



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: July 1, 2021

To: Humboldt County Planning Commission

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

Subject: **Daydream Enterprises, LLC Special Permit**  
Application Number: 12488  
Case Numbers: SP16-547  
Assessor's Parcel Number: (APN) 208-231-013  
1073 Bronco Road, Dinsmore, CA

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Please contact Jordan Mayor, Assigned Planner, at 707-683-4711 or by email at [jordan.mayor@icf.com](mailto:jordan.mayor@icf.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 1, 2021	Special Permit	Jordan Mayor

**Project Description:** Daydream Enterprises, LLC seeks a Special Permit (SP-16-547) for an existing 9,000-square-foot (SF) outdoor cannabis cultivation operation in three cultivation areas. The applicant proposes onsite relocation of 2,800 SF from Cultivation Area 2 to a new area adjacent to the agricultural storage area per recommendations from Timberland Resource Consultants to improve water conservation and decrease erosion potential. Irrigation water is sourced from a 168,000-gallon rain catchment pond and annual estimated water usage is 120,000 gallons. Total water storage is 14,850 gallons in six tanks. A spring diversion is used for domestic use. Processing is currently done onsite in the drying sheds, which include drying and machine trimming. The applicant plans to construct a commercial building for all future processing activities. Additionally, the adjacent property (APN: 208-231-011, App# 12493) utilizes the drying sheds on the subject property for processing but the applicant plans to construct its own onsite commercial processing building in the future (project will be routed under a different cover). Power for the operation is provided by a 400-watt solar array system, two gas generators which have a noise level rating of less than 60 decibels and a diesel generator which is enclosed in a trailer for noise reduction.

**Project Location:** The project is located in the Dinsmore area, on the north and east side of River Road, approximately 1.4 miles from the intersection of Ridge Road and River Road, on the property known as 1073 Bronco Road

**Present Plan Land Use Designations:** Residential Agriculture (RA20-160). Density: 20-160 acres per dwelling unit, Slope Stability: High instability (3)

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

**Record Number:** PLN-12488-SP

**Assessor's Parcel Number:** 208-231-013

**Applicant**

Daydream Enterprises, LLC  
C/O Sean Porter  
79 Ole Hansen Road  
Eureka, CA 95503

**Owner**

Quinn Cassidy B K  
676 Villa Way  
Arcata, CA 95521

**Agent**

Suzanne Maese  
2306 Albee Street  
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

**Daydream Enterprises, LLC**  
Record Number: PLN-12488-SP  
Assessor's Parcel Number: 208-231-013

**Recommended Commission Action**

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

*Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration 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 Permit and adopt the Resolution approving the Daydream Enterprises, LLC Special Permit as recommended by staff subject to the recommended conditions*

**Executive Summary:** Daydream Enterprises, LLC seeks a Special Permit to allow the continued operation of an existing 9,000-square-foot (SF) outdoor 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 (RA20-160) in the Humboldt County 2017 General Plan and zoned Forestry Recreation (FR-B-5[40]). The applicant proposes onsite relocation of 2,800 SF from Cultivation Area 2 to a new area adjacent to the agricultural storage area per recommendations from Timberland Resource Consultants to improve water conservation and decrease erosion potential. Irrigation water is sourced from a 168,000-gallon rain catchment pond and annual estimated water usage is 120,000 gallons. Total water storage is 14,850 gallons in six tanks and, when combined with the pond, total 177,850 gallons. A spring diversion is used for domestic use and 2019 reporting (Statement Number S026334) indicates approximately 1,8000 gallons were used domestically. Processing is currently done onsite in the drying sheds which include drying and machine trimming. The applicant plans to construct a commercial building for all future processing activities. Additionally, the adjacent property (APN: 208-231-011, App# 12493) utilizes the drying sheds on the subject property for processing but the applicant plans to construct its own onsite commercial processing building in the future (project will be routed under a different cover). One harvest is anticipated annually in October. The growing season starts in May when crops from the nursery are transplanted to outdoor cultivation areas in a season that extends through October.

The project is a family farm with two family members and no plans to hire any full-time employees. One part-time employee may be hired on an as-needed basis with no lodging provided onsite. Power for the operation is provided by a 400-watt solar array system, two gas generators which have noise level ratings of less than 60 decibels, and a diesel generator which is enclosed in a trailer for noise reduction. Security measures include access roads with locked gates, continuous presence onsite throughout the cultivation cycle, guard dogs, and motion security cameras.

The project is within an area mapped as Airport Protected Airspace. A Determination of No Hazard to Air Navigation was received from the Federal Aviation Administration for project structures. The determinations revealed that the structures do not exceed obstruction standards and would not be a hazard to air navigation.

**Water Resources**

Water for irrigation is sourced from a 168,000-gallon rain catchment pond. A gas-powered pump sends water to irrigation tanks near the cultivation sites. Gravity then directs waterflow to crops with timed irrigation. Existing available water storage is 14,850 gallons in six hard tanks. Estimated annual water usage is 120,000 gallons (13.3 gallons/SF/yr) with peak demand occurring in July at approximately 30,000 gallons per month. A surface water diversion from an unnamed stream provides water for domestic use. A Final Lake and Streambed Alteration Agreement (LSAA #1600-2017-0369-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was also obtained in June 2018 for the surface

water diversion for domestic use, encroachments for failing and undersized culverts at six watercourse crossings, and improving a pond spillway. Improvements to the pond spillway were also raised as a concern by the Humboldt Bay Municipal Water District (Water District) in a February 2019 referral response. The Water District also recommended confirmation of water rights for the domestic diversion be verified.

Although Humboldt County's WebGIS shows no mapped streams, the Site Plan shows five Class III intermittent streams with the associated 50-foot Streamside Management Area (SMA) buffers. All cultivation areas and ancillary facilities are outside the SMA buffers, with the exception of a portion of Cultivation Area #6, which is to be relocated from the SMA buffer, one 30,000-gallon pond (not in use), one hard tank, and one 160-SF storage shed. As a Condition of Approval, all cultivation areas and ancillary facilities will be required to be outside the 50-foot SMA buffer.

A Site Management Plan has been prepared for the parcel (WDID: 1\_12CC428573; revised 11/12/20; Attachment 3) to identify conditions that may pose a threat to water quality and adoption of these recommendations are made a condition of approval. Any outhouses, pit privy, or other historical sanitation will be decommissioned, and a permitted onsite wastewater treatment system (i.e., septic tank) is planned to be installed by December 2021.

### **Biological Resources**

There are no mapped sensitive species onsite according to the CDFW resource map. Potential northern spotted owl (NSO) habitat exists within the project area; however, most of the Biological Assessment area is comprised of oak woodland/savannah forest types which do not provide NSO habitat. The nearest known NSO is approximately 1 mile to the southeast. A Cultivation Site Relocation Assessment (Attachment 3) was prepared by Kyle S. Wear (Biological Consultant) and concluded that both of the relocation areas (new cultivation areas #2 and #5) are in upland nonnative grassland habitat with low potential for special-status plants and wildlife and are outside of any wetland buffers or stream setbacks. Additionally, the new sites are on more gentle slopes and have less potential for erosion than the original cultivation areas.

The project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the County noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Additionally, based on comments received from CDFW on January 4, 2019, the project is conditioned to meet the avoidance and minimization measures and the reporting measures of the issued Final LSAA# 1600-2017-0369-R1. Furthermore, the project is conditioned to adhere to Dark Sky Standards for any proposed 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 Resources 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 September 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**

Access to the site is via an access road off Bronco Road via River Road. Bronco Road is a private road. A Road Evaluation report for River Road was prepared by David Nicoletti, PE (Attachment 3) which



indicates that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects with implementation of the recommendations in the memorandum attached to the Road Evaluation Report. As a result, the project already meets the recommended conditions of approval.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration (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 PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-  
Record Number PLN-12488-SP  
Assessor's Parcel Number: 208-231-013**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Daydream Enterprises, LLC, Conditional Use Permit.**

**WHEREAS, Daydream Enterprises, LLC**, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 9,000-square-foot (SF) outdoor cannabis cultivation operation in three areas with appurtenant propagation and drying activities;

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical 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 July 1, 2021, and reviewed, considered, and discussed the application for a Special Permit 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 a 9,000 SF outdoor cannabis cultivation operation with appurtenant propagation and drying activities. Power for the operation is provided by a 400-watt solar array system, two gas generators which have noise level ratings of less than 60 decibels and a diesel generator which is enclosed in a trailer for noise reduction. Water for irrigation is sourced from a 168,000-gallon rain catchment pond and annual estimated water usage is 120,000 gallons.

**EVIDENCE:**                a) Project File: PLN-12488-SP

- 2. FINDING:**                    **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission 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 the CEQA Guidelines

                                      c) A Site Management Plan was prepared by Margro Advisors to show compliance with the North Coast Regional Water Quality Control Board Order No. WQ 2017-0023-DWQ.

- d) A Cultivation Site Relocation Assessment report was carried out by Kyle S. Wear (Biological Consultant) in October of 2019. The Assessment methods included a search of the California Natural Diversity Database and California Native Plant Society database. A habitat assessment was conducted in the project area. No special-status species were observed during the assessment. Potential northern spotted owl (NSO) habitat exists in the project area, but the nearest known NSO is approximately 1 mile to the southeast. 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.
- e) A Cultural Resources Investigation Report was not prepared for the project; however, the Bear River Band of the Rohnerville Rancheria, in an email dated December 18, 2017, requested that the project include the Inadvertent Discoveries Protocol.
- f) A Road Evaluation Report was prepared for River Road by David Nicoletti in November 2018, which identified that the road is suitable for safe access to and from the project site with implementation of the recommendations in the memorandum attached to the report.

#### **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 Forestry Recreation (FR-Zone) in which the site is located.

#### **EVIDENCE**

- a) The FR-Zone is applied to areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use.
- b) All general agricultural uses are principally permitted in the FR-Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing cannabis cultivation on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,000 SF of outdoor cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

### **5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (Humboldt County Code Section 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations and has been determined to be one legal parcel (lot 138) as shown on Record of Survey in Book 26 of Surveys page 13511/1.
- c) The project will obtain water from a non-diversionary water source.
- d) A Road Evaluation Report was completed by David Nicoletti in November 2018. The Evaluation addressed River Road which is a privately maintained road. All road segments evaluated were found to accommodate the cumulative increased traffic from this project and all known cannabis projects with the implementation of the recommendations in the memorandum attached to the report.
- e) 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.

**6. FINDING**

The cultivation of 9,000 SF of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on a road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Irrigation water will come from a lined rain catchment pond.
- 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 Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Daydream Enterprises, 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 July 1, 2021

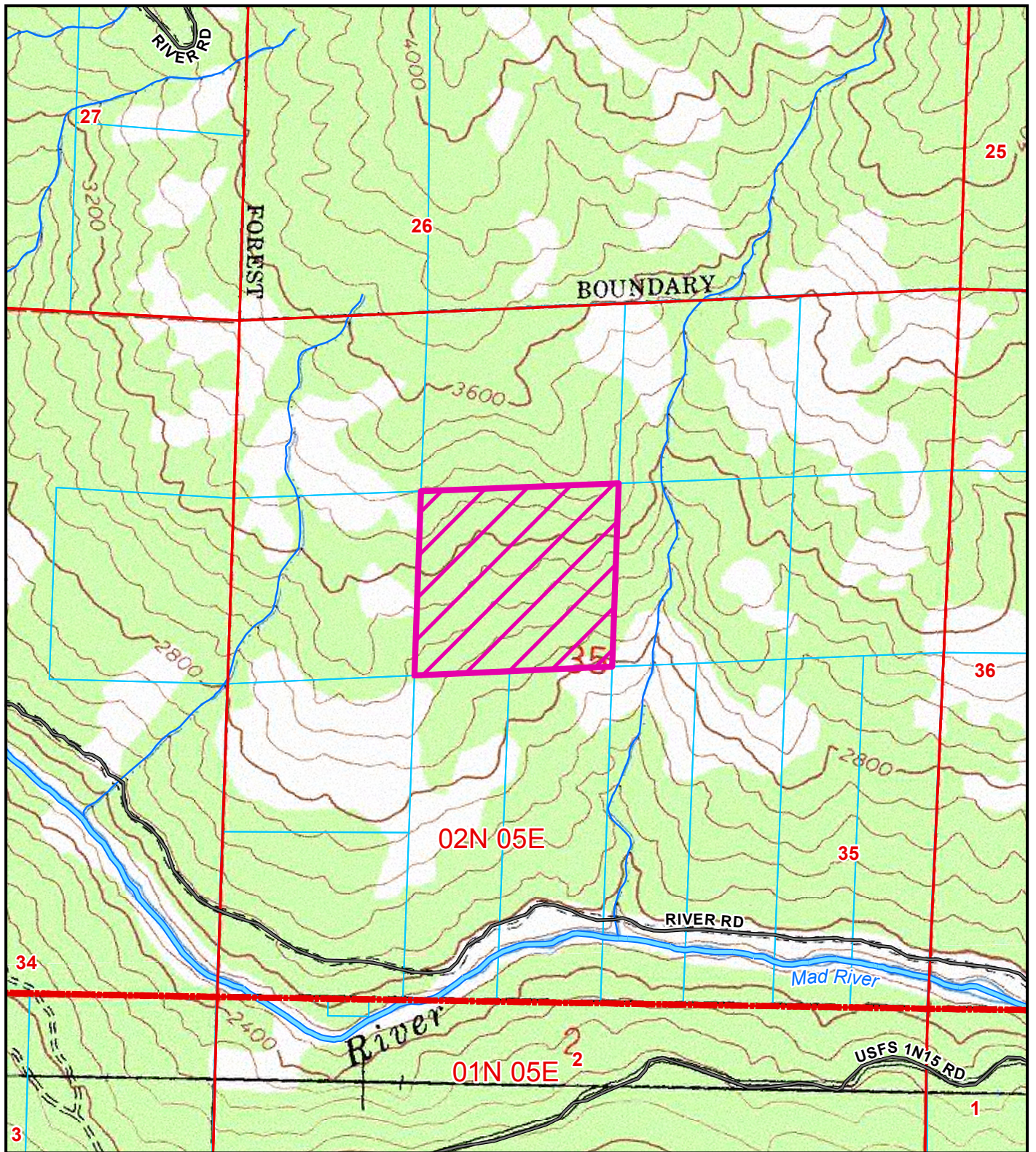
### DECISION:

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.

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John Ford, Zoning Administrator,  
Planning and Building Department





Project Area = 

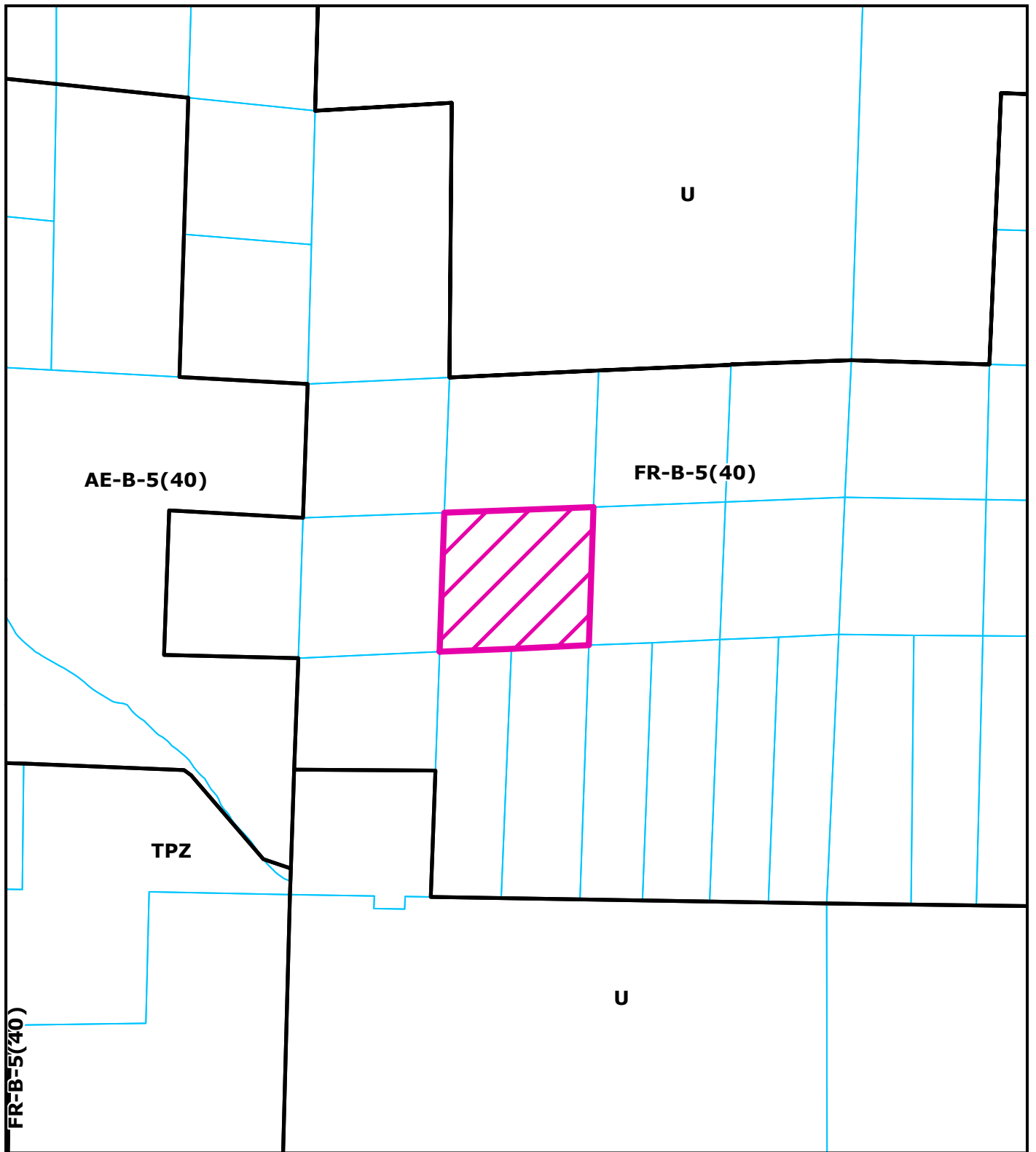
**TOPO MAP**  
**PROPOSED DAYDREAM ENTERPRISES LLC**  
**MAD RIVER AREA**  
**SP-16-547**  
**APN: 208-231-013-000**  
**T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

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

0 1,000 2,000 Feet








Project Area = 

**ZONING MAP**  
**PROPOSED DAYDREAM ENTERPRISES LLC**  
**DINSMORE AREA**  
**SP-16-547**  
**APN: 208-231-013**  
**T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

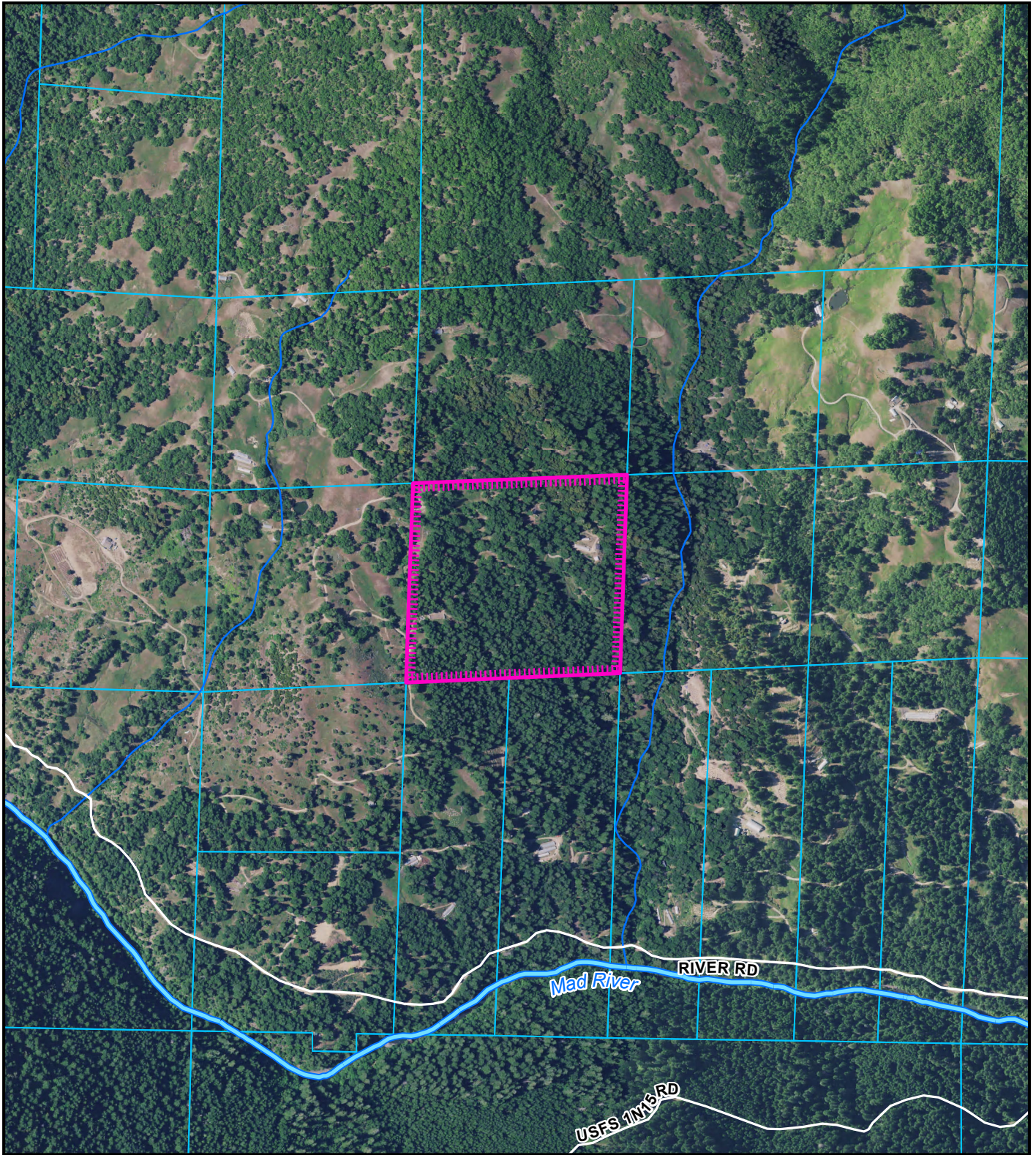


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This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





