the project.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a rainwater catchment system located on the roof of the agricultural building.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.
- f) As conditioned, the Applicant will complete installation of the approved septic system design under the permit issued by DEH on June 25, 2016 as

portable toilets are not acceptable. Additionally, the referenced gray water disposal system will be connected to the septic system.

7. FINDING

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

EVIDENCE

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

DECISION

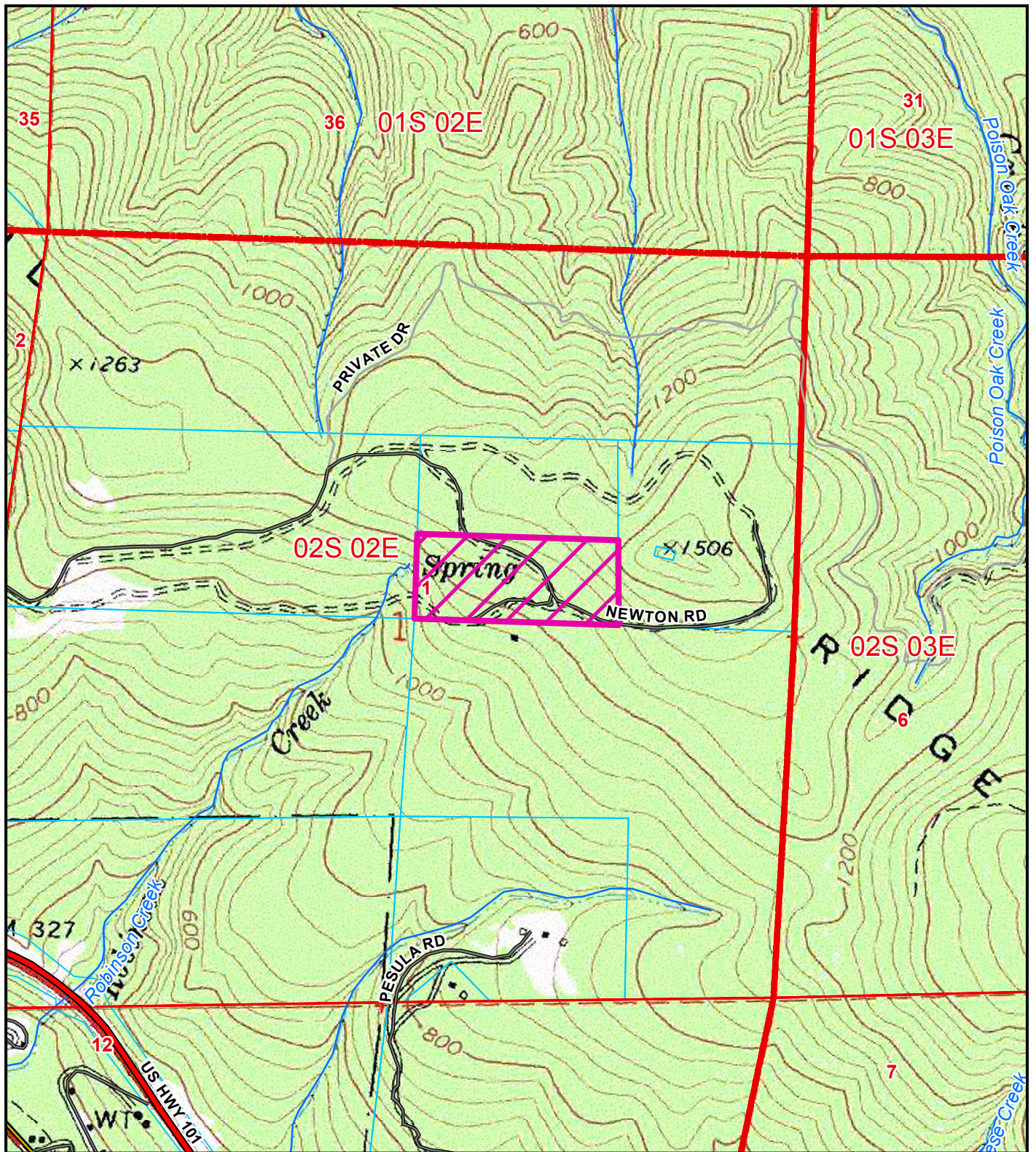
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Humboldt Bud Company, 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

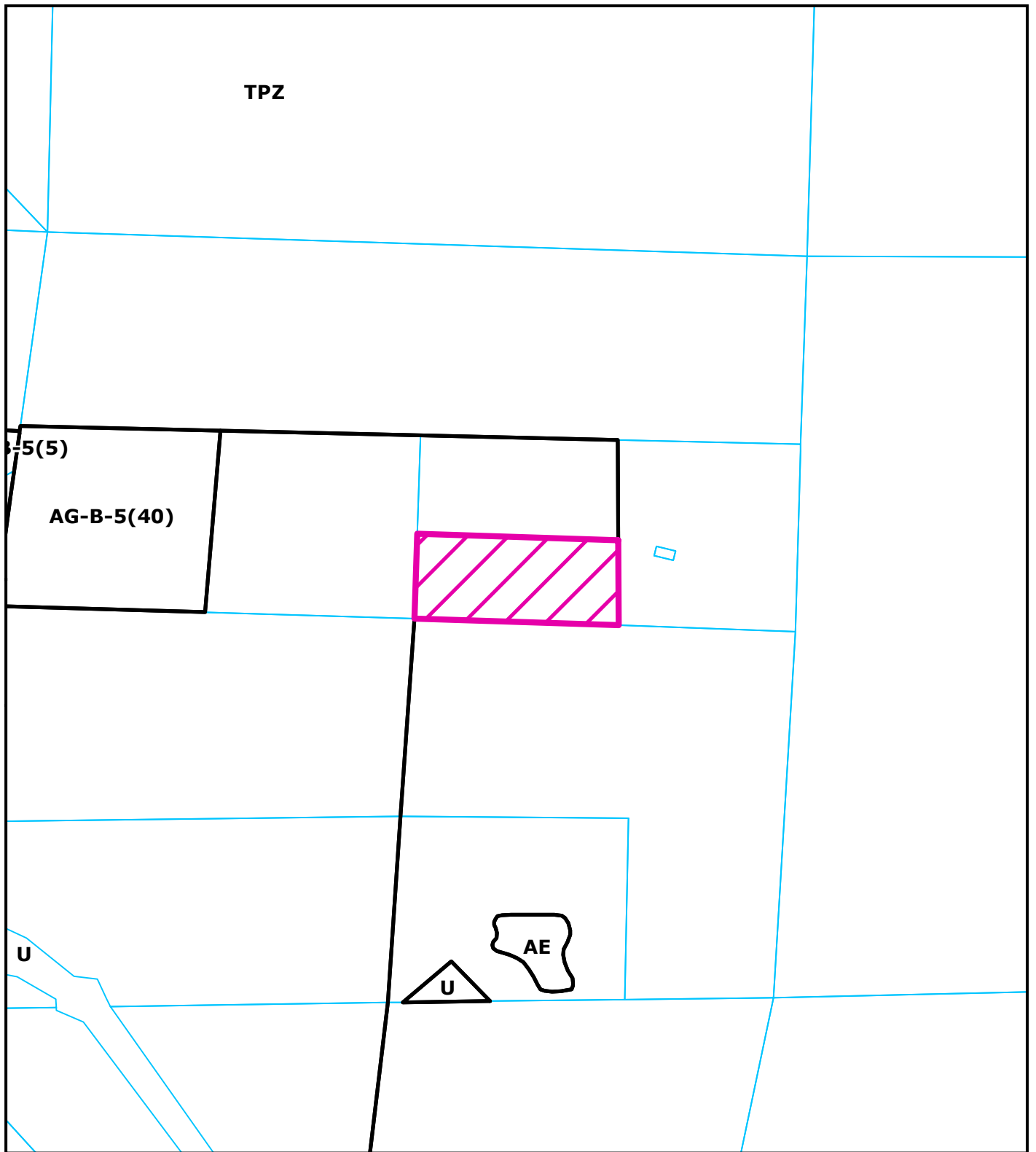


Project Area = 

TOPO MAP
PROPOSED HOME-GROWN, HAND-TRIM
MYERS FLAT AREA
SP-16-347
APN: 211-261-016
T02S R02E S1 HB&M (WEOTT)

