



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 6, 2021

To: Humboldt County Planning Commission

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

Subject: **Cut Creek Farms, LLC, Conditional Use Permit**
Application Number 12570
Record Number PLN-12570-CUP
Assessor's Parcel Number (APN) 218-091-009
2722 Island Mountain Road, Garberville, CA 95542

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Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at alec.barton@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit	Alec Barton

Project Description: Cut Creek Farms, LLC, seeks a Conditional Use Permit (CUP-17-031) to allow a maximum of 15,200 square feet (SF) of cannabis cultivation. The existing cultivation area is 14,968 SF of outdoor cultivation. Water for irrigation is sourced from an onsite 1,000,000-gallon rainwater catchment pond. Water is stored in the pond and in three (3) 5,000-gallon hard plastic tanks and one (1) 2,800-gallon hard plastic tank. Total water storage is 1,017,800 gallons. Estimated annual water use is 314,690 gallons, which equates to 21 gallons per SF of cultivation area. Drying and packaging occurs onsite in a 1,280-SF shed. There is an average of four (4) employees utilized throughout the year with up to eight (8) employees during peak harvest. Power is provided to the site by PG&E.

Project Location: The project is located at 2722 Island Mountain Road near the unincorporated community of Garberville, located in southern Humboldt County. The property is on the south side of Island Mountain Road, approximately 2.66 miles east from the intersection of Bell Springs Road and Island Mountain Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: 40 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR) B-5(40)

Record Number: PLN-12570-CUP

Assessor's Parcel Number: 218-091-009

Applicant

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

Owner

Nicole & Robert McCauley
988 Crescent Way
Arcata, CA 95521

Agent

Margro Advisors
Suzanne Maese
Eureka, CA 95501

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

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

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

Cut Creek Farms, LLC
Record Number: PLN-12570-CUP
Assessor's Parcel Number: 218-091-009

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Adopt the Resolution to:

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Cut Creek Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary: Cut Creek Farms, LLC, seeks a Conditional Use Permit (CUP-17-031) to allow a maximum of 15,200 square feet (SF) of medical cannabis cultivation. The existing cultivation is 14,968 SF of outdoor cultivation in the following five (5) cultivation areas (CA): CA 1 (2,052 SF); CA 2 (2,600 SF); CA 3 (732 SF); CA 4 (700 SF within two 10' x 35' hoop houses using only natural light); and CA 5 (8,884 SF). The applicant intends to modify existing cultivation areas to support light deprivation structures, which will require a grading permit (**Condition 8**). Drying and packaging takes place onsite in a 1,280-SF shed.

This permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The site is zoned as Forestry Recreation (FR) and has a land use designation of Residential Agriculture (RA40) as defined in the Humboldt County 2017 General Plan Update.

There is an average of four (4) employees utilized throughout the year, and up to eight (8) employees during peak operations. Power is provided by PG&E with a backup Honda 5000w EX generator. Consistent with past actions of the Planning Commission, a condition has been added to ensure the primary power source of all cannabis related activities is provided by a utility connection or alternative source (e.g., solar), not generators, by December 31, 2025 (**Condition 19**).

Water Resources

Water for irrigation is sourced from an onsite 1,000,000-gallon rainwater catchment pond. Water is stored in the pond and in three (3) 5,000-gallon hard plastic tanks and one (1) 2,800-gallon hard plastic tank. Total water storage is 1,017,800 gallons. Estimated annual water use is 314,690 gallons, which equates to 21 gallons per SF of cultivation area.

A Water Resources Protection Plan (WRPP) (WDID: 1B161195CHUM) was created to protect the water resources of the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The property contains a Class II watercourse and three Class III tributaries to Chamise Creek. There are two stream crossings (SC#1 and SC#2) located within the property, both of which require maintenance. SC#1 consists of a 12" diameter corrugated metal pipe requiring replacement with a minimum 18" diameter culvert. SC#2 consists of an 18" corrugated plastic pipe requiring rock armoring at the inlet to aid in water flow and erosion control (**Condition 10**). A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Certification #1600-2017-0002-R1). The LSAA is for the replacement and repair of existing culverts, site remediation work, a water diversion from shallow groundwater from a cistern for domestic use (POD-1), and a water diversion from the rainwater catchment pond (POD-2).

The WRPP concluded there is no evidence of over-watering, but recommended the applicant meter their water use and install float-valves on appropriate storage tanks (**Condition 11**).

The project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control).

Biological Resources

A biological resources assessment for development impacts was conducted by Jack Henry, wildlife biologist with Timberland Resource Consultants, in June 2017. The report specifically evaluated the encroachment of project activities into the SMA of a Class III watercourse, which is a tributary of Chamise Creek. Of the five existing structures on the property, only one (1) 12' x 24' metal shed encroaches into the SMA. Other encroachments include two (2) storage tanks and two (2) cultivation sites. The combined area of all encroachments resulted in a total loss of 2,400 SF or 0.7% of the total SMA on the property. The applicant must relocate all structures and cultivation areas within the SMA to outside the SMA (**Condition 13**). The report concluded that mitigation measures included in the WRPP and LSAA are sufficient to compensate for potential impacts and did not include additional mitigation or monitoring efforts.

A list of special status species that could potentially occur in the project area was generated in March 2021 using the following information systems: CDFW California Natural Diversity Database (CNDDB), which includes the California Native Plant Society (CNPS), Information for Planning and Consultation (IPaC), and the Northern Spotted Owl (NSO) Database. No special status wildlife species are documented within one mile of the project area. However, land managed by the Bureau of Land Management (BLM) is located approximately 1.5 miles away and includes habitat for the marbled murrelet. There is recorded presence of NSO approximately 2.3 miles from the project area. Project activities are not expected to produce any adverse or cumulative effects to any special-status species or habitat, due to the small size of the project area and the type of proposed activities.

Tribal Cultural Resource Coordination

A cultural resources investigation was conducted in April 2018 by the Archaeological Research and Supply Company. The investigation identified no significant existing or pre-existing historic resources on the property and recommended that no further archaeological studies be conducted. The report recommended use of the standard Inadvertent Discovery Protocol in the event cultural resources are inadvertently exposed through excavation or other activities (**Condition 18**). The Bear River Band of the Rohnerville Rancheria was contacted by the authors of the report and indicated the project area is outside their mapped area of concern. The Sinkyone Intertribal Wilderness Council did not respond to requests for information.

Access

The site is located at 2722 Island Mountain Road near the unincorporated community of Garberville, located in southern Humboldt County, on the south side of Island Mountain Road approximately 2.5 miles east of the intersection of Bell Springs Road and Island Mountain Road. The County Department of Public Works (DPW) reviewed the project referral and determined that Island Mountain Road, which is the main access road to the project site and is maintained by the county, is developed to the equivalent of a road category 4 standard and thus is adequate for the proposed use.

DPW also evaluated two driveways on the property, both of which meet category 1 and, where applicable, category 2 roadway standard for driveways. M Road, which provides access to the site for four (4) residents, does not meet a category 4 roadway standard and requires rolling dips and waterbars. The applicant is conditioned to install these features in accordance with Rural Road: A Construction and Maintenance Guide for California Landowners (**Condition 12**).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in March 2021 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the CMMLUO on January 26, 2016. Accordingly, staff has prepared an

addendum to this document for consideration by the Planning Commission. See **Attachment 2** for more information.

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

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

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

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

Resolution Number 21-

**Record Number: PLN-12570-CUP
Assessor's Parcel Number: 218-091-009**

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

WHEREAS, Cut Creek Farms, LLC, applied for Conditional Use Permit (CUP-17-031) for a maximum of 15,200 square feet (SF) of outdoor cannabis cultivation;

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

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

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit (CUP-17-031) for the operation of a maximum of 15,200 SF of outdoor cannabis cultivation, with appurtenant drying and packaging activities. Power is provided to the site by PG&E with a backup Honda 5000w EX generator. Irrigation water is sourced from a 1,000,000-gallon onsite rainwater catchment pond.

EVIDENCE: a) Project File: PLN-12570-CUP

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

EVIDENCE: a) Addendum to the MND prepared for the proposed project in compliance with CEQA.

 b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

 c) A biological resources assessment for development impacts was

conducted by Jack Henry, wildlife biologist with Timberland Resource Consultants. The report specifically evaluated the encroachment of project activities into the streamside management area (SMA) of a Class III watercourse, which is a tributary of Chamise Creek. One (1) metal shed, two (2) storage tanks, and two (2) cultivation sites encroach into the SMA. The combined area of all encroachments is 2,400 SF or 0.7% of the total SMA on the property. The applicant must relocate all structures and cultivation areas within the SMA to outside the SMA (**Condition 13**). The report concluded that mitigation measures included in the Water Resources Protection Plan (WRPP) and Lake and Streambed Alteration Agreement (LSAA) are sufficient to compensate for biological impacts. A list of special status species that could potentially occur in the project area was generated in March 2021 using: California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), which includes the California Native Plant Society (CNPS), Information for Planning and Consultation (IPaC), and the Northern Spotted Owl (NSO) Database. No special status wildlife species are documented within one mile of the project area. However, land managed by the Bureau of Land Management (BLM) is located approximately 1.5 miles away and includes habitat for the marbled murrelet. There is recorded presence of NSO approximately 2.3 miles from the project area. Project activities are not expected to produce any adverse or cumulative effects to any special-status species or habitat, due to the small size of the project area and type of proposed activities.

