



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

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Hearing Date: July 15, 2021

To: Humboldt County Planning Commission

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

Subject: **The Humboldt Cure, Inc., Conditional Use Permit and Special Permit**  
Record Number: PLN-10954-CUP  
Assessor's Parcel Number (APN): 216-381-021  
1810 Rancho Sequoia Drive, Alderpoint area

<b>Table of Contents</b>	<b>Page</b>
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	9
Maps	
Topo Map	16
Zoning Map	17
Aerial Map	18
Site Plan	19
Attachments	
Attachment 1: Recommended Conditions of Approval	22
Attachment 2: CEQA Addendum	30
Attachment 3: Applicant's Evidence in Support of the Required Findings	34
A: WRPP	Separate
B: Road Evaluation	Separate
Attachment 4: Referral Agency Comments and Recommendations	81

Please contact Max Hilken, Assigned Planner, at 707-443-5054 or by email at [hilkenm@co.humboldt.ca.us](mailto:hilkenm@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 15, 2021	Special Permits	Megan Marruffo

**Project Description:** A Special Permit for an existing 9,568 square foot (SF) outdoor cannabis cultivation. Cultivation occurs in the northern and western portions of the parcel in three (3) existing greenhouses (2,496 SF, 1,920 SF, and 1,080 SF; 5,496 SF total), with six (6) full-sun outdoor areas totaling 4,072 SF. Ancillary propagation occurs in two (2) 400 SF carports (800 SF total). Irrigation water is sourced from an onsite spring and rainwater catchment. Existing available water storage is 81,650 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression and one (1) 175-gallon tank dedicated for domestic use to serve the existing cabin and bath house. Estimated annual water usage is 80,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. All activities will be performed by owners of Humboldt Healing Collective, with no additional employees to be utilized. A maximum of three (3) persons will be onsite during peak operations. Power is provided by solar panels, within a generator utilized only as back-up. The proposed project also includes two (2) Special Permits: one (1) Special Permit to reduce the 600-foot setback requirement to public lands due to existing cultivation located within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for prior work with Streamside Management Areas (SMAs) to relocated existing development and cultivation located within the SMA required buffer associated with a Class I watercourse.

**Project Location:** The project is located in the Willow Creek area, on the north side of State Highway 299, approximately 4.86 miles east from the intersection of Titlow Hill Road and State Highway 299 and 0.74 miles north from the intersection of State Highway 299 and USFS 06N23, on the property known as 1245 USFS 06N23.

**Present Plan Land Use Designations:** Timberland (T), Density: 40-160 acres per dwelling unit, Slope Stability: Moderate instability (2).

**Present Zoning:** Timberland Production (TPZ)

**Record Number:** PLN-11517-SP

**Assessor's Parcel Number:** 316-063-006

**Applicant**

Humboldt Healing Collective  
Ethan Aronson  
4184 Browns Road  
Eureka, CA 95503

**Owner**

Peter Aronson  
4220 Browns Road  
Eureka, CA 95503

**Agent**

Humboldt Green, LLC  
Joe Moran  
1391 G Street  
Arcata, CA 95521

**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.



**Humboldt Healing Collective**  
Record Number: PLN-11517-SP  
Assessor's Parcel Number: 316-063-006

**Recommended Zoning Administrator Action:**

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

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

**Executive Summary:** Humboldt Healing Collective seeks a Special Permit to allow the continued cultivation of 9,568 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production (TPZ). Cultivation occurs in the northern and western portions of the parcel in three (3) existing greenhouses (2,496 SF, 1,920 SF, and 1,080 SF; 5,496 SF total), with six (6) full-sun outdoor areas totaling 4,072 SF. Ancillary propagation occurs in two (2) 400 SF carports (800 SF total). One (1) harvest is anticipated annually for a growing season that extends from March through October.

Drying and curing occurs onsite in a 1,500 SF shop using only fans, with all other processing occurring off-site at a licensed facility. All activities will be performed by owners of Humboldt Healing Collective, with no additional employees to be utilized. A maximum of three (3) persons will be onsite during peak operations. Prior to processing on-site, the applicant will secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. Power is provided by solar panels, within a generator utilized only as back-up. The operation will be secured behind three (3) locked gates and motion-censored lights and video surveillance are utilized onsite. At least one (1) owner of Humboldt Healing Collective lives onsite year-round and all items related to cultivation are secured in locked outbuildings.

The proposed project also includes a Special Permit to reduce the 600-foot setback requirement to public lands due to existing cultivation located within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for prior work within Streamside Management Areas (SMAs) to relocated existing development and cultivation located within the SMA required buffer associated with a Class I watercourse.

**Prior On-Site Relocation**

As described in the Cultivation and Operations Plan (Attachment 3), an initial site visit with Timberland Resource Consultants (TRC) in 2016 indicated there was some cannabis cultivation, two carports used for storage, and one storage shed located within the 100-foot buffer zone designated by the North Coast Regional Water Quality Control Board's (NCRWQCB) Waste Discharge Order for Three Creeks, a Class I stream, which traverses the western portion of the subject parcel. In accordance with the County's County's Streamside Management Areas and Wetlands Ordinance (SMAWO), a 100-foot setback would be required for Three Creeks, with a 50-foot buffer required for Grey Creek, which traverses the central and eastern portions of the property. As described in the Cultivation and Operations Plan, the cultivation, carports, and storage shed have been moved outside of the NCRWQCB buffer in 2017. It is noted that

this area continues to be monitored to ensure no runoff, sediment, or pollutants are being discharged into Three Creeks.

The pre-existing full-sun outdoor cultivation area, located within the 100-foot buffer zone, was relocated to the northern part of the parcel near and around the cabin in five locations. These five sites were chosen due to the low amount of existing vegetation present, the amount of sunlight available, and the relatively flat gradient of less than 30% slope. The small storage shed was relocated just outside of the 100-foot buffer zone, near Greenhouses #2 and 3. The two carports were relocated outside of the buffer zone to the northeastern portion of the property, near Greenhouse #1, and near the cabin. The relocation sites are provided on the enclosed Site Plan. A Special Permit is sought for the work that was previously performed to relocate the existing infrastructure outside of the SMA.

### **Setback to Six Rivers National Forest**

The parcel immediately adjacent and to the west, north, and east of the site (APN 316-063-001) are owned by the Six Rivers National Forest (SRNF), operated by the Lower Trinity Ranger District. The nearest cultivation area is located approximately 60 feet from the public land; however, no developed or designated recreational facilities are within 600 feet of any cultivation, propagation, or drying area. This portion of the SRNF is an isolated parcel of SRNF land on the westernmost edge of the SRNF and is surrounded by privately-owned parcels. According to the Schedule of Proposed Actions (SOPA) from 04/01/2021 to 07/31/2021, as posted online by the SRNF, there are no current plans associated with the creation of open space/public recreation in any of the SRNF parcels near the project area.

Under the CMMLUO, cultivation and processing operations require a setback of 600 feet from publicly owned lands that are managed for wildlife, open space, and recreational facilities. This setback may be reduced with a Special Permit. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from SRNF is included as a part of the applicant's request. The adjacent public land is subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The SRNFP's provisions for heritage resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, the Site Management Plan was developed for the project to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals. The USFS provided comments regarding the project dated September 20, 2019 (see Attachment 4). The USFS is recommending denial due to the use of the federal roads to access the subject parcel. An informational note was added to the project to ensure the applicant is aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Additionally, approval of this permit does not authorize transportation of cannabis across Federal lands.

### **Timber Conversion**

A Timber Conversion Report (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in September 2017, which notes that the property "experienced multiple logging entries in the last century as evidenced by the well-established, seasonal road system as well as overgrown skid trails and log landings." Per the report, approximately 0.53 acres of unauthorized timberland conversion occurred onsite. All conversion occurred prior to 2016 and is below the three-acre conversion exemption maximum. As noted, the site was timbered in 1998, with additional trees and vegetation cleared

between 2005 and 2010. While the tree removal was authorized, the existing cultivation activities impeded the use of the space for timber growth and harvesting. The Report recommends all slash piles and log decks be treated as soon as possible through burying, chipping and spreading, piling and burning, or removal from the site to be in compliance with the California Forest Practice Act. Implementation of the recommendations contained within the report are included in the conditions of approval.

### **Water Resources**

Water for irrigation is sourced from an onsite spring and rainwater catchment. Existing available water storage is 81,650 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression and one (1) 175-gallon tank dedicated for domestic use to serve the existing cabin and bath house. Estimated annual water usage is 80,000 gallons. Irrigation is performed using drip irrigation to minimize over watering and reduce the risk of irrigation runoff. Growing soil is top-dressed with straw or well-aged compost in order to improve water retention and prevent evaporation from garden beds.

Both the Humboldt County's WebGIS and the Site Plan show two (2) mapped streams on the subject property. Three Creeks, a Class I stream, is shown to traverse the southern and western portions of the subject parcel, while Grey Creek, a Class II stream, traverses the central and eastern portions of the property. The Site Plan also depicts the respective 50- and 100-foot Streamside Management Area (SMA) buffers. Per the Site Plan, the cultivation areas and associated infrastructure are located outside of the required SMA buffers. A Water Resource Protection Plan (WRPP) was prepared by Timberland Resource Consultants in September 2016 (Attachment 3), which describes the measures implemented by the applicant to achieve compliance with Order R1-2015-0023. The WRPP identified eight (8) areas of the site requiring remediation, including but not limited to installing, repairing, and maintaining waterbreaks, rolling dips, and drainage features; relocating existing sheds within 100 feet of watercourse; monitoring runoff to ensure sediment and other pollutants are not reaching the watercourse; increasing off-stream water storage; complying with requirements of the LSAA; and storing garbage in covered containers or ensuring it is tarped during the winter. The project is conditioned to comply with the measures and implement the remediation activities described in the WRPP upon issuance of the project permits to minimize potential impacts on water resources. Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development of a Site Management Plan (SMP), where any further recommendations for measures to protect water quality will be addressed. The applicant is enrolled in the SWRCB General Order (WDID 1\_12CC417067) (Attachment 3).

Per the applicant's Right to Divert and Use Water (Registration ID H500525; Certificate No. H100641), issued by the State Water Resources Control Board (SWRCB) in April 2018 (Attachment 3), the water appropriated from the point of diversion is limited to the amount that can be beneficially used and shall not exceed 0.21 acre-feet (or 68,429 gallons) per year. Total storage capacity also shall not exceed 0.21 acre-feet (68,429 gallons) per year. The rate of diversion to storage is limited to 42,000 gallons per day, or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Per the Cultivation and Operations Plan, water is diverted from the spring during the winter months (November through March) and is stored in the existing water tanks located on the subject parcel, to be utilized during the forbearance period. Existing available water storage is 81,650 gallons in a series of hard-sided tanks. Of the existing onsite storage, 54,650 gallons is specifically designated for the storage of water diverted from the spring, with the remaining 27,000 gallons of storage connected to a rainwater catchment system that is piped from the metal roof of the basin. Additional storage tanks are proposed to be added to the rainwater catchment system in the future, which shall be located in previously disturbed area(s) and outside of required SMAs as a condition of approval.

A Final Streambed Alteration Agreement (Final SAA, Notification #1600-2015-0524-R1) was issued by CDFW in March 2016 (Attachment 3) for two (2) stream diversions located on a Class II stream and spring, both tributaries to Three Creeks and Willow Creek. Per the applicant's Cultivation and Operations Plan, the diversion from the Class II stream is no longer used. The Final SAA requires the applicant to forbear diverting spring flow for irrigation from May 15 to October 15 of each year and allows for up to 200 gallons per day to be diverted strictly for domestic use during the forbearance period.

The applicant shall continue to comply with the Right to Divert and Use Water issued by the SWRCB and all requirements of the Final SAA issued by CDFW as a condition of approval. In addition, conditions of approval require the applicant to monitor water use from the well annually to demonstrate there is sufficient water available to meet operational needs.

### **Biological Resources**

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in June 2021, there are no mapped sensitive species onsite; however, there is the potential for one special status plant species (California globe mallow, *Iliamna latibracteata*), a native perennial herb, with a California Rare Plant Rank of 1B.2 (rare, threatened, or endangered in California and elsewhere) to be located on-site. A *Botanical Survey Report* was prepared by Natural Resources Management Corporation (NRM) in March 2019 (On file and confidential), which concluded that no special species were found within the surveyed areas. While Sensitive Natural Communities were found to be present, impacts to these communities are existing and forest clearing activities predates management under the current property owner. Further, the Report concludes the project is unlikely to have future impacts on sensitive plant species and sensitive natural communities, as the project footprint will not expand. However, to ensure sensitive species are not impacted by the project, the Report recommends that all commercial activity be restricted to the existing project footprint. No expansion of use is authorized under this permit.

The nearest Northern Spotted Owl (NSO) observation is located approximately 0.07 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 0.53 miles from the nearest cultivation area. Per the applicant, power is primarily supplied by solar panels with an existing generator (Honda EU 6,500 watt, housed in a shed) that is used only for back-up. There is no use of artificial lighting authorized by this permit. A Noise Report, prepared by PWA in May 2018, provides noise measurements associated with the onsite generator. Immediately outside of the generator shed, noise readings varied between 61.5 decibels (dB) and 63.5 dB. Approximately 8 feet from the generator shed, noise readings varied from 59.5 dB to 61.5 dB. At approximately 35 feet from the generator shed (located within the tree line), noise readings varied between 52.2 dB up to 57.8 dB. Performance standards for noise are set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 314-55.4.11(o) Humboldt County Code which states noise levels shall not exceed 50 dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS). Additionally, conditions of approval require the applicant to adhere to Dark Sky 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 impact NSO or other sensitive species.

Comments received from CDFW in January 2018 requested protocol level surveys (two-year) to determine presence of NSO or assume presence and avoid disturbance of habitat; provided requested conditions of approval related to mixed-light greenhouses and prohibiting the use of monofilament netting; requested a protocol level survey for a California Rare Plant Ranked-species mapped within one mile of the site; requested a description of methods to prevent runoff/infiltration to nearby water features if fertilizers and pesticides are used for the project; requested a qualified biologist assess the property to delineate the appropriate setbacks from County SMAs; noted aerial imagery suggests the cultivation area expanded by approximately 3,000 SF after the CMMLUO deadline; requested additional detail on the methods used to estimate water usage and if necessary, acquire additional water storage to meet cultivation needs; and noted the project has the potential to affect sensitive fish and wildlife resources.

A response was submitted to CDFW in June 2021 to address the respective comments. In summary, presence of NSO is assumed for the project and conditions of approval are required to ensure potential

impacts are minimized. As previously noted, no use of artificial lighting is authorized under this permit. However, an ongoing condition of approval (see Condition B.2) requires all artificial lighting be fully contained within structures such that no light escapes and requires security lighting shall be motion activated and comply with the International Dark-Sky Association standards. As provided in the Cultivation and Operations Plan, all amendments are stored in designated storage sheds with appropriate secondary containers, with trash stored in cans with lids and self-hauled to a licensed waste facility, as needed. Review of aerial imagery by Planning staff did not indicate expansion after the December 31, 2015, CMMLUO baseline date has occurred and determined the cultivation amount requested under this application complies with the County's Cultivation Area Verification performed. Staff also determine sufficient water storage is provided onsite to meet cultivation needs, and, as previously discussed, the applicant is exploring adding additional storage to the onsite rainwater catchment system. Conditions of approval has also been added to the project to ensure potential impacts to sensitive fish and wildlife species are minimized.

### **Access**

Access to the site is via Maple Leaf Road/USFS 06N23 via Brannan Mountain Road to Highway 96. The portion of Brannan Mountain Road, from Highway 96 to Creekside Lane, has been identified by the Public Works, Land Use Division to be a County-maintained road that meets (or is equivalent to) road Category 4 standards. The applicant prepared a Road Evaluation Report in August 2017 (Attachment 3) for a 6-mile segment of Brannan Mountain Road from Highway 96 to Maple Leaf Road/USFS 06N23, which concluded the entire road segment is developed to the equivalent of a road Category 4 standard and is adequate for the proposed use. In addition, a Road Evaluation Report was completed by the applicant and Bret Rinehart, a Registered Professional Engineer (RPE), in January 2018 (Attachment 3) for a 1.3-mile segment of Maple Leaf Road/USFS 06N23, which concluded the entire road segment is not developed to the equivalent of a road Category 4 or better. Based on Part B of the Road Evaluation Report for Maple Leaf Road/USFS 06N23, completed by a RPE, the average daily traffic is estimated at 8 daily trips, making it a very low volume road. No site-specific safety problems with the road were identified and the RPE concluded that the segment of Maple Leaf Road/USFS 06N23 to be utilized under the project can accommodate the cumulative increased traffic anticipated under the project and all known cannabis projects.

A separate *Road Evaluation Report for Brannan Mountain Road, PM 0.4 to PM 5.85* (Road Report) was also prepared by Pacific Watershed Associates, Inc. (PWA) in June 2018 (Attachment 3). Included as Page 5 of the Report is a Part B Road Evaluation Form, which assesses Brannan Mountain Road from State Route 96/Stagecoach Lane to end of the public road. The Part B form concludes that Brannan Mountain Road is a very low volume road that can accommodate the cumulative increased traffic from this projects and all known cannabis projects. One site-specific safety problem was identified related to physical evidence of curve problems such as skid marks, scarred trees, or scarred utility reports.

As noted in the Road Report prepared by PWA, the Brannan Mountain Road segments range in width from 15 to 20 feet and is paved, but becomes a gravel road at post mile 4.7, where the County-maintained portion of the road ends. Ten (10) "locations of concern" were identified along Brannan Mountain Road. Most narrow sections of the road have 3 to 4-foot-wide shoulders. Minor ruts on the shoulders were observed at several locations and in one location, vehicle scarring on a tree before a pinch point was observed. There are several other locations where visibility is limited, shoulders are absent, and power poles are encroaching on the traveled width. Several improvements are recommended along Brannan Mountain Road, including warning signs related to no outlet, curves, and pavement ending, annual mowing, and installing object markers. To ensure all users of the privately-maintained portion of Brannan Mountain Road pay their fair share regarding road improvements, conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of the privately-maintained portion of Brannan Mountain Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road

Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

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

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

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

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

**Resolution Number 21-  
Record Number: PLN-11517-SP  
Assessor's Parcel Number: 316-063-006**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt Healing Collective Special Permits request.**

**WHEREAS, Humboldt Healing Collective** submitted an application and evidence in support of approving a Special Permit for an existing square foot (SF) outdoor cannabis cultivation. Cultivation occurs in the northern and western portions of the parcel in three (3) existing greenhouses (2,496 SF, 1,920 SF, and 1,080 SF; 5,496 SF total), with six (6) full-sun outdoor areas totaling 4,072 SF. Ancillary propagation occurs in two (2) 400 SF carports (800 SF total). Irrigation water is sourced from an onsite spring and rainwater catchment. Existing available water storage is 81,650 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression and one (1) 175-gallon tank dedicated for domestic use to serve the existing cabin and bath house. Estimated annual water usage is 80,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. All activities will be performed by owners of Humboldt Healing Collective, with no additional employees to be utilized. A maximum of three (3) persons will be onsite during peak operations. Power is provided by solar panels, within a generator utilized only as back-up. The proposed project also includes two (2) Special Permits: one (1) Special Permit to reduce the 600-foot setback requirement to public lands due to existing cultivation located within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for prior work within Streamside Management Areas (SMAs) to relocated existing development and cultivation located within the SMA required buffer associated with a Class I watercourse; and

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

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 15, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

**1. FINDING:**

**Project Description:** The application is a Special Permit for an existing 9,568 square foot (SF) outdoor cannabis cultivation that occurs within three (3) existing greenhouses (2,496 SF, 1,920 SF, and 1,080 SF; 5,496 SF total), with six (6) full-sun outdoor areas totaling 4,072 SF. Ancillary propagation occurs in two (2) 400 SF carports (800 SF total). Irrigation water is sourced from an onsite spring and rainwater catchment. Existing available water storage is 81,650 gallons, with one 2,500-gallon tank dedicated to fire suppression and one (1) 175-gallon tank for domestic use. Estimated annual water usage is 80,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. All activities will be performed by owners of Humboldt Healing Collective, with no additional employees to be utilized. A maximum of three (3) persons will be onsite during peak operations. Power is provided by solar panels, within a generator utilized only as back-up. Special Permits are

also sought to reduce the 600-foot setback requirement to public lands due to existing cultivation located within 600 feet of land owned by the Six Rivers National Forest, and for prior work within Streamside Management Areas (SMAs) to relocated existing development and cultivation located within the SMA required buffer associated with a Class I watercourse.

