



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 6, 2021

To: Humboldt County Planning Commission

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

Subject: **Lucy Gulch, LLC Conditional Use Permit**
Application Number: 11459
Record Number: PLN-11459-CUP
Assessor's Parcel Numbers (APNs): 317-063-006 & 317-064-002
2150 Kerlin Creek L Road, Hyampom Area

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit	Megan Acevedo

Project Description: Lucy Gulch, LLC seeks a Conditional Use Permit for an existing 34,300 square feet of pre-existing outdoor and 4,800 square feet of pre-existing mixed-light commercial cannabis cultivation, as well as a 2,900 square feet of nursery propagation space. Irrigation water currently sourced from a permitted well on-site, and supplemental water is sourced from a permitted water diversion. A 1,000,000-gallon rainwater catchment pond is proposed to support future irrigation needs, and the . Total annual water demand for the project is 550,000 gallons per year, and there is a total of 60,500 gallons of existing water storage on-site. Drying and curing will occur within the existing Drying Building and Cannabis Support Facility. Trimming packaging and labeling will occur within the Cannabis Support Facility. All processing will be performed by the applicant and up to six (6) employees during peak season. Power is currently sourced by four generators on-site, and the applicant plans to include solar panels with a battery bank to offset up to 50 – 60% of future generator use within three years from the date of approval.

Project Location: The project is located in Humboldt County, in the Hyampom area, on the east side of Forest Service Route 06N01, approximately 5.25 miles due northwest from the community of Hyampom proper, on the property known as 2150 Kerlin Creek L Road.

Present Plan Land Use Designations: Timber Production (T), Framework Plan (FWRK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Timberland Production Zone (TPZ).

Record Number: PLN-11459-CUP

Assessor's Parcel Number: 314-063-006 & 317-064-002

Applicant

Lucy Gulch, LLC
2825 Little Pond St.
McKinleyville, CA 95519

Owner

Misha Vandal
2825 Little Pond St.
McKinleyville, CA 95519

Agents

Northpoint Consulting Group, Inc.
Derek Rolle
1117 Samoa Blvd.
Arcata, CA 95521

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

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

Major Issues: None

Lucy Gulch, LLC
Record Number: PLN-11459-CUP
Assessor's Parcel Number's: 317-063-006 & 317-064-002

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:

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, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Lucy Gulch, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions

Executive Summary: Lucy Gulch, LLC seeks a Conditional Use Permit for an existing 34,300 square feet of pre-existing outdoor and 4,800 square feet of pre-existing mixed-light commercial cannabis cultivation, as well as 2,900 square feet of nursery propagation space. Irrigation water is sourced from a permitted well on-site, and supplemental water is sourced with a permitted water diversion. A 1,000,000-gallon rainwater catchment pond is proposed to support future irrigation needs. Total annual water demand for the project is 550,000 gallons per year, and there is a total of 60,500 gallons of existing water storage on-site. Drying and curing will occur within the existing Drying Building and Cannabis Support Facility. Trimming packaging and labeling will occur within the Cannabis Support Facility. All processing will be performed by the applicant and up to six (6) employees during peak season. Power is currently sourced by four generators on-site, and the applicant plans to include solar panels with a battery bank to offset up to 50 – 60% of future generator use within three years from the date of approval.

There are three cultivation sites where cannabis cultivation occurs on the parcel. The project was referred to the Building Division on September 5, 2017. The applicant had a building inspection done on June 20, 2018, and comments from the Building Division recommended approval for the project based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemptions are obtained. The applicant is conditioned to obtain building permits for grading that was done on-site, and for the existing and proposed structures including one (1) 10'x15' Generator Shed, one (1) 17'x21' Storage Shed, one (1) 30'x40' Drying & Processing Building, one (1) 19'x24' Drying Building, two (2) 8'x20' Shipping Containers for fuel storage, three (3) 20'x80' Mixed-Light Greenhouses, one (1) 20'x35' Propagation Greenhouses, one (1) 20'x40' Propagation Greenhouse, one (1) 20'x50' Propagation Greenhouse, one (1) 20'x20' Propagation Greenhouse, and grading for one (1) 1,000,000-gallon rainwater catchment pond.

Four (4) existing generators are outlined in the Cultivation & Operations Plan. One (1) 20-kW generator is used to power the C.S.F. and is housed within the existing Generator Shed. There is also one (1) 7.5-kW generator, one (1) 7-kW generator, and one (1) 3-kW generator, which are used to power water pumps, power tools and other small electrical demands on-site. The Cultivation & Operations Plan states that the three small generators do not currently have permanent locations. Generators are not to be kept outside, and a condition of approval for the project requires the construction or maintenance of noise containment structures for all generator's future permanent locations, and these locations must be shown on an updated Site Plan submitted to the Planning Department. Future generator sheds must be permitted with the Building Department, have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. The applicant shall also include the locations of the future solar panels on an updated Site Plan submitted to the Department.

The applicant will conduct drying and curing within the Drying Building and the Cannabis Support Facility (C.S.F.). Trimming, packaging and labeling will be performed by the applicant and 4 – 6 employees

within the C.S.F Building, which is equipped with a permitted septic system (15/16-0037). The project was referred to the Department of Environmental Health on September 5, 2017. The agency responded on December 27, 2017 recommending approval for the project.

Timber Conversion

A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-144 HUM) was obtained by the applicant in May of 2015 for timber conversion that occurred on the parcel prior to January 1st 2016. A Completion Report for the Less-Than-3-Acre-Conversion-Exemption was prepared by Timberland Resource Consultants dated May 1, 2016 stating that all work was completed and that no stocking report is required. The application was referred to CalFIRE on September 5, 2017, but the agency did not respond.

Water Resources

Water for irrigation is mainly provided by a permitted well (18/19-1102). A Well Completion Report is on file for the well, which appears to not be hydrologically connected to surface water. Supplemental water is sourced from a permitted water diversion under existing Right to Divert and Use Water Certificate H100091. The applicant shall adhere to the limits and conditions set forth within the Water Right Certificate H10009. The applicant shall also adhere to the conditions outlined within the Streambed Alteration Agreement (SAA 1600-2017-0515-R1) for the water diversion. Existing available water storage is 60,500 gallons in twenty-two (22) hard tanks. An additional 1,000,000-gallon rainwater catchment pond is proposed to be constructed on the site within three years from the date of approval, for future water storage on-site. Estimated annual water usage is 550,000 gallons (14.07 gal/SF/year) with peak demand occurring in October.

The site has been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1_12CC418935, as a Tier 2 Moderate Risk. A Notice of Applicability letter dated November 15, 2019 is attached for proof of enrollment in the General Order. The applicant is required to have a Site Management Plan (SMP) prepared for the project to show measures required to meet compliance with the General Order, and a condition of approval is to provide a copy of the final SMP report to the Planning Department when available, and to adhere to the measures outlined within the Report. The site was historically enrolled as a Tier 2 discharger in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 215-0023, under WDID 1B161728CHUM. A Water Resource Protection Plan (WRPP) was prepared for the project by Pacific Watershed Associates (PWA) in December of 2018 (Attachment 3.c). The WRPP shows that all cultivation occurs outside of Streamside Management Areas on-site, and outlines all recommendations for remediation or corrective actions required for the project to meet Standard Conditions set forth by Order No. 215-0023. The applicant shall continue to adhere to the recommendations within the WRPP.

There are five (5) stream crossings identified within the WRPP which need culvert replacements to withstand a 100-year flood, and one (1) stream crossing culvert which requires a rocked armored ford. The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2017-0515-R1) with the Department of Fish & Wildlife for the instream work required to upgrade the six (6) stream crossing on-site, and for the permitted water diversion. The applicant shall complete the project described and adhere to the conditions outlined in the SAA 1600-2017-0515-R1, for work to be completed and for the water diversion.

Biological Resources

There are no mapped sensitive species shown on-site in the California Natural Diversity Database (CNDDDB) Resource Map. The nearest Northern Spotted Owl (NSO) activity center is located approximately 0.57 miles from the nearest cultivation site. Lands surrounding the site are heavily forested thus there is high potential for NSO habitat.

The project was referred to the Department of Fish & Wildlife on September 5, 2017, and a response was received from the agency on January 4, 2018. Comments from Fish & Wildlife recommended conditional approval for the project. Conditions recommended by CDFW included the request for a professional geologist assessment to identify an appropriate site for a pond, in the event that a pond is constructed

the applicant should comply with the CDFW Bullfrog Management Plan (Attached in CDFW's referral comments) and comply with CDFW reporting requirements, protocol level NSO surveys, all mixed-light and generators be located on stable surfaces with a minimum 200 foot buffer from waters of the State, and a biological survey for rare plant species on-site. An NSO survey was conducted on the site in 2018, consisting of three site visits. The 2018 field season resulted in no NSO's being detected on the property. As there were no NSO's detected on the property in 2018, and with the present guidance from CDFW, the applicant is not required to conduct a second year of NSO surveys. As well, all existing mixed-light greenhouses and generator sheds have been assessed and determined to meet the 200 foot buffer requirement. All other requested conditions of approval from F&W have been included in the Conditions of Approval for the project.

A biological reconnaissance survey and rare plant survey was conducted by PWA on July 11, 2019, and a Biological Survey Report (BSR) was prepared for the project dated March 2020. The conducted survey established a 150-foot buffer from all project areas to identify any rare species, and no rare species were identified on the property during the survey. Recommendations within the BSR that are included in the Conditions of Approval for the project include: when utilizing soil or straw for erosion control measures the applicant shall make sure that all soil is sterilized and will only utilize rice straw, removal of vegetation shall only occur during the nonbreeding season (September 1st-January 31st) unless surveyed by a qualified professional, conduct all heavy machinery work outside of the nesting season between March 1st – August 15th, reduce all cultivation related noise to under 50 decibels (db) of escapement within 100 feet of origin or the nearest canopy, construct containment structures around all generators on the property, and the landowner shall not add any additional water tanks to the Tank Farm.

Additional measures required to mitigate effects on wildlife include adhering to International Dark Sky standards for all mixed-light and propagation greenhouses on-site. The applicant shall ensure that no light escapes from greenhouses utilizing supplemental lights between the hours of dawn and dusk for the life of the project, and this is included in the on-going Conditions of Approval for the project.

Fire Safety

The project is located within the State Responsibility Area for CalFire, and is in an area that is designated to have Very High Fire Hazard Severity. The project site was affected by the 2015 Blake and Johnson fires, and much of the forest habitat located in the western section of the parcel was burned in the fire. Currently, all cultivation related structures are located outside of the 30-foot setback, several hammerhead firetruck turnarounds are designated on the Site Plan, but no water storage has been designated for fire suppression. The applicant shall designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression and is conditioned to provide an updated Site Plan to the Planning Department to show designated fire water on-site. The project is located just outside of the Hyampom Volunteer Fire District (HVFD). Pursuant to the Humboldt County General Plan the applicant is required to cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

Tribal Cultural Resource Coordination

The project is located outside of any mapped aboriginal territories, but the project was referred to the Northwest Information Center (NWIC) on March 18, 2019. NWIC responded on April 3, 2019, requesting a Cultural Resource Investigation. The applicant had an Archaeological Survey prepared by the Anthropological Studies Center at Sonoma State University. The Archaeological Survey Report dated August 2018 found that no evidence of historical or archaeological resources existed within any of the survey areas, or the surveyable and disturbed terrain around them. The project will be conditioned to adhere to inadvertent discovery protocols in the event that cultural resources are encountered during project activities.

Access

There are two access routes to the project site, both of which start from Hwy 299 to Titlow Hill Road (which is partly county maintained then becomes Forest Service Road) to NF51 (Forest Service Road) to US Forest

Service Route I 6N01. Primary access to the site is via a Private Road off of US Forest Service Route I 6N01, and the applicant has had a Road Evaluation Report (RER) developed for the 2.4 miles of Private Road to the site. Secondary access to the site is off of US Forest Service Route I 6N01 to Whiting Ridge Trail to Forest Service Route 3N14/4N20 to the Private Road to the project site. An additional Road Evaluation Report form was submitted within the RER for the alternate route using 0.83 miles of the Private Road to the project site. The RER which was produced by Northpoint Consulting Group dated January 13, 2021, includes an assessment, pictures and maps that include Road Points (RP) for the Private Road from both access points. The Private Road was determined to not be developed to the equivalent of a road category 4 or better, but determines that it can accommodate the cumulative increased traffic from this project and all known cannabis projects identified. The primary access route will require minor modifications to accommodate the increased traffic due to Lucy Gulch's proposed project. The road width was measured, photos were taken and recommendations were prescribed at each RP. The applicant is conditioned to adhere to the recommendations within the RER for project approval.

The project was referred to the Department of Public Works on September 5, 2017, and comments were received on March 1st 2018. The Department of Public Works recommended that the project be referred to the US Forest Service since the project is accessed through Forest Service Roads. The project was referred to the US Forest Service on October 1st 2019, and no response was received.

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

RECCOMENDATION: 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 not to approve the project, or to require the applicant to submit further evidence, or 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 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 that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

Resolution Number 21-

Record Number PLN-11459-CUP

Assessor's Parcel Numbers: 317-063-006 & 317-064-002

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

WHEREAS, Lucy Gulch, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 34,300 square feet of outdoor and 4,800 square feet of mixed-light commercial cannabis cultivation, as well as a 2,900 square feet of nursery propagation space, and drying & trimming activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for a 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 a Conditional Use Permit to allow 34,300 square feet of outdoor and 4,800 square feet of mixed-light commercial cannabis cultivation, as well as a 2,900 square feet of nursery propagation space, and drying & trimming activities. Power is provided by on-site generators. Water for irrigation is provided by a permitted groundwater well and an existing diversion, and a proposed rainwater catchment pond.

EVIDENCE: a) Project File: PLN-11459-CUP

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

EVIDENCE: a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines
- c) A Water Resources Protection Plan was prepared by Pacific Watershed Associates in December of 2018 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Biological Survey Report was carried out by Pacific Watershed Associates in March of 2020. The Assessment methods included a search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) database. A biological reconnaissance survey and rare plant survey was conducted in the project area. No Special Status species were observed during the assessment. Northern Spotted Owl habitat exists in the vicinity but the nearest activity center is over 1.5 miles from the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-144 HUM) was obtained by the applicant in May of 2015 for timber conversion that occurred on the parcel prior to January 1st 2016.
- f) A Cultural Resources Investigation Report was carried out by the Anthropological Studies Center at Sonoma State University. The Archaeological Survey Report dated August 2018 found that no evidence of historical or archaeological resources within any of the survey areas, or the surveyable and disturbed terrain around them. The project is conditioned to adhere to Inadvertent Discoveries Protocol.
- g) A Road Evaluation Report was produced by Northpoint Consulting Group dated January 13, 2021, for the Private Road to the project site, which identified that the road requires minor modifications to accommodate the increased traffic due to Lucy Gulch's proposed project. The applicant is conditioned to adhere to the recommendations within the RER for project approval.

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

Space Action Program.