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

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 Feet



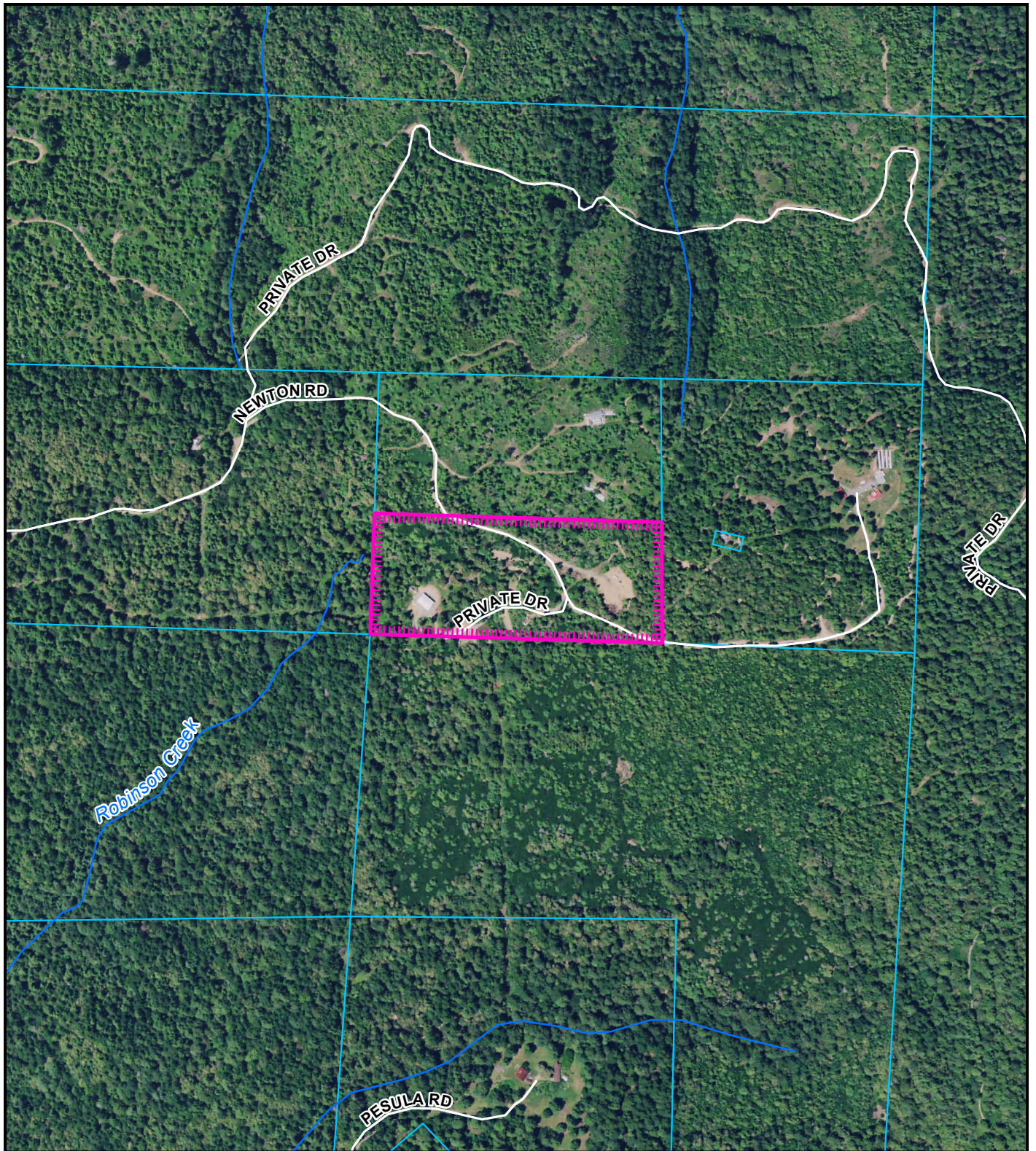
Project Area = 

**ZONING MAP
PROPOSED HOME-GROWN, HAND-TRIM
MYERS FLAT AREA
SP-16-347
APN: 211-261-016
T02S R02E S1 HB&M (WEOTT)**



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

0 1,000 2,000
Feet




Project Area = 

**AERIAL MAP
PROPOSED HOME-GROWN, HAND-TRIM
MYERS FLAT AREA
SP-16-347
APN: 211-261-016
T02S R02E S1 HB&M (WEOTT)**



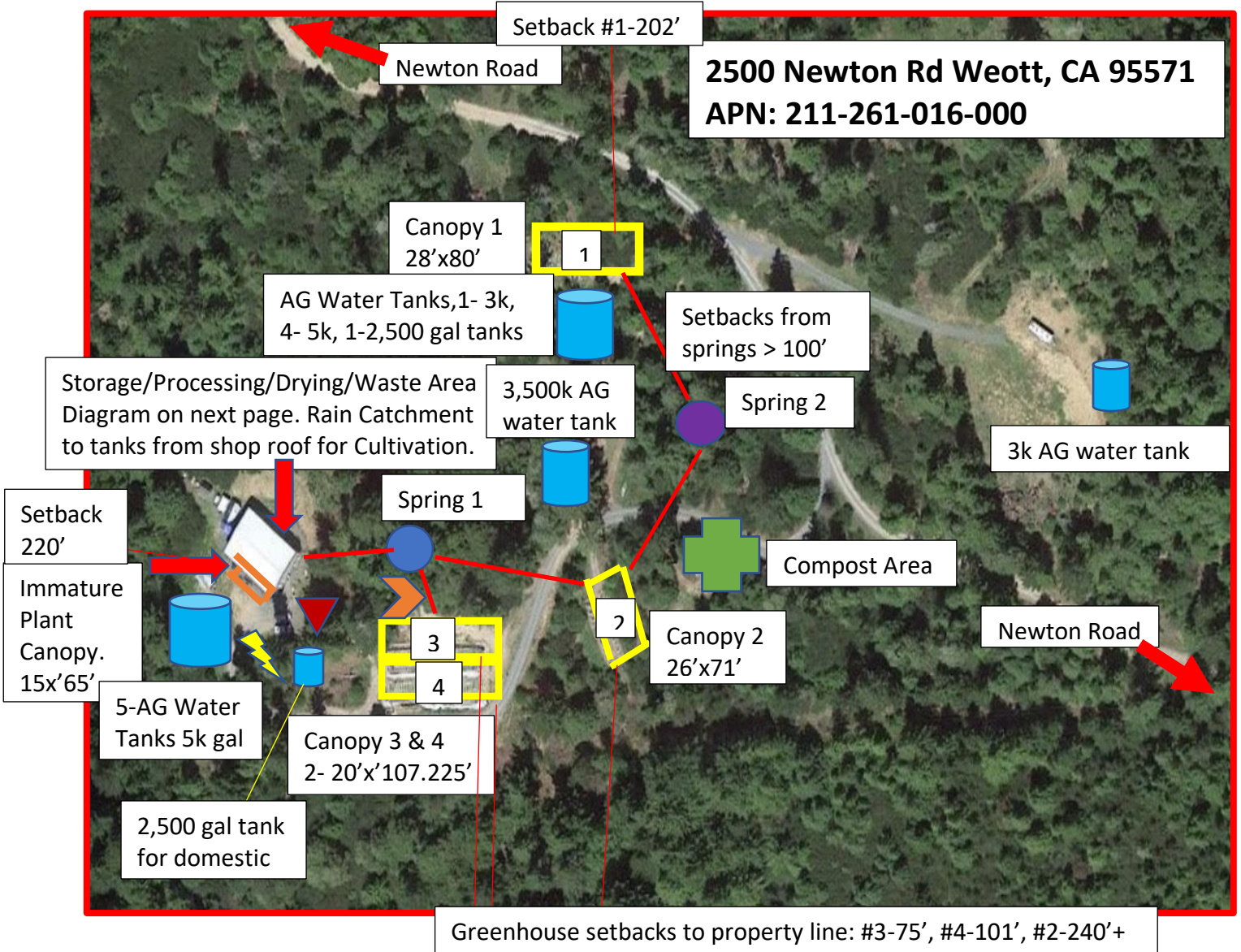
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 875 1,750 Feet



Premises Diagram for Humboldt Bud Company LLC

Outdoor Cannabis 1.0 Permit(Aggregate Square Footage of Canopy 8,375 SF)



Spring 1 has domestic water use, see LSA on file. Setback from Springs is 100'+.
Spring 2 is not In-use.



Part of Canopy # 3(approx. 1,200 SF+/-) is 75'-99' from the spring and will be registered with CA State Water Boards as a Tier 1 LOW Risk for not meeting the 100' setback but being less than 2,000 of disturbed area inside the setback. We will pay the yearly fee to the water boards, See WRPP report for wetland/spring information. All other Canopies meet the 100'+ setback from the springs.



Temporary Portable toilet will be used and pumped once a week by a licensed company until the permitted septic system can be installed as a condition of the Humboldt County Cannabis Permit.



Power is provided by PG&E Power



Existing 1.0 Cannabis Cultivation Canopy Areas

PLN-11734-SF Humboldt Bud

May 6, 2021

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 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan prepared by a qualified professional showing the following, in addition to what is shown:
 - a. Show storage shed north of the processing center.
 - b. Revise plot plan to show all grading over 50 cubic yards and all grading on slopes 15 percent or over.
 - c. Provide all setbacks from any water course including springs and all structures to each other and property lines.
 - d. Please label the name of the small park that is shown on the site plan as within 600 feet of the cultivation area or remove the feature if it is not a public park. It appears that it may be a small parcel containing a power transmission line.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #12. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and associated commercial cannabis activity on the project site, 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, The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
9. The applicant shall complete installation of the approved septic system design under the permit issued by DEH on June 25, 2016 as portable toilets for cultivation staff is not allowed. Additionally, the referenced gray water disposal system shall be connected to the septic system. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
10. The applicant shall implement all corrective actions detailed in the Cannabis Waste and Discharge Compliance Report developed for the parcel, prepared pursuant to Tier 2 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ (previously WQ 2017-0023-DWQ) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall submit a copy of, adhere to and implement the Final Streambed Alteration Agreement issued by CDFW (SAA 1600-2019-0378-R1). Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
12. The applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016. The report also include a monitoring and reporting section that requires a minimum of 3 years of monitoring and a 85% success rate for all restocked timber. Annual monitoring reports shall be submitted at the time the annual inspection. A sign-off from Planning will satisfy this condition.
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.
15. The applicant shall submit a copy of the Final Streambed Alteration Agreement (SAA) obtained from CDFW, Notification No. 1600-2019-0378-R1.

16. 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.
17. 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.
18. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
19. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. The applicant 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 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.

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

1. All outdoor artificial light sources shall be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare to reduce light exposure to wildlife and their potential habitat. 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.
2. The applicant shall perform biological surveys to ensure no potential special status plant or animal species or communities are present should additional ground disturbance be proposed in the future.
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 #29 and 31 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

APN 211-261-016; 2500 Newton Road, Weott, 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 (SP-16-347) for an existing 8,375 square foot (SF) outdoor. Ancillary propagation consists of 1,195 SF located next to the agricultural building. Irrigation water is sourced from a rainwater catchment system located on the roof of the agricultural building. Existing available water storage is 64,400 gallons in fourteen (14) hard tanks. Estimated annual water usage is 41,000 gallons. Drying and storage occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. No employees are proposed as the business would be owner operated. No power will be used for cultivation, though ancillary propagation will utilize power from the utility grid, or PG&E.

The subject parcel is mainly forested with three areas that were converted for cannabis cultivation areas. Two areas were converted prior to January 1, 2015, and the easternmost cultivation area was converted between 2014 – 2016. Conditions of approval require the applicant to submit a Timber Conversion Evaluation prepared by a Registered Professional Forester (RPF) that includes recommendations for improvements and monitoring of recommendations to ensure the conversions are consistent with Forest Practice Rules. Humboldt County's WebGIS shows one (1) mapped stream for Robinson Creek, a Class III intermittent stream, with the associated 50-foot Streamside Management Area (SMA) buffer. All four (4) cultivation areas and associated infrastructure are outside of the SMA buffer.

The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The *HRSPGP*'s provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers (THPO) and avoidance of sensitive tribal cultural resources. Additionally, a Water Resource Protection Plan was developed for the project. The plan was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

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 International Dark Sky Association standards and ensuring additional future ground disturbance does not harass nearby wildlife and their potential habitat which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 8,375 square feet of cultivation with ancillary drying and storage activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Applicant stamped received 08/20/2020;
- Cultivation and Operations Plan prepared by Hollie Hall, Ph.D. Soil & Water Science stamped received 09/18/2017;
 - Humboldt Bud Company LLC Amendment of Operating Plan dated August 12, 2020;
- Boundary Exhibit prepared by LACO Associates dated February 12, 2020 and stamped received February 26, 2020;
- Draft Lake or Streambed Alteration Agreement, Notification No. 1600-2019-0378-R1 for Parsons Water Diversion Project dated November 26, 2019;

- Request to Amend Lake or Streambed Alteration Agreement dated August 24, 2020;
- Notice of Applicability – Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ from North Coast Regional Water Quality Control Board (NCRWQCB) dated August 5, 2020;
- Cannabis Waste and Discharge Compliance Report prepared by Compliant Farms for the State Water Resources Control Board's Cannabis Cultivation Policy Order WQ 2017-0023-DWQ dated October 28, 2019;
- Initial Statement of Water Diversion and Use with the State Water Resources Control Board, Division of Water Rights dated December 19, 2016; and
- Technical Memorandum – R2 Soils Report for Residential Lot Improvements, dated June 9, 2015.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on-file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Attached – Initial Statement of Water Diversion and Use with the State Water Resources Control Board, Division of Water Rights dated December 19, 2016 and received September 15, 2017 for domestic use; Condition of Approval – Provide Small Irrigation Use Registration)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation and Operations Plan (item 4. above) and Cannabis Waste and Discharge Compliance Report (SMP) prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Cannabis Waste and Discharge Compliance Report prepared by Compliant Farms for the State Water Resources Control Board's Cannabis Cultivation Policy Order WQ 2017-0023-DWQ (WDID: 1_12CC404181); Notice of Applicability – Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ from North Coast Regional Water Quality Control Board (NCRWQCB); Condition of Approval – Compliance with State Cannabis Cultivation Policy)
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. (Attached – Draft Notification No. 1600-2019-0378-R1 dated 11/26/2017)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (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. R2 Soils Report for Residential Lot Improvements prepared by LACO Associates, dated 6/9/15. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
17. Boundary Exhibit for Southern Line prepared by LACO Associates, dated February 12, 2020. (Attached)
18. Road Evaluation Report prepared by Applicant, dated May 28, 2020. (Attached)



Cultivation & Operations Plan

Jesse Parsons

APN#211-261-016-000 APPS#11934



Prepared by Hollie Hall, Ph.D. Soil & Water Science

HollieRHall@gmail.com, 1-707-502-4870, PO Box 5306, Arcata CA, 95518

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Cultivation and Operations Plan

Project Description

The proposed project is for a ~~Conditional Use~~ ^{S.P.} Permit to cultivate 10,000 square feet of commercial cannabis outdoors. Prior to January 1, 2016, non-commercial cannabis cultivation occurred at a larger scale on the project site.

Water Source, Storage and Use

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

Water Source

Irrigation water will be sourced from a rainwater catchment system located at an onsite building that will serve as a processing center.

Water Storage

Storage Type	Quantity	Capacity	Total Capacity
Rigid Plastic	12	5,000	60,000
Rigid Plastic	1	3,500	3,500
Rigid Plastic	3	2,500	7,500
Rigid Plastic	4	4,600	18,400
Total Storage Capacity			89,400 gallons

Irrigation Plan

At this time irrigation is applied by hand watering; however, as improved technologies are developed they may be adopted to improve efficiency.

Projected Water Usage by Month

The projected gallons of water used per month is listed in the table below. The total projected need is approximately 41,000 gallons per year.

Source	J	F	M	A	M	J	J	A	S	O	N	D
Stored Rainwater (gals)	0	0	0	0	0	6,000	10,500	10,500	10,500	3,500	0	0

Description of Site Drainage, Including Runoff and Erosion Control Measures

Site Drainage

The soil within the project area is characterized as having gravelly loam in the upper 12 inches. Gravelly loam soils tend to have a high infiltration rate; however, the associated slopes, ranging from 15 to 30 percent, create a high runoff probability.

Runoff and Erosion Control Measures

To reduce erosive runoff, vegetating and mulching of surfaces will occur in addition to properly maintaining roads.

Watershed & Habitat Protection

To improve watershed and habitat conditions the following strategies will be implemented:

- Establishment of protective buffers around spring riparian area.
- Vegetate and mulch bare soil surfaces.
- Capture rainwater to supply irrigation needs.
- Maintain roads.

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

Production will consist of one to two outdoor cannabis crops per year. No light is used for cannabis cultivation. An ancillary propagation area may be hosted within the processing facility if needed. The ancillary propagation will use cultivation grade lighting with power derived from the utility grid.

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

No generator is used.

- I. January – Winter monitoring of site. Begin propagating clones and seeds in ancillary propagation area.
- II. February- Winter monitoring of site. Continue seed, clone stock propagation.
- III. March- Winter monitoring of site. Continue seed, clone stock propagation.
- IV. April- Amend soil and prepare garden space, including cover crop maintenance. Preparing garden space and cultivation.
- V. Continue seed, clone stock propagation. Begin planting propagation outdoors for short season.
- VI. May- Preparing garden space and cultivation.
- VII. June- Plant full season crop.
- VIII. July- Water and maintain full season crop. Harvest short season.
- IX. August- Water and maintain full season crop.
- X. September- Water and maintain full season crop.
- XI. October- Water and maintain full season crop.
- XII. November- Maintain and harvest full season crop. Process harvest. Fuel load reduction to improve forest health, reduce fire danger, and produce wood chips for site winter protection and soil health improvement.
- XIII. December- Winter monitoring of site.

Description of Generator use, Power Source, and Storage

No generator or power is used.

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

Very limited supplemental fertilizers are used. When used, they are organic. Pest control may be supplemented with organic, plant derived materials if needed. All agricultural products are stored in secondary containment out of the weather.

Processing Practices and Plan

Processing will occur in an onsite metal building as shown on the Site Plan.

Estimated Number of Employees

No employees. Owner operated.

Description of Toilet and Handwashing Facilities

Handwashing occurs at a sink adjacent to small storage shed and drains into a greywater system. Toilet is provided by a portable B&B style toilet.

