



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

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

Hearing Date: July 1, 2021

To: Humboldt County Zoning Administrator

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

Subject: **The Humboldt County Farms, Inc. Special Permits**  
Record Number PLN-11673-SP  
Assessor's Parcel Number (APN) 314-121-040  
4774 Kneeland Road, Kneeland CA.

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 1, 2021	Special Permits (3)	Jordan Mayor

**Project Description:** The Humboldt County Farms, Inc. seeks a Special Permit for an existing 6,000-square-foot (SF) cannabis cultivation operation and two Special Permits for work to be completed within a Class II Streamside Management Area. Cultivation occurs on a single graded flat and would consist of 6,000 SF of mixed-light cultivation in three greenhouses on one graded flat. Irrigation water is sourced from a Class II stream diversion to be relocated according to the applicant's Streambed Alterations Agreement and limited to 150 gallons per day. A State Water Resources Control Board (SWRCB) Division of Water Rights Certificate (H100495) is in hand for the diversion of surface water to storage. Currently, total water storage is 90,000 gallons in eight tanks and one rain catchment pond (50,000-gallon capacity). Applicant plans to install two additional 5,000-gallon tanks to bring total irrigation storage to 100,000 gallons; a number that matches anticipated annual water demand so that full summer-time forbearance is possible. Product will be dried onsite in an existing shed and further processing will occur offsite at a licensed processing facility. Pacific Gas and Electric Company provides power to the operation. A permitted On-Site Waste Treatment System is onsite that services a three-bedroom home (Permit #314-121-40), a full-time employee, and up to two seasonal employees.

**Project Location:** The project is located in the Kneeland area, on the west side of Kneeland Road, approximately 0.2 mile south from the intersection of Greenwood Heights Drive and Kneeland Road, on the property known as 4774 Kneeland Road.

**Present Plan Land Use Designations:** Timberland (T) Density: 25 acres per dwelling unit, Slope Stability: High instability (3)

**Present Zoning:** TPZ (Timber Production Zone)

**Record Number:** PLN-11673-SP

**Assessor's Parcel Number:** 314-121-040

### Applicant

The Humboldt County Farms, Inc  
4774 Kneeland Rd  
Kneeland, CA 95549

### Owner

Jay Pretto and Jennifer Ross  
4774 Kneeland Rd  
Kneeland, CA 95549

### Agents

Janssen Malloy, LLP  
Jeffery Slack  
730 Fifth Street  
Eureka, CA 95502

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

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

**Major Issues:** None

**Recommended Zoning Administrator Action**

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

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

**Executive Summary:**

The Humboldt County Farms, Inc. seeks a Special Permit for an existing 6,000-square-foot (SF) mixed-light cannabis cultivation operation and for work completed within a Class II Streamside Management Area in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The 25-acres parcel site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timber Production Zone (TPZ). The cannabis cultivation consists of 6,000 SF of mixed-light cultivation in three greenhouses on a graded flat. Three annual harvests are expected from the mixed-light cultivation for a growing season that extends from April through October. Pacific Gas and Electric Company (PG&E) provides power to the operation and a powerline easement passes through the south of the parcel, approximately 500 feet south of the greenhouses. No generators are used onsite. A permitted On-Site Waste Treatment System is onsite that services a three-bedroom home (Permit #314-121-40), a full-time employee, and two seasonal employees. There will be no on-site housing of employees.

Drying of harvested cannabis occurs in an existing shed and further processing will occur offsite at a licensed processing facility. A security gate is installed across the main access road into the property and the perimeter of the parcel is partially fenced along Kneeland Road. The applicant intends to install motion sensing security cameras around the exterior of the buildings, cultivation greenhouses, and entrance to the parcel.

**Timber Conversion and Site Remediation**

A Timber Conversion Report (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in May 2020. TRC inspected one cultivation site on the parcel that covered 0.37 acre and concluded that 0.11 acre of unauthorized tree removal or potential timberland conversion occurred' however, the total affected acres does not exceed the 3-acre conversion exemption maximum. The Conversion Report also concluded that previous harvest, including the selective harvest as recent as 2010 (THP 1-090101 HUM) were "conducted on the property [in] compli[ance] with the California Forest Practice Act and the California Forest Practice Rules." Therefore, the Timber Conversion Report provided no recommendations to mitigate previous conversion activities.

**Water Resources**

Currently, total water storage is 90,000 gallons in eight 5,000-gallon tanks and one 50,000-gallon rain catchment pond estimated to have been constructed in 1930. The applicant proposes to install two additional 5,000-gallon tanks for a total storage capacity of 100,000 gallons to avoid all summertime diversionary inputs necessary to meet the estimated annual water usage of approximately 100,000 gallons (16 gallons/SF/year). Peak demand occurs July through September. Irrigation water for the property is sourced from the off-stream rain catchment pond located near the headwaters of a seasonal Class II stream, and a water diversion from the same seasonal Class II watercourse that is a tributary to Graham Gulch and Freshwater Creek. A Lake or Streambed Alteration Agreement (LSAA No. 1600-2016-

0588-R1) allows for a diversion rate of up to 3 gallons per minute, with an amount not to exceed 150 gallons/day between May 15 and October 15 (4,500 gallons/month). A State Water Resources Control Board (SWRCB) Division of Water Rights Certificate (H100495) is in hand for 0.28 acre-feet of irrigation use per year. The rate of diversion to storage shall not exceed the diversion rate specified for the site based on the current version of the SWRCB Cannabis Policy. The LSAA allows maintenance work on the current diversion point so that it may be abandoned to limit stream dewatering and another appropriate point of diversion be developed per CDFW specifications.

Although Humboldt County's WebGIS shows no mapped streams, the Plot Plan shows one Class II watercourse over 300 feet south of the cultivation area. A Special Permit is needed for the removal of four water tanks and associated remediation within the SMA of the headwaters of this unnamed watercourse.

A Water Resource Protection Plan prepared by Timberland Resource Consultants in January 2018 evaluated if the site met the standard conditions of compliance. As a condition of approval, the applicant shall implement the three recommended mitigation measures, including monitoring of a Humboldt crossing, covering soils spoils to prevent erosion, and metering water usage. In addition, those recommendations developed under any future Site Management Plan to be developed for the parcel, pursuant to Tier 1 enrollment under the SWRCB Cannabis Cultivation Policy, in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities, shall also be followed.

### **Biological Resources**

A Biological Assessment Report (Attachment 3) was prepared by O'Brien Biological Consulting and received by Humboldt County on October 15, 2020. The report concluded that while there is the potential for some sensitive and protected species to be present onsite, the proposed project has a "low likelihood of having significant impact to sensitive wildlife and plant species under the proposed farm operations". The Biological Assessment Report addressed potential impacts on northern spotted owl by examining proposed project operations, ambient noise levels, and noise levels generated by proposed cannabis cultivation activities. Because no forested habitat will be removed as part of the proposed project, disturbance was limited to noise associated with Kneeland Road and the intermittent use of small equipment for cultivation purposes. Based on literature from the U.S. Fish and Wildlife Service and ambient noise levels, it was predicted that the auditory disturbance distance that may affect nesting spotted owls was 30 meters, while the visual line-of-sight disturbance distance for nest sites was 100 meters or less. The nearest spotted owl activity center is approximately 0.58 mile north-northeast of the parcel and three other owl activity centers are known on private property adjacent to the parcel. Since the project will not be powered by generators and because only small equipment (e.g., weed eater, mower) will be used for cultivation purposes, the expected daily activities are not expected to produce noise levels great enough to affect the northern spotted owl.

An April 2021 analysis of the California Natural Diversity Database indicates that the parcel potentially contains habitat for maple-leaved checkerbloom (*Sidalcea malachroides*), running pine (*Lycopodium clavatum*), foothill yellow-legged frog (*Rana boylei*), obscure bumble bee (*Bombus caliginosus*), and Sonoma tree vole (*Arborimus pomo*). The Biological Assessment Report concluded that because habitat removal is not planned, since the graded flat on the parcel where cannabis cultivation will occur is well established, and because there are resource protection measures outlined in the LSAA (Notification No. 1600-2016-0588-R1) that will protect aquatic species, there is a low likelihood of impacts on other special-status and protected plant and wildlife species that could occur on the parcel. Any future clearing of forest or vegetation for site development will require protocol-level botanical surveys by qualified botanist as a condition of approval.

The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using



synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect northern spotted owl or other sensitive species.

#### **Site Remediation and Unstable Soils**

Minor relocation of cultivation occurred between 2015 and 2016 to accommodate a road drainage issue. In accordance with Department Policy Statement 16-002 – *Relocation of Existing Commercial Cannabis Cultivation Sites*, a Remediation Plan was prepared by TRC in September 2020 (Attachment 3). The Remediation Plan identified that the relocation site is located 5 to 10 feet south-southeast of the original cultivation area within a previously developed area, and therefore did not require removal of trees. The Remediation Plan noted several environmental benefits associated with relocation, including: the need to repair the road drainage issue which triggered the relocation and that the cultivation materials are now less likely to transport downslope in their current configuration.

Because the project site is located on an area characterized by highly unstable soils, an R-2 Soils Report was prepared by a Civil Engineer at Pacific Watershed Associates in November 2016 (Attachment 3) which evaluated the existing approximately 10,000-SF graded flat to be used to house greenhouse cultivation areas. Pacific Watershed Associates stated that the site is suitable for the proposed construction and the design bearing strength and drainage recommendations are made a condition of approval.

#### **Tribal Cultural Resource Coordination**

The project was referred to the Blue Lake Rancheria and Northwest Information Center, who both concluded that the parcel should be surveyed by a qualified archaeologist. To satisfy this request, the applicant contracted with Archaeological Research and Supply Company who conducted a Cultural Resources Investigation dated December 2017. The entire 25-acre parcel was surveyed; "one prehistoric resource was identified as a result of the survey outside of the area of direct impact and within the area of potential impact". The resource was outside of proposed cannabis activities by "several hundred feet and geographically isolated from the project". It was concluded the project will not affect cultural resources if the cultural site is monitored during project implementation (initial ground-disturbing activities), if the area where the cultural site was identified is excluded from cannabis operations, and if access roads are capped with road base. It was also recommended that the inadvertent discovery protocol be followed.

#### **Access**

The parcel known as 4774 Kneeland Road (APN: 314-121-040-000) is accessed directly from Kneeland Road. Kneeland Road has a road category of 4 which is "adequate for the proposed use without further review by the applicant". Kneeland Road is county maintained. As requested by Humboldt County on April 4, 2019, the site plan received October 15, 2020 shows employee parking and an emergency vehicle turnaround area. Per the Public Works Land Use Division comments, the recommended conditions of approval addressing fences and encroachments, driveway and private road intersection visibility, and private road intersections as they relate to county roads are made conditions of approval.

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

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

**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-11673-SP  
Assessor's Parcel Number: 314-121-040**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves The Humboldt County Farms, Inc., Special Permits (3).**

**WHEREAS, The Humboldt County Farms, Inc.** submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 6,000-square-foot (SF) mixed-light cannabis cultivation operation with appurtenant propagation and drying activities;

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

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 1, 2021, and reviewed, considered, and discussed the application for the 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 6,000 SF of existing cannabis cultivation consisting of mixed-light cultivation in three greenhouses on one graded flat. Power is provided by Pacific Gas & Electric Company. Water for irrigation is provided by a permitted Class II watercourse diversion, a 50,000-gallon rain catchment pond, and 40,000-gallon (eight 5,000-gallon tanks) water storage tanks. Two Special Permits are also needed for work to be completed within a Class II watercourse (tank removal and maintenance of the diversion).

**EVIDENCE:** a) Project File: PLN-11673-SP
- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:** a) Addendum prepared for the proposed project.

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

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

- d) A Biological Assessment Report was carried out by O'Brien Biological Consultants and received October 2020. The Assessment methods included a search of the California Natural Diversity Database and California Native Plant Society database. A site visit was conducted in the project area. No special-status species were observed during the assessment. It was concluded the biological assessment area provided suitable habitat for northern spotted owl, northern red-legged frog, western pond turtle, fisher, western bumble bee, and Townsend's big-eared bat.

The Biological Assessment Report concluded that because habitat removal is not planned, since the parcel where cannabis cultivation will occur is well established, because noise levels generated by cultivation activities will be below the threshold of disturbance for northern spotted owl, and because there are resource protection measures outlined in the Streambed Alteration Agreement (Notification No. 1600-2016-0588-R1) that will protect aquatic resources, there is a low likelihood of impacts on special-status and protected plant and wildlife species that could occur on the parcel.

- e) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company December 2017. The entire 25-acre parcel was surveyed; "one prehistoric resource was identified as a result of the survey outside of the area of direct impact and within the area of potential impact". The resource was outside of proposed cannabis activities by "several hundred feet and geographically isolated from the project". It was concluded the project will not affect cultural resources if the cultural site is monitored during project implementation (initial ground-disturbing activities), if the area where the cultural site was identified is excluded from cannabis operations, and if access roads are capped with road base. It was also recommended that the inadvertent discovery protocol be followed.
- f) A Timber Conversion Report was prepared by Timberland Resource Consultants in 2020 which concluded the 0.11 acre of unauthorized tree removal or potential timberland conversion had occurred, but that it did not exceed the 3-acre conversion exemption maximum. The report also concluded that past conversion activities on the property comply with the California Forest Practice Act and the California Forest Practice Rules.
- g) An R-2 Soils Report was prepared by Pacific Watershed Associated, Inc. in November 2016, which concluded that the site was suitable for the proposed cultivation operation. The report recommended 1) a design bearing strength of 2,000 kips for footings, 2) lateral loads limited to 130 pounds per square foot of sidewall, 3) soils for structural fill should be moisture controlled between 6 and 9 percent moisture content, 4) fill should be placed in lifts no greater than 8 inches and compacted, woven geotextile should be placed every two lifts, 5) establishment of a free draining 2 percent grade away from structures, 6) excavated areas around concrete footings or piers should be backfilled in lifts no deeper than 4 inches and compacted, and 6) a structural setback of 6 feet from ascending or descending slopes.
- h) A Water Resource Protection Plan prepared by Timberland Resource Consultants in January 2018 evaluated if the site met the standard conditions of compliance. As a condition of approval, the applicant shall implement the three recommended mitigation measures, including monitoring of a Humboldt crossing, covering soils spoils to prevent erosion, and metering water usage.

- i) A Remediation Plan letter prepared by Timberland Resource Consultants dated October 15, 2020 identified that a relocation site was located 5 to 10 feet south-southeast of the original cultivation area within a previously developed area, and therefore did not require removal of trees. The Remediation Plan noted several environmental benefits associated with relocation including: the need to repair the road drainage issue which triggered the relocation and that the cultivation materials are now less likely to transport downslope in their current configuration.
- j) The site is accessed directly off of Kneeland Road and Public Works identified provided recommended conditions of approval addressing fences and encroachments, driveway and private road intersection visibility, and private road intersections as they relate to county roads; these are made conditions of approval.

### **FINDINGS FOR CONDITIONAL USE PERMIT**

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

**EVIDENCE** a) General agriculture is a use type permitted in the Timber Production Zone (TPZ) 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 TPZ-Zone in which the site is located.

**EVIDENCE** a) The TPZ-Zone is applied to areas of the County in which timber production and recreation is the desirable predominant uses and general agriculture is the secondary uses.

b) All general agricultural uses are principally permitted in the TPZ-Zone.

c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing cannabis cultivation on a parcel over 5, acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 6,000 SF of mixed-light cultivation on a 25-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 TPZ (Section 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as building permit history qualifies parcel per 66499.35 of the SMA.

c) The project will obtain water from a diversionary water source. Irrigation

water is diverted to storage from a water diversion from an unnamed tributary to Graham Gulch and Freshwater Creek that has been permitted by the California Department of Fish and Wildlife (Streambed Alteration Agreement Notification No. 1600-2016-0588-R1) and the State Water Resources Control Board, Division of Water Rights, Right to Divert and Use Water (Certificate H100495). Currently, total water storage is 90,000 gallons. The applicant proposes to install two additional 5,000-gallon tanks for a total storage capacity of 100,000 gallons to avoid all summer-time diversionary inputs necessary to meet the estimated annual water usage of 100,000 gallons. The Streambed Alteration Agreement allows maintenance work on a current diversionary point so that it may be abandoned to limit stream dewatering.

- d) The site is accessed directly off of Kneeland Road and Public Works identified recommended conditions of approval for the driveway and county road intersection point for safe access to and from the project site; these have been made conditions of approval.
- e) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Conversion Report was prepared by Timberland Resource Consultants in 2020 which concluded the 0.11 acre of unauthorized tree removal or potential timberland conversion had occurred, but that it did not exceed the 3-acre conversion exemption maximum. The report also concluded that past conversion activities on the property comply with the California Forest Practice Act and the California Forest Practice Rules.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, public park or tribal cultural resource. A letter agreeing to a setback reduction from a the owners of a neighboring religious use facility to the north from 600 feet was received on June 17, 2021.

