



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

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

Hearing Date: July 22, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Jason Caldwell, Special Permit**  
Record Number: PLN-11820-SP  
Assessor's Parcel Number (APN): 217-401-001

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at [astrickland@co.humboldt.ca.us](mailto:astrickland@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 22, 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. Water for irrigation is sourced from an existing off-stream rainwater catchment pond with a capacity of 500,000 gallons. Hard tank water storage totals 5,000 gallons. Processing such as drying and curing will occur onsite in an existing structure, further processing will occur offsite at a licensed third-party processing facility. The project will require minimal energy which will be provided by a generator. The project is owner operated, therefore no employees are required for the project.

**Project Location:** The project is located in Humboldt County, in the Blocksburg area, on the North and South side of Homestead Road, approximately .5 miles North from the intersection of Browning Road and Homestead Road, on the property known to be in Section 24 of Township 02 South, Range 04 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3).

**Present Zoning:** Forestry Recreation (FR) - Minimum building site area 40 acres (B-5(40))

**Record Number:** PLN-11820-SP

**Assessor's Parcel Number:** 217-401-001

**Applicant**

Jason Caldwell  
P.O. Box 614  
Miranda, CA 95553

**Owner**

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

**Agents**

Timberland Resource Consultants  
David Spinosa  
165 S Fortuna Blvd  
Fortuna, CA 95540

**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 Jason Caldwell 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. Water for irrigation is sourced from an existing off-stream rainwater catchment pond with a capacity of 500,000 gallons. Hard tank water storage totals 5,000 gallons. Processing such as drying and curing will occur onsite in an existing structure, further processing will occur offsite at a licensed third-party processing facility. The project will require minimal energy which will be provided by a generator. No employees are required for the project.

**Water Resources**

The estimated annual water usage for the project is 67,500 gallons (6.75 gal/SF) with peak demand occurring in August and September. Water for irrigation is provided by an existing rainwater catchment pond with a capacity of approximately 500,000 gallons. Water is pumped to hard tank storage which totals 5,000 gallons. The applicant will be required to install water meters at the point of withdrawal from the pond and record weekly water usage to ensure adequate water supply for the project needs.

The project was referred to the Division of Environmental Health (DEH) and received a response that the application 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. It was also recommended that the applicant destroy or permit the existing well, however, the well will no longer be used for cultivation.

The project was erroneously referred to the U.S. Army Corp of Engineers which recommended that a wetland delineation be completed for the subject parcel. The National Wetlands Inventory does not show any mapped wetlands on the subject parcel. The project does not propose to discharge dredge or fill materials into the waters of the United States.

**Biological Resources**

A review of the California Natural Diversity Database (CNDDB) found that no species of special concern have been mapped near the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located approximately 1.19 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 1.64 miles from the cultivation area. The subject parcel contains four unnamed Class III watercourses, all cultivation related infrastructure adheres to the 50-foot setback from the Streamside Management Area. No special status plant or animal species or sensitive natural communities are anticipated to be impacted by the existing cultivation site. The project was referred to the California Department of Fish and Wildlife in November of 2017. No response was received.

## **Tribal Cultural Coordination**

The applicant submitted a *Cultural Resource Investigation* prepared by Archaeological Resource and Supply Co., dated April 2019. The existing operation is not anticipated to impact any Tribal Cultural resources. The project was referred to the Bear River Band of Rohnerville Rancheria who recommended that the applicant adhere to the inadvertent discovery protocol.

## **Access**

Access to the site is via two private driveways accessed by Homestead Road. Homestead Road is a privately maintained roadway which, according to the *Road Evaluation Report* prepared by Timberland Resource Consultants, is developed to the equivalent of a Category 4 road standard. The project was referred to the Public Works Land Use Division who recommended the project be approved with the added condition that the applicant adhere to the Sight Visibility Ordinance and that the intersection of Homestead Road and Alderpoint Road be improved to commercial standards.

Environmental review for this project was conducted and based on the results of that analysis, staff find 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-11820-SP  
Assessor's Parcel Number: 217-401-001**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Jason Caldwell, Special Permit request.**

**WHEREAS, Jason Caldwell**, submitted an application and evidence in support of approving a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. Water for irrigation is sourced from an existing off-stream rainwater catchment pond with a capacity of 500,000 gallons. Hard tank water storage totals 5,000 gallons. Processing such as drying and curing will occur onsite in an existing structure, further processing will occur offsite at a licensed third-party processing facility. The project will require minimal energy which will be provided by a generator. No employees are required for the project.

**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 22, 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. Water for irrigation is sourced from an existing off-stream rainwater catchment pond with a capacity of 500,000 gallons. Hard tank water storage totals 5,000 gallons. Processing such as drying and curing will occur onsite in an existing structure, further processing will occur offsite at a licensed third-party processing facility. The project will require minimal energy which will be provided by a generator. No employees are required for the project.

**EVIDENCE:**                      a) Project File: PLN-11820-SP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to 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 in September of 2019 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 communities. A review of the Humboldt County Web GIS found that the project site is over one mile from any known sensitive receptor.
- e) The continued cultivation of 10,000 square-feet is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of Rohnerville Rancheria who requested that the applicant adhere to the Inadvertent Discovery Protocol.
- f) The applicant has obtained a Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife. The applicant will be required to adhere to the provisions of the LSAA.
- g) A *Road Evaluation Report* was prepared for Homestead Road. Homestead Road meets 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 FR zone in which the site is located.

#### **EVIDENCE**

- a) General agricultural is a principally permitted use in the FR zone.
- b) 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 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 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.

- a) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded

Parcel Map Subdivision (Parcel 60 of Parcel Map 64, Book 1, Page 096).

- b) The project will obtain irrigation water from an existing rainwater catchment pond. A condition of approval will require that the applicant install a meter at the point of withdraw from the pond to ensure that the pond is providing sufficient water to meet the project needs.
- c) The applicant has obtained a Final Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife. The applicant will be required to adhere to the provisions of the LSAA.
- d) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.
- 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 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 in the area.
- 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 and more than 600 feet from any school, church, public park or Tribal Cultural Resource.
- c) The project will obtain irrigation water from an existing rainwater catchment pond. A condition of approval will require that the applicant install a meter at the point of withdraw from the pond to ensure that the pond is providing sufficient water to meet the project needs.
- 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.
- e) As stated in the applicant *Water Resource Protection Plan* all cultivation sites are located in areas with slopes between 15 and 30 percent.

**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 Jason Caldwell Special Permit 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 22, 2021.

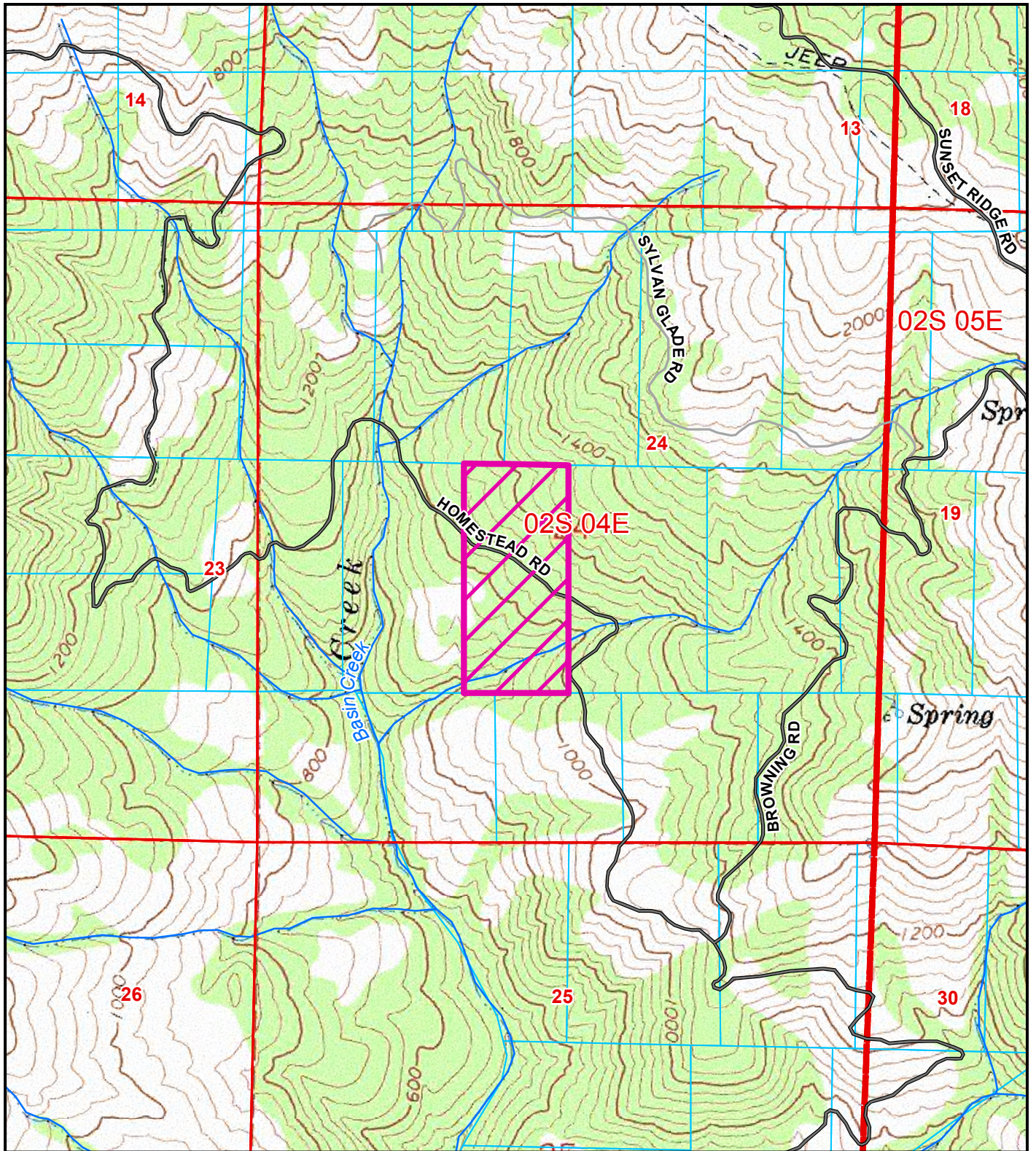
DECISION:

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.