- d) A cultural resources investigation was conducted in April 2018 by the Archaeological Research and Supply Company. The investigation identified no significant existing or pre-existing historic resources on the property and recommended that no further archaeological studies be conducted. The report recommended use of the standard Inadvertent Discovery Protocol in the event cultural resources are inadvertently exposed through excavation or other activities (**Condition 18**). The Bear River Band of the Rohnerville Rancheria was contacted by the authors of the report and indicated the project area is outside their mapped area of concern. The Sinkyone Intertribal Wilderness Council did not respond to requests for information.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a principally permitted use type in the Forestry Recreation (FR) zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space

Action Program.

- b) The project is within a SMA and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control). The proposed project was designed with mitigating features, including: 1) Cultivation is sited to avoid activity within the stream channel; 2) All cultivation areas will not be located on slopes, and will not involve vegetation removal or land clearing; and 3) Prior unseeded exposed soils have been addressed with native seeding. Therefore the project is not considered 'High Risk' and is consistent with Policy BR-P6, and Standards BR-S8 and BR-S9.

4. FINDING

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zone in which the site is located.

EVIDENCE

- a) The FR zone is intended to be applied to areas of the County where timber production and recreation are the desirable predominant uses, and agriculture is the secondary use. General agriculture, including cannabis cultivation, is a principally permitted use in the FR zone.
- b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed light cannabis on a parcel over one (1) acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a maximum of 15,200 SF of cultivation area, consisting entirely of outdoor cultivation on a 43-acre parcel, is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created via Parcel Map No. 58, recorded in Book 1 of Parcel Maps, page 81.
- c) The project will obtain water from a 1,000,000-gallon rainwater catchment pond. Water is stored in the pond, three (3) 5,000-gallon tanks, and one (1) 2,800-gallon tank. Total water storage is 1,017,800 gallons.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The proposed cultivation area(s) are located within a historical cultivation area.
- f) The location of the cultivation complies with all setbacks required in

Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 15,200 SF of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is accessed by a road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. All roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are hydrologically disconnected to receiving waters. All access roads within the project area have been assessed by a licensed engineer, who recommends the construction of rolling dips and waterbars and the cleaning of roadside ditches to allow proper drainage along M Road. The project has been conditioned to implement these recommendations to facilitate the proper maintenance and roadway access within the project area (**Condition 12**).
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites, which have been approved or are in the application process, will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a 1,000,000-gallon rainwater catchment pond.
- e) Provisions have been made in the applicant's proposal, as outlined in the WRPP, to protect water quality, through yearly site inspection, monitoring, and reporting to the North Coast Regional Water Quality Control Board (NCRWQCB). The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

7. FINDING

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

EVIDENCE

- a) The parcel currently contains two (2) existing residential units. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units on site.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-12570-CUP) for Cut Creek Farms, LLC, subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

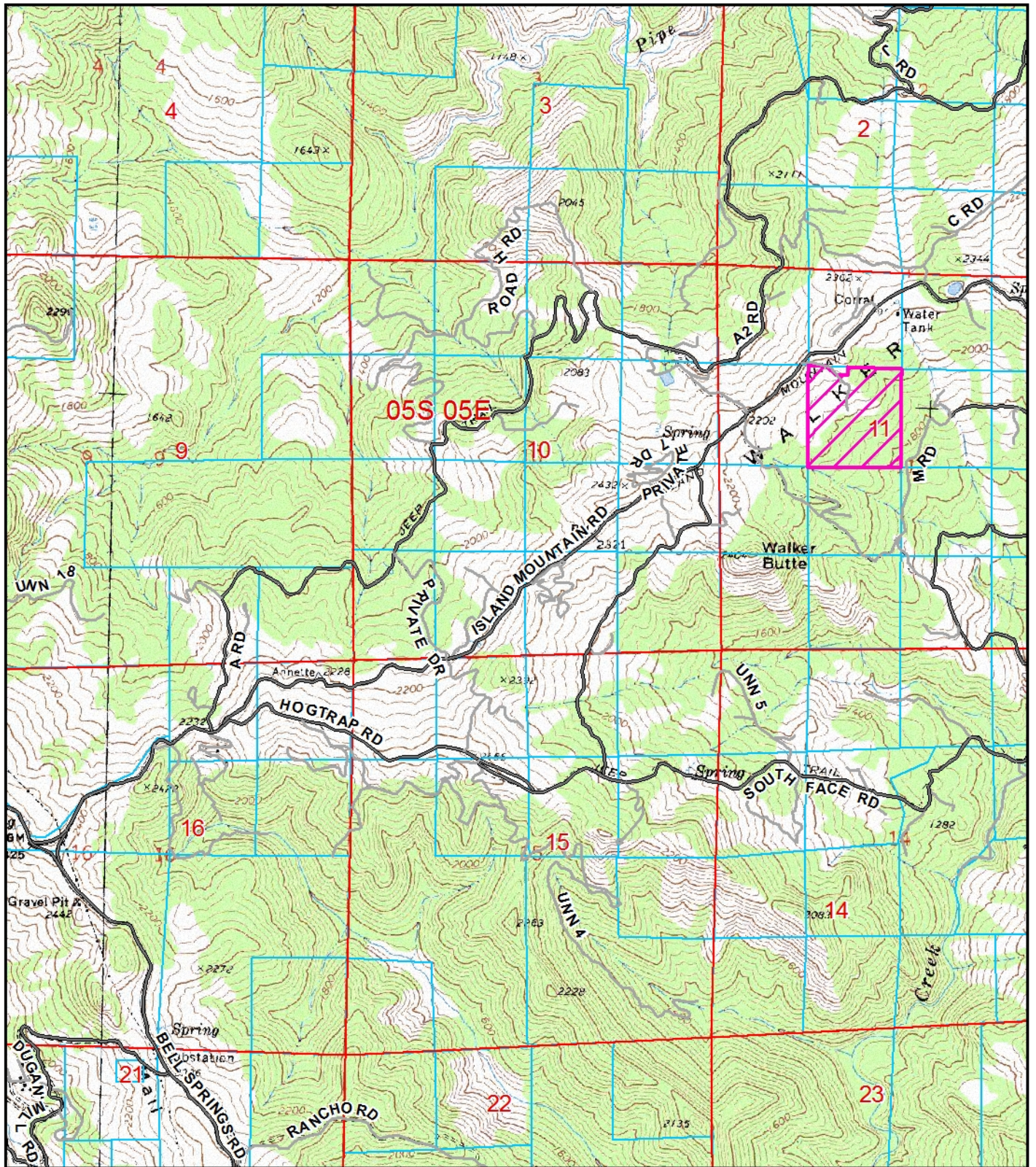
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department



TOPO MAP

PROPOSED CUT CREEK FARMS, LLC ISLAND MOUNTAIN AREA

SP-16-570

APN: 218-091-009

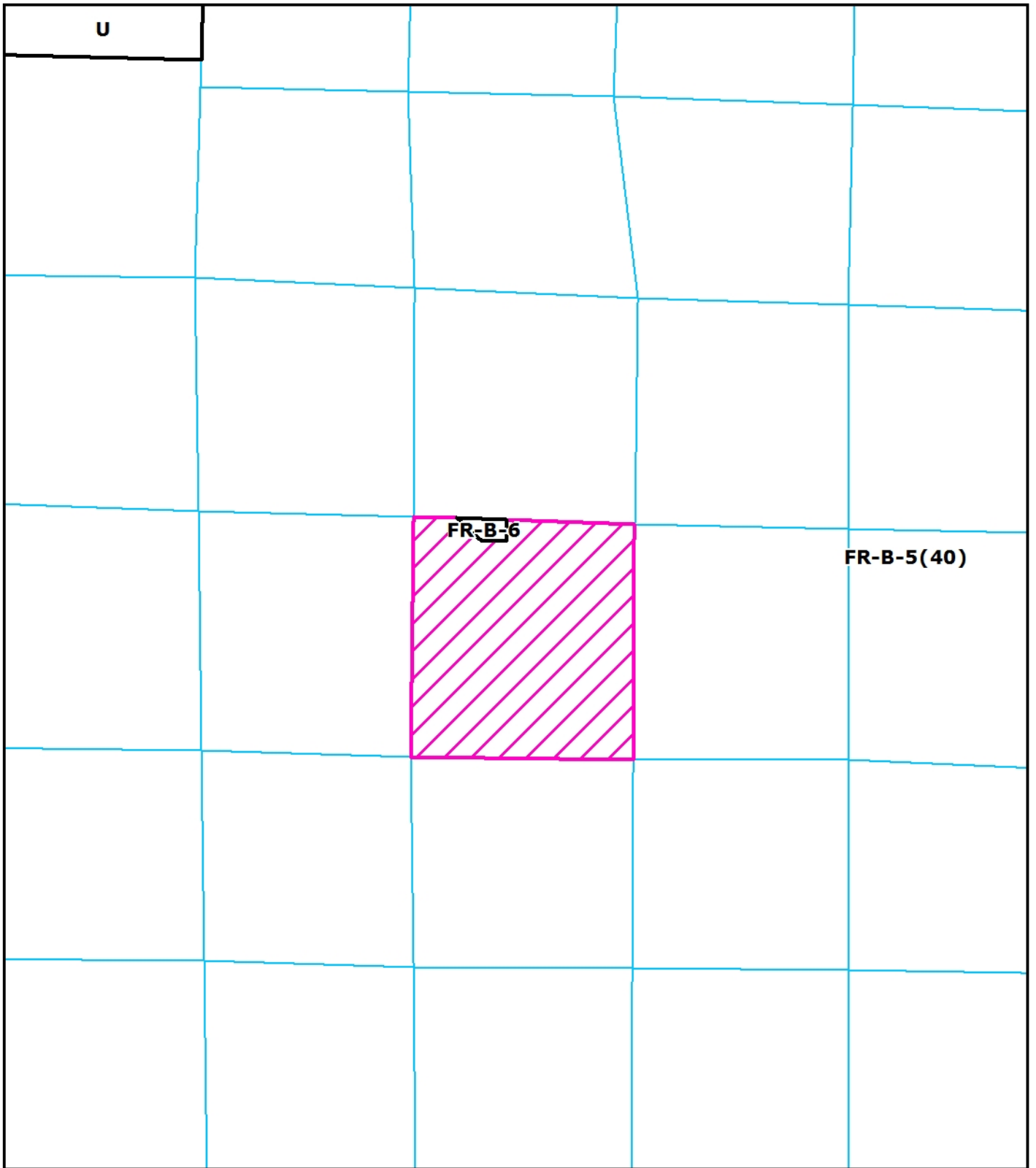
T05S R05E S11 HB&M (Jewett Rock)