## 6. FINDING

The cultivation of 6,000 SF of mixed-light 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 Kneeland Road, a county-maintained road and Public Works identified recommended the driveway and county road intersection point for safe access to and from the project site; these have been made conditions of approval.
- b) The site is in a rural part of the county where the typical parcel size is over 25-40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) The project will obtain water from a diversionary water source. Historically, irrigation water came from a water diversion from an unnamed tributary to Graham Gulch and Freshwater Creek that has been permitted by the California Department of Fish and Wildlife (Streambed Alteration Agreement Notification No. 1600-2016-0588-R1) and the State Water Resources Control Board, Division of Water Rights, Right to Divert and Use Water (Certificate H100495). Currently, total water storage is 90,000 gallons. The applicant proposes to install two additional 5,000-gallon tanks for a total storage capacity of 100,000 gallons to avoid all diversionary inputs necessary to

meet the estimated annual water usage of approximately 100,000 gallons. The Streambed Alteration Agreement allows maintenance work on a current diversionary point so that it may be abandoned to limit stream dewatering

- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

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

**EVIDENCE**

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

## DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits (3) for The Humboldt County Farms, Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

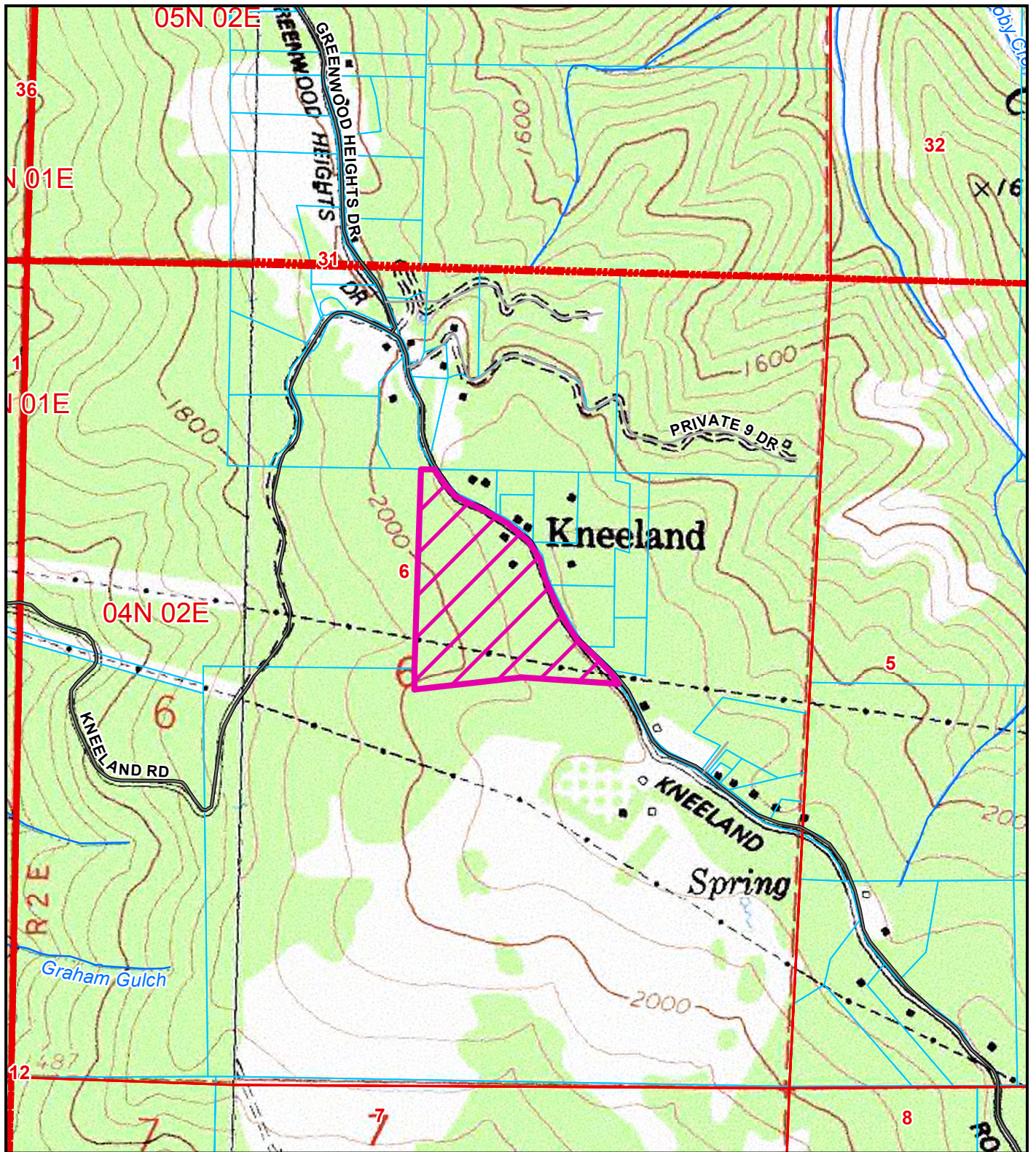
Adopted after review and consideration of all the evidence on July 1, 2021.

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.

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John Ford, Zoning Administrator,  
Planning and Building Department

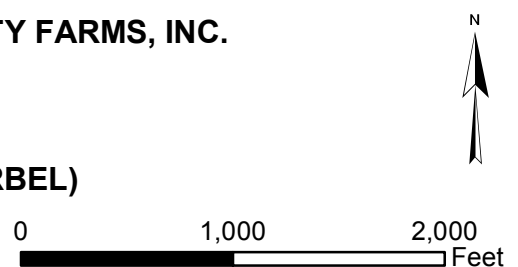




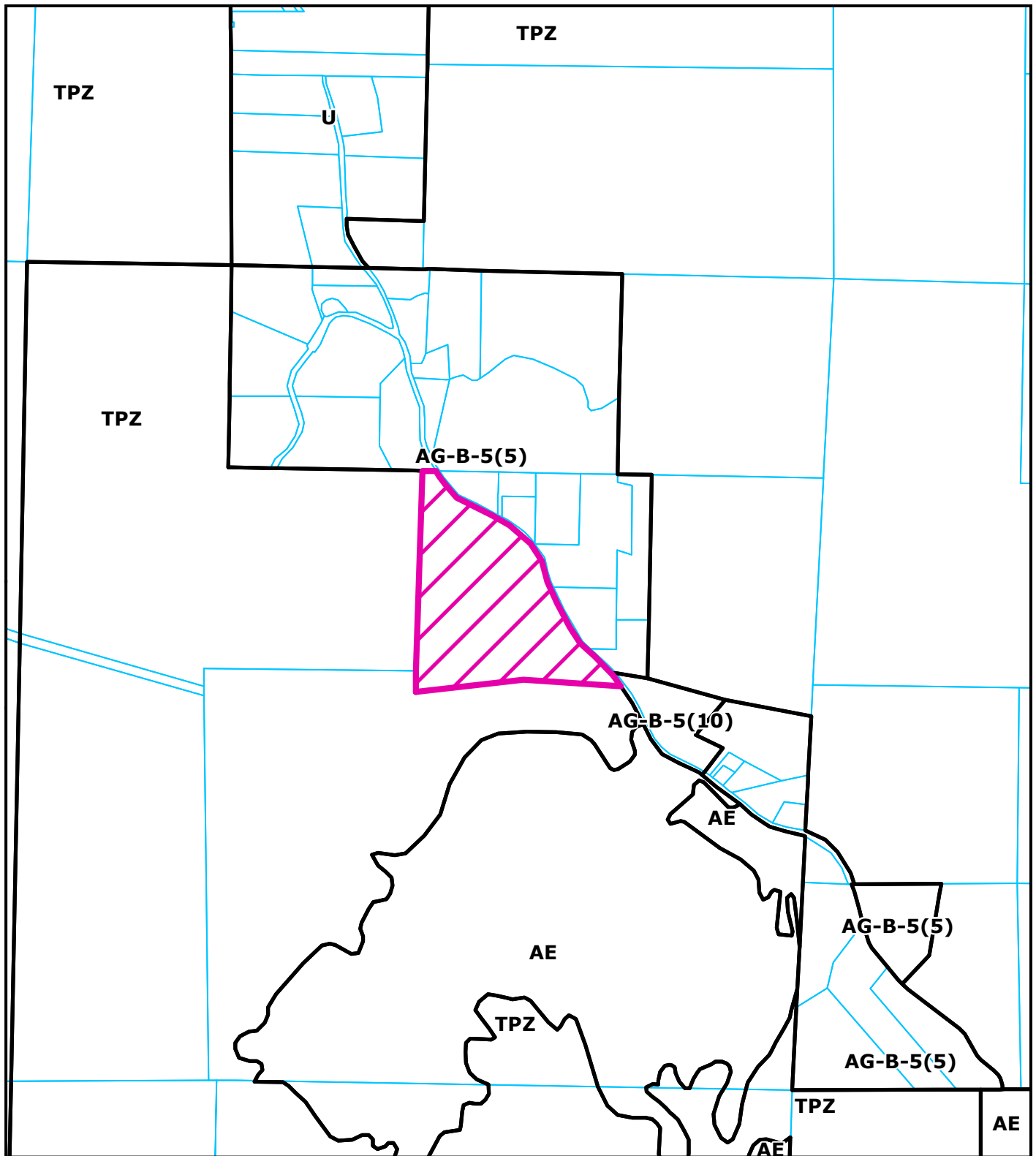
**TOPO MAP**  
**PROPOSED THE HUMBOLDT COUNTY FARMS, INC.**  
**KNEELAND AREA**  
**SP-16-279**  
**APN: 314-121-040**  
**T04N R02E S6 HB&M (KORBEL)**

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.







**ZONING MAP**  
**PROPOSED THE HUMBOLDT COUNTY FARMS, INC.**  
**KNEELAND AREA**  
**SP-16-279**  
**APN: 314-121-040**  
**T04N R02E S6 HB&M (KORBEL)**

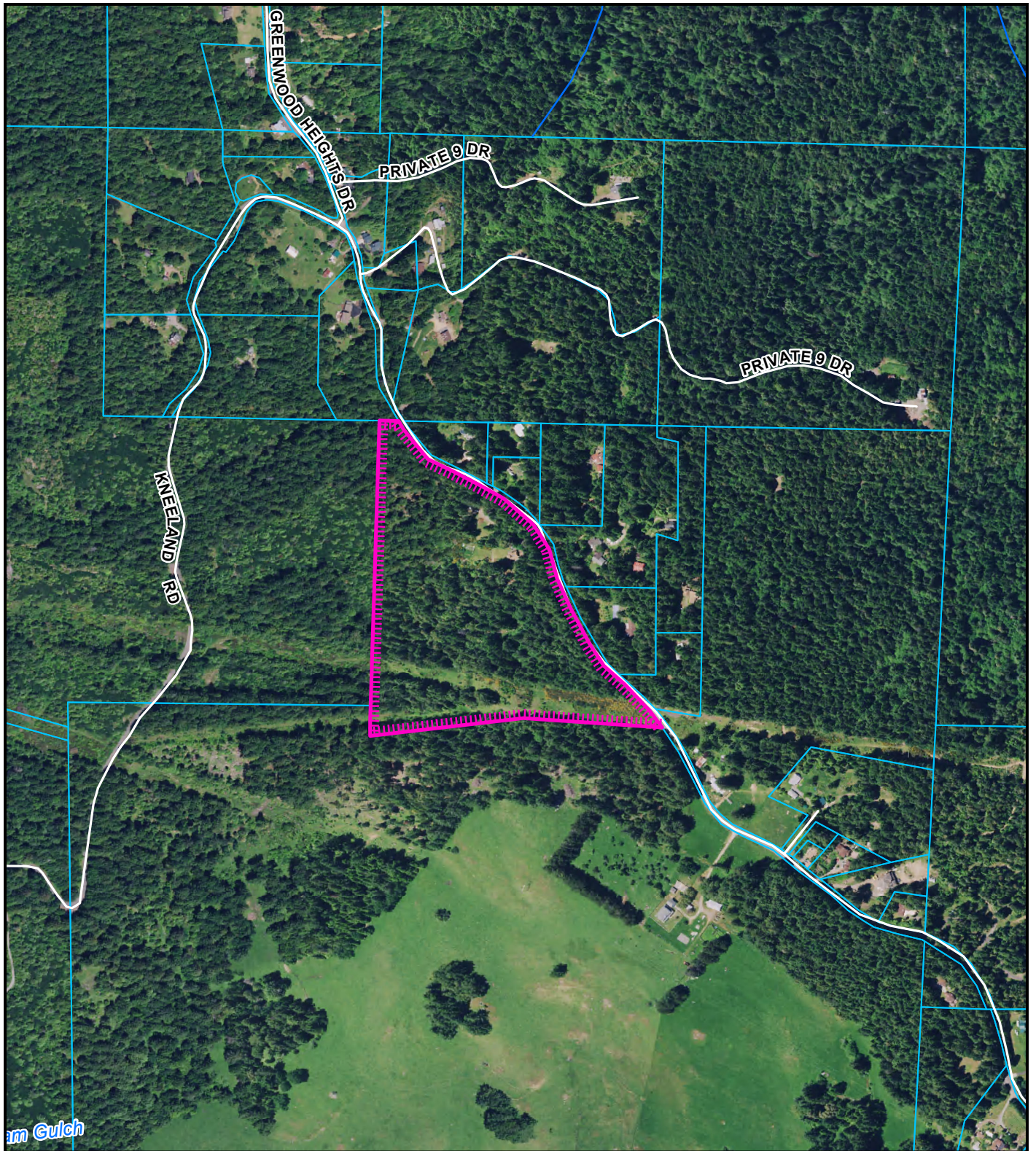
Project Area = 

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

0 1,000 2,000 Feet



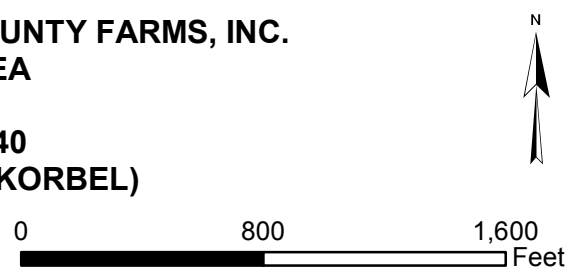




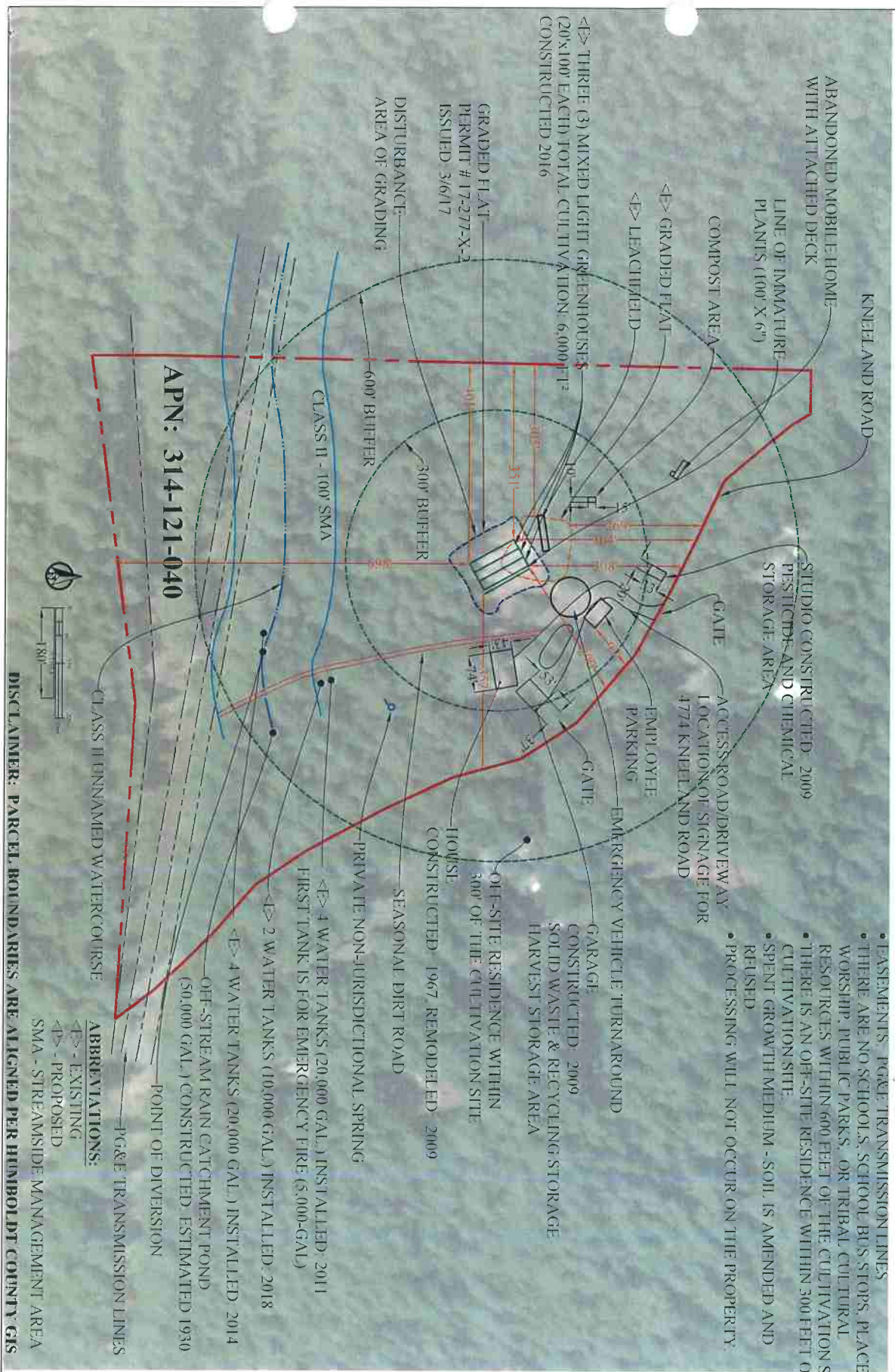
**AERIAL MAP**  
**PROPOSED THE HUMBOLDT COUNTY FARMS, INC.**  
**KNEELAND AREA**  
**SP-16-279**  
**APN: 314-121-040**  
**T04N R02E S6 HB&M (KORBEL)**

Project Area = 

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NOTES:  
• CANNABIS CULTIVATION PERMITS BEING APPLIED FOR:  
MIXED LIGHT - 6,000 FT<sup>2</sup>

- EASEMENTS, POLE TRANSMISSION LINES
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
- THERE IS AN OFF-SITE RESIDENCE WITHIN 300 FEET OF CULTIVATION SITE.
- SPENT GROWTH MEDIUM - SOIL IS AMENDED AND REFUSED
- PROCESSING WILL NOT OCCUR ON THE PROPERTY.

OWNER'S NAME & ADDRESS  
**JAY PRETTO**  
4774 KNEELAND ROAD  
KNEELAND, CA 95549

DRAWING DESCRIPTION  
**HUMCO CMMLLUO**  
**SITE PLAN**  
APN: 314-121-040

PACIFIC WATERSHED ASSOCIATES, INC.  
P.O. BOX 4433  
ARCATA, CALIFORNIA 95518  
PH: (707) 839-5130 FX: (707) 839-8168  
www.pacificwatershed.com



DATE  
10/15/2020  
NOTES PREPARED BY  
PWA  
FIGURES CREATED BY  
PWA

## **ATTACHMENT 1**

### **RECOMMENDED CONDITIONS OF APPROVAL**

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

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #19. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
9. The applicant shall obtain a Lake or Streambed Alteration Agreement (LSAA) for the work within the SMA associated with the relocation of the four water tanks and site restoration prior to initiation of work. The applicant shall comply with the terms of any LSAA (1600 permit) obtained from the Department of Fish & Wildlife.
10. The applicant shall abide by the R-2 Soils Report design bearing strength and drainage recommendations prior to developing structures, including greenhouses or any appurtenant storage buildings, on the evaluated graded flat.
11. The applicant shall install water monitoring device on each source—the surface diversion if/when utilized, the rain catchment pond, and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
12. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan prepared for the site in January 2018 by Timberland Resource Consultants to evaluate if the site met the standard conditions of compliance. The applicant shall implement the three recommended mitigation measures, including monitoring of a Humboldt crossing, covering soils spoils to prevent erosion, and metering water usage. In addition, those recommendations developed under any future Site Management Plan to be developed for the parcel, pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities, shall also be followed. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
13. The applicant shall abide by the recommendations of the Cultural Resources Investigation Report prepared by Archaeological Research and Supply Company dated December 2017, which concluded the project will not impact cultural resources if the cultural site is monitored during project implementation (initial ground-disturbing activities), if the area where the cultural site was identified is excluded from cannabis operations, and if access roads are capped with road base. It was also recommended that the inadvertent discovery protocol be followed.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.
16. The applicant shall implement all corrective actions detailed in the referral response from Public Works regarding the need for any fences, gates, or other materials to be relocated out of the County right-of-way such that vehicles will not block traffic when staging to open/close the gate. In addition, the applicant's driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and any of the applicant's existing or proposed non-county-maintained access roads that will serve as access for the proposed project that connect to the county-maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department

of Public Works prior to commencement of any work in the County maintained right-of-way. If the county road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it interests the county road. A letter or similar communication from Public Works verifying that all their requirements have been met will satisfy this condition.