- 4. FINDING** The proposed development is consistent with the purposes of the existing TPZ zone in which the site is located.

- EVIDENCE**
- a) The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the TPZ zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres 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 34,300 ft² of outdoor and 4,800 ft² of mixed-light cultivation on a 160-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel's 317-063-006 & 314-064-002 are one legal parcel (intact parcel), and were created in compliance with all applicable state and local subdivision regulations.
 - c) The project will obtain water mainly from a non-diversionary water source, supplemental water will be obtained by a diversionary source when needed.
 - d) A Road Evaluation Report was completed by Northpoint Consulting Group dated January 13, 2021. The Evaluation addressed two access routes to the site from a Private Road that goes through the project site, which is a non-county-maintained road. The primary access route will require minor modifications to accommodate the increased traffic due to Lucy Gulch's proposed project. The road width was measured, photos were taken and recommendations were prescribed at each RP. The applicant is conditioned to adhere to the recommendations within the RER for project approval.
 - e) A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-144 HUM) was obtained by the applicant in May of 2015 for timber conversion that occurred on the parcel prior to January 1st 2016.
 - f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

- 6. FINDING** The cultivation of 39,100 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation with minor modifications.
 - b) The site is in a rural part of the County where the typical parcel size is over 80 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
 - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
 - d) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department, and supplemental water will be sourced by a permitted water diversion.

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

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

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Lucy Gulch, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on May 6, 2021

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

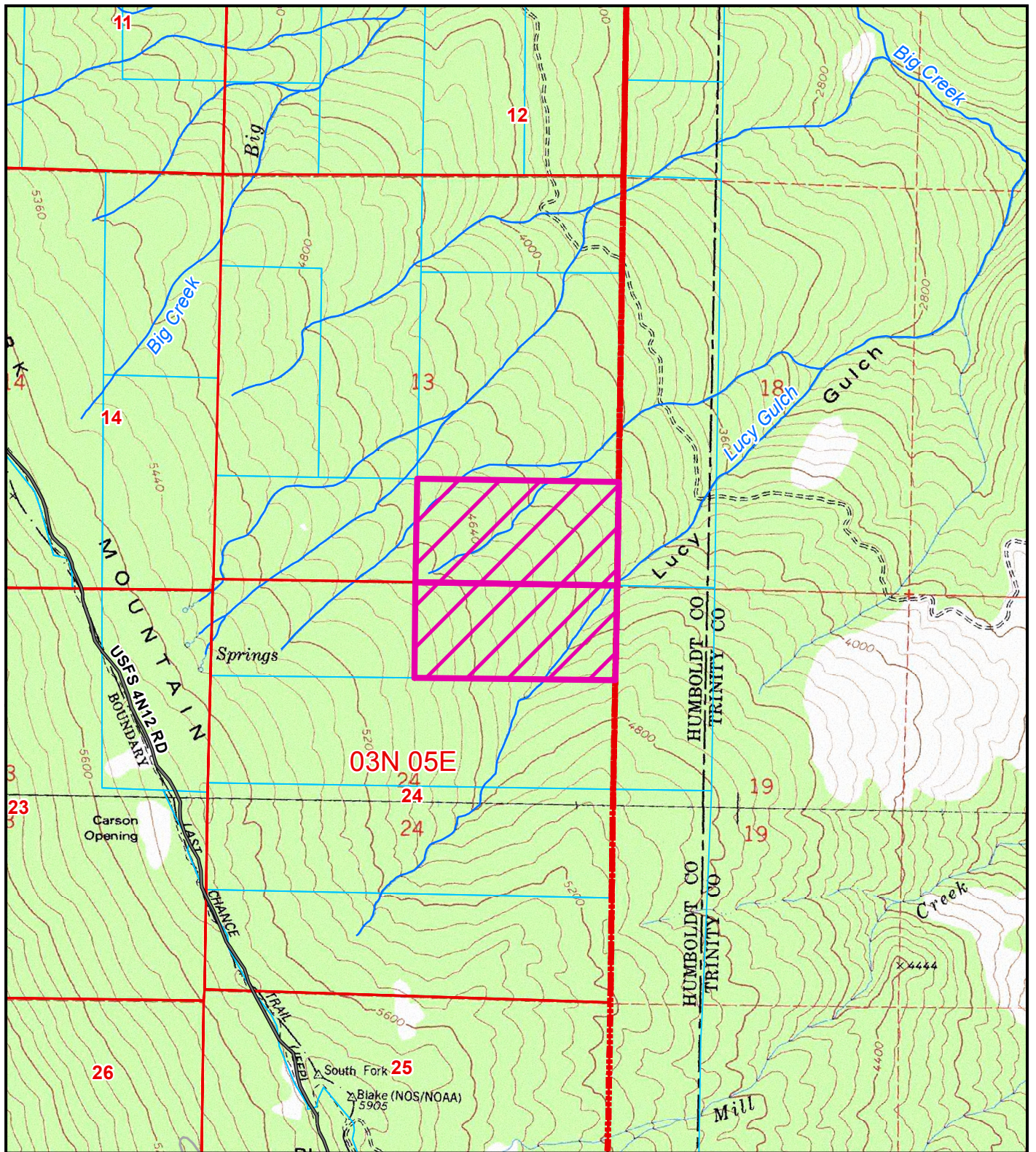
ABSENT: COMMISSIONERS:

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.

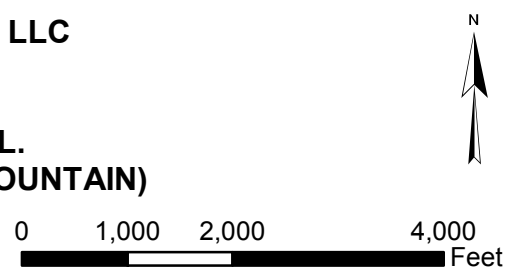
John Ford, Director
Planning and Building Department

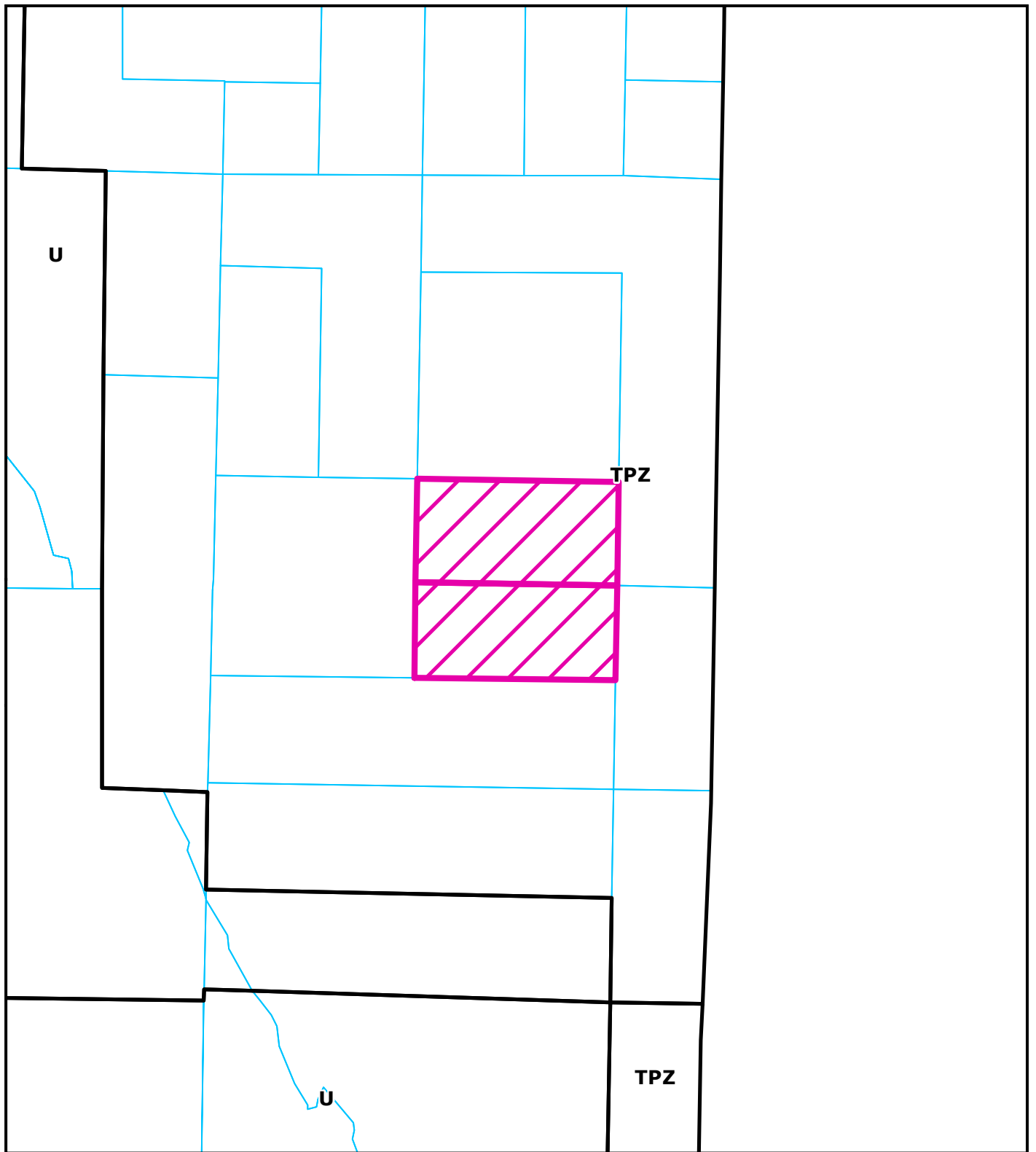


TOPO MAP
PROPOSED LUCY GULCH, LLC
PILOT RIDGE AREA
CUP-16-253
APN: 317-063-006; ET AL.
T03N R05E S24 HB&M (SIMS MOUNTAIN)

Project Area = 

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

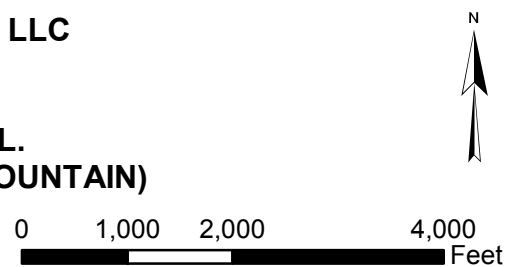


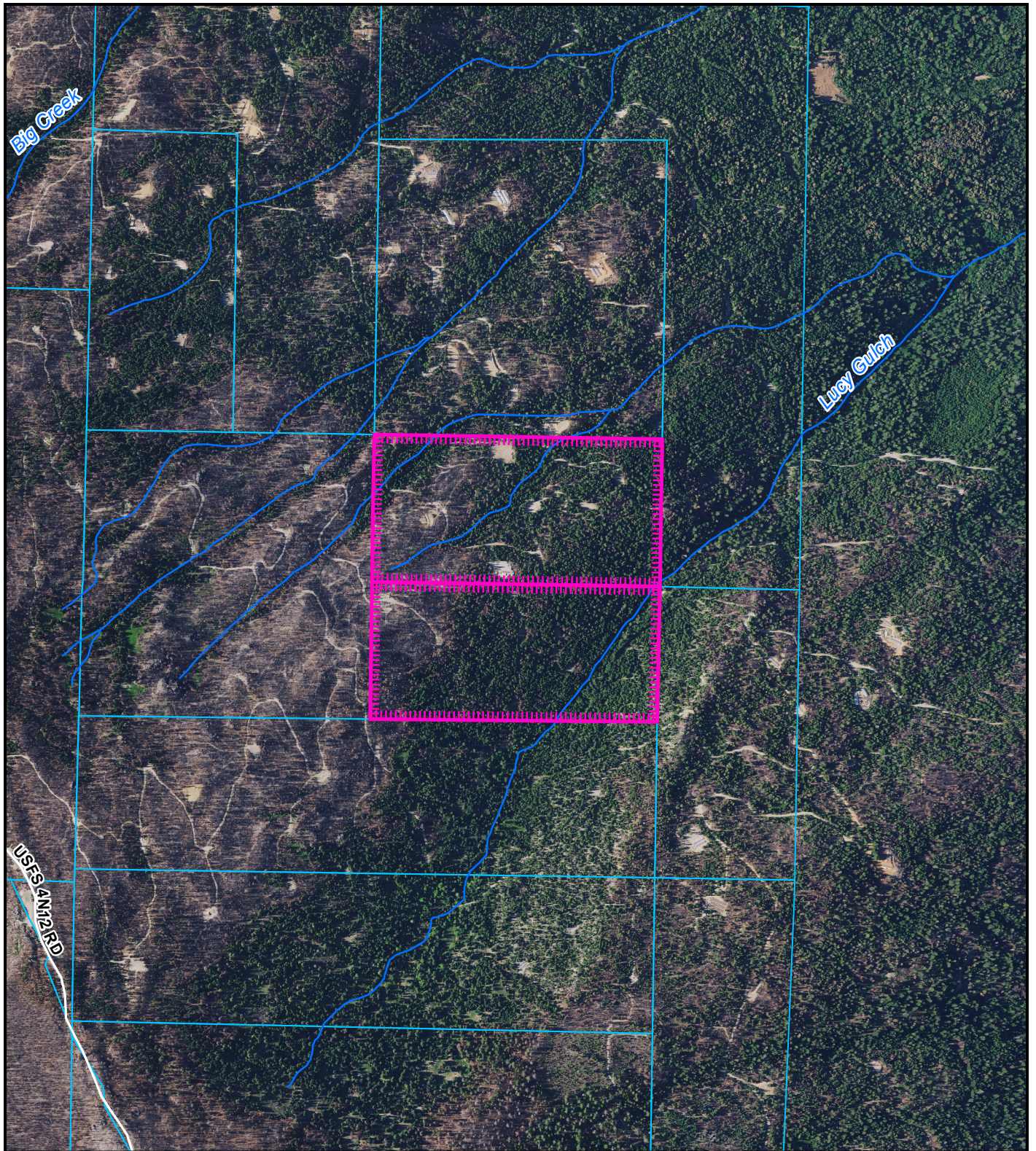


Project Area = 

**ZONING MAP
PROPOSED LUCY GULCH, LLC
PILOT RIDGE AREA
CUP-16-253
APN: 317-063-006; ET AL.
T03N R05E S24 HB&M (SIMS MOUNTAIN)**

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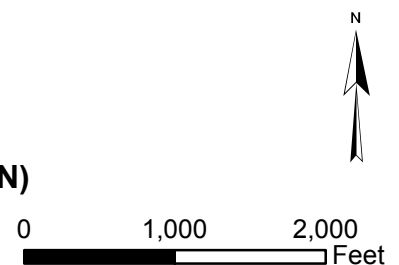




Project Area = 

AERIAL MAP
PROPOSED LUCY GULCH, LLC
PILOT RIDGE AREA
CUP-16-253
APN: 317-063-006; ET AL.
T03N R05E S24 HB&M (SIMS MOUNTAIN)