Description of Plumbing and/ or Septic System and Whether or Not the System is Capable of Handling Increased Usage

No increase in usage will occur in relation to commercial cannabis cultivation. All handwashing flows into the greywater system.

Description of Increased Road Use Resulting from Processing and a Plan to Minimize that Impact

No increased road use is expected.

Summary of Processing Practices

The following Processing Practices shall be implemented onsite at all times:

1. Great care is taken to maintain a clean working environment during all stages of processing. Work surfaces, and equipment, are kept in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold or mildew are followed at all times. Owners shall clean hands sufficiently when handling cannabis or use gloves.
2. During harvest cannabis plants are cut down to approximately 18-inch lengths of stem and transported from the garden area to the processing area to be hung for drying. Large water leaves are also removed during this process. All work is performed while wearing gloves using sheers or clippers.
3. Bud sections are hung in an on-site drying shed for 5-7 days. Electric heat is employed as necessary to help facilitate the drying process. During the drying process, the buds are carefully monitored for moisture content and mold growth.

4. Once it is determined that buds have reached the desired moisture content, stems are removed and flowers are cured in open bags. Cured cannabis is stored securely in the processing shed.

Processing Plan

Processing plan of cultivated cannabis consists of:

- Harvesting cannabis which occurs once or twice per year.
- Drying of the harvested cannabis would occur in the processing facility which would be heated with wood.
 - Processing of the dried cannabis occurs in the processing facility.
 - Processed cannabis is weighed, packaged, and labeled.
 - Packaged cannabis shall be distributed in compliance with California law and shall adapt as changes occur.

Employee Practices

No employees.

Safety Equipment

Each garden site and/or processing area will have the following emergency equipment:

1. Personal protective equipment including gloves and respiratory protection are provided where necessary
2. Fire extinguisher
3. First Aid kit
4. Snake Bite/Bee Sting kit
5. Eye Washing kit
6. Epi pen.

Emergency Contacts

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

- Land Owner Contact(s):
 - Land Owner: Jesse Parsons, phone (707) 223-1334
- Emergency Responder Contact(s):
 - EMERGENCY CALL 911
 - Nonemergency Sheriff: (707) 445-7251
 - Weott Volunteer Fire Department, phone: (707) 946-1953
 - CalFire Weott Station, phone: (707) 946-2215
- Poison Control Contact(s):
 - EMERGENCY CALL 911
 - Poison Control Centers (800) 222-1222

Road Use

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

Security Plan

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

- No easements cross through the cultivation area.
- 'No Trespassing' signs are posted on the single-access road.
- Motion triggered security light on presence.
- The cultivation site shall be secured behind a primary locked gate to the property.
- The cultivation area is visually obscured from the main road.
- The processing facility shall be a secure lockable structure.
- Operations shall be discreet and not draw attention.

Department of Environmental Health Information

Onsite Wastewater Review and Update

- Structures and manmade landscape features on the property (see Site Map).
- Typically, one to two owners will be working under the permit during cultivation season from April to October.

Water Production/ Well Construction

- Drinking water is from an onsite spring.
- Irrigation water is sourced from stored rainwater for agriculture.

Hazardous Materials

- Gasoline (approximately 10-gallons at any time) is stored onsite. All fuels are stored in approved storage containers. Gasoline is stored in covered area with containment device.
- All fertilizers, soil amendments, and pesticides used onsite are stored indoors in approved containers. See operations plan for list of products and storage procedure. Safety Data Sheets (SDS) for commercial products are attached.
- Hydrogen peroxide, bleach and alcohol is used onsite to clean small hand tools. Other household sanitizers may be used in kitchen and bathrooms.

Solid Waste/ Recycling

- Garbage is stored in secure areas within a rodent proof enclosed container (see Site Plan), in sealed storage containers that are self-closing.
- Very little garbage is produced. Garbage and recycling is hauled to Eel River Disposal as needed.
- Excess used soils are cover cropped, amended and reused.

HUMBOLDT BUD COMPANY LLC AMENDMENT TO OPERATING PLAN




This Amendment is for the Humboldt County Cannabis Cultivation Permit application # 11934 & the CA State Cannabis Cultivation Permit application # LCA20-0002119

All Processing & Packaging to be done off site at a Humboldt County & CA State Licensed processing facility.

The on-site shop will be used for mother plants/clones & drying/storing only.

This changed is effective today 8/12/2020

X  David Shea 08/12/2020
8/12/2020 2:02:51 PM PDT
David Shea, Manager/Owner

X  Gabriel DeMartini 08/12/2020
8/12/2020 2:04:29 PM PDT
Gabriel DeMartini, Manager/Owner

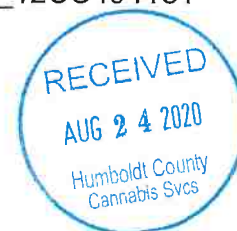


North Coast Regional Water Quality Control Board

August 5, 2020
REVISED

WDID:1_12CC404181

HUMBOLDT BUD COMPANY, LLC
ATTN: DAVID SHEA
3820 H STREET
EUREKA, CA 95503



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,

Kason Grady

On Behalf Of

Water Boards

2020.08.05 16:04:10 PDT

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

200805_1L_1_12CC404181_Humboldt_Bud_Company_LLC_NOA_Revised_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, HUMBOLDT BUD COMPANY, LLC, HUMBOLDT COUNTY APN 211-261-016-000

Home Grown Hand Trimmed, LLC submitted information through the State Water Resources Control Board's (State Water Board's) online portal on August 30, 2018, for discharges of waste associated with cannabis cultivation related activities for APN 211-261-016-000 classified as a Tier 1 High Risk. On July 24, 2020, a request was filed to transfer the responsibility for this enrollment to Humboldt Bud Company, LLC (hereafter "Discharger") and to update the classification of the site to Tier 1 Low Risk. 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_12CC404181**.

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) some portion of the disturbed area is located 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 November 27, 2018, 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 Disturbed Area Stabilization Plan consistent with the requirements of General Order Provision C.1.c., and Attachment A, Section The Disturbed Area Stabilization Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. If the Discharger cannot achieve compliance by the next onset of the winter period (i.e., stabilization work will continue into the winter period or will continue the following year), the Discharger must include a time schedule and scope of work for approval by the Regional Water Board Executive Officer and use in preparing an enforcement order. Attachment D of the General Order provides guidance on the contents of the Disturbed Area Stabilization Plan.

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

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being

monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/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
Parsons Family Trust, 2137 PO Box Redway, CA 95560

State Water Resources Control Board
DIVISION OF WATER RIGHTS

Client Copy
Filed 12/19/16

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT.
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM.
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

RECEIVED
SEP 15 2017
Humboldt County
Building Division

Page 1 of 3: INITIAL STATEMENT OF WATER DIVERSION AND USE
SOURCE/TRIBUTARY Green Spring / NA

DIVERTER NAME Jesse Parsons
DIVERSION WORKS NAME Green Spring Diversion

A. Diverter Information			
Diverter Name(s) Jesse Parsons			
Mailing Address PO Box 2137	City Redway	State CA	Zip 95560
Phone Number 707-223-1334	Email Address (if available)		
Person Filing Statement (If Different From Diverter) Hollie Hall			
Mailing Address P.O. Box 5306	City Arcata	State CA	Zip 95518
Phone Number (707) 502-4870	Email Address (if available) HollieRHall@gmail.com		
Land Owner Name Jesse Parsons			
Mailing Address PO Box 2137	City Redway	State CA	Zip 95560
Mail Receiver	<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing	
B. Signature and Important Information			
DATE: 12/19/16			
SIGNATURE: <u><i>Hollie Hall</i></u>			
PRINTED NAME: Hollie Rebecca Hall			
(first name) (middle name) (last name)			
I declare that the information in this report is true to the best of my knowledge and belief. Submit Form Electronically			
THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, § 5106, subd. (b)(1).)			
SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104.)			
THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM. (Wat. Code, § 5107.)			

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Additional copies of this form, instructions on how to complete this form and water right information can be obtained at
http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/. Revised January 2014.

State Water Resources Control Board
DIVISION OF WATER RIGHTS

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE DIVERTER NAME Jesse Parsons
SOURCE/TRIBUTARY Green Spring/ NA DIVERSION WORKS NAME Green Spring Diversion

1. Type of Claim													
Check the box(s) which describe the type of claim(s) under which you are diverting water.													
<input checked="" type="checkbox"/> Riparian	<input type="checkbox"/> Pre-1914	<input type="checkbox"/> Court Decree	<input type="checkbox"/> Pending Appropriative Application	<input type="checkbox"/> Pueblo	<input type="checkbox"/> Other: _____								
If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:													
2. Water Course Description													
Water Course Name at the point of diversion <u>Green Spring</u>							Water Course is tributary to <u>NA</u>						
3. Legal Land Description													
Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)													
<input checked="" type="checkbox"/> Latitude/Longitude Measurements: <u>40.3198, -123.8996</u>													
<input type="checkbox"/> California Coordinate System (NAD 1983): _____													
<input type="checkbox"/> USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)													
Assessor's Parcel Number(s), if assigned: <u>211-261-016</u>							County <u>Humboldt</u>						
Provide Public Land Description to nearest 40 acres (if assigned)													
<u>1</u> ¼ of the <u>2S</u> ¼ of Section <u>1</u> , Township <u>2S</u> , Range <u>2E</u> , B&M <u>Humboldt</u>													
4. Place of Use Description													
Provide a general description of the area in which the water was used <u>Water is used to support human and animal needs and provide for fire protection.</u>													
Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number. (check box indicating each map attached)													
<input checked="" type="checkbox"/> USGS Topographic Map <input type="checkbox"/> County Assessor's parcel map													
5. Purpose of Use Description (Please select all that apply below)													
<input checked="" type="checkbox"/> Irrigation Number of Acres : <u>0.25</u>			<input checked="" type="checkbox"/> Domestic Persons Served : <u>4</u>			<input checked="" type="checkbox"/> Stock watering Number of stock and type: <u>2 dogs</u>			<input type="checkbox"/> Other Please Explain:				
6. Diversion Works Description													
Name of Diversion Works, if named <u>Green Spring Diversion</u>							Year in which diversion commenced (or specify nearest known year) <u>2012</u>						
List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works) <u>Riparian Right</u>													
Type of Diversion Facility (select one)													
<input type="checkbox"/> Gravity <input checked="" type="checkbox"/> Water Course Pump <input type="checkbox"/> Well Pump <input type="checkbox"/> Other (please specify) _____													
Do you directly divert water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
Capacity of Direct Diversion Works (specify unit and amount) <u>8</u>													
Do you divert water to storage? <input type="checkbox"/> On-stream storage (Complete Section B) <input checked="" type="checkbox"/> Off-stream storage (Complete Sections A & B)													
Cubic feet per second <input checked="" type="checkbox"/> Gallons per minute Gallons per day													
A. Capacity of Storage Diversion Works (specify unit and amount) <u>10</u>							B. Capacity of Storage Tank or Reservoir (specify unit and amount) <u>20,000</u>						
Cubic feet per second <input checked="" type="checkbox"/> Gallons per minute Gallons per day <input checked="" type="checkbox"/> Gallons Acre-feet													
7. Quantity of Water Diverted Note: Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.													
Provide the quantity of water diverted each month in the table below as a measured in (check one box) Gallons <input checked="" type="checkbox"/> Acre-feet													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2015	0.02	0.02	0.02	0.03	0.04	0.04	0.04	0.04	0.04	0.03	0.02	0.02	0.4
	PLN-11934	SP Humboldt	Bud				May 6, 2021						

8. Measurement Device Description

Method used to measure water diverted (select one)

- ☐ Water directly diverted and/or diverted to storage was measured with a measuring device.
(if checked, proceed to section 8a and skip section 8b)
- ☒ Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage.
(If checked, skip section 8a and proceed to section 8b).

8a. Measuring Device

Indicate the types of measuring devices used (check all that apply):

Propeller Meter Sluice/Slide Gate Acoustic Meter Weir

Staff gage and storage capacity curve Staff gage and floodable acreage

Pressure transducer and storage capacity curve Other: _____

Indicate any additional technology used (check all that apply and explain below):

Flow totalizer Data Logger Telemetry Other: _____

Indicate who installed your measuring device(s) (check all that apply):

Representative using manufacturer's recommendations Licensed Civil or Agricultural Engineer

Representative who is American Water Works Association (AWWA)-certified Hydrographer

Representative using United States Geological Survey (USGS) techniques Other/Unknown: _____

List the make, model number, and last calibration date of your measuring device(s), if available:

8b. Explanation of why use of a measuring device is "not locally cost effective"

Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)

Diversion is small or minimal in size Diversions are infrequent Ungauged Siphon

☒ No power at diversion point Other: _____

Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)

Electricity records dedicated to the pump Total facility electricity records minus estimated non-pump electricity

Engine fuel use or hour meter records Crop duty estimates/consumptive use estimates

Power generation estimates Other water duty estimates other than for crops

☒ Modeled/estimated flows Remote satellite imaging

Pipe/trajectory method Bucket and stopwatch

Float and stopwatch Other: _____

Explain your measurement alternatives:

9. Maximum Rate of Diversion (if available)

Provide the maximum rate of diversion achieved in each month as measured in (check one box)

☐ cfs ☐ gpm ☐ gpd

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
N/A												

10. Recent Water Use

Provide the annual water use in recent years:

Maximum 0.4

☐ Gallons ☒ Acre Feet

Minimum 0.4

☐ Gallons ☒ Acre Feet

11. Water Conservation Efforts (answer only sections applicable to your diversion)Water Conservation: Are you currently employing any methods of water conservation?

