



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: July 15, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **William Rolff, Special Permit**
Record Number: PLN-12561-SP
Assessor's Parcel Number (APN): 221-202-015
Ettersburg area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at astrickland@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 Permit	Abbie Strickland

Project Description: The applicant is seeking a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project will be supported by a proposed 1,920 square-foot propagation greenhouse. Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001) for which the applicant maintains a water right. The applicant is also seeking a Special Permit for the ongoing use and maintenance of the registered spring diversion. Projected annual water usage totals 151,348 gallons. Water is stored in 20 hard-sided tanks totaling 100,000 gallons and 100,000 gallons of additional water storage is proposed. All processing will occur onsite in a proposed ag-exempt structure until such time a commercial processing facility can be completed. Electricity for the project is supplied by P.G.E and a generator is onsite to provide supplemental energy, if needed. Four family members will be onsite to assist with operations.

Project Location: The project is located in Humboldt County, in the Ettersburg area, on the North side of Ettersburg-Honeydew Road, approximately .8 miles Southeast from the intersection of Dutyville Road and Ettersburg-Honeydew Road, on the property known as 4791 Ettersburg-Honeydew Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), 2017 General Plan, Density:5-16 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Unclassified (U)

Record Number: PLN-12561-SP

Assessor's Parcel Number: 221-202-015

Applicant

William Rolff
P.O. Box 2093
Redway, CA 95560

Owner

William and Rhonda Rolff
P.O. Box 2093
Redway, CA 95560

Agents

Timberland Resource Consultants
David Spinosa
517 3rd Street, Suite 30

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

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

Major Issues: None.

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the existing William Rolff project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project will be supported by a proposed 1,920 square-foot propagation greenhouse, which will also support the applicants other permitted operations. Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001) for which the applicant maintains a water right. The applicant is also seeking a Special Permit for the ongoing use and maintenance of the registered spring diversion. Projected annual water usage totals 151,348 gallons. Water is stored in 20 hard-sided tanks totaling 100,000 gallons and 100,000 gallons of additional water storage is proposed. All processing will occur onsite in a proposed ag-exempt structure until such time a commercial processing building can be completed. Electricity for the project is supplied by P.G.E and a generator is onsite to provide supplemental energy, if needed. Four family members will be onsite to assist with operations.

Water Resources

The estimated annual water usage for the project is 151,348 gallons (15.3 gal/SF). Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001) for which the applicant maintains a water right. Existing available water storage totals 100,000 gallons in hard sided tanks. An additional 100,000 gallons of water storage is proposed. The applicant will forebear from the use of the spring diversion from April 1st to October 31st of each year. The applicant will be required to install a water meter at the point of withdrawal from the spring and maintain a record of weekly water usage to ensure the spring is producing adequate water supply for the project needs.

The project was referred to the Division of Environmental Health (DEH) and received a response that the project be approved with the added condition that the applicant install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project. Until such time that the wastewater treatment system is installed the applicant will provide receipt of portable toilets to be made available during their annual inspection.

Biological Resources

The subject parcel contains two Class II watercourses and three Class III ephemeral watercourses. A review of the California Natural Diversity Database (CNDDB) found that the Southern torrent salamander has been mapped near the subject parcel and that the subject parcel may contain habitat suitable for the species. The existing cultivation activities are not anticipated to impact the species as all cultivation related infrastructure adheres to the Streamside Management Area setback requirements.

Tribal Cultural Coordination

The applicant has submitted a *Cultural Resource Investigation* prepared by Archaeological Research and Supply Co. dated April 2019. A comprehensive field survey was conducted, and no tribal cultural resources were identified in the assessment area. The project is not anticipated to impact any tribal cultural resources; however, a condition of approval will require the applicant to adhere to the inadvertent discovery protocol. The Cultural Resource Investigation was sent to, and approved by, the Bear River Band of Rohnerville Rancheria.

Access

Access to the site is via a driveway off Ettersburg-Honeydew Road. Ettersburg-Honeydew Road is a county-maintained roadway which is developed to the equivalent of a Category 4 road standard. The project was referred to the Department of Public Works Land Use Division who recommended the project be approved with the following conditions: (1) if applicable, all fences and gates shall be relocated out of the county right of way; (2) the applicant shall pave the location where the private driveway meets the county-maintained road, if the county maintained road is paved; and (3) the applicant shall maintain visibility at the intersection of the private driveway and Ettersburg-Honeydew road in accordance with HCC Section 341-1 Sight Visibility Ordinance.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number: PLN-12561-SP
Assessor's Parcel Number: 221-202-015**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the William Rolff, Special Permit request.

WHEREAS, William Rolff, submitted an application and evidence in support of approving a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project will be supported by a proposed 1,920 square-foot propagation greenhouse. Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001) for which the applicant maintains a water right. The applicant is also seeking a Special Permit for the ongoing use and maintenance of the registered spring diversion. Projected annual water usage totals 151,348 gallons. Water is stored in 20 hard-sided tanks totaling 100,000 gallons and 100,000 gallons of additional water storage is proposed. All processing will occur onsite in a proposed ag-exempt structure until such time a commercial processing facility can be completed. Electricity for the project is supplied by P.G.E and a generator is onsite to provide supplemental energy, if needed. Four family members will be onsite to assist with operations.

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:** A Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project will be supported by a proposed 1,920 square-foot propagation greenhouse. Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001) for which the applicant maintains a water right. The applicant is also seeking a Special Permit for the ongoing use and maintenance of the registered spring diversion. Projected annual water usage totals 151,348 gallons. Water is stored in 20 hard-sided tanks totaling 100,000 gallons and 100,000 gallons of additional water storage is proposed. All processing will occur onsite in a proposed ag-exempt structure until such time a commercial processing building can be completed. Electricity for the project is supplied by P.G.E and a generator is onsite to provide supplemental energy, if needed. Four family members will be onsite to assist with operations.

EVIDENCE: a) Project File: PLN-12561-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to 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 Resource Protection Plan* (WRPP) was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) The continued cultivation of 10,000 square feet of outdoor commercial cannabis cultivation is not anticipated to impact any special status species or sensitive natural community. A review of the Humboldt County Web GIS found that the project site may contain habitat for the Southern torrent salamander. All cultivation activities adhere to the Streamside Management Area setbacks, therefore, the project is not anticipated to impact this species.
- e) The applicant has submitted a *Cultural Resource Investigation* prepared by Archaeological Research and Supply Co. dated April 2019. A comprehensive field survey was conducted, and no tribal cultural resources were identified in the assessment area. The project is not anticipated to impact any tribal cultural resources; however, a condition of approval will require the applicant to adhere to the inadvertent discovery protocol. The Cultural Resource Investigation was sent to, and approved by, the Bear River Band of Rohnerville Rancheria.
- f) The access roads meet the functional capacity required for the project needs. Provisions have been made within the applicants *Water Resource Protection Plan* to prevent erosion and sediment discharge to surface waters.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

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

4. FINDING

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

EVIDENCE

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

- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows between 5,000 SF and 10,000 SF of existing cannabis cultivation on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations as it was created in its current configuration per the Lot Line Adjustment recorded in 1980.
- c) Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001) for which the applicant maintains a water right.
- d) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in the applicant's garage.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.

6. FINDING

The continued cultivation of 10,000 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) 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. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes.
- b) 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, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.
- c) Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001). The applicant maintains a water right and is seeking a Special Permit for the ongoing use and maintenance of the diversion.
- d) Provisions have been made in the applicant's *Water Resource Protection Plan* to minimize discharge of sediment off-site, improve the private access

road, and remediate other historic cultivation areas and waste.

7. FINDING

The existing 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:

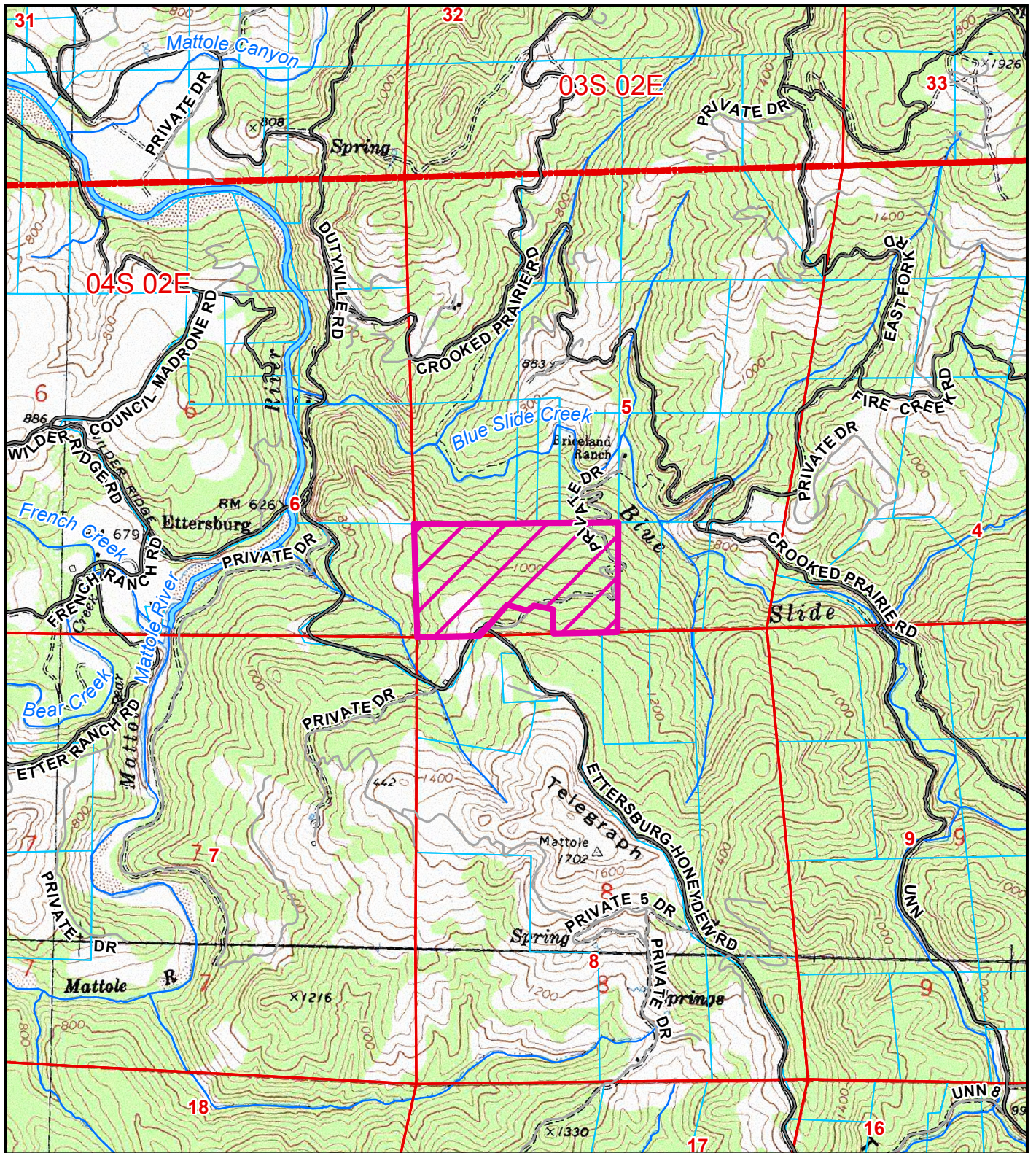
- Adopt the findings set forth in this resolution; and
- Conditionally approves the William Rolff project based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on July 15, 2021

DECISION:

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

John Ford, Zoning Administrator,
Planning and Building Department



TOPO MAP
PROPOSED FEM-O-RAL FARMS LLC
ETTERSBURG AREA
ZCC-16-495
APN: 221-202-015-000
T04S R02E S5 HB&M (ETTERSBURG)

