



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 20, 2021

To: Humboldt County Zoning Administrator

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

Subject: **Dinsmore Elite LLC Special Permit**
Record Number PLN-13238-SP
Assessor's Parcel Number (APN) 208-341-009
658 Cobb Rd, Dinsmore

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topo Map	13
Zoning Map	14
Aerial Map	15
Site Plans	16
Attachments	
Attachment 1: Recommended Conditions of Approval	17
Attachment 2: CEQA Addendum	24
Attachment 3: Applicant's Evidence in Support of the Required Findings	28
Attachment 4: Referral Agency Comments and Recommendations	83

Please contact Jordan Mayor, Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 20, 2021	Special Permits	Jordan Mayor

Project Description: Dinsmore Elite LLC seeks a Special Permit for an existing 9,990-square-foot (SF) mixed-light cannabis cultivation operation. The cannabis cultivation operation consists of five greenhouses at two locations on the 9-acre parcel. Ancillary propagation in a 1,000-SF greenhouse and a 450 SF greenhouse is proposed. Three annual harvests are anticipated from the heating-equipped mixed-light greenhouses for a growing season that extends from March through October. Estimated annual water usage is 199,000 gallons (19.90 gallons/SF/year). Water for irrigation is supplied from a new 200-foot-deep well and 60,120 gallons of hard tank storage. Bucking and drying will occur in an existing drying/storage shed (1,400 SF) by part-time as-needed employees. Additional processing of cannabis will occur offsite at a licensed processing or manufacturing facility. Power is provided by one Honda EU 7-kiloWatt (kW) gasoline generator and two Cummins 30-kW generators for electricity, when needed. Approximately 2,000 gallons of petroleum are used annually at the project site and the applicant is planning to reduce dependency on fossil fuels where possible. A Special Permit is also needed pursuant to Humboldt County Code Section 314-55.4.11(d) to allow a relaxation of the six-hundred foot (600') setback requirement from Six Rivers National Forest.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the south side and adjacent to Cobb Road, approximately 1.43 miles west from the intersection of Cobb Road and State Highway 36, on the property known as 658 Cobb Rd (APN: 208-341-009).

Present Plan Land Use Designations: Residential Agriculture (RA) Density: 20 acres per dwelling unit, Slope Stability: High instability (3)

Present Zoning: U

Record Number: PLN-13238-SP

Assessor's Parcel Number: 208-341-009

Applicant

Dinsmore Elite LLC
675 Corbett Ave
San Francisco, CA 94114

Owner

Marcel Ornate
675 Corbett Ave
San Francisco, CA 94114

Agents

Margro Advisors LLC
2306 Albee St.
Eureka, CA 95501

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

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

Major Issues: None

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Dinsmore Elite LLC Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: Dinsmore Elite LLC seeks a Special Permit for an existing 9,990-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned U. The cannabis cultivation operation consists of five greenhouses at two locations on the 9-acre parcel. Ancillary propagation in a 1,000-SF greenhouse and a 450 SF greenhouse is proposed. Three annual harvests are anticipated from the heating-equipped mixed-light greenhouses for a growing season that extends from March through October. Estimated annual water usage is 199,000 gallons. Water for irrigation is supplied from a new 200-foot-deep well and 60,120 gallons of hard tank storage. Domestic storage includes an additional 2,500-gallon tank for fire suppression and a 325-gallon tank for domestic use. The premises do not have an onsite septic system and chemical toilets (porta potties) will be used for field sanitation, serviced by Six Rivers Portable Toilet and B&B Portable Toilets. The Division of Environmental Health shall be furnished with receipts as a condition of approval. In addition, the applicant shall deconstruct and destroy plumbing associated with the outdoor kitchen and outdoor privy referred to in a letter distributed from the agency on March 26, 2018. The applicant holds a provisional cannabis cultivation license (CCL18-0003302) with the California Department of Food and Agriculture.

Bucking and drying will occur in an existing drying/storage shed (1,400 SF) by part-time as-needed employees. Additional processing of cannabis will occur offsite at a licensed processing or manufacturing facility. Product from hash harvest is cut wet and placed directly into freezers until a distribution company can transport to a licensed manufacturing facility. Power is provided by one Honda EU 7-kW gasoline generator and two Cummins 30-kW generators for electricity, when needed. Up to 15 gallons of gasoline (with secondary containment) is stored within the two existing generator and fuel storage sheds along with a Spill Prevention, Countermeasures, and Cleanup kit. Additional storage sheds are planned. Approximately 2,000 gallons of petroleum are used annually at the project site. The cultivation areas and greenhouses are secured by heavy steel locked gates at three access points from Cobb Road as well as onsite guard dogs.

Timber Conversion

Based on Google Earth aerial imagery, timber was cleared sometime between 2005 and 2009. Timberland Resource Consultants evaluated the site for potential timberland conversion in a report dated November 12, 2020 (Attachment 3). The Registered Professional Forester (RPF) concluded 1.12 acres of timberland were converted for the two cultivation sites and that the total does not exceed the 3-acre forest conversion exemption limit set by the California Forest Practice Act and Rules. The property is located within Humboldt County, a Zone of Infestation for Sudden Oak Death, but the RPF observed no symptoms, signs, and evidence of oak mortality within the property. The conversion areas did not appear to include late successional stands, late seral stage forests, or old growth trees. The RPF recommendation to treat the slash and woody debris along the periphery of cultivation site 1 is made a condition of approval.

Water Resources

Estimated annual water usage is 199,000 gallons (19.9 gallons/SF/year) with peak demand of 30,000 gallons occurring June through September. A 200-foot-deep well installed in 2020 and permitted by the Division of Environmental Health (19/20-0805; Attachment 3) provides irrigation water to the parcel with an estimated yield of 15 gallons/minute according to a 4-hour draw down test. This well was installed to replace a shallower (100-foot) well installed in 1999 (09/10-051) by the previous landowner that is not currently used. Water storage capacity onsite is 60,120 gallons between 13 hard tanks; two additional tanks are reserved for fire suppression (2,500 gallons) and domestic use (325 gallons). The cultivator has completed a Lake and Streambed Alteration Waiver (LSAA No.1600-2019-0087-R1), which was deemed complete by the California Department of Fish and Wildlife (CDFW) on March 13, 2019 according to the revised Site Management Plan (SMP) prepared for the project by Margro Advisors on February 09, 2021 (WDID: 1_12CC417709; Attachment 3). A second LSAA (No. 1600-2020-0278-R1) was signed in September 2020 for 11 encroachments necessary for the Cobb Road Association Stream Crossings Project involving replacement or installation of 11 undersized culverts on 13 parcels.

Although Humboldt County's WebGIS shows no mapped streams, the Plot Plan shows a Class III intermittent stream and associated 50-foot Streamside Management Area (SMA) buffer along the eastern boundary of the parcel. Both cultivation areas and all associated facilities are outside of the SMA buffers. The SMP prepared indicates there is one stream crossing on this parcel next to the eastern entrance/exit from Cobb Road. According to the SMP, the road association has developed a plan for maintenance and inspection of all culvers serving the area inspected for blockage through regular monitoring.

Biological Resources

There are no mapped sensitive species onsite. Although the nearest Northern Spotted Owl (NSO) activity centers are located approximately 1.25, 1.4, and 1.5 miles from the site, respectively, lands surrounding the site are heavily forested thus there is high potential for NSO foraging habitat. No Biological Assessment was prepared for the project and no site development is proposed. While there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are minimized through implementation of best management practices. Per the applicant, approximately 2,000 gallons of petroleum are used annually at the project site in three generators used to power fans, heaters, artificial lights in greenhouse, pumps, and freezers. All generators used onsite will meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o), which requires noise levels be at or below 50 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service.

The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in 2017. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and a study

is recommended prior to commencement of project activities. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access/Airspace

Access to the site is via a driveway on the north side of State Highway 36, approximately 0.7 mile east from the intersection of Rattlesnake Bridge Road and State Highway 36, on the property known as 658 Cobb Road. Public Works recommended a road evaluation be prepared for the access roads. Timberland Resource Consultants prepared a Cobb Road Association Road Assessment Project in April 30, 2020 as a supplement to the LSAA for the Cobb Road Association Stream Crossings Project. Most of the road surface is approximately 12 to 14 feet wide with numerous wider turnouts to allow for parking or passing of oncoming vehicles. The road segment that was assessed crosses or borders 13 separate, private parcels that are members of the Cobb Road Association. The road receives moderate traffic use and it appears from the numerous photo points that landowners keep up on road maintenance in the form of surface rocking and grading. The surface appeared to contain enough rock to allow for wintertime vehicle use. The majority of the road is insloped to crowned and generally lacks adequate cross-draining of the inside ditch to avoid excessive concentration of runoff and hydrologic connectivity at the watercourse crossings. Watercourse crossing condition, functionality, proposed upgrades, and culvert sizing calculations are discussed in depth in this LSAA Notification for the Stream Crossings Project. Road Points 11, 11A, 11B, 11C, 12, 12A, and 13 occur along the portion of Cobb Road that borders the project site, and the project is conditioned to abide by the LSAA measures to protect fish and wildlife resources when making these repairs.

The Public Works referral letter also referred to the applicant needing an Avigation Easement given the parcel is within the Dinsmore Airport Protected Airspace. The applicant submitted the required information and a letter from the Federal Aviation Authority on August 12, 2019 determined that the project is no hazard to air navigation; this letter was forwarded to the Dinsmore Airport director on December 7, 2020.

Six Rivers National Forest

The adjacent public land is subject to the *Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP)*. The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The light source used in the greenhouses will comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Further, the combination of background, generator, and greenhouse fan or other operational equipment created noise will not result in the harassment of Northern Spotted Owl species as the project is required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (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. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by avoiding surface water diversions. Water will be sourced from a permitted well on site. The applicant will use a drip irrigation method. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

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

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-13238-SP
Assessor's Parcel Number: 208-341-009**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Dinsmore Elite LLC, Special Permits.

WHEREAS, Dinsmore Elite LLC, submitted an application and evidence in support of approving two Special Permits for the continued operation of an existing 9,990-square-foot (SF) mixed-light cannabis cultivation operation with appurtenant propagation and drying activities, and a setback reduction from Six Rivers National Forest;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. 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 Zoning Administrator held a duly-noticed public hearing on May 20, 2021, and reviewed, considered, and discussed the application for two Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow 9,990 SF of mixed-light cannabis cultivation with appurtenant propagation and drying activities, and a Special Permit pursuant to Humboldt County Code Section 314-55.4.11(d) to allow a relaxation of the six-hundred foot (600') setback requirement from Six Rivers National Forest. Power is provided by one Honda EU 7-kiloWatt (kW) gasoline generator and two Cummins 30-kW generators. Up to 15 gallons of gasoline (with secondary containment) is stored within the two existing generator and fuel storage sheds along with a Spill Prevention, Countermeasures, and Cleanup kit. Water for irrigation is provided by a permitted groundwater well and 60,120 gallons of hard tank storage.

EVIDENCE: a) Project File: PLN-13238-CUP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines
 - c) A Site Management Plan (SMP) was prepared by Margro Advisors on February 09, 2021 (WDID: 1_12CC417709) to show compliance with the North Coast Regional Water Quality Control Board Order No. 2017-0023.
 - d) The cultivator has completed a Lake and Streambed Alteration Waiver (LSAA No.1600-2019-0087-R1), which was deemed complete by the California Department of Fish and Wildlife (CDFW) on March 13, 2019 according to the revised SMP. A second LSAA (No. 1600-2020-0278-R1) was signed in September 2020 for 11 encroachments necessary for the Cobb Road Association Stream Crossings Project involving replacement or installation of 11 undersized culverts on 13 parcels.
 - e) No Biological Assessment was prepared for the project. Northern Spotted Owl habitat exists in the vicinity, but the nearest activity centers are over 1.2 miles from the site. Conditions of approval will require noise to be at or below 50 decibels at 100 feet, which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
 - f) A Timber Conversion Report was prepared by Timberland Resource Consultants in 2020, which demonstrates how 1.12 acres of previously unauthorized timber conversion occurred between 2005 and 2009. The site was found to be in compliance with the California Forest Practice Act with only one remediation recommendation which has been made a condition of approval.
 - g) The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery language.
 - h) The site is accessed from 0.7 mile of roadway from State Highway 36. California Department of Transportation requested the applicant provide proof of an access agreement and the ability to obtain valid encroachment permit and to verify the road approach to Rattlesnake Bridge Road meets commercial standards in a referral letter dated October 11, 2018 and this has been made a condition of approval. Public Works, Land Use Division stated that a Road Evaluation Report is needed, that no structures are allowed in the airport approach zone without a variance, and that additional review by the Planning and Building Division may be warranted in a letter dated March 29, 2018. Timberland Resource Consultants prepared a Cobb Road Association Road Assessment Project in April 30, 2020 as a supplement to the LSAA for the Cobb Road Association Stream Crossings Project.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

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

4. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U) Zone in which the site is located as the underlying General Plan land use designation will be controlling for all parcels zoned "Unclassified."

- EVIDENCE**
- a) The U-Zone is applied to areas of the County in which agricultural production is the desirable predominant uses and homestead style residential use is the secondary use.
 - b) All general agricultural uses are principally permitted in the U-Zone.
 - c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing outdoor cannabis and up to 10,000 SF of existing mixed-light cannabis on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,990 SF of mixed-light cultivation on a 9-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
 - d) The site plan indicates that there are nine water tanks within the 30-foot SRA setback to the property line. Relocation of the tanks out of the setback or issuance of variance permits from CALFIRE is a condition of project approval.

5. FINDING

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (Section 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration as Parcel 9, as shown on the Map of Tract No. 289 (Cobb Station) filed in the Office of the Humboldt County Recorder in Book 19 of Maps, pages 27 through 33, inclusive.