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VICINITY MAP

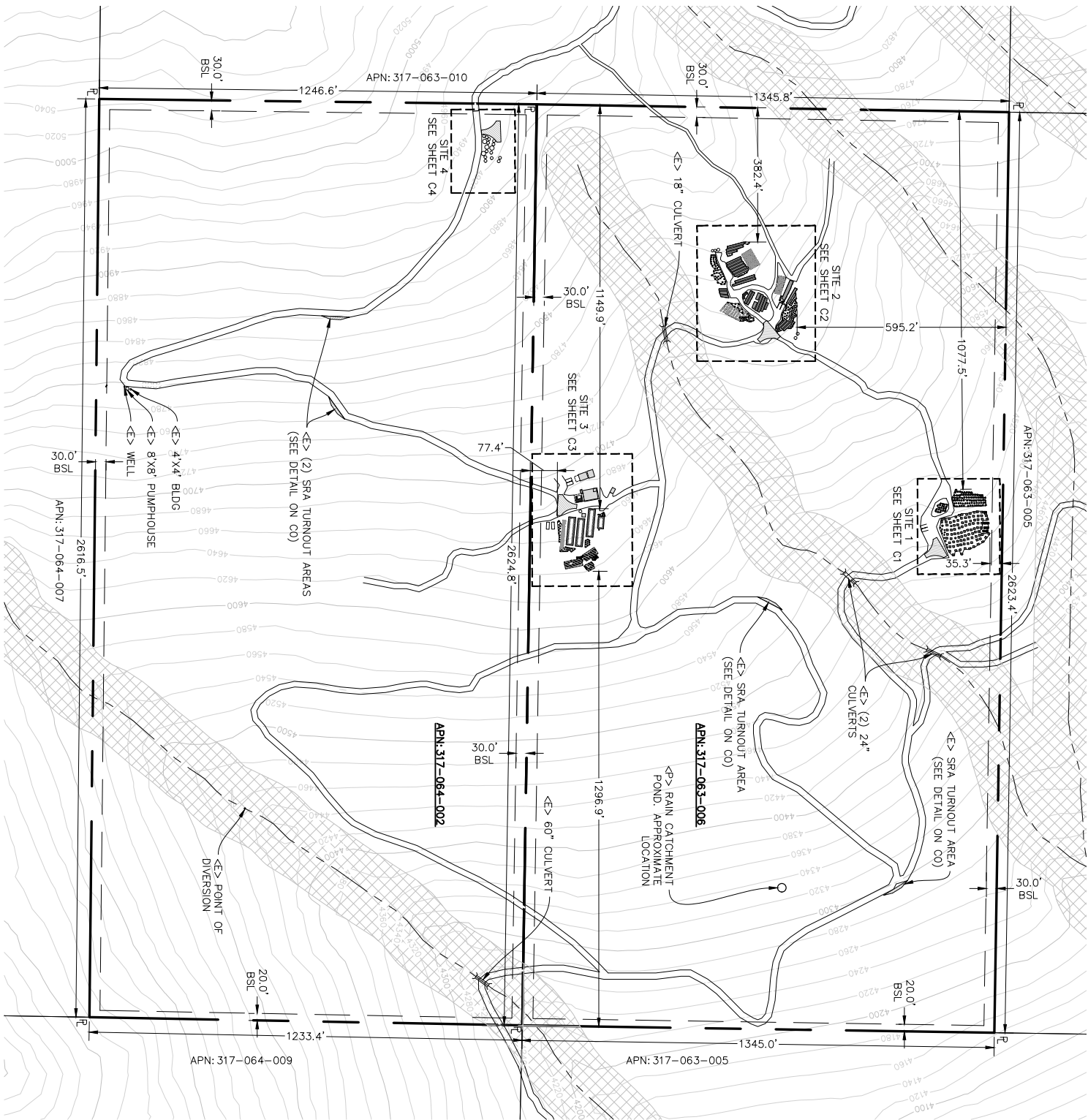
NOT TO SCALE

DIRECTIONS TO SITE:

FROM EUREKA, CA
 -CONTINUE ON US-101 (7.2 MILES)
 -TAKE EXIT 716A FOR CA-299 E
 -CONTINUE ON CA-299 E (28 MILES)
 -TURN RIGHT ON COUNTY RIE 7K100/TITLOW HILL RD. (8.4 MILES)
 -KEEP LEFT AND CONTINUE ONTO IN51 (1.4 MILES)
 -CONTINUE ON FOREST RIE NOY/FRIDAY RIDGE RD. (2.5 MILES)
 -CONTINUE ONTO WHITING RIDGE TRAIL (6.9 MILES)
 -TURN RIGHT ONTO FOREST RIE 4N20 (2.7 MILES)

LUCY GULCH, LLC
CONDITIONAL USE PERMIT

APNs: 317-063-006 & 317-064-002

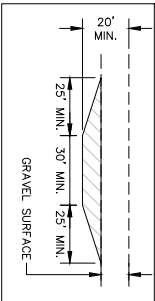
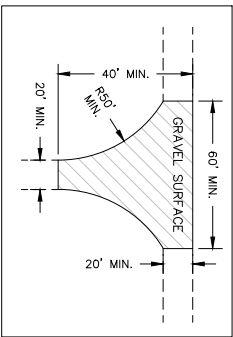


PLOT PLAN

22x34 SHEET: 1"=200'
11x17 SHEET: 1"=400'



PARKING SUMMARY	
PARKING REQUIRED	3 SPACES
PARKING PROVIDED	7 SPACES
ACCESSIBLE PARKING PROVIDED	1 SPACE



SRA NOTE:

ALL SRA TURNAROUND AREAS AND TURNOUTS MUST COMPLY WITH FIRE SAFE REGULATIONS AS OUTLINED IN TITLE III OF THE HUMBOLDT COUNTY LAND USE AND DEVELOPMENT CODE, DIVISION 11.

PROJECT INFORMATION:

APPLICANT:
LUCY GILCH, LLC
P.O. BOX 2428
MCKINLEYVILLE CA 95519

PROPERTY OWNER:
MISHA VANDAL
2825 LITTLE POND ST.
MCKINLEYVILLE CA 95519

APPLICANT AGENT:
NORTHPOINT CONSULTING GROUP, INC
1117 SAMOA BLVD.
ARCAITA, CA 95521
(707) 798-6438

SITE ADDRESS:
APNS: 317-06-3, -06 & 317-06-4-002
2150 KERLIN CREEK RD.
HYAMPON, CA 95606

TREES TO BE REMOVED = NONE.

EXISTING OUTDOOR CULTIVATION AREA	= 29,320 SF
EXISTING MIXED-LIGHT CULTIVATION AREA	= 4,800 SF
PROPOSED OUTDOOR CULTIVATION AREA	= 34,300 SF
PROPOSED MIXED-LIGHT CULTIVATION AREA	= 4,800 SF

EARTHWORK QUANTITIES = 0 CY FILL

SEWER = P

SEWER = P

PROPER SIZE.
APN: 317-063-006 = ±81.05 ACRES
ABN: 317-064-003 = ±74.60 ACRES

ZONING = TPZ

COMMUNITY PLAN = INLAND GP

GENERAL PLAN DESIGNATION = T

BUILDING SETBACKS:	
	TPZ
FRONT	20'
SIDE	30'
REAR	30'

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

SHEET INDEX:

C0 – PLOT PLAN, VICINITY MAP, & PROJECT NOTES
C1 – EXISTING AND PROPOSED SITE #1 PLAN
C2 – EXISTING AND PROPOSED SITE #2 PLAN
C3 – EXISTING AND PROPOSED SITE #3 PLAN
C4 – EXISTING AND PROPOSED SITE #4 PLAN

	DATE	REVISIONS			DRAWN BY
A	3/30/21	REVISED	APPROVED	CULTIVATION ALLOTMENT	DDR
B					
C					
D					
E					
F					
G					
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I					
J					
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W					
X					
Y					
Z					



LUCY GULCH, LLC

HYAMP, CA / APNS: 317-063-006 & 317-064-002

PLOT PLAN, VICINITY MAP, & PROJECT NOTES

PROJ. MGR.: PS
DRAWN BY: CJG
DATE: 03/30/2021
SCALE: AS SHOWN

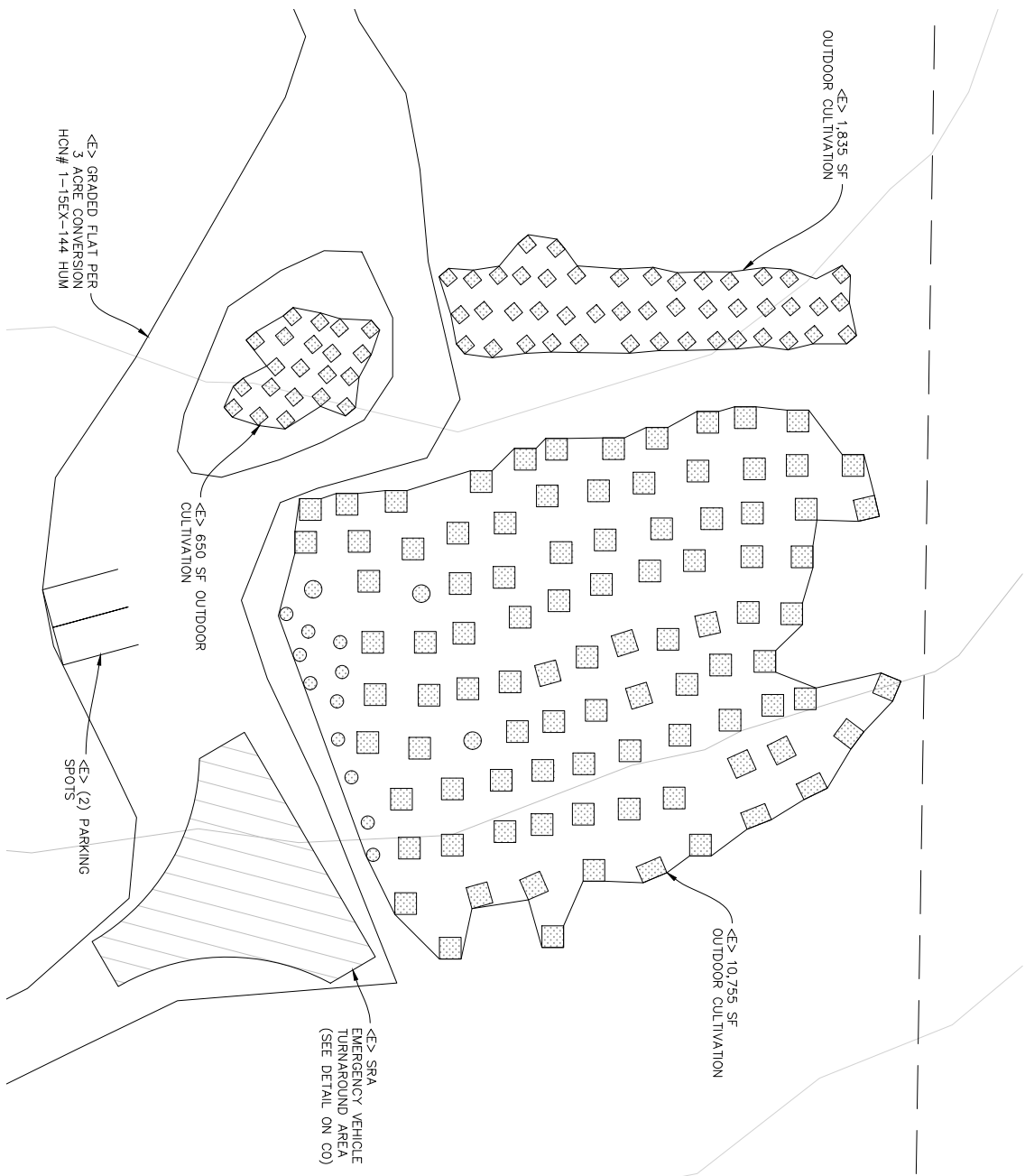
SHEET
CO

LUCY GULCH, LLC

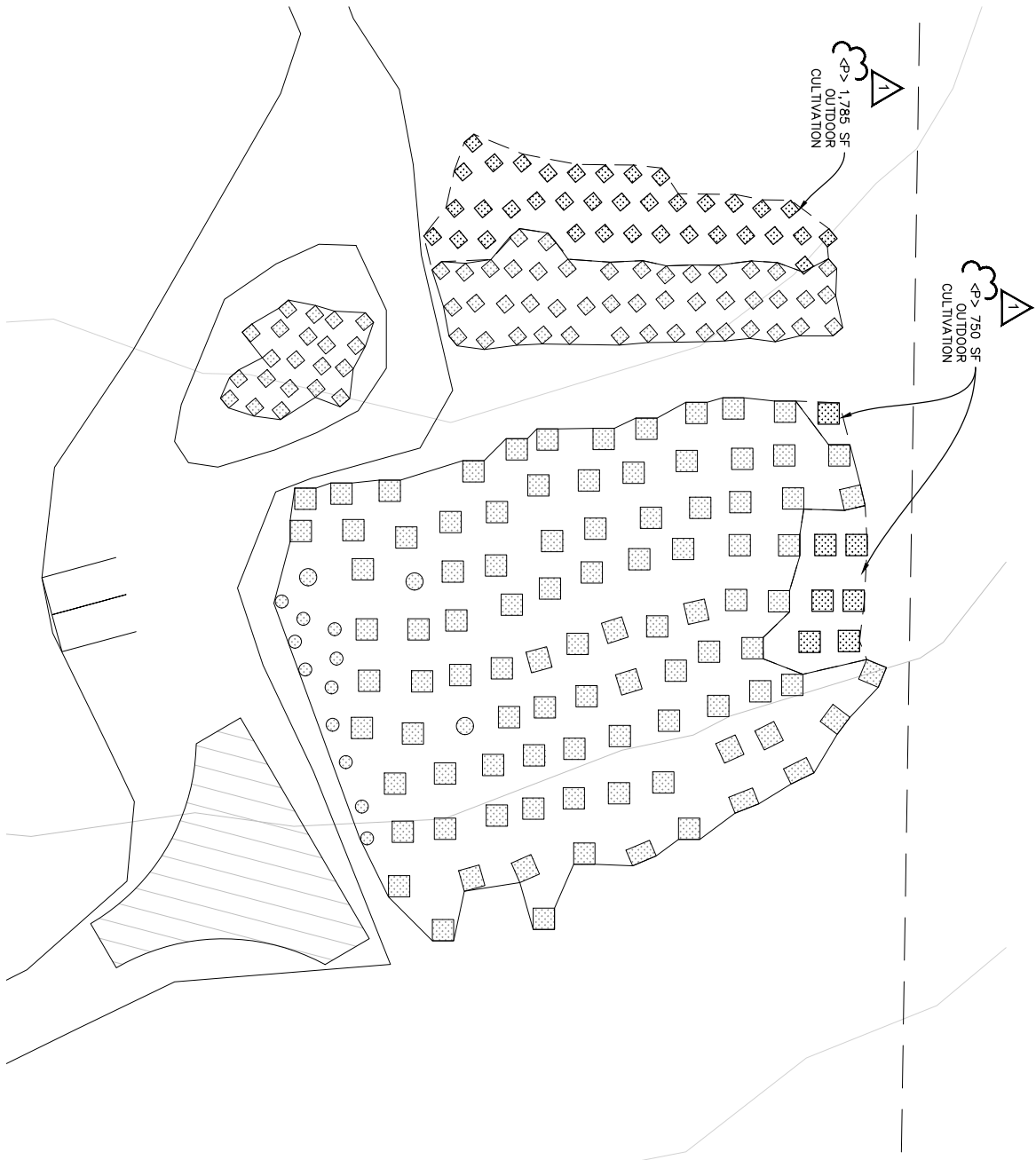
CONDITIONAL USE PERMIT

APNs: 317-063-006 & 317-064-002

EXISTING SITE #1 PLAN



PROPOSED SITE #1 PLAN



22X34 SHEET: 1"=20'
11X17 SHEET: 1"=40'

