



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 6, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Greentech Industries, LLC Conditional Use Permit**
Record Number PLN-12823-CUP
Assessor's Parcel Number (APN) 222-222-013
308 West Coast Road, Redway, Ca 95560

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Please contact David J. R. Mack, AICP, Project Manager/Senior Planner (Harris & Associates) at 831-320-0413 or by email at david.mack@weareharris.com , if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit	David Mack, AICP

Project Description: Greentech Industries, LLC seeks approval for a total of 13,150 square feet (SF) of existing cannabis cultivation that consists of 6,800 SF of mixed light cannabis cultivation and 6,350 SF of outdoor cannabis cultivation. Propagation occurs in a 1,700 SF nursery.

Irrigation water is currently sourced from a spring diversion derived from an unnamed Class II watercourse within the project area that is a tributary to the South Fork Eel River. The applicant is proposing the development of a 500,000-gallon rainwater catchment pond to support future irrigation and stormwater management goals. Existing onsite water storage is 77,500 gallons in the following HDPE hard tanks: fourteen (14) 5,000-gallon tanks and three (3) 2,500-gallon tanks. Annual water use is estimated at 155,000 gallons (11.8 gal/SF).

Post-cultivation processing activities include drying, trimming and packaging and will occur in a proposed 4,500-SF building onsite. There would be up to five (5) employees during peak harvest. Electricity will be provided by PG&E, and one (1) backup generator (7 kW) is onsite in the event of power outages.

Project Location: The project is located in the unincorporated community of Redway, located at 308 Coast Highway on the northeast side of Redwood Drive, approximately 249 feet from the intersection of Rusk Lane and Redwood Drive, in Section 10 of Township 04 South Range 03 East.

Present Plan Land Use Designations: Commercial Services (CS), Residential Agriculture (RA); Residential Low Density (RL); Redway Community Plan (GRBAP); Density: 5-20 acres per unit; Slope Stability: Moderate Instability (2)

Present Zoning: Agricultural Grazing (AG) Minimum Building Area is 5 acres [B-5(5)]; Apartment Professional Planned Development (R-4-P) Note: Project is located in AG zoned portion.

Record Number: PLN-12823-CUP

Assessor's Parcel Number: 222-222-013

Applicant

Green Tech Industries
C/O Michael Yesk
1850 Gateway Blvd Unit 1080
Concord, CA 94520

Owner

Green Tech Industries
C/O Nick Jelev
1850 Gateway Blvd Unit 1080
Concord, CA 94520

Agents

Timberland Resource
Consultants
165 S Fortuna Blvd #4,
Fortuna, CA 95540

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: No major issues/concerns were identified for this project.

Greentech Industries
Record Number: PLN-12823-CUP
Assessor's Parcel Number: 222-222-013

Recommended Commission 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:

Adopt the Resolution to:

1. *Find that the Commission 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;*
2. *make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Greentech Industries, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary

Greentech Industries, LLC seeks approval for a total of 13,150 square feet (SF) of existing cannabis cultivation that consists of 6,800 SF of mixed light cannabis cultivation and 6,350 SF of outdoor cannabis cultivation. Existing cultivation occurs in two areas; Cultivation Area A consisting of 5,000 SF of mixed light and Cultivation Area B consisting of 8,150 SF of outdoor. The application proposes to reconfigure and redistribute the cultivation areas, as described above (6,800 SF mixed light and 6,350 SF outdoor). The light-deprivation greenhouses will produce up to three (3) flowering cycles per year, and the outdoor greenhouses will produce two (2) cycles per year. Propagation occurs in a 1,700-SF nursery. All use of artificial lighting within the mixed light greenhouses will meet the International Dark Sky Association standard. The medical cannabis permit application is 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), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site.

The parcel measures approximately 248 acres in size and is primarily Douglas fir forest, with a patch of grassland in the center of the property. The site is zoned Agricultural Grazing (AG) and Apartment Professional Planned Development (R-4-P), and the land use designations are Agricultural Rural, Residential Low Density, and Commercial Services, as defined in the Humboldt County 2017 General Plan Update. The site plan identifies the boundary between

Post-cultivation processing activities include drying, trimming and packaging that will occur onsite in a proposed 4,500-SF building. There would be up to five (5) employees during peak harvest. Electricity will be provided by PG&E, and one (1) backup generator (7 kW) is onsite in the event of power outages.

Site Plan Revision

The site plan shows a 'Proposed' re-distribution of cultivation areas, as follows.

- Outdoor Cultivation: Cultivation Area 1 – one (1) 2,000-SF greenhouse; Cultivation Area 2 – two (2) 1,700-SF greenhouses (3,400 SF); and Cultivation Area 3 – one (1) 950-SF greenhouse for a total of 6,350 SF
- Mixed Light Cultivation: Cultivation Area 4 – four (4) 1,700-SF greenhouses for a total of 6,800 SF.

This re-distribution changes the outdoor cultivation from 8,150 SF to 6,350 SF, and the mixed light cultivation from 5,000 SF to 6,800 SF, which retains the total cultivation area of 13,150 SF.

The applicant is conditioned to revise the 'Proposed' section of the site plan to correct the 'Cultivation Area 4', (mixed light cultivation) amount from five (5) 1,700-SF greenhouses (8,500 SF total) to the appropriate permit amount of four (4) 1,700-SF greenhouses (6,800 SF total), which yields the correct area of mixed light cultivation stated in the permit application (**Condition 9**).

The 1,700-SF nursery propagation area is over the 10% threshold (by 385 SF) established by CMMLUO standards, and it will need to be reduced by the applicant in order for the permit to be granted. The current site plan appears to show one (1) 2,500-gallon water tank within the 100-foot setback of the Streamside Management Area (SMA) of the central unnamed Class II waterway within the project area. The applicant is conditioned to remove and relocate this water tank to outside of the SMA (**Condition 9**).

Water Resources

Irrigation water is sourced from a spring diversion derived from an unnamed Class II watercourse within the project area, and is located in the South Eel River Watershed. A water right (No. H100578) has been obtained by the applicant from the State Water Resources Control Board (SWRCB). The Appropriate Water Right allows up 53,564 gallons per year to be collected during the diversion season (November 1 – March 31). The rate of diversion to storage is limited to 14,400 gallons per day (10 gallons per minute x 1,440 minutes/day), pursuant to the current State Water Board's Cannabis Policy 78.

A Water Resources Protection Plan (WRPP) was created in order to protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The proposed project is enrolled with the NCRWQCB under the water quality identification number (WDID No. 1B170599CHUM). Onsite monitoring shall occur during the following activities: 1) Before and after alteration or upgrade to a stream crossing, road segment or sediment discharge site; 2) Prior to the start of the water season on October 15 and December 15, in order to evaluate site winterization and preparedness for stormwater runoff; and 3) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours.

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (No. 1600-2017-0403-R1). The LSAA covers the point of diversion from a Class II stream for cannabis irrigation, as well as thirteen (13) stream crossings located within the property. All stream crossings require either the installation, replacement or modification of existing drainage structures. The property is located within Cal Fire's 'very high fire risk area', so all plastic culverts will be upgraded to metal in order to protect water resources in the event of a wildfire. The potential temporary impacts of conducting work within the waterways include impacts to streamflow, water quality, and existing fish and wildlife species.

The LSAA establishes specific mitigation measures that the applicant must apply to offset any potential impacts to waterways within the area. The mitigation measures are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15th through October 1st of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by Timberland Resource Consultants to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 10**).

The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with erosion control and required mitigation measures. A site assessment of the property conducted by Timberland Resource Consultants determined that active cultivation areas and associated facilities are not located within 100 feet of a Class I or II watercourse, or within 50 feet of the Class III watercourse. The exception is one water tank, which the applicant has been conditioned to remove and relocate outside of the SMA (**Condition 11**).

The applicant is proposing the development of a 500,000-gallon rainwater catchment pond to support future irrigation and stormwater management goals. The applicant is conditioned to install the rainwater catchment pond within six (6) months of permit approval, in order to provide adequate water storage

for cultivation irrigation activities throughout the forbearance period (**Condition 12**). Existing water storage includes the following hard HDPE tanks: fourteen (14) 5,000-gallon tanks and three (3) 2,500-gallon tanks, for a total onsite storage of 77,500 gallons. Annual water use is estimated at 155,000 gallons (11.8 gal/SF). There is a permitted well onsite (No. 16/17-1308), which is used for domestic use only.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
-	-	-	8,000	16,000	24,500	36,500	30,000	24,500	16,000	-	-

Projected Water Use for Cultivation Activities

Biological Resources

A list of potential special status species was generated in February 2021, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources that are not special status occur within the general vicinity of the project area: foothill yellow-legged frog habitat (400 meters north of the project area), as well as the western bumble bee and North American porcupine, which are both located within the project area. The project area is located 400 meters south of a large laterally extensive habitat area for the American peregrine falcon, which is a special status species. There are two Northern Spotted Owl Activity Centers, HUM0491 (located 1.2 miles northwest of the project area) and HUM0703 (located 1.4 miles north of the project area).

A Biological Scoping report was completed in May 2019 by Kelsey McDonald of Hohman & Associates to ensure the project will not degrade any biological resources, and to ensure CEQA compliance. The Biological Scoping report includes a search of spatial data of habitat occurrences, but does not include a site visit to confirm the physical presence of potential biological resources that could be within the project area.

The project area is located in Douglas fir and redwood forest, which provides potential habitat for plant species, and the streams on the property could support fish and amphibian species. The report recommends pre-construction bird and bat surveys to ensure that none of the following species are within the project area: Cooper's hawk, golden eagle, little willow flycatcher, American peregrine falcon, bald eagle, osprey, and northern spotted owl, as well as the pallid bat. The waterways within the project area are tributaries to the Eel River, which provides habitat for numerous anadromous fish. Potential fish occurrences within the project area include: Pacific lamprey, Coho salmon, northern steelhead, summer steelhead and Chinook salmon.

Project activities are not expected to produce adverse or cumulative effects to any special species or habitat, due to the small size of the project area and the type of proposed activities. The applicant is conditioned to conduct pre-construction plant, bird and bat surveys throughout the general project area; conduct pre-construction amphibian surveys before any in-stream work of culvert maintenance; and implement mitigation measures to avoid runoff into waterways during stream crossing maintenance activities (**Condition 13**). Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.

Tribal Cultural Resource Coordination

The project site is located within the *Shelter Cove Sinkyone* ethnographic territory of Humboldt County. A Cultural Resource Investigation was conducted by Nick Angeloff, M.A. (June 2017), in order to determine if there was evidence of any cultural resources within the project's 255-acre study area. The Cultural Resources Investigation included: emails sent to the Native American organizations identified on the Native American Heritage Commission (NAHC) list, contacting the Northwest Information Center (NWIC), a field survey (155 acres within the 248-acre parcel), and a historical background search of existing maps and publications relevant to the study area.

The NWIC responded in June 2019 that there are no known resources present in the project area, and that seventeen (17) previous surveys and one (1) previously recorded archaeological site are within a ½ mile buffer of the project area. NWIC commented that USGS quads from 1949 show three buildings in the project area, and recommended a qualified historical architectural professional survey the buildings to determine if they may be of historical value.

The Cultural Resources Investigation concluded that there was no evidence of archaeological resources identified during the field survey. The lead investigator, Nick Angeloff, recommends the use of Inadvertent Discoveries Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 14**).

Access

The project area is located in the unincorporated community of Redway, on the northeast side of Redwood Drive, approximately 249 feet from the intersection of Rusk Lane and Redwood Drive. The Humboldt County Department of Public Works (DPW) reviewed the project and determined that the entire road segment is developed to the equivalent of a road category 4 standard, and it is adequate for the proposed use without further review.

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in February 2021 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted by the County for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission (**Attachment 2**).

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, 2) require the applicant to submit further evidence, or 3) modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Planning and Building Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion, in which case, the Commission would continue the item to a future date at least two months later to provide staff adequate time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 21-

**Record Number: PLN-12823-CUP
Assessor's Parcel Number: 222-222-013**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Greentech Industries, LLC, Conditional Use Permit.

WHEREAS, Greentech Industries, LLC, submitted an application and evidence in support of approving Conditional Use Permit PLN-12823-CUP for the continued operation of 13,150 SF of existing cannabis cultivation that consists of 6,800 SF of mixed light cannabis cultivation and 6,350 SF of outdoor cannabis cultivation;

WHEREAS, the County, prepared an Addendum to the Final Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **May 6, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is for a Conditional Use Permit (PLN-12823-CUP) for the continued operation of 13,150 SF of existing cannabis cultivation that consists of 6,800 SF of mixed light cannabis cultivation and 6,350 SF of outdoor cannabis cultivation. Propagation occurs in a 1,315-SF nursery. Electricity will be provided by PG&E, and one (1) backup generator (7 kW) is onsite in the event of power outages. Irrigation water is sourced from a permitted surface water diversion.

EVIDENCE: Project File: PLN-12823-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. 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 to the MND prepared for the proposed project in compliance with CEQA.
- 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 list of potential special status species was generated in February 2021, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources that are not special status occur within the general vicinity of the project area: foothill yellow-legged frog habitat (400 meters north of the project area), as well as the western bumble bee and North American porcupine, which are both located within the project area. The project area is located 400 meters south of a large laterally extensive habitat area for the American peregrine falcon, which is a special status species. There are two Northern Spotted Owl Activity Centers, HUM0491 (located 1.2 miles northwest of the project area) and HUM0703 (located 1.4 miles north of the project area). A Biological Scoping Report was conducted by Hohman & Associates, to establish the appropriate course of action to survey the project area before any construction activities take place. The report recommends the following before the start of construction related activities: 1) preconstruction plant, bird and bat surveys throughout the entire project area; 2) pre-construction amphibian and fish surveys before any in-stream work for culvert maintenance; and 3) implementation of mitigation measures to avoid runoff into waterways during stream crossing maintenance activities (**Condition 13**). Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.
- d) A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (March 2018) to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and protect the water quality of waterways within the project area through annual onsite monitoring (WDID No. 1B170599CHUM).
- e) A Cultural Resources Investigation was conducted in June 2017 by Nick Angeloff of Archaeological Research & Supply, and included a Northwest Information Center (NWIC) records search for cultural resources. The Cultural Resources Investigation concluded that there was no evidence of archaeological resources identified during the

survey, and the lead investigator recommended the use of Inadvertent Discoveries Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist if any previously unidentified cultural resources or human remains are encountered throughout project implementation.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Agricultural Grazing (AG), Minimum Building Area 5 acres [B-5(5)], and Apartment Professional Planned Development (R-4-P) 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) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with erosion control and required mitigation measures. A site assessment determined that active cultivation areas and associated facilities are not located within 100 feet of a Class I or II watercourse, or within 50 feet of the Class III watercourse. The exception is one water tank, which the applicant has been conditioned to remove and relocate outside of the SMA (**Condition 11**).

4. FINDING

The proposed development is consistent with the purposes of the existing Commercial Services (CS), Residential Agriculture (RA), and Residential Low Density (RL) zoning districts in which the site is located.

EVIDENCE

- a) Commercial Services areas are intended to be applied to areas of the County with heavy commercial use, light industrial use, and urban services. Although the project area is located adjacent to the developed unincorporated community of Redway, it is a large parcel (248 acres) that is comprised of Douglas fir forest and open parcels to the north, and it borders Humboldt Redwoods State Park. The parcel was originally zoned to have the potential to be developed, but will not be used for Commercial Services uses.

- b) Residential Agriculture (RA) is intended for large lot residential uses, and is a rural designation for land with slopes generally less than 30%. The proposed cannabis cultivation is within the intended use of Residential Agriculture.
- c) Residential Low Density (RL) is suitable for residential use where urban services are available, and the designation can accommodate a mix of housing or land use types. The single family dwelling unit, combined with the Residential Agriculture zoning designation and the large parcel size, is in alignment with the intended use of the parcel as a cannabis cultivation site.
- d) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 13,150 SF of existing cannabis cultivation, which consists of 6,800 SF of mixed light cannabis cultivation and 6,350 SF of outdoor cannabis cultivation on a 248-acre parcel, is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.
- e) The site plan describing the current project is consistent with the allowable cultivation area set forth by the Humboldt County Planning Department. However, the 'Proposed' re-distribution of current cultivation areas needs to be revised to the correct permitted amount, by changing the number of greenhouses in Cultivation Area 4 from five (5) 1,700 SF greenhouses to four (4) 1,700 SF greenhouses, to remain consistent with the 13,150 SF of permitted cultivation area **(Condition 9)**.
- f) The 1,700-SF nursery propagation is over the 10% threshold (by 385 SF) established by CMMLUO standards, and will need to be reduced by the applicant in order for the permit to be granted. The current site plan appears to show one (1) 2,500-gallon water tank within the 100 foot setback of the Streamside Management Area (SMA) of the central unnamed Class II waterway within the project area. The applicant is conditioned to remove and relocate this water tank to outside of the SMA. The applicant is conditioned to make all of the above stated changes to the site plan in order for the Conditional Use Permit to be granted (Condition 9).

