



**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: August 5, 2021

To: Humboldt County Planning Commission

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

Subject: **Eco Green Grow, LLC Conditional Use Permit & Special Permit**  
Record Number: PLN-11582-CUP  
Assessor's Parcel Numbers (APNs): 523-015-009  
Willow Creek Area

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at [macevedo@co.humboldt.ca.us](mailto:macevedo@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 5, 2021	Conditional Use Permit & Special Permit	Megan Acevedo

**Project Description:** Eco Green Grow, LLC seeks a Conditional Use Permit for 43,560 ft<sup>2</sup> of pre-existing outdoor and 3,600 ft<sup>2</sup> of pre-existing mixed-light commercial cannabis cultivation, and 4,716 ft<sup>2</sup> for ancillary propagation space. Irrigation water will be sourced from a permitted groundwater well on-site. Total annual water demand for the project is 302,910 gallons per year (7.58 gal/ft<sup>2</sup>/yr), and there is a total of 26,100 gallons of existing water storage on-site. Bucking and drying will occur within the existing building labeled Hold & Processing. Harvested product will be stored within a freezer within the Hold & Processing building, and will be collected by a licensed third-party for off-site manufacturing. Up to twenty (20) employees are anticipated for on-site operations. Power is currently sourced by four generators on-site, and the applicant will transition 75% of power to solar within three years from the date of approval. A Special Permit is requested for a reduction in the required setback to public lands.

**Project Location:** The project is located in Humboldt County, in the Willow Creek area, on the east side of Seeley McIntosh Road, approximately 3.5 miles from the intersection of Patterson Road and Seeley McIntosh Road, on the property known to be in Section 34 and 35 of Township 07 N, Range 05 E, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Timber Production (T), 2017 Humboldt County General Plan Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2).

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

**Record Number:** PLN-11582-CUP

**Assessor's Parcel Number:** 523-015-009

**Applicant**

Eco Green Grow, LLC  
9229 West Sunset Blvd #618  
West Hollywood, CA 90063

**Owner**

Eureka Dylan, LLC  
9229 Sunset Blvd. #618  
West Hollywood, CA 90069

**Agents**

Allison Gilmer  
9229 Sunset Blvd. #618  
West Hollywood, CA 90069

**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 Commission 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 Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Eco Green Grow, LLC Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Eco Green Grow, LLC seeks a Conditional Use Permit for 43,560 ft<sup>2</sup> of pre-existing outdoor and 3,600 ft<sup>2</sup> of pre-existing mixed-light commercial cannabis cultivation, and 4,716 ft<sup>2</sup> for ancillary propagation space. Irrigation water will be sourced from a permitted well on-site. Total annual water demand for the project is 302,910 gallons per year (7.58 gal/ft<sup>2</sup>/yr), and there is a total of 26,100 gallons of existing water storage on-site. Bucking and drying will occur within the existing building labeled Hold & Processing. Harvested product will be stored within a freezer within the Hold & Processing building, and will be collected by a licensed third-party for off-site manufacturing. Up to twenty (20) employees are anticipated for on-site operations. Power is currently sourced by four generators on-site, and the applicant will transition to 75% solar within three years from the date of approval (COA #10).

The project will consist of one-acre of full-sun outdoor cultivation, one (1) 36' x 131' mixed-light greenhouse, one (1) 36' x 100' ancillary propagation greenhouses, two (2) generator sheds (one of which is located within Trinity County and the new shed location is shown as proposed on the Site Plan), one (1) pesticide & fertilizer shed, and one (1) 20' x 25' Hold & Processing building used for drying. A building inspection was conducted on September 20, 2017. Comments from the building inspection recommended approval for the project based on the condition that all required grading, building, plumbing, electrical and mechanical permits and or Agricultural Exemption are obtained. The project is conditioned to obtain the appropriate buildings for all structures related to cannabis, and for the grading that was done.

The subject property is partially located in Trinity County and a majority of the parcel exists within Humboldt County. The applicant had a Property Survey conducted to verify the Humboldt County-Trinity County boundary line that runs through the parcel. The property survey shows that there are three existing structures located within Trinity County, two of which are shown as not being used for cannabis activities, and one generator shed which is used for cannabis activities. The applicant has proposed a new structure to be located in Humboldt County to enclose the generators.

There are a total of four (4) generators used on-site, one (1) 3000W Honda generator used for the water pump at the well, one (1) 7000W Dewalt generator used to power a power washer and power tools, and two (2) 1200W used for the Hold & Processing building. Generators are not to be kept outside, and a condition of approval for the project requires the construction or maintenance of noise containment structures for all generator's future permanent locations. Existing and proposed generator sheds must be permitted with the Building Department, have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface (COA #7).

The applicant anticipates a maximum of twenty employees to be used on-site during peak operations, and will utilize portable toilets to meet the needs for onsite waste treatment system. The project was referred to the Department of Environmental Health (DEH) on August 28, 2017, and the agency

responded recommending approval with the condition that the applicant shall provide an invoice or equivalent documentation to show the continual use of portable toilets, prior to reissuance of an annual permit. This has been included in the Ongoing Conditions of Approval for the project. Images from the building inspection show an existing outhouse on the property. The outhouse is not allowable by DEH, and the applicant shall decommission the existing outhouse (COA #8).

### **Setbacks**

The subject parcel is also located adjacent to Six Rivers National Forest (SRNF), at the western parcel line. The Site Plan shows a setback of 200 feet to the property line adjacent to SRNF, and the applicant is requesting a Special Permit in order to approve a reduction in the 600 foot setback. The project was referred to the US Forest Service on August 28, 2017, and a response was received on September 11, 2018. The USFS submitted a response containing their general letter recommending denial for the project.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts, and the applicant will transition to solar power. Further, the project is conditioned to comply with International Dark Sky Standards, and shall not result in light-pollution. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

### **Timber Conversion**

A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-150 HUM) was obtained by the applicant in May of 2015 for timber conversion that occurred on the parcel prior to January 1<sup>st</sup> 2016. A total of 2.53 acres of timber conversion occurred on the property in compliance with the Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-150 HUM), and no restocking is required per the CMMLUO. The application was referred to CalFIRE on August 28, 2017, but the agency did not respond.

### **Water Resources**

Water for irrigation is provided by a permitted well (15/16-0483). A Well Completion Report is on file for the well. The well is located just below a ridge top and is drawing water from a sandstone and shale layer above the elevation of mapped watercourses. The well was disclosed in the LSAA notification and CDFW found it to not be required to be included in the LSAA, as it would be if it was diversionary. . . Total annual water demand for the project is 302,910 gallons per year (7.58 gal/ft<sup>2</sup>/yr). There is a total of 26,100 gallons of existing water storage on-site, and of that 23,100 gallons is designated for cannabis irrigation and one 3,000-gallon tank is designated for fire suppression.

The site has been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1\_12CC408121, as a Tier 2 Low Risk site. A Notice of Applicability letter dated May 14, 2019 is attached for proof of enrollment in the General Order. The applicant is required to have a Site Management Plan (SMP) prepared for the project to show measures required to meet compliance with the General Order, and a condition of approval is to provide a copy of the final SMP report to the Planning Department when available, and to adhere to the measures outlined within the final SMP Report. The site was historically enrolled as a Tier 2 discharger in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 215-0023, under WDID 1A16424CTRI. A Water Resource Protection Plan (WRPP) was prepared for the project by Timberland Resource Consultants (TCR) in July of 2016. The WRPP shows one Class II and one Class III stream located in the northeast portion of the parcel, well away from cannabis activities. The WRPP lists a summary of standard conditions and selected that the applicant had met all standard conditions, minus refuse and human waste. Conditions to decommission the outhouse on-site is already included in the Conditions of approval for the project.

The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2018-0159-R1) with the Department of Fish & Wildlife for the instream work required to upgrade the two (2) stream crossing on-

site. The applicant shall complete the project described and adhere to the conditions outlined in the SAA 1600-2017-0515-R1, for work to be completed.

### **Biological Resources**

There are no mapped sensitive species shown on-site in the California Natural Diversity Database (CNDDDB) Resource Map. The nearest Northern Spotted Owl (NSO) activity center is located approximately 0.88 miles from the nearest cultivation site. Lands surrounding the site are heavily forested thus there is high potential for NSO habitat. The applicant had a Biological Report prepared for the site by Leopardo Wildlife Associates on October 2, 2018. The report concludes that the proposed cannabis project will have no effect on NSOs, and that no plant or animal community would potentially be impacted by the proposed project. The project was referred to the Department of Fish & Wildlife on August 29, 2017, and no response was received.

The applicant is conditioned to house all generators within permanent shed locations, and all generators shall not exceed 50 decibels at 100 feet or the nearest canopy, whichever is closer. Additional measures required to mitigate effects on wildlife include adhering to International Dark Sky standards for all mixed-light and propagation greenhouses on-site. The applicant shall ensure that no light escapes from greenhouses utilizing supplemental lights between the hours of dawn and dusk for the life of the project, and this is included in the on-going Conditions of Approval for the project.

### **Fire Safety**

The project is located within the State Responsibility Area for CalFire, and is in an area that is designated to have Very High Fire Hazard Severity. The applicant has designated on 3,000-gallon water tank for fire suppression. The project is located just outside of the Willow Creek Volunteer Fire District (WCVFD). Pursuant to the Humboldt County General Plan the applicant is required to cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

### **Tribal Cultural Resource Coordination**

The project is located within the Hoopa and Tsnungwe tribal aboriginal territories. The project was referred to the Hoopa Tribe and the Tsnungwe Tribe on August 24, 2018. The project was also referred to the Northwest Information Center (NWIC) on August 29, 2017. A response was received from the Tsnungwe Council on August 24, 2018, stating that they had no objections to the project. A response was received from the Hoopa Tribe on August 25 requesting a Cultural Resource Survey (CRS) for the project. The applicant had a CRS prepared by James Roscoe, M.A. with Roscoe and Associates in May of 2021. The CRS found that no cultural resources were identified within the project area, or elsewhere on the property during the survey, and concludes that no historical resources as defined by CEQA will be adversely affected by the proposed project. The CRS recommends protocols for Inadvertent Discovery. The project is conditioned to adhere to inadvertent discovery protocols in the event that cultural resources are encountered during project activities.

### **Access**

Access route to the project site is off Hwy 299 to Country Club Road to Patterson Road to Horse Linto Creek Road to Forest Service Route No. 7N02 to Forest Service Route No. 7N15 to the project site. The access route is county maintained to the end of Patterson Road. Horse Linto Creek Road is non-county maintained for 1.9 miles, and the rest of the road system to the project site is US Forest Service roads. The applicant has submitted a Road Evaluation Report form for Horse Linto Creek Road, designating it as being developed to the equivalent of a Category 4 road standard. A Road Evaluation Report was submitted for the US Forest Service Route No. 7N15 stating that the entire road segment is developed to a road Category 4 road standard.

The project was referred to the Department of Public Works on August 29, 2017, and comments were received on February 2<sup>nd</sup> 2018. The Department of Public Works recommended that the project be referred to the US Forest Service since the project is accessed through Forest Service Roads. The project was referred to the US Forest Service on August 28, 2018, and a general response was received stating

that transportation of cannabis on federal lands is illegal, and a recommendation of denial was made for the project. This is the standard response from the USFS given the federal status of cannabis.

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

**RECCOMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) and Special Permit (SP).

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-**

**Record Number PLN-11582-CUP**

**Assessor's Parcel Numbers: 523-015-009**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Eco Green Grow, LLC, Conditional Use Permit and Special Permit.**

**WHEREAS, Eco Green Grow, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 43,560 square feet of outdoor and 3,600 square feet of mixed-light commercial cannabis cultivation, as well as a 4,716 square feet of nursery propagation space, and drying activities;

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical 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 Planning Commission held a duly-noticed public hearing on August 5, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Planning Commission makes all the following findings:

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit for 43,560 ft<sup>2</sup> of pre-existing outdoor and 3,600 ft<sup>2</sup> of pre-existing mixed-light commercial cannabis cultivation, and 4,716 ft<sup>2</sup> for ancillary propagation space. Irrigation water will be sourced from a permitted well on-site. Total annual water demand for the project is 302,910 gallons per year (7.58 gal/ft<sup>2</sup>/yr), and there is a total of 26,100 gallons of existing water storage on-site. Bucking and drying will occur within the existing building labeled Hold & Processing. Harvested product will be stored within a freezer within the Hold & Processing building and will be collected by a licensed third-party for off-site manufacturing. Up to twenty (20) employees are anticipated for on-site operations. Power is currently sourced by four generators on-site, and the applicant will transition to 75% solar within three years from the date of approval.

**EVIDENCE:**    a) Project File: PLN-11582-CUP

- 2. FINDING:**                    **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration

(MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
  - c) A Water Resources Protection Plan was prepared by Timberland Resource Consultants in July 2016 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
  - d) A Biological Report was prepared by Leopardo Wildlife Associates in October of 2018. The Report concludes that the proposed cannabis project will have no effect on NSOs, and that no plant or animal community would potentially be impacted by the proposed project.
  - e) A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-150 HUM) was obtained by the applicant in May of 2015 for timber conversion that occurred on the parcel prior to January 1<sup>st</sup>, 2016.
  - f) A Cultural Resources Investigation & Report was prepared by James Roscoe, M.A. with Roscoe and Associates in May of 2021. The Cultural Resource Survey found that no cultural resources were identified within the project area, or elsewhere on the property during the survey, and concludes that no historical resources as defined by CEQA will be adversely affected by the proposed project. The CRS recommends protocols for Inadvertent Discovery.
  - g) A Road Evaluation Report Form was submitted for Horse Linto Creek Road, designating it as being developed to a Category 4 road standard. A Road Evaluation Report was submitted for the US Forest Service Route 7N15 dated September 19, 2018. The Report designates the entire road segment as being developed to Category 4 road standards. It has been determined that the access road meets the functional capacity for the project.

### **FINDINGS FOR CONDITIONAL USE PERMIT AND 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 Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is

consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- b) The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The applicant will transition to 75% renewable power source within three years from the date of approval.

The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams. The applicant will use a drip irrigation method and in-ground planting to encourage water conservation.

Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources report provided recommendations related to the avoidance of sensitive tribal cultural resources. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

**4. FINDING**

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

**EVIDENCE**

- a) The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel zoned TPZ over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 43,560 ft<sup>2</sup> of outdoor and 3,600 ft<sup>2</sup> of mixed-light cultivation on a 70-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) The subject parcel has been determined to be one legal parcel as described in Certificate of Subdivision Compliance 2007-027186.

- c) The project will obtain water from a non-diversionary water source.
- d) A Road Evaluation Report Form was submitted for Horse Linto Creek Road, designating it as being developed to a Category 4 road standard. A Road Evaluation Report was submitted for the US Forest Service Route 7N15 dated September 19, 2018. The Report designates the entire road segment as being developed to Category 4 road standards. It has been determined that the access road meets the functional capacity for the project.
- e) A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-150 HUM) was obtained by the applicant in May of 2015 for timber conversion that occurred on the parcel prior to January 1<sup>st</sup> 2016.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church or Tribal Cultural Resource.
- g) The project is located within 600 feet of a Public Park, the Six Rivers National Forest, and the applicant is applying for a Special Permit to reduce the 600 foot setback to public lands, per Section 55.4.6.4.4 (f).

**6. FINDING**

The cultivation of 47,160 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 80 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- c) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.

**7. FINDING**

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

**EVIDENCE**

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

the ability for a residence to be constructed on this parcel.

**DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for Eco Green Grow, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

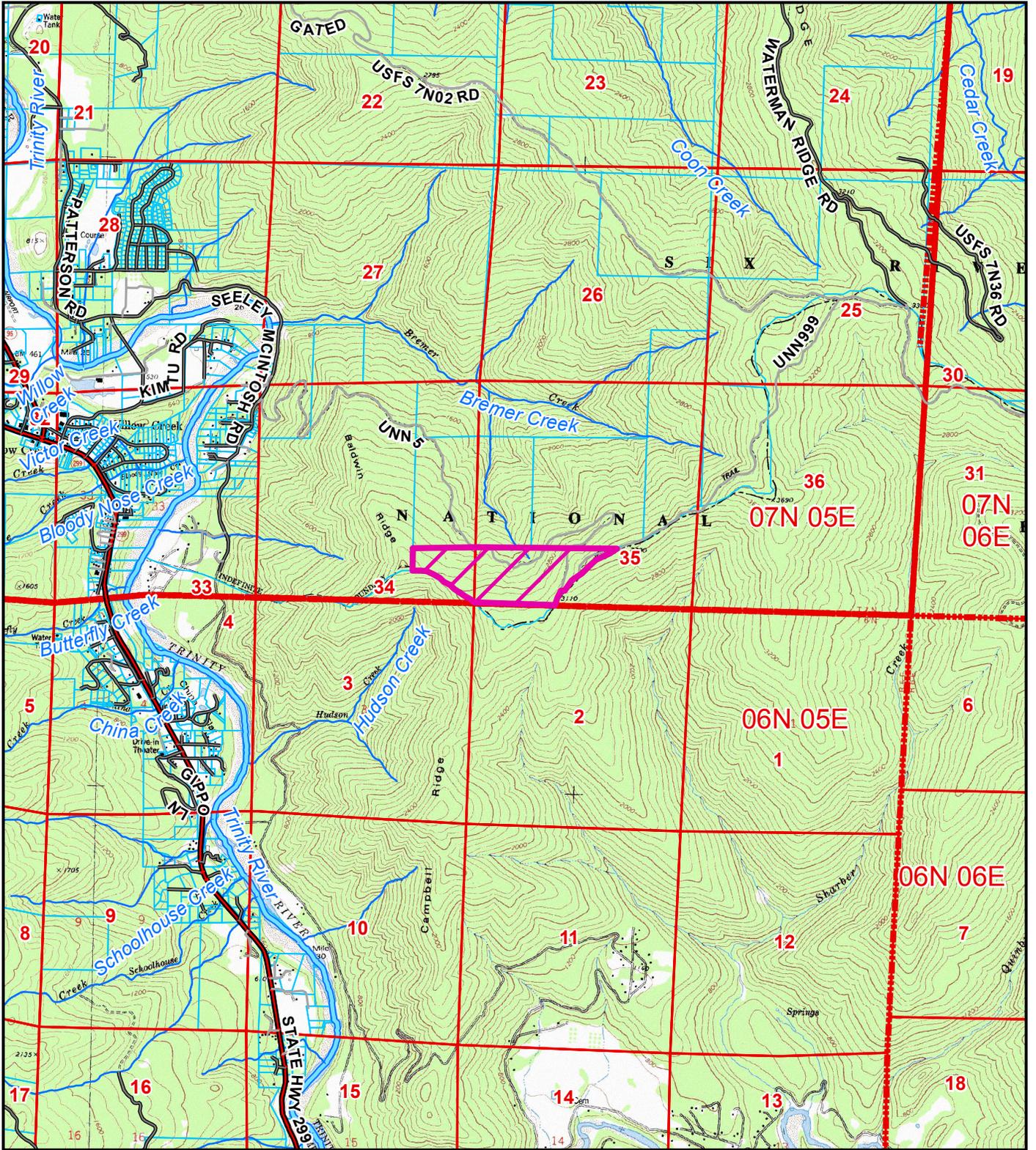
Adopted after review and consideration of all the evidence on August 5, 2021

