



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: **Old Goat Farms, LLC Conditional Use Permit**
Application Number 11033
Case Numbers CUP 16-132
Assessor's Parcel Number (APN) 531-011-005
15112 Pine Creek Road, Weitchpec

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	8
Maps	
Topo Map	13
Zoning Map	14
Aerial Map	15
Site Plans	16
Attachments	
Attachment 1: Recommended Conditions of Approval	18
Attachment 2: CEQA Addendum	26
Attachment 3: Applicant's Evidence in Support of the Required Findings	30
a Cultivation and Operations Plan	Separate
b Site Management Plan	Separate
c Streambed Alteration Agreement	Separate
d Biological Assessment	Separate
e Ambient Water Quality Report	Separate
Attachment 4: Referral Agency Comments and Recommendations	81
Attachment 5: Public Comments	Separate

Please contact Cliff Johnson, Supervising Planner, at 707-268-3721 or by email at cjohnson@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	Cliff Johnson

Project Description: Old Goat Farms, LLC seeks a Conditional Use Permit (CUP-16-132) for an existing 30,000 square foot (SF) cannabis cultivation operation of which 22,000 SF is full-sun outdoor and 8,000 is mixed light in four (4) 2,000 SF deprivation greenhouses. Ancillary propagation occurs in a 1,680 SF greenhouse. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 23,450 gallons in nine (9) hard tanks and 13,800 gallons in three (3) hard tanks is proposed for a total of 37,250 gallons. Estimated annual water usage is 219,347 gallons (6.9 gal/SF). Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Up to four(4) employees may be utilized during peak operations. Power is provided by an EPA rated Tier 4 diesel generator.

Project Location: The project is located in the Weitchpec area, on both sides of Pine Creek Road (formerly French Camp Rd), approximately 0.61 miles east from the intersection of Bald Hills Road and Pine Creek Road, on the property known as 15112 Pine Creek Road, Weitchpec (APN: 531-011-005).

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

Present Zoning: Unclassified (U)

Record Number: PLN-11033-CUP

Case Numbers: CUP16-132

Assessor's Parcel Number: 531-011-005

Applicant

Old Goat Farms, LLC
3744 Foothill Road
Santa Barbara, CA 93105

Owner

Huckleberry Enterprises LLC
C/O Brian Dell
3744 Foothill Road
Santa Barbara, CA 93105

Agents

Baird Engineers
1257 Main Street
Fortuna, CA 95540

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

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

Major Issues:

Old Goat Farms, LLC
Record Number: PLN-11033-CUP
Assessor's Parcel Number: 531-011-005

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 Old Goat Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions

Executive Summary: Old Goat Farms, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 30,000 square foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation takes place in two (2) separate areas: Cultivation Area 1 (upper area) contains 22,000 SF of full sun outdoor cultivation grown in above ground smart pots, and Cultivation Area 2 (lower area) contains 8,000 SF of mixed-light cultivation in raised beds within four (4) greenhouses utilizing light deprivation and no more than 6 watts per SF of supplemental lighting. An ancillary propagation occurs in a 1,680 SF greenhouse in Cultivation Area 2. One harvest is anticipated annually in the outdoor area and up to two harvests for the mixed-light greenhouses for a growing season that extends from May through October. This project was publicly noticed for the January 9, 2020 Planning Commission meeting and continued to the February 6, 2020 meeting at the request of the applicant.

Drying (and bucking) occurs onsite in an existing 1,250 SF structure and a new 3,000 SF drying facility is proposed as well as two (2) new shipping containers to be utilized for drying as well. Additional processing will occur offsite at a licensed processing or manufacturing facility. Up to four (4) employees may be utilized during peak operations. Power is provided by an EPA rated Tier 4 diesel generator. The operation will be secured behind a gated road and monitored by an independent licensed security company with a camera surveillance system, fenced cultivation areas and locked structures.

Timber Conversion

A Timber Conversion Report (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in June 2017 which indicated the initial conversion to create the cultivation areas occurred between 2005 and 2009 and was continually expanded up until 2016. Approximately 1.2 acres of timberland was converted which is below the three-acre conversion exemption maximum. The Report recommend all slash piles and log decks be treated to be in compliance with the California Forest Practice Act which is included in the Conditions of Approval. However, a detailed review of aerial imagery shows that the eastern portion of Cultivation Area 1 was expanded to its current size after January 1, 2016, the established CEQA baseline for CMMLUO. Although the applicant purchased the property in 2017 after the conversion took place, the applicant/owner is still responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for CMMLUO. Therefore, approximately 0.30 acres located between the Cultivation Area 1 and road will be re-stocked. The project conditioned to implement the Restocking Plan prepared by TRC on December 4, 2019.

Water Resources

Water for irrigation is provided by a permitted well (17/18-0249) (Attachment 3) which appears to not be hydrologically connected to surface water. The well is also registered with the California Department of Water Resources (WCR2018-004430). Existing available water storage is 23,450 gallons in nine (9) hard

tanks of which two (2) are nutrient mixing tanks totaling 1,650 gallons. An additional 13,800 gallons in three (3) hard tanks is proposed increasing total water storage to 37,250 gallons. Estimated annual water usage is 219,347 gallons (6.9 gal/SF) with peak demand occurring in July and August at approximately 48,120 gallons per month. A surface water diversion from an unnamed class II ephemeral stream tributary to Pine Creek was abandoned in 2018 but the applicant still obtained Appropriate Water Rights (Right to Divert and Use Water Certificate No. H100090) (Attachment 3) from the State Water Resources Control Board Division of Water Rights on March 29, 2018 as part of the State Licensing process. The Appropriate Right allows up to 22,809 gallons (0.07 acre-feet) to be diverted and used of which 22,060 gallons (0.067 acre-feet) can be stored for later use annually. A Final Streambed Alteration Agreement (SAA 1600-2017-0365-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was also obtained in November 2017 allowing no more than 150 gallons per day between May 15 and October 15 annually and shall not exceed 3 gallons per minute which results in a 50-minute daily diversion, or 22,500 gallons diversion total, during the low flow season for domestic only.

In order to address Hoopa's Environmental Protection Agency (EPA) concerns regarding water usage (discussed in subsequent Tribal Cultural Resource Coordination Section), the applicant states the abandoned diversion will not be used in the future for domestic or cultivation uses, and the operation will implement water conservation measures for irrigation. Additionally, the project is conditioned to increase total available water storage to 100,000 gallons (62,750 gallons more than proposed) to decrease reliance on well water during the dry months. 100,000 gallons is expected to cover approximately two months of peak water usage.

Although Humboldt County's WebGIS shows no mapped streams, the Plot Plan shows a Class III intermittent and Class II perennial stream with the associated 50-foot and 100-foot Streamside Management Area (SMA) buffers. Both cultivation areas are outside of the SMA buffers but three (3) hard tanks and the additional six (6) proposed tanks are shown within the Class II 100-foot SMA buffer. However, the Site Management Plan (Attachment 3) indicates no disturbed areas were identified as being within riparian areas the applicant stated that TRC measured setbacks distances while onsite for preparation of the SMP. As a result, the project is conditioned to submit a revised plot plan prepared by a licensed surveyor showing accurate SMA buffers and setbacks in accordance with the Streamside Management Areas and Wetlands Ordinance (SMAWO). Should the existing and proposed water tanks be located within the SMA, the applicant stated the existing tanks can be moved by hand (no machinery) and there is sufficient room to place the proposed new tanks outside of the SMA buffer. Therefore, if relocation of the existing tanks is necessary it will not require a Special Permit subject to the SMAWO.

Biological Resources

There are mapped sensitive species onsite and although the nearest NSO activity center is located approximately 1.5 miles from the site, lands surrounding the site are heavily forested thus there is high potential for NSO habitat. A Biological Assessment (BA) (Attachment 3) was prepared by TRC and concluded that while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices, the SMP required by the State Water Board and LSAA with CDFW. The BA addressed potential impacts to NSO by examining nearby timber harvest plans, supplemental lighting use and generator noise impacts. At the time of the assessment in August 2019, no supplemental lighting was utilized in the mixed-light area and three small gas-powered generators were assessed; their noise levels were assessed and found to be low (51-60 decibels (dB) at source or as attenuated) indicating the expected daily activities will not produce noise levels great enough to impact NSO. Per the applicant, the small generators are utilized as emergency back-up only for the well pump, mixed-light area and drying structure when there is a delay with diesel fuel delivery for the Tier 4 generator, and they are exploring solar for the well pump. The Tier 4 diesel generator has a sound level reading of 63 dB at 23 feet, which is approximately 50.2 dB at 100 feet, and almost meets the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer. As a result, the project is conditioned to ensure the combination of

background, generator and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Furthermore, additional BA recommendations are included in the Conditions of Approval which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance be proposed in the future, ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Additionally, based on comments received from CDFW on January 4, 2018, the project is conditioned meet the reporting requirements of the issued Final LSAA# 1600-2017-0365, ensure generators are located at least 200 feet from the onsite Class II and Class III streams, assume presence of NSO and ensure noise attenuation (as discussed above), and remediation of the timber converted area post-12/31/2015 which will occur through implementation of the Restocking Plan. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Tribal Cultural Resource Coordination

The project is located in the Yurok and Hoopa Aboriginal Ancestral Territories and shares it's eastern property boundary with the Hoopa Valley Tribe Reservation. The project was referred to the Northwest Information Center, Yurok Tribe and Hoopa Valley Tribe in September 2017. A Cultural Resources Investigation was prepared in April 2018 by Mark Arsenault, M.A., RPA, Principal Investigator, Arsenault & Associates, Sacramento, CA. Per the Report, outreach letters were sent to the Yurok and Hoopa Valley Tribes and "no relevant or important response to the outreach letters was received." The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources, recommended Inadvertent Discoveries Protocol and noted that if engineering plans change or additional ground disturbing activities was necessary, to contact Mr. Arsenault for further information. Subsequently, Mr. Arsenault was contacted via email on December 4, 2019 to seek additional information because the applicant installed a well in June 2018 - shortly after the Report was received by the County, and a septic system was installed in August 2017 without a final permit resulting in the need to compete a percolation test with associated trenching to finalize the permit with Division of Environmental Health (DEH). Mr. Arsenault promptly responded stating that he "rechecked geologic and soils maps of that area and went back over [his] field notes and photos from the pedestrian survey in 2018... [and indicated] the Inadvertent Discoveries Protocol is enough to ensure no cultural resources will be impacted by the project." Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

No project specific comments were received from the Hoopa Valley Tribe from the referral notification but they did notify the County of their concerns regarding cumulative impacts of commercial cannabis operations within the headwaters of the Supply Creek watershed which has the potential to adversely affect water availability and water quality of a portion of their water source from the Trinity River. They also identified cannabis applications within the Pine Creek and Campbell Creek watersheds as being a concern. The subject parcel is located at the headwaters of Snow Camp Creek within the Pine Creek watershed within the Lower Klamath Planning Watershed. Ongoing coordination with Hoopa's Environmental Protection Agency (EPA) indicates a major concern is water usage and the high concentration of cannabis applications (15 total) clustered together in the 10,299-acre Supply Creek watershed which flows to the Trinity River. Eleven (11) applications are located in the 31,388-acre Pine Creek watershed, which is significantly larger than the Supply Creek Watershed (and has no subwatershed), of which four (4) are Retirement Remediation and Relocation (RRR) project applications. There are five (5) sub-watersheds in the Pine Creek watershed which are as follows and includes number of pending cannabis applications: 1) Lower Pine Creek, adjacent to Supply Creek watershed, has three (3) pending applications with a portion of each parcel being located in both the Pine Creek and Supply

Creek watersheds and are being required by the County to participate in the pending Supply Creek Group Cumulative Impact Study; 2) Upper Pine Creek has no applications; 3) Upper Little Pine Creek, has one (1) pending application; 4) Lower Little Pine Creek, has two (2) pending applications of which both also have a portion of their operations in the adjacent Snow Camp Creek subwatershed; and, 5) Snow Camp Creek, has seven (7) pending applications of which two (2) are in a portion of Lower Little Pine Creek, four (4) are RRR projects and one(1) is the subject application which shares it's eastern property line with the Hoopa Valley Tribe Reservation and has submitted sufficient applicable documentation to proceed to a decision.

To address Hoopa EPA concerns, A.M. Baird prepared a Technical Memorandum (Attachment 3) for existing streams near cultivation areas and an Ambient Water Quality Report (Attachment 3) detailing results from water samples taken on January 15, 2019 and May 23, 2019 to determine if there were impacts to the Pine Creek watershed created by the cannabis operation. Samples were tested for hydrocarbons, nitrogen, phosphorus and turbidity, in addition to pH. Results concluded that the nutrient and constitute levels were low in concentration if they were detected at all, and all values were within the allowable ranges for the Klamath and Trinity River according to the Hoopa Valley Water Quality Control Plan, the Water Quality Control Plan for the North Coast Region (Basin Plan) and the EPA's Ambient Water Quality Criteria Recommendations report. Additionally, the Cultivation and Operations Plan recognized tribal watershed priorities and concerns and outlined strategies to avoid, minimize and mitigate impacts to the watershed such as abandoning the surface water diversion previously utilized for irrigation and implementing a water conservation plan that includes installing water meters, utilizing a drip system to ensures water does to go beyond the root zone, enclosing cultivation beds in the mixed-light area and utilizing beige smart pots in the outdoor area to minimize runoff, and covering all soils with heavy layer of straw mulch, cover crop or ground cloth to reduce evaporation; in addition to, watering only in the morning or evening to further limit evaporation and water loss, and ensuring compliance with State Water Resource Control Board's Cannabis Policy and General Order. Additionally, the project is conditioned to increase water storage to 100,000 gallons to enable less reliance on well water during the dry months which covers approximately two months of estimated water peak water demand.

Additionally, because the subject parcel shares its eastern boundary with the Hoopa Valley Tribe Reservation, the entire reservation can be considered a tribal cultural resource (TCR) which requires a 600-foot setback pursuant to CMMLUO Section 55.4.11 (d). The Plot Plan prepared by A.M. Baird Engineering & Surveying indicates the cultivation area and existing onsite drying building meets the 600-foot setback. Measurements from Humboldt County's WebGIS indicate the two cultivation areas are setback approximately 867 feet and 930 feet and the existing drying building is approximately 900 feet from the Reservation boundary. The Cultivation and Operations plan includes employee protocol and appropriate phone numbers to call if inadvertent discovery of human remains or archeological resources occurs. In order to ensure compliance with this provision, the project is conditioned to have a surveyor update the plot plan to show exact setbacks of the cultivation areas and any onsite processing structures (drying only) to the Reservation boundary and should any existing or proposed drying structures be located within 600-feet, they shall be relocated to an already disturbed area to meet the setback.

This project was originally scheduled to be heard at the February 6, 2020 hearing when the Yurok Tribe expressed significant concern and objections to this application. Attached to this staff report in Attachment 6 is a supplemental that was delivered to the Planning Commission at the request of the Yurok Tribe which details correspondence from the tribe and the applicant dating back to 2018 on the issue of tribal consultation.

This project was continued indefinitely at the February 6, 2020 hearing and the County and Tribe held a meeting to discuss the concerns, which we understood were related to concerns with the archaeological report that was prepared for the project by Mark Arsenault. The County agreed to direct Mr. Arsenault to contact the tribe and to address the concerns that the tribe had with the report. Our understanding from Mr. Arsenault is that he has made extensive attempts to consult with the tribe to address their concerns and has not received comments or direction. In Attachment 7 is an email

including the attempts Mr. Arsenault has made since February 6, 2020 to work with the tribe on their concerns. Included in Attachment 7 is also an email chain of attempts County staff has made to receive input on this project. As of the date of this staff report, no response has been received.

Access

Access to the site is via a driveway off of French Camp Road via Bald Hills Road. Bald Hills Road is a Category 4 County maintained roadway. A Road Evaluation report for French Camp Road was prepared by A.M. Baird Engineers (Attachment 3) which indicates it is a tribal maintained road and concludes that although the roadway does not meet a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project. Public Works, Land Use Division requests improvements to the driveway apron (encroachment) that connects to the County road (Bald Hills Road) to French Camp Road which included paving for a minimum width of 20 feet and a length of 50 feet. The Road Evaluation Report by A.M. Baird stated the apron is already paved with a width of 24 feet and length of 80-100 feet, has "excellent visibility (over 300 feet)" and the report included photos. As a result, the project already meets the recommended Conditions of Approval.

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-11033-CUP

Assessor's Parcel Number: 531-011-005

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

WHEREAS, Old Goat Farms, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 30,000 square foot (SF) cannabis cultivation operation of which 22,000 SF is outdoor cultivation and 8,000 SF is mixed-light cultivation with appurtenant propagation and drying 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 December 3, 2020, 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 30,000 square foot (SF) cannabis cultivation operation of which 22,000 SF is outdoor cultivation and 8,000 SF is mixed-light cultivation with appurtenant propagation and drying activities. Power is provided by an EPA rated Tier 4 diesel generator. Water for irrigation is provided by a permitted groundwater well.

EVIDENCE: a) Project File: PLN-11033-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 Compliance Farms to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Preliminary Biological Assessment Report was carried out by Timberland Resource Consultants in November of 2019. The Assessment methods included a search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) database. A habitat assessment was conducted in the project area. No Special Status species were observed during the assessment. Northern Spotted Owl habitat exists in the vicinity, but the nearest 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) To address Hoopa EPA concerns on water use, the cultivation and operations plan states that “the abandon diversion shall not be used in the future for domestic or cultivation uses,” water conservation techniques will be utilized to decrease impacts to water resources and the project is conditioned to install additional water storage up to 100,000 gallons to decrease reliance of water well during the dry months which will cover approximate two months of peak water usage. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors. An Ambient Water Quality report was prepared by A.M. Baird Engineering and Surveying in May 2019 showing that water quality off the site will not be impacted from the project.
- f) A Timber Conversion Report and restocking plan dated December 2019 was prepared by Timberland Resource Consultants which demonstrates how previously unauthorized timber conversion is consistent with the Forest Practices Act and how the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
- g) A Cultural Resources Investigation Report was carried out by Arsenault & Associates in May 2018. concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- h) A Road Evaluation Report was prepared for French Camp Road by A.M. Baird Engineering & Surveying in September 2019 which identified that the road is suitable for safe access to and from the project site.