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 Commercial Services (CS), Residential Agriculture (RA), and Residential Low Density (RL) (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local

subdivision regulations in place at the time of creation. The parcel was created in its current configuration by a deed recorded before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel. A document dated April 1964 shows that the parcel was created in Book 10 of Maps, Page on March 7, 1906.

- c) Irrigation water is sourced from a spring diversion derived from an unnamed Class II waterway within the project area, and is registered with the State Water Resources Control Board (water right No. H100578).
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) 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 offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 13,150 SF of cannabis and the conditions under which it may be operated and maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is accessed by a road that has been assessed by the Department of Public Works, and has been certified to be developed to the equivalent of a road Category 4 standard, and no further action is required.
- b) The parcel is located on the border of the developed unincorporated community of Redway to the southwest, and is surrounded by forest on all other sides of the parcel. Although the parcel is located near the community of Redway, the proposed cannabis cultivation area is both large enough and located far enough away from the developed area that cannabis cultivation activities would not present a negative impact to the community. 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 predominantly rural nature of the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Estimated annual water use is 155,000 gallons. The overall water usage is calculated to be approximately 11.8 gallons/SF.
- e) Existing available water storage is 77,500 gallons total in 17 HDPE tanks. One 500,000-gallon rainwater catchment pond is proposed by the applicant. The applicant is conditioned to install the pond within 6 months of permit application approval in order to create additional water storage for irrigation needs during the forbearance period (**Condition 12**).

- f) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection monitoring and reporting to the North Coast Regional Water Quality Control Board (NCRWQCB). As detailed in the WRPP, the site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.
- g) A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address thirteen stream crossing culvert and drainage maintenance projects to be constructed within the project area. To protect water resources during construction activities within the waterways, the following mitigation measures will be applied to the project: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15th through October 1st of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures will be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by Timberland Resource Consultants to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion.

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

The parcel currently contains no existing residential units. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units on site.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

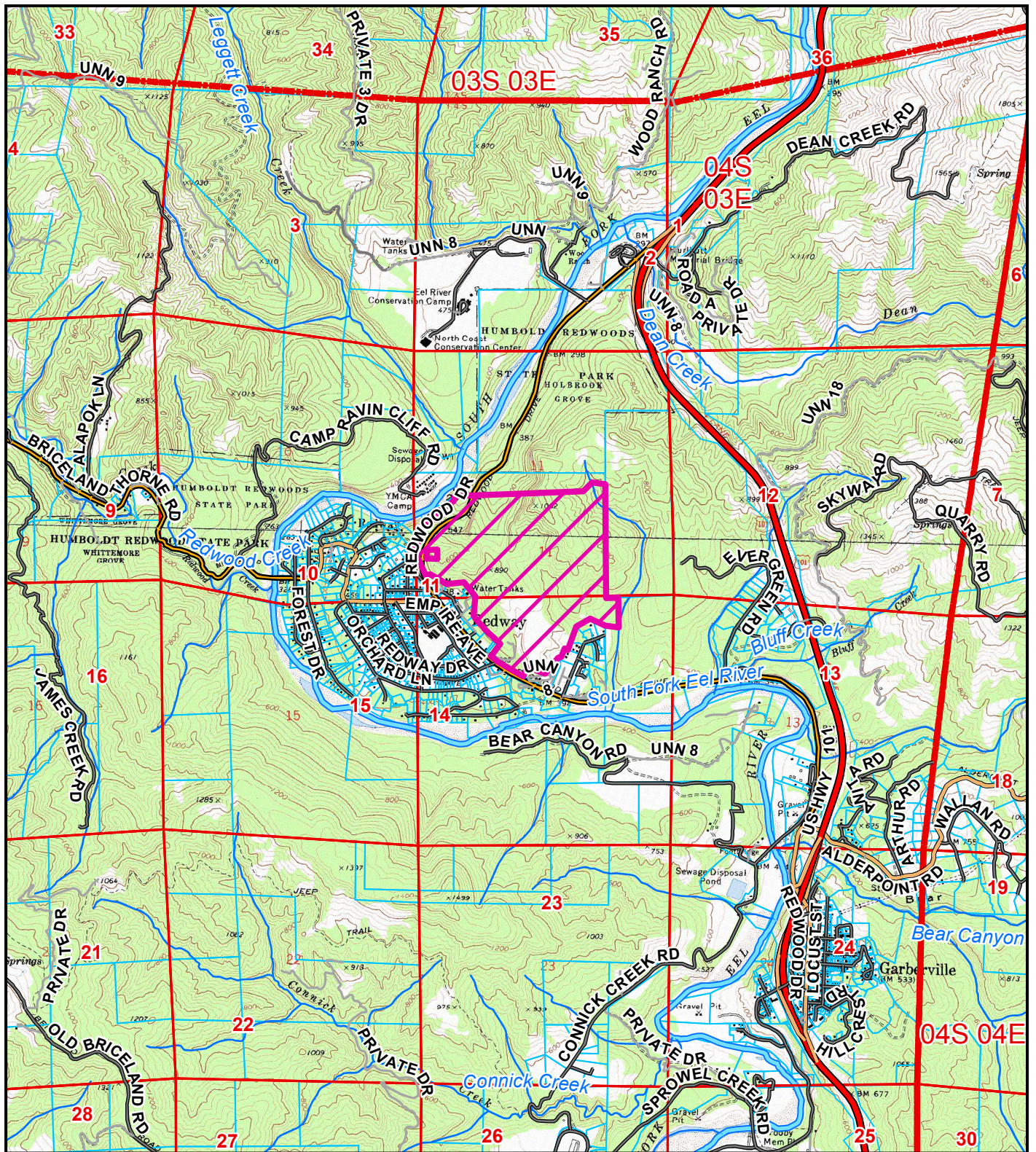
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permits (PLN-12823-CUP) for Greentech Industries, LLC, subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
DECISION:	

I, John Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department



TOPO MAP
PROPOSED EMERALD HOLDINGS LLC
REDWAY AREA

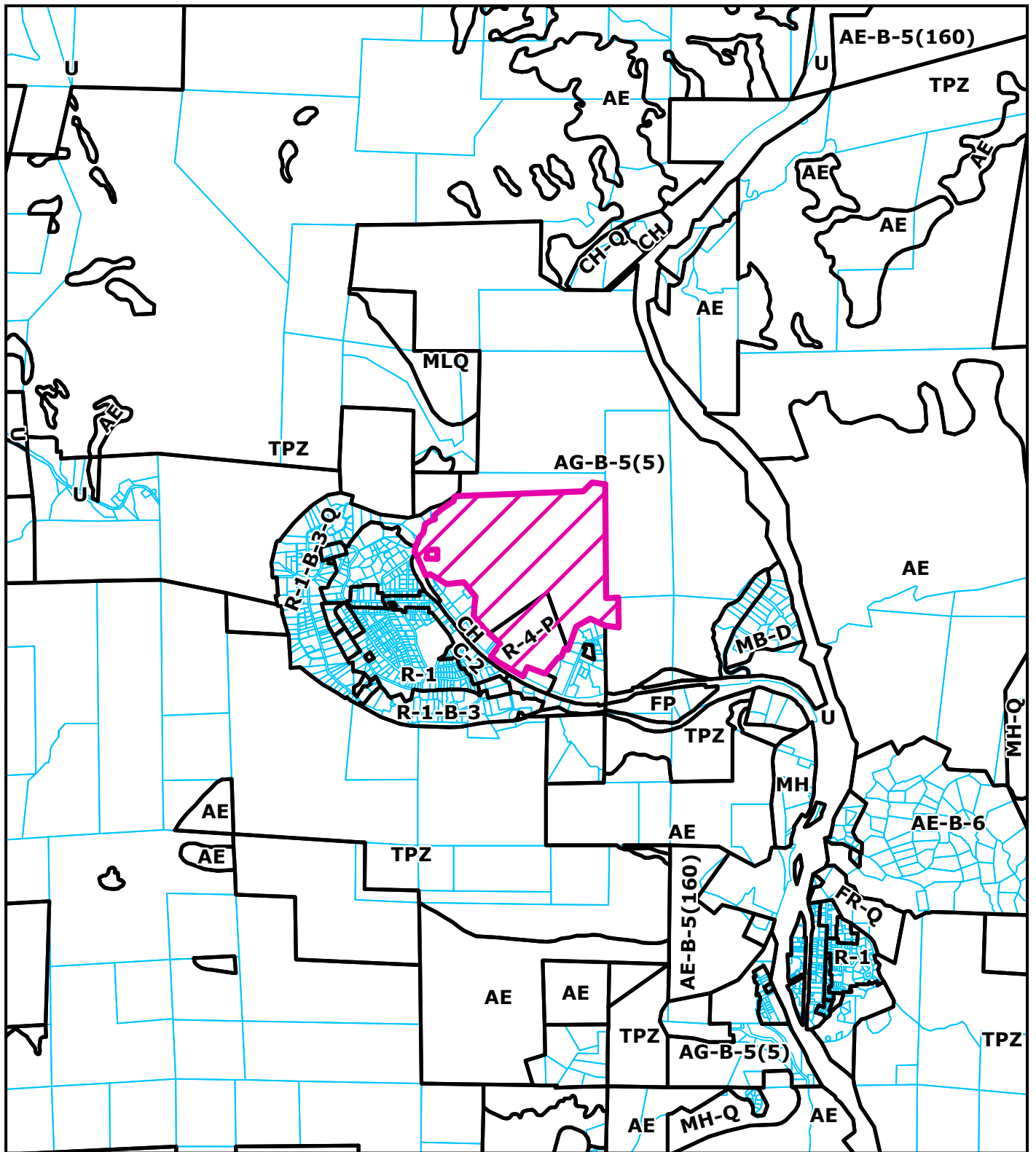
Project Area = 

CUP-16-863; ZCC-16-590
APN: 222-222-003-000

T04S R03E S10; S11; S14 HB&M (GARBERVILLE)

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

0 0.3 0.6 1.2 Miles

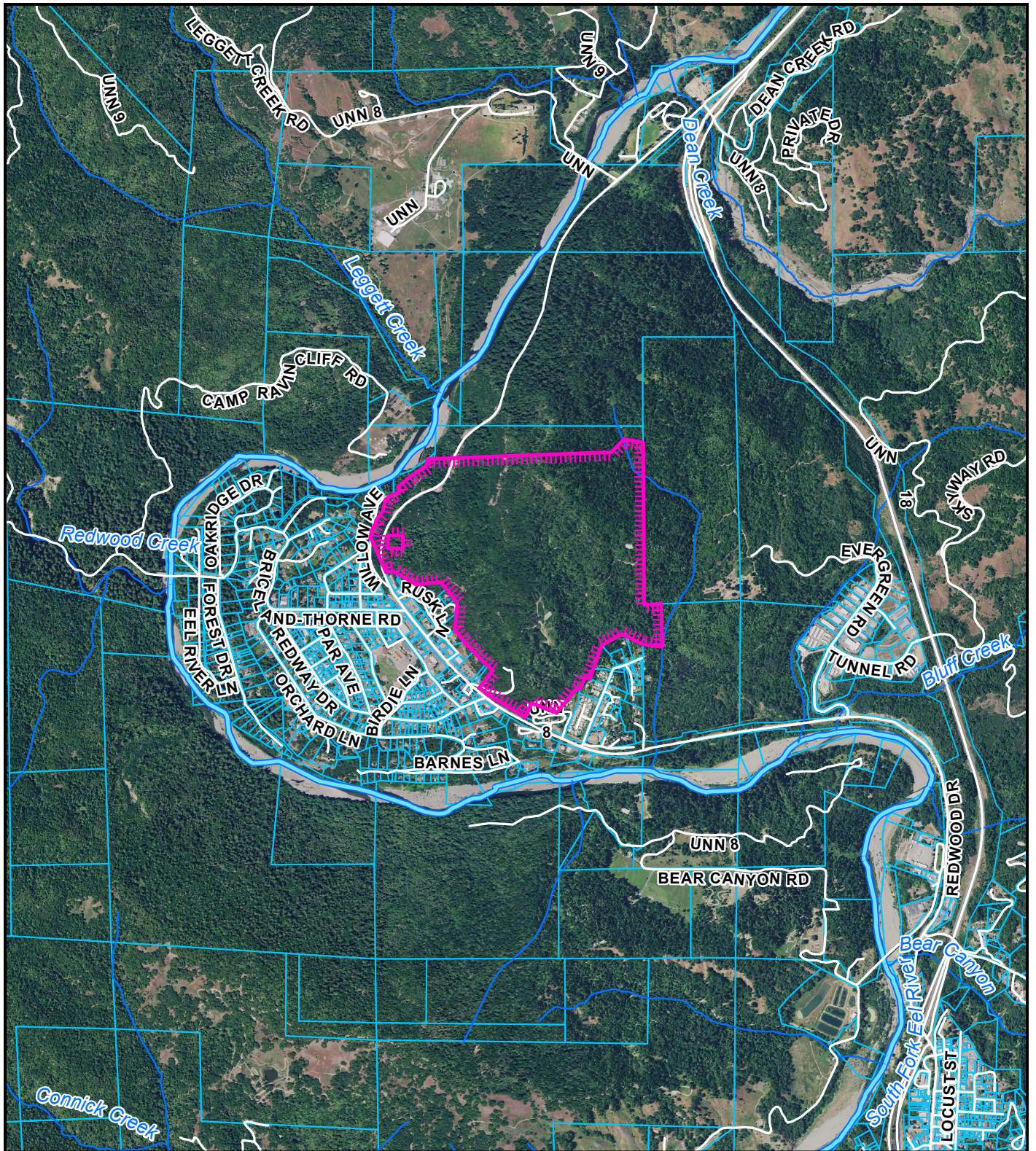


Project Area =

ZONING MAP
PROPOSED EMERALD HOLDINGS LLC
REDWAY AREA
CUP-16-863; ZCC-16-590
APN: 222-222-003-000
T04S R03E S10; S11; S14 HB&M (GARBERVILLE)

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

0 0.3 0.6 1.2
 Miles



**AERIAL MAP
PROPOSED EMERALD HOLDINGS LLC
REDWAY AREA**

Project Area = 

**CUP-16-863; ZCC-16-590
APN: 222-222-003-000**

T04S R03E S10; S11; S14 HB&M (GARBERVILLE)

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

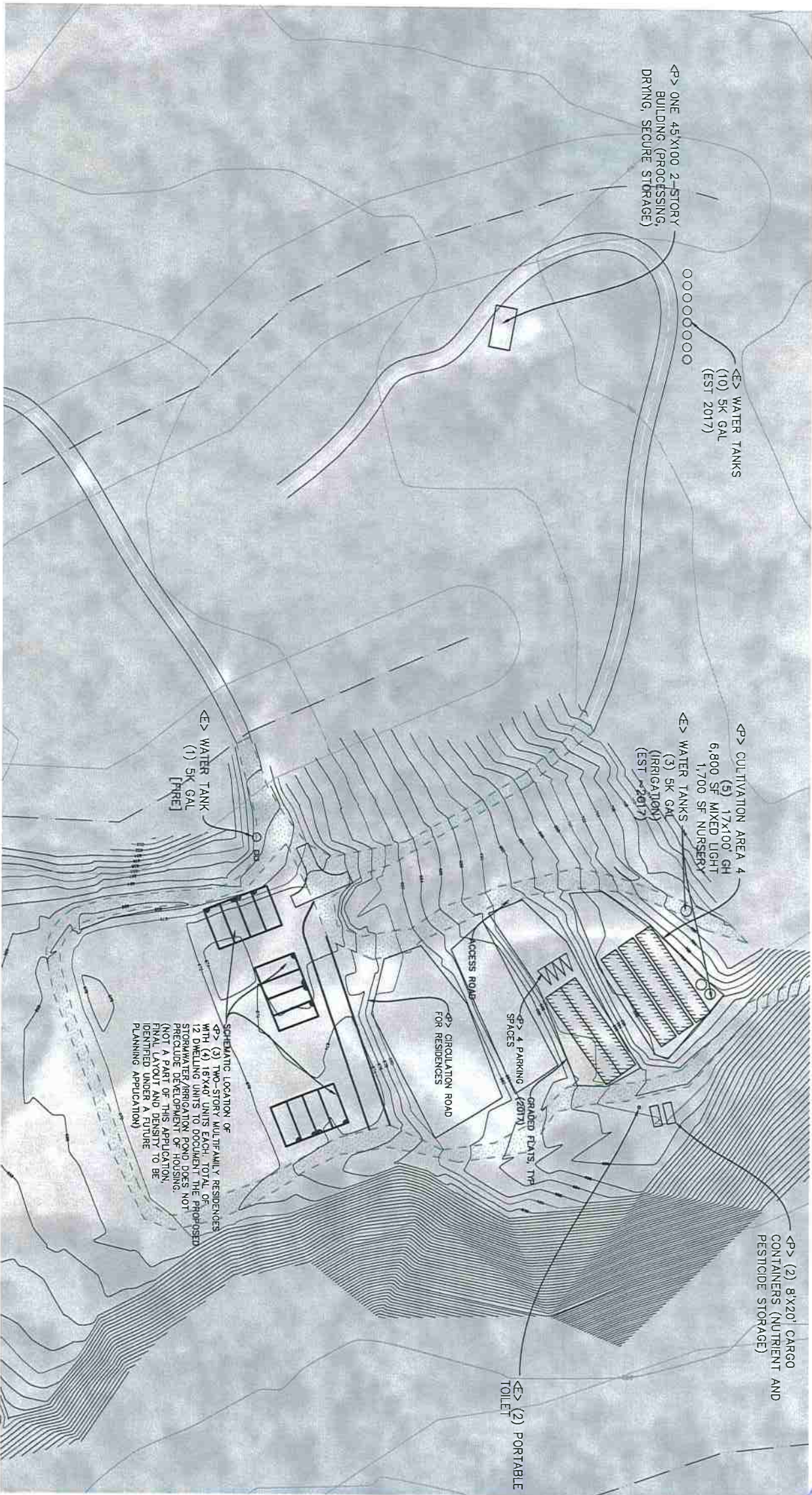
0 1,000 2,000 4,000
Feet



EMERALD HOLDINGS, LLC.