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John Ford, Zoning Administrator  
Planning and Building Department

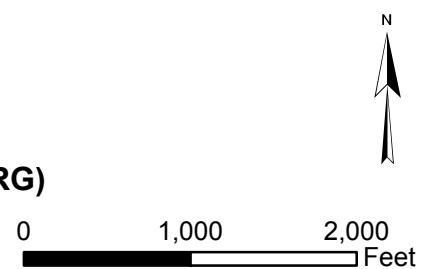




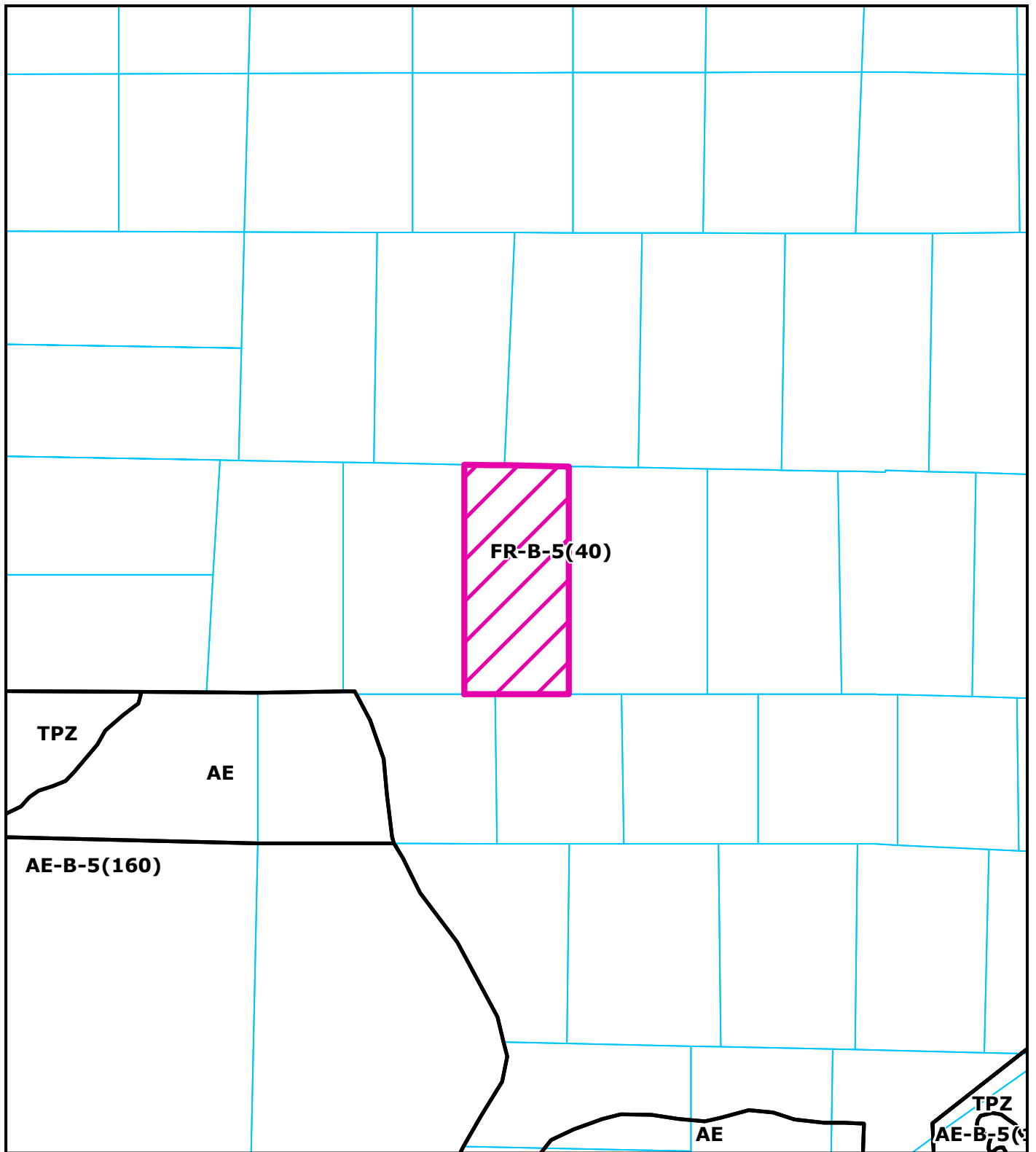
Project Area = 

**TOPO MAP**  
**PROPOSED JASON CALDWELL**  
**BLOCKSBURG AREA**  
**SP-16-817**  
**APN: 217-401-001**  
**T02S R04E S24 HB&M (BLOCKSBURG)**

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



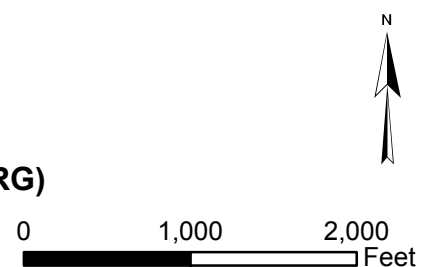




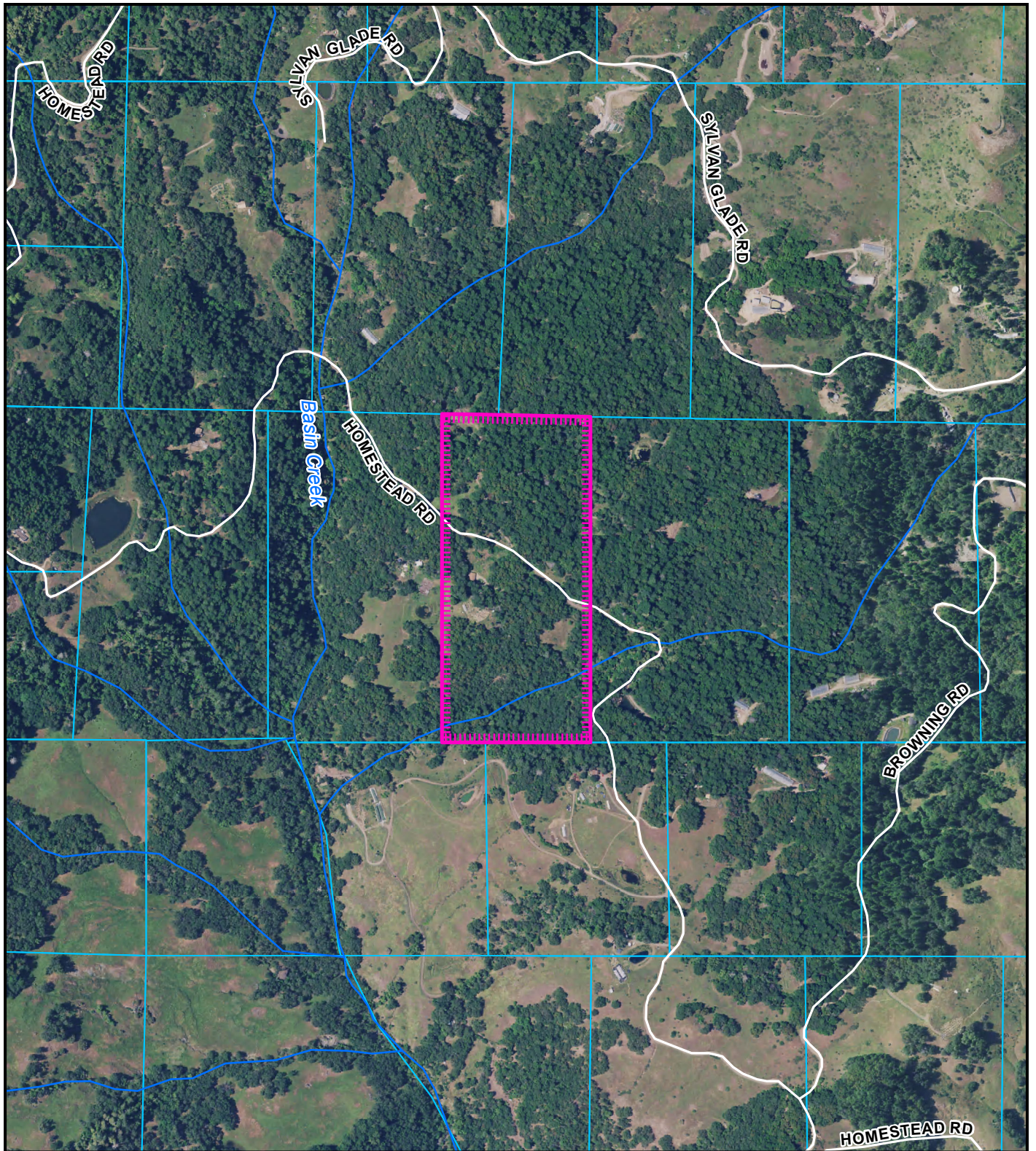
Project Area = 

**ZONING MAP  
PROPOSED JASON CALDWELL  
BLOCKSBURG AREA  
SP-16-817  
APN: 217-401-001  
T02S R04E S24 HB&M (BLOCKSBURG)**

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







**AERIAL MAP  
PROPOSED JASON CALDWELL  
BLOCKSBURG AREA  
SP-16-817  
APN: 217-401-001  
T02S R04E S24 HB&M (BLOCKSBURG)**

