

512 I St. Eureka, CA, 95501

(707)798-6199



Attention: Keenan Hilton

Application #12570

Addendum to April 30<sup>th</sup>, 2019 Information Request Letter

1. CA6 featured on the plot plan provided in this package shows a 2003 sq. ft. area and was removed pursuant to the fact that it was not present in 2015 and was relocated to CA5 under the perimeter of the fence line that was existing prior to 2016.
2. See attached updated site plan.
3.
  - Processing is onsite (See map).
  - Former pond was apart of an onsite Spring Diversion feature, the Spring was designed to supply the pond with an overflow feature that would drain through a culvert notated by the cultivation area notated as D1, the pond has since been decommissioned as of 2017, and currently the drainage culvert still flows to the tributary channel located by D1, no impact to SMA is noted.
  - See updated map for reference to relocated and restoration areas on the property, see also attached environmental justification letter.
  - Minimal ground disturbance is anticipated under the 50 cubic yard threshold to support modifications to existing CA5. Additionally, project applicant intends on modifying existing cultivation areas to support light deprivation structures as early as 2020 which would require ground disturbance that would require a grading permit.
  - See attached environmental justification letter for this parcel discussing relocation.
  - See operations manual referencing PG&E power source.

# Commercial Cannabis and Planning Permit Application

**Project Name**

CUT CREEK FARMS, LLC –  
GARBERVILLE

**Project Location**

2722 Island Mountain Rd., New Harris,  
CA 95542

**Project Sponsor**

Cut Creek Farms, LLC  
988 Crescent Way, Arcata, CA 95521

**Sponsor Contact**

Robert McCauley, 707-601-5254

**Agent of Record**

AgDynamix, LLC  
Teisha Mechetti, 707-798-6199

**APN**

218-091-009

**Existing Zoning Designation**

FR-B5, GPLU: AL40



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## Industry Analysis

Industry regulations have been enacted at the State, County, local and—in some instances—municipal levels. The proposed Project will adhere to all applicable regulations.

### Summary

A complex framework of regulatory laws influences cannabis cultivation regulations pertaining to the proposed Project, including the Compassionate Use Act, Senate Bill 420, and the Medical Cannabis Regulation and Safety Act (MCRSA).

Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018). Some local jurisdictions in California, to date, have established and implemented regulations to permit, permit, and/or license cannabis business operations.

In November 2016, the Adult Use of Marijuana Act (AUMA) legalized “recreational” cannabis possession, consumption, and personal indoor cultivation, but had no effect on medical marijuana permitting or licensing.

### State Regulatory Framework

With the passage of the Compassionate Use Act (Proposition 215) in 1996 and the Medical Marijuana Program Act (MMPA) in 2003 (Senate Bill 420), California created a system of possession and cultivation limits, a voluntary identification program, and assurance of a non-diversionary system of medical cannabis cultivation and dispensation. The intent of these legislative efforts was to clarify the scope of application, prevent arrest and prosecution, promote uniform application, increase accessibility of product, and address issues within the act to promote fair and orderly implementation.

In September 2015, the California State legislature enacted three bills under the MCRSA, consisting of AB-243, AB-266, and SB-643. Each bill addresses various issues pertaining to licensing and regulatory requirements involving medical cannabis cultivation, manufacturing, transportation, distribution, sales, and testing. These bills became effectual January 1, 2016.

The MCRSA establishes a multiagency framework to regulate commercial cannabis. The foundation of MCRSA is: “No person shall engage in commercial cannabis activity without possessing both a State license and a local permit, license, or other authorization.” This legislation provides for the licensure of commercial cannabis activity in California, strengthens environmental protections, and creates licensing opportunities for small and specialty cultivators.

Assembly Bill 243 (AB-243) requires the CDFA, CDFW, and SWRCB to promulgate regulations and standards pertaining to medical cannabis cultivation efforts, mitigate impacts on environments, and coordinate enforcement efforts with State agencies.

Assembly Bill 266 (AB-266) addresses the licensure and regulation of medical marijuana for which the framework is primarily the responsibility of the Department of Consumer Affairs (DCA) and the Bureau of Medical Cannabis Regulation (BMCR). Collaboratively, the Board of Equalization (BOE) and the CDFA are responsible for tracking and reporting the movement of cannabis goods throughout the State.

Senate Bill 643 (SB-643) addresses the setting of standards on behalf of physicians and surgeons prescribing medical cannabis and requires the Medical Board of California (MBC) to implement investigations of physicians who repeatedly or excessively prescribe medical cannabis to patients without good faith exemption. This bill requires the BMCR to gather fingerprints to conduct criminal history background checks.

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This Act also grants the DCA sole authority to implement and govern the system for creation, issuance, renewal, discipline, suspension, or revocation of such licensure under the Bureau of Medical Cannabis program. Additionally, the CDFA is responsible for administering provisions of the act related to or associated with cultivation and transportation of medical cannabis. This bill also authorizes counties and municipalities to propose and implement taxation on medical cannabis activity.

In addition to the initial framework developed to support local regulations and State licensing, there has been a broad legislative effort to institute clean-up bills to further clarify the scope and definitions under the MCRSA.

The Adult Use of Marijuana Act (AUMA), which passed in November 2016, has legalized adult use (“recreational”) cannabis possession, consumption, and limited personal indoor cultivation. Because the AUMA legislation addresses only recreational cannabis issues, it currently has no effect on medical marijuana permitting or licensing.

### Local Regulatory Framework

Under State legislation, MCRSA, municipalities possess the authority to set their own regulations pertaining to land use and commercial cannabis business activities. Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018).

#### Humboldt County

In October 2015, Humboldt County began its review process of the Commercial Medical Cannabis Land Use Ordinance (CMCLUO). This legislation governs commercial medical cannabis activities within the jurisdiction of the County of Humboldt and establishes zoning regulations, performance standards, and environmental compliance—as well as requiring proof of documentation. The ordinance went into effect February 26, 2016. The deadline for applicants was December 31, 2016.

On September 13, 2016, Humboldt County issued a correcting and clarifying document to address the elements of the CMCLUO that were not clear under the initial Ordinance No. 2544 and the implementation of the program.

## Project Overview

The Project concerns Parcel No. 218-091-009 in ~~Willow Creek~~, California that is seeking permitting for outdoor medical cannabis cultivation. The Project currently (as of 2016) features seven (7) cultivation areas totaling 15,200 sq. ft. Cultivation and processing activities would occur on the central portion of the parcel.

## Summary

The Project parcel is zoned FR-B5 with a General Plan designation of AL40, which falls within the allowable zoning specified by the local jurisdiction. The Sponsor seeks a permit approval for 15,200 sq. ft. of outdoor cultivation that is pre-existing, is supported by evidence, and involves only natural light—Because it is pre-existing, no prime soil requirement pertains.

## Location Description

The proposed Project would occur on legal Parcel No. 218-091-009 at 2722 Island Mountain Rd., New Harris, CA 95542, in the southwest quarter of the northeast quarter of Section 11, Township 5 South, Range 5 East, Humboldt Meridian.

The Project features seven (7) cultivation areas currently (as of 2016) comprised of two (2) 500 sq. ft. gardens, one (1) 3,150-sq. ft. garden area, one (1) 2,600-sq. ft. garden area, one (1) 732-sq. ft. area, one (1) 4,725-sq. ft. gardens area, and one (1) 2,995 sq. ft. area.

The outdoor cultivation area of interest currently (as of 2016) totals 15,200 sq. ft. Applicant seeks approval for 15,200 sq. ft. of cultivation. The property falls within the allowable zoning and property specification requirements of the local jurisdiction's commercial cannabis approval program.

## Zoning

The property features zoning FR-B5 with a General Plan designation of AL40 and the following characteristics:

- GIS acres: 43.26.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Outside.
- Alquist-Priolo Fault Hazard Zone: Outside.
- FEMA FIRM Flood Rating & Panel Number: N/A
- Slope: >15% in most cultivation areas.
- Relative Slope Stability (Per General Plan Geologic maps): High Instability.

## Soil Ratings

As per Humboldt County's Ordinance No. 2544, because the project is pre-existing, no prime agricultural soil rating requirement pertains.

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GARBERVILLE

**Project Location** 2722 Island Mountain Rd., New Harris,  
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## Soil Ratings

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## Maps

### Overview Map



Prepared for Cut Creek Farms, LLC by AgDynamix, LLC (Jan. 2017)



[illegible]

**ASSESSOR'S PARCEL MAP**

1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR PLATTING RULES OR ORDINANCES.

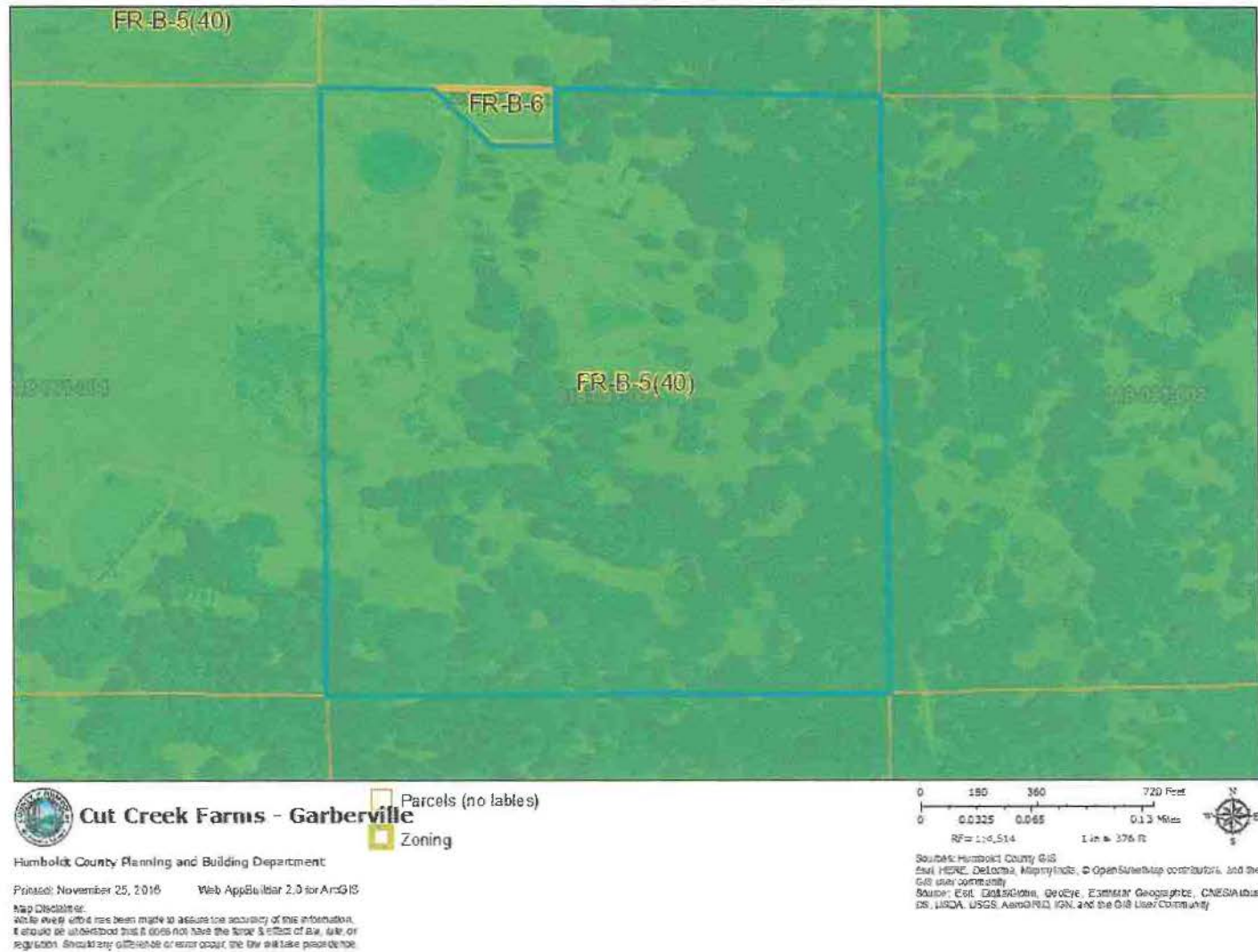
Assessor's Map Bk.218, Pg.09  
County of Humboldt, CA.

100' 200' 400'

4 Apr 20, 2009

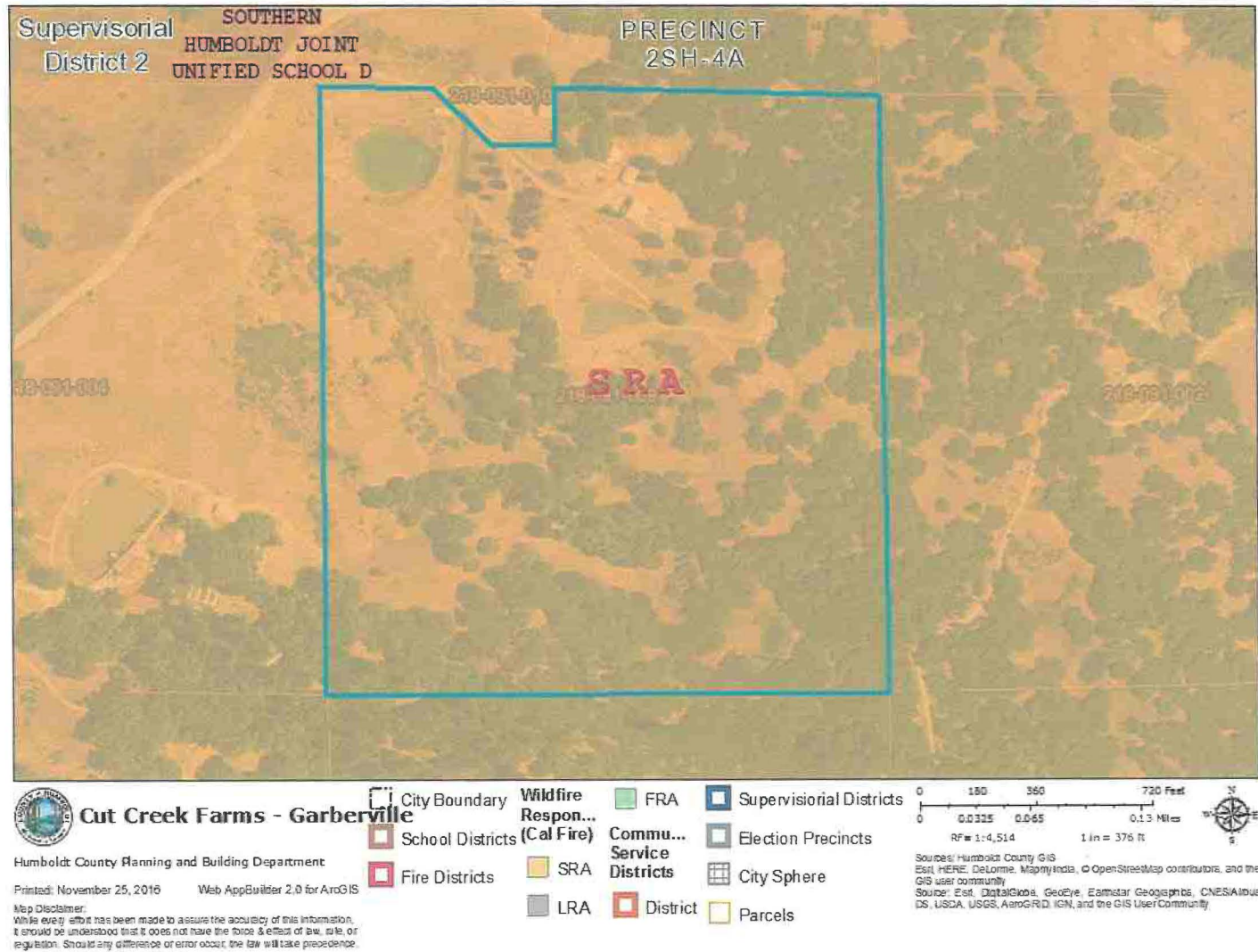
PLN-12570-CUP Cut Creek Farms  
 Attachment 3a

