COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 1, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Brandon Mismash, Special Permits**
Record Number PLN-12914-SP
Assessor's Parcel Number (APN) 108-121-019
1285 Chemise Mountain Road, Shelter Cove area

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Please contact Christopher Alberts, Planner, at (707)-268-3771 or by email at calberts@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 1, 2021	Special Permits	Christopher Alberts

Project Description: A Special Permit for 10,000 square feet of existing outdoor cannabis cultivation. The cultivation will occur in light deprivation greenhouses. Propagation will occur in a 1,000-square-foot greenhouse. Water for irrigation will be provided by a Point of Diversion (POD) from the South Fork Bear River Creek and an existing well. There is 30,250 gallons of water storage located onsite occurring in eight (8) 3,000-gallon tanks, two (2) 2,500-gallon tanks, and one (1) 1,250-gallon tank. The applicant anticipates approximately 150,000 gallons will be required annually for irrigation. Processing such as drying and curing will occur in the 800-square-foot harvest storage structure. Further processing such as trimming, and packaging will take place off-site a licensed third-party processing facility. The applicant anticipates on hiring a maximum of four (4) employees during peak of operations. According to the Operations Plan, there will be two cultivation cycles occurring annually. Power for the project currently is provided by an 13000KW Kubota diesel generator. The generator is rated at 63 db at 23 feet without enclosure. The generator will be housed in a shed and kept in secondary containment. The applicant will be transitioning to solar energy. The project also involves a Special Permit for setback reduction to the King Range National Conservation Area.

Project Location: The project is located in the Shelter Cove area, on both sides of Chemise Mountain Road, approximately 1.2 miles southeast from the intersection of Shelter Cove Road and Chemise Mountain Road, on the property known as 1285 Chemise Mountain Road.

Present Plan Land Use Designations: Residential Agriculture (RA40-160) Density: forty acres per dwelling unit, Slope Stability: Moderate instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-12914-SP

Assessor's Parcel Number: 108-121-019

Applicant	Owner	Agents
Brandon Mismash	Brandon Mismash	Omsberg & Preston
2445 Harbor View	2445 Harbor View	Kimberly Preston
Eureka, CA 95503	Eureka, CA 95503	402 E Street, 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

Brandon Mismash
Record Number: PLN-12914-SP
Assessor's Parcel Number: 108-121-019

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section§15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Brandon Mismash Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: Brandon Mismash seeks a Special Permit to allow the continued operation of an existing 10,000 square foot commercial cannabis operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project also includes a Special Permit for a setback reduction from public lands. The site is designated as Residential Agriculture (RA40-160) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). The cultivation will occur in the following greenhouses listed below:

Structures in Nexus to Cannabis	**Size (sq ft)**
Cultivation & Propagation Structures	
Greenhouse #1	12'x120' (1,440 sf)
Greenhouse #2	12'x130' (1,560 sf)
Greenhouse #3	12'x155' (1,860 sf)
Greenhouse #4	12'x160' (1,920 sf)
Greenhouse #5	12'x400' (4,800 sf)
Greenhouse #6	12'x110 (1,320 sf)
Greenhouse (Propagation)	20'x50' (1,000 sf)
Harvest Storage	20'x40' (800 sf)
AG Storage	16'x32' (512 sf)
Generator Shed	10'x10' (100 sf)

Artificial lighting used for ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Processing such as drying and curing will occur in the 800-square-foot harvest storage structure. Further processing such as trimming, and packaging will take place off-site a licensed third-party processing facility. The applicant anticipates on hiring a maximum of four (4) employees during peak of operations. According to the Operations Plan, there will be two cultivation cycles occurring annually. Power for the project currently is provided by an 11KW Kubota diesel generator. The generator is rated at 63 db at 23 feet without enclosure. The generator will be housed in a shed and kept in secondary containment. The project is conditioned for the applicant to transition to solar energy.

Water Resources

Water for irrigation will be provided by a Point of Diversion (POD) from the South Fork Bear River Creek and an existing permitted well (14/15-0438). The applicant submitted an Initial Statement of Water Diversion and Use for the POD. According to the initial statement, the applicant will divert

0.22 acre-feet (71,687 gallons) for irrigation purposes. There is 30,250 gallons of water storage located onsite occurring in eight (8) 3,000-gallon tanks, two (2) 2,500-gallon tanks, and one (1) 1,250-gallon tank. The applicant anticipates approximately 150,000 gallons will be required annually for irrigation. The project is conditioned for the applicant to forbear from utilizing the POD annually from May 15 to October 31. Staff analyzed the existing well using aerial imagery from Google Earth Pro and the Well Completion Log. According to Google Earth Pro, the well is approximately 1,955 feet in elevation. The nearest mapped surface water is the South Fork Bear Creek which is approximately 0.14 miles west from the well. The elevation of South Fork Bear Creek is approximately 1,786 feet. The applicant submitted a Well Completion Log, the depth of the well is 240 feet and the depth to first water is 123 feet. The depth to first water is approximately 46 feet above the nearest mapped surface water and penetrates 71 feet below the nearest mapped surface water. The well penetrates through brown sandstone and shale. Staff believes the well is not hydrologically connected to any nearby surface waters due to the distance and the difference in depth between the well and nearby surface waters.

Biological Resources

According to the Humboldt County WebGIS, the subject project is located approximately 0.4 miles southwest of a known Northern Spotted Owl (NSO) activity center (HUM0861). A NSO was observed approximately 0.21 miles south from the project site. Marbled murrelet habitat is mapped on the subject parcel and the adjacent parcels. The pre-existing cannabis cultivation utilized mixed light cultivation techniques. The applicant has transitioned from mixed light cannabis cultivation to outdoor cannabis cultivation. The applicant will also transition from the use of the generators to solar energy for cannabis related activities. Staff believes the proposed project will be reducing the existing potential impacts by transitioning away from the mixed light cultivation and the generators.

Access

The property is accessed via Private driveway from Chemise Mountain Road. Chemise Mountain Road is a County maintained road which is on the "Approved List" of County maintained roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects. The Department of Public Works commented the applicant shall pave the driveway apron where it meets Chemise Mountain Road for a minimum width of 18 feet and a length of 50 feet. Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works.

The applicant submitted a Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated March 15, 2017. According to the WRPP, the project is out of compliance in the following areas: site maintenance, erosion control, and drainage features; spoils management; water storage and use; fertilizers and soil amendments; petroleum products and other chemicals; cultivation related waste; and refuse and human waste. The WRPP provides a list of sites requiring remediation. The project is conditioned to adhere and implement the remediation recommendations found in the WRPP in order to bring the above referenced areas into compliance.

Timber Conversion

The applicant submitted a Timber Conversion Evaluation Report prepared by Timberland Resource Consultants dated February 13, 2021, which evaluated timber removal that occurred between 1998-2005, 2012-2014, and 2019-2020. According to the evaluation report, 0.44 acres of timber was removed. This total does not exceed the three-acre conversion exemption. The 2019 and 2020 timber removal were for the reconstruction and improvement of the existing road. Timber harvesting was necessary to reconstruct the road to a "full-bench" and removal of the unstable sidecast. The report also states timber harvesting was necessary at the cultivation site to

facilitate removal of the unstable sidecast and adequately compact the reconstructed fill-slopes. The report concludes the past conversion activities conducted on the property comply with the California Forest Practice Act and the California Forest Practice Rules. The report recommends the applicant to replant the reconstructed portions of the fill-slopes located along the existing road and cultivation site per Restocking Plan prepared by Timberland Resource Consultants dated February 12, 2021. According to the Restocking Plan, the applicant shall replant 0.72 acres with 313 Douglas-fir trees. The project is conditioned to adhere to the Restocking Plan prepared by Timberland Resource Consultants.

Public Lands

The subject project is surrounded by the King Range National Conservation Area. The project was referred to the Bureau of Land Management (BLM) on August 3, 2017. The BLM request the applicant have their parcels surveyed by a professional surveyor to avoid any potential trespass on BLM land. The applicant submitted a Site Plan prepared by Omsberg & Preston dated February 17, 2021. The site plan was prepared by a licensed land surveyor and provides surveyed property boundary lines. Cultivation related activities are proposed approximately 260 feet west from the King Range National Conservation Area, which is managed as open space with no development for public use within 600 feet of the project area. The site plan also indicates there will be no trespassing onto BLM land. The proposed project proposes a Special Permit for a setback reduction.

Tribal Consultation

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The applicant submitted a Cultural Resources Investigation prepared by William Rich and Associates dated April 2018. The survey concludes no archaeological, ethnographic or historic-period sites, artifacts, features or deposits were identified on the property during the investigation. The project has an ongoing condition to include inadvertent archaeological discovery language.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (see Attachment 2 for more information).

RECOMMENDATION: Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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

RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-12914-SP
Assessor's Parcel Number: 108-121-019

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Brandon Mismash, Special Permits.

WHEREAS, **Brandon Mismash,** submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 10,000 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities. A Special Permit is also requested for a setback reduction from the King Range National Conservation Area;

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 1, 2021, and reviewed, considered, and discussed the application for two Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

1. **FINDING:** **Project Description:** The application is a Special Permit to allow a 10,000 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities. Power is currently provided by generators. The applicant will be transitioning from the generators to solar energy. Water for irrigation is provided by a Point of Diversion from South Fork Bear River Creek and an existing well. A Special Permit is also requested for a setback reduction from the King Range National Conservation Area.

   EVIDENCE: a) Project File: PLN-12914-SP

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

   EVIDENCE: a) Addendum Prepared for the proposed project.

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

c) A Water Resources Protection Plan dated March 15, 2017, was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.

d) A Cultural Resources Investigation Report was carried out by William Rich and Associates in April 2018, concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

FINDINGS FOR SPECIAL PERMITS

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

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

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

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

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing outdoor cannabis on a parcel over 1 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of existing outdoor cultivation on a 20-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

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

b) APN 108-121-019 is a legal parcel per NOLLA recorded 7/29/18 as Instrument No. 2018-013402 (Formerly APNs -011 & -019).

c) The project will obtain water from a diversionary water source (with forbearance from use from May 15 to October 31 annually) and non-diversionary water source.

d) The property is accessed via Private driveway from Chemise Mountain

Road. Chemise Mountain Road is a County maintained road which is on the "Approved List" of County maintained roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects.

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

f) The cultivation of cannabis will not result in the net conversion of timberland. The applicant submitted a Timber Restocking Plan prepared by Timberland Resource Consultants, which recommends the applicant to restock 0.72 acres with approximately 313 trees.

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

h) The proposed project includes a Special Permit for a setback reduction for the King Range National Conservation Area. The project was referred to the Bureau of Land Management (BLM) on August 3, 2017. The BLM request the applicant have their parcels surveyed by a professional surveyor to avoid any potential trespass on BLM land. The applicant submitted a Site Plan prepared by Omsberg & Preston dated February 17, 2021. The site plan was prepared by a licensed land surveyor and provides surveyed property boundary lines. Cultivation related activities are proposed approximately 260 feet west from the King Range National Conservation Area, which is managed as open space with no development for public use within 600 feet of the project area. The site plan also indicates there will be no trespassing onto BLM land.

6. FINDING The cultivation of 10,000 square feet 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 road that is developed to the equivalent of a road category 4 standard and will 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 20 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) Water for irrigation will be provided by a Point of Diversion (POD) from the South Fork Bear River Creek and an existing well. The applicant submitted an Initial Statement of Water Diversion and Use for the POD. There is 30,250 gallons of water storage located onsite occurring in eight (8) 3,000-gallon tanks, two (2) 2,500-gallon tanks, and one (1) 1,250-gallon tank. The applicant anticipates approximately 150,000 gallons will be required annually for irrigation. The applicant will forbear from utilizing the POD annually from May 15 to October 31.

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.

8. FINDING b) The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

EVIDENCE c) According to the Humboldt County WebGIS, the subject project is located approximately 0.4 miles southwest of a known Northern Spotted Owl (NSO) activity center (HUM0861). A NSO was observed approximately 0.21 miles south from the project site. Marbled murrelet habitat is mapped on the subject parcel and the adjacent parcels. project site. Marbled murrelet habitat is mapped on the subject parcel and the adjacent parcels. The pre-existing cannabis cultivation utilized mixed light cultivation techniques. The applicant has transitioned from mixed light cannabis cultivation to outdoor cannabis cultivation. The applicant will also transition from the use of the generators to solar energy for cannabis related activities. Staff believes the proposed project will be reducing the existing potential impacts by transitioning away from the mixed light cultivation and the generators.

d) The applicant submitted a Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated March 15, 2017. According to the WRPP, the project is out of compliance in the following areas: site maintenance, erosion control, and drainage features; spoils management; water storage and use; fertilizers and soil amendments; petroleum products and other chemicals; cultivation related waste; and refuse and human waste. The WRPP provides a list of sites requiring remediation. The project is conditioned to adhere and implement the remediation recommendations found in the WRPP in order to bring the above referenced areas into compliance. The applicant is a Tier 2 Discharger and will include a monitoring element and will submit an annual report each year by March 31 that documents implementation and effectiveness of the management measures during the previous year. The applicant shall implement and adhere to all recommendations and corrective actions found within the WRPP. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents with the State Water Resources Control Board, including, but not limited to a Notice of Applicability and Site Management Plan.

e) The applicant submitted a Timber Conversion Evaluation Report which

evaluated timber removal that occurred between 1998-2005, 2012-2014, and 2019-2020. According to the evaluation report, 0.44 acres of timber was removed. This total does not exceed the three-acre conversion exemption.

f) The applicant submitted a Restocking Plan prepared by Timberland Resource Consultants dated February 12, 2021. According to the Restocking Plan, the applicant shall replant 0.72 acres with 313 Douglas-fir trees. The project is conditioned to adhere to the Restocking Plan prepared by Timberland Resource Consultants.