- c) The project will obtain water from a non-diversionary water source, a 200-foot-deep permitted well.
- d) California Department of Transportation requested the applicant provide proof of an access agreement and the ability to obtain valid encroachment permit and to verify the road approach to Rattlesnake Bridge Road meets commercial standards in a referral letter dated October 11, 2018 and this has been made a condition of approval. Public Works, Land Use Division stated that a Road Evaluation Report is needed, that no structures are allowed in the airport approach zone without a variance, and that additional review by the Planning and Building Division may be warranted in a letter dated March 29, 2018. Timberland Resource Consultants prepared a Cobb Road Association Road Assessment Project on April 30, 2020 as a supplement to the LSAA for the Cobb Road Association Stream Crossings Project. The applicant required an Avigation Easement given the parcel is within the Dinsmore Airport Protected Airspace. The applicant submitted the required information and a letter from the Federal Aviation Authority on August 12, 2019 determined that the project is no hazard to air navigation and this letter was forwarded to the Dinsmore Airport director on December 7, 2020.
- e) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Conversion Report was completed by Timberland Resource Consulting in 2020. The Report found 1.12 acres of previously unauthorized timber conversion occurred between 2005 and 2009. The Registered Professional Forester recommendation to treat the slash and woody debris along the periphery of cultivation site 1 is made a condition of approval.
- 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, and more than 600 feet from any school, church, public park or tribal cultural resource.
- g) The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The light source used in the greenhouses will comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Further, the combination of background, generator, and greenhouse fan or other operational equipment created noise will not result in the harassment of Northern Spotted Owl species as the project is required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (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. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by avoiding surface water diversions. Water will be sourced from a permitted well on site. The

applicant will use a drip irrigation method. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails.

6. FINDING

The cultivation of 9,990 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located 0.7 mile from State Highway 36. California Department of Transportation requested the applicant provide proof of an access agreement and the ability to obtain valid encroachment permit and to verify the road approach to Rattlesnake Bridge Road meets commercial standards in a referral letter dated October 11, 2018 and this has been made a condition of approval. Public Works, Land Use Division stated that a Road Evaluation Report is needed, that no structures are allowed in the airport approach zone without a variance, and that additional review by the Planning and Building Division may be warranted in a letter dated March 29, 2018. Timberland Resource Consultants prepared a Cobb Road Association Road Assessment Project on April 30, 2020 as a supplement to the LSAA for the Cobb Road Association Stream Crossings Project.
 - b) The site is in a rural part of the county where the typical parcel size is 9 acres and many of the surrounding public land holdings are very large. The proposed cannabis is in a location where there is an established rural neighborhood with several cannabis farms but few other sensitive receptors 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 residential agricultural nature of the area.
 - c) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.
 - d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

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

DECISION

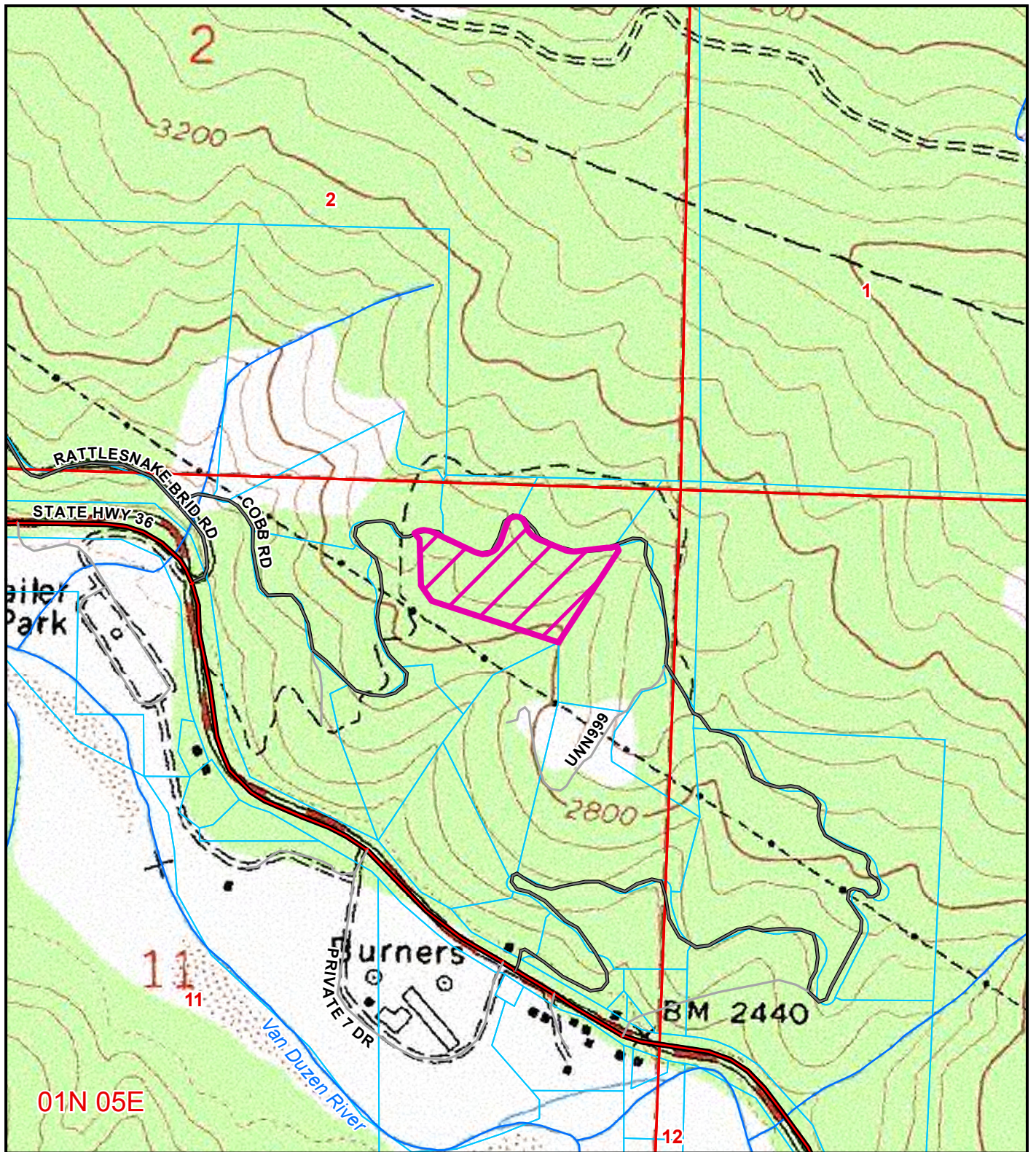
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Dinsmore Elite LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on May 20, 2021

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

John Ford, Director
Planning and Building Department



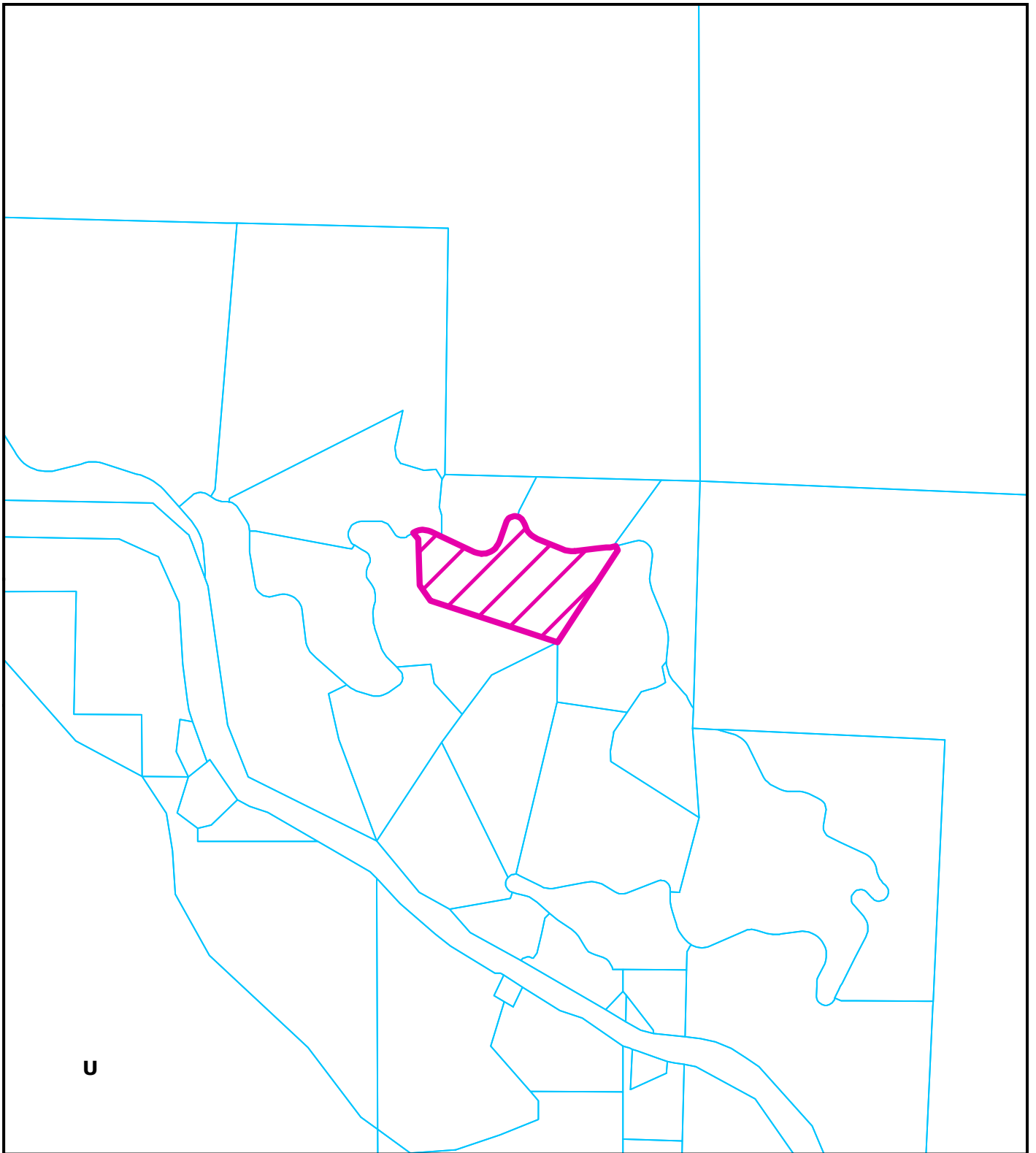
Project Area = 

**TOPO MAP
PROPOSED MARCEL ONATE
DINSMORE AREA
CUP-16-1063; SP-16-836
APN: 208-341-009
T01N R05E S11 HB&M (DINSMORE)**

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.

0 950 1,900 Feet



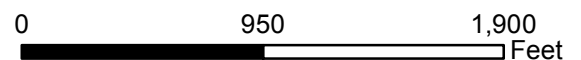


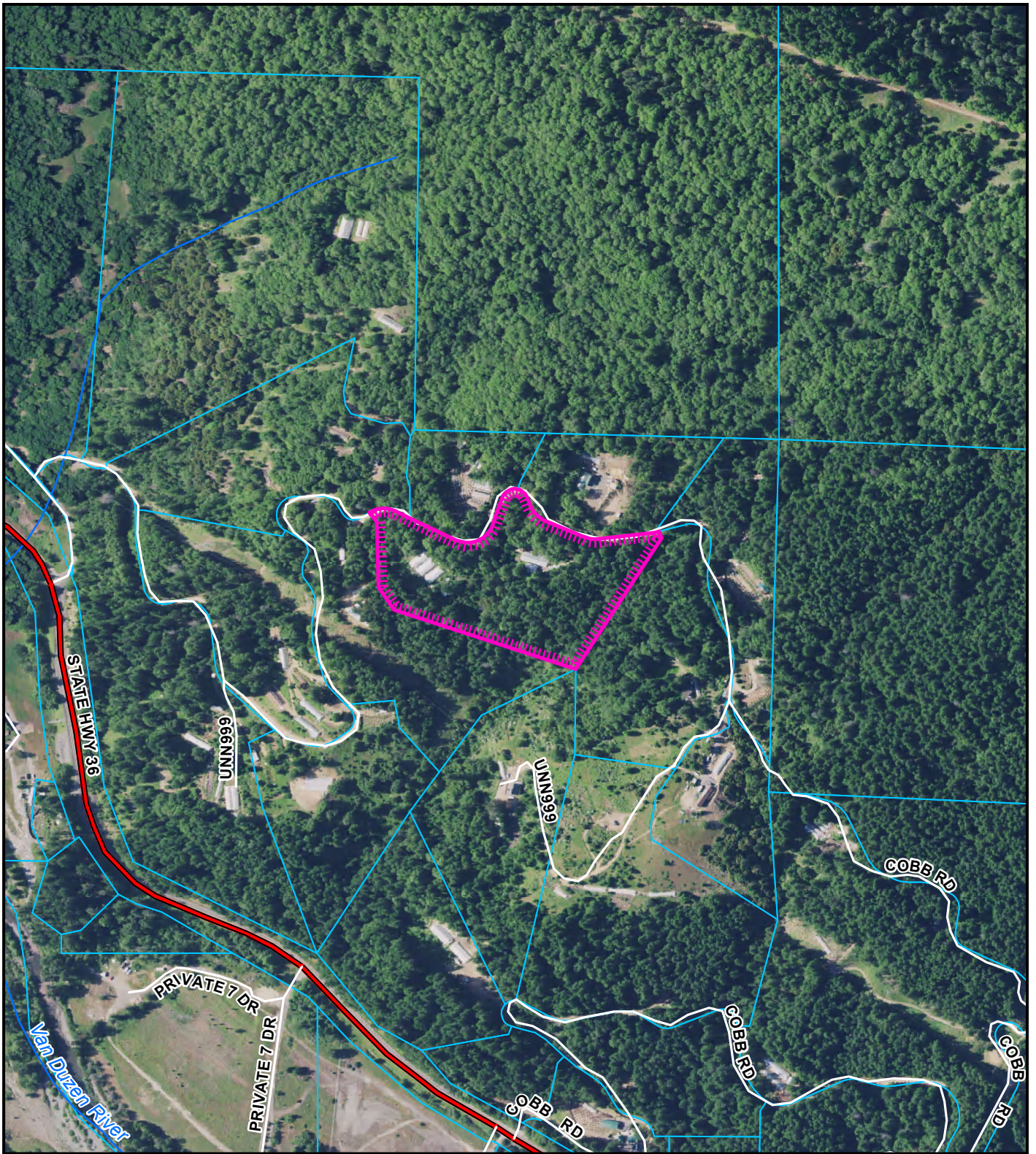
Project Area = 

**ZONING MAP
PROPOSED MARCEL ONATE
DINSMORE AREA
CUP-16-1063; SP-16-836
APN: 208-341-009
T01N R05E S11 HB&M (DINSMORE)**



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





Project Area = 

**AERIAL MAP
PROPOSED MARCEL ONATE
DINSMORE AREA
CUP-16-1063; SP-16-836
APN: 208-341-009
T01N R05E S11 HB&M (DINSMORE)**

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.