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:  
 NOES: COMMISSIONERS:  
 ABSENT: COMMISSIONERS:  
 ABSTAIN: COMMISSIONERS:  
 DECISION:

I, John Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

\_\_\_\_\_  
 John Ford, Director  
 Planning and Building Department

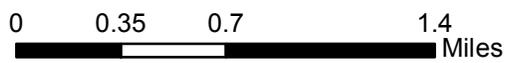


Project Area = 

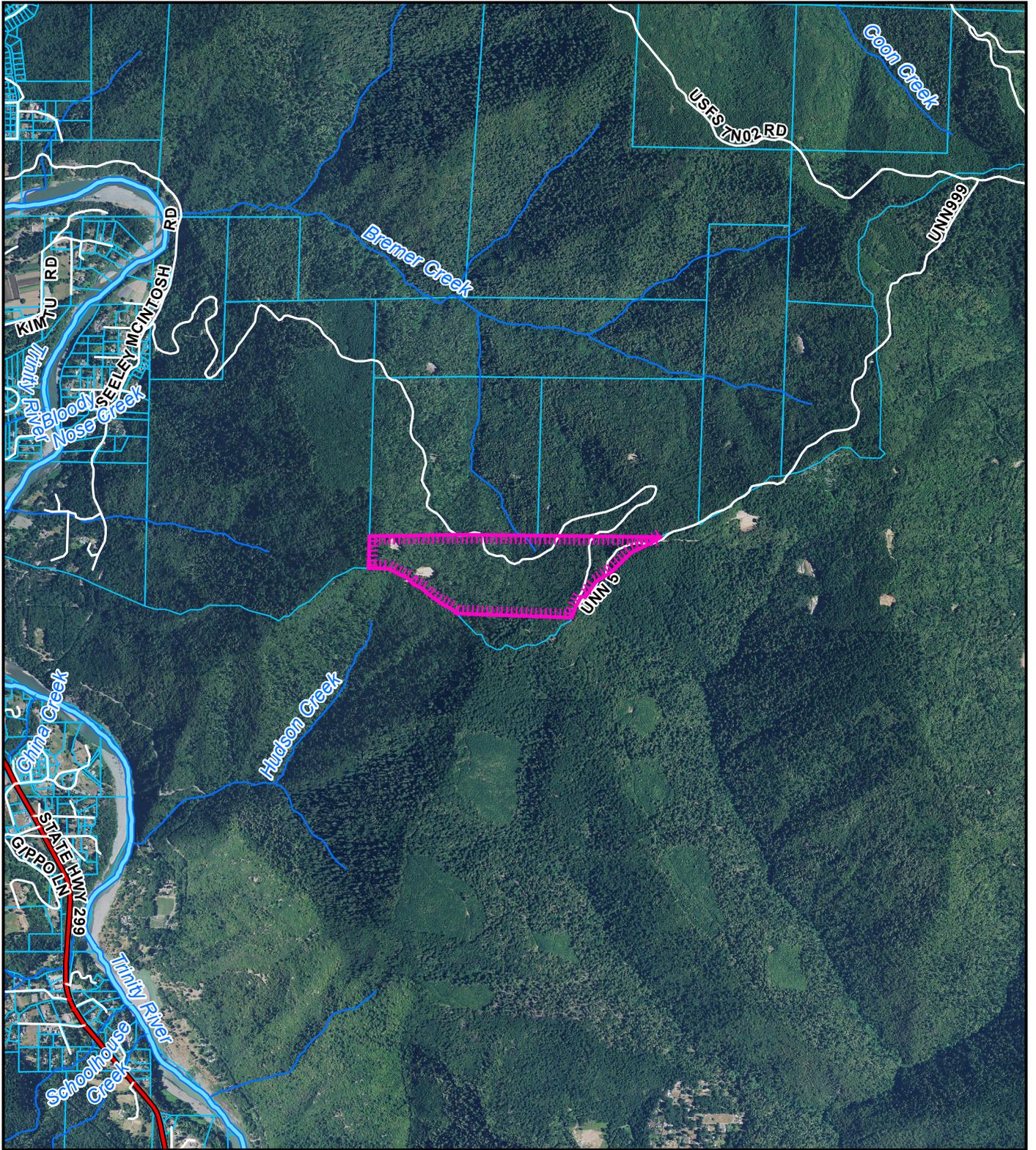
**TOPO MAP**  
**PROPOSED CALI LOVE FARMS LLC**  
**WILLOW CREEK AREA**  
**CUP-16-293**  
**APN: 523-015-009**  
**T07N R05E S34; S35 HB&M (SALYER)**



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 = 

**AERIAL MAP  
 PROPOSED CALI LOVE FARMS LLC  
 WILLOW CREEK AREA  
 CUP-16-293  
 APN: 523-015-009  
 T07N R05E S34; S35 HB&M (SALYER)**



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.



# Site Plan

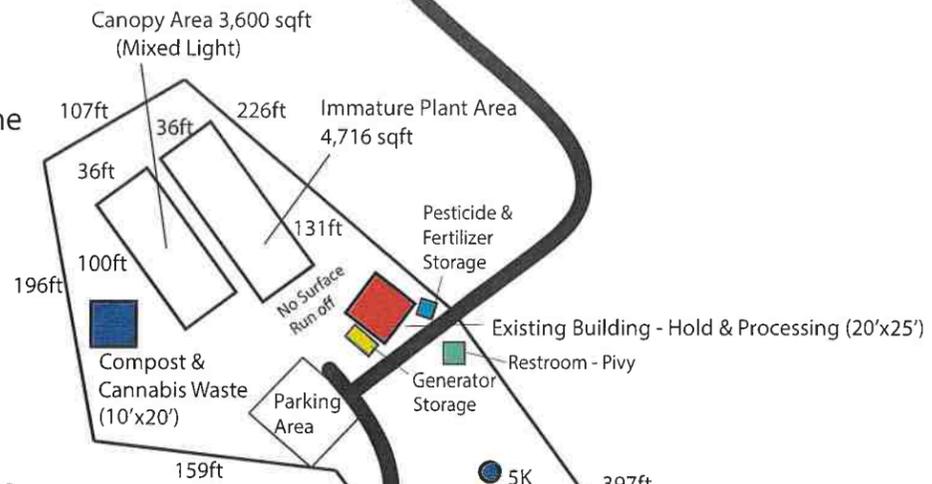


Not to scale  
No proposed grading

APN: 523-015-009-000  
Jeff Damavandi  
Jeff@VerdeNatural.com



200 ft setback  
from property line



Directions to Site from HWY 299:  
Left on Country Club Dr.  
Left on Patterson Rd  
Right on Horse Linto Creek Rd  
Right onto US Forest Service Route No. 7N02  
Right on US Forest Service Route 7N15  
Left at the Fork



250 ft setback  
from property line

Propane/Generator  
Storage (proposed)

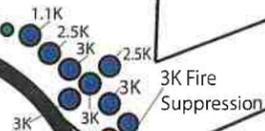


Existing Yurt  
Not for Cultivation

Existing Building  
Not for Cultivation

Restroom - Portable

Propane/Generator  
Storage (current)



## Vicinity Map



- Water storage tank (gallons)
- Compost
- Potable Water tank
- Water pump
- Ground-water well
- Stream crossing
- Roadway - dirt road
- Humboldt County Line (Approximate)
- Stream

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 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 #14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits all structures (existing and proposed) related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: one (1) 36' x 131' mixed-light greenhouse, one (1) 36' x 100' ancillary propagation greenhouses, two (2) generator sheds (one of which is located within Trinity County and the new shed location is shown as proposed on the Site Plan), one (1) pesticide & fertilizer shed, and one (1) 20' x 25' Hold & Processing building used for drying. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. There applicant is conditioned to house all generators within permanent shed locations, and all generators shall not exceed 50 decibels at 100 feet or the nearest canopy, whichever is closer. Future generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

8. The outhouse is not allowable, and the applicant shall work with the Department of Environmental Health to decommission the existing outhouse.
9. The applicant shall submit a grading, erosion and sediment control plan for the previous grading done on-site. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. The applicant shall obtain a building permit and install a solar system capable of providing 75% of the needed power to the cultivation operation within three years from the date of approval.  
.
11. The applicant is required to have a Site Management Plan (SMP) prepared for the project to show measures required to meet compliance with the State Water Resource Control Board's General Order. A condition of approval for the project is to provide a copy of the final SMP report to the Planning Department when available, and to adhere to the mitigation measures outlined within the SMP Report.
12. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back

at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).

15. Maintain enrollment in Tier 1, 2, or 3, certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.

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

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

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 and 31 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

**ATTACHMENT 2**

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

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

**APN's 523-015-009;  
Willow Creek 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.

**Project Description:** The modified project involves a Conditional Use Permit for 43,560 ft<sup>2</sup> of pre-existing outdoor and 3,600 ft<sup>2</sup> of pre-existing mixed-light commercial cannabis cultivation, and 4,716 ft<sup>2</sup> for ancillary propagation space. Irrigation water will be sourced from a permitted well on-site. Total annual water demand for the project is 302,910 gallons per year (7.58 gal/ft<sup>2</sup>/yr), and there is a total of 26,100 gallons of existing water storage on-site. Bucking and drying will occur within the existing building labeled Hold & Processing. Harvested product will be stored within a freezer within the Hold & Processing building, and will be collected by a licensed third-party for off-site manufacturing. Up to twenty (20) employees are anticipated for on-site operations. Power is currently sourced by four generators on-site, and the applicant plans to transition to 75% solar within three years from the date of approval.

### **Water Resources**

Water for irrigation is provided by a permitted well (15/16-0483). A Well Completion Report is on file for the well, and the applicant has obtained a letter from Fisch Drilling, dated September 13, 2018, determining that the well is non-hydrologically connected. The letter states that the well was completed in the Franciscan Formation, and that the well is drilled into a perched bedrock with little to no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer. Total annual water demand for the project is 302,910 gallons per year (7.58 gal/ft<sup>2</sup>/yr). There is a total of 26,100 gallons of existing water storage on-site, and of that 23,100 gallons is designated for cannabis irrigation and one 3,000-gallon tank is designated for fire suppression.

The site has been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1\_12CC408121, as a Tier 2 Low Risk site. A Notice of Applicability letter dated May 14, 2019 is attached for proof of enrollment in the General Order. The applicant is required to have a Site Management Plan (SMP) prepared for the project to show measures required to meet compliance with the General Order, and a condition of approval is to provide a copy of the final SMP report to the Planning Department when available, and to adhere to the measures outlined within the final SMP Report. The site was historically enrolled as a Tier 2 discharger in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 215-0023, under WDID 1A16424CTRI. A Water Resource Protection Plan (WRPP) was prepared for the project by Timberland Resource Consultants (TCR) in July of 2016. The WRPP shows one Class II and one Class III stream located in the northeast portion of the parcel, well away from cannabis activities. The WRPP lists a summary of standard conditions and selected that the applicant had met all standard conditions, minus refuse and human waste. Conditions to decommission the outhouse on-site is already included in the Conditions of approval for the project.

The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2018-0159-R1) with the Department of Fish & Wildlife for the instream work required to upgrade the two (2) stream crossing on-

site. The applicant shall complete the project described and adhere to the conditions outlined in the SAA 1600-2017-0515-R1, for work to be completed.

### **Biological Resources**

There are no mapped sensitive species shown on-site in the California Natural Diversity Database (CNDDDB) Resource Map. The nearest Northern Spotted Owl (NSO) activity center is located approximately 0.88 miles from the nearest cultivation site. Lands surrounding the site are heavily forested thus there is high potential for NSO habitat. The applicant had a Biological Report prepared for the site by Leopardo Wildlife Associates on October 2, 2018. The report concludes that the proposed cannabis project will have no effect on NSOs, and that no plant or animal community would potentially be impacted by the proposed project. The project was referred to the Department of Fish & Wildlife on August 29, 2017, and no response was received.

The applicant is conditioned to house all generators within permanent shed locations, and all generators shall not exceed 50 decibels at 100 feet or the nearest canopy, whichever is closer. Additional measures required to mitigate effects on wildlife include adhering to International Dark Sky standards for all mixed-light and propagation greenhouses on-site. The applicant shall ensure that no light escapes from greenhouses utilizing supplemental lights between the hours of dawn and dusk for the life of the project, and this is included in the on-going Conditions of Approval for the project.

### **Tribal Cultural Resource Coordination**

The project is located within the Hoopa and Tsnungwe tribal aboriginal territories. The project was referred to the Hoopa Tribe and the Tsnungwe Tribe on August 24, 2018. The project was also referred to the Northwest Information Center (NWIC) on August 29, 2017. A response was received from the Tsnungwe Council on August 24, 2018, stating that they had no objections to the project. A response was received from the Hoopa Tribe on August 25 requesting a Cultural Resource Survey (CRS) for the project. The applicant had a CRS prepared by James Roscoe, M.A. with Roscoe and Associates in May of 2021. The CRS found that no cultural resources were identified within the project area, or elsewhere on the property during the survey, and concludes that no historical resources as defined by CEQA will be adversely affected by the proposed project. The CRS recommends protocols for Inadvertent Discovery. The project is conditioned to adhere to inadvertent discovery protocols in the event that cultural resources are encountered during project activities.

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

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

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan received June 29, 2021.
- Cultivation & Operations Plan received June 11, 2021.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Notice of Applicability dated May 14, 2019, for proof of enrollment in the State Water Resources Control Board Order WQ 2019-0001-DWQ.
- A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-150 HUM) dated May of 2015.
- Road Evaluation Report form for Horse Linto Creek Road dated 6/25/2021.
- Road Evaluation Report for Forest Service Route 7N15 dated 9/19/2018.
- Property Survey to verify the Humboldt County boundary line prepared by Kelly O'Hern Associates dated January 26, 2021 and received 1/29/2021.
- Biological Report for biological and plant species, prepared by Leopardo Wildlife Associates dated October 2, 2018.
- Well Completion Report & Well Permit for the permitted well (15/16-0483).
- Letter from Fisch Drilling to determine hydrologic connectivity of the well dated September 13, 2018.
- Streambed Alteration Agreement with Fish & Wildlife (1600-2018-0159-R1) received 6/4/2021.
- Cultural Resource Investigation Report prepared by James Roscoe, M.A. with Roscoe and Associates, dated May 2021, and received 6/9/2021.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on-file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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 Plans – **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. (**Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
6. Copy of Notice of Applicability filed with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ, under WDID: 1\_12CC408121. (**Attached**)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2018-0159-R1 received 6/4/2021– **Attached**)
8. If the source of water is a well, a copy of the County well permit, if available. (Well Completion Report & Well Permit, Permit Number 15/16-0483– **Attached**)
9. Letter from Fisch Drilling to determine hydrologic connectivity of the well dated September 13, 2018. (**Attached**)
10. Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023. (**Attached**)
11. 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. (A Less-Than-3-Acre-Conversion-Exemption permit (1-15EX-150 HUM) dated May of 2015 – **Attached**)

12. 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)
13. 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)
14. 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)
15. 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)
16. Cultural Resource Investigation Report prepared by James Roscoe, M.A. with Roscoe and Associates, dated May 2021, and received 6/9/2021. (On-file and confidential)
17. Road Evaluation Report form for Horse Linto Creek Road dated 6/25/2021. (**Attached**)
18. Road Evaluation Report for Forest Service Route 7N15 dated 9/19/2018. (**Attached**)
19. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
20. Property Survey to verify the Humboldt County boundary line prepared by Kelly O'Hern Associates dated January 26, 2021 and received 1/29/2021. (**Attached**)
21. Biological Report for biological and plant species, prepared by Leopardo Wildlife Associates dated October 2, 2018. (On-file and confidential)

**Cultivation, Operations, and Security Plan**  
**Eco Green Grow, LLC**



**Project Summary**

Eco Green Grow, LLC (The Applicant) is applying for one permit on APN 523-015-009. The parcel’s assessed lot size is 70-acres and zoned TPZ. The property is owned by Jeff Damavandi – Jeff@Verdenatural.com, 310-486-2518.

The Applicant has applied for a conditional use permit for existing outdoor and mixed light cultivation with a total cultivation of up to 47,160 sq. ft. – with a total outdoor cultivation space of 43,560 sq. ft. and a total mixed light cultivation space of 3,600 sq. ft. with an on-site ancillary propagation of 10% (4,716 sq. ft).

**Cultivation and Operation Plan**

**1. Description of cultivation activities (e.g., outdoor, indoor, mixed light by quantity and type)**

CULTIVATION ACTIVITIES: Applicant will be cultivating 39,960 square feet of outdoor cultivation and 3,600 sq. ft. of mixed light cultivation on the property located at APN 523-015-009. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant anticipates hiring 30 employees at the site for cultivation at peak season.

**2. Description of water source, storage infrastructure (type, number, and capacity in gallons), and irrigation methods**

WATER SOURCE: Applicant has a permitted well on the property approximately 160-feet deep and flows at 10 gallons per minute. This well is used for domestic and irrigation purposes and has no hydraulic connection to surface water.

STORAGE INFRASTRUCTURE: Water storage on the property consists of one 5,000 gallons, five 3,000 gallons, two 2,500 gallons, and one 1,100 gallons hard storage water tanks for cultivation and one 300-gallon and one 250-gallon hard water storage tanks for potable water for human consumption. Water is pumped to storage tanks at the top of the property from the permitted well, then fed via gravity to the cultivation sites. The water tanks are in an area of property that does not threaten water quality in the event of escapement. Applicant will put in place water meters to accurately tack the amount of water being used on the property for irrigation purposes.