DECISION

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

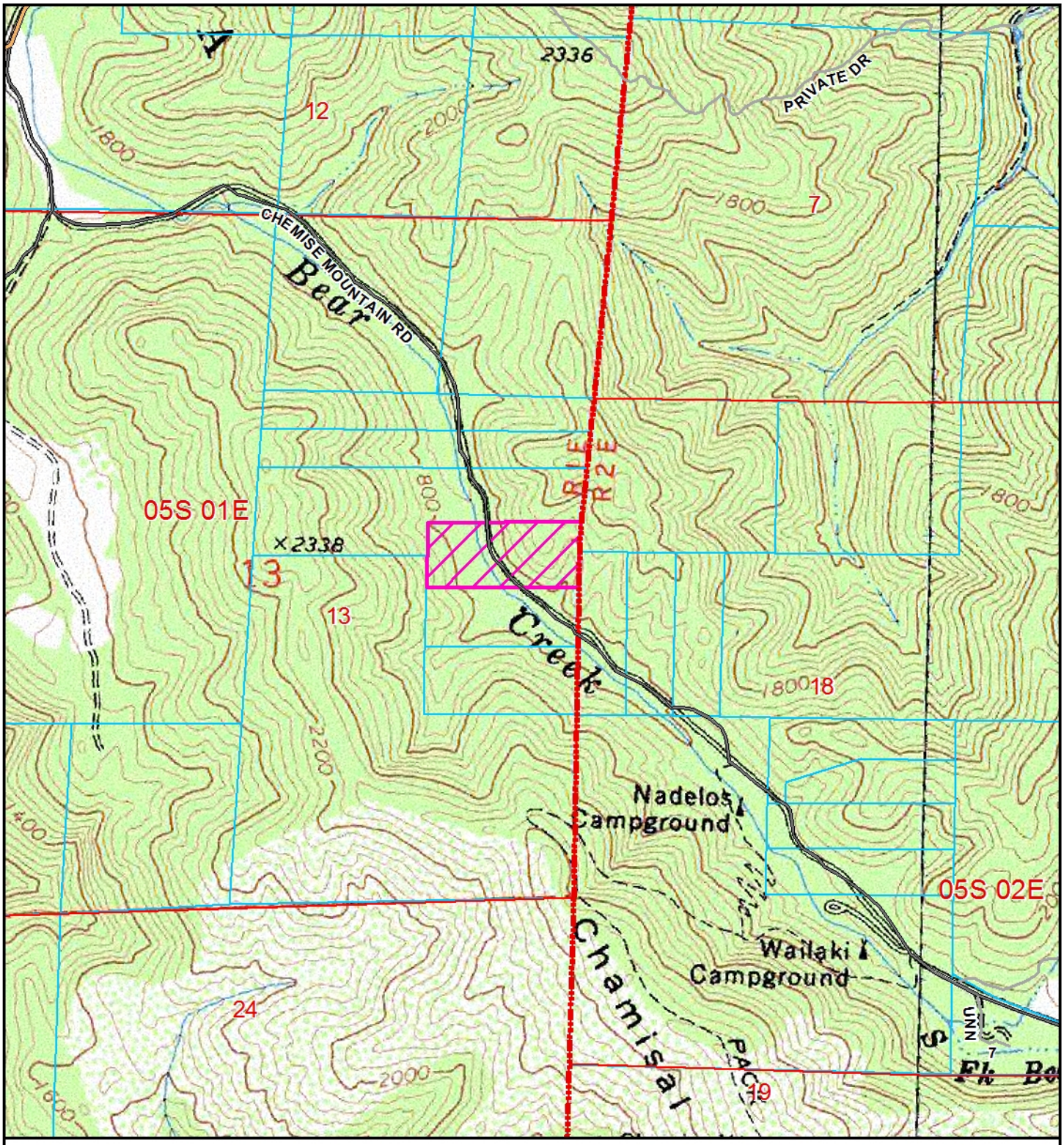
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Brandon Mismash, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on July 1, 2021.

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 Zoning Administrator at a meeting held on the date noted above.

_____

John H. Ford, Zoning Administrator,
Planning and Building Department



TOPO MAP

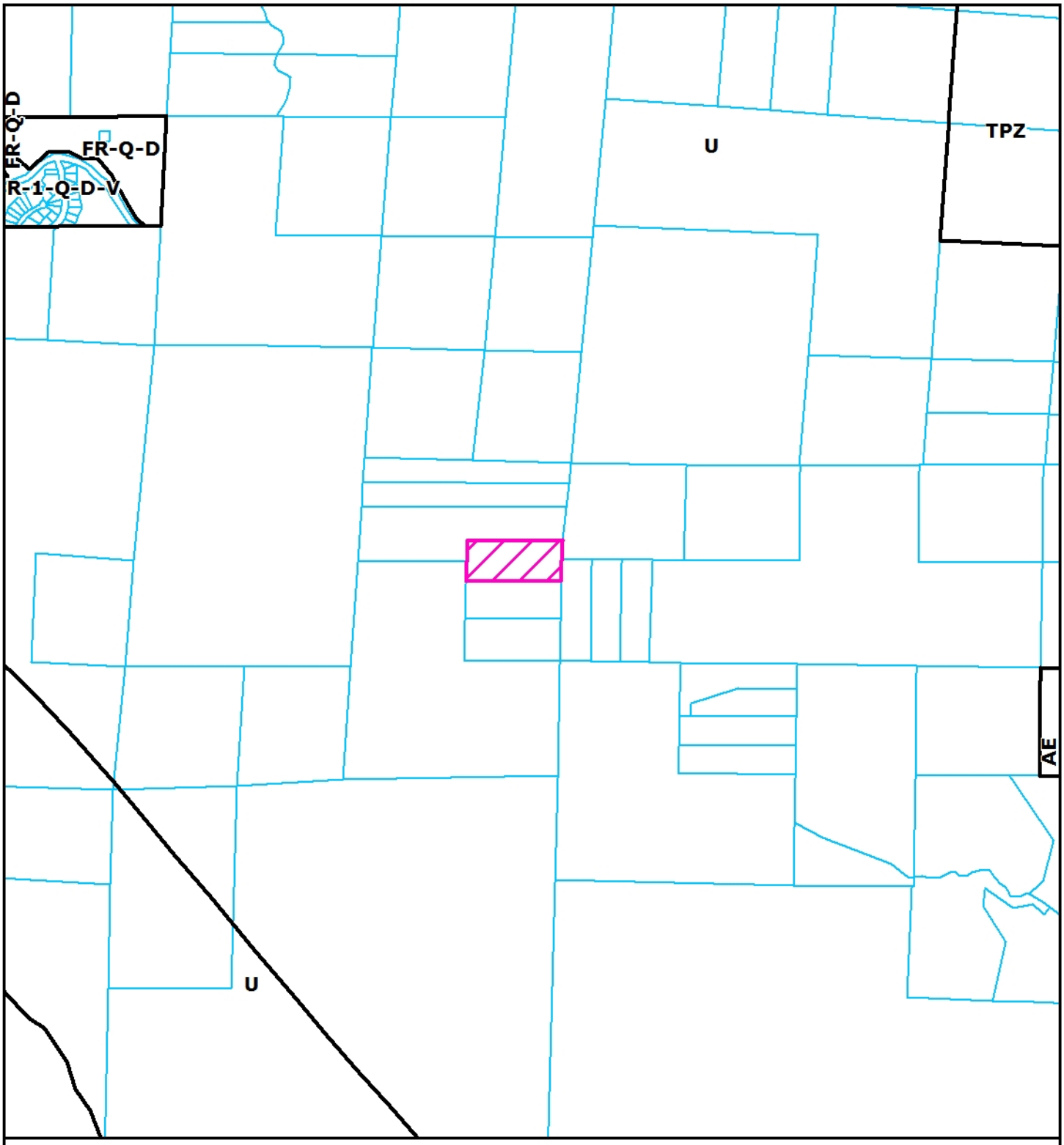
PROPOSED MISMASH
SPECIAL PERMIT
SHELTER COVE AREA
SP-16-684
APN: 108-121-011
T05S R01E S13 HB&M (Shelter Cove)

Project Area =

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

N

0 500 Feet



ZONING MAP

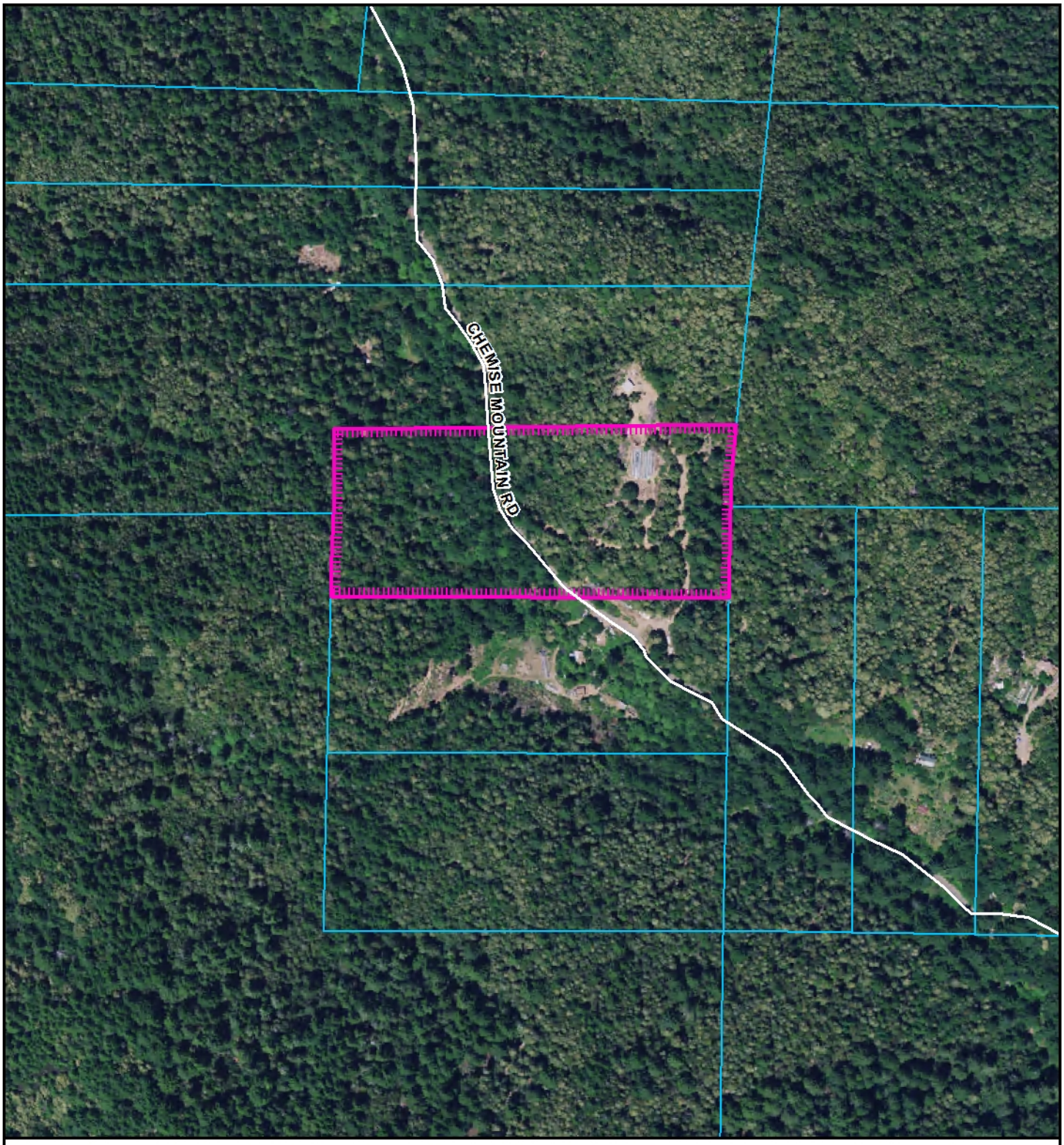
PROPOSED MISMASH
SPECIAL PERMIT
SHELTER COVE AREA
SP-16-684
APN: 108-121-011
T05S R01E S13 HB&M (Shelter Cove)

Project Area =

N

0 0.25 Miles

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.



AERIAL MAP

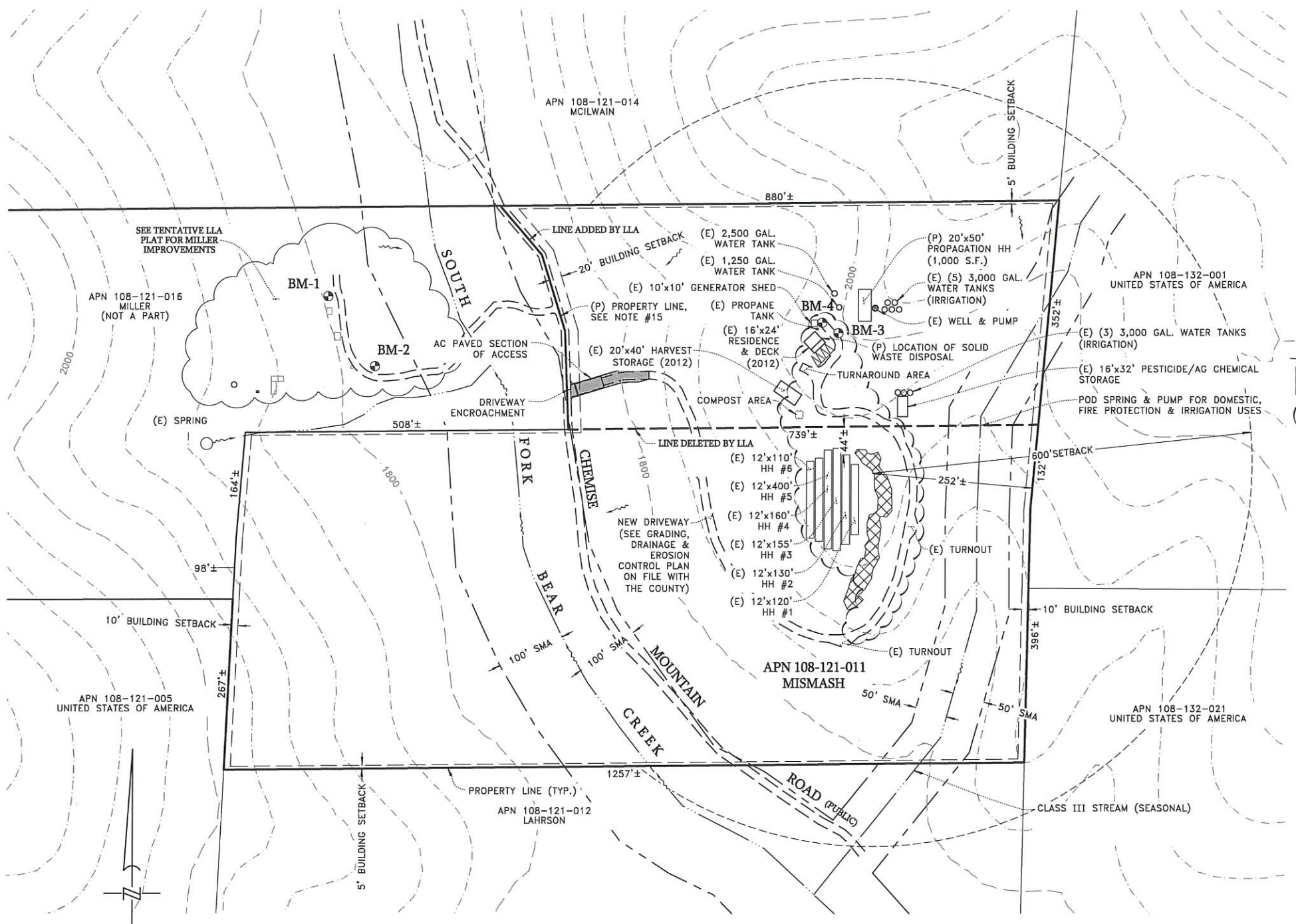
PROPOSED MISMASH
SPECIAL PERMIT
SHELTER COVE AREA
SP-16-684
APN: 108-121-011
T05S R01E S13 HB&M (Shelter Cove)

Project Area =

N

0 250 Feet

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.