Project Area = 

**AERIAL MAP  
PROPOSED DAYDREAM ENTERPRISES LLC  
DINSMORE AREA  
SP-16-547  
APN: 208-231-013  
T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

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

0 1,000 2,000 Feet





**Applicant:** Daydream Enterprise, Sean Porter  
**Owner:** Cassidy Kossow-Quinn

**Description:**  
Existing outdoor cultivation with total operations of 9,008 sq ft  
Current: 3,200 sq ft; 5,325 sq ft; 488 sq ft  
Proposed: Relocate 2,800 sq ft to Proposed Site

**Residential Structures:**  
None

**Non-Residential Structures:**  
Ag Storage - 720 sq ft - YR 2014  
Amendments & Fuel Storage - 160 sq ft - YR 2015  
Generator Shed - 160 sq ft - YR 2015  
Drying Shed - 384 sq ft - YR 2014  
Processing Shed - 384 sq ft - YR 2014

**Cultivation Setbacks:**  
30 ft Property Line: None  
300 ft Residence: None  
600 ft Schools, Bus Stops, Public Parks, Tribal Resources, Places of Worship: None  
600 ft Public Land: None

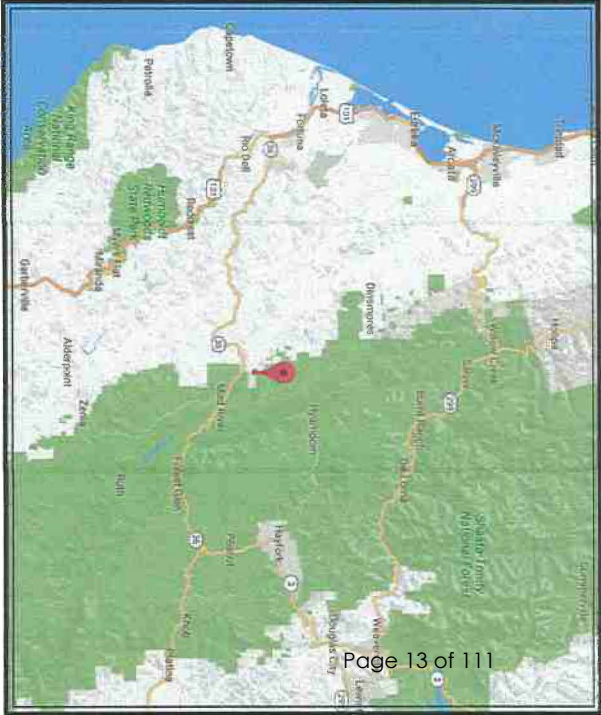
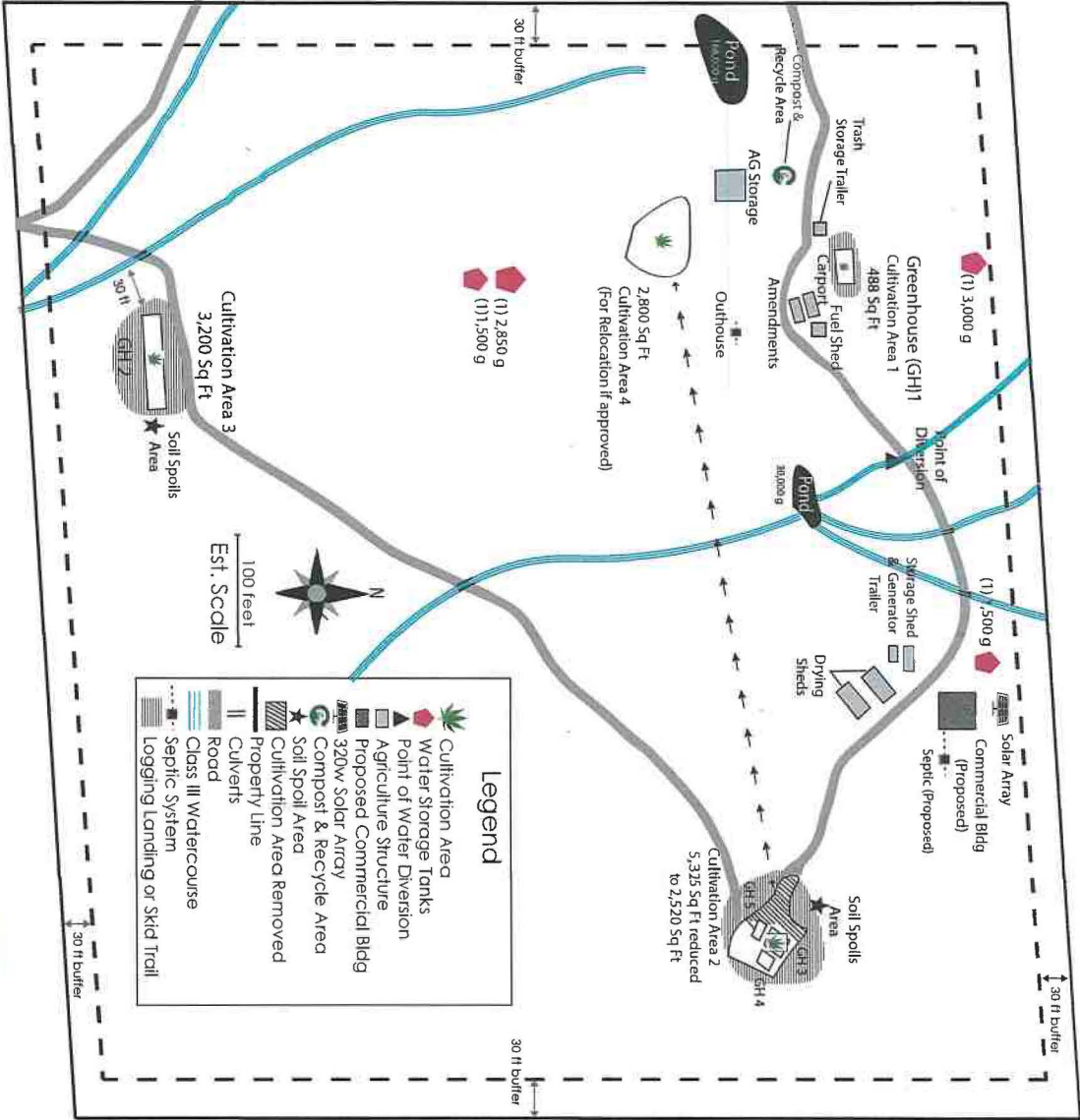
**Power Sources:**  
Solar: 400W array  
Backup Generator: Kubota V3300 (diesel), Honda EU 7000 (gasoline), Honda EU 2000 (gasoline)

**Water Sources:**  
Spring: Point of diversion (POD) - Domestic use  
Rain Catchment Ponds: 168,000 gal

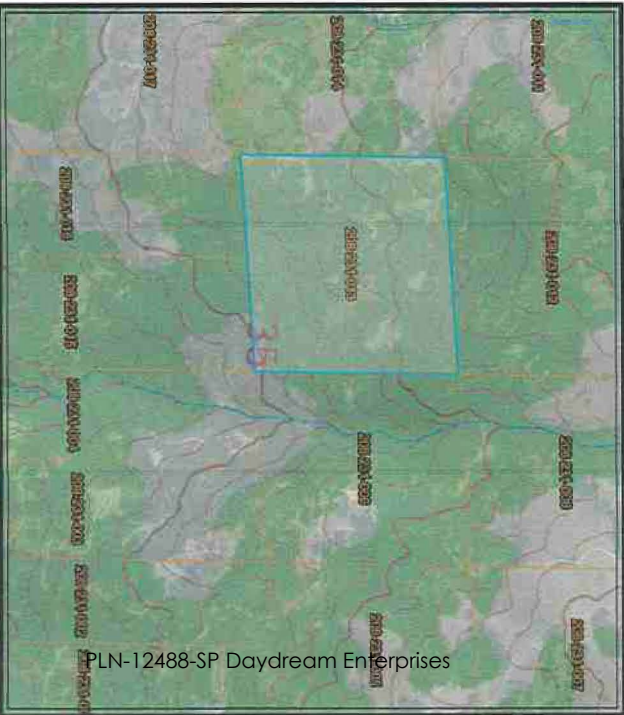
**Water Storage:**  
Water tanks: 1,500 gal - YR 2013; 1,500 gal - 2017; 2,850 gal - YR 2013; 3,000 gal - YR 2014  
Ponds: 168,000 gal - YR 2014

**State Agency Compliance:**  
NCRWQCB: Tier 2 - WDID: 1B16641CHUM

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



**Property Address:**  
(none)  
**Zone:** FR-B-5(40)  
**General Plan:** AL20 (FRWK)  
**Size:** 45.22 acres



**Agent:** Margro Advisors - (707) 500-2420





**Applicant:** Daydream Enterprise, Sean Porter

**Owner:** Cassidy Kossow-Quinn

**Description:**  
Existing outdoor cultivation with total operations of 9,000 sq ft  
Current: 3,072 sq ft; 3,016 sq ft; 2,912 sq ft  
Proposed: Relocate 2,800 sq ft to Proposed Site

**Residential Structures:**  
None

**Non-Residential Structures:**  
Nursery 1 - 480 sq ft - yr 2014; Nursery 2 - 800 sq ft - yr 2016;  
Ag Storage 3 - 160 sq ft - yr 2014; Ag Storage 4 - 64 sq ft - yr 2014; Ag Storage 5 - 720 sq ft - yr 2014; Ag Storage 6&7 - 384 sq ft - yr 2014; Ag Storage 8 - 96 sq ft - yr 2015;  
Ag Storage 9 - 160 sq ft - yr 2011; GH 4 - 1,440 sq ft - yr 2019; GH 5 - 700 sq ft; GH 6 - 576 sq ft; GH 7 - 3,072 sq ft (4-7) - yr 2019

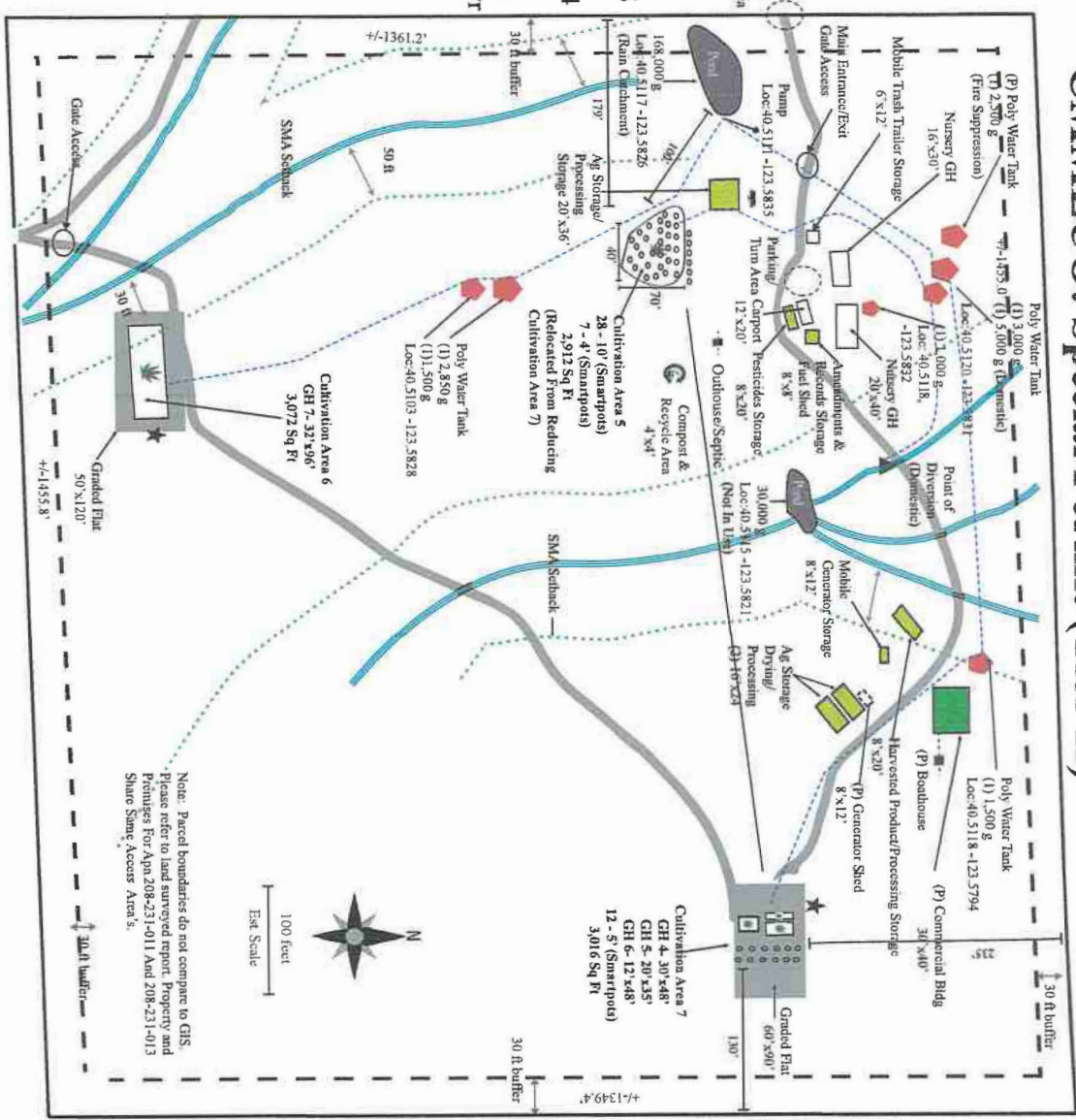
**Cultivation Setbacks:**  
30 ft Property Line: None  
300 ft Residence: None  
600 ft Schools, Bus Stops, Public Parks, Tribal Resources, Places of Worship: None  
600 ft Public Land: None

**Power Sources:**  
Solar: 400W array  
Backup Generator: Kubota V3300 (diesel), Honda EU 7000 (gasoline), Honda EU 2000 (gasoline)

**Water Sources:**  
Spring: Point of diversion (POD) - Domestic use  
Rain Catchment Ponds: 168,000 gal

**Water Storage:**  
Water tanks: 1x1,000 gal - yr 2018; 2x1,500 gal - yr 2017; 1x2,850 gal - yr 2013; 1x3,000 gal - yr 2014; 1x5,000 gal - yr 2014  
Ponds: 168,000 gal - yr 2014

**State Agency Compliance:**  
NCRWQCB: Tier 2 - WDDID: 1B16641CHUM  
Mapping Sources: All designs and scales are estimates based on the following data sources: Humboldt GIS, USGS, Google Maps



**Property Address:**  
Near Mad River Rd.  
Mad River, CA, 95526  
**Zone:** FR-B-5(40)  
**General Plan:** AL20 (FRWK)  
**Size:** 45.22 acres



## 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 sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this 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 #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Obtain a permit to operate the EPA Tier 4 diesel generator (Kubota) from the North Coast Unified Air Quality Management District and obtain an electric permit from the County's Building Department.
9. 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.

10. The applicant shall finalize the proposed Onsite Wastewater Treatment System (OWTS) with the Division of Environmental Health (DEH) by completing the Septic Site Suitability Report or any other reports deemed necessary by DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
11. The applicant shall install water monitoring device on each source—well and surface diversion if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
12. The applicant shall revise and complete a Remediation Plan that matches the Site Plan and include remediation details as defined in the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) provisions listed in section 55.4.14 Retirement, Remediation, and Relocation of Commercial Cannabis Cultivation Sites.
13. The applicant shall ensure that all cultivation areas and ancillary facilities will be relocated outside of the 50-foot Streamside Management Area buffer.
14. The applicant shall implement all corrective actions detailed in the Site Management Plan (SMP) developed for the project. The SMP was prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) 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 SWRCB verifying that all their requirements have been met will satisfy this condition.
15. As recommended by the Ruth Lake Fire Protection District, the applicant shall maintain through access to the property for fire and emergency services personnel.
16. As recommended by the Federal Aviation Administration (FAA), the applicant must notify the FAA of any future construction or alteration including increase to heights, power, or the addition of other transmitters that can alter frequencies emitted from the property. Equipment temporarily used to construct any structures (i.e., cranes) must meet the height requirements reported for building Nursery 1 (e.g., 12 feet) or a separate notice filed with the FAA.
17. 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.
18. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the 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 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. 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.
3. 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.
4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. 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.
8. 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.
9. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
10. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
11. 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.
12. Compliance with all statutes, regulations, and requirements of the SWRCB 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.



13. 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).
14. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board Order No. 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.
15. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
16. 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.
17. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.
21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. 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

23. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140 of Division 2 of the Labor Code), to the extent not prohibited by law."
24. 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).
25. 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.
26. 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. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
27. 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
28. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire one 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.
29. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three 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.

30. 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.
31. 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.
32. 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.
33. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one 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 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite 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 208-231-013; 1073 Bronco Road, Dinsmore  
County of Humboldt**

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

**July 1, 2021**

## Background

### **Modified Project Description and Project History –**

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

The applicant seeks a Special Permit to allow the continued operation of an existing 9,000-square-foot (SF) outdoor 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 (RA20-160) in the Humboldt County 2017 General Plan and zoned Forestry Recreation (FR-B-5[40]). The applicant proposes onsite relocation of 2,800 SF from Cultivation Area 2 to a new area adjacent to the agricultural storage area per recommendations from Timberland Resource Consultants to improve water conservation and decrease erosion potential. Irrigation water is sourced from a 168,000-gallon (gal) rain catchment pond and annual estimated water usage is 120,000 gal. Total water storage is 14,850 gal in six tanks. A spring diversion is used for domestic use. Processing is currently done onsite in the drying sheds which include drying and machine trimming. The applicant plans to construct a commercial building for all future processing activities. Additionally, the adjacent property (APN: 208-231-011, App# 12493) utilizes the drying sheds on the subject property for processing but the applicant plans to construct its own onsite commercial processing building in the future (project will be routed under a different cover). One harvest is anticipated annually in October. The growing season starts in May when crops from the nursery are transplanted to outdoor cultivation areas in a season that extends through October. The project is a family farm with two family members and no plans to hire any full-time employees. One part-time employee may be hired on an as-needed basis with no lodging provided onsite. Power for the operation is provided by a solar array system, two gas generators which have noise level ratings of less than 60 decibels and a diesel generator which is enclosed in a trailer for noise reduction. Security measures include access roads with locked gates, continuous presence onsite throughout the cultivation cycle, guard dogs, and motion security cameras. A Determination of No Hazard to Air Navigation was received from the Federal Aviation Administration for project structures. The determinations revealed that the structures do not exceed obstruction standards and would not be a hazard to air navigation.

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 mitigation measures. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Site Plans prepared by Margro Advisors received 11/22/19.
- Cultivation Plan received 8/21/17.
- Water Resources Protection Plan prepared by Timberland Resource Consultants for the North Coast RWQCB Order No. 2015-0023, dated 9/30/16.
- Site Management Plan (WDID: 1\_12CC428573) prepared by Margro Advisors, dated 11/12/20 for State Water Resources Control Board Cannabis Policy and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities.
- Engineer's Road Evaluation Report and memorandum for River Road prepared by David Nicoletti, PE, dated 11/29/18 and received 11/22/19.
- Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits.
- Cultivation Site Relocation Assessment for Daydream Enterprises, (APN: 208-231-011 & 208-231-013), Humboldt County, prepared by Kyle S. Wear (Botanical Consultant), received 11/22/19.
- California Department of Fish and Wildlife Streambed Alteration Agreement Notification No. 1600-2017-0369-R1, dated 6/12/18, and received 11/22/19.
- Supplemental Statement of Water Diversion and Use For 2019 (S026334) submitted to the Water Boards on 02/17/2020.

## **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plans prepared by Margro Advisors received 11/22/19– **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 Plan received 8/21/17– On file)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the SWRCB, Division of Water Rights, if applicable. (Initial Statement of Water Diversion and Use, revised 6/23/17 - **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Resources Control Board (SWRCB) 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 (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan prepared by Timberland Resource Consultants – On file and superseded by Site Management Plan (WDID: 1\_12CC428573) – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the CDFW. (Notification No. 1600-2017-0369-R1 executed 6/12/18 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for onsite 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 on 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. Engineer's Road Evaluation Report and memorandum for River Road prepared by David Nicoletti, PE, dated 11/29/18 and received 11/22/19. (**Attached**)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/Permits (DEH Form). (On file)
17. Cultivation Site Relocation Assessment for Daydream Enterprises, (APN: 208-231-011 & 208-231-013), Humboldt County, prepared by Kyle S. Wear (Botanical Consultant), received 11/22/19. (**Attached Separately and On File**).