0 650 1,300 Feet



CMMLUO: Special Permit (Tier II)

APN: 208 341 009

Applicant: Marcel Onate

Owner: Dinsmore Elite LLC

Description:

Existing cultivation with total operations of 9,990 sq ft
Greenhouse 1 - 1,650 sq ft - yr 2018
Greenhouse 2 - 1,980 sq ft - yr 2018
Greenhouse 3 - 1,980 sq ft - yr 2018
Greenhouse 4 - 3,000 sq ft - yr 2018
Greenhouse 6 - 1,380 sq ft - yr 2021

Residential Structures:

Kitchen - 300 sq ft - yr 2018

Non-Residential Structures:

(2) Fuel Sheds - 60 sq ft - yr 2018
Tool Shed - 120 sq ft - yr 2018
Amendments Storage 120 sq ft - yr 2018
Ag Multi-Use Shed - 1,400 sq ft - yr 2018
(2) Storage Sheds - 120 sq ft - planned
GH#5 - Nursery 450 sq ft - planned
GH#7 Nursery - 1,000 sq ft - planned

Cultivation Setbacks:

30 ft Property Line: None
300 ft Residence: Yes, 208-341-032
600 ft Schools, Bus Stops, Public Parks, Tribal Resources, Places of Worship: None
600 ft Public Land: Yes, Special Permit Needed

Power Sources:

Generator: Honda 7000 & Cummins 30kW
Fuel: 15g Gasoline, 1000g Propane

Water Sources:

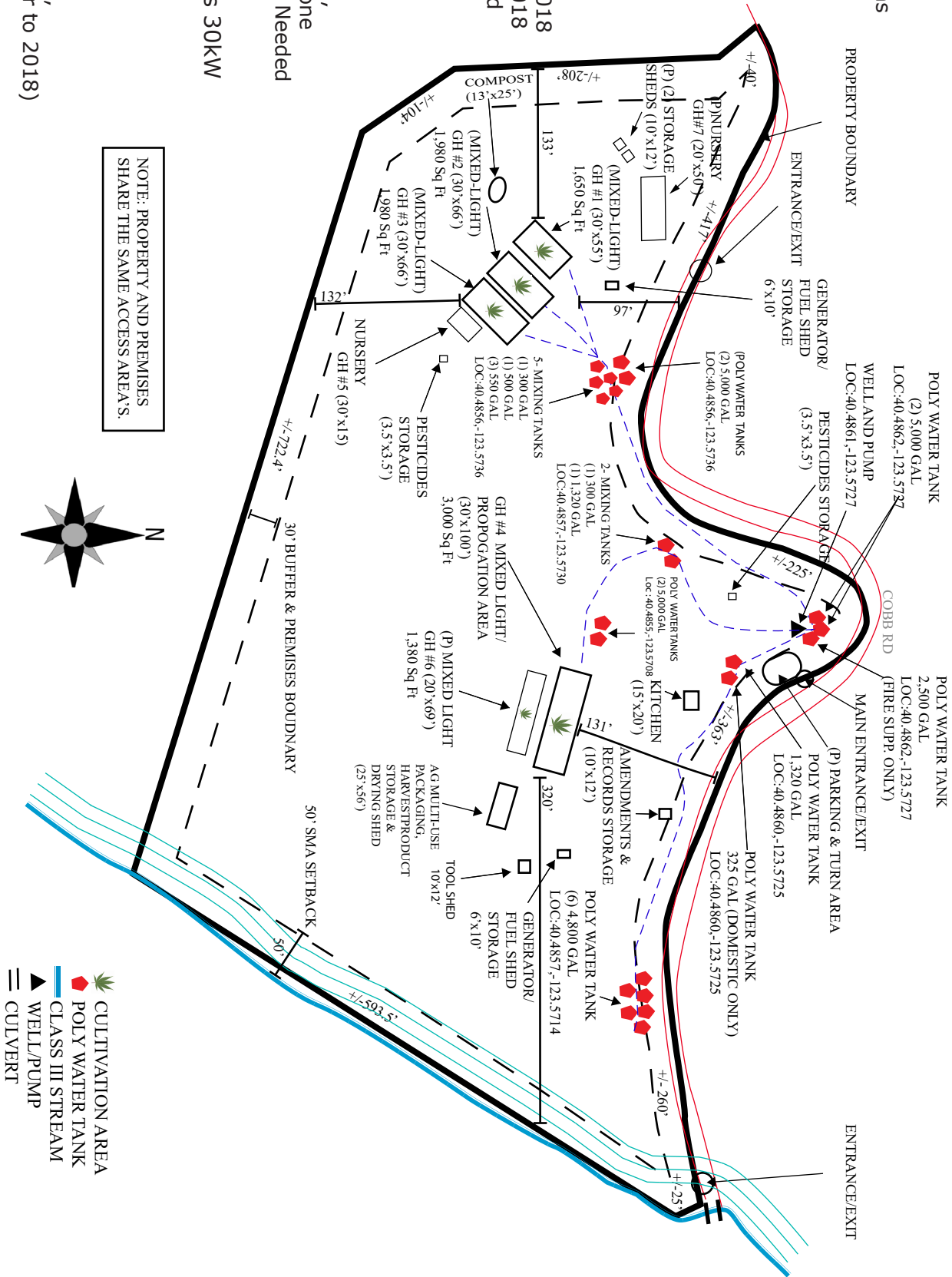
Permitted Well

Irrigation Water Storage:

Water tanks (in gal): 1x 325, 1x 1,320, 1x 2,500, 6x 4,800, 2x5,000 - yr (prior to 2018)
4x5,000 (yr 2020)

State Agency Compliance:

SWRCB Enrollment WDID: 1_12CC417709

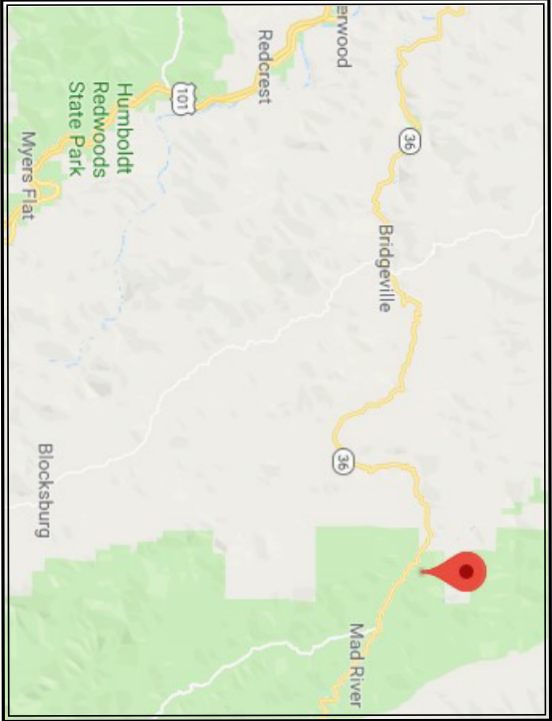


NOTE: PROPERTY AND PREMISES SHARE THE SAME ACCESS AREAS.

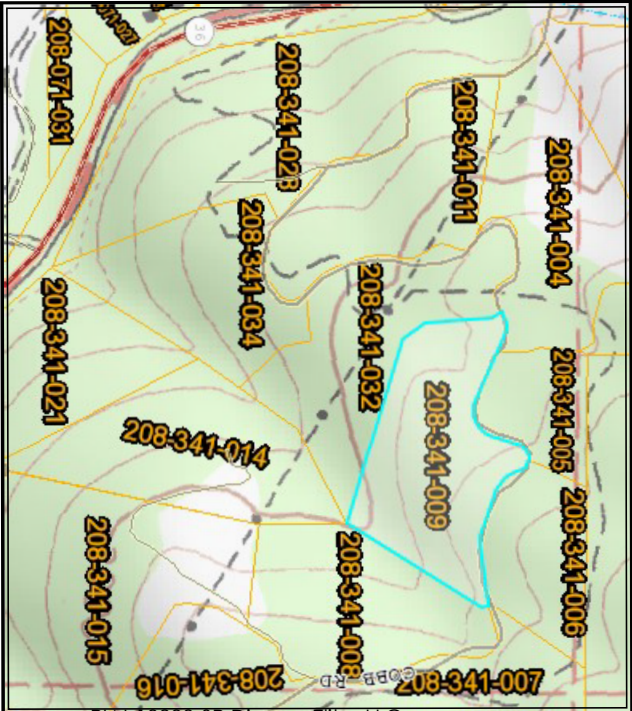


100 FEET
EST. SCALE

- CULTIVATION AREA
- POLY WATER TANK
- CLASS III STREAM
- WELL/PUMP
- CULVERT



Property Address:
658 Cobb Rd
Bridgeville, CA 95616
Zone: FR-B-5(40)
Size: 9.42 acres



Mapping Sources: All designs and scales are estimates based on the following data sources: Humboldt GIS, USGS, Google Maps

Agent: Margro Advisors - (707) 500-2420

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 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 California Environmental Quality Act Guidelines. The Department will file the NOD and will charge this filing 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 #14. 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 submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
7. The applicant shall designate and construct a fire turn-around and pull-out area for emergency vehicles, and maintain the 30-foot SRA setback requirement for the nine water tanks located within the setback, or obtain variance permits from CALFIRE.
8. The applicant shall provide proof to CalTrans of an access agreement and the ability to obtain a valid encroachment permit for the road approach of Rattlesnake Bridge Road and State Highway 36.

9. The applicant shall develop a permitted Onsite Wastewater Treatment system or provide annual receipts confirming the continual use of portable toilets to serve the cultivation staff prior to reissuance of annual permits. In addition, the plumbing associated with the outdoor kitchen and approved Tank Destruct for the privy shown on the Site Plan shall be deconstructed and removed. A final Building Permit reflecting these conditions shall be furnished to the Division of Environmental Health prior to reissuance of annual permits.
10. The applicant shall install water monitoring devices on each source—the well and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
11. The applicant shall implement recommendations in the Timber Conversion Report dated November 12, 2020 prepared by Timberland Resource Consultants. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department until the work to treat the slash and woody debris along the periphery of cultivation site 1 is completed.
12. The applicant shall implement all corrective actions and best practicable treatment and control measures detailed in the Site Management Plan developed for the parcel, pursuant to Tier 1 enrollment under the State Water Resources Control Board Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the State Water Resources Control Board verifying that all their requirements have been met will satisfy this condition.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
14. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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

1. The combination of background, generator, and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (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 States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The light source used in the nursery greenhouse shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 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 has been repaired, inspected and corrected as necessary.
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 10 working days of receiving

written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Ensure all generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with California State Water Resources Control Board Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake or Stream Alteration Agreement(s) (1600 or 1602 Permit) obtained from the California Department of Fish and Wildlife.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection, if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

- d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 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 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 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in 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 MEDICAL MARIJUANA LAND USE
ORDINANCE**

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

**APN 208-341-009; 658 Cobb Rd, Dinsmore
County of Humboldt**

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

April 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Special Permit for an existing 9,990-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO and a Special Permit pursuant to Humboldt County Code Section 314-55.4.11(d) to allow a relaxation of the six-hundred foot (600') setback requirement from Six Rivers National Forest. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified. The cannabis cultivation operation consists of five greenhouses at two locations on the 9-acre parcel. Ancillary propagation totaling 1,450 SF is proposed. Three annual harvests are anticipated from the heating-equipped mixed-light greenhouses for a growing season that extends from March through October. Estimated annual water usage is 199,000 gallons. Water for irrigation is supplied from a new 200-foot-deep well and 60,120 gallons of hard tank storage. Domestic storage includes an additional 2,500-gallon tank for fire suppression and a 325-gallon tank for domestic use. Bucking and drying will occur in an existing drying/storage shed (1,400 SF) by part-time as-needed employees. Additional processing of cannabis will occur offsite at a licensed processing or manufacturing facility. Power is provided by one Honda EU 7-kiloWatt (kW) gasoline generator and two Cummins 30-kW generators for electricity, when needed. Up to 15 gallons of gasoline (with secondary containment) is stored within the two existing generator and fuel storage sheds along with a Spill Prevention, Countermeasures, and Cleanup kit. Additional storage sheds are planned. Approximately 2,000 gallons of petroleum are used annually at the project site and the applicant shall work toward reducing their dependency on generator power where possible.