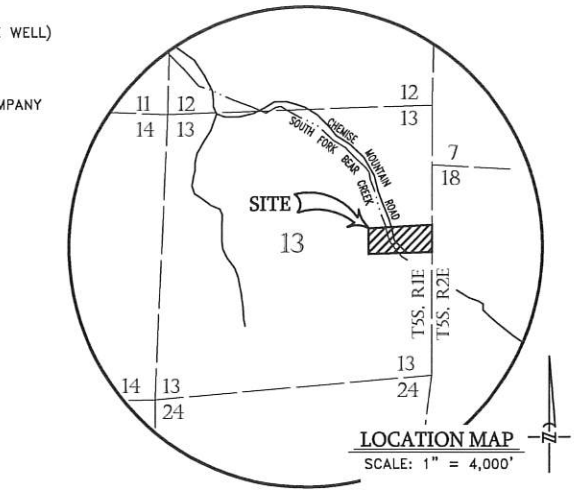
0 100' 200'
SCALE: 1" = 200'

UTILITIES

WATER	ON-SITE SPRINGS (& FUTURE WELL)
SEWER	ON-SITE DISPOSAL
GAS	ON-SITE (PROPANE)
ELECTRIC	PACIFIC GAS & ELECTRIC COMPANY
TELEPHONE	CELLULAR SERVICE
T.V.	SATELLITE DISH

LEGEND

SYMBOL	INDICATES
◁	PARKING SPACE
⌇	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLON
S.F.	SQUARE FEET
(YEAR)	YEAR CONSTRUCTED/INSTALLED
EGH	EXISTING GREENHOUSE
HH	HOOPHOUSE
LLA	LOT LINE ADJUSTMENT
SMA	STREAMSIDE MANAGEMENT AREA
1800	CONTOUR AT 40 FOOT INTERVALS
	EXISTING CREEK
	EXISTING NATURAL VEGETATION AREA (TREES)
	APPROXIMATE LIMITS OF GRADED FLAT
BM-2	SEWAGE DISPOSAL TEST HOLE LOCATION



LOCATION MAP
SCALE: 1" = 4,000'

NOTES

1. THE PARCEL IS LOCATED IN THE SHELTER COVE AREA OF HUMBOLDT COUNTY. ACCESS TO THE SITE IS FROM THE STATE HIGHWAY 101 TO SHELTER COVE ROAD AND CHEMISE MOUNTAIN ROAD, BOTH PRIVATE ROADS.
2. THIS PLOT PLAN, FOR APN 108-121-011, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) NO. 2559, FOR ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD'S ORDER NO. R1-2015-0023, AND FOR OBTAINING BUILDING AND/OR GRADING PERMITS.
3. THE PARCEL HAS A GENERAL PLAN DESIGNATION OF PUBLIC LANDS (P) PER THE FRAMEWORK PLAN AND IS ZONED UNCLASSIFIED (U).
4. BOUNDARIES ARE BASED ON BOOK 25 OF SURVEYS, PAGE 114 AND BOOK 21 OF SURVEYS, PAGE 111-120. THIS PLAT MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAPS, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. BOUNDARY SURVEYING WAS ALSO UNDERTAKEN BY THIS OFFICE IN ASSOCIATION WITH THE APPROVED LOT LINE ADJUSTMENT.
5. THE PROPERTY IS CURRENTLY DEVELOPED WITH ONE (1) RESIDENCE TWO (2) STORAGE STRUCTURES AND SIX (6) GREENHOUSES.
6. NO PROCESSING IS TO OCCUR ON-SITE, BUT THERE WILL BE TWO (2) EMPLOYEES.
7. THE PROPERTY IS VERY HILLY. CONTOURS SHOWN HEREON ARE AT 40-FOOT INTERVALS AND ARE BASED ON SE/4 POINT DELGADA 15 MIN. QUAD, DATED 1969.
8. THE APPROXIMATE LOCATION OF A CLASS III SEASONAL CREEK AND SOUTH FORK BEAR CREEK, TOGETHER WITH THEIR "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREAS (SMAS), ARE AS SHOWN HEREON. NO OTHER WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
9. THE EXISTING AGRICULTURAL AREAS, EXISTING AND PROPOSED STRUCTURES, AND PLANNED IMPROVEMENTS, AS WELL AS DISTANCES FROM CULTIVATION AREAS TO PROPERTY BOUNDARIES, ARE AS SHOWN HEREON.
10. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP OR PUBLIC PARKS ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF THE CULTIVATION SITES.
11. A GRADING PERMIT WAS OBTAINED FROM HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT FOR CONSTRUCTION OF THE NEW ACCESS ROAD, AND AN ENCROACHMENT PERMIT OBTAINED FROM THE COUNTY DEPARTMENT OF PUBLIC WORKS. EXCESS DIRT FROM THE ACCESS ROAD CONSTRUCTION WAS PLACED ON THE FLAT.
12. WATER FOR THE PARCEL IS FROM AN ON-SITE SEASONAL CREEK, AS WELL AS A PERMITTED WELL. SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS SHALL BE ON-SITE. SEPTIC TESTING, DESIGN AND REPORT PREPARATION WAS PREPARED BY OMSBERG & PRESTON, DATED JANUARY 26, 2017.
13. A SOILS REPORT HAS BEEN PREPARED BY WHITCHURCH ENGINEERING, WHICH DETAILS THE SITE'S SPECIFIC GEOTECHNICAL RECOMMENDATIONS.
14. THIS PROJECT IS IN THE FEDERAL RESPONSIBILITY AREA (FRA), AND FRA FIRE SAFE STANDARDS SHALL BE ADHERED TO.
15. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

EASEMENTS & ENCUMBRANCES

(PER PRELIMINARY REPORT BY FIRST AMERICAN TITLE, POLICY NUMBER 5011400-1489233E, DATED AUGUST 23, 2016)

#3. EASEMENTS. LIENS OR ENCUMBRANCE, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

#10. ANY RIGHTS, INTERESTS, OR EASEMENTS IN FAVOR OF THE PUBLIC, WHICH EXIST OR ARE CLAIMED TO EXIST OVER ANY PORTION OF SAID LAND COVERED BY WATER, INCLUDING A PUBLIC RIGHT OF ACCESS TO THE WATER.

#11. AN EASEMENT FOR THE PURPOSE SHOWN AS USUAL, NECESSARY, PROPER OR CONVENIENT MEANS FOR WORKING, PRODUCING, LAYING-UP AND MAKING MERCHANTABLE AND TAKING AWAY OIL AND MINERALS FROM SAID LAND, TO MAKE AND REPAIR TUNNELS, SEWERS, RIGHTS OF WAY AND TO LAY AND REPAIR PIPES FOR CONVEYING WATER TO AND FROM SAID LAND PER BOOK 164 OF DEEDS, PAGE 36, HUMBOLDT COUNTY RECORDS.

LICENSED LAND SURVEYOR
KIMBERLY D. PRESTON
No. 9153
STATE OF CALIFORNIA

Kimberly D. Preston 3/4/21
KIMBERLY D. PRESTON — DATE
P.L.S. 9153

OWNER / APPLICANT
BRANDON MISMASH
244 HARBOR VIEW
EUERKA, CA 95503
(707) 834-0679

REVISED: 02/17/21
01/29/21

APPS # 12914
APN 108-121-011 (NOW APN 108-121-019)

OMSBERG & PRESTON
402 E Street
Eureka, California
95501
Telephone
(707) 443-8651
SURVEYORS PLANNERS ENGINEERS

DESIGNED BY: K.D.P.	DATE: 11/30/16	PLOT PLAN for BRANDON MISMASH
DRAWN BY: C.W.B.	DATE: 11/30/16	In the unincorporated area of Humboldt County Section 13, T5S., R.1E. H.B.&M.
CHECKED BY: KIMBERLY D. PRESTON	DATE: 02/17/21	SCALE: AS SHOWN; JOB NO. 16-1929; SHEET 1 OF 1

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 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 #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

6. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.

7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The applicant shall adhere and implement all recommendations found within the Timber Conversion Evaluation Report prepared by Timberland Resource Consultants dated February 13, 2021. Confirmation from a Registered Professional Forester that the work has been done will satisfy this condition.

9. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.

10. The applicant shall pave the surface at the location of Chemise Mountain Road where it meets the private driveway for a minimum width of 18 feet and a length of 50 feet where it intersects the County road. Confirmation from the Department of Public Works that the work has been done will satisfy this requirement. An encroachment permit shall be obtained from the Department of Public Works for the work required within the County right-of-way.

11. The applicant shall install water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation sperate from domestic use. Final sign off from the Planning Department will satisfy this condition.

12. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in nursery greenhouse shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

7. The use of anticoagulant rodenticide is prohibited.

8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

9. All components of 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.

10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for

curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).

17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

20. Pay all applicable application, review for conformance with conditions and annual inspection fees.

21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana

Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

26. Cultivators engaged in processing shall comply with the following Processing Practices:
    a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
    b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
    c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
    d. Employees must wash hands sufficiently when handling cannabis or use gloves.

27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
    a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
        (1) Emergency action response planning as necessary;
        (2) Employee accident reporting and investigation policies;
        (3) Fire prevention;
        (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
        (5) Materials handling policies;
        (6) Job hazard analyses; and
        (7) Personal protective equipment policies, including respiratory protection.
    b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
        (1) Operation manager contacts;
        (2) Emergency responder contacts; and
        (3) Poison control contacts.
    c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
    d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

28. All cultivators shall comply with the approved processing plan as to the following:
    a. Processing practices
    b. Location where processing will occur

c. Number of employees, if any
d. Employee Safety Practices
e. Toilet and handwashing facilities
f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
g. Drinking water for employees
h. Plan to minimize impact from increased road use resulting from processing
i. On-site housing, if any

29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a 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.

31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    a. Identifying information for the new owner(s) and management as required in an initial permit application;
    b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
    c. The specific date on which the transfer is to occur;
    d. Acknowledgement of full responsibility for complying with the existing permit; and
    e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

APN 108-121-019; 1285 Chemise Mountain Road, Shelter Cove, County of Humboldt

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

July 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Special Permit (PLN-12914-SP) an existing 10,000 square foot commercial cannabis operation. Propagation will occur in a 1,000-square-foot greenhouse. Artificial lighting used for ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. There will be two cultivation cycles occurring annually during the months of July and October. Processing such as drying and curing will occur in the 800-square-foot harvest storage structure. Further processing such as trimming, and packaging will take place off-site a licensed third-party processing facility. The applicant anticipates on hiring a maximum of four (4) employees during peak of operations. Power for the project currently is provided by an 11KW Kubota diesel generator. The generator is rated at 63 db at 23 feet without enclosure. The generator will be housed in a shed and kept in secondary containment. The project is conditioned for the applicant to transition to solar energy.

Water for irrigation will be provided by a Point of Diversion (POD) from the South Fork Bear River Creek and an existing well. The applicant submitted an Initial Statement of Water Diversion and Use for the POD. There is 30,250 gallons of water storage located onsite occurring in eight (8) 3,000-gallon tanks, two (2) 2,500-gallon tanks, and one (1) 1,250-gallon tank. The applicant anticipates approximately 150,000 gallons will be required annually for irrigation. The project is conditioned for the applicant to forbear from utilizing the POD annually from May 15 to October 31.

The project is located approximately 0.4 miles southwest of a known Northern Spotted Owl (NSO) activity center (HUM0861). A NSO was observed approximately 0.21 miles south from the project site. Marbled murrelet habitat is mapped on the subject parcel and the adjacent parcels. The pre-existing cannabis cultivation utilized mixed light cultivation techniques. The applicant has transitioned from mixed light cannabis cultivation to outdoor cannabis cultivation. The applicant will also transition from the use of the generators to solar energy for cannabis related activities. Staff believes the proposed project will be reducing the existing potential impacts by transitioning away from the mixed light cultivation and the generators.

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The applicant submitted a Cultural Resources Investigation prepared by William Rich and Associates dated April 2018. The survey concludes no archaeological, ethnographic or historic-period sites, artifacts,

features or deposits were identified on the property during the investigation. The project has an ongoing condition to include inadvertent archaeological discovery language.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include restocking 0.30 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 10,000 square feet of outdoor cannabis cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Plan prepared by the Agent dated March 4, 2021.

- Site Plan prepared by the agent dated March 4, 2021.
- Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants, dated March 15, 2017.
- Cultural Resource Investigation Report prepared by William Rich and Associates dated April 2018.
- Timber Conversion Evaluation Report prepared by Timberland Resource Consultants dated February 13, 2021.

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. (Not applicable)

3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated 12/16/2020 – **Attached** with project Maps)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent dated 12/8/2020- **Attached**)

5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)

6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)

7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)

8. If the source of water is a well, a copy of the County well permit, if available. (**Attached**)

9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of

Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Evaluation Report-**Attached**)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

11. 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)

12. 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)

13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)

14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

15. Cultural Resource Investigation Report prepared by William Rich and Associates dated April 2018. (On file)

CULTIVATION, OPERATIONS & SECURITY PLAN
(APN 108-121-011 & POR. 108-121-016)

OPERATIONS PLAN

1. Water Source, Storage, Irrigation Plan & Projected Water Usage

WATER SOURCE & STORAGE: The primary source of irrigation water is a surface water diversion from South Fork Bear Creek. Applicant has submitted a proposed Lake and Streambed Alteration Agreement ("LSAA") the California Department of Fish and Wildlife ("CDFW"). Applicant will be also be submitting a Water Management Plan ("WMP") prepared by Timberland Resource Consultants, which will outline the forbearance and bypass flow requirements for the surface water diversion. Applicant is working with Timberland Resource Consultants to develop his WMP and Water Resources Protection Plan ("WRPP") per the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023.

Presently, Applicant has a total of 30,250 gallons of water storage on-site. There are eight 3000-gallon water tanks, two 2500-gallon water tanks, and one 1250-gallon water tank. Cultivation activities are supplied with water by a permitted well, which absolves the need for a full season of water storage.

IRRIGATION PLAN: Irrigation water is applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation system and by hand watering using a spray stick or wand. Applicant waters in the morning/early evening hours to reduce water loss by evaporation. Ground cover and weed barrier is used to minimize weed growth, which further reduces water loss. Applicant uses natural soil amendments to aid in soil moisture retention as part of irrigation plan.

PROJECTED WATER USAGE: Applicant will be cultivating approximately 10,000 sq. ft. of outdoor, full term cannabis pursuant to a zoning clearance certificate. Based on California Department of Fish and Wildlife (CDFW) estimates for cannabis irrigation needs, and Applicant's irrigation practice of watering every other day, CDFW estimates that Applicant will be using 85,000 gallons of water ((169 days ÷ 2) x 1000 gallons) during the forbearance period required by the ordinance. Based on a 180-day growing cycle, Applicant's total yearly water usage is estimated by CDFW to be 90,000 gallons. Applicant estimates that approximately 150,000 gallons will be used during an entire season.