**EVIDENCE:** a) Project File: PLN-11517-SP

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

**EVIDENCE:**

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines.
- c) A Water Resources Protection Plan was prepared Timberland Resource Consultants in September 2016 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. Additionally, a Notice of Applicability was prepared by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. As a condition of approval, the applicant will be required to prepare and submit a Site Management Plan for the project.
- d) California Department of Fish and Wildlife Resource Maps indicate there is the potential for one (1) special status plant species to occur onsite. A Botanical Survey Report was prepared by Natural Resources Management Corporation (NRM) in March 2019, which concluded that no special species were found within the surveyed areas. While Sensitive Natural Communities were found to be present, impacts to these communities are existing and forest clearing activities predates management under the current property owner. The Report concludes the project is unlikely to have future impacts on sensitive plant species and sensitive natural communities, as the project footprint will not expand. However, to ensure sensitive species are not impacted by the project, the Report recommends that all commercial activity be restricted to the existing project footprint. No expansion of use is authorized under this permit.

A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in June 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is approximately 0.07 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 0.53 miles from the nearest cultivation area the project area. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

- e) No net loss of timberland after the environmental baseline of December 31, 2015, has occurred. A Timber Conversion Report was prepared by Timberland Resource Consultants (TRC) in September 2017, which found that approximately 0.53 acres of unauthorized timberland conversion occurred



onsite. All conversion occurred prior to 2016 and is below the three-acre conversion exemption maximum. As noted in the Report, the site was timbered in 1998, with additional trees and vegetation cleared between 2005 and 2010. While the tree removal was authorized, the existing cultivation activities impede the use of the space for timber growth and harvesting. The Report recommends all slash piles and log decks be treated as soon as possible through burying, chipping and spreading, piling and burning, or removal from the site to be in compliance with the California Forest Practice Act, and has been included in the Conditions of Approval.

- f) A Cultural Resources Survey was requested by the Hoopa Valley Tribe in May 2017. A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in June 2017. Per the Report, approximately 25 acres of the 160-acre property were surveyed and no significant historic resources were located. Additionally, no pre-existing resources have been recorded on the subject property. A single double Pelton wheel was noted and was recorded as an isolated resource dislocated from its original location. The project is not expected to affect significant historic resources. However, since there is always the possibility for buried archaeological deposits, the inclusion of the inadvertent discoveries protocol is recommended, which has been included as an ongoing condition of approval.
- g) Access to the site is via Maple Leaf Road/USFS 06N23 via Brannan Mountain Road to Highway 96. The portion of Brannan Mountain Road, from Highway 96 to Creekside Lane, has been identified by the Public Works, Land Use Division to be a County-maintained road that meets (or is equivalent to) road Category 4 standards. The applicant prepared a Road Evaluation Report in August 2017 (Attachment 3) for a 6-mile segment of Brannan Mountain Road from Highway 96 to Maple Leaf Road/USFS 06N23, which concluded the entire road segment is developed to the equivalent of a road Category 4 standard and is adequate for the proposed use. In addition, a Road Evaluation Report was completed by the applicant and Bret Rinehart, a Registered Professional Engineer (RPE), in January 2018 (Attachment 3) for a 1.3-mile segment of Maple Leaf Road/USFS 06N23, which concluded the entire road segment is not developed to the equivalent of a road Category 4 or better. However, based on Part B of the Road Evaluation Report for Maple Leaf Road/USFS 06N23, completed by a RPE, the average daily traffic is estimated at 8 daily trips, making it a very low volume road. No site-specific safety problems with the road were identified and the RPE concluded that the segment of Maple Leaf Road/USFS 06N23 to be utilized under the project can accommodate the cumulative increased traffic anticipated under the project and all known cannabis projects.

A separate *Road Evaluation Report for Brannan Mountain Road, PM 0.4 to PM 5.85* (Road Report) was also prepared by Pacific Watershed Associates, Inc. (PWA) in June 2018 (Attachment 3). Included as Page 5 of the Report is a Part B Road Evaluation Form, which assesses Brannan Mountain Road from State Route 96/Stagecoach Lane to end of the public road. The Part B form concludes that Brannan Mountain Road is a very low volume road that can accommodate the cumulative increased traffic from this projects and all known cannabis projects. One site-specific safety problem was identified related to physical evidence of curve problems such as skid marks, scarred trees, or scarred utility reports. As noted in the Road Report prepared by PWA, the Brannan Mountain Road segments range in width from 15 to 20 feet and is paved, but becomes a gravel road at post mile 4.7, where the County-maintained portion of the road ends. Ten (10) "locations of concern" were

identified along Brannan Mountain Road. Most narrow sections of the road have 3 to 4-foot-wide shoulders. Minor ruts on the shoulders were observed at several locations and in one location, vehicle scarring on a tree before a pinch point was observed. There are several other locations where visibility is limited, shoulders are absent, and power poles are encroaching on the traveled width. Several improvements are recommended along Brannan Mountain Road, including warning signs related to no outlet, curves, and pavement ending, annual mowing, and installing object markers. Conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of the privately-maintained portion of Brannan Mountain Road to ensure fair-share costs among all users of the privately-maintained portion of Brannan Road.

#### **FINDINGS FOR SPECIAL PERMITS**

### **3. FINDING**

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

#### **EVIDENCE**

- a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for timber purposes, in which agricultural uses are permitted, consistent with the use of Open Space land for managed production of resources. The use of the subject parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The project is located adjacent to Federal lands managed by the Six Rivers National Forest Lower Trinity Ranger District. The adjacent public lands are subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The SRNFP's provisions for heritage resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. For these reasons, staff is supportive of the setback reduction.

### **4. FINDING**

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

#### **EVIDENCE**

- a) The Timber Production Zone or TPZ Zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural 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 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval

of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,568 SF of outdoor cultivation on a 145-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 (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by Notice of Lot Line Adjustment (County Case No. LLA-05-22) and verified as a legal parcel under the Certificate of Subdivision Compliance (2007020533), recorded on July 10, 2007.
- c) Water for irrigation is sourced from an onsite spring and rainwater catchment. A *Right to Divert and Use Water* (Registration ID H500525; Certificate No. H100641) has been issued for use with the spring diversion. The Right to Divert and Use Water allows for 0.21 acre-feet (or 68,429 gallons) of water to be diverted from the unnamed spring in the northern portion of the parcel. Storage capacity cannot exceed 0.21 acre-feet (or 68,429 gallons) per year and the rate of diversion is limited to 42,000 gallons per day. Existing available water storage is 81,650 gallons in a series of hard-sided tanks. Of the existing onsite storage, 54,650 gallons is specifically designated for the storage of water diverted from the spring, with the remaining 27,000 gallons of storage connected to a rainwater catchment system that is piped from the metal roof of the basin. Additional storage tanks are proposed to be added to the rainwater catchment system in the future. Per the Final LSAA (Notification #1600-2015-0524-R1) issued by CDFW in March 2016, the applicant is required to forbear diverting spring flow for irrigation from May 15 to October 15 of each year and allows for up to 200 gallons per day to be diverted strictly for domestic use during the forbearance period. Conditions of approval require the applicant to adhere to all terms and conditions of Right to Divert and Use Water and the CDFW FSAA and monitor water use from the spring diversion and rainwater catchment system annually to demonstrate there is sufficient water available to continue to meet operational needs.
- d) Access to the site is via Maple Leaf Road/USFS 06N23 via Brannon Mountain Road to Highway 96. Based on the submitted Road Evaluation Reports, the road segments supporting the project were determined to be very low volume roads that can accommodate the cumulative increased traffic from this projects and all known cannabis projects. No site-specific safety problems with Maple Leaf Road/USFS 06N23 were identified; however, ten (10) "locations of concern" were identified along Brannon Mountain Road. Several improvements are recommended along Brannon Mountain Road, including warning signs related to no outlet, curves, and pavement ending, annual mowing, and installing object markers. Conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of the privately-maintained portion of Brannon Mountain Road to ensure fair-share costs among all users of the privately-maintained portion of Brannon Road.
- e) The slope of the land where cannabis will be cultivated is less than 50%.
- f) No net loss of timberland after the environmental baseline of December 31,

2015, has occurred. A Timber Conversion Report was prepared by Timberland Resource Consultants (TRC) in September 2017, which found that approximately 0.53 acres of unauthorized timberland conversion occurred onsite. All conversion occurred prior to 2016 and is below the three-acre conversion exemption maximum. As noted in the Report, the site was timbered in 1998, with additional trees and vegetation cleared between 2005 and 2010. While the tree removal was authorized, the existing cultivation activities impede the use of the space for timber growth and harvesting. The Report recommends all slash piles and log decks be treated as soon as possible through burying, chipping and spreading, piling and burning, or removal from the site to be in compliance with the California Forest Practice Act, and has been included in the Conditions of Approval.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, or Tribal Cultural Resource.
- h) The parcel immediately adjacent and to the west, north, and east of the site (APN 316-063-001) are owned by the Six Rivers National Forest (SRNF), operated by the Lower Trinity Ranger District. The nearest cultivation area is located approximately 60 feet from the public land; however, no developed or designated recreational facilities are within 600 feet of any cultivation, propagation, or drying area. The adjacent public land is subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. An informational note was added to the project to ensure the applicant is aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Additionally, approval of this permit does not authorize transportation of cannabis across Federal lands. Because no developed or designated recreational facilities are within 600 feet of any cultivation, propagation, or drying area and the project will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts and the project will not require substantial road improvements or the removal of trees, Planning staff supports the setback reduction to adjacent public lands.

## 6. FINDING

The cultivation of 9,568 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

## EVIDENCE

- a) Based on the Road Evaluation Reports, the site is located on road that can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other

sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

- c) Irrigation water will come from a spring diversion that has been permitted by the State Water Resources Control Board (SWRCB) (Registration ID H500525; Certificate No. H100641) and an onsite rainwater catchment system.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

## **7. FINDING**

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

## **EVIDENCE**

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

## **DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Humboldt Healing Collective, 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 15, 2021.

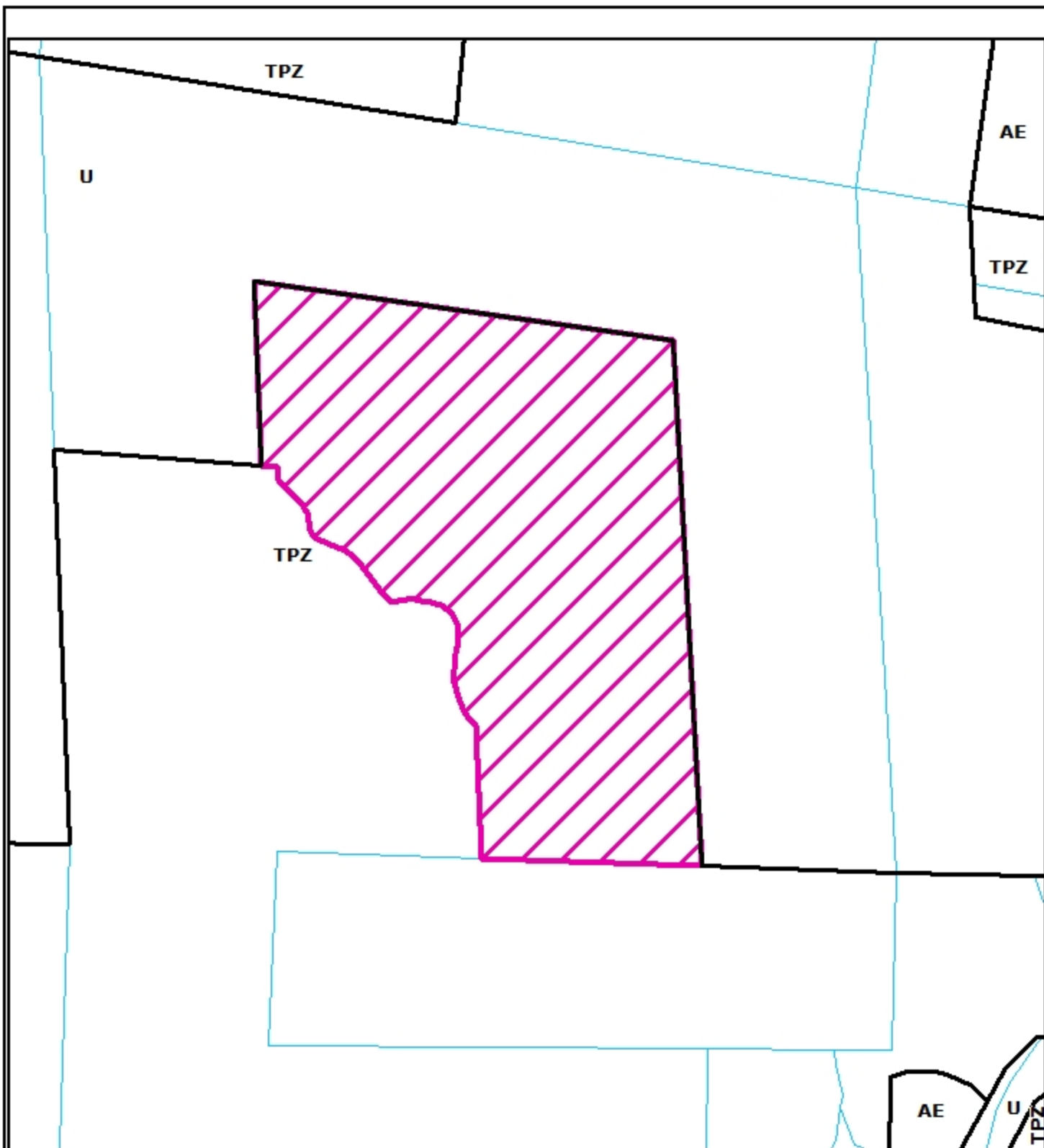
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

---

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








**ZONING MAP  
PROPOSED HUMBOLDT HEALING COLLECTIVE  
WILLOW CREEK AREA**

**SP-16-243**

**APN: 316-063-006**

**T06N R04E S3 HB&M (WILLOW CREEK)**

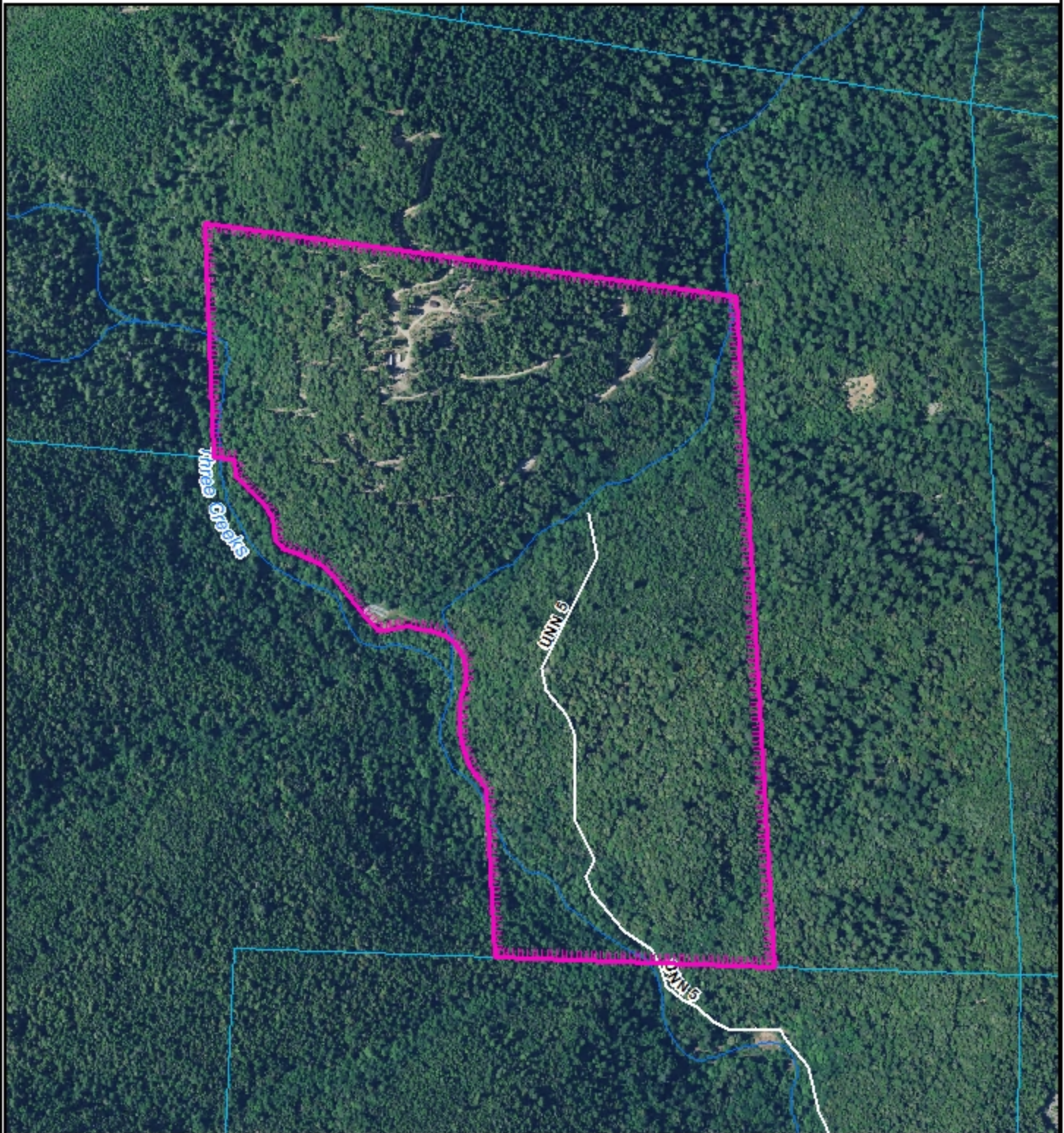
**Project Area =** 

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.



0 500 1,000  
Feet






**AERIAL MAP  
PROPOSED HUMBOLDT HEALING COLLECTIVE  
WILLOW CREEK AREA**

**SP-16-243**

**APN: 316-063-006**

**T06N R04E S3 HB&M (WILLOW CREEK)**

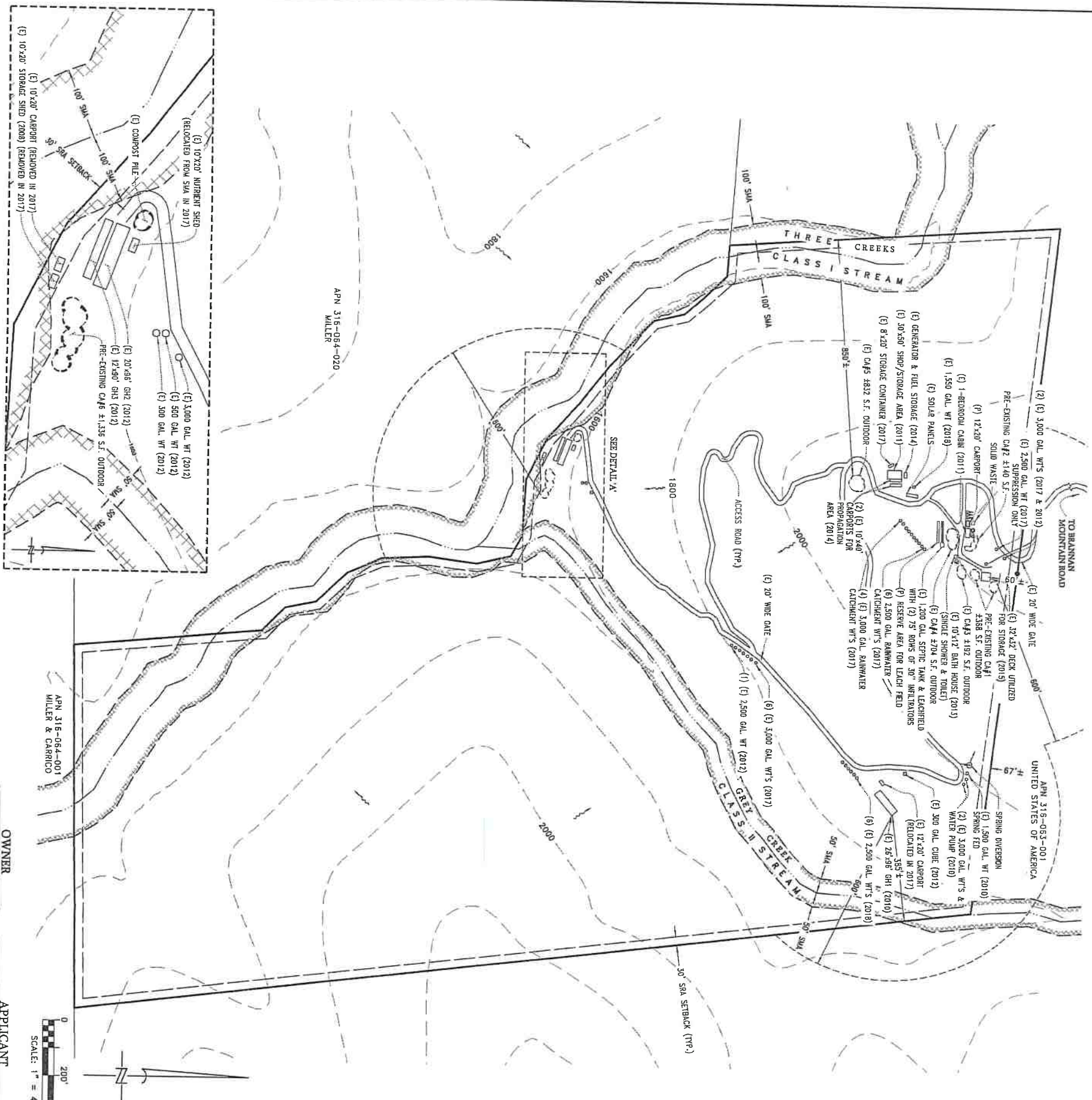
**Project Area =** 

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.