0 10 20 40

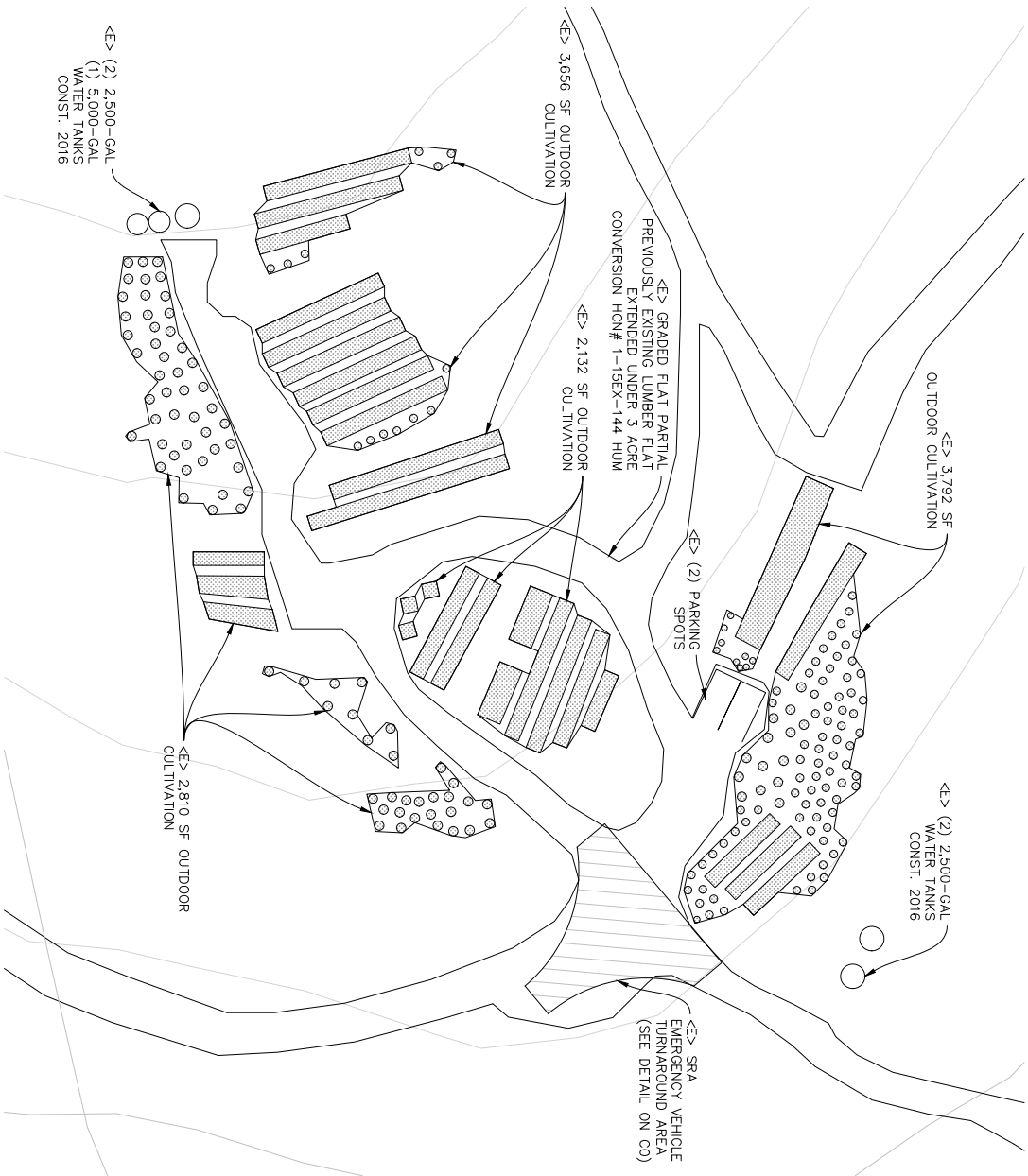


18-085		SHEET		C1	
PRJ. NO.:		PS		LUCY GULCH, LLC	
DRAWN BY:		CUC		HYAMPM, CA / APNS: 317-063-006 & 317-064-002	
DATE:		03/30/2021		EXISTING AND PROPOSED SITE #1 PLAN	
SCALE:		AS SHOWN			



DATE		REVISIONS		DRAWN BY
		REVISED	APPROVED CULTIVATION ALLOTMENT	
3/30/21				DDR

LUCY GULCH, LLC
CONDITIONAL USE PERMIT
APNs: 317-063-006 & 317-064-002



EXISTING SITE #2 PLAN



PROPOSED SITE #2 PLAN

22x34 SHEET: 1"=30'
11x17 SHEET: 1"=60'
0 15 30 60



LUCY GULCH, LLC

HYAMPM, CA / APNS: 317-063-006 & 317-064-002

EXISTING AND PROPOSED SITE #2 PLAN



NORTHPOINT

CONSULTING GROUP, INC.