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

2. Site Drainage, Runoff and Erosion & Sediment Control Measures

SITE DRAINAGE: There are two streams on the property, a Class III that flows seasonally, and the Class I South Fork Bear Creek that bisects the property. There are no stream crossings on the property.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Timberland Resource Consultants to improve site drainage on an as-needed basis.

RUNOFF CONTROL MEASURES: There is no runoff from Applicant's cultivation activities. Applicant uses drip irrigation, raised beds, waters at agronomic rates, uses timers to avoid overwatering and maintains vegetation around cultivation areas and riparian areas to minimize runoff and sediment transportation to receiving waters. Applicant cultivates outdoors and there is no concentrated storm water runoff from the cultivation areas. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters. Applicant will consult with, and implement recommendations from, Omsberg & Preston and Timberland Resource Consultants to improve runoff control measures on an as needed basis.

EROSION & SEDIMENT CONTROL MEASURES: Applicant has performed minimal grading work on-site, and has not had any issues with sediment discharge into surface waters. The site does not have runoff problems surround cultivation areas, as proper management of erosion, sediment control and runoff has been occurring for the duration of the project thus far.

Access roads on the property have been rocked in order to reduce the impacts from major storm events. Applicant also intends to relocate existing cultivation areas away from unstable slopes and replant native vegetation to further minimize erosion. Applicant will consult with, and implement recommendations from, Omsberg & Preston and Timberland Resource Consultants to improve erosion & sediment control measures on an as needed basis.

3. Measures Taken to Ensure Protection of Watershed & Nearby Habitat

PROTECTION OF WATERSHED & HABITAT: The site was minimally graded and has been tended to with proper erosion & sediment control measures and replanting schedules. All cultivation areas are located outside of all SMA's on the property and native vegetation buffers are maintained between cultivation sites and riparian areas. Applicant's surface diversion is appropriately screened to minimize harm to organisms within habitat and riparian zones. Applicant's WMP will address water storage and water conservation and develop a plan that meets irrigation needs while observing forbearance periods and bypass flow requirements to promote and maintain in stream flows.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation occurs in beds and pots, and using bio-amendments (cover crops) to re-amend soils, resulting in minimal soil waste on site. All waste soils will be placed in a pile outside of streamside management areas and will be covered with a tarp and surrounded with straw waddles to contain any discharge that may occur. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will dispose of site cultivation refuse as needed.

REFUSE DISPOSAL: The site generates little human refuse, only associated with the residence on-site and any daily activities at the cultivation site. However, Applicant does have wildlife proof garbage cans equipped with lids which are kept in secondary containment to prevent leaching and transport of foreign materials to receiving waters. Applicant will take site refuse to the local dump once every two weeks.

HUMAN WASTE: There is a septic system on-site that will handle all human waste generated on-site. Septic testing, design and report preparation has been performed by Omsberg & Preston, January 2017.

4. Protocols for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products

PESTICIDES: Pesticides are stored in an-on site shed equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after all use when required.

All required warning signs will be posted and Material Safety Data Sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

FERTILIZERS & SOIL AMENDMENTS: Fertilizers and other amendments will be stored in the on-site shed which his equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer or soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

PETROLEUM PRODUCTS & STORAGE: All petroleum-based products that will be stored at the site will be properly stored and managed to prevent any discharge of contaminants into the surrounding landscape.

5. Cultivation Activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant is proposing to permit two existing full-term outdoor cultivation sites with cultivation areas of 10,000 square foot, total, and has applied for a special permit from Humboldt County. A 1,000 square foot propagation structure is also proposed as part of the project. Applicant will irrigate cultivation from a surface water diversion pursuant to an agreement with CDFW. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant anticipates hiring two employees at the site for cultivation activities; 4 for peak operations.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

Applicant does not anticipate increased road activity for the cultivation activities listed above.

6. Schedule of Activities During Each Month of the Growing & Harvesting Season

January, February, March

- Purchase seeds and clones of desired strains
- Clean greenhouses and make necessary repairs
- Prepare beds for planting
- Any cover crops from prior year are established and more are planted
- Apply mulch
- Pot clones and starts at end of March
- Continue manicuring
- Till cover crops and amend soils

April

- First run plants are re-potted in bigger pots
- Implement supplemental lighting in hoops
- Irrigation begins
- Apply nutrient feed with every watering
- Construct trellis system for plants
- Attach tarps for light deprivation first run

May

- Apply nutrient feed with every watering
- Applicant continues to re-pot starts and clones
- Nursery activities
- Plant first run in ground
- Begin pulling tarps
- Mulch soil

June

- Top dress first run
- Irrigation continues
- Continue pulling tarps
- Apply nutrient feed with every watering
- Re-pot second run of plants in bigger pots
- General landscape and bed maintenance

July

- Irrigation continues
- Apply nutrient feed with every watering
- General landscape and bed maintenance
- Rotate in second run of plants into beds
- Continue pulling tarps
- Re-pot second run of plants in bigger pots
- Harvest first run of plants

August

- Irrigation continues
- Apply nutrient feed with every other watering
- Rotate in second run of plants into beds
- Continue pulling tarps
- De-leaf plants

September

- Irrigation continues
- Apply nutrient feed with every third watering
- Continue pulling tarps

October

- Begin harvesting full-term plants
- De-leaf plants
- Harvest second cycle of plants

November, December

- Trim and manicure harvested plants
- End of year reporting
- Cleanup/Winterize cultivation site

PROCESSING PLAN & ACTIVITIES

No processing activities will occur at the site. Plants will be dried on site and then taken off-site to a permitted processing facility for processing. Applicant will identify permitted processing facility once permits for such facilities have been issued by the County of Humboldt.

GREENHOUSE CONSTRUCTION

Greenhouses are of PVC hoop style construction with no finished floors or walkways. The property is zoned (U) and is not prime agricultural soil, therefore these greenhouses are acceptable under HCC 314-43.1.3.

SUPPLEMENTAL LIGHTING

Supplemental lighting shall be employed in the months of April and May. Generally, they will run from around 5 pm until 11pm. All appropriate tarping shall be implemented to ensure that dark sky standards are met.

POWER SUPPLY

Electricity shall be supplied by an 11KW Kubota diesel generator. All appropriate fuel catchment devices shall be in place per CDFW requirements. The generator is rated at 63 db at 23 feet without enclosure. The generator shall be housed in a shed to further reduce noise and meet noise requirements.

SECURITY FEATURES

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. T-post and metal fencing has been established around some cultivation. The parcel has a locking gate and one access driveway into the parcel. All doors and windows on all buildings are able to be locked. A dog lives on-site and is able to assist in security by alerting the property owner to any persons on the parcel. Security cameras are utilized along the outer perimeter of the cannabis garden. All finished product is stored under lock and key. A prominent "No Trespassing" sign is displayed at the parcel's access driveway. All cultivation facilities can be locked.

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the State and local level. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

SOIL AMENDMENTS AND FERTILIZER

PRODUCT USED	AMOUNT STORED ON-SITE
RX technology 3 part fertilizer system	Up to 30 gallons
Chester Boones	Up to 2 gallons
Plant Therapy	Up to 2 gallons
Big Time exterminator	Up to 5 gallons
Agricultural sulfur	Up to 20 lbs.

State of California

Well Completion Report

Form DWR 188 Submitted 11/25/2019

WCR2019-016818

Owner's Well Number: | Date Work Began: 11/18/2019 | Date Work Ended: 11/25/2019

Local Permit Agency: Humboldt County Department of Health & Human Services - Land Use Program

Secondary Permit Agency: | Permit Number: 14/15-0438 | Permit Date: 04/15/2015

Well Owner (must remain confidential pursuant to Water Code 13752)

Name: Brandon Mismash

Mailing Address: 2445 Harbor View

City: Eureka | State: CA | Zip: 95503

Planned Use and Activity

Activity: New Well

Planned Use: Water Supply Domestic

Well Location

Address: 1285 Chemise Mountain RD

City: Whitethorn | Zip: 95589 | County: Humboldt

Latitude: 40 Deg. 1 Min. 37.4483 Sec. N | Longitude: -124 Deg. 0 Min. 39.2975 Sec. W

Dec. Lat.: 40.027069 | Dec. Long.: -124.010916

Vertical Datum: | Horizontal Datum: WGS84

Location Accuracy: | Location Determination Method:

APN: 108-121-019

Township: 05 S

Range: 01 E

Section: 13

Baseline Meridian: Humboldt

Ground Surface Elevation:

Elevation Accuracy:

Elevation Determination Method:

Borehole Information

Orientation: Vertical | Specify:

Drilling Method: Direct Rotary | Drilling Fluid: Air

Total Depth of Boring: 240 Feet

Total Depth of Completed Well: 240 Feet

Water Level and Yield of Completed Well

Depth to first water: 123 (Feet below surface)

Depth to Static Water Level: 115 (Feet) | Date Measured: 11/25/2019

Estimated Yield*: 1 (GPM) | Test Type: Air Lift

Test Length: 4 (Hours) | Total Drawdown: 117 (feet)

*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet		Description
0	55	brown sandstone
55	96	shale
96	182	sandstone shale mix
182	240	shale

Casings

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	80	Blank	PVC	OD: 5.563 in. | SDR: 21 | Thickness: 0.265 in.	0.265	5.563			
1	80	240	Screen	PVC	OD: 5.563 in. | SDR: 21 | Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	240	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

Other Observations:

Borehole Specifications

Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	240	10

Certification Statement

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

Name: FISCH DRILLING
Person, Firm or Corporation

3150 JOHNSON ROAD | HYDESVILLE | CA | 95547
Address | City | State | Zip

Signed: *electronic signature received* | 11/25/2019 | 683865
C-57 Licensed Water Well Contractor | Date Signed | C-57 License Number

Attachments

scan.pdf - Location Map

DWR Use Only

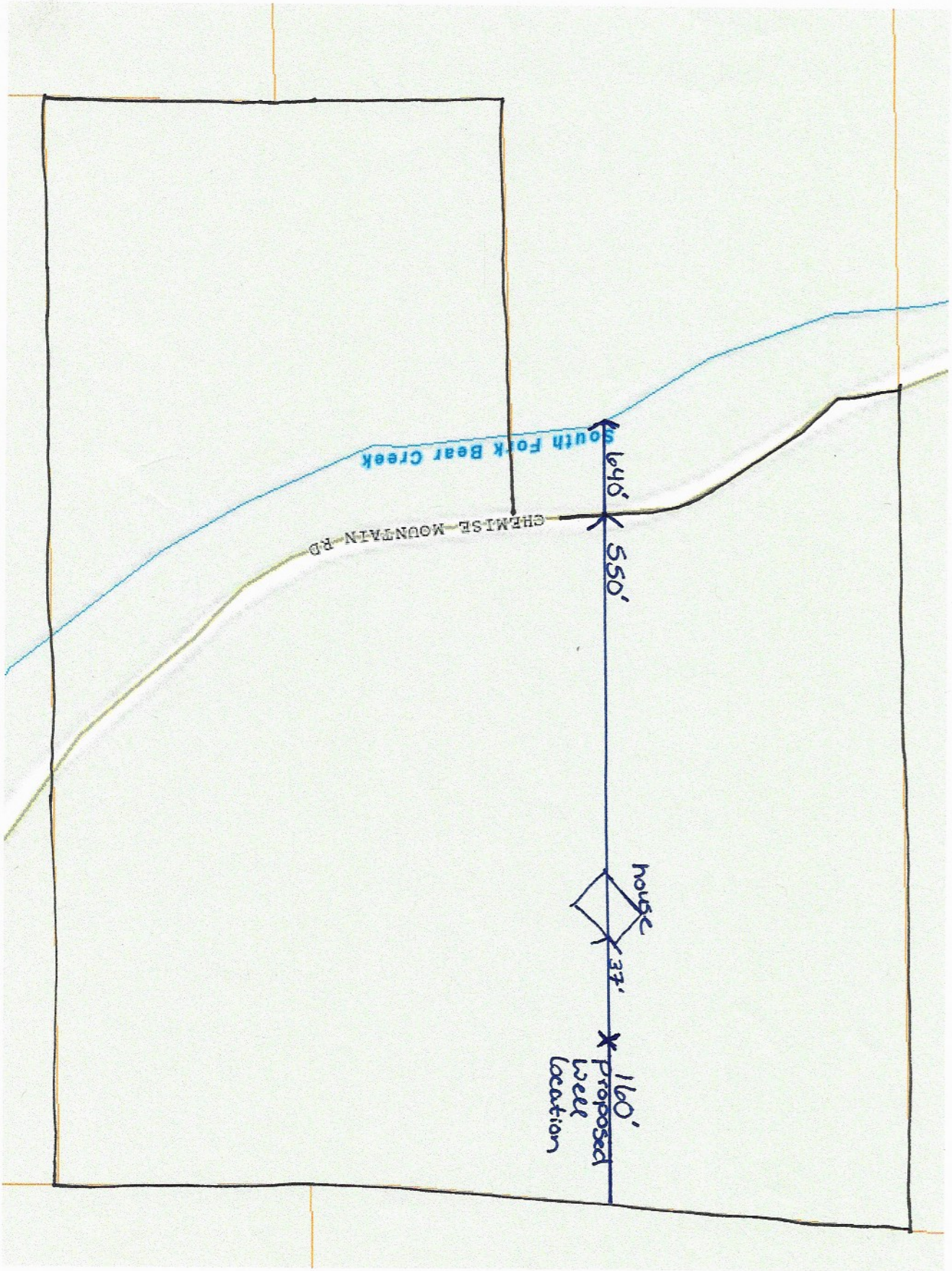
CSG #	State Well Number	Site Code	Local Well Number

N — Latitude Deg/Min/Sec

W — Longitude Deg/Min/Sec

TRS:

APN:



APN: 108-121-019

lacy@fischdrilling.com

From: Fisch Drilling <chris@fischdrilling.com>
Sent: Monday, November 25, 2019 12:35 PM
To: lacy@fischdrilling.com
Subject: FW: OSWCR: Thank you for submitting Well Completion Report WCR2019-016818

From: OSWCR-NoReply@water.ca.gov <OSWCR-NoReply@water.ca.gov>
Sent: Monday, November 25, 2019 11:56 AM
To: chris@fischdrilling.com
Subject: OSWCR: Thank you for submitting Well Completion Report WCR2019-016818

*******Please do not reply to this e-mail message*******

Thank you for submitting your Well Completion Report - A New Production or Monitoring Well, **WCR2019-016818**, using the Online System for Well Completion Reports (OSWCR). The Department of Water Resources will review it for completeness. You will be notified if additional information is required. If you have any questions, please call your local DWR Region Office WCR contact.