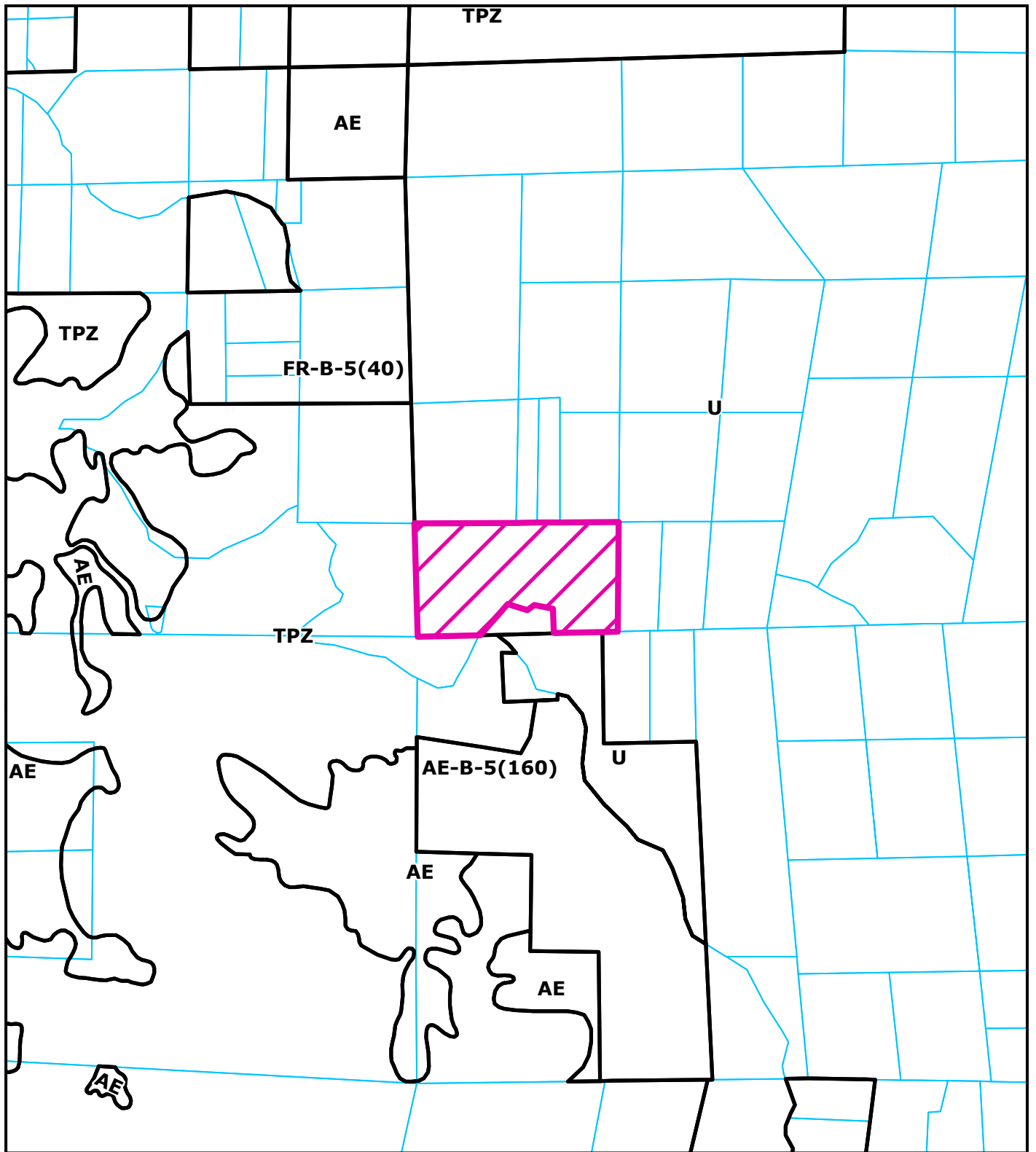
Project Area =



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

0 1,000 2,000 4,000 Feet





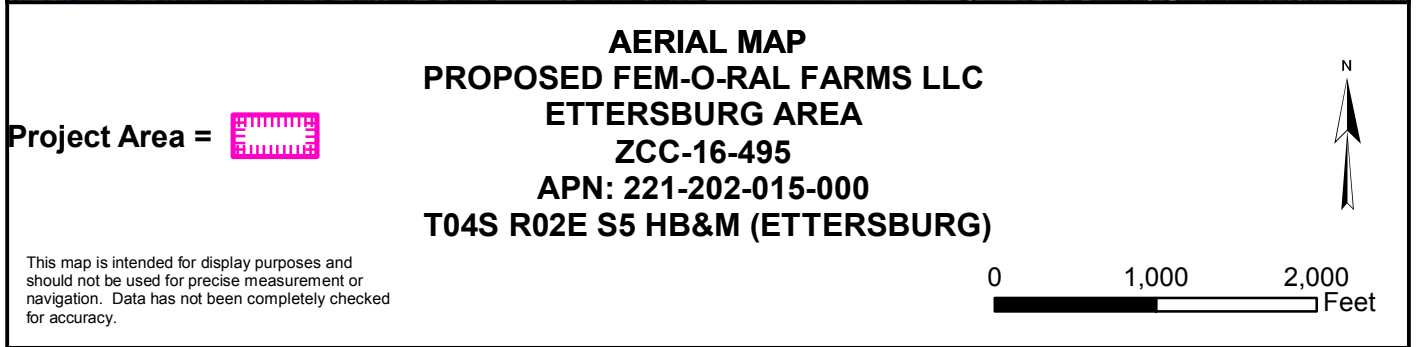
Project Area = 

ZONING MAP
PROPOSED FEM-O-RAL FARMS LLC
ETTERSBURG AREA
ZCC-16-495
APN: 221-202-015-000
T04S R02E S5 HB&M (ETTERSBURG)

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

0 1,000 2,000 4,000 Feet





AERIAL MAP
PROPOSED FEM-O-RAL FARMS LLC
ETTERSBURG AREA
ZCC-16-495
APN: 221-202-015-000
T04S R02E S5 HB&M (ETTERSBURG)



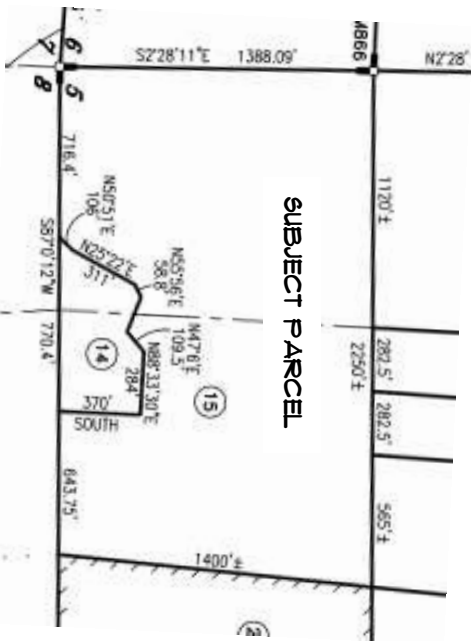
COUNTY RECOGNIZED CULTIVATION AREA = 10,000 SQUARE FEET
GREENHOUSE: 9,990 SQUARE FEET
NURSERY: 1,920 SQUARE FEET
NO TREES TO BE REMOVED

NOTE: THE PURPOSE OF THIS SITE PLAN IS TO SHOW THE RELOCATION OF THE OF THE HISTORICAL CULTIVATION AREA. FOR ADDITIONAL DETAIL PLEASE REFER TO THE SITE PLAN ON FILE WITH THE PLANNING DEPARTMENT PREPARED BY PACIFIC WATERSHED ASSOCIATES.



APPLICANT
WILLIAM ROLFF
P.O. BOX 2093
REDUAY, CA. 95560

SITE INFORMATION
APN 221-202-015
4895 ETTERSBURG-HONEYDEW ROAD
WHITETHORN, CA. 95589



DRAWN BY: REAL PROPERTY SOLUTIONS P.O. BOX 220, MIRANDA, CA. 95553
PHONE: (707) 498-0391. EMAIL: realpropertyolutions@gmail.com

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #11. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. A metering device shall be installed at the point of withdrawal from the spring diversion to ensure adequate water supply for the project. The applicant shall maintain a weekly record of water used for cultivation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be made available at the applicant's annual inspection.
7. Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal and/or outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems or provide portable toilets to cultivation areas. A letter or similar communication from the DEH verifying that this has been completed will satisfy this condition.

8. The applicant shall adhere to the following recommendations made by the Department of Public Works Land Use Division:
 - a) The applicant shall improve and maintain visibility where the private driveway intersects with Ettersburg-Honeydew Road as recommended by the Department of Public Works- Land Use Division in accordance with the County's Sight Visibility Ordinance. Visibility will be assessed at the applicant's annual inspection.
 - b) If applicable, all fences and gates shall be relocated out of the county right of way.
 - c) If the county-maintained road is paved, the applicant shall obtain an encroachment permit for the Department of Public Works and pave the location where the private driveway meets the county-maintained road for a minimum width of 18 feet and length of 50 feet.

A letter or similar communication from the Department of Public Works stating the work has been completed to their satisfaction will satisfy this condition.
9. The ag-exempt structure cannot be used for trimming and/or packaging. These types of activities must take place in a F1 Occupancy Type commercial structure with an accessible restroom and accessible parking. The owner must secure permits and complete any building of such structure within the 2-year provisional period. Alternatively, the operator may discontinue this use and process at an off-site licensed third-party facility.
10. 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.
11. 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 light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of

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

4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

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

Performance Standards for Cultivation and Processing Operations

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

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

appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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

Informational Notes:

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

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

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 221-202-015, Eftersburg-Honeydew Road, Eftersburg Area
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 applicant is seeking a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project will be supported by a proposed 1,920 square-foot propagation greenhouse. Water for irrigation is sourced from a point of diversion from an unnamed spring located on the adjacent parcel (APN 221-271-001) for which the applicant maintains a water right. The applicant is also seeking a Special Permit for the ongoing use and maintenance of the registered spring diversion. Projected annual water usage totals 151,348 gallons. Water is stored in 20 hard-sided tanks totaling 100,000 gallons and 100,000 gallons of additional water storage is proposed. All processing will occur onsite in a proposed ag-exempt structure until such time a commercial processing building can be completed. Electricity for the project is supplied by P.G.E and a generator is onsite to provide supplemental energy, if needed. Four family members will be onsite to assist with operations.

The applicant has submitted a *Cultural Resource Investigation* prepared by Archaeological Research and Supply Co. dated April 2019. A comprehensive field survey was conducted, and no tribal cultural resources were identified in the assessment area. The project is not anticipated to impact any tribal cultural resources; however, a condition of approval will require the applicant to adhere to the inadvertent discovery protocol. The Cultural Resource Investigation was submitted to, and accepted by, the Bear River Band of Rohnerville Rancheria.

The subject parcel contains two Class II watercourses and three Class III ephemeral watercourses. A review of the California Natural Diversity Database (CNDDB) found that the Southern torrent salamander has been mapped near the subject parcel and that the subject parcel may contain habitat suitable for the species. The existing cultivation activities are not anticipated to impact the species as all cultivation related infrastructure adheres to the Streamside Management Area setback requirements.

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

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing):

- Site Plan submitted by the applicant received 6/09/2021.
- *Cultivation and Operations Plan* prepared by Ag Dynamix dated 08/29/17 and revised 2/24/21.
- Right to Divert and Use Water, Certificate H100556 with the State Water Resources Control Board, Division of Water Rights.
- *Water Resource Protection Plan* (WRPP) prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- *Cultural Resource Investigation* prepared by Archaeological Research and Supply Co. dated April 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (*Site Plan* submitted by the applicant- received 9/09/2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (*Cultivation and Operations Plan* prepared by Ag Dynamix revised 2/24/21 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (**Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Addendum to the Cultivation Operations Plan (item 4. above).
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. (*Water Resource Protection Plan* prepared by Pacific Watershed Associates dated May, 2019- **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. (Notification- 1600-2015-0417-R1)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Cultural Resource Investigation prepared by Archaeological Research and Supply Co. dated April 2019. (On file- Confidential)

Operations Manual
for
FEM-O-RAL FARMS
SOHUMBOLDT
Cultivation Project
8/29/17

REVISED BY BILL
ROLFF 2/24/2021



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Project Name FEM-O-RAL FARMS

Project Location 4895 Eftersburg-Honeydew Rd.

Whithorn, CA, 95589

Project Sponsor FEM-O-RAL FARMS

SOHUMBOLDT

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Teisha Mechetti, 707-798-6199

APN 221-202-015

Existing Zoning Designation U

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Industry Analysis

Industry regulations have been enacted at the State, County, local and—in some instances—municipal levels. The proposed Project will adhere to all applicable regulations.

Summary

A complex framework of regulatory laws influences cannabis cultivation regulations pertaining to the proposed Project, including Proposition 215, the Compassionate Use Act, Senate Bill 420, and the Medical Cannabis Regulation and Safety Act (MCRSA), and Proposition 65 (Prop 64) or the Adult Use Marijuana Act (AUMA), and most recently the Medical Adult Use Cannabis Regulation Safety Act (MAUCRSA).

Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018). Some local jurisdictions in California, to date, have established and implemented regulations to per miss, permit, and/or license cannabis business operations.

In November 2016, the AUMA legalized “recreational” cannabis possession, consumption, and personal indoor cultivation, but had no effect on medical marijuana permitting or licensing.

On June 27th Senate Bill 94, otherwise known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) by Governor Jerry Brown in efforts to consolidate the two legislative pieces put in effect to govern commercial medical and recreational cannabis activities, otherwise known as the consolidation of the MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that we were working within prior to its effect.

State Regulatory Framework

With the passage of the Compassionate Use Act (Proposition 215) in 1996 and the Medical Marijuana Program Act (MMPA) in 2003 (Senate Bill 420), California created a system of possession and cultivation limits, a voluntary identification program, and assurance of a non-diversionary system of medical cannabis cultivation and dispensation. The intent of these legislative efforts was to clarify the scope of application, prevent arrest and prosecution, promote uniform application, increase accessibility of product, and address issues within the act to promote fair and orderly implementation.

In September 2015, the California State legislature enacted three bills under the MCRSA, consisting of AB-243, AB-266, and SB-643. Each bill addresses various issues pertaining to licensing and regulatory requirements involving medical cannabis cultivation, manufacturing, transportation, distribution, sales, and testing. These bills became effective January 1, 2016, with State licensing to open on January 1, 2018.

The MCRSA establishes a multiagency framework to regulate commercial cannabis. The foundation of MCRSA is: “No person shall engage in commercial cannabis activity without possessing both a State license and a local permit, license, or other authorization.” This legislation provides for the licensure of commercial cannabis activity in California, strengthens environmental protections, and creates licensing opportunities for small and specialty cultivators.

Assembly Bill 243 (AB-243) requires the CDFA, CDFW, and State Water Resources Control Board (SWRCB) to promulgate regulations and standards pertaining to medical cannabis cultivation efforts, mitigate impacts on environments, and coordinate enforcement efforts with State agencies.

Assembly Bill 266 (AB-266) addresses the licensure and regulation of medical marijuana for which the framework is primarily the responsibility of the Bureau of Cannabis Control (BCC) to enforce under the Department of Consumer Affairs' (DCA) and the Bureau of Medical Cannabis Regulation. Collaboratively, the Board of Equalization (BOE) and the CDFA are responsible for tracking and reporting the movement of cannabis goods throughout the State.

Senate Bill 643 (SB-643) addresses the setting of standards on behalf of physicians and surgeons prescribing medical cannabis and requires the Medical Board of California (MBC) to implement investigations of physicians who repeatedly or excessively prescribe medical cannabis to patients without good faith exemption. This bill requires the BMCR to gather fingerprints to conduct criminal history background checks.

This Act also grants the DCA sole authority to implement and govern the system for creation, issuance, renewal, discipline, suspension, or revocation of such licensure under the Bureau of Cannabis Control program. Additionally, the CDFA is responsible for administering provisions of the act related to or associated with cultivation and transportation of medical cannabis. This bill also authorizes counties and municipalities to propose and implement taxation on medical cannabis activity.

In addition to the initial framework developed to support local regulations and State licensing, there has been a broad legislative effort to institute clean-up bills to further clarify the scope and definitions under the MCRSA.

The Adult Use of Marijuana Act (AUMA), which passed in November 2016, has legalized adult use ("recreational") cannabis possession, consumption, and limited personal indoor cultivation. Because the AUMA legislation addresses only recreational cannabis issues, it currently has no effect on medical marijuana permitting or licensing.

On June 27th, Senate Bill 94, also known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) signed by, Governor Jerry Brown, in efforts to develop a single regulatory structure that governs commercial medical and recreational cannabis activities, collectively known as MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that were in effect prior to the implementation of MAUCRSA.

The creation of MAUCRSA prompted 23 license type activities varying from Cultivation, Processing, Manufacturing, Packaging, Infusion, Testing, Retail, Distribution, and Microbusiness licenses. License types 5-5B will not be available until 2023. Across the license types they will be assigned either an "A" for Adult Use or "M" for Medical operations. The introduction of new license types Type 5-5B Cultivation, Processing, Manufacturer I and II, Packaging, Infusion, and Microbusinesses was an introduction of license types carried from the AUMA. The MAUCRSA also now excludes transportation as a license type. Furthermore, clarification of the fact, points concerning that event licenses are not prohibited under this framework were also clarified. The local authority could issue event permits for "onsite cannabis sales to, and consumption by, persons 21 years of age or older at a County Fair or District Agricultural Association Event".

Prepared for FEM-O-RAL FARMS SOHUMBOLDT by AgDynamix, LLC (Aug. 2017)



According to this legislation, an applicant may now pursue a State license without local approval, however, may not conduct activities until local approval is met, otherwise could prompt a violation that would make the State license applicant ineligible to hold the license.

Local Regulatory Framework

Under State legislation, MCRSA, municipalities possess the authority to set their own regulations pertaining to land use and commercial cannabis business activities. Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018).