1117 Samoa Blvd., Arcata, CA 95521

DATE	REVISIONS	DRAWN BY
3/30/21	REVISED APPROVED CULTIVATION ALLOTMENT	DDR

PROJ. MGR.: PS

DRAWN BY: CLG

DATE: 03/30/2021

SCALE: AS SHOWN

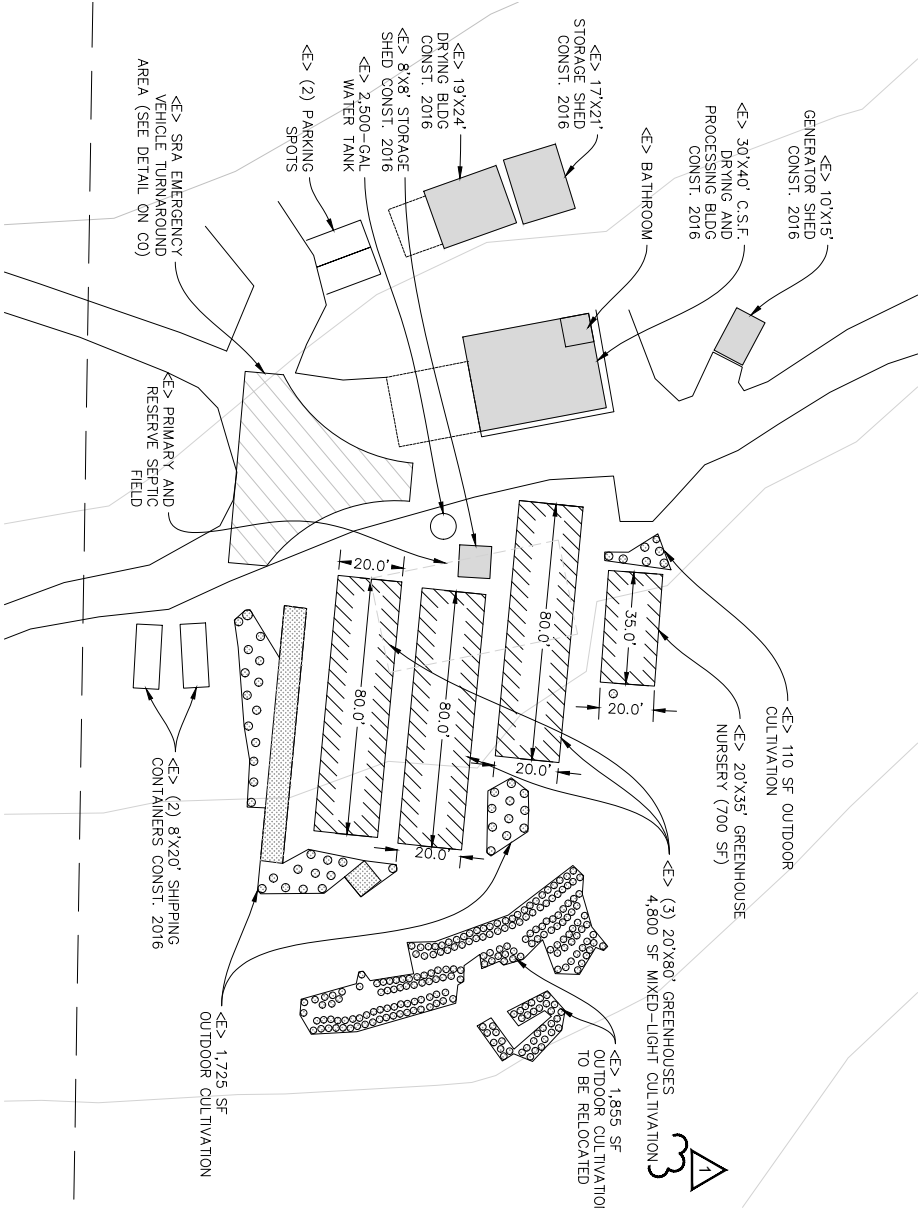
SHEET 02

18-085

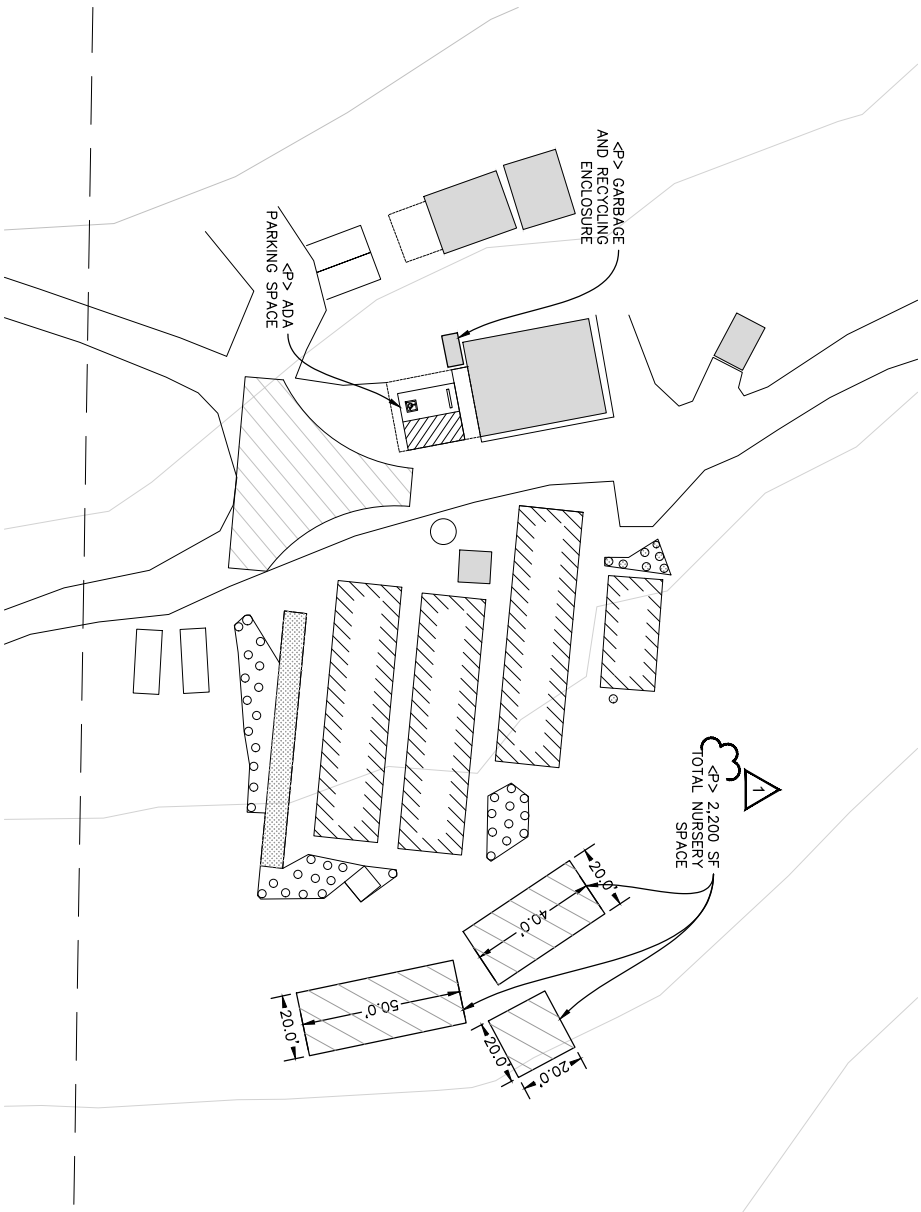
LUCY GULCH, LLC

CONDITIONAL USE PERMIT

APNs: 317-063-006 & 317-064-002



EXISTING SITE #3 PLAN



PROPOSED SITE #3 PLAN



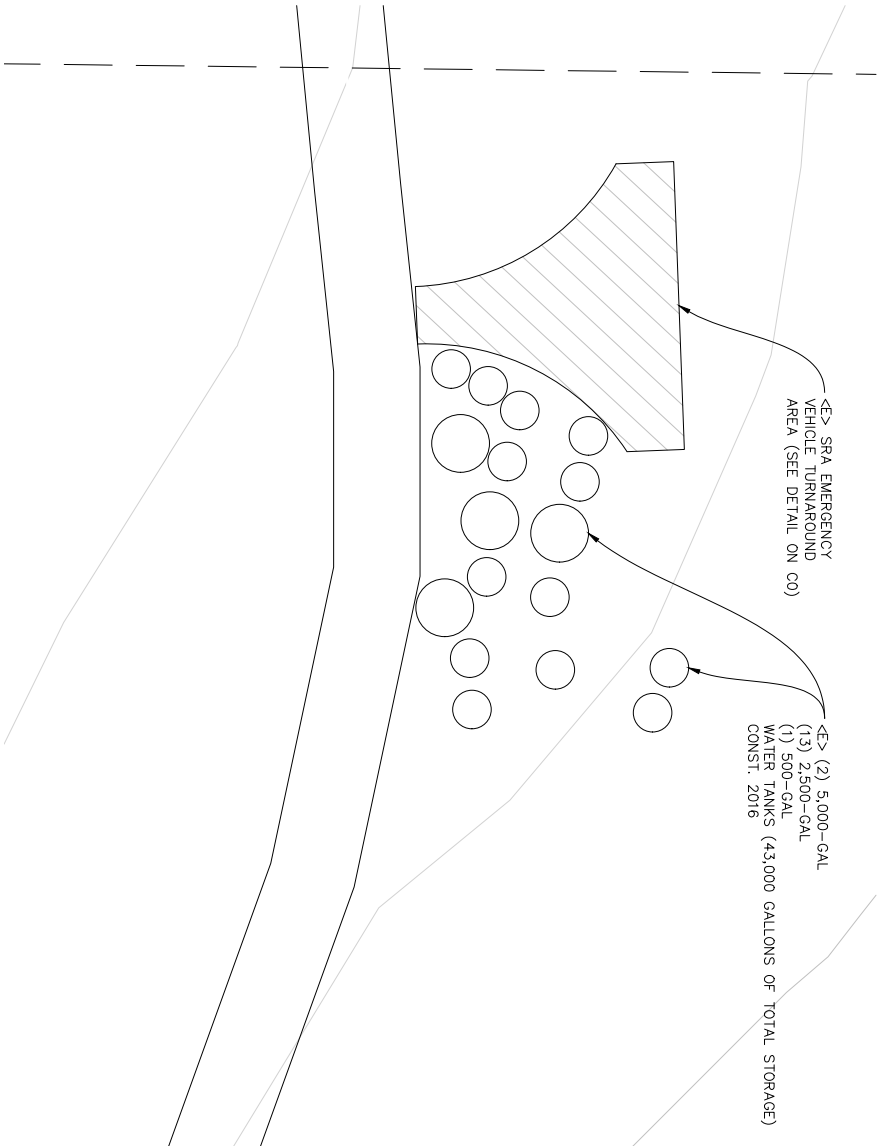
DATE		REVISIONS		DRAWN BY
3/30/21	REVISED	APPROVED	CULTIVATION ALLOTMENT	DDR

LUCY GULCH, LLC	
HYAMP, CA / APNS: 317-063-006 & 317-064-002	
EXISTING AND PROPOSED SITE #3 PLAN	

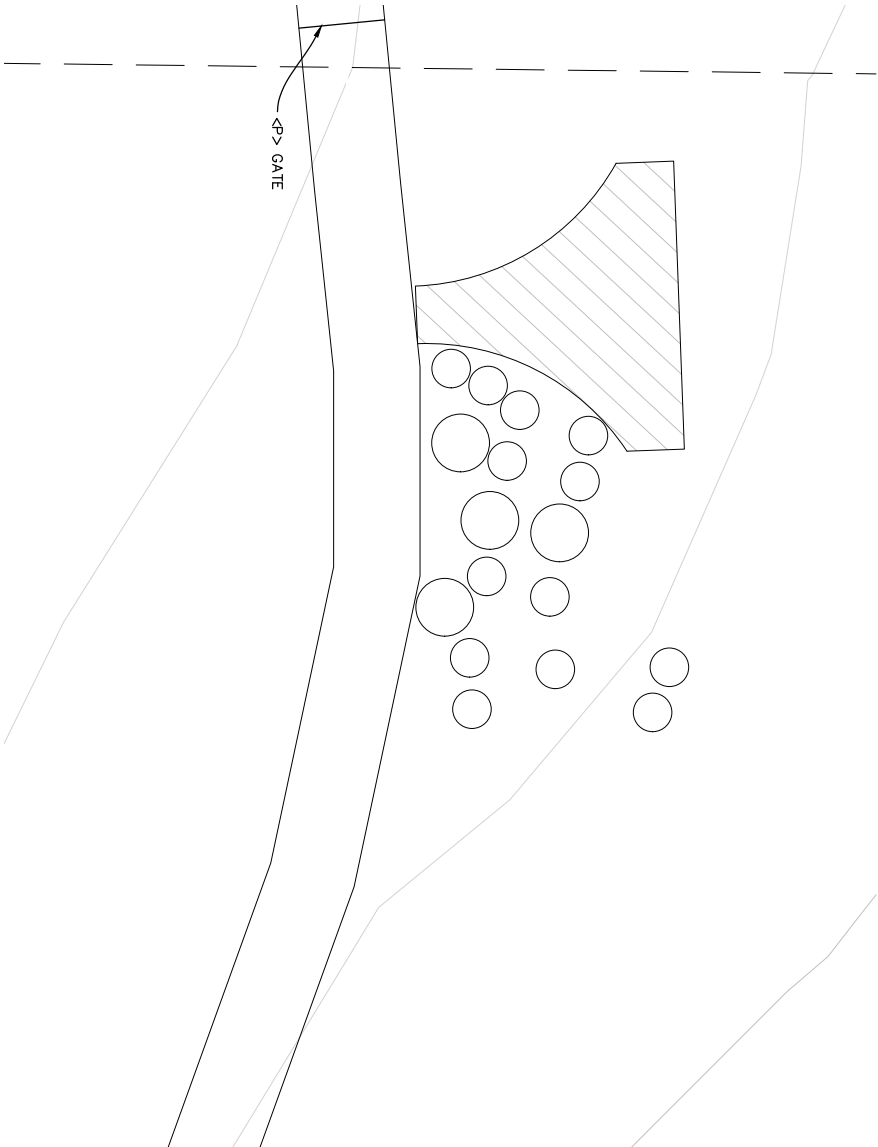
PROJ. MGR.:	PS
DRAWN BY:	CLC
DATE:	03/30/2021
SCALE:	AS SHOWN
SHEET	
18-085	

LUCY GULCH, LLC
CONDITIONAL USE PERMIT
APNs: 317-063-006 & 317-064-002

EXISTING SITE #4 PLAN




PROPOSED SITE #4 PLAN



22x34 SHEET: 1"=20'
11x17 SHEET: 1"=40'
0 10 20 40



18-085		SHEET		C4																																		
PROJ. MGR. PS		DRAWN BY. CLC		DATE 03/30/2021																																		
SCALE AS SHOWN		SHEET		C4																																		
LUCY GULCH, LLC																																						
HYAMPM, CA / APNS: 317-063-006 & 317-064-002																																						
EXISTING AND PROPOSED SITE #4 PLAN																																						
																																						
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DATE	REVISIONS	DRAWN BY																																				
3/30/21	REVISED APPROVED CULTIVATION ALLOTMENT	DDR																																				

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 this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #17. 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. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised Site Plan showing the following, in addition to what is shown:
 - a. The proposed locations for the existing 7.5-kW generator, 7-kW generator, and 3-kW generator future permanent locations, to be at least 200 feet from existing streamside management areas.
 - b. The proposed locations of future solar panels on-site.
 - c. The applicant shall designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression.
7. The applicant shall secure permits all structures (existing and proposed) related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: proposed future generator sheds, one (1) 10'x15' Generator Shed, one (1) 17'x21' Storage Shed, one (1) 30'x40' Drying & Processing Building, one (1) 19'x24' Drying Building, two (2) 8'x20' Shipping Containers for fuel storage, three (3) 20'x80' Mixed-Light Greenhouses, one (1) 20'x35' Propagation Greenhouses,

one (1) 20'x40' Propagation Greenhouse, one (1) 20'x50' Propagation Greenhouse, and one (1) 20'x20' Propagation Greenhouse. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. Future generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.
9. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
10. The applicant shall submit a grading, erosion and sediment control plan for the previous grading done on-site. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
11. The applicant has three years from the date of approval to permit the proposed grading associated with the 1,000,000-gallon proposed pond, and shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
12. The applicant is required to have a Site Management Plan (SMP) prepared for the project to show measures required to meet compliance with the State Water Resource Control Board's General Order. A condition of approval for the project is to provide a copy of the final SMP report to the Planning Department when available, and to adhere to the mitigation measures outlined within the SMP Report.
13. The applicant shall obtain a professional geologist assessment to identify an appropriate site for the proposed 1,000,000-gallon pond, and shall submit a copy to the Planning Department within three years from the date of approval. In the event that the proposed pond location deviates from the current location shown on the Site Plan, the applicant shall submit an updated Site Plan to show the accurate location for the future pond.
14. The primary access route to the project site will require minor modifications to accommodate the increased traffic due to Lucy Gulch's proposed project. The road width was measured, photos were taken and recommendations were prescribed at each Road Point. The applicant is conditioned to adhere to the recommendations within the Road Evaluation Report that was prepared by Northpoint Consulting Group.
15. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
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 Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The applicant shall adhere to the limits and conditions set forth within the Water Right Certificate H10009.
3. When the 1,000,000-gallon proposed pond is constructed the applicant should comply with the CDFW Bullfrog Management Plan (Attached) and comply with CDFW reporting requirements.
4. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). 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.
5. The applicant shall abide by the ongoing recommendations of the Biological Survey Report prepared by Pacific Watershed Associates and received January 25, 2021 which includes, when utilizing soil or straw for erosion control measures the applicant shall make sure that all soil is sterilized and will only utilize rice straw, removal of vegetation shall only occur during the nonbreeding season (September 1st-January 31st) unless surveyed by a qualified professional, conduct all heavy machinery work outside of the nesting season between March 1st – August 15th, reduce all cultivation related noise to under 50 decibels (db) of escapement within 100 feet of origin or the nearest canopy, and no new water storage tanks shall be added to the Tank Farm.
6. 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.
7. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
8. 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.

9. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
11. The use of anticoagulant rodenticide is prohibited.
12. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
13. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
14. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
15. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
16. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
17. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
18. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
19. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).

21. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
22. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
26. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

28. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
29. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
30. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
31. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);

- (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
32. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
33. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
34. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
35. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
36. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a

sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

37. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
38. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 and 31 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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's 317-063-006 & 317-064-002;
2150 Kerlin Creek L Road, Hyampom
County of Humboldt**

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

April 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit for an existing 39,100 ft² cannabis cultivation operation of which 34,300 ft² is full-sun outdoor and 4,800 ft² is mixed-light in three (3) greenhouses. Ancillary propagation is proposed to occur within a three proposed greenhouses. Irrigation water is sourced from a permitted well, and supplemental water is sourced from a permitted water diversion when needed. A 1,000,000-gallon rainwater catchment pond is proposed to support future irrigation needs. Total annual water demand for the project is 550,000 gallons per year, and there is a total of 60,500 gallons of existing water storage on-site. Drying and curing will occur within the existing Drying Building and Cannabis Support Facility. Trimming packaging and labeling will occur within the Cannabis Support Facility. All processing will be performed by the applicant and up to six (6) employees during peak season. Power is currently sourced by four generators on-site, and the applicant plans to include solar panels with a battery bank to offset 50 – 60% of future generator use within three years from the date of approval.

Four (4) existing generators are outlined in the Cultivation & Operations Plan. One (1) 20-kW generator is used to power the C.S.F. and is housed within the existing Generator Shed. There is also one (1) 7.5-kW generator, one (1) 7-kW generator, and one (1) 3-kW generator, which are used to power water pumps, power tools and other small electrical demands on-site. The Cultivation & Operations Plan states that the three small generators do not currently have permanent locations. Generators are not to be kept outside, and a condition of approval for the project requires the construction or maintenance of noise containment structures for all generator's future permanent locations, and these locations must be shown on an updated Site Plan submitted to the Planning Department. Future generator sheds must be permitted with the Building Department, have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

The site has been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1_12CC418935, as a Tier 2 Moderate Risk. A Notice of Applicability letter dated November 15, 2019 is attached for proof of enrollment in the General Order. The applicant is required to have a Site Management Plan (SMP) prepared for the project to show measures required to meet compliance with the General Order, and a condition of approval is to provide a copy of the final SMP report to the Planning Department when available, and to adhere to the measures outlined within the Report.

The project was referred to the Department of Fish & Wildlife on September 5, 2017, and a response was received from the agency on January 4, 2018. Comments from Fish & Wildlife recommended conditional approval for the project. Conditions of Approval included in the project are: request for a professional geologist assessment to identify an appropriate site for a pond, in the event that a pond is constructed

the applicant should comply with the CDFW Bullfrog Management Plan and comply with CDFW reporting requirements.

A biological reconnaissance survey and rare plant survey was conducted by PWA on July 11, 2019, and a Biological Survey Report (BSR) was prepared for the project dated March 2020. The conducted survey established a 150-foot buffer from all project areas to identify any rare species, and no rare species were identified on the property during the survey. Recommendations within the BSR that are included in the Conditions of Approval for the project include: when utilizing soil or straw for erosion control measures the applicant shall make sure that all soil is sterilized and will only utilize rice straw, removal of vegetation shall only occur during the nonbreeding season (September 1st-January 31st) unless surveyed by a qualified professional, conduct all heavy machinery work outside of the nesting season between March 1st – August 15th, reduce all cultivation related noise to under 50 decibels (db) of escapement within 100 feet of origin or the nearest canopy, construct containment structures around all generators on the property, and the landowner shall not add any additional water tanks to the Tank Farm.

Additional measures required to mitigate effects on wildlife include adhering to International Dark Sky standards for all mixed-light and propagation greenhouses on-site. The applicant shall ensure that no light escapes from greenhouses utilizing supplemental lights between the hours of dawn and dusk for the life of the project, and this is included in the on-going Conditions of Approval for the project.

The project is located outside of any mapped aboriginal territories, but the project was referred to the Northwest Information Center (NWIC) on March 18, 2019. NWIC responded on April 3, 2019, requesting a Cultural Resource Investigation. The applicant had an Archaeological Survey prepared by the Anthropological Studies Center at Sonoma State University. The Archaeological Survey Report dated August 2018 found that no evidence of historical or archaeological resources existed within any of the survey areas, or the surveyable and disturbed terrain around them. The project will be conditioned to adhere to inadvertent discovery protocols in the event that cultural resources are encountered during project activities.