**Cultivation Plan**  
**Parcel # 208-231-013/APP# 12488**



The following plan describes the general operations for managing a 8,973 sq ft outdoor cultivation site.

**1. Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, from an average 150 gallons a day up to 1,000 gallons a day during peak summer periods. Details of the grower's cultivation and water usage is outlined below.

Water is collected from rain catchment throughout the year, stored in an onsite pond and some poly water tanks. There is also a second pond that is not used for cultivation or domestic use but rather provides aesthetic value and fire suppression. The pond holds approximately 168,000 gallons. There are also one (1) 5,000 gallon, one (1) 3,000 gallon, one (1) 2,850 gallon, two (2) 1,500 gallon, and one (1) 1,000 gallon poly water tanks for storage and irrigation. A gas powered pump sends water to irrigation tanks near the cultivation sites. Gravity then directs waterflow to crops with timed irrigation.

Irrigation starts at once a week then increases to daily during the summer. Organic soils along with woodchip and straw mulch improves overall water retention. Timed irrigation, with immediate oversight, helps to prevent irrigation runoff. All irrigation is dispersed by a timed delivery cycle with a drip system to maximize water conservation.

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.

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

**1a. Water USE by month**

Jan	Feb	Mar	Apr	May	June
0	0	5,000	10,000	20,000	20,000

July	Aug	Sept	Oct	Nov	Dec
30,000	20,000	10,000	5,000	0	0

**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:

- Maintain preventative drainage for irrigation directed away from nearby watercourses
- Moderate road shaping and ditch-relief used to optimize drainage to stable areas
- Usage of vegetative ground cover and gravel for added sediment control

The parcel has a series of class III watercourses inside it. Most cannabis cultivation areas occur at least 100 feet away, pursuant to the SWRCB specifications. For sites within 100 feet, special arrangements have been made to ensure no runoff occurs to nearby waterways. In addition, imposing cultivation areas were relocated to a more environmentally sound location beyond the 100 foot setback.

All stream crossings, rainwater flow, and onsite pond use are being improved to meet the regulations and requirements set by the California Department of Fish and Wildlife.

The grower, designated as the "Discharger", is enrolled in the SWRCB Waiver of Waste Discharge as a Tier II Discharger. The cultivation site includes a Site Management Plan (SMP) for the property. A copy of the SMP is kept onsite for any official inspections.

### 3. Power Source

The site uses a Kubota V3300 diesel generator, Honda EU 7000 & Honda 2000 gasoline generators, and 400 watt solar system for electricity. Estimated power usage is from 6kWh-36kWh per day depending on need for ventilation and farming equipment. To meet perimeter noise restrictions required by environmental regulations the diesel generator, rated by the manufacturer at maximum 65dB, is run within an enclosed trailer; while the Honda's are rated at 60dB or lower.

### 4. Site Structures

There are currently two (2) agricultural storage buildings, two smaller storage sheds, an amendments shed, and two drying sheds. Plans are being made to construct a commercial building to handle processing in the future.

There are also two (2) greenhouses used as nurseries, a large greenhouse, a cluster of three (3) greenhouses of different smaller dimensions, and the remaining cultivation occurs outdoors in smart pots (see Site Plan).

All greenhouses have permeable floors and utilize open soil beds with living soil that allows further permeability of the greenhouses.

## 5. Materials Storage

Currently there are no chemical pesticides or herbicides utilized in any onsite cultivation. Natural fertilizers include:

- Organic Mothership Mix from Soilscape Solutions
- Stutzman chicken manure
- Gro-pro
- Ful power humic acid
- Earth Juice cal/mag
- Dyna Silica
- Fish Hydrolysate
- Sparetime Molasses=
- Molasses
- Paleo Bloom

Currently there are no chemical pesticides used. The primary pesticide applied to control mites and powdery mildew is:

- Organocide 3 in 1
- Plant Therapy
- Green Cure
- Og Biowar
- Actinovate
- H202
- Isopropyl Alcohol

Appropriate Material Safety Data Sheets (MSDS) are kept onsite as a component of the cultivator's SMP. A dedicated and secure shed is used for the storage of all amendments, as well as fuels. Pesticides are brought onsite when needed, then stored offsite.

The site's generator and fuel tanks are housed in an enclosed trailer. Standard polyethylene containers are placed in a shed and set in totes for secondary containment. Spill kits are stored alongside to provide safe and quick clean-up if any spillage occurs.

## 6. Waste Management

All plant waste saved for reuse is stored in a covered area. Unusable plant waste is burned after harvest is completed. Other solid waste, as well as recyclables, are stored in a secure trailer, then transported weekly to the Humboldt Waste Management Authority.

Materials intended for onsite reuse are stored in a clean and secure manner. 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. Plans are underway to build a permitted septic system.

## 7. Cultivation Activities

<b>Jan-Feb</b>	<input type="checkbox"/> Ensure complete off-season water storage <input type="checkbox"/> Submit SWRCB enrollment report and fee <input type="checkbox"/> Install and repair any infrastructure and systems necessary <input type="checkbox"/> Perform initial site inspection <input type="checkbox"/> Setup greenhouses <input type="checkbox"/> Submit soil samples for testing <input type="checkbox"/> Check water meters and record monthly usage
<b>Mar-Apr</b>	<input type="checkbox"/> Start seeds in greenhouse nursery area <input type="checkbox"/> Purchase amendments for soil preparation based on soil test results <input type="checkbox"/> Begin tilling amendments into soils <input type="checkbox"/> Record inventory of amendments and verify proper storage
<b>May-Jun</b>	<input type="checkbox"/> Transplant crop to outdoor cultivation areas <input type="checkbox"/> Encage and trellis for stability <input type="checkbox"/> Begin daily plant inspections
<b>Jul-Aug</b>	<input type="checkbox"/> Top and prune plants as needed <input type="checkbox"/> Add nutrients as needed
<b>Sep-Oct</b>	<input type="checkbox"/> Harvest crop <input type="checkbox"/> Dry plants in shed with dehumidifiers and fans <input type="checkbox"/> Complete machine trimming, curing, and storage <input type="checkbox"/> Burn plant waste following harvest

## 8. Soil Management

Prior to the season, soil is sent for lab testing and analysis. Based on the test results, a prescription of amendments is created. Items are purchased, applied, stored and inventoried. Once tilling is completed and soil has been prepared, planting begins. Following the harvest, reusable soil is properly maintained using cover crop until the next season.

## 9. Cultivation Cycles



There is one outdoor cultivation cycle. Seeds are planted in March and nursed in a greenhouse until ready to transplant in May. Harvest takes place in October.

#### **10. Plant Management**

During the cultivation cycles, plants are inspected every day. Irrigation is monitored and adjusted based on impact of environmental factors, mainly heat and precipitation. During the vegetative state, plants are upgraded to larger pots until ready for final planting. Once plants are placed in-ground they are encaged and trellised for stability. Plants are then occasionally pruned and topped until ready for harvest.

#### **11. Processing Practices**

After being harvested, the cannabis is taken into a shed where it will be dried, machine trimmed, and cured. All work surfaces and equipment are maintained in clean conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is packaged then stored in a secure location.

#### **12. Staffing**

The site is a family farm with two (2) family members currently not hiring full-time employees. One part-time employee may be hired on an as-needed basis with no lodging provided on site. This individual would commute and/or carpool to the site as needed. Harvesting and processing is done with the support of family members and the part-time employee. A third-party licensed contractor or temporary employment agency services may be utilized on a temporary basis to support the farm's operations.

#### **13. Security Measures**

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

- The road accessing the property and areas within the site are restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- There is 24/7 presence onsite throughout the cultivation cycle.
- Guard dogs provide onsite protection against human intruders and invasive wildlife.
- Motion sensor security cameras are in the process of being acquired and installed.

#### **14. Site Improvements**

After consultation with water and environmental experts, it was recommended one of the cultivation areas be adjusted to provide a more appropriate setback to nearby waterways and improve water conservation and manageability. The 5,325 sq ft outdoor garden on the east side

- *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.

App# 12488

## Cultivation Plan

### Parcel # 208 231 013

The following plan describes the general operations for managing a 8,973 sq ft outdoor cultivation site.

#### 1. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, from an average 150 gallons a day up to 1,000 gallons a day during peak summer periods. Details of the grower's cultivation and water usage is outlined below.

Water is collected from rain catchment throughout the year, stored in an onsite pond. The pond holds approximately 168,000 gallons. A gas powered pump sends water to irrigation tanks near the cultivation sites. Gravity then directs waterflow to crops with timed irrigation.

Irrigation starts at once a week then increases to daily during the summer. Organic soils along with woodchip and straw mulch improves overall water retention. Timed irrigation, with immediate oversight, helps to prevent irrigation runoff.

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

##### 1a. Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	5,000	10,000	20,000	20,000

July	Aug	Sept	Oct	Nov	Dec
30,000	20,000	10,000	5,000	0	0

120,000 gal  
total

#### 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 North Coast Regional Water Quality Control Board (NCRWQCB). 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:

- Maintain preventative drainage for irrigation directed away from nearby watercourses
- Moderate road shaping and ditch-relief used to optimize drainage to stable areas
- Usage of vegetative ground cover and gravel for added sediment control

The parcel has a series of class III watercourses inside it. Most cannabis cultivation areas occur at least 100 feet away, pursuant to the North Coast Regional Water Quality Control Board (NCRWQCB) specifications. For sites within 100 feet, special arrangements have been made to ensure no runoff occurs to nearby waterways. In addition, plans are being made to relocate imposing cultivation areas to a more environmentally sound location beyond the 100 foot setback.

All stream crossings, rainwater flow, and onsite pond use are being improved to meet the regulations and requirements set by the California Department of Fish and Wildlife.

The grower, designated as the “Discharger”, is enrolled in the NCRWQCB Waiver of Waste Discharge as a Tier II Discharger. The cultivation site includes a Water Resource Protection Plan (WRPP) for the property. A copy of the WRPP is kept onsite for any official inspections.

### **3. Power Source**

The site uses a Kubota V3300 diesel generator, Honda EU 7000 & Honda 2000 gasoline generators, and 400 watt solar system for electricity. Estimated power usage is from 6kWh-36kWh per day depending on need for ventilation and farming equipment. To meet perimeter noise restrictions required by environmental regulations the diesel generator, rated by the manufacturer at maximum 65dB, is run within an enclosed trailer; while the Honda’s are rated at 60dB or lower.

### **4. Onsite Structures**

There is currently an agricultural storage building, two small storage sheds, an amendments shed, and two drying sheds. Plans are being made to construct a commercial building to handle processing in the future.

### **5. Materials Storage**

Currently there are no chemical pesticides or herbicides utilized in any onsite cultivation. Natural fertilizers include:

- Organic Mothership Mix from Soilscape Solutions
- Stutzman chicken manure
- Bu’s biodynamic compost
- Alaskan Humisoil
- Earthworm castings

- Gro-pro
- Ful power humic acid
- Vermaplex liquid
- Fish Hydrolsate
- Powered kepl
- Earth Juice cal/mag
- Yucca
- Mollasses
- Silica

Currently there are no chemical pesticides used. The primary pesticide applied to control mites and powdery mildew is:

- Organocide 3 in 1
- Azatrol/Azamax
- Green Cure
- Og Biowar
- Actinovate
- H202
- Isopropyl Alcohol

Appropriate Material Safety Data Sheets (MSDS) are kept onsite as a component of the cultivator's WRPP. A dedicated and secure shed is used for the storage of all amendments, as well as fuels. Pesticides are brought onsite when needed, then stored offsite.

The site's generator and fuel tanks are housed in an enclosed trailer. Standard polyethylene containers are placed in a shed and set in totes for secondary containment. Spill kits are stored alongside to provide safe and quick clean-up if any spillage occurs.

## 6. Waste Management

All plant waste saved for reuse is stored in a covered area. Unusable plant waste is burned after harvest is completed. Other solid waste, as well as recyclables, are stored in a secure trailer, then transported weekly to the Humboldt Waste Management Authority.

Materials intended for onsite reuse are stored in a clean and secure manner. A septic system exists onsite to safely manage human waste and prevent threats to local wildlife and water sources.

## 7. Cultivation Activities

Jan-Feb	<input type="checkbox"/> Ensure complete off-season water storage
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	<input type="checkbox"/> Submit NCRWQCB enrollment report and fee <input type="checkbox"/> Install and repair any infrastructure and systems necessary <input type="checkbox"/> Perform initial site inspection <input type="checkbox"/> Setup greenhouses <input type="checkbox"/> Submit soil samples for testing <input type="checkbox"/> Check water meters and record monthly usage
<b>Mar-Apr</b>	<input type="checkbox"/> Start seeds in greenhouse nursery area <input type="checkbox"/> Purchase amendments for soil preparation based on soil test results <input type="checkbox"/> Begin tilling amendments into soils <input type="checkbox"/> Record inventory of amendments and verify proper storage
<b>May-Jun</b>	<input type="checkbox"/> Transplant crop to outdoor cultivation areas <input type="checkbox"/> Encage and trellis for stability <input type="checkbox"/> Begin daily plant inspections
<b>Jul-Aug</b>	<input type="checkbox"/> Top and prune plants as needed <input type="checkbox"/> Add nutrients as needed
<b>Sep-Oct</b>	<input type="checkbox"/> Harvest crop <input type="checkbox"/> Dry plants in shed with dehumidifiers and fans <input type="checkbox"/> Complete machine trimming, curing, and storage <input type="checkbox"/> Burn plant waste following harvest

## 8. Soil Management

Prior to the season, soil is sent for lab testing and analysis. Based on the test results, a prescription of amendments is created. Items are purchased, applied, stored and inventoried. Once tilling is completed and soil has been prepared, planting begins. Following the harvest, reusable soil is properly maintained using cover crop until the next season.

## 9. Cultivation Cycles

There is one outdoor cultivation cycle. Seeds are planted in March and nursed in a greenhouse until ready to transplant in May. Harvest takes place in October.

## 10. Plant Management

During the cultivation cycles, plants are inspected every day. Irrigation is monitored and adjusted based on impact of environmental factors, mainly heat and precipitation. During the vegetative state, plants are upgraded to larger pots until ready for final planting. Once plants are

placed in-ground they are encaged and trellised for stability. Plants are then occasionally pruned and topped until ready for harvest.

## 11. Processing Practices

After being harvested, the cannabis is taken into a shed where it will be dried, machine trimmed, and cured. All work surfaces and equipment are maintained in clean conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is packaged then stored in a secure location.

## 12. Staffing

The site is a family farm currently not hiring part-time or full-time employees. Harvesting is done with the support of family members and those within the cultivator's medical collective. Once conversion from a collective to a commercial operation is completed, temporary staffing will be considered.

## 13. Security Measures

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

- The road accessing the property and areas within the site are restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- There is 24/7 presence onsite throughout the cultivation cycle.
- Guard dogs provide onsite protection against human intruders and invasive wildlife.
- Motion sensor security cameras are in the process of being acquired and installed.

## 14. Site Improvements

After consultation with water and environmental experts, it was recommended one of the cultivation areas be adjusted to provide a more appropriate setback to nearby waterways and improve water conservation and manageability. The 5,325 sq ft outdoor garden on the east side of the property is being reduced to 2,520 sq ft, with the remaining 2,800 sq ft relocated to a recommended more stable central location.

In addition, plans are being developed to add a commercial structure to properly handle all processing onsite.

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## CULTIVATION SITE RELOCATION ASSESSMENT

Daydream Enterprises (APN: 208-231-011 & 208-231-013)

HUMBOLDT COUNTY

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October 2019



## SUMMARY

A site visit was conducted at Daydream Enterprises (APN: 208-231-011 & 208-231-013) near Dinsmore in Humboldt County on September 27, 2019 to evaluate two cannabis cultivation relocation areas for sensitive biological and aquatic resources. Both of the relocation areas are in upland non-native grassland habitat with low potential for special status plants and wildlife and are outside of any wetland buffers or stream setbacks. Additionally, the new sites are on more gentle slopes and have less potential for erosion than the original areas.

## 1. INTRODUCTION

This report includes the results of an assessment for sensitive biological and aquatic resources at two cannabis cultivation relocation areas at Daydream Enterprises (APN: 208-231-011 & 208-231-013) (Figure 1). The purpose of the study was to assess the potential for special status plants, wildlife, and natural communities and identify any aquatic resources including wetlands and streams in or near the new cultivation areas.

## 2. DEFINITIONS

### **Sensitive Biological Resources**

#### Special Status Species

Special status species include taxa that are listed under the Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA), in addition to species that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA). This includes plants with California Rare Plant Ranks (CRPR) of 1A, 1B, 2A, or 2B and CDFW Species of Special Concern (SSC) and Fully Protected (FP) and other species that warrant protection based on local or biological significance.

#### Special Status Natural Communities

Special status plant communities are communities with limited distribution that may be vulnerable to environmental impacts. Natural Communities recognized as sensitive are provided on the *Sensitive Natural Communities List* (California Department of Fish and Wildlife (CDFW) 2018). The list is based on the vegetation classification in *A Manual of California Vegetation, 2<sup>nd</sup> Edition* (Sawyer et al. 2009). Natural communities with G or S ranks of 3 or lower are considered sensitive. However, they may not warrant protection under CEQA unless they are considered high quality. Human disturbance, invasive species, logging, and grazing are common factors considered when judging whether the stand is high quality and warrants protection.

### **Sensitive Aquatic Resources**

#### Waters of the United States

Waters of the United States are regulated by the U.S Army Corps of Engineers (Army Corps) under the Clean Water Act. Waters of the United States include, but are not limited to,

territorial seas, waters used for interstate or foreign commerce and their tributaries, and waters adjacent to the aforementioned, including wetlands.

Army Corps jurisdiction in waters such as creeks and rivers includes the area below the ordinary high water mark, which is the line on the bank established by fluctuations of water that leave physical characteristics such as a distinct line on the bank, shelving, destruction of terrestrial vegetation, and presence of debris.

The Army Corps defines wetlands as:

“...areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

#### Waters of the State

Waters of the state are regulated by the State Water Resources Control Board (State Water Board) under the Porter-Cologne Water Quality Control Act. Waters of the state are defined as:

"..... any surface water or groundwater, including saline waters, within the boundaries of the state."

Waters of the State includes water in both natural and artificial channels.

The Water Board defines wetlands as:

*“An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.”*

#### Streamside Management Areas

The Humboldt County General Plan (Humboldt County 2017) recognizes Streamside Management Areas (SMAs) along all streams, which are defined as:

“100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.”

“50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.”

### 3. ENVIRONMENTAL SETTING

#### Project Location

The parcel is located off Mad River Road approximately 1.75 miles northeast of Dinsmore on the Blake Mountain USGS quadrangle (Section 35, T2N, R5E) in Humboldt County.

#### Soil, Topography, and Hydrology

There are several soil types mapped on the two parcels (United States Department of Agriculture, Natural Resource Conservation Service 2019). The soils are derived from sandstone, mudstone, and schist parent material. All of the soil types and their minor components have non-hydric soil ratings. The parcels are on an approximately 25% generally south facing slope. The elevation ranges from approximately 3,300 to 3,700 feet above sea level. The parcels include four ponds and several small tributaries of the Mad River.

### 4. METHODS

The relocation areas were evaluated sensitive biological and aquatic resources by Kyle Wear, M.A., on September 27, 2019. Mr. Wear has over 20 years of experiences conducting botanical surveys and other biological work in northern California. Mr. Wear is trained in wetland delineation by the Wetland Training Institute and has been conducting wetland delineations for over 10 years.

#### Biological Resources

Lists of special status plants (Table 1) and wildlife (Table 2) that could potentially occur in the relocation areas was generated by consulting the *California Natural Diversity Database* (CDFW 2019) and the *CNPS Inventory of Rare and Endangered Plants* (California Native Plant Society 2019). The scoping lists includes special status plants and wildlife with documented occurrences on the Blake Mountain USGS quadrangle or adjacent quadrangles.

#### Aquatic Resources

##### Wetlands

Federal, State, and County wetland delineation methods follow the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual Western Mountains, Valleys, and Coast Region (Version 2.0)* (Army Corps 2010). A positive wetland determination is made when all three wetland parameters (hydrophytic vegetation, hydric, soil, and wetland hydrology) are present.

##### Non-Wetland Waters

Non-wetland waters include watercourses with a bed, bank, and ordinary highwater mark in addition to ponds, lakes, and other waterbodies and any associated riparian habitat.



## 5. RESULTS AND DISCUSSION

The two new cultivation areas (2 & 5) are in grassland habitat dominated by non-native grasses and other herbaceous plants including slender wild oat (*Avena barbata*), soft chess (*Bromus hordeaceus*), foxtail barley (*Hordeum marinum*), dogtail grass (*Cynosurus echinatus*), and St. John's-wort (*Hypericum perforatum*). These areas have relatively low potential for special status plants and wildlife or are a very small fraction of the overall habitat present on the property as discussed in Tables 1 and 2.