Humboldt County

In October 2015, Humboldt County began its review process of the Commercial Medical Cannabis Land Use Ordinance (CMCLUO). This legislation governs commercial cannabis activities within the authority of the County of Humboldt and establishes zoning regulations, performance standards, and environmental compliance—as well as requiring proof of documentation. The ordinance went into effect February 26, 2016. The deadline for applicants was December 31, 2016.

On September 13, 2016 Humboldt County issued a correcting and clarifying document to address the elements of the CMCLUO that were not clear under the initial Ordinance No. 2544 and the implementation of the program.

An Environmental Impact Report is underway to assess the overall impacts of this program which could significantly affect the Commercial Cannabis Land Use Ordinance, once the results of the study have been considered.

Executive Summary

FEM-O-RAL FARMS SOHUMBOLDT is a sole member managed for profit entity designed to conduct agricultural activities within the State of California.

Sponsor proposes to operate an agricultural business that supports cultivation activities. The company has assumed up to two (2) member-owners that will support site activities during peak harvest activities. This model would set a healthy precedent for the Ettersburg community by setting a sound agricultural standard for this emerging industry.

The applicant has applied with the county for a Zoning Clearance Certificate for up to 7,296-sq. ft. of pre-existing outdoor cultivation in greenhouses and 2,304-sq. ft. of pre-existing outdoor cultivation. Applicant wishes to pursue a M-Type 1 State license.

The Project Sponsor's proposal for 9,600 sq. ft. of cultivation will take the form of two (2) cultivation areas. The first consisting of two (2) 20' x 96' sq. ft. greenhouses and one (1) 36' x 96' sq. ft. greenhouse. The second consists of one (1) 2,304 sq. ft. outdoor cultivation area, located on U zone, Parcel No. 221-202-015. Site production will be supported by one (1) on-site 960 sq. ft. shed designated for processing and drying. Project site facilities will be supported by PG&E power and the use of one (1) 250-gallon propane tank for domestic water heating purposes.

Water used to support cultivation and domestic activities will be provided by twenty (20) on-site water storage tanks totaling 100,000-gallons. On-site water storage will be supplied by water diversion from three (3) unnamed springs. Two (2) springs, located on-site, will be assigned to support domestic use only. One (1) spring, located off-site on adjacent Parcel No. 221-211-023, will be assigned to support cultivation uses only.

The applicant has submitted three (3) Initial Statements of Water Diversion and Use to secure the right to divert from the three (3) unnamed springs. Registration for Small Domestic Use Appropriation has been filed to permit the use of diverted water for domestic purposes. The applicant has signed a Lake or Streambed Alteration Agreement with the California Department of Fish and Wildlife to ensure measures and practices are implemented to reduce environmental impact. The Sponsor has also initiated the Waste Waiver Discharge (WWD) enrollments to facilitate compliance with the State Water Resources Control Board.

Project Timeline

Phase 1 (2017)

- Obtain Land Use Approval.
- Develop Septic, Structural, and Road Plans.
- Obtain Building Permits.

Phase 2 (2018)

- Develop New Building Infrastructure.

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Project Overview

The Project concerns Parcel No. 221-202-015 in Whitehorn, California that is seeking provisional permitting for outdoor medical cannabis cultivation with consideration of the phased approach to development. The Project features two (2) cultivation areas totaling 9,600 sq. ft. Cultivation and processing activities would occur on the southwestern portion of the Parcel.

Summary

The Project parcel is zoned U, which falls within the allowable zoning specified by the local authority. The Sponsor seeks permit approval for 9,600 sq. ft. of outdoor cultivation that is pre-existing, is supported by evidence, and involves natural light with an exception for supplemental lighting that will support nursery activities.

The Project features two (2) cultivation areas. The first consisting of two (2) 20' x 96' sq. ft. greenhouses and one (1) 36' x 96' sq. ft. greenhouse. The second consists of one (1) 2,304 sq. ft. outdoor cultivation area.

Location Description

The proposed Project would occur on legal Parcel No. 221-202-015 at 4895 Eftersburg-Honeydew Road, Whitehorn, CA, in the southwest quarter of Section 5, Township 4 South, Range 2 East, Humboldt Meridian.

Zoning

The property features zoning U and the following characteristics:

- GIS acres: 71.13.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Outside.
- Alquist-Priolo Fault Hazard Zone: Outside.
- FEMA FIRM Flood Rating & Panel Number: Not applicable.
- Slope: <15% in cultivation areas.
- Relative Slope Stability (Per General Plan Geologic maps): Moderate instability.

Soil Ratings

As per Humboldt County's Ordinance No. 2544, because the project is pre-existing, no prime agricultural soil rating requirement pertains.

Maps

Overview Map



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221-20

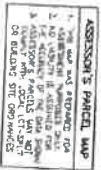


PHOTO OF FBI Bk B, Pgs 116-119

Assessor's Map Bk.221, Pg.20
County of Humboldt, CA.

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Zoning Map

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Streamside Management Areas Map



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Slope Map

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Environmental Impacts & Standards

Environmental impacts and standards include a comprehensive summary of all environmental elements related to the proposed Project. Impacts could include land use, development, pollutants, nuisances, and related environmental concerns. Federal and State standards have been set—with oversight from the United States Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA)—regarding potential environmental impacts caused by general industry applications.

Mitigation measures that can be employed for cultivation activities to prevent environmental detriment often feature the implementation of Best Management Practices (BMPs) suggested by the State Water Resources Control Board (SWRCB) under the Water Board Order and enrollment/compliance with the Waste Waiver Discharge (WWD) program through the North Coast Regional Water Quality Control Board (NCRWQCB). This can include the potential requirement for a Water Resource Protection Plan (WRPP). Additional conformance may be required with the California Department of Fish & Wildlife (CDFW) (formerly Fish & Game) under a Lake and Streambed Alteration Agreement (LSA-1600/1602).

All projects must also adhere to standards and maintain compliance with regulations set forth by the Division of Environmental Health (DEH) through a Contingency Plan (see *Contingency Plan* below) regarding all wastes (known as a Waste Management Plan). Applicants must also abide by regulations set forth by the Department of Pesticide Regulations (DPR) and the Tribal Historical Preservation Office (THPO) for archaeological preservation.

Often it is found, during the review of the Project, that there may be additional requirements and/or specific needs to support a sound environmental action or mitigative plan to adhere to the standards set under additional agency authority.

Summary

Potential Project impacts could include biological resources, land use/planning, transportation/traffic, agriculture and forestry, hazards and hazardous materials, public services, utilities/service systems, geology/soils, and hydrology/water quality.

Development impacts could include those regarding landscapes, infrastructure, roadways, and other environmental ramifications resulting from the Project.

Nuisance mitigation would include prevention of environmental impacts such as through odors, lights, and sounds that could potentially adversely affect neighboring properties or habitats. The proposed Project area would be required to meet all setback standards required by all agencies within the State of California and the local authority.

Background

On January 1, 1970, President Nixon signed the National Environmental Policy Act (NEPA). California Governor Reagan followed suit by signing the California Environmental Quality Act (CEQA) into law on September 18 of the same year. These laws required the incorporation of environmental values into governmental decision making. These statutes require Federal, State, and local agencies to analyze and disclose the potential environmental impacts of their decisions, and—in the case of CEQA—to minimize significant adverse effects to the extent feasible.

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NEPA was codified under Title 42 of United States Code § 4331 et seq. (42 U.S.C. 4331 et seq.). Under NEPA, Congress established the White House Council on Environmental Quality (CEQ) to ensure that Federal agencies meet their obligations under the Act. CEQ's Regulations for Implementing the Procedural Provisions of NEPA are found in Title 40 of the Code of Federal Regulations, § 1500 et seq. (40 CFR 1500 et seq.). In California, CEQA was codified under Division 13 of California's Public Resources Code (CPRC), section 21000 et. seq. (Cal. Pub. Res. Code § 21000 et seq.). The Guidelines for Implementation of the CEQA regulations are in Title 14 of the California's Code of Regulations (CCR), § 15000 et seq. (14 CCR § 1500 et seq.).

NEPA and CEQA are similar, both in intent and in their respective review processes (analysis, public engagement, and document preparation) that they dictate. Importantly, both statutes encourage a joint Federal and State review for projects that require both Federal and State approvals. In such cases, a joint review process can avoid redundancy, improve efficiency and interagency cooperation, and be easier for applicants and citizens to navigate. Despite the similarities between NEPA and CEQA, there are several differences that require careful coordination between the Federal and State agencies responsible for complying with the statutes. Conflict arising from those differences can create unnecessary delay, confusion, and legal vulnerability.

Federal, State, and local agencies have cooperated in the environmental review of projects ranging from infrastructural development to renewable energy permitting. As State and Federal governments continue to pursue shared goals, there will be a continued need for an efficient and transparent environmental review processes that meets the requirements of both statutes.

Recognizing the importance of implementing NEPA and CEQA efficiently and effectively, the CEQ and the California Governor's Office of Planning and Research (OPR) developed a handbook regarding conducting joint NEPA and CEQA review processes. The CEQ oversees Federal agency implementation of NEPA, which includes writing the CEQ NEPA regulations and preparing guidance and handbooks for Federal agencies.

OPR plays several roles in the administration of CEQA, including development of CEQA Guidelines in coordination with the California Natural Resources Agency, providing technical assistance to State and local agencies, and coordinating State-level review of CEQA documents. Agencies conducting an environmental review must also consider any additional requirements or deadlines established in the individual agency's administrative regulations or procedures that implement NEPA and CEQA. These requirements could prescribe additional or more stringent requirements than the CEQ regulations and CEQA guidelines.

The NEPA and CEQA handbook provides practitioners with an overview of the NEPA and CEQA processes and practical suggestions for developing a single environmental review process that can meet the requirements of both statutes. The handbook contains three main elements. First is a "Question and Answer" section that addresses the key similarities and differences between NEPA and CEQA. This section compares each law's requirements or common practices and identifies possible strategies for meeting the requirements of both laws. These strategies are not meant to prescribe methods that agencies must use; rather, the handbook provides suggestions that help agencies identify and analyze potential issues.

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Project-Specific Factors

The following table details any potential effects to environmental elements related to the Project:

<input type="checkbox"/>	Aesthetics	<input checked="" type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input checked="" type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input checked="" type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

Mandatory Compliance Factors

In accordance with the State of California, it is a requirement that agricultural operations obtain the appropriate environmental filings to support land alterations, diversions, and discharges of effluent.

Water Sources

The project site is supported by three (3) separate points of diversion from springs associated with three (3) unnamed tributaries to the Mattole River and Blue Slide Creek will supply water for domestic and cultivation purposes. Water used to support domestic activities will be sourced from one (1) deeded pre-1914 spring and one (1) riparian spring. Water used to support cultivation activities will be sourced from one (1) pre-1914 spring and is located on the adjacent Parcel, No. 221-211-023.

Initial Statement of Water Diversion & Use (ISWDU)

ISWDU's have been submitted to secure the applicant's right to divert from three (3) water sources. Small Domestic Use Registration (SDU)

An SDU has been submitted to permit the use of water diverted from two (2) locations for domestic purposes.

Small Irrigation Use (SIU)

Not available.

Lake and Streambed Alteration Agreements (LSAA-1600/1602)

It was determined that a LSAA-1600/1602 is required for this Project because stream crossing projects are necessary. A modification needs to be made to the existing notification for the three (3) diversion points. A Lake and Streambed Alteration Agreement has been signed by the applicant and submitted to the California Department of Fish and Wildlife for approval. The Agreement addresses eight (8) stream crossing projects (See Site Map for Stream Crossing points). Periodic inspections may be conducted by a

third-party agent, Pacific Watershed Associates (PWA), or CDFW to determine the potential impacts of the projects.

Water Board Order: Waste Waiver Discharge (WWD)

Initial inspections by PWA regarding water usage and discharges have been conducted. The initial notice of intent and monitoring/reporting forms, under the WWD, have been filed with the North Coast Regional Water Quality Control Board (NCRWQCB). A reporting/recording system would be developed, monitored, and reported to comply with annual renewal requirements under this order.

Additional inspections (post enrollment) would be conducted by the PWA, with no current confirmation of when this inspection would occur. The proposed Project falls into Tier 2 due to the pre-existing cultivation site, canopy size, and water uses. The Project does not pose a notable threat to the environment due to several conditions that are documented in the WRPP.

Water Resource Protection Plan (WRPP)

A WRPP will be generated by the designated agency, PWA. This document is held by the third-party agent and applicant which maintained onsite to satisfy any request by the NCRWQCB. This ensures protection of nearby habitats via management of spoils, management of runoff/discharges, use of DPR-approved inputs, correct use of fertilizer, and proper storage of fungicides, pesticides, and fuels.

Department of Pesticide Regulation Requirements (DPR)

The Project would adhere to DPR requirements and limitations regarding pesticide, fungicide, and rodenticide inputs for cannabis cultivation and management of pests and/or disease. Quality and consumer-safe production requires medical cannabis cultivation inputs that are approved as environmentally sound and deemed safe for medical consumption.

Archaeological Inspections & Survey

There is no current archaeological inspection on file of which the permitting agent is aware. However, records may be accessible through Sonoma State University's Northwest Information Center (NWIC) and the local THPO.

Additional Compliance Factors

Bureau of Cannabis Control (BCC)

In 2015, the Legislature passed and the Governor signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for medical cannabis through the Medical Cannabis Regulation and Safety Act. Later this was updated through the MAUCRSA, Senate Bill 94. This legislation created the Bureau Cannabis Control within the Department of Consumer Affairs. It also divided the responsibility for state licensing between three state entities – the CA Department of Food and Agriculture, the CA Department of Public Health, and the Bureau of Medical Cannabis Regulation, with the Bureau designated as the lead agency in regulating the cannabis industry in California. This agency is responsible for licensing concerning testing, retail, distribution, and microbusinesses.

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CalCannabis Cultivation Licensing

As directed by the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act, the California Department of Food and Agriculture (CDFA) has written the proposed regulations to establish cannabis cultivation and processing licensing and a track-and-trace system, collectively referred to as Cal-Cannabis Cultivation Licensing.

Office of Manufactured Cannabis Safety

OMCS was established in the Center for Environmental Health of the California Department of Public Health (CDPH) after the Governor signed into law the Medical Cannabis Regulation and Safety Act in 2015. The Act established a licensing and regulatory framework for the manufacturing, packaging, and infusion of medical cannabis in California.

The Medical Cannabis Regulation and Safety Act created the Bureau of Medical Cannabis Regulation in the Department of Consumer Affairs, and tasked the following Departments to establish regulations for the medical cannabis industry:

CA Department of Consumer Affairs (Bureau of Cannabis Control): to license transporters, distributors, dispensaries, and testing laboratories.

CA Department of Food and Agriculture (Cal-Cannabis Cultivation Licensing): to license cultivators and will also be responsible for implementing the Track-and-Trace System for plants from cultivation to sale.