☒ Yes ☐ No

If yes, describe any water conservation efforts in use:

Equipment is checked on a regular basis for leaks and repaired when needed.

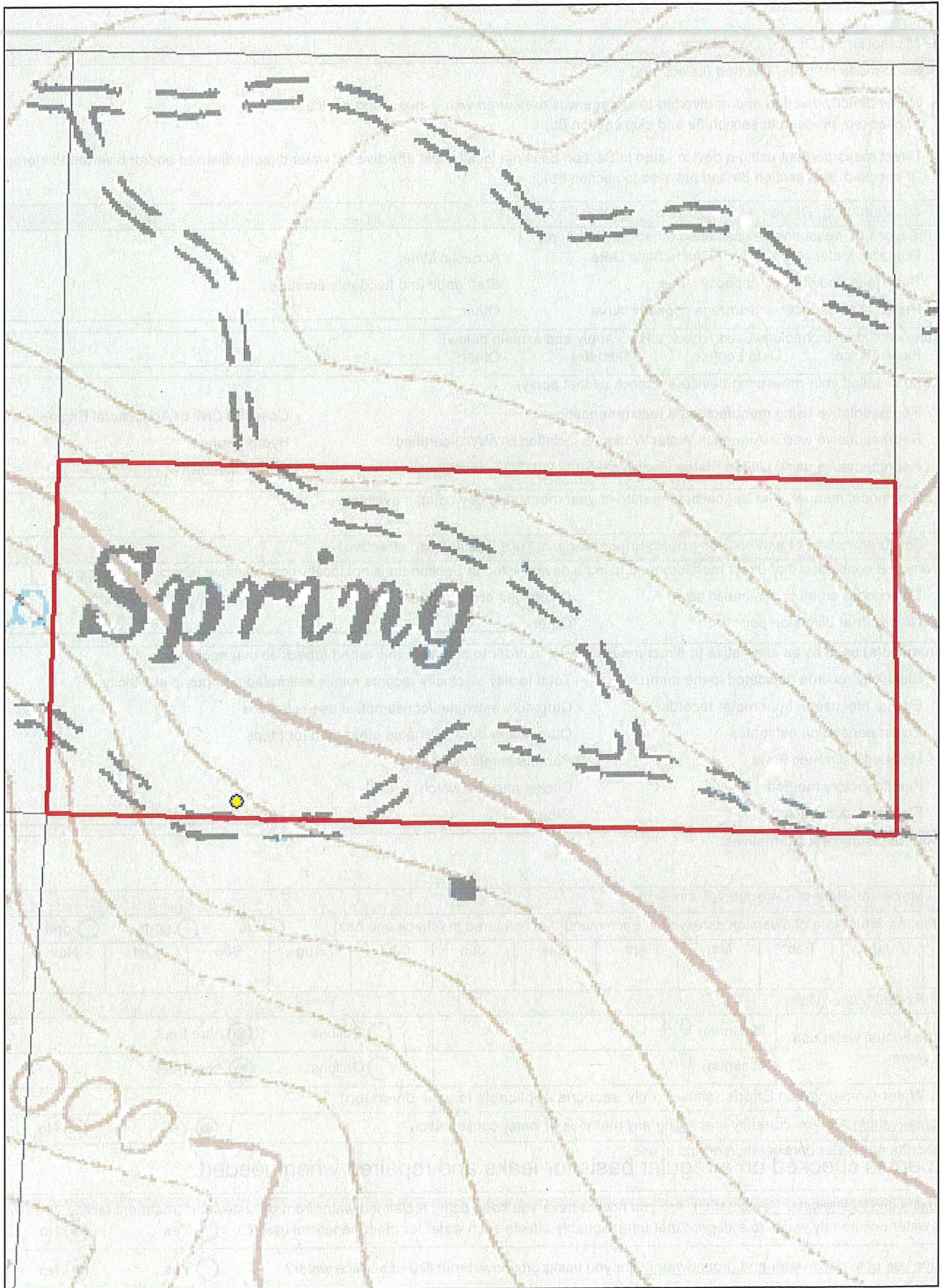
Water Quality and Wastewater Reclamation: Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?

☐ Yes ☒ No

Conjunctive use of surface water and groundwater: Are you using groundwater in lieu of surface water?

☐ Yes ☒ No

USGS Topographic Map (211-261-016)



0 50 100 200 300 400 Feet
PLN-11934-SP Humboldt Bud



May 6, 2021
place of use



point of diversion

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, California 95501
(707) 445-6493
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 26, 2019

Jesse Parsons
PO Box 2137
Redway, CA
707-223-1334
Bornseasoned@gmail.com

Subject: Draft Lake or Streambed Alteration Agreement
Notification No. 1600-2019-0378-R1
Parsons Water Diversion Project

Dear Jesse Parsons:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

For more information on the process described above, please refer to the "Notification Instructions and Process" included with your notification materials, which is also available at <https://www.wildlife.ca.gov/conservation/lisa>.

Conserving California's Wildlife Since 1870

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the overall project and that the Department may have additional comments or concerns during the CEQA review process.

This Agreement only covers jurisdictional items under Fish and Game Code 1600 *et seq.*, but there may be other aspects of the overall development project that invoke the Department's role as trustee and responsible agency under CEQA. Therefore, the Department may submit additional comments, requests for information, and recommend requirements for mitigation or monitoring in order to avoid significant impacts to fish and wildlife or their habitat. Furthermore, this Agreement does not authorize "take" of any state or federal listed threatened, endangered, or candidate species.

If you have any questions regarding this letter, please contact Environmental Scientist Greg O'Connell at gregory.oconnell@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

Ec:

North Coast Regional Water Quality Control Board Water Board, Cannabis
Cultivation Program

NorthCoast.Cannabis@Waterboards.ca.gov

State Water Resources Control Board, Division of Water Rights

cannabisreg@waterboards.ca.gov, Stormer.Feiler@waterboards.ca.gov

Humboldt County Planning and Building Department

Cliff Johnson, CJohnson@co.humboldt.ca.us

California Department of Fish and Wildlife

Greg O'Connell, gregory.oconnell@wildlife.ca.gov

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



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2019-0378-R1

Unnamed Tributary to Robinson Creek, Tributary to the South Fork Eel River, to the Eel River and the Pacific Ocean

Jesse Parsons
Parsons Water Diversion Project
1 Encroachment

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on May 06, 2019, with additional information obtained during September 4, 2019 site visit, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Eel River watershed, approximately 1.3 miles east of the town of Weott, County of Humboldt, State of California. The project is located in Section 01, T02S, R02E, Humboldt Base and Meridian; in the Weott U.S. Geological Survey 7.5-minute quadrangle; Humboldt County Assessor's Parcel Number 211-261-016; latitude 40.32022 N and longitude 123.89910 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to one encroachment (Table 1). The encroachment is for water diversion from unnamed tributaries to Robinson Creek. Water is diverted for domestic

use. Work for the water diversion will include use and maintenance of the water diversion infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.32022, -123.89910	1. Remove existing unpermitted water diversion. 2. Install new water diversion structure consistent with this agreement. 3. Use and maintenance of water diversion infrastructure.

The Permittee has disclosed a ditch relief culvert (located at approximately 40.32032, -123.89822) This feature appears in good condition and meeting current standards. The Permittee has also disclosed that all irrigation water is sourced from roof-top rainwater collection.

No other projects that may be subject to FGC1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1.

PROJECT IMPACTS

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

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

Impacts to water quality:

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

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

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

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

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel. As a result of field inspection, CDFW may require that additional measures be applied to specific activities to protect sensitive biological resources. Such measures may be amended into this Agreement with the agreement of both parties, or if an exception to authorized activities is identified, Permittee may be asked to submit separate written notification to CDFW Northern Region.
- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 Other Agency Permitting Requirements. The U.S. Army Corps of Engineers (Corps) has permitting requirements for certain instream projects under Section 404 of the Federal Clean Water Act. If this project features the placement of

dredged or fill materials into the channels of streams (below the ordinary high water mark) that are waters of the United States, a permit may be required by the Corps. If your project needs a permit from the Corps, you will also need to obtain a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act from the Regional Water Quality Control Board (Regional Water Board). In addition, if your project will involve disturbance within or discharges of pollutants to waters of the State of California, the Regional Water Boards may require a permit, whether or not the Corps requires a permit. If there is any question regarding the possibility of the project meeting the above limitations, the Permittee should contact the Corps and the Regional Water Board prior to beginning work. This Agreement in no way represents permitting requirements by the Corps or the Regional Water Board. It is the responsibility of the Permittee to contact the Corps, and to comply with the provisions of any Section 404 permit issued, if required by the Corps. Similarly, it is the responsibility of the Permittee to contact the Regional Water Board and to comply with the provisions of any Section 401 Certification, Regional Water Board Waste Discharge Requirements or waiver of Waste Discharge Requirements issued by the Regional Water Board.

- 1.7 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.8 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.9 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on May 06, 2019, with additional information obtained during September 4, 2019 site visit.
- 2.2 Listed Species. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 Nesting Birds. Actively nesting birds and their nests shall not be disturbed by project activities.
- 2.4 Cannabis Cultivation Policy. If Cannabis is or becomes cultivated on the project parcel, Permittee shall comply with all requirements of the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation (Cannabis Cultivation Policy), dated April 16, 2019, or the latest version.

Project Timing

- 2.5 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.6 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW **at least 10-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 15.
- 2.7 Work Completion. Any work necessary for the diversion infrastructure to comply with the terms of this Agreement shall be completed by no later than **October 15, 2020**. Failure to complete work by this date may result in suspension or revocation

of this Agreement. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

Vegetation Management

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

General Stream Protection Measures

- 2.9 Fish and Aquatic Amphibians. If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW's Greg O'Connell will be contacted by phone or email at (707) 441-5790 or gregory.oconnell@wildlife.ca.gov and work shall not commence until authorized by Mr. O'Connell or another CDFW representative.
- 2.10 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.11 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.12 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937.
- 2.13 Passage of Aquatic Life. Permitting shall not construct or maintain any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of aquatic life up and down stream. (FGC sections 45 and 5901).
- 2.14 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and

bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

2.15 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.16 Clean-up. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

2.17 Erosion Control Measures

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

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

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

entering a stream, lake, or other Waters of the State.

- 2.17.4 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.18 Site Management Plan. If Cannabis is or becomes cultivated on the project parcel, Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan that is prepared in conformance with the SWRCB Cannabis Cultivation Policy.

Water Diversion

- 2.19 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.20 Bypass Flow. The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.21 Seasonal Diversion Minimization. No more than **200 gallons in any one day** shall be diverted cumulatively during the low flow season from **April 1 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.22 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.22.1 A log including the date, time and quantity of water diverted from the POD.
- 2.22.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.22.3 Permittee shall make available for review at the request of the Department the diversion records required by the SWRCB Cannabis Cultivation Policy.

Water Diversion Infrastructure

- 2.23 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.24 **Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.25 **Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.25.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet.
- 2.25.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.25.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.25.4 The screen shall be designed to distribute the flow uniformly over the entire screen area.
- 2.25.5 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.26 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.27 **Intake Maintenance.** Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed

- 2.28 **Exclusionary Devices.** Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.29 **Diversion Intake Removal.** Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.30 **Heavy Equipment Use.** No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.31 **Diversion Infrastructure Plan (DIP).** The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the **Water Diversion Infrastructure** conditions will be achieved under this Agreement.

Diversion to Storage

- 2.32 **Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.33 **Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.34 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.35 **Limitations on Impoundment and Use of Diverted Water.** The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.36 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this

registration is found at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 Work Completion. Any work necessary for the diversion infrastructure to comply with the terms of this Agreement shall be completed by no later than **October 15, 2020**. Failure to complete work by this date may result in suspension or revocation of this Agreement. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.
- 3.3 Diversion Infrastructure Plan. The Permittee shall submit **Diversion Infrastructure Plan** within **60 days** from the effective date of this agreement. This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501
- 3.4 Site Management Plan. The Permittee shall submit to CDFW the project's **current draft** of the Site Management Plan if it was not included in the Notification. If the Site Management Plan is still in preparation, Permittee shall submit it and all **subsequent revisions and updates** within 30 days of submittal to the SWRCB.

CONTACT INFORMATION

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

To Permittee:

Jesse Parsons
PO Box 2137
Redway, CA
707-223-1334
Bornseasoned@gmail.com

To CDFW:

Department of Fish and Wildlife
Attn: Lake and Streambed Alteration Program – Greg O'Connell
Notification #1600-2019-0378-R1
619 Second Street
Eureka, California 95501

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, section 699.5).

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR JESSE PARSONS

Jesse Parsons

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville
Senior Environmental Scientist Supervisor

Date

Prepared by: Greg O'Connell, Environmental Scientist, September 26, 2019

07/21/2020

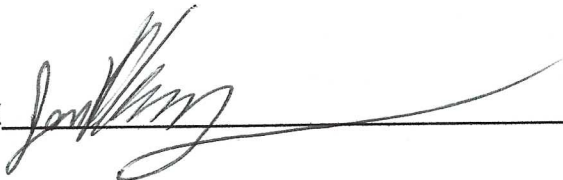
Home Grow, Hand Trim

2500 Newton Rd.


Weott, CA 95571

I, Jesse Parsons, the only manager and member of Home-Grown, Hand-Trim LLC am transferring my LSA agreement with CA Fish and Wildlife for the domestic water diversion at APN 211-261-06-000, 2500 Newton Rd. Weott, CA 95571 to Daisy Flats LLC, owners are: Gabriel DeMartini & David Shea.