The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources. The applicant obtained an Avigation Easement given the parcel is within the Dinsmore Airport Protected Airspace. A letter from the Federal Aviation Authority on August 12, 2019 determined that the project is no hazard to air navigation. A Registered Professional Forester (RPF) concluded 1.12 acres of timberland were converted for the two cultivation sites and that the total does not exceed the 3-acre forest conversion exemption limit set by the California Forest Practice Act and Rules.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project-related noise does not harass nearby wildlife, which will limit impacts on biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 9,990 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Site Plans dated 2/9/21.
- Cultivation and Operations Plan prepared by Margro Advisors dated 01/16/21 and received 02/10/21.
- Site Management Plan prepared by Margro Advisors dated 09/10/19 and revised 02/09/21 and received 02/10/21 prepared for the North Coast Regional Water Quality Control Board Order No. 2017-0023.
- Timber Conversion Evaluation Report prepared by Timberland Resource Consultants dated 11/12/20 and received 12/21/20.
- Lake or Streambed Alteration Agreement dated 9/9/20 and received 3/3/21.
- Cobb Road Association Road Assessment dated 4/30/20 and received 3/3/21.
- Public Works project referral response dated 03/29/18.
- Water Well Completion report received 06/08/10.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans dated 02/09/2021 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Margro Advisors, dated 01/16/21 and received 02/10/21 – 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 (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan prepared by Margro Advisors – On file and Attached)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Lake or Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife. (1600-2020-0278-R1 – On file and Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 19/20-0805 – Attached)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire

Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report prepared by Timberland Resource Consultants, dated 11/12/20 and – Attached)

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

**Cultivation Plan
Dinsmore Elite
658 Cobb Rd. Dinsmore, CA 95526
Parcel # 208-341-009/APP # 13238**

The following plan describes the general operations for managing upto 10,000 sq ft mixed-light cultivation site.

1. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, from 170 gallons a day to 1,000 gallons a day in summer months. Details of the cultivation and water usage is outlined below.

Water used for cannabis cultivation is sourced from a single permitted well that is believed to be hydrologically disconnected. A historic secondary well has recently been updated as an additional source, if needed. There are no ponds onsite; storage is utilized through a series of poly water tanks (see the summary of water storage table). Water sourced from the active well is pumped to irrigation tanks once crops have been planted. Gravity directs waterflow from the irrigation tanks through the irrigation lines. All irrigation is dispersed by a timed delivery cycle with a drip system to maximize water conservation.

During the beginning of the growing season, seedlings are occasionally watered as needed. Once fully planted, daily irrigation begins with plants watered for 2-5 minutes every 3rd day. Alfalfa mulch is used around plants to improve water retention. Careful timed irrigation, with immediate oversight, is also used to reduce the possibility of irrigation runoff.

The following provides an estimate of monthly irrigation use in gallons:

1.a. Water USE by month:

Jan	Feb	Mar	Apr	May	June
0	2,000	10,000	20,000	25,000	30,000

July	Aug	Sept	Oct	Nov	Dec
30,000	30,000	30,000	20,000	10,000	2,000

1.b. Water Storage:

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Tank	1,320	1	1,320
Tank	4,800	6	28,800
Tank	5,000	6	30,000
	Total		60,120

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB). These practices address erosion control and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site include:

- Moderate road shaping and ditch-relief used to optimize drainage to stable areas
- Out-sloping maintained to ensure proper capture and capacity of seasonal flow
- Usage of vegetative ground cover and gravel for added sediment control
- Application of straw mulch to exposed soils to minimize erosion

The grower, designated as the “Discharger”, is enrolled in the SWRCB Waiver of Waste Discharge as a Tier I Discharger. The cultivation site includes a Site Management Plan (SMP) for the property. A copy of the SMP is kept onsite for ongoing site management and regulatory inspections.

3. Power Source

The site uses a Honda EU 7000 gasoline generator and two Cummins 30kW generators for electricity, when needed. As the generators are rated by the manufacturer at under 60dB, and placed away from the property line, they meet original perimeter noise restrictions required by environmental regulations.

4. Site Structures

There are six existing storage sheds for generators, amendments, pesticides, drying and product storage, along with two additional sheds that will be added for general storage. (see site plan for details)

During the season, the cultivation area includes five (5) greenhouses and two (2) nurseries that have fully permeable floors.

5. Materials Storage

Currently, there are primarily natural fertilizers and pesticides utilized in the cultivation process:

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lb or gal)
Botanicare:Silica Blast	Fertilizer	0-0-0.5	10 gal
Humboldt Nutrients Verde	Fertilizer	16-1-2	10 gal
Botanicare:Karma	Fertilizer	0.1-0.1-0.5	20 gal
Botanicare:CalMag	Fertilizer	2-0-0	100 gal
Doctor Earth All Purpose Fertilizer	Fertilizer	4-4-4	500 lbs
Cal Prime	Fertilizer	17-0-0+33% CaO	25 kg
Magriculture Epsom Salt	Fertilizer	9.8% Magnesium 12.9% Sulfur	100 lbs
Potassium Sulfate	Fertilizer	99% K ₂ SO ₄	100 lbs
MKP Monopotassium Phosphate	Fertilizer	0-52-34	50 lbs
Flying Skull Nuke Em	Pesticide	Citric Acid, Yeast, Potassium Salts	50 gal
Fungicide Sulfur	Pesticide	Sulfur	20 gal
Chester Boone's All Purpose	Pesticide	Citric Acid	20 gal

The amendments and records building is used for storage of all amendments. Materials are kept in their original containers with product labels in place and legible. Appropriate Safety Data Sheets (SDS) are kept onsite as a component of the cultivator's SMP.

Up to 15 gallons of gasoline (with secondary containment) is stored within the generator and fuel storage sheds along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

6. Waste Management

Plant waste is placed in the compost area and composted. Other solid waste is stored in containers with covers and transported to Eel River Resource Recovery on a weekly basis; recyclables are taken monthly. Materials intended for reuse are stored in a clean and safe manner to be managed and reused as needed.

A porta-potty (serviced by Six Rivers Portable Toilet) exists onsite to safely manage human waste and prevent threats to local wildlife and water sources.

7. Cultivation Activities

Jan-Feb	<ul style="list-style-type: none"> <input type="checkbox"/> Install and repair any infrastructure <input type="checkbox"/> Setup greenhouses <input type="checkbox"/> Perform initial site inspection <input type="checkbox"/> Begin Nursery <input type="checkbox"/> Place clones in small pots <input type="checkbox"/> Use rain catchment to fill all water storage <input type="checkbox"/> Amend soil, test, and order nutrients <input type="checkbox"/> Record amendment Inventory & storage <input type="checkbox"/> Log water usage <input type="checkbox"/> Remove brush for fire safety
Mar-Apr	<ul style="list-style-type: none"> <input type="checkbox"/> Prepare greenhouses for planting <input type="checkbox"/> Plant all hoops within two week interval <input type="checkbox"/> Update greenhouse maps <input type="checkbox"/> Tag all plants and record plant inventory <input type="checkbox"/> Check water meters and record monthly usage <input type="checkbox"/> Run nutrient system along with organic miticide & pesticide <input type="checkbox"/> Start batch of clones in nursery
May-Jun	<ul style="list-style-type: none"> <input type="checkbox"/> Prepare drying space <input type="checkbox"/> Begin 1st crop harvest <input type="checkbox"/> Hang dry flower <input type="checkbox"/> Harvest and freeze live-plant for distributor <input type="checkbox"/> Chip and compost plant stalks

	<input type="checkbox"/> Process dried plants offsite <input type="checkbox"/> Package and store returned product <input type="checkbox"/> Replant greenhouses for second crop from nursery <input type="checkbox"/> Tag second crop and record inventory <input type="checkbox"/> Start next batch of clones
Jul-Aug	<input type="checkbox"/> Harvest plants (Crop #2) <input type="checkbox"/> Hang and dry flower <input type="checkbox"/> Chip and compost plant stalks <input type="checkbox"/> Process dried plants offsite <input type="checkbox"/> Package and store returned product <input type="checkbox"/> Replant greenhouses for second crop from nursery <input type="checkbox"/> Tag second crop and record inventory <input type="checkbox"/> Start next batch of clones
Sep-Oct	<input type="checkbox"/> Harvest plants (Crop #3) <input type="checkbox"/> Hang and dry flower <input type="checkbox"/> Chip and compost plant stalks <input type="checkbox"/> Process dried plants offsite <input type="checkbox"/> Package and store returned product <input type="checkbox"/> Begin post-harvest cleanup <input type="checkbox"/> Place all hardware and equipment into storage for winter closure <input type="checkbox"/> Notify agency of site closure and planned reopen date

8. Soil Management

Prior to the season, soil is sent for lab testing and analysis. Based on the test results, a prescription of organic amendments is added. Soil will be tested throughout the entire season to maintain proper levels of nutrients and minerals. Between each grow cycle, soil is amended in place inside the beds. Cover crops will be used over winter.

9. Cultivation Cycles

The site plans to produce three crop cycles. In February, all clones will be planted and grown to size in the nursery. All greenhouses will be planted beginning in March. The greenhouses are equipped for light deprivation, heating, and supplemental lighting.

Staggering the greenhouses will be dependent on timelines for strains, and whether or not it is a hash house or flower hoops. With the integration of hash hoops, flower hoops can be harvested at the same time, if necessary.

In May-June, the first round is harvested and replanting starts immediately following harvest. By June all hoops are planted. A second round will finish beginning in August, then the next round will be planted. Final round will be ready for harvest by the end of October. Times for harvest can vary due to weather conditions, strains, and property management.

10. Plant Management

During the cultivation cycles plants are inspected daily. Irrigation and moisture levels will be checked a few times a week with monitors. Light adjustments will be made based on how many moles of light (mol) are provided by the sun at a given part of the season. Light meters will determine the adjustments needed to properly give the plants a consistent levels of mols throughout the day. Organic methods for pests and mold will be applied consistently. Plants will be pruned three times, at planting, mid-cycle, and end cycle. Plants will be topped one time and vegged at a two week maximum to minimize extra stalk and plant height.

11. Processing Practices

Upon harvesting, cannabis is taken into drying rooms to be hung dry. It will then be packed and taken off-site for processing. Product from hash harvest is cut wet and placed directly into freezers, then a distribution company will come and take the product. Strict protocols will be followed to prevent mold and fungus growth, including the use of proper PPE. PPE will always be worn when harvesting or packing products. Final cannabis product is then packaged and stored in a secure location.

12. Staffing

The site is currently only hiring part-time employees on an as-needed basis. As the site's commercial operations are developed, temporary staffing will be considered if needed. A third-party licensed contractor or temporary employment agency services may be utilized on a temporary basis to support harvest operations.

13. Security Measures

A number of security measures have been established on the site. They include:

- Road access is restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- A guard dog provides onsite protection against human intruders and invasive wildlife.

15. Health and Safety

When employees are hired this site will be operated as an “agricultural employer” as defined by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

With regards to processing, any onsite operations will ensure that any employees handling cannabis for processing will have access to facemasks and gloves in good operable condition, and will be required to wash hands sufficiently when handling cannabis or use gloves.

An Injury and Illness Prevention Program (IIPP) Plan will be posted and includes safety protocols including emergency action plan and fire prevention plan, use of personal protective equipment, proper equipment and materials handling, heat illness prevention, employee accident reporting policies and logs, communication of hazards and Safety Data Sheets for amendments and chemicals used onsite, and employee training logs.

Posted and available documentation for employees (if applicable) will include:

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*
- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A

- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

16. International Dark Sky Standards

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

**Site Management Plan for:
WDID: 1_12CC417709
APN: 208-341-009**

Prepared for:
State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:
Margro Advisors
230 4th St, Eureka CA, 95501

Date of Completion: 09/10/2019
Revised: 02/09/2021

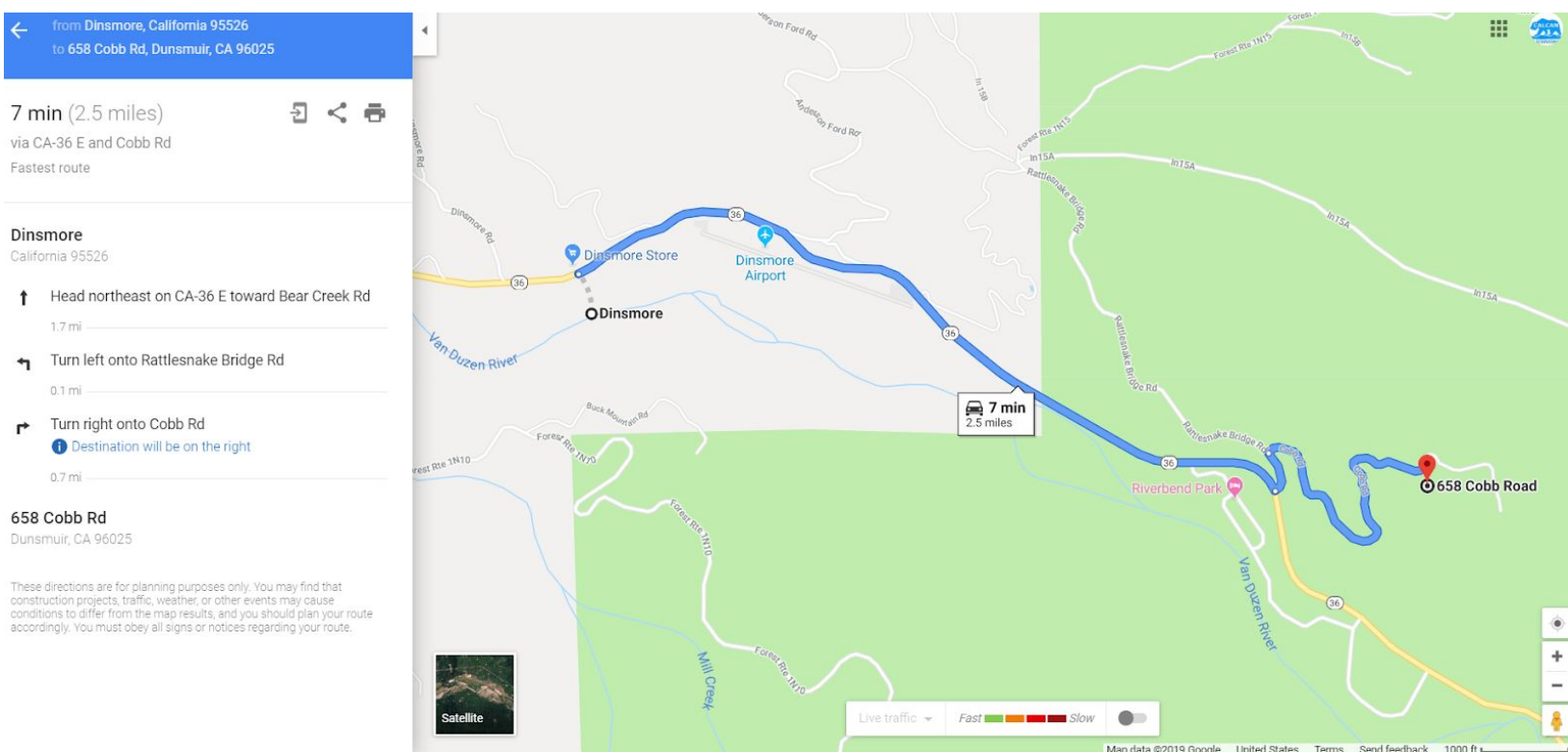
Introduction

This Site Management Plan (SMP) as required by the State's General Order¹, is for a cannabis cultivation site by Dinsmore Elite LLC located in the Dinsmore area, street address 658 Cobb Road, in Humboldt County. The site is located in the watershed HUC 12-180101050703. The purpose of this order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the SMP is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order, as well as to describe how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance.