0 250 500 750  
Feet







- | UTILITIES |                          |
|-----------|--------------------------|
| WATER     | ON-SITE SPRING           |
| SEWER     | ON-SITE DISPOSAL         |
| GAS       | ON-SITE PROPANE          |
| ELECTRIC  | GENERATOR & SOLAR PANELS |
- 
- | LEGEND  |                                   |
|---------|-----------------------------------|
| STIMBOL | INDICATES                         |
|         | EXISTING PARKING SPACE            |
|         | DIRECTION OF SURFACE WATER RUNOFF |
| (P)     | PROPOSED                          |
| (E)     | EXISTING                          |
| TYP.    | TYPICAL                           |
| GAL.    | GALLONS                           |
| (YEAR)  | YEAR CONSTRUCTED/INSTALLED        |
| WT      | WATER TANK                        |
| SRA     | STATE RESPONSIBILITY AREA         |
| SMA     | STREAMSIDE MANAGEMENT AREA        |
| CA      | CULTIVATION AREA                  |
| GH      | GREENHOUSE                        |
| 1800    | CONTOURS AT 200 FOOT INTERVALS    |
| •       | STREAM/WATERCOURSE                |
| ①       | MONUMENT                          |
| ②       | PROPANE TANK                      |
| ③       | GENERATOR                         |

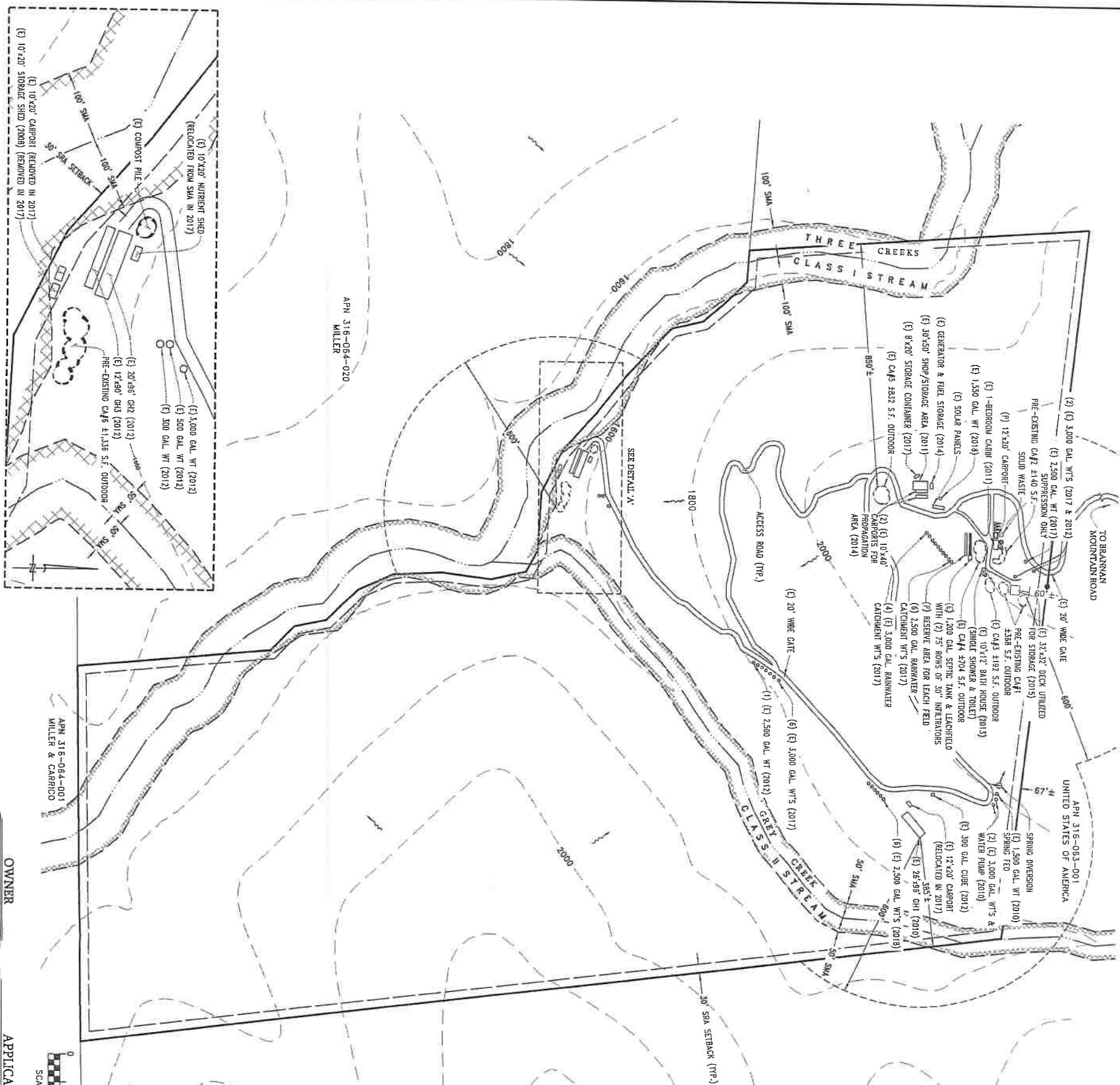
1. THIS PLOT PLAN, FOR APN 316-063-006, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF TIMBERLAND (?) AND IS CURRENTLY ZONED TIMBERLAND PRODUCTION ZONE (TPZ).
3. THIS PLAN IS BASED ON RECORD INFORMATION, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN COMPILED FROM RECORD DATA ONLY, AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
4. THE PROPERTY IS CURRENTLY DEVELOPED WITH SEVERAL STRUCTURES, CARPORTS, SHEDS, GREENHOUSES, CULTIVATION AREAS, WATER TANKS AND SEWAGE DISPOSAL SYSTEM.
5. CONTOURS SHOWN HEREON ARE AT 200-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
6. THE APPROXIMATE LOCATION OF THREE CREEKS IS AS SHOWN HEREON, TOGETHER WITH ITS UNDEVELOPABLE STREAMSIDE MANAGEMENT AREAS (SMA). NO OTHER WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
7. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
8. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
9. A GRADING, EROSION & SEDIMENT CONTROL PLAN HAS BEEN PREPARED BY RINEHART ENGINEERING & CONSTRUCTION. NO TREES ARE PROPOSED TO BE REMOVED AS PART OF THE PROJECT.
10. SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS SHALL BE ON-SITE, WITH A SOLIS REPORT AND SEPTIC TESTING, DESIGN AND REPORT PREPARATION BY RINEHART ENGINEERING & CONSTRUCTION, DATED 2/15/2016.
11. WATER FOR THE SITE'S AGRICULTURAL OPERATIONS IS FROM AN EXISTING ON-SITE SPRING. ALL WATER SOURCES ARE WILL BE PROPERLY PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FOREBEARANCE PERIOD, IF REQUIRED.
12. THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
13. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

**DIRECTIONS TO THE SITE**



THE PROPERTY IS ACCESSED BY TAKING CA HIGHWAY 96-NORTH OUT OF WILLOW CREEK, CALIFORNIA, APPROXIMATELY 0.2 MILES NORTH OF WILLOW CREEK, FOLLOW BRANNAN MOUNTAIN ROAD EASTELY, AT APPROXIMATELY 6 MILES TURN LEFT ON MAPLE LEAF ROAD (U.S.F.S. 06R23).

[illegible]





UTILITIES	
WATER	ON-SITE SPRING
SEWER	ON-SITE DISPOSAL
GAS	ON-SITE PROPANE
ELECTRIC	GENERATOR & SOLAR PANELS

SYMBOL	INDICATES
	EXISTING PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLONS
(YEAR)	YEAR CONSTRUCTED/INSTALLED
WT	WATER TANK
SRA	STATE RESPONSIBILITY AREA
SMA	STREAMSIDE MANAGEMENT AREA
CA	CULTIVATION AREA
GH	GREENHOUSE
1800	CONTOURS AT 200 FOOT INTERVALS
	STREAM/WATERCOURSE

- ## NOTES

1. THIS PLOT PLAN, FOR APN 316-063-006, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL AGRICULTURE LAND USE ORDINANCE (CMALUD) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.

2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF TIMBERLAND (T) AND IS CURRENTLY ZONED TIMBERLAND PRODUCTION ZONE (TPZ).

3. THIS PLAN IS BASED ON RECORD INFORMATION, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN COMPILED FROM RECORD DATA ONLY, AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.

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5. CONTOURS SHOWN HEREON ARE AT 200-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.

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7. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.

8. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.

9. A GRADING, EROSION & SEDIMENT CONTROL PLAN HAS BEEN PREPARED BY RINEHART ENGINEERING & CONSTRUCTION. NO TREES ARE PROPOSED TO BE REMOVED AS PART OF THE PROJECT.

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11. WATER FOR THE SITE'S AGRICULTURAL OPERATIONS IS FROM AN EXISTING ON-SITE SPRING. ALL WATER SOURCES ARE/WILL BE PROPERLY PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FOREBEARANCE PERIOD, IF REQUIRED.

12. THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.

13. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

## DIRECTIONS TO THE SITE

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KIMBERLY D. PRESTON

DATE \_\_\_\_\_



CMMLUO APPS #11517

APN 316-063-006

REVISSED: 10/30/19

OWNER

APPLICANT

PETER ARONSON  
4220 BROWNS ROAD  
EUREKA, CA 95503

OLDT HEALING COLL  
c/o ETHAN ARONSON  
(707) 496-2159

**OMSEBERG & PRESTON**  
402 E Street  
Burbank, California  
91501  
Telephone  
(707) 443-0861

**PLANNERS**  
**ENGINEERS**  
**SURVEYORS**



DESIGNED BY:	DATE:
K.O.P.	05/20/18
DRAWN BY:	DATE:
C.W.B.	05/20/18
CHECKED BY:	DATE:
KIMBERLY A. PRESTON	10/30/19

**PLOT PLAN**  
*for*  
**HUMBOLDT HEALING COLLECTIVE**  
In the unincorporated area of Humboldt County  
Section 3, T8N., R4E., H24W.

SCALE	
AS SHOWN	
JOB NO.	
18-2027	
SHEET	OF
1	1







1. THIS PLOT PLAN, FOR APN 316-063-006, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMALUO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. RI-2015-0023.
2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF TIMBERLAND (T) AND IS CURRENTLY ZONED TIMBERLAND PRODUCTION ZONE (TPZ).
3. THIS PLAN IS BASED ON RECORD INFORMATION, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN COMPILED FROM RECORD DATA ONLY, AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
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5. CONTOURS SHOWN HEREON ARE AT 200-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
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UTILITIES	
WATER	ON-SITE SPRING
SEWER	ON-SITE DISPOSAL
GAS	ON-SITE PROPANE
ELECTRIC	GENERATOR & SOLAR PANELS

LEGEND	
SYMBOL	INDICATES
	EXISTING PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLONS
(YEAR)	YEAR CONSTRUCTED/INSTALLED
WT	WATER TANK
SRA	STATE RESPONSIBILITY AREA
SMA	STREAMSIDE MANAGEMENT AREA
CA	CULTIVATION AREA
GH	GREENHOUSE
1800	CONTOURS AT 200 FOOT INTERVALS
—	STREAM/WATERCOURSE
•	MONUMENT
⑩	PROPANE TANK
⑪	GENERATOR

NOTES

**DIRECTIONS TO THE SITE**

THE PROPERTY IS ACCESSED BY TAKING CA. HIGHWAY 95-NORTH OUT OF WILLOW CREEK, CALIFORNIA. APPROXIMATELY 0.2 MILES NORTH OF WILLOW CREEK, FOLLOW BRANNAN MOUNTAIN ROAD EASTERLY. AT APPROXIMATELY 6 MILES TURN LEFT ON MAPLE LEAF ROAD (U.S.F.S. 08N23).



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date, the applicant shall submit a revised site plan showing all water storage on-site to ensure the water storage structures and capacities are consistent with the description the operations plan that states the following: "Water storage consists of 81,650 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression and one (1) 175-gallon tank dedicated for domestic use to serve the existing cabin and bath house." A sign-off from the Planning Department will satisfy this permit.
6. 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 #7 through #15. 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.
7. The applicant shall secure permits for all structures and grading 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, any noise containment structures, and graded flats, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the

Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. Prior to processing on-site, the applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
9. Obtain a permit to operate the EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department, if applicable. A letter or similar communication from NCUAQMD will satisfy this condition.
10. The applicant shall implement all corrective actions and measures detailed in the Water Resources Protection Plan developed for the parcel, prepared by Timberland Resources Consultants in September 2016. The applicant is to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
11. The applicant shall implement all corrective actions and measures detailed in the Timber Conversion Report (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in September 2017. A letter or similar communication from a Registered Professional Forester (RPF) verifying the actions and measured were completed as recommended will satisfy this permit. Alternatively, the applicant may schedule a site inspection with the Humboldt County Planning Department to verify the action and measures were completed as recommended. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall continue to adhere to all terms and conditions of the Right to Divert and Use Water (Registration ID H500525; Certificate No. H100641), issued by the State Water Resources Control Board (SWRCB) in April 2018 for use with the spring diversion, for the life of the project.
13. The applicant shall adhere to and implement all requirements of the Final Streambed Alteration Agreement (Final SAA, Notification #1600-2015-0524-R1) issued by CDFW in March 2016. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
14. Within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Brannan Mo Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
15. The applicant shall make all improvements recommended in the *Road Evaluation Report for Brannan Mountain Road, PM 0.4 to PM 5.85*, prepared by Pacific Watershed Associates, Inc. (PWA) in June 2018. The applicant shall ensure all additional permits from other agencies (e.g. Department of Public

Works or California Department of Fish and Wildlife) are obtained prior to commencing any improvements. This condition may be satisfied by the applicant on their own or through an agreement with a Road Maintenance Association where the applicant and other users of the access road pay fair share costs toward complete the improvements. A letter or similar communication from a Registered Professional Engineer stating the improvements were completed as recommended will satisfy this permit. Alternatively, the applicant may schedule a site inspection with the Humboldt County Planning Department to verify the improvements were completed as recommended. A sign-off from the Planning Department will satisfy this condition.

16. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The applicant shall install a water monitoring device on the spring diversion, rainwater catchment system, and storage tanks applicable to monitor water used for cannabis irrigation separate from domestic use. The water use for cultivation is limited to the use of the spring diversion and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
17. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
18. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
19. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
20. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
21. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the



edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the

issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."



25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
  - a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the

anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

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

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

**ATTACHMENT 2**

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

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

**APN 316-063-006; 1245 USFS 06N23, Willow Creek  
County of Humboldt**

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

**June 2021**

## Background

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

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

The modified project involves a Special Permit for an existing 9,568 square foot (SF) outdoor cannabis cultivation. Cultivation occurs in the northern and western portions of the parcel in three (3) existing greenhouses (2,496 SF, 1,920 SF, and 1,080 SF; 5,496 SF total), with six (6) full-sun outdoor areas totaling 4,072 SF. Ancillary propagation occurs in two (2) 400 SF carports (800 SF total). Irrigation water is sourced from an onsite spring and rainwater catchment. Existing available water storage is 81,650 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression and one (1) 175-gallon tank dedicated for domestic use to serve the existing cabin and bath house. Estimated annual water usage is 80,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. All activities will be performed by owners of Humboldt Healing Collective, with no additional employees to be utilized. A maximum of three (3) persons will be onsite during peak operations. Power is provided by solar panels, within a generator utilized only as back-up. The proposed project also includes two (2) Special Permits: one (1) Special Permit to reduce the 600-foot setback requirement to public lands due to existing cultivation located within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for prior work within Streamside Management Areas (SMAs) to relocated existing development and cultivation located within the SMA required buffer associated with a Class I watercourse.

A Cultural Resources Survey was requested by the Hoopa Valley Tribe in May 2017. A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in June 2017. Per the Report, approximately 25 acres of the 160-acre property were surveyed and no significant historic resources were located. Additionally, no pre-existing resources have been recorded on the subject property. A single double Pelton wheel was noted and was recorded as an isolated resource dislocated from its original location. The project is not expected to affect significant historic resources. However, since there is always the possibility for buried archaeological deposits, the inclusion of the inadvertent discoveries protocol is recommended, which has been included as an ongoing condition of approval.

California Department of Fish and Wildlife Resource Maps indicate there is the potential for one (1) special status plant species to occur onsite. A Botanical Survey Report was prepared by Natural Resources Management Corporation (NRM) in March 2019, which concluded that no special species were found within the surveyed areas. While Sensitive Natural Communities were found to be present, impacts to these communities are existing and forest clearing activities predates management under the current property owner. The Report concludes the project is unlikely to have future impacts on sensitive plant species and sensitive natural communities, as the project footprint will not expand. However, to ensure sensitive species are not impacted by the project, the Report recommends that all commercial activity be restricted to the existing project footprint. No expansion of use is authorized under this permit.

Both the Humboldt County's WebGIS and the Site Plan show two (2) mapped streams on the subject property. All approved cannabis activities would be located outside of any Streamside Management Area (SMA) and associated buffers and on slopes less than 50%. The nearest Northern Spotted Owl (NSO) observation is located approximately 0.07 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 0.53 miles from the nearest cultivation area. Power is provided by solar panels, within a generator utilized only as back-up. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy.

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 to biological resources as a result of light and noise.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 9,568 square feet of cultivation with ancillary propagation and drying and curing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Omsberg & Preston, date stamped received 10/30/19.
- Cultivation and Operations Plan prepared by applicant, date stamp received 10/30/19.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants, dated 9/14/16.
- Timber Conversion Report prepared by Timberland Resource Consultants, dated 9/21/17.
- Statement of Water Diversion and Use, date stamp received 5/26/17.
- Right to Divert and Use Water, dated 4/27/18.
- Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ (WDID: 1\_12CC417067), dated 9/6/19.
- Final LSAA (Notification No. 1600-2015-0524-R1), issued by CDFW, dated 3/11/16.
- Road Evaluation Report for Brannan Mountain Road prepared by Applicant, dated 8/1/17.
- Road Evaluation Report for Brannan Mountain Road - PM 0.4 to PM 5.85, prepared by Pacific Watershed Associates, Inc., dated June 2018.
- Noise Report prepared by Pacific Watershed Associated, dated 5/23/18.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Omsberg & Preston, date stamped received 10/30/19 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by applicant, date stamp received 10/30/19 – **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. (Statement of Water Diversion and Use, date stamp received 5/26/17; and Right to Divert and Use Water, issued 4/27/18 – **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resources Protection Plan prepared for North Coast Regional Water Quality Control Board Order No. 2015-0023 (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants dated 9/14/16 – On file. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ (WDID: 1\_12CC417067)– **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Final LSAA (Notification No. 1600-2015-0524-R1), issued by CDFW, dated 3/11/16 – **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 Report prepared by Timberland Resource Consultants, dated 9/21/17 - **Attached**)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Report for Brannan Mountain Road prepared by Applicant, dated 8/1/17. (On file)
17. Road Evaluation Report for Brannan Mountain Road - PM 0.4 to PM 5.85, prepared by Pacific Watershed Associates, Inc., dated June 2018. (**Attached**)
18. Noise Report prepared by Pacific Watershed Associated, dated 5/23/18. (**Attached**)

**Humboldt Healing Collective**  
**Cultivation & Operations Plan**  
**(Updated October 2019. Changes in Bold.)**

Application #: 11517

Parcel #: 316-063-006

Mailing Address: 4184 Browns Rd.