Jesse Parsons, Manager/Owner of Home-Grown, Hand-Trim LLC

X  Date 7-22-2020

Gabriel DeMartini, Daisy Flats, Manager

X  Gabriel DeMartini Date 07/22/2020
7/22/2020 8:58:15 AM PDT

David Shea, Daisy Flats, Manager

X  David Shea Date 07/21/2020
7/21/2020 8:38:29 PM PDT



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
LAKE AND STREAMBED ALTERATION PROGRAM



**Information Regarding Amendments of
Lake or Streambed Alteration Agreements**

The holder of an agreement ("holder") may request the Department of Fish and Wildlife (CDFW) to amend a Lake or Streambed Alteration Agreement ("agreement"), provided the request is received by CDFW in writing prior to the agreement's expiration. If the request is not received prior to the agreement's expiration, CDFW will be unable to accept the request. In that case, the holder will need to notify CDFW in accordance with Fish and Game Code section 1602 or section 1611 and obtain a new agreement in order to begin or continue the work covered by the expired agreement.

In order to request an amendment, the holder shall complete and submit the attached Amendment Request form, with the correct fee, to the [CDFW regional office](#) that serves the area where the project is located.

For more information on Lake and Streambed Alteration Agreements, see Fish and Game Code section 1600.





REQUEST TO AMEND LAKE OR STREAMBED ALTERATION AGREEMENT

FISH AND GAME CODE SECTION 1602 OR 1611

DFW 2023 AMENDMENT (REV. 05/28/19) Page 1

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Approved?	Date Approved	Expiration Date
	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Assigned to:				

REQUEST TO AMEND LAKE OR STREAMBED ALTERATION AGREEMENT

Complete EACH field, unless otherwise indicated, and submit ALL required enclosures, attachments, and fee(s) to the [CDFW regional office](#) that serves the area where the project will occur. Attach additional pages to notification, if necessary.

1. APPLICANT REQUESTING AMENDMENT

If the applicant is a business, agency, or utility, please include the name of the applicant's representative, who should be an employee of the applicant.

Name	David Shea & Gabriel DeMartini
Business/Agency	Daisy Flats, LLC
Mailing Address	3820 H St.
City, State, Zip	Eureka, CA 95503
Phone Number	360-970-3024
Email	humboldtbudco@gmail.com

2. CONTACT PERSON (Complete only if different from applicant.)

Name	
Business/Agency	
Mailing Address	
City, State, Zip	
Phone Number	
Email	

While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?

☒ Yes, I authorize. ☐ No, I do not authorize.

3. PROJECT INFORMATION

Project Name (as identified in the Final Agreement)	Jesse Parsons
Agreement Number	1600-2019-0378-R1
Expiration Date	2024



REQUEST TO AMEND LAKE OR STREAMBED ALTERATION AGREEMENT

FISH AND GAME CODE SECTION 1602 OR 1611

4. AMENDMENT REQUEST AND FEE

Check the applicable box below and refer to the current fee schedule to determine the appropriate amendment fee.

- A minor amendment is one that would not significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, as determined by CDFW, or an amendment to transfer the agreement to another entity by changing the name of the entity to the name of the transferee (see Cal. Code Regs., tit. 14, § 699.5, subd. (a)(10)).
- A major amendment is one that would significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, or require additional environmental review, as determined by CDFW (see Cal. Code Regs., tit. 14, § 699.5, subd. (a)(7)).

☒ Minor Amendment

☐ Major Amendment

Note: CDFW is not required to determine whether an amendment is complete or otherwise process the amendment until CDFW has received the correct fee.

5. AMENDMENT DESCRIPTION

A. Describe the amendment in detail

- Written description of all project activities with detailed step-by-step description of project implementation.
- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
- Enclose diagrams, drawings, design plans, construction specifications, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.
 - A helpful resource to assist in the development of quality PDF maps in Google Earth. See [Using Google Earth to Map your Property \(PDF\)](#).

Transferring LSA Permit from Jesse Parson to Daisy Flats, LLC

☐ Continued on additional page(s)

B. Explain the reason(s) for the amendment request

Sale of property from Jesse Parsons to Daisy Flats, LLC

☐ Continued on additional page(s)



State of California – Department of Fish and Wildlife
REQUEST TO AMEND LAKE OR STREAMBED ALTERATION AGREEMENT
FISH AND GAME CODE SECTION 1602 OR 1611
 DFW 2023 AMENDMENT (REV. 05/28/19) Page 3

6. SIGNATURE

I hereby certify that to the best of my knowledge the information in this amendment request ("request") is true and correct and that I am authorized to sign this request as, or on behalf of, the applicant. I understand that if any information in this request is found to be untrue or incorrect, CDFW may suspend processing this request or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this request. I understand also that if any information in this request is found to be untrue or incorrect and the changes described in this request has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein, unless CDFW has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

AuthentisIGN
David Shea

AuthentisIGN
Gabriel DeMartini

08/24/2020

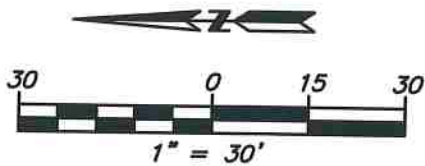
Signature of Applicant or Applicant's Authorized Representative

Date

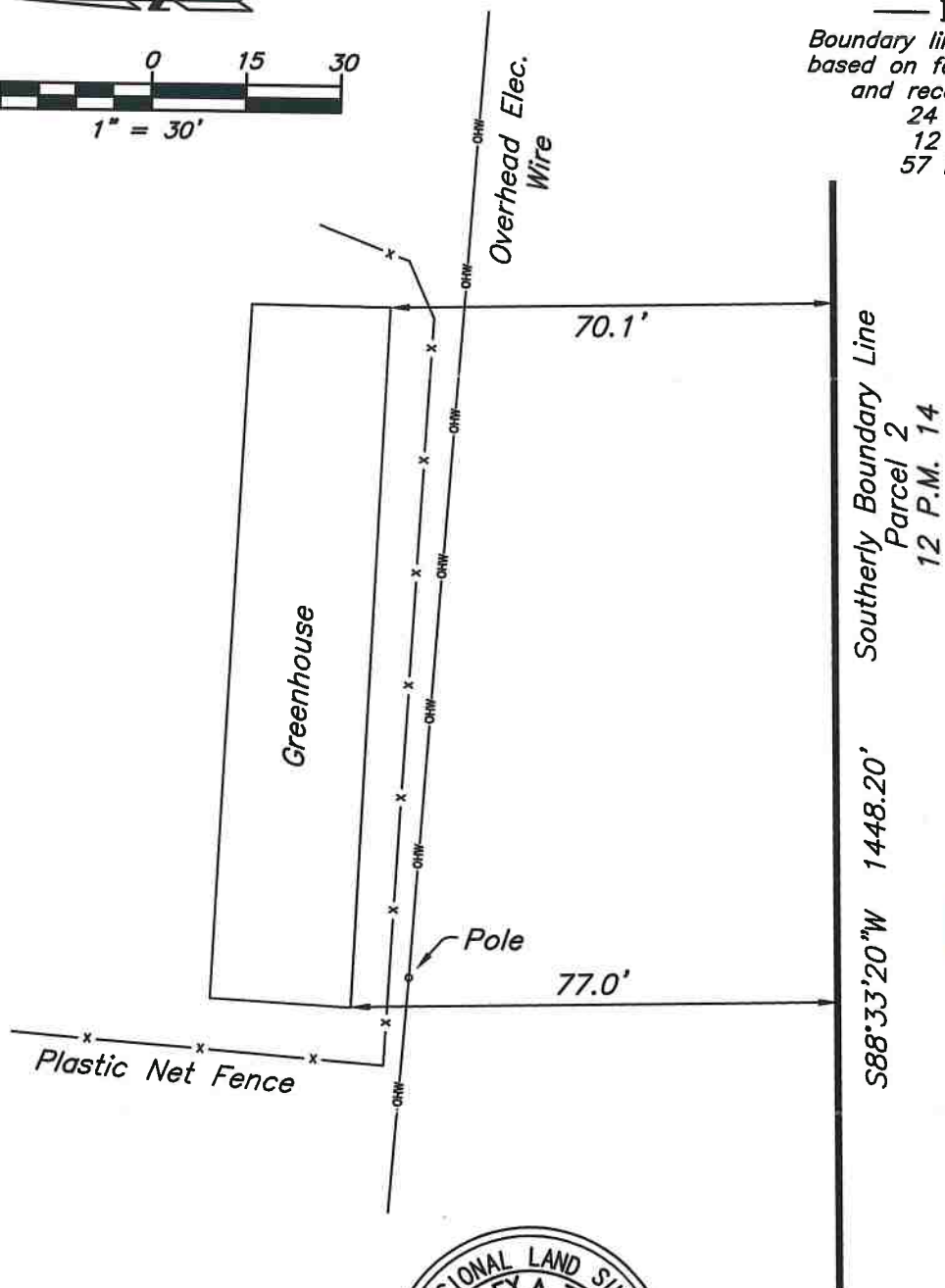
David Shea & Gabriel DeMartini
 Print Name

Note: If approved, a copy of this form must be available at the work site with the original agreement.

11934
211-261-016



— Note —
Boundary line shown hereon
based on found monuments
and record data per
24 R.S. 39
12 P.M. 4
57 R.S. 140



Prepared under the supervision of

Bradley A. Thomas, PLS 5520

2-12-2020

Date

BOUNDARY EXHIBIT

SOUTHERLY LINE, PARCEL 2,
BOOK 12 OF PARCEL MAPS, PAGE 4
APN 211-261-16
HUMBOLDT COUNTY CALIFORNIA
SCALE 1"=30' FEBRUARY 2020

BY
LACO ASSOCIATES

1-800-515-5054

www.lacoassociates.com

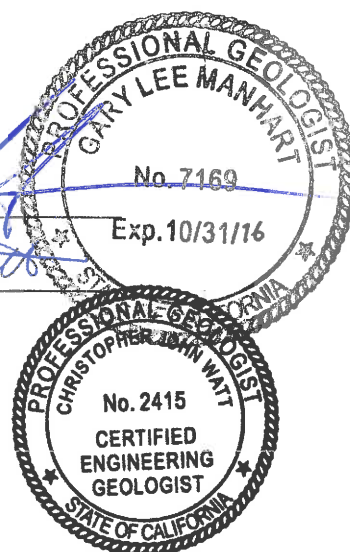
SHEET 1 OF 1

TECHNICAL MEMORANDUM

R2 Soils Report
Residential Lot Improvements
2500 Newton Road, Weott, California

Date: June 9, 2015
Project No.: 6558.04
Prepared For: Jesse Parsons
Prepared By: Gary L. Manhart P.G.
Reviewed By: Christopher J. Watt, C.E.G.
Exp. 3/31/16
Attachments: Appendix 1:
Appendix 2:
Appendix 3:

Figures 1 and 2 - Site Plans
Backhoe Pit Logs
Laboratory Analysis



1.0 INTRODUCTION

LACO Associates (LACO) is pleased to present herein the results of a Soils Exploration in support of the design and construction of the proposed improvements to the Parsons Property, located at 2500 Newton Road, Weott, California (Figures 1 and 2, Appendix 1), hereinafter, the Site. In accordance with the Engineering Service Agreement dated April 7, 2015, between Jesse Parsons (Client) and LACO, services were limited to a limited scope soils exploration to make recommendations for the design of foundations for a new residence and a barn to be constructed at the Site. Tasks associated with this objective included the following:

- Visit the site and observe existing soil conditions using a backhoe to dig test pits at each proposed building location.
- Perform a laboratory analysis on samples obtained from the backhoe pits.
- Prepare a soils report in compliance with County standards.

2.0 CONDITIONS AND FIELD EXPLORATION

2.1 Field Exploration

Our primary field exploration was performed on May 6, 2015, and included a site reconnaissance, and the excavation, sampling, and logging of two exploratory backhoe pits, one in each area of the proposed

21 W. 4th Street, Eureka, California 95501 707 443-5054 Fax 707 443-0553
311 S. Main Street, Ukiah, California 95482 707 462-0222 Fax 707 462-0223
3450 Regional Parkway, Suite B2, Santa Rosa, California 95403 707 525-1222

improvements. Exploratory backhoe pit excavations were terminated at a depth of approximately 4 to 5 feet below ground surface (bgs). Excavation locations were determined by location of the access road and compass bearing on an aerial photo of the site. Locations should be considered accurate only to the degree implied by the mapping technique used (Approximately ± 10 feet). Our geologist logged the soils encountered in general accordance with the ASTM Test Method D2488 (Visual-Manual Procedure). Backhoe pit locations are shown on Figures 1 and 2, Appendix 1. Two test pits for site septic evaluation are also shown on Figure 1, but the logs are not provided in this report. Backhoe pit logs are included in Appendix 2.

2.2 Site Conditions

The site is an approximately 20 acre parcel east of Weott, in the hills. The lot is rectangular with an east-west axis approximately 1450 feet wide and 600 feet north south. The site is located on the west facing slope of Mail Ridge. There are two proposed building locations on the site; one on the eastern portion and the other on the western portion of the property. The proposed residential building site is on a west facing slope on what appears to be an old logging flat that has been grubbed and cleared (Figure 1). The barn location consists of west sloping hill side with an existing cut and fill bench approximately 200 by 100 feet, tapering at the north and south ends (Figure 2).