Margro Advisors has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, Google Earth, and Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County.

Attached is a map of directions from Google Maps.

¹ Order entitled "STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-0023-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES"



Site Characteristics

This project is associated with Humboldt County Interim Permit # 13238-CUP, and has been granted a license for upto 10,000ft² of Tier 1 mixed-light cultivation, CDFA License # CCL18-0003302.

Elevation within this parcel ranges from 2,800 to 3,000 feet. Mean annual precipitation is 50 to 70 inches. Mean annual air temperature is 48 to 52 degrees Fahrenheit. The frost free period is 150 to 250 days.

Attached at the end of this document is a site map. The site map includes features such as: access roads, vehicle parking areas, streams, stream crossings, cultivation sites, disturbed areas, buildings, and other relevant site features.

Processing

After being harvested, the cannabis is taken off-site for processing.

Power

The site uses a Honda EU 2000 and three (3) Honda EU 7000 gasoline generators for electricity, when needed. As the generators are rated by the manufacturer at under 60dB, they meet perimeter noise restrictions required by environmental regulations.

Elevation within this parcel ranges from 2,800 to 3,000 feet. Mean annual precipitation is 50 to 70 inches. Mean annual air temperature is 48 to 52 degrees Fahrenheit. The frost free period is 150 to 250 days.

Attached at the end of this document is a site map. The site map includes features such as: access roads, vehicle parking areas, streams, stream crossings, cultivation sites, disturbed areas, buildings, and other relevant site features.





































Soil Description

Attached is a soil map of the parcel. The soils within the area are primarily Hecker Family (Map Unit 256, 60% of parcel) and Minor Components (Map Unit 256, 40% of parcel).

Dinsmore Elite LLC (208-341-009) Soil Map



MAP LEGEND**MAP INFORMATION**

Area of Interest (AOI)			Spoil Area
	Area of Interest (AOI)		Stony Spot
Soils			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
Special Point Features		Water Features	
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	Background	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Six Rivers National Forest Area, California
Survey Area Data: Version 12, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 18, 2015—Oct 24, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
256	Hecker family, deep, 35 to 70 percent slopes	9.0	100.0%
Totals for Area of Interest		9.0	100.0%

Map Unit 256

The parent rock of the Hecker Family unit is residuum weathered from metasedimentary rock. There is 60 to 64 inches of depth to paralithic bedrock. The natural drainage class is well drained. The runoff class is high. The capacity of the most limiting layer to transmit water (Ksat) is very low to moderately low (0.00 to 0.14 inches per hour). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 10.1 inches).

Minor Components contains rock outcrop (10% of the parcel), the Soulajule Unit (10% of the parcel), the Oxalis Unit (10% of the parcel), and the Melbourne Unit (10% of the parcel).

Water Storage, Use, and Irrigation Runoff

Water source is an on-site groundwater well which is believed to be hydrologically disconnected from waters of the state. The cultivator has completed an LSA Waiver (No. 1600-2019-0087-R1), which was deemed complete by CDFW on March 13, 2019. Water storage is comprised of 60,120 gallons for cannabis cultivation. Domestic storage is 2,500 gallons for fire suppression and 325 gallons for domestic use. A summary of water storage is shown below in Table 1.

Irrigation

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Tank	1,320	1	1,320
Tank	4,800	6	28,800
Tank	5,000	6	30,000
	Total		60,120

Domestic Use

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Tank	325	1	325
Tank	2,500	1	2,500
	Total		2,825

Table 1: Summary of water storage on the parcel.

Plants are watered using manual watering at appropriate agronomic rates to prevent runoff. A summary of water use (in gallons) by month is shown below in Table 2.

Jan	Feb	Mar	Apr	May	June
0	2,000	10,000	10,000	25,000	30,000

July	Aug	Sept	Oct	Nov	Dec
30,000	30,000	30,000	20,000	10,000	2,000

Table 2: Summary of water use (in gallons) by month.

Water flow is metered and will be regularly recorded and reported with the end of the year monitoring report. Tanks, lines, and connections will be checked periodically for wear, damage, and leaks. Repairs are done immediately or mitigated until replacement parts are obtained.

Sediment Discharge

Access Roads

Cobb Road is in decent condition. It is a dirt and gravel road that has roadside ditches but also features some evidence of erosion. The driveway onto the property driveway is a dirt road that shows evidence of erosion. There is very little vehicle traffic from the site (about two cars per day) and there are currently no road maintenance activities. Access road stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody. All required permits and approvals will be obtained prior to the construction of any access roads.

Stream Crossings

There is one stream crossing culvert on this parcel next to the eastern Entrance/Exit. An overview of stream crossings is shown below in Table 3.

Label	Size (inches)	Type	Watercourse Class	Condition
V	12"	Corrugated Metal Pipe	Class III	Good

Table 3: Overview of stream crossings on the property.

A road association is being formed which will hire a qualified professional to assess all of Cobb road conditions including culverts. A plan will be developed to accommodate the estimated 100-year flood flow, including debris and sediment loads. All culverts will be maintained and inspected for blockage with regular monitoring detailed in the Monitoring section of this plan. The culvert will be installed parallel to the watercourse alignment to the extent possible; it will be of sufficient length to extend beyond stabilized fill/sidecast material, and will be embedded or installed at the same level and gradient of the streambed in which it will be placed to prevent erosion.

Sediment Erosion Prevention and Sediment Capture

BPTC measures being implemented to prevent or limit erosion include topping soil with straw mulch, grass seed, or cover crop. When exposed surfaces or bare slopes appear, topsoil is covered with straw for temporary erosion control to minimize sediment, and stabilize the surface in the event of heavy rainfall. Placement of gravel, straw wattles, and silt screens are examples of additional mitigation measures which will also be taken to ensure erosion control if deemed necessary.

Monitoring

The access road, stream crossing, erosion prevention, and sediment control BPTC measures listed above will be monitored and maintained to confirm effectiveness and protect water quality by conducting inspections:

- Quarterly.
- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site.
- Prior to October 15th and December 15th to evaluate site preparedness for storm events and stormwater runoff.

Captured sediment will be stabilized in place.

Fertilizer, Pesticide, Herbicide, Fungicide, and Rodenticide

Amendments are kept in the Amendments & Records Storage building to the east of the Kitchen. An overview of annual chemical product use is shown below in Table 4.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lb or gal)
Botanicare:Silica Blast	Fertilizer	0-0-0.5	10 gal
Humboldt Nutrients Verde	Fertilizer	16-1-2	10 gal
Botanicare:Karma	Fertilizer	0.1-0.1-0.5	20 gal
Botanicare:CalMag	Fertilizer	2-0-0	100 gal
Doctor Earth All Purpose Fertilizer	Fertilizer	4-4-4	500 lbs
Cal Prime	Fertilizer	17-0-0+33% CaO	25 kg
Magriculture Epsom Salt	Fertilizer	9.8% Magnesium 12.9% Sulfur	100 lbs
Potassium Sulfate	Fertilizer	99% K ₂ SO ₄	100 lbs
MKP Monopotassium Phosphate	Fertilizer	0-52-34	50 lbs
Flying Skull Nuke Em	Pesticide	Citric Acid, Yeast, Potassium Salts	50 gal
Fungicide Sulfur	Pesticide	Sulfur	20 gal

Chester Boone's All Purpose	Pesticide	Citric Acid	20 gal
-----------------------------	-----------	-------------	--------

Table 4: Overview of annual chemical product usage.

Products are brought to the site as needed. Products which are not consumed during the growing season are kept in the Amendments & Records Storage building to prevent discharge, including over the Winter season. Any materials that are hazardous will be stored in secondary containment. Bulk fertilizers and chemical concentrates are stored, mixed, and applied per packaging instructions and/or at proper agronomic rates. Empty containers are stored in trash containers with covers. Application rates will be tracked and reported with the end of the year monitoring.

Petroleum Products

An overview of annual petroleum usage is shown below in Table 5.

Product	Chemical Type	Storage (gal)	Annual Use (gal)
Gasoline	Petroleum	15 gal	2,000 gal

Table 5: Overview of annual petroleum usage.

Petroleum products are brought to the site as needed. Products which are not consumed during the growing season are stored in standard polyethylene containers in secondary containment to prevent discharge, including over the Winter season. Petroleum, petroleum products, and similar fluids are stored in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain. Fuels, lubricants, and other petroleum products are stored, mixed, and applied per packaging instructions. Empty containers are disposed of in trash containers with covers. Vehicles or equipment are only refueled outside of riparian setbacks. A Spill Prevention, Countermeasures, and Cleanup (SPCC) kit is kept with fuel storage. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within the garage.

Trash/Refuse and Domestic Wastewater

On an average day, there is one individual, employee, visitor, and/or resident at the site. Human waste, domestic wastewater, packaging, organic materials, plastic, paper, glass, clay, and spent growth media will be generated at this site. The facility will use primarily active composting on-site. Any used soil kept for re-use will be properly stored off-ground on a tarp or in secure containers with proper covering. Trash is kept in secure trash storage to prevent leaching and transport of foreign materials to groundwater and are located outside of riparian setbacks. Garbage will be transported to the Eel River Disposal on a weekly basis. Recycling will be transported to Eel River Disposal on a monthly basis or more frequently as needed.

The premises does not have an onsite septic system and chemical toilets (porta potties) will be

used for field sanitation, serviced by Six Rivers Portable Toilet and B&B Portable Toilets. Toilet facilities will always be operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.

Winterization

The property owner keeps a copy of Winterization Protocols for Statewide Cannabis General Order onsite. BPTC measures will be performed to winterize the site and prevent discharges of waste.

The property owner does not operate heavy equipment of any kind at the cannabis cultivation site during the winter period unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. In addition, if there is construction, all construction entrances and exits are stabilized to control erosion and sediment discharges from land disturbance. All loose stockpiled construction materials (e.g. soil, spoils, aggregate, etc.) that are not scheduled for use within 48 hours are covered and bermed. Erosion repair and control measures to the bare ground (e.g. cultivation area, access paths, etc.) are applied to prevent discharge of sediment to waters of the state. If any BPTC measure cannot be completed before the onset of the winter period, the property owner will contact the Regional Water Board to establish a compliance schedule.

Remediations

Cobb Road is being assessed for culvert sizing and some evidence of ruts and erosion. Cobb Road and the driveway onto this parcel will be fixed and devoid of signs of significant erosion by December 2021.

RECEIVED

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

SEP 04 2020

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2020-0278-R1

Unnamed Tributaries to the Van Duzen River, Tributary to the Eel River
and the Pacific Ocean

Dashiell Miller
Cobb Road Association Stream Crossings Project
11 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 16, 2020, 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 accepts 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 Van Duzen River watershed, approximately 1.3 miles southeast of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 11, T1N, R5E, Humboldt Base and Meridian; in the Dinsmore U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-341-028, 208-341-011, 208-341-009, 208-341-008, 208-341-032, 208-341-034, 208-341-003, 208-341-004, 208-341-006, 208-341-015, 208-341-016, 208-341-005, 208-341-007; latitude 40.4861 N and longitude -123.5791 W at Crossing 3.

PROJECT DESCRIPTION

The project is limited to 11 encroachments. 10 encroachments are to upgrade failing and undersized culverts, and one encroachment is for a new crossing installation. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. A pre-project site visit was conducted by Senior Environmental Scientist Supervisor Scott Bauer on July 15, 2020.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing #2	40.4859, -123.5788	Replace undersized 24" diameter culvert with minimum 36" diameter culvert
Crossing #3	40.4863, -123.5791	Replace undersized 30" diameter culvert with minimum 60" diameter culvert
Crossing #4	40.4865, -123.5788	Replace undersized 36" diameter culvert with minimum 60" diameter culvert
Crossing #5	40.4864, -123.5782	Replace undersized 24" diameter culvert with minimum 36" diameter culvert
Crossing #7	40.4850, -123.5770	Replace undersized 24" diameter culvert with minimum 30" diameter culvert
Crossing #8	40.4847, -123.5767	Install new 18" diameter culvert at new road/stream crossing
Crossing #11	40.4859, -123.5745	Replace undersized 18" diameter culvert with minimum 36" diameter culvert
Crossing #12	40.4862, -123.5726	Replace undersized 24" diameter culvert with minimum 36" diameter culvert
Crossing #14	40.4859, -123.5702	Replace undersized 18" diameter culvert with minimum 24" diameter culvert
Crossing #15	40.4858, -123.5701	Replace undersized 24" diameter culvert with minimum 48" diameter culvert
Crossing #16	40.4836, -123.5693	Replace undersized 30" diameter culvert with minimum 60" diameter culvert

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include summer Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Western Pond Turtle (*Actinemys marmorata marmorata*) 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:

diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

- 1.5 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-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 seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on June 16, 2020, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 15** 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.
- 2.4 **Work Completion.** The proposed work at Crossings 3, 4, 15, 16 shall be completed by no later than **October 15, 2020**. Crossing 14 shall be completed by no later than **October 15, 2021**. Crossing 11 shall be completed by no later than **October 15, 2022**. All other crossings shall be completed by no later than **October 15, 2025**. A notice of completed work, including photographs of each site, shall be

submitted to CDFW within seven (7) days of project completion in each year work is required.

- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.6 **Avoidance of Nesting Birds.** Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

Vegetation Management

- 2.7 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.8 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Stream Crossings

- 2.9 **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.
- 2.10 **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.

2.11 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.

2.12 Dewatering.

2.12.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.12.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

2.12.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

2.12.4 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, watertight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.12.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes

turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.12.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.12.7 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.13 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.

2.14 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.

2.15 Culvert Installation.

2.15.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High-Density Polyethylene (HDPE) pipe is not recommended.

2.15.2 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.

2.15.3 Culvert shall be installed to grade (not perched or suspended), 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). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.15.4 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.

2.15.5 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.

2.15.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.16 Crossing Maintenance

2.16.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow

2.16.2 No heavy equipment shall enter the wetted stream channel.

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

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

2.16.5 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.

2.17 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

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

Erosion Control and Pollution

- 2.19 **Erosion Control**. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.20 **Erosion Control**. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.21 **Seed and Mulch**. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.22 **Erosion and Sediment Barriers**. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.23 **Prohibition on Use of Monofilament Netting**. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament 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.
- 2.24 **Site Maintenance**. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.25 **Cover Spoil Piles**. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain

events to prevent loose soils from entering a stream, lake, or other Waters of the State.

- 2.26 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 **Work Completion.** The proposed work at Crossings 3, 4, 15, 16 shall be completed by no later than **October 15, 2020**. Crossing 14 shall be completed by no later than **October 15, 2021**. Crossing 11 shall be completed by no later than **October 15, 2022**. All other crossings shall be completed by no later than **October 15, 2025**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion in each year work is required.
- 3.2 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (condition 2.18) 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:

Dashiell Miller
Cobb Road Association
P.O. Box 216
Mad River, California 95526
510-365-5794

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2020-0278-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 Dashiell Miller




Dashiell Miller

8/31/20

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

9/9/2020

Date

Prepared by: Scott Bauer, Senior Environmental Scientist Supervisor, July 22, 2020

State of California
Well Completion Report
Form DWR 188 Submitted 7/20/2020
WCR2020-009173

Owner's Well Number _____ Date Work Began 07/08/2020 Date Work Ended 07/16/2020
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 19/20-0805 Permit Date 05/07/2020

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity
Name <u>Dashiell Miller</u>	Activity <u>New Well</u>	
Mailing Address <u>P.O. Box 216</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>	
City <u>Mad River</u> State <u>CA</u> Zip <u>95552</u>		

Well Location			
Address <u>0 Cobb RD</u>		APN <u>208-341-032</u>	
City <u>Dinsmore</u>	Zip <u>95526</u>	County <u>Humboldt</u>	
Latitude <u>40</u> <u>29</u> <u>8.6964</u> <u>N</u>	Longitude <u>-123</u> <u>34</u> <u>29.8235</u> <u>W</u>		
Deg. Min. Sec.	Deg. Min. Sec.		
Dec. Lat. <u>40.485749</u>		Dec. Long. <u>-123.574951</u>	
Vertical Datum _____		Horizontal Datum <u>WGS84</u>	
Location Accuracy _____		Location Determination Method _____	
		Township <u>01 N</u>	
		Range <u>05 E</u>	
		Section <u>11</u>	
		Baseline Meridian <u>Humboldt</u>	
		Ground Surface Elevation _____	
		Elevation Accuracy _____	
		Elevation Determination Method _____	

Borehole Information		Water Level and Yield of Completed Well	
Orientation <u>Vertical</u>	Specify _____	Depth to first water <u>92</u> (Feet below surface)	
Drilling Method <u>Other - under ream down hole hammer</u>		Depth to Static _____	
Drilling Fluid <u>Air</u>		Water Level <u>90</u> (Feet)	Date Measured <u>07/16/2020</u>
Total Depth of Boring <u>200</u> Feet		Estimated Yield* <u>15</u> (GPM)	Test Type <u>Air Lift</u>
Total Depth of Completed Well <u>200</u> Feet		Test Length <u>4</u> (Hours)	Total Drawdown <u>108</u> (feet)
*May not be representative of a well's long term yield.			

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	1	road base
1	24	brown silty clay
24	91	shale clay
91	132	fractured shale & quartz
132	171	basalt
171	182	blue sandstone
182	200	shale melange

Casings	
---------	--

Annular Material	
------------------	--

Depth from Surface	Fill	Fill Type Details	Filter Pack Size	Description
-----------------------	------	-------------------	------------------	-------------

Other Observations:

Borehole Specifications

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name				FISCH DRILLING			
Person, Firm or Corporation							
3150 JOHNSON ROAD				HYDESVILLE		CA	95547
Address				City		State	Zip
Signed		 electronic signature received		07/20/2020		683865	
C-57 Licensed Water Well Contractor				Date Signed		C-57 License Number	

C-57 | Licensed Water Well Contractor Date Signed C-57 | License Number

Attachments

DWR Use Only

CSG #	State Well Number	Site Code	Local Well Number

			N						W
--	--	--	---	--	--	--	--	--	---

APN: _____



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

November 12, 2020

Dinsmore Elite, LLC
Attention: Collin Danforth
26767 County Road 96
Davis, CA 95616

Re: APN 208-341-009 / Permit Application No. 13238

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application #13238. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.12.2.4 as cited below.

"Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites and associated areas on November 9, 2020. The RPF exercised due diligence in reviewing all sites and associated areas and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report.

Project Location

APN: 208-341-009

Acreage: 10 acres

Legal Description: NE ¼ of Section 11,
Township 1 North, Range 5 East,
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Dinsmore

Humboldt County Zoning: Unclassified

Site Address: 658 Cobb Road, Dinsmore

Landowner/Timber Owner: Marcel Onate

The property is located approximately 1.75 air miles east-southeast of the Dinsmore Store. Access to the property is via Cobb Road. From the junction of Highway 36 and Cobb Road, drive approximately 0.70 miles on Cobb Road to the property boundary.

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.

The property consists of mature Douglas-fir encroachment and California black oak (*Quercus kelloggii*) with a minor component of Douglas-fir regeneration. Review of 1947 aerial imagery reveals the property formerly contained oak woodland and small patches of mature/old growth Douglas-fir. Subsequent 1972 aerial imagery reveals clear signs of a recently-past timber harvest (late 1960's?) as evidenced by relatively fresh skid roads, landings, truck roads, and distinct changes in stand structure. There is also evidence of a subsequent selective timber harvest, that occurred approximately 20-25 years ago, based upon the presence of more-recent and smaller sized stumps and nearby Douglas-fir regeneration. There have been no recent commercial harvests per Cal Fire's Watershed Mapper (http://egis.fire.ca.gov/watershed_mapper/). The current landowner purchased the property on 2-28-2007.

Project Description

Two cultivation sites were inspected during the field assessment within APN 208-341-009. The following table lists the inspected site and its acreage; see detailed site description below.

Cultivation Site	Total Acreage	Converted?	Converted Acreage
Cultivation Site 1	0.63	Yes	0.63
Cultivation Site 2	0.49	Yes	0.49
TOTAL	1.12		1.12

Cultivation Site 1

Review of Google and NAIP aerial imagery reveals that the site's baseline condition with regards to development was a road terminating to a small structure located at the southeastern end of the site. The site was cleared to its approximate size and configuration between 2005 and 2009. No expansion or tree removal appears to have occurred thereafter to the present. The cultivation-related activities observed at Cultivation Site 1 impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 2

Review of Google and NAIP aerial imagery reveals that the site's baseline condition with regards to development was a road with no other improvements visible. The site was cleared to its approximate size and configuration between 2005 and 2009. No expansion or tree removal appears to have occurred thereafter to the present. The cultivation-related activities observed at Cultivation Site 2 impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Timberland Conversion Summary

TRC observed approximately 1.12 acres of timberland conversion for cultivation-related purposes. This total does not exceed the three-acre conversion exemption maximum and is in compliance with the California Forest Practice Act and the California Forest Practice Rules.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

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

No conversion areas exist within a Class I or II Watercourse and Lake Protection Zone (WLPZ). As shown on the attached Conversion Evaluation Map, both conversion sites are greater than 50 feet from a Class III watercourse and therefore no timber operations or timberland conversion occurred within a Class III ELZ.

Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.*
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.*
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.*
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 6) Full slash and woody debris treatment may include any of the following:*
 - a) Burying;*
 - b) Chipping and spreading;*
 - c) Piling and burning; or*
 - d) Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.*
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.*
- 8) Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.*

The RPF observed slash, woody debris, and logs from past conversion activities along the periphery of Cultivation Site 1 as shown on the Conversion Evaluation Map.

Limitations and Considerations for Timberland Conversion Activities (Cont.)

Biological Resources and Forest Stand Health

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

A query of the California Natural Diversity Database (CNDDDB) on November 10, 2020 revealed one observation of sensitive, rare, threatened, or endangered species or species of special concern within a 1.3-mile radius biological assessment area (BAA) surrounding the property. The Western pond turtle was observed in the Van Duzen River approximately 6,000 feet southeast of the property. There is no habitat for this species near the two conversion sites that would necessitate surveys and mitigation. Further, despite its "sensitive" status, this species is neither state or federally listed, which would require protection under the Forest Practice Rules.

The query of the CNDDDB NSO Database revealed two known Northern Spotted Owl (NSO) Activity Centers within a 1.3-mile radius biological assessment area (BAA) surrounding the property. HUM 043 and HUM 152 are both greater than 0.75 miles away from the conversion areas and therefore their 100-acre Core Area and conventional ¼-mile disturbance buffer do not overlap the subject property. Lastly, given the abundance of mature and late seral habitat (USDA Forest Service) surrounding both NSO sites; there is adequate NSO habitat for each Activity Center per Revised USFWS Attachment B Northern Spotted Owl Take Avoidance Analysis – Interior (2/27/08). The conversion of timberland via a conversion exemption from Cal Fire would not have required Technical Assistance from the US Fish and Wildlife. No impacts to these two NSO sites could have reasonably occurred.

No major forest health issues were observed during the field assessment. The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD) but the RPF observed no symptoms, signs, and evidence of oak mortality within the property. The conversion areas did not appear to include late successional stands, late seral stage forests, or old growth trees. The conversion areas did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

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

No archeological sites were observed during the TRC field assessment. The RPF conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Chris Carroll, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #575). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surfaces.

Recommendations

In summary, TRC observed approximately 1.12 acres of timberland conversion for cultivation-related purposes. This total does not exceed the three-acre conversion exemption maximum. The conversion activities related to cannabis cultivation conducted on the property does not comply with the California Forest Practice Act and the California Forest Practice Rules. The RPF has the following recommendations.

1. The RPF observed slash, woody debris, and logs from past conversion activities along the periphery of Cultivation Site 1 as shown on the Conversion Evaluation Map that requires treatment per 14CCR 1104.1(a)(2)(D).

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1: Cultivation Site 1. Photo date 11-9-2020.

Pictures



Picture 2: Cultivation Site 1. Photo date 11-9-2020.

Pictures



Picture 3: Cultivation Site 1. Photo date 11-9-2020.

Pictures



Picture 4: Cultivation Site 2. Photo date 11-9-2020.

Pictures



Picture 5: Cultivation Site 2. Photo date 11-9-2020.

Pictures



Picture 6: Untreated slash located along the southwestern periphery of Cultivation Site 1. Photo date 11-9-2020.

Pictures



Picture 7: Untreated slash located along the southwestern periphery of Cultivation Site 1. Photo date 11-9-2020.