DWR Northern Region Office
April Scholzen
(530)529-7368
April.Scholzen@water.ca.gov

To view this record, log in to OSWCR, or use the following link:
https://civicnet.resources.ca.gov/DWR_WELLS/urlrouting.ashx?type=1000&Module=WellCompletion&capID1=19CAP&capID2=00000&capID3=00DVN&agencyCode=DWR_WELLS

Licensed Contractor: FISCH DRILLING License Number: 683865
Well Owner: Brandon Mismash
Well Owner Address: 2445 Harbor View Eureka CA 95503

Well Address: 1285 Chemise Mountain RD, Whitethorn, CA 95589 County: Humboldt Parcel: 108-121-019
Latitude/Longitude: 40.027069°N, -124.010916°W
Submitted: 11/25/2019
Record Status: Submitted

Timberland Resource Consultants

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

February 13, 2021

Brandon Mismash
2445 Harbor View
Eureka, CA 95503

Dear Brandon,

Re: APN 108-121-019
Application #12914

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas for a proposed cannabis cultivation permit under the Humboldt County Cannabis Land Use Ordinance (HCCLUO) for Application #12914. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.12.2.4 as sited below.

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

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation site and associated areas on February 1 & 4, 2021 for this particular report. The RPF has also visited the property numerous times in the past for other cultivation related permitting dating back to January 2017. The RPF exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation site and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed/planned cultivation-related project sites. All findings are summarized in the report.

Project Location

APN: 108-121-019
Acreage: 19.46 acres
Legal Description: NE ¼ of Section 13,
Township 5 South, Range 1 East,
Humboldt Base & Meridian, Humboldt County
Located on USGS 7.5' Quadrangle: Shelter Cove
Humboldt County Zoning: Unclassified
Site Address: 1285 Chemise Mountain Road, Shelter Cove
Landowner/Timber Owner: Brandon Mismash

The project is located off Chemise Mountain Road, approximately 3 miles east-southeast of Shelter Cove.

Parcel Description & Timber Harvest History

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

The property consists of second growth tanoak, madrone, and Douglas-fir. Review of 1968 aerial imagery showed clear signs of recent timber harvesting and disturbed graded areas within the subject property along the trending ridge within the vicinity of the developed area that presently contain the structures and cannabis cultivation. The pattern of skid roads suggests there was likely a log landing somewhere along this ridge, but no definitive location can be precisely determined. Field reconnaissance revealed second growth timber and scattered old growth Douglas-fir stumps confirming that the property and surrounding areas were harvested in the early to mid-1960's. There have been no subsequent commercial harvests per Cal Fire's Watershed Mapper (http://egis.fire.ca.gov/watershed_mapper/).

BLD-45671-18-962-X-3

This grading permit was for a new driveway. The new road was constructed to eliminate the original access road that was very steep, difficult to maintain, and a potential sediment source to Bear Creek. The steep driveway is documented in the landowner's WRPP, 1600 Notification, and other cannabis permitting related documents. The old road was abandoned concurrent with new road construction as shown on the attached maps. The new road "tied into" the existing road on the ridge just south of the cultivation site. Concurrent with the construction of the new road, the existing road leading up to the cultivation site and residence was significantly improved per numerous recommendations contained the landowner's Water Resource Protection Plan. Road improvement resulted in the excavation of unstable fill material, removal of perched sidecast, stabilization of over-steepened cut-banks, and complete reconstruction (compaction) of fill slopes. The road was essentially reconstructed from a "cut and fill" road prism to a "full-bench" road with no sidecast/fill. The new road construction and existing road reconstruction occurred in June 2019. The following year between April and May 2020, the cultivation site was similarly treated and significantly improved, which consisted of removal of unstable sidecast, and removal of slash, stumps, and woody debris intermixed in the fill-slope. This was followed by the re-compaction of the entire graded flat and outsloping.

Project Description

One cultivation site was inspected during the field assessment within APN 108-121-019. The following table lists the inspected site and its acreage; see detailed site descriptions below.

Cultivation Site	Total Acreage	Converted?	Converted Acreage
Cultivation Site	0.44	Yes	0.44
TOTAL	0.44		0.44

Cultivation Site

Review of Google and NAIP aerial imagery reveals that the cultivation site was initially developed between 1998 and 2005, which included the removal and trees and stumps and development of the graded flat in the location it currently exists. The residence and its associated graded flat were developed between 2012 and 2014. The two outbuildings shown on the attached maps and on the County Plot Plan were constructed in 2012. These structures were "daylighted" via timber harvesting that occurred is association with the reconstruction of the existing road in 2019, and perhaps to a lesser degree at the cultivation site in 2020. Timber harvesting in both instances essentially resulted in the increased visibility of these existing structures via aerial imagery. The cultivation activities observed at this site impede the use of this space for current timber growth and harvesting, and the site has effectively been converted from timber production to cannabis cultivation.

Project Description (Cont.)

2019 and 2020 Tree Removal

Reconstruction and improvement of the existing road required timber harvesting. Timber harvesting was necessary to reconstruct the road to a "full-bench" and removal of the unstable sidecast. Similarly, timber harvesting was necessary at the cultivation site to facilitate removal of the unstable sidecast and adequately compact the reconstructed fill-slopes. The areas reconstructed that required timber harvest, as shown on the attached maps, have not been converted and remain "timberland" as follows:

> ***Timberland**, pursuant to PRC § 4526, means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species, on a district basis, is defined in 14 CCR § 895.1.*

In the absence of artificial regeneration (restocking); these areas will naturally regenerate back to tanoak, madrone, and Douglas-fir via ecological succession. The Forest Practice Rules do not explicitly require restocking on the disturbed fill-slopes of new or reconstructed roads and landings unless they are part of a clearcut.

Please note that the RPF's recommendation to restock the subject areas is not a requirement per the Forest Practice Rules because timberland conversion did not occur. However, restocking will improve timberland productivity by increasing the relative site occupancy of Group A species (Douglas-fir) versus Group B species (tanoak and madrone). In addition, the restocking will provide slope stability (root support) and ground cover to the disturbed areas at a quicker pace relative to that of natural regeneration. Lastly, State Water Resources Control Board Order WQ 2019-0001-DWQ requires a minimum 50-foot riparian buffer zone along the subject Class III watercourse located east of the Cultivation Site and the access road. The future Site Management Plan (SMP) may require restoration of the riparian buffer. When soil disturbance or tree removal occurs within the riparian buffer, the Order specifically requires the site *"shall be restored with regional native vegetation of similar native species. Riparian trees over four inches diameter at breast height shall be replaced by similar native species at a ratio of three to one (3:1)".* If the SMP requires such mitigation, the RPF's Restocking Plan will satisfy that requirement.

Timberland Conversion Summary

TRC observed approximately 0.44 acres of unauthorized timberland conversion. This total does not exceed the three-acre conversion exemption maximum.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

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

No conversion areas exist within a Watercourse and Lake Protection Zone (WLPZ). Further, the cultivation site is not located within a riparian buffer per State Water Resources Control Board Order WQ 2019-0023-DWQ, or a Humboldt County Stream Management Area based upon the RPF's physical inspection of the cultivation site and its respective surrounding areas. See attached Conversion Evaluation Map.

Limitations and Considerations for Timberland Conversion Activities (Cont.)

Slash, Woody Debris, and Refuse Treatment

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

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

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

In 2017 and 2018, the RPF observed slash, logs, and woody debris located along the perimeter of the cultivation site that was clearly a result of past timberland conversion. All of this woody material has now been treated in association with the reconstruction of the cultivation site in 2020. Please note that the attached photographs show several log decks located north of the cultivation site. The logs were generated from the construction of the new driveway, and reconstruction of the existing access road and cultivation site. Treatment of these logs for firewood is occurring, but this is not a requirement of the Forest Practice Act.

Biological Resources and Forest Stand Health

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

A query of the California Natural Diversity Database (CNDDB) on February 1, 2021 revealed one observation of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the property. Methuselah's beard lichen was observed approximately 3,300 feet northwest of the property boundary. Despite its "sensitive" status, this species is not state or federally listed, which would require protection under the Forest Practice Rules.

The query of the CNDDB-NSO Database revealed one Northern Spotted Owl (NSO) Activity Center (HUM 861) within a 0.7-mile radius BAA surrounding the property. Closer inspection of the database reveals that this NSO site is not an "Activity Center" but rather a simple detection. This single NSO detection, located approximately 2,000 feet northeast of the subject property, was a single individual (sex unknown).

Limitations and Considerations for Timberland Conversion Activities (Cont.)

The conversion areas did not appear to include late successional stands, late seral stage forests, or old growth trees. The conversion areas did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Sudden Oak Death

No major forest health issues were observed during the field assessment. The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD) and the RPF observed symptoms, signs, and evidence of oak mortality within the subject property. The RPF is aware of numerous SOD locations within the watershed. Preliminary research has shown that trees infected or killed by SOD are prone to rapid decay and unpredictable failure. The RPF's professional experience and opinion is that infected trees will eventually die and topple over and their removal is recommended when located within striking distance of improvements to minimize hazard. Proper disposal of infested SOD material contributes toward limiting pathogen spread. Removal of SOD debris from the property is not recommended. Whenever possible, leave SOD tree debris on site in a safe area where woody debris will not become dislodged, contaminate uninfected hosts, or constitute a fire hazard. When infected oaks are cut down and left on site, chip the branches and cut and split the wood. To prevent pathogen spread via muddy boots or equipment, avoid chipping in wet weather. Stack woodpiles in sunny locations to promote rapid drying. Do not leave firewood and chips in an area where they might be transported to another location. Leaving infected trees intact on site may benefit wildlife. If chipping is not possible, reduce fire hazard by lopping and scattering branches so they lay close to the ground at least 30 feet away from any structure, driveway, roadside, or propane tank (consult your local fire department). The SOD pathogen can easily spread and therefore the landowner is encouraged to be read the attachment "A Homeowner's Guide to Sudden Oak Death". The guide contains information about SOD hosts, symptoms, diagnosis, and treatments which can help minimize the spread of this pathogen.

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

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

Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

14CCR 923.4. Construction and Reconstruction of Logging Roads and Landings.

14CCR 923.4(h): While its recognized that the Cultivation Site is not a log landing, construction and maintenance of the graded flat should (at a minimum) meet or exceed similar requirements stated in the Forest Practice Rules for log landings in association with a timberland conversion. Compliance with Humboldt County's grading ordinance and State Water Resources Control Board Order WQ 2019-0001-DWQ may require even higher standards. Therefore, this report shall assess the Cultivation Site's graded flat to the standards of a log landing. During past site visits in 2017 and 2018, the RPF observed perched fill material, which was unconsolidated and mixed with slash, stumps and woody debris. In addition, the fill-slope appeared somewhat lumpy and not planar suggesting that the fill-slope may not have been adequately compacted. Consequently, the RPF verbally recommended that the landowner remove the unstable fill because the cultivation site was not constructed per 14CCR 923.4(h), which states:

Limitations and Considerations for Timberland Conversion Activities (Cont.)

Waste organic material, such as uprooted stumps, cull logs, accumulations of limbs and branches, and unmerchantable trees, shall not be buried in logging road or landing fills. Wood debris or cull logs and chunks may be placed and stabilized at the toe of fill to restrain excavated soil from moving downslope.

At TRC's direction, the landowner removed the unstable fill and reconstructed the cultivation site's fill-slopes. The graded flat is now in compliance with 14CCR 923.4(h).

14CCR 923.4(s): Pre-reconstruction baseline conditions of the segment of road between the ridge and cultivation site consisted of perched fill and unstable sidecast located on slopes ~ 50% that were a threat to water quality. The reconstruction of this segment of road to a "full-bench" prism was done in compliance with 14CCR 923.4(h), which states:

In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, the following shall apply:
(1) On slopes greater than 50 percent that have access to a watercourse or lake:
(A) Specific provisions for the protection of salmonid habitat shall be identified and described for all logging road construction.
(B) Where cutbank stability is not an issue, logging roads may be constructed as a full-benched cut (no fill). Spoils not utilized in logging road construction shall be disposed of in stable areas with less than 30 percent slope outside of any WLPZ, EEZ, or ELZ designated for watercourse or lake protection.

Recommendations

In summary, a total of 0.44 acres of unauthorized timberland conversion have occurred within APN 108-121-019. This total does not exceed the three-acre conversion exemption maximum. The past conversion activities conducted on the property comply with the California Forest Practice Act and the California Forest Practice Rules. The RPF suggests the following:

1. Replant the reconstructed portions of the fill-slopes located along the existing road and cultivation site per the attached Restocking Plan. The areas to replant are shown on the attached maps.

Sincerely,

Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures

Picture 1: Cultivation Site. Areas to be replanted are the fill-slopes. Photo date 2-4-2021

Pictures

Picture 2: Area to be replanted in red. Photo date 2-4-2021

Pictures

Picture 3. Area to be replanted in red. Photo date 2-4-2021

Pictures

Picture 4: Cultivation Site. Areas to be replanted are the fill-slopes. Photo date 2-4-2021

Pictures

Picture 5. Cultivation site's western fill-slope proposed to be replanted. Photo date 2-1-2021.

Pictures

Picture 6. Cultivation site's eastern fill-slope proposed to be replanted. Photo date 2-1-2021.

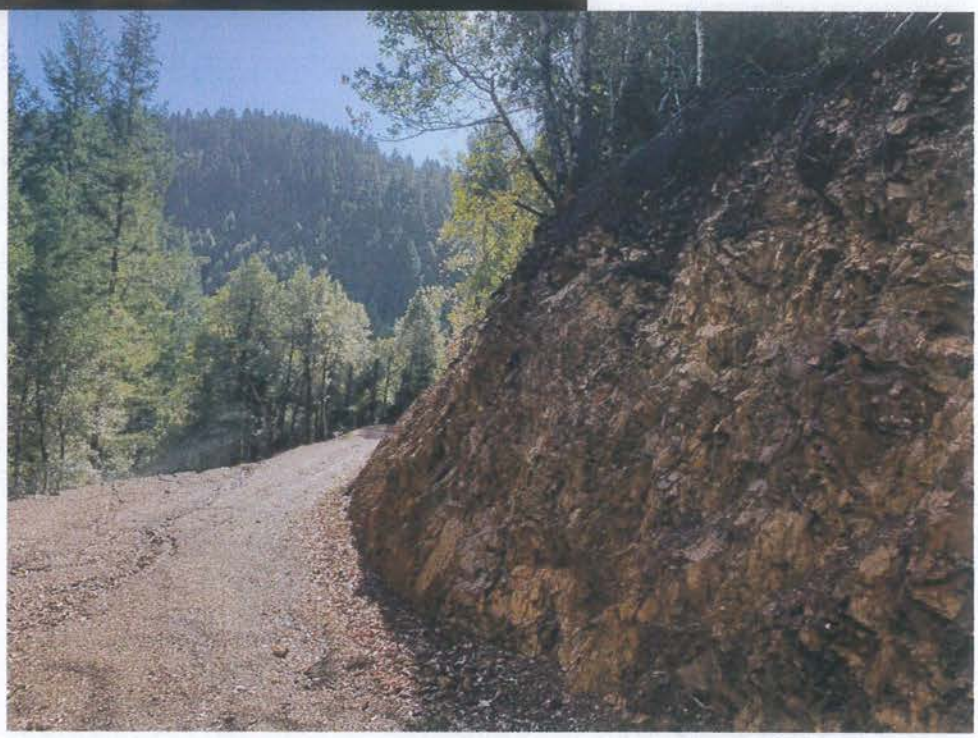
Pictures

Picture 7. Cultivation site's southern fill-slope proposed to be replanted. Photo date 2-1-2021.