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

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

EVIDENCE a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

 b) All general agricultural uses are principally permitted in the U zone.

 c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 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 22,000 outdoor and 8,000 square feet of mixed-light cultivation on a 54 acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

EVIDENCE a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).

 b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded September 2, 1950, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.

 c) The project will obtain water from a non-diversionary water source.

 d) A Road Evaluation Report was completed by A.M. Baird in May 2019. The Evaluation addressed French Camp Road to Bald Hills Road, which is a county-maintained road. All road segments evaluated were found to be functionally appropriate for the expected traffic.

 e) The slope of the land where cannabis will be cultivated is less than 15%

 f) The cultivation of cannabis will not result in the net conversion of

timberland. A Timber Conversion Report and a Restocking Report was completed by Timberland Resource Consulting in December 2019. The Report found the site had been converted primarily before the environmental baseline established in the CMMLUO but that approximately 0.30 acres of timberland was converted post-baseline. The restocking plan includes requirements to ensure that an equivalent area will be restocked with timber and that there will therefore be no net loss of timberland as a result of the cultivation operation.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 30,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
 - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
 - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
 - d) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.
 - e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

- EVIDENCE**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. 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 Old Goat Farms, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

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

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

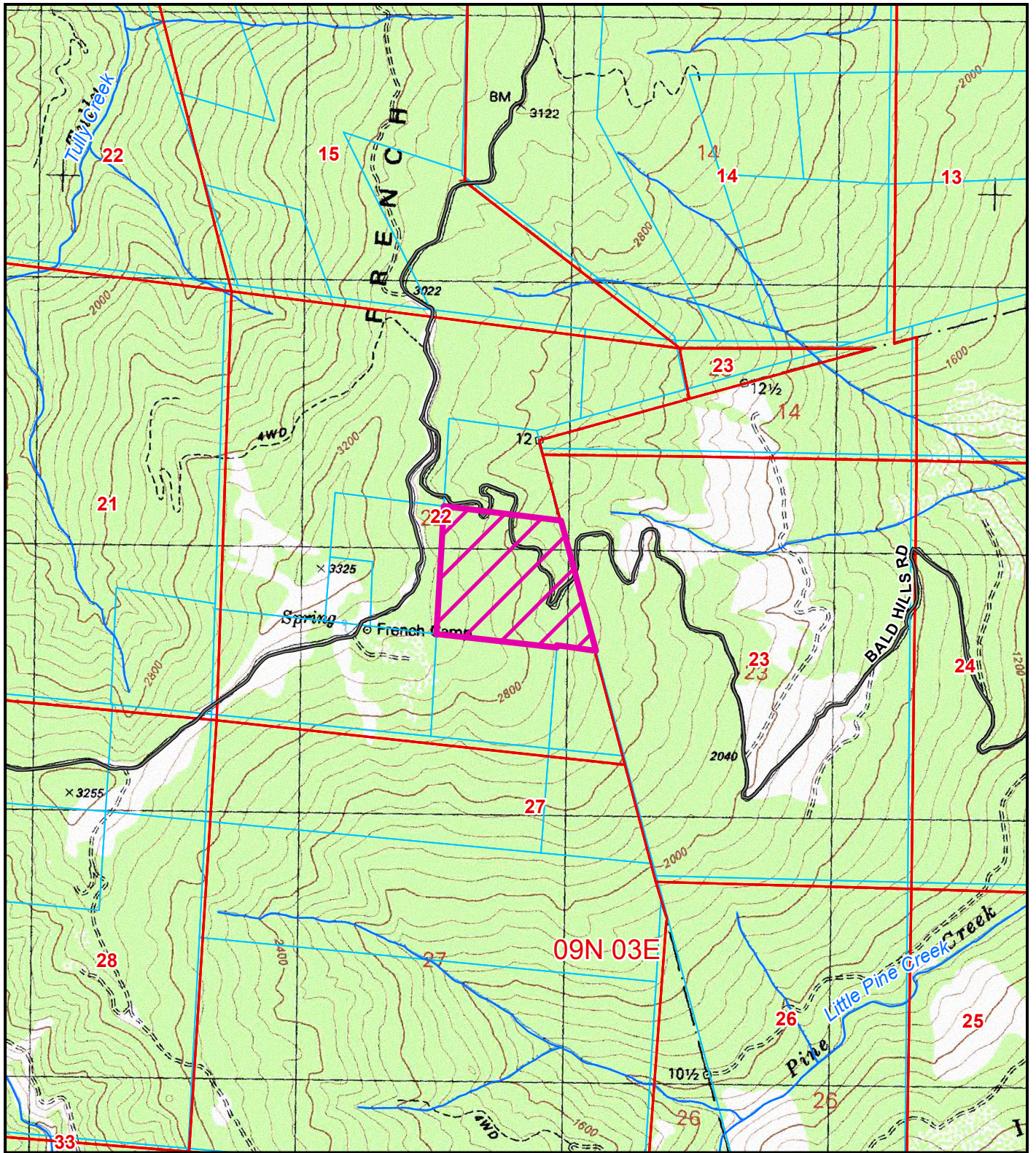
ABSENT: COMMISSIONERS:

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



Project Area = 

TOPO MAP
PROPOSED OLD GOAT FARMS, LLC
MARTINS FERRY AREA
CUP-16-132

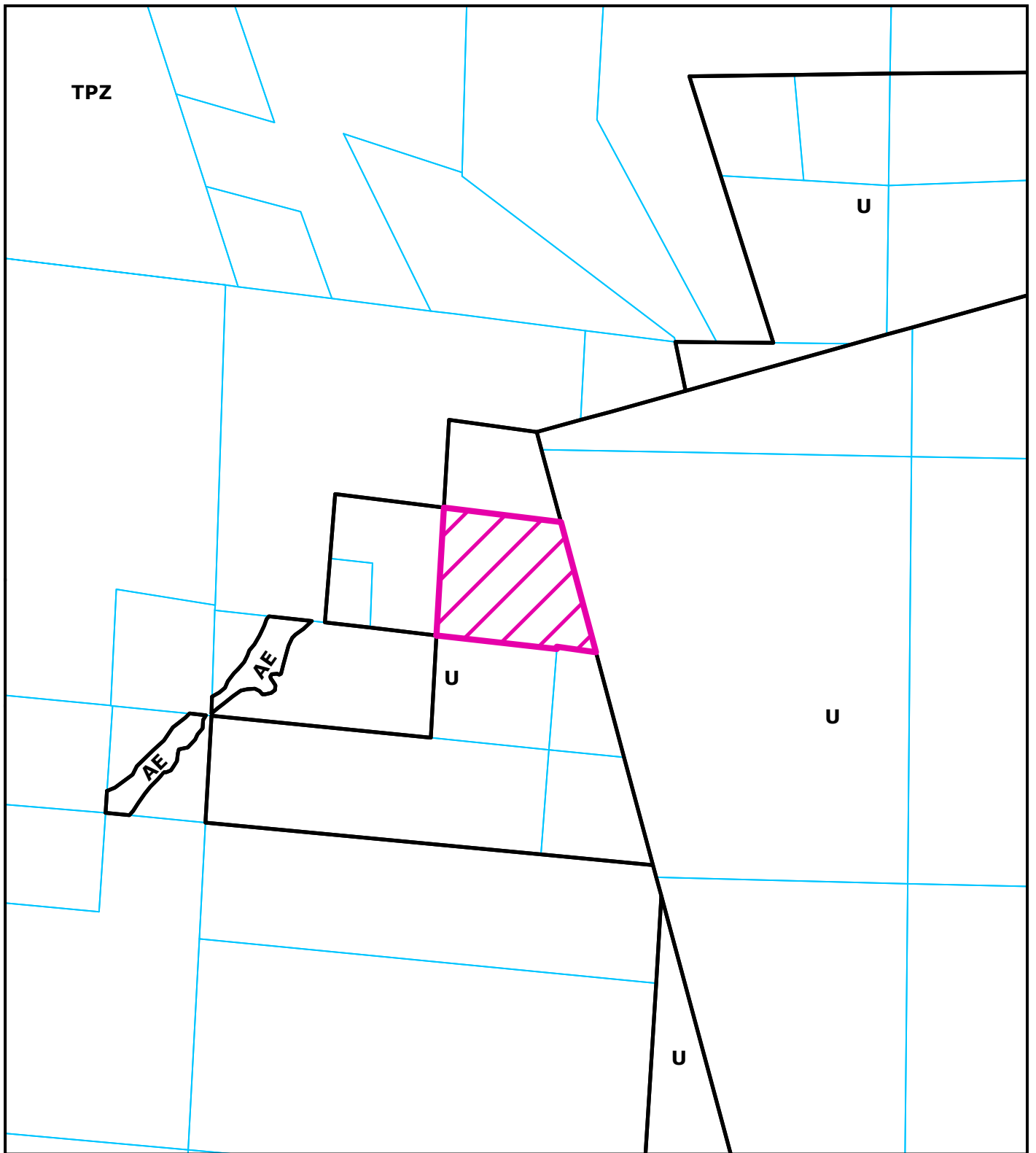
APN: 531-011-005

T09N R03E S23; S22 HB&M (FRENCH CAMP RIDGE)

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

0 1,000 2,000 4,000 Feet





Project Area = 

**ZONING MAP
PROPOSED OLD GOAT FARMS, LLC
MARTINS FERRY AREA
CUP-16-132**

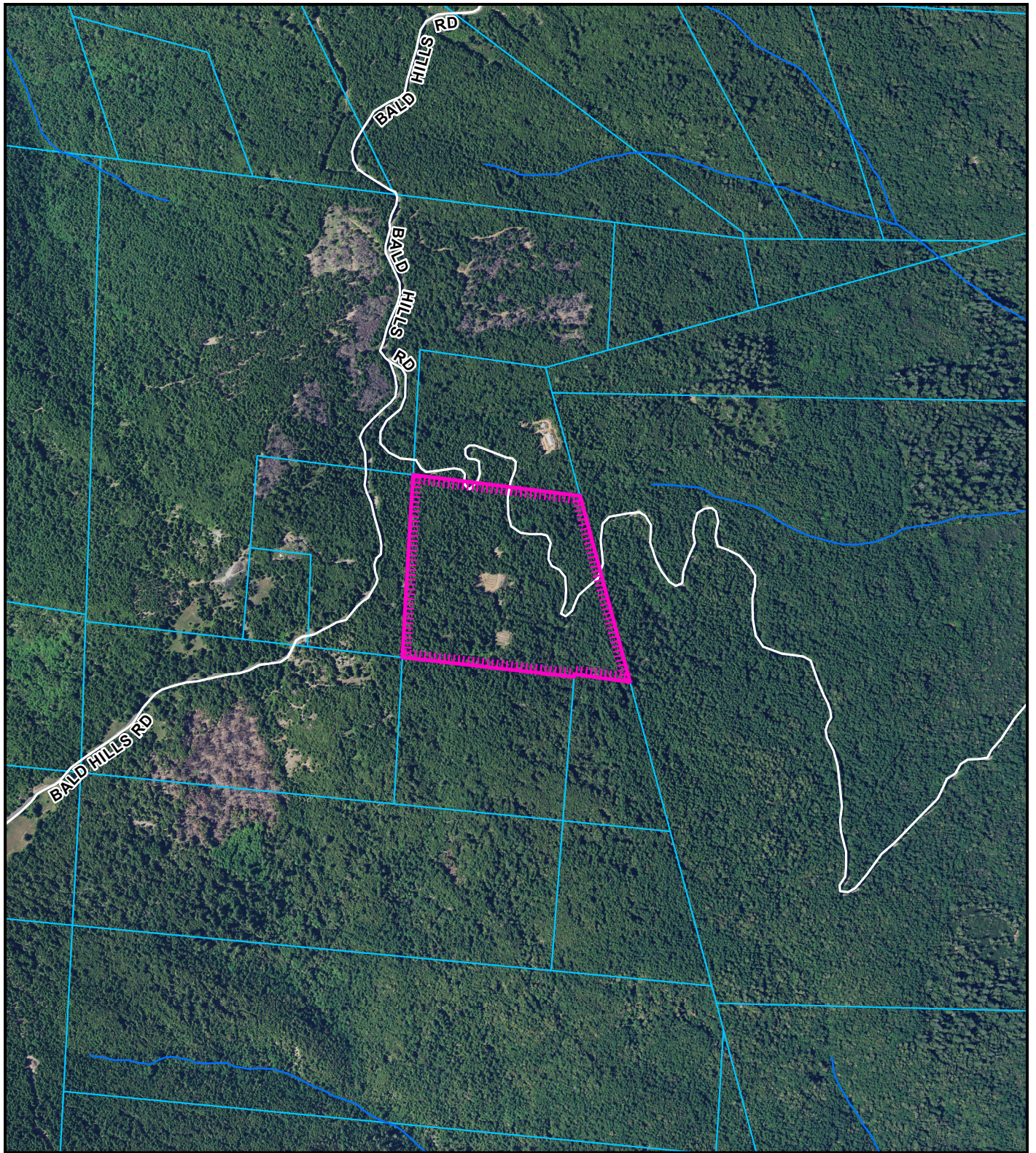
APN: 531-011-005

T09N R03E S23; S22 HB&M (FRENCH CAMP RIDGE)

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

0 1,000 2,000 4,000 Feet





Project Area = 

**AERIAL MAP
PROPOSED OLD GOAT FARMS, LLC
MARTINS FERRY AREA
CUP-16-132**

APN: 531-011-005

T09N R03E S23; S22 HB&M (FRENCH CAMP RIDGE)

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

0 1,000 2,000 Feet



TOTAL = 20,000 SQFT	
OUTDOOR CLIMATE AREA = 22,000 SQFT	
1. (1) GREENHOUSE - 3771 SQFT	2000 SQFT
2. (1) GREENHOUSE - 3771 SQFT	2000 SQFT
3. (1) GREENHOUSE - 3771 SQFT	2000 SQFT
4. (1) GREENHOUSE - 3771 SQFT	2000 SQFT
5. (1) GREENHOUSE - 3771 SQFT	2000 SQFT

© 2018 John Wiley & Sons, Ltd.

2. All coordinates taken from Google Earth Pro unless otherwise specifically stated.

Permit #17/B-0240 and registered with DNR WCR2018-004455 located at 61133333' and Woodson #17314533' section 4444

per minute (bbl/min) water to the project.

Certified by: _____
Night on October 24, 2017 by DNR under Regulation # HSO000.

thousand five hundred gallons (27,500 gal) that be used for drinking water collection.

meeting CIPA SRA requirements and be dedicated for fire

percent (d.b) slope.

Four hundred feet (400') of the calibration were with a one foot (100') minimum setback from the closest stream.

city fuel (200") from the closest Case II Stream.

11. Landing is needed to repair on-site roads to meet state safety and emergency vehicle access requirements.

place of worship within body of the cultivation.

14. There are no known orthologous or paralogous relations

15. There are no embankments within 300' of the cultivation.

¹⁷ Forcal slope, distance, and bearings were down using porcel cassioir model supplied by Humboldt County GIS

when the parcel was created as a standalone legal parcel. The same number, a 100—exclusive highway and egress easement, also

however, it's exact location and depth is unknown and no document can provide information on it.

PROPERTY UNIT

600" HYT SETBACK
300" SETBACK

600 24.0000
FRENCH CAMP ROAD

CLASS II STREAM
CLASS I STREAM

WATER LINE

POSTING

(a) (b) (c) (d)

OUTDOOR CULTIVATION

CONTINUED AREA



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. **Within three days of the effective date of permit approval** the Department will file the NOD and will charge this cost to the project.
5. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan prepared by a licensed surveyor showing the following, in addition to what is shown:
 - a. Exact setbacks of cultivation areas and onsite drying facilities to the Hoopa Valley Tribe Reservation Boundary. Should any cultivation or drying structures be within 600-feet, the applicant shall relocate to an existing disturbed area or reduce the size to meet the setback.
 - b. Buffers/setback distances for natural waterways, including streams, springs and ponds in conformance with the Streamside Management Area and Wetlands Ordinance (SMAWO) definition in HHC Section 314-6.1 as follows:
 1. 100 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.
 2. 50 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.
 3. The width of the SMA shall not exceed 200 feet measured as a horizontal distance from the top of bank. The width of Streamside Management Areas shall be expanded to up to 200 feet measured as the horizontal distance from the top of bank as necessary to include slides or areas with visible evidence of slope instability.
 4. 50 feet for seasonal wetlands.
 5. 150 feet from perennial wetlands.
 - c. Tier 4 diesel generator and emergency backup generators are at least 200-feet from all waterways as requested by CDFW in 1/4/2018 referral comments.
 - d. Additional water storage tanks to increase available water storage to 100,00 gallons.

6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. 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.
9. Obtain a permit to operate the EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
10. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
11. The applicant shall install additional water storage so that total available water storage is 100,000 gallons to decrease reliance on well water during dry months to address Hoopa EPA water use concerns.
12. The applicant shall finalize the existing Onsite Wastewater Treatment System (OWTS) permit (17/18-1728) with the Division of Environmental Health (DEH) by completing the percolation test and septic design or any other reports deemed necessary by DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
13. The applicant shall install water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use.
14. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
15. The applicant shall implement recommendations in the Timber Conversion Report dated June 19, 2017 and Restocking Plan dated December 4, 2019 both of which were prepared by Timberland Resource Consultants (TRC). A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department.

16. The applicant shall contact the local fire service provider [Hoopa or Yurok Volunteer Fire Departments] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning 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.
17. 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.
18. 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 abide by recommendations of the Biological Assessment prepared by Timberland Resource Consultants (TRC) and received October 24, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. 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.
5. 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.

6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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).
16. 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.
17. 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).

18. 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.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. 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."
26. 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).
27. 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.
28. 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.
29. 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
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. 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.
33. 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.

34. 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.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

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

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

ATTACHMENT 2

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

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

**APN 531-011-005; 15112 Pine Creek Road, Weitchpec
County of Humboldt**

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

December 2020

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 (CUP-16-132) for an existing 30,000 square foot (SF) cannabis cultivation operation of which 22,000 SF is full-sun outdoor and 8,000 is mixed light in four (4) 2,000 SF deprivation greenhouses. Ancillary propagation occurs in a 1,680 SF greenhouse. Irrigation water is sourced from a permitted well. Existing available water storage is 23,450 gallons in nine (9) hard tanks and 13,800 gallons in three (3) hard tanks is proposed for a total of 37,250 gallons. Estimated annual water usage is 219,347 gallons (7.3 gal/SF). Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Up to four(4) employees may be utilized during peak operations. Power is provided by a EPA Tier 4 diesel generator.

A Cultural Resources Investigation was prepared in April 2018 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. To address Hoopa EPA concerns on water use, the cultivation and operations plan states that "the abandon diversion shall not be used in the future for domestic or cultivation uses," water conservation techniques will be utilized to decrease impacts to water resources and the project is conditioned to install additional water storage up to 100,000 gallons to decrease reliance of water well during the dry months which will cover approximate two months of peak water usage. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

The 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 restocking 0.30 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 30,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by A.M. Baird dated 9/13/19 and received 10/24/2019.
- Cultivation and Operations Plan prepared by CannaFarms Consulting dated 10/23/19 and received 10/24/19.
- Right to Divert and Use Water, Certificate H100090 with the State Water Resources Control Board, Division of Water Rights.
- Water Resources Protection Plan (WRPP) prepared by Compliant Farms for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Site Management Plan (WDID-1_12CC415459) prepared by Timberland Resource Consultants, dated 9/27/19 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Timber Conversion Report dated 6/19/17 and a Restocking Plan dated 12/4/19, both prepared by Timberland Resource Consultants.
- Engineer's Road Evaluation Report for French Camp Road prepared by A.M. Baird Engineering & Surveying Inc., dated 5/15/19 and received 5/17/18.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Sewage Disposal System Permit Application (17/18-1728) date received 4/19/18 & Service Agreement and Project Timeline prepared A.M. Baird Engineering & Surveying Inc., dated 9/2/19 and received 10/24/19 for Percolation Test and Septic Design for Existing Septic System.

- Biological Assessment for Old Goat Farms, Humboldt County Application #11033 prepared by Timberland Resource Consultants, received 10/24/19.
- Ambient Water Quality Report Job#17-4696 prepared by A.M. Baird Engineering & Surveying Inc, dated May 9, 2019 (On-file); and Revised: 7/23/2019 received 8/2/19.
- Technical Memorandum for Existing Stream(s) Near Cultivation Area prepared by A.M. Baird Engineering & Surveying Inc., Job#18-4783, Revised: July 31, 2019.
- Cultural Resources Investigation for the Old Goat Farms Commercial Cannabis Cultivation, Humboldt County California, County Application #11033 prepared Mark Arsenault, M.A., RPA, Principal Investigator, Arsenault & Associates, Sacramento, CA, received 5/3/2018.