Pictures



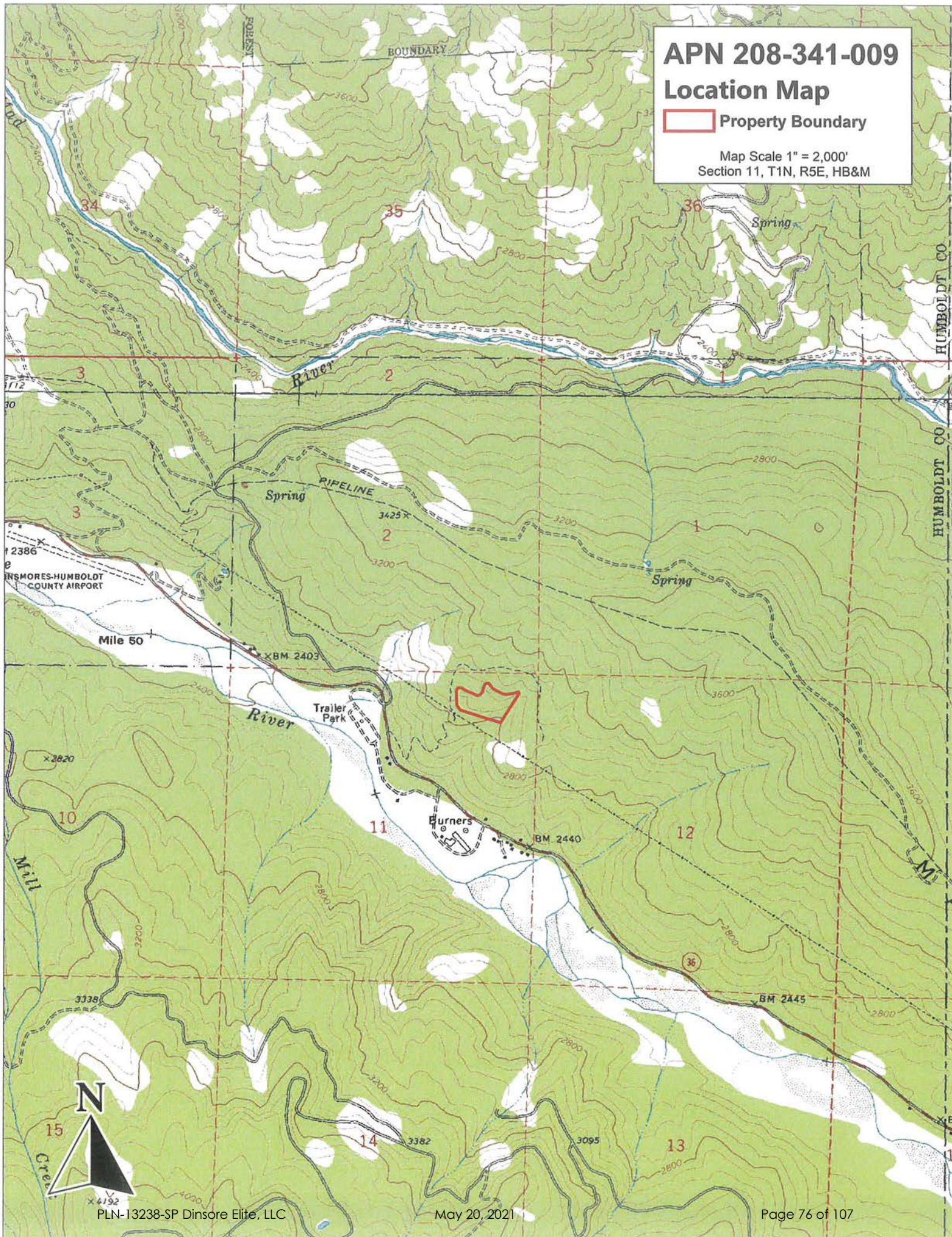
Picture 8: Adjacent timber stand located within the property composed of second growth Douglas-fir and California black oak with some conifer regeneration from a selective harvest that occurred approximately 20-25 years ago. This stand type is indicative of what was converted at both sites. Photo date 11-9-2020.

APN 208-341-009

Location Map








 **Property Boundary**

Map Scale 1" = 2,000'
Section 11, T1N, R5E, HB&M



APN 208-341-009








Conversion Evaluation Map

-  Property Boundary
-  Timberland Conversion / Cannabis Cultivation Site
-  Seasonal Road
-  Cobb Road / Permanent Rocked Road
-  Class III Watercourse
-  Class II Watercourse
-  Slash Treatment Required

Map Scale 1" = 200'
Section 11, T1N, R5E, HB&M

APN 208-341-009

Conversion Evaluation Map

-  Property Boundary
-  Timberland Conversion / Cannabis Cultivation Site
-  Seasonal Road
-  Cobb Road / Permanent Rocked Road
-  Class III Watercourse
-  Class II Watercourse
-  Slash Treatment Required








Map Scale 1" = 200'
Section 11, T1N, R5E, HB&M



2005 NAIP DOQ

APN 208-341-009

Conversion Evaluation Map

-  Property Boundary
-  Timberland Conversion / Cannabis Cultivation Site
-  Seasonal Road
-  Cobb Road / Permanent Rocked Road
-  Class III Watercourse
-  Class II Watercourse
-  Slash Treatment Required








Map Scale 1" = 200'
Section 11, T1N, R5E, HB&M



2009 NAIP DOQ

APN 208-341-009

Conversion Evaluation Map

-  Property Boundary
-  Timberland Conversion / Cannabis Cultivation Site
-  Seasonal Road
-  Cobb Road / Permanent Rocked Road
-  Class III Watercourse
-  Class II Watercourse
-  Slash Treatment Required








Map Scale 1" = 200'
Section 11, T1N, R5E, HB&M



2018 NAIP DOQ

APN 208-341-009

Conversion Evaluation Map

-  Property Boundary
-  Timberland Conversion / Cannabis Cultivation Site
-  Seasonal Road
-  Cobb Road / Permanent Rocked Road
-  Class III Watercourse
-  Class II Watercourse
-  Slash Treatment Required


Map Scale 1" = 200'
Section 11, T1N, R5E, HB&M



APN 208-341-009

CNDDDB Map

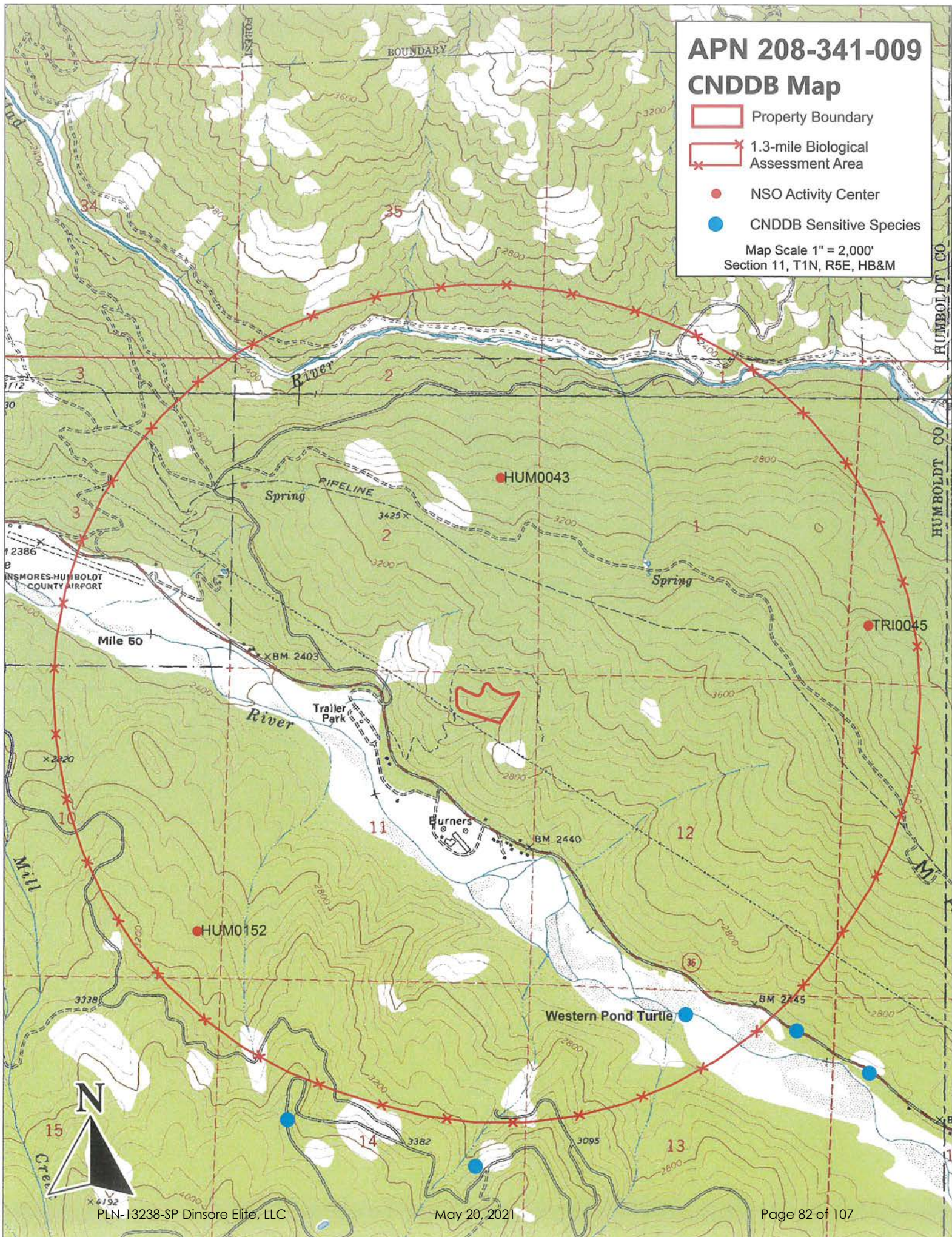
 Property Boundary

 1.3-mile Biological Assessment Area

 NSO Activity Center

 CNDDDB Sensitive Species

Map Scale 1" = 2,000'
Section 11, T1N, R5E, HB&M



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
Cal Fire	✓	Comments	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	Coordination meeting notes – on file.
Humboldt County Sheriff	✓	Approval	On File
Six Rivers National Forest	✓	Denial	Attached
Federal Aviation Authority	✓	Approval	Attached
Caltrans	✓	Comments	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Southern Trinity Volunteer Fire Protection District	✓	No comments	Attached
Southern Trinity Joint School District			



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



10/19/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Southern Trinity Volunteer Fire Protection District

Applicant Name Marcel Onate **Key Parcel Number** 208-341-009-000

Application (APPS#) 13238 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1063
SP16-836

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 11/3/2017

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.

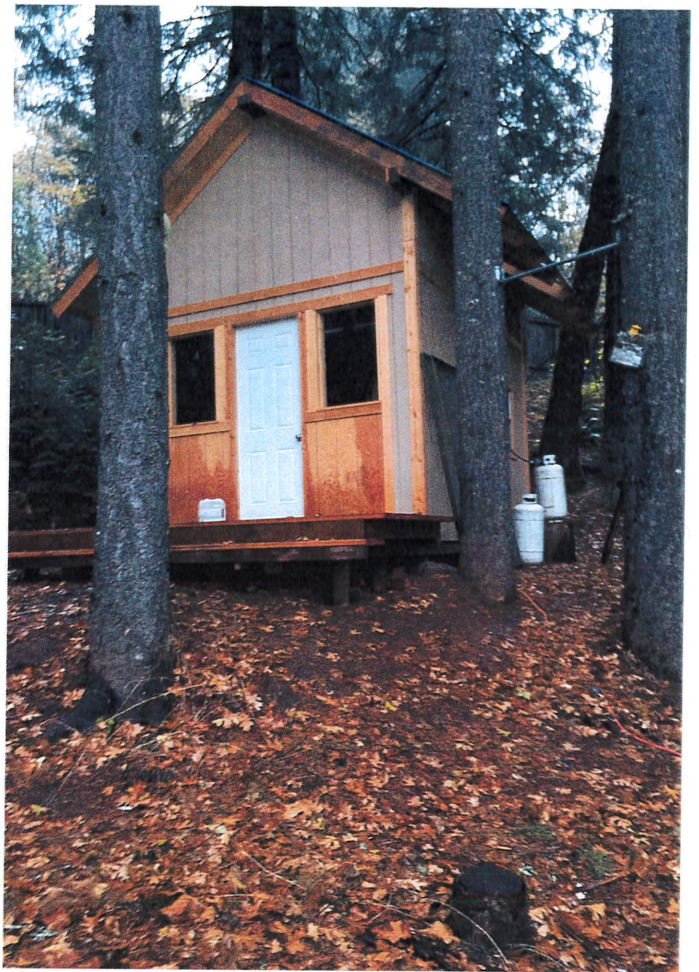
☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 11/20/17

PRINT NAME: Ian Mion

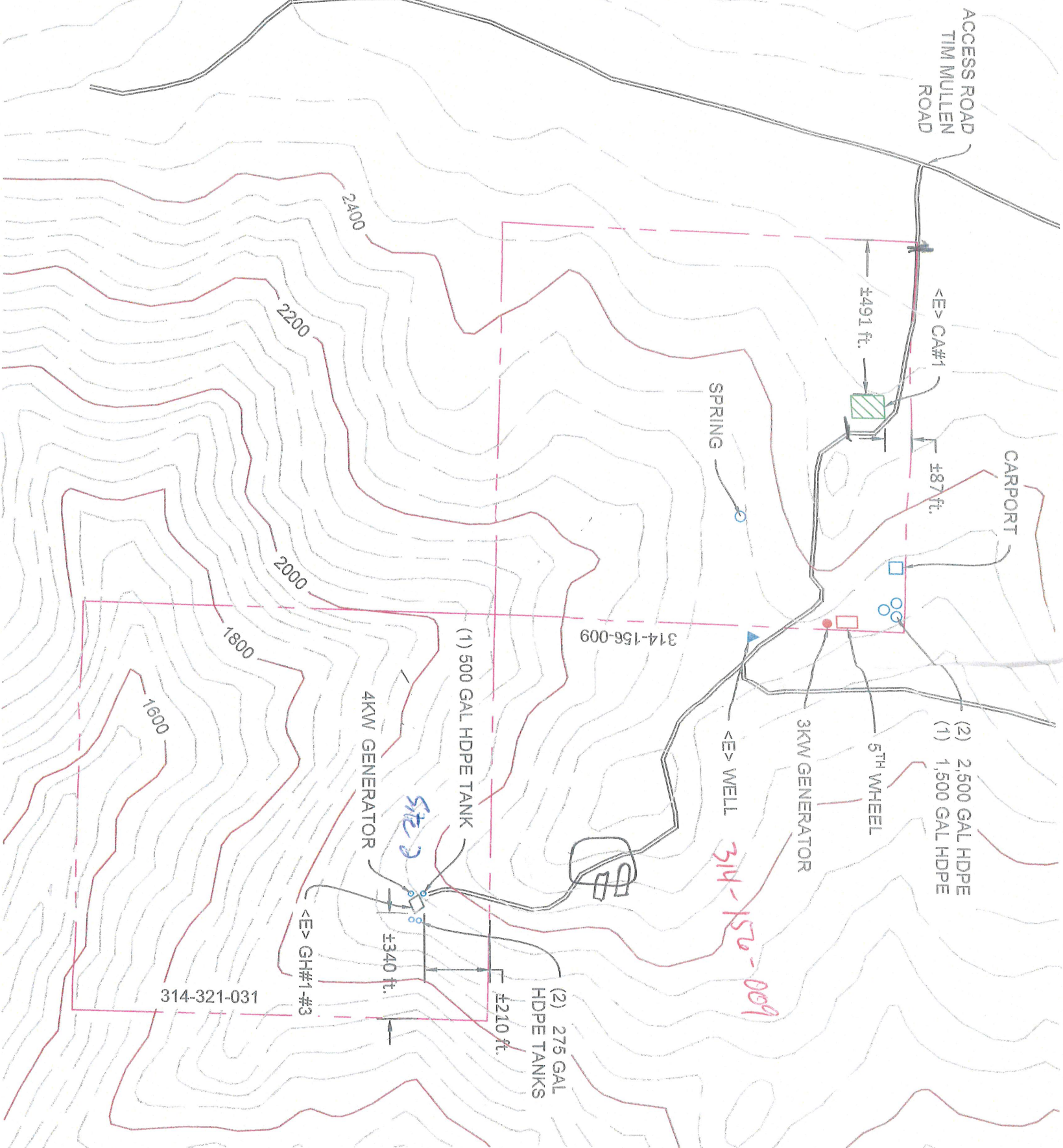






PARCEL OVERVIEW

APN: 314-321-031



SURROUNDING BUILDINGS
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP,
PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITH IN
600 FEET OF THE CULTIVATION SITE.
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE
CULTIVATION SITE.