Pictures

Picture 8. Access road's fill-slope proposed to be replanted. Photo date 2-1-2021

Pictures

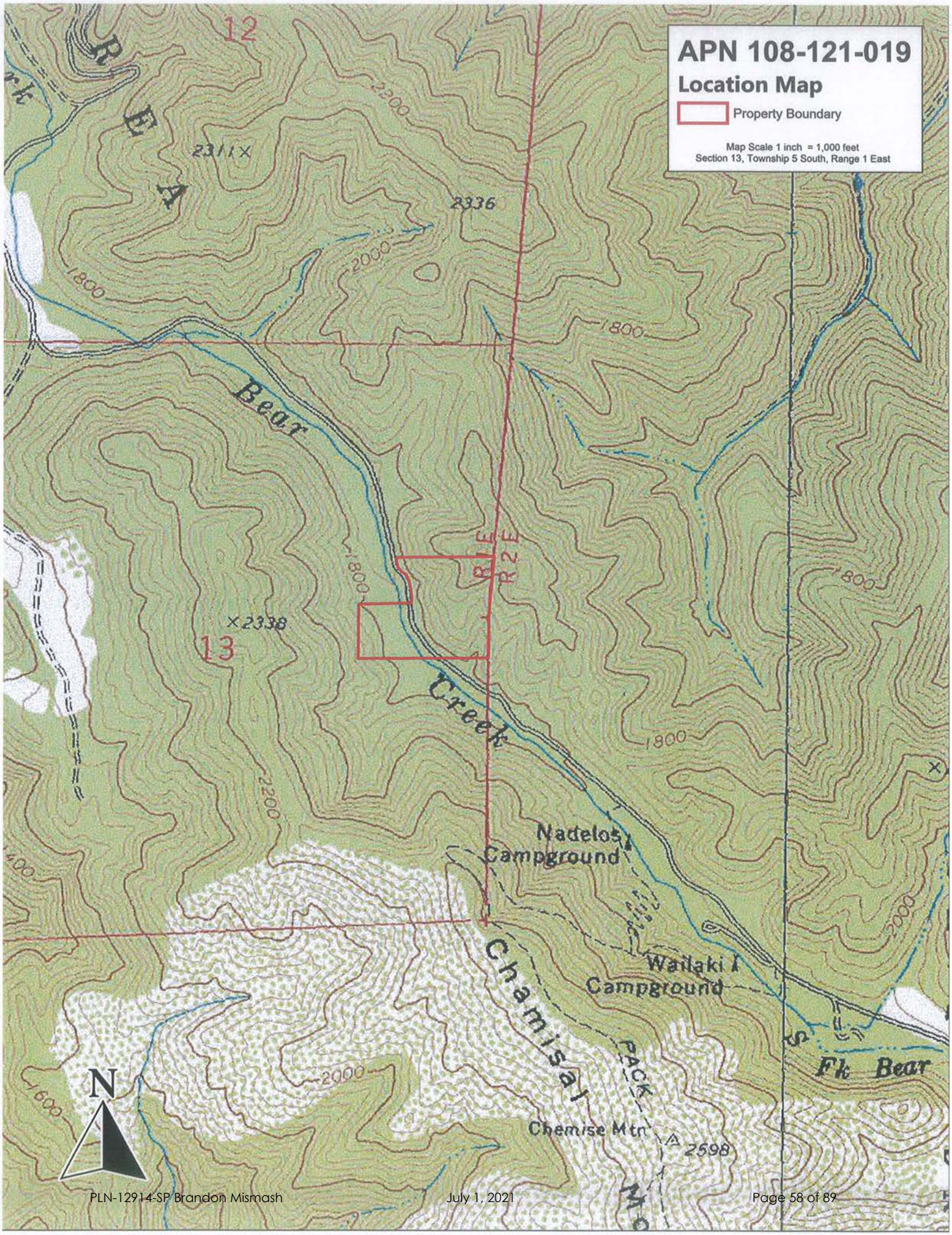


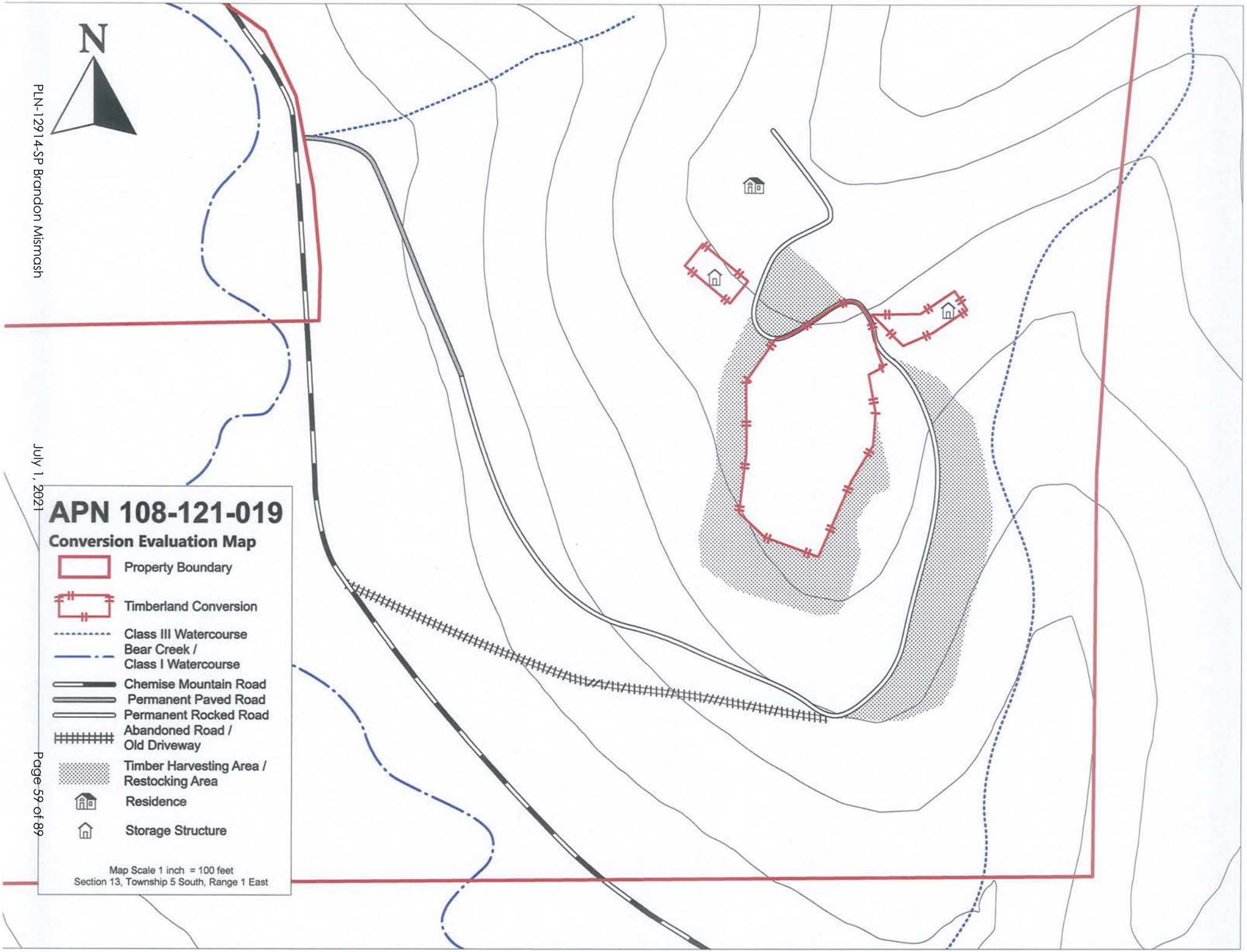
Picture 9 & 10. Rocky cut-bank demonstrating that the road was reconstructed from a "cut and fill" to "full-bench" road prism. This signficantly improves the stability of the road particularily given its proximity to a Class III watercourse. Photo date 2-1-2021

Pictures

Picture 11. Reconstructed road's fill-slope proposed to be replanted. Photo date 2-1-2021

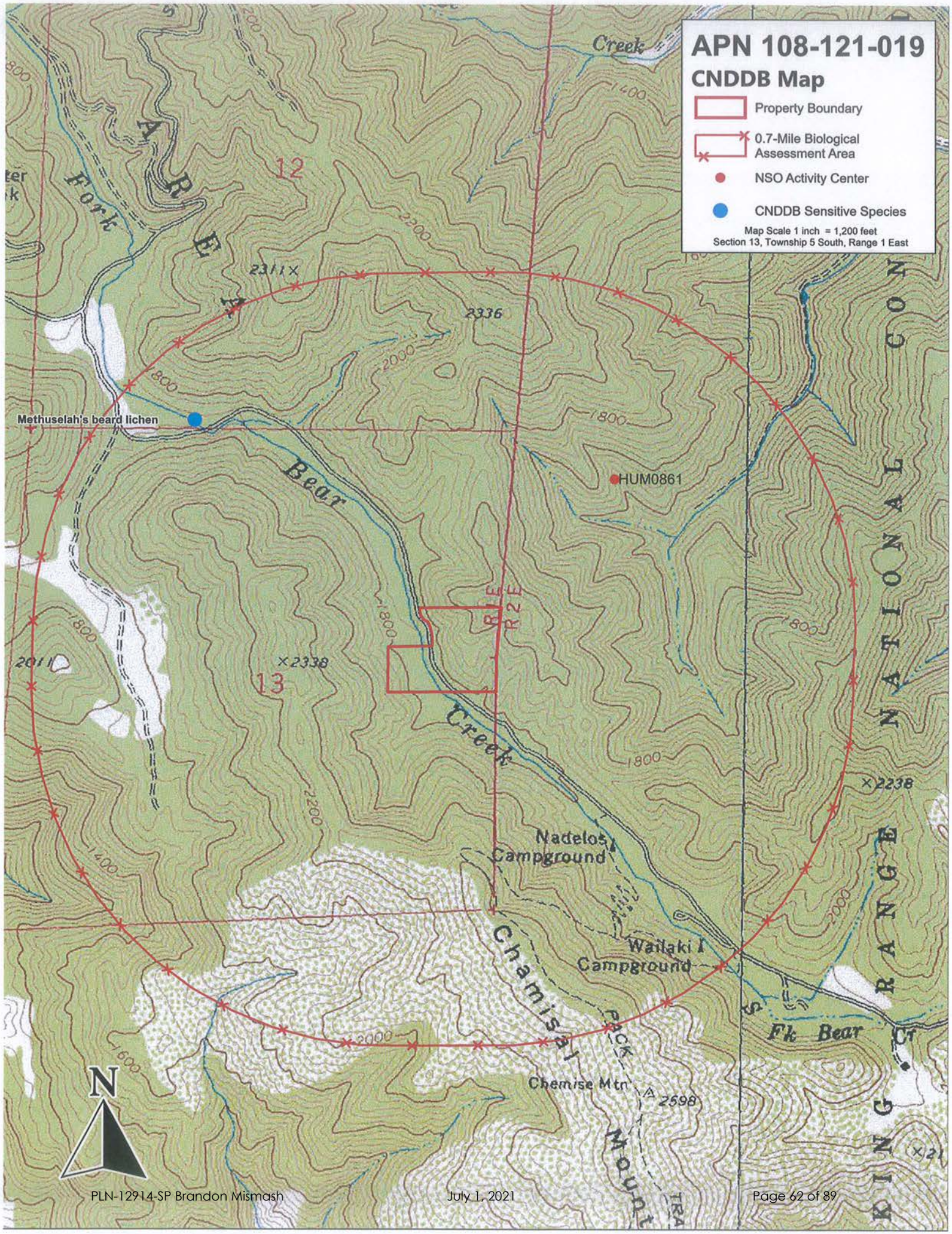
MAPS


APN 108-121-019
Location Map
Property Boundary
Map Scale 1 inch = 1,000 feet
Section 13, Township 5 South, Range 1 East
12
13
2311
2336
2338
2200
2000
1800
1600
Bear
Creek
R1E
R2E
Nadelos
Campground
Wailaki
Campground
Chamisal
PACK
Chemise Mtn
2598
S Fk Bear
N


N
APN 108-121-019
Conversion Evaluation Map
Property Boundary
Timberland Conversion
Class III Watercourse
Bear Creek /
Class I Watercourse
Chemise Mountain Road
Permanent Paved Road
Permanent Rocked Road
Abandoned Road /
Old Driveway
Timber Harvesting Area /
Restocking Area
Residence
Storage Structure
Map Scale 1 inch = 100 feet
Section 13, Township 5 South, Range 1 East

N
APN 108-121-019
Conversion Evaluation Map
Property Boundary
Timberland Conversion
Class III Watercourse
Bear Creek /
Class I Watercourse
Chemise Mountain Road
Permanent Paved Road
Permanent Rocked Road
Abandoned Road /
Old Driveway
Timber Harvesting Area /
Restocking Area
Residence
Storage Structure
2020 NAIP DOQ
Map Scale 1 inch = 100 feet
Section 13, Township 5 South, Range 1 East

N
APN 108-121-019
Conversion Evaluation Map
Property Boundary
Timberland Conversion
Class III Watercourse
Bear Creek /
Class I Watercourse
Chemise Mountain Road
Permanent Paved Road
Permanent Rocked Road
Abandoned Road /
Old Driveway
Timber Harvesting Area /
Restocking Area
Residence
Storage Structure
2018 NAIP DOQ
Map Scale 1 inch = 100 feet
Section 13, Township 5 South, Range 1 East


APN 108-121-019
CNDDB Map
Property Boundary
0.7-Mile Biological Assessment Area
NSO Activity Center
CNDDB Sensitive Species
Map Scale 1 inch = 1,200 feet
Section 13, Township 5 South, Range 1 East
Methuselah's beard lichen
HUM0861
Bear
Creek
Fork
Nadelos Campground
Wailaki Campground
Chamise
Chemise Mtn
Mount
Fk Bear
Ct
N

RESTOCKING PLAN

Timberland Resource Consultants

RESTOCKING PLAN

FOR

108-121-019

February 12, 2021

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

Restocking Plan

Restocking Area: See attached Conversion Evaluation Map

Site	Total Acreage	# Trees at 10'x10' Spacing
Timber Harvesting Area	0.72	313

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

Recommendation: No use of heavy equipment is necessary. If needed, the RPF recommends use of a hand auger or post-hole digger.

Types of Seedlings: Harvested and/or understocked timberlands should be artificially regenerated with naturally-occurring conifer species and cultivars well-adapted to the timber stand's specific climate, elevation, and other environmental conditions. Planting seedlings from appropriate seed zones and elevation ranges ensures better seedling success and, eventually, a more resilient timber stand. Specifically, timberland within the property is characterized by tanoak, madrone, and Douglas-fir. The areas to be planted occur within California Seed Zone 390 at approximately 1,800 feet in elevation.