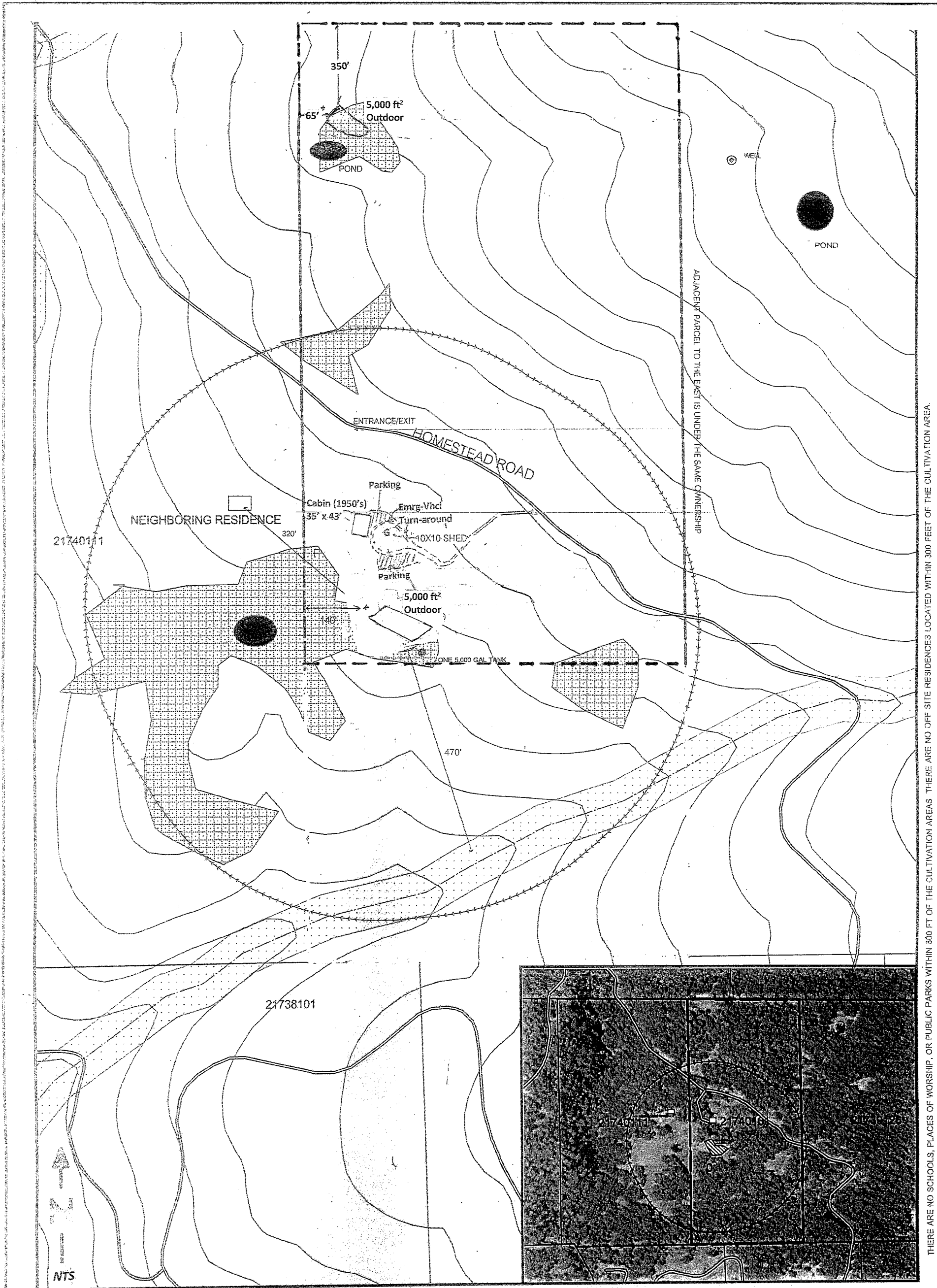
**Project Area =** 

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

0 1,000 2,000  
Feet







THERE ARE NO SCHOOLS, PLACES OF WORSHIP, OR PUBLIC PARKS LOCATED WITHIN 300 FEET OF THE CULTIVATION AREA. THERE ARE NO OFF SITE RESIDENCES LOCATED WITHIN 300 FEET OF THE CULTIVATION AREA.

- |  |                            |
|--|----------------------------|
|  | CULTIVATION AREA           |
|  | PROPERTY BOUNDARY          |
|  | STREAMSIDE MANAGEMENT AREA |
|  | EXISTING STRUCTURES        |
|  | WATERCOURSE                |
|  | 500 FT BUFFER              |
|  | WELL                       |
|  | MEADOW/CLEARING            |
|  | POND                       |
|  | WATER TANK                 |
|  | GENERATOR SHED             |

APPS: 11820

APPLICANT: JASON CALDWELL  
APN: 217-401-001  
LOT SIZE: 40 ACRES  
ZONING: FR- FORESTRY RECREATION  
CULTIVATION AREA:  
10,000 SQ. FT. OUTDOOR

SITE PLAN  
PAGE 1 OF 1  
12/1/2010





## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #10. 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 rainwater catchment pond to ensure adequate water supply for the project needs. 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. Until such time that the wastewater treatment system is installed and permitted the applicant will provide receipt of portable toilets to the Division of Environmental Health annually. A copy of these receipts shall be kept onsite and made available at the applicant's annual inspection.
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 Homestead Road intersects with Alderpoint 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 Alderpoint has a paved surface at the location of Homestead Road, the applicant shall obtain an encroachment permit and 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.

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 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.
10. 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

25. 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."
26. 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).
27. 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.
28. 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.

29. 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

30. 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.

31. 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.

32. 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.
33. 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.
34. 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
  - A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - The specific date on which the transfer is to occur;
  - Acknowledgement of full responsibility for complying with the existing permit; and
  - Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. 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:**

- 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.
- 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 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.
- 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 217-401-001, Homestead Road, Blocksburg 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. Water for irrigation is sourced from an existing off-stream rainwater catchment pond with a capacity of 500,000 gallons. Hard tank water storage totals 5,000 gallons. Processing such as drying and curing will occur onsite in an existing structure, further processing will occur offsite at a licensed third-party processing facility. The project will require minimal energy which will be provided by a generator. No employees are required for the project.

The applicant submitted a *Cultural Resource Investigation* prepared by Archaeological Resource and Supply Co., dated April 2019. The existing operation is not anticipated to impact any Tribal Cultural resources. The project was referred to the Bear River Band of Rohnerville Rancheria who recommended that the applicant adhere to the inadvertent discovery protocol.

A review of the California Natural Diversity Database (CNDDDB) found that no species of special concern have been mapped near the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located approximately 1.19 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 1.64 miles from the cultivation area. The subject parcel contains four unnamed Class III watercourses, all cultivation related infrastructure adheres to the 50-foot setback from the Streamside Management Area. No special status plant or animal species or sensitive natural communities are anticipated to be impacted by the existing cultivation site.

The project was erroneously referred to the U.S. Army Corp of Engineers which recommended that a wetland delineation be completed for the subject parcel. The National Wetlands Inventory does not show any mapped wetlands on the subject parcel. The project does not propose to discharge dredge or fill materials into the waters of the United States.

**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 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 prepared by Timberland Resource Consultants dated June 2021.
- *Cultivation and Operations Plan* prepared by Timberland Resource Consultants dated December 2020.
- *Water Resource Protection Plan (WRPP)* prepared by Timberland Resource Consultants 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 Resources 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. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Timberland Resource Consultants received June 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 Timberland Resource Consultants received 12/04/20 – **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. (On file)
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. (NOI and reporting, and *Water Resources Protection Plan* (WRPP) prepared by Timberland Resource Consultants- **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 No. 1600-2017-0867-R1- On file)
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. *Road Evaluation Report* for Homestead Road prepared by Timberland Resource Consultants, dated November 30, 2020. (**Attached**)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
16. Cultural Resource Investigation prepared by Archaeological Resource and Supply Co. dated April 2019. (On file- Confidential)

APPS: 11820

APN: 217-401-001

4/17/2021



**Project Description:** The applicant is seeking approval of continued outdoor cannabis cultivation up to 10,000 square feet and appurtenant support infrastructure/facilities. Date stamped air photo/maps were previously provided to show cultivated areas in existence prior to January 1, 2016 encompassing an area totaling 10,000 square feet.

The applicant acknowledges that the commercial cannabis activity approval being sought is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. A determination of compliance will require multi-agency review of activities/development and in some cases, site inspections. If development and/or activities on the subject parcel are determined to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

**Parcel Information:** The subject parcel (217-401-001) is approximately 40 acres, zoned FR-B-5(40) with framework designation AL(40). It is accessed off of Homestead Road in the Blocksburg area of Humboldt County.

**Topography/Landscape:** The ground slopes at approximately 35% in a SW direction over the northern portion of the parcel and decreases to about 30% over the southern half of the parcel. A watercourse flows westward across the southern portion of the parcel. A majority of the parcel is covered with native tree species with the exception a few small clearings.

**Roads/Stream Crossings/Easements:** Homestead Road passes through the middle of the parcel; it provides access to neighboring parcels. The interior road on the subject parcel is graveled and has minimal seasonal use. Interior road conditions including stream crossings were assessed in the development of a site -specific Water Resources Protection Plan (WRPP) by Timberland Resource Consultants. Where necessary, the WRPP prescribes corrective measures to upgrade specific road condition deficiencies identified and sets a time frame in which to complete work. Work prescribed within a WRPP does not preclude the need to comply with other state and county road requirements applicable to the aforementioned permit application.

**Utilities:** A generator is used for electrical power and the residence is served by a conventional septic system.

**Building/Structures/Facilities:** A small cabin is located near the west property line. A small pond is located in the NW property corner.

**Surface Water Features:** A Class III watercourse flows westward through the southern half of the parcel. An off-stream pond measuring approximately 45' x 100' with a capacity of approximately 500,000 gallons is located near the NW parcel corner.

**Water Sources Serving Property:** Domestic water serving this parcel is supplied from a water well located near the NW corner of the parcel APN: 217-391-026 under the same ownership as the subject parcel. The aforementioned pond meets irrigation water demands for the proposed cultivation. Documentation which demonstrates and defines the legal authorization, terms and conditions for the ongoing use of the existing water source(s) and/or development of other potential water sources (applicable to activity/development proposed under the aforementioned permit application) shall be provided as it becomes available.

**Water Storage:** Consists of a 5,000 gallon poly-plastic tank and the rain catchment pond – with an approximate 500,000 gallon storage capacity.

**Cultivation Areas:** Outdoor Cultivation takes place in two areas; each measuring 5,000 ft<sup>2</sup> as shown on the Site Plan.

Cultivation areas and surrounding ground surfaces were evaluated in the development of a site-specific Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants. The WRPP prescribes (WHERE DEEMED NECESSARY) corrective measures to address conditions which may adversely impact water resources and establishes a timeline in which to achieve compliance with RWQCB Order No.2015-0023. Corrective measures prescribed in the WRPP do not preclude the need for Cultivation Areas or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control requirements.

The applicant is enrolled under the current State Water Board Order and a Site Management Plan will be forthcoming. A Notice of Applicability is provided with this submission.

**Peak water demand:** Is calculated using 1.4 gallons of water/ft<sup>2</sup> of cultivation area per month to maintain plants during the warmest summer months is approximately 14,000 gallons per month. The “Monthly Water Use” table below shows estimated water use throughout the grow season. Water usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations.