Project Area = 

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



0 0.1 0.2 0.3
Miles



ZONING MAP

**PROPOSED CUT CREEK FARMS, LLC
ISLAND MOUNTAIN AREA**

SP-16-570


APN: 218-091-009

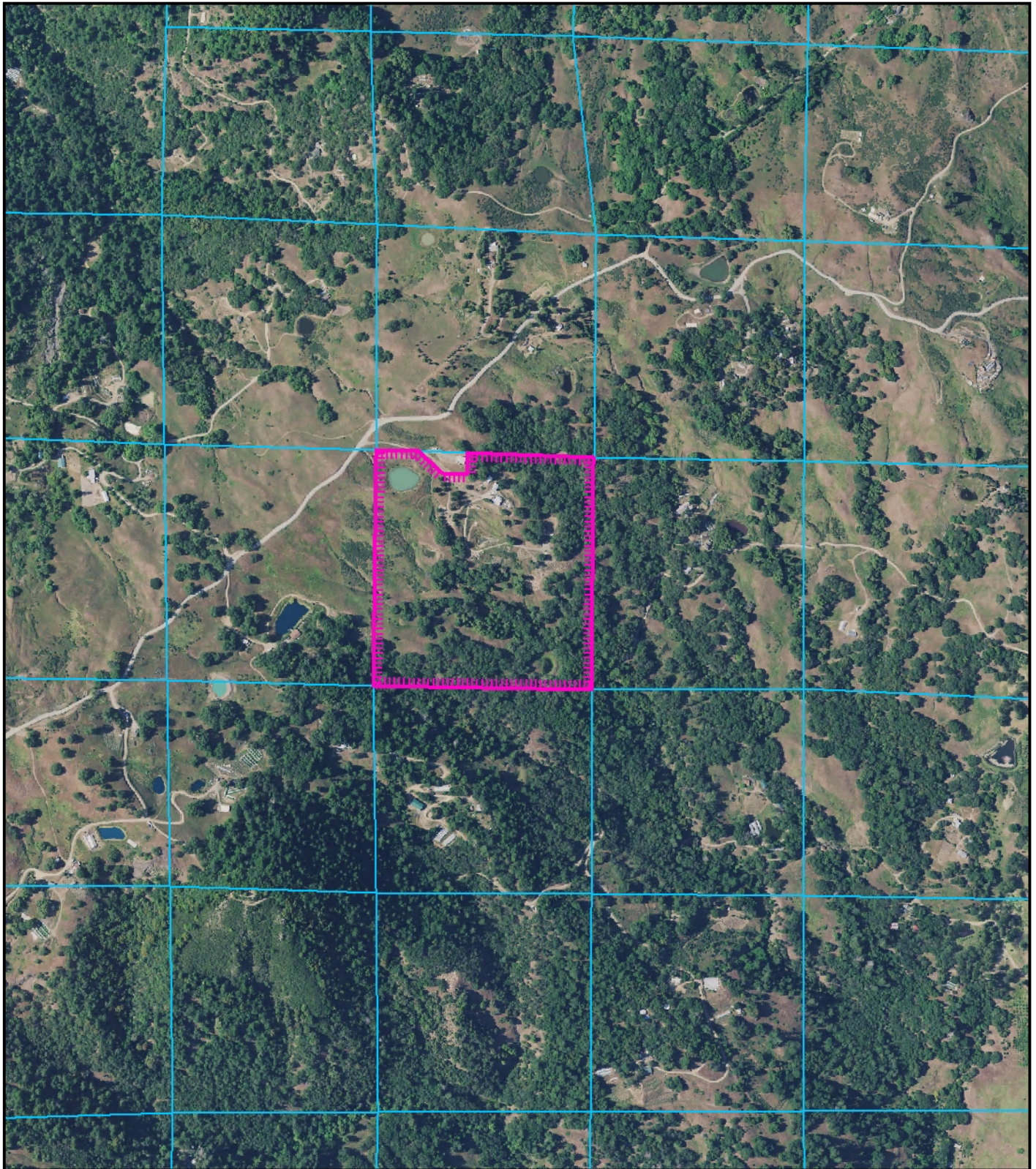
T05S R05E S11 HB&M (Jewett Rock)

Project Area = 

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



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 Miles



AERIAL MAP

**PROPOSED CUT CREEK FARMS, LLC
ISLAND MOUNTAIN AREA
SP-16-570**


APN: 218-091-009

T05S R05E S11 HB&M (Jewett Rock)

Project Area = 

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

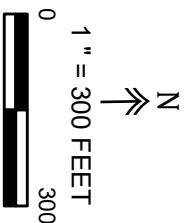


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PORTION OF SECTION 11 TOWNSHIP 5 SOUTH, RANGE 5 EAST, H.M.
APN: 218-091-009
FOR
ROBERT MCCAULEY
2722 ISLAND MOUNTAIN RD
GARBERVILLE, CA 95542

Building	Use	Est. Year Built	Size
Metal Shop	Domestic	1980	12'x24'
Shed #1	Domestic	1995	8'x8'
Mother-in-Law	Domestic	1980	24'x32'
Garage	Product & Records Storage	1980	32'x40'
Shed #2	Domestic	1995	8'x8'
Residence	Domestic	1980	48'x52'
Ag Building	Drying, Packaging, Product Storage	1980	40'x32'
Shipping Container	Domestic	1995	8'x20'

NOTE: Processing will be done off-site



ROBERT MCCAULEY
218-091-009
PLOT PLAN
2722 Island Mountain Rd Garberville, CA 95573
Phone: (707) 601-5424 email: biggrobbs56@gmail.com

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS, WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Planning and Building Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Prior to beginning conversion work in any cultivation areas, the applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed grading. A letter or similar communication

from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

9. Prior to processing of the permit, the Department of Environmental Health (DEH) requires an acceptable site suitability report to establish potential for onsite waste treatment system (OWTS) adequate to support proposed staffing. The approval of an unpermitted OWTS is dependent upon demonstration of site suitability from a qualified professional. An invoice or equivalent documentation shall be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of an annual permit.
10. The applicant shall demonstrate evidence of obtaining a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and shall implement all corrective actions detailed/required within the LSAA. A letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition. Project encroachments include water diversion from shallow groundwater from a cistern (POD-1, for domestic purposes only), water diversion from a pond (POD-2), replacing existing 12" diameter culvert with a minimum 18" diameter culvert (Crossing-1), armoring existing 18" diameter culvert (Crossing-2), and revegetating Class III stream impacted by grading.
11. The applicant shall meter water their water use and install float-valves on appropriate storage tanks.
12. The applicant shall construct rolling dips and waterbars along M Road in accordance with *Rural Road: A Construction and Maintenance Guide for California Landowners*.
13. All cultivation areas and structures, including water tanks and sheds, located within the streamside management area (SMA) shall be relocated outside of the SMA.
14. The applicant shall contact the Palo Verde Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall execute and file with the Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building.
18. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, all work within 100 feet of the find shall stop, and a qualified professional archaeologist, the County project representative, and representatives from the

Bear River Band of the Rohnerville Rancheria shall be contacted immediately to inspect and clear the site for all further activities.

19. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2021. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.
20. Obtain a permit to operate the proposed generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health

and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit, except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE), if applicable.
18. The permittee shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.