Recommendation: The landowner shall plant Douglas-fir (best suited for Seed Zone 390 at ~1,800-foot elevation) at a uniform spacing no less than 10-feet by 10-feet, or 435 trees per acre.

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

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

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

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

Restocking Plan

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

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

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

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

Monitoring Seedling Survival: Although a newly planted stand immediately fulfills stocking standards, the timber stand must continually contain an average density of at least 300 trees per acre (or 12-foot by 12-foot spacing) in order to meet the intent of the California Forest Practice Rules (CFPRs). A ***Countable Tree*** per 14CCR 895.1 must be in place at least two growing seasons among other requirements. Seedling survival can vary widely depending on several factors including genetics, weather, herbivory, etc. Monitoring growth and success of planted seedlings is key to ensure a minimum 300-point count stocking level is maintained or achieved 2-years after planting.

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

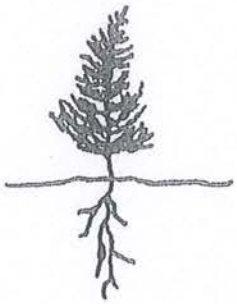
Certification: If restocking, as suggested by the RPF, becomes a requirement of Application #12914, then within five years of planting, a report of stocking shall be submitted to the county by an RPF, which certifies that the area meets the minimum stocking standards of 14 CCR 912.7.

Sincerely,

Chris Carroll, RPF# 2628
Timberland Resource Consultants

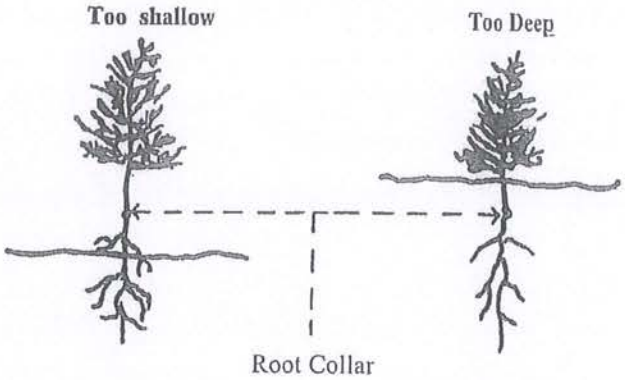
APPENDIX A

CORRECT METHOD OF SEEDLING PLANTING



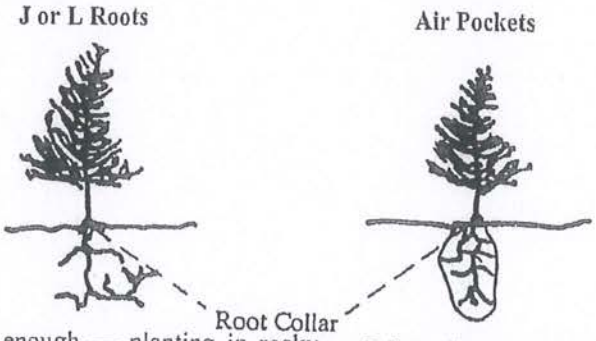
- Soil firmly packed around roots.
- No air pockets.
- Roots straight with no J or L bends.
- Root collar at or slightly below ground level.
- Root not pruned.

ERROR IN PLANTING



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

- Hole is too deep.
- Root collar buried.



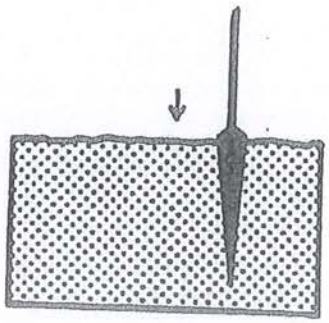
Hole is not deep enough — planting in rocky soil.
Roots cannot effectively take up water.
Tree not wind-firm.

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

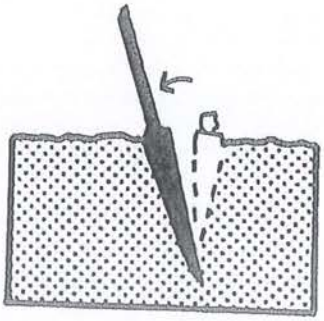
APPENDIX B

PLANTING WITH A FLAT BAR

1. Insert flat bar straight down.

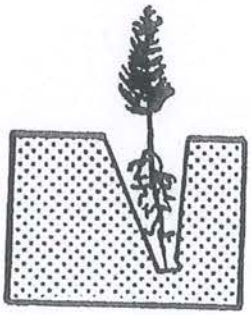


2. Pull flat bar backward to open hole.

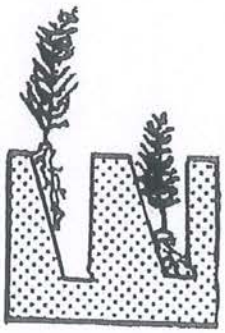


3. Remove flat bar and place seedling at correct depth with root collar at or slightly below ground level.

Correct



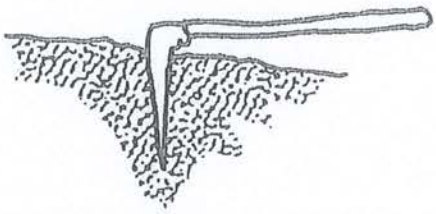
Incorrect



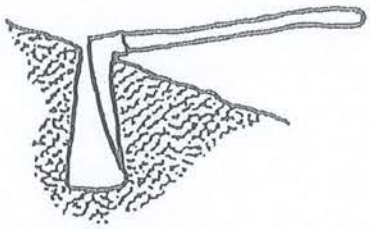
APPENDIX C

PLANTING WITH A HOE

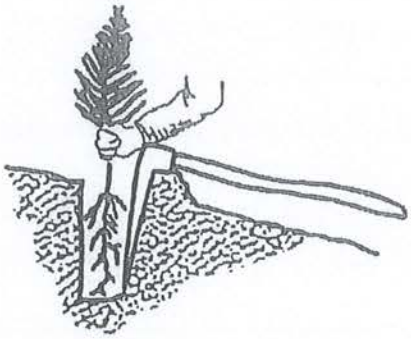
1. Swing hoe to get full penetration.



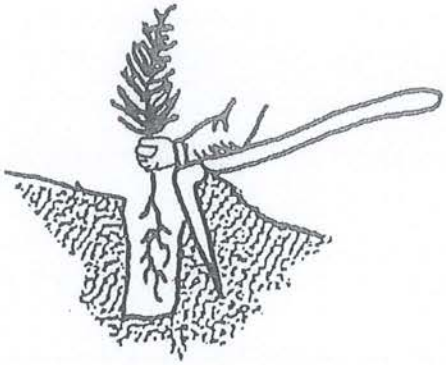
2. Lift handle and pull up to widen hole.



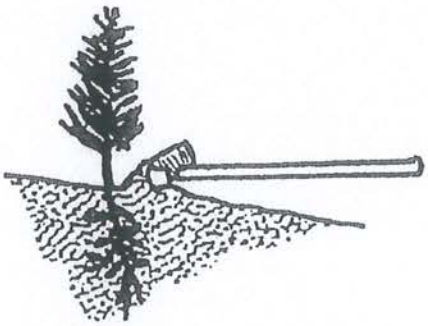
3. Place seedling while using hoe to hold back soil.



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



5. Use hoe to pack soil at top hole.

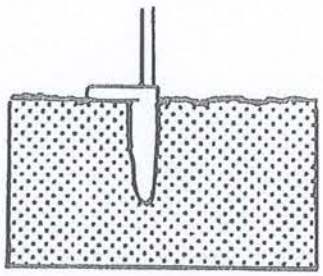


6. Firm soil around seedling with feet.

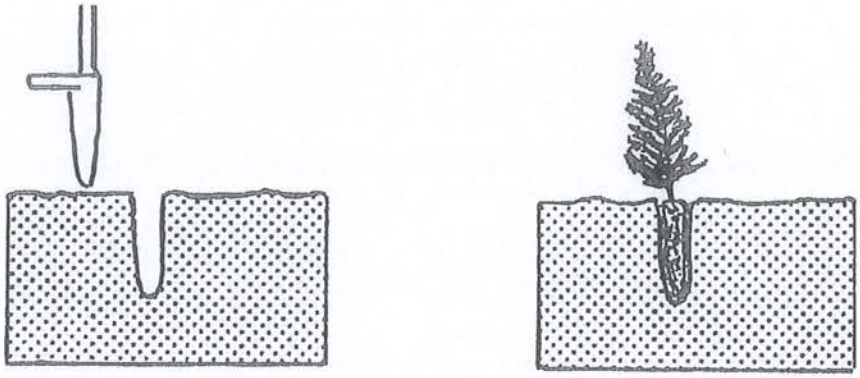
APPENDIX D

PUNTING WITH A PLUG BAR

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



2 Remove plug bar and place seedling in hole.



3. Firm soil around seeding with heel of boot.

A HOMEOWNER'S GUIDE TO SUDDEN OAK DEATH

A Homeowner's Guide to Sudden Oak Death

A plant disease commonly called Sudden Oak Death is threatening coastal forests in California and Oregon. Currently found in coastal California counties from Monterey to Humboldt and in a small portion of southwest Oregon, the disease is caused by the pathogen *Phytophthora ramorum* (pronounced Fi-TOFF-thor-ra ra-MOR-um). Sudden Oak Death has resulted in the death of millions of tanoak and coast live oak trees. In addition, more than 35 other plant species are susceptible to the pathogen, yet most of these species suffer only minor damage, limited to leaf spots or twig dieback. Though Sudden Oak Death is a forest disease, it is common in urban-wildland interface areas, so it presents many challenges for homeowners. This guide addresses homeowner concerns, including diagnosing infected trees, disposing of contaminated material, and understanding treatment options that are available.

What is the connection between Sudden Oak Death and nursery plants?

Many common horticultural plants are hosts for *Phytophthora ramorum*; consequently, nurseries in California, other states, and other countries, have found the pathogen on their plants. Plants are shipped all across the country, but they are strictly regulated. All *P. ramorum* host plants in California's regulated counties must be inspected and approved prior to shipment out of the regulated area. Nevertheless, carefully inspect the leaves of host plants for symptoms before making a purhase, and refrain from planting these horticultural hosts near susceptible oaks in your yard.

Because *P. ramorum* may be spread through the movement of infested soil and plant materials, State and federal regulations are in place to control the potential spread of the pathogen to uninfested areas. *P. ramorum* host species plant material is regulated by the California Department of Food and Agriculture (CDFA) and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS). Quarantine regulations are in place for the infested counties, and before moving susceptible plant material out of the regulated area, you must contact your Agricultural Commissioner for a permit.

If my oak tree has Sudden Oak Death, what are the chances it will die?

There is no way to determine if an individual tree will live or die after contracting Sudden Oak Death. Each tree responds differently to infection: experience tells us that it is rare for a tree pathogen to kill all of the trees it infects. Depending on a number of factors, some trees may never become infected, some may become infected and survive for various lengths of time, and others may become infected and die quickly. Because Sudden Oak Death is a relatively new disease in California, it will take time to determine just how likely different outcomes are for different tree species. Initial observations tell us that once infected, tanoak has a high probability of being killed by *P. ramorum*, but some individuals are still likely to survive. Coast live oaks appear to have a lower probability of being killed, though many have been killed by the disease. There is little mortality information on California black oak at this time, so it is difficult to predict how this tree species will fare.

California Oak Mortality Task Force

Hosts, Symptoms, & Diagnosis

Phytophthora ramorum affects different species in different ways. It can be lethal to tanoak, coast live oak, California black oak, Shreve oak, canyon live oak, and madrone saplings, while it may cause only a minor leaf or needle disease for other hosts such as California bay laurel, coast redwood, and Douglas-fir. The list of species and varieties known to be susceptible to this plant pathogen continues to grow; check suddenoakdeath.org for the latest updated host list.

How can I confirm that my oak tree has Sudden Oak Death?

Because other organisms and injuries can produce symptoms on oaks that look similar to Sudden Oak Death, homeowners will not be able to diagnose their trees by themselves with absolute certainty. However, there are some steps that can help you determine if *Phytophthora ramorum* is likely.

(1) Determine if your oak tree is a susceptible species. To date, Sudden Oak Death has only been found on the following tree species in California: tanoak, coast live oak, Shreve oak, canyon live oak, and California black oak. Of these, tanoak is the species most likely to be killed.

(2) Determine if you are in an infested area. Check the Sudden Oak Death mapping and monitoring site or contact staff in your local County Extension, Agricultural Commissioner, or California Department of Forestry and Fire Protection (CDF) offices. If you are outside of an infested area, your tree could still be infected with *Phytophthora ramorum*, but it would be less likely.

(3) Compare the symptoms of Sudden Oak Death with those on your oak tree. Check other susceptible tree and shrub species nearby. Do they have leafspots or other symptoms of *P. ramorum*? California bay laurel is the best indicator of the risk and presence of the disease. Photos of symptoms on oaks, California bay laurel, and other hosts can be found at suddenoakdeath.org.

The probability that your tree is infected with *Phytophthora ramorum* will be greater if your tree is a susceptible species, exhibits typical symptoms, and is located in an infested area where other trees and plants are showing symptoms. Although positive confirmation can only be done through laboratory testing, diagnosis of *Phytophthora ramorum* based on visual symptoms can justify taking preventative action if you live in a generally infested area. If you ask a tree care professional to make such a judgment, determine what training or qualifications enable them to do this.

Bleeding cankers on a coast live oak trunk (Photo by Matteo Garbelotto, University of California, Berkeley)

Bleeding cankers on a tanoak trunk (Photo by Pavel Svihra, UC Cooperative Extension)

Rhododendron leaf spots (Photo by B. Moltzan, Missouri Department of Conservation)

(Left) California bay laurel showing leaf spots typical of P. ramorum (Photo by Bruce Moltzan, Missouri Department of Conservation) (Right) California bay laurel leaf spots (Photo by Matteo Garbelotto, University of California, Berkeley)

Treatments: A phosphonate compound is registered as a preventative treatment for *Phythophthora ramorum*, for use on individual, high-value tanoak and oak trees. This treatment is NOT a cure, but can help protect trees from infection, as well as suppress disease progression in very early infections. However, fungicide treatment of *P. ramorum*-infected trees is not always appropriate. Trees with advanced symptoms cannot be saved.

The phosphonate compound may be injected or mixed with a surfactant and sprayed on the trunk for absorption through bark. The optimal treatment routine for coast live oaks calls for two applications the first year followed by one application annually thereafter. It is recommended to treat in either the fall then spring, or spring then fall the first year. Follow up treatments should be only in the fall annually (avoid treatments when temperatures are very low). If risk is minimal, meaning low abundance of infections or host species in the area, follow up treatments can be bi-annual.