Eureka, Ca 95503



**Project Description:**

Humboldt Healing Collective, dba Three Creeks Farms, is applying for a Special Permit with the Humboldt County Planning Division in order to permit 9,568 total square feet of pre-existing outdoor commercial cannabis cultivation. **We are also applying for an additional Special Permit in order to allow for the existing cultivation activities occurring within 600 feet of publicly owned lands managed for open space and/or wildlife habitat purposes.** The APN is 316-063-006, and the address for the site is 1245 USFS 06N23, Willow Creek, CA. The property is located near Willow Creek off of, Maple Leaf Road, which can be accessed from State Hwy. 299 via Brannon Mountain Road. The parcel is zoned TPZ and is 145 acres in size. Humboldt Healing Collective was originally a non-profit entity, but has recently been converted to a for-profit entity with the same name, and a copy of documentation is included at the end of this Application.

There is a discrepancy in the size of pre-existing cultivation that was on-site prior to January 1<sup>st</sup>, 2016. The Applicant had two parcel's which were merged into the existing parcel, APN 316-063-006. Humboldt County GIS Parcel Viewer has been updated with the new parcel boundaries. There is aerial imagery from GoogleEarth 2014, showing an existing footprint of 10,369 square feet of outdoor cannabis cultivation on the parcel. A copy of the pre-existing image is included in this Operations Plan. **Additional documentation for evidence of pre-existing cultivation is included in this updated Operations Plan to address the incomplete letter received, dated July 30, 2019. We have included additional aerial imagery from GoogleEarth 2012, showing three different pre-existing cultivation sites which total 12,740 ft<sup>2</sup> of outdoor cannabis cultivation at this site.**

Some non-cannabis related structures are located on the property. There is one 1-Bedroom Cabin on-site, and a Bath House with a permitted septic system, which are all shown on the updated Site Plan. The Cabin and Bath House will only be used by Humboldt Healing Collective owners who are present on the site. There is also one 175-gallon domestic water tank to support these facilities, which is located near the Cabin. The Cabin is primarily powered by solar panels, but there is an existing generator (Honda EU 6,500 Watt) housed in a shed that is only used as a back-up. All cannabis related structures are labeled on the Site Plan and are further discussed in the Cultivation Activities section of this Application.

**The Applicant has submitted their State Annual License Application for a Small Outdoor Cannabis Cultivation License. They have been approved a Provisional Cannabis Cultivation License from CDFA, License number PAL18-0002584. A copy of the Provisional License Certificate is included in this updated application packet.**

#### **Description of Cultivation Activities:**

The parcel contains 9,568 square feet of outdoor cannabis cultivation. There are three greenhouses on-site. **The Applicant no longer intends to utilize light-deprivation methods for these three greenhouses, and is only looking to cultivate full outdoor with only one harvest per year. This is in accordance with the final approved State License Certificate of a Small Outdoor License.** Greenhouse 1-26x96-ft is 2,496 square feet, Greenhouse 2-20x96-ft is 1,920 square feet, and Greenhouse 3-12x90-ft is 1,080 square feet, which totals 5,496 square feet of greenhouse cannabis cultivation. The remaining 4,072 square feet of cannabis cultivation is full sun outdoor. There is a total of six cultivation areas where full sun outdoor cannabis cultivation exists. Five of these cultivation areas are located in the northern portion of the property near and around the Cabin. The sixth cultivation area is located near Greenhouse 2 and 3 in the southwestern portion of the property. There is one carport located near Greenhouse 1, which is used for the storage of tools and nutrients, and a second carport is proposed next to the Cabin which would be used for storage as well. A small 10x20-ft Nutrients Shed exists behind Greenhouse 2, and is used for the storage of tools and nutrients needed for cannabis activities.

The Applicant has 2-10x40-ft carports, which are used as a propagation area for immature cannabis plants, as shown on the Site Plan. As well, there is a Shop located next to these carports, which is used to dry, and cure cannabis product on-site. **There is also an additional 8' x 20' metal storage container next to the Shop, which is used to securely store cannabis products on-site.** These facilities are powered by the existing solar panels, and a Honda EU 6,500-Watt generator is housed in a shed to be used as a back-up for power only when needed. There is a Dome placed on the Deck labeled on the Site Plan, which is used as an office space to hold all documents that are required to be on-site.

All cultivation activities will be performed by owners of Humboldt Healing Collective, and no employees will be utilized for any commercial activities on-site. The Applicant only anticipates

2-3 owners to be present on-site at the same time, while conducting cannabis cultivation activities. All amendments to growing soil will be used according to their labeled instructions to eliminate any runoff. The Applicant has had a Pest Management Plan developed for the site by DBS, and all management of pests will be in compliance with this plan. Below is a detailed schedule of cannabis cultivation activities to be done on-site.

#### Schedule of Activities:

<b>January</b>	Diverting water from Spring to on-site water storage tanks.
<b>February</b>	Diverting water from Spring to on-site water storage tanks.
<b>March</b>	Diverting water from Spring to on-site water storage tanks. Start immature plants in propagation area.
<b>April</b>	Diverting water from Spring to on-site storage tanks.
<b>May</b>	Immature plants from propagation area are planted in Greenhouses.
<b>June</b>	Immature plants from propagation area are planted in full sun garden areas.
<b>July</b>	<b>All cultivation areas are vegging or flowering.</b>
<b>August</b>	All cultivation areas flowering.
<b>September</b>	Harvest of full sun cultivation areas.
<b>October</b>	<b>Harvest of greenhouse cultivation areas.</b>
<b>November</b>	Diverting water from Spring to on-site water tank storage.
<b>December</b>	Diverting water from Spring to on-site water tank storage.

#### Water Source, Storage, Irrigation Plan, and Projected Water Use:

There is a Spring on-site near the northern edge of the property, which the Applicant has obtained from the State Water Board the right to divert and use water from for irrigation. A copy of the document approving the diversion is attached at the end of this Operations Plan. Water is diverted from the Spring during the winter months between November and March, and is stored in the existing water tanks on-site, to be used for cannabis irrigation during the forbearance period. The Applicant will not divert water from the Spring during the forbearance period that is designated by the North Coast Regional Water Quality Control Board (NCRWQCB). The Applicant initially applied for the right to divert water from a Class II stream on-site, but is retracting that diversion application and only intends to divert solely from the Spring on-site.

There is a total of 81,650 gallons of commercial hard tank water storage on-site, designated for the irrigation of cannabis crops. Of that, 54,650 gallons are specifically designated for the storage of water that is diverted from the Spring. The remaining 27,000 gallons of hard tank water storage is connected to a rainwater catchment system that is piped from the metal roof of the Cabin nearby. The Applicant plans to add additional storage tanks to this system in the near future. The Cabin has a dimension of 24x32 feet, allowing for 768 square feet of rooftop rainwater diversion during the rainy season. The Applicant has also designated a 2,500-gallon



hard water tank for fire suppression, which will not be used for cannabis irrigation. All locations of commercial water tanks are clearly labeled on the updated Site Plan for this application.

All irrigation of cannabis crops is done using a drip irrigation system, with a gravity fed pipeline. The use of a drip irrigation system ensures that there is no overwatering or runoff that occurs from cannabis cultivation. All growing soil will be top dressed with straw or well-aged compost in order to improve the retention of water and prevent any evaporation from garden beds.

The Applicant projects that the farm cultivates for five months out of the year, from mid-May to mid-October. It is calculated that approximately 10,000 gallons per month of water is used during the first and last month of the season, and 20,000 gallons per month are used for the remaining 3 months out of the season. In total the Applicant estimates using approximately 80,000 gallons of water per cultivation season for the irrigation of cannabis crops on-site. There currently exists a sufficient amount of water storage on-site to supply the cannabis cultivation sites with enough water during the forbearance period. The Applicant has also installed water meters at each cultivation site, and at the point of diversion, so that usage can be accurately measured.

#### **Site Drainage, including Runoff and Erosion Control Measures:**

There is one Class I stream named Three Creeks, which runs north-south along the western edge of the property. There is also one Class II stream named Grey Creek, which runs through the middle of the property from east to west. Grey Creek is at least 100 feet away from any cannabis cultivation related activities on-site. All streams and their associated buffer zones are located on the Site Plan.

The present drip irrigation system and method of top-dressing soil with straw or well-aged compost, ensures that no runoff will occur from the irrigation of cannabis crops. The Applicant is enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB) Waiver of Waste Discharge Program as a Tier 2 discharger, and has been working with Timberland Resource Consultants (TRC) to develop a Water Resource Protection Plan (WRPP) for the site, and to meet all of the required remediation outlined the WRPP. A copy of the Annual Monitoring & Reporting Form for 2017 has been included in this Application. **The Applicant finalized the WRPP, and a copy has been submitted to the Planning Division. As well, the Applicant has transferred enrollment with the Water Board, from the Regional to the General Order, and submitted their Small Irrigation and Use Registration prior to the July 31<sup>st</sup> deadline. The Applicant is working with Timberland Resources Consultant in order to produce a Site Management Plan for the Site, in compliance with the State Water Board. A copy of the Notice of Applicability letter from the State Water Board is included in this application.**

The Applicant's initial site visit with TRC in 2016 revealed that there was some cannabis cultivation, two carports used for storage, and one storage shed located within the 100-foot buffer zone designated by the NCRWQCB Waste Discharge Order for Three Creeks Class I stream. The Applicant has since then relocated this cultivation, carports, and storage shed outside of the 100-foot buffer zone, in accordance with the NCRWQCB's Waiver of Waste Discharge Order, and the Applicant's WRPP. This area is being continuously monitored to ensure that no runoff, sediment, or pollutants are being discharged into Three Creeks. Under the State Water Board's General Order, the setback requirement for Class I streams is 150 feet, but the Applicant has been grandfathered in under the NCRWQCB's Discharge Order. It has been commented from Fish & Wildlife that a 150-foot set back from perennial streams is required as a condition of their approval. The Applicant is aware of this comment and will adhere to the 150-foot setback if deemed absolutely necessary, but requests a two-year timeframe in order to remove any structures that are currently located within this 150-foot setback, and find a new suitable location for them.

The pre-existing full sun outdoor cultivation area, which was within the 100-foot buffer zone, has been removed and relocated to the northern part of the parcel near and around the Cabin. There are now five locations of full sun outdoor cannabis garden areas where the pre-existing cultivation has been relocated. These five sites were chosen due to the low amount of existing vegetation present, the amount of sunlight available, and the relatively flat gradient of less than 30% slope. The small storage shed was relocated just outside of the 100-foot buffer zone, near greenhouses 2 and 3. One of the two carports has also been relocated outside of the buffer zone, to the northeastern portion of the property, near greenhouse 1. The second carport is shown as proposed on the Site Plan, near the Cabin. All relocation sites are clearly labeled on the updated Site Plan.

The conditions of the roads on-site have been remediated with rolling dips, and are maintained with water bar diversions according to the Applicant's WRPP. All existing roads are in good condition and are away from any watercourses on-site, and no erosion resulting from the roads were observed during the site visit done by TRC in 2016. Road usage is greatly reduced during the wet winter months, and straw bales and straw waddles are utilized to minimize any naturally occurring runoff when needed.

### **Watershed Protection & Nearby Habitat:**

In order to protect the nearby watershed and habitat, the Applicant utilizes agronomic irrigation methods, as well as storing all cannabis cultivation amendments in designated storage sheds within appropriate secondary containments. As well, the Applicant has a Pest Management Plan which was developed by Dirty Business Soil Consulting & Analysis (DBS), which is included at the end of this Operations Plan. All solid waste produced on the site is stored in trash cans with lids by the Cabin, and is self-hauled to a licensed waste facility as needed. The Applicant is

enrolled in the NCRWQCB's Waiver of Waste Discharge Program as a Tier 2 discharger, and has almost met all of the standard conditions set forth in the WRPP that was developed for his site. As well, the Applicant promotes the growth of native vegetation such as wild flowers, and grasses, in areas with open soil, followed by a layer of straw to eliminate any soil erosion. All cultivation sites are monitored continuously to ensure that no runoff occurs from irrigation.

There was some minor conversion of timberland done on-site, in violation of Cal-fire. The Applicant has done his due diligence to have a Registered Professional Forester conduct a site visit to evaluate the site conditions and conversion history for the property, and has provided a written report to the Planning Division containing any recommendations for remedial action. The site visit was conducted by TRC in August of 2017. The report revealed that a total of 1.33 acres of unauthorized timberland conversion occurred on the site, which does not exceed the 3-acre maximum. None of the inspected sites were within the Watercourse and Lake Protection Zones (WLPZ) or Equipment Exclusion Zones (EEZ), and none of the conversion activities were observed to have impacted water resources on-site. No alteration of wildlife habitat was observed, and no major forest health issues were noticed during the field assessment. The only recommendation made in the report was to treat all slash piles and log decks as soon as possible, which the Applicant has done. No further action is required from CalFire at this time.

The project is located within a 0.7-mile radius of a known Northern Spotted Owl (NSO) Activity Center. The Department of Fish and Wildlife has requested that a Northern Spotted Owl Survey be done due to the generator present on-site. The Applicant has had a Noise Report done for the generator, in order to avoid the need for an NSO Survey, which has been included at the end of this Operations Plan. The Noise Report was conducted by Pacific Watershed Associates (PWA) on May 10<sup>th</sup> 2018. The Noise Report shows that the noise-level emanating from the generator shed is less than 50dB at just over 35 feet from the generator shed, which is well within the tree line. As well, there was no evidence of existing northern spotted owls, special plant species, or archeological sites occurring on-site during the TRC visit done in August 2017. With no presence of NSO's on-site, and the decibel levels measured by PWA were observed to be below the threshold required for an NSO survey, no further action is needed from the Applicant at this time.

The project is also located within a 1-mile radius of known California rare plant species, and Fish & Wildlife has requested a Rare Plant Survey to be done for the relocation sites in order to approve the project. The Applicant has had a Botanical Survey done by Natural Resource Management (NRM) on June 26, 2018. The Botanist who conducted the survey has written up a letter stating the general findings of her site visit, and is working on the final report to be developed in accordance with CDFW's protocols for surveying and evaluating impacts to special status native plant populations, and sensitive natural communities. A copy of the letter is included at the end of this Operations Plan. The results of the survey were negative, and no special status species or sensitive natural communities were found within the surveyed areas. It has been determined that the only high-quality potential habitat for early-blooming special



status plants was along the riparian corridor of Three Creeks and Grey Creek. These areas will remain unimpacted by commercial or other activities on-site. A copy of the final report will be submitted to the Planning Division once it is available. **The final Botanical Survey Report has been completed, and a copy of the final report has been submitted to the Humboldt County Planning Division. The report found no evidence of special status species present within the SMA along Three Creeks, or any other areas within the existing footprint of this project.**

The Applicant agrees that if any wildlife is encountered during Authorized Activity, that there will be no disturbance to the wildlife, and all wildlife will be allowed to leave the site unharmed. As well, the applicant will not use any erosion control measures that utilize synthetic (e.g. plastic or nylon) monofilament netting, including photo or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures will be made of loose-weave mesh, such as jute, hemp, coconut fiber, or other products without welded weaves. This is in accordance with Fish & Wildlife's prohibition on use of monofilament netting.

The Applicant has also received a Lake & Streambed Alteration Agreement with Fish & Wildlife for the Spring diversion and will comply with all requirements stated in the document. The Applicant originally applied for two diversions, one from the Spring and one from Grey Creek, but only intends to divert from the Spring. As documented in the TRC timberland conversion report, no evidence of impacts to water quality was observed as a result of cultivation activities. A copy of the LSA has been included at the end of this Operations Plan.

#### ~ Remediation and Relocation Plan

The Applicant had the initial site visit with TRC done in 2016, to develop the WRPP for enrollment in the Regional Water Board's Waiver of Waste Discharge Order. The site visit revealed that there were existing developed cultivation areas in the southernmost site on the property, which were located within the 100-foot buffer zone for Three Creeks Class I stream. There was existing outdoor cannabis cultivation, two (2) 12' x 20' carports used for storage, and one (1) 10' x 20' storage shed that were located within the 100-foot buffer zone designated by the NCRWQCB. On page 4 of the WRPP for this site, it references some of the existing cultivation, two portable canvas storage sheds, and one wooden shed that were located within the 100-foot streamside buffer. The document also recommends making minor modifications to reduce potential pollutants from entering the watercourse, which would include covering or removing items with the potential to be carried or leached into the watercourse, and the relocation of the temporary sheds out of the 100-foot buffer zone in the future.

As a proactive measure, and in accordance with the recommendations of the WRPP, the Applicant decided to remove the outdoor cannabis cultivation that was existing within the 100-foot buffer zone of Three Creeks, and relocate it to the now five (5) existing outdoor cultivation sites near the Residence, in 2017. These five new areas were chosen due to the low amount of existing vegetation present at the sites, the low gradient of slope, and the close proximity to



the processing area. The Applicant utilizes grow bags for all outdoor cannabis plants, and no grading or plant removal was done. The area where outdoor cannabis cultivation was removed has been remediated by planting native vegetation such as wild flowers and grasses, and was followed by a layer of straw to eliminate the presence of any erosion near Three Creeks stream.

As well, one of the 12' x 20' carports was removed from the site and is shown as proposed on the Site Plan for the relocation area. The other 12' x 20' carport and the 10' x 20' wooden shed have been relocated to other areas shown on the Site Plan, and these areas were chosen due to the need for additional storage areas at those locations.

The areas chosen for all relocation sites have been deemed to be environmentally superior to the pre-existing site, due to the need for additional storage on other parts of the property, as well as being outside of any SMA's. No ground disturbance or grading was required for the removal and relocation of these pre-existing sites, and the Applicant has done his due diligence for remedial actions by planting native flowers and grasses where open soil was present, and by continually monitoring the removal sites for any presence of erosion. The Applicant had a Botanical Survey done by Natural Resource Management (NRM) on June 26, 2018. The final Botanical Survey Report has been completed, and a copy of the final report has been submitted to the Humboldt County Planning Division. The report found no evidence of special status species present within the SMA along Three Creeks, or any other areas within the existing footprint of this project. The report also states in the Summary of Findings and Conclusions, that "as the project footprint will not expand beyond its existing boundary, it is unlikely to have future impacts on sensitive plant species," and recommends that the project restricts all commercial activity to within the existing footprint.

#### **Processing Plan:**

Once cannabis flower is harvested, it will be dried in the permitted Shop on-site using fans only and will be stored there for additional curing. Once the product is ready to be processed further, it will be taken to a commercial processor, Humboldt Native Farms in Eureka for trimming. No trimming of harvested product will be done on-site.

#### **Waste Management Plan:**

All non-cannabis waste produced on-site, will be stored in trash cans with lids near the Cabin. The Applicant will take all solid waste to the Eureka Transfer Station as needed, to avoid the presence of pests. Cannabis waste produced on-site will be composted in **one** location, shown on the Site Plan. The compost piles will not exceed a 10x10-ft area, and compost produced from the pile will be used with other soil and amendments for future cannabis cultivation. Any cannabis waste that exceeds the available space for composting, and any other green waste produced on-site, will be collected and taken to a licensed green-waste facility transfer station.

**Security Plan:**

The property is located behind three locked gates at the end of Maple Leaf Road. At least one owner of Humboldt Healing Collective lives on-site year-round in order to guard the property and prevent any occurrence of theft. As well, the Applicant has installed motion censored lights around cannabis related structures, and game cameras around the property to add another layer security. All cannabis related structures and gates are locked when unattended. **All cannabis product will be held within the metal 8' x 20' Storage Container, which will be locked at all times, and is secured with a game camera for additional security.**



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER



REGISTRATION H500525

CERTIFICATE H100035

Right Holder: *Ethan Aronson*  
3990 Broadway Street  
Eureka, CA 95503

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 03/12/2018. 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)
Spring	Unnamed Spring	Three Creeks	Willow Creek	40.9337	-123.7075	Humboldt	316-063-006

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, Fire Protection	Humboldt	316-063-006	0.2203857

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 04/27/2018.

The place of use is shown on the map filed on 04/27/2018 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 0.21 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. The total storage capacity shall not exceed 0.21 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, which is available online at: [http://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](http://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 Policy and the State Water Boards Cannabis Cultivation 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: 04/27/2018 07:40:19

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## ANNUAL REPORT FOR MONITORING AND REPORTING PROGRAM UNDER ORDER NO. R1-2015-0023

Note: This form must be electronically validated prior to submission. Failure to utilize the "Validate and Create Submittal" button at the bottom of the page may result in errors that delay the processing of your Annual Report.



### Enrollment and Site Information

WDID	1B16446CHUM	
County	Humboldt	
<sup>1</sup> APN(s)	316-063-006-000	
Tier	2	
Reporting Date	03/02/2018	
Discharger Name	First Ethan	Last Aronson
Discharger Relationship to Property	Operator and Owner	
Report Preparer	Authorized Representative	
<sup>2</sup> Report Preparer Organization	Timberland Resource Consultants	
<sup>3</sup> Date Water Resource Protection Plan Developed	09/18/2016	
<sup>3</sup> Date instream work performed		
<sup>3</sup> Date instream work planned		

<sup>1</sup>Separate multiple APNs using a semicolon (";").