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. (Plot Plans prepared by A.M. Baird stamped received 1/23/2020 – **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 CannaFarms Consulting dated 10/23/19 and received 10/24/19 - **Attached Separately**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Riparian Water Rights Statement of Diversion and Use claims and reporting (Application ID S025127 dated 7/12/16 & S02554 dated 7/7/15) and Registration Cannabis (Application ID H500555/License ID 100090 dated 6/15/18) - On file. Right to Divert and Use Water, Certificate H100090 – **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Compliant Farms – On file and superseded by Site Management Plan (WDID-1_12CC415459) – Attached. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0365-R1 executed 11/15/17 – **Attached**. Letter re: Status of replacement

of existing diversion infrastructure prepared by Timberland Resource Consultants dated 9/6/19 and received 10/24/19 – **Attached**)

9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 17/18-0249 - **Attached**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report dated 6/19/17 and a Restocking Plan dated 12/4/19, both prepared by Timberland Resource Consultants – **Attached**)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation for the Old Goat farms Commercial Cannabis Cultivation, Humboldt County California, County Application #11033 prepared Mark Arsenault, M.A., RPA, Principal Investigator, Arsenault & Associates, Sacramento, CA, received 5/3/2018 (On-file and confidential).
16. Engineer's Road Evaluation Report for French Camp Road prepared by A.M. Baird Engineering & Surveying Inc., dated 5/15/19 and received 5/17/18. (**Attached**)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
18. Sewage Disposal System Permit Application (17/18-1728) date received 4/19/18 & Service Agreement and Project Timeline prepared A.M. Baird Engineering & Surveying Inc., dated 9/2/19

and received 10/24/19 for Percolation Test and Septic Design for Existing Septic System Located at APN: 531-011-005. (On-file)

19. Biological Assessment for Old Goat Farms, Humboldt County Application #11033 prepared by Timberland Resource Consultants, received 10/24/19 (**Attached Separately** and On File).
20. Ambient Water Quality Report Job#17-4696 prepared by A.M. Baird Engineering & Surveying Inc, dated May 9, 2019 (On-file); and Revised: 7/23/2019 received 8/2/19. (**Attached Separately** and On file)
21. Technical Memorandum for Existing Stream(s) Near Cultivation Area prepared by A.M. Baird Engineering & Surveying Inc., Job#18-4783, Revised: July 31, 2019. (**Attached**)
22. MQ Power WhisperWatt Generator Specification Sheet, Model DCA-20SPX, and sound level calculation. (**Attached**)



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H500555

CERTIFICATE H100090

Right Holder: *Brian Dell*
3744 Foothill Road
Santa Barbara, CA 93105

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 03/29/2018. 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)
Class II POD	Unnamed Stream	Pine Creek	Klamath River	41.1535	-123.8155	Humboldt	531-011-05

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	Humboldt	531-011-005	0.68870523

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 0.07 **acre-feet per year** to be collected from to and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.067699666 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 13:05:06

© 2018 - State Water Resources Control Board

North Coast Regional Water Quality Control Board

September 6, 2019

WDID:1_12CC415459

OLD GOAT FARMS LLC CO
ATTN: BRIAN DELL
3744 FOOTHILL ROAD
SANTA BARBARA, CA 93105

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

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

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

Sincerely,



Kason Grady

On Behalf Of

Water Boards

2019.09.06 14:48:40 PDT

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

190906_1L_1_12CC415459_1B16990CHUM_Old_Goat_Farms_NOA_TW

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

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

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, OLD GOAT FARMS LLC CO, HUMBOLDT COUNTY APN(s) 531-011-005

Old Goat Farms LLC CO (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on May 03, 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_12CC415459**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16990CHUM.

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

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

2. SITE-SPECIFIC REQUIREMENTS

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

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

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

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

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

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

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/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 July 31, 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 Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

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

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

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

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

5. ANNUAL FEE

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

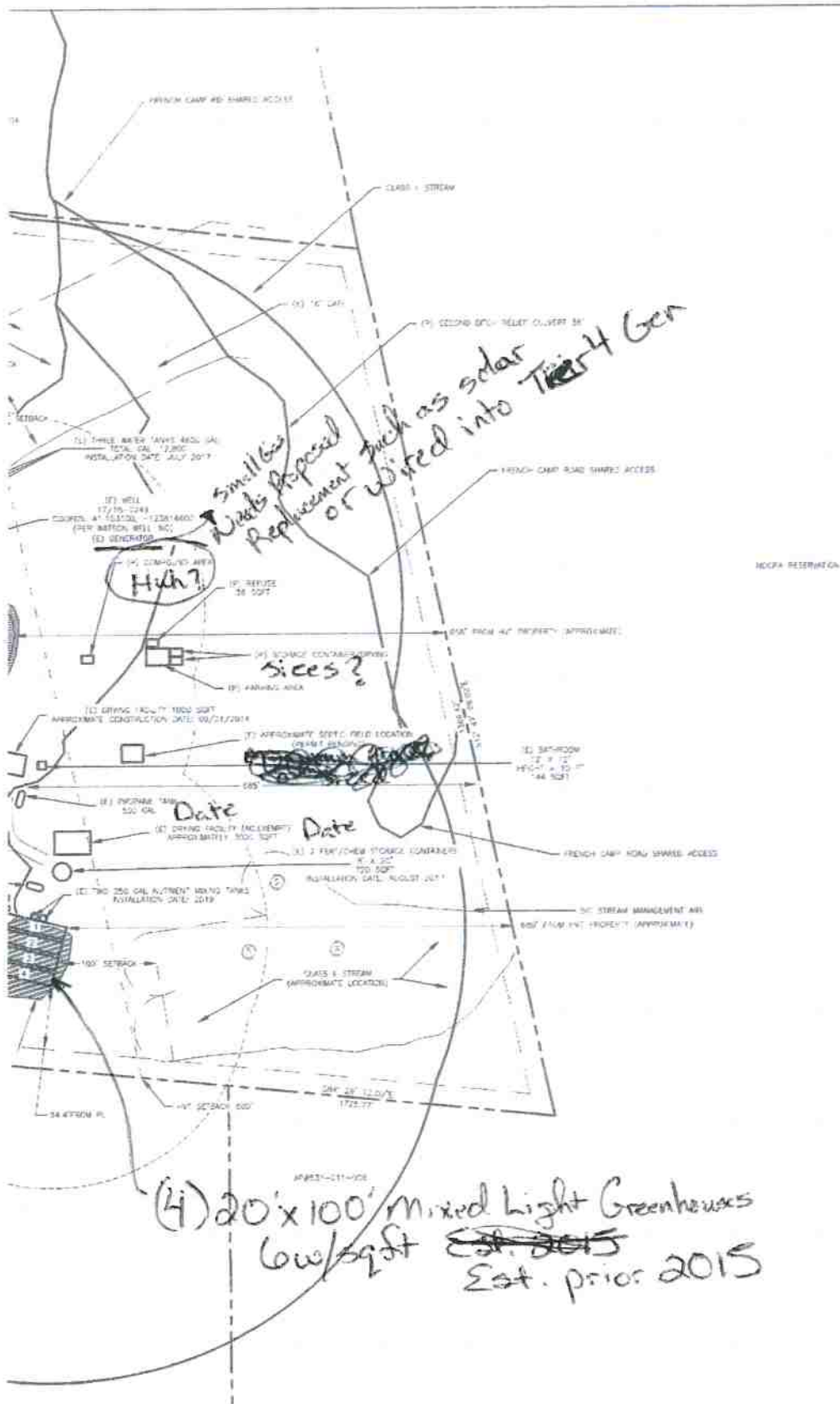
6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

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

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

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

Paste



SITE OVERVIEW

WE DO NOT A- EQUAL MAP- AND ONLY AN AFFIRMATION
FOR HUMBOLDT FARMING PURPOSES ONLY. MANY
SOURCES OF DATA WERE USED TO GENERATE THIS MAP
AND INFORMATION PROVIDED, INCLUDING AND NOT LIMITED
TO: CANINE INSPECTION DATABASE, AND DO DATA FROM
HUMBOLDT COUNTY, THE STATE OF CALIFORNIA, THE 1990
AND NATIONAL HYDROGRAPHIC DATASET

"THE SITE PLAN REFLECTS MANY VARIOUS DETAILS THAT ARE LEFT UP TO ARCHITECTS TO ASSURE THAT THE STRUCTURES LEAVE WATER AVAILABLE FOR ALL LOCALS APPROPRIATE TO THEM. CIRCUMSTANCES HOWEVER, NONE OF THE INFORMATION GIVEN IS INTEND TO SUGGEST OR SUBSTITUTE FOR A CONTRACTOR'S ACTS, AND SURVEY."

A. M. BAILEY, ENGINEERING AND SURVEYING, INC. ASSUMES NO RESPONSIBILITY ARISING FROM THE USE OF INFORMATION PROVIDED. OTHER "WAS 88A" HAS BEEN SPECIFICALLY INTENDED FOR CHANGING PERMITTING ONLY.

Model	Logit	OR/95%CI
1	(E) GREENHOUSE	20.9*100 2000 30.7
2	(I) GREENHOUSE	20.9*100 2000 30.7
3	(E) GREENHOUSE	20.9*100 2000 30.7
4	(E) GREENHOUSE	20.9*100 2000 30.7

TOTAL = 20,000.52
(A.L.C. TREATMENT)

PLACES OF ORIGIN: Northern Sweden, Swedish Lapland, southern Sweden, Norway, Finland, Lapland, Denmark, Greenland, Iceland, Alaska, Canada, and Green Sturgeon.

LIFE Lake and Streambed Alteration Agreement MCO-2017-0263-R1
is for the project:
All operations under this Seepage Control Plan shall otherwise
specifically stated.

It is a nuclear safety test (NOST) area, an unutilized area (1000 ft²) of 1/2/18-2745 and registered with DWR (000000-10443) located at 47° 53'32" latitude and -122°06'00" provides safety against per minute (1000) water to the project.

A streamer diversion, which provided water for cultivation, was used
for the first time, described in one of the well, and gave a water
right on October 24, 2017 by DWR under Registration #860095.
CrestPointe HHOBCO

Area (B) land only, water storage tanks taking capacity, some
reservoir in Alamosa valley (21,000 gal) and 2nd used for domestic
and collection use

A 1-yr. maintenance program (\$1,000) and pay water storage tank meeting CIP&SMA requirements will be deducted for fee calculation.

Multiple Choice & Short Answer: 100% (100%) score

Four hundred test (400) of the calibration sheet is in the number test (100) minimum setback with the correct sheet. However, a minimum setback stage test of 400 test number test (100) minimum setback with the correct sheet.

Power is produced on-site with a self-contained 200 kW Gas Generator.

² There are no legal limits on flows, volume, flow speed, public access, or

1. Image: Mary's final interaction is of her on her knees with her

4. There are no known ethnological or zoological resources with EOC of the collection.

5. There are no other sheet subjects to handle. Keep in suitable sheets, separate sheet, blank, or recording sheet.

² Final model, estimates, and savings were shown using entire household data reported by Marshall County GA.

3. A Robert Kennedy was stationed on the same 111E - 116C after the period was created as a submarine base until the piers were broken. A sea-landed engine and engine equipment (as in the picture) for French Camp Road and are used (and between) however, it's not known and it's unclear and it documents produced no public information on it.

[illegible]

Re: Site Plans

Joshua Allen <cannafarmsconsulting@gmail.com>

Tue 9/24/2019 10:41 AM

To: Brian Dell <brian4034@msn.com>; Allan Baird <ambairdengineers@gmail.com>

📎 1 attachments (656 KB)

Dell Plot Plan Comments_JA92419.pdf;

Brian & Chase,

Thanks for your patience, it's been really busy lately getting plans completed while dealing with Metrc training, but here are my comments. The Plot Plan is coming together well and just needs a few additional details! See attached.

1. Notes, disclaimer, etc is excellent.
2. Need a few additional details to items such as date installed, or remove info not needed for county, or just to clarify.
3. What is a Compound Area? Is that supposed to be Compost Area?
4. Treat this map like your talking to a layperson, so point to the greenhouses, as shown, because it's not labeled and there may be further confusion.
5. The well small gas generator needs a solution to meet County Code and SWB requirements. So either it needs to be proposed to tie into the Tier 4 electrical system or replaced with a solar system.

That's all my comments. It should be good to go from there and I just need to finalized the Ops Plan. Let me know if you have any questions.

Joshua W. Allen, MPA

CannaFarms Consulting

(707)741-1261

cannafarmsconsulting@gmail.com

<https://www.linkedin.com/in/joshuallenmpa>

On Tue, Sep 17, 2019 at 5:31 PM Brian Dell <brian4034@msn.com> wrote:

Hi Josh

Take a look below and please advise thoughts.

Once you are Comfortable with the site maps below I would like you to move forward how is your time schedule this week or next ?



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com



September 6, 2019

Caitlin Castellano, Planner II
Current Planning, Cannabis Services
Planning & Building Department
707-268-3731

ccastellano1@co.humboldt.ca.us

Permit Application No. 11033, CUP 16-132; APN: 531-011-005-000

In regards to Item 3C in Humboldt County Deficiency Letter

Dear Caitlin,

The purpose of this letter is to clarify Item 3C in Brian Dell's (Old Goat Farms LLC) Humboldt County deficiency letter. Item 3C requests clarification or updates to Brian's Operations Plan regarding the remediation of a past water diversion.

The previous owner of this property illegally diverted from a Class II stream without a valid water right or Notification of Lake or Stream Alteration. In 2017, CDFW issued 1600-2017-0365-R1 under the conditions that the existing unpermitted water diversion will be removed and replaced with a new diversion structure consistent with this agreement. Timberland Resource Consultants (TRC) evaluated the conditions outlined in the agreement and the current conditions of the diversion structure on Brian's site.

CDFW states that the client shall replace the existing diversion structure with one that will not obstruct greater than 20% of the stream flow and that it will not extend greater than 12 inches below the stream bed. The existing diversion structure is the same size and configuration requested by CDFW. TRC recommended that the client sign the agreement because the structure is in compliance with CDFW standards.

The diversion structure was not being used prior to 2016 and it has not been used for cannabis irrigation since Brian has owned the property. TRC determined that the environmental impact of removing the diversion structure is greater than the impact of leaving the structure not in use. Therefore, a diversion remediation was not completed because the diversion structure was not removed from the Class II stream.

If you have any comments, questions, or concerns please give me a call at (707) 725-1897 or email me at sbowler@timberlandresource.com

Best,

Stephanie Bowler

Water Rights and Water Quality Administrator

Timberland Resource Consultants

531-011-005

11033

State of California
Well Completion Report
 Form DWR 188 In Review 6/7/2018
 WCR2018-004430

Owner's Well Number Well #1 Date Work Began 06/01/2018 Date Work Ended 06/05/2018
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency Permit Number 17/18-0249 Permit Date 08/15/2017

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name	<u>Brian Dell</u>	Activity	<u>New Well</u>
Mailing Address	<u>3744 Foothill Rd</u>	Planned Use	<u>Water Supply Domestic</u>
City	<u>Santa Barbara</u>	State	<u>CA</u>
Zip	<u>93105</u>		

Well Location			
Address <u>0 Bald Hills RD</u>		APN <u>531-011-005-000</u>	
City <u>Orick</u>	Zip <u>95555</u>	County <u>Humboldt</u>	Township <u>09 N</u>
Latitude <u> </u> N	Longitude <u> </u> W	Range <u>03 E</u>	Section <u>22</u>
Deg. <u> </u> Min. <u> </u> Sec. <u> </u>	Deg. <u> </u> Min. <u> </u> Sec. <u> </u>	Baseline Meridian <u>Humboldt</u>	Ground Surface Elevation <u> </u>
Dec. Lat. <u>41.1531000</u>	Dec. Long. <u>-123.8146000</u>	Elevation Accuracy <u> </u>	Elevation Determination Method <u> </u>
Vertical Datum <u> </u>	Horizontal Datum <u>WGS84</u>		
Location Accuracy <u> </u>	Location Determination Method <u> </u>		

Borehole Information		Water Level and Yield of Completed Well	
Orientation <u>Vertical</u>	Specify <u> </u>	Depth to first water <u>50</u>	(Feet below surface)
Drilling Method <u>Downhole Rotary Hammer</u>	Drilling Fluid <u>Air</u>	Depth to Static <u> </u>	
		Water Level <u>68</u> (Feet)	Date Measured <u>06/05/2018</u>
		Estimated Yield* <u>60</u> (GPM)	Test Type <u>Air Lift</u>
Total Depth of Boring <u>180</u>	Feet	Test Length <u>8</u> (Hours)	Total Drawdown <u> </u> (feet)
Total Depth of Completed Well <u>180</u>	Feet	*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	3	Brown Clay
3	30	Green Sandstone
30	50	Tan/ Brown Sandstone
50	180	Black Shale w/ Quartz



Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (Inches)	Outside Diameter (Inches)	Screen Type	Slot Size If any (Inches)	Description
1	0	20	Blank	Low Carbon Steel	N/A	0.188	8.625			*
2	0	80	Blank	Low Carbon Steel	N/A	0.188	6.625			*
2	80	140	Other: Screen, Knife Cut	Low Carbon Steel	N/A	0.188	6.625		0.25	*
2	140	160	Blank	Low Carbon Steel	N/A	0.25	6.625			*
2	160	180	Other: Screen, Knife Cut	Other	N/A	0.25	6.625		0.25	*

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8 Hole Plug
20	180	Other Fill	See description.		No Annular Fill

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	20	13
20	180	7.625

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>WATSON WELL DRILLING, INC.</u>			
Person, Firm or Corporation			
<u>500 Summer Street</u>	<u>Eureka</u>	<u>CA</u>	<u>95501</u>
Address	City	State	Zip
Signed <u>electronic signature received</u>	<u>06/07/2018</u>	<u>1014048</u>	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

Attachments	
Plot photo.pdf - Photo	
WCR.pdf - Other	

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			



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

June 19, 2017

Brian Dell
Old Goat Farms
3744 Foothill Road
Santa Barbara, Ca 93105

Dear Brian:

Re: APN 531-011-05

The following is an evaluation of potential timberland conversion on proposed cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application for Brian Dell at Old Goat Farms within APN 531-011-05. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the proposed cultivation sites and associated areas contained within the application on May 18, 2017 and June 15, 2017. The RPF exercised due diligence in reviewing all sites and all available resources to fully assess potential timberland conversion. This report evaluates the cultivation sites and associated areas for timber operations only. All other land alteration such a grading, construction, and other permit-regulated activities do not fall within the scope of this report. All property features and sites unrelated to cultivation activities also do not fall within the scope of this report. All findings are summarized in the report below.

Project Summary

The property is approximately 61 acres and consists of second growth tanoak and Douglas-fir with a minor component of hardwoods including pepperwood, chinquapin, and madrone. The parcel appears to have been harvested within the last 50 years based upon stand structure and tree size, and as evidenced by the well-established, seasonal road system, overgrown skid trails, and log landings. No timber harvesting has been recorded by Cal Fire on the property in the past 20-25 years (Watershed Mapper v2). The current landowner, Brian Dell purchased the property in June 2017.