IRRIGATION METHODS: Irrigation water is applied at agronomic rates to minimize over watering cannabis plants and reduce the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a watering wand. Applicant will water during the morning hours to reduce

evaporation loss. Ground cover and weed barrier is used to minimize weed growth, which reduces water loss during watering. Applicant will use natural soil amendments to aid in soil moisture retention.

**3. A water budget showing monthly past or projected irrigation demands, including periods of peak usage, broken out by each discrete Cultivation Site**

WATER BUDGET: Applicant will be cultivating 47,160 square feet of cannabis canopy. Based upon California Department of Fish and Wildlife estimations for cannabis irrigation needs – and the Applicant’s irrigation plan to water every other day – the Applicant anticipates using 302,910 gallons of water throughout the growing season. Of those 307,011 gallons, 283,575.6 gallons will be used at the lower cultivation site with a canopy size of 43,560 square feet and 23,436 gallons will be used at the northern cultivation site with a canopy size of 3,600 square feet. This calculation was done with the following formula:  $[(93 \text{ days} / 2) \times (\text{square feet of canopy} \times 0.14) \text{ gallons}]$ . These figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

**4. A description of on-site water conservation measures, including but not limited to rainwater catchment systems, drip irrigation, timers, mulching, irrigation water recycling, and methods for insuring irrigation occurs at agronomic rates**

WATER CONSERVATION MEASURES: The Applicant proposes to have rainwater catchment systems in place within three-years. There is no surface runoff from the Applicant’s cultivation activities. Applicant uses drip irrigation, raised beds, waters at agronomic rates, uses timers to avoid overwatering and maintains vegetation around cultivation areas and riparian areas to minimize runoff and sediment transportation to receiving waters. Applicant cultivates outdoors and there is no concentrated storm water runoff from the cultivation areas. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters. Applicant will consult with – and implement recommendations from – Timberland Resource Consultants to improve runoff control measures on an as-needed basis.

**5. Schedule of activities during each month of the growing and harvesting season, including projected generator use**

SCHEDULE OF ACTIVITIES:

January: Facility is typically inaccessible during Winter months.

February: Clean and set up propagation area, order seeds and clones, take clones from existing mother plants, and order seed germination supplies.

March: Germinate seeds, transplant seedlings, prepare genetic tests, transplant clones.

April: Release first beneficial insects and nematodes, conduct a pest assessment for the entire garden (document and determine plan moving forward), begin IPM pesticide sprays, repair fence as needed.

May: Begin soil amendments to raised beds, prepare and add raised beds, add and repair irrigation, plant seed plants into large pots, pull black-out tarps onto light deprivation areas.

June: Set up all irrigation, IPM pesticide sprays, feed plants, begin to prune plants, stake, and trellis plants.

July: IPM pesticide sprays, continue to feed plants, conduct second pruning of plants, stake, and trellis plants second time.

August: Trellis plants as needed, top dress plants (feed), continue IPM sprays, feed plants.

September: Defoliate plants, feed plants, order dry ice, begin to harvest plants.

October: Order dry ice bi-weekly, continue to harvest plants, clean up soil beds.

November: Clean up facilities, end of year reporting, clean and landscape areas used in cultivation.

December: Facility is typically inaccessible during Winter months.

#### **6. Summary of Specific Measures for Compliance with SWRCB Order (New and Pre-Existing Unpermitted Sites)**

PROTECTION OF WATERSHED AND HABITAT: The Applicant's cultivation areas are beyond a 200-ft buffer from any riparian area or watershed. The buffer is maintained with native vegetation and natural slopes. The areas of cultivation are hydrologically disconnected from any watercourses located on or near the property.

#### **7. Stormwater Management Plans**

SITE DRAINAGE: There is a Class III stream located on the property that drains to Bermer Creek, which is a tributary of the Trinity River. To the South of the property lies Hudson Creek, which is also a tributary of the Trinity River. There are two stream crossings over the class III watercourse. The watercourse is drained by a 16-inch plastic culvert. The outlet of the culvert is set above grade. The culvert is functioning and there are no significant erosion issues with the respect to the culvert. All cultivation areas and associated facilities are located beyond 200-feet from any watercourse located on the property.

EROSION CONTROL MEASURES: Roads and cultivation sites are maintained in good condition and there are no active erosion sites on the property. There is an existing drainage structure that drains a cut bank seep along the existing road on the property. The bank seep drains into a 12-inch pipe to minimize any erosion that may occur. These areas are sited at least 200-feet from any watercourse and pose little to no threat of sediment delivery to the class III stream. The Applicant intends to ditch and resurface the road to further mitigate potential erosion problems caused by seepage in these areas. The Applicant irrigates at agronomic rates that do not produce runoff. There are sufficient vegetative buffers between the cultivation sites and any watercourse to filter wastes from stormwater runoff. The buffers are naturally sloped with native vegetation. The Applicant will use mulch and straw bales to further prevent irrigation runoff. The cultivation sites are not hydrologically connected to any watercourse on the property, thus minimizing the potential for sediment deposit.

#### **8. Invasive Species Control Plan:**

INVASIVE SPECIES CONTROL PLAN: The Applicant has identified the following invasive species on the property: Purple Thistle. The Applicant plans to pull out new seedlings each spring to ensure the control of their spread. The Applicant will contact the Humboldt County Weed Management Area for assistance of removal, if needed.

## 9. Materials Management Plan

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

Applicant will maintain and keep all personal protective equipment required by the pesticide label in good working order. Coveralls will be washed or replaced after use. All required warning signs will be posted, and Safety Data Sheets (SDS) will be kept in a conspicuous area where pesticides are stored. Emergency contact information will be posted at the work site in case of pesticide poisoning. This information will include the name, address, and telephone number of emergency medical care facilities.

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

FERTILIZER STORAGE: The Applicant will store fertilizers in an on-site shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and will use and maintain personal protective equipment as required per its label.

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

### PESTICIDES TO BE USED:

Step Farm Systems, LLC - Chester Boone's All Purpose Horticultural soap, 25(b)

Marrone Bio Innovations, Inc. - Regalia Biofungicide, EPA Reg No. 84059-3

LAM International Corporation - BotaniGard ES, EPA Reg No. 82074-1

Marrone Bio Innovations, Inc. - Venerate XC, EPA Reg No. 84059-14

Flying Skull Plant Products - Nuke Em, 25(b)

### FERTILIZERS TO BE USED:

Down to Earth High Nitrogen Bat Guano, Down to Earth Insect Frass, Down to Earth Granular Humic Acids, Down to Earth Kelp Meal, Down to Earth Alfalfa Meal, Tiger Sul 90 Organic Sulfur, Gypsum, Age Old Grow, Age Old Fish & Seaweed, Roots Organics Trinity, Compost Teas consisting of: nettle, comfrey, burdock root, aloe powder, oats, blackstrap molasses, and worm castings.

CULTIVATION RELATED WASTE PROTOCOLS: The Applicant is implementing measures to reduce an/or eliminate cultivation related waste. Cultivation related wastes are deposited into three sorts: compost,

recyclables, and trash. Organic waste, such as plant material, is deposited into compost piles located on the cultivation site. These compost piles are enclosed by a wooden fence structure. Recyclable materials and solid waste are stored and contained within separate contained partitions. Recyclable materials and solid waste are removed from the property and taken to a licensed recycling/waste facility. All receipts for recyclable and solid waste will be retained.

Pots containing plant starts and clones will be washed, rinsed, and reused between seasons and recycled when they are no longer able to be used. The Applicant will recycle and/or waste pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in native soils and using bio amendments to re-amend the soils, resulting in zero soil waste on the site.

REFUSE DISPOSAL: The Applicant will have wildlife proof garbage cans equipped with lids, which are kept in secondary containment to prevent leaching and transport of foreign material to receiving waters. Garbage is stored for short term in locking garbage cans. The Applicant will determine the frequency of pickup and delivery to a licensed disposal facility that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the peak growing season.

#### **10. Hazardous Material Site Assessments and Contingency Plans**

HAZARDOUS MATERIAL SITE ASSESSMENT: The commercial cannabis activity is not located on a property that was previously developed with an industrial or heavy commercial use.

#### **11. Sewage disposal plan including existing and/or proposed septic facilities, portables, or other restroom improvements**

HUMAN WASTE: The Applicant will have a portable toilet supplied and serviced by B&B Portable Toilets LLC located on the cultivation site for human use.

#### **12. Description of soil management and/or permaculture methods used**

SOIL AMENDMENTS: The Applicant will not store soil amendments on site. The Applicant will purchase bulk amendments from a company off-site and then will immediately mix dry amendments into the soil. Before making a soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

#### **13. Processing Plan**

PROCESSING PRACTICES: The Applicant plans to process on-site using an Ox Box Bucking Machines, which employees will be adequately trained on – including safety precautions. Post-processed marijuana will be kept in Zchedt Freezers with Dry Ice. All post-processed material will be Transferred by a licensed distributor to a licensed manufacturer.

LOCATION WHERE PROCESSING OCCURS: The Applicant plans to process on-site in the building designated as “Hold & Processing” on the Site Plan.

EMPLOYEES REQUIRED: The Applicant will require 4 full-time employees that will split their time during off-season between this facility and another commonly owned marijuana cultivation. During peak season,

the Applicant will hire an additional 20 full-time employees and another 10 employees provided by a temp agency.

EMPLOYEE SAFETY PRACTICES: The Applicant will ensure employees are trained over the dangers of sun exposure, the risks of heat stress, and checking the skin regularly for damage. The Applicant will provide sun cream for outdoor workers and inform the employees to reapply to the manufacturer's instructions. Employees will be advised to wear clothing that keeps them covered and protected from the sun, including hats. Employees will be encouraged to keep hydrated by providing cool water in the workplace, combatting stress and overheating. Employees will be given breaks and will encourage employees to take breaks in a shaded area to allow for comfortable rest and rehydration. Employees will be provided appropriate personal protective equipment, such as masks or gloves, to use while working in problem areas to prevent issues. Employee labor will be rotated to keep sun exposure is minimized.

TOILET AND HANDWASHING FACILITIES: The Applicant will provide a portable toilet serviced by B&B Portable Toilets LLC for employee use. This toilet will be located near the yurt on the Southern portion of the property. Handwashing facilities are located outside of the yurt building next to the portable toilet.

DRINKING WATER SOURCE: Water is provided straight from the well and an Eco Pure 40 three-stage filter pulls out bacteria and minerals

ROAD USAGE: Employees will remain on-site during the peak seasons, thus not traveling to and from the property ensuring minimal road usage and impact. Applicant does not anticipate increased road activity for the cultivation activities listed above.

#### **14. Parking Plan**

PARKING PLAN: The Applicant has identified parking areas on the Site Plan. The Applicant's work vehicles will only be parked in those designated areas.

#### **15. Energy Plan**

ENERGY PLAN: The Applicant proposes to move to solar powered renewable energy within 3-years. The applicant will currently utilize 4 generators – 1, 3000w Honda Generator for the water well, 1 7000w Dewalt Generator for power washer and power tools, and 2, 1200w for the Hold and Processing building. Generator usage is expected to be under 450 hours per year on the property.

#### **16. Security Plan**

SECURITY PLAN: The Applicant has implemented security features to safeguard the product and prevent nuisance from occurring on the property. Perimeter fencing around the cultivation areas has been established. Security gates with locks are installed along all main roads and only employees with clearance have combinations and keys. In addition, combinations change yearly.

Applicant intends to install security cameras with night vision around the exterior of the proposed processing facility, the cultivation sites, and the entrances to the parcel.

To ensure non-diversion of product, the Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level.

#### **17. Noise Source Assessment and Mitigation Plan**

NOISE SOURCES: Small amounts of noise come from the generators on property, which are only used during peak season. These generators are located within wooden boxes for noise control. Other noises would come from the employees working, which is minimal noise. The Biological Report can provide proof of low decibels created by generators.

#### **18. Light Pollution Control Plan**

METHODS TO SHIELD LIGHT: Light from mixed light cultivation will be shielded with use of blackout tarps between sunset and sunrise.

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**North Coast Regional Water Quality Control Board**

May 14, 2019

WDID:1\_12CC408121

ECO GREEN GROW, LLC  
ATTN: BOB SCHWARTZ  
440 REDWOOD AVE  
ARCATA, CA 95521

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

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

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

Sincerely,

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

190514\_2L\_1\_12CC408121\_Eco Green Grow 523-015-009\_NOA\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, ECO GREEN GROW, LLC, HUMBOLDT COUNTY APN(S) 523-015-009**

Eco Green Grow, LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on December 27, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC408121**.

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

**1. FACILITY AND DISCHARGE DESCRIPTION**

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

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

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

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

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

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

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

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

A Site Management Plan, by March 26, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Nitrogen Management Plan must be submitted by March 26, 2019, consistent with the requirements of General Order Provision C.1.d., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Nitrogen Management Plan.

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

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

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32)

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

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

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

According to the information submitted, the discharge is classified as Tier 2 Low Risk with the current annual fee assessed at \$1,000. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

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

Cc: Kevin Porzio, State Water Resources Control Board,  
dwq.cannabis@waterboards.ca.gov  
Cheri Sanville, California Department of Fish and Wildlife,  
cheri.sanville@wildlife.ca.gov  
Cliff Johnson, Humboldt County Planning and Building,  
cjohnson@co.humboldt.ca.us

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



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION No. 1600-2018-0159-R1

Unnamed Tributary to Bremer Creek Creek, Tributary to the Trinity River, Tributary to the Klamath River and the Pacific Ocean

Jeffrey Damavandi  
Damavandi Stream Crossings Project  
2 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Jeffrey Damavandi (Permittee).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on March 07, 2018, with additional information provided on April 21, 2018, and November 07, 2019, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Trinity River watershed, approximately 2.25 air miles E/SE of the town of Willow Creek, County of Humboldt, State of California. The project is located in Section 35, T07N, R05E, Humboldt Base and Meridian; in the Salyer U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 523-015-009; latitude 40.9316 N and longitude -123.5904 W at the first stream crossing.

**PROJECT DESCRIPTION**

The project is limited to two encroachments (Table 1). Both encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.9316; -123.5904	Existing 12 inch diameter culvert stream crossing is misaligned, not to grade, and too short. This crossing shall be removed and replaced with a minimum 24-inch diameter by 40-foot length culvert.
Crossing-2	40.9321, -123.5903	Existing 12 inch diameter culvert stream crossing is misaligned, not to grade, and too short. This crossing shall be removed and replaced with a minimum 24-inch diameter by 40-foot length culvert.

The Permittee has disclosed a 140 deep water well located at approximately 40.9314, -123.5902. This well is presented as the sole source of water for all needs on the property. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including “ponds”), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

**PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

**Impacts to water quality:**

- increased water temperature;
- temporary increase in fine sediment transport;

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

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

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

diversion of flow from activity site;  
direct and/or incidental take;  
indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.

- 1.6 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.8 Cannabis Cultivation Policy. If Cannabis is or becomes cultivated on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_policy.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html)
  - 1.8.1 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan and related technical reports that are prepared in conformance with the SWRCB Cannabis Cultivation Policy.
- 1.9 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## 2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting

documents submitted with the Notification and received on March 07, 2018, with additional information provided on April 21, 2018, and November 11, 2019.

- 2.2 Listed Species. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 Nesting Birds. Actively nesting birds and their nests shall not be disturbed by project activities. If construction, grading, vegetation removal, or other project-related improvements are necessary during the nesting season of protected raptors and migratory birds (**March 1 through August 15**), the Permittee shall notify CDFW of proposed work and a focused survey for bird nests and/or nesting behavior shall be conducted by a qualified biologist within seven days prior to the beginning of project-related activities. Surveys should encompass the area up to 50 feet from disturbance to account for songbirds, and up to 250 feet from disturbance for raptors. If a nest is found or suspected to be present, Permittee shall consult with CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in project-related work of seven days or longer occurs, another focused survey, and if required, consultation with CDFW shall be required before project work can be reinitiated.

### **Vegetation Management**

- 2.4 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area. Vegetation management shall adhere to measure 2.4.
- 2.5 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides. Vegetation management shall adhere to measure 2.4.
- 2.6 Avoidance of Nesting Birds. In adherence to measure 2.4, vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

## Project Timing

- 2.7 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.8 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW **at least 10-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 15.
- 2.9 Work Completion. The proposed work shall be completed by no later than **October 15, 2020**. Extensions to this date may be granted on a case by case basis as a minor amendment requested at least 30 days prior to this date. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

## General Stream Protection Measures

- 2.10 Fish and Aquatic Amphibians. If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW's Greg O'Connell will be contacted by phone or email at (707) 441-5790 or [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov) and work shall not commence until authorized by Mr. O'Connell or another CDFW representative.
- 2.11 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.12 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.13 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient

water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

- 2.14 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.15 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.16 Clean-up. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.17 Erosion Control Measures
- 2.17.1 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.17.2 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee

shall employ corrective measures, and notify the department immediately.

2.17.3 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

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

### **Stream Crossings**

2.18 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II streams* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.

2.19 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.20 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

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

- 2.21.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow
- 2.21.2 No heavy equipment shall enter the wetted stream channel.
- 2.21.3 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.21.4 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.21.5 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.22 Isolation of Work Site. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Permittee shall adhere to the following conditions:
- 2.22.1 Stream Diversion. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.22.2 Coffer Dams. Prior to the start of construction, Permittee shall isolate the work area. Cofferdams shall be installed to divert stream flow; isolate and dewater the work site; catch and retain sediment-laden water; and minimize sediment transport downstream. Water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately. Permittee shall use only clean, non-erodible materials such as sand bags, on-site rock, and/or plastic sheeting. Mineral soil shall not be used in the construction of cofferdams.
- 2.22.3 Stranded Aquatic Life. Once coffer dams are installed, a qualified biologist or other qualified professional trained to identify listed species shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this

agreement shall be contacted immediately if any of these species are detected.

2.22.4 Dewatering. Permittee shall catch and retain sediment-laden water and minimize sediment transport downstream. Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.22.5 Remove any Materials upon Completion. 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. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

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

## 2.23 Culvert Installation.

2.23.1 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq 1.0$  times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.23.2 If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is discouraged.  
[http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps)

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

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

are not constructed and channels are not be widened at culvert inlets.