17. The applicant shall incorporate the recommendations made by the California Department of Forestry and Fire Protection regarding Fire Safe Standards including incorporating recommended signage on building numbers and fuel modification standards.
18. The applicant shall install sufficient water storage to allow for full forbearance of summertime diversions in coordination with annual monitoring requirements with the State Water Resources Control Board.
19. If any vegetation clearing is proposed the applicant shall have a qualified botanist survey the area using seasonally appropriate protocol-level surveys as defined by the California Department of Fish and Wildlife.

**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 as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The light source used in the nursery greenhouse shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, 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 has been repaired, inspected and corrected as necessary.
3. The applicant shall abide by recommendations of the Biological Assessment Report prepared by O'Brien Biological Consultants received by Humboldt County October 2020 which include the proper use and storage of fertilizers and pesticides, minimize ground disturbance and install erosion control devices prior to significant rain events, proper storage of food waste in animal-proof containers, conducting nesting bird surveys if any significant vegetation removal is planned, remove invasive species should they become established, conduct springtime floristic surveys for rare plants if significant ground disturbance is proposed, and conduct construction or maintenance of roads outside the critical nesting period for northern spotted owls or perform protocol-level surveys prior to initiating work.
4. The applicant shall implement and abide by all permit conditions detailed in Streambed Alteration Agreement Notification No. 1600-2016-0588-R1.
5. The applicant shall abide by the terms and conditions of the Right to Divert and Use Water Certification H100495.

6. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
7. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
8. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
10. The use of anticoagulant rodenticide is prohibited.
11. 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.
12. 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.
13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
14. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
15. 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.
16. Compliance with all statutes, regulations, and requirements of the SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
17. 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).

18. Maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
20. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection, if applicable.
21. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. 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."
28. 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).
29. 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.

30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets;
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. Onsite housing, if any
32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 10 days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

34. 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.
35. 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.
36. 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.
37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found,

California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

**ATTACHMENT 2**

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

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

**APN 314-121-040; 4774 Kneeland Rd, Kneeland  
County of Humboldt**

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

**May 2021**

## **Background**

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

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

The modified project involves a Special Permit for an existing 6,000-square-foot (SF) cannabis cultivation project consisting of mixed-light cultivation within three greenhouses on one graded flat. Up to three harvests are expected for a growing season that extends from April through October. Irrigation water is sourced from a permitted diversion on a Class II watercourse, a 50,000-gallon rainwater catchment pond, and 40,000 gallons of existing hard tank storage in eight 5,000-gallon hard tanks. The applicant is proposing to install two additional 5,000-gallon tanks for a total storage of 100,000 gallons in order to fully meet estimated annual water usage of approximately 100,000 gallons, demand of which peaks in July through September. Bucking and drying will occur in an existing shed. Additional processing will occur offsite at a licensed processing or manufacturing facility. Power is provided by Pacific Gas & Electric Company. One full-time employee is anticipated with seasonal employees utilized during peak operations. A permitted On-Site Waste Treatment System is onsite that services a three-bedroom home (Permit #314-121-40), a full-time employee, and two seasonal employees. Two Special Permits are also needed for work to be completed within a Class II watercourse (water tank relocation and maintenance/retirement of a diversion).

A Cultural Resources Investigations Report prepared by Archaeological Research and Supply Company December 2017 recommended ongoing conditions of approval including monitoring the one cultural site on the parcel during any ground-disturbing activities, exclusion of the cultural site from any cannabis operations, capping access roads with road base, and incorporation of the inadvertent discovery protocol be followed. A Biological Assessment Report prepared by O'Brien Biological Consultants (Attachment 3) concluded that because habitat removal is not planned, since the parcel where cannabis cultivation will occur is well established, because noise levels generated by cultivation activities will be below the threshold of disturbance for northern spotted owl, and because there are resource protection measures outlined in the Streambed Alteration Agreement (Notification No. 1600-2016-0588-R1), that will protect aquatic resources, there is a low likelihood of impacts on special-status and protected plant and wildlife species that could occur on the parcel. An R-2 Soils Report prepared by Pacific Watershed Associated (Attachment 3) concluded that the site was suitable for the proposed cultivation operation assuming the recommended soil design parameters are followed.

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

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 6,000 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Plot Plan prepared by the applicant received 10/15/2020.
- Cultivation and Operations Plan prepared by the applicant and the revision received 4/30/2021.
- Water Resources Protection Plan dated 1/17/2018 prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Timber Conversion Evaluation Report dated 5/26/2020 and prepared by Timberland Resource Consultants.
- Draft Streambed Alteration Agreement (Notification No. 1600-2016-0588-R1) prepared by the California Department of Fish and Wildlife.
- Soils Report dated 11/22/2016 prepared by Pacific Watershed Associates, Inc.
- Right to Divert and Use Water Certificate H100495 prepared 6/4/2019 by the State Water Resources Control Board.
- Public Works project referral response dated 8/16/18.
- California Department of Forestry and Fire Protection project referral response dated 12/4/2017 and 12/21/2017.

- Building Inspection Division project referral response dated 11/30/2017.
- Health and Human Services Environmental Health Division project referral dated 8/10/2018.
- Biological Assessment received 10/15/2020 and prepared by O'Brien Biological Consulting.
- Cultural Resources Investigation dated December 2017 and prepared by Archaeological Research and Supply Company.
- Setback Waiver Agreement from Gerard and Sangay Wilson, owners of a Buddhist Temple approximately 350 feet to the north dated June 17, 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 Plan prepared by the applicant received 10/15/2020 - **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 applicant (received date not known) and the revisions received 4/30/2021 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Right to Divert and Use Water; Certificate H100495 – **Attached**).
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4. above).
7. Copy of Notice of Intent (NOI) 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. (Water Resources Protection Plan prepared by Timberland Resource Consultants dated 1/17/2018—**Attached**).
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, affects 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. (Notification No. 1600-2016-0588-R1—**Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Evaluation Report dated 5/26/2020 and prepared by Timberland Resource Consultants – **Attached**)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Biological Assessment prepared by O'Brien Biological Consulting, received 10/15/2020. (On file)
17. Cultural Resources Investigation dated December 2017 and prepared by Archaeological Research and Supply Company. (On file)
18. Soils Report dated 11/22/2016 prepared by Pacific Watershed Associates, Inc. (**Attached**)
19. Road Evaluation received 12/14/2017 (**Attached**)
20. Remediation Plan Letter dated 9/24/2020 and prepared by Timberland Resource Consultants. (**Attached**)

# THE HUMBOLDT COUNTY FARMS, LLC

## CULTIVATION, OPERATIONS, AND SECURITY PLAN

### OPERATIONS PLAN

#### 1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

**WATER SOURCE AND STORAGE:** The primary source of irrigation is from a surface water diversion from an unnamed tributary to Graham Gulch and Freshwater Creek. Per Applicant's Lake and Streambed Alteration Agreement (LSAA #1600-2016-0588-R1) with the California Department of Fish and Wildlife (CDFW), the diversion structure (POD) will be modified as necessary to limit stream dewatering. The current diversion point will be abandoned, the excavated pool shall be backfilled with clean crushed rock, and the POD will be relocated. Per the LSAA, Applicant's maximum instantaneous rate of diversion from the POD is 3 gallons per minute. Between May 15 and October 15, Applicant will divert no more than 150 gallons per day (4,500 gallons per month). Applicant will allow sufficient flow to pass to keep aquatic species in good condition below the point of diversion. Applicant is working with Timberland Resource Consultants (TRC) to prepare a Water Management Plan. Applicant will install a device for measuring the quantity of the water diverted.

**STORAGE:** Applicant currently has eight (8) five-thousand-gallon tanks for water storage. Applicant intends to install two (2) additional five-thousand-gallon water storage tanks for total tank storage of 50,000 gallons. Substrates, anchors, and ground attachments for the tanks will comply with all local ordinances and the North Coast Regional Water Quality Control Board's Best Management Practices (BMPs). Water tanks will be equipped with float valves to shut off diversion when tanks are full to prevent overflow from being diverted.

Applicant also has an off-stream rain catchment pond with storage capacity of 50,000 gallons. Applicant will consult with TRC, and implement TRC's recommendations to prevent invasive species habitation of the pond. The total irrigation storage on the property is 100,000 gallons.

Applicant has filed an Initial Statement of Water Diversion (ISDU) with the State Water Resources Control Board for the diversion of surface water to storage. Applicant will consult with, and implement recommendations by, TRC regarding water storage for irrigation to ensure protection of watershed and habitat and compliance with regulations regarding diverted surface water.

**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 and by hand watering using a spray stick or wand. Applicant waters in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier is used to minimize weed growth, which reduces water loss during watering. Applicant uses natural soil amendments to aid in soil moisture retention as part of irrigation plan.

**PROJECTED WATER USAGE:** Applicant will be cultivating approximately 8,000 sq. ft. of outdoor cannabis and 2,000 sq. ft. of mixed light cannabis pursuant to a special permit. Based on California Department of Fish and Wildlife estimates for cannabis irrigation needs, and Applicant's irrigation practice of watering every other day, Applicant anticipates using 85,680 gallons of water  $((153 \text{ days} \div 2) \times 1120 \text{ gallons})$  during the forbearance period required by the LSAA for Applicant's mixed light operation. Applicant anticipates using approximately 12,240 gallons of water  $(153 \text{ days} \div 2) \times 160 \text{ gallons})$  during the forbearance period required by the LSAA for Applicant's outdoor operation. Applicant's total irrigation need during forbearance is 97,920 gallons of water.

Based on a 180-day growing cycle, Applicant's total yearly water usage is anticipated to be 115,200 gallons  $((180 \text{ days} \div 2) \times 1280 \text{ gallons})$ .

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. Description of Site Drainage, including Runoff and Erosion Control Measures

**SITE DRAINAGE:** There is one stream located on the property and no stream crossings. Applicant's cultivation area is surrounded by native vegetation which promotes infiltration of storm water runoff. Graded flats have been equipped with drainage structures to disperse storm water flows, thereby mitigating potential concentrated storm water runoff from eroding surrounding areas. Greenhouses will be guttered and the water piped to stable areas to ensure that no concentrated storm water runoff from cultivation activities erodes surrounding areas. Applicant will consult with, and implement recommendations from, TRC to improve site drainage on Applicant's parcel. All roads and cultivation areas are hydrologically disconnected, to the extent feasible, from surface waters located on Applicant's property.

**EROSION CONTROL MEASURES:** There are no visible signs of erosion on Applicant's property. Applicant's roads are rocked and are not contributing to erosion. Applicant is implementing BMPs to control erosion from cultivation areas and improved areas on the property. These BMPs include re-seeding and re-vegetating bare soils, placing straw mulch and bales in areas of erosion, and rocking areas where erosion may occur because of concentrated runoff. Applicant will work with TRC to implement the above referenced BMPs on an as needed basis to control erosion.

**RUNOFF CONTROL MEASURES:** Roads and cultivation areas on Applicant's parcel are hydrologically disconnected from watercourses, to the extent feasible, which results in little sediment transport from activities to receiving waters. To further mitigate sediment transport,

Applicant placed straw wattles and silt fences around cleared areas where cultivation activities occur. Applicant maintains vegetative buffers around cultivation areas to filter nutrients from any runoff that does occur from cultivation activities. Applicant utilizes raised garden beds to minimize runoff from cultivation areas, waters at agronomic rates, and only hand waters when applying fertilizers.

### 3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

**PROTECTION OF WATERSHED AND HABITAT:** Applicant maintains 100-foot buffers between improved areas of the property and the class II watercourse. Cultivation activities will be excluded from buffer areas and Applicant will maintain vegetated buffers to promote their essential functions. Applicant is also implementing measures to lessen the impact of the POD. Applicant will allow sufficient flow at all times to keep all aquatic species in good condition below the POD. The length and width of the diversion structure will not exceed 20% of the active channel width and will not be located in the deepest portion of the channel to allow sufficient flow to pass. The diversion will be designed to allow for maintenance and inspection without disturbing the stream bed and not require annual installation and removal. The intake device will be screened, and intake openings will not exceed 1/8 inch diameter for a flat opening or 3/32 inch diameter for round openings. Screens will be kept in good condition to avoid harming aquatic species found in the channel. Applicant will consult with, and implement recommendations by, TRC to further protect watershed and habitat.

**CULTIVATION RELATED WASTE PROTOCOLS:** Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in piles covered with plastic sheeting 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 will occur in native soils and using bio-amendments (cover crops) to re-amend soils, resulting in zero soil waste on site. 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 stores waste in the garage as shown on the site plan. Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

**REFUSE DISPOSAL:** The site generates little human refuse. 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. Garbage cans are stored in the garage as shown on the site plan. Applicant will determine the frequency of pickup and delivery to disposal facilities that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

**HUMAN WASTE:** The residence is connected to a permitted On-Site Waste Treatment System (OWTS) that services a three-bedroom home (Permit #314-121-40). The system have been provided as part of the application. The facility is approximately 150 feet from the cultivation sites. Applicant anticipates hiring 1-2 employees for the cultivation operation and the bathroom facilities will meet all applicable federal, state, and local regulations (i.e. ADA compliant) for use in the cultivation operation.

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

**PESTICIDES:** Applicant does not anticipate the need for conventional pesticides, but rather will institute an integrated pest management system that includes the use of attractant plants and flowers to draw in beneficial and predatory insects to the cultivation sites, thereby eliminating pests. Neem oil applications may be implemented as necessary and Neem oil will be stored in the garage.

If the need for pesticides arises, Applicant intends to use only OMRI listed pesticides. Applicant will store pesticides in the garage labeled as solid waste and recycling storage on the site map. The garage is 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 receiving 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:** Fertilizers will be stored in the garage referenced above. 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 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.

**SOIL AMENDMENTS:** A list of soil amendments used in the cultivation is listed on the attached page labeled "SOILAMENDMENTS". Amendments will be stored in the garage labeled on the site map for solid waste and recycling storage. Soil amendments will have secondary containment totes to prevent leaching of soil amendments. Bulk amendments will be used on an as needed basis. Applicant intends to amend soil using a rotational system, with cover crops used to aerate and add nitrogen back to the soil. This should reduce the need for heavy soil amendment use. Likewise, Applicant intends to import initial soil used in the cultivation, implement a soil amendment program using natural soils, thereby eliminating the need to import further soil.

**PETROLEUM PRODUCTS AND STORAGE:** Applicant has power from PG&E and does not use generators on-site. Applicant has four (4) propane tanks totaling 80 gallons. The propane tanks are kept in sufficient secondary containment to contain the volume of the storage tanks. Applicant also stores two 5-gallon cans of gasoline to power small gas engines such as trimmers and mowers. The gasoline cans are stored in the garage labeled as solid waste and recycling storage. Gasoline cans are kept in secondary containment, and Applicant maintains a spill kit on site to address any potential gasoline spills.

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

**CULTIVATION ACTIVITIES:** Applicant is proposing to permit an existing full-term outdoor cultivation site with cultivation area of 8,000 sq. ft. and an existing mixed light cultivation site with cultivation area of 2,000 sq. ft. Applicant will be applying for a special permit for the above referenced activity. Applicant will irrigate cultivation from a surface water diversion pursuant to the LSAA. There will be no generator use in the cultivation activities. 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 and to prevent nutrient leaching and erosion of the soil medium.

Applicant will be relocating an existing mixed light cultivation area from behind the residence to the location listed on the site map. The area is environmentally superior in that the area of relocation is less sloped than the previous location, resulting in less potential sediment runoff and improved access to the cultivation area.

Applicant is anticipating three (3) cultivation cycles of mixed light cultivation. Applicant will completely shield greenhouses so that little to no light escapes. The lighting elements used for mixed light operations will comply with the International Dark Sky Association standards as outlined in Humboldt County's Medical Cannabis Ordinance.

Applicant anticipates hiring 1 to 2 employees at the site for cultivation activities. Applicant does not anticipate increased road activity from cultivation activities. Employees car pool to and from

the site. Applicant's parcel is located just off of Kneeland Road, a county maintained road. Peak road usage will be between 8:00 AM and 9:00 AM and 5:00 PM to 6:00 PM. Parking will be located next to the residence. There will be no on-site housing of employees. Bathroom facilities will meet local, state and federal requirements (i.e. ADA requirements) pursuant to the CMMLUO.

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.

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

##### January, February, March

- Purchasing seeds and clones of desired strains
- Clean greenhouses and make necessary repairs
- Cover crops established from prior year
- Prepare greenhouses and beds for planting
- Till cover crops and amend soils
- Pot clones and starts
- Re-pot clones in bigger pots
- Generator use: 0 hours

##### April

- April 10th: Plants are put in raised beds
- Trellis plants in raised beds
- Irrigation begins
- Attach greenhouse tarps for light deprivation of first run
- Clones started in separate flowering greenhouse
- Generator use: 0 hours

##### May

- Irrigation every other day
- Apply nutrient feed every other watering
- Applicant continues to re-pot starts and clones
- Manicure plants and de-leaf



- Nursery activities
- Begin pulling tarps
- Generator use: 0 hours per day for clones

#### June

- Top dress first run
- Irrigate every other day
- Fertilize every other watering
- Harvesting first run of plants
- Plant second run of mixed light plants in raised beds
- Pot clones and starts for third run
- Trellis plants in raised beds
- Generator use: 0 hours per day

#### July

- Irrigate second run of plants every other day
- Apply nutrient feed every watering
- Pull tarps for light deprivation
- Manicure plants and de-leaf
- Re-pot clones and starts in larger pots
- Generator use: 0 hours per day

#### August

- Irrigating second run of plants every other day
- Apply nutrient feed every other watering
- Pull tarps for light deprivation
- Harvest second run of mixed light plants
- Plant third run in raised beds
- Trellis third run of plants in greenhouses
- Generator use: 0 hours per day

#### September

- Irrigating third run of plants every other day
- Apply nutrient feed every other watering
- Pull tarps for light deprivation
- Manicure and de-leaf plants
- Generator use: 0 hours per day

#### October

- Irrigate third run of plants every other day
- Apply nutrient feed every other watering
- Continue pulling tarps
- Harvest third cycle of plants

#### November, December

- Pull irrigation system and begin site preparation for winter months
- End of year reporting requirements
- Cover crop established
- Cleanup/Winterize cultivation site

### **PROCESSING PLAN AND ACTIVITIES**

**PLAN:** No processing activities will be conducted on site. Plants may be hung dry on-site in shed prior to being transported off-site for further processing. Applicant will identify permitted processing facility once permits for such facilities have been issued by the County.

### **SECURITY FEATURES**

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Applicant intends to install perimeter fencing around the cultivation areas and a security gate is locked across the main access road into the property. The perimeter of the parcel is partially fenced along Kneeland Road.