Vegetation across the site is generally characterized by firs, redwoods, and tan oaks, with scattered mature brush. In general, drainage across both proposed building sites is characterized by uncontrolled sheet flow to the southwest. Two springs are located north and south of the western (barn) building pad area. The northern spring is near the head of a seasonal creek named Robinson Creek. The southern spring is in a small redwood grove between the building pad area and the access road.

The residence is anticipated to use one of two springs on the western portion of the parcel as a potable water source. The springs are located south and northwest of the barn site. LACO did not evaluate the springs as a water source.

2.3 Geology and Seismic Setting

The Site is at the northern end of the South Fork Eel River Valley east of Mail Ridge, which is in the Coast Ranges Geomorphic Province of Northern California (CGS, 2002). According to published geologic maps (CDMG 1983), the site is underlain by Tertiary to Cretaceous aged continental sedimentary deposits. These deposits are Yager Formation composed of silt-shale, siltstone, sandstone, mudstone, and conglomerate which are typically highly sheared.

The Site is situated within a seismically-active area proximal to multiple seismic sources capable of generating moderate to strong ground motions. The risk is high that the Site will experience strong ground shaking within the next 75 years. However, the Site is not located within an Alquist-Priolo earthquake fault hazard zone. The seismicity of the area is dominated by the presence of the San Andreas Fault system, which forms the boundary between the Pacific and North American plates. The northward movement of the Pacific Plate relative to the North American Plate is accommodated across a complex system of strike-slip, right-lateral, parallel and sub-parallel faults. The closest active fault to the site is the Garberville fault, located approximately 12 miles southwest of the site (ICBO 1997).

Published geomorphic mapping (CDMG 1983) identifies a dormant translational/rotational slide amphitheater slope descending southerly and on the southern boundary of the Site. No active earthflow failures are depicted near the Site. During our site reconnaissance, we did not observe any evidence of recent or incipient slope instability within the immediate vicinity of the Site.

Table 1 presents a summary of geologic and seismic hazards as required by section 1803.5.11 of the 2013 CBC.

Table 1. Summary of Geologic and Seismic Hazards

Hazard	Risk	Note/Reference
Slope Instability	Negligible	<ul style="list-style-type: none">• Site is located on the upper reaches of the western slope of Mail Ridge• Slopes are generally less than 30 percent• Not within a mapped active area of instability (CDMG, 1983)• Evidence of recent or incipient slope instability not observed
Liquefaction	Negligible	<ul style="list-style-type: none">• Tertiary to Cretaceous age soil/rock
Settlement	Low	<ul style="list-style-type: none">• Primarily fine grain soil derived from highly weathered bed rock
Surface Displacement	Negligible	<ul style="list-style-type: none">• Not located within an Alquist-Priolo earthquake fault hazard zone• Negligible liquefaction hazard

2.4 Subsurface Conditions

Backhoe pit BP-1 was excavated into the residence pad northeast of the cut-fill interface approximately 10 feet south of the south side of the proposed residence. Native soils encountered in the backhoe pit at the residence Site generally were comprised of clay (CL) with gravels and roots, sandy silt (ML) with roots, sandy clay (CL), and highly weathered mudstone.

Backhoe pit BP-2, excavated into the proposed barn pad at a point approximately 15 feet south west of the southern edge, encountered approximately 6-inches of disturbed soils overlying undisturbed sandy silt (ML) with roots and sandy clay (CL).

Groundwater was not encountered in any of the exploratory excavations.

Detailed descriptions of the soils encountered in each Backhoe pit are provided in Appendix 2. Test pits TP-1 and TP-2 on Figure 1 are associated with the site septic analysis and are not included in this report. Laboratory Results are in Appendix 3.

3.0 CONCLUSIONS

Based on the results of our investigation, we judge the Site to be suitable for the proposed development, provided the recommendations presented in this Report are incorporated into the project design and construction. The main geologic engineering considerations affecting design and construction of the proposed residence and barn are: the presence of the western and eastern cut and fill pads of unknown quality and thickness near the proposed residence and barn; the potential for strong seismic shaking occurring at the Site; and the potential for failure of the side cast fill slopes below the western edge of the

developable building areas. The main geologic/hydrologic considerations affecting the design and construction of the proposed residence and barn are slope instability.

3.1 Ground Shaking

The Site is situated within a seismically active area proximal to multiple seismic sources capable of generating moderate to large ground motions. Given the proximity of the new building to active seismic sources (the Garberville Fault, Little Salmon Fault and Cascadia Subduction zone), there is high probability that the site will experience strong ground shaking during the economic life span of the proposed development. As prescribed by the 2013 CBC, the spectral response accelerations for seismic analysis and design of the proposed structure is presented in Section 4.2 of this report.

3.2 Slope Instability/Landsliding

The proposed Residence will be located on the cut portion of the modified existing cut-fill (logging flat) pad. The outer slopes have gradients of less than 2:1 horizontal to vertical and a maximum depth of approximately 10 feet. Based on the observation of our test pits, the fill appears to have been constructed without benching, topsoil removal, compacted lifts, or other practices generally recommended in engineered grading. Cut slopes to the east of the proposed residence are generally less than 2:1 with a vertical height of less than 20 feet. We did not observe any evidence of slope instability during our site reconnaissance.

The proposed steel-framed barn will be located mainly on the cut portion of the lower existing cut-fill pad. The outer slopes have gradients of approximately 2:1 horizontal to vertical and a maximum depth of approximately 8 feet. Based on the observation of our test pits, they appear to have been constructed in a manner similar to those observed at the proposed residence location, without benching, topsoil removal, compacted lifts, or other practices generally recommended in engineered grading. Cut slopes to the east of the proposed barn are generally less than 2:1 with a vertical height of less than 20 feet. We did not observe any evidence of slope instability during our site reconnaissance. In our opinion, the potential for shallow slope failure of the cut slope is low. For the fill slopes, the potential for shallow slope failure is considered moderate due to the un-benched fill-to-native interface and non-compacted installation methods.

3.3 Flooding

According to the FEMA Flood Insurance Rate Map, Map Numbers 0600601525B effective July 19, 1982, the Site is not located in or near a flood zone. On the basis of this FEMA flood hazard mapping and the site elevation above the Eel River, the risk of flooding at the residence or barn sites is considered negligible.

3.4 Liquefaction

Liquefaction is the loss of soil strength resulting in fluid mobility through the soil. Liquefaction typically occurs when uniformly sized, loose, saturated sands or soft silts are subjected to repeat shaking in areas where the groundwater is less than 50 feet bgs. In addition to the necessary soil and groundwater conditions, the ground acceleration must be high, and the duration of the shaking must be sufficient for liquefaction to occur.

Our scope of services for this project did not include a deep boring (50 feet bgs) with sampling and testing using Standard Penetration Test (SPT) equipment. Therefore, a quantitative liquefaction analysis was not performed.

As presented on Map S-3 of Special Publication 115 (CDMG 1995), the Site is not located in an area delineated as having a liquefaction hazard. On the basis of published mapping in the Site vicinity and the relative age of the soils, we qualitatively assess the potential for liquefaction to occur at the Site is low.

3.5 Soil Swelling or Shrinkage Potential

Based on our subsurface exploration, we anticipate that the building pad will be cut into native soils consisting of a combination of silty sands and highly weathered siltstone of low plasticity. In our opinion, these soils have a low potential for swelling or shrinkage due to change in moisture content.

4.0 RECOMMENDATIONS

4.1 Foundations

We recommend foundation excavations extend at least 12 inches into the undisturbed native soils underlying the existing cut fill pads. As the materials are sufficiently soft and weak, we have chosen to assign CBC presumptive load-bearing values based on their constituent soil types (ML/CL). Based on the current edition of California Building Code, we recommend using an allowable bearing pressure of 1,500 psf for dead plus long-term live loads, with a one-third increase for total loads, including wind and seismic forces.

Footings located adjacent to existing utility trenches or other footings should be deepened enough to bear below a 1:1 plane extending upwards from the bottom edge of the utility trench or footing excavation.

Lateral loads may be resisted by friction between the footing bottom and underlying soil subgrade using a cohesion of 130 psf. In addition, lateral loads may be resisted by passive pressures acting against foundation sides poured neat in the footing excavation using a lateral bearing pressure of 100 psf. Passive pressure should be neglected in the upper 1 foot of soil unless the adjacent surface is confined by concrete slabs or pavements.

Foundations located adjacent to the descending slopes to the west of the existing pads should be founded in stable undisturbed native soil with an embedment set back from the slope surface sufficient to provide vertical and lateral support for the foundation without detrimental settlement. Based on the approximately 20-foot-high slope descending below the pad, we recommend a minimum setback from the slope crest of 10 feet from the foundation bottom to the slope face. It is expected that the foundations for both the proposed residence and the barn will be founded on the native, undisturbed soils.

LACO should observe the footing and pier excavations prior to the placement of reinforcing steel and concrete forms to check that they are founded in suitable bearing materials and have been properly cleaned of loose soil.

4.2 Seismic Design Parameters

Earthquake design parameters presented herein are based on the 2013 CBC and the standard 'Minimum Design Loads for Buildings and Other Structures', ASCE 7 (ASCE, 2010). The 2010 ASCE 7 is based upon a maximum considered earthquake ground motion, defined as the motion caused by an event with a 2 percent probability of exceedance within a 50-year period (recurrence interval of approximately 2,500 years).

New and previous field and laboratory test data indicate that the site and proximity can be assigned a Site Class D based on average soil properties in the top 100 feet and Table 1613.5.2 of the 2013 CBC. Site Class D is defined as a profile consisting of a stiff soil with a shear wave velocity between 600 and 1,200 feet per second; a Standard Penetration Test, N (blows/foot), between 15 and 50; and undrained shear strength between 1,000 and 2,000 psf. Based on the above and the "Ground Motion Parameter Calculator" provided on the United States Geologic Survey (USGS, 2011 web site <http://earthquake.usgs.gov/designmaps/us/application.php> Page Last Modified: June 12, 2014 21:31:49 UTC), we recommend the seismic design criteria presented as follows:

Table 2. Summary of Seismic Design Factors*

Site Class	F _a	F _v	S _s	S ₁	S _{MS}	S _{M1}	S _{DS}	S _{D1}
D	1.0	1.5	1.500	0.753	1.500	1.129	1.000	0.753

*Latitude and longitude are 40.320537° North and -123.896943° West, respectively.

These design spectral response accelerations are further defined as follows:

F _a	Short period coefficient to modify 0.2-second period of mapped spectral response accelerations for Site Class D.
F _v	Long period coefficient to modify 1.0-second period of mapped spectral response accelerations for Site Class D.
S _s	Mapped spectral response acceleration, five percent damped, at 0.2-second period for Site Class D (%g).
S ₁	Mapped spectral response acceleration, five percent damped, at 1.0-second period for Site Class D (%g).
S _{MS}	Maximum considered earthquake spectral response acceleration, five percent damped, at 0.2-second for Site Class effects (%g).
S _{M1}	Maximum considered earthquake spectral response acceleration, five percent damped, at 1.0-second period for Site Class effects (%g).
S _{DS}	Design spectral response acceleration, five percent damped, at 0.2-second period (%g).
S _{D1}	Design spectral response acceleration, five percent damped, at 1.0-second period (%g).

4.3 Site Drainage

The residence and barn structures should be provided with roof gutters and downspouts. The Site should generally be graded to provide positive drainage away from foundations. A minimum gradient of 2 percent should be maintained for all hardscaped areas. A 5-percent gradient should be maintained for landscaped areas within 10 feet of a structure. The grading or landscaping design and construction should not allow water to pond near, nor to migrate beneath any structure. Runoff from hardscaped areas, roofs,

patios, and other impermeable surfaces should be directed and dispersed to a location at least 20 feet away from building foundations

5.0 LIMITATIONS

This report has been prepared for the exclusive use of Client, his contractors and consultants, and appropriate public authorities for specific application to development of the Site. LACO has exercised a standard of care equal to that generated for this industry to ensure that the information contained in this report is current and accurate. The opinions presented in this memorandum are based upon information obtained from subsurface excavations, a site reconnaissance, review of geologic maps and data available to us, and upon local experience and engineering judgment, and have been formulated in accordance with generally accepted geotechnical engineering practices that exist in California at the time this report was prepared. In addition, geotechnical issues may arise that are not apparent at this time. No other warranty, expressed or implied, is made or should be inferred.

Data generated for this report represents information gathered at that time and at the widely spaced locations indicated. Subsurface conditions may be highly variable and difficult to predict. As such, the recommendations included in this report are based, in part, on assumptions about subsurface conditions that may only be observed and/or tested during subsequent project earthwork. Accordingly, the validity of these recommendations is contingent upon review of the subsurface conditions exposed during construction in order to check that they are consistent with those characterized in this report. Upon request, LACO can discuss the extent of (and fee for) observations and tests required to check the validity of the recommendations presented herein.