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

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

### 3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Work Completion. The proposed work shall be completed by no later than **October 15, 2020**. Extensions to this date may be granted on a case by case basis as a minor amendment requested at least 30 days prior to this date. **Notification of completion will include documentation demonstrating that the stream crossings were installed as designed, photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.3 Site Management Plan and Related Technical Reports. The Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within 30 days of submittal to the SWRCB.
- 3.4 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for

submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## **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:

Jeffrey Damavandi  
Eco Green Grow LLC  
5000 E 41st St, Unit 100  
Denver, CO 80216  
707-834-6832

### To CDFW:

Department of Fish and Wildlife  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program – Greg O’Connell  
Notification #1600-2018-0159-R1

## **LIABILITY**

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

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

## **SUSPENSION AND REVOCATION**

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

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

## **EXTENSIONS**

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

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

## **EFFECTIVE DATE**

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

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

### TERM

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

### AUTHORITY

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

### AUTHORIZATION

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

### CONCURRENCE

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

**FOR JEFFREY DAMAVANDI**

Jeffrey Damavandi

3/1/21  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

cheri.sanville@wildlife.ca.gov

Cheri Sanville

Senior Environmental Scientist Supervisor

Digitally signed by cheri.sanville@wildlife.ca.gov  
DN: CN=cheri.sanville@wildlife.ca.gov  
Reason: I am the author of this document  
Location: CDFW 619 2nd Street Eureka, CA  
Date: 2021-03-18 13:18:33  
Foxit PhantomPDF Version: 9.6.0

Date

Prepared by: Greg O'Connell, Environmental Scientist, October 26, 2018, Revised May 6, 2020





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MAR 02 2016

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

Environmental Health  
100 H Street, Suite 100, Eureka, CA 95501  
Phone: (707) 445-6215 fax: (707) 441-5699

**WATER WELL APPLICATION**

15/16-0483

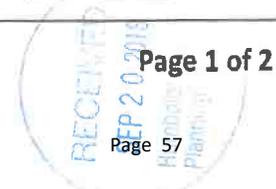
**CONSTRUCTION – REPAIR – DESTRUCTION**

The Well Permit will be returned to the property owner when approved by Humboldt County Division of Environmental Health (DEH)

**Instructions:**

1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>7N15 Brenner Creek Rd.</u>	APN	<u>523-015-08</u>
City/State/Zip	<u>Salyer, CA 95563</u>		
Directions to Site	_____		
Applicant	<u>FISCH DRILLING</u>	Contact	<u>CHRIS FISCH</u>
Mailing Address	<u>3150 JOHNSON RD</u>	Work Phone	<u>(707) 768-9800</u>
City/State/Zip	<u>HYDESVILLE, CA 95547</u>	Cell Phone	<u>(707) 601-3042</u>
Property Owner	<u>Wesley &amp; Shandy Thompson</u>	Home Phone	<u>530-629-2947</u>
Mailing Address	<u>PO Box 183</u>	Work Phone	_____
City/State/Zip	<u>Salyer, CA 95563</u>	Cell Phone	_____
I hereby grant 'right-of-entry' for inspection purposes _____			
Drilling Contractor	<u>FISCH DRILLING</u>	C-57 License #	<u>683865</u>
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature:			
Would driller like a copy of approved application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<input type="checkbox"/> U.S. Mail address:	_____		
<input checked="" type="checkbox"/> Email address:	<u>chris@fischdrilling.com</u>		
<b>Type of Application:</b>	<b>Construction:</b>	<b>Intended Use:</b>	
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.)	<input checked="" type="checkbox"/> Domestic - private	
<input type="checkbox"/> Destruction	Diameter (in.)	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.)	<input type="checkbox"/> Irrigation	
	Sealing Material	<input type="checkbox"/> Other _____	
		<u>140</u>	
		<u>6"</u>	
		<u>20'</u>	
		<u>Bentonite</u>	



<b>Estimated Work Dates:</b>	<b>Casing:</b>	<b>Type of Sewage System:</b>
Start _____	Diameter (in.) <u>6"</u>	<input type="checkbox"/> Community Sewer
Completion _____	Material <u>STEEL</u>	<input checked="" type="checkbox"/> OWTS (Septic)
		Distance from well site to OWTS <u>N/A</u>

**Special Requirements/Comments:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PLOT PLAN**

**FOR OFFICE USE ONLY**

Fee: <u>\$ 373.00</u>	Site Approved by: <u><i>A. M. O'Connell</i></u>
Date: <u>3-2-16</u>	Site Approved Date: <u>3/4/16</u>
Receipt: <u>749110</u>	Sealed to Depth of: _____
Project #: <u>15/16-0483</u>	Seal observed: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Final Approved Date: _____



3150 JOHNSON RD.  
HYDESVILLE, CA.  
(707) 768-9800  
dave@fischdrilling.com

September 13, 2018

Shandy & Wesley Thompson  
P.O. Box 183  
Salyer, CA. 95563

**Thompson Property**  
**7N15 Brenner Creek Rd.**  
**Salyer, CA. 95563**

Result of site review of West Coast Redwood. APN 523-015-09 the well sites in question will be located on parcel 523-015-09 this well was completed September 19, 2015.

The well was completed in the Franciscan Formation; the well is drilled into a perched bedrock with little to no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer.

Considering the depth of the wells, it appears to fall in line with the guide lines of a non-jurisdictional well of similar depth in the surrounding area.  
Any questions please call (707)768-9800.

Thank You,

David Fisch  
Fisch Drilling



3150 JOHNSON RD. • HYDESVILLE • 95547  
PHONE: 707-768-9800 • FAX: 707-768-9800

WDID: 1A16424CTRI

## **Water Resource Protection Plan**

*Submitted to:*

**Allison McGonagle & Wes Thompson  
PO BOX 994  
Willow Creek, CA 95573  
707-616-4744  
[alliemcg33@gmail.com](mailto:alliemcg33@gmail.com)**

*Prepared by:*

**Timberland Resource Consultants  
165 South Fortuna Blvd  
Fortuna, CA 95540**

**July 9, 2016**

**Purpose**

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the property owner, Allison McGonagle & Wes Thompson, for the property located in Humboldt and Trinity County (Assessor parcel numbers: 523-01-050HUM and 008-10-001TRI) by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

**Scope of Report**

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

**Methods**

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

### Property Description

The property assessed is a 120 acre parcel located on the Humboldt-Trinity county line in Sections 34 & 35, T7N, R5E, HB&M from the Salyer 7.5' USGS Quad. The property is located approximately 1.5 miles east of Willow Creek, California, and is accessed by USFS Road 7N15 via Waterman Ridge Road. The property is heavily forested and made up of the Douglas-fir Tanoak coniferous forest association. Tanoak currently makes up the majority of the overstory with scattered Douglas-fir and minor amounts of live oak, red alder, big-leaf maple, and golden chinquapin. The understory is sparse and made up of tanoak and evergreen huckleberry. The project area is located near the intersection of Baldwin Ridge and Campbell Ridge. Elevation is between 2600' and 3100' with a predominately north facing aspect. The majority of the property forms the head waters of Bremer creek, with a small portion along the southern boundary of the property forming the headwaters of Hudson Creek. Both drainages are tributary to the Trinity River.

The major soil type in the JTMP area is the Skalan-Goldridge Families Complex (230). These soils have a surface layer of very dark gray to brown gravelly loam, weak granular structure, and are strongly acidic. Subsoil is dark reddish brown gravelly clay loam, moderate subangular blocky structure, and is moderately to strongly acidic. The soil has moderately slow permeability with good (well) drainage. Forest site class is generally III and IV. Parent material originated from metasedimentary rocks. The sediments and metasediments are predominantly the Late Jurassic graywacke, shale, schist, and chert of the Franciscan and Dothan Formations, the Upper Jurassic slate, phyllite, and sandstone of the Galice Formation, and Pre-Cretaceous quartzite, metachert, mica schist, and phyllite.

### Monitoring Plan

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

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

### Monitoring Plan Reporting Requirements

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

### Assessment of the Standard Conditions

Assessment of Standard Conditions consisted of field examinations in the spring of 2015. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

### Summary of Standard Conditions Compliance

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

## **Assessment of the Standard Conditions (Cont.)**

### **1. Site maintenance, erosion control and drainage features**

Roads and cultivations sites were all found to be in good condition during field evaluations. No active erosion sites were identified. An existing drainage structure drains a cut-bank seep along the an existing road on the property (Road Site 1) and another potential cut-bank seep was identified (Road Site 3).

Road Site 1 – Bank seeps drain into 12-inch CPM DRC. Site appears function and shall be monitored for potential erosion and delivery.

Road Site 3 – Slight dampness was observed in this location along the cut bank of the road. However, no significant water was present at the time of assessment. This site will be monitored during the wet season for signs of increased seepage. There is no significant threat of sediment delivery to a watercourse from this location, though this site could cause minor problems to the road surface. Should problems occur, the seep shall be controlled by ditching, road surface rocking or both.

### **2. Stream Crossing Maintenance**

One Class III stream crossing is located within the ownership on the primary access road.

Road Site 3 – Class III watercourse is drained by 16-inch plastic culvert. The outlet of the culvert is set above grade. No significant problems were noted at this site. Crossing is functional but will be monitored for erosion and continued functionality. See attached photos.

### **3. Riparian and Wetland Protection and Management**

All cultivation related areas are at distances beyond those defined as appropriate buffers in this document.

### **4. Spoils Management**

Spoils generated from cultivation may include soils being delivered to the site, and/or soils moved from beds or pots to piles for amending. Spoil locations where noted during initial inspections are located in areas that do not threaten water quality. This standard condition is being met at this time.

### **5. Water Storage and Use**

The sole source of the water on the property is a well, and is approximately 160 feet deep and is rated at 10 gallons per minute. No surface water diversions occur on the property. Well water is pumped to storage tanks at the top of the property and then fed via gravity to the various points of use. Water tank locations were found to be in locations that did not threaten water quality. Currently water is being tracked by hand (by tracking the water used). It is recommended to install a water meter for better water monitoring accuracies.

### **6. Irrigation Runoff**

The landowner irrigates at agronomic rates that do not produce runoff. This standard condition is being met at this time.

## Assessment of the Standard Conditions (Cont.)

### 7. Fertilizers and Soil Amendments

All fertilizers and soil amendments are stored within utility sheds within the cultivation areas. Products used are applied at rates based on the manufactures specifications. The following is a current list of products stored on site:

#### Soil Amendments:

Down to Earth: Bio Fish, Bio Live, Kelp, Root Zone  
Pelletized Sea Bird Guano  
Azomite  
Oyster Shell

#### Fertilizers:

Compost Teas  
Down to Earth all purpose fertilizer  
Bone Meal  
Liquid Fish  
Shrimp Meal  
Kelp  
Fulvic Acid  
Liquid Yucca  
Peruvian Gold Crescendo  
CalMag

### 8. Pesticides/Herbicides

All pesticides are stored in utility sheds within the cultivation sites. No herbicides are used. The use of pesticides is limited to organic (ORMI Listed Products) pest controls as follows:

#### Pest Controls:

Regalia foliar spray (biofungicide)  
SuffOil-X (Spray Oil Emulsion Insecticide, miticide, fungicide)  
Beneficial Insects/predators

### 9. Petroleum products and other chemicals

A small generator associated with the well pump is stored in a small shed with a containment pan underneath. Fuel is stored within the utility sheds within the cultivation areas. This standard condition is being met at this time.

### 10. Cultivation-related wastes

Cultivation wastes are deposited into three sorts; compost/burn pile, recyclables and trash. Organic waste (leaves, branches, stacks and root wads) are deposited into compost or burn piles within the cultivation areas. Recyclable materials and solid waste are stored and contained in a location off the road within separate contained partitions that can be easily loaded for off-site disposal. This standard condition is being met at this time.

## Assessment of the Standard Conditions (Cont.)

### 11. Refuse and human waste

Garbage and refuse is presently being stored for short term in locking garbage cans and regularly hauled to the landfill transfer station.

Human waste disposal currently consist of a pit privy. The site appears suitable (gentle slope, over 750 feet from a watercourse) and the construction of the structure appears sound. However it may not meet Humboldt Counties standards for pit privies. These standards are found in the *Humboldt County Health and Human Services, Department of Public Health: Sewage Disposal Regulations, Appendix VII, 1984*. While there is a very little concern over water quality impacts from this pit privy (the privy is located over 800' from the nearest watercourse), it will be a requirement to have the privy certified by the county or other qualified entity. If the privy does not meet the standards and cannot be feasibly retrofitted, a new permitted system shall be proposed and installed.

### 12. Remediation/Cleanup/Restoration

The only standard condition not being met at this time is #11, Refuse and human waste. As described above, the pit privy may or may not meet the standards required by Humboldt county. As such it is recommended that the discharger verify comply with the local regulation. Should the privy be found to be permissible as is, or after retrofitting, it shall be completed within one year from the date of this plan. If the privy is not to be permitted, than it shall be removed following the requirements under *Sewage Disposal Regulation, Appendix VII, 1, C, 3*. A new human waste system shall be proposed and installed, obtaining all required permits from Humboldt County prior to construction;. This could include, but is not limited to, another pit privy or septic system. Note that a portion of the property is within Trinity County, and as such if the planned location falls within Trinity County, then the applicable rules shall be followed within their jurisdiction.

It has been recommended to install a water meter to track water usage. This shall be completed by the start of next year's growing season.

No other specific mitigations are proposed under this WRPP. Due to the ridge top nature of this site, the project area does not contain allot of watercourses. Only one Class III crossing occurs on the property and currently it is a functioning culvert that is not having an adverse effect on the watercourse. The cultivation sites are located over 750 feet from the nearest watercourse and show no signs of significant erosion. All mapped sites, including the cultivation sites themselves shall be monitored annually as required in the annual reporting (appendix C). Should problems develop over time they will be incorporated into revised versions of this WRPP.

### Attached Photos

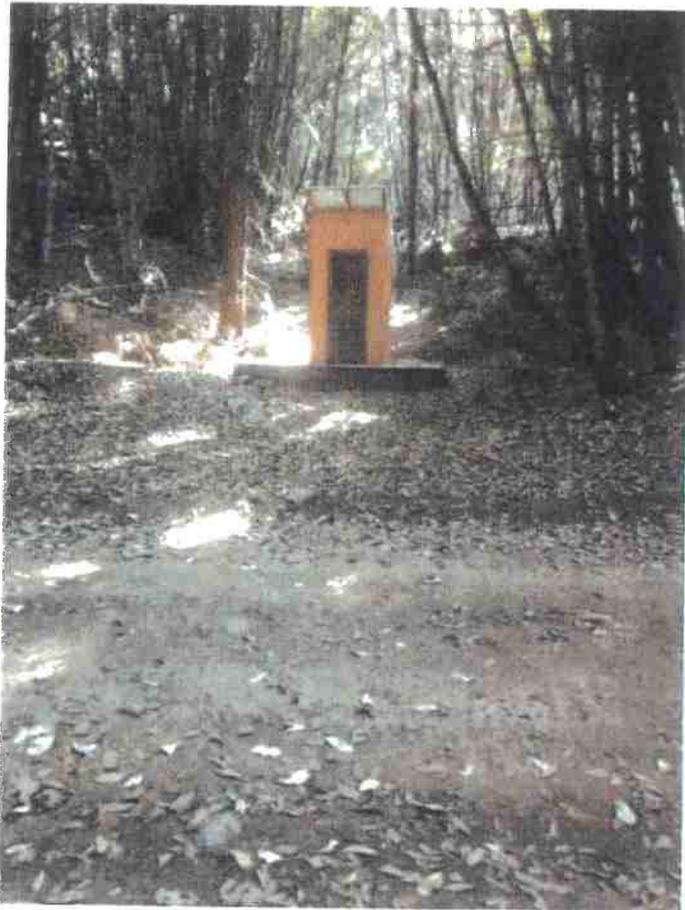


Road Point 2 - Class III crossing inlet. Date taken 01/21/2016



Road Point 3 - Class III crossing outlet. Date taken 01/21/2016

## Attached Photos

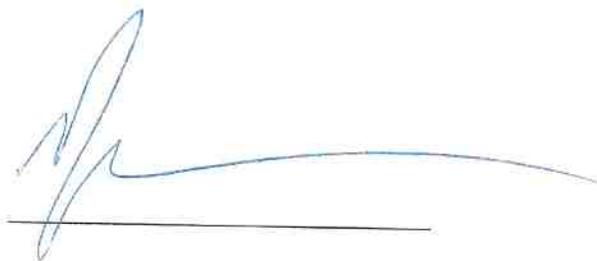


*Pit Privy - Date taken 07/09/2016*

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

**Prepared by Timberland Resource Consultants**

1. This Water Resource Protection Plan has been prepared for the property within APN 523-015-009 in Humboldt County and APNs 008-010-10 & 008-010-11 in Trinity County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.