In addition to grasslands, the property includes Douglas-fir (*Pseudotsuga menziesii*) forest and oak woodlands. The oak woodlands include both California black oak (*Quercus kelloggii*) and Oregon white oak (*Q. garryana*). A formal assessment of the relative cover of each species and determination of how much of the oak woodland meets the criteria for Oregon white oak woodland was not completed. However, the relocation project will have no impacts on oaks. Oregon white oak woodland is listed on the Sensitive *Natural Communities List* (CDFW 2018).

The new cultivation areas are on more gentle slopes than the original sites, thus have less potential for erosion, and are outside of any wetland buffers or stream setbacks required by the *Humboldt County General Plan* (Humboldt County 2017) or the *Cannabis Cultivation Policy* (State Water Resources Control Board 2019).

## 6. REFERENCES

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Figure 1. Cultivation Area Relocation Map.

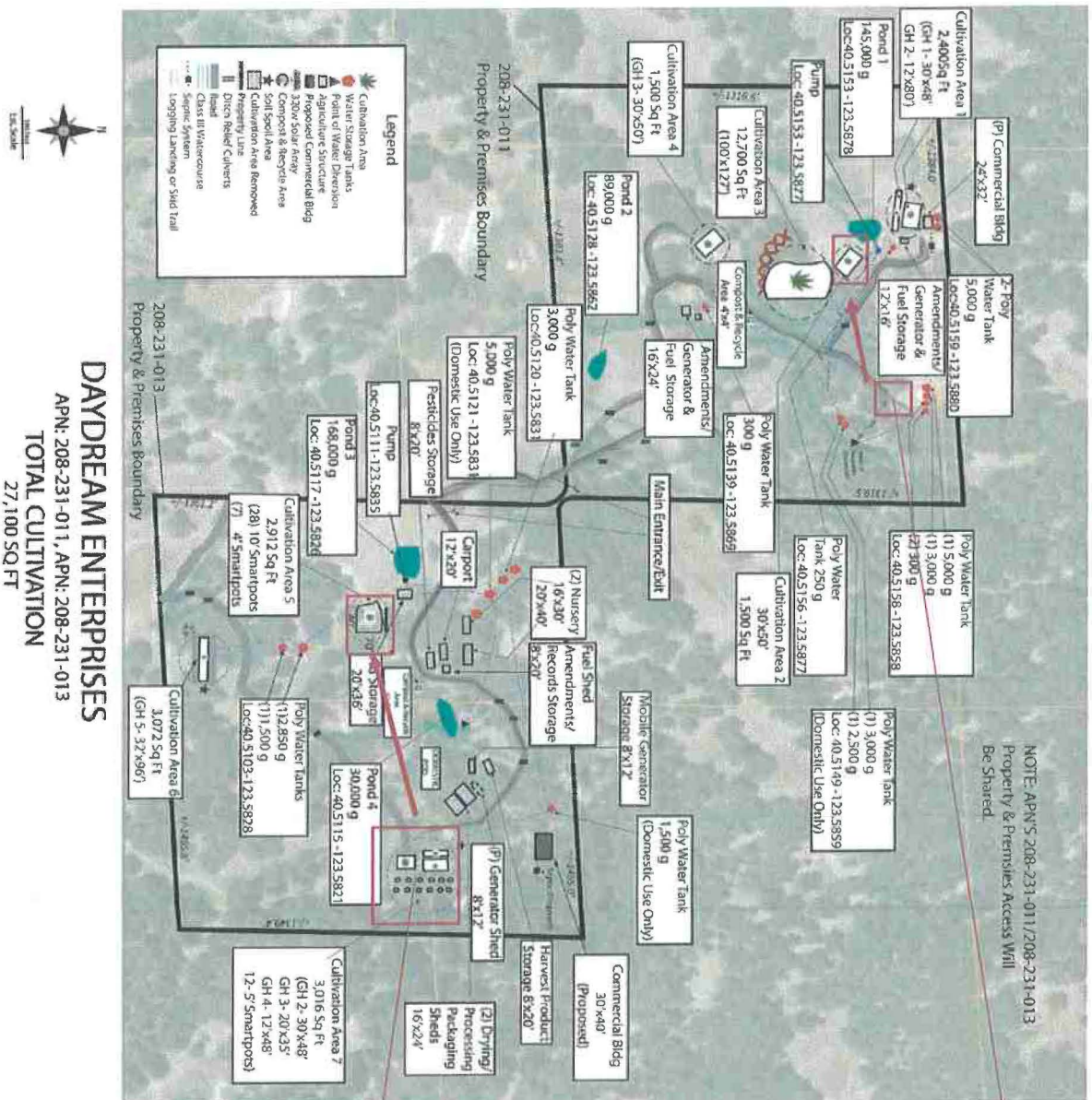


Table 1. Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Arctostaphylos manzanita</i> <i>ssp. elegans</i>	Konocti manzanita	1B.3	(Jan)Mar-May(Jul)	Chaparral, Cismontane woodland, Lower montane coniferous forest, volcanic	Unlikely. Areas lack volcanic soil.
<i>Astragalus umbraticus</i>	Bald Mountain milk-vetch	2B.3	May-Aug	Cismontane woodland, Lower montane coniferous forest, sometimes roadside	Unlikely. Maybe potential along roads.
				Bogs and fens, Lower montane coniferous forest (openings), Meadows and seeps, mesic	Unlikely. Areas are not wetlands.
<i>Bensoniella oregona</i>	bensoniella	1B.1, CR	May-Jul	Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest, Fallen, decorticated wood or humus	Unlikely. Occurs in higher elevation habitat.
<i>Buxbaumia viridis</i>	buxbaumia moss	2B.2		Chaparral, Meadows and seeps (volcanic), Valley and foothill grassland, Roadsides, rocky, talus, scree, sometimes serpentine, sparsely vegetated areas	Unlikely. Areas lack volcanic soil and other habitat components.
<i>Calycadenia micrantha</i>	small-flowered calycadenia	1B.2	Jun-Sep	Bogs and fens, North Coast coniferous forest (mesic)	Unlikely. Areas are not wetlands.
<i>Carex arcta</i>	northern clustered sedge	2B.2	Jun-Sep	Bogs and fens, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, mesic	Unlikely. Areas are not wetlands.
<i>Epilobium oreganum</i>	Oregon fireweed	1B.2	Jun-Sep		



Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Erigeron maniopotamicus</i>	Mad River fleabane daisy	1B.2	May-Aug	Lower montane coniferous forest, Meadows and seeps (open, dry), open, disturbed areas (road cuts); rocky	Unlikely. Areas are not lower montane coniferous forest.
				Cismontane woodland, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, Often serpentine, often roadsides	Unlikely. Areas lack all or most habitat components.
<i>Erythranthe trinitensis</i>	pink-margined monkeyflower	1B.3	Jun-Jul(Aug)	Bogs and fens, Broadleafed upland forest, North Coast coniferous forest, Mesic, streambanks	Unlikely. Generally occurs in mesic rocky habitat not present in areas.
<i>Erythronium revolutum</i>	coast fawn lily	2B.2	Mar-Jul(Aug)	Coastal bluff scrub, Chaparral (openings), Coastal prairie, Valley and foothill grassland	Moderate. Potential in grasslands. Areas are a minute percentage of available habitat on property.
<i>Gilia capitata</i> ssp. <i>pacifica</i>	Pacific gilia	1B.2	Apr-Aug	Chaparral, Cismontane woodland, Lower montane coniferous forest, usually serpentine, openings, rocky	Unlikely. Areas lack serpentine are rocky habitat.
<i>Harmonia doris-nilesiae</i>	Niles' harmonia	1B.1	May-Jul	Meadows and seeps, Upper montane coniferous forest (openings), dry barren exposed slopes, often gravelly	Unlikely. Occurs in higher elevation habitat.
<i>Hosackia yollabolliensis</i>	Yolla Bolly Mtns. bird's-foot trefoil	1B.2	Jun-Aug		

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Iliamna latibracteata</i>	California globe mallow	1B.2	Jun-Aug	Chaparral (montane), Lower montane coniferous forest, North Coast coniferous forest (mesic), Riparian scrub (streambanks), Often in burned areas	Unlikely. Areas are not mesic, not burned.
<i>Kopsiopsis hookeri</i>	small groundcone	2B.3	Apr-Aug	North Coast coniferous forest	Unlikely. Does not occur in grassland.
<i>Lathyrus biflorus</i>	two-flowered pea	1B.1	Jun-Aug	Lower montane coniferous forest (serpentine)	No Potential. Areas lack serpentine.
<i>Lupinus elmeri</i>	South Fork Mountain lupine	1B.2	Jun-Jul(Aug)	Lower montane coniferous forest	Unlikely. Areas are not Lower montane coniferous forest.
<i>Montia howellii</i>	Howell's montia	2B.2	(Jan-Feb)Mar-May	Meadows and seeps, North Coast coniferous forest, Vernal pools, vernal mesic, sometimes roadsides	Unlikely. Areas are too dry.
<i>Piperia candida</i>	white-flowered rein orchid	1B.2	(Mar)May-Sep	Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest, sometimes serpentine	Unlikely. Does not occur in grassland.
<i>Sidalcea malviflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	1B.2	(Apr)May-Aug	Coastal bluff scrub, Coastal prairie, North Coast coniferous forest, often roadcuts	Moderate. Potential in grasslands. Areas are a minute percentage of available habitat on property. Property is southeast of known distribution.
<i>Sidalcea oregana</i> ssp. <i>eximia</i>	coast checkerbloom	1B.2	Jun-Aug	Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest	Moderate. Potential in grasslands. Areas are a minute percentage of

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
Thermopsis robusta	robust false lupine	1B.2	May-Jul	Broadleaved upland forest, North Coast coniferous forest	Unlikely. Usually in areas of heavy disturbance. Some potential along roads.

## SPECIAL STATUS PLANT LISTING STATUS

### Endangered Species Act (ESA)

**FE:** Federally Endangered

**FT:** Federally Threatened

**FR:** Federally Rare

### California Endangered Species Act (CESA)

**CE:** California Endangered

**CT:** California Threatened

**CR:** California Rare

### California Rare Plant Ranks

**1A:** Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere

**1B:** Plants Rare, Threatened, or Endangered in California and Elsewhere

**2A:** Plants Presumed Extirpated in California, But Common Elsewhere

**2B:** California Rare Plant Rank 2B: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

#### Threat Ranks

0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)



Table 2. Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
<b>Birds</b>				
<i>Accipiter gentilis</i>	northern goshawk	SSC	Strongly associated with mature or old-growth forest for nesting and foraging.	Unlikely. RAs are not suitable mature forest. Some potential in adjacent forest.
<i>Aquila chrysaetos</i>	golden eagle	FP ; WL	Dense forest adjacent to more open woodland and grassland. Nest sites are secluded from disturbance.	Unlikely. RAs are not suitable nesting habitat. More potential in adjacent forest areas. Suitable foraging habitat is present in RAs.
<i>Bonasa umbellus</i>	ruffed grouse	WL	Occurs in a variety of habitats including riparian habitat, brushy areas, open herbaceous vegetation and conifer stands.	Moderate. Could potentially use open grassland similar to RAs
<i>Charadrius montanus</i>	mountain plover	SSC	Flat short-grass prairie habitat nearly devoid of vegetation.	Moderate. Some potential in grasslands.
<i>Empidonax traillii</i>	willow flycatcher	SE	Dense willow thickets	Unlikely. RAs lack willow thickets.
<i>Falco peregrinus anatum</i>	American peregrine falcon	FP	Vertical structures near water such as cliffs, steep banks, and tall buildings with abundant food sources (other birds).	Unlikely. No suitable nesting habitat in or near RAs. Likely not enough prey.
<i>Haliaeetus leucocephalus</i>	bald eagle	SE;FP	Nests in Humboldt County are typically tall exposed perches with long sight lines.	Unlikely nesting around relocation area. More potential in larger conifers on property. Foraging habitat is present.
<i>Pandion haliaetus</i>	osprey	WL	Nests in large trees and snags near open clean water for foraging.	Unlikely. RAs lack nesting and foraging habitat.
<i>Strix occidentalis caurina</i>	Northern Spotted Owl	FT; ST	Often old growth, but also occurs in younger stand with	Unlikely. RAs are not coniferous forest. Moderate-high potential in adjacent forest.

Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
<b>Fish</b>				
Oncorhynchus kisutch pop. 2	coho salmon - southern Oregon / northern California ESU	FT; ST	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 1	steelhead - Klamath Mountains Province DPS	SSC	Rivers and streams.	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 16	steelhead - northern California DPS	FT	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 36	summer-run steelhead trout	SSC	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus tshawytscha pop. 17	chinook salmon - California coastal ESU	FT	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus tshawytscha pop. 30	chinook salmon - upper Klamath and Trinity Rivers ESU	SSC	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
<b>Invertebrates</b>				
Bombus occidentalis	western bumble bee	SC	Nests near grown under wood, in old rodent burrows. Forages on a variety of plants for nectar and pollen.	Moderate. Suitable nectar and pollen sources present. Likely old rodent burrows.
Monadenia infumata setosa	Trinity bristle snail	ST	Riparian corridors and mixed-conifer forests with a deciduous understory. Well shaded canyons and benches	Unlikely. Not associated with grasslands.



Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
<b>Mammals</b>				
<i>Antrozous pallidus</i>	pallid bat	SSC	Caves, mines, crevices, and sometimes hollow trees.	Unlikely. No roosting habitat at RAs. Moderate potential in forests on property.
<i>Arborimus pomio</i>	Sonoma tree vole	SSC	Variety of conifer and hardwood forests may be limited to coastal fog belt.	Unlikely. Not associated with grassland. Moderate potential in adjacent Doug.-fir forest.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC	Caves and cave-like habitat	Unlikely. There are no caves or large cavernous trees in the RAs. Moderate potential in adjacent forests. Foraging habitat is present.
<i>Pekania pennanti</i>	fisher - West Coast DPS	SSC	Mature low to mid elevation conifer and hardwood forests.	Unlikely. RAs are not mature forests. More potential in adjacent conifer/hardwood stands.
<b>Reptiles and Amphibians</b>				
<i>Ascaphus truei</i>	Pacific tailed frog	SSC	Cool permanent streams with coarse substrate.	Unlikely. RAs are not suitable stream habitat.
<i>Emys marmorata</i>	western pond turtle	SSC	Variety of waterbodies often with basking areas such as logs and wood debris and shaded shorelines.	Unlikely. RAs are not suitable habitat. Some potential in ponds on property.
<i>Rana aurora</i>	northern red-legged frog	SSC	Breeding habitat is generally at least 6 inches deep with emergent vegetation. May travel long distances from water as adult.	Moderate. Individuals could occur in RAs during winter and wet periods. Ponds on the property are suitable breeding habitat.

Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
Rana boylei	foothill yellow-legged frog	SC, SSC	Shallow flowing water with cobble-substrate.	Unlikely. RAs are not suitable habitat.
Rhyacotriton variegatus	southern torrent salamander	SSC	Late seral forest in clear cold water with coarse substrate that lack sediment.	Unlikely. RAs are not suitable habitat.

#### SPECIAL STATUS WILDLIFE LISTING STATUS

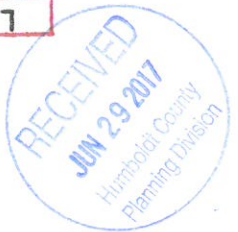
**FE:** Federal Endangered  
**FT:** Federal Threatened  
**SE:** State Endangered  
**ST:** State Threatened  
**SSC:** CDFW Species of Special Concern  
**FP:** California Department of Fish & Wildlife (CDFW) Fully Protected Animal  
**WL:** CDFW Watch List  
**SC:** CDFW Candidate

State Water Resources Control Board  
DIVISION OF WATER RIGHTS

REVISED  
6-23-17

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107



Diverter Information				
Diverter Name(s) Sean Porter				
Mailing Address 79 Ole Hansen Rd	City Eureka	State CA	Zip 95503	
Phone Number 707-845-6732	Email Address (if available)			

Person Filing Statement				
(If different from diverter information above)				
Person Filing Statement Name Chris Carroll				
Mailing Address 165 S. Fortuna Blvd.	City Fortuna	State CA	Zip 95503	
Phone Number 707-725-1897	Email Address (if available) trc@timberlandresource.com			

Land Owner Name				
Land Owner Name CASSIDY QUINN				
Mailing Address 676 VILLA WAY	City ARCATA	State CA	Zip 95521-5400	
Phone Number 707-845-6732	Email Address (if available)			

Mail Receiver:	
(Select one only)	
<input checked="" type="radio"/> Diverter	<input type="radio"/> Person Filing Statement

Checklist for Submission of an Initial Statement of Water Diversion and Use
<input type="checkbox"/> Answer each question completely
<input type="checkbox"/> Attach map referenced in Section 4 with outline of Place of Use. Include Point of Diversion location if not identified in Section 3
<input type="checkbox"/> Sign and Date form

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000

Or email to

DWR-statements@waterboards.ca.gov

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

Revised March 2017



## Initial Statement of Water Diversion and Use

Page 2 of 4

## Section 1: Type of Claim

(Select all that apply to the type of claim(s) under which you are diverting water)

☒ Riparian   ☐ Pre-1914   ☐ Court Decree\*   ☐ Pending Appropriative Application\*   ☐ Pueblo   ☐ Other\*: \_\_\_\_\_

\*If you checked Court Decree, Pending Appropriative Application, or Other, list the Decree Number, Application ID Number or Status or provide an explanation

List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345)

## Section 2: Water Course Description

Water Course Name at the Point of Diversion (POD)

un-named

Water Course is tributary to

Mad River

## Section 3: Point of Diversion and Legal Land Description

Provide the location of the POD using one of the following methods (check one box and enter data if applicable)

☒ Latitude/Longitude Measurements:   Latitude: -123.582302   Longitude: 40.511975

☐ California Coordinate System (NAD1983)   North: \_\_\_\_\_   East: \_\_\_\_\_   Zone: \_\_\_\_\_

☐ USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify Point of Diversion)

Assessor's Parcel Number (APN) where Point of Diversion is located (if APN has been assigned)

208-231-013

County

Humboldt

Provide Public Land Description to nearest 40 acres (if assigned)

\_\_\_\_\_ ¼ of the NE ¼ of Section 35 Township 2N Range 5E B&amp;M Humboldt

## Section 4: Place of Use Description

(Check boxes indicating each map to be provided)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

☐ USGS Topographic Map   ☐ County Assessor's Parcel Map   ☐ Map with identifiable landmarks

Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigated crops, campground, etc.)

Water is used for domestic use. 5 Gallon jugs are filled from a bank seep when needed.

Assessor's Parcel Number(s), where the water was used (if APNs have been assigned)

208-231-013

## Section 5: Purpose of Use Description

(Select all that apply)

☐ Irrigation  
Number of acres:

\_\_\_\_\_

☐ Domestic  
Maximum number of persons served:

4

\_\_\_\_\_

☐ Stock watering  
Number and type of stock:

\_\_\_\_\_

☐ Other  
Explain:

\_\_\_\_\_



Initial Statement of Water Diversion and Use  
Page 3 of 4

**Section 6: Special Use**

(If you have selected Yes to the question below, please fill out **Special Use Attachment** at the end of this form)

During the previous calendar year, were you using any water diverted under this statement for the cultivation of cannabis?

☐ Yes ☒ No

**Section 7: Diversion Works Description**

Name of Diversion Works, if you wish to name (e.g. Bob's Pump)

Porter 2016 LSA

Year in which diversion began, to the best of your knowledge. (Specify single year)

2016

Type of Diversion Facility. (Select one only)\*

\*A separate Initial Statement of Water Diversion and Use must be filed for EACH diversion

☒ Gravity ☐ Water Course Pump ☐ Well Pump ☐ Other: \_\_\_\_\_

**Direct Diversion Information**

Do you directly divert water?

(Direct refers to water taken and used immediately)

If Yes, identify Direct Diversion Works flow rate and Unit

☒ Yes ☐ No Rate: 55.00 ☐ Cubic Feet per Second ☐ Gallons per Minute ☒ Gallons per Day

**Storage Diversion Information**

Do you divert to storage?

(If no, skip to Section 8)

If Yes, identify type of Storage

☒ Yes ☐ No ☐ On-stream Storage (if on-stream, fill in Subsection A below)  
☒ Off-stream Storage (if off-stream, fill in subsections A and B below)

(A) Capacity of Storage Tank(s) or Reservoir identified in Acre-Feet or Gallons

Quantity: 5.000 ☒ Gallons ☐ Acre-Feet

(B) Maximum Diversion Rate of Storage Diversion Works

Rate: 55.00 ☐ Cubic Feet per Second ☐ Gallons per Minute ☒ Gallons per Day

**Section 8: Quantity of Water Diverted**

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: 2016

Measurement provided in:

☒ Gallons ☐ Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
600.000	600.000	600.000	600.000	600.000	600.000	600.000	600.000	600.000	600.000	600.000	600.000	7,200.000

**Section 9: Maximum Rate of Diversion per month**

(If data is available)

Data being provided for calendar year: 2016

Measurement provided in:

☐ Cubic Feet per Second ☒ Gallons per Minute ☐ Gallons per Day

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000		

**Section 10: Recent Water Use**

Provide data of annual water use in recent years

Minimum: 4,000.000 ☒ Gallons ☐ Acre-Feet

Maximum: 12000 ☒ Gallons ☐ Acre-Feet



Initial Statement of Water Diversion and Use  
Page 4 of 4

**Section 11: Water Conservation Efforts/Conjunctive Use**

(Answer only fields applicable to your diversion)

Are you currently employing any methods of water conservation?