The opinions presented in this report are valid as of the present date for the property evaluated. Changes in the condition of the property can occur over time, whether due to natural processes or the works of man, on this or adjacent properties. In addition, changes in applicable standards of practice can occur, whether from legislation or the broadening of knowledge. Accordingly, the opinions presented in this report may be invalidated, wholly or partially, by changes outside our control. Therefore, this report is subject to review and should not be relied upon after a period of three years, nor should it be used, or is it applicable, for any property other than that evaluated. This report is valid solely for the purpose, site, and project described in this document. Any alteration, unauthorized distribution, or deviation from this description will invalidate this report. LACO assumes no responsibility for any third-party reliance on the data presented. Additionally, the data presented should not be utilized by any third-party to represent data for any other time or location.

6.0 REFERENCES

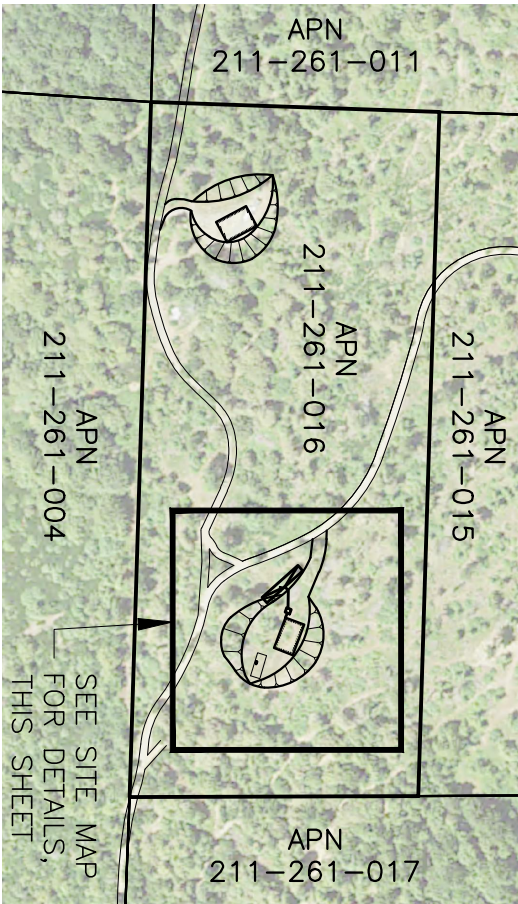
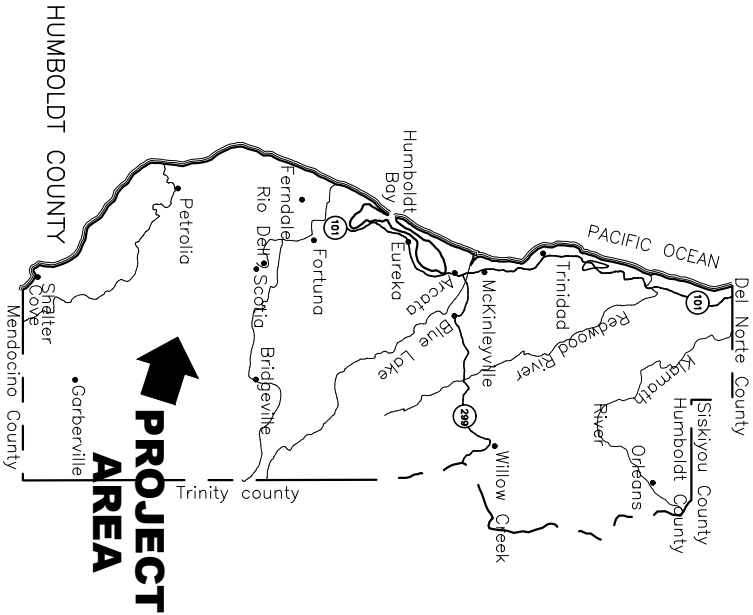
- ASCE [American Society of Civil Engineers], 2013, Minimum Design Loads for Buildings and Other Structures: ASCE Standard 7-10
CBC [California Building Code], 2013, California Code of Regulations, Title 24, Part 2, Volume 2. California Building Standards Commission.
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CDMG [California Division of Mines and Geology], 1995, Planning Scenario in Humboldt and Del Norte Counties< California for Great Earthquakes on the Cascadia Subduction Zone, Special Publication 115.
CGS, (2002), Note 36; California Geomorphic Provinces.
FEMA 2011, Flood Insurance Rate Map for Humboldt County, CA, Panel 0600601525B, July 19, 1982.

ICBO (international Conference of Building Officials), 1997, Maps of Known Active Faults Near-Sorce Zones in California and Adjacent portions of Nevada.

USGS [United States Geologic Survey], 2011, Seismic Design Values for Buildings, website, URL: <http://earthquake.usgs.gov/research/hazmaps/design/index.php>

APPENDIX 1

Figures

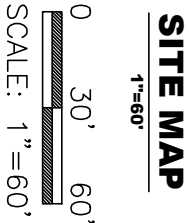


- NOTE:
- IMAGE SHOWN IS FROM 2014 NAIP.
 - ALL LOCATIONS ARE APPROXIMATE .



LEGEND

TP-X	BACKHOE TEST PIT FOR R1 SOILS REPORT
BP-X	TEST PIT FOR SITE SEPTIC REPORT
	PROPOSED DAYLIGHT LINE
	PROPOSED SLOPE DIRECTION
	PROPOSED BUILDING
	EXISTING ROAD



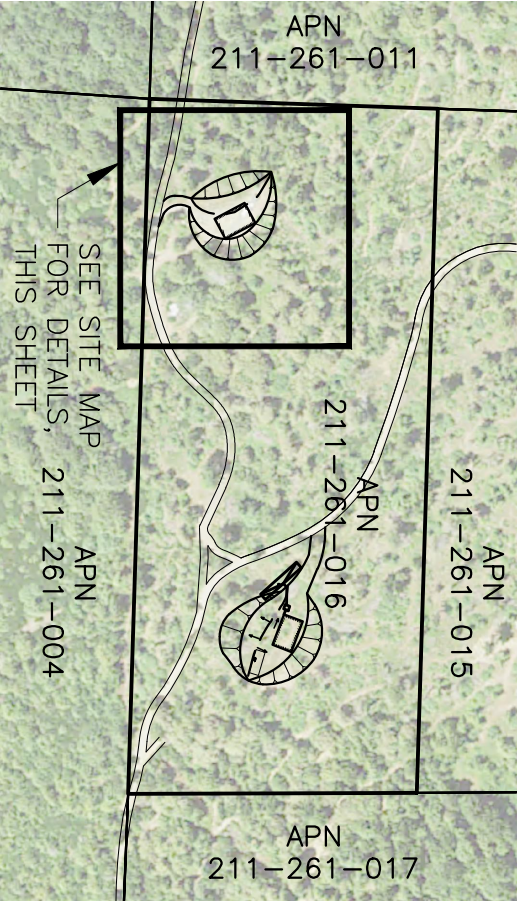
SCALE: 1"=60'

GEOLOGIC REPORT SITE PLAN		NO.		HISTORY / REVISION		BY	CHK.	DATE
JESSE PARSONS APN 211-261-016, HUMBOLDT COUNTY, CA.								
DRAWN	JB							
CHECK	GLM							
APPROVED	GLM							
DATE	06/02/2015							
JOB NUMBER	6558.04							
FIGURE	1							
	2							

LACO

EUREKA • UKIAH • SANTA ROSA

1-800-515-5054 www.lacoassociates.com



LOCATION MAP
1"=400'



- NOTE:
- IMAGE SHOWN IS FROM 2014 NAIP.
 - ALL LOCATIONS ARE APPROXIMATE .

SITE MAP
1"=60'

0 30' 60'
SCALE: 1"=60'


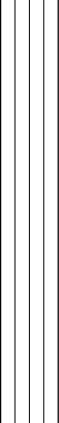

DRAWN JB		CHECK GLM		APPROVED GLM		DATE 06/02/2015		JOB NUMBER 6558.04		FIGURE 2		OF 2	
GEOLOGIC REPORT SITE PLAN						JESSE PARSONS APN 211-261-016, HUMBOLDT COUNTY, CA.						<div>LACO</div> <div>EUREKA • UKIAH • SANTA ROSA</div> <div>1-800-515-5054 www.lacoassociates.com</div>	
NO.		HISTORY / REVISION		BY		CHK.		DATE					

APPENDIX 2

Soil Logs

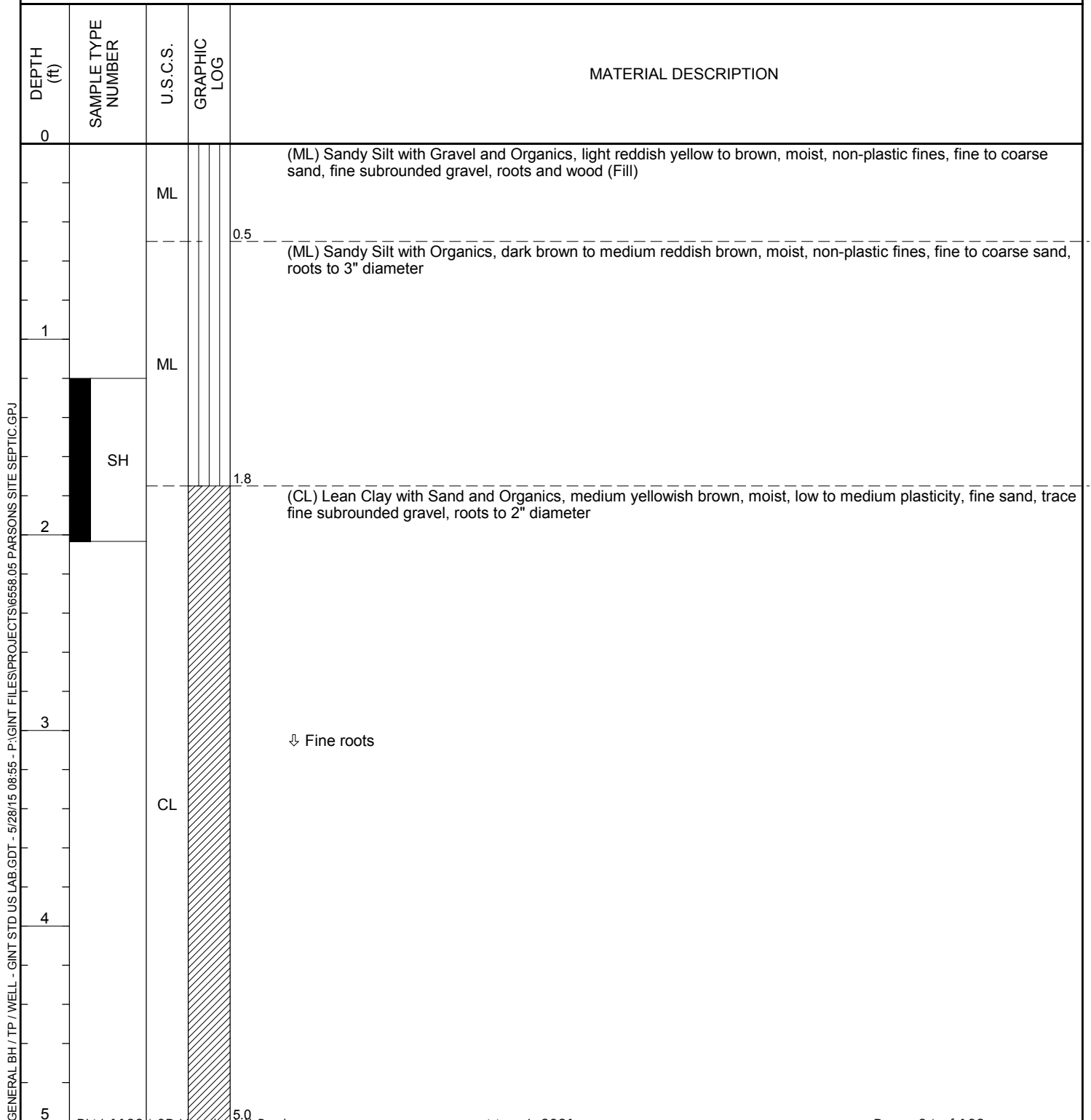
CLIENT <u>Jesse Parsons</u>	PROJECT NAME <u>Parsons: Residence</u>
PROJECT NUMBER <u>6558.05</u>	PROJECT LOCATION <u>Weott, CA</u>
DATE STARTED <u>5/6/15</u> COMPLETED <u>5/6/15</u>	GROUND ELEVATION _____ HOLE SIZE <u>36 inches</u>
DRILLING CONTRACTOR _____	GROUND WATER LEVELS:
DRILLING METHOD <u>Backhoe</u>	AT TIME OF DRILLING <u>---</u>
LOGGED BY <u>BAV</u> CHECKED BY <u>GLM</u>	AT END OF DRILLING <u>---</u>
NOTES _____	

GENERAL BH / TP / WELL - GINT STD US LAB.GDT - 5/28/15 08:55 - P:\GINT FILES\PROJECTS\6558.05 PARSONS SITE SEPTIC.GPJ

DEPTH (ft)	SAMPLE TYPE NUMBER	U.S.C.S.	GRAPHIC LOG	MATERIAL DESCRIPTION
0				
		CL		(CL) Sandy Lean Clay with Gravel and Organics, light reddish yellow to brown, moist, low to medium plasticity fines, fine sand, fine subrounded gravel, roots (Fill)
1				0.9
	SH	ML		(ML) Silt with Sand and Organics, dark brown at top in upper 3" then medium reddish yellow to brown, moist, low plasticity fines, fine sand, roots up to 2" diameter
2				
				2.5
3		CL		(CL) Sandy Lean Clay, medium brown, moist, low to medium plasticity fines, fine sand, trace roots
4				4.0

Bottom of borehole at 4.0 feet.