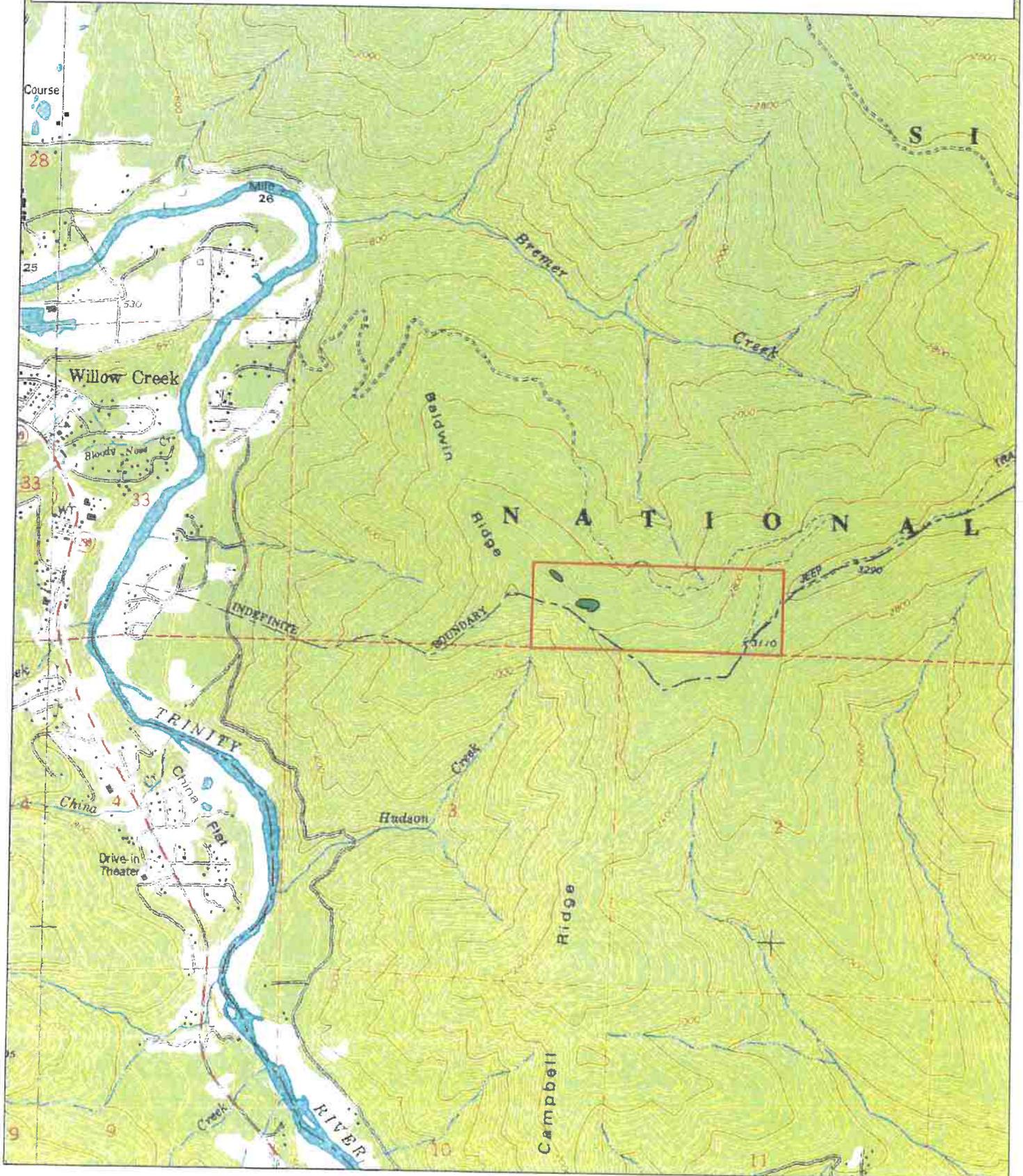
**Nick Robinson**  
Timberland Resource Consultants

# Water Resource Protection Plan

## General Location Map

-  Property Boundary
-  Cultivation Area

1A16424CTRI  
Located in Sections 34 & 35, T7N, R5E;  
HB&M, Humboldt and Trinity County.  
Located on the Salyer 7.5' USGS Quad.  
Scale: 1" = 2,000'



# Water Resource Protection Plan

Site Map [WDID:1A16424CTR1]

-  Property Boundary
-  Road Site
-  Tank
-  Spolls
-  Well
-  Structure
-  Pivv

## Watercourses

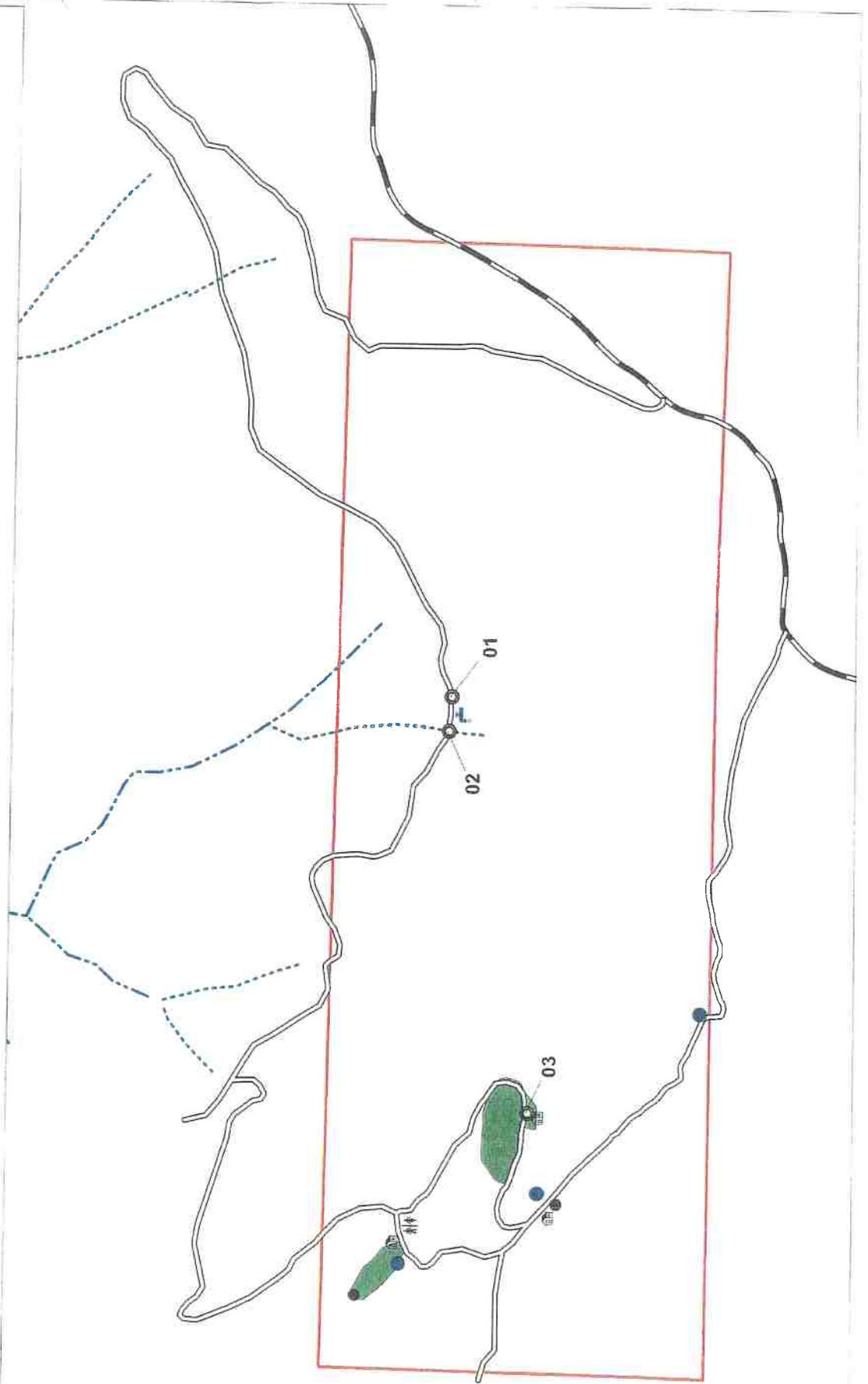
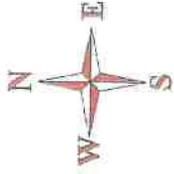
-  Class II
-  Class III

## Roads

-  USFS Road 7N115
-  Seasonal

Located in Sections 34 & 35, T7N, R5E,  
 HB&M, Humboldt and Trinity County.  
 Located on the Salyer 7.5' USGS Quad.

Scale: 1" = 500'

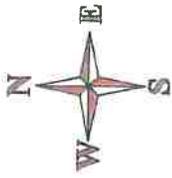


**Water Resource Protection Plan**  
**Site Map [WDID:1A16424CTRI]**

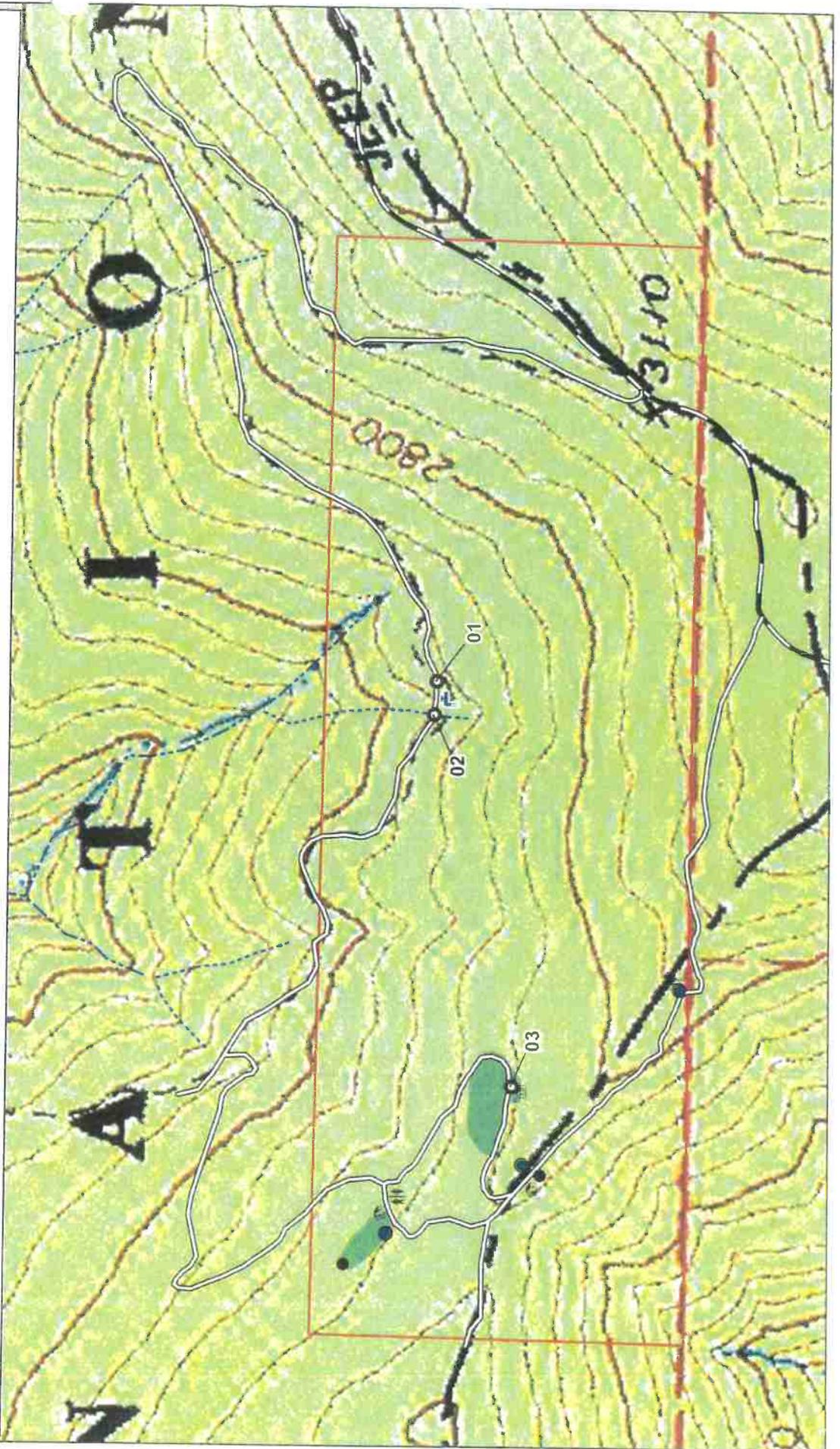
- Sites**
- Property Boundary
  - Cultivation Areas
  - Road Site
  - Tank
  - Spoils
  - Well
  - Structure
  - Pivots

- Watercourses**
- Class II
  - Class III

- Roads**
- USFS Road 7N15
  - Seasonal



Located in Sections 34 & 35, T7N, R5E;  
 HB&M, Humboldt and Trinity County,  
 Located on the Salyer 7.5' USGS Quad.  
 Scale: 1" = 500'



# Water Resource Protection Plan

Site Map [WDID:1A16424CTRI]

-  Property Boundary
-  Cultivation Areas

## Sites

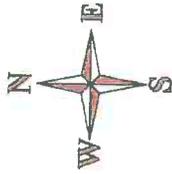
-  Road Site
-  Spills
-  Structure
-  Tank
-  Well
-  Pivv

## Watercourses

-  Class II
-  Class III

## Roads

-  USFS Road 7N15
-  Seasonal



Located in Sections 34 & 35, T7N, R5E;  
 HB&M, Humboldt and Trinity County.  
 Located on the Salyer 7.5' USGS Quad.  
 Scale: 1" = 500'



# Water Resource Protection Plan

Site Map [WDID: 1A16424CTRI]

- Property Boundary
- Cultivation Areas

## Sites

- Road Site
- Spoils
- Structure
- Tank
- Well
- Pivy

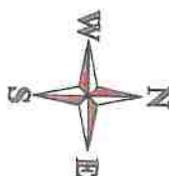
## Watercourses

- Class II
- Class III

## Roads

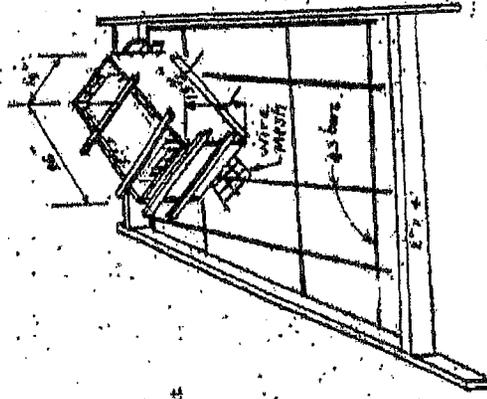
- USFS Road 7N15
- Seasonal

Located in Sections 34 & 35, T7N, R5E;  
 HB&M, Humboldt and Trinity County.  
 Located on the Salyer 7.5' USGS Quad.  
 Scale: 1" = 500'

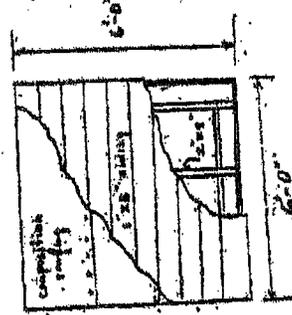


APPENDIX VII

The privy to be built must be made as fly-tight as possible by fastening bottoms over all the cracks, screening waste and banking earth against the base of the privy. The door should be well fitted and should close automatically by means of a coil or spring hinges, likewise the seat covers should drop automatically into place when the seat is not occupied. Entries should not be located 100 feet to a well, spring stream, or food preparation area, bathroom or other light facilities should be provided. Any good grade of 1" lumber that will provide a tight seat and door may be used.

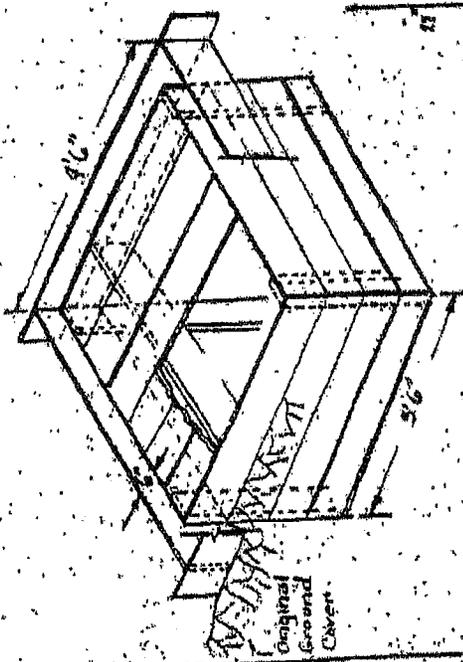


Perspective of Riser and Slab Forms (rectangular riser type).

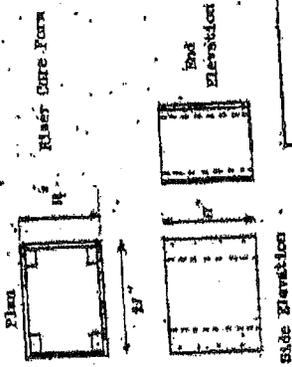


Roof Framing Detail

The roof should be constructed of unrotted materials. Wood, composition shingles, or metal are suitable.



Isometric view of Underside of Slab Form and adjacent Sill Form in Place



CONTRACT PLY SHEET  
State of California  
Department of Health  
Water Sanitation Section



### CHART VII-3 - PERCENTAGE OF STANDARD TRENCH

DEPTH OF GRAVEL BELOW PIPE	PERCENTAGE OF REQUIRED ABSORPTION AREA
12	75
18	60
24	50
30	43
36	37
42	33

### APPENDIX VII – CONSTRUCTION OF THE PIT PRIVY

1. The top of the wood pit lining shall project above the ground the same distance as the outside sill form (5-5/8").
2. If a slab is to be poured in place, the pit lining must be covered with 5/8" plywood or other lumber to serve as the bottom form for the slab.
3. Cut a 31" x 14" hole in the plywood for the riser form to be set in.
4. The base will be 4' square. Use 2" x 4" as shown in the drawings for the slab forms.
5. Make the riser form out of 1/2" thick lumber to the dimensions shown in the diagram and set in place.
6. Set the reinforcing bars or heavy wire mesh for the slab in place. Use wire mesh out into the slab.
7. Pour the slab and finish to a thickness of 3 1/4" at the riser and 3" at the edges of the slab. Metal brackets or bolts are set into the concrete of the slab on each side to extend high enough for the anchoring of the wood superstructure. The box top and concrete sill serve as the bottom of the form.
8. Construct the privy housing according to Figures VI-1 and VI- 2. The building shall be constructed of substantial material, painted for resistance to weather, and fastened solidly to the floor base.
9. Battens should be placed vertically along the corners of the building to provide a tight seal.

(32)

10. An alternative vent system may be used employing a 4" diameter stovepipe attached to the slab, and exiting through the roof. The top of the pipe shall be screened for insect control and covered with a lid to prevent entrance of rain or snow.