20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, California Division of Occupational Safety and Health (Cal/OSHA), OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- I. Processing practices;
 - II. Location where processing will occur;
 - III. Number of employees, if any;
 - IV. Employee Safety Practices;
 - V. Toilet and handwashing facilities;
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
 - VII. Drinking water for employees;
 - VIII. Plan to minimize impact from increased road use resulting from processing; and
 - IX. On-site housing, if any.
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the

activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 218-091-009; 2722 Island Mountain Road, Garberville, CA 95542
County of Humboldt**

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

March 2021

BACKGROUND

Purpose of Addendum

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

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

Project History

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

Modified Project Description

The modified project involves a Conditional Use Permit (CUP-17-031) for a maximum of 15,200 SF of outdoor cultivation area. Irrigation water is sourced from a 1,000,000-gallon rainwater catchment pond. Water is stored in the pond, three (3) 5,000-gallon hard plastic tanks, and one (1) 2,800-gallon hard plastic tank. Total water storage is 1,017,800 gallons. Estimated annual water use is 314,690 gallons, which equates to 21 gallons per SF of cultivation area. Drying and packaging would occur onsite in a 1,280-SF shed. Electricity is provided by PG&E with a backup Honda 5000w EX generator for use in emergencies.

A Water Resources Protection Plan (WRPP) was created in order to protect the water resources of the project area, through annual site inspection, monitoring, and reporting of Tier II Discharges to the North Coast Regional Water Quality Control Board (NCRWQCB), by March 31st of each year. The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with erosion control and required mitigation measures.

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) (Certification #1600-2017-0002-R1). The LSAA is for the replacement and repair of existing culverts, site remediation work, a water diversion from shallow groundwater from a cistern for domestic use (POD-1), and water diversion from the rainwater catchment pond (POD-2) (**Condition 10**).

A biological resources assessment for development impacts was conducted by Jack Henry, wildlife biologist with Timberland Resource Consultants in June 2017. The report specifically evaluated the encroachment of project activities into the SMA of a Class III watercourse, which is a tributary of Chamise Creek. Of the five existing structures on the property, only one (1) 12' x 24' metal shed encroaches into the SMA. Other encroachments include two (2) storage tanks and two (2) cultivation sites. The combined area of all encroachments resulted in a total loss of 2,400 SF or 0.7% of the total SMA on the property. The report concluded that since greater than 99% of the SMA remains undisturbed, existing encroachments will not significantly impact the SMA's overall function. The report concluded that mitigation measures included in the Water Resources Protection Plan (WRPP) and Lake and Streambed Alteration Agreement (LSAA) are sufficient to compensate for potential impacts and did not include additional mitigation or monitoring efforts.

A list of special status species that could potentially occur in the project area was generated in March 2021 using the following information systems: CDFW California Natural Diversity Database (CNDDB), which includes the California Native Plant Society (CNPS), Information for Planning and Consultation (IPaC), and the Northern Spotted Owl (NSO) Database. No special status wildlife species are documented within one mile of the project area. However, land managed by the Bureau of Land Management (BLM) is located approximately 1.5 miles away and includes habitat for the marbled murrelet. There is recorded presence of NSO approximately 2.3 miles from the project area. Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities.

A cultural resources investigation was conducted in April 2018 by the Archaeological Research and Supply Company. The investigation identified no significant existing or pre-existing historic resources on the property and recommended that no further archaeological studies be conducted. The report recommended use of the standard Inadvertent Discovery Protocol in the event cultural resources are inadvertently exposed through excavation or other activities (**Condition 18**). The Bear River Band of the Rohnerville Rancheria was contacted by the authors of the report and indicated the project area is outside their mapped area of concern. The Sinkyone Intertribal Wilderness Council did not respond to requests for information.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO, which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize a maximum of 15,200 SF of outdoor cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following

information and studies, among other documents.

- Site Plan prepared by TVCE, dated 6/19/2018
- Site Management Plan prepared by Margro Advisors, dated 9/10/2019 and revised 3/17/2020
- Cultivation and Operations Plan prepared by AgDynamix, dated 1/2017 and amended document received 6/7/2019
- Water Resources Protection Plan (WRPP) (WDID: 1B161195CHUM) for the North Coast Regional Water Quality Control Board Order No. 2015-0023, prepared by Timberland Resource Consultants, dated 1/12/2016
- Lake and Streambed Alteration Agreement for CDFW (Certification #1600-2017-0002-R1), received 9/25/2017
- Biological Assessment of Development Impacts, prepared by Timberland Resource Consultants, dated 7/5/2017
- Cultural Resources Investigation prepared by Archaeological Research and Supply Company, dated 4/2018
- North West Information Center (NWIC) records search, conducted by Bryan Much (File #17-0251) on 8/21/2017
- Road Evaluation Report, conducted and prepared by David Nicoletti, PE QSD/QSP, DNT Engineering & Consulting, 2731 K Street Unit A, Eureka, CA 9550. Report received 3/22/2018
- Public Works Road Evaluation Report, dated and received 9/8/2017
- CAL FIRE application communication with Del Norte Unit, dated 8/7/2017
- Humboldt County Department of Health and Human Services letter, dated 4/2/2018, received 4/3/2018

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

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

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

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Cut Creek Farms, LLC would be the same or similar, with no substantial increase in severity,

than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

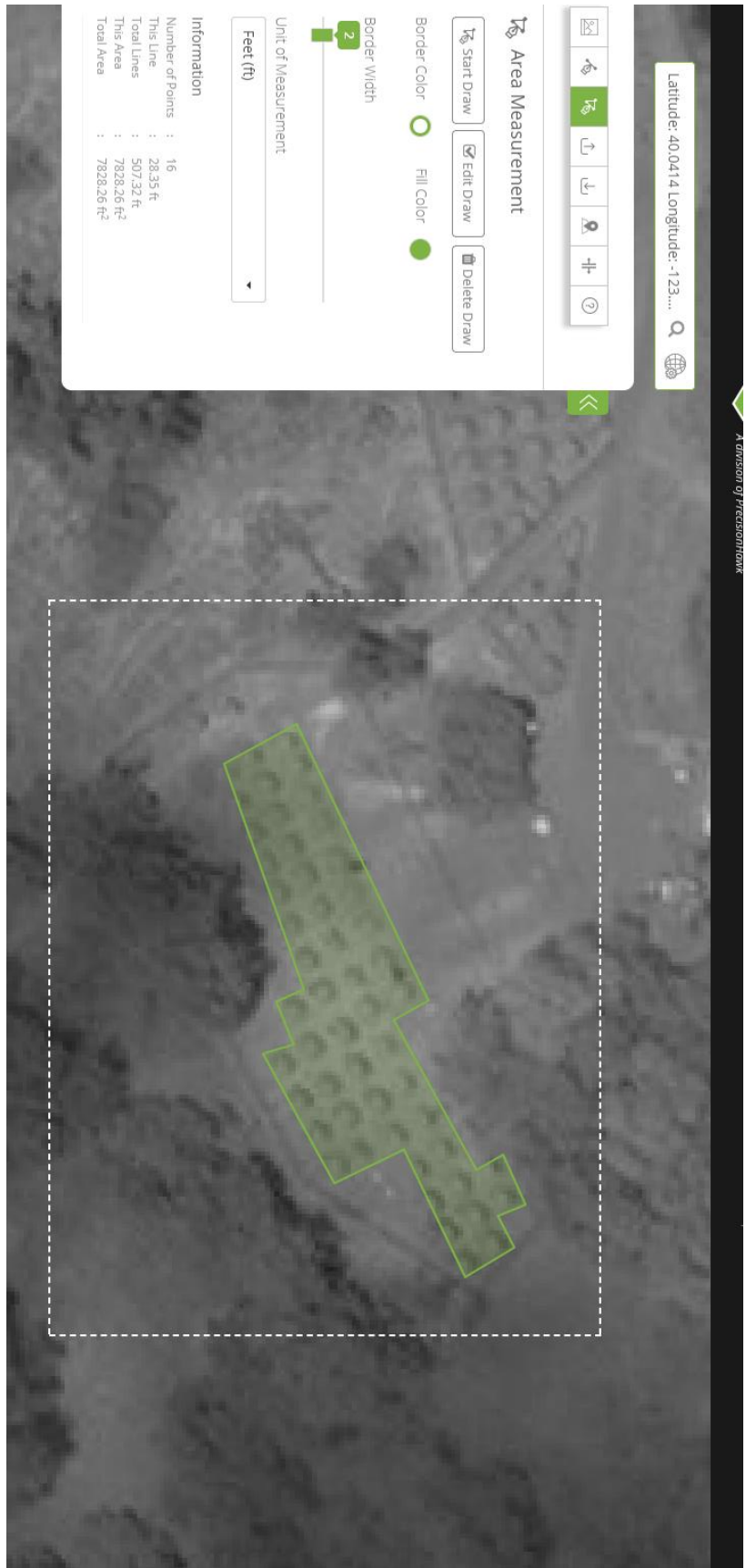
Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (On file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by TVCE, dated 6/19/2018)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. A description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and schedule of activities during each month of the growing and harvesting season. (Site Management Plan prepared by Margro Advisors, report dated 3/17/2020 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan - see item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan [WRPP] prepared by Timberland Resources Consultants, dated September 1, 2020 – **Attached**)
8. If any on-site or off-site component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Lake and Streambed Alteration Agreement No. 1600-2017-0002-R1, received September 25, 2017 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of

timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL FIRE. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. (Not applicable)
13. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)



Latitude: 40.0414 Longitude: -123....