APN formats by county are as follows: XXX-XXX-XXX-000: Del Norte, Glenn, Humboldt, Lake, Modoc, Sonoma, Siskiyou  
XXX-XXX-XX-00: Mendocino, Trinity  
XXX-XXX-XXX: Marin

<sup>2</sup>Required only if report is prepared by an Authorized Representative.

<sup>3</sup>Dates required only if applicable.

### <sup>4</sup>Site in Compliance with Standard Conditions?

Standard Condition	Yes/No	Expected Date of Compliance
1) Site maintenance, erosion control, and drainage features	No	10/15/2018
2) Stream crossing maintenance	Yes	
3) Riparian and wetland protection management	No	10/15/2018
4) Spoils management	Yes	
5) Water storage and use	Yes	
6) Irrigation runoff	Yes	
7) Fertilizers and soil amendments	Yes	
8) Pesticides and herbicides	Yes	
9) Petroleum products and other chemicals	Yes	
10) Cultivation-related wastes	No	10/15/2018
11) Refuse and human waste	No	10/15/2018

<sup>4</sup>If a standard condition is not met, indicate "No" and provide expected date of compliance in the adjoining box to the right. If a standard condition has been met or is not applicable (for instance, if there are no stream crossings onsite) indicate "Yes" the standard condition has been met and leave adjoining space blank.

If you are experiencing problems completing this form electronically please contact the Cannabis Unit at the North Coast Regional Water Quality Control Board for assistance at (707) 576-2676 or by email at northcoast.cannabis@waterboards.ca.gov.



## Quantitative Site Characterization

Total sum of all cultivation areas (ft <sup>2</sup> )	10,000
<sup>5</sup> Distance from cultivation area (ft) to nearest Class I Watercourse	100 - 149 ft
<sup>5</sup> Distance from cultivation area (ft) to nearest Class II Watercourse	200+ ft
<sup>5</sup> Distance from cultivation area (ft) to nearest Class III Watercourse	200+ ft
Average slope of cultivated area (%)	15
Number of road crossings of surface waters	0
<sup>6</sup> Total water storage capacity (gallons)	80,000
<sup>7</sup> Total nitrogen used (lbs)	320
<sup>7</sup> Total phosphorus used (lbs)	74

<sup>5</sup>Report minimum distance from ANY cultivation area to this watercourse.

Watercourse Class definitions can be found in the footnotes on [page 6 of NCRWQCB Order No. R1-2015-0023](#).

<sup>6</sup>One acre-foot is 325,851 gallons.

<sup>7</sup>Calculate nitrogen (and phosphorus) content for individual products and sum all products used.

Dry and liquid forms of products can be calculated as follows:

**Dry Fertilizer: Nitrogen (lbs) = ( %N / 100 ) x weight of product (lbs)**

**Liquid Fertilizer: Nitrogen (lbs) = ( %N / 100 ) x density of product (lbs / gal) x volume of product (gal)**

## <sup>8</sup>Water Use

Total surface water diversion ( <sup>6</sup> gallons)												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
200	200	200	200	6,000	12,000	12,000	12,000	12,000	6,000	200	200	
Water input to storage ( <sup>6</sup> gallons)												
<sup>9</sup> Input Source	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Rain	15,000	15,000	15,000	15,000	0	0	0	0	0	0	15,000	15,000
Water use ( <sup>6</sup> gallons)												
<sup>9</sup> Application Source	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Tank(s)	0	0	0	0	6,000	12,000	12,000	12,000	12,000	6,000	0	0

<sup>8</sup>Water use reporting includes domestic water if the residence is associated with cannabis cultivation.

<sup>9</sup>Combine multiple cases (e.g. multiple tanks) of a single source category (e.g. "Tank(s)") into a single row.

If water is applied from storage, indicate the type of storage (Bladder(s), Pond(s), Tank(s), or Other) as the application source. If "Other" is selected for either Input Source or Application Source please provide a brief description here:

## <sup>10</sup>Digital Signature

Michael Collins

<sup>10</sup>Type full legal name to sign form

Form Successfully Validated

If you are experiencing problems completing this form electronically please contact the Cannabis Unit at the North Coast Regional Water Quality Control Board for assistance at (707) 576-2676 or by email at [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

North Coast Regional Water Quality Control Board

September 6, 2019

WDID:1\_12CC417067

ETHAN ARONSON  
4184 BROWNS ROAD  
EUREKA, CA 95503

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,



Kason Grady

On Behalf Of

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

2019.09.06 14:48:55 PDT



190906\_1L\_1\_12CC417067\_1B16446CHUM\_Three\_Creeks\_Farms\_NOA\_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)





**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, ETHAN ARONSON, HUMBOLDT COUNTY APN(s) 316-063-006**

Ethan Aronson (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 11, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC417067**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16446CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/190403/180731\\_031616\\_401\\_WQ2017-0023-Application.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 08, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/board/decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board/decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32).



A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

#### **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

#### **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Cliff Johnson, Humboldt County Planning and Building,  
[cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us)  
Peter M. Aronson Trust 4220 Browns Road Eureka, CA 95501

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

RECEIVED

MAR 07 2016

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2015-0524-R1

Unnamed Tributaries, Tributaries to Three Creeks, Tributary to Willow Creek, Tributary to the Trinity River, Tributary to the Klamath River and the Pacific Ocean

Mr. Ethan Aronson  
Water Diversion  
2 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 16, 2015, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Three Creeks watershed, approximately 4 miles west of the town of Willow Creek, County of Humboldt, and State of California. The project is located in Section 3, T6N, R4E, Humboldt Base and Meridian; in the Willow Creek U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 316-063-02; latitude 40.9334 N and longitude 123.7078 W at the Points of Diversion-1 (POD-1) and latitude 40.9330 N and longitude 123.7054 W at the POD-2.





## PROJECT DESCRIPTION

The project is limited to two existing stream diversions located on a Class II stream and spring that are tributaries to Three Creeks and the Willow Creek. The work for this project will include use and maintenance of the water diversion infrastructure for domestic use and irrigation.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

**Impacts to water quality:**  
increased water temperature;

**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;  
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 to the stream or wildlife by CDFW, 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 with fees paid in full on December 16, 2015, 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 for consumptive use from the water intake shall not exceed 5 gallon per minute. The instantaneous diversion rate shall not exceed 20% of the total flow at any time. This condition is subject to modification should further analysis warranting such action become available at a later date.
- 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 Forbearance Period – Irrigation. The Permittee shall add sufficient water storage and/or water conservation measures by May 15, 2016, and the Permittee shall

forbear diverting spring flow for irrigation from May 15 to October 15 of each year beginning in 2016.

- 2.5 Domestic Water Use. Water diverted during the irrigation forbearance period shall be used strictly for domestic use. **No more than 200 gallons per day shall be diverted for strictly indoor domestic use during the forbearance period** beginning May 15, 2016.
- 2.6 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.
- 2.7 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.8 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.9 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.10 Water Management Plan. The Permittee shall submit a Water Management Plan no later than **June 15, 2016** that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation 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 the 619 Second Street, Eureka, CA 95501.**
- 2.11 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. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. Alternatively, the Permittee can record the frequency of pumping and the



time to fill storage. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. The **water diversion records** shall be provided to CDFW at the 619 Second Street, Eureka, CA 95501 office no **later than December 31 of each year beginning in 2016.**

## **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. Ethan Aronson  
Ethan O, Peter M, Leo W, and Michelle A Aronson Trust  
4220 Browns Road  
Eureka, California 95501  
707-496-2159

### To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2015-0524-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. Ethan Aronson**



Ethan Aronson



Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**



Gordon Leppig

Senior Environmental Scientist Supervisor



Date

Prepared by: David Manthorne, Environmental Scientist, February 29, 2016



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

September 21, 2017

Humboldt Healing Collective  
c/o Ethan Aronson  
4220 Browns Rd  
Eureka, CA 95503

Dear Humboldt Healing Collective:

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application for Humboldt Healing Collective within APN 316-063-006. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying 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 provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites and associated areas contained within the application on August 10<sup>th</sup>, 2017. Landowner and applicant representative Ethan Aronson also attended the site visit. The RPF and his representatives have exercised due diligence in reviewing all sites 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 below.

### **Project Summary**

*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 shall focus mainly on the past 10-15 years.*

### **Project Location**

APN: 316-063-006

Acreage: 144 GIS acres/145 assessed lot acres

Legal Description: Section 3, Township 6N, Range 4E, Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Willow Creek SW

Humboldt County Zoning: TPZ

Site Address: 1245 USFS 06N23, Willow Creek, CA 95573

As shown on the General Location Map, the property is located on a private road off USFS 06N23, off Brannon Mountain Road. The parcel is approximately 3.9 air miles west-southwest of the town of Willow Creek, California, and 9.3 air miles west-southwest of the town of Orleans, California.

## Project Summary cont'd

### Parcel Description & Timber Harvest History

The property consists of a single 145-acre parcel known as 316-063-006. This parcel was previously divided into two separate parcels: 316-063-002 and 316-063-004. It is dominated by a mature, even-aged Douglas-fir stand with a minor component of hardwoods (including tanoak and madrone), see Photo 8. The parcel contains portions of two watercourses: Class I Three Creeks, which borders much of the western side of the parcel, and an unnamed Class II\* tributary to Three Creeks, which flows from the northeastern property corner southwest to Three Creeks (see General Location Map). The parcel also contains a historic, decommissioned, seasonal road along the southwestern boundary of the property (see Overview Map). This road, known as Three Creeks Road or New Three Creeks Road, was used for logging access and connected Highway 299 to Three Creeks Summit on Brannan Mountain Road (*Historical Aerials*).

The parcel experienced multiple logging entries in the last century as evidenced by the well-established, seasonal road system as well as overgrown skid trails and log landings. Historical aerials from 1972 show evidence of timber harvest entry in the 1960s to early 1970s. It appears that the next major harvesting event occurred in the 2000s. In 2004, a Timber Harvest Plan (THP) known as 1-04-077HUM was submitted by landowner Redwood Forest Products and encompassed 58 acres of timberland in the northern half of the property (see THP Map). It utilized rehabilitation, seed tree seed step, and seed tree removal step silvicultural methods (*THP 1-04-077HUM*). Operations occurred between 2005 and 2006 however not all units were harvested. According to the CALFIRE Watershed Mapper, nearly half of the plan on the east side remained unlogged. Landownership changed three times throughout the life of the plan, which expired in 2008. According to minor Amendment 5 of the THP, landowner representative Ethan Aronson purchased the property in 2012. Parcel ownership as well as timber ownership was then transferred to Peter M Aronson in 2014 (Parcel Quest). Ethan Aronson still serves as the current landowner representative.

\*The RPF or his designee did not observe or classify this watercourse during the site visit.

### Project Description

Seven small cultivation sites and two associated area were inspected during the field assessment within Parcel 316-063-006. The following table lists the inspected sites and their acreages; see detailed site descriptions below.

Cultivation Site/Associated Areas	Total Acreage (ac)	Conversion?	Converted Acreage (ac)
Cultivation Site 1	0.03	No	None
Cultivation Site 2	0.05	Yes	0.05
Cultivation Site 3	0.03	No	None
Cultivation Site 4	0.13	Yes	0.13
Cultivation Site 5	0.08	Yes	0.08
Cultivation Site 6	0.07	Yes	0.07
Cultivation Site 7	0.30	Partial	0.11
Shop/Storage Area	0.06	Yes	0.06
Water Tank Bank	0.03	Yes	0.03
<b>Total Unauthorized Timberland Conversion Acreage</b>			<b>0.53</b>

#### **Cultivation Site 1**

Cultivation Site 1 consists of two small areas of cultivation surrounding the residential yurt, totaling approximately 0.03-acres (see Photos 1 and 2). It is located in the central northern portion of the property, approximately 100 feet south of the northern property boundary. As shown on the DOQ Map, this area was timbered in 1998. During authorized THP operations between 2005 and 2009, the site was cleared of trees and vegetation for use as a landing. No slash or woody debris remains onsite.

The cultivation activities consist of above-ground potted cannabis plants uniformly spaced on the graded flat. Though the potted plants physically occupy space and resources designated for timberland production, the cultivation activities do not impede the use of the space as a landing for timber harvesting. Thus, Cultivation Site 1 does *not* constitute an unauthorized timberland conversion.

## Project Summary cont'd

### Cultivation Sites 2, 4, and 5

Cultivation Sites 2 (0.05 acres), 4 (0.13 acres), and 5 (0.08 acres) are located in the central northern portion of the property, approximately 170 feet, 270 feet, and 620 feet, respectively, south of the northern property boundary (see Photos 3, 4, 6-8). These sites are described together as they share the same tree removal history and form of cultivation activities. As shown on the DOQ Map, these sites were timbered in 1998. During authorized THP operations between 2005 and 2009, these sites were harvested. Only minor slash or woody debris remains onsite, specifically along the eastern side of Cultivation Site 5.

The cultivation activities consist of above-ground potted cannabis plants distributed uniformly across the harvested unit. The potted plants still occupy space and resources designated for timberland production, especially when located in a harvested unit where tree regeneration is legally required after harvesting. The unit was planted and is regenerating, but it does not meet stocking standards of the FPRs. Furthermore, if the potted plants remain in the harvest unit indefinitely, they will continue to inhibit regeneration, and the landowner will eventually convert the single use of this space from timber production to agricultural cultivation. Though the tree removal was authorized, the cultivation activities impede the use of the space for timber growth and harvesting. In this way, Cultivation Sites 2, 4, and 5 constitute unauthorized timberland conversion.

### Cultivation Site 3

Cultivation Site 3 is a 0.07-acre area located in the central northern portion of the property, approximately 230 feet south of northern property boundary (see Photo 5). As shown on the DOQ Map, this area was timbered in 1998. During authorized THP operations between 2005 and 2009, the site was cleared of trees and vegetation and used as a skid road. No slash or woody debris remains onsite.

The cultivation activities onsite consist of above-ground potted cannabis plants uniformly spaced along the skid road. Though the potted plants physically occupy space and resources designated for timberland production, the cultivation activities do not necessarily impede the use of the space as a skid road for timber harvesting. Non-permanent features that occupy a site where trees were legally removed does *not* constitute a conversion. Thus, Cultivation Site 3 does *not* constitute an unauthorized timberland conversion.

### Cultivation Site 6

Cultivation Site 6 is a 0.07-acre area located in the northeastern portion of the property, approximately 500 feet southwest of the northeastern property corner (see Photo 9). As shown on the DOQ Map, this site was timbered in 1998. During authorized THP operations between 2005 and 2009, the site was cleared of trees and vegetation and graded for use as a landing. No slash or woody debris remains onsite.

The cultivation activities onsite consist of one greenhouse. This greenhouse occupies space and resources designated for timberland production and impedes the use of this space as a landing for timber harvesting. Though the trees were removed legally at the site, the landowner has effectively converted the single use of this space from timber production to agricultural cultivation. Thus, Cultivation Site 6 constitutes unauthorized timberland conversion.

### Cultivation Site 7

Cultivation Site 7 is a 0.20-acre area located in the central western portion of the property, adjacent to the western property boundary (see Photos 10 and 15). Historic aerials show the site adjacent to the historic road and mostly cleared of trees and vegetation in 1972, possibly a historic landing. The DOQ Map shows this site still partially cleared in 1998. This site was not included within the boundary of the 2004 THP. The feature was expanded and additional trees and vegetation were cleared between 2009 and 2010. A pile of small diameter tanoak and Douglas-fir remains in the northwestern side of the site.

The cultivation activities onsite consist of one storage shed (used for cultivation project materials storage), two greenhouses, and several above-ground potted cannabis plants scattered around the eastern and southern sides of the greenhouses. Sheds and greenhouses are generally considered more permanent cultivation structures. The shed and greenhouses occupy approximately 0.11 acres of the total 0.30-acre area. They occupy space and resources designated for timberland production and impede the use of this space as a landing for timber harvesting, effectively converting the single use of this specific space from timber production to agricultural cultivation.

The remaining 0.09 acres of the site are occupied by potted plants. Though the potted plants also physically occupy space and resources designated for timberland production, this less permanent form of cultivation activity does not



## **Project Summary cont'd**

### **Cultivation Site 7 cont'd**

necessarily impede the use of the space as a landing for timber harvesting. Thus, only 0.11 acres of Cultivation Site 7 (occupied by the shed and the greenhouses) constitutes unauthorized timberland conversion.

### **Shop/Storage Area**

The Shop/Storage Area consists of one large shop building and two, smaller storage sheds or tents, all used directly for cultivation project storage (see Photo 11). It totals approximately 0.06 acres and is located in the central northern portion of the property, approximately 500 feet south of the northern property boundary. As shown on the DOQ Map, this area was timbered in 1998. During authorized THP operations between 2005 and 2009, the site was cleared of trees and vegetation for use as a landing. No slash or woody debris remains onsite. These permanent structures occupy space and resources designated for timberland production and impede the use of this space as a landing for timber harvesting. Though the trees were removed legally at the site, the landowner has effectively converted the single use of this space from timber production to agricultural cultivation. Thus, the Shop/Storage Area constitutes unauthorized timberland conversion.

### **Water Storage Tank Area**

The Water Storage Tank Area consists of ten 2,500-gallon plastic water storage tanks, occupying 0.03-acre area located in the central northern portion of the property, approximately 400 feet south of the northern property boundary (Photo #). As shown on the DOQ Map, this area was timbered in 1998. During authorized THP operations between 2005 and 2009, the site was cleared of trees and vegetation and graded for use as a skid road. No slash or woody debris remains onsite. These generally permanent structures occupy space and resources designated for timberland production and impede the use of this space as a skid road for timber harvesting. Though the trees were removed legally at the site, the landowner has effectively converted the single use of this space from timber production to agricultural cultivation. In this way, the Water Storage Tank Area constitutes unauthorized timberland conversion.

### **Other Mapped Features**

The Overview Map shows locations of a house, a yurt, and a washroom/septic (see Photos 13 and 14). These features were also inspected and evaluated for cultivation-related use. The house, yurt, and washroom/septic are used for residential and recreational purposes only, not for cultivation activities; therefore, they fall outside the scope of this report.

Additionally, the Overview Map show locations of additional water tanks along the seasonal road (see Photos 13 and 14). These water tanks are indeed used for cultivation water storage. Though minor tree and vegetation clearing may have occurred to install these structures, the surrounding stand still meets the stocking standards of the Forest Practice Rules. Ultimately, these tanks do not impede the use of the land and the seasonal road for current or future timber growth and harvesting; therefore, they do *not* constitute timberland conversion.

### **Timberland Conversion Summary**

In total, TRC observed approximately 0.53 acres of unauthorized timberland conversion for cultivation-related purposes within APN 316-063-006. This total does not exceed the three-acre conversion exemption maximum.

## **Limitations and Considerations for Timberland Conversion Activities**

## 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 inspected sites exist within the Watercourse and Lake Protection Zones (WLPZ) or Equipment Exclusion Zones (EEZ) designated for the watercourses, springs, or wet areas. No conversion activities appear to have impacted water resources.

### Slash and Woody Debris Treatment

14CCR 1104.1(a)(2)(D)(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."

Not much slash or woody debris remains after the THP operations, but some slash still exists along the eastern and southern sides of Cultivation Site 5 and the northeastern side of Cultivation Site 7 (see Photos #). All slash and downed logs should be treated according to the FPRs (Recommendation #1). The landowner representative intends to cut most of the small diameter Douglas-fir slash for firewood.

### 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 August 10<sup>th</sup>, 2017 showed one (1) observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius area surrounding the cultivation sites and associated areas (see CNDDDB Tables). No evidence of this special plant species was observed during the TRC field assessment of the property.

The query of the CNDDDB also resulted in one (1) known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile radius area surrounding the cultivation sites and associated areas (see CNDDDB Tables). No distinct evidence of NSO individuals was observed during the TRC field assessment; however, adequate habitat exists on the property.

The conversion activities do not appear to have altered wildlife habitat for all other non-listed species. No evidence of felled snags was observed.

No major forest health issues were observed during the field assessment. Though the property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), no symptoms, signs, or evidence of oak mortality were detected (Oak Mortality Disease Control). According to UC Berkeley's Mobile SOD Map, three trues oaks and tanoaks were sampled in 2012 southeast of the property within a mile radius. All samples tested negative for the SOD pathogen. No risk assessment was made at the property. The conversion activities do not appear to have impacted forest health.

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

## Recommendations

In summary, a total of 1.33 acres of timberland conversion has occurred within APN 316-063-006. This total is well below the three-acre conversion exemption maximum. The conversion activities conducted on the property do *not* comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules. The RPF suggests the following recommendations or mitigation measures for the converted areas:

1. Treat all slash piles and log decks as soon as possible using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants  
165 South Fortuna Blvd, Suite 4  
Fortuna, CA 95540  
(707) 725-1897  
trc@timberlandresource.com

### Enclosures:

General Location Map  
Overview Map  
DOQ Map  
THP 1-04-077HUM Map (provided by CALFIRE)  
WRPP Map (prepared by TRC)  
Photos  
CNDDDB Tables  
References



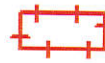
# Humboldt Healing Collective - Timberland Conversion Evaluation

## General Location Map

APN: 316-063-006

Revised: 09/08/17

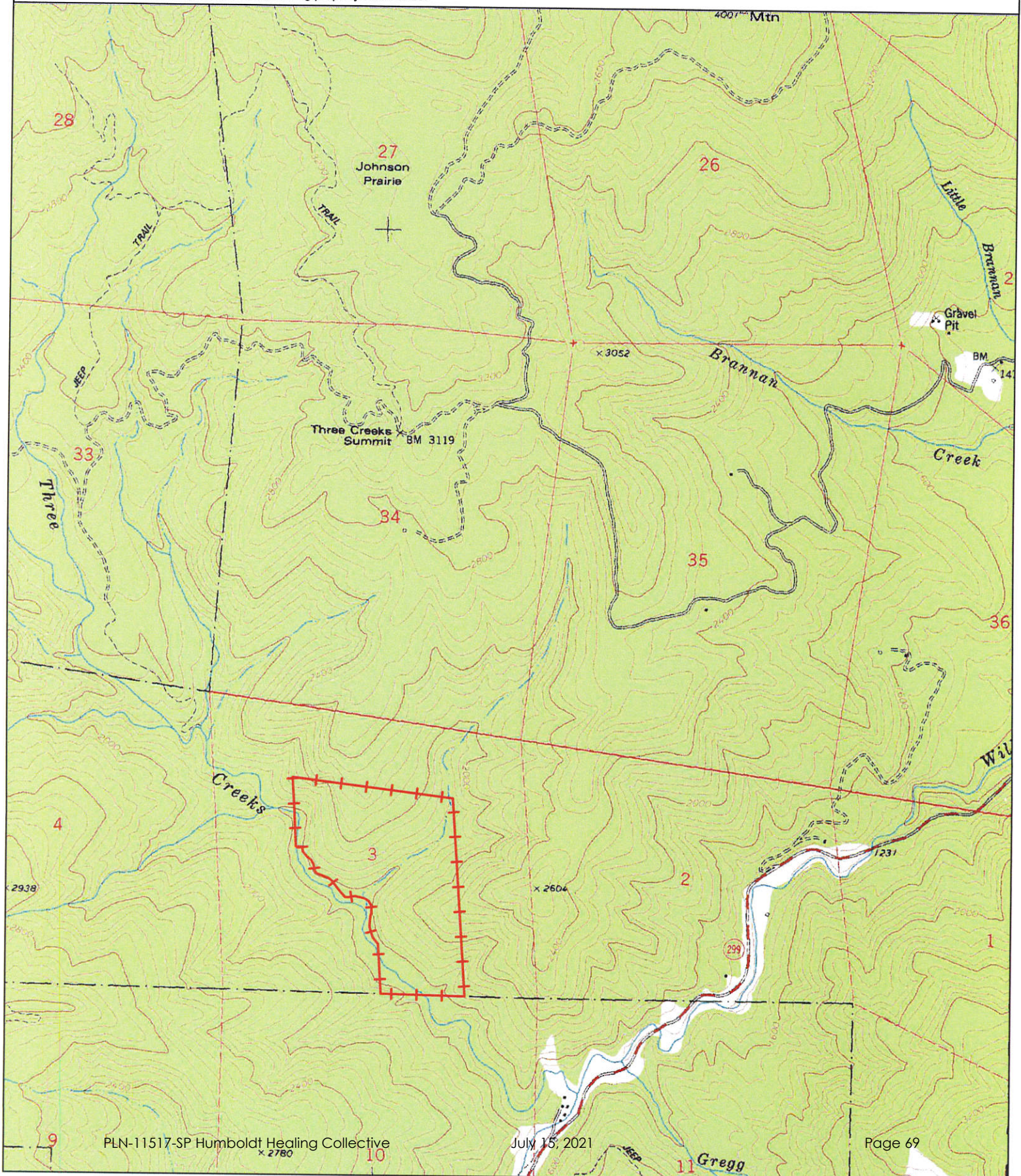
Section 3, T6N, R4E  
HB&M, Humboldt County  
USGS 7.5' Quad: Willow Creek SW  
Map Scale: 1" = 2,000'



Property Boundary\*



\*The property boundary depicted is adapted from the Humboldt County Assessor's Parcel Map (2016). This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for determining property boundaries.





# Humboldt Healing Collective - Timberland Conversion Evaluation Overview Map

APN: 316-063-006

Section 3, T6N, R4E;  
HB&M, Humboldt County  
USGS 7.5' Quad: Willow Creek SW  
Map Scale: 1" = 250'  
Contour Interval = 40'  
Revised: 09/08/17



## Property Features

-  Property Boundary\*
-  Cultivation Sites & Associated Areas
-  Inspected Area\*\*

## Roads

-  Seasonal
-  Quad Trail
-  Historic/Non-Accessible

## Watercourses

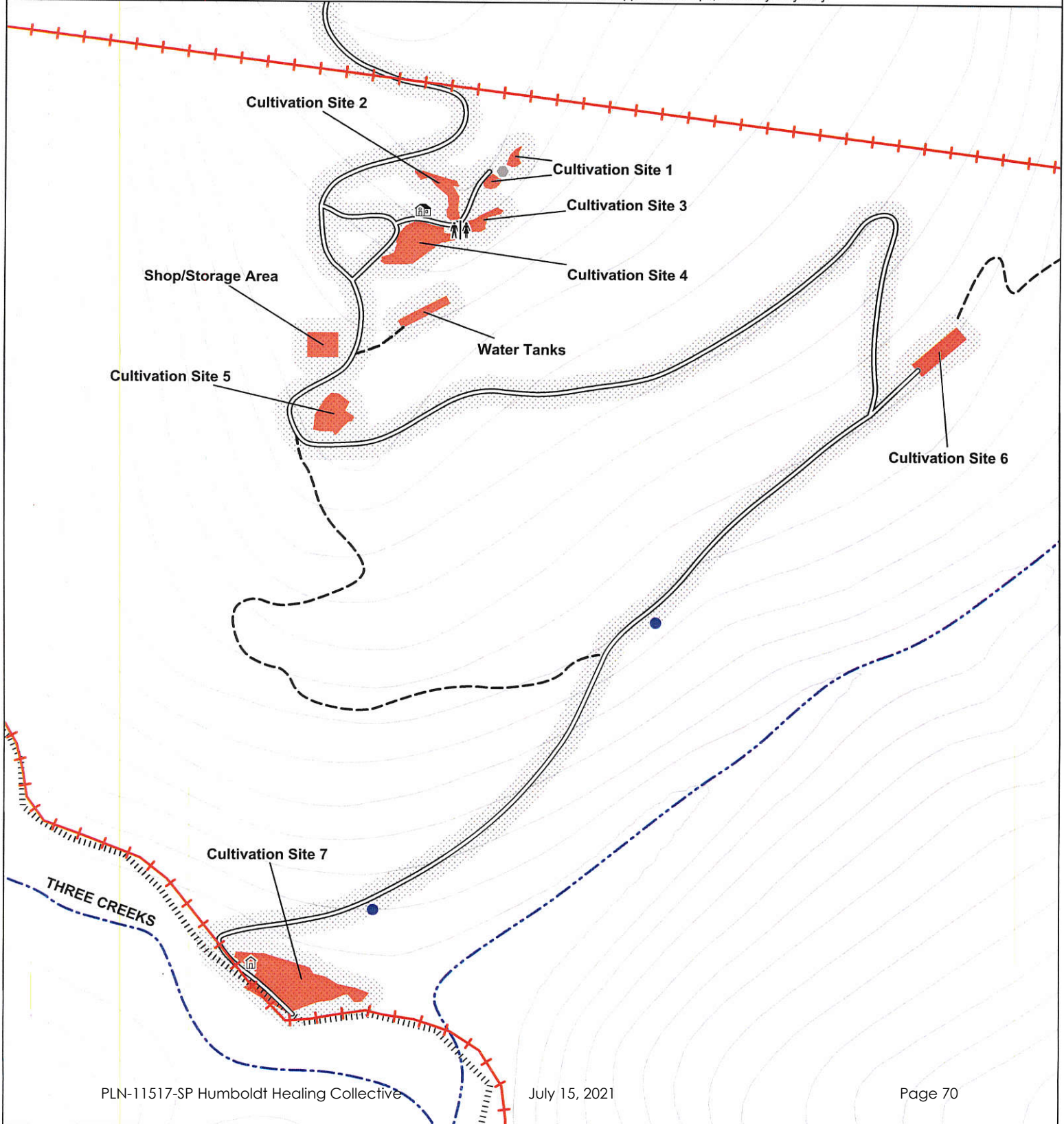
-  Class I
-  Class II

## Structures

-  House
-  Yurt
-  Shed
-  Washroom/Septic
-  Water Tank(s)



\*The property boundary depicted is adapted from the Humboldt County Assessor's Parcel Map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for determining property boundaries.  
\*\*The shaded area represents the extent of the inspected area. All watercourses and landscape features within the shaded area are mapped to the best of the RPF's ability. All features mapped outside of the inspected area are adapted from the Quadrangle and Humboldt County Cannabis Application Maps; accuracy may vary.





# Humboldt Healing Collective - Timberland Conversion Evaluation DOQ Map

APN: 316-063-006

Property Boundary\*



Cultivation Sites & Associated Areas

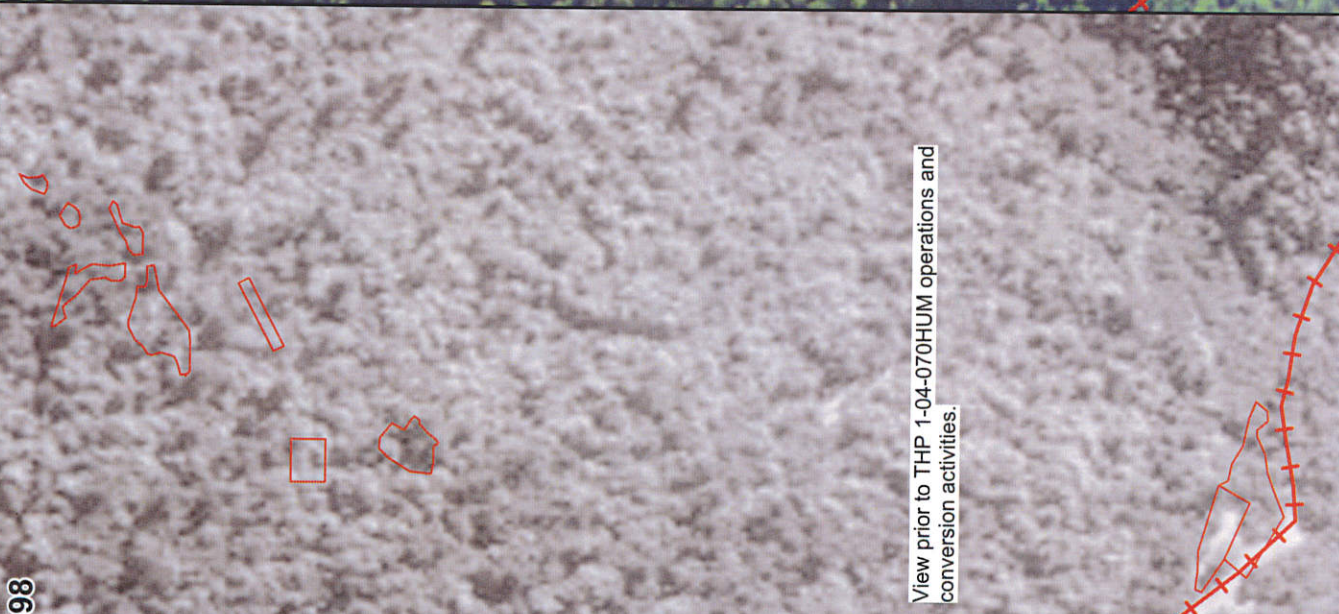


Section 3, T6N, R4E  
HB&M, Humboldt County  
Map Scale: 1" = 200'  
USGS 7.5' Quad: Willow Creek SW  
Revised: 09/20/17



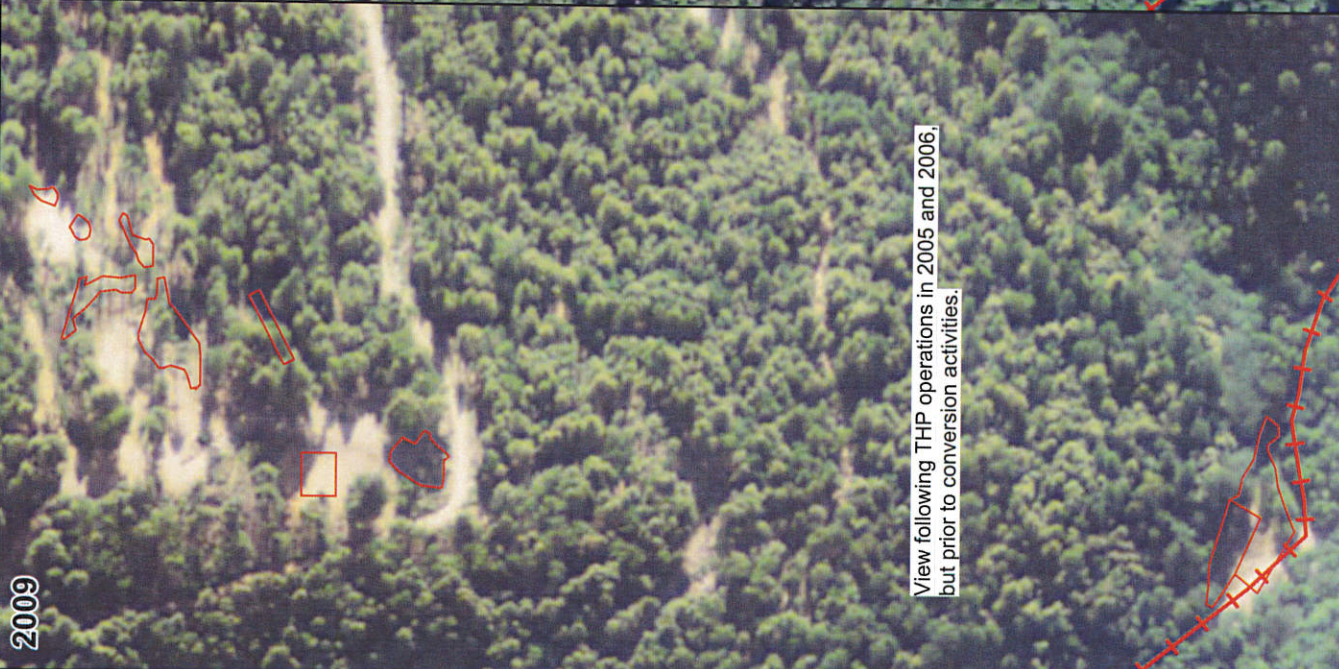
\*The property boundary depicted is adapted from the Humboldt County Assessor's Parcel Map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for the determination of property boundaries.

1998



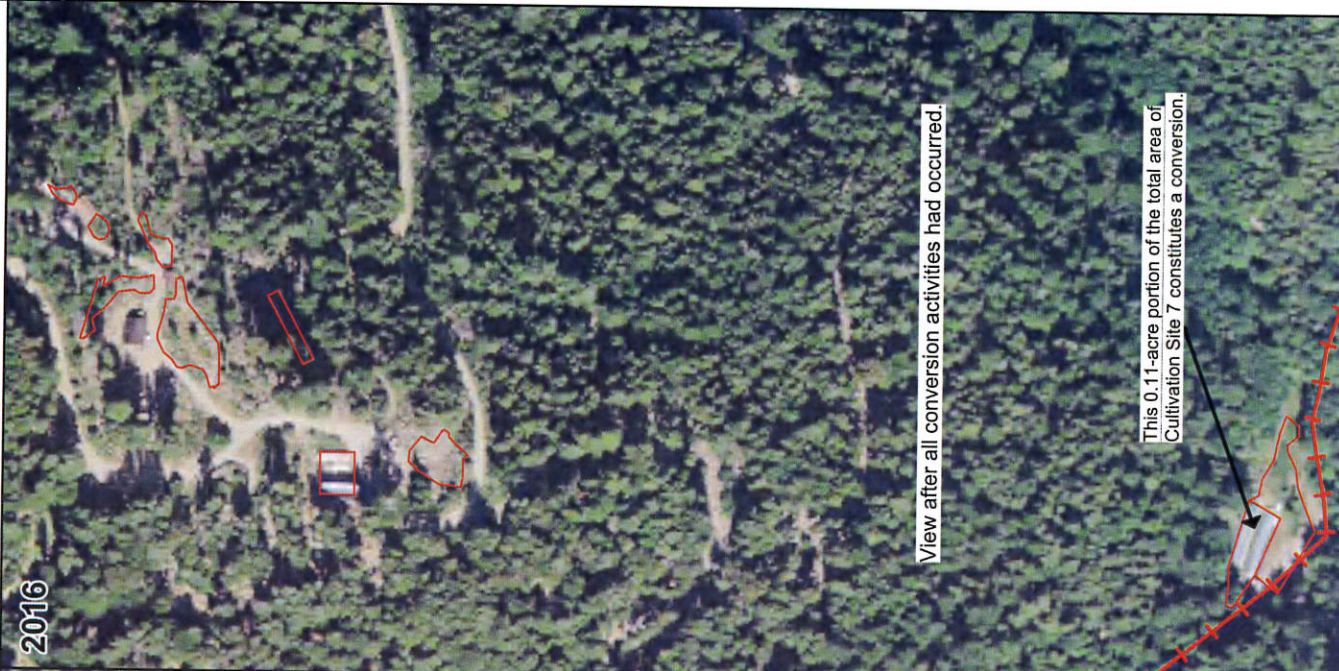
View prior to THP 1-04-070HUM operations and conversion activities.

2009



View following THP operations in 2005 and 2006, but prior to conversion activities.

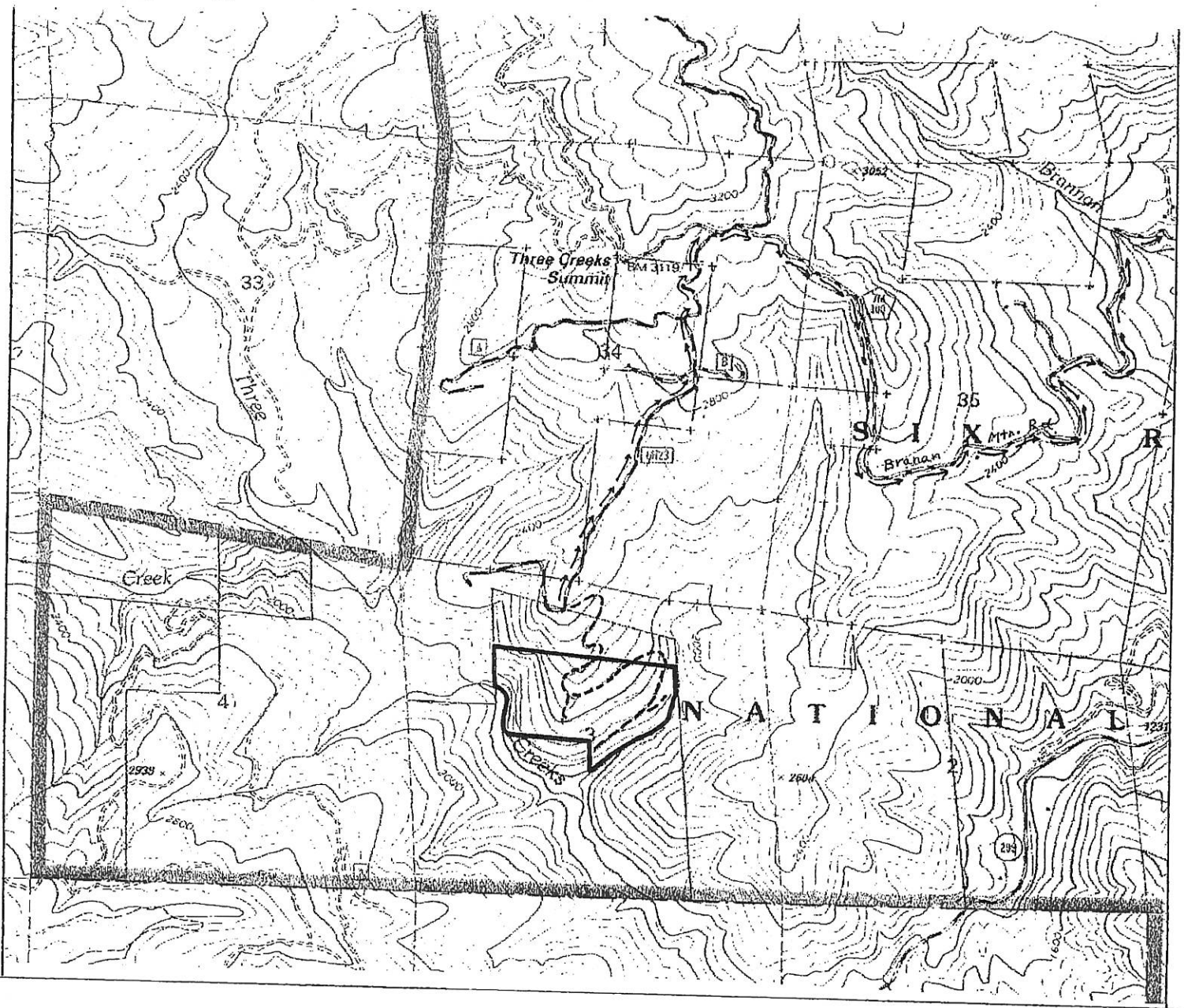
2016



View after all conversion activities had occurred.