Cultivation Site 1

Cultivation Site 1 is a 0.50-acre graded flat surrounded by an additional 0.6 acres of harvested timber. The RPF first visited the property on May 18, 2017 to evaluate the cultivation sites and other conditions that could affect subsequent cannabis permitting. I observed slash, downed trees, and bucked logs (conifer and hardwood) located on the steep hillslope between the cultivation site and lower road. The majority of the slash/downed trees/logs observed was relatively decayed suggesting it was harvested in past years and was likely pushed over the edge of the upper flat. The initial conversion appears to have occurred between 2005 and 2009, and the opening continually expanded up to 2016. The present size of the harvested area based upon GPS mapping is approximately 1.1 acres. The approximately 0.20 acre area located above/west of the graded flat is technically not converted. This area was harvested but the tanoak stumps remain and the coppice stump sprouts meet stocking. The approximately 0.40 acre area located below/east of the graded flat is understocked primarily because heavy equipment is presently yum-yarding logging slash down to the lower road for treatment. Following slash treatment, approximately $\frac{1}{2}$ of this area or 0.2 acres will remain viable timberland and the balance will remain understocked because of plans to construct a rain catchment pond. Cultivation Site 1 constitutes a timberland conversion, and approximately 0.7 acres of conversion have occurred.

Cultivation Site 2

Cultivation Site 2 is a 0.30-acre graded flat surrounded by another 0.22 acres of harvested timber. During the May 18, 2017 site visit I observed felled trees to the east and southeast of the cultivation site. The majority of the trees were recently harvested tanoak. The initial conversion appears to have occurred between 2005 and 2009, and the opening continually expanded up to 2016. The present size of the harvested area based upon GPS mapping is approximately 0.52 acres. Besides the recently harvested tanoak, there was no signs of slash/downed trees/logs associated with the conversion. A Class III watercourse and swale feature are located east of the cultivation site as shown on the attached map. No timber harvesting or grading occurred within 50 feet of the Class III watercourse. A few recently harvested tanoaks are "topped-out" in the SMA but no impacts occurred. The RPF flagged a 50-foot buffer zone along the Class III watercourse and swale feature to ensure that heavy equipment does not encroach into the buffer zone during subsequent slash treatment operations. Cultivation Site 2 constitutes a timberland conversion, and approximately 0.5 acres of conversion have occurred.

Other Mapped Features

As shown on the Site Plan/Plot Plan, there are improvements (structures, water tanks, etc.) and small graded areas where minor tree and vegetation clearing have occurred. However, the surrounding timberstand still meets the stocking standards of the Forest Practice Rules. These features do not impede the use of the land for current or future timber growth and harvesting; therefore, they do *not* constitute timberland conversion.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

Cultivation Site 2 is located within approximately 75 feet of the head of a Class III watercourse. Given a slope steepness of 30%+; the Forest Practice Rules require a minimum 50-foot Equipment Limitation Zone. Cultivation Site 2 is located outside of the 50-foot buffer. The RPF conservatively afforded the Swale Feature a 50-foot buffer zone to ensure future management activities associated with slash treatment and cannabis cultivation avoid this area.

Slash and Woody Debris Treatment

14CCR 1104.1(a)(2)(O)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."

During the June 15, 2017 inspection the remaining slash associated with Cultivation Site 1 was in three burn piles as pictured. The piles were being burned when I left the site and according to the landowner they are burned and treated. The small deck of logs pictured will be milled up and/or processed for firewood on-site.

The remaining slash and downed trees located to the east and southeast of Cultivation Site 2 requires treatment.

Limitations and Considerations for Timberland Conversion Activities cont'd

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

A query of the California Natural Diversity Database (CNDDB) on June 17, 2017 showed two observations of sensitive, rare, threatened, or endangered species or species of special concern (Bald Mountain milkvetch & southern torrent salamander) outside the project area but within the 0.7-mile biological assessment area surrounding the cultivation sites and associated areas. No evidence of these special wildlife or plant species was observed during the TRC field assessment of the property. The query of the CNDDB NSO Database revealed no known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile biological assessment area surrounding the cultivation sites and associated areas.

Cultural Resources

14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the TRC field assessment. Per 14 CCR 1104.2(2)(1), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

Recommendations

In summary, a total of 1.2 acres of timberland conversion has occurred within the inspected cultivation sites and associated areas. This acreage is below the three-acre conversion exemption maximum. The conversion activities conducted on the property do *not* comply with 14CCR 1104.1(a)(2)(O)(6) of the California Forest Practice Act and the California Forest Practice Rules. The RPF recommends the following measures for the converted areas:

1. Treat all slash piles and log decks as soon as possible using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

Sincerely,



Chris Carroll, RPF #2628 Timberland
Resource Consultants

Pictures



Picture 1: Cultivation Site 1. Photo date 6-15-2017.

Pictures



Picture 2: Hillslope location below Cultivation Site 1. This is where an off-stream pond is proposed to be constructed. Photo date 6-15-2017.

Pictures



Picture 3: Hillslope location below Cultivation Site 1. Slash piles have been burned. Photo date 6-15-2017.

Pictures



Picture 5: Cultivation Site 2. Photo date 5-18-2017.

Pictures



Picture 6: Cultivation Site 2. Note felled trees photo left, which are located east and southeast of the cultivation site. The majority of the trees were recently harvested tanoak, which will need to be treated per 14CCR 1104.1(a)(2)(O)(6). Photo date 6-15-2017.


Pictures



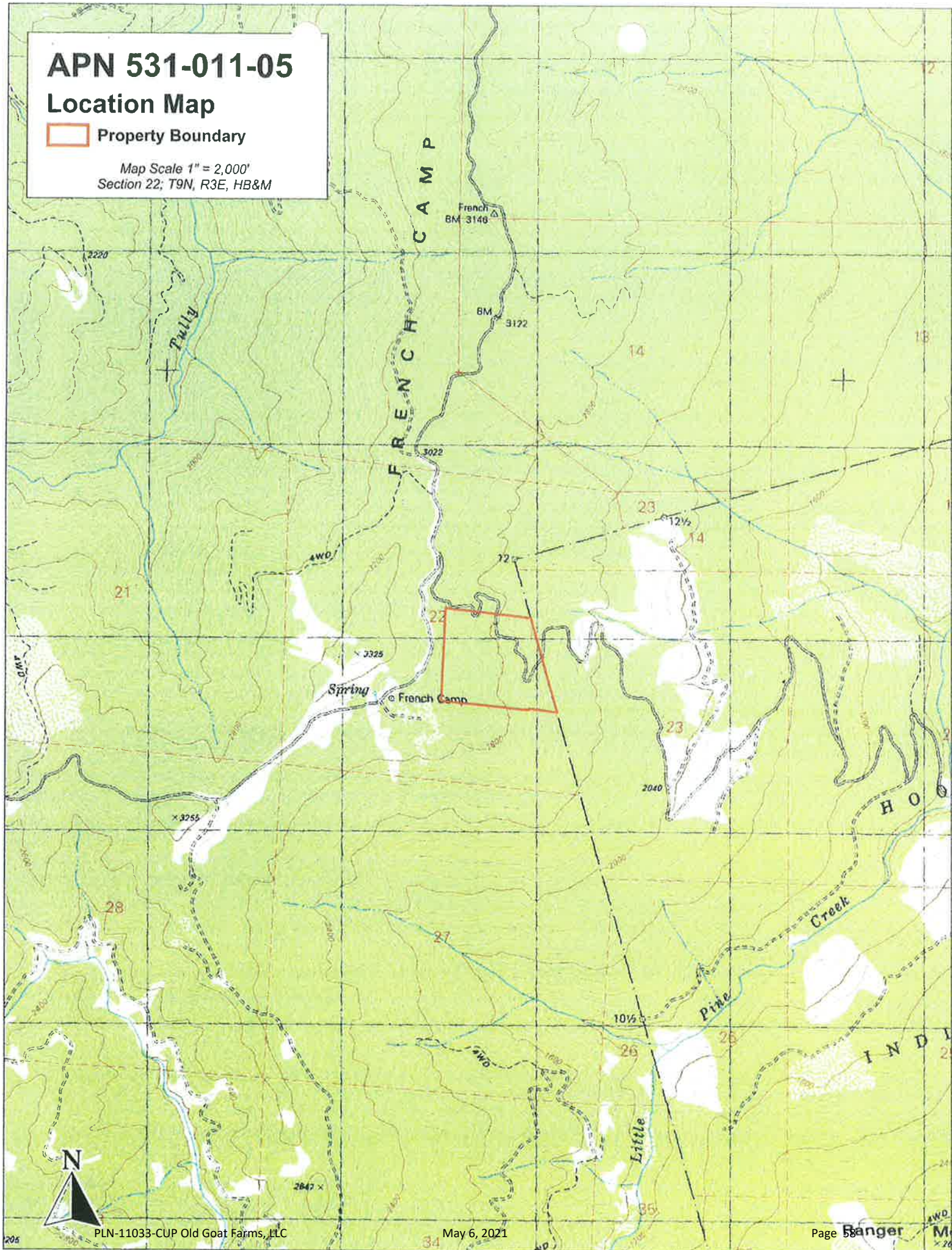
Picture 7: Felled trees located east of Cultivation Site 2. The majority of the trees were recently harvested tanoak, which will need to be treated per 14CCR 1104.1(a)(2)(O)(6). Photo date 6-15-2017.

APN 531-011-05

Location Map

 **Property Boundary**

Map Scale 1" = 2,000'
Section 22; T9N, R3E, HB&M



APN 531-011-05

Conversion Evaluation Map

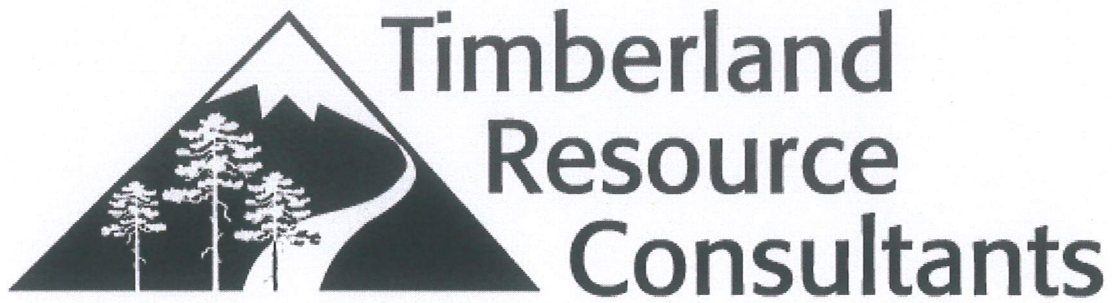
- Property Boundary
- French Camp Road
- Seasonal Dirt Road
- Permanent Rock Road
- Spring
- Class II Watercourse
- Class III Watercourse
- Conversion Area
- Cultivation Area

Map Scale 1" = 250'
Section 22; T9N, R3E, HB&M

Cultivation Site 1

Cultivation Site 2

NORTH



RESTOCKING PLAN
FOR
APN 531-011-005

December 4, 2019

165 South Fortuna Blvd
Fortuna, CA 95540
707-725-1897
707-725-0972 Fax
trc@timberlandresource.com

Restocking Plan

Restocking Area: To mitigate unpermitted timberland conversion, the landowner shall restock the eastern-most portion of Site 1 as shown on the attached map. The area to restock is approximately 0.30 acres in size.

Site Preparation: Site preparation is commonly utilized to facilitate timber stand establishment. The primary objective of this practice is to create an area suitable for planting seedlings and establishing a new stand of trees. Site preparation activities remove or reduce competing vegetation, reduce or remove unwanted trees and logging debris, and prepare the soil to ultimately promote the growth and survival of desired tree species. There are many methods of site preparation that fall under either chemical or mechanical site preparation. Subsoiling/ripping is a mechanical site prep method for heavy soils on cutover timberlands or agricultural lands that have a compacted layer at or below the soil surface that limits root growth and development. Subsoiling/ripping increases aeration and water-holding capacity of compacted soils and breaks up root restricting hardpans and/or traffic pans. Chemical preparation includes broadcast and directed herbicide application.

Recommendation: Site preparation is not necessary at this site.

Types of Seedlings: Harvested and/or understocked timberlands should be artificially regenerated with naturally-occurring conifer species and cultivars well-adapted to the timber stand's specific climate, elevation, and other environmental conditions. Planting seedlings from appropriate seed zones and elevation ranges ensures better seedling success and, eventually, a more resilient timber stand. Specifically, timberland within the property is characterized by Douglas-fir. The planting site occurs within California Seed Zone 092 at approximately 2,800 feet in elevation.

Recommendation: The landowner shall plant with Douglas-fir seedlings (best suited for Seed Zone 092 at 2,800-foot elevation) at a uniform spacing no less than 10-feet by 10-feet. If deer browsing is expected (based on landowner's local knowledge), then the density can be slightly increased to 8-feet by 8 feet to account for potential mortality and/or damage. This would require 130 trees at 10-feet by 10-feet spacing or 204 trees at 8-feet by 8-feet spacing.

Most conifer seedlings that come from nurseries are available in two forms: bareroot seedlings and containerized seedlings. Bareroot seedlings are essentially stock whose roots are exposed at the time of planting. Bareroot seedlings are grown in nursery seedbeds and lifted from the soil in which they are grown to be planted in the field. Containerized seedlings are grown individually in a variety of hard-walled vessels or in peat pots from seed. They're typically more expensive than bareroots but usually have a higher survival rate after planting due to their well-formed root system.

Recommendation: Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized conifer seedlings if available.

Seedling Care: Seedling care and handling is extremely important to ensure post planting survival.

Recommendation: For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.

Planting Instructions: When planting seedlings, the landowner or tree planter should abide by the following:

1. Tree planting shall only occur in winter or early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
4. Pack the soil down firmly around the seedling to remove any air pockets.
5. See Appendices A-D for illustrations for correct planting techniques.

Seedling Survival: Although a newly planted stand immediately fulfills stocking standards, the timber stand must continually contain an average density of at least 300 trees per acre (or 12-foot by 12-foot spacing) in order to meet the intent of the California Forest Practice Rules (CFPRs). Seedling survival can vary widely depending on several factors including genetics, weather, herbivory, etc. Monitoring growth and success of planted seedlings is key to ensure a 300-point count stocking level is maintained 2-3 year after planting.

Recommendation: Monitor growth and success of planted trees one year after planting. Conduct a point count stocking sampling survey (protocol described in CFPRs 14CCR 1072). If less than 55% of the planted area meets the 300-point count minimum stocking level, repeat the replanting process. Consider consulting an RPF for continued timber management in this area.

Stock Purchase: Ideally, landowners should procure seedlings from sources growing local, site-specific stock. Appropriate stock is determined by stand type, seed zone, elevation, as well as other factors like soil type, site quality, and weather.

Recommendation: The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korbel, California. For inquiries, contact Nursery Superintendent Glen Lehar at (707) 668-4439. He will recommend the appropriate stock based on geographic area and site conditions.

Sincerely,



Chris Carroll, RPF# 2628
Timberland Resource Consultants

Pictures



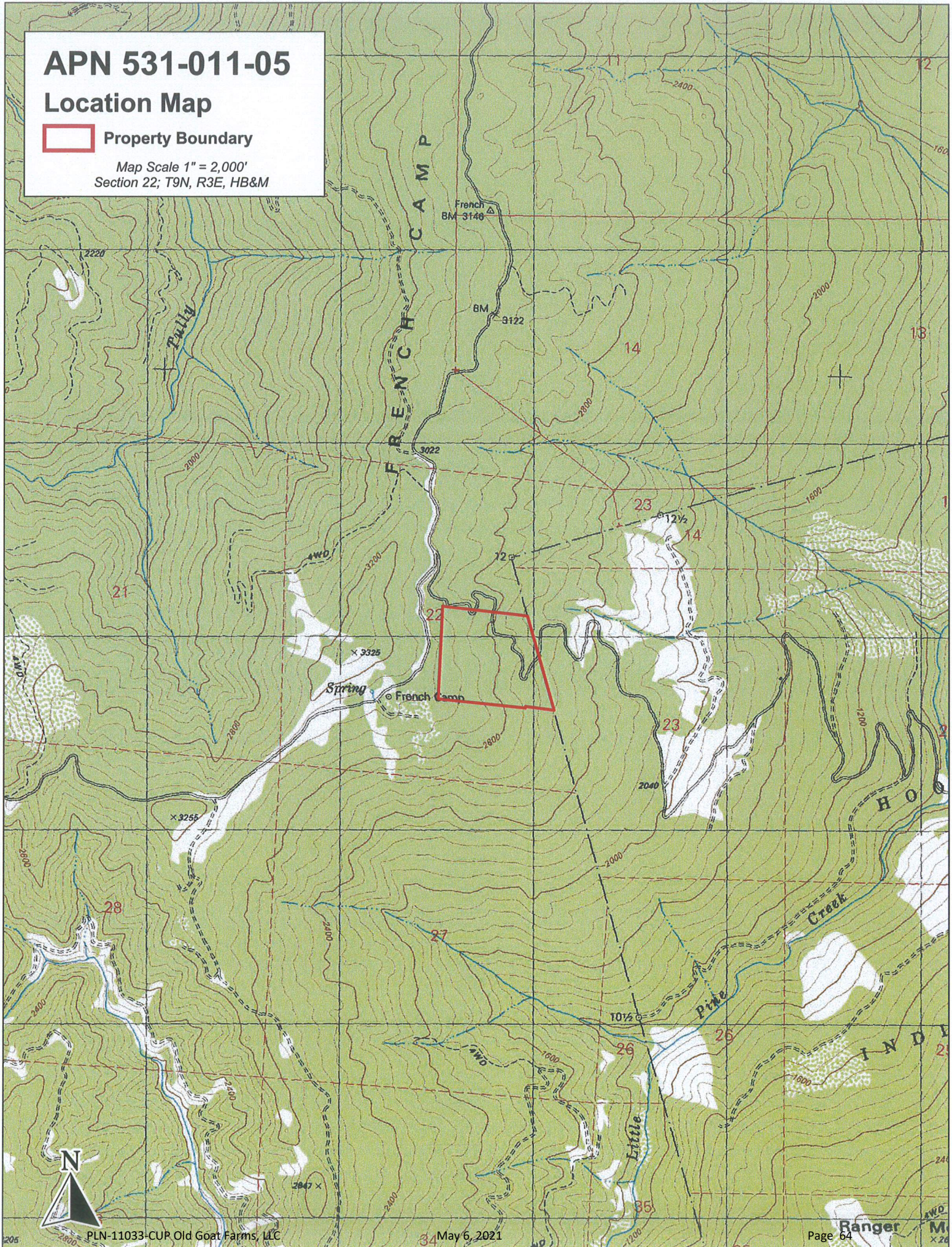
Picture 1: Restocking area located between Cultivation Site 1 and access road. Photo date 6-15-2017.

APN 531-011-05

Location Map












 **Property Boundary**

Map Scale 1" = 2,000'
Section 22; T9N, R3E, HB&M

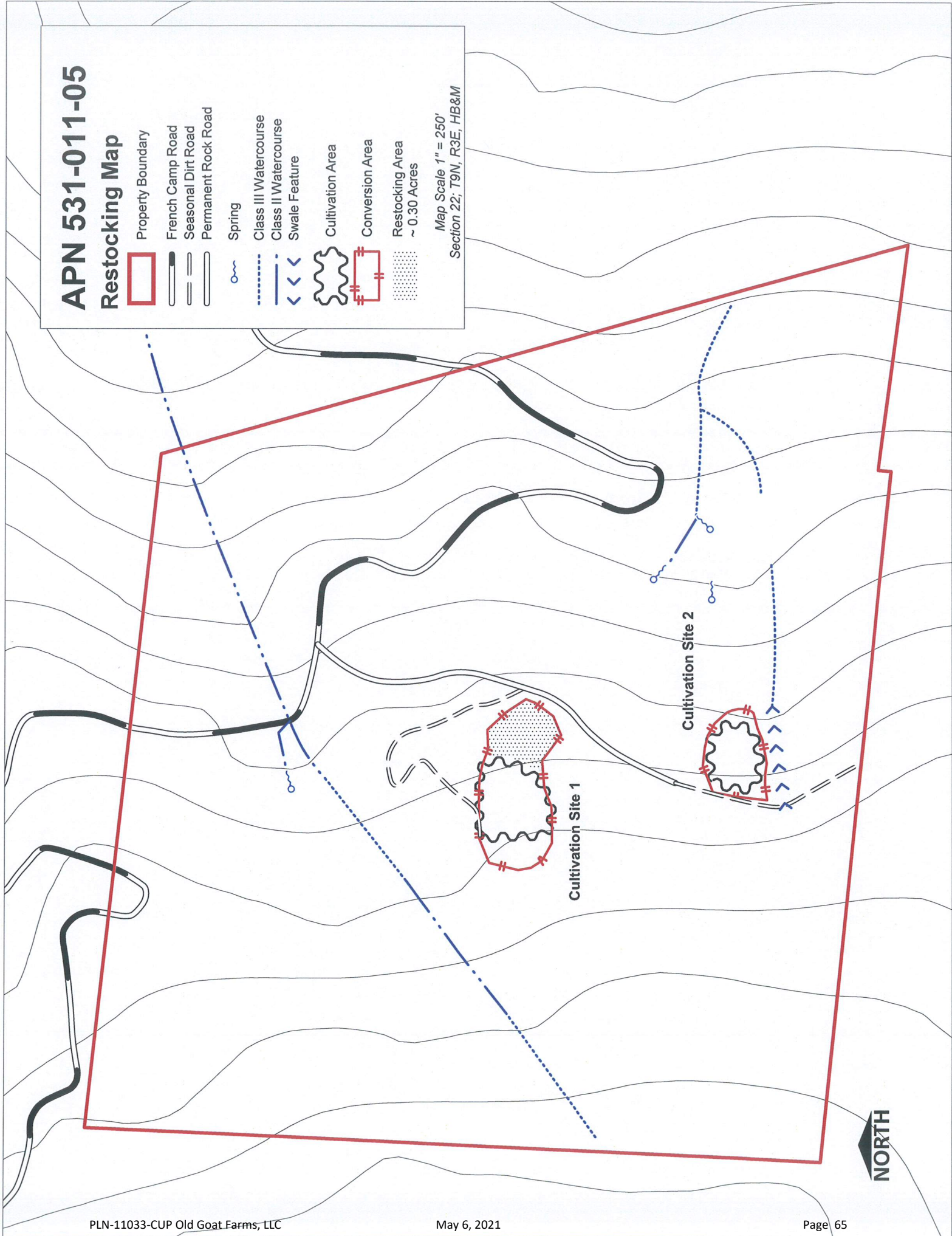


APN 531-011-05

Restocking Map

-  Property Boundary
-  French Camp Road
-  Seasonal Dirt Road
-  Permanent Rock Road
-  Spring
-  Class III Watercourse
-  Class II Watercourse
-  Swale Feature
-  Cultivation Area
-  Conversion Area
-  Restocking Area
~ 0.30 Acres

Map Scale 1" = 250'
Section 22, T9N, R3E, HB&M

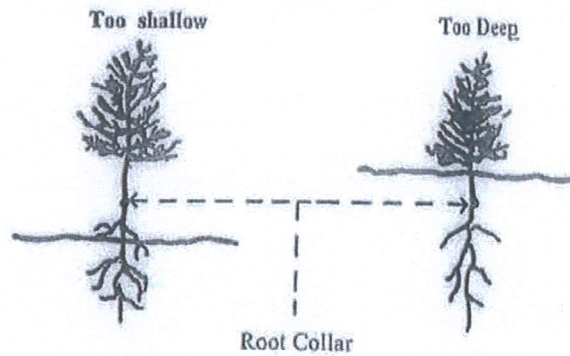


APPENDIX A CORRECT METHOD OF SEEDLING PLANTING



- Soil firmly packed around roots.
- No air pockets.
- Roots straight with no J or L bends.
- Root collar at or slightly below ground level.
- Root not pruned.

ERROR IN PLANTING



- Hole not deep enough.
- Root collar and upper roots exposed.
- Roots dry out.

- Hole is too deep.
- Root collar buried.

J or L Roots



Air Pockets

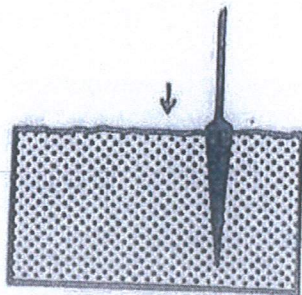


Hole is not deep enough — planting in rocky soil.
Roots cannot effectively take up water.
Tree not wind-firm.

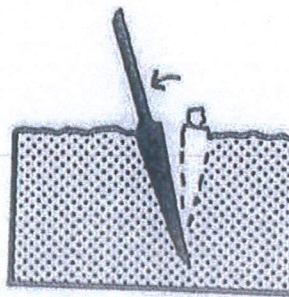
- Soil not firmly packed around roots.
- Air pocket forms.
- Roots dry out.

APPENDIX B
PLANTING WITH A FLAT BAR

1. Insert flat bar straight down.

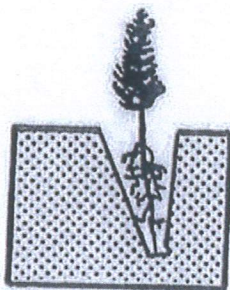


2. Pull flat bar backward to open hole.

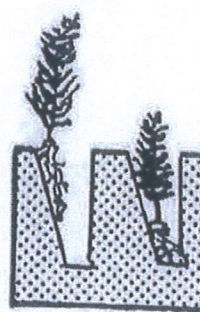


3. Remove flat bar and place seedling at correct depth with root collar at or slightly below ground level.

Correct

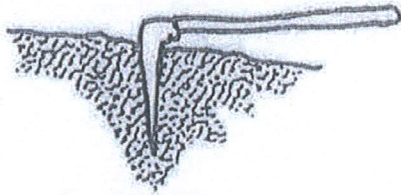


Incorrect

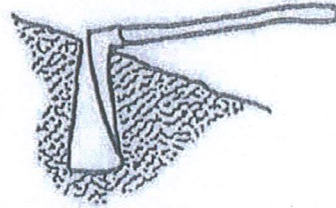


APPENDIX C
PLANTING WITH A HOE

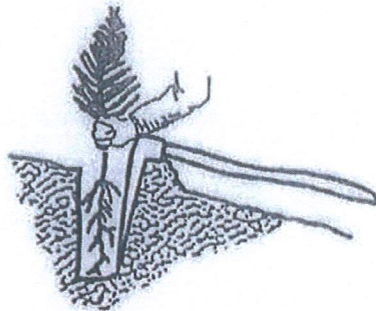
1. Swing hoe to get full penetration.



2. Lift handle and pull up to widen hole.



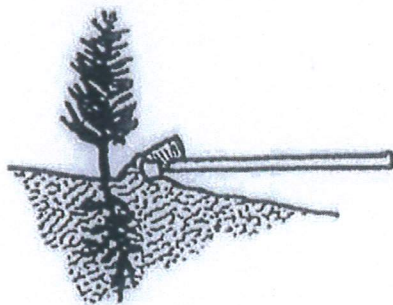
3. Place seedling while using hoe to hold back soil.



4. Use hoe to pack soil at bottom of hole.



5. Use hoe to pack soil at top hole.

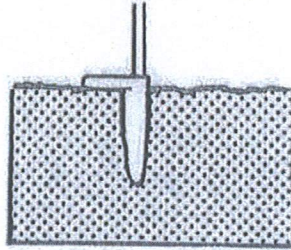


6. Firm soil around seedling with feet.

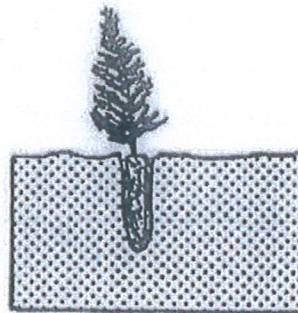
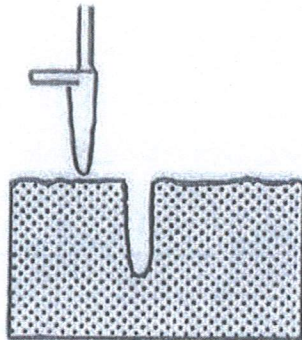


APPENDIX D
PUNTING WITH A PLUG BAR

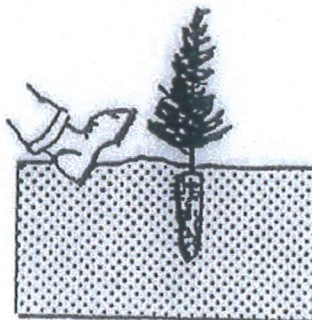
1. Insert plug bar straight down until plug bar footrest is level with ground.

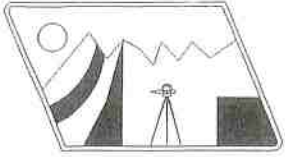


2. Remove plug bar and place seedling in hole.



3. Firm soil around seedling with heel of boot.





A.M. BAIRD

ENGINEERING & SURVEYING, INC.

1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING

May 15, 2018

Michelle Neilson
Senior Planner
Humboldt County Planning & Building Department
3015 H St.
Eureka, Ca 95501
Re: Old Goat Farms LLC
Apn: 531-011-005

Dear Michelle,

I was contacted by Brian Dell of Old Goat Farms, LLC to submit a road evaluation report that was recommended by Ken Freed of the Public Works Department. Mr. Freed sent you a request from the Land Use Division on March 23, 2018, the departments request for this Road Evaluation Report. I have reviewed exhibit A of that report on the check list. He wanted a discussion on visibility at the intersection concerning site visibility and road intersection construction. Under exhibit B of that report there was a note that planning staff would request that the applicant provide this road evaluation report.

I'm attaching with this communication parts A and part B of the road evaluation report. Along with part A and part B, I am submitting photos to show conditions along the roadway to the subject property. The French Camp road takes its access off of Bald Hills road. Bald Hills and French Camp access is approximately 10 miles west of the Martins Ferry Bridge at Weitchpec. French Camp road has a paved intersection minimum width of 24 feet with a paved apron approaching Bald Hills road of 80 feet-100 feet, and excellent visibility (over 300 feet). There are no other drive ways that come in to French Camp road between Bald Hills road and the access point to Old Goat Farms LLC property. The photos that I am submitting to you show the paved intersection at Bald Hills Road and several photos along French camp road that show the width and turn outs that available for site distances.

If after review of the information I have sent, you have any questions please feel free to contact me at 707-599-4776. Thank you and have a good day.

Sincerely,

Allan M. Baird
RCE 23681

A.M. Baird Engineering & Surveying



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Old Goat Farms, LLC

APN: 531-001-005

Planning & Building Department Case/File No.: Apps# 11033-CUP16-132

Road Name: French Camp Road (complete a separate form for each road)

From Road (Cross street): Bald Hills Road (F4R300)

To Road (Cross street): Site-French Camp Road

Length of road segment: 0.8 miles Date Inspected: 05-01-18

Road is maintained by: ☐ County ☒ Other Tribal

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature

Allan M. Baird

05-11-18

Date

Allan M. Baird

Name Printed

RECEIVED

MAY 17 2018

Humboldt County
Building Division

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: French Camp Road Date Inspected: 05-01-18 APN: 531-011-005
From Road: Bald Hills Road (Post Mile) Planning & Building
To Road: French Camp Road (Post Mile) Department Case/File No.:

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:

(Contact the Planning & Building Department for information on other nearby projects.)

None one but

ADT: <20 Date(s) measured: 05-01-2018

Method used to measure ADT: ☐ Counters ☐ Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? ☒ Yes ☐ No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* for guidance.)

A. Pattern of curve related crashes.

Check one: ☒ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☒ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☒ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☒ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a Neighborhood Traffic Management Plan is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer

Date

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.





1
FRENCH CAMP ROAD





RECEIVED
MAY 17 2018
Humboldt County
Building Division

2
FRENCH CAMP ROAD



3

FRENCH CAMP ROAD



4



FRENCH CAMP ROAD





A.M. BAIRD

ENGINEERING & SURVEYING, INC.

1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

RECEIVED

AUG 02 2019

CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING

TECHNICAL MEMORANDUM

Existing Stream(s) Near Cultivation Area

PREPARED FOR

**Old Goat Farms
French Camp Road
APN:531-011-005**

BLUE LAKE, HUMBOLDT COUNTY, CA

Job#18-4783

July 12, 2019

Revised: July 31, 2019



AP#531-011-095
Date: July 12th, 2019

To: Humboldt County Building and Planning
3015 H Street, Eureka, CA, 95501

From: A.M. Baird Engineering and Surveying
1257 Main Street, Fortuna, CA, 95540

Subject: Existing Stream Near Cultivation Area

INTRODUCTION:

The purpose of this technical memorandum is to provide the County of Humboldt with information regarding the existing outdoor cultivation areas and the relation of this activity to the stream running through and off the property. The information regarding the stream was collected during two separate site visits and from other sources such as Timberland Resources Consultants and Google Earth Pro. The first site visit was completed on January 25th 2019, and the second on May 23rd.

BACKGROUND:

On October 30th, 2018 The County of Humboldt Planning and Building Department Cannabis Services Division issued a letter to applicants within the Pine, Supply, and Campbell creek watershed. The client, Old Goat Farms is within the Pine Creek watershed. There are two separate cultivation sites on the property. One cultivation site is 22,000 square feet (SF) and the other is 8,000 SF. There are two streams on the property near the cultivation areas. One is a class II stream and another is a class III stream. A class II stream is a continuously flowing stream and supports aquatic organisms. A class III stream flows intermittently, dries up usually in summer, needs direct precipitation to flow, and does not support aquatic organisms.

DETERMINATION:

The majority of the 22,000 SF cultivation area slopes east and more than half slopes south, essentially away from the class II stream. The closest portion of the cultivation area is approximately 225 feet away from the stream per GIS measurement of radiometric imagery of the closest edge. It is unlikely that the cultivation area will have an impact on the stream if standard protocols for erosion and activities are followed as per the State Water Quality Control Board order WQ 2017-0023-DWQ.

The smaller 8,000 sqft cultivation area is relatively flat and does not slope towards the class III ephemeral stream. During both site visits the class III stream was dry. Furthermore, with proper soil storage and erosion control methods it is unlikely that the cultivation will cause an impact to the stream.

Therefore, no action is considered required by this office.

MQ Power WhisperWatt 7 kW to 56 kW – Single Phase

MODEL	DA-7000SSA1	DCA-10SPX	TLG-12SPX	DCA-15SPX	DCA-20SPX	DCA-36SPX	DCA-56SPX
Generator							
Design	Revolving field, Self-ventilated, Drip-proof, Single bearing						
No. of poles	2-pole	4-pole	2-pole	4-pole	4-pole	4-pole	4-pole
Excitation	Solid state, Statically Excited system	Brushless with AVR					
Standby rating	7kW	11 kW	13 kW	16.5 kW	22 kW	40 kW	62 kW
Prime rating	6kW	10 kW	12 kW	15 kW	20 kW	36 kW	56 kW
Generator RPM	3600	1800	3600	1800	1800	1800	1800
Voltage - 1 phase	120/240						
Armature connection	Series						
Voltage regulation (no load to full load)	+/- 2.5%	+/-0.5%					
Frequency	60 Hz						
Frequency regulation (steady state load)	+/-0.25% of means value for constant loads from no load to full load	+/-0.25% Includes Elec- tronic Governor	3-5% Optional Elec- tronic Governor +/-0.25%	+/-0.25% Includes Elec- tronic Governor	3-5% Optional Elec- tronic Governor +/-0.25%	+/-0.25% Includes Elec- tronic Governor	+/-0.25% Includes Elec- tronic Governor
Power factor	1.0						
Sound level dB (A) Full load at 23 feet	65	61	68	62	63	65	68
Diesel Engine							
Make / Model	Kubota Z482	Kubota D1503	Kubota D902	Kubota V2203	Isuzu BV-4LE2	Isuzu BB4JJ1T	Isuzu BJ-4JJ1X
Emissions	Tier4	Tier4	Tier4	Interim Tier 4	Interim Tier 4	Interim Tier 4	Tier 3
Starting system	Electric						
Design	4-Cycle Water cooled	4-cycle Water cooled Swirl Chamber	4-cycle Water cooled Swirl Chamber	4-cycle Water cooled Swirl Chamber	4-cycle Water cooled Direct injection	4-cycle Water cooled Direct injection Turbocharged	4-cycle Water cooled Direct injection Turbocharged Charge Air Cooled
Displacement	479	1499 cc	898 cc	2197 cc	2179 cc	2999 cc	2999 cc
No. of cylinders	2	3	3	4	4	4	4
Bore x Stroke (mm)	64 x 68	83 x 92.4	72 x 73.6	87 x 92.4	85 x 96	95.4 x 104.9	95.4 x 104.9
Gross HP	12.5	24.5	24.8	36.1	34.3	67.1	97.9
Fuel tank capacity gal. (liters)	6.6 (25)	16.4 (62)	13.5 (51)	16.4 (62)	17 (65)	26 (100)	40 (150)
Fuel consumption full load gph (lph) 3/4 load gph (lph) 1/2 load gph (lph) 1/4 load gph (lph)	0.69 (2.6) 0.55 (2.1) 0.48 (1.8) 0.37 (1.4)	0.97 (3.7) 0.75 (2.8) 0.58 (2.2) 0.44 (1.7)	1.4 (5.2) 1.1 (4.4) 1.0 (3.8) 0.8 (3.1)	1.37 (5.2) 1.09 (4.1) 0.84 (3.2) 0.63 (2.4)	1.66 (6.3) 1.21 (4.6) 0.85 (3.2) 0.58 (2.2)	2.8 (10.6) 2.1 (8.0) 1.5 (5.6) 0.9 (3.4)	4.1 (15.4) 3.1 (11.9) 2.2 (8.4) 1.4 (5.2)
Coolant capacity gal. (liters)	0.74 (2.8)	1.85 (7.0)	0.92 (3.5)	2.09 (7.9)	1.74 (6.6)	2.96 (11.2)	3.09 (11.7)
Oil capacity gal. (liters)	0.66 (2.5)	1.48 (5.6)	0.95 (3.6)	2.0 (7.6)	2.25 (8.5)	3.96 (15.0)	3.96 (15.0)
Battery	12V 35Ah x 1	12V 65Ah x 1	12V 45Ah x 1	12V 65Ah x 1	12V 53Ah x 1	12V 72Ah x 1	12V 72Ah x 1
Size							
L x W x H in. (cm)	45x25.5 x 31.25 (114 x 65 x 79)	55 x 26 x 36 (140 x 65 x 90)	55 x 27 x 33 (140 x 69 x 85)	61 x 26 x 36 (155 x 65 x 90)	73 x 30 x 39 (185 x 75 x 100)	80 x 35 x 49 (203.5 x 90 x 125)	98.4 x 37.5 x 55 (250 x 95 x 140)
Approx Net Wt lbs. (kg)	582 (264)	1142 (518)	874 (396)	1300 (590)	1432 (650)	2370 (1075)	3136 (1422)
Amps							
Single phase 120V	50A (2 sets)	41.7A (2 sets)	50A (2 sets)	62.5A (2 sets)	83A (2 sets)	150A (2 sets)	233A (2 sets)
Single phase 240V	50A	41.7A	50A	62.5A	83A	150A	233A

Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level $I_1 = 63$ dB

at distance

$d_1 = 7.01040000$ m = 23 ft

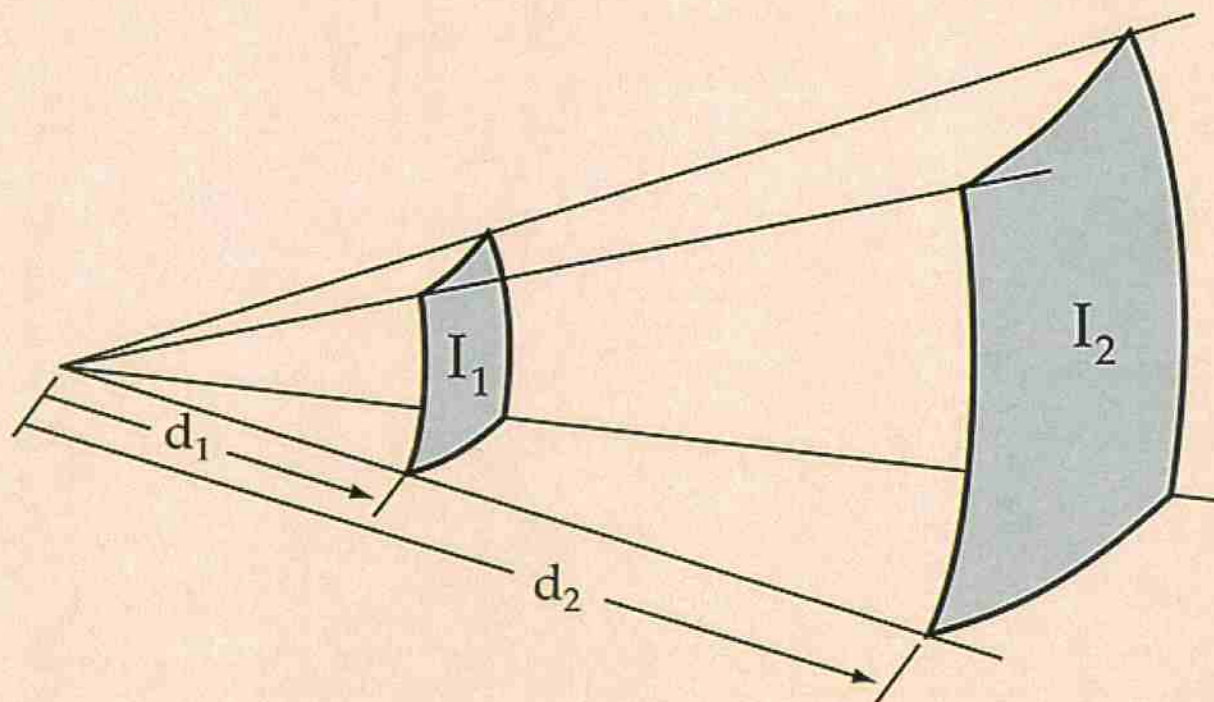
$$\frac{I_2}{I_1} = \left[\frac{d_1}{d_2} \right]^2$$

then at distance

$d_2 = 30.48$ m = 100 ft

the inverse square law predicts a sound level

$I_2 = 50.2345567$ dB



You can explore numerically to confirm that doubling the distance drops the intensity by about 6 dB and that 10 times the distance drops the intensity by 20 dB.

[Index](#)

[Auditorium
acoustics](#)

[Decibel definition](#) [Decibel calculation](#)

[Calculating dB for distance ratios](#)

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
CalFIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Hoopla Valley Tribe		Comments	Coordination meeting notes – on file.
Yurok Tribe	✓	Comments	On file and confidential
Tsnungwe Council	✓	Comments	On file and confidential
Klamath-Trinity Unified 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	



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



9/21/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Yurok Tribe, Hoopa Valley Tribe, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, HCSO, CA Water Resources Control Board, Division of Water Rights, Klamath Trinity School District

531-011-005

Applicant Name Old Goat Farms, LLC **Key Parcel Number** 531-011-005-000

Application (APPS#) 11033 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-132

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

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

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

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

Return Response No Later Than 10/6/2017

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: 12-2-17

PRINT NAME: Gustin Dummer



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.: 11033 (45107)
Parcel No.: 531-011-005
Case No.: CUP16-132

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.

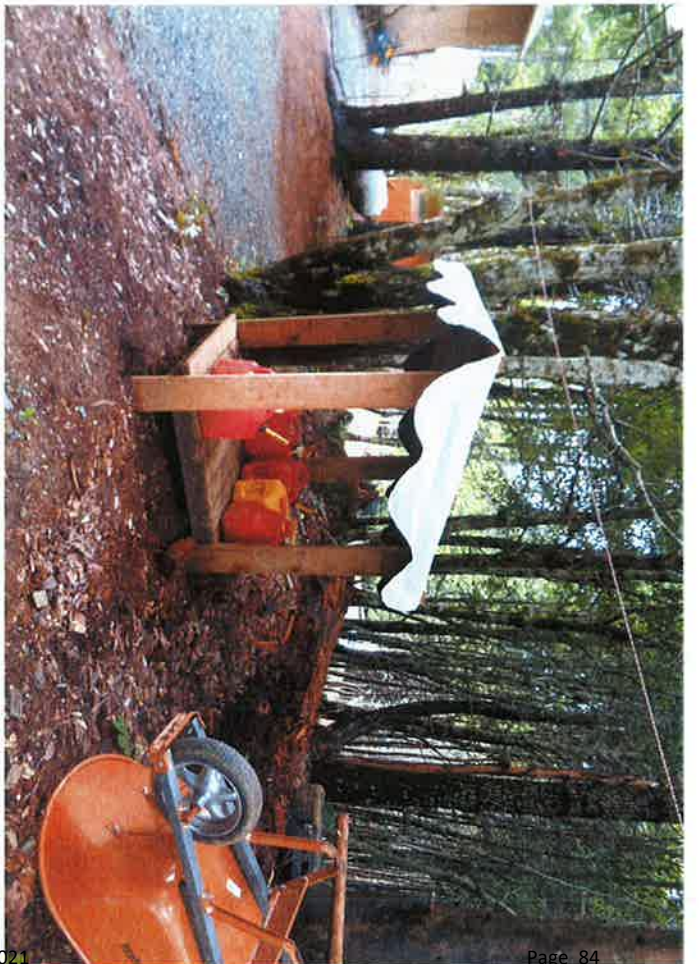
☒ Other Comments: See photos @ CUP16-132 - folder 531-011-005
- Unsafe conditions exist
- Revise plot plan, declare actual uses of all structures
- Tanks of uncontained soil in SMA

Name: Gustin Dumlac

Date: 12-2-17

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

~~Forest~~ Covered Containers Drying Area



11/20/17 531-011-005 Tanks

Drying facility

Lowered Containers
Drying area

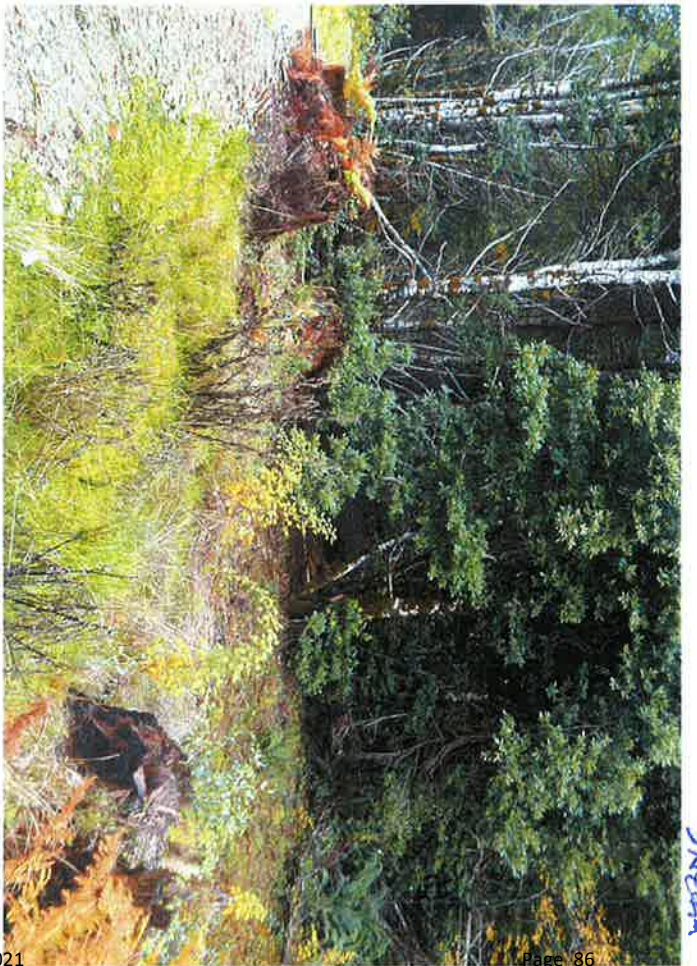


Lower Area GHT's Existing



Lower Area

Lower Area Toward Class III Stream



11/22/17

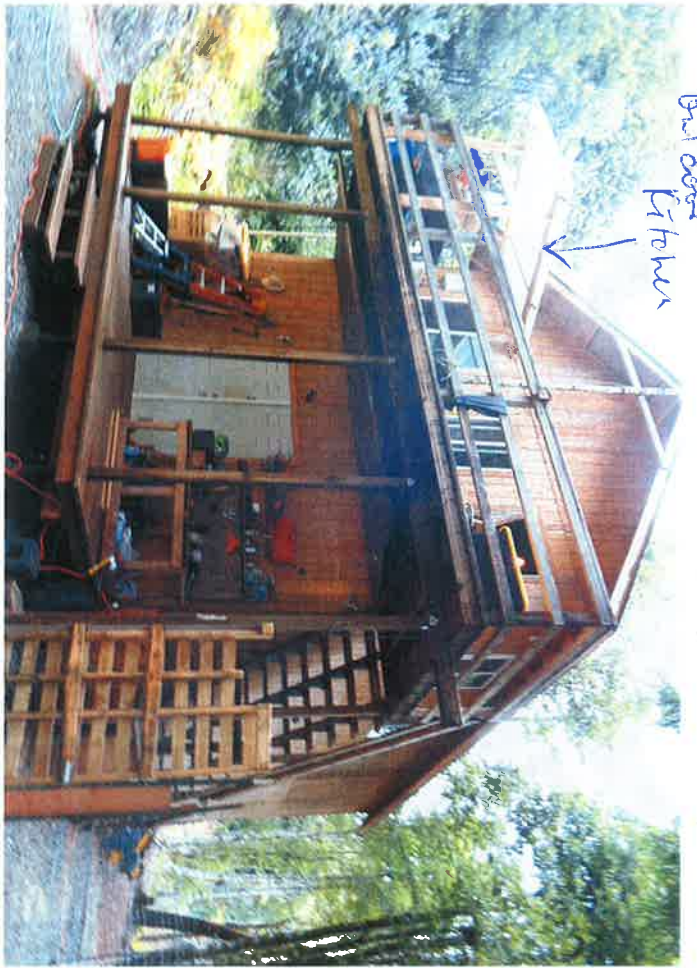
Lower GH Area

S31-011-005

Toward Class III Stream East of lower area



Outdoor Kitchen



Drying Facility



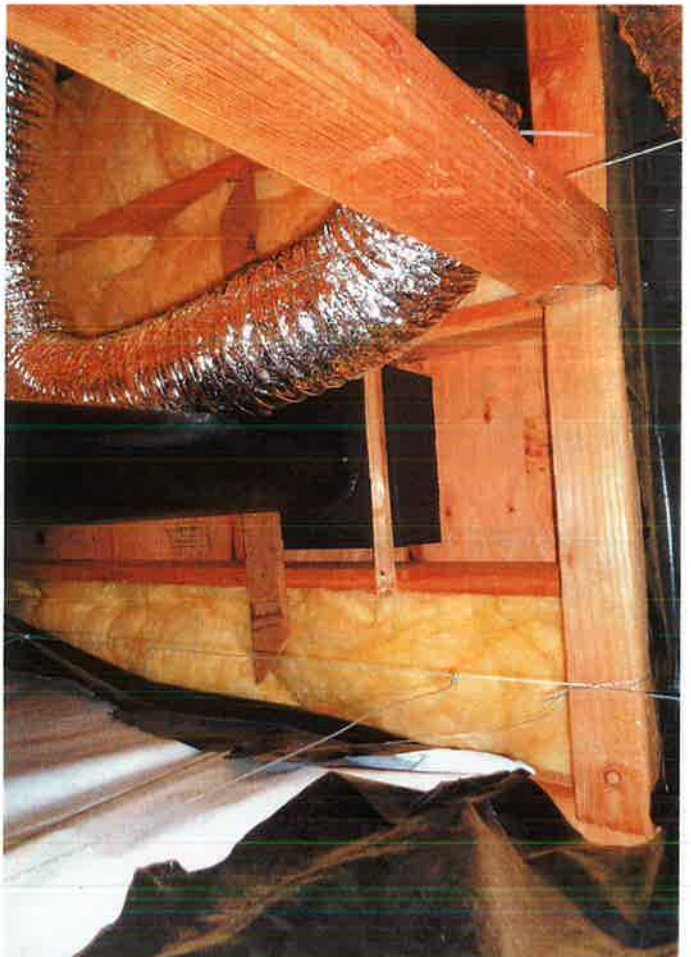
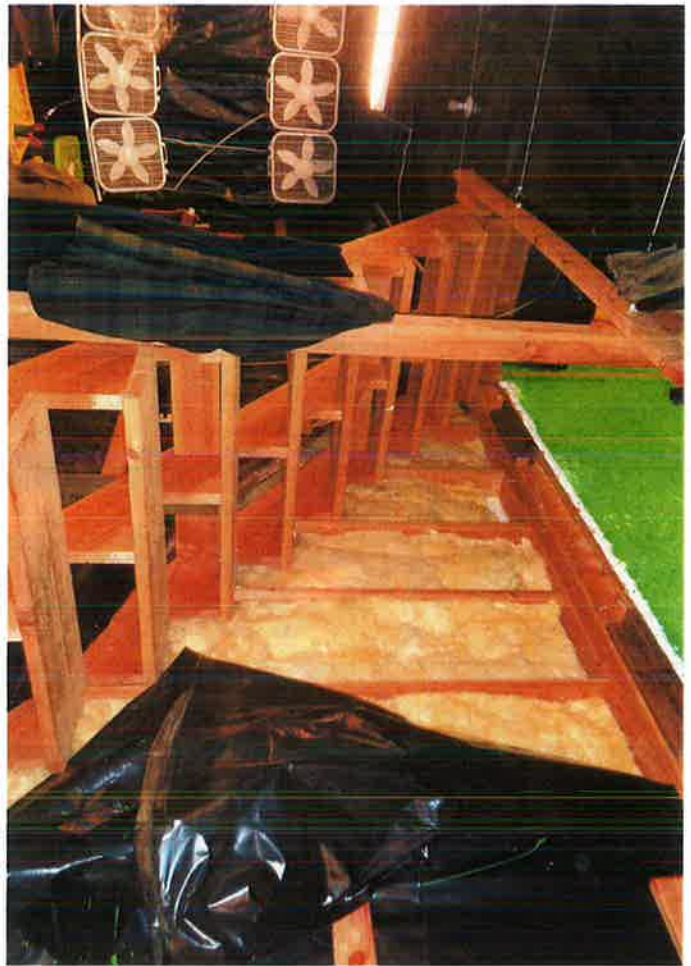
11/28/17 531-011-005