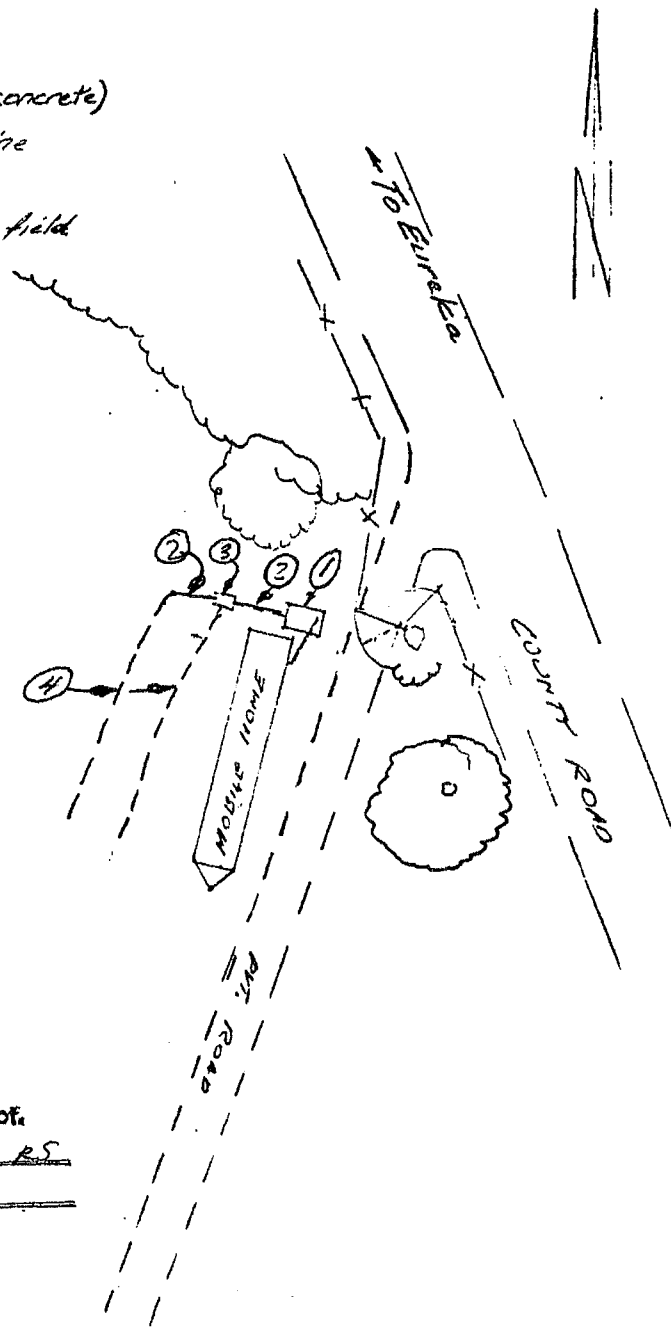
Applicant intends to install motion sensing security cameras around the exterior of the buildings on site, the cultivation sites, and at the entrances to the parcel. Exterior locking deadbolts will be installed on the interior doors of buildings involved in the cultivation activities.

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 is a cultivation-member of Humboldt Sun Growers Guild, a California Non-Profit Medical Cannabis Collective, that provides medical cannabis to qualified patients and primary caregivers. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

**SOIL AMENDMENTS, FERTILIZERS, PESTICIDES**

<b>PRODUCT</b>	<b>AMOUNT</b>
<b>Soilscape Solutions Vegetative Top Dress 3-9-1</b>	<b>200 lbs.</b>
<b>Soilscape Solutions Bloom Top Dress 8-3-1</b>	<b>200 lbs.</b>
<b>Regalia</b>	<b>2 oz.</b>
<b>Double Nickel</b>	<b>2 oz.</b>
<b>Venerate</b>	<b>2 oz.</b>

- ① 850 gal. septic tank (concrete)
- ② 10' solid 4" plastic line
- ③ Distribution box
- ④ 2 - 50' x 2' x 2' drainfield



EXAMINED  
 Humboldt-Del Norte Co., Health Dept.  
 BY: Richard A. Sherman RS  
 TITLE: July 2, 1973

**SOIL AMENDMENTS, FERTILIZERS, PESTICIDES**

<b>PRODUCT</b>	<b>AMOUNT</b>
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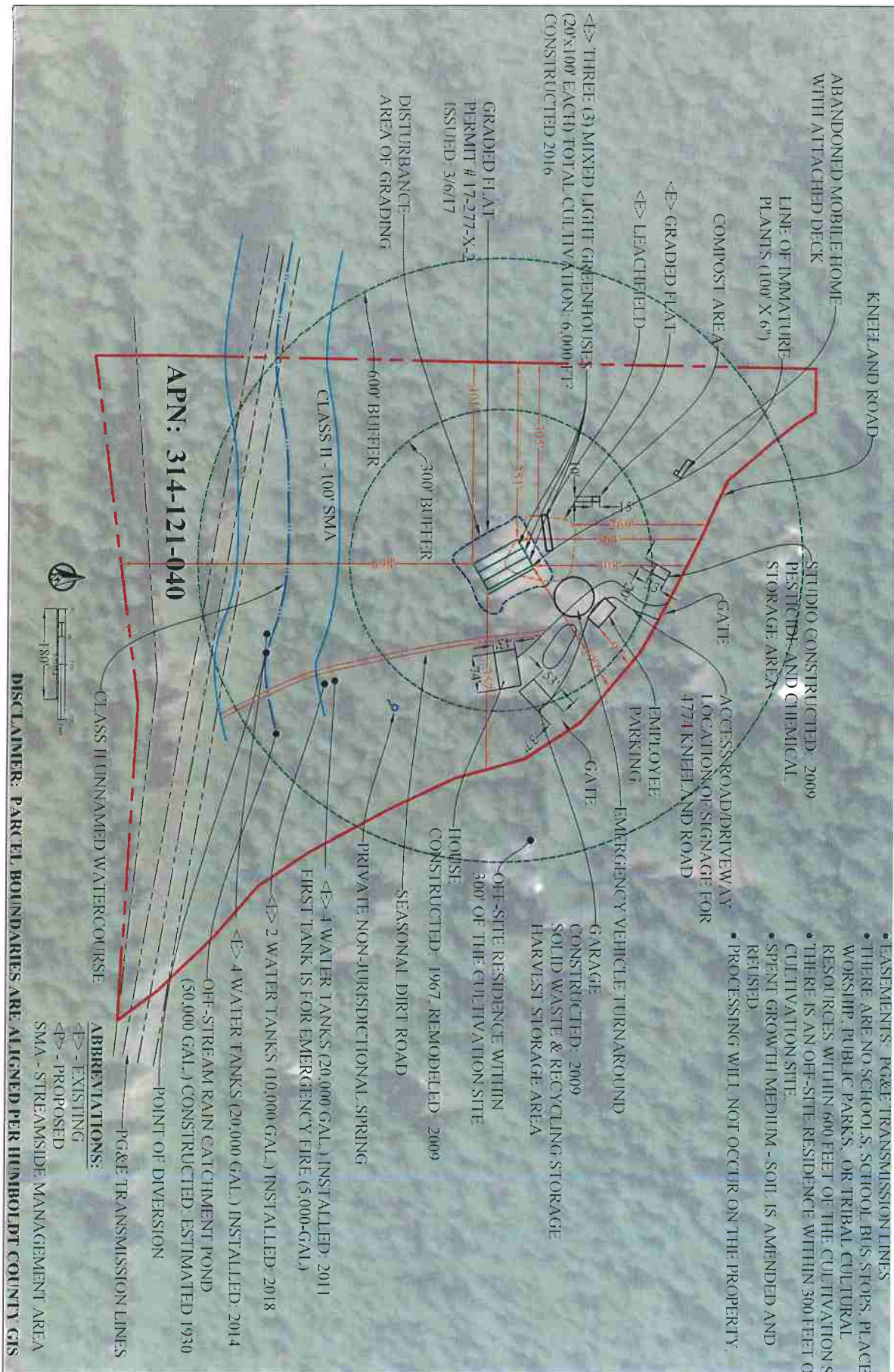
# **Cultivation Operation Plan – Revised 2.**

RECEIVED  
OCT 15 2020  
Humboldt County  
Planning Division

**NOTES:**

• **CANABIS CULTIVATION PERMITS BEING APPLIED FOR.**  
MIXED LIGHT - 6,000 FT<sup>2</sup>

- EASEMENTS - PG&E TRANSMISSION LINES
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
- THERE IS AN OFF-SITE RESIDENCE WITHIN 300 FEET OF CULTIVATION SITE.
- SPENT GROWTH MEDIUM - SOIL IS AMENDED AND REUSED.
- PROCESSING WILL NOT OCCUR ON THE PROPERTY.



OWNER'S NAME & ADDRESS  
**JAY PRETTO**  
4774 KNEELAND ROAD  
KNEELAND, CA 95549

DRAWING DESCRIPTION:  
**HUMCO CMMLUO**  
**SITE PLAN**  
APN: 314-121-040

PACIFIC WATERSHED ASSOCIATES, INC.  
P.O. BOX 4433  
ARCATA, CALIFORNIA 95518  
PH: (707) 839-5130 FX: (707) 839-8168  
www.pacificwatershed.com



DATE: 10/15/2020  
NOTES PREPARED BY: PWA  
FIGURES CREATED BY: PWA

**ADDENDUM – CULTIVATION OPERATIONS PLAN  
THE HUMBOLDT COUNTY FARMS  
APPS: 11673; APN 314-121-040**

- 1. COMPLIANCE WITH HCC 314-43.1.3.2.** The greenhouses proposed for this project do not exceed 25% of the lot coverage of the parcel either individually or collectively and do not have an improved floor way or floor path that would preclude the agricultural use of the underlying soils. In any event, the parcel does not have prime agricultural soils which if the greenhouses were to have improved floors, such improved flooring for the greenhouse could be approved with a special permit.
- 2. SOILS MANAGEMENT PLAN.** All spent soils are composted and reused as part of applicant's regenerative soils program. Soil is tarped and treated and reused in subsequent years harvest resulting in zero waste.
- 3. FUEL MODIFICATION STANDARDS.** Applicant intends to create defensible space of at least 100' around the on-site residence by removing or modifying fuels to reduce wildfire threat. Highly flammable materials will be cleared and separated such that there are no paths of travel for fire to the on-site residence or greenhouses.
- 4. HIRING PRACTICES.** There will only be one full time employee and on part time or seasonal employee hired. Hiring for seasonal employees begin around April or May and end around November and December. At the height of cultivation season, applicant may request additional workers through a staffing agency.







STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H506506

CERTIFICATE H100495

Right Holder: Jay Pretto  
4774 Kneeland Road  
Kneeland, CA 95549

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 06/21/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Unnamed Stream	Freshwater Creek	40.760020	-123.995271	Humboldt	314-121-040

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	314-121-040	0.137741

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/04/2019.

The place of use is shown on the map filed on 06/04/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.28 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.46 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
  - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
  - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 06/04/2019 14:09:36

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**FILE COPY**

1B170481CHUM

## **Water Resource Protection Plan**

**WDID#: 1B170481CHUM**

**TRCID#: 180101020602TRC294**

*Submitted to:*

**Jay Pretto**



*Prepared by:*

**Timberland Resource Consultants**

**165 South Fortuna Blvd**

**Fortuna, CA 95540**

**01/17/2018**

## **Purpose**

This WRPP has been prepared on behalf of the property owner, Jay Pretto, for APN 314-121-040 by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

## **Scope of Report**

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

## **Methods**

The methods used to develop this WRPP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

## Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

## Monitoring Plan Reporting Requirements

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov). If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

## Property Description

The site consists of a 24 acre parcel composed of redwood forest. The slope of the property varies from 10% to 30% with elevations ranging from 2,000 to 2,080 ft. The property is located within the NE ¼ of Section 06, Township 4N, Range 2E, Humboldt County.

This project currently consists of a single cannabis cultivation site (CS).

- CS #1 consists of a single landing approximately 10,000 square feet in size that contains three greenhouses. Two greenhouses measure 20' wide by 100' long and the third measures 20' wide by 80' long. This totals 5,600 square feet of cultivation.

Agricultural water for this project is currently sourced from the pool of a Class II watercourse. The exact diversion structure is unknown, but it is allegedly a 1.5"-2" diameter slotted PVC pipe plumbed to a nearby 300 gallon settling tank. Water is pumped from this tank to multiple storage tanks approximately 100' to the north. The Discharger plans to divert to storage between January-March, directly divert surface water leading into May and shift to diverting from storage from May 15 to October 15.

## Assessment of Standard Conditions

Assessment of Standard Conditions consisted of field examinations on 01/17/2018. Data was also sourced from a Lake and Streambed Alteration Agreement submitted by Chris Carroll of Timberland Resource Consultants. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions. This includes but is not limited to, existing

and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

### **Summary of Standard Conditions Compliance**

1. Site maintenance, erosion control, and drainage features Y☑/N☐
2. Stream crossing maintenance Y☑/N☐
3. Riparian and wetland protection and management Y☑/N☐
4. Spoils management Y☑/N☐
5. Water storage and use Y☑/N☐
6. Irrigation runoff Y☑/N☐
7. Fertilizers and soil amendments Y☑/N☐
8. Pesticides and herbicides? Y☑/N☐
9. Petroleum products and other chemicals Y☑/N☐
10. Cultivation-related wastes Y☑/N☐
11. Refuse and human waste Y☑/N☐



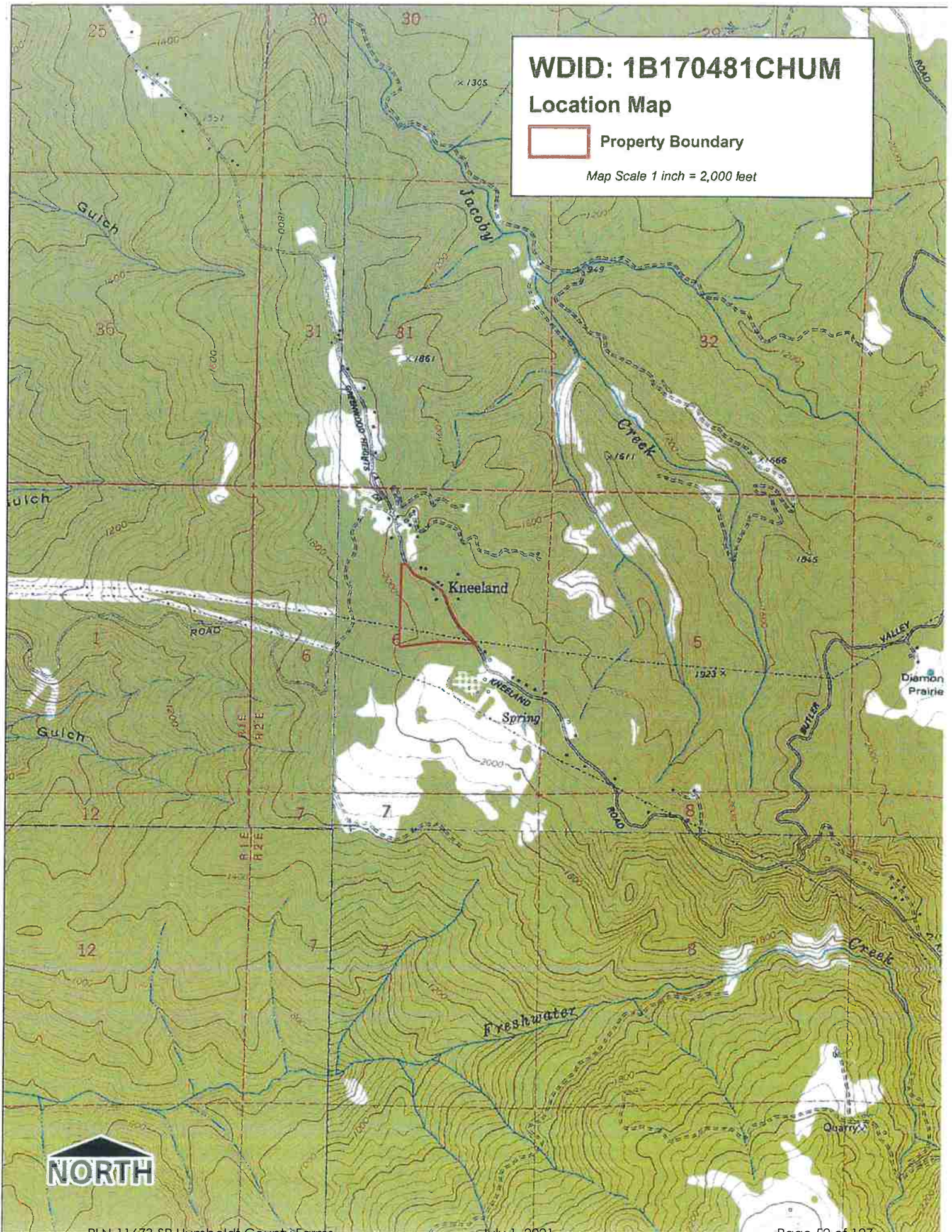
**WDID: 1B170481CHUM**

**Location Map**



Property Boundary

Map Scale 1 inch = 2,000 feet





**Mitigation Report (Identified Sites Requiring Remediation)**

\*Time schedule for treatment accounts for appropriate permit approvals and allowed seasons of operation.

Unique Map Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
SC #1	Existing Humboldt Crossing appears to be functioning adequately	A.2.	N/A	Monitor crossing to ensure functionality	N/A	Annually	
Cultivation Spoils	Uncovered spoils stored at the cultivation site	A.4. A.10.	N/A	Cover spoils with either mulch, cover crop, or tarp	1	10/15/2018	
No Unique Map Point Given	Storage capacity	A.5.	N/A	Meter water use and increase storage as necessary	N/A	Annually	

Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Oct. 15), (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Oct. 15) of the 2<sup>nd</sup> season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).



WDID: 1B170481CHUM

WRPP Site Map

Property Boundary

Kneeland Road

Driveway

Seasonal Road

Class II Watercourse

Stream Crossing (SC)

On-stream Pond

Point of Diversion

Storage Tank

House

Greenhouse

Graded Landing

2016 DOQ NAIP

Kneeland, CA 7.5" Quad

NE 1/4 of Section 06, T4N, R2E, HB&M

0 175  
feet





WDID: 1B170481CHUM

WRPP Site Map

-  Property Boundary
-  Kneeland Road
-  Driveway
-  Seasonal Road
-  Class II Watercourse
-  Stream Crossing (SC)
-  On-stream Pond
-  Point of Diversion
-  Storage Tank
-  House
-  Greenhouse
-  Graded Landing

USGS Topographic Map  
Kneeland, CA 7.5" Quad  
NE 1/4 of Section 06, T4N, R2E, HB&M



0 175  
feet

## A. Standard Conditions, Applicable to All Dischargers

### 1. Site maintenance, erosion control and drainage features (Compliance: Y ☒ / N ☐)

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

**Roads on the property are adequately drained so that no surfaces are discharging sediment to surface waters.**

- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.

**No roads, driveways, trails, or other defined corridors display evidence of surface erosion occurring along their respective flow paths.**

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

**Physical reconnaissance of the property revealed no unstable areas per 14CCR 895.1.**

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are not hydrologically connected<sup>1</sup>, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

**There are no locations where hydrologic connections between roads, clearings, fill prisms or terraced areas have been identified.**

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

**The majority of the road network on the property lacks any grade and does not require drainage structures. The shape of the existing road is adequate to dissipate storm runoff without causing surface erosion.**

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

**Construction materials are not stored on property.**

### 2. Stream Crossing Maintenance (Compliance: Y ☒ / N ☐)

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.