This 0.11-acre portion of the total area of Cultivation Site 7 constitutes a conversion.





**TIMBER HARVESTING PLAN**  
**Appurtenant Road / Haul Route Map**  
 Three Creeks – Lima

**LEGEND**

- Proposed Harvest Area Boundary
- Permanent Road (Existing)
- - - Appurtenant Road
- ← ← ← Haul Route
- ~ Watercourse (Perennial)

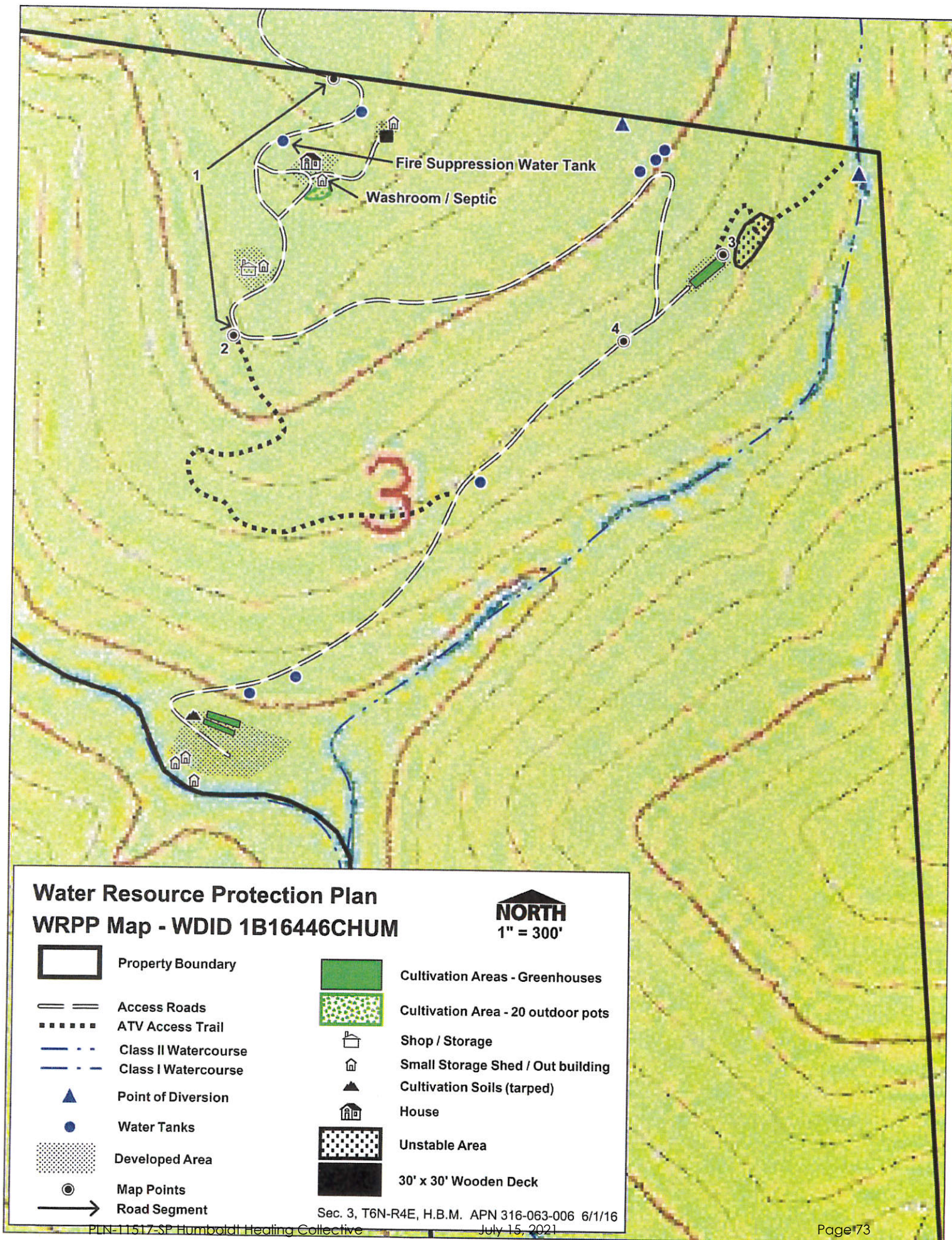
N

Scale: 1 Inch = 4,000 Feet

Date: April 7, 2004

Portion of Willow Creek USGS 7.5 Min. Quad. 1997







## Photos

The following photos were taken by Brita Rustad of Timberland Resource Consultants at APN 316-063-006 during the field inspection on August 10<sup>th</sup>, 2017.



**Photos 1 and 2:** Views of Cultivation Site 1; the left shows the cultivation activities north of the yurt (facing east); the right shows the cultivation activities south of the yurt (facing southeast). Notice the greenhouse in the center along the northern side of the site.



**Photos 3 and 4:** Views of Cultivation Site 2 facing northwest (left) and north (right).



**Photo 5:** View of Cultivation Site 3 facing east.





**Photos 6 and 7:** Views of Cultivation Site 4 facing northeast (left) and west (right)..



**Photo 8:** View of the Cultivation Site 5 facing south. The timber stand in the background, dominated by Douglas-fir with a minor component of hardwoods, is characteristic throughout the property.



**Photo 9:** View of Cultivation Site 6 facing northeast.





**Photo 10:** View of Cultivation Site 7 facing east.



**Photo 11:** View of the Shop/Storage Area facing northwest.

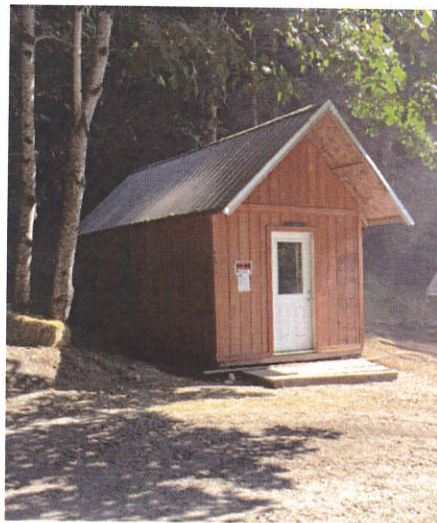


**Photo 12:** View of the Water Tanks facing northeast.





**Photos 13 and 14:** Views of the yurt (left) and the Washroom/Septic (middle). The house is not pictured.



**Photo 15:** View of the storage shed facing northeast at Cultivation Site 7.



**Photos 16 and 17:** Views of other scattered water storage tanks. Notice that these structures are surrounded by a well-stocked timber stand and do not obstruct the use of the seasonal road.





**Photos 18, 19, and 20:** Examples of slash piles and woody debris near the converted sites.

## CNDDDB Tables

### Plants: Sensitive, Rare, Threatened, or Endangered Species or Species of Special Concern

Species	Listing/Status	Year(s) of Observation	Description of Observation
California globe mallow <i>Iliamna latibracteata</i>	RplantRank: 1B.2	Unknown	Specimen observed near intersection of Three Creeks and Highway 299; exact location unknown.
<b>Relevance:</b> <ul style="list-style-type: none"> <li>Presumed extant within 1,985-acre polygon surrounding Highway 299, overlapping nearly 142 acres of the southern and eastern portions of the property.</li> <li>The property contains habitat for this species, though no individuals observed during the field assessment.</li> <li>This polygon also overlaps Cultivation Sites 5 and 6.</li> </ul>			

### Animals: Sensitive, Rare, Threatened, or Endangered Species or Species of Special Concern

Species	Listing/Status	Year(s) of Observation	Description of Observation
No species found within 0.7-mile buffer.			

### Northern Spotted Owl (NSO) Observations

NSO Activity Center	Year(s) of Establishment	Proximity to Project
HUM 55	1995	<ul style="list-style-type: none"> <li>30 feet north of northern property boundary; 330 feet east of the northwestern property corner.</li> </ul>



## References

- California Forest Practice Rules 2017*. Sacramento: CAL FIRE, 2017. Print.
- California Natural Diversity Database*. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDDB>. Accessed 10 August 2017.
- Forest Practice Watershed Mapper v2*. CAL FIRE. Web. [http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/). Accessed 10 August 2017.
- Historic Aerial*. Netronline. 2017. Web. <https://www.historicaerials.com/viewer>. Accessed 10 August 2017.
- Humboldt County Web GIS*. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed 10 August 2017.
- Oak Mortality Disease Control*. Plant Quarantine Manual 3700. California Department of Food and Agriculture. Web. <http://pi.cdfa.ca.gov/pqm/manual/pdf/455.pdf>. Accessed 10 August 2017.
- Parcel Quest*. Web. <https://pqweb.parcelquest.com/#home>. Accessed 10 August 2017.
- SODMAP Mobile*. UC Berkeley Forest Pathology and Mycology Lab. Mobile Phone Application. [www.sodmapmobile.org](http://www.sodmapmobile.org). Accessed 10 August 2017.
- THP 1-04-077HUM*. 2004. CAL FIRE Northern Region Headquarters, Santa Rosa, CA. Received via email on 8 August 2017.

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Comments	<b>Attached</b>
Division Environmental Health	✓	Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Comments	<b>Attached</b>
CAL FIRE	✓	Comments	<b>Attached</b>
California Department of Fish & Wildlife	✓	Comments	<b>Attached</b> – includes staff response to CDFW comments
Northwest Information Center	✓	Comments – Further Study	On file and confidential
Hoopa Valley Tribe	✓	Comments	On file and confidential
Tsnungwe Council	✓	Comments	On file and confidential
Six Rivers National Forest	✓	Denial	<b>Attached</b>
Klamath-Trinity Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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

ALF

5/1/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Klamath-Trinity Joint Unified School District, Humboldt County Sheriff

**Applicant Name** Humboldt Healing Collective **Key Parcel Number** 316-063-006-000

**Application (APPS#)** 11517 **Assigned Planner** Rodney Yandell (707) 268-3732 **Case Number(s)** SP16-243

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 5/16/2017**

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

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

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

☒ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: RELOCATE AG. EXEMPT WOOD FRAME STORAGE W/1 SMA + 2-TEMP (CARPORTS) SEE 3 OF 3. YURT/DOME W/DECK TO BE AOB ACCESSORY, NOT AG. EXEMPT.

DATE: 5/10/17

PRINT NAME: MARC PHIPPEN





**HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION**  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-1541

**RECEIVED**

5/1/2017

MAY 3 2017

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

HUMBOLDT CO. DIVISION  
OF ENVIRONMENTAL HEALTH

**Project Referred To The Following Agencies:**

16/17-1088

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Klamath-Trinity Joint Unified School District, Humboldt County Sheriff

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

**Return Response No Later Than 5/16/2017**

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

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

5/17/17 Emailed 15-day response to R. Yandell this date. Noted no DCH ✓ list - pls provide. CLOS

**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: 06/29/17

PRINT NAME: MARIO KALSON





ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

**COUNTY OF HUMBOLDT**

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

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

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

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

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer II

DATE: 05/16/2017

RE: **HUMBOLDT HEALING COLLECTIVE, APN 316-063-006, SP16-243**

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

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

**ROADS:** The subject property fronts, USFS 06N23, a publicly maintained road that is not maintained by the County.

The Department recommends that the project be referred to U.S. Forest Service for comment.

The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. The applicant shall submit a *Road Evaluation Report* pursuant to County Code Section 313-55.4.11(u)(viii) "*description of increased road use resulting from processing and a plan to minimize that impact*". The Department has developed the attached *Road Evaluation Report* forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the *Road Evaluation Report*.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access. Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

**The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.**

The subject property is located within the State Responsibility Area.

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

**DRIVEWAYS:** The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

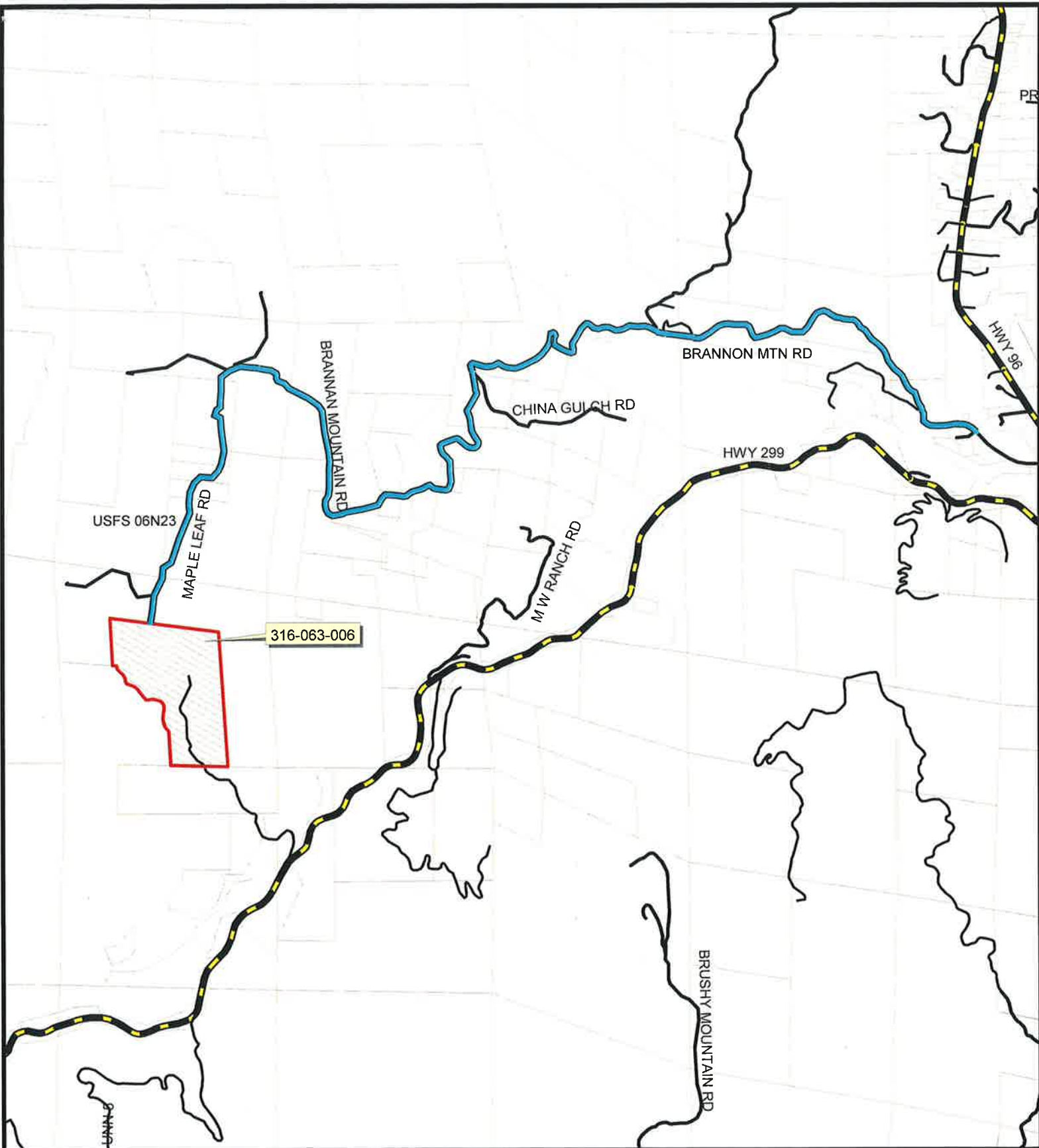
**AIRPORT:** The subject property is not located near a public airport.

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

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

// END //





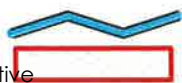
2000 0 2000 4000 Feet

RF -- 1:36000

**Map Disclaimer:**  
While every effort has been made to assure the accuracy of this information, it should be understood that the information is not a guarantee of accuracy and does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

# Humboldt County Department of Public Works - Land Use Division Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: SP16-243



Indicates the access road(s) that need to be evaluated  
Indicates the Project Area

July 15, 2021

Page 86



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491  
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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

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## ROAD EVALUATION REPORT INSTRUCTIONS

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**PURPOSE:** The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP) or Special Permit (SP). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

*(continued on next page)*

## REFERENCES:

- Humboldt County *Road Design Manual*, Chapter 7, Design Standards for Roadway Categories.
- American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*.
- American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (AKA "Green Book")
- Institute of Transportation Engineers (ITE) *Trip Generation*

**INSTRUCTIONS:** The *Road Evaluation Report* consists of two parts. The first part (Part A) may be completed by the applicant. If the second part (Part B) is needed, it must be completed by a Civil Engineer licensed by the State of California. The .pdf version of this document provides fields that can be filled in.

A separate *Road Evaluation Report* is required for each road. **Save Time: before completing these forms consult with the Land Use Division at 707.445.7205 to make sure you are evaluating all of the necessary roads for your project; that other cannabis projects in the vicinity have been included; and to make sure that you understand what is needed.**

Special instructions to the applicant's Civil Engineer in completing Part B:

- Engineer will need to contact the Department for a list of other cannabis projects that may be using all or some of the same roads in the roadway network.
- Engineer will need to determine which of these projects utilize the roads within the same roadway network by personally reviewing the cannabis project applications at the Planning & Building Department. Many of the cannabis project applications are incomplete; therefore the engineer may need to directly contact other applicants to determine how these other cannabis projects will utilize the roads in question.
- Engineer may propose a master plan in which any required roadway improvements are incrementally divided among several cannabis projects. However, the master plan must be designed so that improvements to the road(s) will be adequate when constructed incrementally.