(33)

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Eco Green Grow, LLC APN: 523-015-009-000

Planning & Building Department Case/File No.: 11582

Road Name: Horse Linto Creek Road *(complete a separate form for each road)*

From Road (Cross street): Patterson Road

To Road (Cross street): US Forest Service Route No. 7N02

Length of road segment: 1.9 miles Date Inspected: 06/25/2021

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

Check one of the following:

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

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

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

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

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

jeff damavandi  
jeff.damavandi (Jun 25, 2021 17:36 CDT)

Signature

6/25/2021

Date

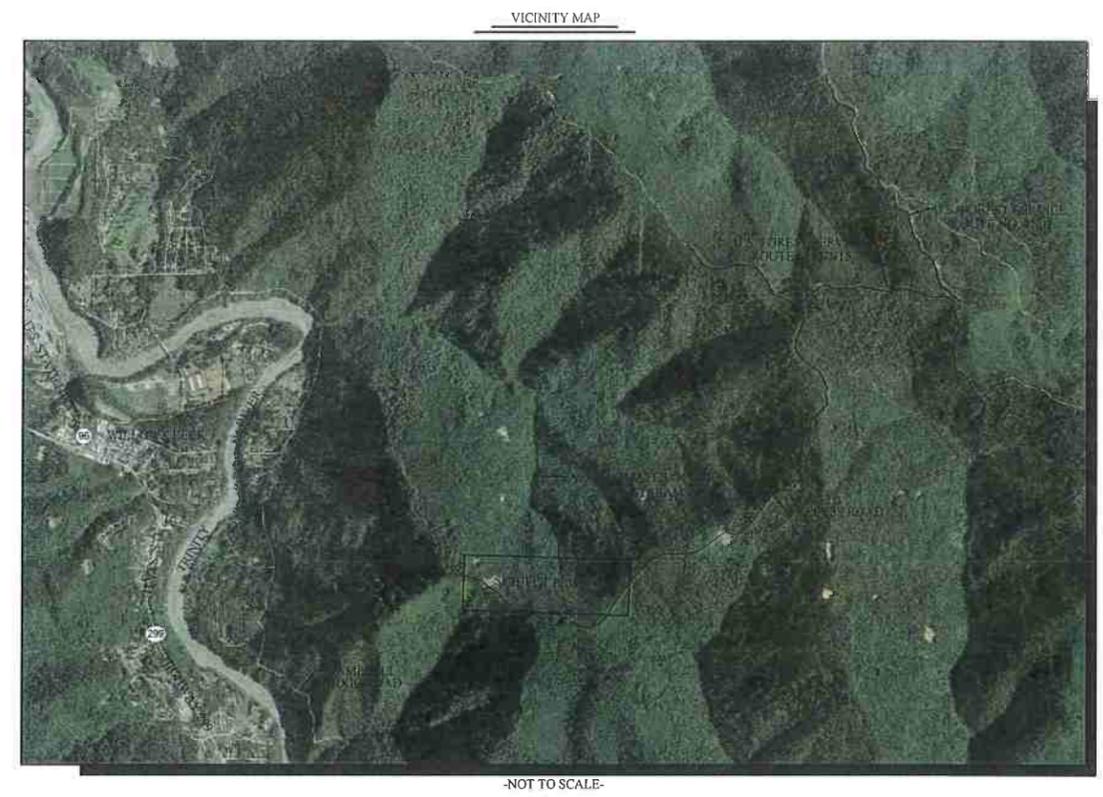
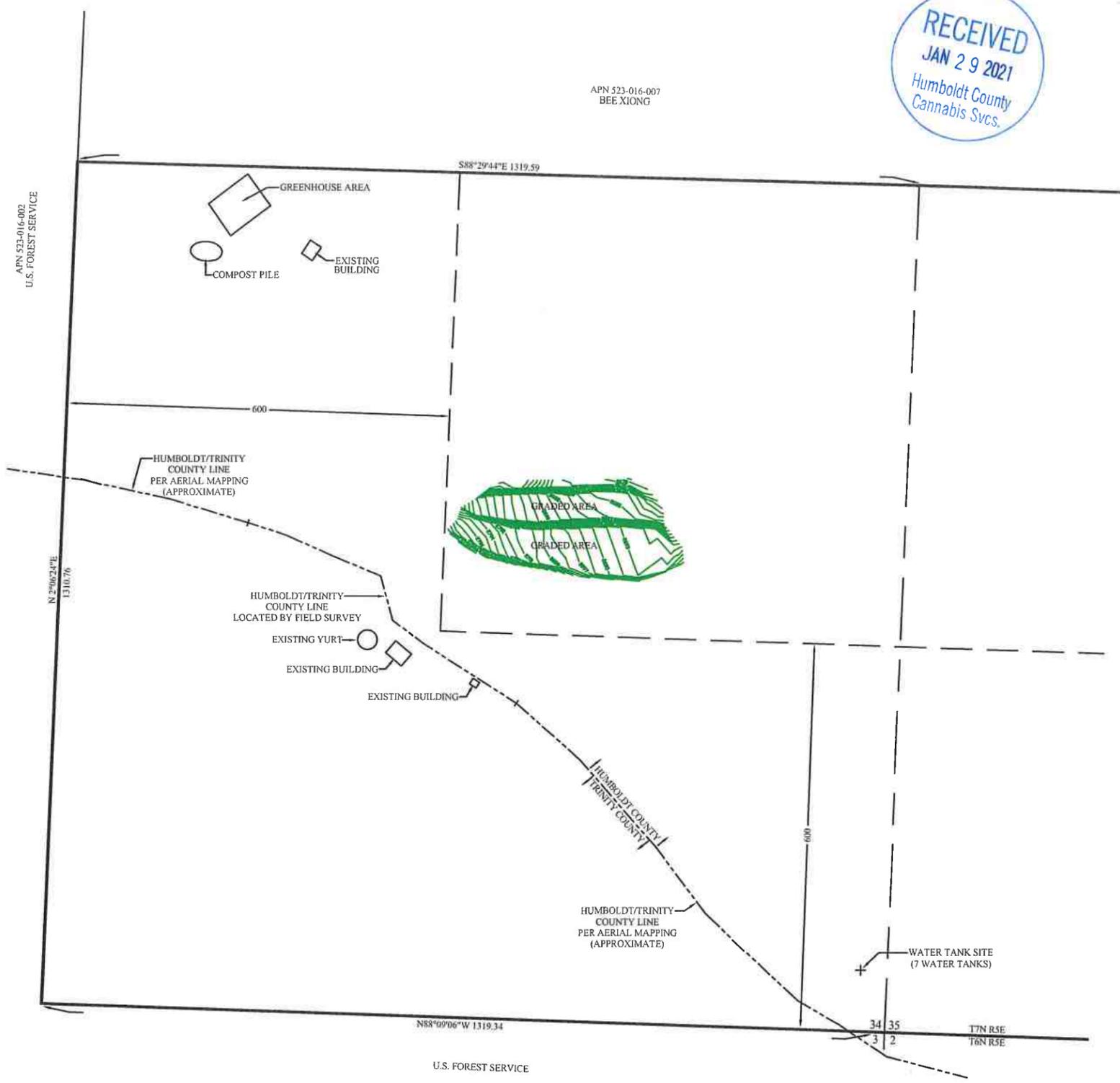
Jeff Damavandi

Name Printed

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

RECEIVED  
 JAN 29 2021  
 Humboldt County  
 Cannabis Svcs.

APN 523-016-007  
 BEE XIONG



APPROXIMATE LOCATION +  
 OF WELL  
 (NOT LOCATED BY THIS SURVEY)

*Michael J. O'Hern*  
 MICHAEL J. O'HERN L.S. 4829  
 DATED JANUARY 26, 2021



SCALE 1" = 200'

APN 523-015-009  
 WORKMAP  
 FOR  
 ECO GREEN GROW, LLC  
 IN  
 SECTION 34 & 35 T7N, R5E, HUMBOLDT MERIDIAN  
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
 JANUARY 2021 SCALE 1" = 200'

HUMBOLDT COUNTY  
 STATE OF CALIFORNIA

KELLY-O'HERN ASSOCIATES  
 EUREKA, CALIFORNIA

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Hoopa Valley Tribe	✓	Further Study	On file and confidential
Tsnungwe Council	✓	Comments	On file and confidential
US Forest Service	✓	Recommend Denial	Attached
CalFIRE		No response	
California Department of Fish & Wildlife		No response	
Klamath-Trinity Joint Unified School District		No response	
County Counsel		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	



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



8/29/2017

**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, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sheriff's Department, Klamath Trinity Joint Unified School District

523-015-009

**Applicant Name** Cali Love Farms, LLC **Key Parcel Number** 523-015-009-000

**Application (APPS#)** 11582 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-293

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 9/13/2017**

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: 9-20-17

PRINT NAME: Gustav Dumlauer



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.: 11582, (44592)  
Parcel No.: 523-015-009  
Case No.: CUP16-293

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

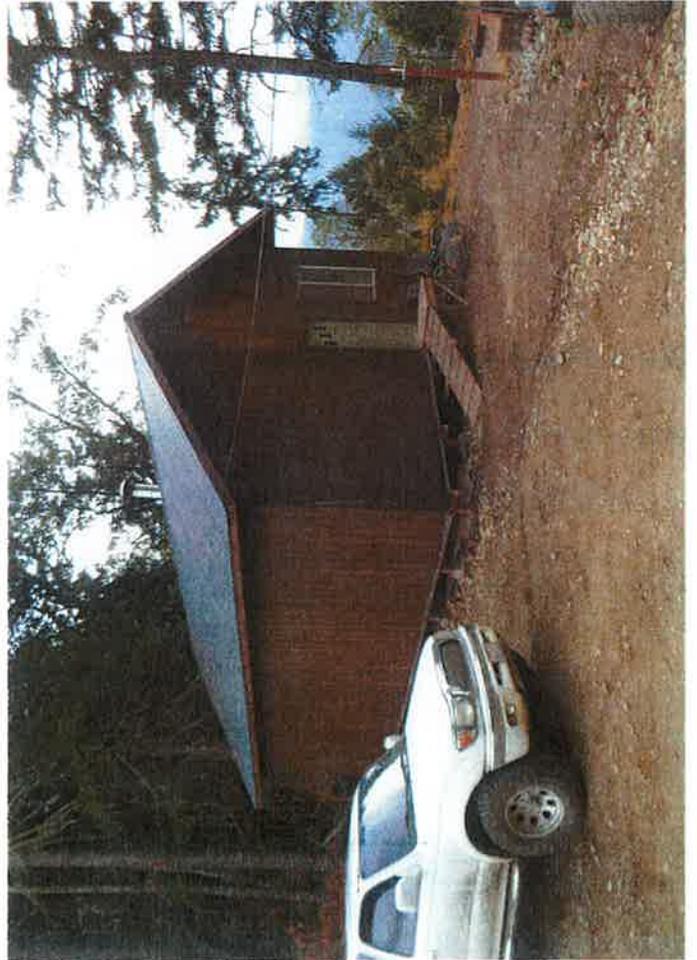
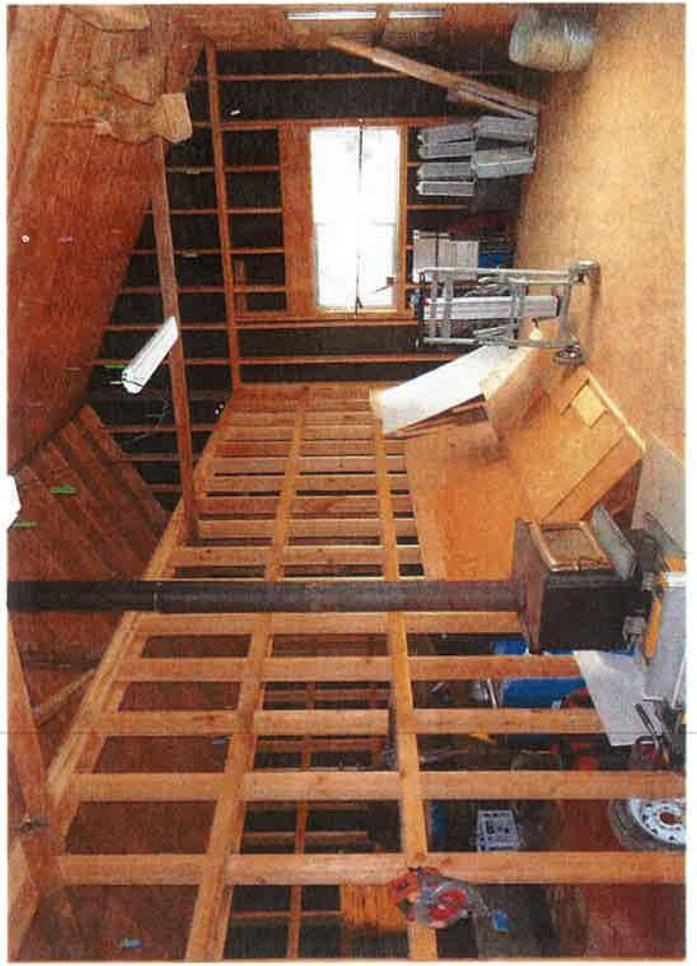
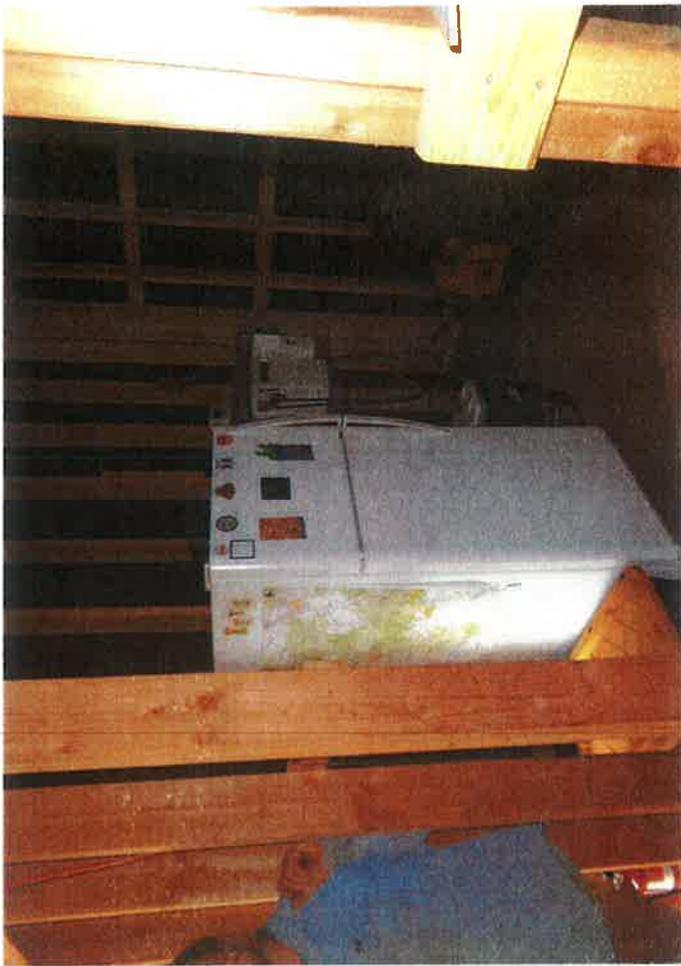
- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_
- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: See photos @ CUP16-293 - folder 523-015-009  
Plot plan needs addition of small outbuildings, other  
than this, is okay.

Name: Gustin Dumlér

Date: 9-20-17

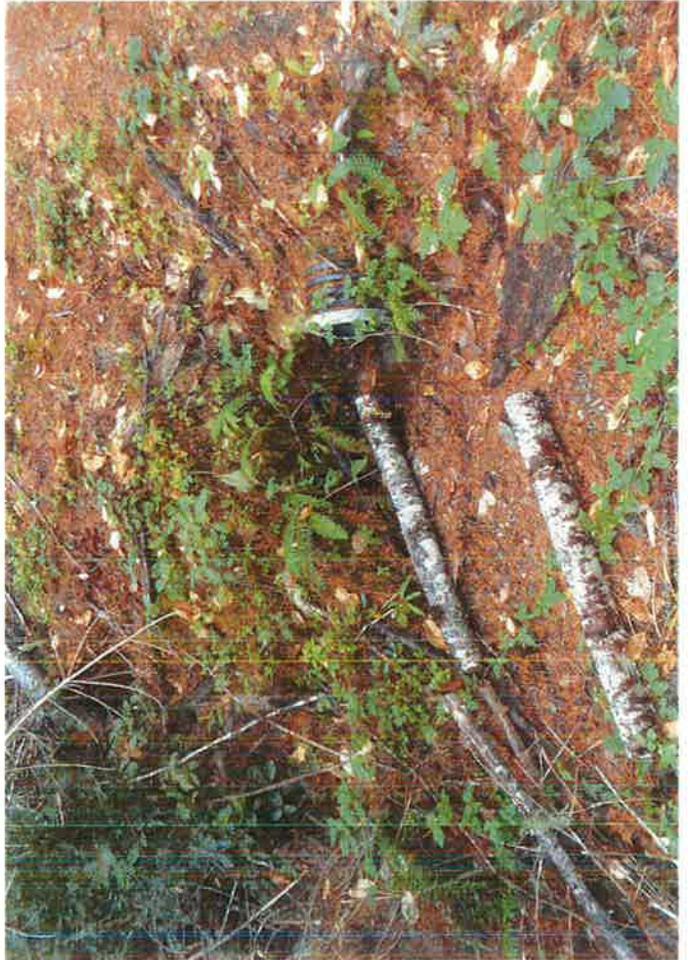
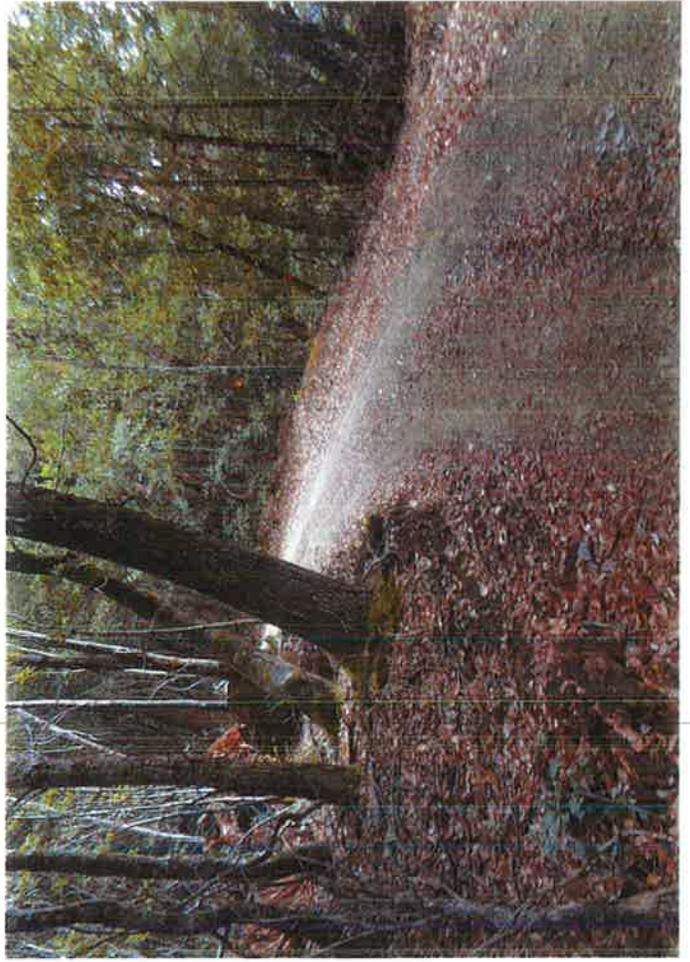
Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