☒ Yes ☐ No

If Yes, describe any water conservation efforts in use:

Only used for drinking water.

Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?

☐ Yes ☒ No

Are you using groundwater in lieu of surface water?

☐ Yes ☒ No

**Section 12: Water Diversion Measurement**

As a diverter, you may be required to measure your diversion rate and use of water. Details on your obligation to measure diversions are located at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/water\\_use.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml) or in the instructions at the end of this form on page 5 of 5.

I have reviewed the measurement requirements; I certify that I understand and will comply with the measurement regulations.

(Initial here to certify)

Based on the measurement regulations, check the appropriate box below:

☒ I am **required** to measure as of the date this form is submitted

☐ I am **not required** to measure as of the date this form is submitted

Additional information regarding measurement of diversions

- If you are required to measure your diversion, you will need to provide information about your measurement device, the accuracy of your device, method of installation and other questions on a supplemental statement of water diversion and use during the next calendar year. Samples of questions regarding measurement for supplemental statements are located at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/docs/statement.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/docs/statement.pdf)
- If you have or will be cultivating cannabis, measurement of your diversions and storage will be required in accordance with the Cannabis Cultivation Policy (Policy), which is currently under development. Updates on the Policy are located at [http://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_rights.shtml](http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml)

**Section 13: Signature**

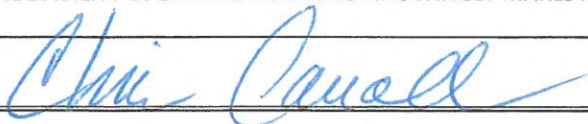
I declare that the information in this report is true to the best of my knowledge and belief.

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, §5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 OF EACH YEAR OR IF THERE IS A CHANGE IN THE NAME OF ADDRESS OF THE DIVERTER. (Wat. Code, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §5107.)

Signature:



Date: 6/23/2017

Printed Name:

Chris

Carroll

(first name)

(middle name)

(last name)



**State Water Resources Control Board**  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
**SPECIAL USE ATTACHMENT**

This attachment is for additional information related to the special use of diverted water for cannabis cultivation, and must be attached to the Statement of Water Diversion and Use form for the claimed right under which water was diverted.

Cannabis Cultivation Information													
(This section should only be filled out if Yes was selected in <b>Section 6: Special Use</b> regarding the prior year usage of diverted water for cannabis cultivation)													
Subsection 1: Special Use													
Provide the calendar year associated with reporting under this water right:      20__													
Provide the total amount of water used under this water right for cannabis cultivation during the calendar year      Quantity <u>0.00</u> <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet													
Subsection 2: Cultivation Size and Lighting Conditions													
Provide the APN(s) for all parcel(s) where cannabis is cultivated with water used under this right:													
Provide the amount of cannabis cultivated under this water right during the calendar year by lighting condition type.													
	Indoor	Outdoor	Mixed Light										
Cultivated canopy size in square feet				Square Feet									
Total number of plants harvested during the calendar year				Plants harvested									
Number of Harvests				Harvests									
Subsection 3: Watering Method													
Check all irrigation methods that have been used to cultivate cannabis? (Check all that apply)													
<input type="checkbox"/> Hand water	<input type="checkbox"/> Drip/micro-spray irrigation			<input type="checkbox"/> Flood Irrigation									
<input type="checkbox"/> Row Irrigation	<input type="checkbox"/> Other: _____												
Subsection 4: Commercial Use													
Is your cultivation of cannabis a commercial cannabis activity? <input type="radio"/> Yes <input type="radio"/> No													
If you intend to apply for a license under California Department of Food and Agriculture's Medical Cannabis Cultivation Program, your response will help the State Water Board to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.													
Subsection 5: Quantity of Water Diverted for the Purpose of Cannabis Cultivation													
Provide monthly diversion data specific to the cultivation of cannabis. If this is the same data as identified in the Initial Statement of Water Diversion and Use: Section 8: Quantity of Water Diverted, check this box <input type="checkbox"/> and leave the rest of this subsection blank.													
Data being provided for calendar year: _____ Measurement provided in: <input type="radio"/> Gallons <input type="radio"/> Acre-Feet													
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	



**State Water Resources Control Board**  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
**SPECIAL USE ATTACHMENT INSTRUCTIONS**

The Special Use Attachment is required to be completed and submitted along with the Initial Statement of Water Diversion and Use by any diverters that use water is for cannabis cultivation. The following instructions provide a basic description of the information requested on the Special Use Attachment.

**1. Special Use**

Indicate the year for which you are reporting (typically the previous calendar year as marked on the Initial Statement of Water Diversion and Use Section 8). Provide the total amount of water used under this water right and irrigated area of cannabis cultivation during the prior calendar year.

**2. Cultivation Size and Lighting Conditions**

Complete this section with the requested information regarding the cultivation canopy size, number of plants harvested during the calendar year, and number of harvests. If there are multiple cultivation areas, provide the totals for all cultivated areas in this section. Use the following definitions to help determine the cultivation lighting methodology:

**Lighting Condition Definitions:**

**Outdoor** - 'Outdoor' should be selected for cultivation that does not use any artificial lighting.

**Indoor** - 'Indoor' should be selected for cultivation that uses artificial lighting exclusively.

**Mixed Light** - 'Mixed Light' should be selected for cultivation that uses a combination of natural and artificial lighting.

**3. Watering Method**

Provide the irrigation method(s) that were used to cultivate cannabis. If other methods were used, explain in the box provided.

**4. Commercial Use**

Indicate whether the cultivation of cannabis is for a commercial cannabis activity.

**5. Quantity of Water Diverted for the Purpose of Cannabis Cultivation**

Provide the quantity of water used for each month in the year you are reporting. If you did not divert water in a particular month, enter "0". Beginning January 1, 2012, monthly measurement records of water diversion must be made using the best available technologies and best professional practices.

**Additional Definitions:**

**Cultivation-** 'Cultivation' means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical cannabis. (Bus. & Prof. Code, § 19300.5, subd. (k).)

**Cannabis-** 'Cannabis' means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' also means the separated resin, whether crude or purified, obtained from cannabis. 'Cannabis' also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. 'Cannabis' does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, 'Cannabis' does not mean 'industrial hemp' as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. (Bus. & Prof. Code, § 19300.5, subd. (f).)

**Total Amount of Water Used Under this Water Right-** Water Code Sections 1840(c)(4) and 5103(f)(2) require a person who diverts water to report the amount of water used for cannabis cultivation.

**Total Irrigated Acreage-** California Code of Regulations, title 23, sections 920(c)(8)(A), 925(c)(3)(A), and 929(c)(3)(A) require a person who files a supplemental statement of water diversion and use or files an annual report for a permit or license to provide the purpose(s) for which water was diverted and used including irrigation crop type and acreage.

**Commercial Cannabis Activity-** A 'Commercial Cannabis Activity' includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of medical cannabis or a medical cannabis product. (Bus. & Prof. Code, § 19300.5, subd. (j).)



**State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
INITIAL STATEMENT OF WATER DIVERSION AND USE  
INSTRUCTIONS**

California law requires each person or entity that diverts and uses surface water to file a Statement of Water Diversion and Use (Statement) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), unless the diversion falls into one of the categories described in Water Code section 5101. In particular, those persons who have a permit or license to appropriate water on file with the State Water Board need not file a Statement. Other than for the specific situations exempted from filing in section 5101, an initial Statement must be filed if water was diverted for use in the preceding year under a claim of riparian right or pre-1914 appropriative water right (initial water diversion commenced prior to the establishment of the State Water Commission on December 19, 1914) and no initial Statement is already on file with the Division for the diversion.

**Failure to file a Statement for each diversion that occurred after January 1, 2009, may result in civil liabilities that carry a maximum fine of \$1,000 plus \$500 for each day the violation continues if the violation is not corrected within 30 days of notification of the violation. (Wat. Code, § 5107, subd. (c)(1)). In addition, any person who makes a willful misstatement on a Statement commits a misdemeanor punishable by a fine not to exceed \$1,000 or by imprisonment in the county jail for not more than six months, or both. (Wat. Code, § 5107, subd. (a)). Water diverters must file Statements with the State Water Board prior to July 1 of the year succeeding the year of the diversion. (Wat. Code, § 5101).**

**PRIOR TO FILLING OUT FORM**

Use this guide to determine if you need to file an Initial Statement of Diversion and Use. This information can also be found in Water Code, sections 5100-5107. You do not need to file a Statement if any of the following conditions are true:

The diversion is from a spring that does not flow off the property on which it is located and from which your aggregate diversions do not exceed 25 acre-feet in any year;

The diversion is covered by a permit or license to appropriate water that is on file with the Division;

The diversion is covered by a registration for small domestic, small irrigation or livestock stockpond uses;

The diversion is covered by a State Water Board stockpond certificate issued for ponds with a storage capacity of less than 10 acre-feet;

A notice is on file with the State Water Board for the recordation of groundwater extractions and diversions in Los Angeles, Riverside, San Bernardino or Ventura Counties;

A diversion is regulated by a Watermaster appointed by the Department of Water Resources and included in annual reports filed with a court or the State Water Board by a Watermaster, which reports identify the persons who divert water and describe the general purposes and the place, the use, and the quantity of water that has been diverted from each source;

A diversion is included in annual reports filed with the court or State Water Board by a Watermaster appointed by a court or filed pursuant to statute to administer a final judgment determining rights to water, for which reports identify the persons who have diverted water and give the general place of use and the quantity that has been diverted from each source.



## **NOTICE PURSUANT TO INFORMATION PRACTICES ACT OF 1977 (CIV. CODE, § 1798.17)**

The State Water Resources Control Board, Division of Water Rights, is requesting personal information about the diverter and the person filing the Statement of diversion and use.

The agency official responsible for this system of records is Eloise Berryman, Staff Services Manager I, whose business address is 1001 I Street, 14<sup>th</sup> Floor, Sacramento, CA 95814 and whose business telephone is (916) 341-5347.

Upon request, the agency official shall inform an individual regarding the location of his or her records and the categories of any persons who use the information in these records.

The State Water Resources Control Board is empowered to require the submission of personal information by Water Code, section 5103, subdivision (a).

The submission of the name and address of the diverter and person filing the Statement is mandatory. The submission of the phone number and e-mail address of the diverter and person filing the Statement is voluntary.

The submission of the name and address of the land owner is voluntary.

Failure to provide the mandatory information can result in the imposition of administrative civil liability in the amount of \$1,000 plus \$500 per day for each additional day on which the violation continues if the person fails to cure the violation within 30 days after the State Water Resources Control Board has called the violation to the attention of the person.

This personal information is collected to facilitate better water management by the State Water Resources Control Board.

The State Water Resources Control Board does not know of or foresee any disclosures of personal information pursuant to Civil Code, section 1798.24, subdivisions (e) or (f).

Any member of the public may inspect the information collected in this form by contacting the State Water Resources Control Board, Division of Water Rights by mail at P. O. Box 2000, Sacramento, CA 95812-2000, by fax at (916) 341-5400, by telephone at (916) 341-5300 or by e-mail at [dwr@waterboards.ca.gov](mailto:dwr@waterboards.ca.gov), or by appearing in person at the State Water Resources Control Board, Division of Water Rights file room located at 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, CA 95814 during normal business hours. Some information provided on this form, as well as an electronic copy of your submission, will be posted to the Division's Electronic Water Rights Information Management System (eWRIMS), a publicly-accessible database of water diverter and diversion information.

## **FREQUENTLY ASKED QUESTIONS**

### **Q. Why do I need to submit a Statement of my diversion?**

A. Water Code, section 5101 requires every person who diverts water to file a Statement with the State Water Board.

### **Q. When should I file my Statement?**

A. A Statement must be filed prior to July 1 for a diversion that takes place in the prior year. For example, if water is diverted any time in annual year 2012, a Statement must be filed on or after January 1, 2013 but no later than June 30, 2013. A separate Statement should be completed for each point of diversion.

### **Q. What happens after I submit my Statement?**

A. Once an initial Statement is received, the Division will assign it a Statement number. If a Statement is missing required information, the Division may notify the diverter. All correspondence concerning these Statements should refer to the assigned Statement number.

### **Q. How often do I need to report usage in subsequent years?**

A. Supplemental Statements **must** be filed every year and **must** be filed online with the Division prior to July 1 of the year succeeding the year of the diversion.

### **Q. How can I update or make changes to my information?**

A. Changes in the name and address of the person diverting the water must be reported on a Supplemental Statement, regardless of whether the changes occurred during a reporting year. If the location of the existing point of diversion as identified on the Statement or Supplemental Statement has changed, the new location must be reported on the Supplemental Statement. If there is a new point of diversion, a separate Statement must be filed with the Division.

### **Q. Do I need approval from any other agencies to divert water?**

A. You are responsible for ensuring all proper permits from local, state or federal agencies are acquired. A separate Initial Statement must be filed for each individual diversion point from which water is diverted as set forth in Water Code, section 5102. The following instructions will provide a basic description of the information requested on the Initial Statement of Water Diversion and Use Form.



## Diverter Information

The diverter is the party responsible for the water diversion. As the diverter you are required to provide your name, or company name, a valid mailing address and other appropriate contact information. If someone other than the diverter filed the Statement, that person must also provide his or her name, address and other appropriate contact information.

### 1. Type of Claim

Indicate the type of claim you are filing. See the claim descriptions below if you are unsure of the type of right you are claiming to divert water under. The following are general descriptions of the types of water rights that a user may claim use under when filing a Statement:

**Riparian:** A riparian right enables an owner of the land bordering a natural lake or stream to take water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. A riparian water right, like all water rights in California, is subject to Article X, section 2 of the California Constitution, which prohibits waste and unreasonable use of water, including the unreasonable method of use or diversion of water. Riparian rights may be used to divert the natural flow of a stream but typically may not be used to (1) store water for later use (2) divert water which originates in a different watershed (3) divert water released from storage, or (4) divert return flows from groundwater use.

**Pre-1914 Appropriative:** A pre-1914 appropriative right is for diversions that have been under continuous use since prior to December 19, 1914. After the formation of the California Water Commission in December 1914, new appropriators have been required to obtain a permit or license from the State Water Board or its predecessors.

**Court Decree:** An adjudicated right is one in which a court or the State Water Board has determined, by decree, the amount of use allowed to landowners within the adjudicated stream area. You must file a Statement if you are in an adjudicated area if a Watermaster is not filing reports on your behalf. Indicate the decree number when filing a Statement on a court decree claim.

**Pending Appropriative:** An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. If you have filed an application for a water right permit and are not yet permitted, but are diverting water, you are required to file a Statement. Indicate the corresponding application ID number on the designated line.

### 2. Water Course Description

Indicate the name of the body of water from which you are diverting water and the body of water it is a tributary to (the name of the larger stream or river the water source flows to downstream). Use the source name shown on a United States Geological Survey (USGS) topographic map. If there is no name, use "Unnamed" Stream or Spring.

### 3. Point of Diversion and Legal Land Description

Provide the location of the point of diversion (the location from which you are taking water from the stream), using one of the following methods: 1) identifying the location by latitude and longitude measurements, 2) identifying the location using the California Coordinate System, or 3) depicting the location of the diversion works on a USGS topographic map attached to your Initial Statement. Each separate diversion point should be reported on separate forms. If the property has not been assigned an Assessor's Parcel Number (APN) by the County Assessor, you must provide the public land description to the nearest 40-acre subdivision. This information is shown on a USGS topographic map, and on your property deed. You may submit a single map showing both the point of diversion and the place of use. Maps can be found at: <http://www.store.usgs.gov>.

### 4. Place of Use Description

Provide a general description of the area where the water is used, and all assessor's parcel numbers associated with the place of use. You **MUST** submit a USGS topographic map depicting the place of use. If you are also using a USGS topographic map for the point of diversion, you can represent both the point of diversion and places of use on a single map. Maps can be found at: <http://www.store.usgs.gov>



## **5. Purpose of Use**

Indicate the purpose of use for the diverted water. Examples of purposes of use are: cannabis cultivation, domestic, dust control, fire protection, fish/wildlife protection and enhancement, fish culture, frost protection, heat protection, incidental power, industrial, irrigation, milling, mining, municipal, power, recreational, snow making, stock watering, etc. Also indicate the number of acres irrigated, number of persons served for domestic use, number of animals watered, etc.

## **6. Special Use**

Complete questions regarding cannabis cultivation. If your diversion is used in any part for cannabis cultivation, select "Yes", and complete the Special Use Attachment, which is required to be submitted with the Initial Statement of Water Diversion and Use Form. Refer to the Special Use Attachment Instructions for additional information on completing this form.

## **7. Diversion Works Description**

A direct diversion is identified as water taken from a water source, such as a surface stream or subterranean stream, and used without being placed into storage.

A diversion to storage is defined as water diverted to storage facility such as a pond, dam, or tank, including on-stream storage. The maximum capacity of the diversion works is the maximum output available for a pump or other diversion works from the source to the storage facility. If you store water and know the storage capacity, indicate it in gallons or acre-feet.

If you do not know the actual storage capacity of a reservoir or pond, you can use the following formula to estimate it: Multiply the surface area (in acres) by the maximum depth of the reservoir (in feet) then multiply that by 0.7.

## **8. Quantity of Water Diverted**

Provide the quantity of water diverted for each month in the year you are reporting. If you did not divert water in a particular month, enter "0". Beginning January 1, 2012, monthly measurement records of water diversion must be made using the best available technologies and best professional practices.

## **9. Maximum Rate of Diversion**

Provide the year in which you diverted at your highest rate, the month you divert the most water, and the maximum rate of diversion. If precise measurements are not available, provide an estimated maximum diversion rate. The maximum rate of diversion may be provided in gallons per minute, gallons per day, or cubic feet per second units.

## **10. Recent Water Use**

Provide the annual amount of water used in recent years. If precise measurements are not available, provide an estimated annual usage.

## **11. Water Conservation Efforts/Conjunctive Use**

Complete Water Conservation and Conjunctive use questions. Explain response if necessary.

## **12. Water Diversion Measurement**

All water right holders who divert more than 10 acre-feet of water per year are required to measure the water they divert. A diverter may choose any measuring device, or combination of devices, that meet the measurement and monitoring requirements of the regulation.

Additional information about measurement devices, implementation schedules and related requirements can be found at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/water\\_use.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml)

The measurement and monitoring requirements are summarized in the following table:

Type of Diversion (af = acre-feet)	Installation Deadline	Required Accuracy	Required Monitoring Frequency	Qualifications For Installation And Certification
Direct Diversion $\geq$ 1,000 af/year or Storage $\geq$ 1000 af	January 1, 2017	10%	Hourly	Engineer/Contractor/Professional
Direct Diversion $\geq$ 100 af/year or Storage $\geq$ 200 af	July 1, 2017	10%	Daily	Engineer/Contractor/Professional
Storage $\geq$ 100 af	July 1, 2017	15%	Weekly	Engineer/Contractor/Professional
Direct Diversion $>$ 10 af/year or Storage $\geq$ 50 af	January 1, 2018	15%	Weekly	Individual experienced with measurement and monitoring
Storage $>$ 10 af	January 1, 2018	15%	Monthly	Individual experienced with measurement and monitoring

For all diverters, initial the box to certify that you have read and will comply with the measurement regulations.

Check the appropriate box to indicate whether you are required or not required to measure your diversion of water under the claimed right. All water right holders who divert more than 10 acre-feet of water per year are required to measure the water they divert.

### 13. Signature and Important Information

The form must be legible and signed by the person completing the form. The company name is required, if applicable.

### SUBMITTING YOUR STATEMENT

Attach the Initial Statement of Water Diversion and Use form to your map(s) and any other supporting documentation. You may submit multiple forms in the same envelope if each diversion work has been labeled.

**Please send completed Initial Statement form and supporting documents to:**

**Mail:** *State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000*

**Email:** [DWR-statements@waterboards.ca.gov](mailto:DWR-statements@waterboards.ca.gov)

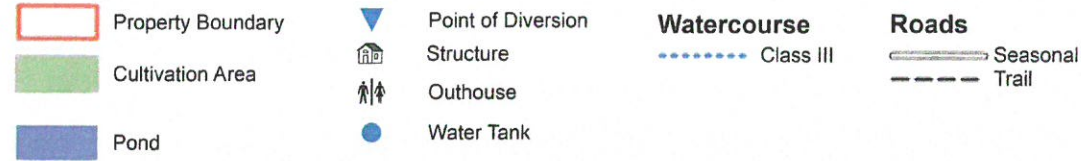
**FAX:** (916) 341-5400

**Forms must be legible and contain readable maps.**

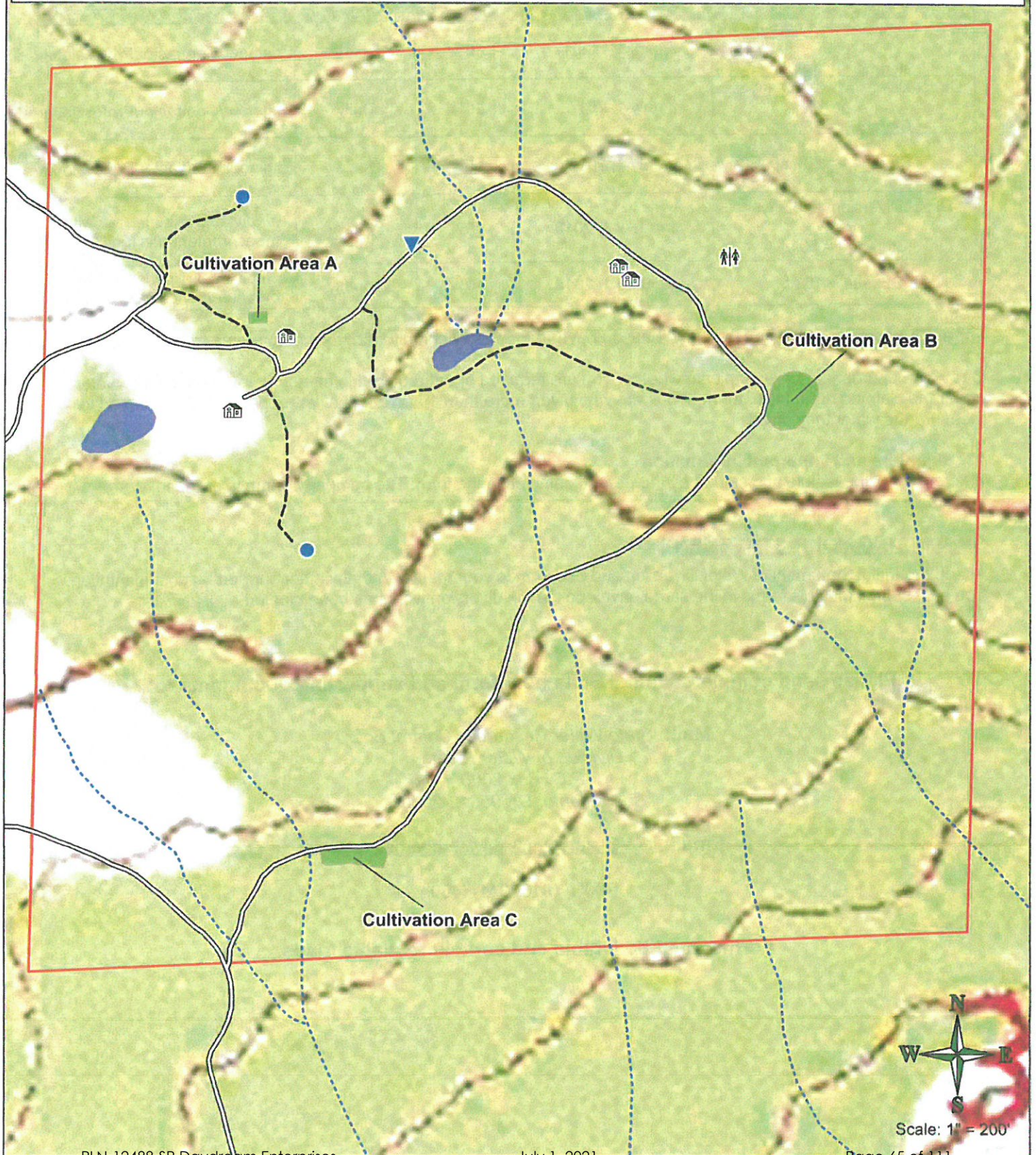


# Initial Statement of Water Diversion and Use - Porter

## Site Map



1" = 200'





# Initial Statement of Water Diversion and Use

Daydream 2017 LSA Site Map



Property Boundary



Pond



Cultivation Area

## Watercourse

Class II

Class III

Unclassified

## Roads

Seasonal

Trail



Point of Diversion



Storage Tank



Structure



1" = 200'





**Site Management Plan for:  
WDID: 1\_12CC428573  
APN: 208-231-013**

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

Prepared by:  
Margro Advisors  
230 4<sup>th</sup> St, Eureka CA, 95501

Date of Completion:  
06/27/2019  
Rev:11/12/2020

## **Introduction**

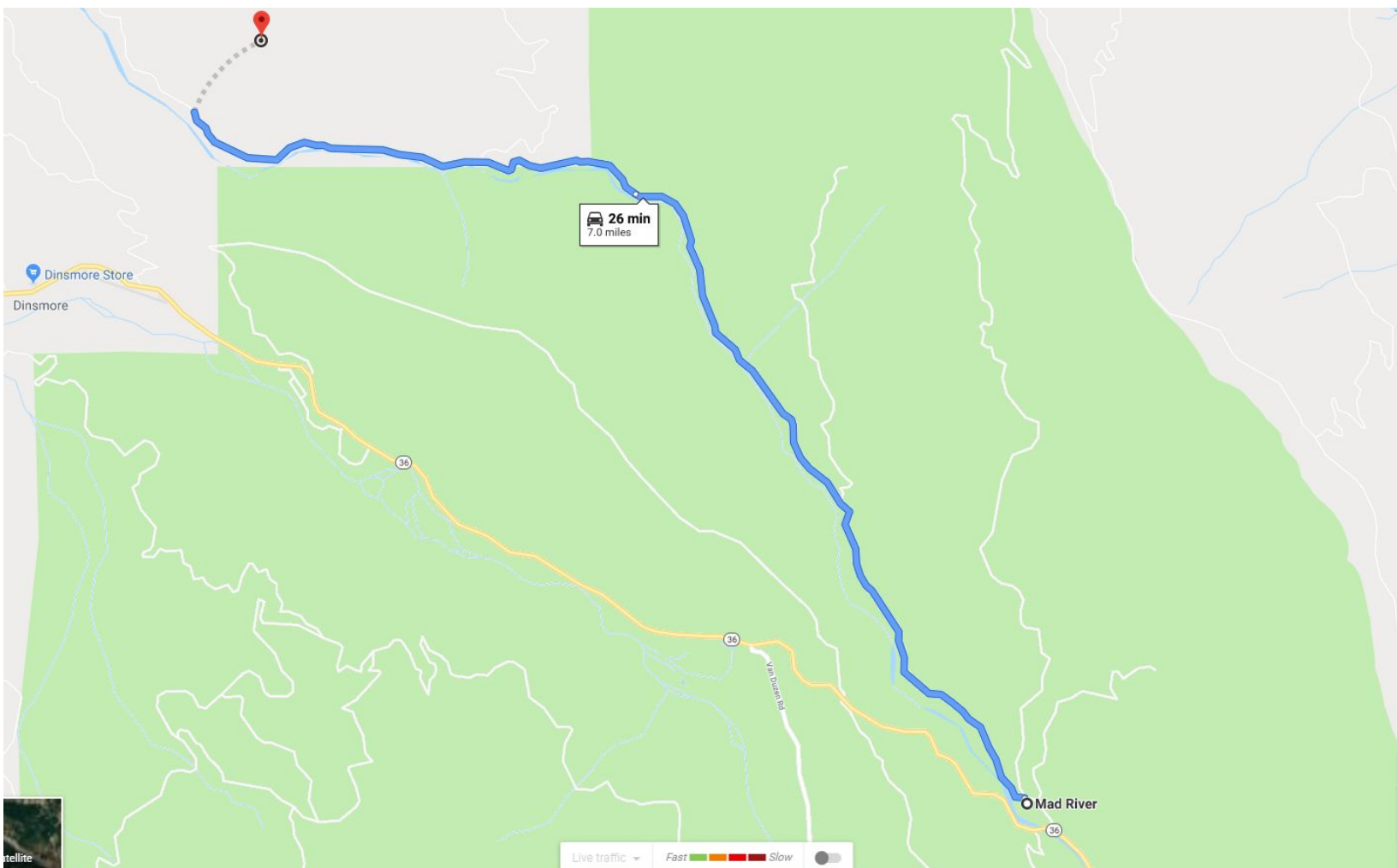
This Site Management Plan (SMP) as required by the State's General Order<sup>1</sup>, is for a cannabis cultivation site by Daydream Enterprises LLC located in the Mad River area, GPS coordinates 40.5115, -123.5841 in Humboldt County. The site has no physical address. The site is located in the watershed HUC 12-180101020302. 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 to the site from Google Maps

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<sup>1</sup> 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"



← from Mad River, California  
to 40.5115000, -123.5841000

26 min (7.0 miles)



via County Line Creek Rd and Salyer Mad River Rd  
Fastest route

### Mad River

California

↑ Head west on County Line Creek Rd

4.2 mi

↑ Continue onto Salyer Mad River Rd

2.7 mi

40.5115000, -123.5841000

**Site Characteristics**

This project is associated with Humboldt County Interim Permit # 12488-SP, and has been granted a CDFA License # CCL18-0003017.

**Processing**

After being harvested, the cannabis is taken into a shed where it will be dried, machine trimmed, and cured. All work surfaces and equipment are maintained in clean, sanitary conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is packaged then stored in a secure location.

**Power**

The site is powered with one large generator. The generator and fuel tanks are housed in an enclosed trailer. Standard polyethylene containers are placed in a shed and set in totes for secondary containment. A spill kit is stored alongside to provide safe and quick clean-up if any spillage occurs.

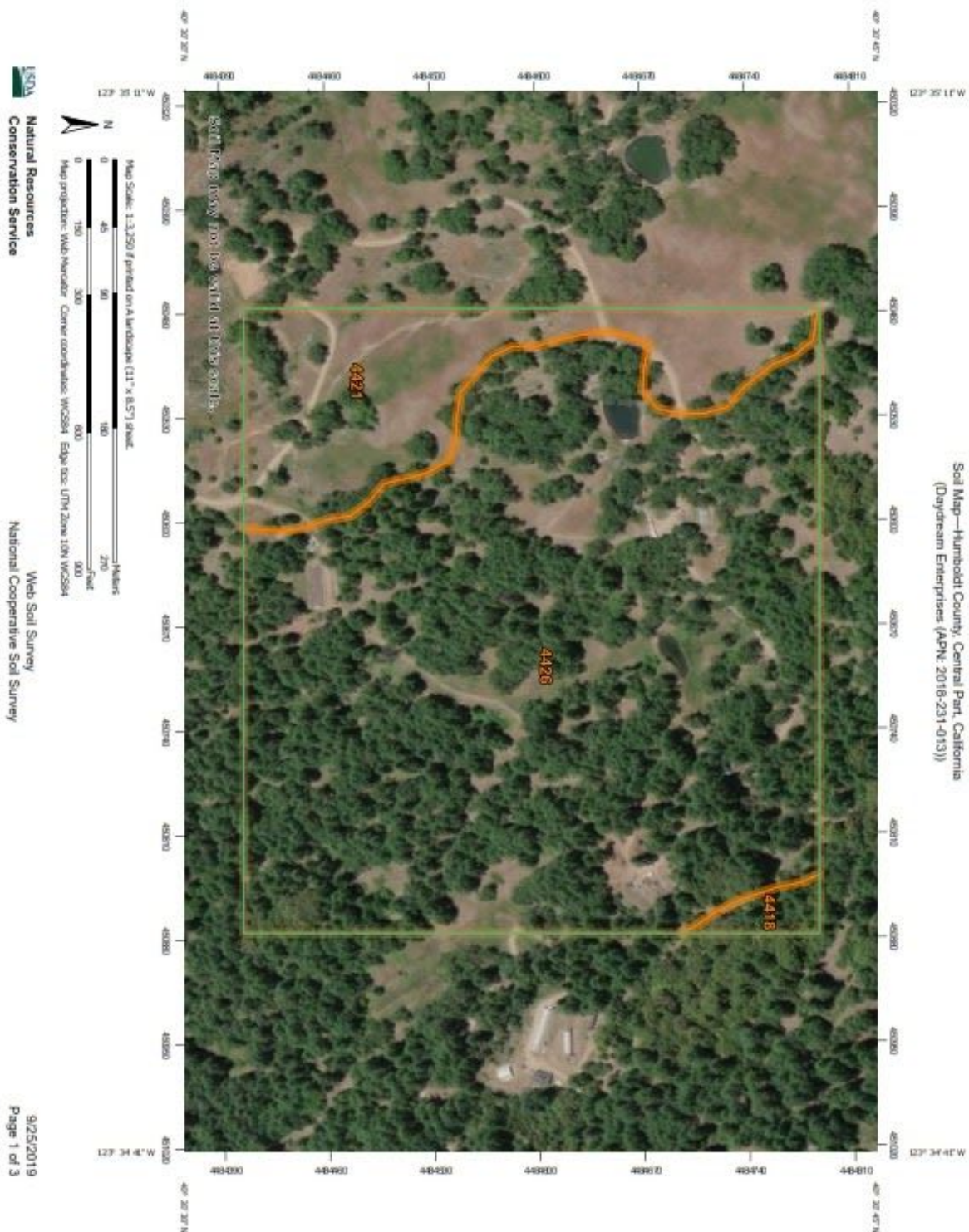
Elevation within this parcel ranges from approximately 3,200 to 3,600 feet. Mean annual precipitation is 49 to 102 inches. Mean annual air temperature is 52 to 55 degrees Fahrenheit. The frost free period is 240 to 280 days.

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.

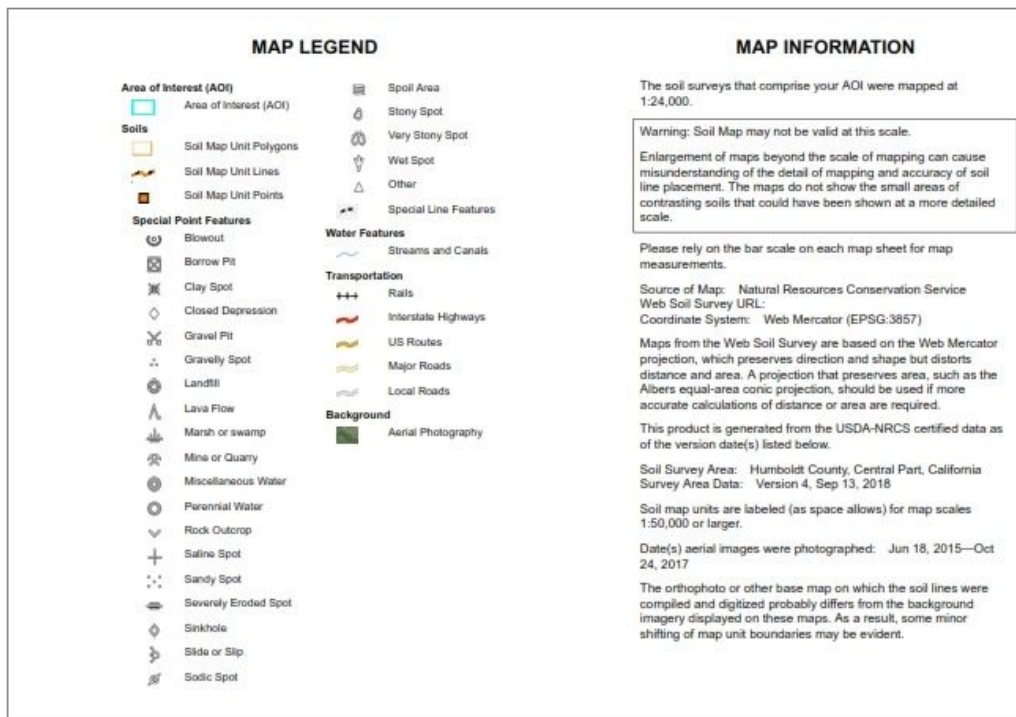
**Soil Description**

Attached is a soil map of the parcel. The soils within the area are primarily Chalkmountain-Hoagland complex (Map Unit 4418, 1.3% of parcel), Highyork-Elkcamp-Airstrip complex (Map Unit 4421, 17.4% of parcel), and Pasturerock-Coyoterock-Maneze complex (Map Unit 4426, 81.3%).





Soil Map—Humboldt County, Central Part, California  
(Daydream Enterprises (APN: 2018-231-013))



Chalkmountain

The parent rock of the Chalkmountain is colluvium derived from sandstone and/or residuum weathered from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.60 to 2.00 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 6.8 inches).

Hoagland

The parent rock of the Hoagland is colluvium and/or residuum weathered from sandstone and mudstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.20 to 2.00 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 9.1 inches).

Highyork

The parent rock of the Highyork is colluvium derived from sandstone and/or earthflow deposits derived from schist. The natural drainage class is somewhat poorly drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.06 to 0.20 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 9.5 inches).

Elkcamp

The parent rock of the Elkcamp is colluvium derived from mudstone and/or colluvium derived from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.06 to 0.60 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 8.6 inches).

Airstrip

The parent rock of the Airstrip is residuum weathered from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.60 to 2.00 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is low (about 3.0 inches).

Maneze

The parent rock of Maneze is colluvium derived from sandstone and mudstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high (0.20 to 0.60 in/hr). The maximum salinity in profile is non-saline to very slightly



saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is low (about 4.9 inches).

#### Pasturerock

The parent rock of the Pasturerock is colluvium derived from mudstone and/or colluvium derived from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high (0.20 to 0.60 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 11.2 inches).

#### Coyoterock

The parent rock of Coyoterock is colluvium derived from sandstone and mudstone. The natural drainage class is moderately well drained. The capacity of the most limiting layer to transmit water (Ksat) is low to moderately low (0.01 to 0.06 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 8.8 inches).

### **Water Storage, Use, and Irrigation Runoff**

Water used for cannabis cultivation is sourced from two rain catchment ponds. The cultivator has an LSAA (Notification No. 1600-2017-0369-R1). Water storage for cannabis cultivation totals 205,350 gallons. A summary of water storage for cannabis cultivation is shown below in Table 1. There is also a 2,500-gallon water tank for fire suppression and a 5,000-gallon water tank for domestic use.

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Tank	1,000	1	1,000
Tank	1,500	2	3,000
Tank	2,850	1	2,850
Tank	3,000	1	3,000
Pond	168,000	1	168,000
<b>Total</b>			<b>177,850</b>

*Table 1: Summary of water storage for cannabis cultivation on the parcel.*

Water is collected from rain catchment throughout the year and stored in the onsite ponds. A gas powered pump sends water to irrigation tanks near the cultivation sites. Gravity then directs waterflow to crops with timed irrigation. The amount of water used for the cultivation of cannabis

will vary throughout the year, from an average of 150 gallons a day to up to 1,000 gallons a day during peak summer periods. Irrigation starts at once a week then increases to daily during the summer. Organic soils along with woodchip and straw mulch improves overall water retention. Timed irrigation, with immediate oversight, helps to prevent irrigation runoff. A summary of estimated water use in gallons by month is shown below in Table 2.

Jan	Feb	Mar	Apr	May	June
0	0	5,000	10,000	20,000	20,000

July	Aug	Sept	Oct	Nov	Dec
30,000	20,000	10,000	5,000	0	0

*Table 2: Summary of estimated 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

Both the main road and access roads are made of dirt, in decent condition, but show evidence of erosion such as rutting and gullying. The cultivator has an LSA Agreement and is in the process of upgrading his roads and has replaced culverts pursuant to the LSA Agreement. There is very little vehicle traffic from the site (about 2 cars go in and out per day). Storm water is drained from the access road via use of moderate road shaping and ditch-relief. Access road stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody.

### Stream Crossings

There are six stream crossing culverts onsite. An overview of stream crossings is shown below in Table 3.

Label	Size (inches)	Type	Watercourse Class	Condition
Culvert 1	24"	Corrugated Metal Pipe	Class III	Good
Culvert 2	18"	Corrugated Metal Pipe	Class III	Good
Culvert 3	36"	Corrugated Metal Pipe	Class III	Good

Culvert 4	24"	Corrugated Metal Pipe	Class III	Good
Culvert 5	18"	Corrugated Metal Pipe	Class III	Good
Culvert 6	18"	Corrugated Metal Pipe	Class III	Good

*Table 3: Overview of stream crossings on the property.*

All stream crossings are believed to be capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. All stream crossings are maintained and inspected for blockage with regular monitoring detailed in the Monitoring section of this plan. All culverts appear to have been installed parallel to the watercourse alignment to the extent possible, of sufficient length to extend beyond stabilized fill/sidecast material, and are embedded or installed at the same level and gradient of the streambed in which they have been placed to prevent erosion.

#### Legacy Waste

The dirt roads and vehicle stream crossings are being updated by December 2021 as part of an LSA the cultivator completed. The roads are legacy logging roads.

#### **Sediment Erosion Prevention and Sediment Capture**

BPTC measures being implemented to prevent or limit erosion and capture sediment that has been eroded include the cultivator installing French-drains beneath the beds which directs any irrigation drainage away from the watercourse. Plants are watered using drip irrigation at appropriate agronomic rates to prevent runoff. Soil will be topped with straw mulch, grass seed, or cover crop for sediment control to prevent erosion and transportation of sediment. 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. In addition, there is no driving or operating of vehicles or equipment within the riparian setbacks or within waters of the state unless authorized. Placement of gravel, straw wattles, and silt screens are examples of additional mitigation measures which will also be taken to ensure erosion control.

#### **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 15<sup>th</sup> and December 15<sup>th</sup> 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 stored onsite in the Amendments & Records Storage Fuel Shed and Pesticides Storage buildings. An overview of estimated annual chemical product use is shown below in Table 4.