SITE PLAN

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SITE PLAN

22x34 SHEET: 1"=60'
11x17 SHEET: 1"=120'



DATE	REVISIONS	DRAWN BY

EMERALD HOLDINGS, LLC.
REDWAY CA / APN: 222-222-003
SITE PLAN

PROJ NO:	SL
PROJ ASSOC:	SL
DESIGNER:	SL
DATE:	06-17-19
SCALE:	AS SHOWN

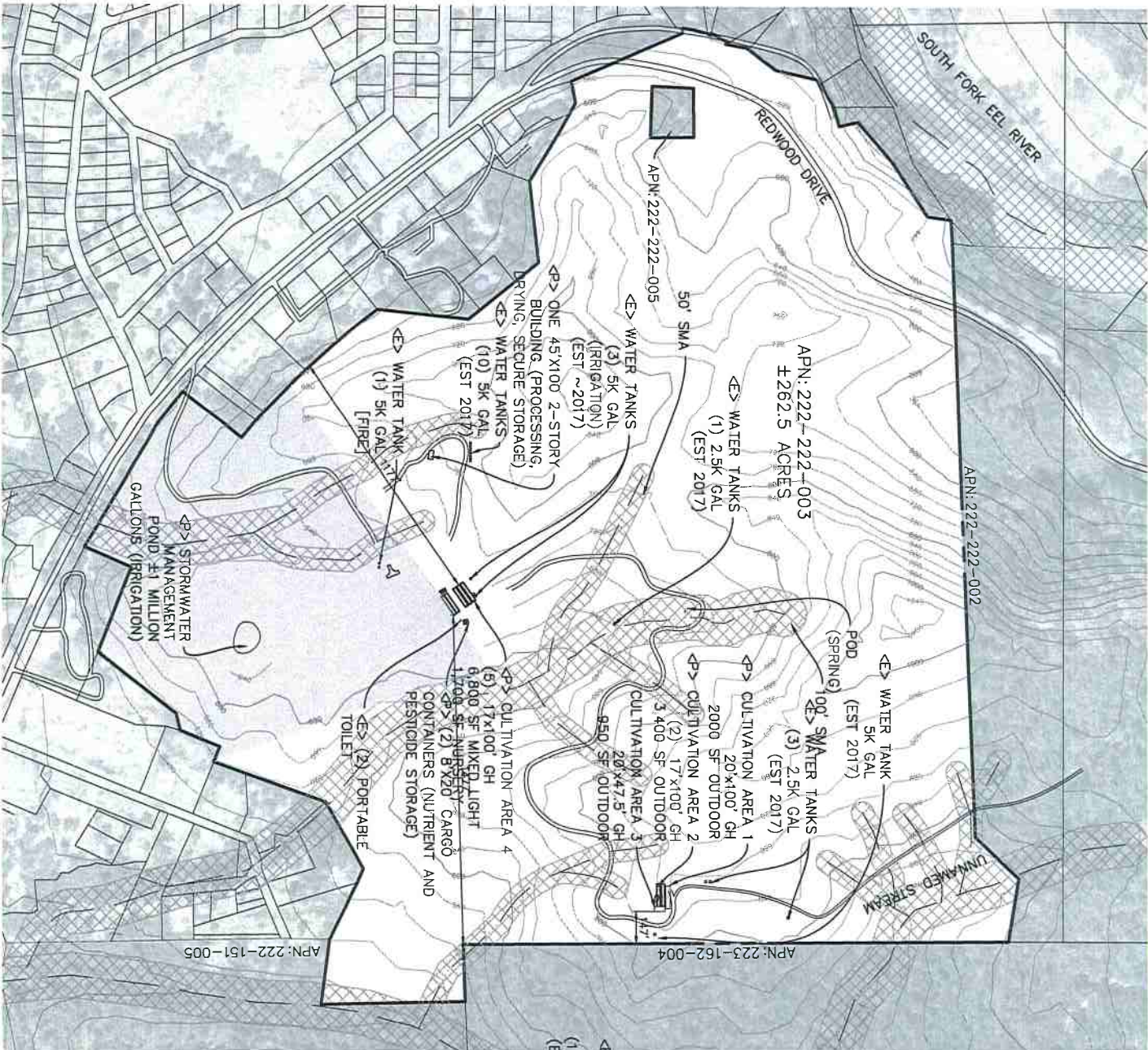
SHEET

C2

TOD RECA01

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RECEIVED
NOV 26 2019
Humboldt County
Cannabis Svcs



PROPOSED PLAN

NORTH

SHEET

[illegible]

REDWAY CA / APN: 222-222-003

EXISTING AND PROPOSED PLAT PLAN



DIRECTIONS TO SITE:
FROM EUREKA, CA
-SOUTHBOUND ON US-101
(APPROX. 63 MILES)
-TAKE EXIT 642 FOR REDWAY
-CONTINUE ONTO REDWOOD DR
(APPROX. 1.9 MILES)
-TURN LEFT ONTO UNNAMED DIRT ROAD
(APPROX. .4 MILES TO SITE)

EMERALD HOLDINGS, LLC.

ZONING BOUNDARY

PROJECT INFORMATION:

APPLICANT:
EMERALD HOLDINGS, LLC
460 VALLE VISTA
OAKLAND, CA 94610

PROPERTY OWNER:
PB&J RANCH MANAGEMENT, LLC.
P.O. BOX 194
GARBERVILLE, CA 95542

OWNERS AGENT:
SL CONSULTING SERVICES INC
973 DOWLER DRIVE
EUREKA, CA 95501
(707) 440-9033

SITE ADDRESS:
APN: 222-222-003
REDWAY, CA

TREES TO BE REMOVED = TBD

EXISTING MIXED LIGHT CULTIVATION AREA = ±5,000 SQ. FT.
EXISTING OUTDOOR CULTIVATION AREA = ±8,150 SQ. FT.

EARTHWORK QUANTITIES = TBD

WATER = PRIVATE
SEWER = PRIVATE

PARCEL SIZE = ±262.5 ACRES

ZONING:
GENERAL PLAN DESIGNATION = AG-B-5(G),R-4-P
= AR5-20,RL(GRBAP)

BUILDING SETBACKS:

AG	SRA
FRONT 20'	30'
SIDE 6'	30'
REAR 20'	30'

MAX. BLDG. HT. = 35'

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = NO

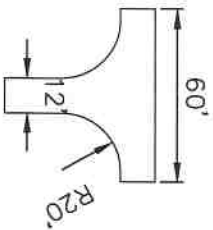
DATE	REVISIONS	DRAWN BY
11-26-19	REVISED PER BUILDING DEPT INSPECTION	

PROJECT DESCRIPTION:

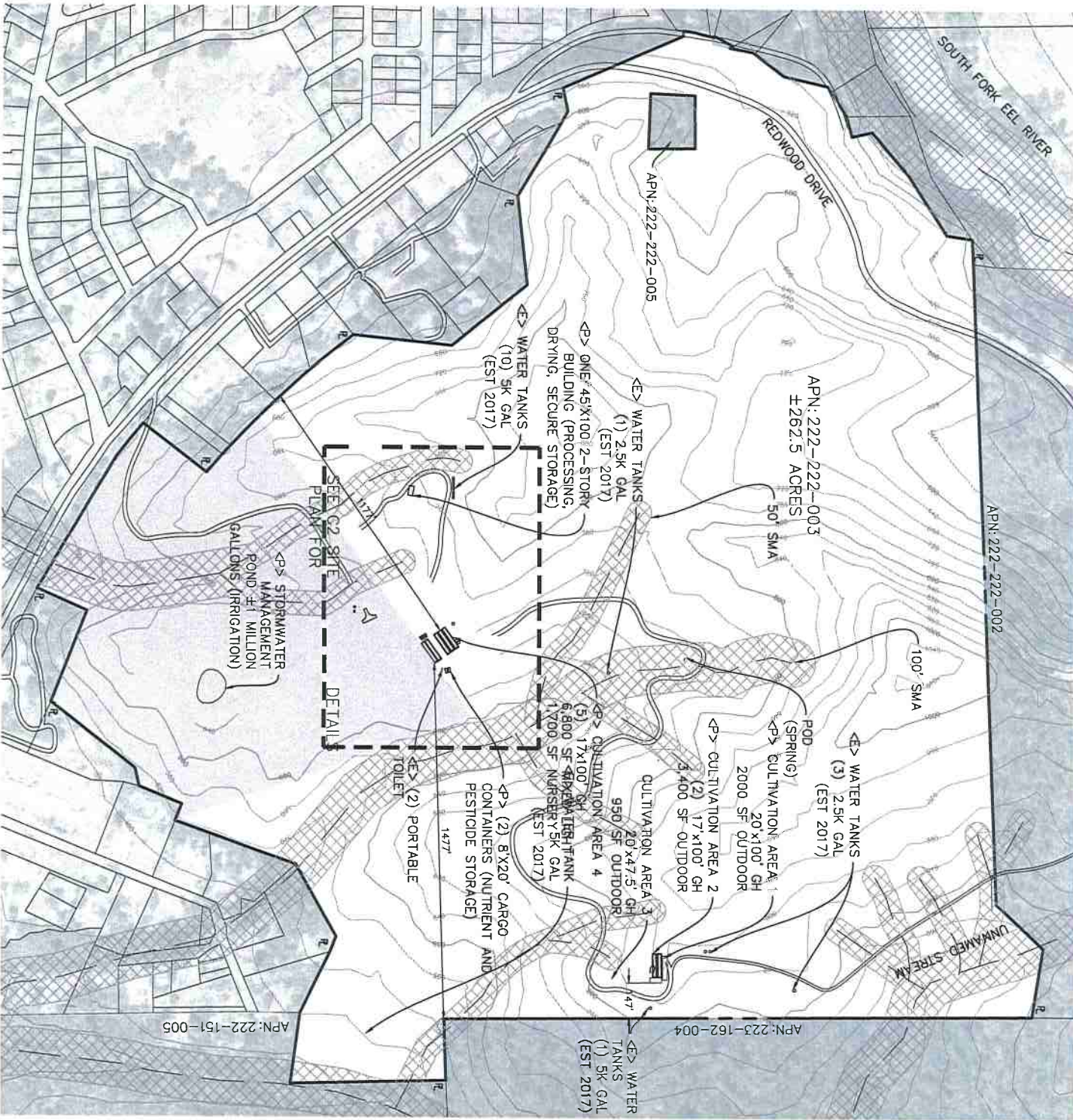
EMERALD HOLDINGS, LLC. IS PROPOSING TO PERMIT EXISTING MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMALUO). ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 13,150 SQUARE FEET (SF) OF MEDICAL CANNABIS CULTIVATION AREA WHICH INCLUDES 8,150 SF OF OUTDOOR CULTIVATION AND 5,000 SF OF MIXED LIGHT CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING, CURING, GRADING AND TRIMMING OF MEDICAL CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

GENERAL NOTES:

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA AND FIELD WORK AND DRAWINGS BY MANHARD CONSULTING LTD. SL CONSULTING SERVICES INC HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.



**SRA HAMMERHEAD
TURN AROUND DETAIL**



PLOT PLAN

22X34 SHEET: 1"=300'
11X17 SHEET: 1"=600'

0 150 300 600



SHEET INDEX:

- C0 - ZONING PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - EXISTING AND PROPOSED PLOT PLAN
- C2 - SITE PLAN

LEGEND

- ZONING AG-B-5(G),R-4-P
(PER HUMBOLDT COUNTY WEB GIS)
- ZONING R-4
(PER HUMBOLDT COUNTY WEB GIS)
- STREAMSIDE MANAGEMENT AREA
(PER HUMBOLDT COUNTY WEB GIS)

EMERALD HOLDINGS, LLC.
REDWAY CA / APN: 222-222-003
ZONING PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJECT NAME	SL
PROJECT NUMBER	SL
DATE	08-17-19
SCALE	AS SHOWN

C0

TOD RECAOI

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ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE 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 the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the 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 Planning and Building Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall obtain a permit to operate the proposed generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
7. The applicant shall submit a lighting plan for all mixed light cultivation/light deprivation cultivation areas. The lighting plan shall be reviewed and approved by the Director of Planning and Building.
8. The applicant shall install a water monitoring device on each source – groundwater well and surface water diversion - if/when utilized and on storage tanks as applicable to monitor water used for cannabis irrigation separate from domestic use.

9. Within 30 days of the effective date of permit approval, the applicant shall revise the site plan to show changes to all of the following items: 1) Correct the number of Mixed Light greenhouses in Cultivation Area 4, from five (5) 1,700-SF greenhouses to four (4) 1,700-SF greenhouses in the 'Proposed' section of the site plan; 2) Reduce the propagation area by 385 SF to the 10% threshold allowed by CMMLUO; and 3) Remove and relocate one (1) 2,500-SF water tank to outside of the 100-foot setback of the SMA. The applicant shall submit the revised site plan to the Director of Planning and Building.
10. The applicant shall comply with all mitigation measures set forth in the Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and shall implement all corrective actions detailed/required within the LSAA. Upon completion of the proposed construction activities that are to take place within the waterways of the project area, a letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall comply with all policies set forth by the Humboldt County General Plan Policy BR-P6, to ensure that all Streamside Management Areas within the project area are properly managed throughout cultivation related activities.
12. Within 6 months of the effective date of permit approval, the applicant shall install the proposed 500,000-gallon rainwater catchment pond within the project area. The rainwater catchment pond will provide adequate water storage for cultivation irrigation activities throughout the forbearance period (April 1 – October 31).
13. The applicant shall conduct pre-construction animal and plant surveys to ensure that no biological resources are compromised by cultivation activities. The pre-construction surveys include: plant, bird and bat surveys throughout the general project area, as well as pre-construction surveys for amphibians and fish before any in-stream maintenance work. The applicant shall implement the mitigation and erosion control measures set forth in the WRPP and LSAA in order to minimize impacts to biological resources throughout the project area.
14. The applicant shall implement the Inadvertent Discovery Protocol, in the event of the accidental discovery of historical artifacts or human remains. A qualified professional Archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
15. The applicant shall contact the Redway Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. 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.
16. 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.
17. The applicant shall execute and file with the Planning and Building Department 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.

18. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CMMLUO 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the 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 at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall 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 the 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. Any 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. The permittee shall have 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. The permittee shall be in 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. The permittee shall ensure 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. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) 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. The permittee shall 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. The permittee shall 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. The permittee shall consent to an annual onsite 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. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.

20. 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.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall 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; and
 - i. On-site housing, if any.
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection 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 #B.11 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 #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 222-222-013; 308 West Coast Road, Redway, CA 95560
County of Humboldt**

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

February 2021

BACKGROUND

Purpose of Addendum

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.