CLIENT <u>Jesse Parsons</u>	PROJECT NAME <u>Parsons: Residence</u>
PROJECT NUMBER <u>6558.05</u>	PROJECT LOCATION <u>Weott, CA</u>
DATE STARTED <u>5/6/15</u> COMPLETED <u>5/6/15</u>	GROUND ELEVATION _____ HOLE SIZE <u>36 inches</u>
DRILLING CONTRACTOR _____	GROUND WATER LEVELS:
DRILLING METHOD <u>Backhoe</u>	AT TIME OF DRILLING <u>---</u>
LOGGED BY <u>BAV</u> CHECKED BY <u>GLM</u>	AT END OF DRILLING <u>---</u>
NOTES _____	



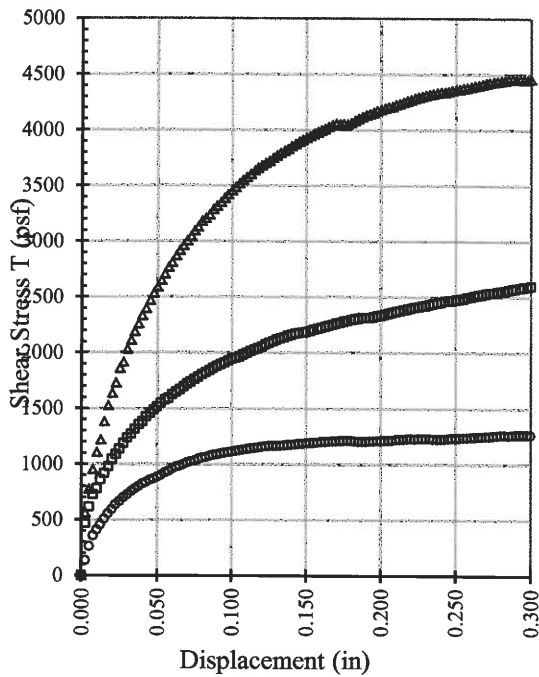
GENERAL BH / TP / WELL - GINT STD US LAB.GDT - 5/28/15 08:55 - P:\GINT FILES\PROJECTS\6558.05 PARSONS SITE SEPTIC.GPJ

APPENDIX 3

Laboratory results

PROJECT	PARSONS RESIDENCE	JOB NO.	6558.05	SHEET
CLIENT	JESSE PARSONS	SAMPLE ID	0	1 of 1
LOCATION	BP-1 at 15"-22"	TEST BY	DLR	DATE 5/18/15
SOIL TYPE	0	CHECKED BY		CHECK DATE

Shear Stress -vs- Displacement



Sample Dimensions

Diameter (inch) 2.5
Height (inch) 1.0

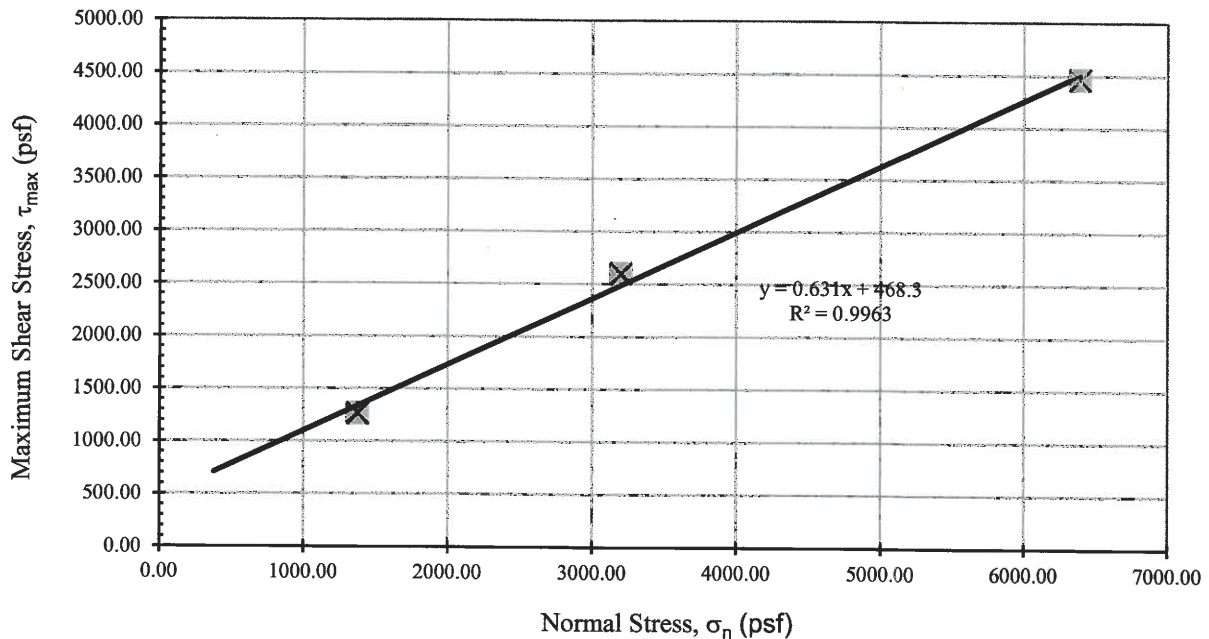
	Point 1	Point 2	Point 3	Average
Water Content (%)	23.3	24.5	20.9	22.9
Dry Density (pcf)	77.8	80.3	85.7	81.2
Void Ratio*	1.1	1.1	0.9	1.0
Peak Shear Stress (psf)	1265.8	2598.7	4462.9	

*Void ratio calculation assumes a specific gravity of 2.65

c - intercept (cohesion) 468
phi (internal friction angle) 32.3°

Notes:

Maximum Shear Stress -vs- Normal Stress





MOISTURE / DENSITY
ASTM D-2216 / 2937

PROJECT	PARSONS RESIDENCE	JOB NO.	6558.05	SHEET
CLIENT	JESSE PARSONS	LAB ID	15-044EK	1 of 1
LOCATION	APN 211-261-016	TEST BY	DLR	DATE
SOIL TYPE	VARIOUS	CHECKED BY		5/15/15
		CHECK DATE		

Sample Location	BP-2							
Sample Depth (ft bgs)	14"-22"							
Soil Type (USCS)	0							
Moisture Content (%)	23.5							
Wet Density (pcf)	103.6							
Dry Density (pcf)	83.9							
Void Ratio*	1.0							
% Saturation	63.9							

*Void ratio calculation assumes a specific gravity of 2.65

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	✓	Comments	Attached
CAL FIRE	✓	Comments	Attached
Humboldt County Sheriff	✓	Comments	On file
Bear River Band Rohnerville Rancheria	✓	Conditional approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Humboldt Redwoods State Park	✓	No concerns	Attached – Planning staff request for comments and State Parks response
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
Intertribal Sinkyone Wilderness Council		No Response	
Mattole Union School District		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

From: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: [Johnson, Cliff](#); [Samantha C. Thomas](#)
Subject: APPS #11934 - Humboldt Bud Company, APN 211-261-016/ PROJECTED HEARING DATE: April 15, 2021
Date: Tuesday, March 16, 2021 2:44:00 PM

Good afternoon, Scott – I hope this email finds you well. I wanted to check in with you to see if CDFW has comments on the Humboldt Bud Company, LLC, near the community of Weott. The project description is the following:

A Special Permit for a continued cultivation of 8,375 square feet (SF) of outdoor cannabis with 1,195 SF of ancillary propagation. Irrigation water is sourced via a rain catchment system located on the roof of the agricultural building. Existing available water storage for agricultural use is 57,600 gallons in thirteen (13) hard sided tanks. An existing 2,500-gallon hard tank is designated for domestic use which is fed by an onsite spring. Estimated annual water usage is 41,000 gallons (4.9 gal/SF). Drying and storage occurs onsite and all other processing and packaging will occur off site at a licensed processing facility. No employees are proposed as the business would be owner operated. No power will be used for cultivation, though ancillary propagation will utilize power from P. G. &E.

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

Thanks!

Meghan



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

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

7/16

5/21/2018

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, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, SWRCB- Division of Water Rights, Southern Humboldt Unified School District

Applicant Name Home-grown, Hand-trim **Key Parcel Number** 211-261-016-000

Application (APPS#) 11934 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-347

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 6/5/2018

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

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

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

DATE: 7/16/18

PRINT NAME: Rudy Marenghi

211-261-016



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.: 46984/11934
Parcel No.: 211-261-016
Case No.: SP-16-347

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: Revise plot plan to show West most GH will be used as propagation (adjust sqft of GH), storage shed north of processing, nursery as propagation, north most CA as 28x80, east most CA as 26x71, all grading over 50 cubic yards, and all grading on slopes 15% or over.

Name: Rudy Marengi

Date: 7/16/18

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

From: Salazar, Kim@CALFIRE
To: [Planning Clerk](#)
Subject: APN: 211-261-016-000 (Home-grown, Hand-trim)
Date: Tuesday, May 22, 2018 2:28:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

STATE OF CALIFORNIA THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor



**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: May 22, 2018

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

Attention: Cannabis Planner (CPOD)
Applicant: Home-grown, Hand-trim
APN: 211-261-016-000
Area: Myers Flat
Case Numbers: SP16-347

Humboldt County Application #: 11934
Type of Application: Special Permit
Date Received: 5/22/2018
Due Date: 6/5/2018

Project Description: An Application for a Special Permit for 10,000 square feet of existing outdoor medical cannabis cultivation. Water source is a rainwater catchment system off the properties, AG building and two (2) spring points of diversions. Water storage on-site is 89,400 gallons between twenty (20) hard-tanks. Processing would be performed on-site. Power source is unknown.

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 **Kurt McCray**, 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 CAL FIRE increases its preparedness level for the purpose of suppressing wildland fires in the SRA. Response to non-fire incidents in the SRA or to areas outside of the SRA are usually predetermined through Cooperative Fire Protection Agreements with the agency having fiscal responsibility for fire protection. When cooling weather, rain, and snow are sufficient to reduce the fire threat, CAL FIRE then reduces its preparedness level by reducing seasonal staff, and closing outlying stations.
 - It is not CAL FIRE's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.
 - 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 & Safety Code 11379.6 states that oil extraction with flammable or volatile solvents is prohibited within 300 feet of a residential occupancy. 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 California Fire Code. Specifically, Chapter 38 Plant Processing and Extraction Facilities and Chapter 53 Compressed Gases.
4. All materials hazardous and non-hazardous associated with oil extraction and plant process shall be utilized in conformance Chapter 38 of the California Fire Code. 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.
5. Humboldt County Ordinance 55.4.11(u) (a) states; “Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.” Failure to shield artificial light during the night creates a light pollution that is

easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.

From: Titus, Lucas@CALFIRE
To: [Planning Clerk](#); [HUU CEQA@CALFIRE](#)
Subject: APN#211-261-016 Home-Grown, Hand-Trim APPS# 11934
Date: Thursday, May 31, 2018 9:19:35 AM

Resource Management has no comments regarding this project at this time.

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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

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

Applicant Name Home-grown, Hand-trim Key Parcel Number 211-261-016-000

Application (APPS#) 11934 Assigned Planner Tayla Copeland (707) 268-3771 Case Number(s) SP16-347

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Applicant must complete installation of the approved septic system design under the permit issued by DEH on 6/25/16. Portable toilets are not acceptable for the proposed project. Additionally, the referenced gray water disposal system must be connected to the septic system.

Response Date: 11/28/2018 Recommendation By: Benjamin Dolf



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 9-12-2018

RE:

Applicant Name	Home-grown, Hand-trim
APN	211-261-016
APPS#	11934
CASE#	SP16-347

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "D"

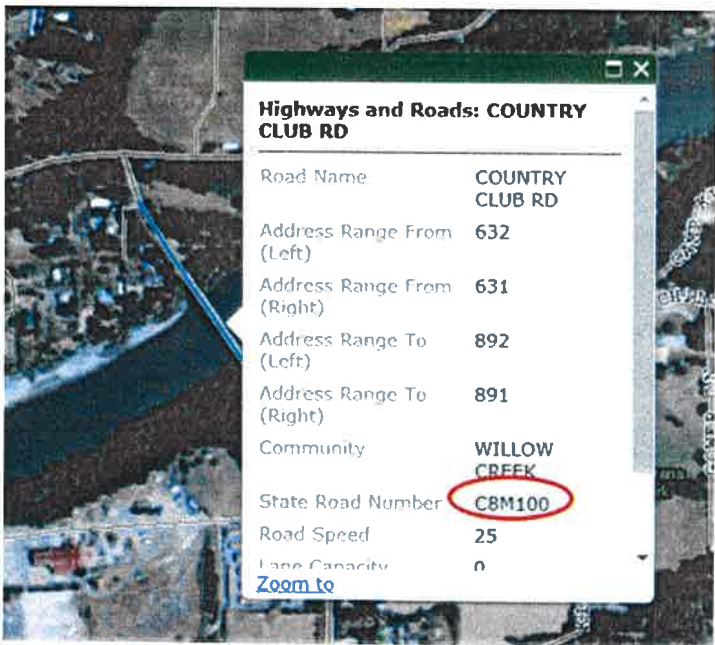
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD	
A 3 M 0 2 0	Murray Road
F 6 B 1 6 5	Alderpoint Road
6 C 0 4 0	Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All

Exhibit "D"

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

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

// END //