<b>Product Name</b>	<b>Chemical Type</b>	<b>N-P-K or Active Ingredient</b>	<b>Annual Use (lb or gal)</b>
Soilscape Mothership	Fertilizer	3-5-1	3,523 lb
Sutzman's Chicken Manure	Fertilizer	3-2-2	1,230 lb
Gro-Pro	Fertilizer	0.5-0.5-4	1 gal
Ful-Power Humic Acid	Fertilizer	Humic Acid	5 gal
Earth Juice Oily-Cann	Fertilizer	Cal/Mag	10 gal
Dyna-Gro Silica	Fertilizer	0-0-3	2.5 gal
Fish Hydrolysate	Fertilizer	2-4-0.2	25 gal
Sparetime Molasses	Fertilizer	1-0.1-3	10 gal
Paleo Bloom	Fertilizer	0-4.7-1.5	10 gal

*Table 4: Overview of estimated annual chemical product usage.*

Products are brought to the site as needed. Products which are not consumed during the growing season are kept in Amendments & Records Storage Fuel Shed and Pesticides Storage buildings 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**

Petroleum products are stored onsite in the Amendments & Records Storage Fuel Shed. An overview of estimated annual petroleum usage is shown below in Table 5.

Product	Chemical Type	Storage (gal)	Annual Use (gal)
Gasoline	Petroleum	Up to 100	400
Diesel	Petroleum	Up to 11	1,000

*Table 5: Overview of estimated annual petroleum usage.*

Petroleum products are brought to the site as needed. Products which are not consumed during the growing season are kept 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. 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.

#### **Trash/Refuse and Domestic Wastewater**

On an average day, there is about one employee, visitor, and/or resident at the site. There is a Compost & Recycle Area on the property. Anticipated solid waste/recycling generated at this site include non-reusable plant waste and packaging materials of approximately 32 gallons per week, with 64 gallons of paper, glass, and plastic recyclables per month. Trash is kept in closed-lid, wildlife-proof, non-permeable garbage cans which are kept to prevent leaching and transport of foreign materials to groundwater, and are located outside of riparian setbacks. Trash bags are self-hauled weekly, and recycling once a month, to Humboldt County Transfer Station.

The domestic wastewater generated at the site is a chemical toilet. The wastewater is disposed of via chemical toilet or holding tank serviced by Six Rivers Portable Toilets/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. The cultivator is in the process of getting a permitted septic tank by June 2020.

#### **Winterization**

The cultivator 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 cultivator 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 cultivator will contact the Regional Water Board to establish a compliance schedule.

**Remediations**

The dirt roads and vehicle stream crossings are being updated by December 2021 as part of an LSA Agreement the cultivator has with CDFW. The roads are legacy logging roads.

Any outhouses, pit privy, or other historical sanitation will be decommissioned, and a permitted septic tank will be installed by December 2021.



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## CULTIVATION SITE RELOCATION ASSESSMENT

Daydream Enterprises (APN: 208-231-011 & 208-231-013)

HUMBOLDT COUNTY

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**Prepared by:**

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**Date:**

October 2019

## SUMMARY

A site visit was conducted at Daydream Enterprises (APN: 208-231-011 & 208-231-013) near Dinsmore in Humboldt County on September 27, 2019 to evaluate two cannabis cultivation relocation areas for sensitive biological and aquatic resources. Both of the relocation areas are in upland non-native grassland habitat with low potential for special status plants and wildlife and are outside of any wetland buffers or stream setbacks. Additionally, the new sites are on more gentle slopes and have less potential for erosion than the original areas.

## 1. INTRODUCTION

This report includes the results of an assessment for sensitive biological and aquatic resources at two cannabis cultivation relocation areas at Daydream Enterprises (APN: 208-231-011 & 208-231-013) (Figure 1). The purpose of the study was to assess the potential for special status plants, wildlife, and natural communities and identify any aquatic resources including wetlands and streams in or near the new cultivation areas.

## 2. DEFINITIONS

### **Sensitive Biological Resources**

#### Special Status Species

Special status species include taxa that are listed under the Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA), in addition to species that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA). This includes plants with California Rare Plant Ranks (CRPR) of 1A, 1B, 2A, or 2B and CDFW Species of Special Concern (SSC) and Fully Protected (FP) and other species that warrant protection based on local or biological significance.

#### Special Status Natural Communities

Special status plant communities are communities with limited distribution that may be vulnerable to environmental impacts. Natural Communities recognized as sensitive are provided on the Sensitive *Natural Communities List* (California Department of Fish and Wildlife (CDFW) 2018). The list is based on the vegetation classification in *A Manual of California Vegetation, 2<sup>nd</sup> Edition* (Sawyer et al. 2009). Natural communities with G or S ranks of 3 or lower are considered sensitive. However, they may not warrant protection under CEQA unless they are considered high quality. Human disturbance, invasive species, logging, and grazing are common factors considered when judging whether the stand is high quality and warrants protection.

### **Sensitive Aquatic Resources**

#### Waters of the United States

Waters of the United States are regulated by the U.S Army Corps of Engineers (Army Corps) under the Clean Water Act. Waters of the United States include, but are not limited to,

territorial seas, waters used for interstate or foreign commerce and their tributaries, and waters adjacent to the aforementioned, including wetlands.

Army Corps jurisdiction in waters such as creeks and rivers includes the area below the ordinary high water mark, which is the line on the bank established by fluctuations of water that leave physical characteristics such as a distinct line on the bank, shelving, destruction of terrestrial vegetation, and presence of debris.

The Army Corps defines wetlands as:

“...areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

#### Waters of the State

Waters of the state are regulated by the State Water Resources Control Board (State Water Board) under the Porter-Cologne Water Quality Control Act. Waters of the state are defined as:

“..... any surface water or groundwater, including saline waters, within the boundaries of the state.”

Waters of the State includes water in both natural and artificial channels.

The Water Board defines wetlands as:

*“An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.”*

#### Streamside Management Areas

The Humboldt County General Plan (Humboldt County 2017) recognizes Streamside Management Areas (SMAs) along all streams, which are defined as:

“100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.”

“50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.”



### 3. ENVIRONMENTAL SETTING

#### Project Location

The parcel is located off Mad River Road approximately 1.75 miles northeast of Dinsmore on the Blake Mountain USGS quadrangle (Section 35, T2N, R5E) in Humboldt County.

#### Soil, Topography, and Hydrology

There are several soil types mapped on the two parcels (United States Department of Agriculture, Natural Resource Conservation Service 2019). The soils are derived from sandstone, mudstone, and schist parent material. All of the soil types and their minor components have non-hydric soil ratings. The parcels are on an approximately 25% generally south facing slope. The elevation ranges from approximately 3,300 to 3,700 feet above sea level. The parcels include four ponds and several small tributaries of the Mad River.

### 4. METHODS

The relocation areas were evaluated sensitive biological and aquatic resources by Kyle Wear, M.A., on September 27, 2019. Mr. Wear has over 20 years of experiences conducting botanical surveys and other biological work in northern California. Mr. Wear is trained in wetland delineation by the Wetland Training Institute and has been conducting wetland delineations for over 10 years.

#### Biological Resources

Lists of special status plants (Table 1) and wildlife (Table 2) that could potentially occur in the relocation areas was generated by consulting the *California Natural Diversity Database* (CDFW 2019) and the *CNPS Inventory of Rare and Endangered Plants* (California Native Plant Society 2019). The scoping lists includes special status plants and wildlife with documented occurrences on the Blake Mountain USGS quadrangle or adjacent quadrangles.

#### Aquatic Resources

##### Wetlands

Federal, State, and County wetland delineation methods follow the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual Western Mountains, Valleys, and Coast Region (Version 2.0)* (Army Corps 2010). A positive wetland determination is made when all three wetland parameters (hydrophytic vegetation, hydric, soil, and wetland hydrology) are present.

##### Non-Wetland Waters

Non-wetland waters include watercourses with a bed, bank, and ordinary highwater mark in addition to ponds, lakes, and other waterbodies and any associated riparian habitat.

## 5. RESULTS AND DISCUSSION

The two new cultivation areas (2 & 5) are in grassland habitat dominated by non-native grasses and other herbaceous plants including slender wild oat (*Avena barbata*), soft chess (*Bromus hordeaceus*), foxtail barley (*Hordeum marinum*), dogtail grass (*Cynosurus echinatus*), and St. John's-wort (*Hypericum perforatum*). These areas have relatively low potential for special status plants and wildlife or are a very small fraction of the overall habitat present on the property as discussed in Tables 1 and 2.

In addition to grasslands, the property includes Douglas-fir (*Pseudotsuga menziesii*) forest and oak woodlands. The oak woodlands include both California black oak (*Quercus kelloggii*) and Oregon white oak (*Q. garryana*). A formal assessment of the relative cover of each species and determination of how much of the oak woodland meets the criteria for Oregon white oak woodland was not completed. However, the relocation project will have no impacts on oaks. Oregon white oak woodland is listed on the Sensitive *Natural Communities List* (CDFW 2018).

The new cultivation areas are on more gentle slopes than the original sites, thus have less potential for erosion, and are outside of any wetland buffers or stream setbacks required by the *Humboldt County General Plan* (Humboldt County 2017) or the *Cannabis Cultivation Policy* (State Water Resources Control Board 2019).

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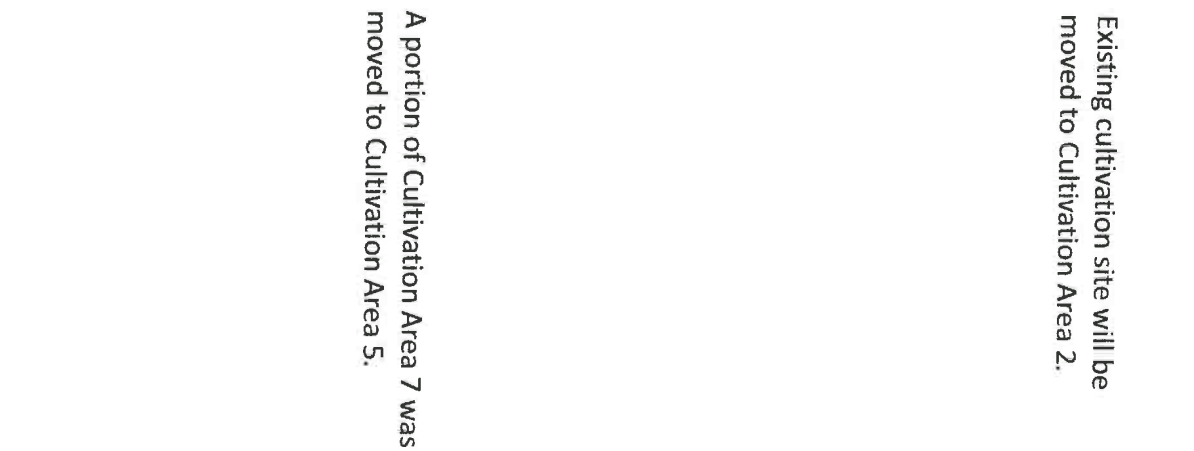


Table 1. Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Arctostaphylos manzanita</i> ssp. <i>elegans</i>	Konocti manzanita	1B.3	(Jan)/Mar-May(Jul)	Chaparral, Cismontane woodland, Lower montane coniferous forest, volcanic	Unlikely. Areas lack volcanic soil.
<i>Astragalus umbraticus</i>	Bald Mountain milk-vetch	2B.3	May-Aug	Cismontane woodland, Lower montane coniferous forest, sometimes roadside	Unlikely. Maybe potential along roads.
<i>Bensoniella oregona</i>	bensoniella	1B.1, CR	May-Jul	Bogs and fens, Lower montane coniferous forest (openings), Meadows and seeps, mesic	Unlikely. Areas are not wetlands.
<i>Buxbaumia viridis</i>	buxbaumia moss	2B.2		Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest, Fallen, decorticated wood or humus	Unlikely. Occurs in higher elevation habitat.
<i>Calycadenia micrantha</i>	small-flowered calycadenia	1B.2	Jun-Sep	Chaparral, Meadows and seeps (volcanic), Valley and foothill grassland, Roadsides, rocky, talus, scree, sometimes serpentine, sparsely vegetated areas	Unlikely. Areas lack volcanic soil and other habitat components.
<i>Carex arcta</i>	northern clustered sedge	2B.2	Jun-Sep	Bogs and fens, North Coast coniferous forest (mesic)	Unlikely. Areas are not wetlands.
<i>Epilobium oreganum</i>	Oregon fireweed	1B.2	Jun-Sep	Bogs and fens, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, mesic	Unlikely. Areas are not wetlands.

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Erigeron maniopotamicus</i>	Mad River fleabane daisy	1B.2	May-Aug	Lower montane coniferous forest, Meadows and seeps (open, dry), open, disturbed areas (road cuts); rocky	Unlikely. Areas are not lower montane coniferous forest.
				Cismontane woodland, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, Often serpentine, often roadsides	Unlikely. Areas lack all or most habitat components.
<i>Erythranthe trinitensis</i>	pink-margined monkeyflower	1B.3	Jun-Jul(Aug)	Bogs and fens, Broadleafed upland forest, North Coast coniferous forest, Mesic, streambanks	Unlikely. Generally occurs in mesic rocky habitat not present in areas.
<i>Erythronium revolutum</i>	coast fawn lily	2B.2	Mar-Jul(Aug)	Coastal bluff scrub, Chaparral (openings), Coastal prairie, Valley and foothill grassland	Moderate. Potential in grasslands. Areas are a minute percentage of available habitat on property.
<i>Gilia capitata</i> ssp. <i>pacifica</i>	Pacific gilia	1B.2	Apr-Aug	Chaparral, Cismontane woodland, Lower montane coniferous forest, usually serpentine, openings, rocky	Unlikely. Areas lack serpentine are rocky habitat.
<i>Harmonia doris-nilesiae</i>	Niles' harmonia	1B.1	May-Jul	Meadows and seeps, Upper montane coniferous forest (openings), dry barren exposed slopes, often gravelly	Unlikely. Occurs in higher elevation habitat.
<i>Hosackia yollabollensis</i>	Yolla Bolly Mtns. bird's-foot trefoil	1B.2	Jun-Aug		



Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Ilama latibracteata</i>	California globe mallow	1B.2	Jun-Aug	Chaparral (montane), lower montane coniferous forest, North Coast coniferous forest (mesic), Riparian scrub (streambanks), Often in burned areas	Unlikely. Areas are not mesic, not burned.
<i>Kopsiopsis hookeri</i>	small groundcone	2B.3	Apr-Aug	North Coast coniferous forest	Unlikely. Does not occur in grassland.
<i>Lathyrus biflorus</i>	two-flowered pea	1B.1	Jun-Aug	Lower montane coniferous forest (serpentine)	No Potential. Areas lack serpentine.
<i>Lupinus elmeri</i>	South Fork Mountain lupine	1B.2	Jun-Jul(Aug)	Lower montane coniferous forest	Unlikely. Areas are not lower montane coniferous forest.
<i>Montia howellii</i>	Howell's montia	2B.2	(Jan-Feb)Mar-May	Meadows and seeps, North Coast coniferous forest, Vernal pools, vernal mesic, sometimes roadsides	Unlikely. Areas are too dry.
<i>Piperia candida</i>	white-flowered rein orchid	1B.2	(Mar)May-Sep	Broadleafed upland forest, lower montane coniferous forest, North Coast coniferous forest, sometimes serpentine	Unlikely. Does not occur in grassland.
<i>Sidalcea malviflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	1B.2	(Apr)May-Aug	Coastal bluff scrub, Coastal prairie, North Coast coniferous forest, often roadcuts	Moderate. Potential in grasslands. Areas are a minute percentage of available habitat on property. Property is southeast of known distribution.
<i>Sidalcea oregana</i> ssp. <i>eximia</i>	coast checkerbloom	1B.2	Jun-Aug	Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest	Moderate. Potential in grasslands. Areas are a minute percentage of

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
Thermopsis robusta	robust false lupine	1B.2	May-Jul	Broadleaved upland forest, North Coast coniferous forest	Unlikely. Usually in areas of heavy disturbance. Some potential along roads.
					available habitat on property. Property is south of known distribution.

## SPECIAL STATUS PLANT LISTING STATUS

### Endangered Species Act (ESA)

FE: Federally Endangered

FT: Federally Threatened

FR: Federally Rare

### California Endangered Species Act (CESA)

CE: California Endangered

CT: California Threatened

CR: California Rare

### California Rare Plant Ranks

**1A:** Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere

**1B:** Plants Rare, Threatened, or Endangered in California and Elsewhere

**2A:** Plants Presumed Extirpated in California, But Common Elsewhere

**2B:** California Rare Plant Rank 2B: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

### Threat Ranks

0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Table 2. Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
<b>Birds</b>				
Accipiter gentilis	northern goshawk	SSC	Strongly associated with mature or old-growth forest for nesting and foraging.	Unlikely. RAs are not suitable mature forest. Some potential in adjacent forest.
			Dense forest adjacent to more open woodland and grassland. Nest sites are secluded from disturbance.	Unlikely. RAs are not suitable nesting habitat. More potential in adjacent forest areas. Suitable foraging habitat is present in RAs.
Aquila chrysaetos	golden eagle	FP ; WL		
			Occurs is a variety of habitats including riparian habitat, brushy areas, open herbaceous vegetation and conifer stands.	Moderate. Could potentially use open grassland similar to RAs
Bonasa umbellus	ruffed grouse	WL		
Charadrius montanus	mountain plover	SSC	Flat short-grass prairie habitat nearly devoid of vegetation.	Moderate. Some potential in grasslands.
Empidonax traillii	willow flycatcher	SE	Dense willow thickets	Unlikely. RAs lack willow thickets.
Falco peregrinus anatum	American peregrine falcon	FP	Vertical structures near water such as cliffs, steep banks, and tall buildings with abundant food sources (other birds).	Unlikely. No suitable nesting habitat in or near RAs. Likely not enough prey.
Haliaeetus leucocephalus	bald eagle	SE;FP	Nests in Humboldt County are typically tall exposed perches with long sight lines.	Unlikely nesting around relocation area. More potential in larger conifers on property. Foraging habitat is present.
Pandion haliaetus	osprey	WL	Nests in large trees and snags near open clean water for foraging.	Unlikely. RAs lack nesting and foraging habitat.
Strix occidentalis caurina	Northern Spotted Owl	FT; ST	Often old growth, but also occurs in younger stand with	Unlikely. RAs are not coniferous forest. Moderate-high potential in adjacent forest.



Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
<b>Fish</b>				
Oncorhynchus kisutch pop. 2	coho salmon - southern Oregon / northern California ESU	FT, ST	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 1	steelhead - Klamath Mountains Province DPS	SSC	Rivers and streams.	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 16	steelhead - northern California DPS	FT	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 36	summer-run steelhead trout	SSC	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus tshawytscha pop. 17	chinook salmon - California coastal ESU	FT	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus tshawytscha pop. 30	chinook salmon - upper Klamath and Trinity Rivers ESU	SSC	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
<b>Invertebrates</b>				
Bombus occidentalis	western bumble bee	SC	Nests near grown under wood, in old rodent burrows. Forages on a variety of plants for nectar and pollen.	Moderate. Suitable nectar and pollen sources present. Likely old rodent burrows.
Monadenia infumata setosa	Trinity bristle snail	ST	Riparian corridors and mixed-conifer forests with a deciduous understory. Well shaded canyons and benches	Unlikely. Not associated with grasslands.

Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
<b>Mammals</b>				
			with leaf mold layer at least four inches thick.	
<i>Antrozous pallidus</i>	pallid bat	SSC	Caves, mines, crevices, and sometimes hollow trees.	Unlikely. No roosting habitat at RAs. Moderate potential in forests on property.
<i>Arborimus pomo</i>	Sonoma tree vole	SSC	Variety of conifer and hardwood forests may be limited to coastal fog belt.	Unlikely. Not associated with grassland. Moderate potential in adjacent Doug-fir forest.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC	Caves and cave-like habitat	Unlikely. There are no caves or large cavernous trees in the RAs. Moderate potential in adjacent forests. Foraging habitat is present.
<i>Pekania pennanti</i>	fisher - West Coast DPS	SSC	Mature low to mid elevation conifer and hardwood forests.	Unlikely. RAs are not mature forests. More potential in adjacent conifer/hardwood stands.
<b>Reptiles and Amphibians</b>				
<i>Ascaphus truei</i>	Pacific tailed frog	SSC	Cool permanent streams with coarse substrate.	Unlikely. RAs are not suitable stream habitat.
<i>Emys marmorata</i>	western pond turtle	SSC	Variety of waterbodies often with basking areas such as logs and wood debris and shaded shorelines.	Unlikely. RAs are not suitable habitat. Some potential in ponds on property.
<i>Rana aurora</i>	northern red-legged frog	SSC	Breeding habitat is generally at least 6 inches deep with emergent vegetation. May travel long distances from water as adult.	Moderate. Individuals could occur in RAs during winter and wet periods. Ponds on the property are suitable breeding habitat.

Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
Rana boylei	foothill yellow-legged frog	SC, SSC	Shallow flowing water with cobble-substrate.	Unlikely. RAs are not suitable habitat.
Rhyacotriton variegatus	southern torrent salamander	SSC	Late seral forest in clear cold water with coarse substrate that lack sediment.	Unlikely. RAs are not suitable habitat.