Area Measurement

Start Draw Edit Draw Delete Draw

Border Color Fill Color

Border Width

2

Unit of Measurement

Feet (ft)

Information

Number of Points : 4
This Line : 58.60 ft
Total Lines : 97.38 ft
This Area : 1010.73 ft²
Total Area : 1010.73 ft²



Latitude: 40.0414 Longitude: -123....



Area Measurement

Start Draw Edit Draw Delete Draw

Border Color Fill Color

Border Width

2

Unit of Measurement

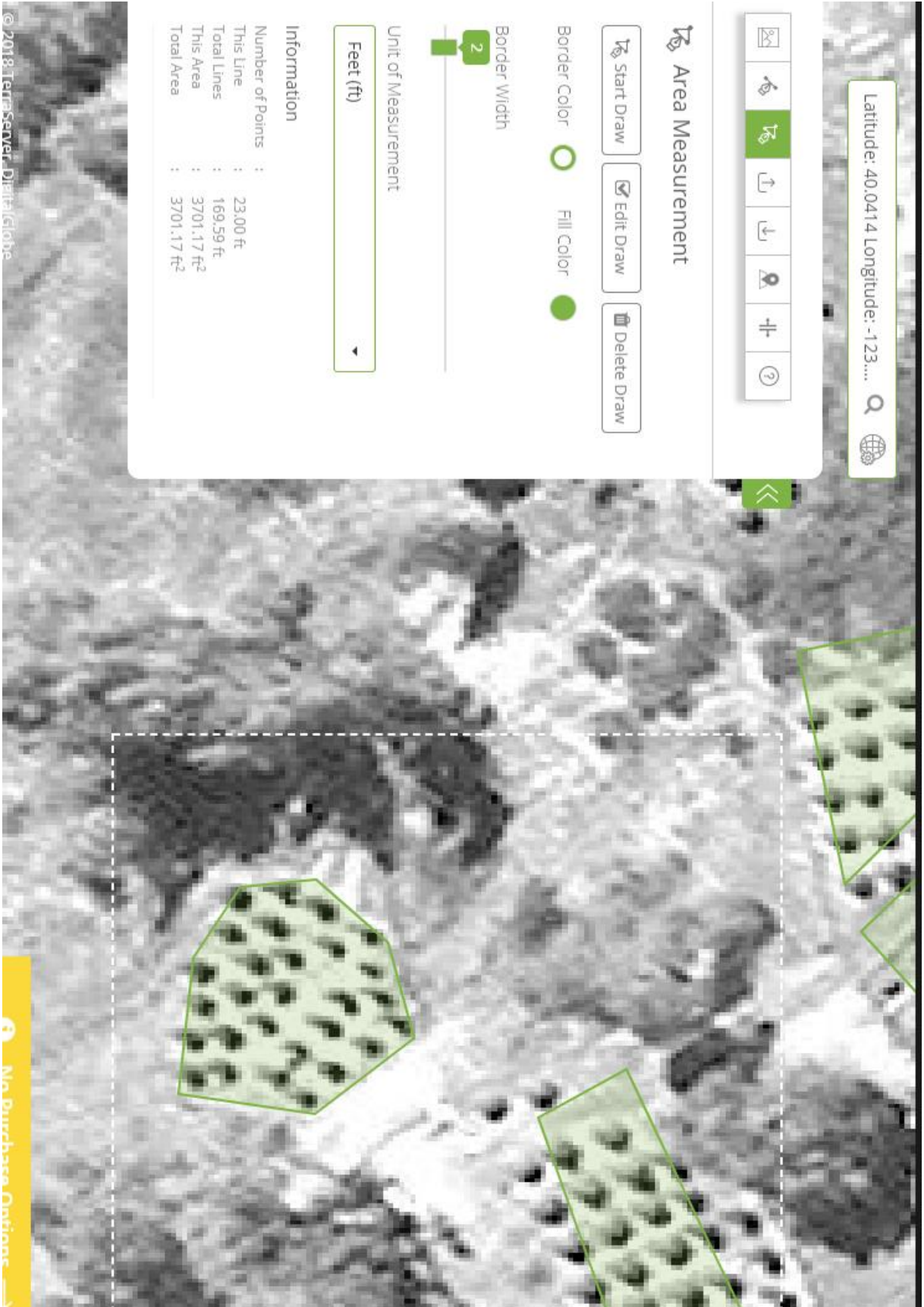
Feet (ft)

Information

Number of Points : 4
This Line : 56.30 ft
Total Lines : 198.75 ft
This Area : 3172.44 ft²
Total Area : 3172.44 ft²







RECEIVED

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

SEP 25 2017

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2017-0002-R1

Unnamed Tributaries to Chamise Creek, Tributary to the Eel River and the Pacific Ocean.

Mr. Robert McCauley
McCauley Water Diversion and Stream Crossings Project
5 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on January 9, 2017, with revisions received May 17, 2017, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Chamise Creek watershed, approximately 9.4 miles south southeast of the town of Alderpoint, County of Humboldt, State of California. The project is located in Section 11, T5S, R5E, Humboldt Base and Meridian; in the Jewett Rock U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 218-091-009; latitude 40.042 N and longitude 123.588 W.

PROJECT DESCRIPTION

The project is limited to five encroachments (Table 1). One encroachment is for water diversion from a shallow groundwater well for domestic use. An additional encroachment is for water diversion from a pond for irrigation. Work for the water

diversions will include use and maintenance of the water diversion infrastructure. Two encroachments are proposed to upgrade or maintain existing culverts. Work for these encroachments includes excavation, removal and replacement of a culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The final encroachment will redirect emergent groundwater through a 24-inch existing culvert into the head of a Class III stream. The area adjacent to the new channel and the eroding portion of the Class III channel head will be vegetated with willow sprigs (~200 sprigs) to stabilize the channel and enhancement the habitat.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
Point of Diversion-1 (POD-1)	40.0420, -123.5889	Water diversion from shallow groundwater from a cistern
Point of Diversion-2 (POD-2)	40.0426, -123.5901	Water diversion from a pond
Crossing-1	40.0430, -123.5895	Replace existing 12" diameter culvert with a minimum 18" diameter culvert
Crossing-2	40.0424, -123.5895	Armor existing 18" diameter culvert
Revegetation	40.0424, -123.5896	Revegetate Class III stream impacted by grading

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus Truei*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

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

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

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: Allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed. CDFW may be contacted by phone at 707-441-5900, or by email at david.manthorne@wildlife.ca.gov.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on January 9, 2017, with revisions received on May 17, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute (gpm) at any time.
- 2.3 **Bypass Flow.** The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 **Measurement of Diverted Flow.** The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from each POD. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis. This information will be submitted to CDFW per Condition 3.1 of this Agreement.
- 2.5 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.6 **Intake Screening.** Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.7 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

- 2.8 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.9 **Water Storage Maintenance.** Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.10 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

- 2.11 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.12 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.13 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.14 **Work Period.** All work, not including water diversion, shall be confined to the period June 15 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

- 2.15 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.16 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired immediately.
- 2.17 Work Completion. The proposed work shall be completed by no later than **October 1, 2017**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.
- 2.18 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.19 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.20 Culvert Installation.
- 2.20.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.20.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).

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

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

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

2.21 Rock Armor Placement.

2.21.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.22 Project Inspection. The Project shall be inspected by Timberland Resource Consultants or a licensed professional with expertise to ensure that the stream crossings and revegetation plan was completed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project (Condition 3.2).

3. **Reporting Measures**

3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2017**.

3.2 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.22) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Mr. Robert McCauley
988 Crescent Way
Arcata, California 95521
707-601-5254

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0002-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

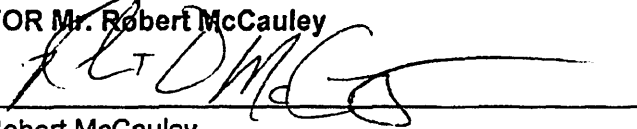
AUTHORIZATION

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

CONCURRENCE

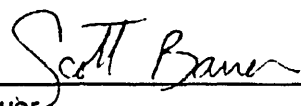
The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Robert McCauley


Robert McCauley

9-25-17
Date

FOR DEPARTMENT OF FISH AND WILDLIFE


Scott Bauer
Senior Environmental Scientist Supervisor

11/9/17
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, June 26, 2017

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Humboldt County Building Inspection Division	✓	Conditional approval	Attached
Humboldt County Division of Environmental Health	✓	Conditional approval	Attached
Humboldt County Public Works, Land Use Division	✓	Conditional approval	Attached
CAL FIRE	✓	Comments	Attached
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Humboldt County Counsel		No response	
California Department of Fish and Wildlife (CDFW)		No response	
Regional Water Quality Control Board (RWQCB)		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff		No response	
Southern Humboldt Unified School District		No response	



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



8/3/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Southern Humboldt Unified School District School District

Applicant Name Cut Creek Farms, LLC **Key Parcel Number** 218-091-009-000

Application (APPS#) 12570 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP17-031

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

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

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

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

Return Response No Later Than 8/18/2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 8-15-17

PRINT NAME: Patrick McTigue



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44265
Parcel No.: 218-091-009-00
Case No.: CUP-17-031

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☐ Other Comments: _____

Name: Patrick McTigue

Date: 8-15-17

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



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

8/9/2019

Project Referred To The Following Agencies:

Building Inspections

Applicant Name Cut Creek Farms, LLC Key Parcel Number 218-091-009-000

Application (APPS#) PLN-12570-CUP Assigned Planner Keenan Hilton

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

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

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

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

Return Response No Later Than: 8/24/2019

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

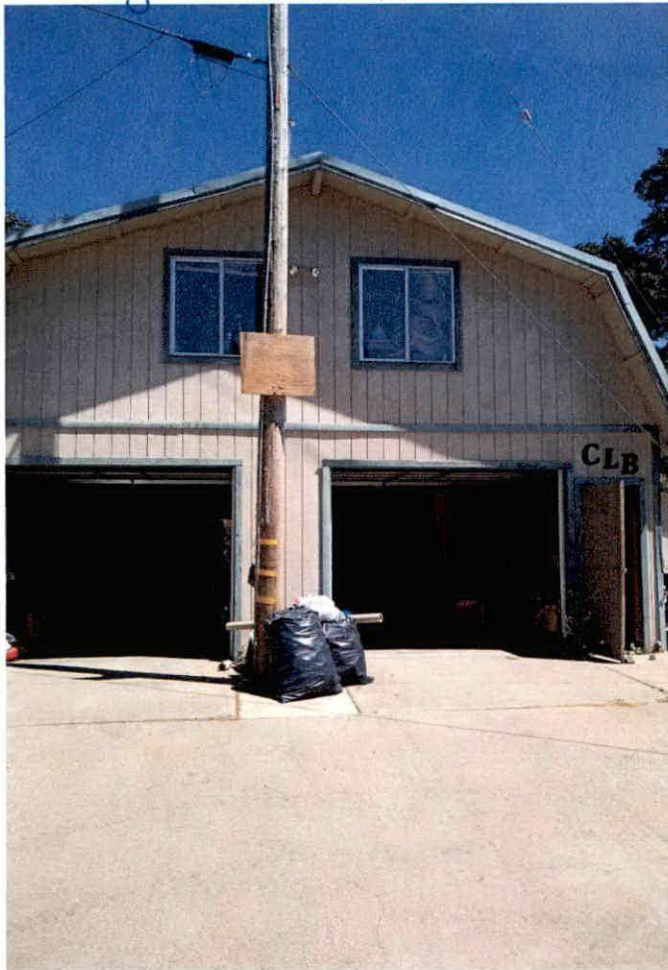
We have reviewed the above application and recommend the following (please check one):

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

Other Comments: CA6 Area removed, PE 5 removed, middle pond has been filled w/ soil
not in use, lower pond no water all FYI