CA Department of Public Health (Office of Manufactured Cannabis Safety): to license manufacturers of cannabis.

Performance Standards

Performance standards include nuisance mitigation (for noise, odors, light, and other potential hazards of the Project), setback requirements, and a consent to inspect.

Setback Requirements

The proposed Project area meets all setbacks required by the local authority and adheres to all other setbacks from neighboring parcels and property boundaries.

Nearby parcel residences are more than 300' from the proposed cultivation space (applicable only to parcels of five (5) acres or less). There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and 12' of overhead lines and property borders is satisfied.

Setbacks from nearby waterways adhere to the NCRWQCB and the CDFW's setback requirements. It is deemed that Environmentally Sensitive Habitat areas will not be impacted by the proposed Project.

Nuisance Mitigation

The Project would mitigate the potential for nuisances, including odors, lights, sounds, and other nuisances that extend beyond the boundaries of an adjacent property, with adherence to State and local (County and/or municipality) regulations pertinent to this Project.

Best mitigation efforts:

- Odor: Scrubbers.
- Light: Escape shielding.
- Sound: Buffering.

Generator Use

Site activities will not be supported by generator use.

Consent to Inspect

This section hereby grants to the relevant authority an authorization to conduct an annual compliance inspection with a minimum notice of 24 hours. The inspection would be conducted by officials during regular business hours (Monday-Friday, 9:00 am-5:00 pm), excluding holidays.

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Cultivation Plan

The Cultivation Plan adheres to robust standards promulgated under the DPR and regulated under the CDFA, and in accordance with DCA's consumer standards maintained by the Department of Public Health (DPH). In preparation for future certification related to organically produced product, the Cultivation Plan also follows National Organic Program (NOP) standards. The input guidelines established by the DPR are in accordance with certification regarding organically produced product requirements and follow a whole-farm BMP plan for management of land, crops, and end products.

Summary

The Project proposes 9,600 sq. ft. of M-Type 1 small outdoor cultivation in the form of two (2) cultivation areas on 71.13 acres of U zoning that would be serviced entirely by natural light. Water for the Project would be sourced from twenty (20) onsite tanks totaling 100,000 gallons that are supplied by water diverted from local unnamed springs.

Cultivation Schedule

The following table details the annual cultivation schedule, comprised of two (2) harvests per year, with breakdown by area. Water figures are indicated in gallons.

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
CA 1	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover
CA 2	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover	Cover
Water	0	0	4,000	24,558	24,558	24,558	24,558	24,558	24,558	24,558	0	0

*Water use as reported in the self-reporting attachment Appendix C or Monitoring & Reporting Form (MRP) of the WWD Enrollment.

Winterization Plan

During the fallow months, exposed ground would be cropped with green cover and native vegetation seed to protect against erosion and denitrification of the soil. Green manures would be incorporated into the native soils to enhance productivity during the forthcoming planting season.

Water Resources

Water for the proposed cultivation Project would be sourced from twenty (20) 5,000-gallon water storage tanks supplied by three (3) unnamed Springs to support cultivation site activities. To mitigate runoff from cultivation activities, high-retention soil mediums and special irrigation techniques would be employed.

Irrigation Plan

For most of the season, crop production would be directly irrigated from seventeen (17) onsite tanks. Applicant is using a T-Tape on a timed drip irrigation system as a water reduction methodology.

Emergency Water Plan

In the event of a water emergency, the proposed Project currently features adequate water storage to support the project site from twenty (20) water tanks and three (3) spring diversions. Existing water tank development is noted on the site plan (see *Site Plan*).

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Operational Plan

The Operational Plan covers many aspects of the business, including location, organization, and a description of the Project's business sponsor that includes its mission, vision, and values. It also includes a description of what is produced by the Project, including sales and marketing efforts.

Summary

The Operational Plan details use of the organization's resources in pursuit of the strategic plan. It prescribes specific activities and events to be undertaken to implement strategies. It is a plan for the day-to-day management of the organization (encompassing a one-year period). An operational plan should not be formulated without reference to a strategic plan. Operational plans may evolve from year to year with business growth. The chief executive, lead staff, and third parties of or for the organization often produce the Operational Plan.

The products produced by the Project would have the primary designated use of the treatment of patients with varying ailments. Medical cannabis products would be distributed to qualified medical cannabis consumers via wholesale outlets and retail dispensary locations.

Business Organization

FEM-O-RAL FARMS SOHUMBOLDT is a sole member business. The member-manager is responsible for delegating primary activities pertinent to the organization's daily and future management.

Management Team

William Rolff, Chief Executive Officer.

Business Description

The primary goal of FEM-O-RAL FARMS SOHUMBOLDT is, within the State of California, to conduct agricultural activities and produce specialty agricultural products.

Mission

Fem-o-Ral Farms is a for-profit entity with the mission of producing high-grade specialty cannabis agricultural products to support the medical cannabis supply chain for California-based retail dispensary outlets.

Vision

Fem-o-Ral Farms adheres to a sustainable and homestead-driven, integrative farming model that includes standards related to organically produced crops and onsite agricultural resource sustenance. The company's model integrates sustainable living and production principles with cannabis cultivation.

Values

Fem-o-Ral Farms values the need for prudent land management strategy, social equity, and the quality production of cannabis to supply medical consumers and the treatment of their conditions. The company is committed to operating within full compliance of local, County, and State regulations.

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Products

FEM-O-RAL FARMS SOHUMBOLDT would produce specialty agricultural cannabis and nursery stock to support the onsite cultivation of high-grade organically produced cannabis flower products that are tested and assured for quality. Cultivation byproducts of additional value would be sold to permitted manufacturers (for the processing of extracts, concentrates, and topical products).

The primary designated use of the raw medical cannabis (flower) produced would be the treatment of patients with varying ailments. Premium-grade medical cannabis can be consumed via multiple methods, including inhalation, ingestion, and dermal (topical) applications. Cannabis has proven to deliver positive efficacy for myriad ailments, conditions, and symptoms. Research is underway regarding additional benefits of medical cannabis.

Sales & Marketing

Fem-o-Ral Farms, LLC's product would be distributed to medical cannabis consumers via wholesale outlets and retail dispensary locations and ancillary marketplaces. The quality, testing thresholds, and branding would target consumers who lead a Lifestyle of Health and Sustainability (LOHAS) and who prefer premium organically produced medicine.

Chain of Custody

FEM-O-RAL FARMS SOHUMBOLDT adheres to a robust system of chain of custody for recordkeeping and sourcing potential contamination of seed/nursery product, flower product, trim, or value-added byproducts. This system would serve to verify responsibility for and liability of products during cultivation, processing, distribution, and wholesale/retail sales.

Packaging

After testing and processing, products would be packaged per quality control standards and in tamper-proof packaging that does not appeal to minors. Products packaged in larger volumes would be distributed directly to consumers and retail outlets. Individual consumer labelling may be applied at the distributor or retailer level, after transfer of ownership in the chain of custody. If the business chooses to protect its branding through the Agricultural Commissioner, products would be individually packaged and labelled within the County of origin.

Distribution

FEM-O-RAL FARMS SOHUMBOLDT will secure trading outlets for its products through existing local distribution networks. These distribution networks service retail dispensary outlets that seek licensure within their respective jurisdictions, as well as the State licensing platform under the CDFA. The established patient base has created a demand and fulfills the need for many medical cannabis products from multiple licensed suppliers within the State of California.

Track and Trace Standards

As per the Track and Trace provisions as of June 27th, 2017 under the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA), Senate Bill 94.

Chapter 6.5. Unique Identifiers and Track and Trace

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26067. (a) The department, in consultation with the bureau, shall establish a track and trace program for reporting the movement of cannabis products throughout the distribution chain that utilizes a unique identifier pursuant to Section 26069, secure packaging, and can provide information that captures, at a minimum, all the following:

- (1) The licensee receiving the product.
- (2) The transaction dates.
- (3) The cultivator from which the product originates, including the associated unique identifier pursuant to Section 26069.
- (b) (1) The department, in consultation with the State Board of Equalization, shall create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, which shall include, but not be limited to, the following information:

(A) The variety and quantity or weight of products shipped.

(B) The estimated times of departure and arrival.

(C) The variety and quantity or weight of products received.

(D) The actual time of departure and arrival.

(E) A categorization of the product.

(F) The license number and the unique identifier pursuant to Section 26069 issued by the licensing authority for all licensees involved in the shipping process, including, but not limited to, cultivators, manufacturers, distributors, and dispensaries.

Transportation

All products would be transported through either the permitted cultivator to processing or distribution and/or via a licensed transporter to trading partners that are authorized to distribute cannabis products to end consumer outlets (when applicable). These transporters would be responsible for adhering to guidelines that involve (but are not limited to) permitting, weights and measures, packaging/packing/labeling, verification of packing and freight volumes, and liability insurance that covers product loss resulting from unintentional diversion or emergency.

Transporters would be responsible for fulfilling contractual deadlines and ensuring delivery of products in a timely fashion to maintain positive standing with trading partners and protect the quality of a product that features a limited shelf life.

SB-643, Chapter 719, § 19302.1 (d): "The DCA shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the State and to collect fees regarding

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activities the BMCR regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter.”

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Processing Plan

The Processing Plan covers many aspects of the end stage cultivation workflow employed by the business to harvest, dry, trim, cure, package, and assure the quality of medical cannabis products. Quality assurance efforts include sanitation, dust control, and environmental standards necessary for optimal processing.

Background

Summary

As promulgated under various regulatory agencies, including but not limited to the Labor Commissioner (LC) and Wage and Hour Division (WHD), Employment Development Department (EDD), the Agricultural Labor Relations Board (ALRB), United States Department of Agriculture (USDA), the Food and Drug Administration (FDA), California Department of Food and Agriculture (CDFA), and are responsible for varying aspects of government labor laws, quality control, minimum wage and hours laws, administrative responsibilities, and health and safety regulations that govern processing and day labor activities related to Agricultural industries.

Project Details

The site is currently equipped with one (1) 320 sq. ft. shed that has been designated for drying and processing activities.

Cultivation activities undergo a common process flow that involves cultivation, to harvest, drying, to testing, grading/sorting, curing, to testing, packaging, to testing again (distributor level), and end sales. This is in efforts to ensure robust quality control; the business would employ stringent grading and sorting of medical cannabis product during harvest to eliminate any contaminated product from end supply.

Project Processing Environment

The existing onsite processing area will not be supported by employees. The proposed Project will be owner operated solely. If this plan changes, the sponsor will adhere to the following standards. It is expected that structures for this project would support a maximum of two (2) owner operators during peak processing activities. Applicant may propose additional structural development to accommodate enhanced operational needs.

Housing

The proposed Project currently includes one (1) 1,180 sq. ft. personal residence that is not extended to employees.

Any housing provided to employees for this Project will be subject to CCR regulations found in the *Source Guide for Federal & State Requirement for Employees and Migrant Housing*.

Administrative

Administrative elements of the Project include payroll, recording and reporting, chain of custody, safety procedures and protocols, product safety materials, labor and subcontractor issues, and quality assurance/control of product.

Labor Management

The primary organization that would be responsible for the recordkeeping of employees (both seasonal and permanent) would be FEM-O-RAL FARMS SOHUMBOLDT. All records maintained by FEM-O-RAL FARMS SOHUMBOLDT would be made available upon request. If the organization proposed future employees the following standards would apply.

The organization has considered payroll options for peak times of the season during which employment periods would be up to several months in duration (particularly during the harvesting, processing, and packaging stages of cultivation). An outside entity may be responsible for soliciting, recruiting, and hiring employees.

The designated entity is responsible for ensuring property, business, and workplace compliance under the guidelines of the following departments:

- Bureau of Medical Marijuana Regulation (BMCR).
- California Department of Food & Agriculture (CDFA).
- County Agriculture Commissioner (CAC).
- County Planning Department (CPD)/Community Planning (CP)/Development Department (DD).
- Department of Industrial Relations (DIR).
- Department of Labor, Wage, and Hour Division (DL-WHD).
- Department of Pesticide Regulation (DPR).
- National & California Agricultural Labor Relations Board (NALRB/CALRB).
- Occupational Safety and Health Administration (OSHA).
- U.S. Department of Labor (US-DOL).

Recording & Reporting

All employee records for hours worked and reported would be kept onsite or via a payroll recordkeeping center and submitted to the managing payroll department to ensure timely reporting. Requests for review of payroll records would be the sole responsibility of the managing human resources agent (upon request and under certain lawful circumstances).

Quality Assurance & Control of Product

Quality assurance efforts encompass sanitation, climate control, dust control, and a variety of environmental standards. Quality control measures include monitoring, testing, harvesting, drying, curing, grading, sorting, packaging, secure storage, and distribution procedures.

In 2011, the Food and Drug Administration tasked the U.S. Department of Agriculture (USDA) to co-create with the U.S. Department of Health and Human Services (USDHHS) and the Center for Food Safety and Applied Nutrition (CFSAN) a program to implement Good Agricultural Practices (GAPs) and Good Handling Practices (GHPs). The goal was to mitigate food safety hazards and set standards and management regulations for processing facilities to ensure quality and consumer safety of agricultural products when handled in processing environments.

Found in the April 2011 *Guide to Minimize Microbial Food and Safety Hazards for Fresh Fruit and Vegetables* (authored by the USDA, USDHHS, and CFSAN) is discussion about the fundamental procedures

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that should be developed and implemented. This document features a list of principles applied to the workplace in efforts to meet these standards and is as follows:

- Accountability for product quality.
- Controls for workplace sanitation.
- Employee hygiene.
- Minimization of microbial exposures.
- Operating procedures.
- Packaging procedures and protocols.

Chain of Custody

Agricultural businesses must adhere to a rigorous chain of custody system for product management and the identification of contamination in all raw and finished products.

Monitoring

Pre/post-harvest workflow would be monitored on a predetermined schedule and involve documentation of the condition of the product during its active stage of monitoring.

Harvesting

During harvest, a labor crew would be required to assist with light physical labor, including walking, crouching, lifting, and some climbing.

Testing Procedure

All product testing would be conducted by an approved (certified) third-party laboratory. This would encompass testing for potency and purity, including the presence of pesticides, fungicides, and harmful micro biologics.

Drying/Curing

Product would be harvested at maturity and dried and cured in a climate-controlled environment. The primary equipment used would include dehumidifiers, fans, and heaters.

Grading/Sorting

Products would be graded based on testing results, maturity, and specific intended use (flower, manufacturing of extracts, concentrates, topical products, etc.)

Processing

Product would be harvested, trimmed, dried, and cured in a manner best suited to the specific environmental factors of the crop. This would include both visual inspections by master cultivators and data collection and analysis (via automated sensors).

Packaging

Packaging would adhere to the guidelines for package type, quantity/weights, warning labels, and stamping procedures.