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 the preparation of a Site Management Plan, a Remediation Plan for the relocation of the Tank Farm, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete,

shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project 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 Plans prepared by Northpoint Consulting Group dated April 2021 and received April 1, 2021.
- Cultivation and Operations Plan prepared by Northpoint Consulting Group dated April 2021 and received 4/1/2021.
- Right to Divert and Use Water, Certificate H100091 with the State Water Resources Control Board, Division of Water Rights.
- Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Notice of Applicability dated November 15, 2019, for proof of enrollment in the State Water Resources Control Board Order WQ 2019-0001-DWQ.
- A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-144 HUM) dated May of 2015.
- Engineer's Road Evaluation Report for the Private Road prepared by Northpoint Consulting Group, dated 1/13/2021 and received 1/25/2021.
- Sewage Disposal System Permit Application (15/16-0037) dated 7/24/2015 & Septic Design approved on 9/28/2017, and construction approved on 4/5/2018.
- Biological Survey Report for biological and plant species, prepared by Pacific Watershed Associates dated March 2020, received January 25, 2021.
- Well Completion Report for the permitted well (18/19-1102).
- Streambed Alteration Agreement with Fish & Wildlife (1600-2017-0515-R-1) dated 6/1/2018 and received 7/27/2018.
- Archaeological Survey prepared by Anthropological Studies Center at Sonoma State University. The Archaeological Survey Report dated August 2018, and received 8/10/2018.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on-file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plans prepared by Northpoint Consulting Group received 4/1/2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Northpoint Consulting Group dated and received 4/1/2021 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Right to Divert and Use Water, Certificate H100091 – **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
7. Copy of Notice of Applicability filed with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ, under WDID: 1_12CC418935. (**Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0515-R1 executed 6/1/2018 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Well Completion Report Permit Number 18/19-1102 – On-file)
10. Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023. (**Attached**)
11. 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. (A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-144 HUM) dated May of 2015 – **Attached**)

12. 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)
13. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
14. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
15. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
16. Archaeological Survey prepared by Anthropological Studies Center at Sonoma State University. The Archaeological Survey Report dated August 2018, and received 8/10/2018. (On-file and confidential)
17. Engineer's Road Evaluation Report for the Private Road prepared by Northpoint Consulting Group, dated 1/13/2021 and received 1/25/2021. (**Attached**)
18. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
19. Sewage Disposal System Permit Application (15/16-0037) dated 7/24/2015 & Septic Design approved on 9/28/2017, and construction approved on 4/5/2018. (On-file)
20. Biological Survey Report for biological and plant species, prepared by Pacific Watershed Associates dated March 2020, received January 25, 2021. (On-file and confidential)



Lucy Gulch, LLC
APNs: 317-063-006 & 317-064-002
Cultivation and Operations Manual
Humboldt county, CA

Commercial Cannabis Cultivation Facilities

PREPARED FOR:



Revised April 2021

Commercial Cannabis Cultivation Facilities

APNs: 317-063-006 & 317-064-002

PLN-11459-CUP

Lead Agency:

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Revised April 2021

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Lucy Gulch, LLC (“Applicant”) is proposing to permit commercial cannabis cultivation activities in accordance with the County of Humboldt’s (County) *Commercial Cannabis Land Use Ordinance* (CCLUO), aka “Ordinance 1.0” on APNs 317-063-006 and 317-064-002 in Hyampom, California. The project requires a Conditional Use Permit for a total of 39,100-sf (square feet) of cultivation, which is comprised of 34,300-sf full-sun outdoor and 4,800-sf of mixed-light. The proposal also includes 2,900-sf of ancillary propagation space. The project proposal may include permitting of existing and proposed facilities appurtenant to the cultivation which include greenhouses, storage sheds, and storage/drying buildings. The applicant aim to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The project site is located at 2150 Kerlin Creek L Road on two contiguous parcels (APNs: 317-063-006 and 317-064-002) west of the community of Hyampom in the Pelletreau Creek – South Fork Trinity River watershed (HUC-12 #180102120503). The project site occupies a total area of approximately 155-acres, outside both the Coastal Zone and the State Responsibility Area (SRA) for fire protection. The subject property, forested primarily with Douglas fir, has a general plan land use designation of Timberland and is zoned Timber Production Zone (Humboldt County Web GIS).

Lucy Gulch along with two other unnamed streams flow northeast through the property. The existing developed area is centrally located within the property and contains a drying shed, two shipping container, a commercial processing facility, and portions of the outdoor cultivation. Cultivation operations are currently powered by generators while the Applicant is in the process of procuring a solar-power system.

1.3. LAND USE

The property is zoned for Timberland Production (TPZ) and has a general plan land use designation of Timber (T). Land uses surrounding the parcel are comprised of Timber Production (T) and Public Land (P). The surrounding parcels are zoned Timber Production Zone (TPZ).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE – CALCANNABIS

Lucy Gulch, LLC will obtain a Commercial Cannabis Activity license from the State of California once the local approval has been received.

1.4.2. STATE WATER RESOURCES CONTROL BOARD – WATER RIGHTS

The Applicant sources irrigation water from a groundwater well located at 40.629437, -123.555167 on APN 317-063-002, and supplements with a surface water diversion source located at 40.6306, -123.5509 on 317-063-002. A Small Irrigation Use Registration (SIUR Certificate #H500863) allows appropriation of up to 492,225-gallons of water for irrigation. The applicant has filed an Initial Statement of Water Diversion and Use (S026784) which allows direct diversion for domestic purposes. Current storage at the project site is comprised of hard plastic storage tanks totaling a volume of 55,500-gallons; there are eighteen (18) 2,500-gallon tanks, two (2) 5,000-gallon tank, and one (1) 500-gallon tank. The applicants estimate an annual water demand of approximately 550,000-gallons. Additionally, the Applicant proposes a 1,000,000 rainwater catchment tank for future irrigation needs.

1.4.3. STATE WATER RESOURCES CONTROL BOARD AND NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD – WATER QUALITY

The applicants enrolled for coverage as a Tier 2, Moderate Risk under the State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* “Order”) on June 27th, 2019. The assigned Waste Discharger Identification (WDID) is 1_12CC418935. The purpose of the SWRCB Order is to implement the requirements for waste discharges associated with cannabis cultivation as described in SWRCB’s *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* (“Policy”). A Site Management Plan will be developed for the property to describe how the discharger is complying with the applicable Best Practicable Treatment or Control (BPTC) Measures listed in Attachment A of the Order/Policy. A Site Erosion and Sediment Control Plan will be developed consistent with the requirements of General Order Provision C.1.b., and Attachment A, Section 5.

The current Tier 2, Moderate Risk discharger status reflects current operations that disturb an area greater than one acre, where some portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to one acre.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

Upon project approval, all necessary building permits will be obtained from the Humboldt County Building Department for all existing/proposed structures and supporting infrastructure.

1.4.5. CAL FIRE

The subject property is located outside the State Responsibility Area (SRA) for fire protection. Even so, all structures on the property meet the 30-foot SRA setback requirement from property lines.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (Notification No. 1600-2017-0515-R1) has been executed to upgrade five (5) existing stream crossing culverts, install a rocked ford crossing, and disclose the surface water POD.

1.4.7. 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

Clones are sourced from a licensed nursery and brought to the parcel around April-May. Clones are placed in the nursery greenhouses (Site #1), under 35-watt T-5 lights. The juvenile plants will be irrigated using hand watering methods, and after three weeks they will be transplanted into their final location where they will continue their vegetative cycle and eventually flower.

2.2. OUTDOOR & MIXED-LIGHT CULTIVATION PLAN

Cultivation will occur at three different sites: Site #1 contains approximately 15,775-sf of outdoor cultivation; Site #2 contains approximately 16,690-sf of outdoor cultivation; Site #3 contains approximately 1,835-sf of outdoor cultivation 4,800-sf mixed-light cultivation. Site #3 also contains 2,700-sf of nursery space. Plants are grown in raised beds and smart pots. Irrigation is done via a drip system. The total a canopy area is approximately 39,100-sf. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the operation for a typical year.

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants will occur using drip irrigation and top-feed hand watering methods. While most irrigation needs will be on automatic drip, some irrigation and fertigation may be more efficiently managed via hand watering, which allows for daily inspection of each plant by the cultivator. Daily inspection of each plant allows the cultivator to tailor irrigation and nutrient application based on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

2.4. PROCESSING PLAN (HARVESTING, DRYING, AND TRIMMING)

Plants that are ready for harvest will have their flowering branches removed and placed in totes with the flower facing upwards to prevent compression of the product. Drying and curing occurs in the Drying Building and Cannabis Support Facility (C.S.F.), which are both located at Site 3 (see site map in Appendix A), where they will be suspended and left to dry for approximately one week. The harvested cannabis will be hung with adequate spacing between each plant, so the product is allowed proper airflow as they dry. All persons in contact with harvested cannabis will be wearing gloves. Hair nets and masks will be provided. After each use, the garden shears used for harvesting will be sanitized in isopropyl alcohol. Harvesting totes will be used each cultivation cycle and sanitized before each harvest.

All processing will be performed by the Applicant and 4-6 employees within the Cultivation Support Facility (C.S.F.). Before processing harvested cannabis, the Applicant sanitizes all tools and processing equipment using isopropyl alcohol. The Applicant stores their processed cannabis in nylon bags until it is ready to be packaged. All persons in contact with processed harvested cannabis will use gloves and aprons. Hairnets and masks will be provided. All work surfaces are maintained in a clean, sanitary condition.

The Cultivation Support Facility is used for packaging and labeling harvested cannabis. All processed cannabis will be packaged in nylon, vacuum sealed, and labeled in a designated room of the Cultivation Support Facility. Packaging and labeling will be completed diligently by posting packaging and labeling instructions for anyone that is involved in the process.

2.5. EMPLOYEE PLAN

The applicant is an “agricultural employer” as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.5.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management. 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 part-time to full-time, seasonal position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of commercial 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 commercial cannabis. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation, harvesting, and drying support. This is a part-time to full-time, seasonal position.

2.5.2. STAFFING REQUIREMENTS

In addition to the *Agent in Charge*, *Lead Cultivator*, and *Assistant Cultivator positions*, up to three (3) full-time seasonal labor position may be employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation and harvest. During peak operational periods, the operation may require up to 6 employees.

2.5.3. EMPLOYEE TRAINING AND SAFETY

All employees are required to read the employee handbook which contains all of the protocols for handling farm equipment and hazardous materials associated with their employee responsibilities.

Employees are subject to a full 8 hour work shift covering all protocols associated with their employee responsibility. In this time, they are shown where all emergency response materials are located thorough the site. A subsequent 2 hours of training is covered every 90 days to refresh employee emergency response plan.

On-site cultivation, harvesting, drying and processing will be performed by employees trained on each aspect of the procedure including cultivation/harvesting techniques, use of pruning tools, and proper application/storage of pesticides and fertilizers. All cultivation staff will be provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the on-site cultivation and drying facilities will be limited to authorized and trained staff. All employees will be trained on proper safety procedures including fire safety, use of PPE, proper hand washing guidelines, and emergency protocol. 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 are kept on site and accessible to employees.

2.5.4. TOILET AND HANDWASHING FACILITIES

Cultivation employees will be served by a proposed ADA bathroom within the existing Cannabis Support Facility. The ADA bathroom will be connected to the existing, permitted OWTS. Anti-bacterial Liquid Soap and paper hand towels will be made available. Restroom and handwashing units will be serviced at regular intervals by a licensed contractor. Work will occur at a distance no greater than 900 feet from the restroom facility.

2.5.5. ON SITE HOUSING

There is no existing housing and the project does not propose onsite housing as part of cultivation operations.

2.5.6. PARKING PLAN

There are a total of 7 parking spaces within the site, including 1 proposed ADA parking space. There are two existing parking spaces at Site #1, two parking spaces at Site #2, and two existing parking space and one proposed ADA parking space at Site #2. See the Site Map in Appendix A for the locations of all parking spaces.

2.6. SECURITY PLAN AND HOURS OF OPERATION**2.6.1. FACILITY SECURITY**

The property is accessed from US Forest Rout 1 via private access road. The property is secured by gates. Gates remain locked at all times. Cultivation facilities (greenhouses, storage sheds, drying facility) will only be accessible through the locked gate. Access to the area is limited to employees and approved personnel including agency staff, consultants, and distributors.

2.6.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as harvesting and drying typically occur no earlier than 8 AM and extend no later than 8 PM.

2.6.3. LIGHT POLLUTION CONTROL PLAN

The nursery area, which may use supplemental lighting, will be blocked with the use of blackout tarps or other materials to achieve Dark Sky standards. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

3. ENVIRONMENT**3.1. WATER SOURCE, STORAGE, AND PROJECTED USE**

The primary water source for this project is a groundwater well located at lat/long 40.629437, -123.555167 (Permit #18/19-1102) on APN 317-063-002. The applicant has obtained a Small Irrigation Use registration (SIUR) that allows the applicant to appropriate up to 544,171-gallons of water to storage from November 1st to March 31st for irrigation. Annual water demand was estimated to be approximately 550,000-gallons. Table 1 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. The location for the POD and the well can be seen in the Site Map in Appendix A. Irrigation water will be primarily sourced from the well; supplemental irrigation water may be sourced from storage as needed. Current water storage is comprised of eighteen (18) 2,500-gallon tanks, two (2) 5,000-gallon tank, and one (1) 500-gallon tank, totaling 55,500-gallons. A

proposed 1,000,000-gallon rainwater catchment pond will be developed to fulfill irrigation water needs.

Table 1: Estimated Annual Irrigation Water Usage (gallons)

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
0	0	0	30,000	75,000	80,000	85,000	90,000	90,000	100,000	0	0	550,000

3.2. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

The applicant has enrolled with the State Water Resources Control Board (SWRCB) for coverage under the General Order. A Water Resources Protection Plan (WRPP) has been developed by Pacific Watershed Associates. The transition for the WRPP to a Site Management Plan (SMP) for existing site conditions is in the process of being developed; the SMP will detail erosion control and sediment capture measures, as well as road maintenance and runoff activities.

3.2.1. STORMWATER MANAGEMENT PLAN

Cultivation is proposed to occur in pots and raised beds and is not expected to impact the drainage characteristics of site soils. The hoop structures are not expected to increase stormwater runoff as the coverings will be removed prior to the rainy season.

Stormwater management for the remainder of the property will be addressed in the SMP, which will also include recommendations for road network maintenance. Existing and proposed structures are located over 150-feet from any watercourses, providing a sufficient buffer to prevent potential sediment or nutrient delivery.

3.2.2. EROSION CONTROL

The SMP will include erosion and sediment control best practicable treatment controls (BPTCs) designed to prevent, contain, and reduce sources of sediment. BPTC prescriptions may include rocking roads, maintaining rolling dips/water bars, and unplugging ditch relief culverts.

3.3. WATERSHED AND HABITAT PROTECTION

All proposed cultivation activities will be set back at least 50-ft from any drainages and watercourses on site. These setbacks should provide a suitable buffer between the cultivation operation and habitat. Adherence to the Site Management Plan will ensure that erosion control and sediment capture BPTC measures are in place to prohibit water quality degradation of the nearby river. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

3.4. INVASIVE VEGETATIVE SPECIES CONTROL PLAN

If invasive species are located, hand tools (shovels, weed wrenches, trowels, or hand saws) may be used to remove them. The exact rate and method of invasive species removal will be determined based on the species identified. The areas of disturbance shall be surveyed and maintained twice each year, at a minimum, as part of the invasive species control plan.

3.5. MATERIALS MANAGEMENT PLAN

Cultivation, harvesting, and drying shall be performed by employees trained on each aspect of the procedure, including cultivation and harvesting techniques, the use of pruning tools, and proper

application/storage of pesticides/ and fertilizers. 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. Mixing of fertilizers in small storage tanks is solely conducted in a designated area where the mix will not enter surface waters. For young plants, the mix is applied via watering wand and mature plants are fertigated at agronomic rates by drip emitters or hand watering methods. Spent soil is amended and reused as needed. The application of any agricultural chemical products will be conducted according the manufacturer's recommendation.

Employees are trained on usage and handling procedures of associated equipment and cleaning procedures. Chemicals and hazardous materials are only used with equipment as recommended by manufacturers. Cleaning will occur regularly with instructions based on the manufacturer's recommendations. All cleaning materials will be put away and stored properly within secondary containment when not in use and hazardous containers will be properly disposed of. Additionally, if there are any spills on site, there will be a spill kit with sorbent pads will be accessible.

On-site inventory is kept for all chemical. Chemicals are used and stored based on manufacturer's recommendations and requirements. Any materials required for use of chemicals will be provided to employees. The material safety data sheets (MSDS) are kept on site and accessible to employees.

All hazardous waste will be stored within secondary containment. Additionally, a log will be kept in order to keep the volume of hazardous waste accounted for. Fertilizers are being stored in a separate location from petroleum products. The aforementioned products will be located within secondary containment in a shipping container located at Site #3 (Appendix A). No pesticides or rodenticides will be used on site. At the end of the season, any unused liquid products are stored in secondary containment and will be applied the following year. Before unused products are stored at the end of the season, an employee will take inventory on the volumes and products. Additionally, all waste will be properly disposed of off-site and the correct facility. All trash, empty product containers, and recycling are hauled off-site bi-weekly to nearest licensed waste management facility.

Lucy Gulch, LLC has enrolled in the California Environmental Reporting System (CERS) (CERS ID 10837411). CERS is a unified program, established by the California Environmental Protection Agency (CalEPA) that protects Californians from hazardous waste and hazardous materials by ensuring consistency throughout the state in regard to administrative requirements, permits, inspections, and enforcement. CalEPA oversees the statewide implementation of the Unified Program and its 81 certified local government agencies, known as Certified Unified Program Agencies (CUPAs). Lucy Gulch has also applied for Commercial Medical Marijuana (CMM) Clearance/Permits through Humboldt County Department of Health and Human Services (DHHS). Both CalEPA and DHHS application materials are available in Appendix C.

3.6. SOILS MANAGEMENT PLAN

All cultivation is proposed in pots or raised beds within the hoop structures. The applicant will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

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 room, and contained within watertight, 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.

3.7.2. FERTILIZERS

All fertilizers, liquid and dry forms are stored within secondary containment, and stored in the storage container at Site #3. Nutrients and biological inoculants used for cultivation include:

- CalMag
- Primordial Solutions Sea Green
- Archipelago Bat Guano
- Age Old (Grow)
- Age Old (Bloom)
- Age Old (Kelp)
- Dr. Earth All Purpose

3.7.3. PESTICIDES

No pesticides or herbicides are used or stored on site.

3.7.4. FUELS, OILS AND CLEANERS

Fuels are used for generators and other small yard/garden equipment. All fuels and oils are stored within secondary containment, and stored in the storage container at Site #3. All equipment is serviced in an appropriate area where potential spills can be contained. Fuels and oils stored on site include:

- Gasoline
- Diesel Fuel No. 2
- Propane
- Motor Oil
- Paraffin Oil
- Isopropyl Alcohol
- Simple Green

3.8. ENERGY AND GENERATOR USE

Cultivation activities will be powered by (4) existing generators of various sizes ranging from 3-kW to 20-kW. The 20-kW generator is located within a generator shed adjacent to the Cannabis Support Facility (C.S.F.), and is used to supply power to the C.S.F. for the drying and processing activities. The 20-kW generator has built in secondary containment and is stored in a covered generator shed. The

generator shed has additional secondary containment capabilities to further reduce potential oil/fuel spills.

The 7.5 kW, 7kW and 3 kW are used throughout the site as needed and do not have a permanent location. The smaller generators are used to supply power to water pumps, power tools and other small electrical demand loads essential for operations. When in use generators are placed away from the property lines and tree lines to ensure minimal noise disturbance to neighboring properties and wildlife. The smaller generators are to be placed within a structure and secondary containment when in use. When not in use, the smaller generators are stored within the shipping containers at Site 3.

Fuel for the generator is located within the shipping container in Site 3 and stored within secondary containment. Increase in noise levels from generator use is expected to be minimal, and is not expected to increase greater than 50 decibels at a distance of 100 feet, or at the nearest tree line. If noise levels do increase above 50 decibels, further measures will be taken to insure appropriate levels.

Future plans include the proposal of solar panels accompanied with a battery bank to offset generator use.

3.9. WASTE MANAGEMENT

3.9.1. CULTIVATION

Waste generated from domestic activities is stored in garbage cans inside the house and in a storage trailer; the waste is transported to an appropriate facility weekly as needed. Organic cultivation-related waste, including root balls, branches, and leaves will be hauled off site to a green waste management facility as needed. Trash and recycling from cannabis operations, including empty soil or fertilizer bags, liquid fertilizer bottles, cultivation supplies, etc., will be taken to the nearest waste management facility as needed.

3.9.2. SEWAGE DISPOSAL PLAN

Wastewater is sent to the existing permitted septic system located at Site #3 (see site map in Appendix A). The system treats wastewater from the ADA bathroom located within the existing Cannabis Support Facility (C.S.F.).

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples will be selected from individual harvested cannabis strains and tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the California Cannabis Track-and-Trace (CCTT) METRC system.

4.2. PRODUCT INVENTORY AND TRACKING

The applicants will follow all regulations and requirements set by the CCTT-METRC system. After approval of state licenses related to the proposed cultivation, the applicants will request credentials and order unique identifiers (UIDs) which will be assigned to each immature lot, flowering plant, and distinct cannabis product.

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. The CCTT-METRC system will be used for all transactions with distributors or transporters.

APPENDIX A: SITE MAP

APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc.)												
	Road maintenance												
	Culvert and inboard ditch maintenance/inspection												
Irrigation Activities	Cover soil beds and seed / straw with cover crop												
	Irrigation of juvenile plants/clones												
Pre-cultivation Activities	Irrigation of flowering plants												
	Transplant clones into beds												
	Amend soil in beds												
Outdoor & Mixed-Light Cultivation and Harvest Schedule	Import new cultivation soil												
	Outdoor Cultivation Cycle												
	Mixed-Light Cultivation Cycle												
	Harvest activities												
Staffing Presence	Drying Activities												
	Agent in Charge												
	Lead Cultivator												
	Assistant Cultivator												
	Seasonal Laborers												

APPENDIX C: CALEPA & DHHS APPLICATIONS FOR REGULATED PRODUCTS

APPENDIX D: 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 *H500863*

CERTIFICATE *H100091*

Right Holder: *Misha Vandal*
2825 Little Pond Road
Mckinleyville, CA 95519

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 *04/16/2018*. 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)
Lucy Gulch	Lucy Gulch	Big Creek	South Fork Trinity River	40.6305	-123.5510	Humboldt	317-064-002

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	317-064-002	0.13
Irrigation, Fire Protection	Humboldt	317-063-006	0.87

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *06/15/2018*.

The place of use is shown on the map filed on *06/15/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1.68 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 1.68 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.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, 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 – 78, 82 – 94, 96, and 98 – 103.
- 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/water_issues/programs/cannabis/docs/policy.pdf.

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.
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 around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
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 the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal 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: 06/15/2018 13:39:22

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North Coast Regional Water Quality Control Board

November 15, 2019

WDID:1_12CC418935

LUCY GULCH, LLC
ATTN: MISHA VANDAL
2825 LITTLE POND ROAD
MCKINLEYVILLE, CA 95519

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

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

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

Sincerely,

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

191115_2M_1_12CC418935_1B161728CHUM_Lucy_Gulch__LLC_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, LUCY GULCH, LLC, HUMBOLDT COUNTY APN(s) 317-063-006 & 317-064-002

Lucy Gulch, LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 27, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC418935**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161728CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

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

2. SITE-SPECIFIC REQUIREMENTS

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

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

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

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

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

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

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

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

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

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by September 24, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

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

4. MONITORING AND REPORTING PROGRAM

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

Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

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

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

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Moderate Risk. The 2018-2019 annual fee for that tier and risk level was set at \$3,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

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

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

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



135 Ridgeway Ave.
Sausalito, CA 94965
www.fire.ca.gov
(707) 576-2959



Date: May 08, 2015
Ref.: 1-15EX-144-HUM

MISHA VANDAL
2825 LITTLE POND STREET
MCKINLEYVILLE, CA 95519



Dear Ms. Vandal:

This is to acknowledge that your **Less Than 3 Acre Conversion Exemption** was accepted on **May 8, 2015**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

*****Please read the enclosed notice regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.*****

In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)--Title 14 of the California Code of Regulations, will be determined by future inspection(s).

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

Daniel Sooy
Staff Forester
RPF #2793

Enclosure

cc: Unit
Fish & Wildlife
Water Quality
County Planning
Board of Equalization
LTO – Living Waters Logging
File

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com



April 13, 2016

Misha Vandal
2825 Little Pond Street
McKinleyville, CA 95519

RE: 1-15EX-144 HUM

Dear Misha,

Enclosed you will find a Completion Report for the Less Than 3 Acre Conversion Exemption that Chris Carroll prepared for you. Per Title 14, California Code of Regulations (CCR, Section 1104.1(a)(5) timberland owners are required to file a completion report for Less Than 3 Acre Conversion Exemptions within one month from the completion of conversion exemption timber operations, which includes all slash disposal work. Please note that the expiration date of this exemption is 5/7/16. Please call our office if you should have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Laurie Kepon".

Laurie Kepon
Timberland Resource Consultants

Enclosure

Area: _____

Date Received: _____

Date Approved: _____

Date Sent to B.O.E.: _____

TIMBER OPERATIONS WORK COMPLETION AND/OR STOCKING REPORT
(As per Div. 4, Chap. 8, Sections 4585 and 4587 PRC, and Title 14 CCR Sections 1070-1075)

Certification By Timber Owner or Agent: I certify that the declarations herein are true and correct to the best of my knowledge and belief. I am notifying the Department of Forestry and Fire Protection of the status of compliance with the completion and stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection for:

Harvest Document Number: **1-15EX-144 HUM**

Harvest document includes a Timber Harvesting Plan (THP), a Nonindustrial Timber Management Plan's Notice of Timber Operations (NTO), a Less Than Three Acre Conversion Exemption (EX), or an Emergency Notice (EM). For Timberland Conversion Permits (TCP), include the THP Number above, as well as the Conversion Permit No.

Completion Report

- [] Final Completion Report. On (date): 5/1/16 all work on the operation was completed, and no further harvesting shall be conducted.
- [] Partial Completion Report. On (date): 5/1/16 all work on a part of the plan as shown on the attached map was completed. Additional harvesting is anticipated on the remaining portion of the logging area. **Only one partial completion report may be accepted by the CAL FIRE during any calendar year.**
- [] NTMP-NTO Completion Report. On (date): _____ all work on this NTO was completed for this calendar year. Additional harvesting is anticipated in following years.
- [X] EX Completion Report. On 5/1/16 all work on this Less Than Three Acre Conversion Exemption was completed. No stocking report is required.
- [] TCP Completion Report. On (date): _____ all work on this Timberland Conversion Permit was completed. No stocking report is required.

Stocking Report: The area declared as complete in this report or a previously approved completion report meets all of the stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection. The stocking status after completion of timber operations was determined by:

- [] One of the sampling procedures adopted by the Board of Forestry and Fire Protection. The identification of the person sampling, plot data, and a map of the area sampled are attached.
- [] Physical examination of the area by the timber owner or the agent thereof after completion of timber operations determined that the area's stocking obviously meet the requirements of the Forest Practice Rules and a waiver of stocking sampling is requested.
- [] As stated in the harvest document, the area was **substantially damaged** as per 14 CCR § 1080.1, and only dead, down, or dying trees were salvaged, or the Site Class is IV or V, hence no restocking is required.

This is a stocking report for the:

- ☒ Entire operating area covered by the harvest document.
☐ Entire operating area covered by this completion report or the completion report previously submitted on (date): _____
☐ Part of the operating area for which this completion report is submitted.

A map indicating the area completed (if the actual area harvested is less than approved) and/or stocked must be submitted with this report. Additional information can be found in the Instruction pages of this form

[Signature]
Signature

5/30/16
Date

Misha Vandal
Print Name

2825 1st Ave Road
Address

McKeeville CA 95519
City, State, and Zip Code

707 672 5163
Telephone Number (with Area Code)

RPF License Number, if appropriate

DIRECTOR'S CERTIFICATION

Report In Conformance

- ☐ The Director has determined that all of the requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection have been completed **except** stocking for the area described in this report. Erosion control maintenance is required for at least one year following the submission of this report, or until stocking is met, whichever is later, and it may be extended to three years.
- ☐ The area described by this report has been found to meet all of the requirements of the Forest Practice Act and forest practice rules **including** stocking as shown on the attached map. Erosion control maintenance is required for at least one year following the submission of this report or until stocking is met for the entire area of the harvest document, whichever is later, and it may be extended to three years.
- ☐ The area described by this report has been found to meet all of the requirements of the Forest Practice Act and Forest Practice Rules including stocking for the entire area as shown on the THP (or other harvest document) map. Erosion control maintenance is required for at least one year following the submission of this report, and it may be extended to three years.

Maintenance Period

The prescribed maintenance period for erosion control shall be:

- ☐ **One Year.** Ending date: _____
- ☐ **Three Years.** Ending date: _____
- ☐ **Other.** Specify length: _____ years and ending date: _____

[] The area described by this report has been found not to be in compliance with the Forest Practice Act and Forest Practice Rules. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.

[] The Director has determined that the stocking requirements of the Forest Practice Act and forest practice rules have not been met. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.

[] **Conversion Permit.** The Completion Report is necessary, but a stocking report is not required.

[] **Less Than Three Acre Conversion Exemption.** The Completion Report is necessary, but a stocking report is not required.

[] **Emergency Notice or a THP with Substantially Damaged Timberland** as per 14 CCR § 1080.1, where a stocking report is not required.

☐ Have not been completed and are not in compliance with the regulations and/or the rules. See attached documents for further information. **A new completion report must be submitted** upon completion of the work required in the documents attached.

By: _____

Signature _____ Print Name _____

Title _____ RPF # _____ Date _____

INFORMATION FOR COMPLETION AND STOCKING REPORTS

This form is intended to serve as a completion report, or a stocking report, or a combination completion and stocking report depending upon the circumstances. Check one or more of the boxes as needed to indicate the type of report.

Completion Report

1. Public Resources Code (PRC) Section 4585 requires within one month after completion of the work described in a **Timber Harvesting Plan (THP)** or a Nonindustrial Timber Management Plan's "**Notice of Timber Operations**," a report that all work has been completed shall be filed by the timber owner or his agent with the Department of Forestry and Fire Protection (CAL FIRE). The section also states that an annual completion report may be filed with respect to a portion of the area covered by the THP, which has been completed before completion of the entire plan. Only one annual completion report per calendar year per THP may be filed. The portion completed shall be adequately identified on a map submitted with the report.
2. Title 14, California Code of Regulations (CCR), Section 1104.1(a)(5) requires timberland owners to file a completion report for **Less Than Three Acre Conversion Exemptions** within one month from the completion of conversion exemption timber operations, which includes all slash disposal work.
3. 14 CCR § 1052, requires operations under **Emergency Notices** to comply with all provisions of the Forest Practice Act and rules applicable to THPs, i.e., PRC § 4585 Completion Reports and PRC § 4587 Stocking Reports.