*There is no agricultural water use during the months not shown*

	<i>Cultivation A-1 (5,000 ft<sup>2</sup>)</i>	<i>Cultivation A-2 (5,000 ft<sup>2</sup>)</i>	<i>Plant Stage</i>	<i>Total Gallons</i>
<i>May</i>	<i>3,000</i>	<i>3,000</i>	<i>YOUNG</i>	<i>6,000</i>
<i>June</i>	<i>4,750</i>	<i>4,750</i>	<i>VEG</i>	<i>9,500</i>
<i>July</i>	<i>6,000</i>	<i>6,000</i>	<i>VEG</i>	<i>12,000</i>
<i>August</i>	<i>7,000</i>	<i>7,000</i>	<i>VEG</i>	<i>14,000</i>
<i>September</i>	<i>7,000</i>	<i>7,000</i>	<i>VEG/FLWR</i>	<i>14,000</i>
<i>October</i>	<i>6,000</i>	<i>6,000</i>	<i>FLWR</i>	<i>12,000</i>

**Irrigation Methods:** Irrigation is accomplished by use of conventional garden hoses to ensure no over watering occurs. Water delivery throughout the beds is carefully monitored on a regular basis ensuring responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention.

**Irrigation Runoff:** The use of carefully administered hand watering minimizes the chance of any overwatering or residual discharge of irrigation solutions outside of the “targeted” root zone. In the unlikely event that residual discharge did occur, it would contact permeable soil on a nearly level ground surface surrounding the cultivation area and be rapidly absorbed at the point of contact; **runoff** of any irrigation solutions away from the point of ground contact is unlikely. Cultivation activities are limited to the immediate cultivation area and conducted so materials are kept confined. The ground surface within and around the cultivation area is formed and managed to prevent any movement of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area.

**Watershed Protection:** The Cultivation Areas on the subject parcel meets applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Natural vegetative buffers surrounding the cultivation area remain undisturbed; transport of any cultivation byproducts beyond the limits of the cultivation areas is unlikely. Watershed protection will be ensured by adherence to measures prescribed in the Water Resources Protection Plan developed specifically for this parcel under Regional Water Quality Control Board WDR Order # R1-2015-0023 enrollment requirements.

Once enrolled under R1-2015-0023, participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	



Additionally, participants ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly. The applicant is also enrolled under the current State Water Board Order -a copy of the NOA is included.

A portable Honda generator is used intermittently to supply power to the residence and operate fans/dehumidifier if needed during the drying period at the end of October. The generator is located 150 feet from the nearest property line and approximately 340 to the next nearest property line. The anticipated sound pressure level standing next to the Honda generator at full load is 58-65 dBA. According to the Inverse Square Law - [https://www.engineeringtoolbox.com/inverse-square-law-d\\_890.html](https://www.engineeringtoolbox.com/inverse-square-law-d_890.html) the sound pressure level from the Honda generator (under full load) at the nearest property line (which is 150 feet away) would be 26.4 dBA.

***Fertilizers, Pesticides, and other Regulated products:***

***List and describe machinery and equipment used for cultivation and associated activities.***

Portable Generator, fans, dehumidifier.

***Describe equipment service and maintenance; including where it is done (oil change, cleaning, etc.)***

Equipment service/maintenance is done by qualified service providers at either Redway or Garberville.

***List and describe petroleum products and automotive fluids used onsite.***

Conventional 5 gallon gas cans

***List and describe compressed gases, cleaners, solvents and sanitizers; indicate amounts normally stored and how/where they are stored.*** n/a

***Fertilizers, Pesticides, other Regulated products:*** The fertilizers/amendments listed below are used at the start of the grow season; only quantities needed are purchased and brought to the site. Annual reporting of fertilizer/amendment use is required under RWQCB Order No. R1-2015-0023 and the data is provided on page 4, Appendix C (RWQCB Order No. R1-2015-0023).

Mixing of the products listed below takes place only within a small area near cultivation sites and the products are kept protected from accidental spillage or disturbance from wildlife while mixing takes place.

*Stutzman Farms – Sup’R Green Composted Chicken Manure 3-2-2*  
*Dr. Earth – All Purpose Fertilizer 5-5-5*  
*Finnish Bone Meal*

If soil amending is required following initial start-up, additional products from the list above will be obtained as needed for specific application. There is no storage of these products.

There are no pesticides or herbicides used or stored at the premises or cultivation areas.

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

**Cultivation related wastes** are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional lid trash containers along with domestic garbage and hauled to an approved transfer station/disposal facility as needed. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

**Human Waste:** The subject parcel is developed with a residence served by a conventional septic system. Cultivation activities are carried out by resident occupants and the restroom in the residence is easily accessed when needed.

**Cultivation** on the subject parcel is limited to full-term outdoor cultivation.

March/April: Begin garden site preparation and water line inspection etc.

April/May: Begin preparation of raised beds, condition soil etc

May: Complete raised bed preparation and verify irrigation system efficiency.

June: Starter plants from approved source are placed into beds continue site maintenance

July: Organic nutrient feeding as needed, start tie/netting as needed, ongoing maintenance

August - September: Continue garden/site maintenance, start dry room preparations

October/November: Initiate hand harvesting, drying and processing. Garden sites are cleaned up and prepared for winter.

**Processing:** Plants are harvested at peak ripeness and immediately transferred to the garage where they are hung to dry. Natural air flow may be supplemented with household fans and dehumidifiers to aid the drying process.

Trimming of dried plants will occur at an off-site licensed facility.

**Security:** Access to the site is restricted by use of locking metal gates at two separate road locations.



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

**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2017-0867-R1  
Hunter Creek, tributary to the Klamath River

William Rolff  
Rolff Stream Crossings  
8 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on December 21, 2017, that Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project is located at 8 unnamed tributaries to Basin Creek tributary to the Eel River, in the County of Humboldt, State of California; Section 24, Township 2S; Range 4E; Humboldt Base and Meridian, U.S. Geological Survey (USGS) Blocksburg map; Assessor's Parcel Numbers 217-319-026 and 217-401-001.

**PROJECT DESCRIPTION**

This Agreement does not cover any water diversions or drafting nor ponds and reservoirs. This Agreement covers replacement and upgrading of culverts at 6 stream crossings, removal of 1 stream crossing, and armoring an outlet of one stream crossing, as follows:

- Crossing 1 Upgrade existing culvert to minimum 30 in diameter culvert at NAD 83 -123.6781618°; 40.27561600°
- Crossing 2: Upgrade existing culvert to minimum 30 in diameter culvert at NAD 83 -123.6797647°; 40.27793754°
- Crossing 3: Upgrade existing culvert to minimum 24 in diameter culvert at NAD 83 -123.6765147°; 40.27654999°
- Crossing 4: Upgrade existing culvert to minimum 24 in diameter culvert at NAD 83 -123.6763927°; 40.27750927°
- Crossing 5: Upgrade existing culvert to minimum 24 in diameter culvert at NAD 83 -123.6770951°; 40.27805597°
- Crossing 6: Upgrade existing culvert to minimum 24 in diameter culvert at NAD 83 -123.6775973°; 40.27783289°
- Crossing 7: Realign the channel to its original stream channel and decommission the crossing NAD 83-123.6779429°; 40.27780627°
- Crossing 8: Add rock armoring to the outlet of existing crossing at NAD -123.6751685°; 40.27729655°

## **PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include: amphibians and other aquatic life, and downstream steelhead trout (*Oncorhynchus mykiss*).

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

### **Impacts to bed, channel, or bank and effects on habitat structure:**

- loss of natural bed or bank;
- change in contour of bed, channel or bank;
- change in gradient of bed, channel or bank;
- loss of bank stability and increase of bank erosion;

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

- Increased turbidity;
- increased sedimentation (chronic or episodic);

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

- loss or decline of riparian and/ habitat;
- colonization by exotic plant or animal species;
- direct take of fish and other aquatic species;
- direct impacts on benthic organisms;
- loss or decline of aquatic species' habitat: migration corridors, spawning or rearing areas;
- change in shading or insolation leading to vegetative change;

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. 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. 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 Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if 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 Permittee to resolve any conflict.
- 1.4 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.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.7 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 48 hours advance notice; and b) allows the Permittee or representatives to participate in the

inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

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

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

- 2.1 Except where otherwise stipulated in this Agreement, all work shall be in accordance with the work plan submitted with Notification No. 1600-2017-0867-R1, as of December 21, 2017.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.
- 2.3 Work Period in Dry Weather Only. Work within the stream shall be restricted to periods of low stream flow and 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. Construction activities halted due to precipitation may resume when precipitation ceases and the National Weather Service 72 hour weather forecast indicates a 20% or less chance of precipitation, provided no work occurs in the stream bed if water is flowing. No phase of the project shall commence unless all equipment and materials are removed from the channel at least 12 hours prior to the onset of precipitation and all associated erosion control measures are in place prior to the onset of precipitation. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather.
- 2.4 Weather. No work shall be initiated the 7-day National Weather Service forecast of rain predicts no precipitation for a minimum of 3 consecutive days. When a 7-day National Weather Service forecast of rain includes a minimum of 3 consecutive days with any chance of precipitation, 3 consecutive days with a 30% or greater chance of precipitation, or 2 consecutive days of 50% or greater chance of precipitation, the Permittee shall finish work underway at encroachment and refrain from starting any new work at encroachment prior to the rain event.
- 2.5 Hydrologic Disconnect. Work at the encroachment shall be left in a finished condition with all hydrologic connectivity from the road or ditch to the encroachment eliminated as feasible and effective erosion control in place prior to any rainfall event capable of generating runoff. Effective erosion control shall extend away from the encroachment to at least the first waterbreak.
- 2.6 Fill Material. No fill material shall be placed within a stream except as specified in this Agreement. No native fill shall be placed in a live stream. Any fill material

used shall be placed and/or removed in such a manner that it shall cause no sediment discharge or siltation in the stream.

- 2.7 **Spill Response.** For all activities performed in the field involving the use of petroleum or oil based substances, the Permittee shall employ absorbent material designated for spill containment and clean up activity on site for use in case of accidental spill. Clean-up of all spills shall begin immediately. The Permittee shall immediately notify the State Office of Emergency Services at 1-800-852-7550. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.
- 2.8 **Fuel and Equipment Limitations.** Refueling of equipment and vehicles and storing, adding or draining lubricants, coolants or hydraulic fluids shall not take place within riparian areas or within streambeds, banks or channels. All such fluids and containers shall be disposed of properly. Heavy equipment including water drafting trucks parked within riparian areas or streambeds, banks or channels shall use drip pans or other devices (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.9 **No Pollution.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into Waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.
- 2.10 **Vegetation Removal.** Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 2.11 **Erosion Control.** Adequate and effective erosion and siltation control measures shall be used to prevent sediment or turbid or silt-laden water from entering streams. Where needed, the Permittee shall use native vegetation or other treatments including jute netting, straw wattles, and geotextiles without plastic mesh netting to protect and stabilize soils.
- 2.12 **Bare Soil Treatment.** All bare mineral soil exposed in conjunction with construction and/or maintenance activities shall be treated for erosion prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Restoration shall include the seeding, covering, and armoring of all bare mineral soil exposed in conjunction with encroachment work. Erosion control shall consist only of native blue wild rye seed (*Elymus glaucus*).
- 2.13 **Stable Crossing.** The Permittee shall armor the encroachments and associated structures, fills, and other exposed soils as needed to protect fill, abutments, and the stream channel and banks from erosion. Armoring shall be comprised of rock

riprap, large woody debris, or other non-polluting materials and shall be constructed to remain in place during periods of high flow events.