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

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 and 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. 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." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

Greentech Industries, LLC seeks approval for a total of 13,150 SF of existing cannabis cultivation that consists of 6,800 SF of mixed light cannabis cultivation and 6,350 SF of outdoor cannabis cultivation. Existing mixed light cultivation currently takes place in a 5,000-SF greenhouse (Cultivation Area A), and

outdoor cultivation occurs in 8,150 SF of light deprivation greenhouses (Cultivation Area B) – both of which are proposed to be redistributed into the above described cultivation areas (6,800 SF mixed light and 6,350 SF outdoor). Propagation occurs in a 1,700-SF nursery. Post-cultivation processing activities include drying, trimming and packaging that will occur in a proposed 4,500-SF building onsite. There would be up to five (5) employees during peak harvest. Electricity will be provided by PG&E, and one (1) backup generator (7 kW) is onsite in the event of power outages.

Irrigation water is sourced from a spring diversion derived from an unnamed Class II waterway within the project area, and is located within the South Eel River Watershed. A water right (No. H100578) has been obtained by the applicant by the State Water Resources Control Board (SWRCB). The Appropriate Water Right allows up 53,564 gallons per year to be collected during the diversion season (November 1 – March 31). Existing onsite water storage is 77,000 gallons total in the following hard HDPE tanks: fourteen (14) 5,000-gallon tanks and three (3) 2,500-gallon tanks. Annual water use is estimated at 155,000 gallons (11.8 gal/SF).

A Water Resources Protection Plan (WRPP) was created in order to protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The proposed project is enrolled with the NCRWQCB under the water quality identification number (WDID No. 1B170599CHUM).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (No. 1600-2017-0403-R1). The LSAA covers the point of diversion from a Class II stream for cannabis irrigation, as well as thirteen (13) stream crossings located within the property. The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with erosion control and required mitigation measures.

A list of potential special status species was generated in February 2021, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources that are not special status occur within the general vicinity of the project area: foothill yellow-legged frog habitat (400 meters north of the project area), as well as western bumble bee and North American porcupine, which are both located within the project area. The project area is located 400 meters south of a large laterally extensive habitat area for the American peregrine falcon, which is a special status species. There are two Northern Spotted Owl Activity Centers, HUM0491 (located 1.2 miles northwest of the project area) and HUM0703 (located 1.4 miles north of the project area). The applicant is conditioned to conduct pre-construction plant, bird and bat surveys throughout the general project area; conduct pre-construction amphibian surveys before any in-stream work of culvert maintenance; and implement mitigation measures to avoid runoff into waterways during stream crossing maintenance activities (**Conditions 10 & 13**). Project activities are not expected to produce adverse or cumulative effects to any special species or habitat, due to the small size of the project area and the type of proposed activities.

A site field survey and a Cultural Resource Investigation was conducted by Nick Angeloff, M.A. (June 2017), in order to determine if there was evidence of any cultural resources within the project's 255-acre study area. The Cultural Resources Investigation concluded that there were no archaeological resources located during the survey. However, the lead investigator, Nick Angeloff, recommends the use of Inadvertent Discoveries Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 14**).

The modified project is consistent with the adopted MND for the CMMLUO, because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, and

ensuring project related noise does not harass nearby wildlife, which will limit impacts to biological resources as a result of light and noise.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigation measures. The proposal to authorize the continued operation of 13,150 SF of existing cannabis cultivation that consists of 5,000 SF of mixed light cultivation and 8,150 SF of outdoor cultivation 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 created by North consultants, received 11/26/2019.
- Cultivation and Operations Plan prepared by SL Consulting Services, June 2019, received 6/19/2019.
- Biological Scoping Report, prepared by Kelsey McDonald of Hohman & Associates Forestry Consultants, May 2019, received 6/19/2019.
- Cultural Resources Investigation, conducted by Nick Angeloff of Archaeological Research & Supply Company, June 2017, received 9/19/2019.
- NWIC record search conducted June 2019, received 6/27/2019.
- Bear River Band surveyed site with negative results 9/19/2019
- Water Resources Protection Plan prepared by Timberland Resource Consultants, March 2018
- CDFW LSAA Notification (No. 1600-2017-0403-R1), granted on 11/29/2019.
- State Water Resources Control Board Water Right (Certificate No. H100578), granted on 10/1/2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Greentech Industries LLC, would be the same or similar, with no substantial increase in severity, than the initial CMMLUO 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, Greentech Industries LLC. 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. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by North consultants, 11/26/2019)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. 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. (SL Consulting Services, June 2019)
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. (Water Right No. H100578 granted by the State Water Resources Control Board October 2019 - Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan - see item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan prepared by Timberland Resources Consultants, revised 3/22/2018 – **Attachment 3A**)
8. If any onsite or offsite 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 Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife **(On file)**. (Lake and Streambed Alteration Agreement No. 1600-2017-0403-R1 granted 11/29/2019 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (On file, for domestic use only, Permit No. 16/17-1308, 6/15/2017)
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, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. **(On file)**
13. Acknowledgment 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. Acknowledgment 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)**

EMERALD HOLDINGS, LLC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA

PROPOSED MEDICAL CANNABIS
CULTIVATION FACILITIES



PREPARED FOR:



June 2019

**Cultivation and Operations Manual
For
EMERALD HOLDINGS, LLC**

Proposed Medical Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:

SL Consulting Services Inc
973 Dowler Drive
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In Consultation with:

EMERALD HOLDINGS, LLC
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June 2019

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APPENDICES

Appendix A: Plot Plan

Appendix B: Cultivation Activities Schedule

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

EMERALD HOLDINGS, LLC is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit for approximately 5,000 sf of mixed light and 8,150 sf of outdoor medical cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses and a cultivation facility for drying, curing, and trimming of medical cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located in Redway, CA, (APN 222-222-003). The subject parcel is approximately 262.51 acres in size (per the County of Humboldt's WebGIS). The site is primarily forest, with a patch of grasslands in the center of the property. Redwood Drive intersects at the northwest side of the property. Existing mixed light cultivation is located within greenhouses.

2.3. LAND USE

The subject property has General Plan designations of Agricultural Rural, Residential Low Density and Commercial Services as identified by the Humboldt County General Plan and is zoned Agriculture Grazing (AG) and Apartment Professional (R-4-P). Land uses surrounding the parcel are comprised of residential, commercial and agriculture. The surrounding parcels are zoned Agricultural Grazing (AG), Industrial Commercial (C-3) and Residential One Family (R-1).

2.4 STATE AND LOCAL COMPLIANCE

1.2.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

EMERALD HOLDINGS, LLC will obtain a Commercial Cannabis Activity license from the State of California at time such a license becomes available.

1.2.2. STATE WATER RESOURCES CONTROL BOARD - UPDATED JUNE 2019

Water for cultivation uses are provided by a springbox in a class 3 drainage located at (40.1239, -123.8164). An Initial Statement of Diversion have been filed for the spring. A rain water catchment pond is proposed to be developed to support stormwater management for a future subdivision and for irrigation purposes and will be the primary water source for irrigation in the future.

1.2.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective June 1, 2017, EMERALD HOLDINGS, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID Number 1B170599CHUM). A Water Resources Protection Plan will be developed for the project.

1.2.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

1.2.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

1.2.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) will be obtained for culvert replacement, restoration of drainages, and points of diversion.

1.2.7. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are obtained from an off-site nursery and will also be propagated onsite within a nursery greenhouse. Juvenile plants are typically obtained from seeds or 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Cuttings are sampled from the mother plants and are rooted into a growing medium, to produce 'clones.' Once fully rooted they are transplanted directly into one gallon pots at which point they are brought to the site. The juvenile plants are irrigated using hand watering methods. After 3 weeks, the clones are then transplanted into raised beds with a soil and perlite medium, and moved into either a mixed light or outdoor greenhouse where they continue their 'vegetative' cycle. Adult plants will be irrigated using drip emitters.

2.2. MIXED LIGHT/OUTDOOR CULTIVATION PLAN AND SCHEDULE

The mixed light cultivation will occur in one 5,000 sf area in greenhouses. The outdoor cultivation will occur in 8,150 square feet of light deprivation greenhouses. The greenhouses consist of PVC pipes, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. The greenhouses utilize light deprivation to produce up to three (3) flowering cycles per year for mixed light and two (2) cycles per year for the outdoor cultivation. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the mixed light cultivation operation for a typical three cycle year.

Use of artificial lighting within greenhouses/hoophouses shall meet International Dark Sky Association Standards – all greenhouses shall be covered in black-out tarp whenever lights are used within 1 hour prior to sunset and 1 hour after sunrise.

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed hand watering and drip emitter methods. EMERALD HOLDINGS, LLC maintains that irrigation and fertigation is more efficiently managed via hand watering and drip emitters, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying facility which is equipped with ventilation fans. The drying process takes approximately one week.

The dried flowers are then bucked into manageable buds and fed into an automated trimming machine. The machine-trimmed buds receive a finishing trim by hand before being weighed, labeled, logged, and sealed.

The finished product is stored in the processed materials room before being transported to a licensed distribution facility. The waste product, or 'trim', from the machines is collected and placed into bins to be weighed, labeled, and sealed. Trim will be bulk packed in 50 gallon heavy duty bags and sold to a licensed manufacturer.

2.5. PROCESSING FACILITY

All cannabis processing will occur on site at the proposed 4,500 square foot processing facilities. The facility will incorporate all aspects of processing including drying, curing, and trimming, and will include an ADA restroom for employees. The restroom will include a working flush toilet as well as a sink with cold and hot running water provided by an on demand electric water heater. The proposed metal building will have an engineered concrete slab and will conform to commercial building standards per the 2016 California Building Code.

2.6. EMPLOYEE PLAN

EMERALD HOLDINGS, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY UPDATED 6-17-19

- *Agent in Charge*: Responsible for business oversight and management of the EMERALD HOLDINGS, LLC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a full-time, year-round position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. Once processing activities commence, the *Assistant Cultivator* duties switch to oversight and management of processing the dried medical cannabis. This is a full-time, seasonal position.

- Laborer: Provides assistance with planting, day to day maintenance, cultivation operations (watering, leafing), harvesting, and machine trimming operation. This is a part-time to full-time, seasonal position.

2.6.2. STAFFING REQUIREMENTS- UPDATED 6-17-19

In addition to the *Agent, Lead Cultivator, and Assistant Cultivator positions*, up to two (2) general laborers are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of four (4) employees on site. A total of four parking spaces will be provided at the cultivation site. An accessible parking stall will be located at the processing building.

2.6.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting, drying, and trimming is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers; trim machine use and cleaning; and correct hand trimming methods. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

2.6.4. TOILET AND HANDWASHING FACILITIES

The proposed drying and processing building will include one (1) ADA-compliant restroom, including a working flush toilet as well as a sink with hot and cold running water. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 1,320 feet from the restroom facility.

2.6.5. ON SITE HOUSING

No new residential structures are proposed as a part of this project. Employees will live in town and will commute to the site.

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

The cultivation facilities, including greenhouses and processing building are enclosed in a secure privacy fence. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. Security cameras will be installed at the main access gates and at entrances to the facilities. EMERALDD HOLDINGS, LLC is seeking to employ a licensed private security firm in the future.

2.7.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 5 AM and extend no later than 10 PM.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Refer to section 1.4.2 for water source.

EMERALD HOLDINGS, LLC utilizes water management strategies such as hand watering and drip emitters to conserve water use.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
-	-	-	8,000	16,000	24,500	36,500	30,000	24,500	16,000	-	-

3.2. WATER STORAGE - UPDATED JUNE 2019

Water storage for cultivation use is provided in the form of water storage tanks. Per the latest inventory (2019) a total of 87,500 gallons of cultivation water storage exists on the site in the form of poly-plastic tanks (2,500 to 5,000 gallon). Water for fire protection purposes are held in a 5,000-gallon water tank.

Additional water storage for cultivation use will be provided in a proposed rainwater catchment pond. The capacity of the pond will be 500,000 gallons for a total 550,000 gallons of water storage for cultivation purposes.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

EMERALD HOLDINGS, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

3.3.1. SITE DRAINAGE AND RUNOFF

Cultivation facilities will meet all required setbacks from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.3.2. EROSION CONTROL

EMERALD HOLDINGS, LLC will utilize best management practices including but not limited to:

1. Maintenance of roads, including rocking and armoring.
2. Proper management of solid, liquid and cultivation waste (see section 3.8)
3. EMERALD HOLDINGS, LLC will secure a DFW LSAA for its culverts and stream crossings.
4. Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
5. Irrigation and application of fertilizers will be applied at argonomic rates.

6. Regulated products will be safely stored with secondary containment (see section 3.7)

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

3.6. ENERGY AND GENERATOR USE

On-site electricity will be provided by PG&E for all cultivation and domestic uses. Generators will be utilized on a temporary basis until an electrical service drop can be installed by PGE.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES - UPDATED 6-17-19

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage shipping container, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and

storage of regulated products. The cultivation manager will secure a pesticide applicator's license and report usage to the County of Humboldt Department of Agriculture.

3.7.2. FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Mycorrhizal – 2 lbs
- Worm Castings – 2 bags
- Oyster – ½ bag
- Dr Earth All Purpose – ½ bag
- Bone Meal – 1 bag

See Appendix B - *Regulated Products Resource List* for product details.

3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Sulphur

See Appendix B - *Regulated Products Resource List* for product details.

3.7.4. FUELS AND OILS

There are no fuels and oils stored on site.

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers will be located near the processing building. The trash containers are enclosed within a fenced area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area. Spent potting soil is stored in the storage buildings. The soil containment area is lined to prevent any soil erosion or nutrient seepage. After consultation, the soils are amended and reused. Used pots will be collected and stored in the storage building for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

Dripline and hand watering methods minimize the over-irrigation of plants and subsequent runoff. Moreover, there is a leach field which will absorb any excess runoff.

There is no septic system in place now. EMERALD HOLDINGS, LLC will develop a septic system for the proposed processing facility as required for a commercial structure.

A portable toilet will be utilized and serviced as needed at the cultivation site to meet toilet facility access/distance regulations for agricultural field workers. See siteplan.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the EMERALD HOLDINGS, LLC logo, and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

4.2. PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

Appendix B: Cultivation Activities Schedule

Appendix C: References

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.
<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.
<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H507445

CERTIFICATE H100578

Right Holder: *Emerald Holdings, LLC*
460 Valle Vista
Oakland, CA 94610

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 10/01/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Unnamed Stream	South Fork Eel River	40.124066	-123.816525	Humboldt	222-222-003

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	222-222-003	0.3

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/28/2019.

The place of use is shown on the map filed on 06/28/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.40 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.41 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.** For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage

requirements, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:

<https://www.waterboards.ca.gov/cannabis>.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to: 1) the submittal of an annual report of water use; and 2) satisfactory renewal, on forms prescribed by the State Water Board. This right is also subject to payment of annual fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 06/28/2019 11:04:19

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ATTACHMENT: IMPORTANT INFORMATION ABOUT YOUR NEW REGISTRATION

Viewing Your Water Right Online

The State Water Board maintains the electronic Water Rights Information Management System (eWRIMS), a computer database where you may view the current information related to your water right(s). The database can be accessed at the following website:

<http://www.waterboards.ca.gov/ewrims>

Conditions

You are responsible for complying with the terms and conditions for construction and the diversion and use of water specified in your registration certificate. Violation of these terms and conditions may be subject to enforcement.

The conditions in your registration certificate include the general conditions from the State Water Board, including the requirement that you have obtained and are in compliance with all necessary permits or other approvals required by other agencies. As discussed below, the registration certificate may also include conditions imposed by the California Department of Fish and Wildlife (CDFW).

The CDFW may impose lawful conditions on your water right at any time. Any conditions the CDFW submitted to the State Water Board for your water right are enclosed. If the CDFW has not imposed any conditions as of the date of this letter, the CDFW may still impose conditions at any time. If the CDFW imposes or modifies any conditions, they will provide those conditions to you and the State Water Board.

By submitting the registration form to the State Water Board, you certified that you will comply with all lawful conditions, whether required by the State Water Board or the CDFW. This includes conditions for impacts that commenced prior to the date the registration form was submitted to the CDFW or the State Water Board. Failure to comply with the conditions will subject your water right to revocation and enforcement action by the State Water Board.

Your water right is subject to prior rights. This means that, with respect to other water rights from this source, the priority of your right commences with the date of filing your registration. In times of water shortage, therefore, those with rights senior to yours are entitled to take their full amount of water first.