CULTIVATION INFORMATION

EXISTING OUTDOOR CULTIVATION AREA

CA #1=4,410 FT²

GH #1=750 FT²

GH #2=750 FT²

GH #3=750 FT²

TOTAL EXISTING OUTDOOR CULTIVATION AREA = 7,390 FT²

CULTIVATION| DOMESTIC AND USE

CULTIVATION BUILDING

USE	YEAR	SIZE
NUTRIENT / FULL / TRASH STORAGE	2012	11x17'

DOMESTIC BUILDING

USE	YEAR	SIZE
PLACE OF LIVING	2016	32'

WATER STORAGE

TYPE	NUMBER	SIZE
HDPE	2	275 GALLONS
HDPE	2	2,500 GALLONS
HDPE	1	500 GALLONS
HDPE	1	1,500 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 7,500 GALLONS

WATER SOURCE

WELL (314-156-009)

CLASS I & II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES
CLASS III DRAINAGE WITH REQUIRED 50 FT. BUFFER ZONE

POWER SOURCE

4KW PREDATOR GENERATOR
3KW HONDA GENERATOR

PROJECT INFORMATION

PROPERTY OWNER CHAD HARDESTY
ADDRESS
SHEET INFO APN: 314-321 PARCEL OVERVIEW

REVISIONS

NO.	NOTES	DATE

DATE 8/2/17
DRAFTER X
SCALE AS SHOWN

PO SHEET



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

DEH received
10-20-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

17/18-0942

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Southern Trinity Volunteer Fire Protection District, Southern Trinity Joint School District

Applicant Name Marcel Onate **Key Parcel Number** 208-341-009-000

Application (APPS#) 13238 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1063 SP16-836

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:

Existing Cultivation/Proposed Processing Operation- No testing on record

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.
- (2) **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.
- (3) An outdoor kitchen is discussed in the DEH Attachment and documented in the provided site plan. Prior to issuance of permit discontinue use of kitchen and **provide a finalized Building permit to DEH verifying deconstruction of plumbing.**
- (4) A privy was referenced on the site plan provided. Prior to issuance of permit **complete an approved Tank Destruct permit to remove privy** with observation provided by DEH.

DISTRIBUTED
3-26-18

2746

*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.

Response Date: 3/23/2018 **Recommendation By:** Mario Kalson



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 3-29-2018

RE:

Applicant Name	Marcel Onate
APN	208-341-009
APPS#	13238 CUP16-1063

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review items 2, 6, and 7 on Exhibit "C".

In approach zone no structures allowed w/o variance

// END //

Additional Review is Required by Planning & Building Staff

APPS # 13238

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

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

☐ YES ☐ NO

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

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

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

☐ YES ☐ NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

If **YES**, include the following requirement:

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

// END //

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: October 24, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Marcel Onate
APN: 208-341-009-000
Area: Dinsmore
Case Numbers: CUP16-1063
SP16-836

Humboldt County Application #: 13238
Type of Application: Conditional Use, Special Permit
Date Received: 10/20/2017
Due Date: 11/3/2017

Project Description: An application for a Special Permit for 10,000 square foot existing mixed light medical cannabis cultivation. Water source is an onsite well. Water storage capacity onsite is 22,170 gallons between ten (10) hard tanks. Processing would be performed onsite within the listed "dry houses". Power source is a generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

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



From: [Lee, Bo@CALFIRE](mailto:Lee,Bo@CALFIRE)
To: Planning Clerk; HUU.CEQA@CALFIRE
Subject: 208-341-009-000, Marcel Onate, application # 13238
Date: Tuesday, October 24, 2017 10:58:15 PM

Reviewed by B1213.

Recommend:

- Emergency Access
 - Turnarounds
- Signing and building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244



From: HUU.CEQA@CALFIRE
To: [Planning Clerk](#)
Subject: FW: APN 208-341-009-000, Marcel Onate, app#13238
Date: Tuesday, October 24, 2017 2:44:20 PM

Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

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

From: Imperiale, Rhett@CALFIRE
Sent: Tuesday, October 24, 2017 9:34 AM
To: HUU.CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Cc: Lee, Bo@CALFIRE <Bo.Lee@fire.ca.gov>
Subject: APN 208-341-009-000, Marcel Onate, app#13238

A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. **Previous land use activities to facilitate the outdoor growing areas may have resulted in harvest without an permit and harvesting without a plan or a license.** More information is required for a proper evaluation.

Rhett Imperiale
Division Chief
Forest Practice Bureau
Peace Officer #1864, RPF #2697
Department of Forestry and Fire Protection
CAL FIRE
Humboldt-Del Norte Unit
118 Fortuna Blvd
Fortuna, CA 95540
Cellular (707) 599-6552



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

9/25/2018

PROJECT REFERRAL TO: Six Rivers National Forest

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Southern Trinity Volunteer Fire Protection District, Southern Trinity Joint School District, Six Rivers National Forest

Applicant Name Dinsmore Elite LLC **Key Parcel Number** 208-341-009-000

Application (APPS#) 13238 **Assigned Planner** Caitlin Castellano (707) 268-3731 **Case Number(s)** CUP16-1063
SP16-836

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

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

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

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

Return Response No Later Than 10/10/2018

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: Oct 2018 PLN-13238-SP Dinsore Elite, LLC

PRINT NAME: George Frey - Lands & Minerals Specialist
Six Rivers NF

Page 101 of 107



United States
Department of
Agriculture

Forest
Service

Pacific Southwest Region
Six Rivers National Forest

1330 Bayshore Way
Eureka, CA 95501
707-442-1721
TDD: 707-442-1721
Fax: 707-442-9242

File Code: 1500

Date: August 29, 2018

Michelle Nelson
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN
Acting Forest Supervisor





COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

May 6, 2019

Dinsmore Elite LLC
Marcel Onate
675 Corbett Ave
San Francisco CA 94114

RE: Permit Application No. PLN-13238-CUP

Dear Applicant,

As you may have been made aware through previous correspondence with this office, the above referenced project site is within the FAR 77 Federal Aviation Regulation Area for a public airport. The structures proposed to be permitted on your property as part of the cannabis application appear to exceed the allowable height per the FAA regulations in this area. Evidence that the project complies with or will comply with the Federal Aviation Administration FAA Form 7460-1 and County regulations is required in order for the County to be able to recommend approval of this project. Please do the following as soon as possible:

- o Access the FAA website for the FAA Form 7460-1
https://www.faa.gov/documentLibrary/media/Form/FAA_Form_7460-1_AJV-1-050117.pdf to file the proper form and provide a copy to the County.

Once the County receives confirmation of approval by the FAA, we will work to move your project forward in the approval process. Please note that because the cannabis infrastructure exceeds the allowable height per federal requirements, **your application can not proceed** until this form has been submitted and approved by the FAA.

If you have questions about this letter, please contact Elizabeth Schatz at (707) 445-7541.

Sincerely,

Cliff Johnson, Supervising Planner

C: Agent



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

9/25/2018

**PROJECT REFERRAL TO: California Department of Transportation
District #1**

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Southern Trinity Volunteer Fire Protection District, Southern Trinity Joint School District, Six Rivers National Forest

Applicant Name Dinsmore Elite LLC **Key Parcel Number** 208-341-009-000

Application (APPS#) 13238 **Assigned Planner** Caitlin Castellano (707) 268-3731 **Case Number(s)** CUP16-1063
SP16-836

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

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

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

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

Return Response No Later Than 10/10/2018

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: 1. Proof of access easement and ability to obtain valid encroachment permit
2. Verify road approach to Rattlesnake Bridge Rd. meets commercial standards

10-11-2018



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



10/19/2017

PROJECT REFERRAL TO: Southern Trinity Volunteer Fire Protection District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Southern Trinity Volunteer Fire Protection District

Applicant Name Marcel Onate **Key Parcel Number** 208-341-009-000

Application (APPS#) 13238 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1063 SP16-836

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 11/3/2017 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: _____

PRINT NAME: _____

208-341-009

PLN-13239-SP Dinsore Elite, LLC

May 20, 2021

Page 106 of 107

558 Cobb rd

Drainage

Drainage 2

Drainage 3

Well

Water storage 3 tanks 12,500

water tank 6,000 gallons

Water tanks - 1320 & 350

Water tanks 3-550 1-350

Driveway

Driveway 2

Kitchen

Trailer

Greenhouse 5 30 x 100

Greenhouse 2 30 x 66

Nutrient storage

Secondary nutrient storage

Secondary nutrient storage

Generator and Fuel storage

Generator and Fuel Storage

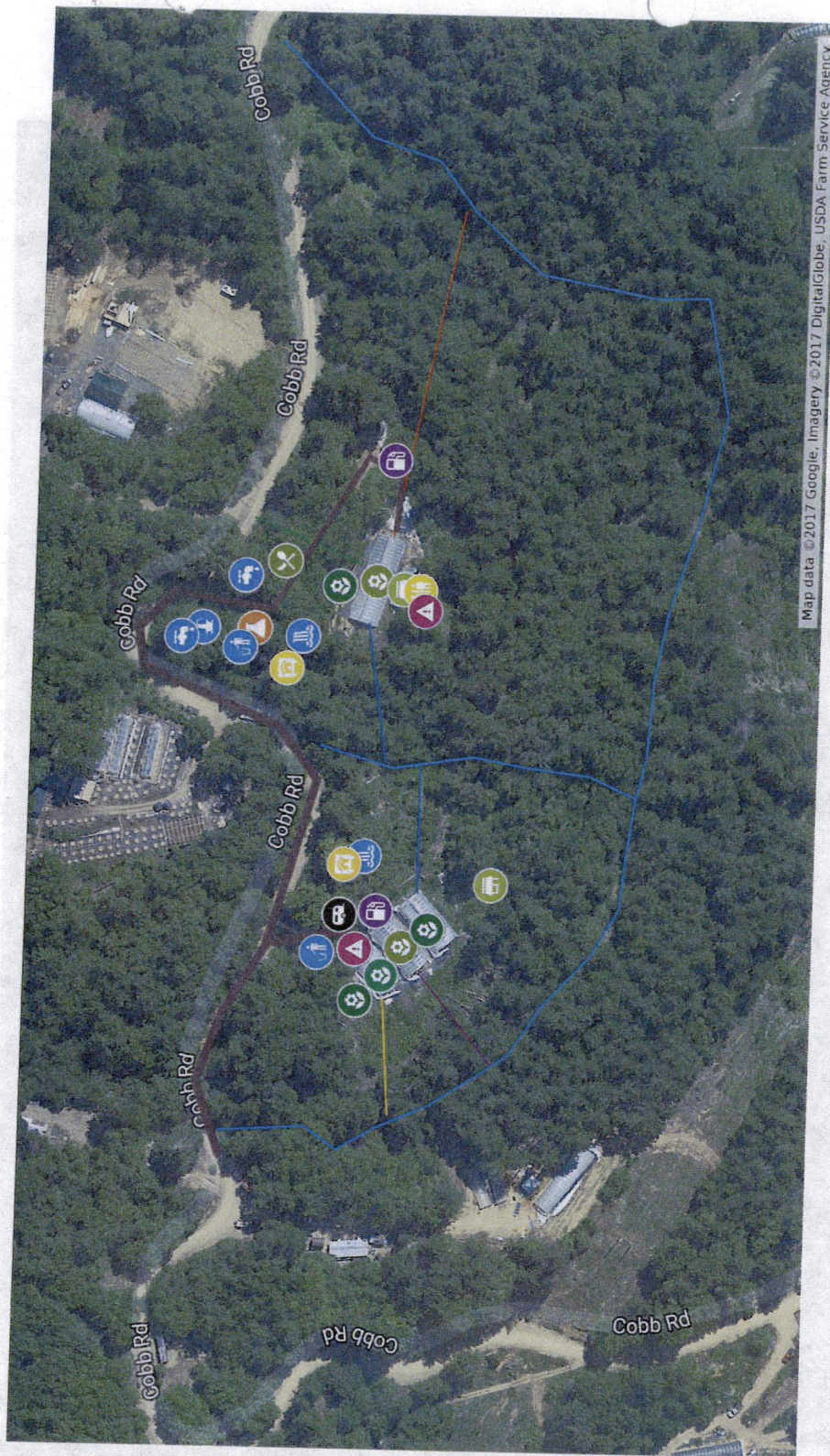
Dry house 20x 40

Dry House 16 x 30

Garbage Storage

Garbage Storage

Privy



Cult. areas are 730 ft from ✓
Property boundary lines
No schools/churches w/in 600ft

RECEIVED

JUL 3 2017

Humboldt County
Planning Division

7-
see
big
mall