<sup>1</sup> Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. ([http://www.forestsandfish.com/documents/Road\\_Mgmt\\_Survey.pdf](http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf))

- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.<sup>2</sup>
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.<sup>3</sup>

**One stream crossings was identified on the property.**

- **SC #1 consists of an existing Humboldt crossing on a Class II watercourse. This watercourse sources from a small spring fed pond approximately 110' uphill from the crossing's location. This watercourse emerges and submerges intermittently along its flow path above the crossing. Stream water infiltrates the inlet of the crossing and seeps out approximately 60' downhill from a rock outcropping imbedded in the hillside. The existing crossing does not show any signs of previous overtopping, erosion at the inlet/outlet, or blockage of aquatic organisms. This crossing shall be left as is in its existing condition. This crossing has been approved in its existing condition by CDFW.**

**All crossings will be monitored and maintained to assure they function and comply with standard conditions.**

**3. Riparian and Wetland Protection and Management (Compliance: Y ☒ / N ☐)**

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its or its Executive Officer may apply additional or alternative<sup>4</sup> conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

**The cultivation site on the property is over 400' from the nearest watercourse.**

- b. Buffers shall be maintained at natural slope with native vegetation.

**All riparian buffers are maintained at natural slope and native vegetation.**

<sup>2</sup> At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

<sup>3</sup> If infeasible to install a critical dip, an alternative solution may be chosen.

<sup>4</sup> Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

**All riparian buffers have been maintained in their natural state to adequately provide essential functions.**

**4. Spoils Management (Compliance: Y ☒ / N ☐)**

- a. Spoils<sup>5</sup> shall not be stored or placed in or where they can enter any surface water.

**There are no locations where construction spoils are stored on the property. Cultivation spoils are stored over winter in their respective containers at the Cultivation Site. This location is over 400' from the nearest watercourse.**

- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

**Cultivation spoils are adequately contained within their respective containers. These consist of 1" by 12" wooden boards built into soil beds. The site showed no signs of cultivation spoils or perlite migration. However, the Discharger should cover crop, mulch, or tarp these spoils to prevent any risk of migration.**

- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

**There are no locations where construction or maintenance has generated spoils.**

**5. Water Storage and Use (Compliance: Y ☒ / N ☐)**

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12<sup>6</sup> watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

**The Discharger is working to minimize and mitigate their impacts across the watershed that they operate in. This includes increasing water conservation strategies, increasing water storage, and improving the irrigation system. These strategies will reduce this project's potential threats to water quality and beneficial uses. The Discharger shall meter water use and participate in winter monitoring.**

- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

<sup>5</sup> Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.

<sup>6</sup> See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>



**The Discharger currently implements responsible hose use and AM/PM irrigation to help conserve water.**

- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

**The project contains 50,000 gallons of water storage in the form of ten 5,000 gallon polyethylene storage tanks. The Discharger is unsure of the exact amount of water needed in order to observe a 150 day season of forbearance from surface diversion. The Discharger plans to fill storage from February to March and monitor water use. Storage will be added the following year to ensure no surface diversions occur during the low flow period.**

- d. Water is applied using no more than agronomic rates.<sup>7</sup>

**There is no evidence to conclude that the Discharger irrigates at a greater rate than the growth medium can facilitate. There are no signs of over watering present on-site. It is recommended that the Discharger meter their water use.**

- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

**The Discharger has filed an Initial Statement of Water Diversion and Use (ISWDU) as well as a California Depart. of Fish and Wildlife Lake and Streambed Alteration Agreement (LSAA). The Discharger plans to file for a Small Irrigation Use Registration (SIUR) before April 1, 2018.**

- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

**All storage tanks are located on small compacted fill prisms topped with peat gravel. These locations are stable and ensure the storage tanks remain upright and do not fail.**

#### **6. Irrigation Runoff (Compliance: Y ☒ / N ☐)**

- a. Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

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<sup>7</sup> "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

There are no signs of irrigation run-off within the cultivation site. The Discharger irrigates at an agronomic rate to minimize waste and the risk of entrained constituents leaving the site.

7. Fertilizers and Soil Amendments (Compliance: Y☑ / N☐)

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

**Fertilizers, soils and other amendments are stored within the garage attached to the residence. This structure adequately prevents the stored materials from influencing surface and groundwater.**

- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

**All fertilizers and soil amendments are applied by the Discharger at agronomic rates per specifications included in the labeling. There are no visible signs of nutrient loading in the surrounding soils such as algal growths and/or vegetation blooms.**

- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

**Cultivation sites are well maintained with no improperly stored nutrients or fertilizers found throughout the property. The Discharger halts nutrient use during the final weeks of cultivation, promoting plant biomass to uptake the remaining nutrients.**

8. Pesticides/Herbicides (Compliance: Y☑ / N☐)

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

**Pesticides/herbicides are stored with the fertilizers and amendments in the garage. This structure adequately prevents these chemicals from entering surface and/or groundwaters.**

9. Petroleum products and Other Chemicals (Compliance: Y☑ / N☐)

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.



**There are no fuel products stored within property boundaries. This project utilizes electricity sourced from the municipal grid to power equipment.**

- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

**Not Applicable**

- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

**Not Applicable**

- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

**Not Applicable**

- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

**Not Applicable**

**10. Cultivation-related Wastes (Compliance: Y☒ / N☐)**

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored<sup>8</sup> at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwater.

**There are no locations where cultivation waste is uncontained. There is potential under heavy rainfall conditions for the soil beds to inundate and discharge perlite. The Discharger shall cover these spoils over winter to prevent this.**

**11. Refuse and Human Waste (Compliance: Y☒ / N☐)**

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

**According to the Discharger there is a permitted septic system associated with the residence on this property. The septic system is over 400' from the nearest watercourse.**

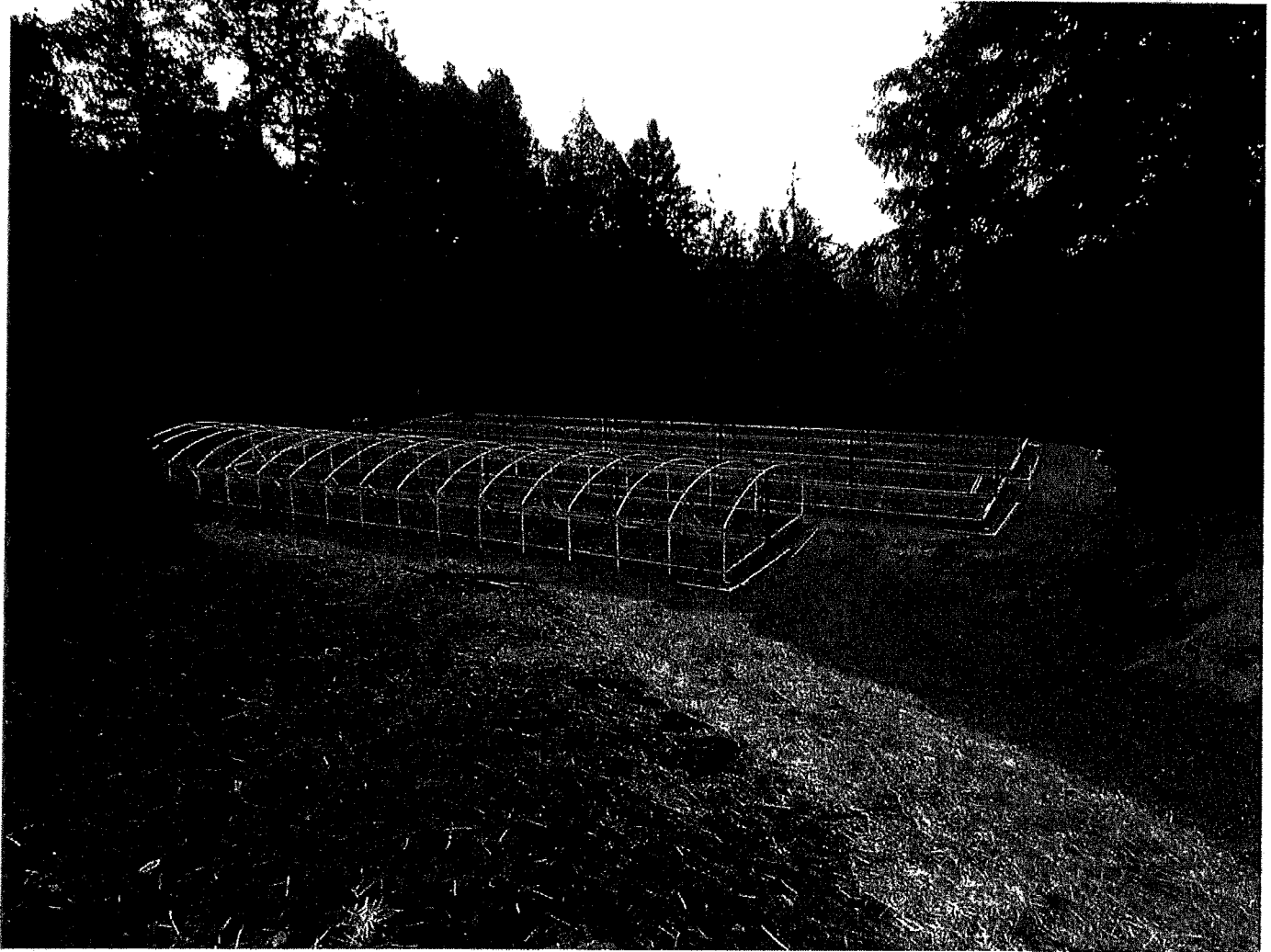
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

**Refuse and garbage are contained in garbage cans stored in the garage. These containers adequately prevent trash and refuse from delivering to surface waters.**

- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

<sup>8</sup> Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.

## Photographs



**Picture 1:** CS #1 consists of a single landing approximately 10,000 square feet in size that contains three greenhouses. Two greenhouses measure 20' wide by 100' long and the third measures 20' wide by 80' long. Photo date: 01/17/2018

## Photographs



**Picture 2:** Agricultural water for this project is currently sourced from the pool of a Class II watercourse. The exact diversion structure is unknown, but it is allegedly a 1.5"-2" diameter slotted PVC pipe plumbed to a nearby 300 gallon settling tank. Photo date: 01/17/2018

## Photographs



**Picture 3:** The location of the POD is where subsurface water emerges from a rock outcropping embedded in the hillside. There is no stream channel between this location and the inlet of Stream Crossing #1, approximately 60'. Photo date: 09/20/2016



## Photographs



**Picture 4:** 300 gallon settling tank approximately 30' downhill from the POD. Photo date: 01/17/2018

## Photographs



**Picture 5:** The storage area contains ten 5,000 gallon polyethylene storage tanks. Photo date: 01/17/2018

## Photographs



**Picture 6:** The road accessing the cultivation site has recently been constructed and has adequate erosion control measures. Photo date: 01/17/2018



## Photographs



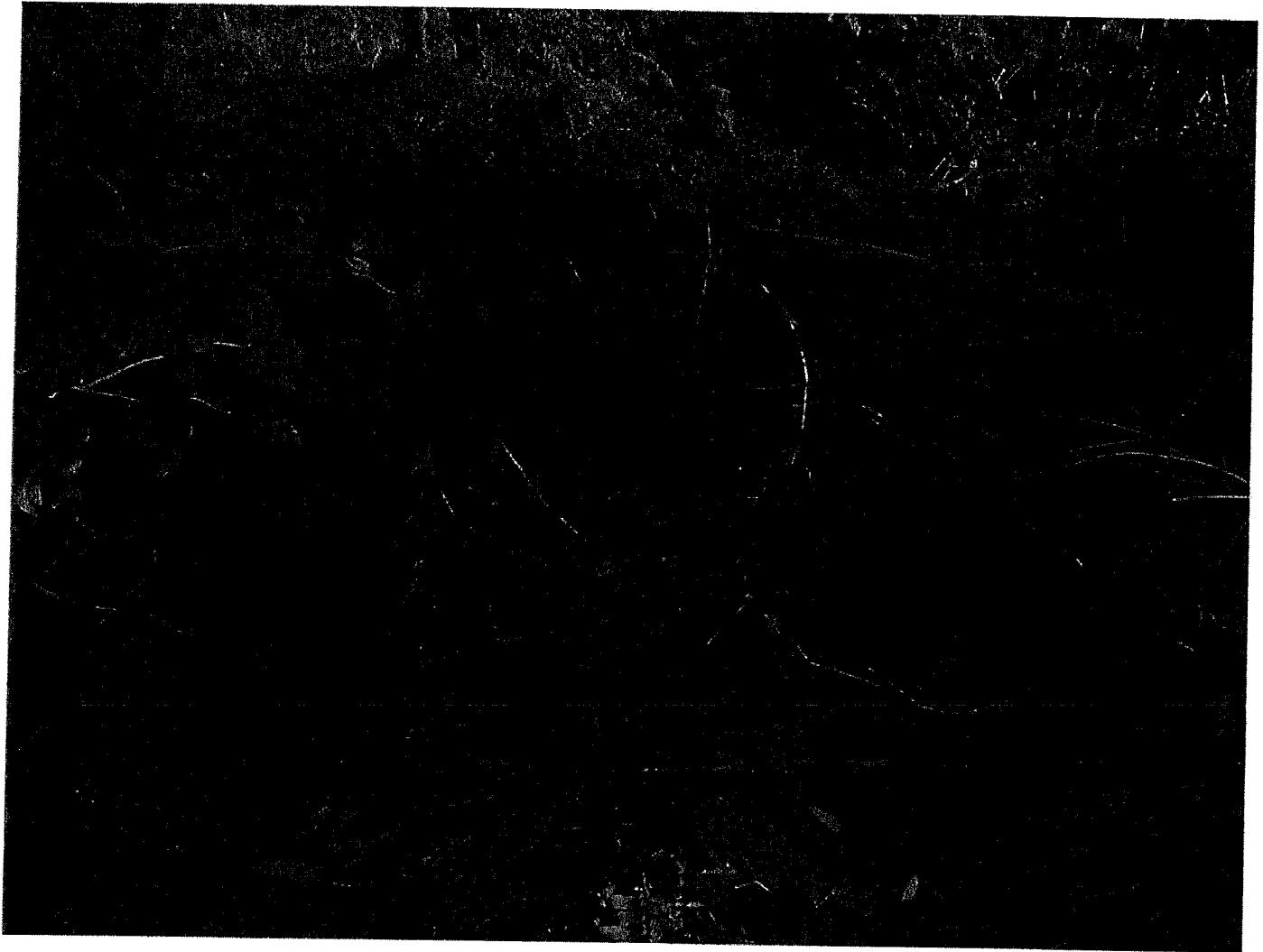
**Picture 7:** The inlet of Stream Crossing #1. Photo date: 01/18/2018

## Photographs



**Picture 8:** Small segment of stream channel above the inlet of SC #1. This channel extends for approximately 15' uphill before going subsurface. Photo date: 01/17/2018

## Photographs

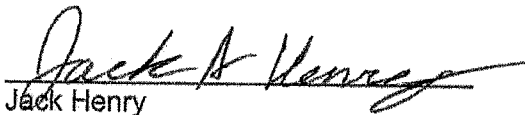


**Picture 9:** View of the road prism from directly below SC #1. No signs of erosion or water seepage at this location. Photo date: 01/17/2018

## STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF WATER RESOURCE PROTECTION PLAN

### Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APN 314-121-040 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted, and as disclosed to Timberland Resource Consultants by the landowner and/or Discharger. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.

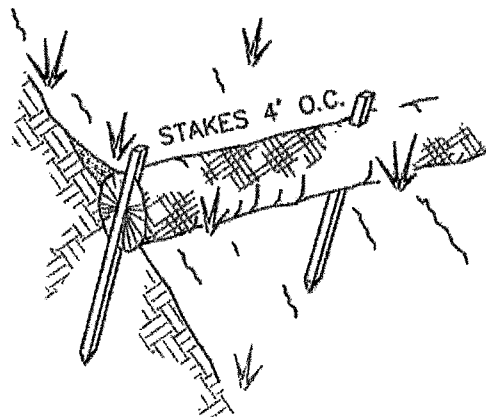
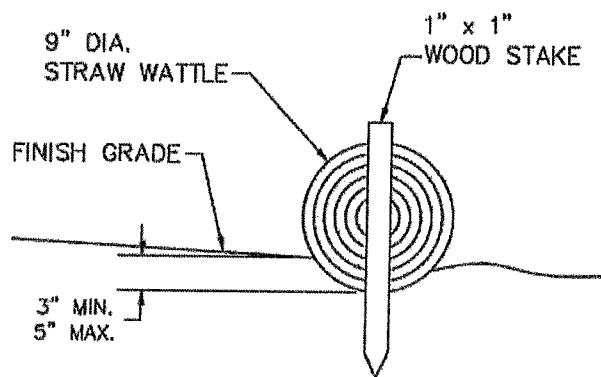
  
Jack Henry  
Timberland Resource Consultants

# **Attachments**

**Best Management Practices, Diagrams, Supplemental Information**

### **BMP: Erosion Control**

- Erosion control and sediment detention devices and materials shall be incorporated into the cleanup/restoration work design and installed prior to the end of project work and before the beginning of the rainy season. Any continuing, approved project work conducted after October 15 shall have erosion control works completed up-to-date and daily.
- Erosion control materials shall be, at minimum, stored on-site at all times during approved project work between May 1 and October 15.
- Approved project work within the 5-year flood plain shall not begin until all temporary erosion controls (straw bales or silt fences that are effectively keyed-in) are installed downslope of cleanup/restoration activities.
- Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
- Upon work completion, all exposed soil present in and around the cleanup/restoration sites shall be stabilized within 7 days.
- Soils exposed by cleanup/restoration operations shall be seeded and mulched to prevent sediment runoff and transport.
- Straw Wattles (if used) shall be installed with 18 or 24 inch wood stakes at four feet on center. The ends of adjacent straw wattles shall be abutted to each other snugly or overlapped by six inches. Wattles shall be installed so that the wattle is in firm contact with the ground surface.







State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
619 Second Street  
Eureka, California 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



April 14, 2017

Mr. Jay Pretto  
4774 Kneeland Road  
Kneeland, CA 95549

Subject: Draft Lake or Streambed Alteration Agreement  
Notification No. 1600-2016-0588-R1  
Pretto Water Diversion Project

Dear Mr. Pretto:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the project.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

*Conserving California's Wildlife Since 1870*



Mr. Pretto  
April 14, 2017  
Page 2 of 2

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at [www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf](http://www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf).

If you have any questions regarding this letter, please contact Senior Environmental Scientist Specialist David Manthorne at [david.Manthorne@wildlife.ca.gov](mailto:david.Manthorne@wildlife.ca.gov) or (707) 441-5900.

Sincerely,

A handwritten signature in blue ink that reads "Scott Bauer". The signature is written in a cursive, flowing style.

Scott Bauer  
Senior Environmental Scientist Supervisor

cc. Chris Carroll  
Timberland Resource Consulting  
[carroll@timberlandresource.com](mailto:carroll@timberlandresource.com)

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



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2016-0588-R1

Unnamed Tributary to Graham Gulch, Tributary to Freshwater Creek,  
Tributary to Humboldt Bay and the Pacific Ocean

Mr. Jay Pretto  
Pretto Water Diversion Project  
1 Encroachment

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 14, 2016, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Freshwater Creek watershed, within the town of Kneeland, County of Humboldt, State of California. The project is located in Section 6, T4N, R2E, Humboldt Base and Meridian; in the Korbel U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 314-121-40; latitude 40.7595 N and longitude 123.9951 W at the point of diversion (POD).