9-18-17 523-015-009 Shed B

Yurt

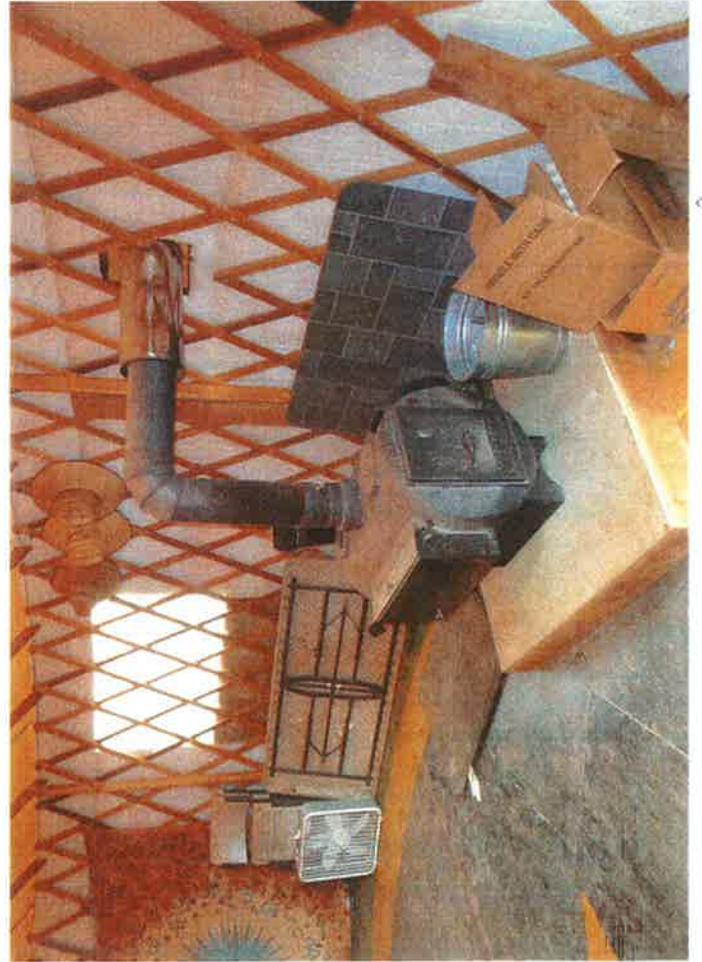
Slope NOT shown



Culvert near well

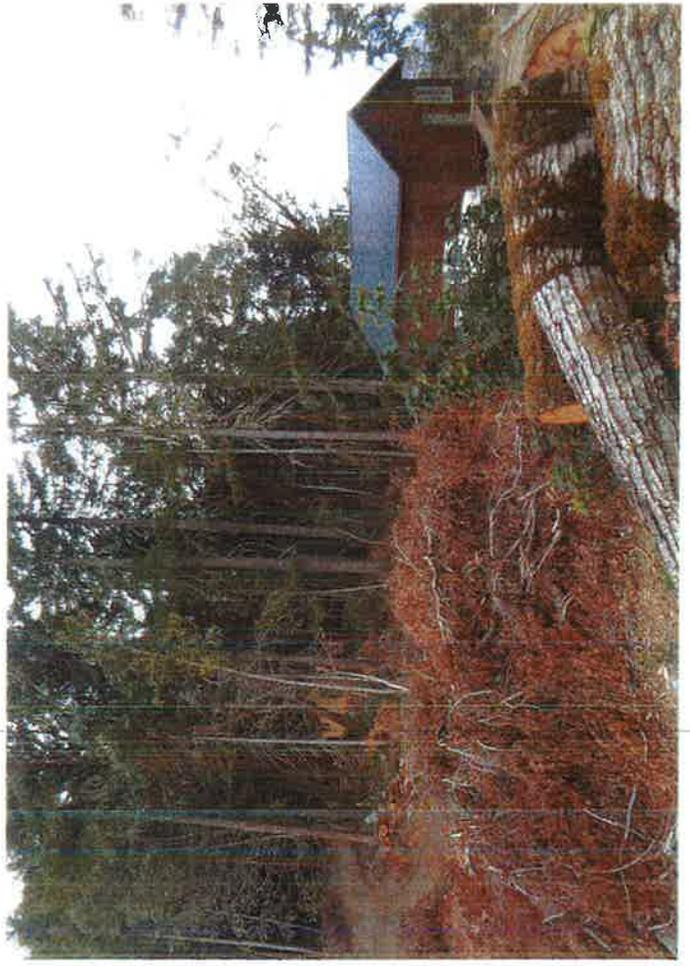
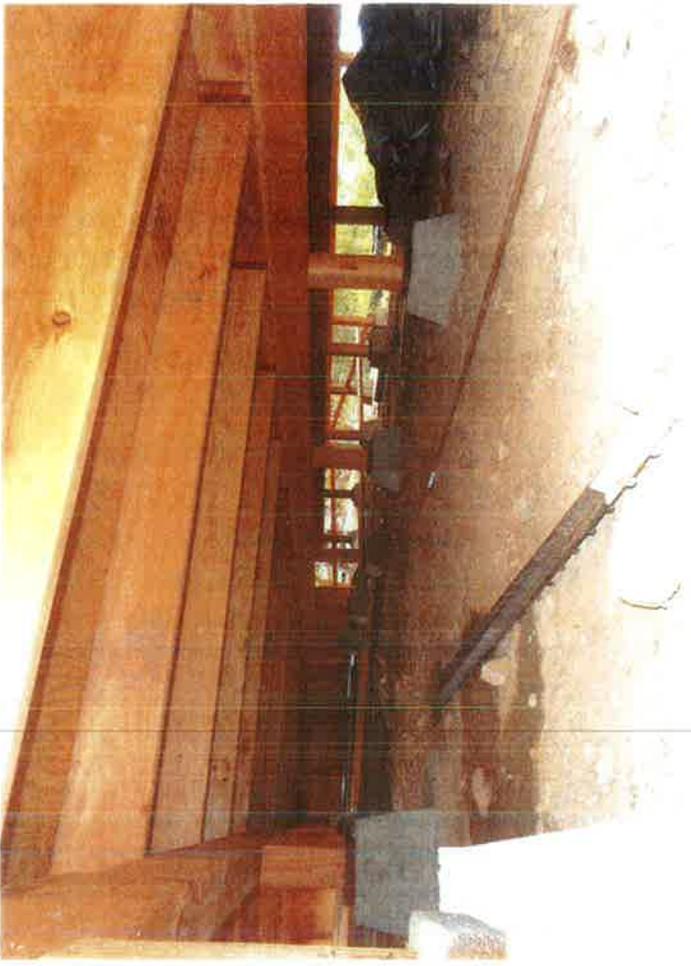


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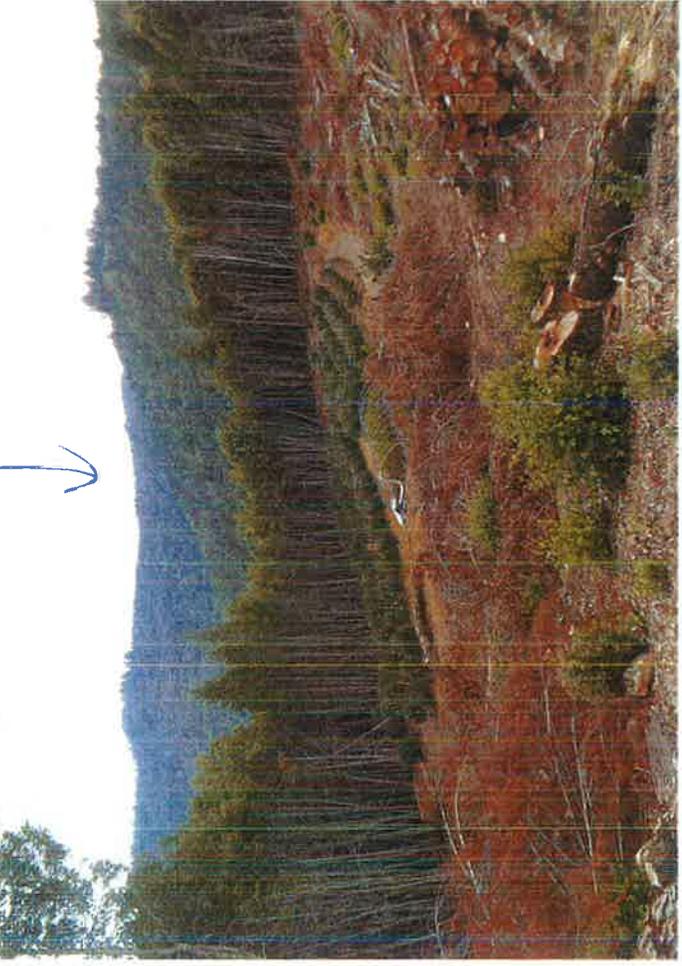
9-18-17 583-015-009  
Yur +

Sled 'B'

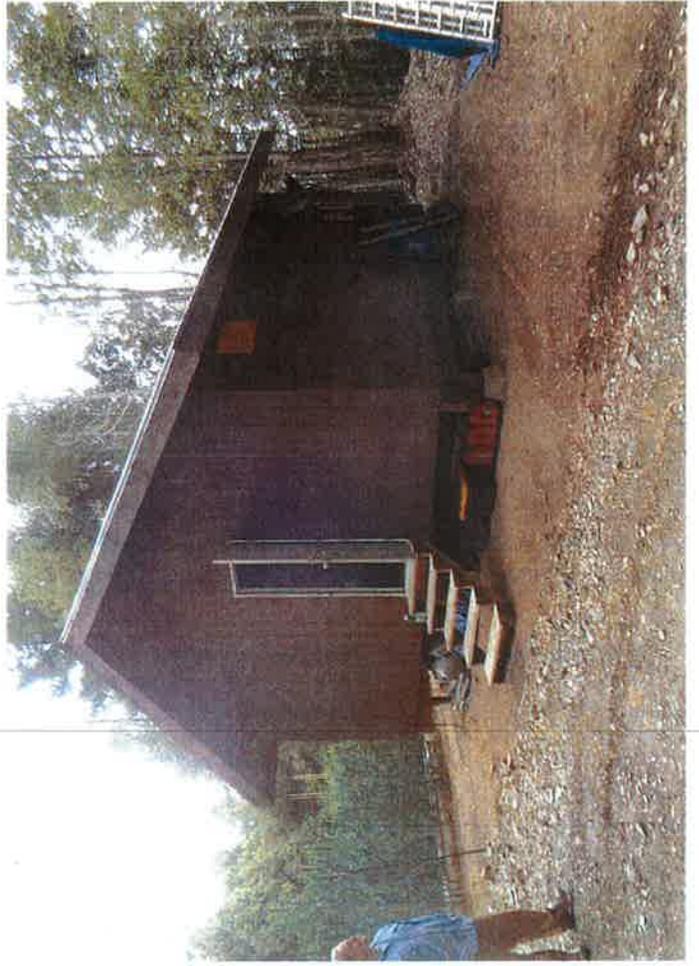


Sled 'B'

CA 'A' ↓

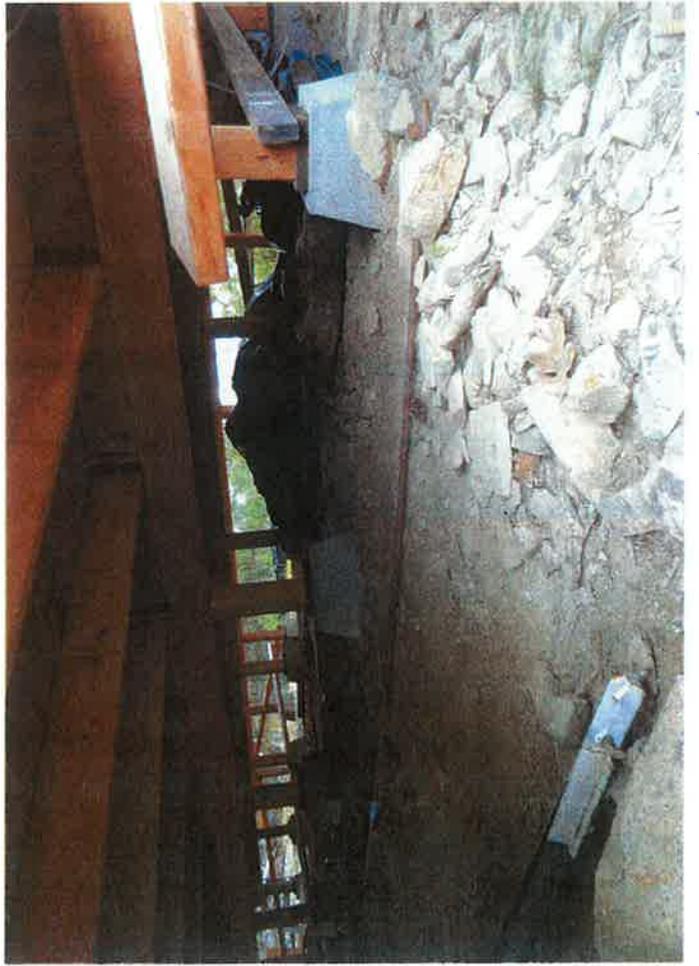


Shed 'A'



Shed 'A'

Out house not shown



Shed 'A'

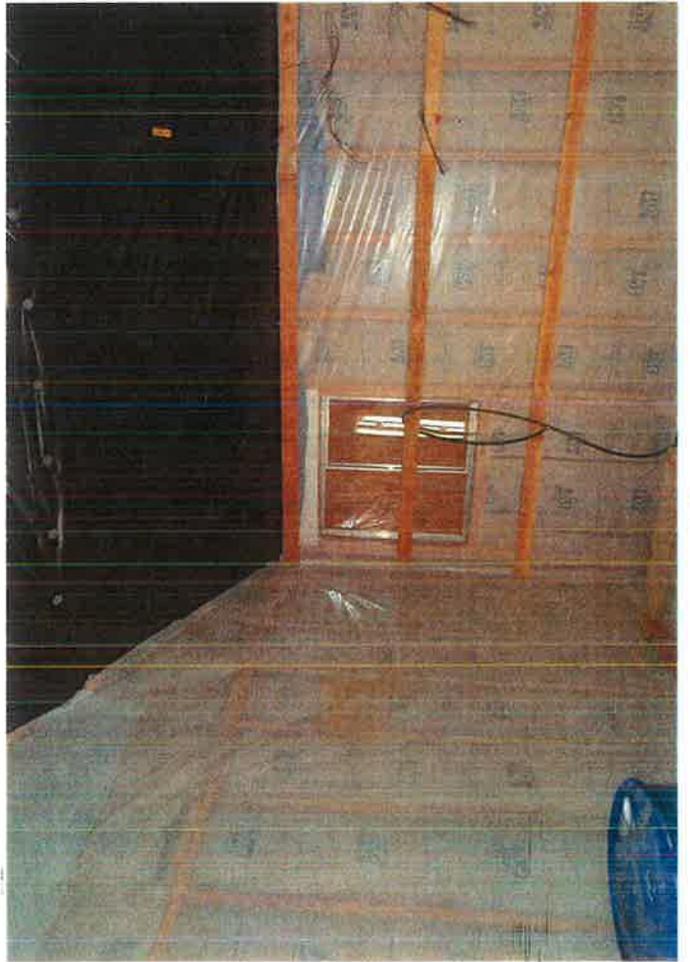
9-18-17 583-015-009



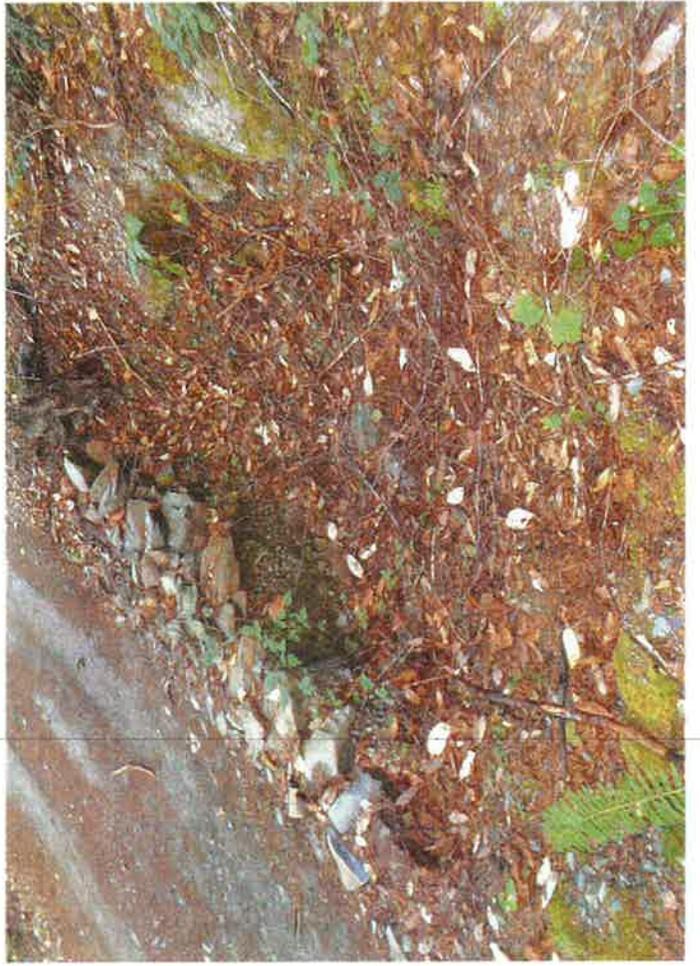
CA 'B'



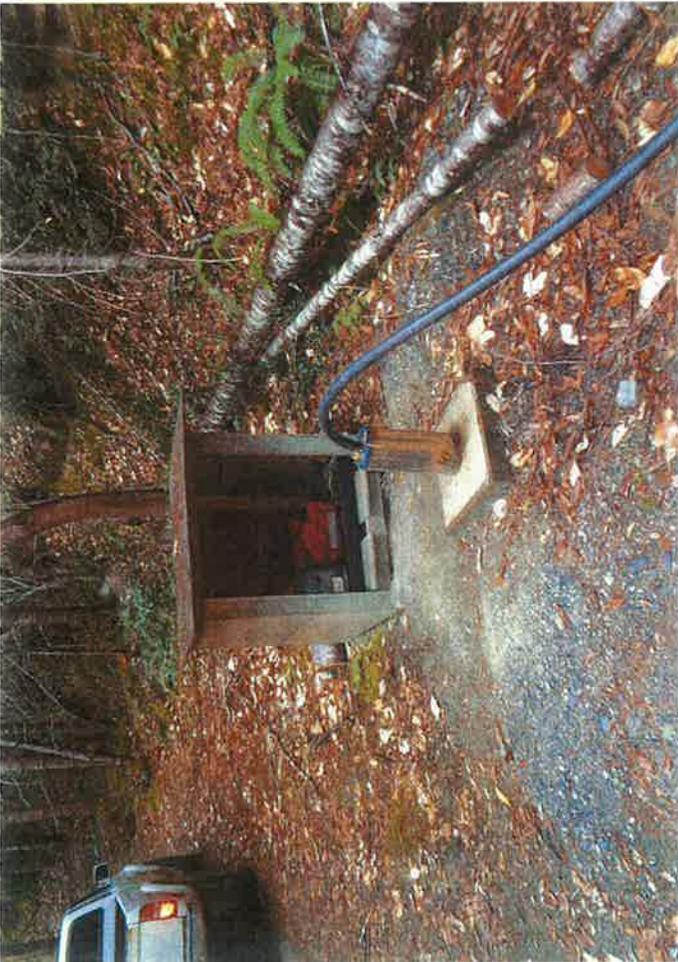
CA 'B'



Slab 'A'



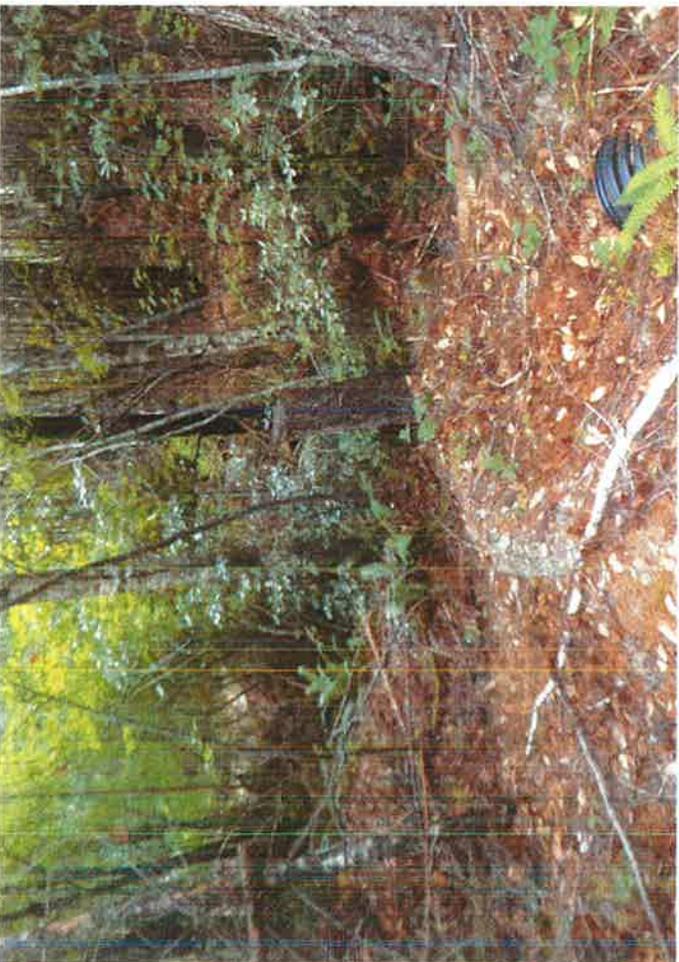
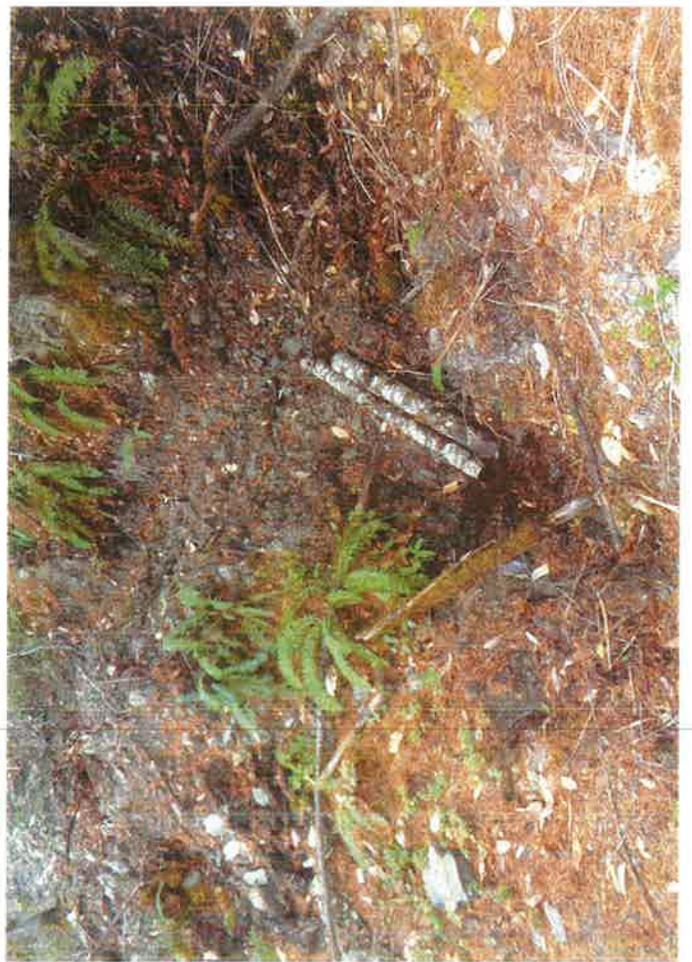
Colvest near well



well



CA 'B' 9/18/17 503-015-004



Culvert near well



*Hose List*  
**523-015-009**

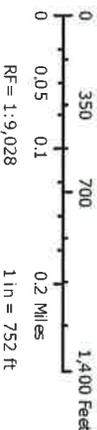
Humboldt County Planning and Building Department

Printed: September 18, 2017 Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

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

- Highways and Roads**
- Principal Arterials
  - Minor Arterials
  - Major Collectors
  - Minor Collectors
  - Local Roads
- Blue Line Streams**
- Private or Unclassified
  - Major River or Stream
  - Intermittent
  - Subsurface
- City Boundary**
- City Boundary
  - Counties
  - Parcels (Owners)
- Perennial >4**
- Perennial >4
  - Perennial 1-3



Sources: NRCS  
 Humboldt County GIS  
 Healthy Rural Roads  
 Est. HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community  
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
 FRAP, FEMA, USGS



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**

DEH received  
8-30-17

**Project Referred To The Following Agencies:**

17/18-0524

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, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sheriff's Department, Klamath Trinity Joint Unified School District

**Applicant Name** Cali Love Farms, LLC **Key Parcel Number** 523-015-009-000  
**Application (APPS#)** 11582 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-293

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

**DISTRIBUTED**  
1-9-18

**Comments:**

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

\*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.

**Response Date:** 1/8/2018 **Recommendation By:** Adam Molofsky





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 839-3595

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 2-2-2018

RE:

Applicant Name	CALI LOVE FARMS, LLC
APN	523-015-009
APPS#	11582

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:

Review Item #2

Applicant has submitted a road evaluation report, dated 12/12/17 that states the ~~the~~ access road(s) meet the equivalent of a CAT 4 STANDARD. Applicant appears not to have reviewed all the roads required to access the parcel.

// END //

Additional Review is Required by Planning & Building Staff

APPS # 11582

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS – PART 1. Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

[ ] YES [ ] NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. ROADS – PART 2. Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

[x] YES [ ] NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. ROADS – PART 3. Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? [ ] YES [ ] NO

If YES, a Road Evaluation Report must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the Road Evaluation Report form must be completed.

- 4. Deferred Subdivision Improvements. Does the project have deferred subdivision improvements? [ ] YES [ ] NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel \_\_ of Parcel Map No. \_\_\_" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. AIRPORT- PART 1 (ALUCP). Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? [ ] YES [ ] NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**Additional Review is Required by Planning & Building Staff**

**The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.**

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure?  YES  NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- o If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
  - o If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
  - o If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
  - o If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

**Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.**

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer?  YES  NO

If **YES**, include the following requirement:

**The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.**

// END //



**File Code:** 1500  
**Date:** September 11, 2018

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



Dear Planning Commission Clerk:

The USDA Forest Service (Forest Service) recommends denial of Application #12582 for the Cali Love Farms LLC of a Humboldt County Conditional Use Permit because the operation would involve the cultivation and transportation of cannabis across National Forest System (NFS) lands.

Cannabis is a Schedule 1 drug under Title II of the Comprehensive Drug Abuse Protection and Control Act of 1970. Use, cultivation, and transportation of cannabis on NFS lands is therefore illegal. In this case, the applicant, Cali Love Farms, LLC must use roads on National Forest lands to transport cultivation equipment and supplies onto the property, and ultimately transport cannabis product off their property across National Forest System lands to market.

Enclosed is a copy of a letter previously submitted to Humboldt County Planning that further explains our position on the subject.

Sincerely,

*for*   
TED O. MCARTHUR  
Forest Supervisor

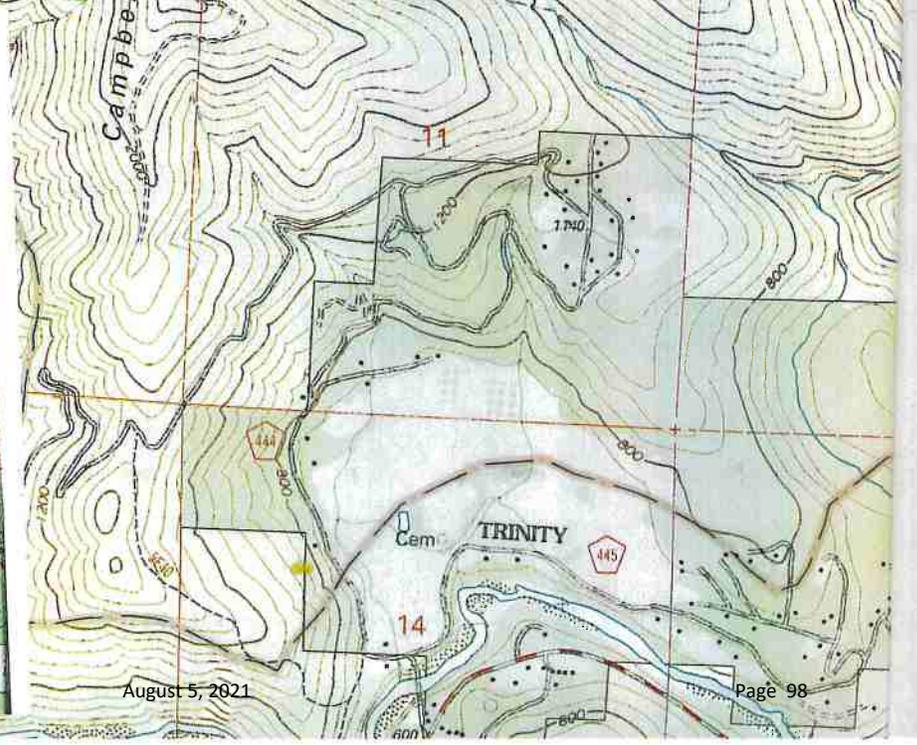
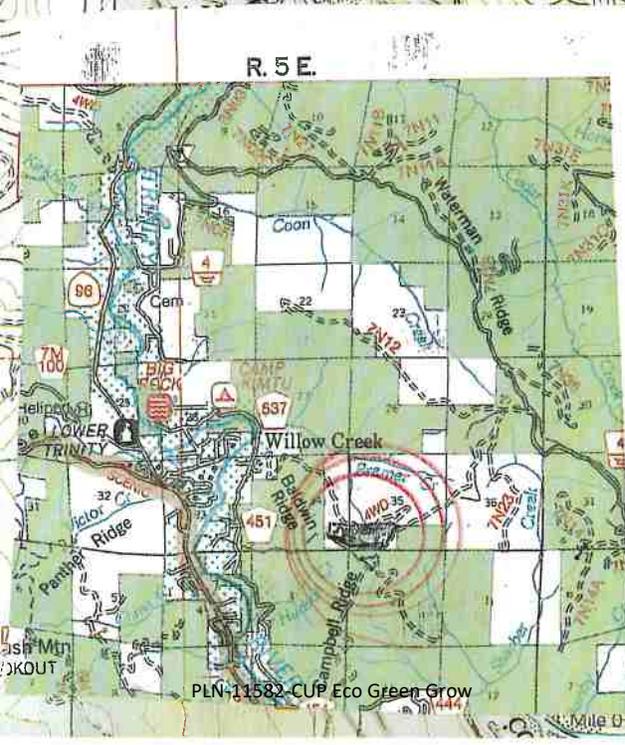
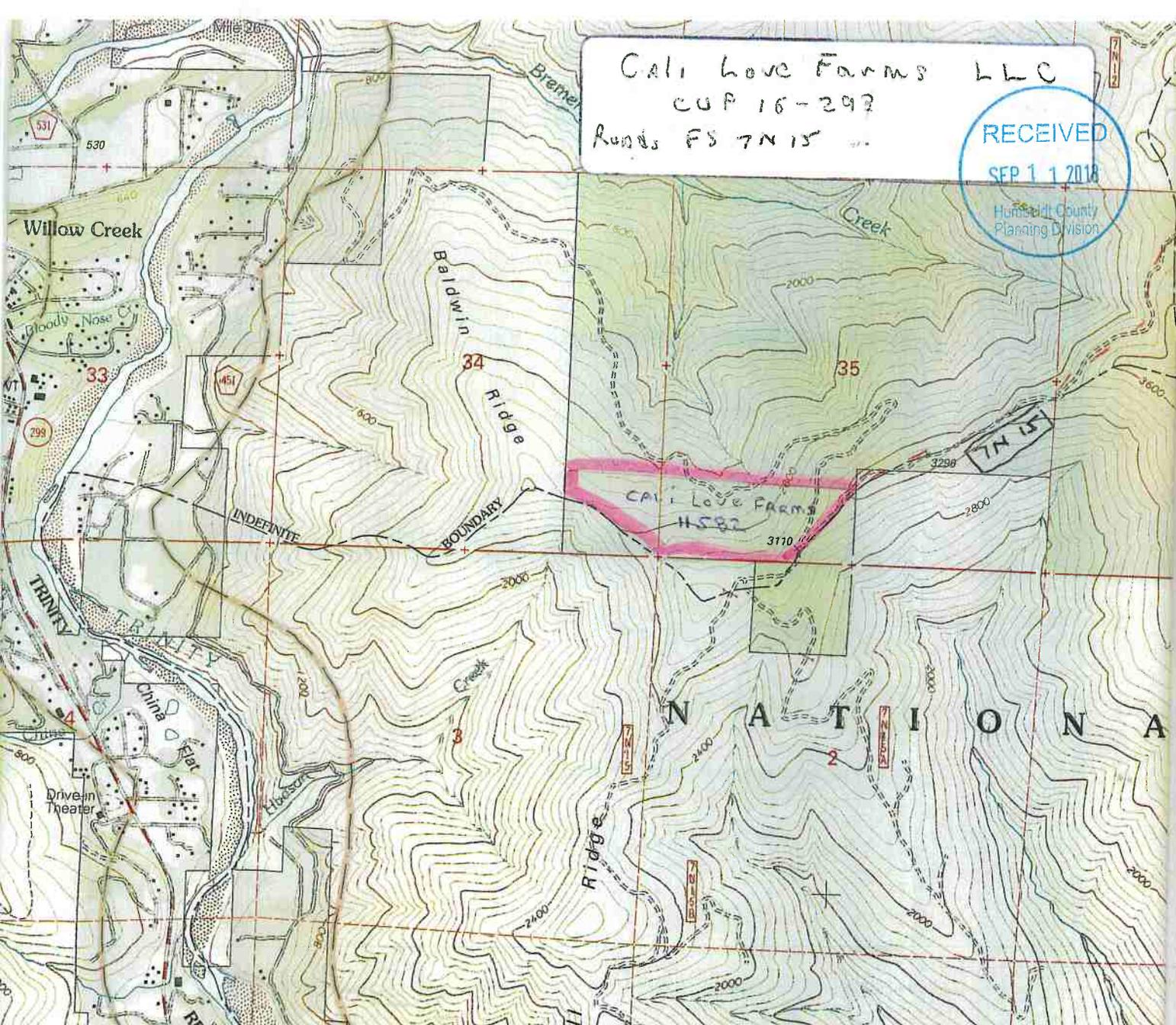


Enclosure: Letter to Humboldt County Planning 8/29/2018  
cc: Nolan Colegrove



Cali Love Farms LLC  
CUP 16-292  
Roods FS 7N 15

RECEIVED  
SEP 11 2018  
Humboldt County  
Planning Division





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



**8/28/2018**

**PROJECT REFERRAL TO: Six Rivers National Forest**

**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, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sheriff's Department, Klamath Trinity Joint Unified School District, Six Rivers National Forest

**Applicant Name** Cali Love Farms, LLC **Key Parcel Number** 523-015-009-000

**Application (APPS#)** 11582 **Assigned Planner** Caitlin Castellano (707) 268-3731 **Case Number(s)** CUP16-293

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 9/12/2018** 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: 9/11/2018

PRINT NAME: Michael A. Green



United States  
Department of  
Agriculture

Forest  
Service

Pacific Southwest Region  
Six Rivers National Forest

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

**File Code:** 1500  
**Date:** August 29, 2018

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

Dear Ms. Nelson:

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

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

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

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

Sincerely,

MICHAEL A. GREEN  
Acting Forest Supervisor