1st Floor

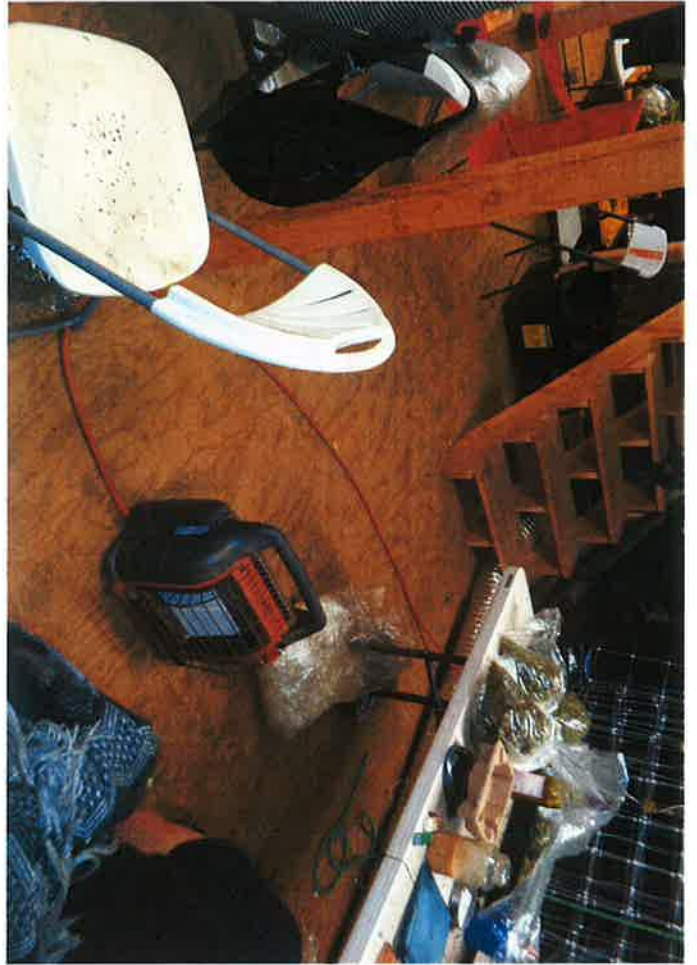


Being used for processing/killing

1st Floor



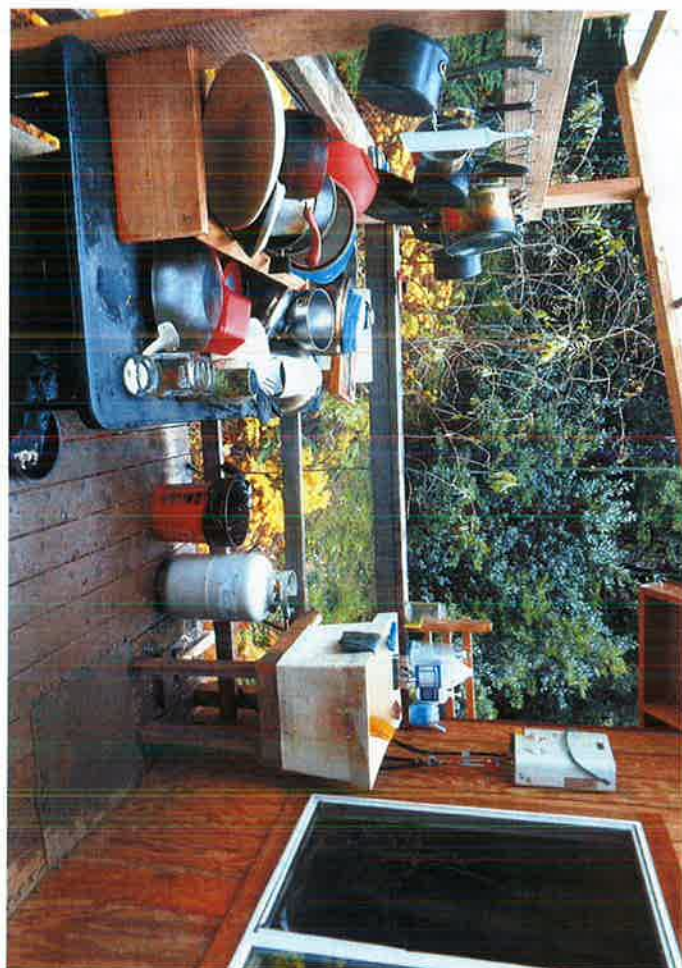
11/28/17 531-011-005 1st Floor



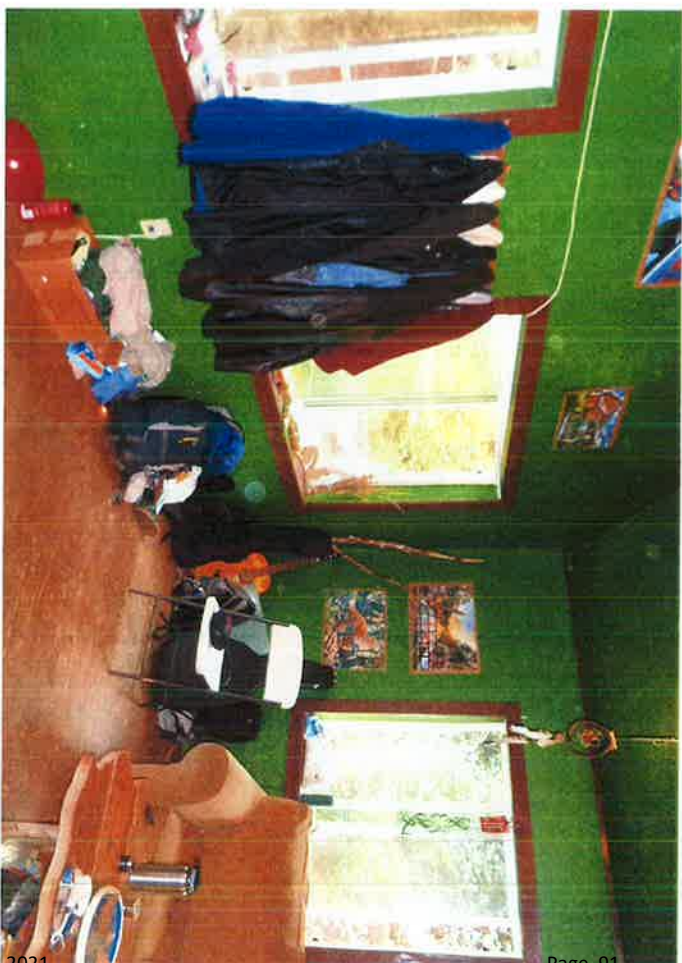
Drying Facility



Balcony Deck



2nd Floor w/ loft



11/23/17 531-611-005 and Floor



Packaging Room



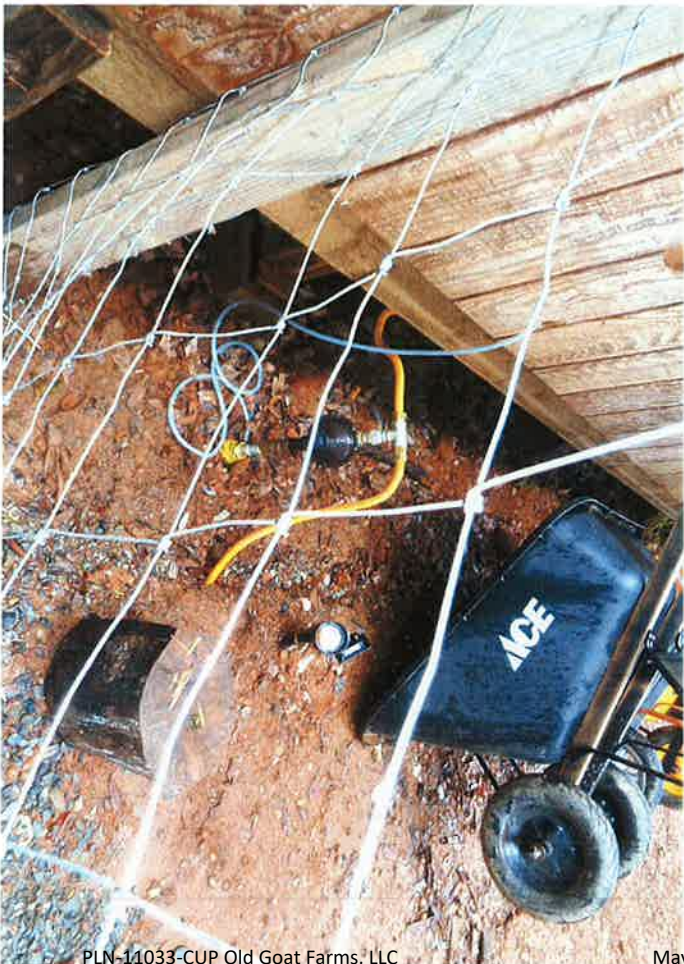


2nd Floor

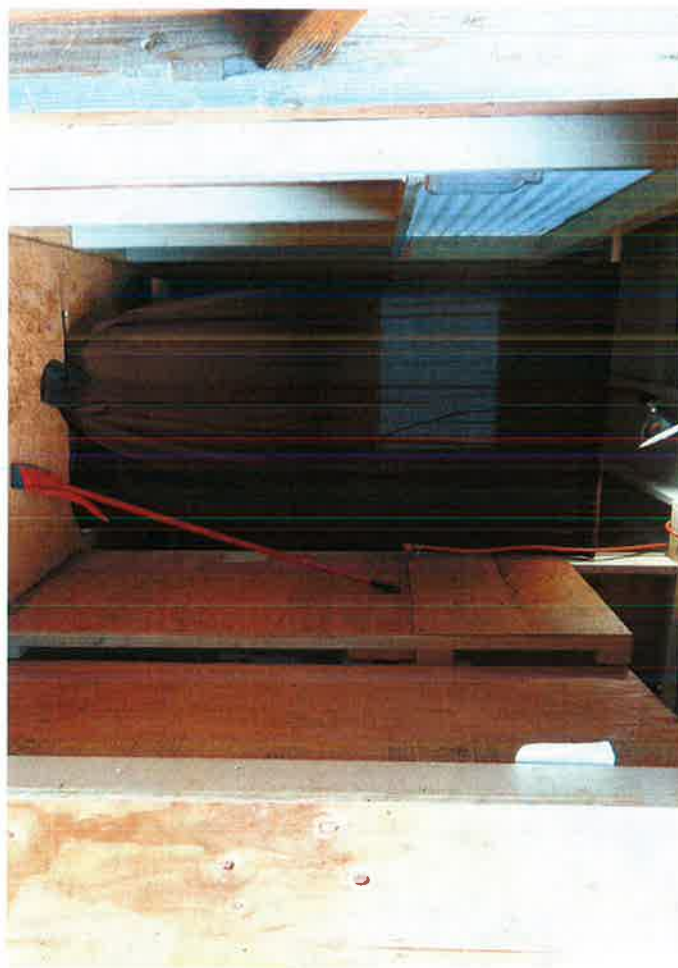
11/22/17 531-011-005



Left



Seperate bathroom
Structure (Shower)

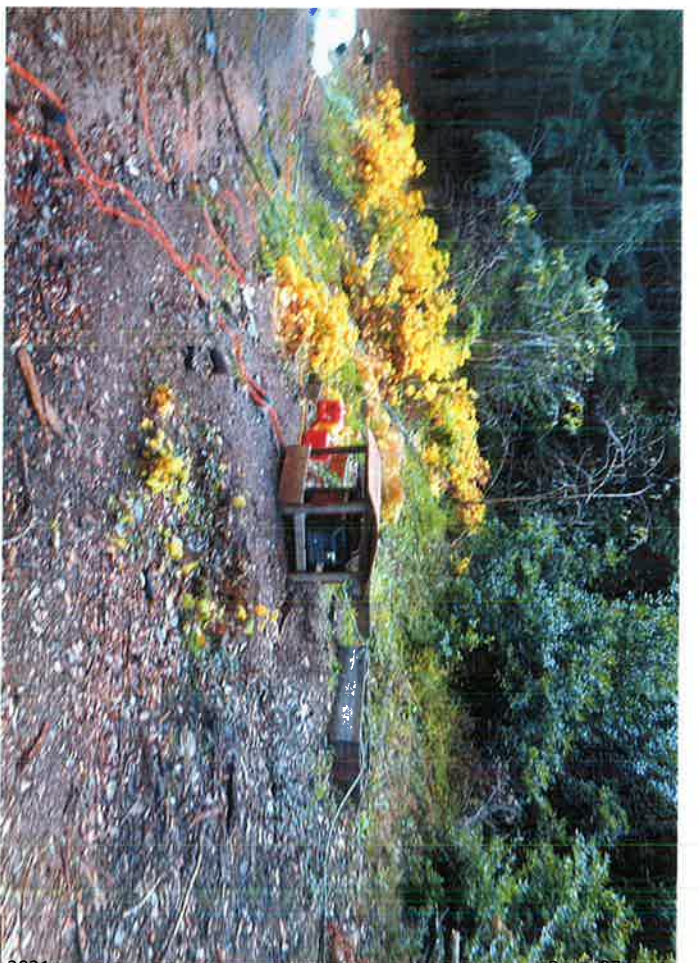
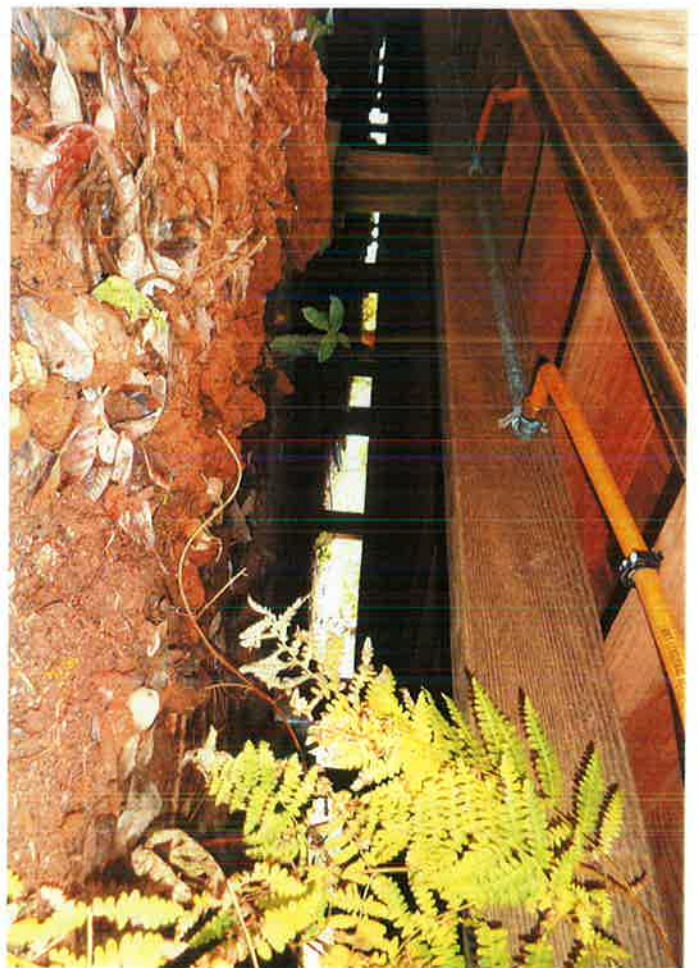