**PROJECT DESCRIPTION**

The project is limited to one encroachment for water diversion from an unnamed tributary to Graham Gulch and Freshwater Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include modification, use, and maintenance of the water diversion infrastructure. Modification of the structure is

necessary to limit stream dewatering. The current diversion point shall be abandoned, the excavated pool shall be backfilled with clean crushed rock, and the POD will be relocated per CDFW specifications (conditions 2.7 – 2.10 of this Agreement).

## PROJECT IMPACTS

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

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

### **Impacts to water quality:**

increased water temperature;  
reduced instream flow;

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

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

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

cumulative effect when other diversions on the same stream are considered;  
diversion of flow from activity site;  
direct and/or incidental take;  
indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement



to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

## **2. Avoidance and Minimization Measures**

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on December 14, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

- 2.4 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall measure and record the quantity of water diverted from the POD on a weekly basis. The Measurement of Diverted Flow shall be submitted to CDFW annually per condition 3.1 of this Agreement.
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than July 15, 2017, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 per condition 3.2 of this Agreement.
- 2.7 Diversion Intake Infrastructure. **The existing POD shall be removed and replaced with infrastructure meeting the following specifications.** The length and width of new diversion infrastructure shall not exceed 20% of the active channel width and shall not be located in the deepest portion of the channel. The depth of the screened intake shall be no greater than 1 foot below the stream bed. The diversion shall be designed to allow for maintenance and inspection (e.g., cleaning and inspecting intake screen) without disturbing the stream bed and not require annual installation and removal. The diversion infrastructure shall not encroach on the seep/spring more than one foot above the pool.
- 2.8 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.9 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.10 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.



- 2.11 **Project Inspection.** Photographs of the modified diversion infrastructure shall be submitted to CDFW as part of this Agreement. Photographs of the site and diversion infrastructure shall be submitted to CDFW within 30 days of completion of this project. The diversion infrastructure modification shall be completed no later than October 15, 2017.
- 2.12 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.13 **Water Storage Maintenance.** Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.14 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### 3. Reporting Measures

- 3.1 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of **each year** beginning in **2017**.
- 3.2 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** (condition 2.6) **no later than July 15, 2017**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

### CONTACT INFORMATION

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

To Permittee:

Mr. Jay Pretto  
4774 Kneeland Road  
Kneeland, California 95549  
707-499-8596



To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2016-0588-R1

## **LIABILITY**

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

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

## **SUSPENSION AND REVOCATION**

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

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



## EXTENSIONS

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

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

## EFFECTIVE DATE

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

## TERM

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

## AUTHORITY

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

## AUTHORIZATION

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

## **CONCURRENCE**

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

**FOR Mr. Jay Pretto**

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Jay Pretto

---

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

---

Scott Bauer  
Senior Environmental Scientist Supervisor

---

Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, April 14, 2017



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



May 26, 2020

The Humboldt County Farms, Inc.  
Attention: Jay Pretto  
1628 Victor Boulevard  
Arcata, CA 95521

Re: APN 314-121-040 / Application No. 11673

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application 11673. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.12.2.4 as cited below.

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

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation site on May 20, 2020. The RPF exercised due diligence in reviewing all sites and associated areas and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report.

#### **Project Location**

APN: 314-121-040

Acreage: 24 acres

Legal Description: NE ¼ of Section 6,

Township 4 North, Range 2 East,

Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Korbel

Humboldt County Zoning: Timber Production

Site Address: 4774 Kneeland Road

Landowner/Timber Owner: Jay Pretto & Jennifer Ross

The project is located at 4774 Kneeland Road. The property is located approximately ¼ mile south of the junction of Greenwood Heights Road and Kneeland Road.



## 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 redwood and tanoak with a minor component of Douglas-fir and white fir. Review of 1940 and 1947 aerial imagery showed clear signs of recently past timber harvesting as evidenced by truck roads, skid roads, landings, and distinct timber/vegetation type changes. The RPF observed old growth redwood stumps throughout the property confirming that timber within the property was initially harvested pre-1940's. Per Cal Fire's Watershed Mapper ([http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/)), THP 1-09-101 HUM overlaps the subject property. The THP was a selection harvest, which was apparently harvested in 2010. Based upon field reconnaissance the harvest was very light and resembled a thinning. Veronica Cernokus purchased the property on 4-6-2015.

## Project Description

One cultivation site was inspected during the field assessment within APN 314-121-040. The following table lists the inspected site and its acreage; see detailed site description below.

Cultivation Site	Total Acreage	Converted?	Converted Acreage
Cultivation Site	0.37	Yes	0.11
TOTAL	0.37		0.11

### Cultivation Site

Review of Google and NAIP aerial imagery reveals that the cultivation site was initially developed between 2005 and 2009. TRC's (Chris Carroll) first site visit to the property in 2016 in association with the preparation of the CDFW 1600 notification revealed that the cultivation site occupied an area previously cleared and developed as part of the curtilage of the home site, which is less than 150 feet away. Based upon 1993 aerial imagery, a large portion of the cultivation site appears to be grass or perhaps brush. This is presumably associated with the development of the home site's curtilage for landscaping, gardens, open space, and perhaps the clearing of trees for enhanced views of Humboldt Bay from the residence. Subsequent imagery from 1993 to 2005 shows this area continued to be maintained as non-timberland but with a distinct increase in brush and vegetation likely from stump sprouting redwoods adjacent and perhaps within the site. The cultivation site appears to have been slightly expanded between 2009 and 2010 to its present size and configuration.

Approximately 70% of the cultivation site occupies a previously developed area surrounding the residence. This area would never be a managed timber stand due to its proximity to the residence and associated structures, and requirements for defensible space pursuant to Public Resource Code 4291. Consequently, the landowner has not converted the single use of this space from timber production to cannabis cultivation. In the absence of cannabis cultivation, this area will not be "*capable of and available for current and future timber production*". However, the portion of the developed area that appears to have been expanded between 2009 and 2010 specifically for cannabis cultivation is indeed a conversion of timberland in my professional opinion.

### Timberland Conversion Summary

TRC observed approximately 0.11 acres of potential timberland conversion for cultivation-related purposes.



## 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). The RPF inspected all areas within a minimum 200-foot buffer surrounding the cultivation site, and the closest watercourse or stream per 14CCR 895.1 is located approximately 175 feet northwest. See attached maps.

### Slash, Woody Debris, and Refuse Treatment

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

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

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

The RPF observed no slash and/or woody debris at the Cultivation Site. A broken tree top from a second growth redwood recently landed on the Cultivation Site's fill slope, but this minor amount of woody debris is not associated with the past timberland conversion and not a fire hazard.

## **Limitations and Considerations for Timberland Conversion Activities (Cont.)**

### **Biological Resources and Forest Stand Health**

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

A query of the California Natural Diversity Database (CNDDDB) on May 22 2020 revealed numerous observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the cultivation site. None of the species are State or Federally threatened and/or endangered species, or Board of Forestry Sensitive Species that would commonly require consultation with CDFW per the Cal Fire conversion exemption process.

The query of the CNDDDB NSO Database revealed two known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile radius biological assessment area (BAA) surrounding the cultivation site. HUM 482 and HUM 488 are located greater than ½ mile from the cultivation site/conversion area. Given the distance from the project area, the 100-acre Core Area and conventional ¼-mile disturbance buffer for each NSO site does not overlap the subject property. There is adequate NSO habitat for each NSO site per USFWS Attachment A Northern Spotted Owl Take Avoidance Analysis – Coast (3/15/11), Scenario 4 [14 CCR 919.9(e)]. The 0.11 acres of timberland conversion would not have resulted in a loss of NSO habitat below thresholds required by the USFWS.

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

### **Cultural Resources**

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

No archeological sites were observed during the TRC field assessment. The RPF conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding 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 (Archeological Training Course #575). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surfaces.

## **Recommendations**

In summary, a total of 0.11 acres of unauthorized tree removal or potential timberland conversion has occurred within APN 314-121-040. This total does not exceed the three-acre conversion exemption maximum. The past conversion activities conducted on the property complies with the California Forest Practice Act and the California Forest Practice Rules. The RPF has no recommendations.

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants



SOILS REPORT  
4774 KNEELAND ROAD  
KNEELAND, CALIFORNIA  
HUMBOLDT COUNTY APN 314-121-040

November 22, 2016

PWA Project No. 5322



Prepared for:  
Mr. Samuel Magruder  
4339 Cesar Chavez Street  
San Francisco, CA 94131

---

Prepared by:  
Leonard (Brad) Job, California Civil Engineer #C55699  
Pacific Watershed Associates, Inc.

This letter report documents Pacific Watershed Associate's (PWA's) engineering assessment of the soils underlying the property located at 4774 Kneeland Road, Kneeland, California, Humboldt County Assessor's Parcel (APN) 314-121-040, hereinafter referred to as the "site". The purpose of this soils report is to facilitate grading of an approximately 10,000 square foot structural slab on the site. According the Humboldt County's Web GIS application, the site is an approximately 25 acre parcel on gently to moderately steeply sloping ground that is zoned TPZ with potentially high geologic instability. The location of the site is shown on Figure 1 – Location Map.

## **SITE SETTING**

According the California Geologic Survey, the underlying geology is comprised of marine sedimentary and metasedimentary rocks from the Cretaceous and Jurassic periods. It is a unit within the Franciscan Complex which is comprised of sandstone mélangé with smaller amounts of shale, chert, limestone, and conglomerate. Rock fragments observed in the soil samples were sandstone. According to the National Oceanographic and Atmospheric Administration (NOAA) average rainfall in the area is approximately 45 inches per year, occurring primarily in the late fall through early spring (November- March). The nearest named stream is Jacoby Creek, which is about 0.6 miles northeast of the site.

## **METHODS**

On November 10, 2016, PWA used a 4" trenching shovel and a hand auger to advance test pits to about 4' below the ground surface. The test pits were advanced until the soil became uniform. The sidewalls of the trench/boring were stable and the test pits met refusal between 40" and 48" below the ground surface (bgs). At selected intervals soil samples were collected in plastic bags labelled with the location and depth interval. The locations of the test pits are shown on Figure 2 – Site Plan. Samples were classified in accordance with the Unified Soil Classification System. Soils were visually assessed by hand texturing and mechanically tested *in-situ* using a pocket penetrometer to estimate bearing strength and tor-vane shear strength tester to estimate shear strength. Both devices were manufactured by Humboldt Instruments, Inc.

## **SITE SOILS**

At the time of the site investigation the soils appeared to be moist from the soil surface to about 4 feet bgs, the maximum depth explored. The area proposed for development appeared to be underlain by about 18 inches of gravelly clay loam topsoil over a gravelly clay subsoil. The mineral soil colors and textures were very consistent between all assessed test pits at similar depth intervals. As is usually the case, soil bearing strength increased slightly with depth. We obtained consistent bearing strength results from the penetrometer indicated an undrained bearing strength of 2.5 kips per square foot (1 kip = 1,000 pounds). The mineral soil horizon was observed in pits TP-1 and TP-2 at a depth of 18 inches. A few roots were observed between 18 and 24 inches bgs. No soil mottles or other redoximorphic were evident, implying that the shallow soils are relatively well drained and do not support wetland conditions. Neither wet soil nor groundwater was encountered.

## **DESIGN VALUES**

Based on in-situ testing and experience with similar soils, we estimate that the design bearing strength of structural fill soils at this site should be 2 kips per square foot to assure that excessive settlement does not adversely affect structures constructed on the proposed cut/fill pad.

## SEISMIC DESIGN

Although the U.S. Geological Survey (USGS) has mapped faults in the general vicinity, no evidence of surface faulting was observed during the site investigation. The site lies in the relatively close proximity to three mapped splays of the Mad River Fault; unnamed splays of the Fickle Hill Fault lie 0.3 miles west-southwest and 1.6 miles north-northeast, and a splay of the Mad River Fault lies about 3.5 miles east-northeast. The site is not located within a mapped Alquist-Priolo Fault Zone. No liquefiable or spreading soils were observed in the vicinity of the grading area. There is low risk of slope instability or surface rupture due to faulting.

The California Building Code requires that structures be designed to withstand credible earthquake loads as determined by geographic and geologic considerations. The Site Soil Classification is "D". The Seismic Design Category is "C". The Occupancy Category is II. The site is located at latitude = 40.760800° and longitude = -123.995432°. Per USGS's Seismic Hazard Curves and Uniform Hazard Response Spectra internet application and in accordance with the 2016 California Building Code, the mapped spectral acceleration values for seismic design are as follows:

Table 1: Seismic Design Parameters

Parameter (period)	Value (g)
$S_s$ (0.2 sec.)	2.883
$S_l$ (1.0 sec.)	1.021
$SM_s$ (0.2 sec.)	2.883
$SM_l$ (1.0 sec.)	1.532
$S_{DS}$ (0.2 sec.)	1.922
$S_{D1}$ (1.0 sec.)	1.021

## CONCLUSIONS

In our opinion, the site is suitable for the proposed construction. To account for soil heterogeneity and assure that post-construction settlement does not adversely affect the proposed construction, we recommend a design bearing strength of 2,000 kips for footings. Lateral loads should be limited to 130 pounds per square foot of sidewall. Soils for structural fill should be moisture controlled to between 6 and 9 percent moisture content. The fill should be placed in lifts no greater than 8" and compacted using an earth compactor. A woven geotextile should be placed every two lifts to reduce the magnitude of settlement and potential for slumping post-construction.

These soils are slightly plastic and become more so as moisture content increases. If saturated, these soils can make damage from earthquakes more severe and may lead to cracking of foundations and other brittle structures. We recommend establishing a free draining 2% grade away from structures to ensure that water does not pond and saturate the fill. Following



placement of concrete, excavated areas around piers or footings should be backfilled in lifts no deeper than 4" and properly compacted with a mechanical tamper. Even with proper backfilling and compaction, some settlement of the backfill will likely occur with successive annual cycles of wetting and drying. Thus, additional grade adjustments will likely be required several years after construction to maintain adequate drainage.

We estimate the angle of internal friction of this soil is about 30 degrees and the safe setback from ascending or descending slopes is 6 feet. Provided that the above recommendations are followed, differential settlement should not exceed 1" spanning the extent of the proposed structure and total settlement should not exceed 2".

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Leonard (Brad) Job, P.E.  
Senior Civil Engineer

#### Attachments

Figure 1 - Location Map  
Figure 2 - Plot Plan  
Appendix 1 - Soil Boring Logs  
Appendix 2 - Seismic Design Parameters

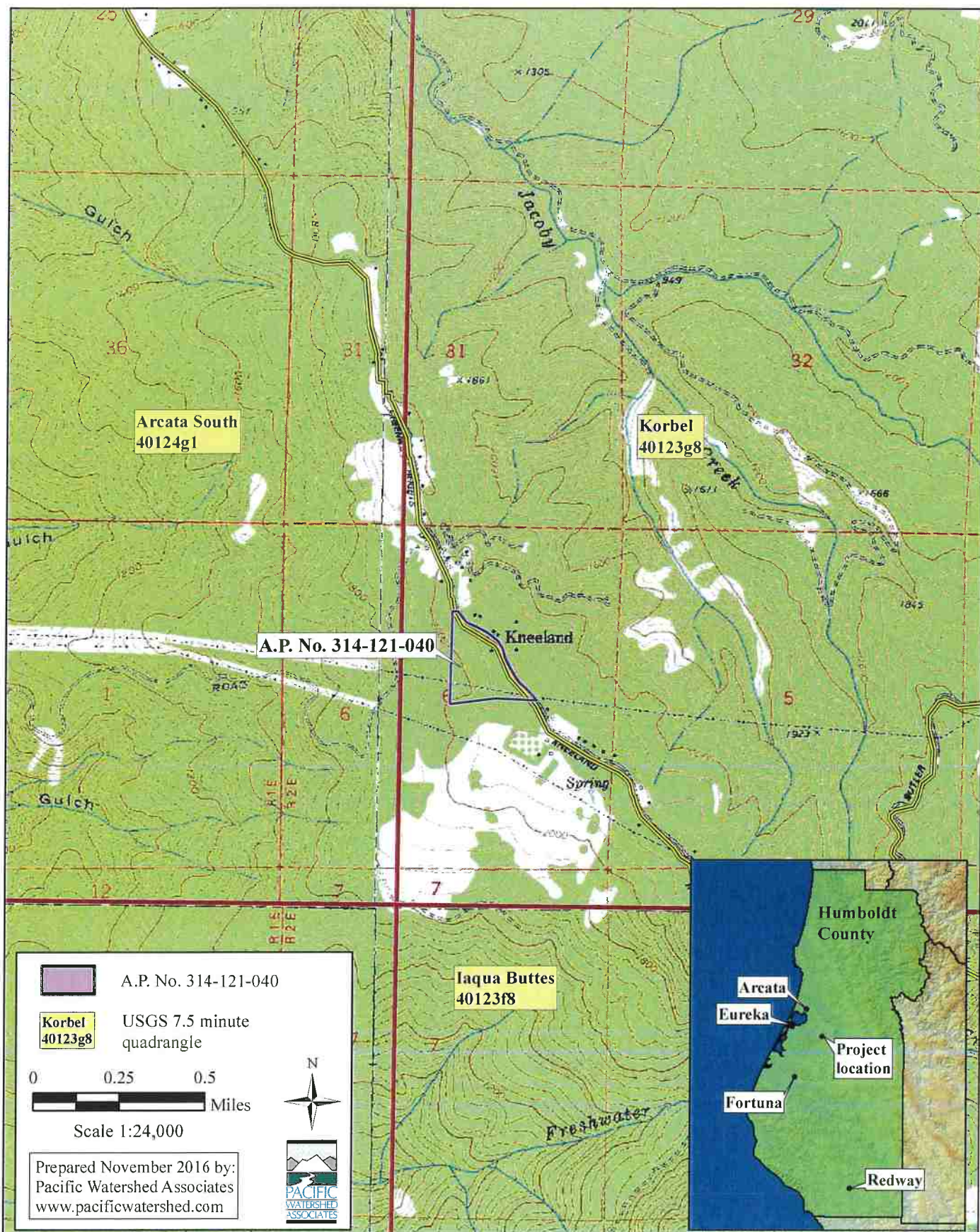


Figure I. Location map for Magruder, A.P. No. 314-121-040, 4774 Kneeland Road, Kneeland, Humboldt County, California.