#### SPECIAL STATUS WILDLIFE LISTING STATUS

**FE:** Federal Endangered  
**FT:** Federal Threatened  
**SE:** State Endangered  
**ST:** State Threatened  
**SSC:** CDFW Species of Special Concern  
**FP:** California Department of Fish & Wildlife (CDFW) Fully Protected Animal  
**WL:** CDFW Watch List  
**SC:** CDFW Candidate



## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Comments	<b>Attached</b>
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
Cal Fire	✓	Conditional Approval	<b>Attached</b>
Ruth Lake CSD	✓	Conditional Approval	<b>Attached</b>
California Department of Fish & Wildlife	✓	Additional Information	<b>Attached</b>
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Humboldt County Sheriff	✓	Comments	On file
Humboldt Bay Water District	✓	Additional Information	<b>Attached</b>
Federal Aviation Administration	✓	Conditional Approval	<b>Attached</b>
Southern Trinity Joint Unified School District		No response	
County Counsel		No Response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y   O F   H U M B O L D T**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

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

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

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 2-23-2018

RE:

Applicant Name	DAYDREAM ENTERPRISES LLC
APN	208-231-013
APPS#	12488

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review items 1, 2, 6, and 7 on Exhibit "C"

// END //

## Additional Review is Required by Planning &amp; Building Staff

APPS # 12488**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 //

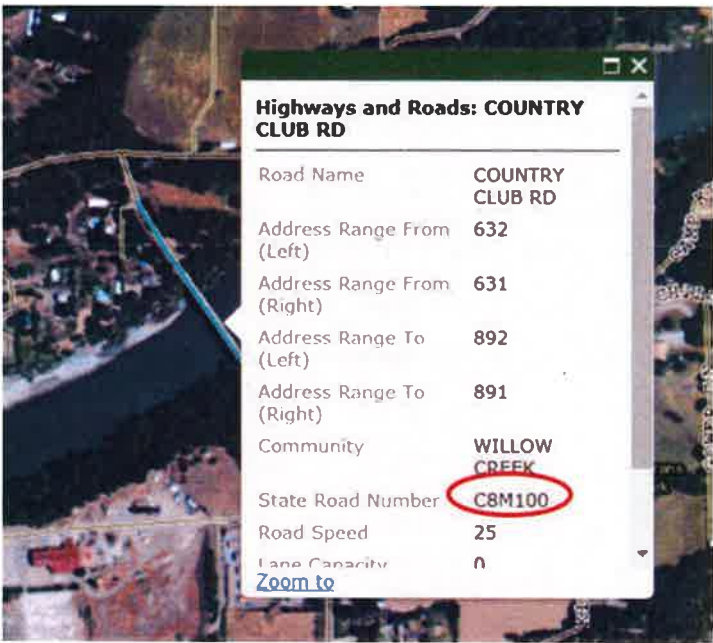
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

<b>ABCDDD</b>	
A 3 M 0 2 0	Murray Road
F 6 B 1 6 5	Alderpoint Road
6 C 0 4 0	Thomas Road



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

9/1/2017

**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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District, Trinity County High School School District

**Applicant Name** Daydream Enterprises LLC **Key Parcel Number** 208-231-013-000

**Application (APPS#)** 12488 **Assigned Planner** () - **Case Number(s)** SP16-547

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

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

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

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

**Return Response No Later Than 9/16/2017**

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: Revise plot plan showing all greenhouses on site - see photos (9) @ SP16-547

DATE: 12/13/17

PRINT NAME: Chad Asguini

208-231-013





**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**BUILDING DIVISION**

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

## Building Division's Referral Comments for Cannabis Operations:

Application No.: 45026 (12488)  
Parcel No.: 208-231-013  
Case No.: SP16-547

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

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: See photos @ SP16-547 - photos (9)  
show all greenhouses on site  
\_\_\_\_\_  
\_\_\_\_\_

Name: [Signature]

Date: 12/13/17

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



## California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Porter, Daydream Enterprises		Date: 01/04/2019	
APPS No.: 12488	APN: 208-231-013	DFW CEQA No.: 2017-0666	Case No.: SP16-547
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input type="checkbox"/> Mixed-light (SF): <input checked="" type="checkbox"/> Outdoor (SF): 9,000	<input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

**Please provide the following information prior to Project Approval:** *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ The applicant proposes to relocate a portion of cultivation from Site B. CDFW requests more information on the relocation site. 1) If the project proposes to remove vegetation, please include a description of the type of vegetation, amount (in square feet), and indicate if they are rare or sensitive species? 2) Are there trees proposed for removal? 3) If trees will be removed, please indicate the quantity and species to be removed. 4) If the Project requires fill disposal, include the disposal location on the site plan/map how much material will be removed and where will the spoils be located? 3) Are there trees proposed for removal?
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0369) has been issued to the applicant.

### **Requested Standard Conditions of Project Approval:**

- ☒ 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.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress,

increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Oregon goldthread (*Coptis laciniata*), Tracy's sanicle (*Sanicula tracyi*), Foothill Yellow-legged Frog (*Rana boylei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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





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

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

DEH received  
9-5-17

Project Referred To The Following Agencies:

17/18-0567

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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District, Trinity County High School School District

Applicant Name Daydream Enterprises LLC Key Parcel Number 208-231-013-000

Application (APPS#) 12488 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-547

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED  
3-7-18

Comments:

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (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 outhouse was shown on the site plan provided. **Discontinue the use of and decommission the outhouse.** Disposal of the end product must be in accordance with HCC § 615-6: bury remaining night soil below 18" of compacted soil, above ground water, no closer than 50' of ephemeral stream and no closer than 100' of perennial stream.

\*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.

2746



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

2/5/2019

**Project Referred To The Following Agencies:**

PW Land Use, Environmental Health, Ruth Lake:FPD, County Counsel, RWQCB, District Attorney, AG Commissioner, NCUAQMD, SWRCB - Division of Water Rights:Other, Southern Trinity Joint Unified:School District, Trinity County High:School District, CalFire, NWIC, Bear River Band, Sheriff, Building Inspections, Cal Fish & Wildlife, CalTrans Dist 1, Humboldt Bay Municipal Water District

**Applicant Name** Daydream Enterprises LLC **Key Parcel Number** 208-231-013-000

**Application (APPS#)** PLN-12488-SP Historic Planning **Assigned Planner** Elizabeth Schatz

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:** 2/20/2019

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

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

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

Other Comments:

*See attached letter*

DATE:

*2/20/19*

PRINT NAME:

*John Friedenbach*  
*General Manager*



## HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL [OFFICE@HBMWD.COM](mailto:OFFICE@HBMWD.COM)

Website: [www.hbmwd.com](http://www.hbmwd.com)

### BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

J. BRUCE RUPP, SECRETARY-TREASURER

BARBARA HECATHORN, DIRECTOR

MICHELLE FULLER, DIRECTOR

### GENERAL MANAGER

JOHN FRIEDENBACH

February 19, 2019

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

**RE: Case Number PLN-12488-SP, Key Parcel Number 208-231-013-000**

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding PLN-12488-SP submitted by Daydream Enterprise, LLC. (Applicant) because the operation poses a potential risk to fish and wildlife, and may threaten water quality of the Mad River Watershed. There are a number of impacts from these projects that need to be considered including water quality and impacts on protected species.

The 168,000 gallon pond appears to be a potential species problem. Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained. Further, we believe the project is not exempt from the California Environmental Quality Act (Pub. Resources Codes, § 21000 et seq., "CEQA

The Applicant seeks a special use permit for development and operation of an existing 9,000 square foot outdoor cannabis cultivation operation. The irrigation water is sourced from a pond. A spring diversion is used for domestic use.

It is the District's understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify with the Water Board the water rights claimed to be owned and permitted by the applicant prior to issuing a SP.

The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. Given the size of these operations and the water storage ponds, we



encourage the County to request a number of these materials including: Irrigation Plan, documentation of water use, source, and storage.

### **I. The Project May Be Subject to CEQA Review**

There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, a full environmental review should be conducted for this project. Reliance on a prior environmental document or an exemption will not adequately capture the likely environmental impacts, especially given the cumulative impacts of this project, in conjunction with other projects in the Mad River area.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, "taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant." (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)


There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

\* \* \*

For the above reasons, the District requests the Planning Department require full environmental review of Special Permit application PLN-12488-SP for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public. Furthermore, we request that the water rights and diversions claimed by the Applicant be verified with the NCRWQCB.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,



John Friedenbach,  
General Manager

Cc: Gordon Leppig, CDFW  
Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory



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



**9/1/2017**

**PROJECT REFERRAL TO: Ruth Lake 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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District, Trinity County High School School District

**Applicant Name** Daydream Enterprises LLC **Key Parcel Number** 208-231-013-000

**Application (APPS#)** 12488 **Assigned Planner** () - **Case Number(s)** SP16-547

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

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

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

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

**Return Response No Later Than 9/16/2017**

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. *Through access should remain open for fire and EMS*
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.
- ☐ Other Comments: *Pls add USDA, Forest Service, District Ranger Muel River R.D. 741 St Highway 36, Bridgeville 95526 - responsible wildland fire protection agency.*

DATE: 9/4/17

PRINT NAME: William German Chief STAFF



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

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

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

AIRSPACE CERTIFICATION FORM INSTRUCTIONS

This certification form is to be completed in order to document that a proposed project is in conformance with County Code 333-1 et seq. and Code of Federal Regulation Title 14 Part 77 imaginary surfaces. In most instances all that will be required is a pre-construction certification. However, in certain circumstances where the Department determines that the proposed structure is close to the imaginary surfaces, the Department may require as-built certification to ensure that the project does not penetrate the imaginary surfaces. In some circumstances, it will be obvious that the proposed structure does not penetrate the imaginary surfaces. An example would be where the proposed project site is substantially lower than the elevation of the runway. In these instances County staff will most likely determine that a certification form is not required. When the location of the project site is questionable, then County staff will require a certification form to be completed.

For a pre-construction certification, the first step is to use USGS quad maps to determine if the tallest point of the structure is closer than 20 feet to the imaginary surface. If it is, a field survey will be required to determine if the proposed structure will be in compliance. The field survey will need to tie the subject property into the same datum as the runway endpoint elevation and will need to be performed by a licensed land surveyor or licensed civil engineer. Otherwise, the certification can be completed using the USGS quad map data to determine compliance.

For projects that are within 5 feet of the imaginary surfaces, a post construction (as-built) certification shall be required and shall be based upon a field survey. Additionally, prior to constructing the structure, applicants are advised to have their project surveyor or engineer survey the elevation of the graded pad to ensure building pad has been graded to the correct elevation. This helps avoid the need to modify the structure due to non-conformance with the grading plan.

SUBMITTAL INFORMATION:

1. **IMPORTANT** Before completing the *Airspace Certification Form*, check your projects location on the County's GIS to see if it appears that your project is clearly not impacted. If so, meet with staff to inquire about "Staff certification in lieu of completing form".
2. Submit a completed *Airspace Certification Form* signed and stamped by a Land Surveyor or Civil Engineer.
3. Submit a plot plan signed and stamped by a Land Surveyor or Civil Engineer that is drawn to scale and includes the location of the proposed structure in relation to the nearest active runway showing:
  - Perpendicular distance of the proposed structure to the nearest active runway centerline line or centerline prolongation.
  - Ground elevation at the site of the proposed object and ground elevation of the runway endpoint (both on the same datum)
  - Height of the proposed structure including antennas or other appurtenances
4. Submit calculations signed and stamped by a Land Surveyor or Civil Engineer showing that the proposed structure does not penetrate the imaginary surfaces defined in County Code Section 333-1 et seq. and Code of Federal Regulation Title 14 Part 77.
5. If required, submit FAA Form 7460-1 and the response from the FAA.
6. Submit all information to Planning & Building Dept., 3015 H Street, Eureka, CA 95501

REFERENCES:

- Airport Land Use Compatibility Plan (ALUCP) Section 3.3
- County Code Section 333-1 <http://www.humboldt.gov.org/DocumentCenter/View/1296>
- 14 CFR Part 77 <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>
- Airport Data Tables (attached).
- County GIS <http://webgis.co.humboldt.ca.us/HCGIS2.0/index.html>

QUESTIONS:

Call the Land Use Division – Land Development Projects Section at 707.445.7205

// END //





ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

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

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

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

LAND USE

445-7205

AIRSPACE CERTIFICATION FORM

Airport Name: \_\_\_\_\_ Runway Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Project APN: \_\_\_\_\_

Planning & Building Department Application and Project Numbers: \_\_\_\_\_

Brief Project Description: \_\_\_\_\_

Maximum Height of proposed structure above ground level (feet): \_\_\_\_\_

Closest vertical distance between the structure and the imaginary surfaces (feet): <sup>1</sup> \_\_\_\_\_

- Is the proposed project in compliance with County Code Section 333-4 (Height Limits) for the above airport?  
☐ Yes ☐ No
- Does the proposed project penetrate any imaginary surfaces defined in 14 CFR Part 77 for the above airport? If YES, submit a Form 7460-1 to the FAA along with a copy of this form.  
☐ Yes ☐ No
- Does the proposed project penetrate any surfaces defined in an avigation/flight easement?  
☐ Yes | recording information for easement \_\_\_\_\_  
☐ No  
☐ Not Applicable; there is no easement of record.
- This certification is:  
☐ Pre-construction (based on plans) ☐ Post-construction (based on survey)<sup>1</sup>

<sup>1</sup>A post-construction certification based upon a field survey is required when the proposed structure is within 5 feet of the imaginary surfaces.

- This certification is based upon:  
☐ Field survey ☐ USGS maps<sup>2</sup>

<sup>2</sup>USGS maps shall only be used to demonstrate that the tallest point of the proposed structure is at least 20 feet lower than the imaginary surface. If not, a field survey is required.

- Status of FAA Form 7460-1:  
☐ Approved by FAA without conditions<sup>3</sup>  
☐ Approved by FAA with conditions<sup>3</sup>  
☐ Not required; exempt per \_\_\_\_\_<sup>4</sup>

<sup>3</sup>Attach a copy of all FAA response documents.

<sup>4</sup>See FAA Form 7460-1 instructions for exemptions.

Attached are signed and stamped calculations and survey data supporting the above statements. I certify that the statements above are true and correct.

(SEAL)

Signature of Land Surveyor or Civil Engineer

Date

COUNTY USE ONLY

Pre-Construction	<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend approval with post-construction certification req'd. <input type="checkbox"/> Recommend denial	By: _____ Date: _____
Post-Construction	<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial	By: _____ Date: _____
Staff certification in lieu of completing form	<input type="checkbox"/> Recommend approval. From observation the maximum height of the proposed structure is located significantly below the imaginary surfaces. ( <input type="checkbox"/> Approval is contingent upon FAA approval of Form 7460-1. See Form 7460-1 for guidance on when the form is req'd.)	By: _____ Date: _____

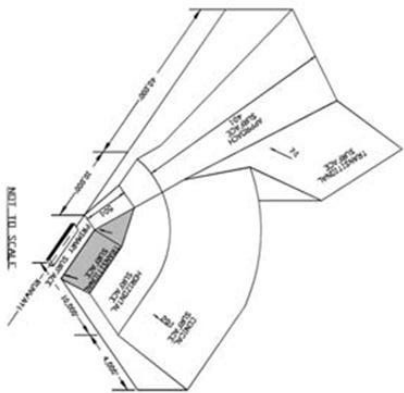
Airport Data Table (1 of 2)

Airport Name	Airport Operator	Airport Type [County Code Section 333-3(j), (k), and (l)]	Runway Numbers	Approach Type [County Code Section 333-3(i) and (j)]	Approach Length [County Code Section 333-3(i)] (A)	Approach Area Width [County Code Section 333-3(j)] (B)	Approach Slope [County Code Section 333-3(k)]	Horizontal Surface [County Code Section 333-3(l)] (C)	Conical Surface [County Code Section 333-3(m)] (D)
California Redwood Humboldt County Airport (ACV)	Humboldt County	Intercontinental Airports	01	Instrument	50,000 feet	4,000 feet at 10,200 feet from REP 16,000 feet at 50,200 feet from REP	50:1 for first 10,000 feet of approach length 40:1 for remainder of approach length	11,500 feet	7,000 feet
			19	Instrument	50,000 feet	4,000 feet at 10,200 feet from REP 16,000 feet at 50,200 feet from REP	50:1 for first 10,200 feet from REP 40:1 for 40,200 to 50,200 feet from REP		
			14	Instrument	50,000 feet	1,000 feet 4,000 feet at 10,200 feet from REP 16,000 feet at 50,200 feet from REP	50:1 for first 10,200 feet from REP 40:1 for 40,200 to 50,200 feet from REP		
			32	Instrument	50,000 feet	1,000 feet 4,000 feet at 10,200 feet from REP 16,000 feet at 50,200 feet from REP	50:1 for first 10,200 feet from REP 40:1 for 40,200 to 50,200 feet from REP		
Dinsmore Airport	Humboldt County	Secondary	9	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1	5,000 feet	3,000 feet
Garberville	Humboldt County	Secondary	27	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1	5,000 feet	3,000 feet
			18	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1		
Hoopa Airport	Hoopa Tribe	Secondary	36	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1	5,000 feet	3,000 feet
			14	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1		
Kneeland Airport	Humboldt County	Secondary	32	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1	5,000 feet	3,000 feet
			15	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1		
Murray Field	Humboldt County	Secondary	33	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1	5,000 feet	3,000 feet
			12	Instrument	10,000 feet	2,250 feet at 10,200 feet from REP	40:1		
Samoa Field	City of Eureka	Secondary	30	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1	5,000 feet	3,000 feet
			16	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1		
			34	Visual	10,000 feet	2,250 feet at 10,200 feet from REP	40:1		
Rohnerville Airport	Humboldt County	Feeder	11	Instrument	10,000 feet	2,300 feet at 10,200 feet from REP	40:1	6,000 feet	3,000 feet
Shelter Cover Airport	Resort Improvement District	Secondary	29	Instrument	10,000 feet	300 feet 2,300 feet at 10,200 feet from REP	40:1	5,000 feet	3,000 feet
			12	Visual	10,000 feet	250 feet 2,250 feet at 10,200 feet from REP	40:1		
			30	Visual	10,000 feet	250 feet 2,250 feet at 10,200 feet from REP	40:1		

### Airport Data Table (2 of 2)

Airport Name	Airport Operator	Airport Elevation	Airport Reference Point Coordinate		Runway Number	Runway Endpoint Elevation	Runway End Point Coordinate		Data Source(s)	Date of Data Source(s)
			Latitude	Longitude			Latitude	Longitude		
California Redwood Humboldt County Airport (ACV)	Humboldt County	222.3'	N 40° 58' 40.20"	W 124° 06' 30.50"	1	187.2'	N 40° 58' 20.49"	W 124° 06' 46.78"	ACV ALP	May 2013
					19	208.2'	N 40° 58' 59.10"	W 124° 06' 17.67"		
					14	182.7'	N 40° 59' 07.00"	W 124° 06' 47.24"		
					32	222.3'	N 40° 58' 13.90"	W 124° 06' 11.15"		
					14 Displaced Threshold	184.5'	N 40° 59' 04.85"	W 124° 06' 45.78"		
					32 Displaced Threshold	221.3'	N 40° 58' 15.66"	W 124° 06' 12.34"		
Dinsmore Airport	Humboldt County	2,392.6'	N 40° 29' 31"	W 123° 35' 54"	9	2,386.5'	N 40° 29' 35.398"	W 123° 36' 08.923"	D63 ALP	March 2010
					27	2,392.3'	N 40° 29' 27.326"	W 123° 35' 38.283"		
Garberville Airport	Humboldt County	550.5'	N 40° 05' 07.559"	W 123° 48' 50.920"	18	536.6'	N 40° 05' 20.715"	W 123° 48' 45.725"	O16 ALP	March 2010
					36	550.5'	N 40° 04' 54.403"	W 123° 48' 56.134"		
Hoopa Airport	Hoopa Tribe	356'	N 41° 02' 35"	W 123° 40' 02"	14	363'	N 41° 02' 46"	W 123° 40' 16"	O21 ALP	October 1993
					32	362'	N 41° 02' 21"	W 123° 39' 23"		
Kneeland Airport	Humboldt County	2,745'	N 40° 43' 08.23"	W 123° 55' 37.98"	15	2,744'	N 40° 43' 19.19"	W 123° 55' 40.49"	O19 ALP	March 2011
					33	2,733'	N 40° 42' 57.27"	W 123° 55' 35.47"		
Murray Field	Humboldt County	10.6'	N 40° 48' 12.234"	W 124° 06' 46.045"	12	6.1'	N 40° 48' 22.7025"	W 124° 06' 59.9498"	EKA ALP	August 2016
					30	10.6'	N 40° 48' 01.7654"	W 124° 06' 32.1406"		
Samoa Field	City of Eureka	??	??	??	16	??	??	??	??	??
					34	??	??	??		
Rohnerville Airport	Humboldt County	392.5'	N 40° 33' 14.180"	W 124° 07' 57.556"	11	340.2'	N 40° 33' 26.226"	W 124° 08' 18.161"	FOT ALP	March 2010
					29	392.5'	N 40° 33' 02.136"	W 124° 07' 36.960"		
Shelter Cove Airport	Resort Improvement District	71'	N 40° 01' 42"	W 124° 04' 23"	12	68'	N 40° 01' 55"	W 124° 04' 37"	005 ALP	October 1993
					30	52'	N 40° 01' 29"	W 124° 04' 09"		

Indicates that information for this airport is not available. Check with the Airport Operator for this information.



Above: Isometric view of typical airspace surfaces

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