Health & Safety

The first response emergency contact phone number is 9-1-1. Hospitals are Jerold Phelps Community Hospital (707) 923-3921 (Garberville), Redwood Memorial Hospital at 707-725-3361 (Fortuna) and St. Joseph Hospital at 707-445-8121 (Eureka). The American Association of Poison Control Centers (AAPCC) can be reached at 800-222-1222.

Job Hazard Analysis

Labor duties would vary throughout the harvesting, drying, processing, and packaging stages of the operation. With each task, an analysis would be conducted to identify potential hazards associated with a task, including weather conditions, the physical aptitude of employees, tools utilized, and potential exposure to chemicals and other substances. Identification of these hazards is intended to mitigate potential job hazards and help ensure employee adherence to safety practices.

Injury Illness Prevention Plan

It is required by the DIR that every employer shall establish, implement, and maintain an effective Injury and Illness Prevention Plan (IIPP).

Components of an IIPP include:

- Employee compliance with safe and healthy work practices.
- Investigation of injuries and/or illnesses.
- Procedures for correction of unsafe/unhealthy conditions, work practices, and/or procedures.
- Procedures to identify and evaluate workplace hazards.
- Responsible person(s) and contact information.
- Safety training.
- System for communication with employees.
- Thorough safety program recordkeeping and document retention practices.

Heat Illness Prevention Plan

Written protocols regarding heat illness prevention would be available to employers, managers, supervisors, and employees regarding how to prevent and handle heat illness incidents.

To prevent heat illness to employees in the field, several factors must be considered:

- Ambient temperature (measured via thermometer or weather report).
- Crew size.
- Excessive clothing.
- Other relevant exposures.
- Presence of personal protective equipment or additional sources of heat.
- Work shift duration.

The following heat illness factors would be considered:

- Accessibility of drinking water.
- Accessibility of shade (via protective structures).

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- Periodic rest breaks.
- Reminders to employees to remain hydrated.

Hazard Communication Policies

Hazard communication is important to ensure the safety of all onsite employees, contractors, and subcontractors. Potential and known hazards would be made clear prior to conducting tasks and activities. Implementing this procedure is important to ensure that employees, contractors, and subcontractors are informed about the relevant risks associated with certain onsite tasks and the reduction of liabilities against the employer for improper use of equipment, machinery, and tools.

Emergency Procedures

Emergency procedures include the availability of eye washing stations and detailed procedures for dealing with chemical spills. In the event of an emergency, certain protocols would be developed and followed regarding fire evacuation plans, earthquake safety, and other emergency scenarios.

Chemical Handling

Any input products used onsite would be accompanied by MSDS and Chemical Inventory Lists that would be available to inspectors and employees and maintained onsite. In the event of emergency spills, call 9-1-1 and then report to the Office of Environmental Safety (OES) and California State Warning Center (CSWC) at 800-852-7550 or 916-845-8911 and identify proper steps to isolate the incident and cleanup.

Eye Washing Station

Often, chemicals used onsite provide MSDS sheets that indicate the need for applicators to utilize an eye washing station after exposure. The eye washing station must be positioned within 20' of the cultivation area and any areas where chemicals, fertilizers, or pesticides would be used or administered for various applications.

Employee Accident Policies

An investigation would be conducted to determine next steps. The company adheres to protocols for employee accident reporting. The manager is responsible for documenting any onsite incidents using *Form 5020*, including:

- Address of accident/event site.
- Description of accident/event and if the accident scene/instrumentation has been altered.
- Employer's name, address, and telephone number.
- Law enforcement agencies present at the accident/event site.
- Location of medical treatment.
- Name and address of injured employee(s).
- Name and job title of reporting party.
- Name of contact person at accident/event site.
- Nature of injuries.
- Time and date of accident/event.

Accidents need to be reported immediately to Cal/OSHA in Redding at 530-224-4743.

Contact the business' medical provider, the employee's designated medical provider, or 9-1-1, depending on the severity of the incident. Follow up with contact to the California Division of Workers' Compensation (CDWC).

Personal Protective Equipment Policies

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The farm manager is responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This would involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE would be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures.

Additional PPE provided onsite for any processing labor would include access to gloves and dust masks by employees during drying, processing, and packaging.

It is the responsibility of managers/supervisors to ensure that PPE policies are followed during appropriate working conditions. In the event of product application by an employee, the applicator must be designated an operator ID and is required to employ the proper PPE during application, as well as abide by label warnings in the event of exposure, poisoning, or a spill.

Processors may be required by State law to employ PPE equipment for the duration of their shifts to ensure no exposure to and/or contamination from a product.

All laborers must be made aware of REI and tangible notification of the recommended REI after the application of pesticides, fungicides, and other chemical applications.

Occupancy & Structural Guidelines

The general environments in which laborers would work include the field and within the proposed processing building. The environments in which any agricultural activity would occur would follow all guidelines (per agricultural and labor oversight agencies). The facility would need to meet commercial building standards in accordance with California Building Codes and would be made compliant with the American with Disabilities Act (ADA) and Architectural Barriers Act (ABA).

Any housings, buildings, and structures would be subject to California Building Code (CBC), including possible permitting requirements, inspections, and certificate(s) of occupancy. Additionally, specific exemptions exist that pertain to agricultural standards under the Occupational Safety and Health Administration (OSHA) and in conformance with the Occupational Safety and Health Guidelines (OSHG) (unless the Project meets certain exemptions, such as being a family-owned and operated business, does not offer temporary labor housing, or employs fewer than 10 employees at any given time). In other such cases, the site would need to comply with OSHA Guidelines pertaining to agricultural employment.

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Notification of Occupancy & Terms

As per the DIR and the US-DOL, all notices and labor postings would be provided and visible to all onsite employees. Any notification of occupancy status and terms of employee occupancy would be posted in compliance with all local, State, and Federal laws governing agricultural employers under the following regulatory bodies and regulations:

- California Agricultural Labor Relations Act (CALRA).
- California Occupational Safety & Health Administration (Cal/OSHA).
- Department of Industrial Relations (DIR).
- State and National Agricultural Labor Relations Board (CLRB & NLRB).
- U.S. Department of Labor (US-DOL).

Maintenance of Sanitary Facility

To help ensure the quality of finished product, a clean working environment would be maintained during the drying, curing, processing, and packaging stages of cultivation. Among other benefits, this would prevent potential contamination between crop batches. All product would be batch tested prior to processing. In the event of a recall, it would be assured that each batch or variety has not become contaminated during these stages within the processing facility.

Dust Control Measures

In the event of high dust levels, all processing environments would maintain clean working areas to prevent potential dust exposure to employees.

To ensure product quality and to prevent potential contamination of processing environments, certain dust control measures would be implemented. These measures would include maintenance of sanitary working environments and possible implementation of air filtration systems.

Water Access & Facilities

The Project site would provide employees with access to the following facilities/resources within reasonable proximity to work areas:

- Handwashing facilities (*Residence*).
- Onsite potable water (*Field Area*).
- Restroom facilities (*Residence*).

Contingency Plan

In accordance with specifications provided by the DEH and the California Unified Program Act (CUPA)—to meet the business plan criteria required to ensure compliance with regulations that are intended to protect public health and the environment—this section addresses water production (including well construction) and the handling of onsite wastewater, solid waste, and hazardous materials.

Summary

The Contingency Plan addresses onsite wastewater and hazardous wastes, solid waste removal and recycling, water production and well construction, hazardous materials handling, agricultural product storage, and chemical spill procedures and handling guidelines.

Material Safety Data Sheets (MSDS) for all fertilizers, soil amendments, and pesticides would be made available onsite. If requested, all equipment maintenance performed onsite would be listed/described. Per California Department of Food and Agriculture (CDFA) regulations, chemicals would be stored separately from fuels, oils, and similar products. Fertilizers and pesticides, specifically, would be stored in locked containment within an outdoor structure.

Chemical spills would be handled and reported per directions in the Project's Chemical Spill Procedure.

Common waste products that would be used or generated onsite include:

- Fertilizers.
- Fuels.
- Household chemicals.
- Human refuse.
- Human waste.
- Pesticides/herbicides/fungicides.

To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of potentially polluting products would be ensured via use of dedicated areas and containers that are covered and watertight.

Project Waste Management

The sections below address the Project-specific details, impacts, and procedures for handling waste products.

Project Specific Details

A primary residence and auxiliary agricultural structures support the site. PG&E supports the project site. The Sponsor has identified that the operation will not require any employees during peak processing activities to perform seasonal work activities. It is estimated that peak harvest would occur for a duration of approximately four (4) to eight (8) weeks (cumulative) throughout the active working parts of the season.

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Onsite Wastewater/Hazardous Wastes

The proposed Project location is equipped with a permitted composting toilet system that is plumbed to the main residential structure. Sponsor's immediate family members would utilize the primary septic system for regular uses. Further inspections may be required to identify the septic system's ability to support increased use during peak seasonal work times and whether it requires an upgrade to meet future commercial uses.

Waste Management Standards

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

If the primary septic system is not within this accessibility threshold, a portable facility or pit privy may be provided in lieu of septic to support waste activities. The standards for portable waste facilities are as follows:

- Toilet facilities: Shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.
- Chemical toilet wastewater tank: Shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.
- Chemical tanks: Contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank approved by the local health department, or any other method approved by the local health department.
- Privies: Shall be moved to a new site or taken out of service when the pit is filled within two (2) feet of the adjacent ground surface. When the privy is moved, the pit contents will be covered with at least two (2) feet of well-compacted dirt.

Hazardous Materials Handling

The Project is supported by PG&E utilities and one (1) 250-gallon propane tank to support energy uses for the primary residence. Other fuels may be used for small equipment and machinery and may include gasoline, oils, and diesel. All fuels used for equipment would be stored per the (CUPA) fuel and chemical storage guidelines.

To meet environmental health standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.

Hazardous Material Standards

Quantities that trigger disclosure are based on the maximum amount onsite at any one time, as follows:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year).
- Any amount of hazardous waste.
- Category I or II pesticides.
- Explosives.
- Extremely hazardous substances (above the planning threshold).

MSDS for all fertilizers, soil amendments, and pesticides (including organically produced examples) would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored on the premises in the quantities outlined in the *Gases and Cleaners* inventory list that is maintained onsite.

Applicants are required under CUPA guidelines to list/describe all equipment maintenance performed onsite (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities.

Project Equipment Inventory

- Gas Powered Water Pump.

Maintenance

Offsite.

Project Product Inventory

Household Chemicals (N/A)

Not Available.

Fuels/Oils (Outdoor Propane Containment)

- 250- Gallon Propane Tank

Fertilizers/Pesticides/Fungicides/Rodenticides (Storage Shed)

- 300 lbs. Mocha Bat Guano
- 300 lbs. Bat Guano
- 27 Gallons Hydrozyme
- 27 SM-90
- 2 Gallons Liquid Fish Emulsion
- 6 Gallons Botanicare Grow
- 27 Gallons Botanicare Cal-Mag
- 12 Gallons Botanicare Bloom
- 5 Gallons Overdrive

Agricultural Product Storage

As per the DPR (enforced by CDFA or the local Agriculture Commissioner), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, § 6670, Title 3, Division 6, *Pesticide, and Pesticide Control Operations*. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

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Chemical Spill Procedure/Handling

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol must be notified via 9-1-1 of spills occurring on highways in the State. The *Chemical Spill Procedure* would be followed and emergency services also contacted via 9-1-1. The procedure would follow the California Office of Emergency Services (Cal OES) *California Hazardous Materials Spill/Release Notification Guidance* (February 2014) and the (EPA) (Pacific Southwest, Region 9) *Chemical Spills Prevention and Preparedness* webpage.

In the State of California, many statutes require emergency notification of a hazardous chemical release, including:

- California Labor Code § 6409.1 (b).
- Government Code § 51018, 8670.25.5 (a).
- Health and Safety Code § 25270.8, § 25510.
- Public Utilities Code § 7673 (General Orders #22-B, 161).
- Title 42, U.S. Code § 9603, 11004.
- Vehicle Code § 23112.5.
- Water Code § 13271, § 13272.

In addition to statutes, several agencies have notification or reporting regulations:

- Title 8, CCR, § 342.
- Title 13, CCR, § 1166.
- Title 14, CCR, § 1722 (h).
- Title 17, CCR, § 30295.
- Title 19, CCR, § 2703, 2705.
- Title 22, CCR, § 66265.56 (j), § 66265.196 (e).
- Title 23, CCR, § 2230, 2250, 2251, 2260.
- Title 40, CCR, § 263 esp. § 263.30.
- Title 49, CCR, § 171.16.

Solid Waste Removal/Recycling

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. The facility designated to receive waste products for this project is El River Resource Recovery.

Water Production/Well Construction

The Project is supported by twenty (20) water storage tanks totaling 100,000-gallons supplied by three (3) unnamed Springs (see plot plan for locations). The onsite water tanks currently support all domestic and cultivation uses.

Approximated water use for activities are denoted within the *Cultivation Schedule* under the Cultivation Plan. Monthly monitoring and annual reporting must be implemented to identify actual total uses for domestic and cultivation activities.

Security Plan

The Project's *Security Plan* includes product security, inventory management, and diversion prevention. Pertinent regulatory language includes the following:

Assembly Bill 604 (AB-604), Article 3, Mandatory Commercial Registration, § 26040 (5): "Security requirements, including, but not limited to, procedures for limiting access to facilities and for the screening of employees. The department shall require all registrants to maintain an accurate roster of any employee's name, date of birth, and relevant identifying information, which shall be available for inspection by the department or State or local law enforcement upon demand."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(3): "Operating and inventory control procedures to ensure security and prevent diversion."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(4): "Detailed operating procedures for the proposed facility, which shall include, but not be limited to, provisions for facility and operational security, prevention of diversion, employee screening, storage of medical cannabis, personnel policies, and recordkeeping procedures."

Summary

The Security Plan details efforts to prevent loss and diversion of medical cannabis product at all stages of its cultivation and processing, including drying, trimming, curing, processing, and packaging. Robust recordkeeping would be implemented and maintained for quality assurance, inventory management, and prevention of diversion.

Measures of Security

Several security measures would be involved in the comprehensive protection of medical cannabis product during the cultivation and processing lifecycles. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Points of Security

- Locked gates into Entrance Points.
- Locked Containment for product Processing and Storage.
- Surveillance System.
- Game Cameras.
- Motion Activated Sound Transmission.

Inventory Management

A rigorous system of recordkeeping and reporting would be facilitated to adhere to the State's Track and Trace requirements of all cannabis products. This would include (but not be limited to) flower, trim, and stem to ensure zero diversion of product throughout processing.

To prevent loss and diversion, all cannabis products would be stored under locked containment during the drying, curing, and packaging phases of processing. Products would also be subject to conformance with a checks and balances system to ensure the prevention of unintentional diversion.

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Prevention of Diversion

The most vulnerable stage of product security is transit to retail outlets. The best way to ensure product safety and prevention of diversion and loss is to maintain adequate chain of custody records via the Agricultural Commissioner.