**OWNER'S MAILING ADDRESS:**

JAY PRETTO  
4774 KNEELAND ROAD  
KNEELAND, CA 95549

**NOTES:**

- PROPOSED FILL VOLUME: 122 YD<sup>3</sup>
- PROPOSED GRADING VOLUME: 2,500 YD<sup>3</sup>
- TREES TO BE REMOVED: 3
- WATER COURSES AFFECTED: NONE

**EXISTING STRUCTURES OR OTHER IMPROVEMENTS:**

HOUSE <E>

GARAGE <E>

GRADED FLAT <N>

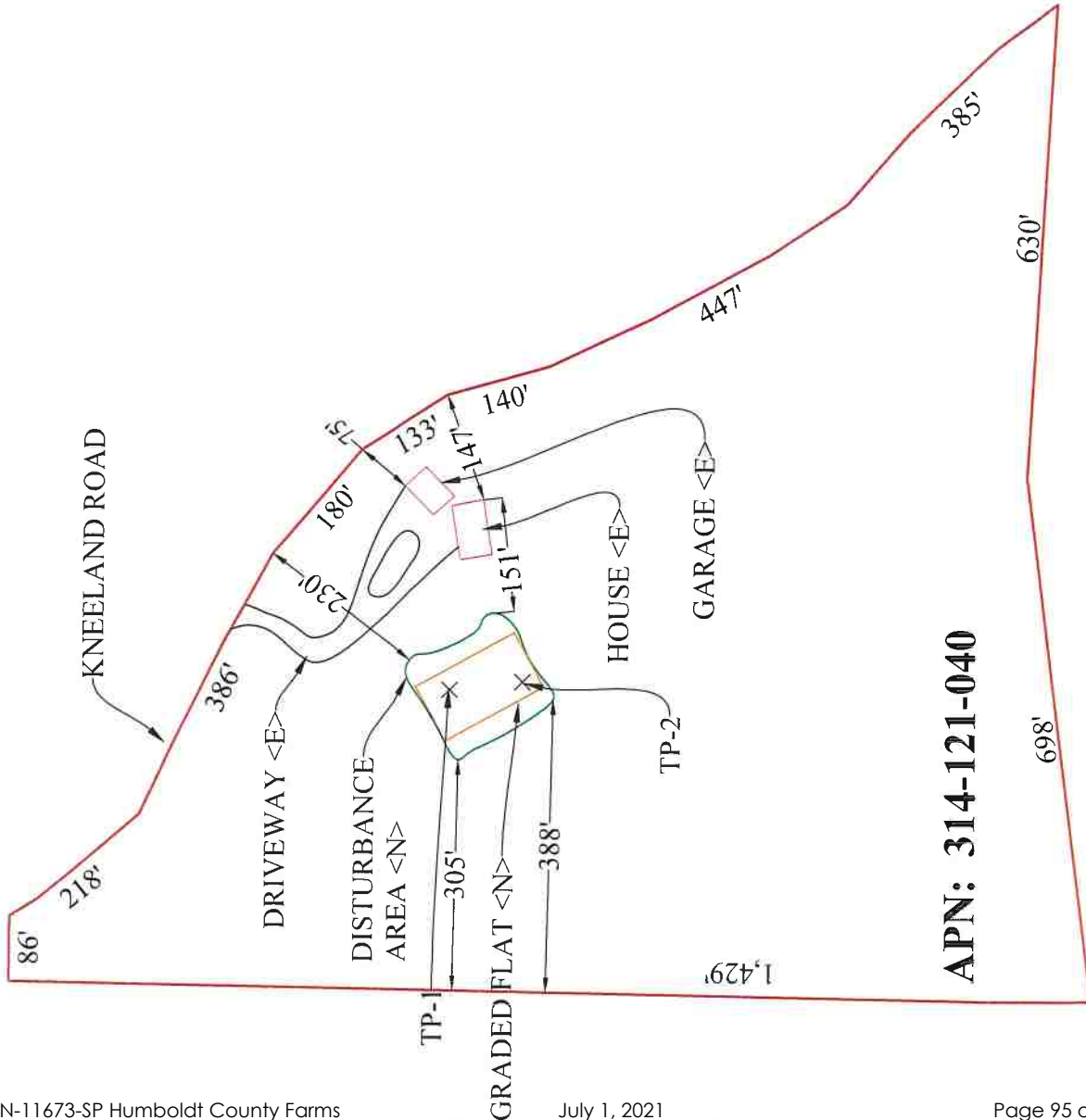
<E> = EXISTING <N> = PROPOSED

**DOES NOT APPLY:**

-CURBS, SIDEWALKS, AND GUTTERS

**DIRECTIONS TO SITE:**

FROM EUREKA, CA HEAD EAST ON MYRTLE AVENUE TOWARDS FRESHWATER, CA. TURN RIGHT ON FRESHWATER ROAD AND FOLLOW FOR 3.1 MILES. CONTINUE TO FOLLOW KNEELAND RD FOR 4.6 MILES. PARCEL WILL BE ON YOUR RIGHT.

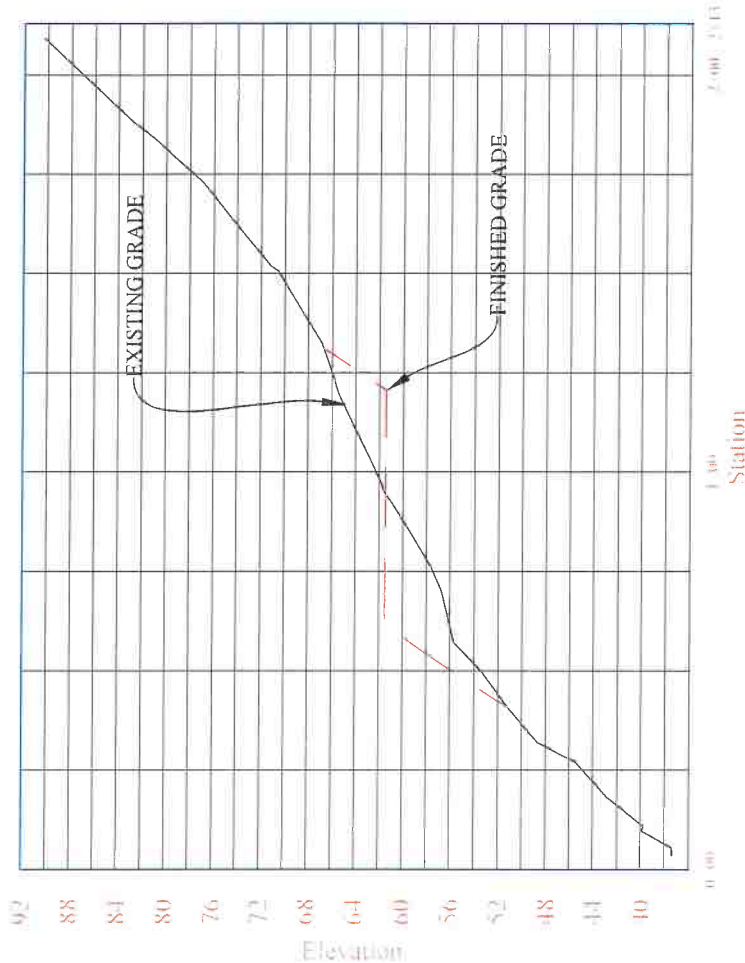


**APN: 314-121-040**

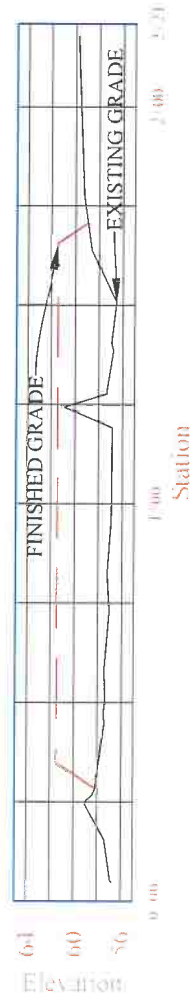
DISCLAIMER: PARCEL BOUNDARIES ARE ALIGNED PER HUMBOLDT COUNTY GIS



# Alignment - A-A' Section View



# Alignment - B-B' Section View



## GENERAL NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR ASSURING THAT EXCAVATION, GRAVING, GRADING, AND OTHER WORK SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST EDITION OF THE "C" OF THE CALIFORNIA CIVIL ENGINEERING BOARD, CALIFORNIA WATER, AND OTHER LOCAL LAWS AND REGULATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA CIVIL ENGINEERING BOARD, CALIFORNIA WATER, AND OTHER LOCAL LAWS AND REGULATIONS.
3. IF FOR ANY REASON THE CONTRACTOR DETERMINES THAT THE EXISTING GRADE IS NOT ACCURATE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY OF THE EXISTING GRADE AND FOR CORRECTING THE EXISTING GRADE TO THE SURVEYED GRADE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY OF THE EXISTING GRADE AND FOR CORRECTING THE EXISTING GRADE TO THE SURVEYED GRADE.
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16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY OF THE EXISTING GRADE AND FOR CORRECTING THE EXISTING GRADE TO THE SURVEYED GRADE.

1. ALL EXCAVATION SHALL CONFORM TO THE REQUIREMENTS OF THE LATEST EDITION OF THE "C" OF THE CALIFORNIA CIVIL ENGINEERING BOARD, CALIFORNIA WATER, AND OTHER LOCAL LAWS AND REGULATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA CIVIL ENGINEERING BOARD, CALIFORNIA WATER, AND OTHER LOCAL LAWS AND REGULATIONS.
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16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY OF THE EXISTING GRADE AND FOR CORRECTING THE EXISTING GRADE TO THE SURVEYED GRADE.


PROJECT ADDRESS: <b>JAY PRETTO</b> <b>477 KNEELAND ROAD</b> <b>KNEELAND, CA 95549</b>	PHONE NO. AREA: <b>707-499-8596</b>	DRAWING DESCRIPTION: <b>SECTION VIEWS</b> <b>GRADING PLAN</b>	PACIFIC WATERSHED ASSOCIATES, INC. P.O. BOX 413 ARCTA, CALIFORNIA 95518 PH: (707) 839-5130 FX: (707) 839-8168 www.pacificwatershed.com	DATE: 1/12/2016 DRAWN BY: PLANS CHECKED BY: SHEET 3 OF 3
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Project Name APN 314-121-040 Project Number 5322

Hole Number BP-1 Hole Size 4" x 30" x 48" Date Drilled 11/10/2016

Excavation Method test pit Logged By LBJ Hole Elevation Approx. 2000'


Unconfined Compressive Strength	Moisture Content (%)	Dry Density (pcf)	Sampled Interval	Depth (ft)	Field Classification Based on Unified Soil Classification System (texture, consistency, moisture, color, symbol, remarks)
1,500 psf	~20%	135 pcf		1	CL - Clayey gravel loam, many roots, blocky structure, 10YR5/4
				2	CH - Clay w/ angular rock fragments, few roots, 20% pebbles, 2% rocks, 7.5/YR <sub>4</sub> <sup>3</sup> , damp
				3	
				4	BOB
				5	
				6	
				7	
				8	
				9	
				10	
				11	



Project Name APN 314-121-040 Project Number 5322

Hole Number TP-2 Hole Size 4" x 30" x 48" Date Drilled 11/10/2016

Excavation Method test pit Logged By LBJ Hole Elevation Approx. 2000'

Unconfined Compressive Strength	Moisture Content (%)	Dry Density (pcf)	Sampled Interval	Depth (ft)	Field Classification Based on Unified Soil Classification System (texture, consistency, moisture, color, symbol, remarks)
1,500 psf	~15%	~135 pcf		1	CL - Clay loam, many roots, blocky structure, 10YR5/4
				2	CH - Clay w/ rock fragments, firm, few roots, 25% rocks, 20% silt, 55% clay, 7.5/YR3/4, damp, refusal @ 24" bgs
				3	
				4	BOB
				5	
				6	
				7	
				8	
				9	
				10	
				11	

Start Time 11:50 AM Completion Time 12:35 PM Page 2 of 2

**USGS Design Maps Summary Report**

**User-Specified Input**

**Report Title** Magruder Parcel Soils Report  
Wed January 25, 2017 18:44:43 UTC

**Building Code Reference Document** 2012/2015 International Building Code  
(which utilizes USGS hazard data available in 2008)

**Site Coordinates** 40.7608°N, 123.99543°W

**Site Soil Classification** Site Class D – “Stiff Soil”

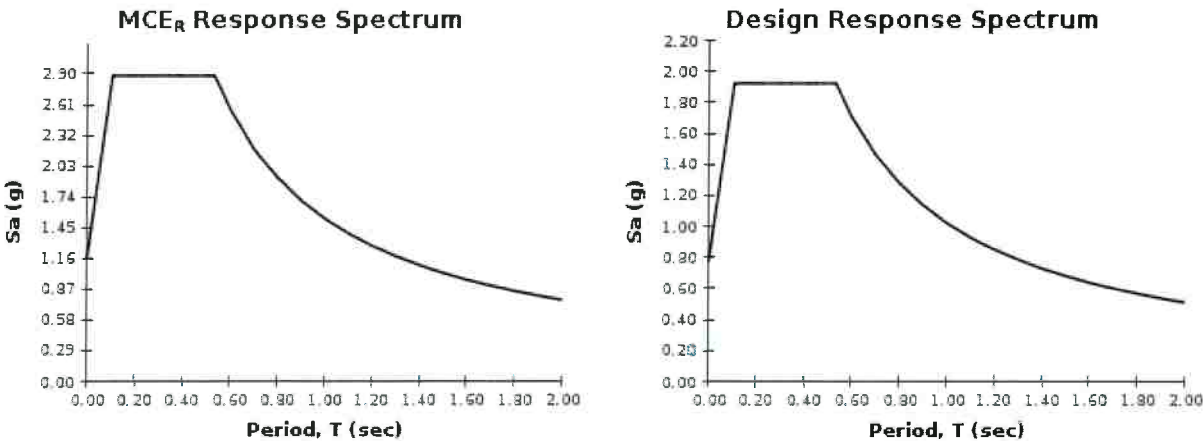
**Risk Category** I/II/III



**USGS-Provided Output**

$S_s = 2.883\text{ g}$	$S_{MS} = 2.883\text{ g}$	$S_{DS} = 1.922\text{ g}$
$S_1 = 1.021\text{ g}$	$S_{M1} = 1.532\text{ g}$	$S_{D1} = 1.021\text{ g}$

For information on how the SS and S1 values above have been calculated from probabilistic (risk-targeted) and deterministic ground motions in the direction of maximum horizontal response, please return to the application and select the “2009 NEHRP” building code reference document.



Although this information is a product of the U.S. Geological Survey, we provide no warranty, expressed or implied, as to the accuracy of the data contained therein. This tool is not a substitute for technical subject-matter knowledge.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



**PART A:** *Part A may be completed by the applicant*

Applicant Name: Jay Pretto APN: 314.121 040

Planning & Building Department Case/File No.: SP16-279

Road Name: KNEELAN RD (complete a separate form for each road)

From Road (Cross street): GREENWOOD HILLS

To Road (Cross street): BUTTER VALLEY RD

Length of road segment: 2.0 miles Date Inspected: \_\_\_\_\_

Road is maintained by: ☐ County ☐ Other \_\_\_\_\_  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☒ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☐ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Jay Pretto  
Signature

12.13.17  
Date

JAY PRETTO  
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



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



Cannabis Services Division  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

September 24, 2020

Dear Planner,

APN 314-121-040  
Application #11673

This report is in response to a letter from Humboldt County dated April 4, 2019. Item 7 within the letter states: "Because on-site relocation of existing cultivation occurred post-January 1, 2016, provide a remediation plan report prepared by a licensed professional (e.g. biologist, hydrologist, engineer, etc.) demonstrating the new site is environmentally superior, steps necessary to abate existing environmental harm, and that the relocation will not result in more environmental harm (i.e. unpermitted timber harvesting or land grading) in accordance with Department Policy Statement 16-002 - Relocation of Existing Commercial Cannabis Cultivation Sites."

Minor relocation of the site occurred between 2015 and 2016 as a remediation for a road drainage issue on the main access road to the cultivation site. The total footprint of the relocation site has been moved south-southeast, approximately 5-10 feet. Moving the cultivation area did not require removal of any trees as the cultivation site resides on a previously developed area. The environmental benefits associated with relocation are described below.

1. The main access road leading to the cultivation area consists of a relatively steep through-cut road. Erosion persisted on the main access road leading to the cultivation area and had formed a rill in the middle of the road. The water concentrated and moved down to the northwest edge of the cultivation area. In order to fix the road drainage issue, reduce erosion of the graded terrace, and be able to better manage any future issues, the cultivation site was moved slightly farther back from the northwestern edge of the developed area. The road surface was regraded to flatten out the erosion tracks and the whole area was rocked with small diameter rock to reduce water concentration on the road and cultivation area. Moving the cultivation away from the fill slope (~5-feet on the west side and ~10-feet on the north side) will reduce erosion in the future by allowing easy access to maintain the fill slope of the cultivation area.
2. Moving the cultivation area away from the edge of the developed terrace reduces the likelihood of cultivation related materials being transported downslope into the native forest. The area exposed due to the relocation has been rocked with small diameter rock

to prevent further erosion and is not considered disturbed area. The minor relocation of the cultivation area is expected to increase the stability and longevity of the outboard edge of the cultivation area by reducing cultivation related activities occurring directly on the edge.