// END //



**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT**

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

Applicant Name: \_\_\_\_\_ APN: \_\_\_\_\_

Planning & Building Department Case/File No.: \_\_\_\_\_

Road Name: \_\_\_\_\_ *(complete a separate form for each road)*

From Road (Cross street): \_\_\_\_\_

To Road (Cross street): \_\_\_\_\_

Length of road segment: \_\_\_\_\_ 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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
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.**



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
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FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

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

LAND USE 445-7205



**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer II *KMF*

DATE: 07/10/2017

RE: **HUMBOLDT HEALING COLLECTIVE, APN 316-063-006, SP16-243, APPS# 11517**

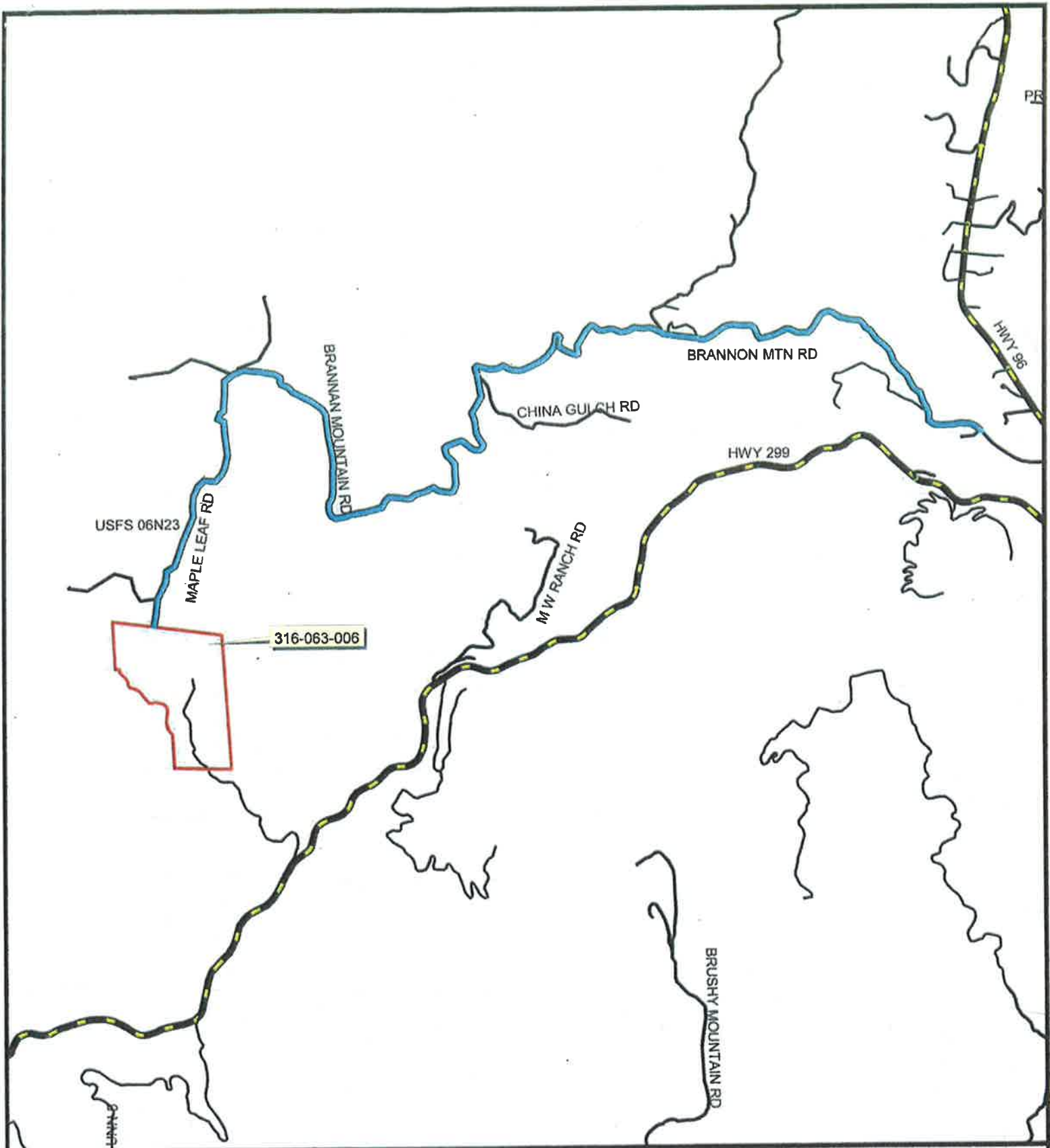
The Department of Public Works has received a portion of the road evaluation report for the above project. The results of the road evaluation report are as follows:

Road Name & Limits	Maintained By:	Investigated By & Report Date:	Public Works Comments and Recommendations
Brannon Mountain Road	<input checked="" type="checkbox"/> County <input type="checkbox"/> Other		The Department has <u>not</u> received the requested evaluation for this road as of this date. See note 1.
Maple Leaf Road	<input type="checkbox"/> County <input type="checkbox"/> Other	Applicant (5/30/2017)	The road is adequate as is; the road is equivalent to category 4 road standards
USFS 06N23	<input type="checkbox"/> County <input type="checkbox"/> Other	Applicant (5/30/2017)	The road is adequate as is; the road is equivalent to category 4 road standards

Notes:

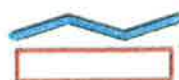
1. The Department recommends that the applicant evaluate the roads shown on the Departments diagram, provided with the Departments comments of 05/16/2017 to the Planning & Building Department, before the project is considered for approval by the Planning Commission.
2. There may be other projects that have been conditioned to evaluate and/or improve the road(s). Prior to constructing any improvements or implementing any neighborhood traffic management plan, the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

// END //

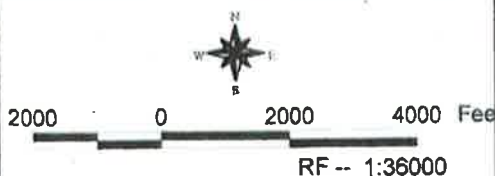


Humboldt County Department of Public Works - Land Use Division  
Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: SP16-243



Indicates the access road(s) that need to be evaluated  
Indicates the Project Area



Map Disclaimer:  
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference of error occur, the law will take precedence.  
PLN-1517-SF Humboldt Hedding Collective

Printed 16:57 Tue May 16 2017 by PS/RK372  
July 16, 2021



**Quenell, Karen**

---

**From:** Poli, Chris@CALFIRE <chris.poli@fire.ca.gov>  
**Sent:** Thursday, October 05, 2017 11:55 AM  
**To:** Quenell, Karen; Schaeffer, Mara; Chris Carroll  
**Subject:** Re: Timber Conversion Report for Application 11517.  
**Attachments:** SP-16-243 Humboldt Healing Collective 11517 Timber Conversion Report.pdf;  
1-17NON-042\_01\_NOV.pdf



After review of the attached timberland conversion report from Chris Carroll, as well as review of aerial imagery of the subject parcel, CAL FIRE has determined that enough information is available to conclude that minor timberland conversions took place and a site inspection is not necessary. The mitigations proposed by the RPF appear to be sufficient. I am issuing a Notice of Violation to the landowner for illegal conversion of timberland which includes PRC 4621 (a) - Application for a Timberland Conversion, PRC 4571 (a) - Necessity of a Timber Operator License, and PRC 4581 - Necessity of a Timber Harvest Plan. These violations are described in detail in the attached Notice of Violation report. No further action by the department is anticipated at this time. Please let me know if you have any questions.

**Chris Poli**  
**Forester I - RPF #2930**

**CAL FIRE**

Trinidad Resource Management  
Humboldt-Del Norte Unit  
P.O. Box 749  
Trinidad, CA 95570  
**Office** (707) 677-0761  
**Cell** (707) 599-0609

Every Californian should conserve water. Find out how at:  
[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)

---

**From:** Forsberg, William@CALFIRE  
**Sent:** Monday, October 2, 2017 1:40:04 PM  
**To:** Poli, Chris@CALFIRE  
**Subject:** FW: Cannabis Report

Chris,  
Please see attached. I was off the day this was received from the county and believe this was not forwarded onto you by anyone else. If that is the case, please provide response within ten working days of the e-mail date of 9/25/17.  
Thank you for your help,  
Bill

---

**From:** Quenell, Karen [mailto:KQuenell@co.humboldt.ca.us]  
**Sent:** Monday, September 25, 2017 1:04 PM  
**To:** McCray, Kurt@CALFIRE <Kurt.McCray@fire.ca.gov>; Forsberg, William@CALFIRE <William.Forsberg@fire.ca.gov>; Schaeffer, Mara <Mara.Schaeffer@fire.ca.gov>

**Cc:** Adler, Elanah <EAdler@co.humboldt.ca.us>

**Subject:**

Please find the attached Timber Conversion Report for Application 11517.

Thank you,

*Karen Quenell  
Planning Technician  
Planning and Building Department  
County of Humboldt*

**From:** Salazar, Kim@CALFIRE [<mailto:Kim.Salazar@fire.ca.gov>]  
**Sent:** Tuesday, May 02, 2017 3:09 PM  
**To:** Moxon, Delilah  
**Subject:** CANNABIS, APN #316-063-006-000

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

## 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: May 2, 2017

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

**Attention:** Rodney Yandell  
**Applicant:** Humboldt Healing Collective  
**APN:** 316-063-006-000  
**Area:** Willow Creek  
**Case Numbers:** SP16-243

**Humboldt County Application #:** 11517  
**Type of Application:** Special Permit  
**Date Received:** 5/2/2017  
**Due Date:** 5/16/2017

**Project Description:** Pursuant to the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Section 314-55.4.1 et seq., a Special Permit for 9,976 square feet of existing outdoor cannabis cultivation is requested. After harvesting, the cannabis is taken into the AG Exempt clearspan structure where it is dried, cured and stored. The cannabis is then trimmed on-site by the immediate family from Humboldt Healing Collective and no employees are engaged in the processing activities. The applicant is proposing to utilize a licensed processing facility starting in 2017, if available. The water sources used for irrigation consists of two (2) existing points of diversion and a rain catchment system on the property. Roughly half the water is sourced from the diversions and the other half is sourced from rain catchment. The farm is on a waiting list with Fisch Drilling, to see if a well is a viable option for the future. The applicant has 63,400 gallons of water storage in several existing hard tanks on the property. The applicant will forbear from withdrawal of water from the points of diversion between May 15th and October 31st. The applicant has filed an Initial Statement of Water Diversion and Use with the Division of Water Rights. The applicant has submitted an Enrollment Notice of Intent Form for the Commercial Cannabis Waste Discharge Regulatory Program (CCWDRP) administered by the North Coast Regional Water Quality Control Board (RWQCB). The applicant has also secured a Notification of Lake or Streambed Alteration (1600 Permit) with the Department of Fish and Wildlife (1600-2015-0524-R1).

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

**FIRE SAFE**



**General:**

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

**Local Responsibility Areas:**

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

**State Responsibility Areas:**

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for

high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

## **RESOURCE MANAGEMENT**

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

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

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

## **Cannabis**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils  
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

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





## California Department of Fish and Wildlife CEQA Referral Checklist

Applicant: Humboldt Healing Collective			
Co APPS: 11517	APN: 316-063-006	CDFW CEQA: 2017-0127	<input type="checkbox"/> ZCC <input checked="" type="checkbox"/> SP <input type="checkbox"/> CUP
<input type="checkbox"/> New Size (SF):	<input checked="" type="checkbox"/> Existing Size (SF): 10,000	<input type="checkbox"/> Mixed-light <input checked="" type="checkbox"/> Outdoor <input type="checkbox"/> Indoor <input type="checkbox"/> RRR	

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

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

### Please provide and/or note the following information:

- ☐ Recommend Approval. The Department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.
- ☒ A Final Lake or Streambed Alteration Agreement (LSA#: 1600- 2015-0524-R1) was issued to the applicant.
- ☒ Identify all energy sources for project.
  - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment.
  - b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro hydropower systems located on the parcel.
- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW recommends protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
- ☒ It appears that there may be greenhouses on parcel that utilize artificial light during a portion of the cultivation season. CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from Class I and Class II waters of the State (measured horizontally from the outer edge of the riparian).
- ☒ If the project is within one mile of a mapped polygon for a California Rare Plant Ranked - species, include protocol level surveys for that species by a qualified botanist. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>

- ☒ If fertilizers and pesticides are used, describe methods to prevent runoff/infiltration to nearby water features.
- ☒ Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.
- ☒ All or part of the Project may be located within the County Streamside Management Area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development.
- ☒ Aerial imagery suggests that the cultivation area expanded by approximately 3,000SF following the December 31, 2015 CMMLUO deadline. CDFW requests that the applicant provide proof of existing cannabis on the parcel or that the County reevaluate this parcel for CMMLUO compliance.
- ☒ Leave Wildlife Unharmd. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ CDFW is not clear on how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, as a condition of project approval, that the applicant provide further detail on the methods used to estimate water usage and if necessary, acquire more water storage to meet cultivation needs.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), California Globe Mallow (*Iliamna latibracteata*), Wayside Aster (*Eucephalus vialis*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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

**From:** [Meghan Ryan](#)  
**To:** [Bauer.Scott@Wildlife](mailto:Bauer.Scott@Wildlife)  
**Cc:** [Johnson.Cliff](#); [Megan Marruffo](#)  
**Subject:** APPS #11517 - Humboldt Healing Collective - APN: 316-063-006: PROJECTED HEARING DATE: JULY 15, 2021  
**Date:** Monday, June 28, 2021 2:58:00 PM  
**Attachments:** [11517\\_ref\\_CDFW.pdf](#)  
[11517 WRPP - 7.14.2017.pdf](#)

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Good afternoon, Scott – I hope you're doing well! Please see responses below to CDFW comments for the Humboldt Healing Collective Project:

1. Power is provided by solar panels, within a generator utilized only as back-up.
2. The project will be conditioned to require noise and light attenuation measures.
3. The project is for outdoor cultivation only. No mixed-light cultivation is prohibited by this permit.
4. No new ground disturbance is proposed.
5. The applicant is required to adhere to State Water Board standards for pesticides and fertilizers, if used.
6. A COA is included to prohibit the use of monofilament netting.
7. Please see WRPP attached.
8. The Humboldt County WebGIS shows that the entire southern cultivation area is within the SMA. However, according to the WRPP, there are sheds within the Streamside Management Area. The WRPP recommendations monitoring if there is any run-off and removal of sheds outside of the SMA. Conditions of approval require the applicant to adhere to the recommendations in the WRPP. According to the site plan, prepared by a qualified professional, the sheds were removed in 2017 and the remaining development is outside the SMA.
9. Water for irrigation is sourced from an onsite spring and rainwater catchment. Existing available water storage is 81,650 gallons in a series of hard-sided tanks, with one (1) 2,500-gallon tank dedicated to fire suppression and one (1) 175-gallon tank dedicated for domestic use to serve the existing cabin and bath house. Estimated annual water usage is 80,000 gallons. Irrigation is performed using drip irrigation to minimize over watering and reduce the risk of irrigation runoff. Growing soil is top-dressed with straw or well-aged compost in order to improve water retention and prevent evaporation from garden beds.

Please let me know if you have any further comments or questions regarding this project.

Best,  
Meghan



Meghan Ryan  
Planning Director  
LACO Associates  
Eureka | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
707 443-5054  
<http://www.lacoassociates.com>

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**From:** [Bocast, Kalyn@Wildlife](mailto:Bocast.Kalyn@Wildlife)  
**To:** [Nielsen, Michelle](mailto:Nielsen.Michelle)  
**Cc:** [Planning Clerk](#); [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)  
**Subject:** Humboldt Healing Collective Special Permit Application, APPS-11517, CEQA-2017-0127  
**Date:** Tuesday, January 16, 2018 9:57:40 AM  
**Attachments:** [CEQA Referral APPS-11517 CEQA-2017-0127.pdf](#)

---

To Whom It May Concern,

Please see the attached comments regarding the subject application.

Thank you for the opportunity to comment on this project.

Sincerely,

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



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

7/30/2019

**Project Referred To The Following Agencies:**

Environmental Health, Building Inspections, Cal Fish & Wildlife, Supervising Planner, County Counsel, Tsnungwe Council, RWQCB, District Attorney, AG Commissioner, Division of Water Resources, School District: Klamath-Trinity Joint Unified, Sheriff, PW Land Use, CalFire, NWIC, Hoopa Valley Tribe, US Forest Service: Six Rivers National Forest

**Applicant Name** Humboldt Healing Collective **Key Parcel Number** 316-063-006-000

**Application (APPS#)** PLN-11517-SP **Assigned Planner** Misael Ramos

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

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

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

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

**Return Response No Later Than: 8/14/2019**

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

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

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

**Other Comments:**

Per the application access to the property is over USFS Road 6N23 which ~~come~~ crosses Forest Service lands just north of the applicants property. Transporting Cannabis and supplies supporting

**DATE:** 9/20/2019 **PRINT NAME:** George Frey

cannabis grows is illegal across National Forest lands. The Forest Service therefore recommends denial of this application. Besides the proposed use of F.S. Rd. 6N23 an additional permit from the F.S. would be required to go from the north line of the property to get to 6N23. This



Access permit will not be approve for a cannabis operation.  
See envelope letter on policy concerning use of F.S. Roads  
for transport of cannabis and its associated supplies.

George Frey  
George Frey  
Lands & Minerals Officer



United States  
Department of  
Agriculture

Forest  
Service

Pacific Southwest Region  
Six Rivers National Forest

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

File Code: 1500  
Date: August 29, 2018

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

Dear Ms. Nelson:

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

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

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

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

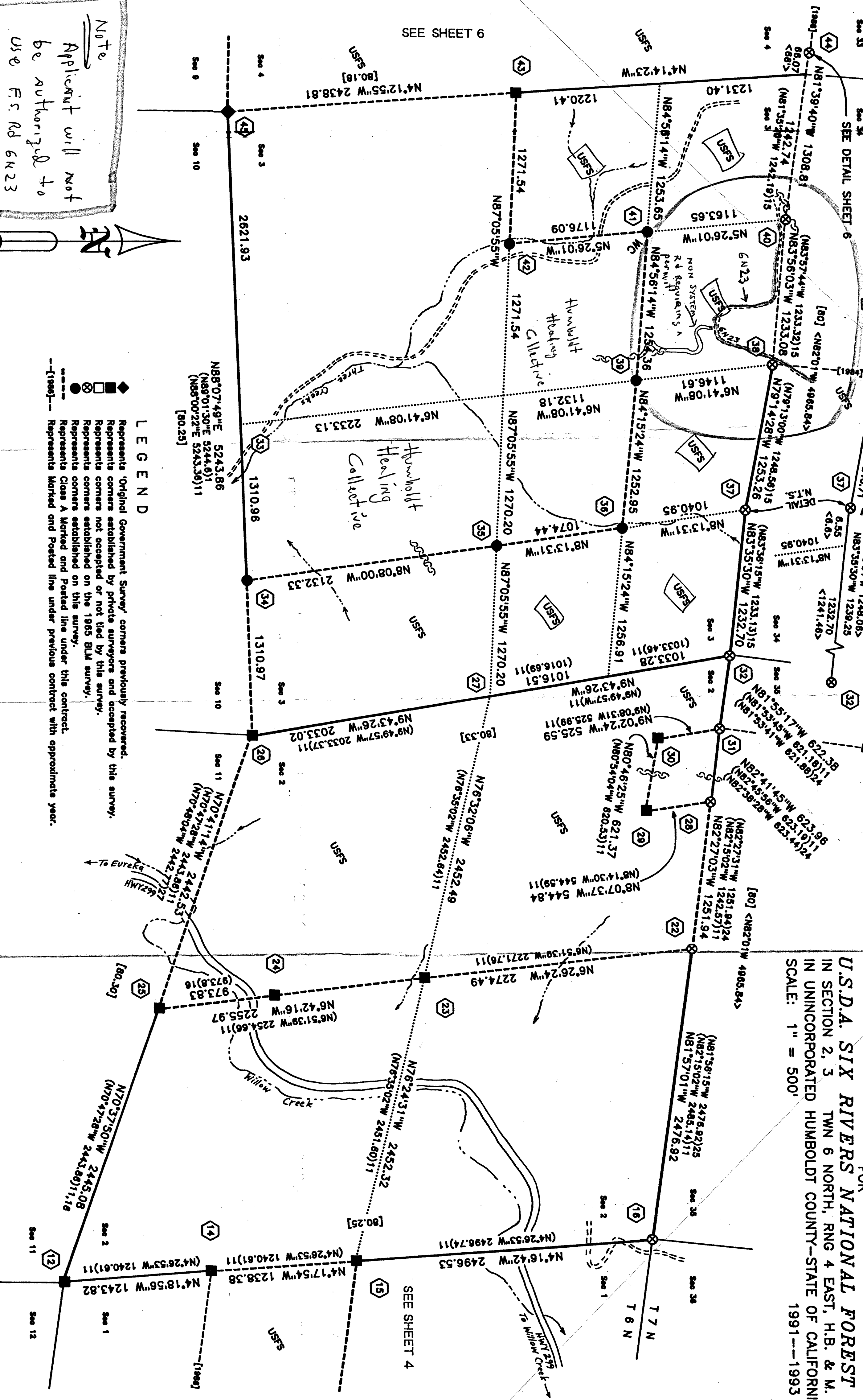
Sincerely,

MICHAEL A. GREEN  
Acting Forest Supervisor



RECORD OF SURVEY

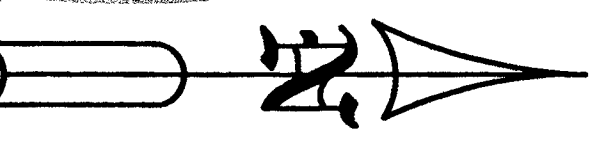
FOR  
U.S.D.A. SIX RIVERS NATIONAL FOREST  
IN SECTION 2, 3, TWN 6 NORTH, RNG 4 EAST, H.B. & M.  
IN UNINCORPORATED HUMBOLDT COUNTY--STATE OF CALIFORNIA  
SCALE: 1" = 500'  
1991--1993



LEGEND

- Represents 'Original Government Survey' corners previously recovered.
- Represents corners established by private surveyors and accepted by this survey.
- Represents corners not accepted or not tied by this survey.
- Represents corners established on the 1965 BLM survey.
- Represents corners established on this survey.
- Represents Class A Marked and Posted line under previous contract with approximate year.

---[1965]---



Note

Applicant will not be authorized to use F.S. Rd 6N23 or the NON System Rd connecting to Applicant, Property

Bearings are TRUE based on Solar Observations.