This would occur under the oversight of the CDFA, in congruence with SICPA's Track and Trace Program. Additionally, retail outlets would be informed of expected delivery quantities. This would include packing slips, tamper-evident seals, verification of credibility, liability coverage, and manifests provided by licensed transporters.

Appendices

The following regulatory information sources contributed to the development of this narrative.

Source Guide for Federal & State Requirements for Employee & Migrant Housing

Housing Standards/Requirements for Employee/Migrant Housing Caretakers

Health & Safety

- First Aid.
- Communicable Diseases.
- Hand Washing, Bathing, and Laundry.
- Cooking, Kitchen, and Mess Halls.
- Garbage and Refuse.
- Insects and Rodents.

Occupancy & Structural Guidelines

- Housing Site.
- Housing Structure.
- Postings of Required Information.
- Permit to Operate Housing.
- Mobile Homes, Recreational Vehicles, and Commercial Modular.
- Tents.
- Construction and Repair.
- Fire Safety.
- Electrical.
- Lighting.
- Heating.
- Liquid Propane (LP) Gas.

Waste Management

- Toilets.
- Water Supply.
- Screens.
- Sewage.

Enforcement

- Enforcement and Penalties.
- Remediation and Mitigation.

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Sources of Additional California Regulatory Information

SOURCES OF ADDITIONAL INFORMATION	
<p>More specific information can be obtained by:</p> <ol style="list-style-type: none"> Review of the following reference documents at law and public libraries: <ul style="list-style-type: none"> California Health and Safety Code, Division 13, Part I, beginning with Section 17000. California Code of Regulations, Title 25, Chapter 1, beginning with Section 600. California Code of Regulations, Title 24, California State Building Code. Federal Migrant and Seasonal Agricultural Worker Protection Act Code of Federal Regulations, Title 29, Parts 500 through 500.270. Code of Federal Regulations, Title 29, Part 1910.142 (OSHA Reg.) Obtaining or purchasing copies of documents as follows: <ul style="list-style-type: none"> California Health and Safety Code, Division 13, PART I (Employee Housing Act) can be purchased from: West Publishing Company, PO Box 65226, St. Paul, MN; telephone 800-328-4880. CALIFORNIA CODE OF REGULATIONS, TITLE 25, CHAPTER 1. and the CALIFORNIA CODE OF REGULATIONS, TITLE 24 	<p>SAN JOAQUIN</p> <p>Environmental Health Building and Safety 304 E. Weber Ave. Stockton, CA 95202 (209) 468-3426</p> <p>SAN BENITO</p> <p>Health Services Agency 701 Ocean Street, Rm 312 Santa Cruz, CA 95060 (831) 454-2022</p> <p>Tulare</p> <p>Resource Management Agency 5961 S. Mooney Blvd Visalia, CA 93277-939 1-800-228-6133</p> <p>STATE OF CALIFORNIA</p> <p>DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT</p> <p>DIVISION OF CODES AND STANDARDS</p> <p>SOUTHERN CALIFORNIA</p> <p>(South of Modern County) 3737 Main Street, Ste 400 Riverside, CA 92501 (951) 782-4420</p> <p>U.S. DEPARTMENT OF LABOR</p> <p>WAGE & HOUR DIVISION</p> <hr/> <p>NORTHERN CALIFORNIA:</p> <p>(North of Fresno County)</p> <p>9342 Tech Center Dr #550 Sacramento, Ca 95826 (916) 255-2501</p>
<p>SAN ALBA</p> <p>Health Services Agency Redwood City, CA 94063 455 County Center, 4th Fl. (650) 363-4055</p> <p>Stanbliss</p> <p>Environmental Res 3800 Comstock Way, Ste C Modesto, CA 95358-9492 (209) 525-6700</p>	<p>LOS ANGELES</p> <p>Environmental Health 300 South Cimarron Ave., 400 Glendale, CA 91205-1752 (818) 240-5274/75</p> <p>WEST COVINA</p> <p>100 North Burrense St., 850 West Covina, CA 91791 (626) 966-0478</p> <p>SAN DIEGO</p> <p>5675 Rutlin Road, 320 San Diego, CA 92123-1362 (619) 557-5606</p>
<p>Marietta</p> <p>Environmental Health 777 W. 22nd St. Merced, CA 95340 (209) 381-1100</p> <p>Orange</p> <p>Environmental Health Div. 2009 E. Edinger Avenue Santa Ana, CA 92705 (714) 667-3600</p>	<p>Marietta</p> <p>Environmental Health Systems 2700 M. Street, Suite 300 Bakersfield, CA 93301 (661) 862-8700</p> <p>Name</p> <p>Environmental Health 1195 Third Street, 101 Napco, CA 94559 (707) 253-4471</p>
<p>Escondido</p> <p>Environmental Health 1221 Euclid Mall, 3rd Floor Fresno, CA 93775-1867 (559) 445-3391</p> <p>Marietta</p> <p>Salinas 12705 Natividad Road Salinas, CA 93066 (831) 755-4500</p>	<p>If the housing is located in one of the following counties contact the county office listed below:</p> <p>3. Contacting the appropriate government offices listed below:</p> <p>Can be obtained by contacting the Wage and Hour Division of the U.S. Department of Labor offices as shown on this page or on the internet at: http://www.dol.gov/eisaw/hd/msp/index.htm</p> <p>• MIGRANT AND SEASONAL AGRICULTURAL WORKERS PROTECTION ACT and OSHA REGULATION 1910.142.</p> <p>400 Oyler Point Blvd., PO Box 3006, South San Francisco, CA 94083 800-888-3600 or on the internet at http://www.reginfo.ca.gov/caww.html</p>

Federal Governing Bodies & Regulatory Framework

- U.S. Department of Agriculture.
- U.S. Environmental Protection Agency.
- Farm Labor Standards Act.
- Farm Bill 2014.
- Clean Water Act (CWA)/Safe Drinking Water Act (SDWA).
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- Resource Conservation & Recovery Act (RCRA).
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund).
- Clean Air Act (CAA).
- Emergency Planning & Community Right to Know Act (EPCRA).

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Summary of Employment Requirements for California Agricultural Employers

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- Cal/OSHA Safety and Health Requirements.
- Cal/OSHA Consultation Services.
- Injury and Illness Reporting.
- Injury and Illness Prevention Program.
- Field Sanitation.

Definitions

- Alternative Compliance.
- Drinking Water Requirements.
- Toilet and Handwashing Facilities.
- Location.
- Maintenance Standards.
- Handwashing Facilities.
- Notice to Employees.
- Required Reports.
- Recordkeeping.
- Weeding, Thinning, and Hot-Capping.

Heat-Illness Prevention

- Personal Protective Equipment (PPE).
- Tree Work Maintenance or Removal.
- Personal Protective Equipment Checklist.
- First Aid and CPR.
- Cleaning, Repairing, Servicing, and Adjusting Machinery and Equipment.
- Operation of Agricultural Equipment.
- Transporting of Employees.
- Manual Lifting and Carrying.
- Tools.
- Working at Heights.
- Mounted Air Compressors and Air Tanks.

Emergency Action Plan

- Fire Prevention Plan.
- Access to Medical and Exposure Information.

Hazard Communication Program

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- Respiratory Protection.
- Storage of Hazardous Substances.
- Top 10 Cal/OSHA Violations in Agricultural Operations.
- Other Safety Issues.
- Safety Training.
- Specific Training Requirements.
- Hearing Conservation.
- Ergonomics standard.
- Tractor Roll Over Protection.

Injury and Illness Prevention Program

- Formula for Improved Injury Prevention.
- Steps to Successful Compliance.
- Responsibilities of the Safety Coordinator.
- Include a system for ensuring that employees comply.
- Summary of Employment Requirements for California Agricultural Employers Training.
- Discipline.
- Recognition.
- Safety Compliance Program.
- Communicating with Employees.
- Identifying and Evaluating Workplace Hazards.
- Safety Incident Investigation.
- Training and Instruction.
- Safety Program Records.
- Other Safety Records.

Pesticides

- Pesticide Safety Regulations.
- Employer/Employee Responsibilities.
- Hazard Communication.
- Training.
- Labels and Other Warnings.
- Emergency Medical Care.
- Restricted Entry Interval.
- Early Entry Requirements.
- Respiratory Protection.

Pesticide Postings

- I-8 and I-9

Wage-and-Hour Requirements

- Minimum Wage.
- State Exceptions.

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- Credits Against Minimum Wage for Meals and Lodging.
- Piece Rates.
- Travel Time.
- Waiting Time.
- Preparation Time.
- Overtime.

Federal & State Wage Provisions

- IWC Order No. 4.
- IWC Order No. 8.
- IWC Order No. 13.
- IWC Order No. 14.
- Overtime Rules under Order No. 14.
- Overtime Rules under Order Nos. 4, 8, and 13.
- Which IWC Order Applies?
- Working Under Two IWC Orders.
- Federal Complication.
- Winery Employment.
- Cold-Storage Activities.
- Figuring Overtime Pay.
- Workweek Defined.
- Workday Defined.
- Overtime Exemptions – State.
- Executive, Administrative, or Professional Employees.
- Executive Exemption.
- Administrative Exemption.
- Professional Exemption.
- Outside Salespersons.
- Commissioned Inside Salespersons.
- Truck Drivers.
- Parents, Spouse, or Children.
- Irrigators.
- Part-Time Employees.
- Make-Up Time.
- Summary of Employment Requirements for California Agricultural Employers.
- Truck Drivers.

Federal Provisions & California Provisions

- Weekend or Holiday Overtime.
- Other Wage-Hour Issues.
- Split-Shift Premium Pay.
- Piece Rates and Commissions.

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- Bonuses' Effect on Overtime Pay.
- Group Rate for Piecework.
- Non-Piece-Producing Work Time of Piece-Rate Employees.
- Exempt Salaried Employees - Salary Deductions.
- Summary of Allowed Salary Deductions.
- Summary of Illegal Salary Deductions.
- Non-Exempt Salaried Employees.
- Clerical and Office Staff.
- Mechanics.
- Housing Employees.
- Workers' Compensation Premiums.
- Taxes.
- Workday and Workweek.
- Paid Time Off and Hours Worked.
- Paydays.
- Workers Employed by Farm Labor Contractors.
- Employees Boarded and Lodged.
- All Other Agricultural Employees.
- Executive, Administrative, and Professional employees.
- Payroll Deductions and Offsets Against Wages.
- Lawful Deductions.
- Garnishment of Wages.
- Employer May Not Collect or Receive Wages Paid Employee.
- Self-Help by Employers to Recover Unliquidated Sums.
- Losses Resulting from Simple Negligence.
- Discipline as an Alternative.
- Loss Suffered from an Employee's Dishonest or Willful Act or Gross Negligence.
- Deductions for Loans Made to Employees.
- Any Deduction Must be for Direct Benefit of Employee.
- Specific Deductions.
- Deductions Allowed by IWC Orders – Caveat.
- Deduction for Tardiness.
- Final Pay.
- Discharged or Laid Off.
- Quitting Employee.
- Waiting-Time Penalty.
- Working Conditions.
- Rest Periods.
- Meal Periods.
- Day's Rest.
- Accommodation.
- Reporting-to-Work Pay.

- Tools.
- Uniforms.
- Personal Protective Equipment – Indemnification.
- Vacations.
- Holidays.
- Sick Pay.
- Severance Pay.
- Pension Plans.
- Health Insurance.
- Summary of Employment Requirements vi for California Agricultural Employers Different Health Insurance for Different Employees.
- Discontinuance of Health Insurance During Workers' Compensation Disability.
- Leaves of Absence - Time Off from Work.
- Pregnancy-Disability Leave.
- Family and Medical Leave Act and California Family Rights Act.
- Court Duty.
- Time Off for Crime Victims.
- Emergency Duty as a Volunteer Firefighter.
- Time Off to Participate in a Child's Daycare Facility or School Activities.
- Time Off to Appear at School at School's Request.
- Time Off to Vote.
- Drug and/or Alcohol Rehabilitation.
- Literacy Assistance.
- Temporary Military and/or Reserve Duty Leave.
- Military-Spouse Leave.
- Mass Layoff/Plant Closure (WARN Act).
- Federal WARN Act.

Definitions

- California WARN Act.
- Farm Labor Contractors.
- Responsibilities of a Grower Using a Farm Labor Contractor (FLC).
- Independent Contractor Reporting.
- Land-Management Services.
- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
- Coverage Under the MSPA.
- Employer Coverage.
- Farm Labor Contractor Coverage.
- Employee Coverage - Migrant or Seasonal Agricultural Workers.

Additional Definition of Terms

- Migrant Agricultural Worker Exemption.

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- Seasonal or Another Temporary Basis Defined.
- Field Work Defined.
- Overview of MSPA Requirements.
- Joint Employer Relationship.
- MSPA Requirements for All Entities.
- MSPA Requirements for Farm Labor Contractors.
- Contracts for Labor or Services.
- Penalties.
- Private Right of Action.
- Specific Requirements for Farm Labor Contractors.
- Checklist of Farm Labor Contractor (FLC) Requirements.
- Employer Tax Registration Requirements.
- California Employer Identification Number.
- California Franchise Tax Board.
- Internal Revenue Service (IRS).
- Insurance and Bonding Requirements.
- Workers' Compensation Insurance Coverage.
- Vehicle Liability Insurance.
- Farm Labor Contractor Bonding.
- Farm Labor Contractor Registration and License Requirements.

General

- Federal Registration.
- State Farm Labor Contractor License Requirements.
- State License.
- Responsibilities of a Grower or FLC Using an FLC.
- Application.
- Summary of Employment Requirements for California Agricultural Employers.
- Farm Labor Contractor Examination.
- Continuing Education.
- Laws Relating to Farm Labor Contractor Employment of Employees.
- FLC Supervisors.
- Worker Recruitment.
- Statement of Unpaid Wage Judgments.
- Grounds for Losing a Farm Labor Contractor License.
- Penalties.
- Penalties for Failures to Pay Wages.
- County Agricultural Commissioner Registration.
- Workers' Compensation.
- Premiums.
- Coverage.
- Employee Exclusions.

Prepared for FEM-O-RAL FARMS SOHUMBOLDT by AgDynamix, LLC (Aug. 2017)

- Responsibilities of Employers.
- Reportable Injury.
- Notice of Injury by Employee.
- Employee Claim Form.
- Physician or Chiropractor Designation.
- Disability Benefit Payments.
- Medical Treatment.
- Premium Calculations.
- Traveling to or From Work.
- Exclusive Remedy; Exceptions.
- Serious and Willful Misconduct.
- Illegally Employed Minors.
- Discrimination - Labor Code Section 132a.
- Penalties.
- Postings.
- Employment Insurance.
- Unemployment Insurance.
- Covered Employers.
- Experience Rating.
- Employer Account Number.
- Required Records.
- Time Limits of Records.
- Posting and Notice Requirements.
- Written Notice to Employee.
- Penalties.
- Disability Insurance and Paid Family Leave.
- Benefits of California SDI Coverage.
- Paid Family Leave Program.
- Child Labor.
- Work Permits.
- Agricultural Zone of Danger.
- Child Labor Summary.
- Exemption for One's Own Children.
- Minimum Age Standards General.
- Permits to Work and to Employ.
- Recordkeeping.
- Hours of Work.
- Spread of Hours.
- Restricted and Hazardous Occupations.
- Posting of Notice.
- Wages.
- Citations and Penalties.