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants



## 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	Attached
Division Environmental Health	✓	Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Cal Fire	✓	Comments	Attached
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria		No Response	
Blue Lakes Rancheria	✓	Further Study	On file and confidential
Wiyot Tribe		No Response	
County Counsel		No Response	
Humboldt County Sheriff Office	✓	Comments	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights-		No Response	
Kneeland Fire Protection District		No Response	
Kneeland School District		No Response	



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



11/30/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

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

**Applicant Name** The Humboldt County Farms, Inc. **Key Parcel Number** 314-121-040-000

**Application (APPS#)** 11673 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-279

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 12/15/2017**

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

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

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

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

☒ Other Comments: \_\_\_\_\_

DATE: 12-19-17  
PLN11673-SP Humboldt County Farms

PRINT NAME: Gustin Dumlac  
July 1, 2021



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11673 (45419)  
Parcel No.: 314-121-040  
Case No.: SP116-279

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

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_
- ☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☐ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: See photos @ SP116-279- folder 314-121-040  
- revise plot plan to show accurate tanks, wetland,  
pumphouse, & existing green houses, sizes

Name: Gustin Dummer

Date: 12-19-17

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



Shed



Graded Flat (2)



Non-jurisdictional Spring



House



12/19/17 314-121-040



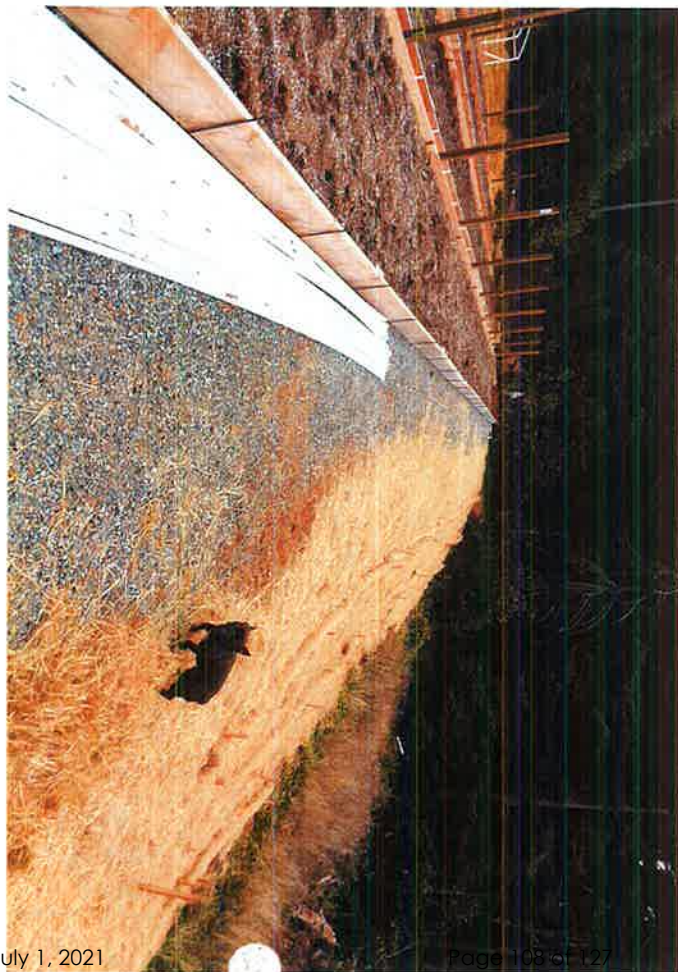


6H 20x50(1)

(2) 20x100

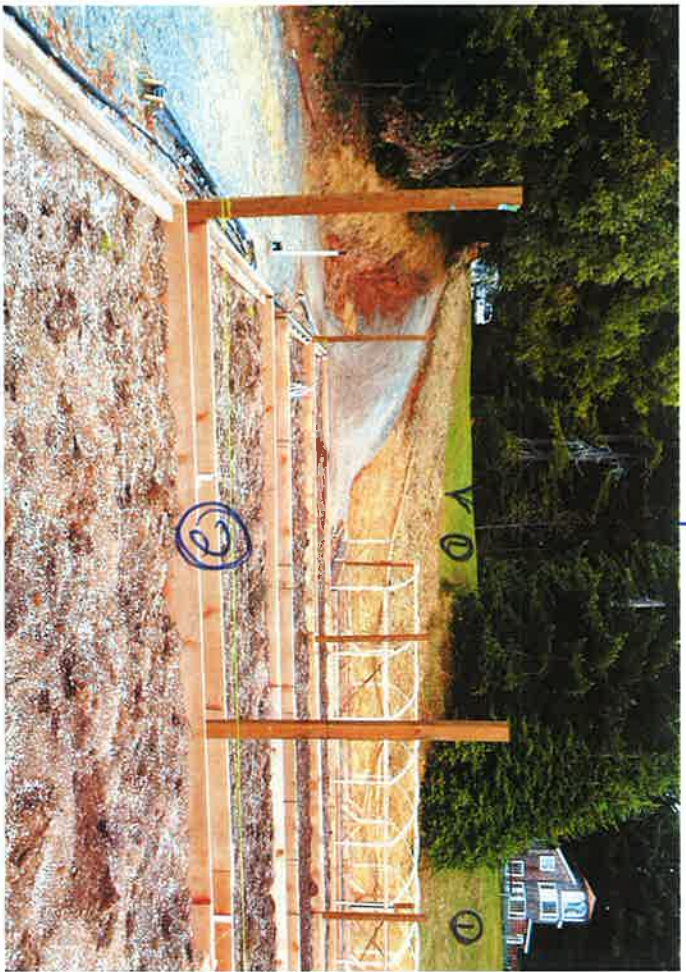


Abandoned  
MH





Graded Flat (1)



Tanks (2)



12/9/17 314-181-0410 Graded Flat 2



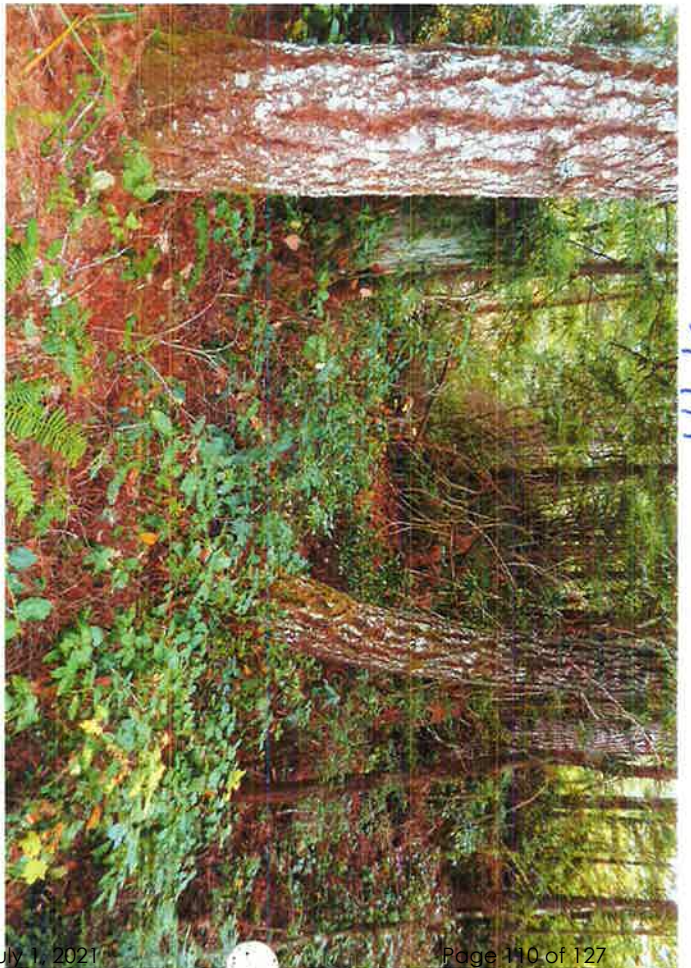
Tanks (10)







Wetland



S0914



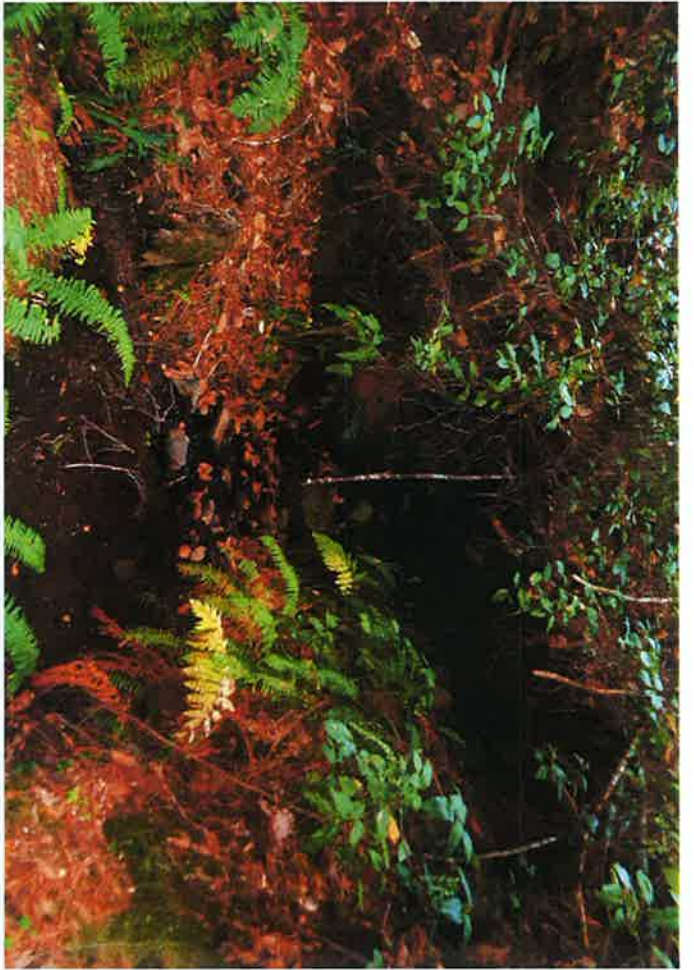
Pump house

Wetland



12/9/17 314-121-010

POD



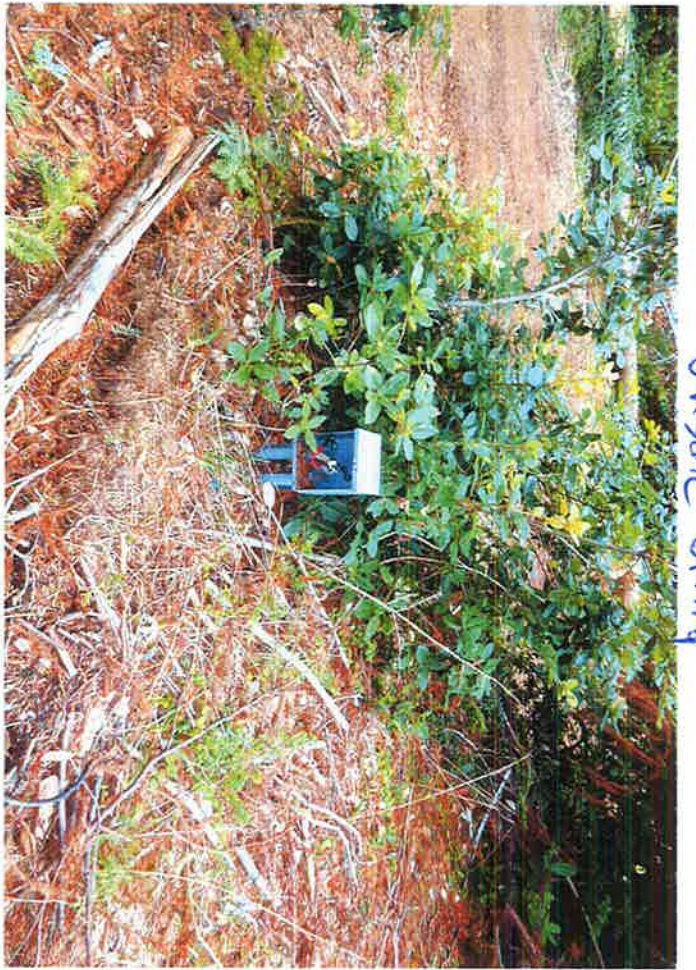
POD

POD



POD





Unsafe wiring



@ Pond



Pond



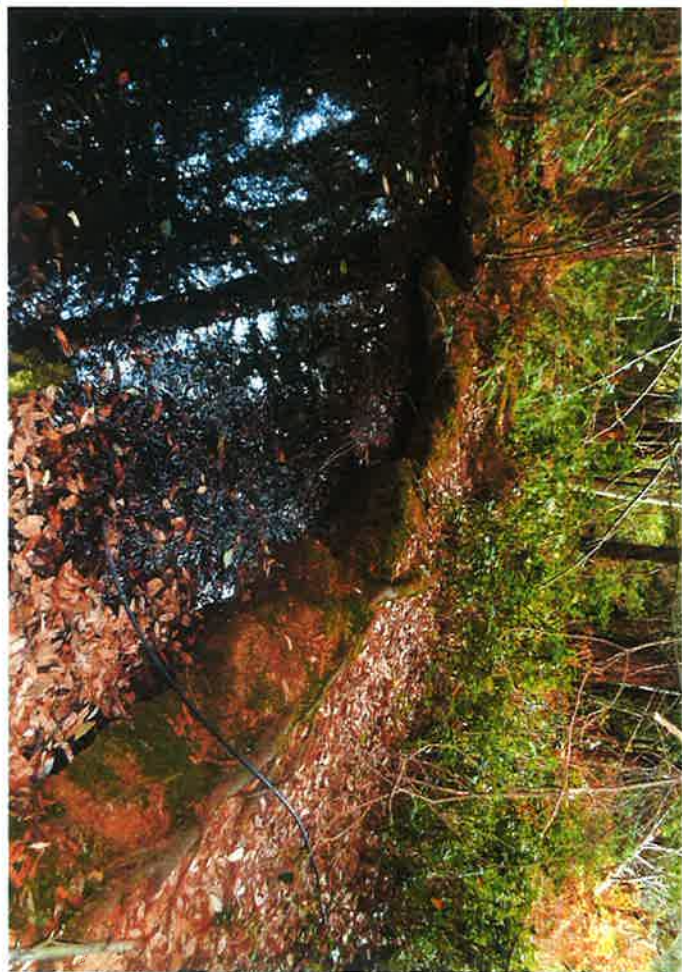
Pond



12/9/17

Pond

314-121-040



Wetland



PLN-11673-SP Humboldt County Farms

Wetland

red pump house

July 1, 2021

Page 113 of 127







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

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

Project Referred To The Following Agencies:

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

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Applicant Name     The Humboldt County Farms, Inc.   Key Parcel Number   314-121-040-000

Application (APPS#)   11673   Assigned Planner   Zsafia Odry (707) 268-3727   Case Number(s)   SP16-279

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

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

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

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

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

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We have reviewed the above application and recommend the following:

Approval

Comments:

Response Date: 8/10/2018   Recommendation By: Joey Whittlesey



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y   O F   H U M B O L D T**

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer *KF*

DATE: 08-16-2018

RE:

Applicant Name	The Humboldt County Farms, Inc.
APN	314-121-040
APPS#	11673
CASE#	SP16-279

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //



Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11673

- ☒ **COUNTY ROADS- FENCES & ENCROACHMENTS:**  
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**  
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ **COUNTY ROADS- DRIVEWAY (PART 2):**  
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
  - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
  - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
  - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.  
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**  
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**  
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**  
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**  
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
  - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**  
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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

Ref: 7100 Planning  
Date: December 4, 2017

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

**Attention:** Cannabis Planner  
**Applicant:** The Humboldt County Farms, Inc.  
**APN:** 314-121-040-000  
**Area:** Kneeland  
**Case Numbers:** SP16-279

**Humboldt County Application #:** 11673  
**Type of Application:** Special Permit  
**Date Received:** `  
**Due Date:** 12/15/2017

**Project Description:** A Special Permit for an existing 10,000 square foot (SF) cannabis cultivation operation and for work completed within a Class II Stream Management Area (SMA). Two thousand (2,000) square foot (SF) is mixed light in one (1) greenhouse and eight thousand (8,000) SF is outdoor in two (2) greenhouses and a full sun outdoor area. Irrigation water is sourced from a Class II stream diversion. Currently, total water storage is 90,000 gallons in eight (8) tanks and one (1) rain catchment pond. Applicant plans to install two (2) additional 5,000 gallon tanks to bring total irrigation storage to 100,000 gallons. Product will be dried onsite in a shed and further processing will occur offsite at a licensed processing facility. PG&E provides power to the operation.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
  - During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
  - During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
  - There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
  - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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



## **RESOURCE MANAGEMENT**

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

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

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

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

### **General Recommendations:**

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

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.
5. Humboldt County Ordinance 55.4.11(u) (a) states; "Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise." Failure to shield artificial light during the night creates a light pollution that is easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.

**From:** [Titus.Lucas@CALFIRE](mailto:Titus.Lucas@CALFIRE)  
**To:** [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk@HUU.CEOA@CALFIRE)  
**Subject:** APN# 314-121-040 The Humboldt County Farms APPS# 11673  
**Date:** Tuesday, December 12, 2017 8:16:29 AM

---

Resource Management has no comments regarding this project at this time.

Lucas Titus  
Forester I, Bridgeville Resource Management  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Humboldt-Del Norte Unit  
Office (707)777-1720  
Cellular (707)599-6893

Every Californian should conserve water. Find out how at:

[SaveOurWater\\_Logo](#)



[SaveOurWater.com](#) · [Drought.CA.gov](#)

**From:** [Lee, Bo@CALFIRE](mailto:Lee,Bo@CALFIRE)  
**To:** [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning Clerk; HUU.CEOA@CALFIRE)  
**Subject:** 314-121-040-000, The Humboldt County Farms, Inc., application #11673  
**Date:** Thursday, December 21, 2017 7:59:29 PM

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Reviewed by B1213.

Recommend:

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

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



**ATTACHMENT 5**  
**Public Comments**

**From:** [Mayor, Jordan](#)  
**To:** [Irene Van Natter](#); [Planning Clerk](#)  
**Subject:** RE: Concerns about Request for Special Permit for CCMLUO Cannabis Cultivation at AP#314-121-040  
**Date:** Tuesday, June 15, 2021 1:03:25 PM

---

Thank you for your comments on PLN-11673-SP below Irene. I am cc'ing the Planning Clerk so that these comments may be available to the Zoning Administrator in Thursday's 10 AM hearing where it may be discussed.

Please note the section title Water Resources in the [staff report](#) that describes the site as having enough water storage (tanks and pond) to avoid summertime diversions. Water Rights are in hand and the applicant must both monitor water usage and conform to the most stringent forbearance requirements among the regulatory agencies.

I'll look into the adjacent parcels and the site plan further.

Thank you,  
Jordan

-----  
PUBLIC COMMENT PRIOR TO THE MEETING: Submit public comments via email to [Planningclerk@co.humboldt.ca.us](mailto:Planningclerk@co.humboldt.ca.us) and provide the Project title, Record or Case number and date of the hearing. If you do not have access to email, contact the planning clerk at 707-268-3702. After the Agenda is posted on Friday, June 11, 2021, comments can be found at the "Attachments" section of the "Meeting Details" link next to the posted Agenda at: <https://humboldt.legistar.com>, and will be included with the administrative record after the fact.



**JORDAN MAYOR, PhD, Senior Biologist & Project Manager**  
**+1 707 683 4711 direct**  
**Humboldt Bay, USA**  
[icf.com](http://icf.com) | [LinkedIn](#)

---

**From:** Irene Van Natter <irene1767@att.net>  
**Sent:** Tuesday, June 15, 2021 12:34 PM  
**To:** Mayor, Jordan <Jordan.Mayor@icf.com>  
**Subject:** Concerns about Request for Special Permit for CCMLUO Cannabis Cultivation at AP#314-121-040

Mr. Mayor:

Since so little time was allowed between the Public Hearing Notice and the deadline for public comments to the Zoning Administrator, i am addressing the following concerns to you for further consideration.

The requested water diversion from a springwater course is directly across the Kneeland Road from a portion of property I owned until recently and am now renting. As a concerned resident, I am worried that the spring feeding the watercourse in question may be originating from the same aquifer that feeds the well on the property I am now renting (AP#314-121-46 and an adjacent rental AP#314-121-47). It's seems quite possible, since these parcels are on higher ground and the well is deep. That possibility, in

view of the current drought situation and the tremendous quantity of water to be taken by the permittee, is concerning both to me and the current owner.

Also, the CMMLUO Site Plan from Pacific Watershed Associates may be very misleading to you as the assigned planner. Reason: it does not include some of the information required and does appear to have a false statements on it in the “Notes”, which state that there are no school bus stops or places of worship within 600 feet of the cultivation site.

Humb. Co. Code Title III, Chap. 3, Div. 1, Sect. 313-55.4(c) pertaining to CMMLUO (medical cannabis cultivation), states:

“If the area for cultivation is within ¼ mile (1,320 ft.) 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.”

The site plan does not show any adjacent parcels with their “off-site” residence locations, but does show one dot labelled “off-site residence within 300’ of the cultivation site” which most likely points to another cannabis cultivation site on AP#314-121-43.

If the plan were to include the other parcels across the road from the cultivation site on the Site Plan, it would show that several of them do have residences within 600’: most notably, AP#314-121-11 with a **Buddhist temple of worship** and three other habitable units. All of these properties may also be using water from the same aquifer that is being drained by cannabis cultivations. Is there no limit to the amount of water these operations can take from the community?

Also, all of the parcels along Kneeland Road have driveway entrances that may be “school bus stops”, if any children living on those parcels attend Kneeland School.

Thank you for your consideration.

Irene Van Natter