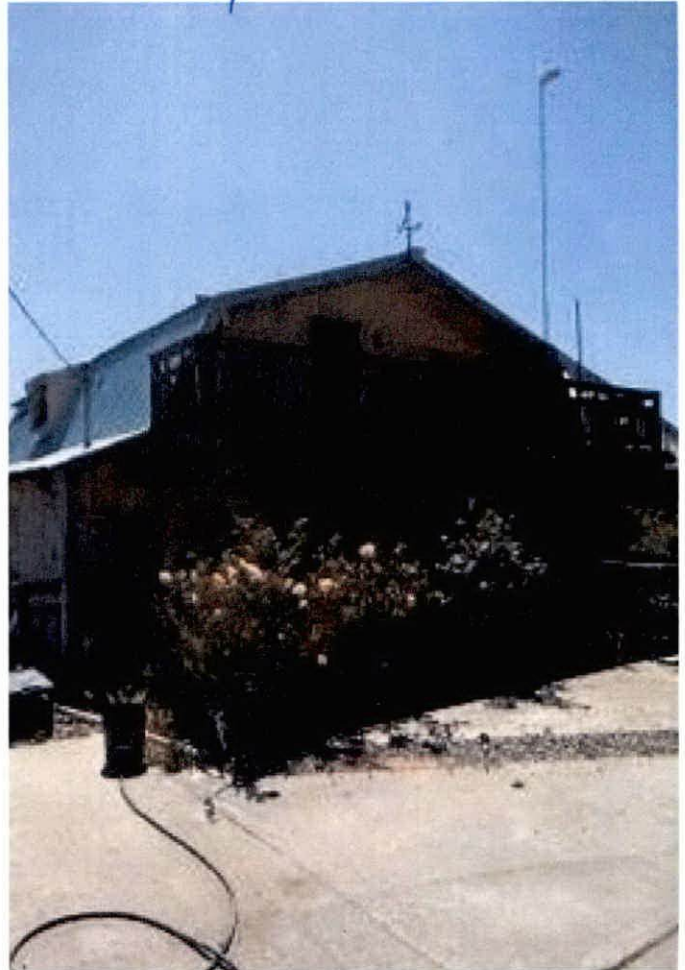
DATE: 8-13-19 PRINT NAME: Ross Eskra

Garage 32x40

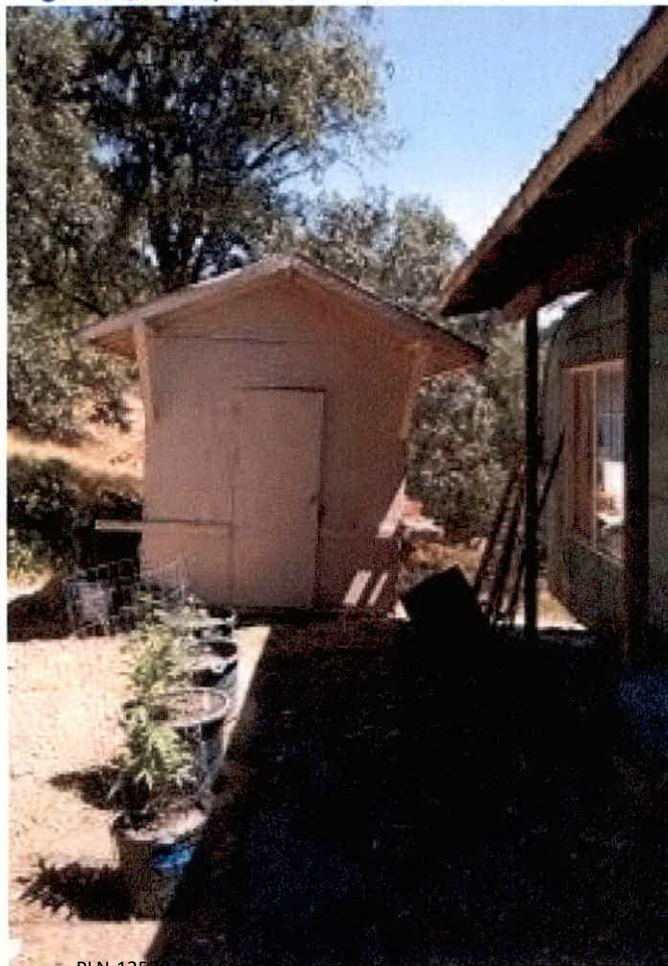


Primary Residence

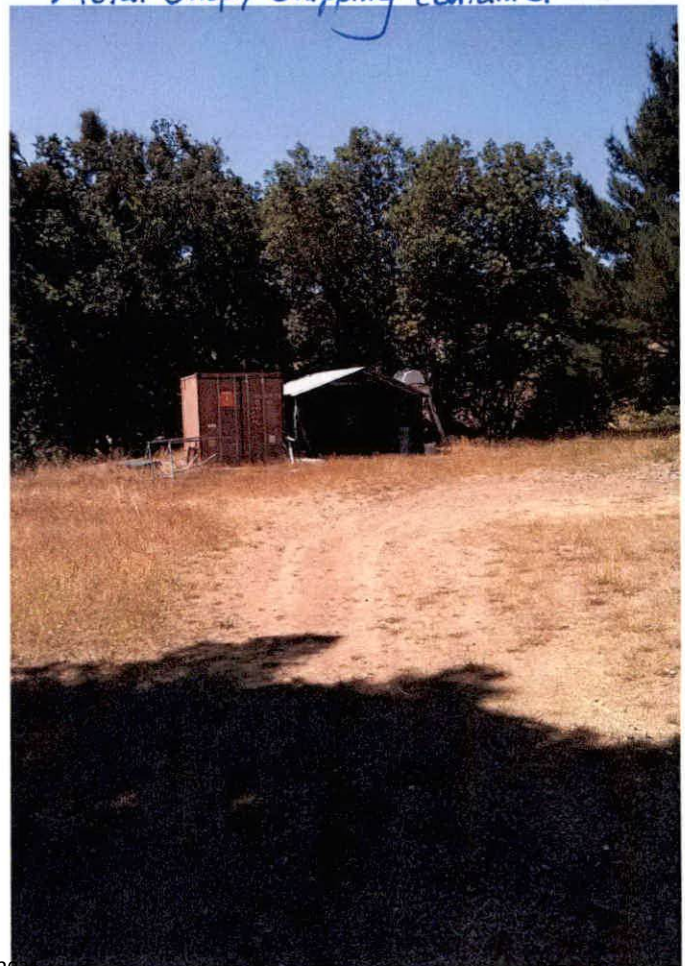
#12570 PLN



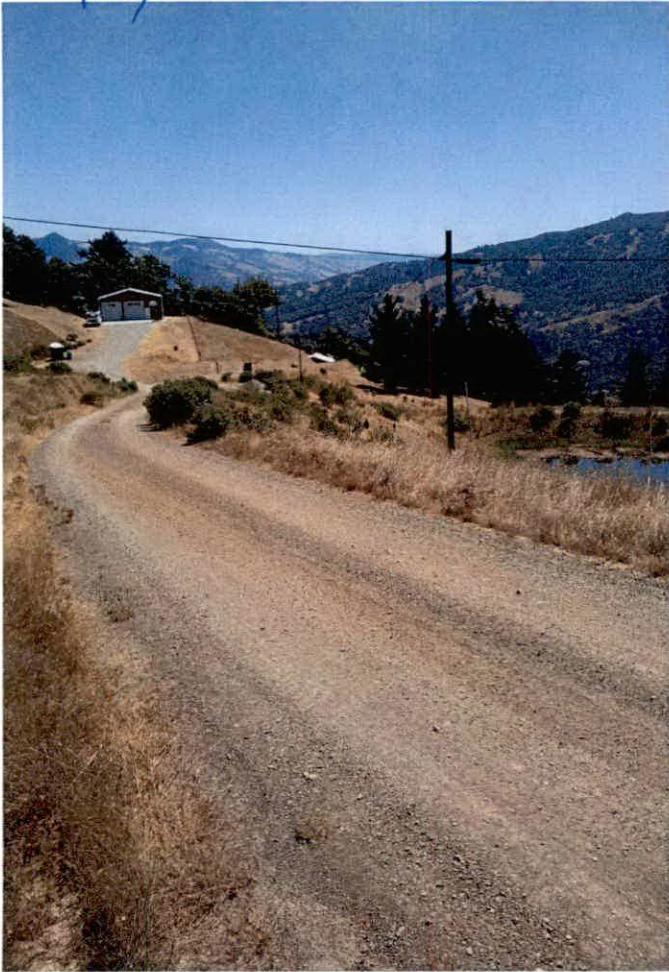
Shed behind Mother in Law



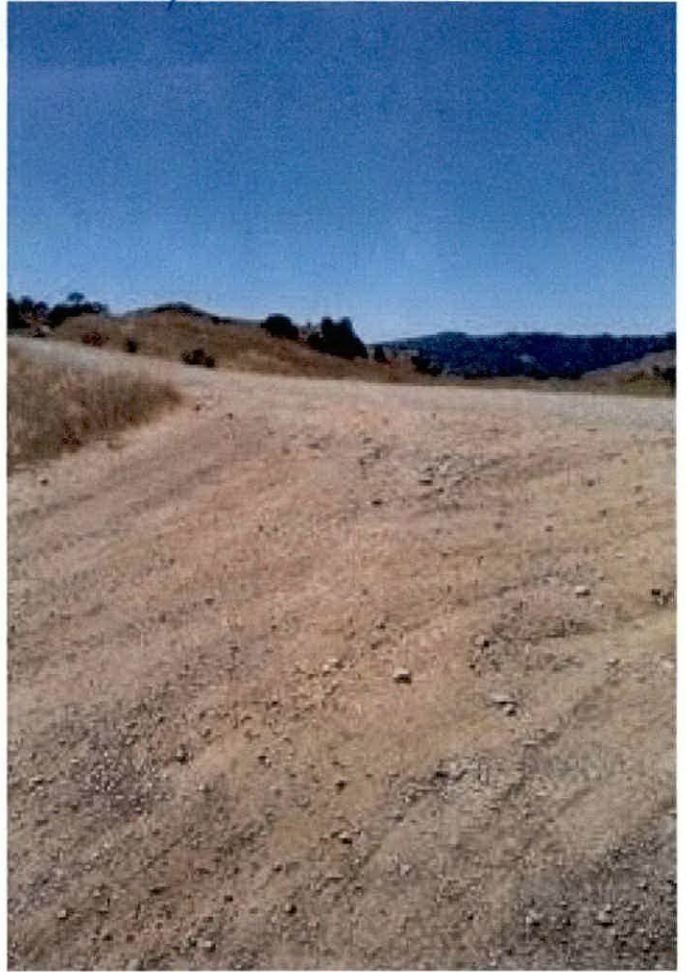
Metal Shop/Shipping container



Property entrance off Island Mtn. Rd.



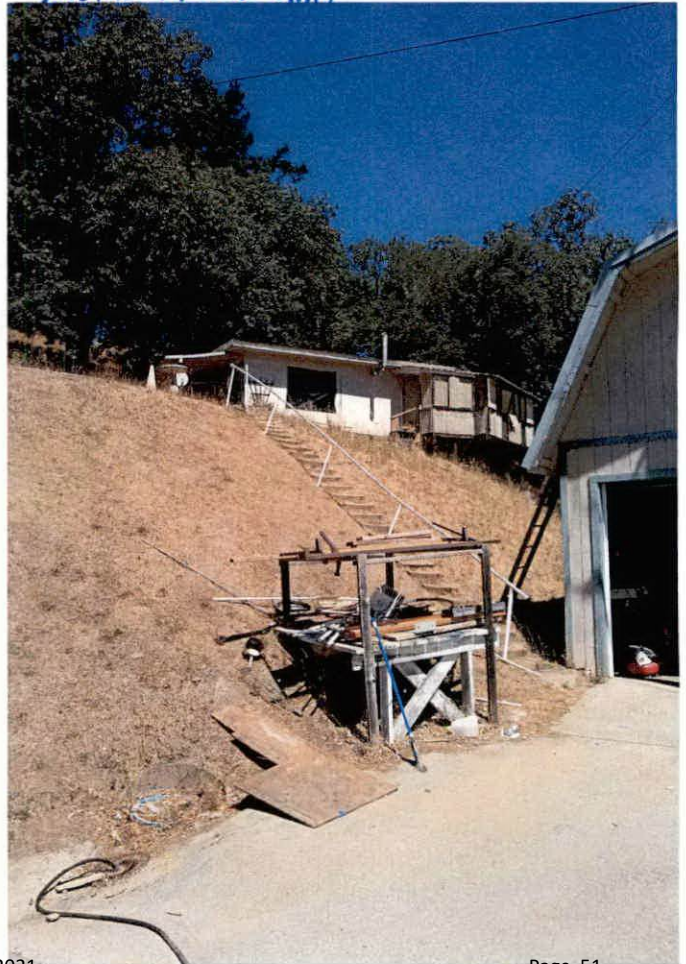
Driveway to Island Mtn. Rd.