2.14 **No Excavation.** No excavation in the portion of the stream bed where flowing water is present or anticipated during the term of this agreement.

2.15 **Construction Materials.** All construction materials shall consist of materials that cause no pollution.

2.16 **Coffer Dams.** Equipment shall not operate in a live (flowing) stream. Where flowing water is present during operations:

- a) Cofferdams shall be installed to divert stream flow and isolate and dewater the work site, and to catch any sediment-laden water and minimize sediment transport downstream. Cofferdams shall be constructed of non-polluting materials including sand bags, rock, and/or plastic tarps. Mineral soil shall not be used in the construction of cofferdams.
- b) Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and provides flows to downstream reaches.
- c) The Permittee 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.
- d) Before dewatering the work site, the Permittee shall move any fish or amphibians from the work area.

2.17 **Encroachment Stability.** All encroachments shall be installed and be of sufficient size to pass the entire 100-year flood flow and floating debris. All construction materials shall consist of materials that cause no pollution.

2.18 **Turbid Waters.** No turbid water shall be allowed to enter the stream at any time.

2.19 **Site Maintenance.** The Permittee shall provide site maintenance 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 near diversion sites.

2.20 **High Flow.** 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.



**2.21 Grade Control.** Encroachments shall be deconstructed and maintained in a manner that minimizes to the extent feasible headcutting or downcutting of the stream channel by installing grade control such as riprap, woody debris, or through other effective measures.

### **3. Reporting Measures**

**3.1** The Permittee shall notify the CDFW, in writing, at least 3 days prior to initiation of construction (project) activities and at least five 3 days prior to completion of construction (project) activities. Notification shall be faxed to the Department at (707) 441-2021.

### **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.

**To Permittee:**

William Rolff  
P.O. Box 2093  
Redway, California 95514

**To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0867-R1  
FAX (707) 441-2021

### **LIABILITY**

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of 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 Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

## **SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of 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 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 Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against 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 obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve 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 FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of 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.

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

## **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by 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, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **EXTENSIONS**

In accordance with FGC section 1605(b), 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 FGC 1605(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 (FGC section 1605(f)).

## **EFFECTIVE DATE**

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the

applicable FGC section 711.4 filing fee listed at  
[http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## **TERM**

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

## **AUTHORITY**

If the person signing the Agreement (signatory) is doing so as a representative of 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.

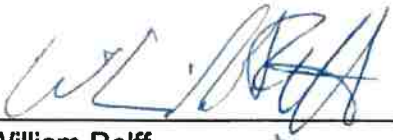
## **AUTHORIZATION**

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 FGC section 1602.

**CONCURRENCE**

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

**FOR WILLIAM ROLFF**



William Rolff

9-24-18

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**



Cheri Sanville

Senior Environmental Scientist Supervisory

9/27/18

Date

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: JASON CALDWELL APN: 217-401-001

Planning & Building Department Case/File No.: APPS: 11820

Road Name: Homestead Rd (complete a separate form for each road)

From Road (Cross street): Alderpoint Road

To Road (Cross street): SUBJECT PARCEL

Length of road segment: 6.2 miles Date Inspected: 11-30-2020

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

Check one of the following:

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

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.  
*SEE ATTACHED IMAGES FROM APPS: 11823 (ADJOINING PARCEL/SAME APPLICANT)*  
*IMAGES APPX every 1/2 mile or so.*  
An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature

DAVID SPINOSA

Name Printed

Date

11-30-20

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



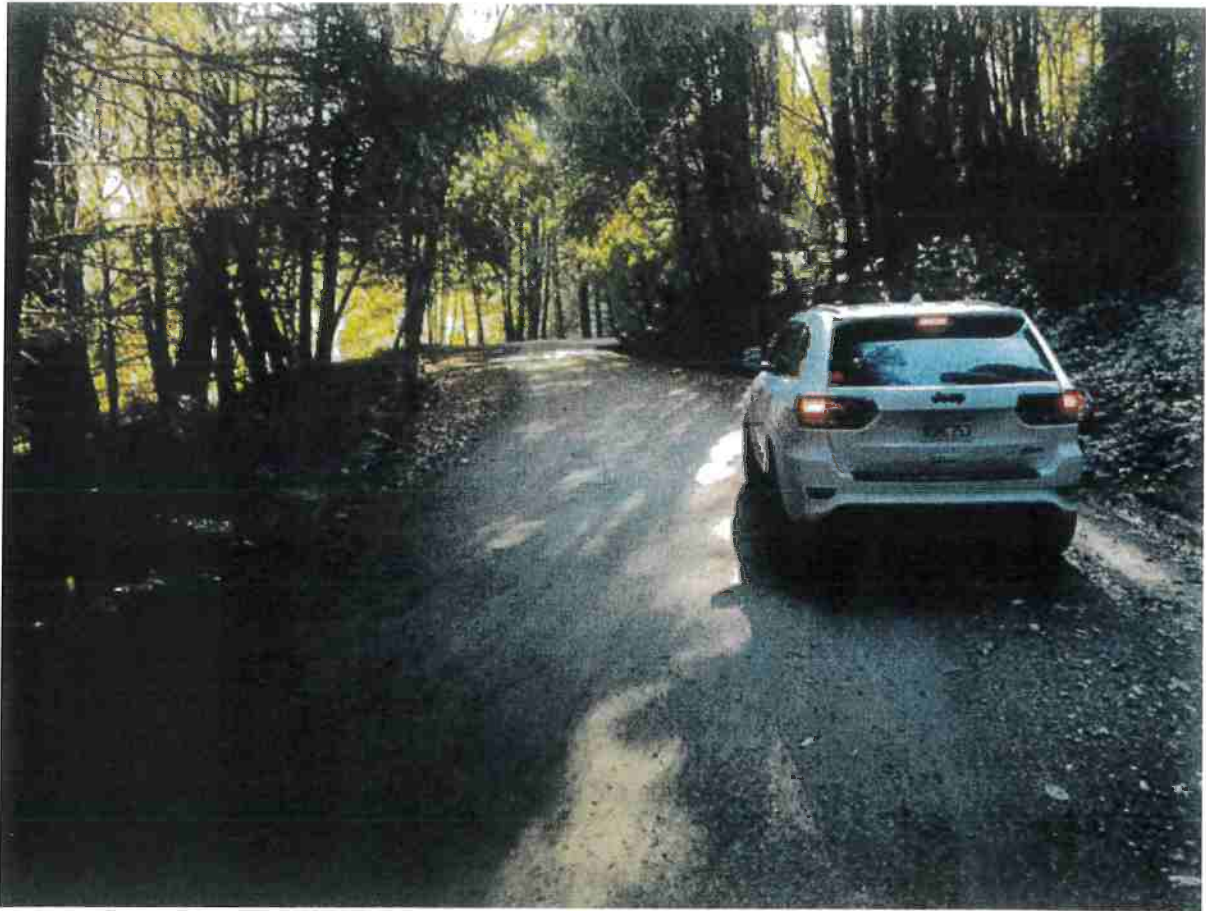
APPS: 11823 – Road Image 1



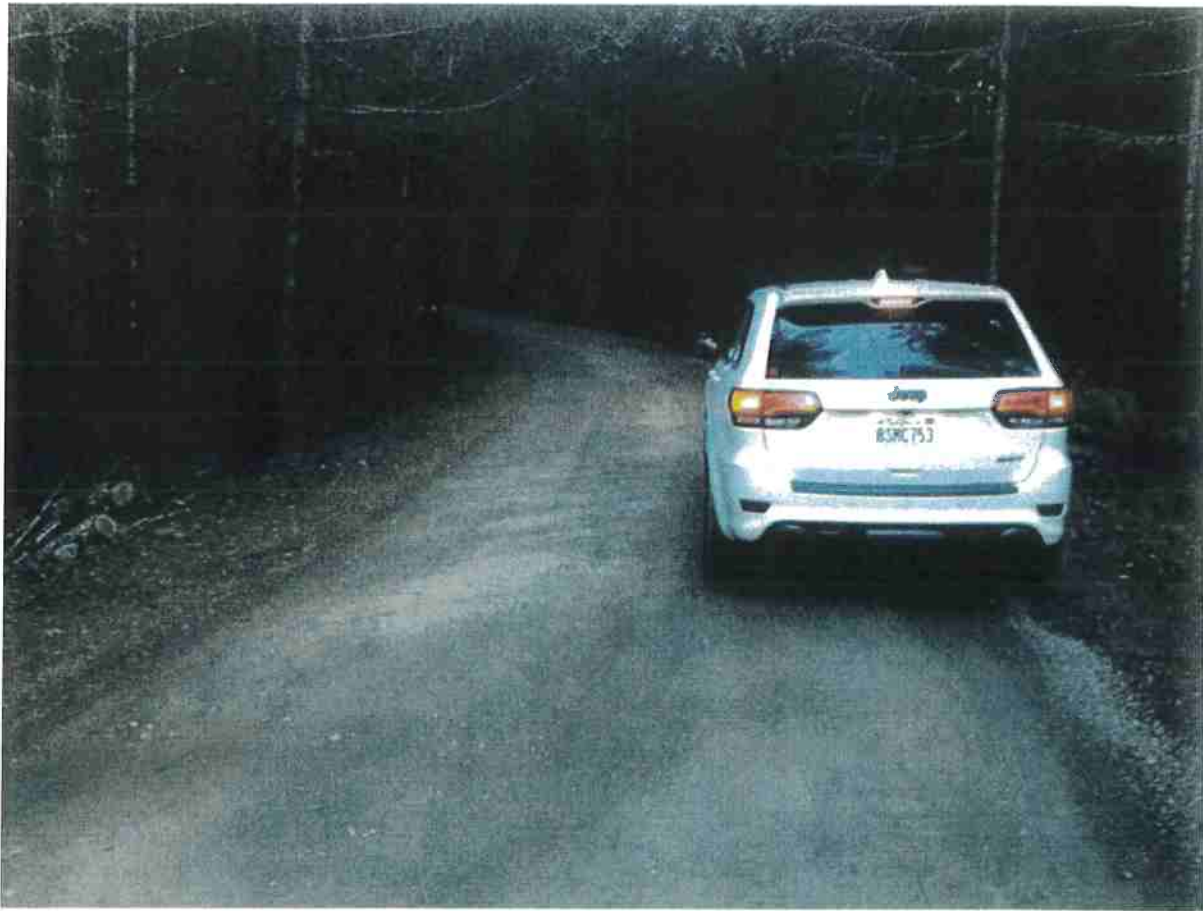


APPS: 11823 – Road Image 2

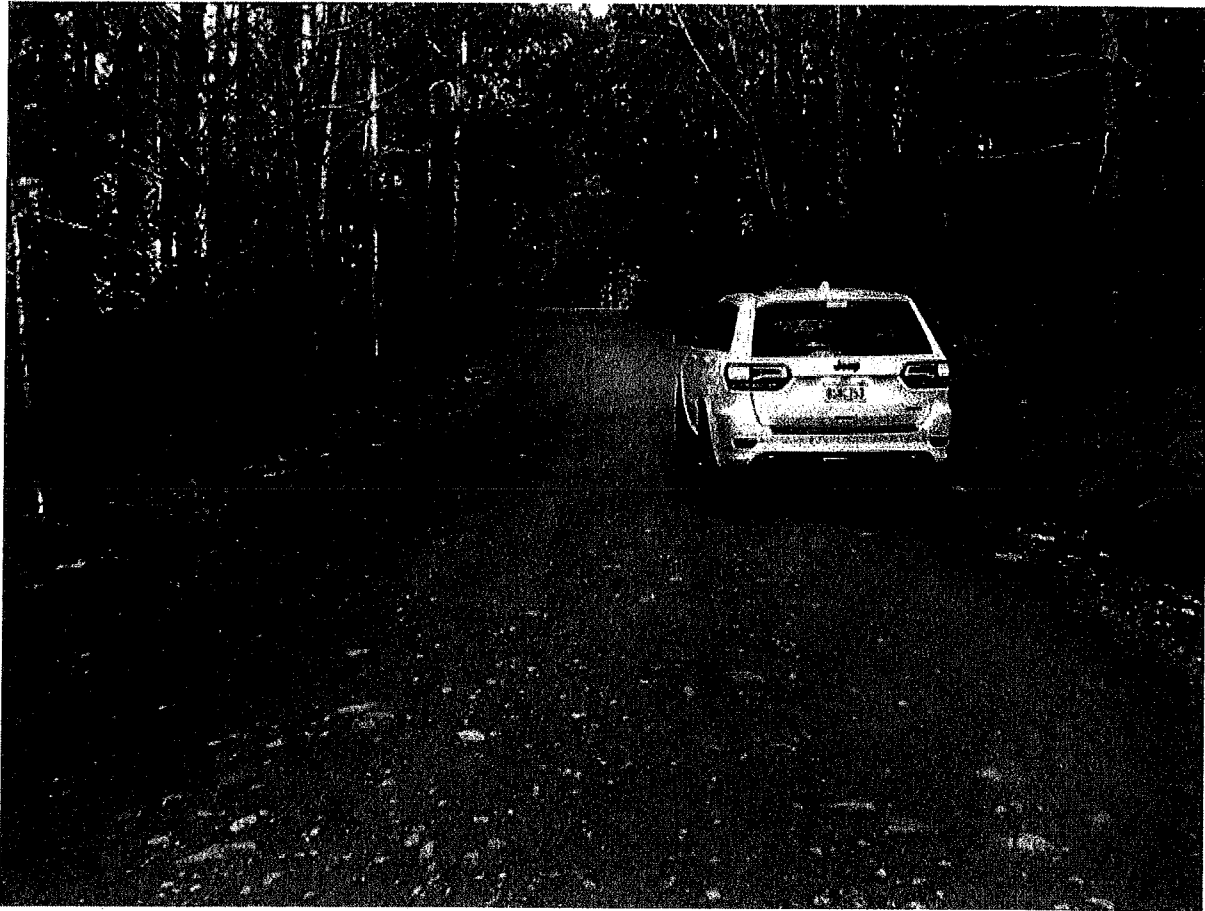




APPS: 11823 – Road Image 3



APPS: 11823 – Road Image 4



APPS: 11823 – Road Image 5

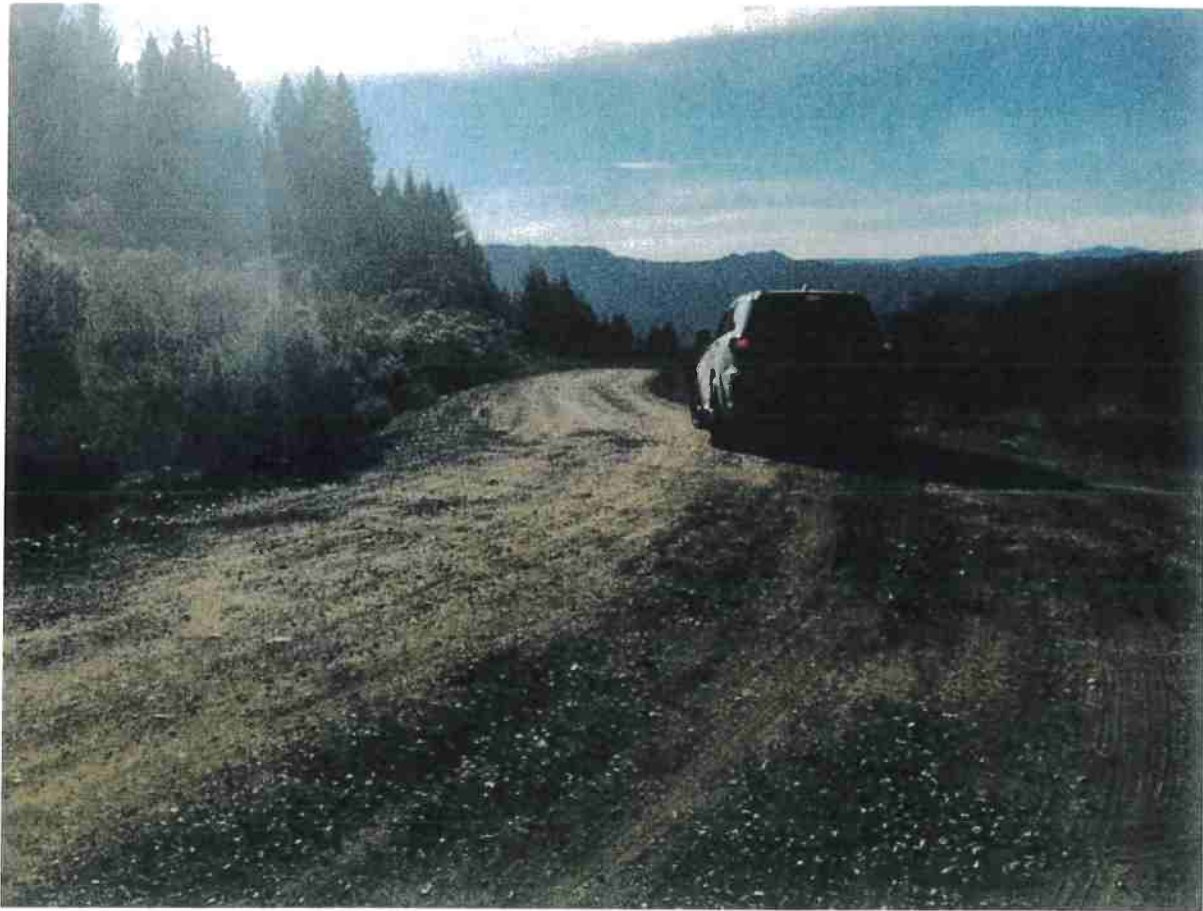


APPS: 11823 – Road Image 6





APPS: 11823 – Road Image 7

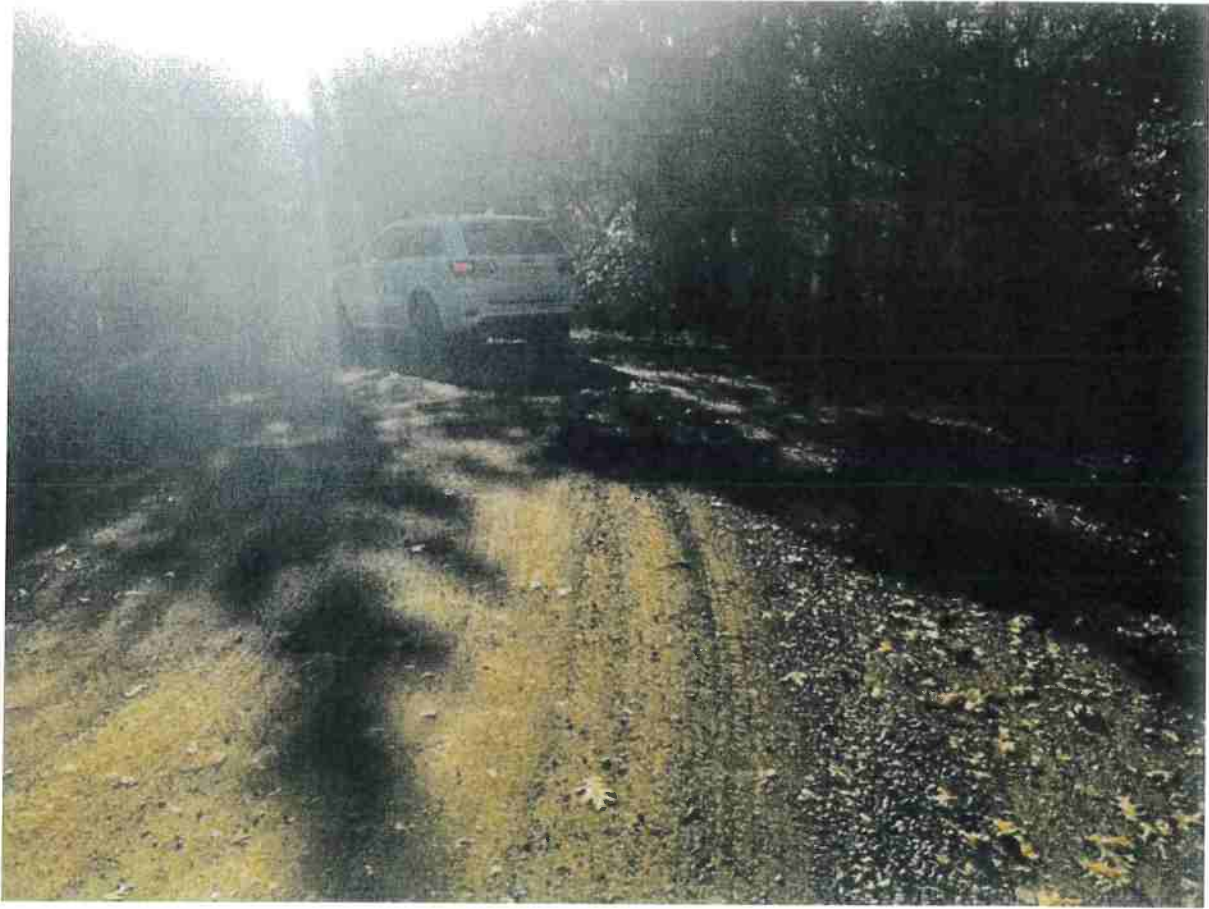


APPS: 11823 – Road Image 8



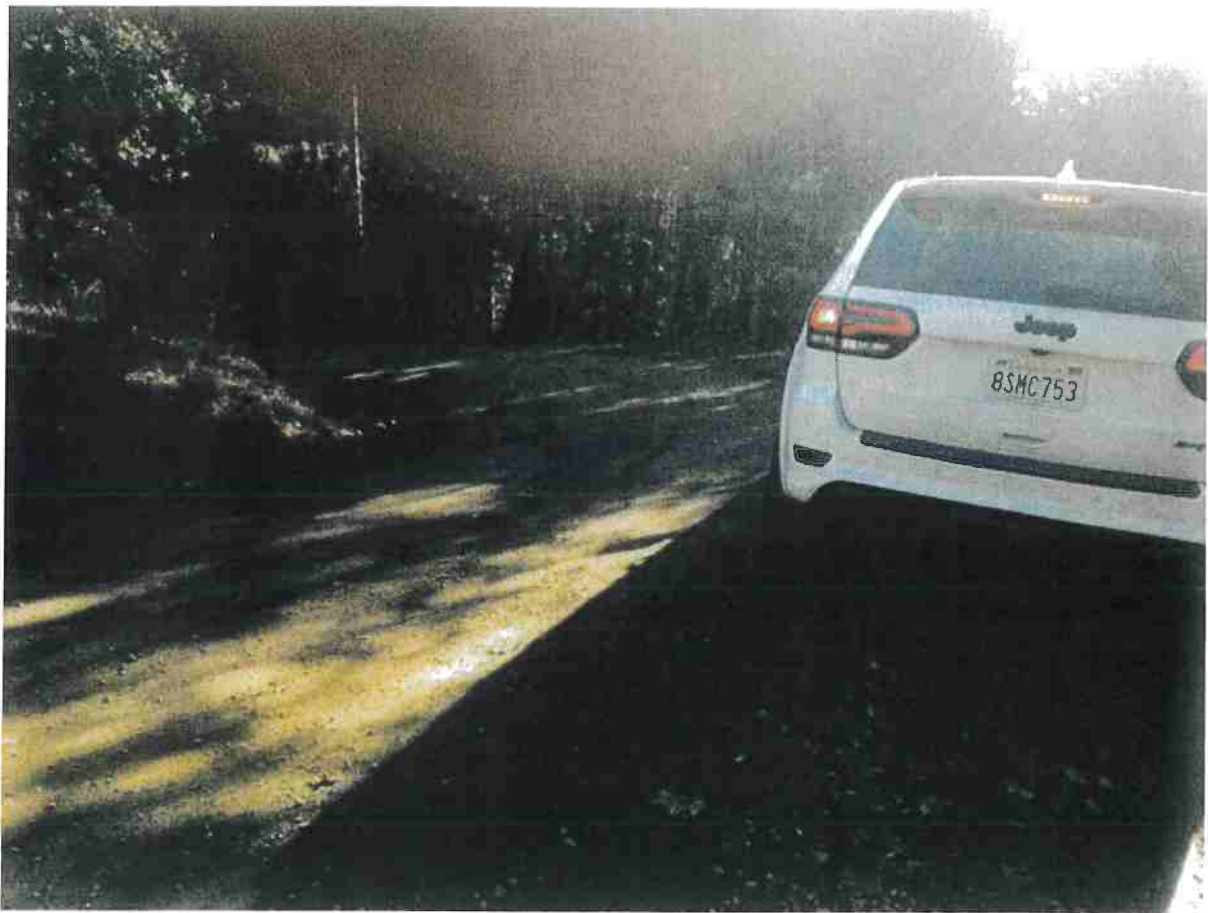
APPS: 11823 -- Road Image 9





APPS: 11823 – Road Image 10





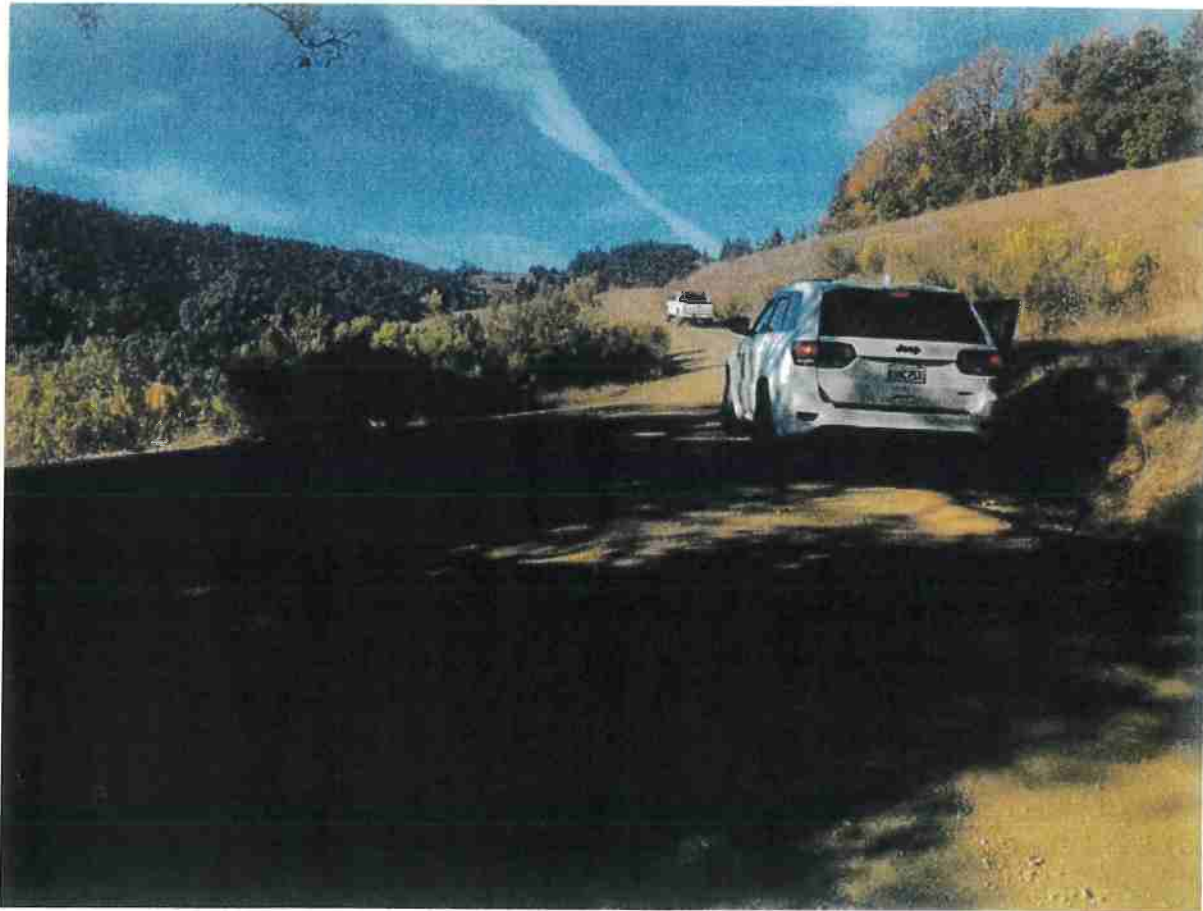
APPS: 11823 – Road Image 11



APPS: 11823 – Road Image 12

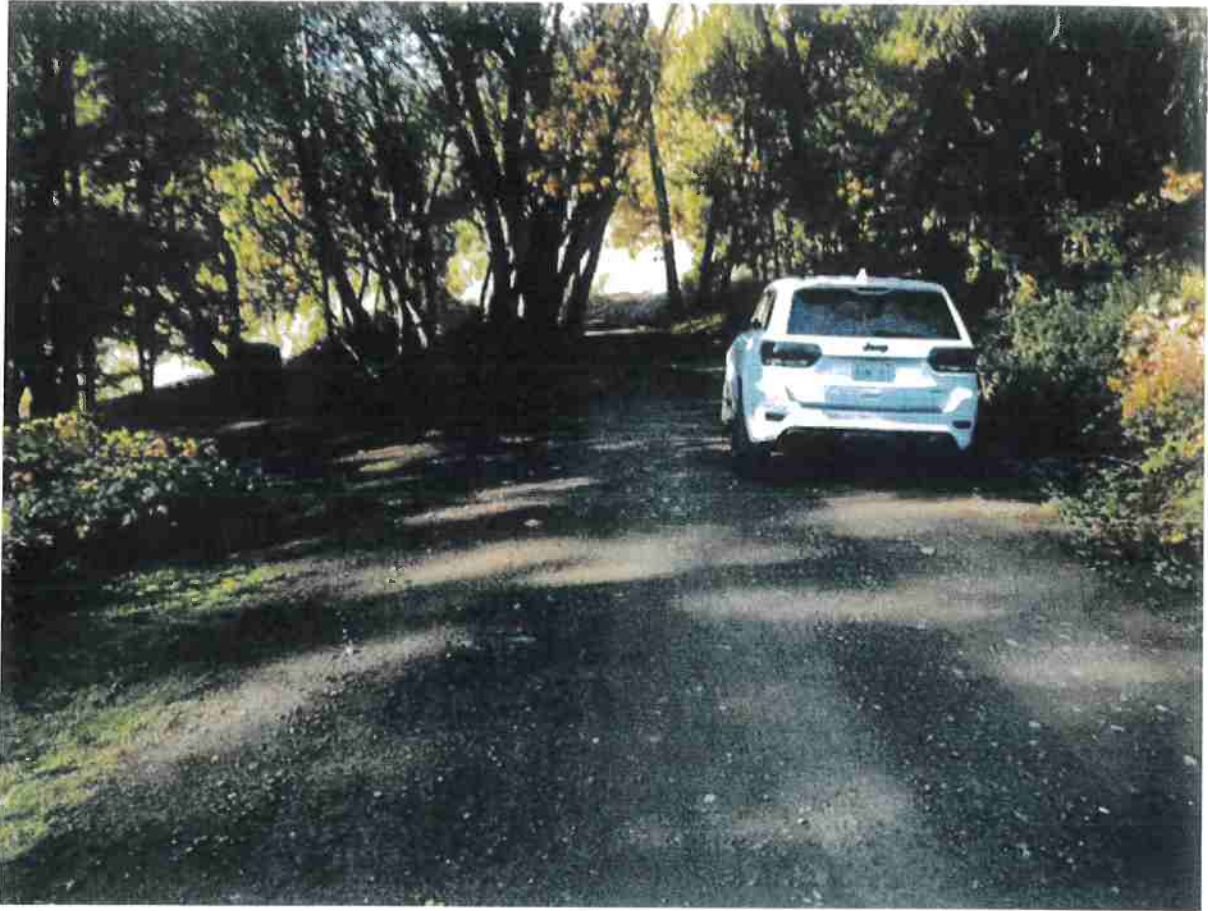


APPS: 11823 – Road Image 13



APPS: 11823 – Road Image 14





APPS: 11823 – Road Image 15



APPS: 11823 – Road Image 16



APPS: 11823 – Road Image 17 entrance to subject parcel APN: 217-391-026





## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	No Comment	Attached
U.S. Army Corps of Engineers	✓	Further Study	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
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	
Bear River Band of Rohnerville Rancheria	✓	Inadvertent Discovery Protocol	On file- confidential
North Coast Regional Water Quality Control Board		No response	
Southern Humboldt Joint Unified School District		No response	



2/13

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

11/21/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, SWRCB - Division of Water Rights, Southern Humboldt Joint Unified School District

**Applicant Name** Jason Caldwell **Key Parcel Number** 217-401-001-000

**Application (APPS#)** 11820 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-817

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

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

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

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

**Return Response No Later Than 12/6/2017**

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

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

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

DATE: 6/7/18

PRINT NAME: Rudy Maranghi

217-401-001



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

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

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

Application No.: 45747/11820  
Parcel No.: 217-401-001  
Case No.: SP16-817

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

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show CA 1 as 5,000  
sqft, all streams with SMA, and CA 2 east of pond at  
top left corner of parcel as 5000 sqft, and the North  
direction symbol.  
\_\_\_\_\_  
\_\_\_\_\_

Name: Rudy Marenghi

Date: 6/7/18

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



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

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, SWRCB - Division of Water Rights, Southern Humboldt Joint Unified School District

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Applicant Name      Jason Caldwell    Key Parcel Number    217-401-001-000

Application (APPS#)    11820    Assigned Planner    Rodney Yandell (707) 268-3732    Case Number(s)    SP16-817

---

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

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

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

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

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

---

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions

(1) Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

(2) One well is shown on the site plan provided. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.





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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

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

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

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 8-14-2018

RE:

Applicant Name	Jason Caldwell
APN	217-401-001
APPS#	11820

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //

### Public Works Recommended Conditions of Approval

APPS # 11820

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.