Stocking Reports

PRC § 4587 establishes that within five years after completion of timber operations on an area identified in a completion report, a report of stocking shall be filed with CAL FIRE. **Note: Only one stocking report can be filed for an area after submission of the completion report for the area.** Also, the Forest Practice Rules, where certain regeneration methods or intermediate treatments were specified in the THP, may require that a stocking report be filed within six months of completion of timber operations. Review of the THP and the Forest Practice Rules is necessary to make this determination. A report of stocking indicates that the stocking requirements of the rules and Forest Practice Act have been met either by use of one of the sampling procedures adopted by the Board of Forestry and Fire Protection or by a request for a waiver of stocking sampling procedures because the area is obviously stocked.

When a sampling procedure is used the following information described in 14 CCR Section 1075 must be attached to the stocking report:

1. The name of the person who performed the sampling.
2. A map showing the area(s) sampled by sampling procedure (if more than one procedure is used), the location of each plot established, indicate status as stocked or non-stocked. If the least stocked 40 acres were sampled, please identify the area.
3. The acreage of each sampling area.
4. The number of plot centers installed by sampling area and procedures.
5. The number of stocked plots by sampling area and procedure.
6. The plot reference data, per 14 CCR § 1072.2.

Department of Forestry and Fire Protection
COMPLETION AND STOCKING REPORT
Instructions, page two of two.

When a waiver of sampling procedure is requested, the timber owner or timberland owner, or a registered professional forester (RPF) acting as an agent of the timber owner or timberland owner, must examine the area after completion of timber operation and believes that those harvest areas, for which a waiver of sampling is being requested, obviously meet the stocking requirements of the Forest Practice Act and the applicable rules or regulations of the Board of Forestry and Fire Protection.

A report requesting a waiver of stocking sampling must include a map indicating the area for which a waiver is being requested.

Substantially damaged timberlands (14 CCR § 1080.4) and those areas prescribed for rehabilitation [14 CCR § 913.4(b) [933.4(b), 953.4(b)], must be delineated on maps accompanying the stocking report.

Complete the form as indicated. Submit the report to the CAL FIRE Review Team Office where the timber harvesting plan, non-industrial timber management plan, emergency notice, less than three acre conversion exemption, or the original harvest document was filed. These offices are:

Forest Practice Program
Manager
CAL FIRE
135 Ridgway Ave.
Santa Rosa, CA 95401
(707) 576-2959

Forest Practice Program
Manager
CAL FIRE
6105 Airport Road
Redding, CA 96002
(530) 224-2445

Forest Practice Program
Manager
CAL FIRE
1234 Shaw Avenue
Fresno, CA 93710
(559) 222-3714

A copy of this form will be returned to the timber owner or the agent thereof when the Director determines that all timber operations work has been completed. If deficiencies are noted, you will be contacted following such a determination, and this form will be found **not in compliance** and returned. The report must then be resubmitted as quickly as the required work is completed.

Less Than 3-acre Conversion Exemption NOTICE OF TIMBER OPERATIONS

Date of Posting of this Notice: April 18, 2015

A Conversion exemption that may be of interest to you will be submitted to the California Department of Forestry & Fire Protection. The California Department of Forestry & Fire Protection will be reviewing the proposed timber operation for compliance with various laws and rules. The following briefly describes the proposed conversion exemption and where and how to get more information. Questions about the proposed conversion exemption or laws and rules governing timber operations should be directed to:

California Department of Forestry and Fire Protection
Forest Practice Program
135 Ridgeway Avenue
Santa Rosa, CA 95402
(707) 576-2959

Information about the Conversion Exemption is as follows:

1. TIMBER OWNER OF RECORD: Misha Vandal

Address: 2825 Little Pond Street

City: McKinleyville State: CA Zip: 95519 Phone: 707-672-5163

2. TIMBERLAND OWNER OF RECORD: Misha Vandal

Address: 2825 Little Pond Street

City: McKinleyville State: CA Zip: 95519 Phone: 707-672-5163

3. LICENSED TIMBER OPERATOR(S): Living Waters Logging Lic. No. A-8202

Address: 1159 Strongberg Ave

City Arcata State CA Zip 95521 Phone: 707-496-5166

4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone (707) 725-1897

5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department

6. PROJECT LOCATION: Located approximately 4.5 miles southwest of the community of Hyampom in Section 13, Township 3 North, Range 5 East, Humboldt County, HB&M. APN 317-063-006. Access to the conversion exemption area is from USFS Route 3N14.

7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of this conversion is less than three acres.

Misha Vandal

Conversion Map

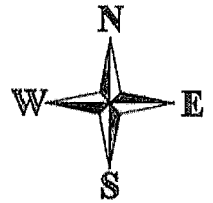
- Property Line
- Conversion Boundary
- Out Area [Existing Landing]

Roads

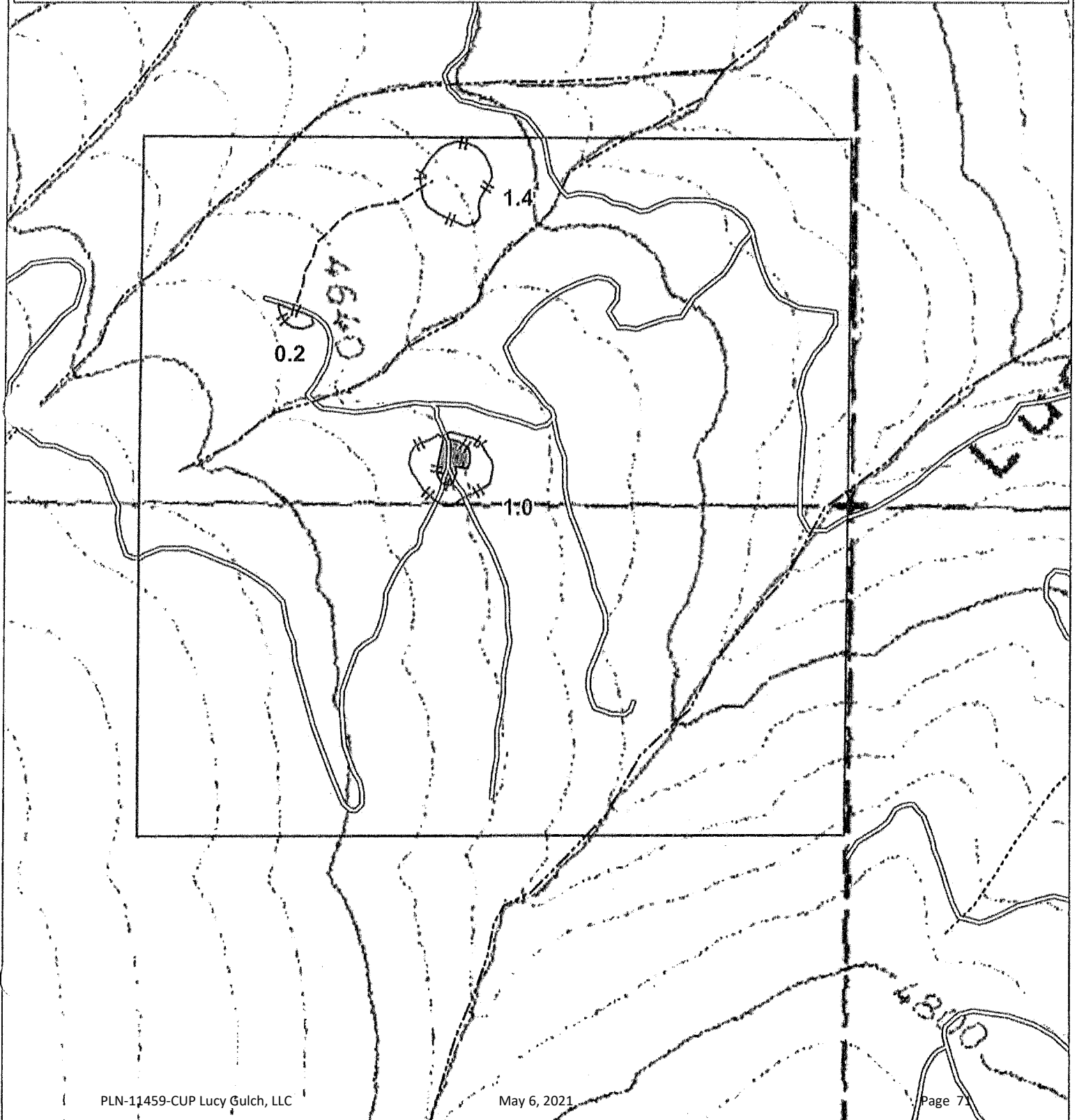
- Permanent
- Seasonal
- Trail

Watercourses

- Class II Standard
- Class III



Located in Section 13, T3N, R5E; HB&M;
Humboldt County, from the Sims Mountain
7.5' USGS Quad. Scale: 1" = 500'



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
CalFIRE		No response	
Bridgeville School District		No response	
County Counsel		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
US Forest Service		No response	
Trinity County Planning Department		No response	



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

9/5/2017

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sheriff's Department, Fortuna Union School District, Bridgeville Elementary School School District

Applicant Name Lucy Gulch, LLC **Key Parcel Number** 317-063-006-000

Application (APPS#) 11459 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-253

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

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

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

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

Return Response No Later Than 9/20/2017

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

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

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

DATE: 6/20/18

PRINT NAME: Rudy Maranghi

317-063-006



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 45248/11459
Parcel No.: 317-063-006
Case No.: CUP16-253

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

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____

- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show 38,700 sqft of outdoor (not 39,700, remeasure and shrink CA), 4,800 sqft of mixed-light (not 4,968, remeasure and shrink GH space or label as outdoor), site 2 near pump house, proposed pond near site 1, all connex shipping container and use at site 1, ADA parking at south side of processing facility, generator and garbage shed at correct location at site 1, outline of outdoor CA east of GH's at site 1, 18x36 GH north of other GH's at site 1, (3) GH's at site 1 as 18x80,

Name: Rudy Marengi

Date: 6/20/18

(more on
backside) →

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



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

RECEIVED

DEC 27 2017

RECEIVED

SEP 06 2017

17/18-0592

9/5/2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sheriff's Department, Fortuna Union School District, Bridgeville Elementary School School District

Applicant Name Lucy Gulch, LLC **Key Parcel Number** 317-063-006-000

Application (APPS#) 11459 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-253

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

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

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

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

Return Response No Later Than 9/20/2017

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

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

☒ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 12/27/17

PRINT NAME: Adam Molofsky

*



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCA1A-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3598

AVIATION

839-5401

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

ADMINISTRATION

445-7491

BUSINESS

445-7652

ENGINEERING

445-7377

FACILITY MAINTENANCE

445-7493

NATURAL RESOURCES

445-7741

NATURAL RESOURCES PLANNING

267-9540

PARKS

445-7651

ROADS & EQUIPMENT MAINTENANCE

445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 03-01-2018

RE:

Applicant Name	Lucy Gulch, LLC	
APN	317-063-006	
APPS#	11459	CUP16-253

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #2 on exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # _____

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

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

☐ YES ☐ NO

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

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

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

☐ YES ☐ NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

Exhibit "C"

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

If YES, include the following requirement:

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

// END //

Exhibit "D"

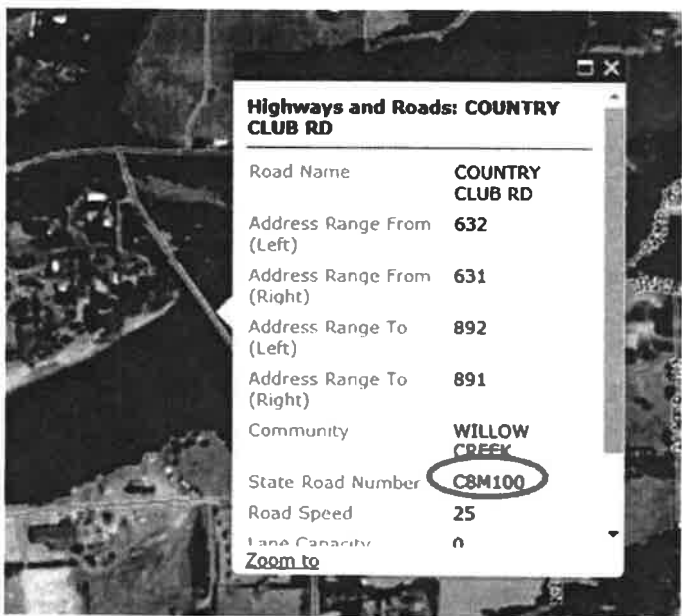
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A3M020 Murray Road

F6B165 Alderpoint Road

6C040 Thomas Road



From: [Bocast, Kalyn@Wildlife](mailto:Bocast,Kalyn@Wildlife)
To: [Yandell, Rodney](mailto:Yandell,Rodney)
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: Lucy Gulch LLC, Conditional Use Permit, APPS-11459, APN: 317-063-006/317-064-002, CEQA-2017-0695
Date: Thursday, January 04, 2018 3:00:30 PM
Attachments: [CEQA Referral APPS-11459 CEQA-2017-0695.pdf](#)
[Exhibit A Bullfrog Management Plan-CEQA 2017 0695 HumCo-APPS-11459.pdf](#)
[PT-11459-8.30.2017.pdf](#)

To Whom It May Concern,

Please see the attached comments regarding the subject application.

Thank you for the opportunity to comment on this project.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077



California Department of Fish and Wildlife CEQA Referral Checklist

Applicant: Lucy Gulch LLC			
Co APPS: 11459	APN: 317-063-006	CDFW CEQA: 2017-0695	<input type="checkbox"/> ZCC <input type="checkbox"/> SP <input checked="" type="checkbox"/> CUP
<input type="checkbox"/> New Size (SF):	<input checked="" type="checkbox"/> Existing Size (SF): 43,560	<input checked="" type="checkbox"/> Mixed-light <input checked="" type="checkbox"/> Outdoor	<input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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 and/or note the following information:

- ☐ Recommend Approval. The Department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.
- ☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA) in October of 2017. As of January 2018, the LSA Agreement is in process and has not been deemed Final.
- ☒ The referral materials state that there is a plan to construct a pond onsite. CDFW requests, as a condition of Project approval, that a professional geologist assess and identify an appropriate site for a pond. Due to the geology and soils of the project location, pond construction may not be feasible..
- ☒ The referral materials state that there is a plan to construct a pond onsite. CDFW requests, as a condition of Project approval, that if the pond is constructed, the applicant comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW recommends protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
- ☒ CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from waters of the State (measured horizontally from the outer edge of the riparian).
- ☒ If the project is within one mile of a mapped polygon for a California Rare Plant Ranked - species, include protocol level surveys for that species by a qualified botanist. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>

- ☒ Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 6,750 square feet. CDFW requests that the County reassess the cultivation size prior to permit approval.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov .

Please confirm that you have received this email.

Sincerely,

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

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0695-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting

stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.