Since the treatment must be made to healthy trees, and the pathogen's distribution and activity is patchy and somewhat unpredictable, it is difficult to determine which trees need to be treated. Generally, you should treat healthy, high-value oak or tanoak trees within 150ft of other infested plants. You may want to treat healthy, high-value oaks or tanoaks if they are surrounded by healthy California bay laurel and there are known infections between 150ft and 1000ft away. Treatment is NOT recommended in areas where infested plants are not already present. Although these treatments are best used as a preventative approach, it may be possible to prolong the life of trees already infected by *P. ramorum*. Research results indicate that treatments are effective only if trees are treated within the first two months of infection. Treatment of trees having displayed symptoms for six months or longer is not recommended.

Who should I hire to treat my trees?

The COMTF has held many training sessions for tree care professionals in California. A list of those training participants can be found on the COMTF website. Go to suddenoakdeath.org to find a professional in your area who has attended a general diagnostic training session or a training session on applying the registered preventative chemical treatment. While they have been trained, it is still important to ask for references, as well as to interview the arborist and applicator to see if they are up-to-date on the latest *Phytophthora ramorum* management strategies.

Exactly how the pathogen spreads to oak trees is unknown, but it is suspected that neighboring non-oak host plants may be a source of infection for oak trees. However, because this relationship is poorly understood, large-scale removal of non-oak host plants is not being recommended as a way to prevent disease spread. Currently, it may be best to plant non-*Phtytophthora ramorum* hosts under or adjacent to oak trees. Rhododendron, for example, is a commonly planted ornamental that is a host for *P. ramorum*, and it is possible that an infested rhododendron could infect a nearby oak. Additionally, the summer watering necessary to keep lawns and non-native ornamental shrubs, such as camellias, alive under an oak tree severely predisposes the oak to other diseases.

The use of insecticides to prevent *P. ramorum* infection is unjustified and without merit. However, the treatment of individual, high-value landscape trees displaying early bleeding symptoms of Sudden Oak Death may be justified to control damage from secondary bark beetle attacks. If an insecticide is to be used, apply it only if the disease is not at an advanced stage and realize it may only prolong the life of the tree for a relatively short period of time.

Tree Removal: A tree with Sudden Oak Death needs to be considered and treated differently than a tree without the disease, but the disease alone is not justification for removing a tree. Current information indicates that non-oak foliar hosts contribute the most to disease spread, so removing infected oak trees will probably have little or no impact on local disease levels and spread. However, an important consideration with respect to any tree is whether or not it presents a hazard to life or property. All trees present some hazard, depending on the tree's structural integrity and its potential to do harm should it fail or portions break off. Preliminary research has shown that trees infected or killed by *P. ramorum* are prone to rapid decay and unpredictable failure. Green infected trees, as well as trees already dead from *P. ramorum* and/or secondary pests, are at increased risk of trunk and limb breakage.

The decision to remove a hazardous tree ultimately lies with the property owner. In order to get an objective assessment of hazardous conditions, contact a certified arborist or other qualified professional. Any dead tree has an increased risk of failure, but even dead trees have value, and if there is not a risk to life or property, consider leaving it standing. Standing dead trees provide important wildlife habitat, and after they fall and decay, they are a source of nutrients to be recycled into the soil.

Always consult regulatory officials regarding local tree ordinances before deciding to remove trees. Experienced tree service technicians should conduct tree felling, as infected trees may have an abundance of structural wood decay. If there is an acute emergency, contact your city arborist, local fire, or police department.

If I have an infected oak tree cut down, what should be done with the wood?

The simplest and best way to deal with infested wood is to leave it on site, chipping the smaller pieces of wood for use as mulch, and splitting the larger pieces of wood for firewood. Do not stack oak firewood next to living oak trees since this can lead to insect attack on the living trees. If the stack must be next to living trees, consider seasoning the logs beneath a tightly sealed, clear plastic tarp to prevent the buildup of destructive insects.

If infected wood is removed from your property, make sure it is utilized or disposed of in a way that does not spread the disease. Avoid leaving wood next to roads where it could be picked up and transported off-site by unauthorized parties. Regulations prohibit the movement of host plants and plant parts out of the quarantined area. If you have infected trees cut down, make sure the wood and other tree parts are not moved outside of the quarantine area.

What should be planted to replace a tree that was killed by *Phytophthora ramorum*?

If you want to replant, it is important to choose a plant that will suit your needs and adapt well to the site. There are many resources available that can guide you in making the right choice. Check to see if there are any local ordinances or guidelines that govern tree replacement or planting.

Resistance to *P. ramorum* in oak trees is just beginning to be explored. Resistant planting stock is not available at this time, nor is it known if it will ever be available. If you want to replant the same species of tree that was lost, there is a risk that the new tree may also suffer from the disease. If you have space for replanting many trees, consider replanting the same species in combination with other trees that don't get the disease. Thus, if some trees are lost to *P. ramorum* there will still be other trees that survive. Coast live oaks do not seem to be infected by *P. ramorum* until they reach about 4" in diameter, so new trees should be immune for a number of years, and high value trees can be treated if necessary once they reach a susceptible age. Species in the white oak group such as valley oak, Garry oak, and blue oak are not susceptible to *P. ramorum*.

Many common ornamental plants, such as rhododendrons, azaleas, and camellias, are also known hosts of *P. ramorum*. These plants not only can host spores that may infect oak trees, but their watering requirements are vastly different than those of California native oaks. We do not recommend planting these species under or near native oaks.

Debris Disposal:

Disposal of infested material is extremely important because branches, twigs, and leaves from California bay laurel, rhododendron and other host plants may harbor *P. ramorum*, even after they are removed from the plant. If infested plant debris or infected live plants are moved, they may inadvertently transfer the pathogen to uninfested areas. Unfortunately, *P. ramorum* has been present in many areas of coastal California for a decade or longer, making complete eradication impossible. In infested areas, the best option is to leave infested material on site, chipping the small material (for use as ground cover) and using larger pieces for firewood. Composting can also successfully kill the pathogen, but the compost must reach temperatures that are probably not possible or practical in a home composting site. Since innoculum levels are already thought to be high, leaving the additional innoculum from the infested plant material on site will not significantly worsen the local disease conditions. Plant debris removal from the property is only recommended if it is the first infected tree to be detected in the area, or if fire risk is high.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On file with Planning
Division Environmental Health	✓	Approved	On file with planning
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE		No Response	
Bureau of Land Management (BLM)	✓	Conditional Approval	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Conditional Approval	On file with planning
Bear River Band Rancheria	✓	Conditional Approval	On file with planning
Humboldt County Sheriff		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	
Supervising Planner		No Response	

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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Humboldt County
Planning Division

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596
AVIATION 839-5401

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 09/29/2017

RE: MISMASH, APN 108-121-011, SP16-684, APPS# 12914

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

ROADS: The County roadway serving the subject property is adequate to accommodate the proposed use.

DRIVEWAYS: The existing driveway apron (encroachment) that connects to the County road does not meet County standards. Prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license, the driveway shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the driveway apron be paved for a minimum width of 18 feet and a length of 50 feet.
[Reference: County Code Sections 314-109.1.2.2.5, 314-109.1.5.1, 341-1, 411-51]

The driveway within the subject property has not been reviewed by the Department. This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works.
[Reference: County Code 411-11(a)(b)]

AIRPORT: The subject property is not located near a public airport.

DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

Informational Notes:

1. **FENCES/GATES:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. In addition, for properties in the State Responsibility Area, conformance with Fire Safe Regulations (County Code Section 3112-13) is also required.

Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department – Building Division at 707.445.7245 prior to constructing any fences or gates.

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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

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AUG 8 - 2017
Humboldt County
Planning Division

Ref: 7100 Planning
Date: August 9, 2017

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

Attention: Cliff Johnson
Applicant: Mismash, Brandon
APN: 108-121-011-000
Area: Shelter Cove
Case Numbers: SP16-684

Humboldt County Application #: 12914
Type of Application: Special Permit
Date Received: 8/7/2017
Due Date: 8/18/2017

Project Description: A Special Permit for medical cannabis cultivation of 10,000 existing outdoor, in association with a Lot Line Adjustment, to adjust the common property boundary between two (2) parcels to site all cannabis related improvements on a single parcel. The resultant parcels would be 22.6 acres and 19.5 acres. Only the resultant 19.5 acre parcel is proposed for cannabis cultivation. The primary source of water for the cultivation is a surface water diversion from South Fork Bear Creek. Water storage on-site consists of approximately 56,250 gallons, and additional water storage will likely be required as a condition of approval in order to comply with the forbearance requirement. Processing of harvested material is proposed to occur off-site at an approved processing facility. The source of electrical power is unknown at this time.

Mr. Ford,

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

-Fire Safe
-Resource Management
-Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For ***Hugh Scanlon***, Unit Chief

FIRE SAFE

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

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

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.

2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eve ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.

3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
   a) California Fire Code (CFC) — for overall design standards
   b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
   c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
   d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps

4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
   During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
   During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
   There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
   Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.

5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.

2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.

3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.

4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.

5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.

6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

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

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

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

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

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

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

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

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Thursday, August 17, 2017 8:29 AM
To: Planning Clerk
Subject: 108-121-011

CAL FIRE can not support this project. Forest Practice violations have occurred on this property based off Imagery. No conversion permits are on file with CAL FIRE for tree removal. The landowner must seek advice from a Registered Professional Forester or contact CAL FIRE to mitigate the environmental violations. File passed to B1211 on 08/15/2017.

Tim Meyers

Forester I, RPF #2813

Department of Forestry and Fire Protection

CAL FIRE

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov

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AUG 18 2017
Humboldt County Planning Division

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

RECEIVED
AUG 07 2017
BLM ARCATA FIELD OFFICE

8/3/2017

PROJECT REFERRAL TO: Bureau of Land Management

Project Referred To The Following Agencies:
Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified Community Services District, Bureau of Land Management, Humboldt County Sheriff

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Applicant Name Brandon Mismash **Key Parcel Number** 108-121-011-000

Application (APPS#) 12914 **Assigned Planner** Cliff Johnson (707) 268-3721 **Case Number(s)** SP16-684

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

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

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

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

Return Response No Later Than 8/18/2017

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☑ Other Comments: Recommend applicant have their parcels surveyed by a professional surveyor to avoid any potential tress pass on BLM. The County GIS is different than BLM.

DATE: 8/18/2017 PRINT NAME: Greg Wolfgang
BLM King Range National Conservation Area Manag

RECEIVED
FEB 0 2 2018
Humboldt County
Planning Division

From: Bocast, Kalyn@Wildlife
To: Nielsen, Michelle
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: CDFW: Mismash- Special Permit Application, APPS:12914, CEQA-2017-0403, APN: 108-121-011
Date: Friday, February 02, 2018 12:27:23 PM
Attachments: CEQA Referral_APPS-12914_CEQA-2017-0403.pdf

To Whom It May Concern,

Please see the attached comments for the subject application.

Thank you for the opportunity to comment on this Project. For additional information, please email inquiries to kalyn.bocast@wildlife.ca.gov.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

California Department of Fish and Wildlife
CEQA Referral Checklist

Applicant: Brandon Mismash		Date: 2/2/2018	
APPS No.: 12914	APN: 108-121-011	CDFW CEQA: 2017-0403	Case No.: SP16-684
☐ New ☒Existing	☐ Mixed-light (SF):	☒ Outdoor (SF): 10,000SF	☐ Indoor ☐ RRR

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

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

Please provide and/or note the following information:

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

☐ Recommend Conditional Approval. Suggested conditions below.

☒ Applicant needs to submit additional information. Please see the list of items below.

☐ Recommend Denial. See comments below.

☒ It has come to the Department's attention that the project has changed significantly in scope, with regard to water storage for cultivation purposes. CDFW requests a revised Project Transmittal and appropriate supplemental information in order to assess the full scope of the project as currently proposed.

☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA) on April 3, 2017. As of January 28, 2018, the LSA Agreement is in process and has not been deemed Final. The LSA submitted to the Department does not include the newly identified, proposed pond/bridge project. CDFW requests, prior to project approval that the applicant notify for a Lake or Streambed Alteration for the proposed pond and bridge project. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.

☒ CDFW request that the applicant reevaluate the required water storage necessary for seasonal water diversion minimization.

☒ Referral materials suggest that the proposed project is intended for water storage in association with a current cannabis cultivation application submitted to Humboldt County. Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 6,000 square feet. With the current water storage in place, additional water storage will not be necessary to meet the forbearance requirements of the state and local government. Based on these findings, CDFW recommends that this building permit be denied.

☒ The referral illustrates that pond construction will consist of building a new road and bridge across a Coho salmon (*Oncorhynchus kisutch,* a State- and Federally-Threatened species) stream. CDFW does not

support the approval of this project as it has been identified as unnecessary to meet the water storage requirements of the associated application for cannabis cultivation (CMMLUO APPS 12914).

☒ All or part of the Project is located within the Humboldt County Streamside Management Area and CDFW recommended minimum setback area. If the project is considered for approval, CDFW requests that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development.

☒ Identify all energy sources for project.

a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment.

b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro hydropower systems located on the parcel.

☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW recommends protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence.

☒ If the project is within one mile of a mapped polygon for a California Rare Plant Ranked - species, include protocol level surveys for that species by a qualified botanist. See: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1

☒ If the project proposes to remove vegetation, include description of project (type of vegetation/amount/location).

☒ If the proposed building permit (APPS 45671) is considered for approval, CDFW requests, as a condition of Permit approval:

- That the applicant secure a Final Lake or Streambed Alteration Agreement prior to project implementation.
- That a professional geologist assess and identify an appropriate site for a pond.
- That pond features contain measures to prevent wildlife harm or entrapment.
- That the applicant comply with the CDFW Bullfrog Management Plan that will be outlined in the LSA Final Agreement.
- That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- A biological survey of the property be conducted to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.
  - In preparing a Biological Resources Assessment, the Biologist shall do the following:

    Identify the presence or potential presence of any Species of Greatest Conservation Need and finfish and their habitat, and invasive species, relying on the U.S. Department of Agriculture's Ecoregion Classification system; California's Vegetation Classification and Mapping Program macrogroups (based on the National Vegetation Classification System) at https://www.wildlife.ca.gov/Data/VegCAMP ; the U.S. Geological Survey's Hydrologic Classification hydrologic unit code 8 at http://datagateway.nrcs.usda.gov ; the U.S. Fish

and Wildlife Service's Information for Planning and Consultation at https://ecos.fws.gov/ipac/ ; and the National Marine Fisheries Service's California Species List Tools at: http://www.westcoast.fisheries.noaa.gov/maps_data/california_species_list_tools.html .

☒ If fertilizers and pesticides are used, describe methods to prevent runoff/infiltration to nearby water features.

☒ Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

☒ Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.

☒ 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.

☒ This project has the potential to affect sensitive fish and wildlife resources such as Townsend Big-eared Bat (*Corynorhinus townsendi*), Northern Spotted Owl (*Strix occidentalis caurina*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylii*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei),* Western Pond Turtle (*Actinemys marmorata marmorata),* 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 .

Please confirm that you have received this email.

Sincerely,

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