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:

**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.**

Page 66 of 80



Exhibit "D"

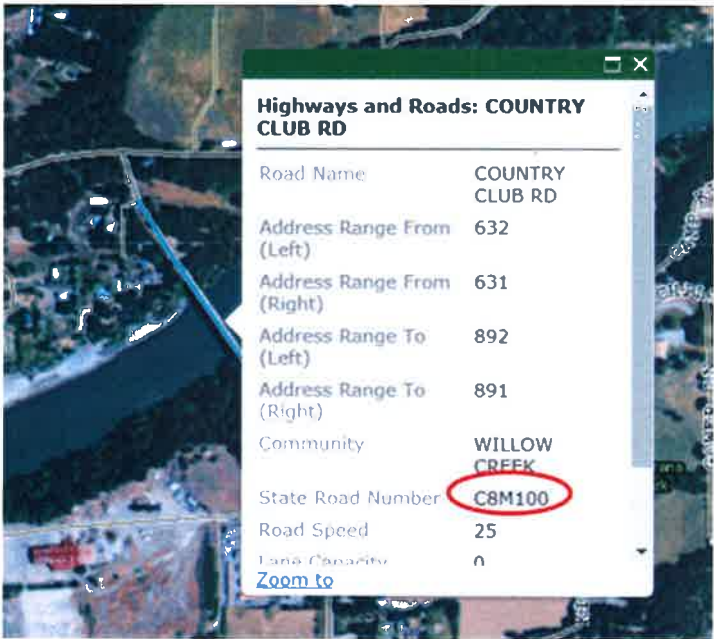
Road Evaluation Reports

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
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
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 becomes 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. 1.0
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]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All

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
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
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
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
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
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 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
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]
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 //



**From:** [Meyers\\_Tim@CALFIRE](mailto:Meyers_Tim@CALFIRE)  
**To:** [HUU.CEQA@CALFIRE](mailto:HUU.CEQA@CALFIRE); [Planning Clerk](#)  
**Subject:** APN 217-401-001 AP#11820  
**Date:** Friday, December 01, 2017 2:50:19 PM

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

[Tim Meyers](#)  
[Forester I, RPF #2813](#)  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Weott Resource Management  
Humboldt-DeI Norte Unit  
Office (707) 946-2204  
Cellular (707) 599-6433  
[tim.meyers@fire.ca.gov](mailto:tim.meyers@fire.ca.gov)

Every Californian should conserve water. Find out how at:

[SaveOurWater.com](http://SaveOurWater.com) - [Drought.CA.gov](http://Drought.CA.gov)



**From:** [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)  
**To:** [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning Clerk; HUU.CEOA@CALFIRE)  
**Subject:** APN: 217-401-001-000 Caldwell, Jason APPS#11820  
**Date:** Saturday, December 09, 2017 3:42:12 PM

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No additional comments from B-1211 .

*M. Isaac Lake*

Battalion Chief

**CAL FIRE**

**HUMBOLDT-DEL NORTE UNIT**

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

[MLake@fire.ca.gov](mailto:MLake@fire.ca.gov)

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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

Ref: 7100 Planning  
Date: November 30, 2017

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

**Attention:** Cannabis Planner  
**Applicant:** Caldwell, Jason  
**APN:** 217-401-001-000  
**Area:** Blocksburg  
**Case Numbers:** SP16-817

**Humboldt County Application #:** 11820  
**Type of Application:** Special Permit  
**Date Received:** 11/27/2017  
**Due Date:** 12/7/2017

**Project Description:** An application for a Special Permit for 10,000 square feet (SF) of existing, outdoor, medical cannabis cultivation. Water for irrigation is sourced from an unpermitted well on the adjacent parcel (APN: 217-341-026), which has the same owner. Water is stored in a hard tank and water bladder, which are both located on the adjacent parcel. Processing, including drying and trimming, occurs on-site in an existing garage. Electricity is sourced from generator power.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief



## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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



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

## **RESOURCE MANAGEMENT**

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

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

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

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

### **General Recommendations:**

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

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



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



11/21/2017

**PROJECT REFERRAL TO: United States Army Corps of Engineers**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, SWRCB - Division of Water Rights, Southern Humboldt Joint Unified School District

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**Applicant Name** Jason Caldwell **Key Parcel Number** 217-401-001-000

**Application (APPS#)** 11820 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-817

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