11/22/17

531-011-005

Bathroom/Showers
Structure





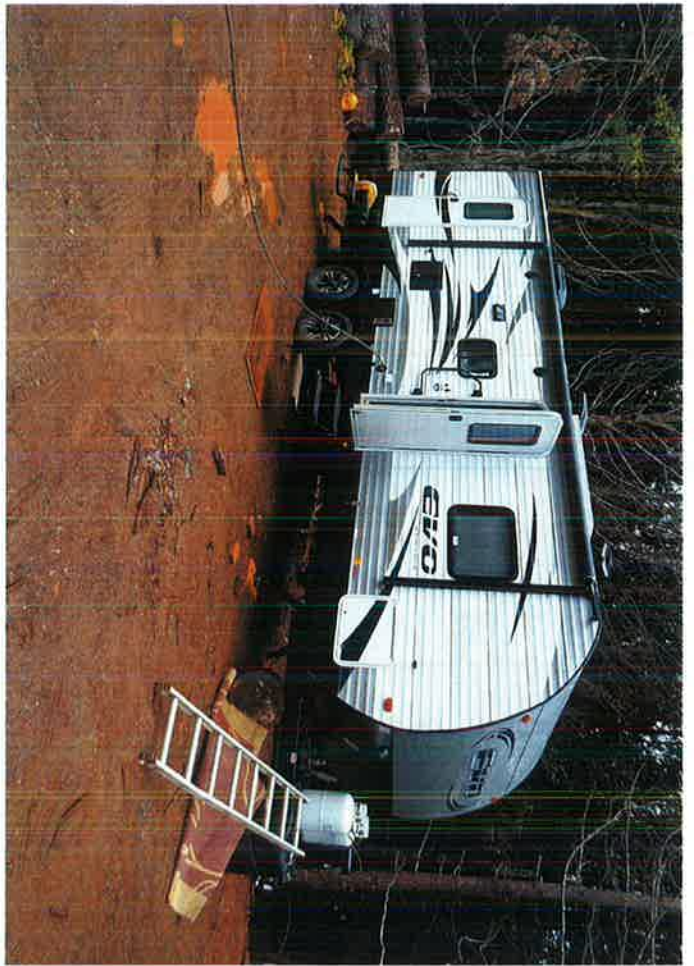
Gas lines into 2 story structure

Upper CA



11/22/17 5-31-011-005 Upper CA

Pond



Draining into woods

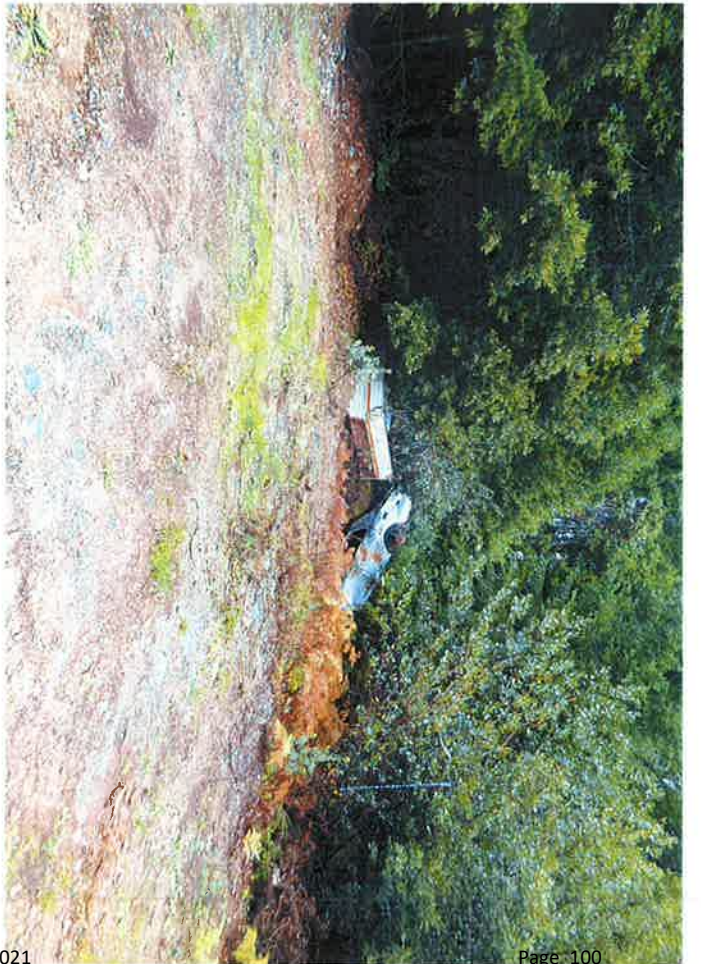


Trailer not shown

11/22/17 531-011-005



Parling Area



Upper CA



Upper CA

Toward Class II Stream



Tanks in SNA



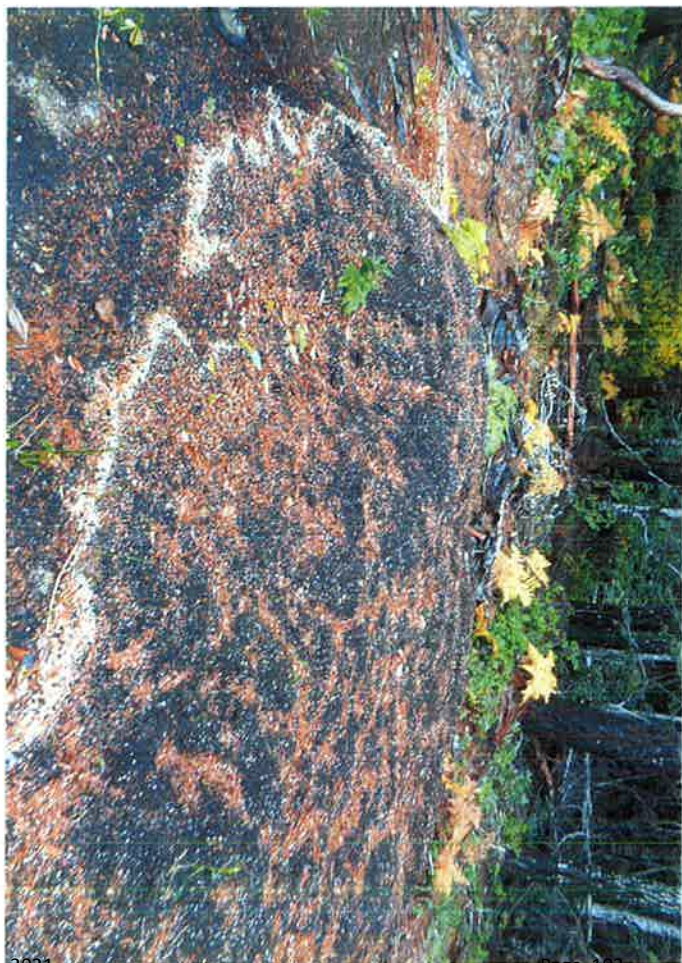
Storage facility



11/22/17 S31-011-005

Upper CA

Storage Facility



Tanks in SMH

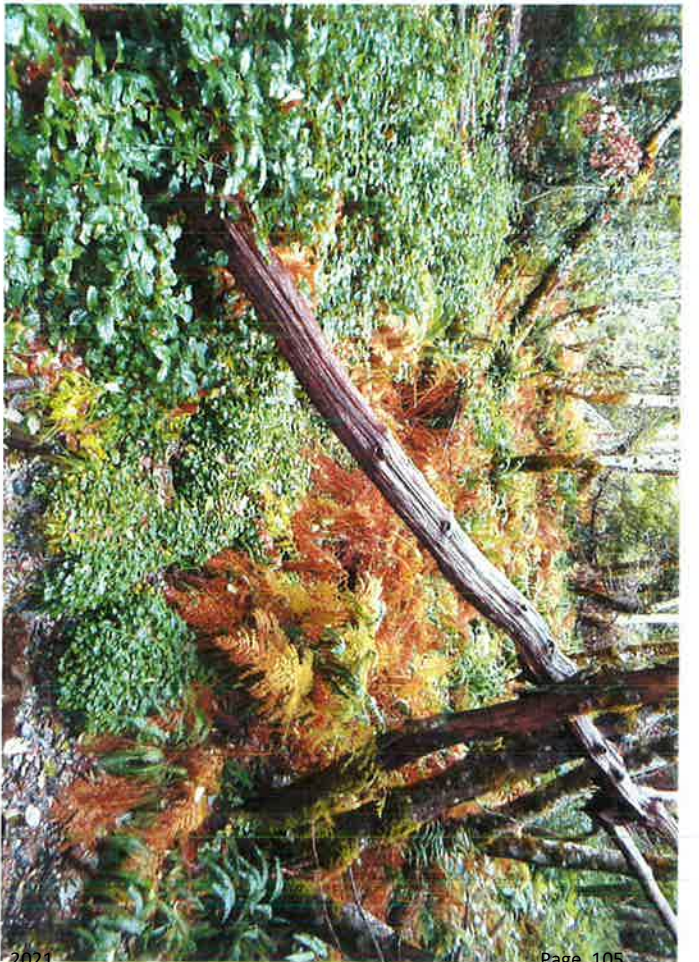
Unconfined Soil in SMH

Tanks in SHH

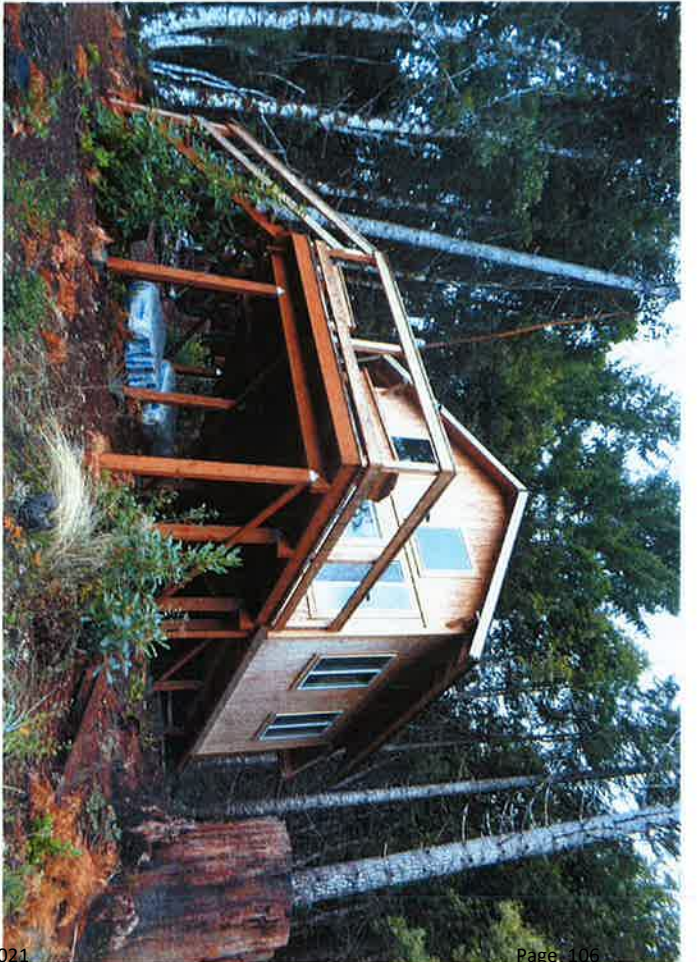


11/08/17 531-011-005

POD



Class II Stream



Storage facility



upper CA 11/22/17 S31-011-005

Upper CA

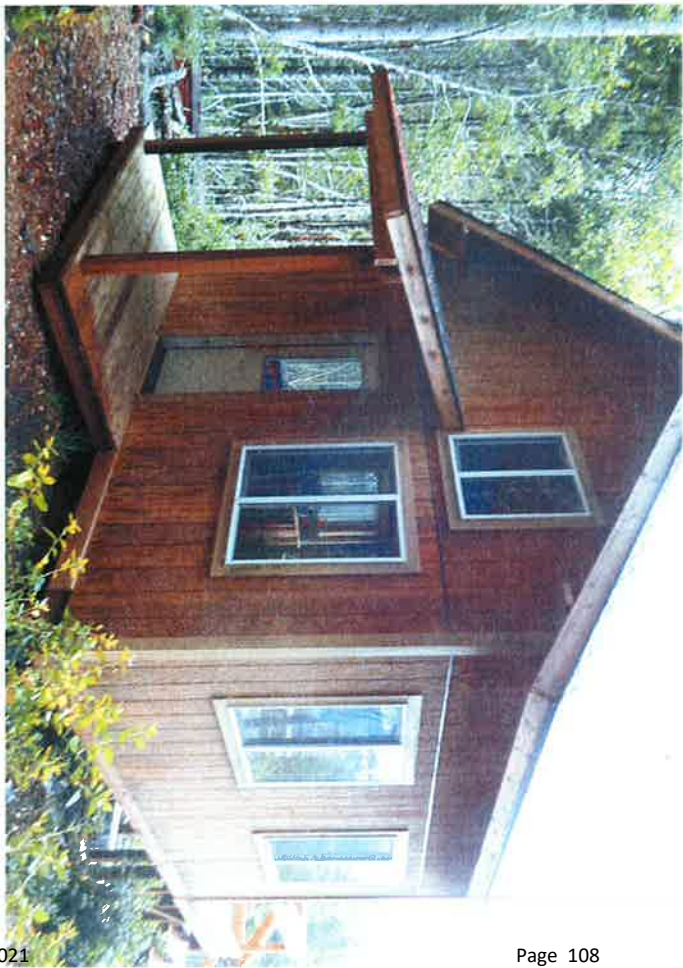


Storage Facility

11/22/17 531-011-005



Storage Facility



DISCLAIMER:
MAPPING INFORMATION PROVIDED IS FOR HUMBOLDT COUNTY PLANNING PERMITTING PURPOSES ONLY.
THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT ARE NOT TO BE USED FOR CONSTRUCTION. THE INFORMATION SHOWN IS LIMITED TO THE INFORMATION PROVIDED AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE INFORMATION SHOWN IS LIMITED TO THE INFORMATION PROVIDED AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE INFORMATION SHOWN IS LIMITED TO THE INFORMATION PROVIDED AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.

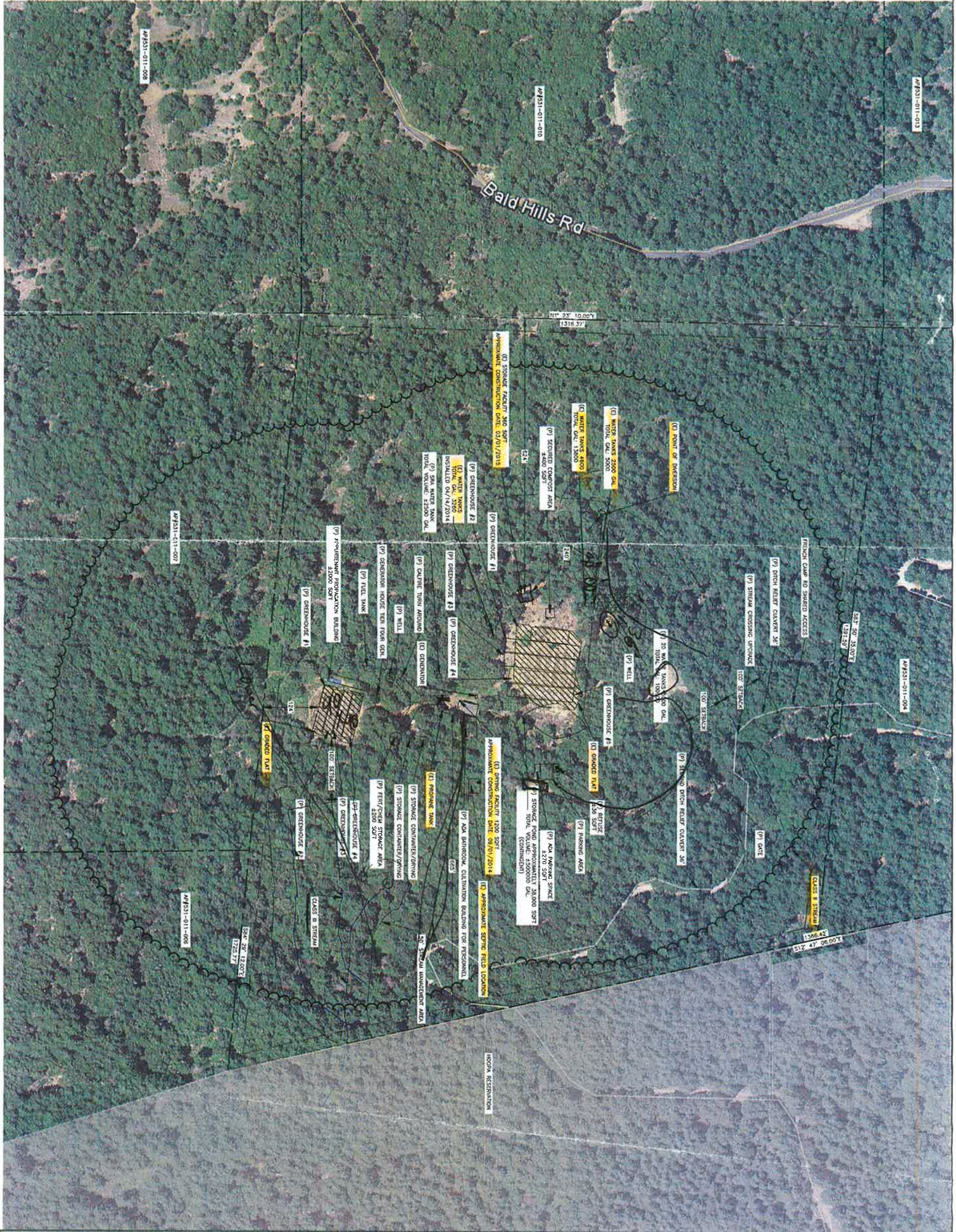
LEGEND	
ADDRESS: 101 N (4.3 MILES)	DIRECTIONS: FOLLOW US 101 N (4.3 MILES)
ACCESS: 101 N (4.3 MILES)	TURN RIGHT ONTO BALD HILLS ROAD (21.9 MILES)
STREET: 101 N (4.3 MILES)	TURN RIGHT ONTO FRENCH CAMP RD (0.9 MILES)
LOT SIZE: 54.00 ACRES	

EXISTING CULTIVATION AREA CALCULATION:
OUTDOOR AREA 1 - ± 8,000 SQFT 0-5% AVG. SLOPE
GREENHOUSE #1 - ± 20,100 ± 2,000 SQFT
GREENHOUSE #2 - ± 20,100 ± 2,000 SQFT
GREENHOUSE #3 - ± 20,100 ± 2,000 SQFT
GREENHOUSE #4 - ± 20,100 ± 2,000 SQFT
OUTDOOR AREA 2 - ± 21,750 SQFT 5-10% AVG. SLOPE
GREENHOUSE #1 - ± 20,100 ± 2,000 SQFT
GREENHOUSE #2 - ± 20,100 ± 2,000 SQFT
GREENHOUSE #3 - ± 20,100 ± 2,000 SQFT
GREENHOUSE #4 - ± 20,100 ± 2,000 SQFT
TOTAL = ± 207,500 SQFT
(ALL CULTIVATION)

NOTES

1. THE WATER SOURCE FOR THIS SITE IS FROM WATER
2. TOTAL WATER STORAGE ± 35,000 GAL
3. TOTAL CONTINGENT WATER STORAGE ± 35,000 GAL
4. THE PROPOSED WATER STORAGE ON THE PROPERTY IS IN WATER TANKS LOCATED ON THE PROPERTY AS SHOWN.
5. SLOPES AT ALL EXISTING AND PROPOSED CULTIVATION SITES ARE LESS THAN 5%.
6. NO SCHOOLS, SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRAIL, CULTURAL RESOURCES, W/IN 600' OF OFF SITE RESIDENCES W/IN 300'
7. ACCESS EASEMENT FOR NON-EXCLUSIVE INGRESS AND EGRESS VIA FRENCH CAMP ROAD IS ON THE PROPERTY.
8. SEPTIC SYSTEM IS ON THE PROPERTY.
9. NO PROPOSED ORBES, STEAKS, OR OTHERS.
10. PARCEL SHAPE, DISTANCES, AND BEARINGS WERE OBTAINED USING PARCEL ASSESSOR MAPS SUPPLIED BY HUMBOLDT COUNTY GIS.
11. PRIVATE POWER (DESEL GENERATOR)
12. APPROPRIATE NURSERY WILL BE LOCATED ON THE PARCEL.
13. FISH AND GAME CODE SECTION 1602 ON FILE.

LEGEND	
PROPERTY LINES	30' SETBACK
30' SETBACK	600' SETBACK
600' SETBACK	ACCESS ROAD
ACCESS ROAD	GRAVEL ROAD
GRAVEL ROAD	CLASS II STREAM
CLASS II STREAM	WATER LINE
WATER LINE	EXISTING
EXISTING	PROPOSED
PROPOSED	SPRING
SPRING	OUTDOOR CULTIVATION
OUTDOOR CULTIVATION	GRADING



SITE OVERVIEW



OLD GOAT FARMS
BRIAN DELL AND JOSEF SAYES
AP# 531-011-005
HUMBOLDT COUNTY, CA
CMMLUO SITE PLAN

A.M. Deird
Engineering & Surveying
1257 Main St., Eureka, CA 95501
(707) 226-8183

SCALE: 1"=100'
SHEET 1 OF 1

SITE PLAN



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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Yurok Tribe, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, HCSO, CA Water Resources Control Board, Division of Water Rights, Klamath Trinity School District

Applicant Name Old Goat Farms, LLC Key Parcel Number 531-011-005-000

Application (APPS#) 11033 Assigned Planner Caitlin Castellano (707) 268-3731 Case Number(s) CUP16-132

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems or provide portable toilets to cultivation areas.

Response Date: 12/3/2018 Recommendation By: Benjamin Dolf



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

DEH received
9-22-17

**PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division**

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Yurok Tribe, Hoopa Valley Tribe, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, HCSO, CA Water Resources Control Board, Division of Water Rights, Klamath Trinity School District

1718-0775

Applicant Name Old Goat Farms, LLC **Key Parcel Number** 531-011-005-000

Application (APPS#) 11033 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-132

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED
4-11-18

Comments:

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support proposed staffing.
2. The approval of an unpermitted OWTS described in the Cultivation and Operations plan from CannaFarms Consulting is **dependent upon demonstration of site suitability** from a Qualified Professional.
3. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

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



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 938-3090

PUBLIC WORKS BUILDING
SECOND & I ST., EUREKA
FAX 445-7499

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7080

AVIATION 839-5401

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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: 03-23-2019

RE:

Applicant Name	Old Goat Farms, LLC
APN	531-011-005
APPS#	11033 CUP16-132

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:

Exhibit "D" for French Camp Road

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11033

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

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

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

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

// END //

Exhibit "D"

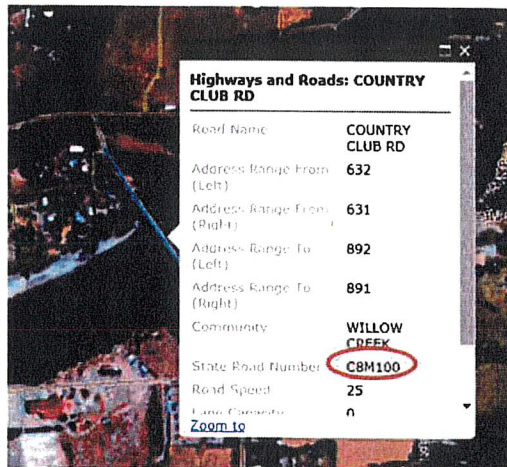
Road Evaluation Reports

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

Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST" List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"**Road Evaluation Reports**

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

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

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



Ref: 7100 Planning
Date: October 5, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Old Goat Farms, LLC
APN: 531-011-005-000
Area: Martins Ferry
Case Numbers: CUP16-132

Humboldt County Application #: 11033
Type of Application: Conditional Use Permit
Date Received: 9/25/2017
Due Date: 10/6/2017

Project Description: A Conditional Use Permit for an existing 30,000 square foot outdoor medical cannabis cultivation operation is requested. Cultivation takes place in two (2) large areas, one (1) 8,000 square foot and a second 22,000 square foot area. Irrigation water source is a proposed deep well pending geologic suitability. Applicant has filed a Statement of Water Diversion for a surface water diversion that is currently used. Proposed water storage totals up to 108,260 gallons in twenty (20) hard tanks. A 500,000 gallon proposed pond will be a contingency water storage plan. Processing is proposed to take place on-site in an existing 1,200 square foot facility. A new 2,000 square foot building appurtenant to cultivation is proposed for propagation. The power source for the operation is unknown.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

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

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Monday, October 02, 2017 3:40 PM
To: Planning Clerk
Subject: FW: Oldgoatfarms;cannabis;531-011-005;Martins Ferry;CPOD



Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

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

From: Fazio, Jay@CALFIRE
Sent: Friday, September 29, 2017 9:23 AM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: Oldgoatfarms;cannabis;531-011-005;Martins Ferry;CPOD

Based on aerial imagery, illegal conversion of timberland has occurred multiple times between 2014 and 2016, the existing openings used for growing have been expanded. The property is adjacent to Hoopa Valley Indian Reservation and is in a known area of prehistoric activity. A statement under the general notes on the site plan that "no Tribal resources are located within 300 feet of the cultivation area". No documentation was included to substantiate the statement. Several watercourses, and springs are on the property along with an abundant amount of tan oak trees.

Areas of high potential where complex, and very significant prehistoric archeological sites are predominantly located include the following attributes:

1. Areas within 100 meters of a water source (spring, lake, stream or seep) on slopes less than 10% or;
2. within 50 meters of grassland/woodland ecotones where slopes are less than 10%.

The project area meets both of the above criteria leading the reviewer to following questions:

1. Has a record check been conducted? Lack of a site record does not indicate sites are not present.
2. Have the Tribes been contacted?
3. Has an Archeologically trained individual conducted a survey? IF a survey was conducted what were the results?

Jay Fazio



From: [Bocast, Kalyn@Wildlife](mailto:Bocast.Kalyn@Wildlife)
To: [Yandell, Rodney](mailto:Yandell.Rodney)
Cc: [Planning Clerk](mailto:Planning.Clerk@Wildlife); [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Subject: Old Goat Farm LLC, Conditional Use Permit, APPS-11033, APN: 531-011-005, CEQA-2017-0836
Date: Thursday, January 04, 2018 10:32:01 AM
Attachments: [CEQA Referral APPS-11033 CEQA-2017-0836.pdf](#)
[Exhibit A Bullfrog Management Plan-CEQA 2017 0836 HumCo-APPS-11033.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: Old Goat Farms LLC			
Co APPS: 11033	APN: 531-011-005	CDFW CEQA: 2017-0836	<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): 30,000	<input 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.
- ☒ A Final Lake or Streambed Alteration Agreement (LSA#: 1600-2017-0365) was issued to the applicant on. As of January 2018, the reporting requirements in the Agreement have not been met.
- ☒ The referral materials state that there is a proposed pond to be constructed onsite. CDFW requests, as a condition of Project approval, that 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.
- ☒ Identify all energy sources for project.
 - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment.
 - b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro hydropower systems located on the parcel.
- ☒ 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 generators (if in use) 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>
- ☒ Referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.
- ☒ 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 20,700 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*) Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus truei*), Foothill Yellow-legged Frog (*Rana boylei*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentate*), as well as, other amphibian, reptile, aquatic invertebrate, mammal, and bird 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-2017-0836-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.