There may be times when water is flowing in the stream, but you are not able to divert under the water right. Certain registration certificates include bypass requirements. If there is not enough water to meet the bypass flow requirement, you must stop diverting or limit your diversions to ensure that the bypass requirement is met. In each watershed, the right holders must divert in accordance with the priority of their rights. The priority of the water right is the date that the application or registration was filed, and is listed near the top of the water right. In times of water shortage, a junior right holder must stop diverting if there is not enough water to serve a more senior right. If applicable, the water availability analysis prepared for your registration likely describes conditions when there is either limited or no water for your use. You can determine the rates or quantities of water diverted under other rights in your watershed by reviewing the State Water Board's computer database at the following website: <http://www.waterboards.ca.gov/ewrims>

Small Domestic Use Registrations and Irrigation of Commercial Crops

For parties with small domestic use registrations (SDU), if your water right includes the Domestic purpose of use, be aware that you cannot use water diverted under this water right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment (e.g. home or cabin) within the place of use. Although an SDU is not available for the cultivation of commercial cannabis, a commercial cannabis cultivator may hold an SDU for their domestic use, including the potential incidental irrigation of up to six cannabis plants per establishment that are cultivated for personal use only. **The California Department of Food and Agriculture will not issue a Cannabis Cultivation License for cultivation with a source of water supply based on an SDU.**

For more information about water rights topics related to cannabis cultivation, please visit this website:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml

Reporting, Measuring and Monitoring

On March 21, 2016, regulations regarding the measurement and reporting of water diversions adopted by the State Water Board became effective. The regulations require all water right holders, including holders of registration certificates, to electronically report the diversion and use of water on an annual basis. Additionally, measurement and monitoring requirements apply for some registration certificates that meet certain criteria. It is your responsibility to review the regulations to determine if your project needs to measure and monitor under this right. These requirements may change over time due to either modification of your project or the measurement requirement. Some common triggers for monitoring and measurement relevant to registrations are:

1. **PLN-12823-CUP Greentech Industries, LLC** May 6, 2021
If your registration is for annual diversion of 10 acre feet or less, but covers a reservoir with a capacity of greater than 10 acre

3. If you use the point of diversion or place of use under another basis of right, depending on total amount diverted under all relevant basis of right.

It is your responsibility to keep accurate records of the diversion and use of water and keep the State Water Board informed of your ongoing compliance with the terms of your registration. You are required to submit a separate report for each registration. Your report will include information regarding your compliance with the conditions of your registration and your diversion and use of water. (Wat. Code, § 348.; Cal. Code Regs., tit. 23, § 907 et seq.) In addition to the reporting requirements, you may also be required to measure and/or monitor the amount of water you divert and use and related information. If you do not meet the criteria requiring measurement and/or monitoring, you must provide an estimate of the amount of water you divert and use. For more information about your reporting, measuring and monitoring requirements, please visit the State Water Board's website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml

Reports must be submitted to the State Water Board through the Report Management System (RMS), a component of eWRIMS. Unique RMS Credentials are associated with your registration record, and they will be sent to you in separate correspondence. These credentials are needed to complete your reporting requirement. To access RMS, you may use your RMS Credentials or create your own account with a unique User ID and Password. If you choose to create your own account, you will need the RMS Credentials to associate your registration record with your account for reporting purposes. RMS is available on the State Water Board's website at:

<http://www.waterboards.ca.gov/rms>

The State Water Board will not remind you when reporting is due. However, the State Water Board has developed an electronic notification system to provide certain general reporting and fee payment reminders to water right holders and claimants. The State Water Board encourages you to subscribe by visiting the following website:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml (select Water Rights and then Water Rights Reporting Notification)

Renewal Requirement

Your registration is subject to renewal every five years. Renewal of your registration can only occur if you are in substantial compliance with the reporting requirements of the State Water Board and have paid the renewal fee. More information about the reporting and fee requirements is provided in this fact sheet. If you do not meet these two requirements, your registration will be revoked by operation of law. At the conclusion of each five-year period, the State Water Board will review your record to determine if your registration should be renewed or revoked. When your registration is renewed, it will be subject to the State Water Board's general conditions that are in effect at that time.

Fees

You are responsible for paying all required fees. The current fee is \$750 due annually. The State Water Board's fees, including the registration renewal fee, are published in a fee schedule that is reviewed and updated periodically. For more information regarding the water rights fee schedule, please visit the State Water Board's water right fees web page at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/ (select Water Rights and then Water Rights Reporting Notification)

Official Mail Receiver and Party Records

The eWRIMS database identifies the current Official Mail Receiver for your registration. The State Water Board requires designation of an Official Mail Receiver to receive all correspondence related to a water right. The designated Primary Owner is normally considered the Official Mail Receiver, however if you have designated an Agent, then the State Water Board may consider the Agent to be the Official Mail Receiver. The State Water Board may direct all communication to the Official Mail Receiver without notifying any of the designated owners. You are required to immediately inform the State Water Board of any change in ownership of the right. (Cal. Code Regs., tit. 23, § 830 et seq.) If you would like to change the designation of, or contact information for, the Official Mail Receiver, Agent, or owners, please complete the relevant forms available on the following web site:

http://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership

Change Requests

Your registration certificate identifies the point(s) of diversion where water may be diverted and place(s) of use where water may be used. In order to change the point of diversion and/or place of use, you must submit a new registration form and obtain the State Water Board's approval with issuance of an amended certificate. The registration forms are available at the following website:

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

Statement of Water Diversion and Use

The point(s) of diversion identified in your registration certificate may also be associated with one or more Statement of Water Diversion and Use (statement) records (Wat. Code, § 5100 et seq.). You should check the eWRIMS database (see above) if you are unsure whether you have any statement records and whether they are associated with your registration. If there is a statement record associated with your registration, the statement record has one of the following two statuses that require your attention:

PLN-12823-CUP Greentech Industries, LLC

May 6, 2021

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annual reports is subject to potential monetary penalty. However, please note that Water Code section 5101, subdivision (b) provides that a statement is not necessary if the diversion and use of water is covered by a water right registration, permit or license. If you determine that all of your diversion and use of water from the point of diversion associated with the statement can be reported under the annual report for the registration, you may request to make your statement inactive to eliminate your need to complete two separate reports. Alternatively, you may choose to complete the two annual reports separately if you prefer or need to report amounts diverted separately under each right, understanding that you should not report the same amounts of water diverted and used under the separate water right types.

2. Inactive. If your statement record has a status of "inactive", then the statement record is no longer active and you are not required to submit annual reports of the diversion and use of water associated with the statement record. If the inactivation of the statement record occurred simultaneously with the issuance of your registration certificate, then it is likely that State Water Board staff determined that the statement was filed for the diversion and use of water related to your registration in order to comply with the reporting requirements of Water Code section 5100 et seq. If you feel that the statement was inactivated in error, please contact the State Water Board at (916) 341-5300.

Water Resource Protection Plan

WDID: 1B170599CHUM

APN(s): 222-222-003 (Humboldt)



Prepared by:

Timberland Resource Consultants

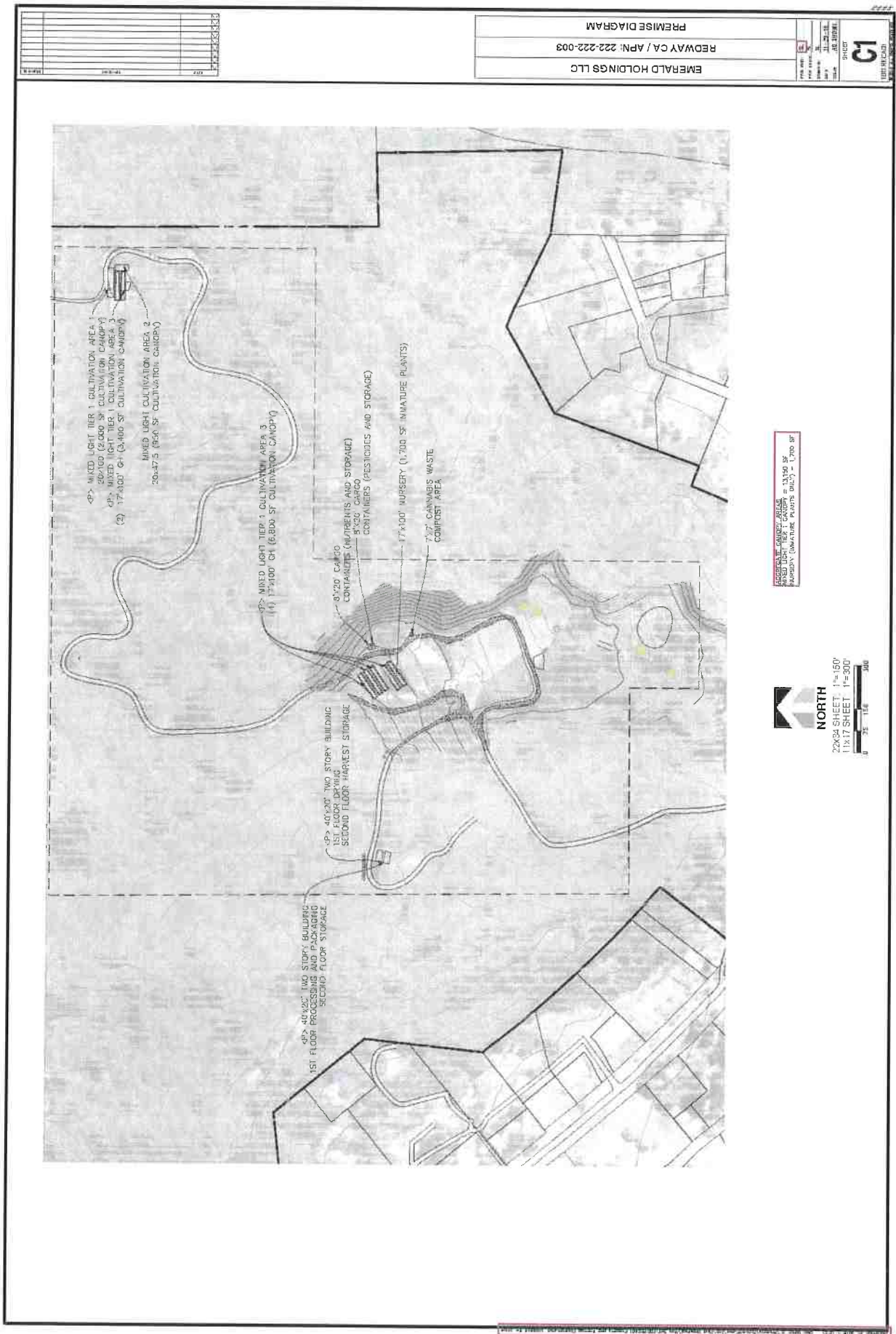
165 South Fortuna Blvd

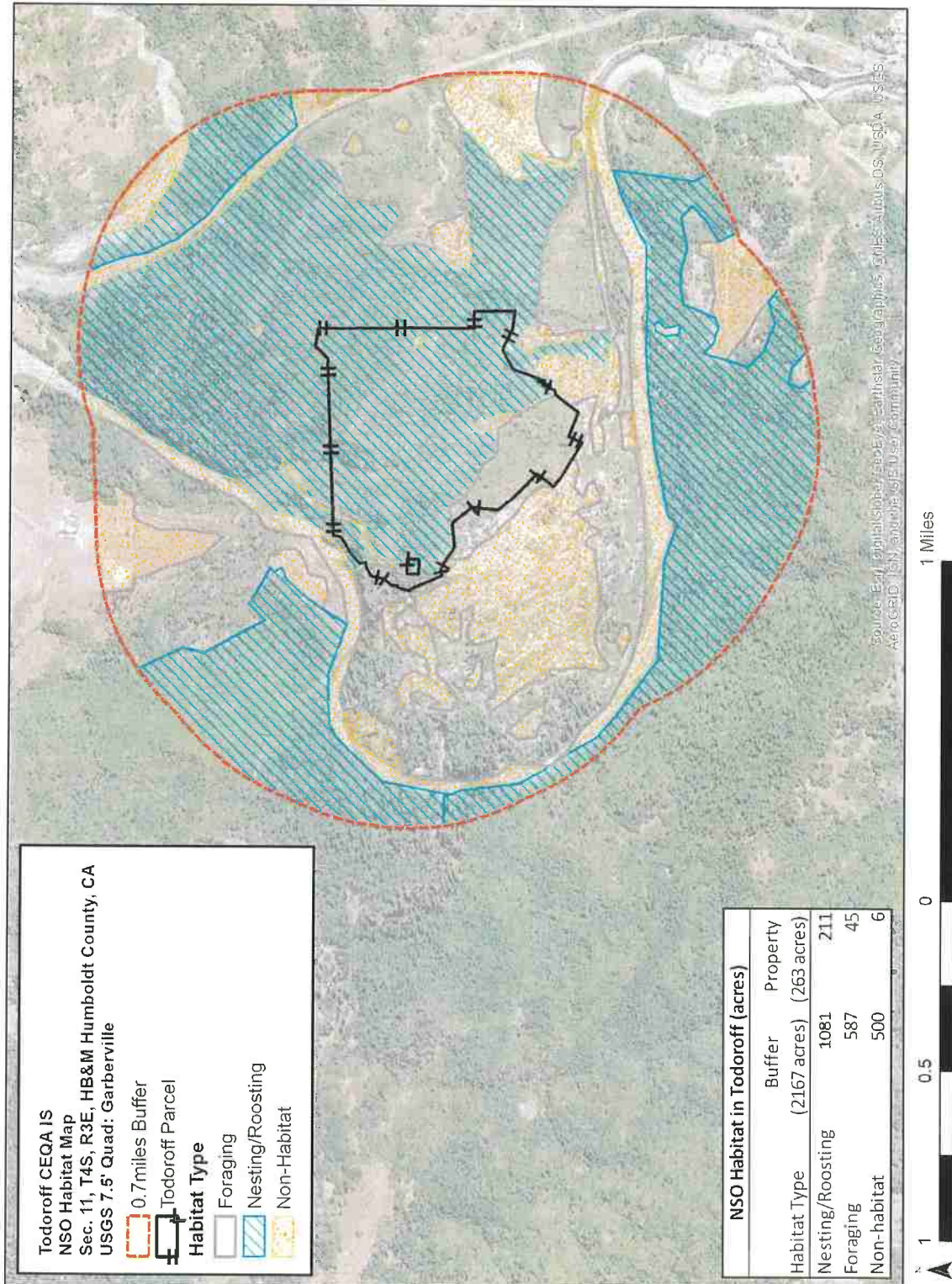
Fortuna, California 95540

11/28/2017

Revised: 3/22/2018

Attachment E. Premises Diagram





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Attachment C. Rank Definitions

Global Conservation Status Definition

Listed below are definitions for interpreting NatureServe global (range-wide) conservation status ranks. These ranks are assigned by NatureServe scientists or by a designated lead office in the NatureServe network.

- G1 Critically Imperiled** – At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2 Imperiled** – At high risk of extinction or elimination due to very restricted range, very few populations, steep declines, or other factors.
- G3 Vulnerable** – At moderate risk of extinction or elimination due to a restricted range, relatively few populations, recent and widespread declines, or other factors.
- G4 Apparently Secure** – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 Secure** – Common; widespread and abundant.
- G#G# Range Rank** – A numeric range rank (e.g. G2G3, G1G3) is used to indicate the range of uncertainty about the exact status of a taxon or ecosystem type. Ranges cannot skip more than two ranks (e.g., GU should be used rather than G1G4).

Intraspecific Taxon Conservation Status Ranks

- T# Intraspecific Taxon** (trimonial) – The status of intraspecific taxa (subspecies or varieties) are indicated by a “T-rank” following the species global rank. Rules for assigning T-ranks follow the same principles outlined above. For example, the global rank of a critically imperiled subspecies of an otherwise widespread and common species would be G5T1. A T subrank cannot imply the subspecies or variety is more abundant than the species. For example, a G1T2 subrank should not occur. A vertebrate animal population, (e.g., listed under the U.S. Endangered Species Act or assigned candidate status) may be tracked as an intraspecific taxon and given a T-rank; in such cases a Q is used after the T-rank to denote the taxon’s informal taxonomic status.

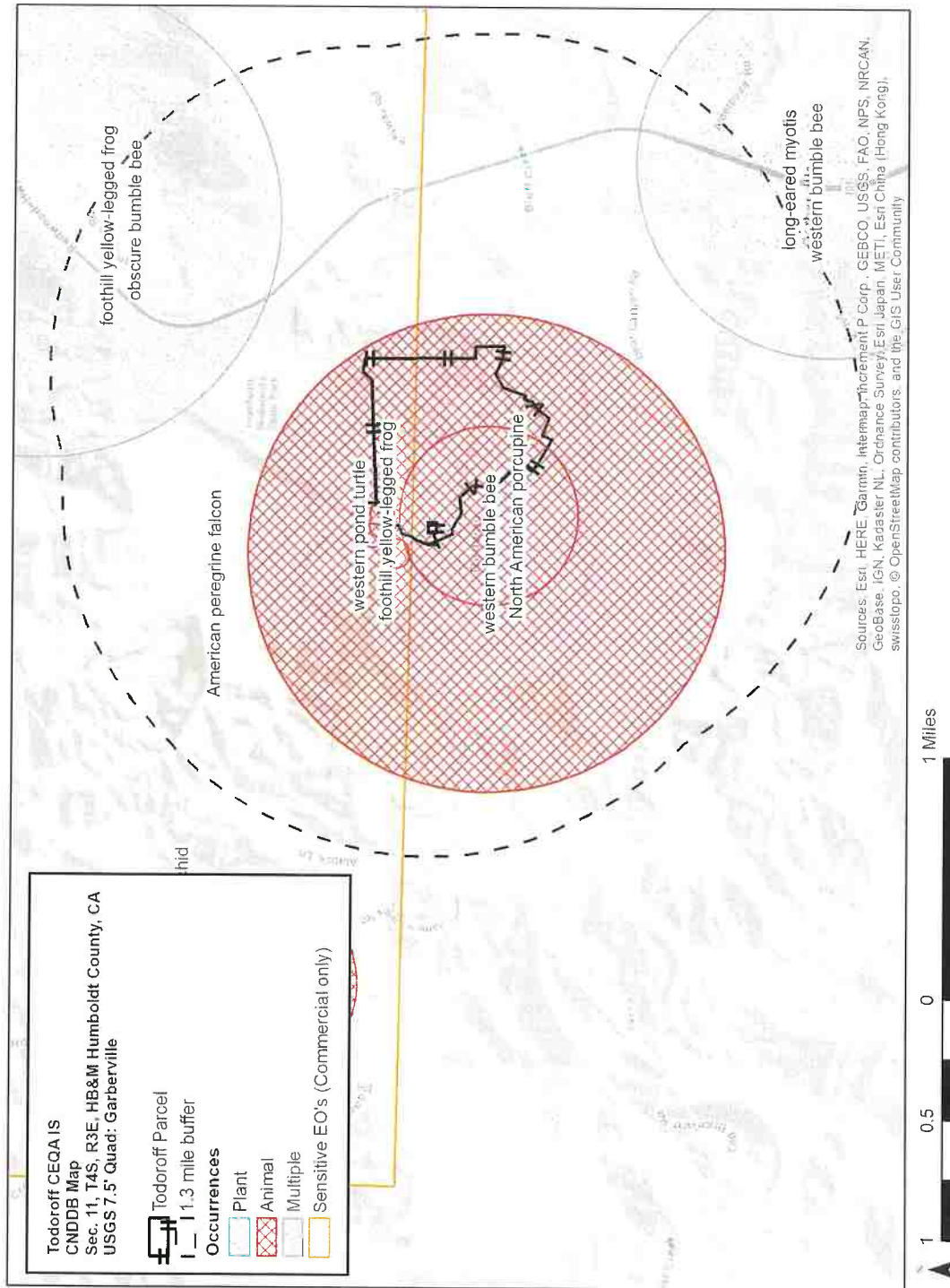
Subnational (S) Conservation Status Ranks

- S1 Critically Imperiled** – Critically imperiled in the jurisdiction because of extreme rarity or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the jurisdiction.
- S2 Imperiled** – Imperiled in the jurisdiction because of rarity due to very restricted range, very few populations, steep declines, or other factors making it very vulnerable to extirpation from jurisdiction.
- S3 Vulnerable** – Vulnerable in the jurisdiction due to a restricted range, relatively few populations, recent and widespread declines, or other factors making it vulnerable to extirpation.
- S4 Apparently Secure** – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5 Secure** – Common, widespread, and abundant in the jurisdiction.
- S#S# Range Rank** – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem. Ranges cannot skip more than two ranks (e.g., SU is used rather than S1S4).

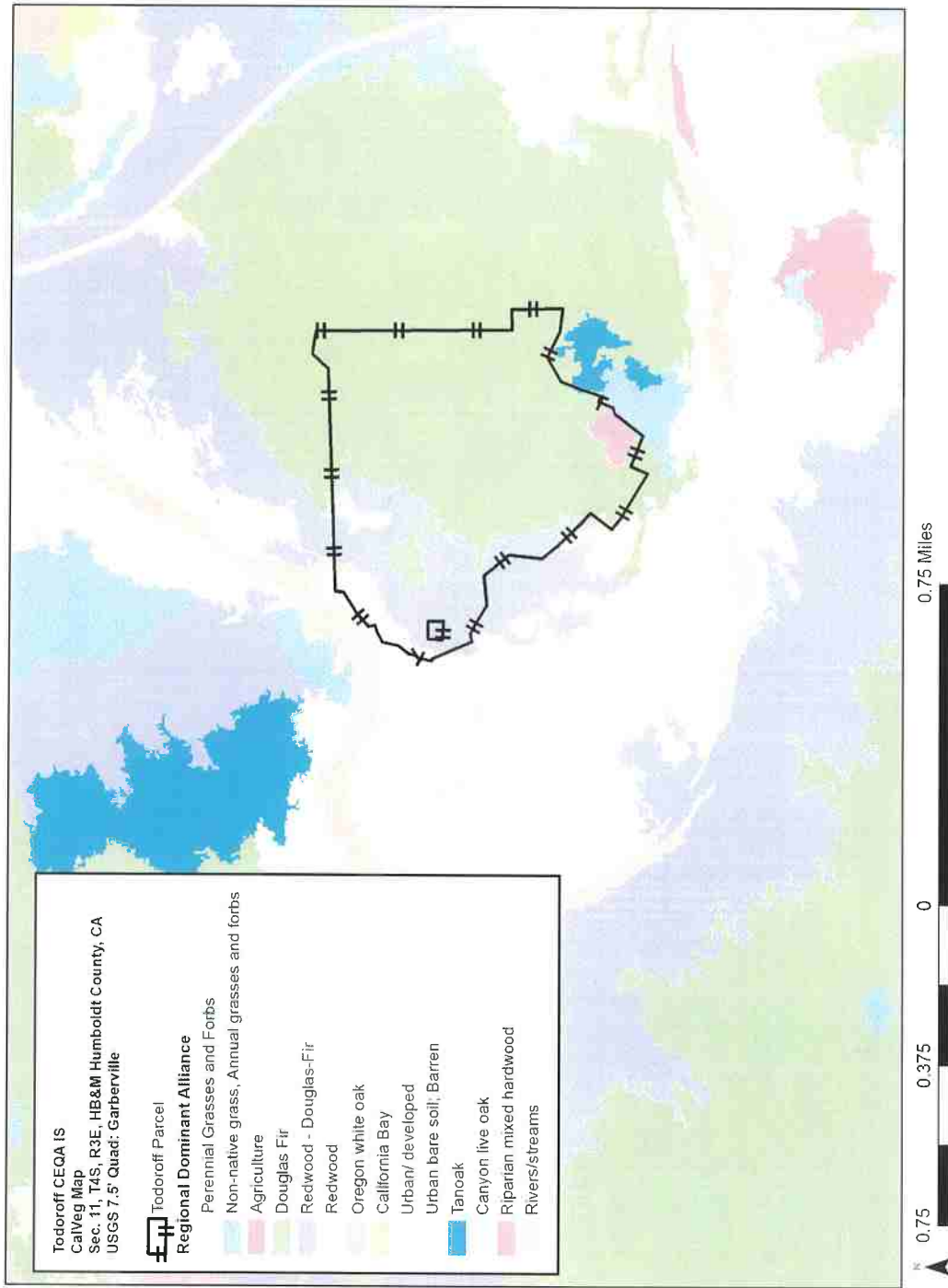
Rank Qualifiers

- ? Inexact Numeric Rank** – Denotes inexact numeric rank; this should not be used with any of the Variant Global Conservation Status
- Q Questionable taxonomy that may reduce conservation priority** – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or inclusion of this taxon or type in another taxon or type, with the resulting taxon having a lower-priority (numerically higher) conservation status rank. The “Q” modifier is only used at a global level and not at a national or subnational level.

Attachment B: Special-Status Species Search Map



Attachment A. CALVEG Vegetation Alliance Map of Surrounding Area



Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento. <<https://www.wildlife.ca.gov/Conservation/SSC/Birds>>.

Sibley, D.A., 2003. The Sibley field guide to birds of Western North America. Alfred A. Knopf, New York.

Sullivan, B.L., C.L. Wood, M.J. Iliff, R.E. Bonney, D. Fink, and S. Kelling. 2009. eBird: a citizen-based bird observation network in the biological sciences. *Biological Conservation* 142: 2282-2292.

U.S. Fish and Wildlife Service (USFWS ECOS). ECOS Environmental Conservation Online System. <<https://ecos.fws.gov/ecp/>>. Accessed November 2017.

U.S. Fish and Wildlife Service (USFWS). 2011. Revised Critical Habitat for the Marbled Murrelet: Final rule. *Federal Register* (76 FR 61599 61621). <<https://ecos.fws.gov/ecp0/profile/speciesProfile?slId=4467>>.

U.S. Fish and Wildlife Service (USFWS). 2014. Draft Species Report: Fisher (*Pekania pennanti*), West Coast Population. https://www.fws.gov/yreka/20140911_WCFSR_finaldraft.pdf.

Zeiner, D.C., W.F. Laudenslayer, Jr., K.E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Vol. I-III. California Depart. of Fish and Game, Sacramento, California. Updated by CWHR Program Staff, February 2005. <<https://www.wildlife.ca.gov/data/cwhr/life-history-and-range>>.

Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the property owner for the Humboldt county property identified as parcel numbers 222-222-003 by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

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

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Property Description

The property assessed consist of two parcels totaling approximately 262.5-acres, located in Section 11 & 14, T4S, R3E, HB&M, Humboldt County from the Garberville & Miranda 7.5' USGS Quad Map. The property is located directly northwest of Redway, California, and is accessed by Redwood Drive. The property has a variable aspect with an elevation range of approximately 440' to 1,062' above sea level. The project area contains un-named tributaries to the South Fork Eel River.

Project Description

There is currently one cultivation area located on the property, referenced as Cultivation Area A. Cultivation on the property consists of raised beds in greenhouses on graded flats totaling approximately 36,800 ft² of greenhouse cultivation within a graded footprint of 100,200 ft². All water used for irrigation is derived from surface water diversion pending CDFW finalization. (Notification #1600-2017-0403-R1).

Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third-party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

Monitoring Plan Reporting Requirements

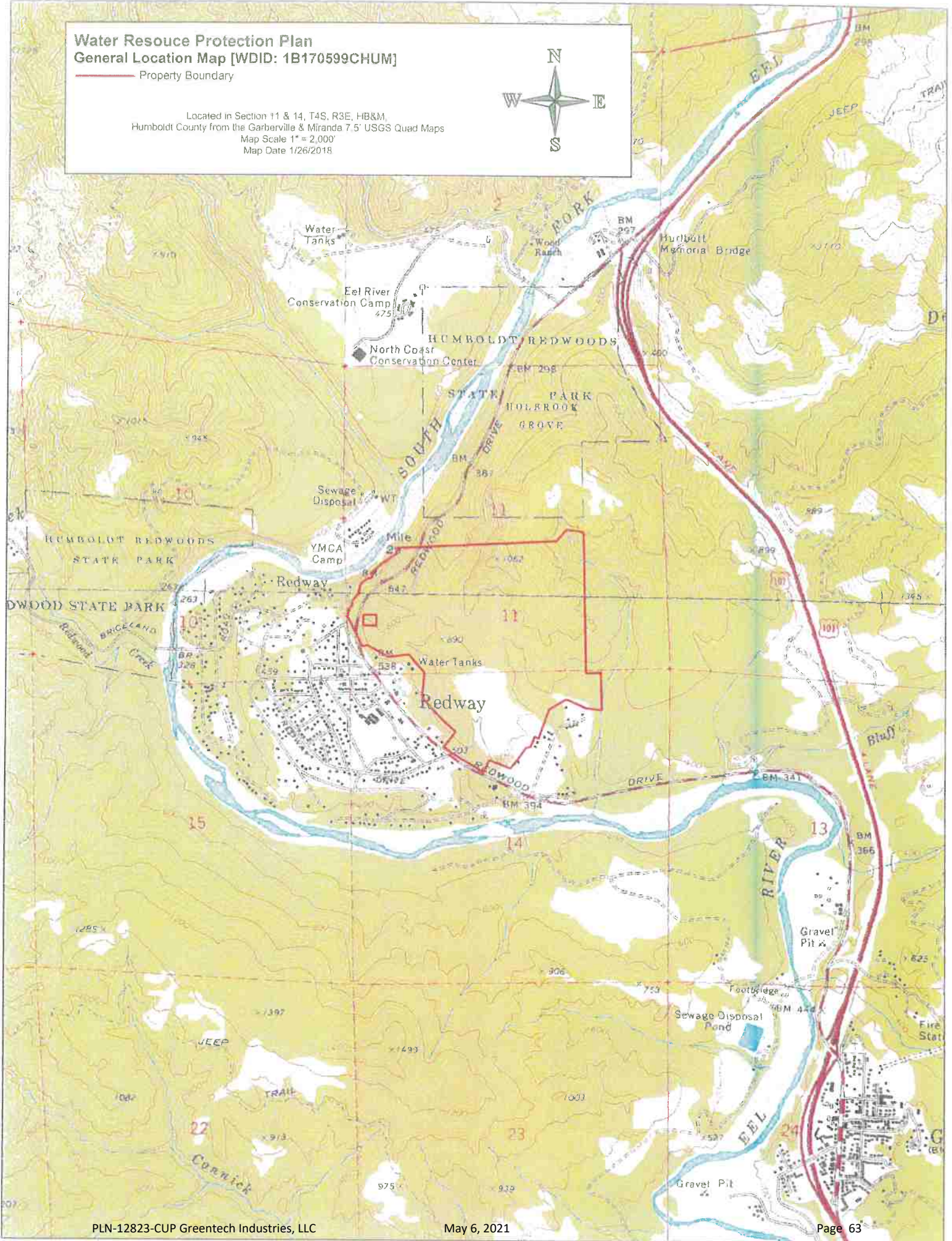
Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov.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

**Water Resource Protection Plan
General Location Map [WDID: 1B170599CHUM]**

Property Boundary



Located in Section 11 & 14, T4S, R3E, HB&M,
Humboldt County from the Garberville & Miranda 7.5' USGS Quad Maps
Map Scale 1" = 2,000'
Map Date 1/26/2018



Assessment of the Standard Conditions*

Assessment of Standard Conditions consisted of field examinations in the winter of 2018. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

Summary of Standard Conditions Compliance

1. Site Maintenance, Erosion Control, and Drainage Features Y ☐/N ☒
2. Stream Crossing Maintenance Y ☐/N ☒
3. Riparian and Wetland Protection and Management Y ☒/N ☐
4. Spoils Management Y ☒/N ☐
5. Water Storage and Use Y ☐/N ☒
6. Irrigation Runoff Y ☒/N ☐
7. Fertilizers and Soil Amendments Y ☒/N ☐
8. Pesticides and Herbicides Y ☒/N ☐
9. Petroleum Products and other Chemicals Y ☒/N ☐
10. Cultivation-Related Wastes Y ☒/N ☐
11. Refuse and Human Waste Y ☐/N ☒

1. Site Maintenance, Erosion Control, and Drainage Features

Roads are being classified as “permanent” (being used year-round), “seasonal” (being used primarily during summer months), “trails” (being used rarely to access areas of the property inaccessible by vehicle), and “decommissioned” (being no longer used).

Permanent roads consist of a main access road to the property, water infrastructure, and the cultivation area. This main access road is surfaced and in suitable condition with adequate drainage structures. Only one location on the permanent road (Site 09) is experiencing erosion issues. Seasonal roads are unsurfaced and used to access water infrastructure, legacy cultivation areas, and a cabin. Seasonal roads are well drained with numerous waterbars installed for the wet season and are not planned to be used during the winter. The waterbars will be removed for summer operations, as access is needed. Some of these waterbars (Site 13 & 14) have been damaged by vehicle use. One waterbar (Site 22) will need to be upgraded permanently to a rolling dip, once the waterbars are removed and the seasonal road used again. Some of the waterbars, in appropriate locations, will need to be permanently upgraded to rolling dips if the waterbars are not re-installed yearly prior to the wet season and the road is used during the wintertime. Decommissioned roads are drained for long term abandonment with no plans for future use. Further details can be found in the Mitigation Report to follow.

Summary of Standard Conditions Compliance (Cont.)

No unstable areas, nor evidence of the potential of road/surface related runoff to create unstable areas, was noted during the assessment of the property. Stockpiled construction materials are stored in locations that cannot be transported to receiving waters.

During inspection of the roads, cultivation areas, and watercourses, seven sites were identified where road surface runoff was not being adequately dispersed, drained, and/or erosion of the road surface was occurring. All of these sites require either the installation of drainage features or the maintenance of drainage features. Further details can be found in the Mitigation Report to follow.

Cultivation Area A is located on a natural bench, table top bluff, that has been graded into several distinct terraced pads with slopes less than 5% and adjoining natural hillslopes less than 10%. Vegetation surrounding the cultivation area is timberland with the nearest watercourse being a Class III watercourse to the west approximately 140' away. Drainage and erosion issues were observed within the cultivation area at Sites 08 – 11.

Runoff from the cultivation area is traveling down two inside ditches on the northern and southern side of the permanent road at Site 10. The inside ditch on the southern side is draining across the road at Site 09 and discharges into brush to the southwest of Site 09. These flows are eroding the road pad and downcutting the road fillslope. The inside ditch on the northern side of Site 10 continues into the inlet of the stream crossing at Site 07. See the attached photos and the Detail View Map for further details. Interim and permanent mitigation measures can be found in the Mitigation Report to follow.

2. Stream Crossing Maintenance

There are thirteen stream crossings located on the property. Seven of these crossings have existing structures, four crossings are drainage facilities with dirt fords, the last is a decommissioned crossing. All crossings require either the installation, replacement, or modification of drainage structures and features. Due to the properties location within Cal Fire's very high fire risk area, metal culverts shall be used for all new, replaced, and upgraded culverts. Further details can be found in the Mitigation Report to follow.

A Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife has been filed for the replacement or installation of culverts in watercourses. (Notification #1600-2017-0403-R1). Any additional guidelines, treatments, or restrictions set forth under the finalized Lake and Stream Agreement shall be followed.

ID#	Existing Culvert (D) Diameter (in)	Headwall (HW) Height (in)	HW/D (ratio)	Selected Discharge Method	Q100 (cfs)	Culvert Capacity (cfs)	Culvert is Undersized	Recommended Culvert Dia. (in)	Recommendation Based On
Site 06	12	0	0.0	RATIONAL	12	0	TRUE	24	Q100
Site 07	12	0	0.0	RATIONAL	8	0	TRUE	24	Q100
Site 15	18	0	0.0	RATIONAL	11	6	TRUE	24	Q100
Site 16	24	0	0.0	RATIONAL	4	12		24	Q100
Site 17	24	0	0.0	RATIONAL	17	12	TRUE	30	Q100
Site 18	24	0	0.0	RATIONAL	5	12		24	Q100
Site 19	18	0	0.0	RATIONAL	5	6		18	Q100
Site 20	0	0	0.0	RATIONAL	2	0	TRUE	18	Q100
Site 21	0	0	0.0	RATIONAL	2	0	TRUE	18	Q100

Summary of Standard Conditions Compliance (Cont.)

3. Riparian and Wetland Protection and Management

Assessment of the property concluded that cultivation areas and associated facilities are not located or occurring within 100' of any Class I or II watercourse or within 50' of any Class III watercourse or wetland, buffers maintain natural slopes with native vegetation, and buffers are of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.

4. Spoils Management

Currently, no spoils are stored or placed in or where they can enter any surface water. Any/all spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters. Any/all spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas have not been sidecast in any location where they can enter or be transported to surface waters.

If any further spoiling material is required, such as from stream crossing installation or other grading, the discharger shall follow the BMPs in Appendix B of the Order, under Spoil Management. Spoil sites shall be located outside any standard width riparian area (50' for Class III and 100' for Class III) and shall be stabilized and contained as per the BMPs.

5. Water Storage and Use

All water on the property is derived from a surface water diversion. The surface water diversions meet and exceed the required water demands for agricultural use and domestic use.

Diversion intake infrastructure at the Point of Diversion consists of a wooden box placed in a Class II watercourse. Attached to this box is a 1-inch poly-pipe that conveys water to a 2,500-gallon storage tank downstream. Water from this tank is then pumped upslope to water storage areas.

At this time, the discharger has 46,450 gallons of water tank storage installed. This volume of storage is insufficient to allow for full forbearance during the Forbearance Period. The discharger shall obtain adequate water storage so that stored water provides adequate water resources for the Forbearance Period.

It is estimated that the discharger uses approximately 271,000 gallons of water during the forbearance period for agricultural use. The discharger shall obtain approximately another 224,550 gallons of water storage installed and filled prior to the 150-day Forbearance Period from May 15th to October 15th, determined by the Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife.

Water metering device(s) shall be installed in 2018 to meter water used for the irrigation of cannabis. Recorded water use data shall be used to determine remaining storage needs to meet full forbearance. Any additional storage needed to meet water needs during the Forbearance Period shall be installed and filled prior to the next Forbearance Periods. A separate water meter shall be installed to record domestic water use from the diversions. The discharger shall also implement water conservation measures such as drip line

Summary of Standard Conditions Compliance (Cont.)

irrigation, morning or evening watering, and mulch or cover cropping of cultivated top soils. Monthly water use estimates with the season total are as follows below.

	Jan	Feb	March	April (40%)	May (65%)	Jun (85%)	Jul (100%)	Aug (100%)	Sep (75%)	Oct (25%)	Nov	Dec
Agriculture				22816	35880	46920	55200	55200	41400	13800		
Sq. ft. =												
36,800												
% = percent of peak usage												
Total AG Water Use =												271216

A Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife, as well as an Initial Statement of Water Diversion and Use with the California State Water Resource Control Board Division of Water Rights, has been filed for the use of the surface water diversion. (Notification #1600-2017-0403-R1). Any additional guidelines, treatments, or restrictions set forth under the finalized Lake and Stream Alteration Agreement shall be followed.

6. Irrigation Runoff

During multiple visits to the property, no irrigation runoff, or evidence of such runoff, was observed at any of the cultivation sites.

7. Fertilizers and Soil Amendments

No fertilizers or soil amendments were found stored on the property. The discharger shall ensure that fertilizers and soil amendments are stored in structures on the property in a manner in which they will not enter or be transported into surface waters and so that nutrients or other pollutants will not be leached into groundwater. Soil and amendment piles shall be either used or contained with staked wattles or earthen berms, yearly, prior to the wet season. Fertilizers and soil amendments shall be applied and used per the manufacturers guidelines.

8. Pesticides and Herbicides

No pesticides or fungicides were found stored on the property. The discharger shall ensure that all pesticide and herbicide products on the property are currently used, and stored in closed structures, to ensure that they do not enter or are released into surface or ground waters and that the use of pesticide products is consistent with product labeling.

9. Petroleum Products and Other Chemicals

Currently, there is no bulk fuel storage is present on the property. Fuel is stored in small canisters in a shed adjacent to a camper trailer at Cultivation Area A.

All bulk fuel storage or petroleum products, any/all future petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers shall be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient cover shall be provided to prevent any/all precipitation from entering said secondary containment vessel. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals. Discharger(s) shall implement spill

Summary of Standard Conditions Compliance (Cont.)

prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite if the volume of a fuel container is greater than 1,300 gallons. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

10. Cultivation-Related Wastes

Organic cultivation-related wastes are collected from the cultivation areas and either composted or are burned in the winter. No organic cultivation-related wastes are stored or discarded in a location where these wastes can enter surface waters.

Non-organic cultivation-related wastes are stored temporarily in trash bags in lidded trash cans adjacent to the camper trailer and break area. Wastes are also stored in a dumpster which is collected weekly. Bulk wastes are stored in a covered utility trailer for disposal at the local waste transfer station. No non-organic cultivation-related wastes are stored or discarded in a location where these wastes can enter surface waters.

11. Refuse and Human Waste

Garbage and refuse is stored temporarily in trash bags in lidded trash cans adjacent to the camper trailer and break area. Wastes are also stored in a dumpster which is collected weekly. Bulk wastes are stored in a covered utility trailer for disposal at the local waste transfer station. However, refuse from legacy cultivation activities located at Sites 23, 30, 32, and 33 have the potential to enter surface waters. Further details can be found in the Mitigation Report to follow.

Human waste is disposed of via the camper trailer and two portable toilets located at Cultivation Area A. The human waste disposal location is located far from surface waters and is no threat to water quality. It is the discharger's responsibility to ensure compliance with the Humboldt County Department of Environmental Health and Human Services.

Summary of Standard Conditions Compliance (Cont.)

12. Remediation/Clean-up/Restoration

Currently, five of the Standard Conditions are not being met; Site Maintenance, Erosion Control, and Drainage Features, Stream Crossing Maintenance, Water Storage and Use, Cultivation-Related Wastes, and Refuse and Human Waste. Sites will be treated in accordance with regulations, following approval of any and/or all necessary permits, and done in accordance with the BMP's listed in Appendix B of the Order and those included in this WRPP. Additionally, several other general recommendations have been made as follows:

General Recommendations

- ☐ Fertilizer, soil amendments, and pesticide use it to be recorded in such a manner that cumulative annual totals are recorded for annual reporting.
- ☐ Water use shall be designed and metered such that water used for the irrigation of cannabis will be recorded separately from domestic use. Water use for the irrigation of cannabis is to be recorded monthly for annual reporting.
- ☐ Frequent use of un-surfaced roads should be avoided, particularly when road surfaces are soft/saturated.
- ☐ All culverts should be inspected regularly during the winter months to check for plugging, blockage, or other issues.
- ☐ Existing or newly installed road surface drainage structures such as water bars, rolling dips, ditch relief culverts, and intentionally in/out-sloped segments of road shall be maintained to ensure continued function of capturing and draining surface runoff.
- ☐ Utilize spill trays when fueling portable generators or water pumps to prevent the potential for leeching, seepage or spillage.

Interim Measures

- ☐ Site 08: Install a minimum of three staked wattles at 5 to 10-foot intervals across the inside ditch.
- ☐ Site 11: Install a minimum of three staked wattles at 5 to 10-foot intervals across the runoff capture ditch.

Attached Photos



Site 08 – Top photo: Looking East up the inside ditch to Site 10. Sediment fines are present in the inside ditch. Bottom photo: Looking West from Site 08 with the watercourse crossing culvert inlet at Site 07 visible in the background with sediment fines in the inside ditch leading into the inlet of the watercourse crossing.



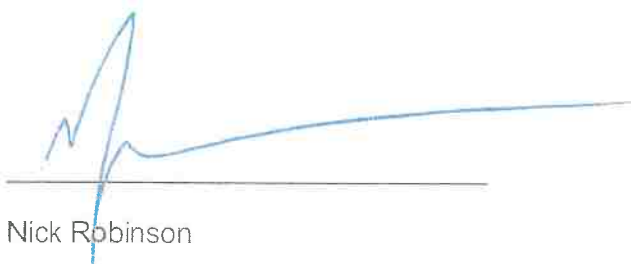
Site 09 – Top photo: Looking West down the inside ditch to the road at Site 09.

Bottom photo: Looking North at Site 09 showing the rilling of the road pad and downcutting of the fillslope.

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF WATER RESOURCE PROTECTION PLAN

Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APN 222-222-003 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted. Changes due to land use activities or environmental factors occurring after this inspection have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.



Nick Robinson

Timberland Resource Consultants

Water Resource Protection Plan Site Map [WDID: 1B170599CHUM]

- Property Boundary
- Sites
- Cultivation Area

Roads

- Redwood Drive
- Permanent
- Seasonal
- Decommissioned
- Trail

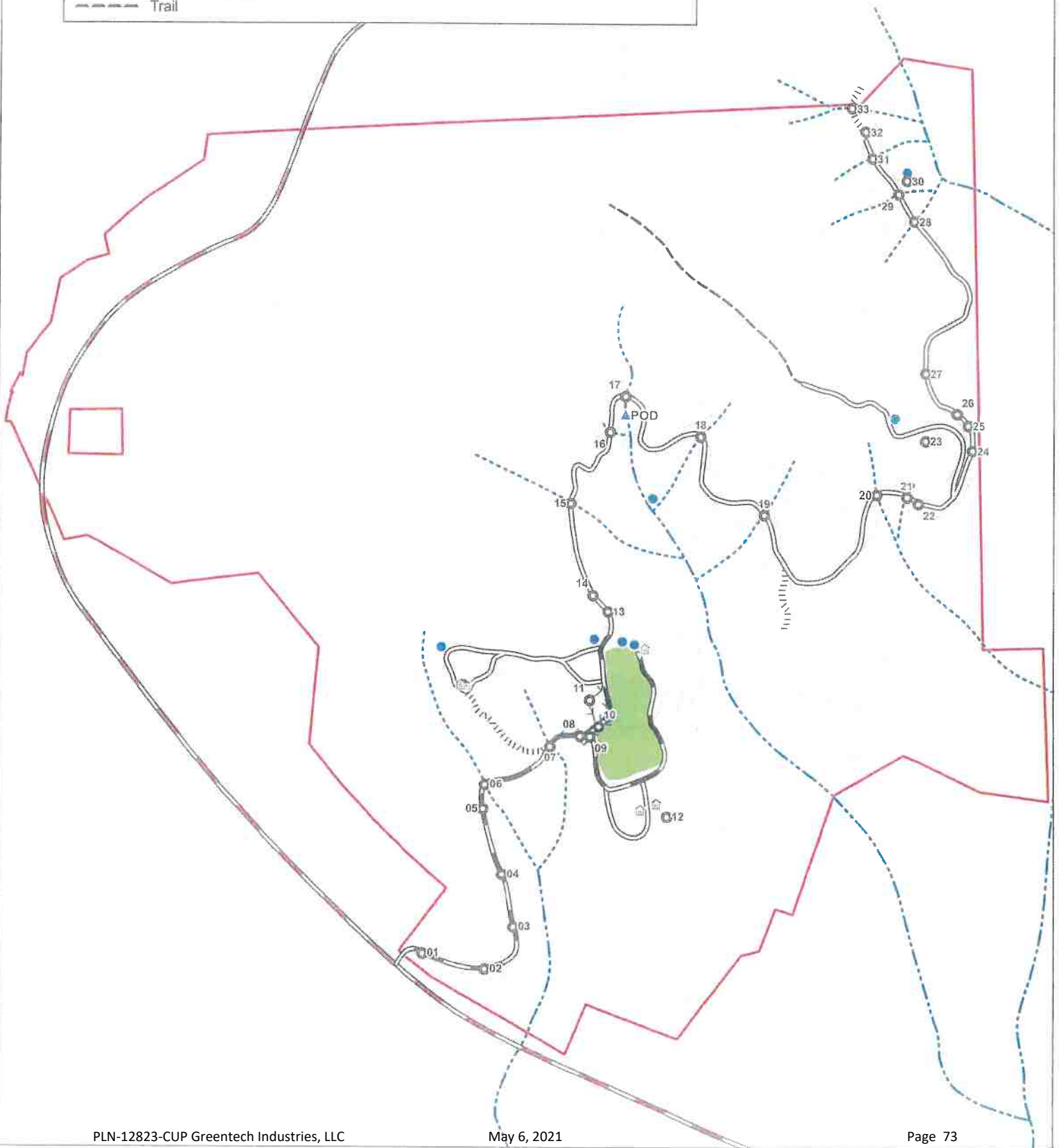
Watercourses

- Class II
- - - Class III

- Water storage tank
- ▲ Point of Diversion (POD)
- Residence
- Cabin/Shed



40' contour intervals
Map Scale 1" = 550'
Map Date 1/26/2018



Water Resource Protection Plan Site Map [WDID: 1B170599CHUM]

Property Boundary



Sites



Cultivation Area

Roads

Redwood Drive

Permanent

Seasonal

Decommissioned

Trail

Watercourses

Class II

Class III



Water storage tank



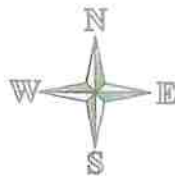
Point of Diversion (POD)



Residence



Cabin/Shed



2016 NAIP DOQ
Map Scale 1" = 550'
Map Date 1/26/2018



Water Resource Project
Detail View Map [WDR-001]

2016
Map Scale
Map Date

CA A

07 08 09 10 11 13 14

PLN-12823-CUP Greentech Industries, LLC

May 6, 2021

WRPP - Mitigation Report

WDID# - 1B170599CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
1	-123.819371 40.117713	Permanent	-	X	-	A.1.	-	
Current Condition: 18-inch diameter ditch relief culvert functioning adequately.						Prescribed Action: None. Maintain and Monitor.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
2	-123.818438 40.11754	Permanent	-	X	-	A.1.	-	
Current Condition: 18-inch diameter ditch relief culvert functioning adequately.						Prescribed Action: None. Maintain and Monitor.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
3	-123.818019 40.118028	Permanent	-	X	-	A.1.	-	
Current Condition: 18-inch diameter ditch relief culvert with an approximately 50-foot full-round downspout functioning adequately.						Prescribed Action: None. Maintain and Monitor.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
4	-123.8182 40.118628	Permanent	-	X	-	A.1.	-	
Current Condition: 18-inch diameter ditch relief culvert with an approximately 10-foot full-round downspout functioning adequately.						Prescribed Action: None. Maintain and Monitor.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
5	-123.818492 40.119379	Permanent	-	X	-	A.1.	-	
Current Condition: 18-inch diameter ditch relief culvert with an approximately 15-foot full-round downspout functioning adequately.						Prescribed Action: None. Maintain and Monitor.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
6	-123.818466 40.11966	Permanent	X	X	X	A.2.	Prior to 10/15/19 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a 12-inch diameter corrugated metal pipe. The crossing is undersized, too short, has a buried inlet, and is rusted out.						Prescribed Action: Interim Measures: Clear inlet of debris and sediment. Permanent Measures: Upgrade to a 36-inch diameter culvert at least 60-feet long per attached specifications.		

WRPP - Mitigation Report

WDID# - 1B170599CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
7	-123.817493 40.120108	Permanent	X	X	X	A.2.	Prior to 10/15/19 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a 12-inch diameter corrugated metal pipe. The crossing is undersized and rusted out.						Prescribed Action: Upgrade to a 30-inch diameter culvert at least 60-feet long per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
8	-123.817045 40.120229	Permanent	X	X	-	A.1.	Interim measures Immediately; Mitigation measures prior to 10/15/18 pending the approval of any required permits	
Current Condition: An inside ditch is hydrologically connected to the watercourse at Site 07.						Prescribed Action: Interim Measures: Install three staked wattles at 5 to 10-foot intervals across the inside ditch between Site 07 and Site 10. Permanent Measures: Install an 18-inch diameter ditch relief culvert per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
9	-123.816893 40.120224	Permanent	X	X	-	A.1.	Interim measures Immediately; Mitigation measures prior to 10/15/18 pending the approval of any required permits	
Current Condition: Concentrated runoff from the cultivation area is traveling down an inside ditch and is draining across the road at Site 09. These flows are eroding the road pad and fillslope.						Prescribed Action: Interim Measures: Install three staked wattles at 5 to 10-foot intervals across the inside ditch. Permanent Measures: Install an 18-inch diameter ditch relief culvert per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
10	-123.816762 40.120341	Permanent	X	X	-	A.1.		
Current Condition: Runoff from the road and cultivation area is draining down two inside ditches along the permanent road at Site 10.						Prescribed Action: None. Reference point.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
11	-123.8169 40.120641	-	X	X	-	A.1.	Interim measures Immediately; Mitigation measures prior to 10/15/19 pending the approval of any required permits	
Current Condition: An approximately 120-foot runoff capture ditch is draining onto the hillside above the northern inside ditch at Site 10, contributing to the sediment discharge associated with Site 08. The outlet of this ditch is also beginning to down cut and create a knick point.						Prescribed Action: Interim Measures: Install three staked wattles at 15-foot intervals across the runoff capture ditch. Permanent Measures: Rock armor the knick point.		



WRPP - Mitigation Report

WDID# - 1B170599CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
12	-123.815725 40.119314	-	X	X	-	A.4.	Annually prior to 10/15	
Current Condition: Large cultivation soil spoils pile contained adequately by an earthen berm around its perimeter.						Prescribed Action: None. Maintain and Monitor. Continue to contain all cultivation related soil spoils and spoils generated from earthmoving activities by earthen berm or staked wattles annually, prior to 10/15.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
13	-123.816638 40.121662	Seasonal	X	X	-	A.1.	As soon as feasible, but no later than 10/15	
Current Condition: Existing waterbar that has been damaged by vehicle use.						Prescribed Action: Re-establish waterbar.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
14	-123.816869 40.121846	Seasonal	X	X	-	A.1.	As soon as feasible, but no later than 10/15	
Current Condition: Existing waterbar that has been damaged by vehicle use.						Prescribed Action: Re-establish waterbar.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
15	-123.817225 40.1229	Seasonal	X	X	X	A.2.	Prior to 10/15/18 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of an 18-inch diameter plastic culvert. The crossing is undersized, too short, and separated with flows eroding and caving the fillslope.						Prescribed Action: Upgrade to a 30-inch diameter culvert at least 50-feet long per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
16	-123.816636 40.123729	Seasonal	X	X	X	A.2.	Prior to 10/15/18 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a 24-inch diameter plastic culvert. The crossing is adequately sized but the outlet is plugged with cement rip-rap.						Prescribed Action: Remove the cement rip-rap at the outlet of the culvert and replace it with rock armoring per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
17	-123.816408 40.124141	Seasonal	X	X	X	A.2.	Prior to 10/15/18 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of an 24-inch diameter corrugated metal pipe. The crossing is undersized and has separated and is eroding and caving the fillslope.						Prescribed Action: Upgrade to a 36-inch diameter culvert at least 40-feet long per attached specifications.		



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WDID# - 1B170599CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
18	-123.81527 40.123688	Seasonal	X	X	X	A.2.	Prior to 10/15/18 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a 24-inch diameter corrugated metal pipe. The crossing is adequately sized but the culvert is misaligned, rusted out, too short, and has separated.						Prescribed Action: Upgrade to a 36-inch diameter culvert at least 40-feet long per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
19	-123.8143 40.12279	Seasonal	X	X	X	A.2.	Prior to 10/15/20 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of an 18-inch diameter plastic culvert. The crossing is undersized, too short, and misaligned						Prescribed Action: Upgrade to a 24-inch diameter culvert at least 40-feet long per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
20	-123.812607 40.12305	Seasonal	X	X	X	A.2.	Prior to 10/15/20 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a dirt ford. An attempt to rock the ford was made by the spreading of river run rock and gravel across the crossing, but this rock is inadequate in size. The outlet of the ford has down cut through the road fillslope, resulting in perched fills on either side of the channel at the outlet of the crossing.						Prescribed Action: Install an 18-inch diameter culvert at least 60-feet long per attached specifications. Remove the perched fills at the outlet of the crossing and layback slopes to a minimum 2:1.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
21	-123.812146 40.123029	Seasonal	X	X	X	A.2.	Prior to 10/15/20 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a dirt ford.						Prescribed Action: Install an 18-inch diameter culvert at least 60-feet long per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
22	-123.811975 40.122956	Seasonal	X	X	-	A.1.	As required	
Current Condition: Existing waterbar that is disconnecting road surface runoff from the dirt ford at Site 21.						Prescribed Action: If the waterbar is removed and not re-established by 10/15 annually, install a rolling dip per attached specifications.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
23	-123.811877 40.123687	Seasonal	X	X	-	A.10, A.11	Prior to 10/15/19	
Current Condition: Legacy cultivation area with refuse scattered around the site.						Prescribed Action: Remove and properly dispose of all refuse and cultivation-related wastes.		

WRPP - Mitigation Report

WDID# - 1B170599CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
24	-123.811172 40.123585	Seasonal	-	X	-	A.1.	As required	
Current Condition: Existing rolling dip functioning adequately.						Prescribed Action: None. Maintain.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
25	-123.811242 40.123873	Seasonal	-	X	-	A.1.	As required	
Current Condition: Existing rolling dip functioning adequately.						Prescribed Action: None. Maintain.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
26	-123.81141 40.124004	Seasonal	-	X	-	A.1.	As required	
Current Condition: Existing rolling dip functioning adequately.						Prescribed Action: None. Maintain.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
27	-123.811883 40.124465	Seasonal	-	X	-	A.1.	As required	
Current Condition: Existing rolling dip functioning adequately.						Prescribed Action: None. Maintain.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
28	-123.812071 40.126216	Seasonal	X	X	X	A.2.	Prior to 10/15/20 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a dirt ford. The watercourse is downcutting and caving the fillslope at the outlet as well as diverting down the road to the dirt ford at Site 29.						Prescribed Action: Upgrade crossing to a rockford.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
29	-123.812316 40.126526	Seasonal	X	X	X	A.2.	Prior to 10/15/20 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a dirt ford. The watercourse, combined with diverted flows from the dirt ford crossing at Site 28, is downcutting the fillslope.						Prescribed Action: Upgrade crossing to a rockford.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
30	-123.812198 40.126759	Seasonal	X	X	-	A.10, A.11	Prior to 10/15/19	
Current Condition: Legacy refuse around an old water storage tank. This refuse is located nearby watercourses and riparian areas.						Prescribed Action: Remove and properly dispose of all refuse and cultivation-related wastes.		

WRPP - Mitigation Report

WDID# - 1B170599CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
31	-123.812711 40.126931	Seasonal	X	X	X	A.2.	Prior to 10/15/20 pending the approval of any required permits	
Current Condition: Class III watercourse crossing consisting of a dirt ford. This site is also a legacy point of diversion with a collection tank placed in a excavated pit in the crossing.						Prescribed Action: Upgrade crossing to a rocked ford. Remove the collection tank and any other cultivation-related wastes within the watercourse.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
32	-123.812818 40.127236	Legacy	X	X	-	A.10, A.11	Prior to 10/15/19	
Current Condition: Legacy cultivation area with refuse scattered around the site. This refuse is located nearby watercourses and riparian areas, with some being drug or blown into the watercourse at Site 33.						Prescribed Action: Remove and properly dispose of all refuse and cultivation-related wastes.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
33	-123.813026 40.127501	Legacy	X	X	-	A.10, A.11	Prior to 10/15/19	
Current Condition: Class III watercourse crossing consisting of a decommissioned crossing. The channel banks are stable and heavily vegetated. Some refuse has been drug or blown onto the banks of the watercourse from the adjacent legacy cultivation area.						Prescribed Action: Remove and properly dispose of all refuse and cultivation-related wastes.		

RECEIVED

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

NOV 29 2017

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2017-0403-R1

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

Mr. Brett Todoroff
Todoroff Water Diversion and Stream Crossings Project
13 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Brett Todoroff (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 29, 2017, with revisions received October 11, 2017, 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 accept its terms and conditions, including the measures to protect fish and wildlife resources.

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

PROJECT LOCATION

The project to be completed is located within the South Fork Eel River watershed, within the town of Redway, County of Humboldt, State of California. The project is located in Section 11, T4S, R3E, Humboldt Base and Meridian; in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 222-222-003; latitude 40.1239 N and longitude 123.8164 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project includes 13 encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to the South Fork Eel River. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The twelve other proposed

encroachments are to upgrade failing or undersized culverts, or to improve road/stream crossings that have no infrastructure. Work for these encroachments will include excavation, removal of existing culverts, replacement with new culverts, installation of armored fords, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
Point of Diversion (POD)	40.1239, -123.8164	Water diversion from a Class II stream for domestic use and irrigation
Stream Crossing-1	40.1196, -123.8185	Replace existing 12" diameter culvert with a minimum 36" diameter culvert
Stream Crossing-2	40.1201, -123.8175	Replace existing 12" diameter culvert with a minimum 30" diameter culvert
Stream Crossing-3	40.1229, -123.8172	Replace existing 18" diameter culvert with a minimum 30" diameter culvert
Stream Crossing-4	40.1237, -123.8167	Modify existing 24" diameter culvert at outlet by removing concrete and armoring as necessary to minimize erosion
Stream Crossing-5	40.1241, -123.8164	Replace existing 24" diameter culvert with a minimum 36" diameter culvert
Stream Crossing-6	40.1237, -123.8152	Replace existing 24" diameter culvert with a minimum 36" diameter culvert
Stream Crossing-7	40.1228, -123.8143	Replace existing 18" diameter culvert with a minimum 24" diameter culvert
Stream Crossing-8	40.1230, -123.8126	Replace existing dirt ford with a minimum 18" diameter culvert
Stream Crossing-9	40.1230, -123.8121	Replace existing dirt ford with a minimum 18" diameter culvert
Stream Crossing-10	40.1263, -123.8120	Replace existing dirt ford with a rocked ford
Stream Crossing-11	40.1265, -123.8123	Replace existing dirt ford with a rocked ford
Stream Crossing-12	40.1269, -123.8127	Replace existing dirt ford with a rocked ford

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), 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 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.
- 1.4 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 that the bypass flows and diversion rates 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.

- 1.5 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.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 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 7 days after the project is fully completed.

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 the Permittee Notification received on June 29, 2017, with revisions received on October 11, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 1 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.
- 2.3 Work Completion. The proposed work shall be completed by no later than **October 1, 2018**. A **Work Completion Report** shall be submitted to CDFW within 7 days of project completion.
- 2.4 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute (gpm) or 20% of the total surface flow at any time.

- 2.5 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.6 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.4 and 2.5 of this Agreement.
- 2.7 Measurement of Diverted Flow. The Permittee shall install an inline flow meter for measuring the quantity of water diverted from the POD. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis and record it in a log book that is maintained on site and available to CDFW upon inspection. The **Water Diversion Records** shall be submitted to CDFW annually per condition 3.1 of this Agreement.
- 2.8 Water Management Plan. The Permittee shall submit a **Water Management Plan** no later than **May 15, 2018**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 (condition 3.2).
- 2.9 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.
- 2.10 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.11 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.
- 2.12 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.13 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not

needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.

- 2.14 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/water_issues/programs/cannabis/cannabis_water_rights.shtml.

Stream Crossings

- 2.15 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.16 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.
- 2.17 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.
- 2.18 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.19 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Cofferdams and the stream diversion system shall remain in place and

functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

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

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

2.22 Culvert Installation.

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

2.22.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).

2.22.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

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

2.22.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [slightly larger than the bankfull channel width] including debris, culvert embedding, and sediment loads.

2.23 Rock Armor Placement.

2.23.1 No heavy equipment shall enter the wetted stream channel.

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

2.23.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

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

2.24 Project Inspection. The Project shall be inspected by Timberland Resource Consulting or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. **Reporting Measures**

3.1 Work Completion Report. A **Work Completion Report** (condition 2.3) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **within 7 days of project completion.**

3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.7) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018.**

3.3 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.8) no later than **May 15, 2018**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

3.4 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.24) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Brett Todoroff
460 Valle Vista
Oakland, California 94610
925-872-1469

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0403-R1

LIABILITY

The 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 the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from 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.

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

In accordance with FGC section 1605(b), the 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, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(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 FGC section 1605(a)(2) requires.

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE


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

FOR Mr. Brett Todoroff


Brett Todoroff

11/26/17
Date

FOR DEPARTMENT OF FISH AND WILDLIFE


Scott Bauer
Senior Environmental Scientist Supervisor

12/21/17
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, November 15, 2017

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. The agencies that provided written comments are indicated with a check under Response.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approved with Conditions	Attached
Department of Health & Human Services	✓	Approved	On file in Accela
Public Works, Land Use Division	✓	Memo – Approved with Conditions (Attached
CalFIRE	✓	No comment	Attached
California Department of Fish and Wildlife	✓	Approved with Conditions	Attached
State Water Quality Control Board			
Northwest Information Center (NWIC)	✓	Confidential	On File
Ag Commissioner			
County Counsel			
District Attorney			
Sherriff	✓	Approved	On -File in Accela
Redway Fire Protection District			
North Coast Unified Air Quality Management District			
Southern Humboldt Joint Unified School District			
California Department of Transportation			
CA Division of Water Rights			
Bear River Band			
Sinkyone Wilderness Council			



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

7/15/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Redway Fire PDAA, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CalTrans Dist 1, CA State Parks, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Emerald Holdings LLC **Key Parcel Number** 222-222-003-000

Application (APPS#) PLN-12823-CUP **Assigned Planner** Meghan Ryan

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: 7/30/2019

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

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

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

Other Comments:

Note in Accord

DATE:

7/26/19

PRINT NAME:

Rudy Marengi

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



Applicant: Emerald Holdings		Date: 10/16/2019	
APPS No.: 12823	APN: 222-222-003	DFW CEQA No.: 2019-0324	
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 5,000 <input checked="" type="checkbox"/> Outdoor (SF): 8,150		

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

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

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

- ☒ Aerial Imagery analysis suggests the cultivation area(s) have been expanded following the CEQA baseline. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.

Please note the following information and/or requested conditions of Project approval:

- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ 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.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

- ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0403-R1) has been issued to the applicant. As of October 2019, the applicant is not in compliance with their Agreement.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Tailed Frog (*Ascaphus truei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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




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

ON-LINE
WEB: CO HUMBOLDT.CA.US

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MANAGEMENT 445-7493
NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS 445-7421

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Senior Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer 
DATE: 07/05/2019

RE:	Applicant Name	EMERALD HOLDINGS LLC
	APN	222-222-003
	APPS#	PLN-12823-CUP

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"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #12823

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☐ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT END OF COUNTY MAINTAINED RD)**

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

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

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

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

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

// END //