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

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

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

**Return Response No Later Than 12/6/2017**

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

---

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

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

DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_



DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398

December 11, 2017

Regulatory Division

SUBJECT: File Number 2017-578N

Jason Caldwell  
PO Box 614  
Miranda, California 95553

Dear Mr. Caldwell:

This letter is written in response to a request for comments by the Planning Commission Clerk, County of Humboldt Planning and Building Department, dated November 21, 2017 concerning a proposal by Jason Caldwell, to seek out a special permit for 10,000 square feet of existing outdoor medical cannabis cultivation. The project is located in the Blocksburg area, on the north and south side of Homestead Road, approximately .5 miles north from the intersection of Browning Road and Homestead Road (APN 217-401-001), in Humboldt County, California. The applicant proposed activities will include drying and trimming of medical cannabis which will occur on-site in an existing garage. Water for irrigation is sourced from an unpermitted well on the adjacent parcel (APN: 217-341-026), which has the same owner. Water is stored in a hard tank and a water bladder, which are both located on the adjacent parcel. Since this activity may involve impacts to wetlands adjacent to other waters of the United States and, therefore, may impact a water of the U.S.; the United States Army Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction. **Please note:** Cultivation of marijuana is considered a crime under Federal law and, therefore, the Corps is unable to issue a 404 CWA permit for any discharge of fill into waters of the United States associated with this project. We recommend that the project be designed to avoid all impacts to jurisdictional waters of the United States, including the Basin Creek and its tributary and any adjacent wetlands that may be present.

We further recommend that a jurisdictional survey (delineation) be conducted for your property and an illustrated and scaled topographic map, or site plan provided to this office for verification. When this document is forwarded, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps will verify the jurisdictional boundary along one or more transects and may visit random intermediate points. All delineations of wetlands must be conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, or appropriate Regional Supplement, and

submitted to the District for review and verification. Two Regional Supplements have been approved for use within the boundaries of the San Francisco District: the Arid West Supplement, and the Western Mountains, Valleys and Coast Supplement. Copies of these documents are available to download on our website: <http://www.spn.usace.army.mil/Missions/Regulatory/JurisdictionDeterminations.aspx>.

Corps staff will do the jurisdictional mapping, if you so choose. However, due to limited staff and resources, response time can be several months or longer. To expedite this process, the San Francisco District encourages applicants to use consultants to conduct wetland delineations, especially for large and/or complex areas. The San Francisco District is not authorized to recommend any private consulting services and advises applicants to check references and referrals of prospective consultants before contracting services.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board and California Department of Fish and Wildlife offices to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

You may refer any questions on this matter to the Eureka Field Office Regulatory staff by telephone at 707-443-0855 or by e-mail at [Cameron.R.Purchio@usace.army.mil](mailto:Cameron.R.Purchio@usace.army.mil) or [L.K.Sirkin@usace.army.mil](mailto:L.K.Sirkin@usace.army.mil). All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. Kasey C.", with a long horizontal flourish extending to the right.

Holly Costa  
Regulatory North Branch Chief



**ATTACHMENT 5**  
**PUBLIC COMMENTS**