Upper Pond



Mother in law unit

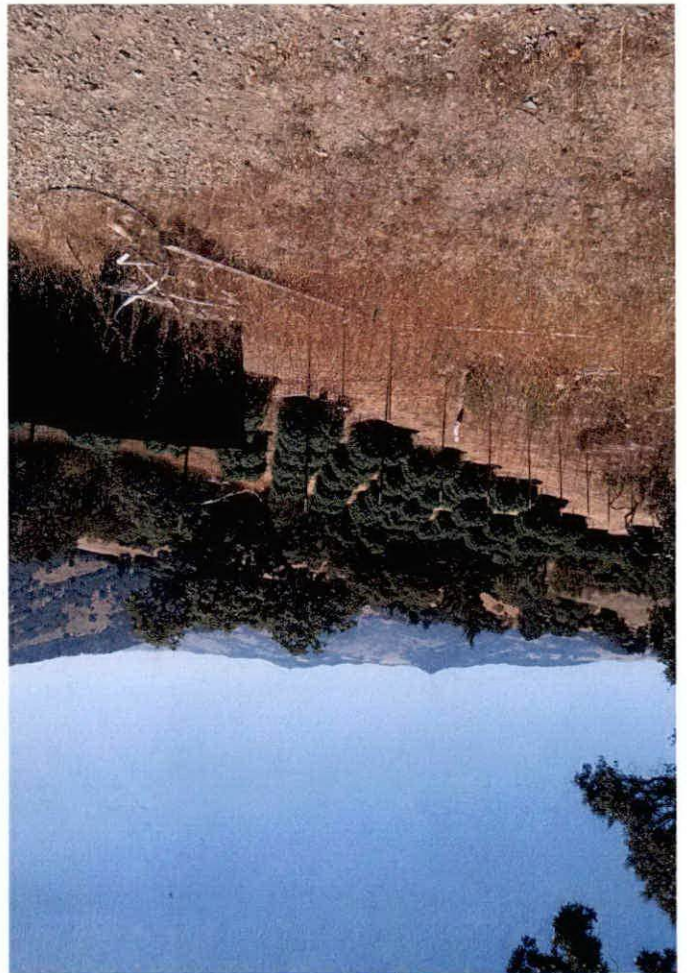




PLN-12570-CUP Cut Creek Farms, LLC

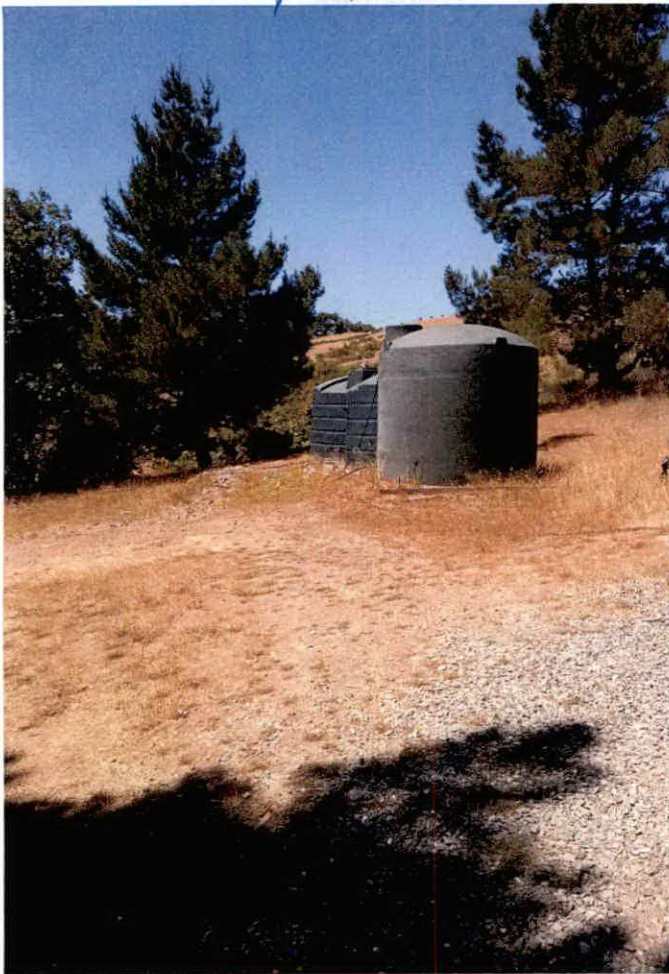
Ag Building

May 6, 2021

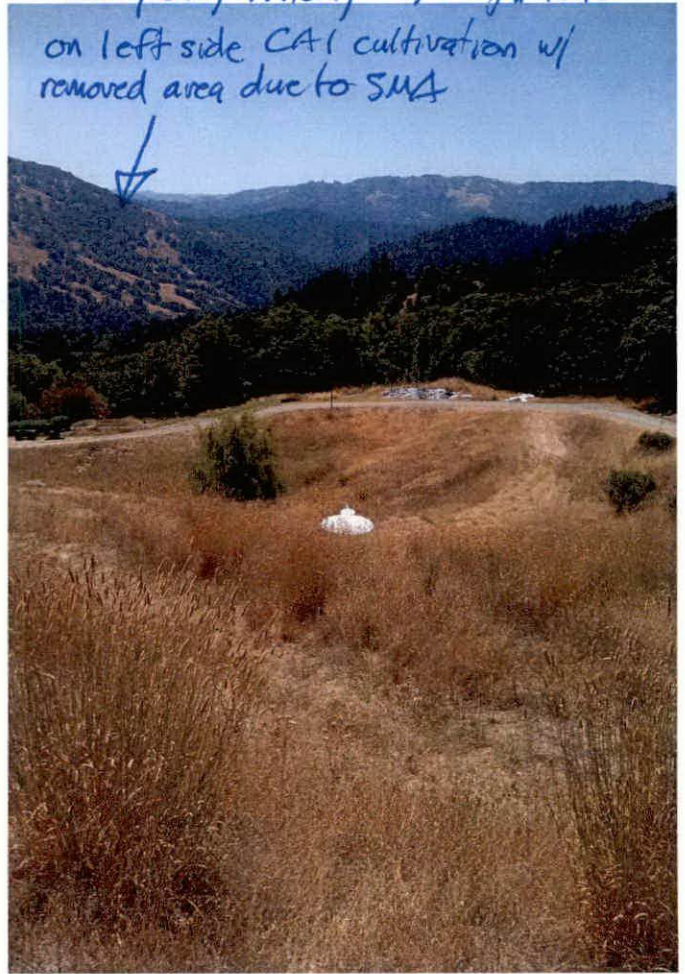


GA 5 site

Tanks below pond



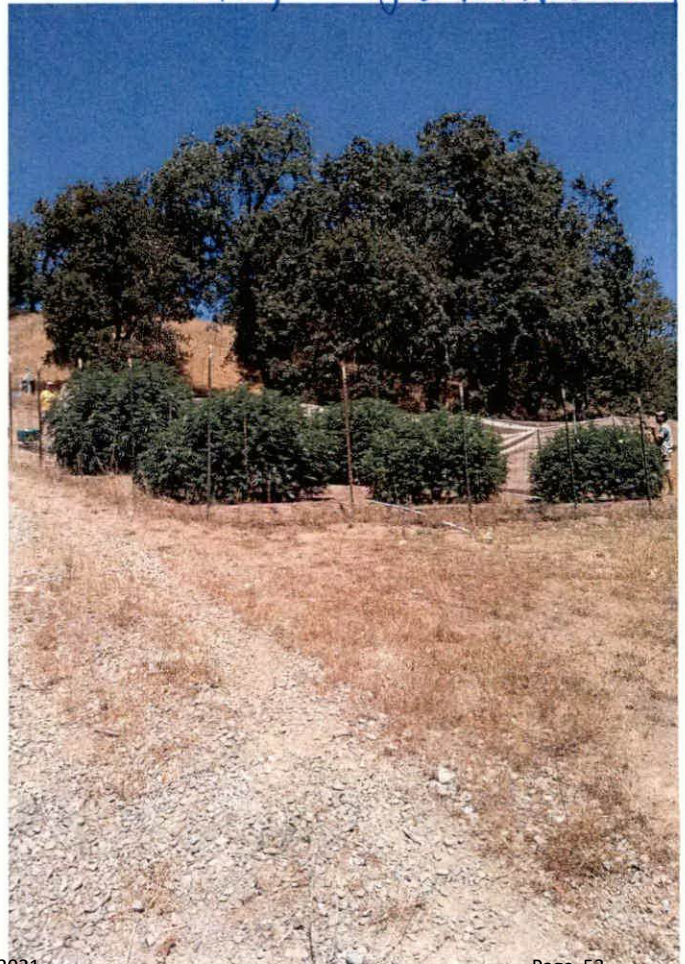
old pond, filled, + 1,000 gal tank
on left side CA1 cultivation w/
removed area due to SMA



Spring Diversion



CA 3 site, CA 2 just to left of road





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

DEH received
8-3-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Southern Humboldt Unified School District School District

17/18-0191

Applicant Name Cut Creek Farms, LLC **Key Parcel Number** 218-091-009-000

Application (APPS#) 12570 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP17-031

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

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

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

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



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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



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

AVIATION 839-5401

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

445-7491
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445-7493

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cannabis Planner, Planning & Building Department
FROM: Ken Freed, Assistant Engineer
DATE: 9-08-2017
RE: REQUEST FOR ADDITIONAL INFORMATION FOR PUBLIC WORKS REVIEW
APPLICATION No. 12570 ; APN 218-091-009

The Department has received a greater number of projects than can be processed in the time frame provided. The Department is providing the following abbreviated review of the project. **Once the requested information has been provided, please re-refer the project to the Department.**

All boxes that are checked apply.

- ☐ (1) Prior to the project being presented to the Planning Commission or the Zoning Administrator, it is recommended that the project should be referred to:
- ☐ Caltrans; ☐ Bureau of Land Mgmt.; ☐ US Forest Service; ☐ City of _____

Prior to the project being presented to the Planning Commission of the Zoning Administrator, the following must be done:

- ☒ (2) Applicant shall submit a completed Public Works Road Evaluation Report form for each road that is used to access the subject property. The applicant shall provide a "google earth" type map showing the locations of the road being evaluated that is indexed to each Road Evaluation Form. Road evaluations are needed for all roads that access off of BELL SPRINGS RD.
- ☒ Including Island Mountain Road

A Road Evaluation Report form is available from the Land Use Division. The Department recommends that the applicant make an appointment with staff to go over the road evaluation process.

- ☐ The submitted Road Evaluation Form(s) is(are) inadequate. See attached road evaluation report response for comments.
- ☐ (3) Applicant shall submit a completed Airspace Clearance Form. The subject property is located within the area covered by County Code section 333-1 et seq., the applicant shall submit evidence that the project complies or will comply with County Code.
- ☐ The submitted Airspace Clearance Form is inadequate. See below for comments.
- ☐ (4) The subject property has deferred subdivision improvements that must be completed. Prior to the project being presented to the Planning Commission or the Zoning Administrator for approval or prior to the issuance of any building permits, whichever occurs first.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.

Fortuna, CA 95540

Website: www.fire.ca.gov

(707) 726-1272



Ref: 7100 Planning
Date: August 7, 2017



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

Attention: Cannabis Planner (CPOD)
Applicant: Cut Creek Farms, Inc.
APN: 218-091-009-000
Area: Island Mountain
Case Numbers: CUP16-031

Humboldt County Application #: 12570
Type of Application: Conditional Use Permit
Date Received: 8/4/2017
Due Date: 8/18/2017

Project Description: A Conditional Use Permit for an existing 15,200 square foot outdoor medical cannabis cultivation operation. Water for irrigation is provided by an existing pond and unnamed creek that is a tributary to Chamise Creek. The Applicant estimates 201,000 gallons of water is required for annual operations. Water storage includes the 1,000,000-gallon pond and 26,700 gallons of storage in hard-sided tanks. Processing includes the following: drying, curing, trimming, and packaging. Processing occurs in an existing agricultural building. There are eight (8) employees required for annual operations. Electricity is provided by PG&E.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders

2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.

4. Growing marijuana and the extracting of oils

Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.