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- Posting Requirement.
- Transportation.

Summary of Employment Requirements for

California Agricultural Employers Transportation of Interstate Commerce Act (ICA)

Regulations

- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

- FLC Transportation of Worker.
- Vehicles Covered Under Regulations Developed by DOL.

- Exempt Vehicles.

- Rules Which Apply to All Vehicles.

- Vehicle Insurance Requirements.

- Vehicle Safety Regulations Developed by the DOL.

- State Statutes and Regulations.

- Farm Labor Vehicles.

- Vehicle Inspections.

- Vehicle Drivers.

- Farm Labor Vehicles.

- Farm Labor Vehicle Equipment.

- Pickup, Flatbed, and Dump Trucks.

- Trucks.

- Carrier or Employer Responsibility.

- Cal/OSHA.

- Liabilities Relative to Transportation.

- Tractor-Driver Licensing Requirements.

- Transporting Employees.

- Operation on Public Highways.

- Transportation Provided by Supervisors.

Housing

- State Coverage.

- Cal/OSHA Requirement.

- Fees for Permits and Inspections.

- Prohibitions.

- Federal Coverage.

- Penalties.

- Credits Against Minimum Wage for Meals and Lodging.

- Impact of Housing Employees.

- Evictions; Housing Agreements.

- Agricultural Labor Relations Act (ALRA).

- Agricultural Labor Relations Board (ALRB).

- Coverage under the ALRA.

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Definitions

- Agricultural Employer.
- Farm Labor Contractor.
- Supervisor.
- Agricultural Employees.
- Union.
- Concerted Activities.
- Unfair Labor Practice.
- Union Elections and Collective Bargaining.
- Mandatory Mediation Order.
- Union Access.
- Unfair Labor Practices.
- Strikes, Picketing and Economic Boycotts.
- Remedies for Unfair Labor Practices.
- ALRB Remedies.
- Discrimination.
- Discrimination - General Background.
- Federal.
- California.
- Other Laws.
- Protected Categories and Definitions.
- Summary of Employment Requirements for California Agricultural Employers.
- Ancestry, Race, Color, and National Origin.
- Sex Discrimination.
- Supervisor Harassment Training.
- Sexual Orientation.
- Gender Identity Discrimination and Harassment.
- Pregnancy, Childbirth, and Related Medical Conditions.
- Marital Status.
- Age Discrimination.
- Disabilities.
- Reasonable Accommodation.
- Pre-Job-Offer Inquiries.
- Post-Job-Offer, Pre-Employment Medical Examinations.
- Employee Examinations.
- Alcohol and Other Drugs.
- Religious Discrimination.
- Discrimination - Other Laws.
- Privacy in Employment.
- Employee's Off-Work Activities.

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- Garnishments.
- Return to Work Due to Medical Absence.
- Employers with one or more employees.
- Employers regularly employing five or more employees.
- Pregnancy Disability.
- Reporting Requirements - EEO-1.
- Applicant Identification Records.
- Harassment.
- Types of Sexual Harassment.
- Quid Pro Quo.
- Hostile or Offensive Work Environment.
- Duty to Prevent Sexual Harassment by Non-Employees.
- Notices, Posters, Disclosures and Records.
- Notices and Disclosures.

U.S. Department of Labor

- Wages and Hours - Federal.
- Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA).
- Patient Protection and Affordable Care Act.
- Wage and Hour Regulation - State IWC Orders.
- Industrial Welfare Commission (IWC).
- Payday Notice.
- Statement of Wages.
- Compensation Notice.
- Farm Labor Contractor Rate of Compensation.
- Commissioned Employee - Written Contract Requirement.
- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
- General MSPA Poster.
- Worker Information.
- Housing Terms and Conditions.
- National Labor Relations Act (NLRA) Employee Rights.
- Employment of Minors.
- Employment Development Department (EDD).
- Equal Employment Opportunity is the Law.
- Equal Employment Opportunity is the Law.
- Age Discrimination is Against the Law.
- Family and Medical Leave Act (FMLA).
- California Fair Employment and Housing Commission (FEHC).
- Pregnancy-Disability Leave.
- California Family Rights Act (CFRA).
- Discrimination in Employment is Prohibited by Law.
- Summary of Employment Requirements for California Agricultural Employers.

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- Time Off to Vote.
- Housing and Meals.
- Operators of Labor Camps.
- Amounts Charged for Meals and Lodging.
- Fair Housing is the Law.
- Cal/OSHA.
- Safety and Health Protection on the Job.
- Cal/OSHA Form 300A.
- Field Sanitation Facilities.
- Access to Medical and Exposure Records.
- Agricultural - Industrial Tractors.
- Operating Rules for Industrial Trucks.
- Handwashing Water.
- California Safe Drinking Water and Toxic Enforcement Act.
- Pesticide Postings.
- Posting of Pesticide Storage Areas.
- Emergency Medical Care.
- Emergency Medical Services.
- Field Postings.
- Irrigation.
- Fumigants.
- Application-Specific Information for Field Workers.
- Pesticide Safety Information Series A-8.
- Pesticide Safety Information Series A-9.
- Workers' Compensation.
- Notice of Compensation Carrier.
- Medical Provider Network Information.
- Off-Duty Recreation.
- Written Notice to New Employees.
- Employee Polygraph Protection Act.
- Whistleblower Hotline.
- Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Mass Layoff/Plant Closure (WARN).
- Human Trafficking/Slavery Notice.
- Recordkeeping and Reports.
- Cal/OSHA.
- Field Sanitation Report.
- Recordkeeping.
- GISO § 3203.
- Department of Pesticide Regulation.
- Employment Development Department.
- Wages and Payroll.

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- Statement of Wages.
- Recording Hours Worked.
- Payroll and Related Records.
- Workday and Workweek.
- Personnel Records.
- Job Applications; Personnel Records.
- Records That Must be Kept.
- Immigration.
- CIS Form I-9.
- Farm Labor Contractor (FLC).
- FLC License.
- FLC Payroll Records.
- Leave of Absence.
- Family and Medical Leave Act.
- California Family Rights Act.
- Discrimination.

Summary of Employment Requirements for California Agricultural Employers

- Applicant Identification Records.
- EEOC EEO-1 Report.
- Recordkeeping and Inspection Requirements.
- Inspection and Copying of Personnel Files.
- Inspection and Copying of Payroll Records.
- Workers' Compensation.
- Employee Claim Form.
- Form to Indicate Physician or Chiropractor.
- Child Labor.
- Permit to Employ and Work Permit.
- Date of Birth.
- Checklist of Forms and Reports.

Glossary of Abbreviations & Definitions

AAPCC: American Association of Poison Control Centers

AB: Assembly Bill

ABA: Architectural Barriers Act

ADA: Americans with Disabilities Act

ALRA: Agricultural Labor Relations Act

ALRB: Agricultural Labor Relations Board

APN: Assessor's Parcel Number

AUMA: Adult Use Marijuana Act (Prop 64)

BCC: Bureau of Cannabis Control

BMCR: Bureau of Medical Cannabis Regulation

BMP: Best Management Practices

BOE: Board of Equalization

CAC: County Agricultural Commissioner

Cal OES: California Office of Emergency Services (*See also OES*)

CALRA: California Agricultural Labor Relations Act

CALRB: California Agricultural Labor Relations Board

CBC: California Building Code

CBO: Cannabis Board Order

CCR: California Code of Regulations (also Cal. Code Regs.)

CDFA: California Department of Food and Agriculture

CDFFP: California Department of Forestry and Fire Protection (CAL FIRE)

CDF: California Department of Fire

CDFW: California Department of Fish and Wildlife

CDIR: *Also see DIR:* California Department of Industrial Relations

CD: Community Development

CDPH: California Department of Public Health

CDWC: California Division of Worker's Compensation

CEH: Center for Environmental Health

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CEQ: Council on Environmental Quality
CEQA: California Environmental Quality Act
CFR: Code of Federal Regulations
CFSAN: Center for Food Safety and Applied Nutrition
CLRB: California Labor Relations Board
CSLB: California State Licensing Board
CMCLUO: Commercial Medical Cannabis Land Use Ordinance
CP: Community Planning
CPD: County Planning Department
CPRC: California Public Resources Code
CSWC: California State Warning Center
CUPA: California Unified Program Act
DCA: Department of Consumer Affairs
DD: Development Department
DEH: Division of Environmental Health
DEFH: Department of Fair Employment and Housing
DHHS: Department of Health and Human Services
DIR: Department of Industrial Relations
DISE: Department of Labor Standards Enforcement
DL-WHD: Department of Labor, Wage and Hour Division
DOL: Department of Labor
DPH: Department of Public Health
DPR: Department of Pesticide Regulation
DWC: Division of Workers' Compensation
DWR: Division of Water Rights
EEOC: Equal Employment Opportunity Commission
EIR: Environmental Impact Report
EPA: Environmental Protection Agency
FLC: Farm Labor Contractor
FLSA: Fair Labor Standards Act
GAP: Good Agricultural Practices

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GHP: Good Handling Practices
GP: General Plan
HIPP: Heat Injury Prevention Plan
HSC: Health and Safety Code
HUC: Hydrologic Unit Code
IIPP: Injury and Illness Prevention Program
IPM: Integrated Pest Management
ISWDU: Initial Statement of Diversion and Use
LLC: Limited Liability Company
LRDP: Long Range Development Plan
LSA: Lake and Streambed Alteration
LSAA-1600/1602: Lake and Streambed Alteration Agreement
LC: Labor Commissioner
MBC: Medical Board of California
MCRSA: Medical Cannabis Regulation and Safety Act
MND: Mitigated Negative Declaration
MOU: Memorandum of Understanding
MRP: Monitoring and Reporting Program
MSDS: Material Safety Data Sheet
MSPA: Migrant Seasonal Protection Act
NCRWQCB: North Coast Regional Water Quality Control Board
ND: Negative Declaration
NEPA: National Environmental Policy Act
NLRB: National Labor Relations Board
NMBC: Non-Profit Mutual Benefit Corporation
NOE: Notice of Enrollment
NOI: Notice of Intent
NOP: National Organic Program
NRCS: Natural Resources Conservation Service
NWIC: Northwest Information Center
OES: Office of Emergency Services

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OMCS: Office of Manufactured Cannabis Safety
OMRI: Organic Materials Review Institute
OPR: Office of Planning and Research
OSHA: Occupational Safety and Health Administration
OSHG: Occupational Health and Safety Guidelines
OSHT: Occupational Safety and Health Technician
PG&E: Pacific Gas and Electric
PHTP: Pesticide Handling Training Program
PPE: Personal Protective Equipment
REI: Restricted Entry Interval
SB: Senate Bill
SDS: Safety Data Sheets (*See also MSDS*)
SDU: Small Domestic Use
SIU: Small Irrigation Use
SOP: Standard Operating Procedures
SWRCB: State Water Resources Control Board
THPO: Tribal Historical Preservation Office
USC: United States Code
USCB: United State Census Bureau
USDA: United States Department of Agriculture
US-DOL: United States Department of Labor
USDHHS: United States Department of Health and Human Services
WBO: Water Board Order
WDID: Waste Discharge Identification
WHD: Wage and Hour Division
WRPP: Water Resource Protection Plan
WWD: Waste Waiver Discharge Program

Other Relevant Sources

- Adult Use of Marijuana Act (AUMA), <http://bit.ly/2hTHGHw>.
- Agricultural Operations, Field Sanitation, California Code of Regulations, Title 8, § 3457, <http://bit.ly/2iDeHrW>.
- Best Management Practices (SWRCB), <http://bit.ly/2ji6JEK>.
- Bureau of Medical Cannabis Regulation, or Bureau of Marijuana Control, <http://bit.ly/2pb9Lkq>
- CalCannabis, <http://bit.ly/2qHl43T>
- California Building Code (CBC), <http://bit.ly/2ji3wFb>.
- California Code of Regulations, § 51018, <http://bit.ly/2iq7azr>.
- California Environmental Quality Act (CEQA), <http://bit.ly/2jigkLE>.
- California Field Sanitation Standards, <http://bit.ly/2iDeHrW>.
- California Hazardous Materials Spill/Release Notification Guidance, <http://bit.ly/2jpUR6i>.
- California Health and Safety Code, § 25270.8, § 25510, <http://bit.ly/2jtbkWX>.
- California Labor Code, § 6409.1 (b), <http://bit.ly/2j26HjC>.
- California Public Utilities Code, § 7673, <http://bit.ly/2ivtkR7>.
- California Water Code, § 13271, <http://bit.ly/2iq3Ggp>.
- Characteristic Hazardous Wastes, 22 CCR § 66261.21-66261.24, <http://bit.ly/2iq7pKF>.
- Commercial Medical Cannabis Land Use Ordinance (CMCLUO), <http://bit.ly/2jDgM7e>.
- Compassionate Use Act, <http://bit.ly/2f2Koud>.
- Contingency Plan and Emergency Procedures, California Code of Regulations, Title 22, CCR, § 66265.56, <http://bit.ly/2iDoiyG>.
- Detailed Hazardous Materials Incident Reports, Code of Federal Regulations, Title 49, CFR, § 171.16, <http://bit.ly/2iAmDZh>.
- Driving Offenses, California Vehicle Code, § 23112.5, <http://bit.ly/2iqfqb5>.
- EPA, Pacific Southwest, Region 9, *Chemical Spills Prevention and Preparedness* webpage, <http://bit.ly/2ivmElX>.
- Farmers, CCR, Title 22, § 66262.70, <http://bit.ly/2ivuufu>.
- Guide for State and Federal Requirements for Employee/Migrant Housing, <http://bit.ly/2jYFimu>.
- Hazardous Material Release Reporting, California Code of Regulations, Title 19, CCR, § 2703, <http://bit.ly/2jigd2U>.
- Health and Safety Code (HSC), § 11362.777, <http://bit.ly/2ivoMdk>.
- Lake and Streambed Alteration Agreement (LSA-1600/1602), <http://bit.ly/2jS5NWV>.
- Medical Cannabis Regulation & Safety Act (MCRSA), <http://bit.ly/2j2mwqc>.
- National Environmental Policy Act (NEPA), <http://bit.ly/2fSvght>.
- NEPA CEQA Handbook, <http://bit.ly/2ivnyPq>.
- Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, <http://bit.ly/1AKXsYc>.
- Onshore Well Regulations, California Code of Regulations, Title 14, CCR, § 1722 (h), <http://bit.ly/2iAmbKi>.
- Office of Manufactured Cannabis Safety, <http://bit.ly/2qR3WoO>
- OSHA Guidelines, <http://bit.ly/2hq1yc>.