## Zoning Map



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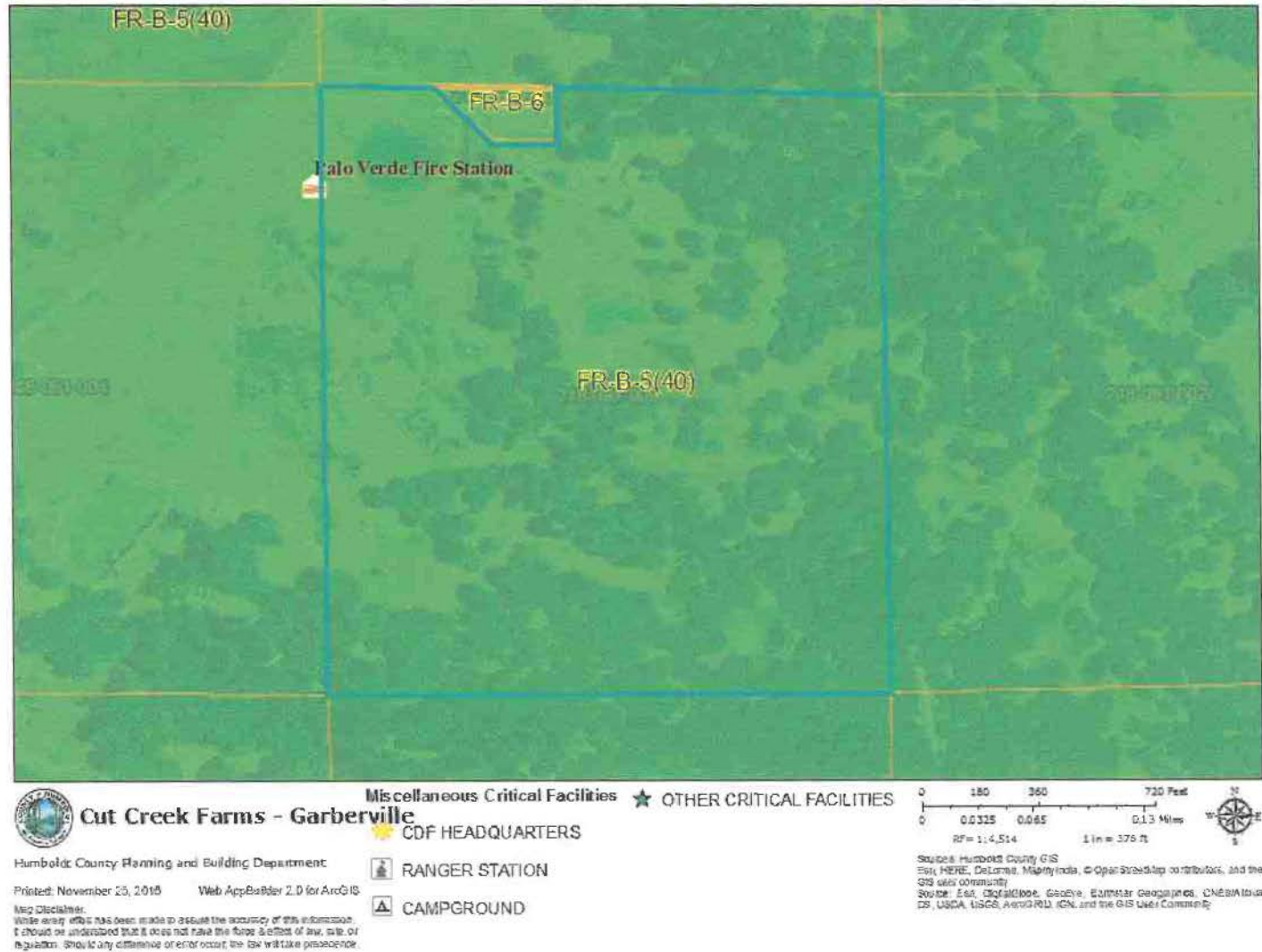
## Jurisdictional Boundaries Map



Prepared for Cut Creek Farms, LLC by AgDynamix, LLC (Jan. 2017)



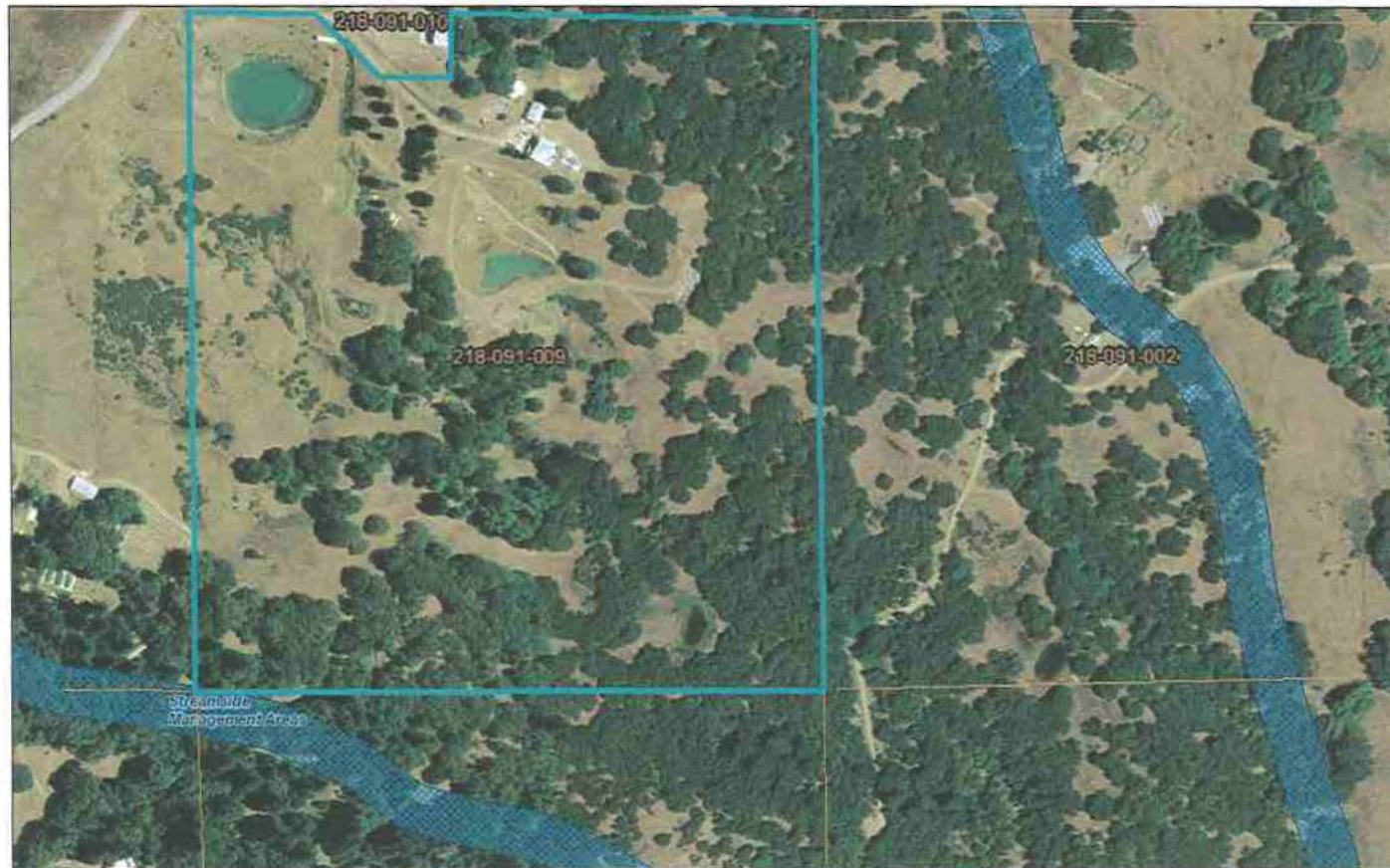
## Land Use (Critical Facilities) Map



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## Streamside Management Areas Map



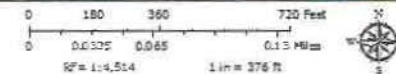
### Cut Creek Farms - Garberville

Humboldt County Planning and Building Department

Printed: November 20, 2016 Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:  
While every effort has been made to assure the accuracy of this information,  
it should be understood that it does not have the force & effect of law, rule, or  
regulation. Should any difference or error occur, the law will take precedence.

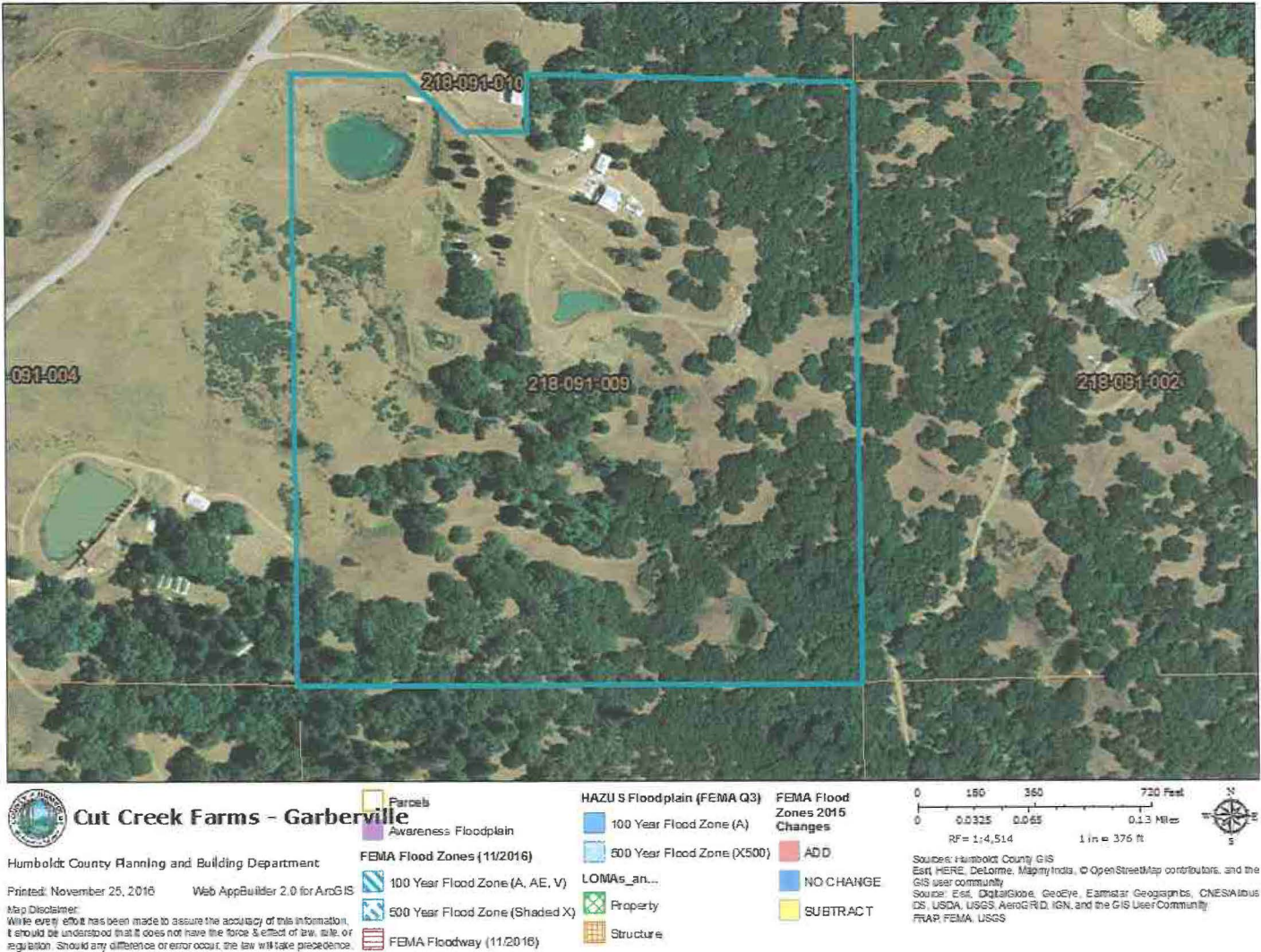
- Parcels
- Streamside Management Areas



Source: NRCS  
Humboldt County GIS  
Bart HENKE, DeLorme, Mapmaker, and OpenStreetMap contributors, and the  
GIS user community  
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus  
DS, USDA, USDA, AeroGRID, IGN, and the GIS User Community

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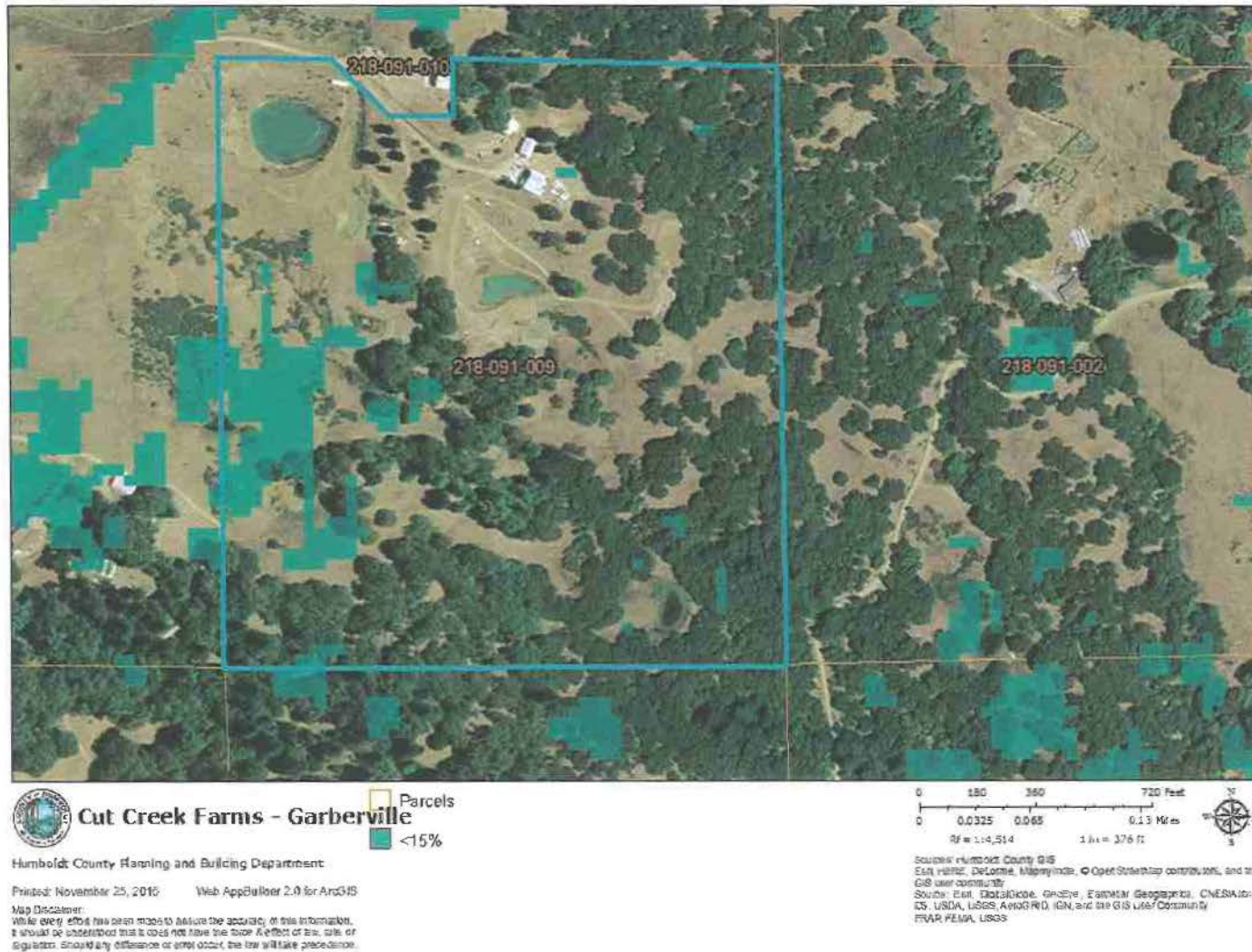
Flood Zones Map



Prepared for Cut Creek Farms, LLC by AgDynamix, LLC (Jan. 2017)

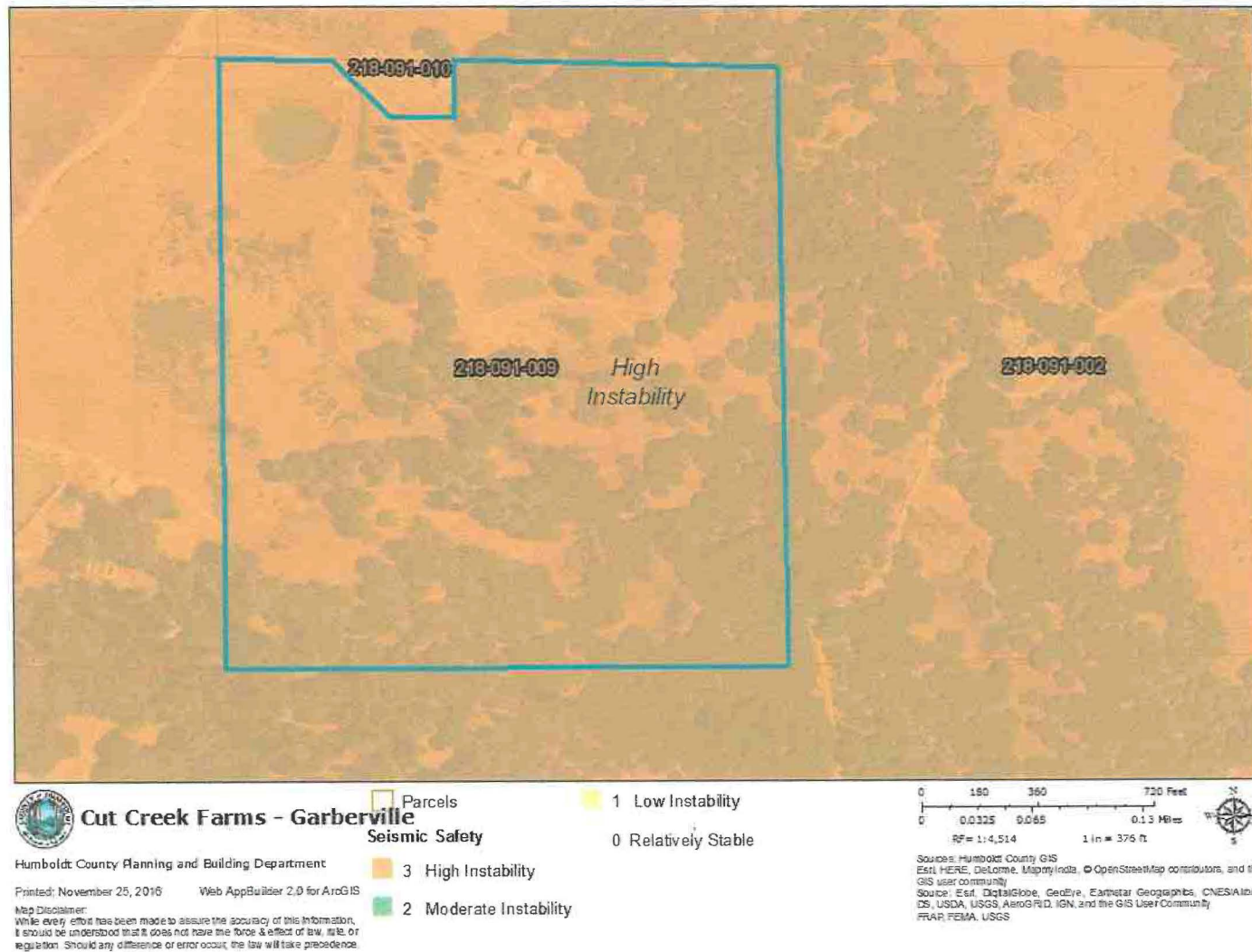


## Slopes Map



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## Stability Map



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## Environmental Impacts & Standards

Environmental impacts and standards include a comprehensive summary of all environmental elements related to the proposed Project. Impacts could include land use, development, pollutants, nuisances, and related environmental concerns. Federal and State standards have been set—with oversight from the United States Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA)—regarding potential environmental impacts caused by general industry applications.

Mitigation measures that can be employed for cultivation activities to prevent environmental detriment often feature the implementation of Best Management Practices (BMPs) suggested by the State Water Resources Control Board (SWRCB) under the Water Board Order and enrollment/compliance with the Waste Water Discharge (WWD) program. This can include the potential requirement for a Water Resource Protection Plan (WRPP). Additional conformance may be required with the California Department of Fish & Wildlife (CDFW) (formerly Fish & Game) under a Lake and Streambed Alteration Agreement (LSA-1600).

All projects must also adhere to standards and maintain compliance with regulations set forth by the Division of Environmental Health (DEH) through a Contingency Plan (see *Contingency Plan* below) regarding all wastes (known as a Waste Management Plan). Applicants must also abide by regulations set forth by the Department of Pesticide Regulations (DPR) and the Tribal Historical Preservation Office (THPO) for archaeological preservation.

Often it is found, during the review of the Project, that there may be additional requirements and/or specific needs to support a sound environmental action or mitigative plan to adhere to the standards set under additional agency authority.

### Summary

Potential Project impacts could include biological resources, land use/planning, transportation/traffic, agriculture and forestry, hazards and hazardous materials, public services, utilities/service systems, geology/soils, and hydrology/water quality.

Development impacts could include those regarding landscapes, infrastructure, roadways, and other environmental ramifications resulting from the Project.

Nuisance mitigation would include prevention of environmental impacts such as through odors, lights, and sounds that could potentially adversely affect neighboring properties or habitats. The proposed Project area would be required to meet all setback standards required by all agencies within the State of California and the local jurisdiction.

### Background

On January 1, 1970, President Nixon signed the National Environmental Policy Act (NEPA). California Governor Reagan followed suit by signing the California Environmental Quality Act (CEQA) into law on September 18 of the same year. These laws required the incorporation of environmental values into governmental decision making. These statutes require Federal, State, and local agencies to analyze and disclose the potential environmental impacts of their decisions, and—in the case of CEQA—to minimize significant adverse effects to the extent feasible.

NEPA was codified under Title 42 of United States Code § 4331 et seq. (42 U.S.C. 4331 et seq.). Under NEPA, Congress established the White House Council on Environmental Quality (CEQ) to ensure that Federal agencies meet their obligations under the Act. CEQ's Regulations for Implementing the Procedural

Provisions of NEPA are found in Title 40 of the Code of Federal Regulations, § 1500 et seq. (40 CFR 1500 et seq.). In California, CEQA was codified under Division 13 of California's Public Resources Code (CPRC), section 21000 et. seq. (Cal. Pub. Res. Code § 21000 et seq.). The Guidelines for Implementation of the CEQA regulations are in Title 14 of the California's Code of Regulations (CCR), § 15000 et seq. (14 CCR § 1500 et seq.).

NEPA and CEQA are similar, both in intent and in their respective review processes (analysis, public engagement, and document preparation) that they dictate. Importantly, both statutes encourage a joint Federal and State review for projects that require both Federal and State approvals. In such cases, a joint review process can avoid redundancy, improve efficiency and interagency cooperation, and be easier for applicants and citizens to navigate. Despite the similarities between NEPA and CEQA, there are several differences that require careful coordination between the Federal and State agencies responsible for complying with the statutes. Conflict arising from those differences can create unnecessary delay, confusion, and legal vulnerability.

Federal, State, and local agencies have cooperated in the environmental review of projects ranging from infrastructural development to renewable energy permitting. As State and Federal governments continue to pursue shared goals, there will be a continued need for an efficient and transparent environmental review processes that meets the requirements of both statutes.

Recognizing the importance of implementing NEPA and CEQA efficiently and effectively, the CEQ and the California Governor's Office of Planning and Research (OPR) developed a handbook regarding conducting joint NEPA and CEQA review processes. The CEQ oversees Federal agency implementation of NEPA, which includes writing the CEQ NEPA regulations and preparing guidance and handbooks for Federal agencies.

OPR plays several roles in the administration of CEQA, including development of CEQA Guidelines in coordination with the California Natural Resources Agency, providing technical assistance to State and local agencies, and coordinating State-level review of CEQA documents. Agencies conducting an environmental review must also consider any additional requirements or deadlines established in the individual agency's administrative regulations or procedures that implement NEPA and CEQA. These requirements could prescribe additional or more stringent requirements than the CEQ regulations and CEQA guidelines.

The NEPA and CEQA handbook provides practitioners with an overview of the NEPA and CEQA processes and practical suggestions for developing a single environmental review process that can meet the requirements of both statutes. The handbook contains three main elements. First is a "Question and Answer" section that addresses the key similarities and differences between NEPA and CEQA. This section compares each law's requirements or common practices and identifies possible strategies for meeting the requirements of both laws. These strategies are not meant to prescribe methods that agencies must use; rather, the handbook provides suggestions that help agencies identify and analyze potential issues. Development of a common understanding of the NEPA and CEQA review processes and their differences at the beginning of a joint review process may be among the most valuable aspects of the handbook.

## Project-Specific Factors

The following table details any potential effects to environmental elements related to the Project:

<input type="checkbox"/>	Aesthetics	<input checked="" type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input checked="" type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation/Traffic	<input checked="" type="checkbox"/>	Utilities/Service Systems	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

## Mandatory Compliance Factors

In accordance with the State of California, it is a requirement that agricultural operations obtain the appropriate environmental filings to support land alterations, diversions, and discharges of affluent.

### Lake and Streambed Alteration Agreements

It was determined that a LSA-1600 is required for this Project because water diversion is necessary. Periodic inspections may be conducted by a third-party agent, Timberland Resource Consultants (TRC), on behalf of CDFW.

### Water Board Order: Waste Water Discharge

Initial inspections by TRC regarding water usage and discharges have been conducted. The initial notice of intent and monitoring/reporting forms, under the WWD, have been filed with the SWRCB under the North Coast Regional Water Quality Control Board (NCRWQCB). A reporting/recording system would be developed, monitored, and reported to comply with annual renewal requirements under this order.

Additional inspections (post enrollment) would be conducted by TRC, with no current confirmation of when this inspection would occur. The proposed Project falls into Tier 2 due to the pre-existing cultivation site, canopy size, and water uses. The Project does not pose a notable threat to the environment due to several conditions that are documented in the WRPP.

### Water Resource Protection Plan

A WRPP has been generated by the designated agency, TRC. This document is held by the third-party agent and maintained onsite to satisfy any request by the SWRCB. This ensures protection of nearby habitats via management of spoils, limitations of runoffs, use of DPR-approved inputs, correct use of fertilizer, and proper storage of fungicides, pesticides, and fuel.

### Department of Pesticide Regulation Requirements

The Project would adhere to DPR requirements and limitations regarding pesticide, fungicide, and rodenticide inputs for cannabis cultivation and management of pests and/or disease. Quality and



consumer-safe production requires medical cannabis cultivation inputs that are approved as environmentally sound and deemed safe for medical consumption.

### Archaeological Inspections & Survey

There is no current archaeological inspection on file of which the permitting agent is aware. However, records may be accessible through Sonoma State University's Northwest Information Center (NWIC) and the local THPO.

### Performance Standards

Performance standards include nuisance mitigation (for noise, odors, light, and other potential hazards of the Project), setback requirements, and a consent to inspect.

### Setback Requirements

The proposed Project area currently does not meet all setbacks required by the local jurisdiction and adheres to all other setbacks from neighboring parcels and property boundaries. It is determined that there may be an encroachment issue on the graded flat. Project manager plans to relocate the cultivation area to adhere to the minimum of 30' setback requirement from property boundary.

Setbacks from nearby waterways adhere to the SWRCB and the CDFW's setback requirements. It is deemed that Environmentally Sensitive Habitat areas will not be impacted by the proposed Project. Nearby parcel residences are more than 300' from the proposed cultivation space (applicable only to parcels of five (5) acres or less). There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and property borders is satisfied.

### Nuisance Mitigation

The Project would mitigate the potential for or existing nuisances, including through odors, lights, sounds, and other nuisances that extend beyond the boundaries of an adjacent property, with adherence to State and local (County and/or municipality) regulations pertinent to this Project.

Best mitigation efforts:

- Odor: Scrubbers.
- Light: Escape shielding.
- Sound: Buffering.

### Consent to Inspect

This section hereby grants to the relevant jurisdiction the authority to conduct an annual compliance inspection with a minimum notice of 24 hours. The inspection would be conducted by officials during regular business hours (Monday-Friday, 9:00 am-5:00 pm), excluding holidays.



## Contingency Plan

In accordance with specifications provided by the DEH and the California Unified Program Act (CUPA)—to meet the business plan criteria required to ensure compliance with regulations that are intended to protect public health and the environment—this section addresses water production (including well construction) and the handling of onsite wastewater, solid waste, and hazardous materials.

### Summary

The Contingency Plan addresses onsite wastewater and hazardous wastes, solid waste removal and recycling, water production and well construction, hazardous materials handling, agricultural product storage, and chemical spill procedures and handling guidelines.

Material Safety Data Sheets (MSDS) for all fertilizers, soil amendments, and pesticides would be made available onsite. If requested, all equipment maintenance performed onsite would be listed/described. Per California Department of Food and Agriculture (CDFA) regulations, chemicals would be stored separately from fuels, oils, and similar products. Fertilizers and pesticides, specifically, would be stored in locked containment within an outdoor structure.

Chemical spills would be handled and reported per directions in the Project's Chemical Spill Procedure.

Common waste products that would be used or generated onsite include:

- Fertilizers.
- Fuels.
- Household chemicals.
- Human refuse.
- Human waste.
- Pesticides/herbicides/fungicides.

To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of potentially polluting products would be ensured via use of dedicated areas and containers that are covered and watertight.

## Project Waste Management

The sections below address the Project-specific details, impacts, and procedures for handling waste products.

### Project Details

The site is supported by a primary residence and auxiliary agricultural structures.

### Onsite Wastewater/Hazardous Wastes

The proposed Project location is equipped with a 1500-gallon concrete septic system that is plumbed to the main residential structure. Employees would utilize the primary septic system for regular uses. At this time, no record of permit or data has been sources regarding age of the system. Further inspections may be required to identify the septic system's ability to support increased use during peak seasonal work times and whether it requires an upgrade to meet commercial standards.

The Sponsor has identified that the operation requires eight (8) employees during peak staffing to perform seasonal work activities. It is estimated that peak staffing would occur for a duration of approximately four (4) to six (6) months (cumulative) throughout the active working parts of the season.

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### Waste Management Standards

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

If the primary septic system is not within this accessibility threshold, a portable facility or pit privy may be provided in lieu of septic to support waste activities. The standards for portable waste facilities are as follow:

- Toilet facilities: Shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.
- Chemical toilet wastewater tank: Shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.
- Chemical tanks: Contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank approved by the local health department, or any other method approved by the local health department.
- Privies: Shall be moved to a new site or taken out of service when the pit is filled within two (2) feet of the adjacent ground surface. When the privy is moved, the pit contents will be covered with at least two (2) feet of well-compacted dirt.

### Solid Waste Removal/Recycling

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility.

### Water Production/Well Construction

The Project is currently supported by one (1) pond and one unnamed spring (see plot plan for locations). The ponds currently support all cultivation uses. All domestic water needs are supported by the unnamed spring and will be employed. The permitting process has been initiated with the CDFW and the Water Rights Department of the SWRCB.

Approximated water use for activities are denoted within the *Cultivation Schedule* under the Cultivation Plan below. Monthly monitoring and annual reporting must be implemented to identify actual total uses for domestic and cultivation activities.

### Hazardous Materials Handling

The Project is supported by PG&E utilities and does not require fuels to supply the domestic energy needs of the structures or cultivation activities. Other fuels may be used for small equipment and machinery and may include gasoline, oils, and diesel. All fuels used for equipment would be stored per the (CUPA) fuel and chemical storage guidelines.

To meet environmental health standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.



## Hazardous Material Standards

Quantities that trigger disclosure are based on the maximum amount onsite at any one time, as follows:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year).
- Any amount of hazardous waste.
- Category I or II pesticides.
- Explosives.
- Extremely hazardous substances (above the planning threshold).

MSDS for all fertilizers, soil amendments, and pesticides (including organically produced examples) would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored on the premises in the quantities outlined in the *Gases and Cleaners* inventory list that is maintained onsite.

Applicants are required under CUPA guidelines to list/describe all equipment maintenance performed onsite (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities.

## Agricultural Product Storage

As per the DPR (enforced by CDFA or the local Agriculture Commissioner), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, § 6670, Title 3, Division 6, *Pesticide and Pesticide Control Operations*. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

## Chemical Spill Procedure/Handling

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol must be notified via 9-1-1 of spills occurring on highways in the State. The *Chemical Spill Procedure* would be followed and emergency services also contacted via 9-1-1.

The procedure would follow the California Office of Emergency Services (Cal OES) *California Hazardous Materials Spill/Release Notification Guidance* (February 2014) and the (EPA) (Pacific Southwest, Region 9) *Chemical Spills Prevention and Preparedness* webpage.

In the State of California, many statutes require emergency notification of a hazardous chemical release, including:

- California Labor Code § 6409.1 (b).
- Government Code § 51018, 8670.25.5 (a).
- Health and Safety Code § 25270.8, § 25510.
- Public Utilities Code § 7673 (General Orders #22-B, 161).
- Title 42, U.S. Code § 9603, 11004.
- Vehicle Code § 23112.5.
- Water Code § 13271, § 13272.

In addition to statutes, several agencies have notification or reporting regulations:

- Title 8, CCR, § 342.
- Title 13, CCR, § 1166.

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- Title 14, CCR, § 1722 (h).
- Title 17, CCR, § 30295.
- Title 19, CCR, § 2703, 2705.
- Title 22, CCR, § 66265.56 (j), § 66265.196 (e).
- Title 23, CCR, § 2230, 2250, 2251, 2260.
- Title 40, CFR, § 263 esp. § 263.30.
- Title 49, CFR, § 171.16.

## Operational Plan

The Operational Plan covers many aspects of the business, including location, organization, and a description of the Project's business sponsor that includes its mission, vision, and values. It also includes a description of what is produced by the Project, including sales and marketing efforts.

### Summary

The Operational Plan details use of the organization's resources in pursuit of the strategic plan. It prescribes specific activities and events to be undertaken to implement strategies. It is a plan for the day-to-day management of the organization (encompassing a one-year time frame). An operational plan should not be formulated without reference to a strategic plan. Operational plans may evolve from year to year with business growth. The Operational Plan is often produced by the chief executive and lead staff of the organization.

The products produced by the Project would have the primary designated use of the treatment of patients with varying ailments. Medical cannabis products would be distributed to qualified medical cannabis consumers via wholesale outlets and retail dispensary locations.

### Business Organization

Cut Creek Farms, LLC is a sole member Limited Liability Company (LLC) operating under entity number 201623210311 that features one member-manager. The member-manager is responsible for delegating primary activities pertinent to the organization's daily and future management.

### Management Team

Robert McCauley, Chief Executive Officer.

### Business Description

The primary goal of Cut Creek Farms, LLC is, within the State of California, to conduct agricultural activities and produce specialty agricultural products.

### Mission

Cut Creek Farms, LLC is a for-profit entity with the mission of producing consumer and environmentally safe and sound specialty cannabis agricultural products to support the medical cannabis supply chain for California-based retail dispensary and consumer direct outlets.

### Vision

Cut Creek Farms, LLC adheres to a sustainable and homestead-driven, integrative farming model that includes standards related to organically produced crops and onsite agricultural resource sustenance. The company's model integrates sustainable living and production principles with cannabis cultivation.

### Values

Cut Creek Farms, LLC values the need for prudent land management strategy, social equity, and the quality production of cannabis to supply medical consumers and the treatment of their conditions. The company is committed to operating within full compliance of local, County, and State regulations.

## Products

Cut Creek Farms, LLC would produce specialty agricultural cannabis flower products that are tested and assured for quality. Cultivation byproducts of additional value would be sold to permitted manufacturers (for the processing of extracts, concentrates, and topical products).

The primary designated use of the raw medical cannabis (flower) produced would be the treatment of patients with varying ailments. Premium-grade medical cannabis can be consumed via multiple methods, including inhalation, ingestion, and dermal (topical) applications. Cannabis has proven to deliver positive efficacy for myriad ailments, conditions, and symptoms. Research is underway regarding additional benefits of medical cannabis.

## Sales & Marketing

Cut Creek Farms, LLC's product would be distributed to medical cannabis consumers via wholesale outlets, consumer outlets, and ancillary marketplaces. The quality, testing thresholds, and branding would target consumers who lead a Lifestyle of Health and Sustainability (LOHAS) and who prefer premium organically produced medicine.

## Chain of Custody

Cut Creek Farms, LLC adheres to a robust system of chain of custody for recordkeeping and sourcing potential contamination of seed/nursery product, flower product, trim, or value-added byproducts. This system would serve to verify responsibility for and liability of products during cultivation, processing, distribution, and wholesale/retail sales.

## Packaging

After testing and processing, products would be packaged per quality control standards and in tamper-proof packaging that does not appeal to minors. Products packaged in larger volumes would be distributed directly to consumers and retail outlets. Individual consumer labelling may be applied at the distributor or retailer level, after transfer of ownership in the chain of custody. If the business chooses to protect its branding through the Agricultural Commissioner, products would be individually packaged and labelled within the County of origin.

## Distribution

Cut Creek Farms, LLC will secure trading outlets for its products through existing local distribution, retail, and consumer direct networks. These networks must service outlets that seek licensure within their respective jurisdictions, as well as the State licensing platform under the CDFA. The established patient base has created a demand and fulfills the need for many medical cannabis products from multiple licensed suppliers within the State of California.

## Track and Trace Standards

Article 7.5, § 19335 (a), Unique Identifier and Track and Trace Program: "The CDFA, in consultation with the BMCR, shall establish a track and trace program for reporting the movement of medical marijuana items throughout the distribution chain that utilizes a unique identifier pursuant to § 11362.777 of the Health and Safety Code (HSC), secure packaging, and is capable of providing information that captures, at a minimum, the following:



- (1) The licensee receiving the product.
- (2) The transaction date.
- (3) The cultivator from which the product originates, including the associated unique identifier (pursuant to § 11362.777 of the HSC).
- (b) (1) The Department of Food and Agriculture shall create a database containing the shipping manifests which shall include, but not be limited to, the following information:
  - (A) The quantity (or weight) and variety of products shipped.
  - (B) The estimated times of departure and arrival.
  - (C) The quantity (or weight) and variety of products received.
  - (D) The actual time of departure and arrival.
  - (E) A categorization of the product.
  - (F) The license number and the unique identifier pursuant to § 11362.777 of the HSC issued by the licensing authority for all licensees involved in the shipping process, including cultivators, transporters, distributors, and dispensaries.”

### Transportation

All products would be transported through either the permitted cultivator to processing or distribution and/or via a licensed transporter to trading partners that are authorized to distribute cannabis products to end consumers (when applicable). These transporters would be responsible for adhering to guidelines that involve (but are not limited to) permitting, weights and measures, packaging/packing/labeling, verification of packing and freight volumes, and liability insurance that covers product loss resulting from unintentional diversion or emergency.

Transporters would be responsible for fulfilling contractual deadlines and ensuring delivery of products in a timely fashion to maintain positive standing with trading partners and protect the quality of a product that features a limited shelf life.

SB-643, Chapter 719, § 19302.1 (d): “The DCA shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the State and to collect fees in connection with activities the BMCR regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter.”

## Cultivation Plan

The Cultivation Plan adheres to robust standards promulgated under the DPR and regulated under the CDFA, and in accordance with DCA's consumer standards maintained by the Department of Public Health (DPH).

In preparation for future certification related to organically produced product, the Cultivation Plan should also follow National Organic Program (NOP) standards. The input guidelines established by the DPR are in accordance with certification regarding organically produced product requirements and follow a whole-farm BMP plan for management of land, crops, and end products.

## Summary

The Project proposes 15,200 sq. ft. of Type 3 pre-existing outdoor cultivation in the form of seven (7) garden areas on 43 acres of FR-B5/AL40 zoning that would be serviced entirely by natural light.

Water for the Project would be sourced from one (1) pond and one approved unnamed spring. The site is additionally supported by three (3) 5,000-gallon tanks, and one (1) 3000-gallon tank one (1) 1500-gallon tank feeds on float system to one (1) 1500 and two (2) 2850-gallon tanks intended for domestic and fire suppression, which is fed by the approved spring water source.

## Cultivation Schedule

The following table details the annual cultivation schedule, comprised of two (2) harvests per year, with breakdown by area. Water figures are indicated in gallons.

Area	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
#1	Cover	Cover	Cover	Cover	Veg	Veg	Veg	Veg/Blm	Blm	Blm	Cover	Cover
#2	Cover	Cover	Cover	Cover	Veg	Veg	Veg	Veg/Blm	Blm	Blm	Cover	Cover
#3	Cover	Cover	Cover	Cover	Veg	Veg	Veg	Veg/Blm	Blm	Blm	Cover	Cover
#4	Cover	Cover	Cover	Cover	Veg	Veg	Veg	Veg/Blm	Blm	Blm	Cover	Cover
#5	Cover	Cover	Cover	Cover	Veg	Veg	Veg	Veg/Blm	Blm	Blm	Cover	Cover
Water	0	0	0	0	12000	27000	36000	54000	54000	18000	0	0

## Winterization Plan

During the fallow months, exposed ground would be cropped with straw, green cover crop, wadding, jute netting, and weed mat to protect against erosion and denitrification of the soil. All culverts cleared before the winter months to ensure adequate water flow through bypasses. Green manures would be incorporated into the native soils to enhance productivity during the forthcoming planting season.

## Water Resources

Water for the proposed cultivation Project would be sourced from one (1) pond and one approved unnamed spring. The site is additionally supported by three (3) 5,000-gallon tanks, and one (1) 3000-gallon tank one (1) 1500-gallon tank feeds on float system to one (1) 1500 and two (2) 2850-gallon tanks intended for domestic and fire suppression, which is fed by the approved spring water source. To mitigate runoff from cultivation activities, high-retention soil mediums and special irrigation techniques would be employed.

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### Irrigation Plan

For most of the season, crop production would be directly irrigated from the one (1) pond into three (3) 5,000-gallon tanks and one (1) 3000-gallon tank (see plot plan). If approved, the Project has plans for water reduction irrigation systems.

### Irrigation System

Applicant is using a drip line irrigation and feeding system. Specifications are as follows:

Pump Specifications Grainger Spa Pump

Series Filter to Manifolds to Valve & Timer

#### **Pressure Compensated Drip Tubing**

1' PVC to Manifolds

½" Mainline Tubing

½" Inline

### Emergency Water Plan

A WRPP has been generated by TRC. There will be adequate water storage to support the cultivation activities for forbearance periods from May through October.

In the event of a water emergency, the proposed Project currently features adequate water storage to supply the cultivation activities (See Plot Plan/ WRPP Map) from one (1) pond and one approved unnamed spring. The site is additionally supported by three (3) 5,000-gallon tanks, and one (1) 3000-gallon tank one (1) 1500-gallon tank feeds on float system to one (1) 1500 and two (2) 2850-gallon tanks intended for domestic and fire suppression, which is fed by the approved spring water source. It is determined that at this time no additional storage is needed to support cultivation activities.



## Processing Plan

The Processing Plan covers many aspects of the end stage cultivation workflow employed by the business to harvest, dry, trim, cure, package, and assure the quality of medical cannabis products. Quality assurance efforts include sanitation, dust control, and environmental standards necessary for optimal processing.

### Background

In 2011, the Food and Drug Administration tasked the U.S. Department of Agriculture (USDA) to co-create with the U.S. Department of Health and Human Services (USDHHS) and the Center for Food Safety and Applied Nutrition (CFSAN) a program to implement Good Agricultural Practices (GAPs) and Good Handling Practices (GHPs). The goal was to mitigate food safety hazards and set standards and management regulations for processing facilities to ensure quality and consumer safety of agricultural products when handled in processing environments.

Found in the April 2011 *Guide to Minimize Microbial Food and Safety Hazards for Fresh Fruit and Vegetables* (authored by the USDA, USDHHS, and CFSAN) is discussion about the fundamental procedures that should be developed and implemented. This document features a list of principles applied to the workplace in efforts to meet these standards and is as follows:

- Accountability for product quality.
- Controls for workplace sanitation.
- Employee hygiene.
- Minimization of microbial exposures.
- Operating procedures.
- Packaging procedures and protocols.

### Summary

In addition to drying, curing, and packaging, to ensure robust quality control, the business would employ stringent grading and sorting of medical cannabis product during harvest.

### Administrative

Administrative elements of the Project include payroll, recording and reporting, chain of custody, safety procedures and protocols, product safety materials, labor and subcontractor issues, and quality assurance/control of product.

### Labor Management

The primary organization currently responsible for the recordkeeping of employees (both seasonal and permanent) would be Cut Creek Farms, LLC. All records maintained by Cut Creek Farms, LLC would be made available upon request.

The organization has considered payroll options for peak times of the season during which employment periods would be up to several months in duration (particularly during the harvesting, processing, and packaging stages of cultivation). An outside entity may be responsible for soliciting, recruiting, and hiring employees.

The designated entity is responsible for ensuring property, business, and workplace compliance under the guidelines of the following departments:

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- Bureau of Medical Marijuana Regulation (BMCR).
- California Department of Food & Agriculture (CDFA).
- County Agriculture Commissioner (CAC).
- County Planning Department (CPD)/Community Planning (CP)/Development Department (DD).
- Department of Industrial Relations (DIR).
- Department of Labor, Wage and Hour Division (DL-WHD).
- Department of Pesticide Regulation (DPR).
- National & California Agricultural Labor Relations Board (NALRB/CALRB).
- Occupational Safety and Health Administration (OSHA).
- U.S. Department of Labor (US-DOL).

## Quality Assurance & Control of Product

Quality assurance efforts encompass sanitation, climate control, dust control, and a variety of environmental standards. Quality control measures include monitoring, testing, harvesting, drying, curing, grading, sorting, packaging, secure storage, and distribution procedures.

### Recording & Reporting

All employee records for hours worked and reported would be kept onsite or via a payroll recordkeeping center and submitted to the managing payroll department to ensure timely reporting. Requests for review of payroll records would be the sole responsibility of the managing human resources agent (upon request and under certain lawful circumstances).

### Chain of Custody

Agricultural businesses must adhere to a rigorous chain of custody system for product management and the identification of contamination in all raw and finished products.

### Monitoring

Pre/post-harvest workflow would be monitored on a predetermined schedule and involve documentation of the condition of the product during its active stage of monitoring.

### Harvesting

During harvest, a labor crew would be required to assist with light physical labor, including walking, crouching, lifting, and some climbing.

### Testing Procedure

All product testing would be conducted by an approved (certified) third-party laboratory. This would encompass testing for potency and purity, including the presence of pesticides, fungicides, and harmful micro biologics.

### Drying/Curing

Product would be harvested at maturity and dried and cured in a climate-controlled environment. The primary equipment used would include dehumidifiers, fans, and heaters.

### Grading/Sorting

Products would be graded based on testing results, maturity, and specific intended use (flower, manufacturing of extracts, concentrates, topical products, etc.)

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### Processing

Product would be harvested, trimmed, dried, and cured in a manner best suited to the specific environmental factors of the crop. This would include both visual inspections by master cultivators and data collection and analysis (via automated sensors).

### Packaging

Packaging would adhere to the guidelines for package type, quantity/weights, warning labels, and stamping procedures.

### Health & Safety

The first response emergency contact phone number is 9-1-1. Hospitals are Redwood Memorial Hospital at 707-725-3361 (Fortuna) and St. Joseph Hospital at 707-445-8121 (Eureka).

For Poison Exposure: The American Association of Poison Control Centers (AAPCC) can be reached at 800-222-1222.

### Job Hazard Analysis

Labor duties would vary throughout the harvesting, drying, processing, and packaging stages of the operation. With each task, an analysis would be conducted to identify potential hazards associated with a task, including weather conditions, the physical aptitude of employees, tools utilized, and potential exposure to chemicals and other substances. Identification of these hazards is intended to mitigate potential job hazards and help ensure employee adherence to safety practices.

### Injury Illness Prevention Plan

It is required by the DIR that every employer shall establish, implement, and maintain an effective Injury and Illness Prevention Plan (IIPP).

Components of an IIPP include:

- Employee compliance with safe and healthy work practices.
- Investigation of injuries and/or illnesses.
- Procedures for correction of unsafe/unhealthy conditions, work practices, and/or procedures.
- Procedures to identify and evaluate workplace hazards.
- Responsible person(s) and contact information.
- Safety training.
- System for communication with employees.
- Thorough safety program recordkeeping and document retention practices.

### Heat Illness Prevention Plan

Written protocols regarding heat illness prevention would be available to employers, managers, supervisors, and employees regarding how to prevent and handle heat illness incidents.

To prevent heat illness to employees in the field, several factors must be considered:

- Ambient temperature (measured via thermometer or weather report).
- Crew size.
- Excessive clothing.
- Other relevant exposures.

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- Presence of personal protective equipment or additional sources of heat.
- Work shift duration.

The following heat illness factors would be considered:

- Accessibility of drinking water.
- Accessibility of shade (via protective structures).
- Periodic rest breaks.
- Reminders to employees to remain hydrated.

### Hazard Communication Policies

Hazard communication is important to ensure the safety of all onsite employees, contractors, and subcontractors. Potential and known hazards would be made clear prior to conducting tasks and activities. Implementing this procedure is important to ensure that employees, contractors, and subcontractors are informed about the relevant risks associated with certain onsite tasks and the reduction of liabilities against the employer for improper use of equipment, machinery, and tools.

### Emergency Procedures

Emergency procedures include the availability of eye washing stations and detailed procedures for dealing with chemical spills. In the event of an emergency, certain protocols would be developed and followed regarding fire evacuation plans, earthquake safety, and other emergency scenarios.

### Chemical Handling

Any input products used onsite would be accompanied by MSDS and Chemical Inventory Lists that would be available to inspectors and employees and maintained onsite.

Call 9-1-1 and then report to the California State Warning Center (CSWC) at 800-852-7550 or 916-845-8911 and identify proper steps to isolate the incident and cleanup.

### Eye Washing Station

Often, chemicals used onsite provide MSDS sheets that indicate the need for applicators to utilize an eye washing station after exposure. The eye washing station must be positioned within 200' of the cultivation area and any areas where chemicals, fertilizers, or pesticides would be used or administered for various applications.

### Employee Accident Policies

An investigation would be conducted to determine next steps.

The company adheres to protocols for employee accident reporting. The manager is responsible for documenting any onsite incidents using *Form 5020*, including:

- Address of accident/event site.
- Description of accident/event and if the accident scene/instrumentation has been altered.
- Employer's name, address, and telephone number.
- Law enforcement agencies present at the accident/event site.
- Location of medical treatment.
- Name and address of injured employee(s).
- Name and job title of reporting party.
- Name of contact person at accident/event site.

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- Nature of injuries.
- Time and date of accident/event.

Accidents need to be reported immediately to Cal/OSHA in Redding at 530-224-4743.

Contact the business' medical provider, the employee's designated medical provider, or 9-1-1. Follow up with contact to the California Division of Workers' Compensation (CDWC).

### Personal Protective Equipment Policies

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The farm manager is responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This would involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE would be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures.

Additional PPE provided onsite for any processing labor would include access to gloves and dust masks by employees during drying, processing, and packaging.

It is the responsibility of managers/supervisors to ensure that PPE policies are followed during appropriate working conditions. In the event of product application by an employee, the applicator must be designated an operator ID and is required to employ the proper PPE during application, as well as abide by label warnings in the event of exposure, poisoning, or a spill.

Processors may be required by State law to employ PPE equipment for the duration of their shifts to ensure no exposure to and/or contamination from a product.

All laborers must be made aware of REI and tangible notification of the recommended REI after the application of pesticides, fungicides, and other chemical applications.

### Occupancy & Structural Guidelines

The general environments in which laborers would work include the field and within the proposed processing building. The environments in which any agricultural activity would occur would follow all guidelines (per agricultural and labor oversight agencies). The facility would need to meet commercial building standards in accordance with California Building Codes and would be made compliant with the American with Disabilities Act (ADA) and Architectural Barriers Act (ABA).

### Housings, Buildings, and Structures

Any housings, buildings, and structures provided to employees for this Project will be subject to CCR regulations found in the Source Guide for Federal & State Requirement for Employees and Migrant Housing. This encompasses California Building Code (CBC) that may include possible permitting requirements, inspections, and certificate(s) of occupancy.

Additionally, specific exemptions exist that pertain to agricultural standards under the Occupational Safety and Health Administration (OSHA) and in conformance with the Occupational Safety and Health Guidelines (OSHG) (unless the Project meets certain exemptions, such as being a family-owned and operated business,



does not offer temporary labor housing, or employs fewer than 10 employees at any given time). In other such cases, the site would need to comply with OSHA Guidelines pertaining to agricultural employment.

Any housing provided to employees for this Project will be subject to CCR regulations found in the *Source Guide for Federal & State Requirement for Employees and Migrant Housing*.

### Project Processing Environment

The Plot Plan includes a personal residence that is not extended to employees. There is a structure onsite that can support trimming, drying, curing, grading, sorting, and storage activities. It is expected that structures for this project would support a maximum of eight (8) people during peak processing activities. Applicant may propose additional structural development to accommodate enhanced operational needs.

### Notification of Occupancy & Terms

As per the DIR and the US-DOL, all notices and labor postings would be provided and visible to all onsite employees. Any notification of occupancy status and terms of employee occupancy would be posted in compliance with all local, State, and Federal laws governing agricultural employers under the following regulatory bodies and regulations:

- California Agricultural Labor Relations Act (CALRA).
- California Occupational Safety & Health Administration (Cal/OSHA).
- Department of Industrial Relations (DIR).
- State and National Agricultural Labor Relations Board (CLRB & NLRB).
- U.S. Department of Labor (US-DOL).

### Maintenance of Sanitary Facility

To help ensure the quality of finished product, a clean working environment would be maintained during the drying, curing, processing, and packaging stages of cultivation. Among other benefits, this would prevent potential contamination between crop batches. All product would be batch tested prior to processing. In the event of a recall, it would be assured that each batch or variety has not become contaminated during these stages within the processing facility.

### Dust Control Measures

In the event of high dust levels, all processing environments would maintain clean working areas to prevent potential dust exposure to employees.

To ensure product quality and to prevent potential contamination of processing environments, certain dust control measures would be implemented. These measures would include maintenance of sanitary working environments and possible air filtration systems.

### Water Access & Facilities

The Project site would provide employees with access to the following facilities/resources within reasonable proximity to work areas:

- Handwashing facilities (processing area).
- Onsite potable water (work areas).
- Restroom facilities (processing area or residence).



## Waste Management Standards

Common waste products that would be used or generated onsite include:

- Fertilizers.
- Fuels.
- Household chemicals.
- Human refuse.
- Pesticides/herbicides/fungicides.

To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of these products would be ensured via use of a dedicated area and containers that are covered and watertight.

## Hazardous Materials

Hazardous waste is broadly defined as a waste or combination of wastes which, because of its quantity, concentration, or physical or chemical characteristics, may either 1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness, or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous waste can be a solid, semi-solid, liquid, or a contained gaseous substance that may have one or more of the following properties:

- Carcinogenicity.
- Corrosivity.
- Ignitability.
- Persistence or bioaccumulation.
- Reactivity.
- Toxicity.

As per the CCR, Title 22, § 66261.21-24, Characteristic Hazardous Wastes, hazardous wastes are those that exhibit certain measurable and/or observable properties and are designated as D code wastes. Four characteristics are used to determine whether a waste is hazardous:

- Ignitability (CCR, Title 22, § 66261.21): "Ignitable wastes can readily catch fire and sustain combustion. Many paints, cleaners, and other liquid industrial wastes pose such a hazard."
- Corrosivity (CCR, Title 22, § 66261.22): "Corrosive wastes are acidic (low pH) or basic (high pH). Such wastes can readily corrode or dissolve flesh, metal, or other materials. Liquid wastes or nonliquid wastes (when mixed with water) exhibit the characteristic for corrosiveness if they have a pH less than or equal to 2 ( $\text{pH} \leq 2$ ) or greater than or equal to 12.5 ( $\text{pH} > 12.5$ )."
- Reactivity (CCR, Title 22, § 66261.23): "Reactive wastes readily explode or undergo violent reactions."
- Toxicity (CCR, Title 22, § 66261.24(a)(1)): "A waste which exhibits the characteristic of toxicity has a potential to harm humans when eaten, inhaled, or touched. Toxic waste can also negatively affect the environment."

Fuels that may be used for small equipment and machinery may include gasoline, oils, and diesel. All fuels would be stored per CUPA fuel and chemical storage guidelines.

To meet DEH standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.

Quantities that trigger disclosure are based on the maximum amount onsite at any time:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year).
- Any amount of hazardous waste.
- Category I or II pesticides.
- Explosives.
- Extremely hazardous substances (above the planning threshold).

MSDS for all fertilizers, soil amendments, and pesticides (including examples produced organically) would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored on the premises in the quantities outlined in the *Gases and Cleaners* inventory list that is maintained onsite.

Applicants are required to list/describe all equipment maintenance performed onsite (changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment necessary to support cultivation activities.

#### Agricultural Product Storage

As per the DPR enforced by CDFA, projects that utilize pesticides and fertilizers must meet guidelines pursuant to the CCR, Title 3, § 6670, Division 6, Pesticide and Pesticide Control Operations. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

#### Chemical Spill Procedure/Handling

In the event of emergency spills, the Chemical Spill Procedure would be followed and emergency services contacted via 9-1-1. The spill would then be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911.

#### Onsite Wastewater/Hazardous Wastes

The CCR, Title 22, § 66262.7, Farmers, specifies the following:

“(a) Waste pesticide, which meets the definition of hazardous waste, including rinse generated pursuant to subsection (b) of this section, generated as part of a commercial farming operation is not required to be managed in compliance with the standards in this chapter or chapters 14, 15, 18, or 20 of this division, provided the waste pesticide is applied as part of a commercial farming operation in a manner consistent with the use instructions on the pesticide label.

(b) Pesticide containers, or inner liners from pesticide containers, generated by a commercial farming operation shall not be regulated as hazardous waste if the container or inner liner is emptied by removing all the contents that can be removed by draining, pouring, pumping, or aspirating and the container or inner liner is triple rinsed with a liquid capable of dissolving the pesticide which the container held; and

- (1) the container or inner liner is punctured, shredded, crushed, or otherwise similarly changed to prevent subsequent use or reuse and is disposed of; or

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- (2) the container is punctured, shredded, crushed, or otherwise similarly changed to prevent subsequent use or reuse and is recycled by reclaiming its scrap value; or
- (3) the container is reused in accordance with the provision of Health and Safety Code section 25143.2(d)(6)."

Further inspections may be required to identify the septic system's ability to support increased use during peak seasonal work times and if it requires an upgrade to meet commercial standards.

The site features a personal residence that is available to employees for waste facility access only. The site also features a shop that supports the propagation of nursery stock.

The applicant must identify the total number of personnel that the operation requires throughout the active working season.

CCR, Title 8, § 3457 addresses field sanitation standards and requires employers of field workers to provide potable drinking water, toilets, and hand washing facilities to hand laborers in the field. The cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

If the primary septic system is not within this accessibility threshold, a portable facility or pit privy may be provided in lieu of septic to support waste activities. The standards for portable waste facilities are as follow:

- Toilet facilities: Shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two (2) years.
- Chemical toilet wastewater tank: Shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.
- Chemical tanks: Contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank approved by the local health department, or any other method approved by the local health department.
- Privies: Shall be moved to a new site or taken out of service when the pit is filled to within two (2) feet of the adjacent ground surface. When the privy is moved, the pit contents will be covered with at least two (2) feet of well-compacted dirt.

### Solid Waste Removal/Recycling

Agricultural operations are required by the CCR, Title 14, Chapter 3, Article 5, Solid Waste Storage and Removal Standards to remove all garbage no less frequently than once per week. All waste and/or recycling materials must be processed by a permitted solid waste/recycling facility.

### Water Access

Both the CCR and CEQA provide strict regulatory guidance pertaining to water access for California agricultural operations.

#### **For diversions within CDFW jurisdictions (per the LSA-1600/1602):**

"The Lake and Streambed Alteration Permit: Fish and Game Code § LSA-1600 requires a permit prior to commencing any activity that may substantially divert or obstruct the natural flow of any river, stream, or lake or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. For more information, see <http://bit.ly/23VJL8b>."



**For diversion within SWRCB jurisdictions (per CCR Water Code § 5101):**

"A statement of diversion of surface water as required by, or other applicable permit, license, or registration. For more information: <http://calsalmon.org/programs/water-rights-education>. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, the applicant shall either:

- (1) Consent to (a) forebear from any such diversion during the period from May 15 to October 31 of each year and (b) establish onsite water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated; or
- (2) Submit a water management plan prepared by a qualified person—such as a licensed engineer, hydrologist, or similar qualified professional—that establishes a minimum water storage and forbearance period, if required, based upon local site conditions; or
- (3) Obtain approval from the SWRCB through enrollment pursuant to NCRWQCB Order No. 2015-0023 and/or preparation of a WRPP."

**For groundwater-only diversions (per County DEH):**

Wells: If using water from a well, the well must be permitted by the County. For more information, see <http://bit.ly/1SGUTCr>.

**Agricultural Product Storage**

As per the DPR enforced by CDFA, projects that utilize pesticides and fertilizers must meet guidelines pursuant to the CCR, § 6670, Title 3, Division 6, Pesticide and Pesticide Control Operations. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

**Chemical Spill Procedure/Handling**

In the event of emergency spills, the *Chemical Spill Procedure* would be followed and emergency services contacted via 9-1-1. The spill would then be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911.

## Security Plan

The Project's *Security Plan* includes product security, inventory management, and diversion prevention. Pertinent regulatory language includes the following:

Assembly Bill 604 (AB-604), Article 3, Mandatory Commercial Registration, § 26040 (5): "Security requirements, including, but not limited to, procedures for limiting access to facilities and for the screening of employees. The department shall require all registrants to maintain an accurate roster of any employee's name, date of birth, and relevant identifying information, which shall be available for inspection by the department or State or local law enforcement upon demand."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(3): "Operating and inventory control procedures to ensure security and prevent diversion."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(4): "Detailed operating procedures for the proposed facility, which shall include, but not be limited to, provisions for facility and operational security, prevention of diversion, employee screening, storage of medical cannabis, personnel policies, and recordkeeping procedures."

## Summary

The Security Plan details efforts to prevent loss and diversion of medical cannabis product at all stages of its cultivation and processing, including drying, trimming, curing, processing, and packaging. Robust recordkeeping would be implemented and maintained for quality assurance, inventory management, and prevention of diversion.

## Measures of Security

Several security measures would be involved in the comprehensive protection of medical cannabis product during the cultivation and processing lifecycles. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Security measures would encompass, at a minimum:

- Locked containment for product processing and storage (to be developed).
- Multiple locked gates at property boundaries (*see site plan*).
- Surveillance and monitoring systems (to be developed).

## Inventory Management

An adequate recordkeeping system would be facilitated to adhere to the State's Track and Trace requirements of all cannabis products. This would include (but not be limited to) flower, trim, and stem to ensure zero diversion of product throughout processing.

To prevent loss and diversion, all cannabis products would be stored under locked containment during the drying, curing, and packaging phases of processing. Products would also be subject to conformance with a checks and balances system to ensure the prevention of unintentional diversion.

### Prevention of Diversion

The most vulnerable stage of product security is transit to retail outlets. The best way to ensure product safety and prevention of diversion and loss is to maintain adequate chain of custody records via the Agricultural Commissioner.

This would occur under the oversight of the CDFA, in congruence with SICPA's Track and Trace Program. Additionally, retail outlets would be informed of expected delivery quantities. This would include packing slips, tamper-evident seals, verification of credibility, liability coverage, and manifests provided by licensed transporters.



## Appendices

The following regulatory information sources contributed to the development of this narrative.

### Source Guide for Federal & State Requirements for Employee & Migrant Housing

#### Housing Standards/Requirements for Employee/Migrant Housing Caretakers

##### *Health & Safety*

- First Aid.
- Communicable Diseases.
- Hand Washing, Bathing, and Laundry.
- Cooking, Kitchen, and Mess Halls.
- Garbage and Refuse.
- Insects and Rodents.

##### *Occupancy & Structural Guidelines*

- Housing Site.
- Housing Structure.
- Postings of Required Information.
- Permit to Operate Housing.
- Mobile Homes, Recreational Vehicles, and Commercial Modular.
- Tents.
- Construction and Repair.
- Fire Safety.
- Electrical.
- Lighting.
- Heating.
- Liquid Propane (LP) Gas.

##### *Waste Management*

- Toilets.
- Water Supply.
- Screens.
- Sewage.

##### *Enforcement*

- Enforcement and Penalties.
- Remediation and Mitigation.

## Sources of Additional California Regulatory Information

SOURCES OF ADDITIONAL INFORMATION																	
<p>More specific information can be obtained by:</p> <ol style="list-style-type: none"> <li><b>Review of the following reference documents at law and public libraries:</b> <ul style="list-style-type: none"> <li>California Health and Safety Code, Division 13, Part 1, beginning with Section 17000.</li> <li>California Code of Regulations, Title 25, Chapter 1, beginning with Section 600.</li> <li>California Code of Regulations, Title 24, California State Building Code.</li> <li>Federal Migrant and Seasonal Agricultural Worker Protection Act</li> <li>Code of Federal Regulations, Title 29, Parts 500 through 500.270.</li> <li>Code of Federal Regulations, Title 29, Part 1910.142 (OSHA Reg.)</li> </ul> </li> <li><b>Obtaining or purchasing copies of documents as follows:</b> <ul style="list-style-type: none"> <li><u>CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 13, PART 1</u> (Employee Housing Act) can be purchased from: West Publishing Company, PO Box 64526, St. Paul, MN; telephone 800-328-4880.</li> <li><u>CALIFORNIA CODE OF REGULATIONS, TITLE 25, CHAPTER 1,</u> <u>and the CALIFORNIA CODE OF REGULATIONS, TITLE 24,</u> Can be purchased from: Barclays Law Publishers, Attention: CCR/Agency Services Representative 400 Oyster Point Blvd., PO Box 3006, South San Francisco, CA. 94083 800-888-3600 or on the internet at <a href="http://www.leginfo.ca.gov/calaw.html">http://www.leginfo.ca.gov/calaw.html</a></li> <li><u>MIGRANT AND SEASONAL AGRICULTURAL WORKERS PROTECTION ACT</u> <u>and OSHA REGULATION 1910.142</u> Can be obtained by contacting the Wage and Hour Division of the U.S. Department of Labor offices as shown on this page or on the internet at, <a href="http://www.dol.gov/esa/whd/mspa/index.htm">http://www.dol.gov/esa/whd/mspa/index.htm</a></li> </ul> </li> <li><b>Contacting the appropriate government offices listed below:</b></li> </ol> <p>If the housing is located in one of the following counties contact the county office listed below:</p> <table border="0"> <tr> <td><b>Fresno</b> Environmental Health Systems 1221 Fulton Mall, 3<sup>rd</sup> Floor Fresno, CA 93775-1867 (559) 445-3391</td> <td><b>Kern</b> Environmental Health 2700 M. Street, Suite 300 Bakersfield, CA 93301 (661) 862-8700</td> <td><b>Merced</b> Environmental Health 777 W. 22<sup>nd</sup> St. Merced, CA 95340 (209) 381-1100</td> </tr> <tr> <td><b>Monterey</b> Environmental Health 1270 Natividad Road Salinas, CA 93906 (831) 755-4500</td> <td><b>Napa</b> Environmental Health 1195 Third Street, 101 Napa, CA 94559 (707) 253-4471</td> <td><b>Orange</b> Environmental Health Div. 2009 E. Edinger Avenue Santa Ana, CA 92705 (714) 667-3600</td> </tr> </table>			<b>Fresno</b> Environmental Health Systems 1221 Fulton Mall, 3 <sup>rd</sup> Floor Fresno, CA 93775-1867 (559) 445-3391	<b>Kern</b> Environmental Health 2700 M. 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Weber Ave. Stockton, CA 95202 (209) 468-3426</p> <p><b>Santa Cruz</b> Health Services Agency 701 Ocean Street, Rm 312 Santa Cruz, CA 95060 (831) 454-2022</p> <p><b>Tulare</b> Resource Management Agency 5961 S. Mooney Blvd Visalia, CA 93277-939 1-800-228-6133</p> <p style="text-align: center;"><b>STATE OF CALIFORNIA</b> <b>DEPARTMENT OF HOUSING AND COMMUNITY</b> <b>DEVELOPMENT</b> <b>DIVISION OF CODES AND STANDARDS</b></p> <table border="0"> <tr> <td><b>NORTHERN CALIFORNIA:</b> (North of Fresno County) 9342 Tech Center Dr #550 Sacramento, Ca. 95826 (916) 255-2501</td> <td><b>SOUTHERN CALIFORNIA</b> (South of Madera County) 3737 Main Street, Ste 400 Riverside, CA 92501 (951) 782-4420</td> </tr> </table> <p style="text-align: center;"><b>U.S. DEPARTMENT OF LABOR</b> <b>WAGE &amp; HOUR DIVISION</b></p> <table border="0"> <tr> <td><b>LOS ANGELES</b> 300 South Glendale Ave., 400 Glendale, CA. 91205-1752 (818) 240-5274/75</td> <td><b>SAN FRANCISCO</b> 455 Market St., 800 San Francisco, CA. 94105 (415) 744-5590</td> </tr> <tr> <td><b>WEST COVINA</b> 100 North Barranca St., 850 West Covina, CA. 91791 (626) 966-0478</td> <td><b>SACRAMENTO</b> 2800 Cottage Way, Rm. W-1836 Sacramento, CA. 95825-1886 (916) 978-6123</td> </tr> <tr> <td><b>SAN DIEGO</b> 5675 Ruffin Rd, 320 San Diego, CA. 92123-1362 (619) 557-5606</td> <td></td> </tr> </table>	<b>NORTHERN CALIFORNIA:</b> (North of Fresno County) 9342 Tech Center Dr #550 Sacramento, Ca. 95826 (916) 255-2501	<b>SOUTHERN CALIFORNIA</b> (South of Madera County) 3737 Main Street, Ste 400 Riverside, CA 92501 (951) 782-4420	<b>LOS ANGELES</b> 300 South Glendale Ave., 400 Glendale, CA. 91205-1752 (818) 240-5274/75	<b>SAN FRANCISCO</b> 455 Market St., 800 San Francisco, CA. 94105 (415) 744-5590	<b>WEST COVINA</b> 100 North Barranca St., 850 West Covina, CA. 91791 (626) 966-0478	<b>SACRAMENTO</b> 2800 Cottage Way, Rm. W-1836 Sacramento, CA. 95825-1886 (916) 978-6123	<b>SAN DIEGO</b> 5675 Ruffin Rd, 320 San Diego, CA. 92123-1362 (619) 557-5606	
<b>Fresno</b> Environmental Health Systems 1221 Fulton Mall, 3 <sup>rd</sup> Floor Fresno, CA 93775-1867 (559) 445-3391	<b>Kern</b> Environmental Health 2700 M. Street, Suite 300 Bakersfield, CA 93301 (661) 862-8700	<b>Merced</b> Environmental Health 777 W. 22 <sup>nd</sup> St. Merced, CA 95340 (209) 381-1100															
<b>Monterey</b> Environmental Health 1270 Natividad Road Salinas, CA 93906 (831) 755-4500	<b>Napa</b> Environmental Health 1195 Third Street, 101 Napa, CA 94559 (707) 253-4471	<b>Orange</b> Environmental Health Div. 2009 E. Edinger Avenue Santa Ana, CA 92705 (714) 667-3600															
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## Federal Governing Bodies & Regulatory Framework

- U.S. Department of Agriculture.
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- Farm Labor Standards Act.
- Farm Bill 2014.
- Clean Water Act (CWA)/Safe Drinking Water Act (SDWA).
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#### U.S Department of Labor

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- Housing Terms and Conditions.
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- Safety and Health Protection on the Job.
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- Field Sanitation Facilities.
- Access to Medical and Exposure Records.
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- Medical Provider Network Information.
- Off-Duty Recreation.
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- Employee Polygraph Protection Act.
- Whistleblower Hotline.
- Uniformed Services Employment and Reemployment Rights Act (USERRA).

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- Mass Layoff/Plant Closure (WARN).
- Human Trafficking/Slavery Notice.
- Recordkeeping and Reports.
- Cal/OSHA.
- Field Sanitation Report.
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- GISO § 3203.
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- Date of Birth.
- Checklist of Forms and Reports.

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## Glossary of Abbreviations & Definitions

**AAPCC:** American Association of Poison Control Centers  
**AB:** Assembly Bill  
**ABA:** Architectural Barriers Act  
**ADA:** Americans with Disabilities Act  
**ALRA:** Agricultural Labor Relations Act  
**ALRB:** Agricultural Labor Relations Board  
**APN:** Assessor's Parcel Number  
**BMCR:** Bureau of Medical Cannabis Regulation  
**BMP:** Best Management Practice  
**BOE:** Board of Equalization  
**CAC:** County Agricultural Commissioner  
**Cal OES:** *See OES*  
**CALRA:** California Agricultural Labor Relations Act  
**CALRB:** California Agricultural Labor Relations Board  
**CBC:** California Building Code  
**CBO:** Cannabis Board Order  
**CCR:** California Code of Regulations (also Cal. Code Regs.)  
**CDFA:** California Department of Food and Agriculture  
**CDFFP:** California Department of Forestry and Fire Protection (CAL FIRE)  
**CDFW:** California Department of Fish and Wildlife  
**CDIR:** California Department of Industrial Relations  
**CDPH:** California Department of Public Health  
**CDWC:** California Division of Worker's Compensation  
**CEH:** Center for Environmental Health  
**CEQ:** Council on Environmental Quality  
**CEQA:** California Environmental Quality Act  
**CFR:** Code of Federal Regulations  
**CFSAN:** Center for Food Safety and Applied Nutrition  
**CLRB:** California Labor Relations Board  
**CMCLUO:** Commercial Medical Cannabis Land Use Ordinance

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**CP:** Community Planning  
**CPD:** County Planning Department  
**CPRC:** California Public Resources Code  
**CSWC:** California State Warning Center  
**CUPA:** California Unified Program Act  
**DCA:** Department of Consumer Affairs  
**DD:** Development Department  
**DEH:** Division of Environmental Health  
**DFEH:** Department of Fair Employment and Housing  
**DHHS:** Department of Health and Human Services  
**DIR:** Department of Industrial Relations  
**DLSE:** Department of Labor Standards Enforcement  
**DL-WHD:** Department of Labor, Wage and Hour Division  
**DOL:** Department of Labor  
**DPH:** Department of Public Health  
**DPR:** Department of Pesticide Regulation  
**DWC:** Division of Workers' Compensation  
**DWR:** Division of Water Rights  
**EEOC:** Equal Employment Opportunity Commission  
**EIR:** Environmental Impact Report  
**EPA:** Environmental Protection Agency  
**FLC:** Farm Labor Contractor  
**FLSA:** Fair Labor Standards Act  
**GAP:** Good Agricultural Practices  
**GHP:** Good Handling Practices  
**GP:** General Plan  
**HIPP:** Heat Injury Prevention Plan  
**HSC:** Health and Safety Code  
**HUC:** Hydrologic Unit Code  
**IIPP:** Injury and Illness Prevention Program  
**LLC:** Limited Liability Company  
**LRDP:** Long Range Development Plan  
**LSA:** Lake and Streambed Alteration

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**LSAA-1600/1602:** Lake and Streambed Alteration Agreement  
**MBC:** Medical Board of California  
**MCRSA:** Medical Cannabis Regulation and Safety Act  
**MND:** Mitigated Negative Declaration  
**MOU:** Memorandum of Understanding  
**MRP:** Monitoring and Reporting Program  
**MSDS:** Material Safety Data Sheet  
**MSPA:** Migrant Seasonal Protection Act  
**NCRWQCB:** North Coast Regional Water Quality Control Board  
**ND:** Negative Declaration  
**NEPA:** National Environmental Policy Act  
**NLRB:** National Labor Relations Board  
**NMBC:** Non-Profit Mutual Benefit Corporation  
**NOE:** Notice of Enrollment  
**NOI:** Notice of Intent  
**NOP:** National Organic Program  
**NRCS:** Natural Resources Conservation Service  
**NWIC:** Northwest Information Center  
**OES:** Office of Emergency Services  
**OMRI:** Organic Materials Review Institute  
**OPR:** Office of Planning and Research  
**OSHA:** Occupational Safety and Health Administration  
**OSHT:** Occupational Safety and Health Technician  
**PG&E:** Pacific Gas and Electric  
**PHTP:** Pesticide Handling Training Program  
**PPE:** Personal Protective Equipment  
**REI:** Restricted Entry Interval  
**SB:** Senate Bill  
**SDS:** *See MSDS*  
**SDU:** Small Domestic Use  
**SIU:** Small Irrigation Use  
**SOP:** Standard Operating Procedures  
**SWRCB:** State Water Resources Control Board

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**THPO:** Tribal Historical Preservation Office

**USC:** United States Code

**USCB:** United State Census Bureau

**USDA:** United States Department of Agriculture

**US-DOL:** United States Department of Labor

**USDHHS:** United States Department of Health and Human Services

**WBO:** Water Board Order

**WDID:** Waste Discharge Identification

**WHD:** Wage and Hour Division

**WRPP:** Water Resource Protection Plan

**WWD:** Waste Water Discharge Program

## Other Relevant Sources

- Adult Use of Marijuana Act (AUMA), <http://bit.ly/2hTHGHw>.
- Agricultural Operations, Field Sanitation, California Code of Regulations, Title 8, § 3457, <http://bit.ly/2iDeHrW>.
- Best Management Practices (SWRCB), <http://bit.ly/2ii6JEK>.
- California Building Code (CBC), <http://bit.ly/2ji3wFb>.
- California Code of Regulations, § 51018, <http://bit.ly/2iq7azr>.
- California Environmental Quality Act (CEQA), <http://bit.ly/2jigkLE>.
- California Field Sanitation Standards, <http://bit.ly/2iDeHrW>.
- California Hazardous Materials Spill/Release Notification Guidance, <http://bit.ly/2jpUR6i>.
- California Health and Safety Code, § 25270.8, § 25510, <http://bit.ly/2itbkWX>.
- California Labor Code, § 6409.1 (b), <http://bit.ly/2j26HiC>.
- California Public Utilities Code, § 7673, <http://bit.ly/2ivtkR7>.
- California Water Code, § 13271, <http://bit.ly/2iq3Ggp>.
- Characteristic Hazardous Wastes, 22 CCR § 66261.21-66261.24, <http://bit.ly/2iq7pKF>.
- Commercial Medical Cannabis Land Use Ordinance (CMCLUO), <http://bit.ly/2iDgM7e>.
- Compassionate Use Act, <http://bit.ly/2f2Koud>.
- Contingency Plan and Emergency Procedures, California Code of Regulations, Title 22, CCR, § 66265.56, <http://bit.ly/2iDoivG>.
- Detailed Hazardous Materials Incident Reports, Code of Federal Regulations, Title 49, CFR, § 171.16, <http://bit.ly/2iAmDZh>.
- Driving Offenses, California Vehicle Code, § 23112.5, <http://bit.ly/2iqfqb5>.
- EPA, Pacific Southwest, Region 9, *Chemical Spills Prevention and Preparedness* webpage, <http://bit.ly/2ivmEIX>.
- Farmers, CCR, Title 22, § 66262.70, <http://bit.ly/2ivuufu>.
- Guide for State and Federal Requirements for Employee/Migrant Housing, <http://bit.ly/2iYFimu>.
- Hazardous Material Release Reporting, California Code of Regulations, Title 19, CCR, § 2703, <http://bit.ly/2jigd2U>.
- Health and Safety Code (HSC), § 11362.777, <http://bit.ly/2ivoMdk>.
- Lake and Streambed Alteration Agreement (LSA-1600/1602), <http://bit.ly/2jS5NWV>.
- Medical Cannabis Regulation & Safety Act (MCRSA), <http://bit.ly/2j2mwqc>.
- National Environmental Policy Act (NEPA), <http://bit.ly/2fSvght>.
- NEPA CEQA Handbook, <http://bit.ly/2ivnyPg>.
- Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, <http://bit.ly/1AKXsYc>.
- Onshore Well Regulations, California Code of Regulations, Title 14, CCR, § 1722 (h), <http://bit.ly/2iAmbKi>.
- OSHA Guidelines, <http://bit.ly/2hq1yc>.
- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, , <http://bit.ly/2iFhG4K>.
- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, <http://bit.ly/2ivveB5>.
- Regulations for Implementing the Procedural Provisions of NEPA, <http://bit.ly/2ivt84d>.
- Reporting of Incidents Involving Hazardous Materials or Hazardous Wastes, California Code of Regulations, Title 13, § 1166, <http://bit.ly/2jtcX6J>.

Prepared for Cut Creek Farms, LLC by AgDynamix, LLC (Jan. 2017)



- Reporting Work-Connected Fatalities and Serious Injuries, California Code of Regulations, Title 8, § 342: <http://bit.ly/2iS4dUU>.
- SB-643, Chapter 719, § 19302.1 (d), <http://bit.ly/2iAePXp>.
- Senate Bill 420, <http://bit.ly/2fy0zBj>.
- Solid Waste Storage and Removal Standards, California Code of Regulations, Title 14, Chapter 3, Article 5, <http://bit.ly/2jS8BmV>.
- Standards Applicable to Transporters of Hazardous Waste, Code of Federal Regulations, Title 40, Chapter I, Subchapter I, Part 263, <http://bit.ly/2j27jpc>.
- Statements of Water Diversions and Use, California Code of Regulations, § 5101, <http://bit.ly/2iigDWU>.
- Summary of Employment Requirements for California Agricultural Employers, <http://bit.ly/2j7mxJy>.
- Toxics, California Code of Regulations, Title 17, CCR, § 30295, <http://bit.ly/2jt3sVh>.
- U.S. Code, Title 42, § 9603, <http://bit.ly/2iAp7Xj>.
- Unique Identifier and Track and Trace Program, Article 7.5, § 19335 (a), <http://bit.ly/2jYFT7K>.
- United States Code, Title 42, Sections 4331 et seq., <http://bit.ly/2iFqgjE>.
- Waste Discharge Reports and Requirements, California Code of Regulations, Title 23, CCR, § 2230, <http://bit.ly/2iFoWxe>.

## **Addendum 8M – Coordinates (Decimal Degrees)**

**Point of Diversion #1:** 40.04195642; -123.5889034

**POD #2:** 40.04264700; -123.5900990

**Stream Crossing #1:** 40.04299728; -123.5895408

**SC #2:** 40.04240847; -123.5894980

## **Addendum 10A – Project Description**

**POD #1:** This existing diversion consists of a 3' diameter 4' deep cement cistern. This cistern diverts shallow groundwater from the hillside for domestic use. The applicant requests 150 gallons per day for domestic use during the forbearance period.

**POD #2:** This existing diversion structure consists of a submersible pump within an off-stream pond. The pond is approximately 222' long by 188' wide and a 12' average depth. The pond holds an estimated 2.5 million gallons of water and is refreshed by rainfall.

**Water Use and Storage:** The applicant irrigates approximately 26,500 square feet of commercial cultivation. The primary source of agricultural water is the off-stream pond. This POD is supplemented by additional storage in the form of hard plastic tanks totaling 21,475 gallons. This amount of stored water, approximately 2.7 million gallons, is adequate for the applicant's agricultural needs.

**Spring:** This location consists of an abandoned pond site where groundwater from either a spring or a residual aquifer created by the decommissioned pond is reaching the surface and running the length of a seasonal road. Sometime in the summer of 2016 the applicant contracted an operator to fill in an off-stream pond on the property. Once the pond was filled, groundwater began emerging from the hillside above the historic pond site. This water has eroded a seasonal road although discharge has not reached a watercourse. The applicant would like to capture the emergent groundwater and bypass it approximately 200' south to the head of a Class III watercourse.

**SC #1:** This crossing consists of an existing 12" diameter CMP on a Class III watercourse which is undersized for the 100 year peak flow. The Discharger shall replace this culvert with a minimum 18" diameter culvert per specifications included with this notification. This site will require the temporary disturbance of approximately 6.7 cubic yards of native material in order to remediate approximately 60 square feet of stream channel.

**SC #2:** This road point consists of an existing 18" diameter CPP on an unnamed Class III watercourse. There is a small amount of scouring occurring at the inlet of this crossing. The applicant shall install a small amount, <1 cubic yard, of rock armoring to adequately protect fill located at the inlet of the crossing. Rock armoring shall be performed per attached specifications. The applicant will remediate approximately 9 square feet near the inlet.

**Site Assessment:** All roads and developed sites were assessed for compliance with CDFW, which includes jurisdictional 1600 sites and potential California Fish and Game Code Section 5650 violations. The applicant is enrolled into *California Regional Water Quality Control Board North Coast Region Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region*, by Timberland Resource Consultants, Inc. TRC conducted a thorough field assessment on 11/15/2016 to evaluate compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. Based upon my evaluation conducted in association with this notification, the assessment conducted for the preparation of the water resource protection plan is not expected to include any sites that are jurisdictional to CDFW per the California Fish and Game Code 1600 that should otherwise be included in this notification.

## **Remediation Plan**

As described above, there are four watercourse crossings that require remediation. The combined disturbance to remediate these sites is less than 1,000 ft<sup>2</sup>. Per Item II of Attachment E, the Applicant is in the process of preparing an application to be submitted to Humboldt County prior to December 31, 2016 for Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for medical use.



## Addendum 10A – Project Description



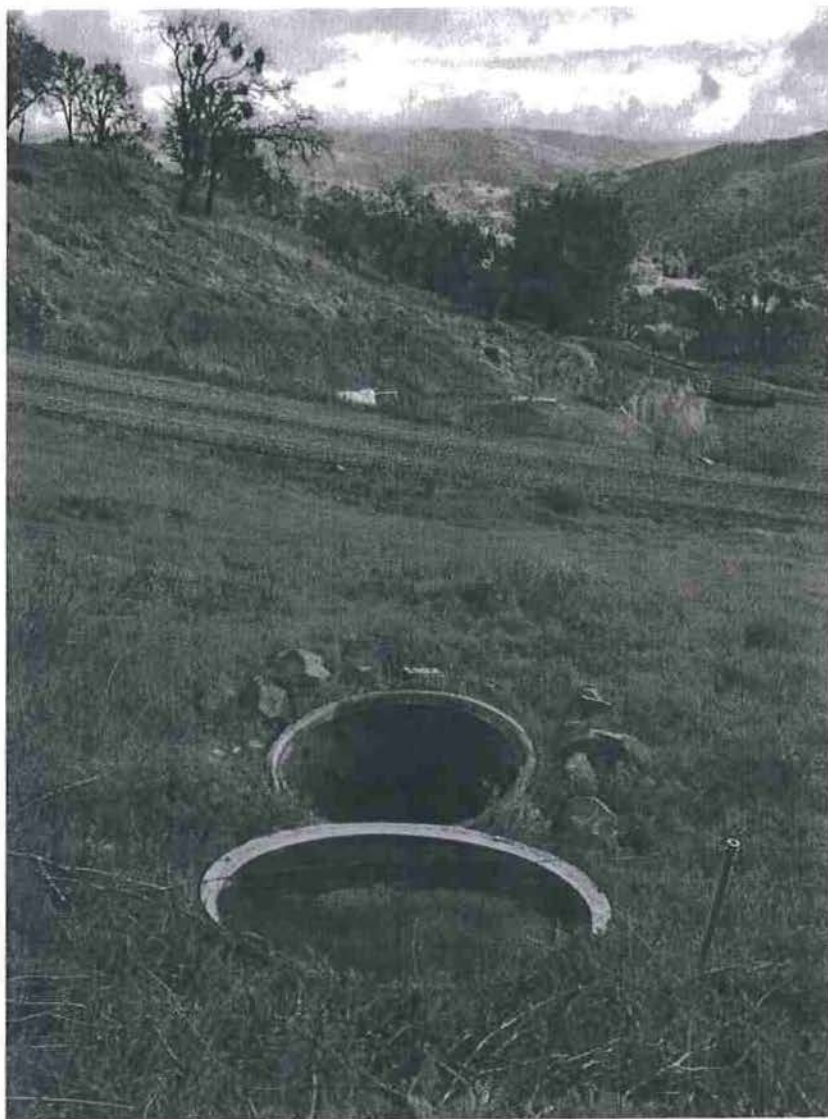
Picture 1: This is a photograph of the existing point of diversion (POD #1) located on a grassy hillside. The structure consists of a perforated 3' diameter by 4' deep concrete cistern. This structure diverts a combination of surface water and shallow ground water for domestic use. Photo date: 12/06/2016

## Addendum 10A – Project Description



Picture 2: This is a photograph looking uphill from POD #1. Photo date: 12/06/2016

## Addendum 10A – Project Description



Picture 3: This is a photograph looking downhill from POD #1. Photo date: 12/06/2016



## Addendum 10A – Project Description



Picture 4: This is a photograph of the off-stream pond on the property, POD #2. This location is utilized as a source of irrigation water. The pond measures 222' long, 188' wide and 20' at its deepest point. The estimated pond volume is approximately 2.5 million gallons and the applicant uses approximately 40% of the volume for irrigation. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 5: This is a photograph of the inlet of the pond overflow. The overflow consists of a 24" diameter CPP which is located at the base of this bush. The pond has approximately 4' of freeboard. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 6: This is a photograph of the 24" diameter outlet of the pond overflow. Photo date: 11/15/2016

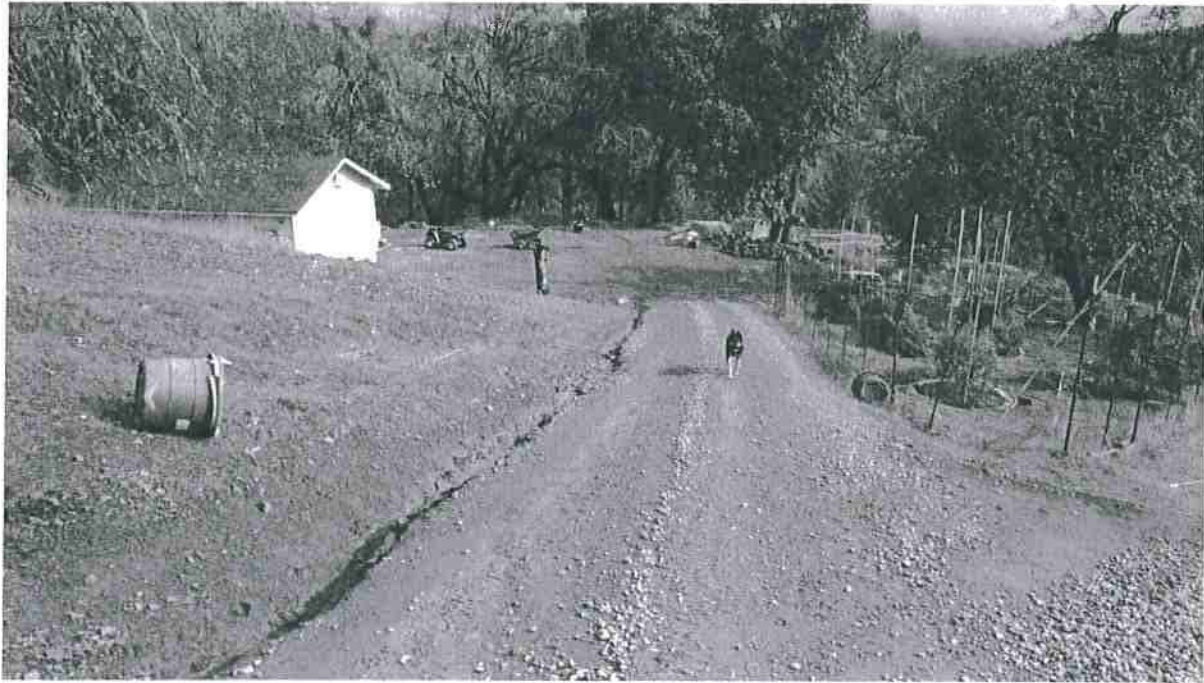


## Addendum 10A – Project Description



Picture 7: This is a photograph of the filled in pond site. The grassy flat in the left of the photo is where the pond once was. The white pole on the flat marks the point where groundwater reaches the surface. At the inboard edge of the road is surface runoff from the emergent groundwater. The applicant would like to collect and bypass this emergent groundwater so it safely reaches the head of a Class III watercourse 200' to the south. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 8: This is a photograph of the emergent groundwater eroding the seasonal road. This erosion does not deliver to a watercourse. The concentrated surface flow reaches the landing below and dissipates. This erosion will be mitigated by bypassing the emergent groundwater as mentioned in Picture 7. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 9: This is a photograph of the inlet to the existing 12" diameter CMP located at SC #1. This culvert facilitates the crossing of an unnamed Class III watercourse under a seasonal road. The applicant shall upgrade this location to a minimum 18" diameter culvert per specifications attached. Photo date: 11/15/2016



## Addendum 10A – Project Description



Picture 10: This is a photograph of the outlet of the existing 12" diameter CMP located at SC #1. The applicant shall install a minimum 18" diameter culvert per specifications attached with this document. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 11: This is a photograph of the inlet of the 18" diameter CPP located at SC #2. Gradual scouring can be seen in the bottom of the photo right before the inlet. The applicant shall install adequate rock armoring to protect the fill prism of the crossing. Photo date: 11/15/2016



## Addendum 10A – Project Description



Picture 12: This is a photograph of the outlet of the 18" diameter CPP located at SC #2. The applicant has removed the plastic garbage shown in this picture. Photo date: 11/15/2016



## Addendum 10A – Project Description



Picture 13: This is a photograph of Cultivation Sites #1 and #2. These sites are places of use for water from POD #2. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 14: This is a photograph of Cultivation Site #3. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 15: This is a photograph of Cultivation Site #4. Photo date: 11/15/2016

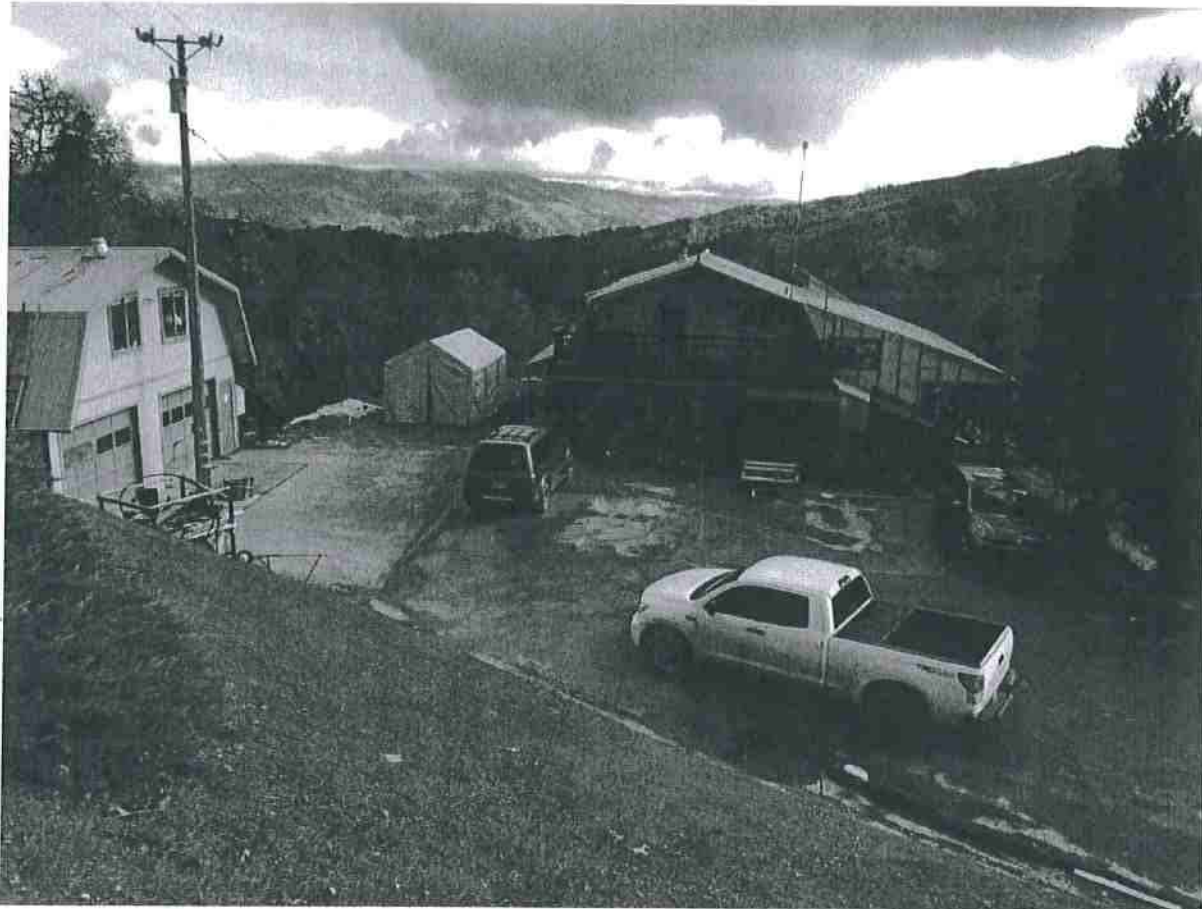


## Addendum 10A – Project Description



Picture 16: This is a photograph of Cultivation Site #5. Photo date: 11/15/2016

## Addendum 10A – Project Description



Picture 17: This is a photograph of the residence on the property. This site is the place of use for water from POD #1. Photo date: 11/15/2016

## Addendum 11F – Hydrologic Study

The permanent culvert upgrades have been sized for 100-year flood flow utilizing methods recommended in *“Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment”*. 2004 Peter Cafferata, Thomas Spittler, Michael Wopat, Greg Bundros, and Sam Flanagan. This report recommends that the rational method be limited to watersheds less than 100 acres. The 100-year Return-Period precipitation data is from: [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=ca](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca).

### Rational Method for 100-year flood flow (A < 200 acres)

$T_c = 60((11.9 \times L^3)/H)^{0.385}$				$Q_{100} = CIA$			
Crossing	Channel length (to top of basin) (mi) L	Elevation difference (ft) H	Concentration time (min) $T_c$	Runoff coefficient C	100-year Return-Period Precipitation (in/hr) I*	Area (acres) A	100-yr flood flow (cfs) $Q_{100}$
1				0.35	3.66	0.37	0.5
2				0.35	3.66	3.06	3.9

Culvert Table: the values in this table are taken from the culvert capacity nomogram developed by the Bureau of Public Roads. Their units are in cubic feet per second, and apply to culverts with a projecting barrel inlet (Type 3). The Culvert Size Sheet uses only the values in the first row, so that a culvert's inlet does not become submerged. The workbook does not use the table. It's provided simply as a reference.

HW/D	CU18	CU24	CU30	CU36	CU42	CU48	CU54	CU60	CU72	CU84	CU96
1.0	5.6	11.6	20	32	47	66	89	115	180	265	375
1.1	6.4	13	23	35	53	75	99	128	200	300	425
1.2	7	14.5	25	40	59	83	109	141	230	330	475
1.3	7.9	16.5	28	44	64	90	120	158	250	370	520
1.4	8.2	16.7	30	46	68	96	125	165	260	390	545
1.5	8.9	18	32	50	72	101	135	178	290	420	590
1.6	9.2	19	34	52	77	108	143	189	300	440	620
1.7	9.8	20	35	55	80	111	150	195	310	450	650
1.8	10	21	36	57	84	118	158	203	330	480	675
1.9	10.5	21.9	37	60	88	122	164	212	340	500	700
2.0	11	22.1	39	61	90	128	170	220	350	520	730
2.2	11.5	24	41	66	95	133	180	232	375	550	780
2.4	12.2	25	44	70	100	142	190	250	390	590	810
2.6	12.9	26.5	46	72	105	150	199	260	420	610	860
2.8	13.4	27.5	48	78	110	156	210	270	440	640	900
3.0	14	29	50	80	118	162	220	282	450	680	940
3.2	14.5	30	52	82	120	168	225	295	470	695	975
3.4	15	31	54	85	125	175	235	310	490	710	1000
3.6	15.5	33	55	89	129	181	240	320	500	750	1020
3.8	16	34	58	91	132	189	250	330	520	780	1080
4.0	16.5	35	60	93	139	193	258	340	540	795	1100
4.5	17.5	36	63	100	145	205	275	360	575	850	1190
5	19	39	68	105	154	220	290	380	600	900	1230
5.5	20	40.5	70	110	161	230	305	400	630	920	1300
6	21	43	75	116	170	240	325	420	680	990	1390

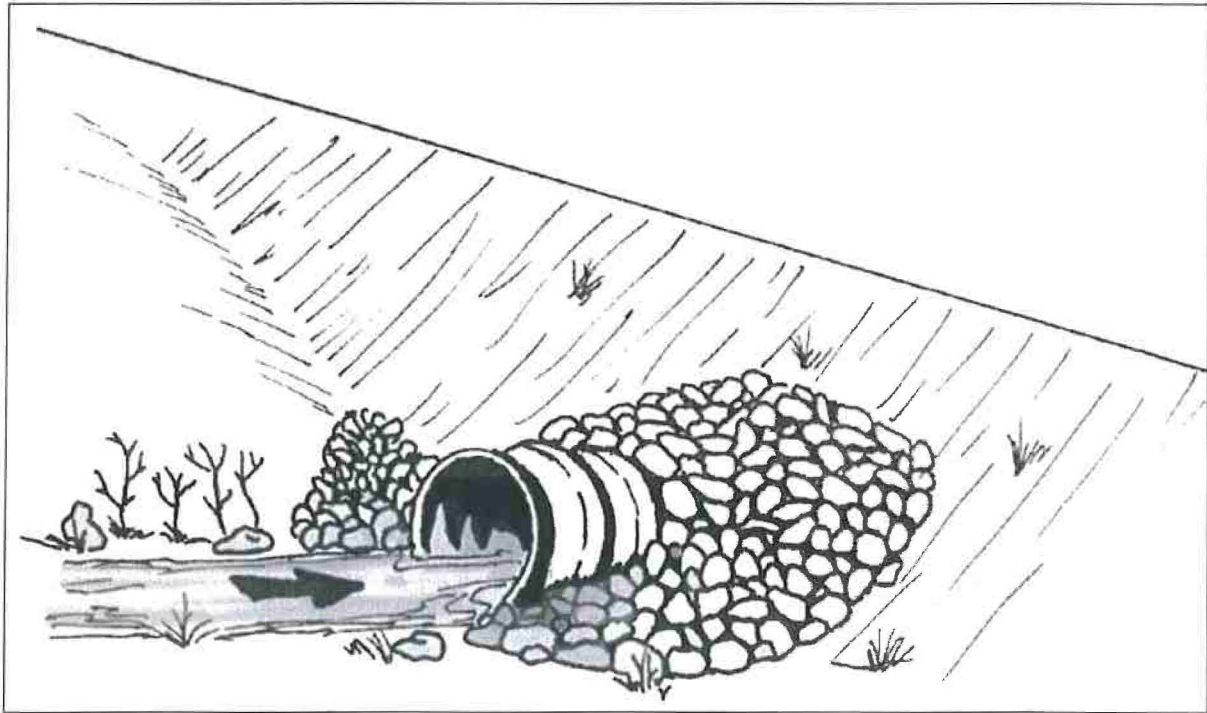
The recommended minimum culvert size is based on the premise that the culvert should pass a design flow without allowing the inlet to become submerged. Therefore, the proposed culvert size specified in this 1600 Notification is based upon a headwall height to diameter ratio of 1.



## **Addendum 12A – Erosion Control Measures**

1. Timing for soil stabilization measures within the 100 feet of a watercourse or lake: For areas disturbed from May 1 through October 15, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface. For areas disturbed from October 16 through April 30, treatment shall be completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service or within 10 days, whichever is earlier.
2. Within 100 feet of a watercourse or lake, the traveled surface of logging roads shall be treated to prevent waterborne transport of sediment and concentration of runoff that results from operations. Treatment may consist of, but not limited to, rocking, outslowing, rolling dips, cross drains, waterbars, slope stabilization measures, or other practices appropriate to site-specific conditions.
3. The treatment for other disturbed areas within 100 feet of a watercourse or lake, including: (A) areas exceeding 100 contiguous square feet where operations have exposed bare soil, (B) road cut banks and fills, and (C) any other area of disturbed soil that threatens to discharge sediment into waters in amounts deleterious to the quality and beneficial uses of water, shall be grass seeded and mulched with straw. Grass seed shall be applied at a rate exceeding 100 pounds per acre. Straw mulch shall be applied in amounts sufficient to provide at least 2- 4-inch depth of straw with minimum 90% coverage. Slash may be substituted for straw mulch provided the depth, texture, and ground contact are equivalent to at least 2 – 4 inches of straw mulch. Any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of operations.
4. Within 100 feet of a watercourse or lake, where the undisturbed natural ground cover cannot effectively protect beneficial uses of water from sediment introduction, the ground shall be treated with slope stabilization measures described in #3 above per timing described in #1 above.
5. Sidecast or fill material extending more than 20 feet in slope distance from the outside edge of a roadbed, which has access to a watercourse or lake, shall be treated with slope stabilization measures described in #3 above. Timing shall occur per #1 above unless outside 100 feet of a watercourse or lake, in which completion date is October 15.
6. All roads shall have drainage and/or drainage collection and storage facilities installed as soon as practical following operations and prior to either (1) the start of any rain which causes overland flow across or along the disturbed surface within 100 feet of a watercourse or lake protection, or (2) any day with a National Weather Service forecast of a chance of rain of 30 percent or more, a flash flood warning, or a flash flood watch.

## Culvert Installation Specifications



*Rock armor used for inlet and outlet protection (i.e., not as energy dissipation) does not have to be sized to protect against high velocity scour. If the culvert is properly sized and its length is adequate, it should be able to transmit flood flows without scouring the inlet or eroding the outlet around the culvert. Armor shown here is designed to protect the culvert outlet and basal fill from splash erosion and from occasional submergence and currents within standing water (at the inlet) when the culvert plugs. Importantly, inlet and outlet armor also serves to trap sediment that has been eroded or slides down the new constructed fill face in its first several years, until the slope becomes well vegetated.*

## Culvert Installation Specifications

- New culvert installations shall be sized to accommodate a 100-year storm.
- New culverts shall be placed at stream gradient, or have downspouts, or have energy dissipaters at outfall.
  - Align culverts with the natural stream channel orientation to ensure proper function, prevent bank erosion and minimize debris plugging.
  - Place culverts at the base of the fill and at the grade of the original streambed or install a downspout past the base of the fill. Downspouts should only be installed if there are no other options.
  - Culverts should be set slightly below the original stream grade so that the water drops several inches as it enters the pipe.
  - Culvert beds should be composed of rock-free soil or gravel, evenly distributed under the length of the pipe.
  - Compact the base and sidewall material before placing the pipe in its bed.
  - Lay the pipe on a well-compacted base. Poor basal compaction will cause settling or deflection in the pipe and can result in separation at a coupling or rupture in the pipe wall.
  - Backfill material should be free of rocks, limbs or other debris that could dent or puncture the pipe or allow water to seep around the pipe.
  - Cover one end of the culvert pipe, then the other end. Once the ends are secure, cover the center.
  - Tamp and compact backfill material throughout the entire process, using water as necessary for compaction.
  - Backfill compacting will be done in 0.5 – 1.0 foot lifts until 1/3 of the diameter of the culvert has been covered.
  - Push layers of fill over the crossing to achieve the final design road grade, at a minimum of one-third to one-half the culvert diameter.
- Critical dips shall be installed on culvert crossings to eliminate diversion potential.
- Road approaches to crossings shall be treated out to the first drainage structure (i.e. waterbar) or hydrologic divide to prevent transport of sediment.
- Road surfaces and ditches shall be disconnected from streams and stream crossings to the greatest extent feasible. Ditches and road surfaces that cannot be feasibly disconnected from streams or stream crossings shall be treated to reduce sediment transport to streams.
- If downspouts are used they shall be secured to the culvert outlet and shall be secure on fill slopes.
- Culverts shall be long enough so that road fill does not extend or slough past the culvert ends.
- Inlet of culverts and associate fill shall be protected with appropriate measures that extend at least as high as the top of the culvert.
- Outlet of culverts shall be armored with rock if road fill sloughing into channel can occur.
- Armor inlets and outlets with rock, or mulch and seed with grass as needed (not all stream crossings need to be armored).
- Where debris loads could endanger the crossing a debris catchment structure shall be constructed upstream of the culvert inlet.
- Bank and channel armoring may occur when appropriate to provide channel and bank stabilization.
- Stabilize the site pursuant to Addendum 12A.