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- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, <http://bit.ly/2fHhG4K>
- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, <http://bit.ly/2ivveB5>
- Regulations for Implementing the Procedural Provisions of NEPA, <http://bit.ly/2ivt84d>
- Reporting of Incidents Involving Hazardous Materials or Hazardous Wastes, California Code of Regulations, Title 13, § 1166, <http://bit.ly/2itcx6J>
- Reporting Work-Connected Fatalities and Serious Injuries, California Code of Regulations, Title 8, § 342: <http://bit.ly/2!s4dUu>
- SB-643, Chapter 719, § 19302.1 (d), <http://bit.ly/2!AePXP>
- Senate Bill 420, <http://bit.ly/2fv0zBl>
- Solid Waste Storage and Removal Standards, California Code of Regulations, Title 14, Chapter 3, Article 5, <http://bit.ly/2!S8BmV>
- Standards Applicable to Transporters of Hazardous Waste, Code of Federal Regulations, Title 40, Chapter I, Subchapter I, Part 263, <http://bit.ly/2!2Z!pC>
- Statements of Water Diversions and Use, California Code of Regulations, § 5101, <http://bit.ly/2!i8DWU>
- Summary of Employment Requirements for California Agricultural Employers, <http://bit.ly/2!7mxJy>
- Toxics, California Code of Regulations, Title 17, CCR, § 30295, <http://bit.ly/2!t3svh>
- U.S. Code, Title 42, § 9603, <http://bit.ly/2!Ap7Xl>
- Unique Identifier and Track and Trace Program, Article 7.5, § 19335 (a), <http://bit.ly/2!YFT7K>
- United States Code, Title 42, Sections 4331 et seq., <http://bit.ly/2!FqgLE>
- Waste Discharge Reports and Requirements, California Code of Regulations, Title 23, CCR, § 2230, <http://bit.ly/2!FoWxe>



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H507652

CERTIFICATE H100556

Right Holder: William Rollf
4791 Ettersburg Honeydew Road
Redway, CA 95560

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 07/29/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
POD A	Unnamed Spring	Unnamed Stream	Mattole River	40.132179	-123.982686	Humboldt	221-251-01
POD B	Unnamed Spring	Unnamed Stream	Mattole River	40.135829	-123.979510	Humboldt	221-202-015

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	221-202-015	0.12

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/29/2019.

The place of use is shown on the map filed on 06/29/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.2578 acre-feet per year to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.26 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.

For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy

reservoir determinations under the Cannabis Policy.

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

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

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
<https://www.waterboards.ca.gov/cannabis>.

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. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
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.

downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 06/29/2019 12:22:05

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RECEIVED

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

JUL 03 2019

CDFW - EUREKA

**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2018-0865-R1

Unnamed Tributaries to Blue Slide Creek, Tributary the Mattole River,
thence Pacific Ocean

William F. Rolff and Ronda Rolff
Rem-o-ral Farms, LLC Water Diversions and Stream Crossings Project
4 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and William F. Rolff and Ronda Rolff (Permittees).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 31, 2018, that the Permittees intend 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 Permittees have reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittees agree to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Blue Slide Creek watershed, approximately 4 miles East of the town of Ettersburg, County of Humboldt, State of California. The project is located in Southwest ¼ of Section 5, T4S, R12E, and Northwest ¼ of Section 8, T4S, R12E Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 221-202-15 and 221-251-001; latitude 40.13218205 and longitude -123.9826857 at Point of Diversion (POD) A.

PROJECT DESCRIPTION

The project is limited to four encroachments (Table 1) associated with Humboldt County Application Nos. 12561 and 12999. POD-A and POD-B are existing water diversions

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from unnamed tributaries to Blue Slide Creek. Water will be gravity fed to 80,000 gallons of storage. No water will be diverted from either POD from April 1 through October 30 of each year except for 200 gallons per day per PODs site. Water is diverted and stored for domestic and irrigation. Work for both water diversions will include use and maintenance of the water diversion infrastructure. Crossing No. 1 is upgrading an existing dirt ford with a rocked ford. Crossing No. 2 involves replacing an existing culvert with a larger culvert on an unnamed tributary. Work will include excavation, removal of the failing culvert, replacement with new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. This LSAA does not retroactively permit any crossings, diversion, or encroachments not described in the Notification..

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-A	40.13218205, -123.9826857	Point of diversion using a 4 foot dep cistern in a stream
POD-B	40.13589399, -123.9796173	Point of diversion using a surface intake
Crossing-1	40.13724155 -123.9796173	Upgrading of existing dirt ford to a rocked ford
Crossing-2	40.13791601 -123.9781383	Replacing an existing 18-inch culvert with 36-inch culvert

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species and downstream Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentata*), Foothill Yellow-legged Frog (*Rana boylei*), Western Pond Turtle (*Actinemys marmorata marmorata*).

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

Impacts to water quality:

increased water temperature;
reduced instream flow;
temporary increase in fine sediment transport;

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 **Documentation at Project Site.** The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 **Providing Agreement to Persons at Project Site.** The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 **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.
- 1.4 **Project Site Entry.** Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 **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.
- 1.6 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures 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.

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- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, and erosion control measures.**
- 1.8 **Notification to the California Natural Diversity Database.** If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDB) forms to the CNDDB within five (5) working days of the sightings. A summary of CNDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data>.

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 Permittees' Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on December 31, 2018.
- 2.2 **Nesting Birds.** Actively nesting birds and their nests shall not be disturbed by project activities.
- 2.3 **Listed Species.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.4 **Decontamination.** Permittees responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol.

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Project Timing

- 2.5 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

General Stream Protection Measures

- 2.6 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.7 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.8 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.9 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.10 **Clean-up.** Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.11 **Erosion Control Measures**
- 2.11.1 **Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within

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the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.11.2 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

2.11.3 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.

Water Diversion

2.12 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute (gpm) at any time.

2.13 Bypass Flow. The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

2.14 Seasonal Diversion Minimization. Permittee shall divert water to storage from November 1 to March 31. No water shall be diverted for the purpose of irrigation during the low flow season from **April 1 to December 14** of each year, except for 200 gallons per day per each POD. Water shall be diverted only if the Permittees can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.

2.15 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of

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diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

2.15.1 A log including the date, time and quantity of water diverted from PODs.

2.15.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).

2.15.3 Permittee shall make available for review at the request of CDFW the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

2.16 **Water Management Plan.** Permittees shall submit to CDFW a Water Management Plan By April 30, 2019, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement.

Water Diversion Infrastructure

2.17 **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.

2.18 **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.

2.19 **Intake Maintenance.** Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed.

Stream Crossings

2.20 **Road Approaches.** Permittees shall treat road approaches to new or re-constructed permanent stream crossings to minimize erosion and sediment

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delivery to the watercourse. Permittees shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.

2.21 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to Waters of the State.

2.22 Crossing Maintenance. Permittees shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.

2.23 Isolation of Work Site. When working in a flowing stream, Permittees shall divert the stream flow around or through the work area during construction operations. Permittees shall adhere to the following conditions:

2.23.1 Coffer Dams. Prior to the start of construction, Permittees shall isolate the work area. Cofferdams shall be installed to divert stream flow; isolate and dewater the work site; catch and retain sediment-laden water; and minimize sediment transport downstream. Water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately. Permittees shall use only clean, non-erodible materials. Mineral soil shall not be used in the construction of cofferdams.

2.23.2 Stranded Aquatic Life. Once coffer dams are installed, a qualified biologist or other qualified professional trained to identify listed species shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. CDFW staff shall be contacted immediately if any of these species are detected.

2.23.3 Dewatering. Permittees shall catch and retain sediment-laden water and minimize sediment transport downstream. Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or

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gravity flow, and cleanly returned to the stream below the work area. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.23.4 Remove any Materials upon Completion. Permittees shall remove any turbid water and sediment present in the work area prior to restoring water flow through the project site and place them in a location where they cannot enter the Waters of the State. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

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

2.24 Culvert Installation.

2.24.1 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow including debris, culvert embedding, and sediment loads with failing.

2.24.2 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.24.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.24.4 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe and shall be compacted.

2.24.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

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2.25 Ford.

- 2.25.1 The ford shall be designed and sized to accommodate the 100-year flood flow plus associated sediment and debris.
- 2.25.2 The ford and hydrologically-connected road approaches shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.
- 2.25.3 The fords shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing.
- 2.25.4 The lowest point of the fords shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bank-full and to avoid diversion potential.
- 2.25.5 Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.
- 2.25.6 Fords shall only be used when the fording surface is dry.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 **CDFW Notification of Work Initiation.** The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **July 1** of each year beginning in **2019**.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

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To Permittee:

William F. Rolff and Ronda Rolff
Fem-o-ral Farms, LLC
P.O. Box 2093
Redway, California 95540
(707) 923-1014

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2018-0865-R1

LIABILITY

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.

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Streambed Alteration Agreement
Page 12 of 14

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 Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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

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Streambed Alteration Agreement
Page 13 of 14

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 Fish and Game Code section 1605, subdivision (b), 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, 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 Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

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

TERM

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

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AUTHORITY

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


AUTHORIZATION

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

CONCURRENCE

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

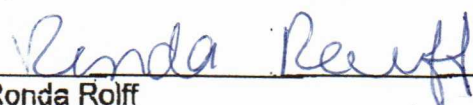
FOR WILLIAM F. ROLFF



William F. Rolff

6-13-2019
Date


FOR RONDA ROLFF



Ronda Rolff

6-13-19
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Cheri Sanville
Senior Environmental Scientist Supervisor

7/8/19
Date

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE		No response	
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file- confidential
CA Division of Water Rights		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
Telegraph Ridge Fire Protection District		No response	
Bear River Band of Rohnerville Rancheria	✓	Survey Approved	On file- confidential
Intertribal Sinkyone Wilderness Council		No response	
North Coast Regional Water Quality Control Board		No response	
Southern Humboldt Joint Unified School District		No response	

PLN-12561-SP 

William Rolff - 10,0...
The applicant is se...

STATUS

> Hearing
06/24/2021 by ...

LOCATION

> 4895 Ettersbur...
Whitethorn, CA...

CONTACT

> Rolff William F ...

WORKFLOW

> 16 total Task
...

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (7)

Payment

Cancel

Help

Task
Environmental Health

Due Date
02/02/2019

Assigned Date
01/18/2019

Assigned to Department
Environmental Health

Assigned to
LandUse1 DEH

Status
Approved with Conditions

Action by Department
Environmental Health

Action By
Ben Dolf

Status Date
01/23/2019

Start Time

End Time

Hours Spent
0.0

Billable
No

Overtime
No

Comments
Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.

Time Tracking Start Date

Est. Completion Date

In Possession Time (hrs)

Display E-mail Address in ACA
No

☒ Display Comment in ACA

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Estimated Hours
0.0

Action
Updated

Workflow Calendar



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

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION

445-7491

BUSINESS

445-7652

ENGINEERING

445-7377

FACILITY MAINTENANCE

445-7493

NATURAL RESOURCES

445-7741

NATURAL RESOURCES PLANNING

267-9540

PARKS

445-7651

ROADS & EQUIPMENT MAINTENANCE

445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Liza Welsh, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01/17/2019

RE:

Applicant Name	FEM-O-RAL FARMS, LLC
APN	221-202-015
APPS#	12561-ZCC

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

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

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 11/8/2018, with Part A –Box 1 checked, certifying that the road is developed to road Category 4 standards. The road is on the “Green List” in Exhibit “D”.

The site plan also shows that the parcel uses “Blue Slide Road”. No road evaluation was completed for this non-county maintained road.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12561

- ☒

COUNTY ROADS- FENCES & ENCROACHMENTS:
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐

COUNTY ROADS- DRIVEWAY (PART 1):
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

It is unclear if the project will be using the two access locations off of the County Road. If both are to used both will need to be surfaced to County Standards.
- ☒

COUNTY ROADS- DRIVEWAY (PART 2):
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐

COUNTY ROADS- DRIVEWAY (PART 3):
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒

COUNTY ROADS- PRIVATE ROAD INTERSECTION: BLUE SLIDE RD AT COUNTY ROAD
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐

COUNTY ROADS- ROAD EVALUATION REPORT(S):
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

Exhibit "D"

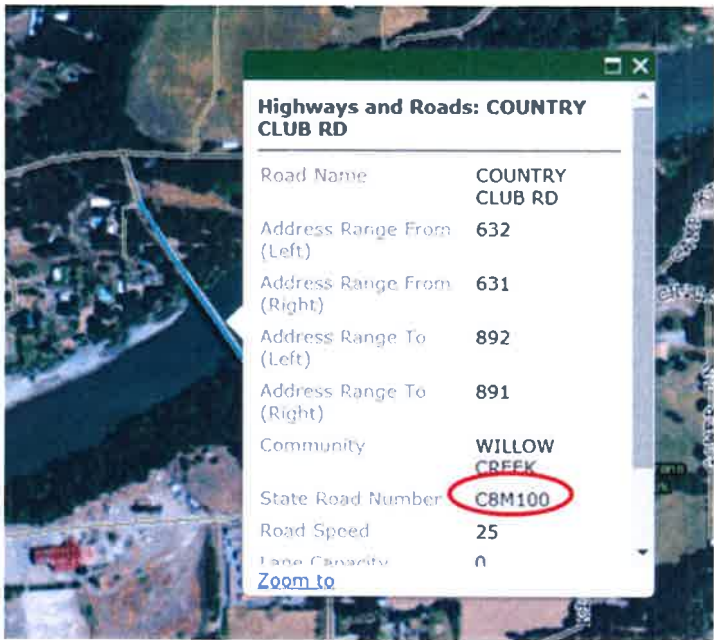
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

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

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Barrys Road	5J020	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Butler Valley Road	F5J031	All
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then continues as USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.5
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained] continues as a non-County maintained road
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road

Exhibit "D"

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Patterson Road	C3M130	All
Price Creek Road	3G075	Blue Slide Creek Rd to PM 2.0
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Showers Pass Road	6G010	PM 0.0 to PM 4.0 and PM 17.0 to PM 19.1
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11 (At Old Briceland Road)
Sprowel Creek Road	6B095	Old Briceland Rd to PM 7.22 [End of County maintained]
Tim Mullen Road	5J010	PM 0.0 to PM 2.07 [End of County maintained]
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
Wallan Road	6B166	Alderpoint Rd to PM 1.29 [End of County maintained]
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Cemetary Road	8D020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Harris Road	8B020	All
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.5 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
Price Creek Road	3G075	P.M. 2.0 to P.M. 3.45
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Showers Pass Road	6G0100	P.M. 4.0 to P.M. 17.0
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //