



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

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Hearing Date: September 16, 2021

To: Humboldt County Planning Commission

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

Subject: **Rebel Grown, LLC Conditional Use Permit and Special Permit**  
Record Number: PLN-11223-CUP  
Assessor's Parcel Number (APN): 218-091-008  
463 South Face Lane, Palo Verde area

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 16, 2021	Conditional Use Permit and Special Permit	Max Hilken

**Project Description:** A Conditional Use Permit for continued cultivation of 30,620 square feet (SF) of cannabis of which 6,942 SF utilizing mixed light techniques in nine (9) greenhouses, and the remaining 23,678 SF of outdoor cultivation. Ancillary propagation occurs in two (2) hoop house structures (1,536 SF and 600 SF), a 300 SF portion of the storage building, and 626 SF in front of and around the greenhouse as needed totaling 3,065 SF. Water for irrigation is sourced from three (3) points of diversion located in unnamed tributaries to Chamise Creek. Water storage on site consists of one (1) 1,500,000-gallon pond and eighteen (18) 5,000-gallon hard water tanks. Drying and curing activities occur within three 600-square-foot rooms within a two story 1,800-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of fourteen (14) employees may be utilized onsite. Power is provided by a 5 KW solar array with 2 generators onsite to act as a source of power propagation, drying, and curing. A Special Permit is required for the continued use of three (3) Points of Diversion located within the Streamside Management Area in accordance with the Streamside Management and Wetland Area ordinance.

**Project Location:** The project is located in Humboldt County, in the Palo Verde area, on the north and southwest side of South Face Road, approximately 2.4 miles from the intersection of Hogtrap Road and South Face Road, on the property known as 463 South Face Road, New Harris.

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: High instability (3)

**Present Zoning:** Forestry Recreation (FR-B-5(40))

**Record Number:** PLN-11223-CUP

**Assessor's Parcel Number:** 218-091-008

**Applicant**

Rebel Grown, LLC  
1271 Evergreen Rd  
Redway, CA 95560

**Owner**

Daniel Pomerantz  
1271 Evergreen Rd  
Redway, CA 95560

**Agents**

JoAnna Cedar  
225 Dutton Ave  
Sebastopol, CA 95472

**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.

**Rebel Grown, LLC**  
Record Number: PLN-11223-CUP  
Assessor's Parcel Number: 218-091-008

**Recommended Planning 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 Rebel Grown, LLC, project recommended by staff subject to the recommended conditions.*

**Executive Summary:** A Conditional Use Permit to allow the continued cultivation of 30,620 square feet (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(40)). Cultivation activities include 6,942 SF of mixed light cultivation and 23,678 SF of outdoor cultivation. Cultivation takes place in three (3) discrete areas: Cultivation Area 1 (western area) contains 5,184 SF of full sun outdoor cultivation grown in above ground smart pots, Cultivation Area 2 (central area) contains 6,934 SF of mixed-light cultivation in raised beds within four (9) greenhouses and 9,476 SF of outdoor full sun cultivation, and Cultivation Area 3 (eastern area) includes 9,016 SF of outdoor cultivation. The applicant provided a lighting diagram that is including in Attachment 3. An ancillary propagation occurs in a 1,536 SF greenhouse, 600 SF greenhouse, a 300 SF space in the storage building, and 626 SF located around the propagation greenhouse for staging as needed for a total area of 3,065 SF in Cultivation Area 2. One harvest is anticipated annually in the outdoor area and up to three harvests for the mixed-light greenhouses for a growing season that extends from May through October.

Drying and curing occurs onsite within three 600-square-foot rooms within a two story 1,800-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of fourteen (14) employees may be utilized onsite. Power is provided by a 5 KW solar array with 2 generators onsite to act as a source of power propagation, drying, and curing. The operation will be secured behind a gated road, down cast shielded motion sensor lights, fenced cultivation areas, and locked structures.

**Onsite Relocation**

The applicant is proposing to relocate cultivation from two historic cultivation sites located on the west and east sides (previously described as Areas 1 and 3). Area 1 is to be decommissioned and relocated to a new garden site southwest from the existing onstream pond. Area 3 will have the southwestern portion of the outdoor garden to the central garden area. These relocations are proposed as a measure to remove cannabis cultivation from the Streamside Management Areas (SMA) located onsite. As a part of the relocation effort, all cannabis related materials will be removed from these decommissioned locations, natural seeding utilizing locally occurring grass species will be required where necessary for erosion control in these historic sites. Planning staff is supportive of the relocation as the proposed relocation areas have slopes less than 30%, located outside the riparian buffer, and meeting setback requirement to the property line meeting FIRE SAFE standards.

**Water Resources**

Estimated annual water usage is 333,500 gallons with peak demand occurring July through September at 60,000 gallons per month. Water for irrigation is provided by three surface point of diversions (POD) two creek diversions and one onstream pond utilizing Class III streams that are unnamed tributaries to

Chamise Creek. The points of diversion are included in the Final Streambed Alteration Agreement (SAA) (Notification NO. 1600-2016-0456-R1) as sources of domestic and irrigation use (Attachment 3). POD 2 and 3 are registered with the State Water Resources Control Board (SWRCB) (Registration #H506011) under a Right to Divert and Use Water (Attachment 3). The SWRCB has authorized the appropriation of 4.19 acre-feet per year (1,365,315 gallons) with a maximal storage capacity of 4.85 acre-feet (1,580,377 gallons). The rate of diversion is limited to 42,000 gallons per day, or the diversion rate specified in the current version of the SWRCB Cannabis Policy, whichever is more restrictive. Existing available water storage consists of thirteen (13) 5,000-gallon hard sided water tanks and one (1) 1,500,000-gallon instream pond. The quantity of water authorized by the SWRCB is sufficient to meet annual water demand. The amount of water storage on-site is within the limits allowed by the SWRCB. The SAA obtained 6/15/17 allows no more than 150 gallons per day from the creek diversions (POD-1 and POD-2) during the low flow season from May 15 through October 15 each year with a maximal diversion rate of 3 gallons per minute at any time. The applicant is also required to pass sufficient flow at all times to keep all aquatic species, including fish and other aquatic life in good condition below the points of diversion. Due to the amount of existing water storage, staff has determined no additional water storage is required to meet the forbearance period requirements of 325,000 gallon from April 1<sup>st</sup> through October 31<sup>st</sup>. The applicant is required to show proof of a Right to Diver and Use Water or a Small Irrigation Use Registration for the third point of diversion not already registered with the SWRCB.

Although Humboldt County's WebGIS shows one mapped stream, the Plot Plan shows five (5) Class III stream channels and two (2) Class II stream channels. As described above, two cultivation areas currently reside within the designated 50-foot (Class III) and 100-foot (Class II) SMA setback buffer distances. As a result, the project is conditioned to submit a revised plot plan showing accurate SMA buffers and setbacks in accordance with the Streamside Management Areas and Wetlands Ordinance (SMAWO). The site plan should also correctly depict the retirement and relocation locations as described within the Executive Summary. The applicant stated the existing cultivation areas can be retired and relocated without the use of heavy equipment and there is sufficient room to place the relocated cultivation outside of the SMA buffer. The project site operates under agreement with the California Department of Fish and Wildlife (CDFW) through their SAA authorized June 15, 2017, for three sources of water diversion (as described previously) and three (3) stream crossing improvements including armoring the outlet of the pond downspout and replacing several culverts with larger diameter culverts. The project is conditioned to adhere to the project work described within the SAA, as well as future SAA amendments or agreements as required by the CDFW.

The project site has a Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated 5/8/17 for the North Coast Regional Water Quality Control Board (NCRWQCB) (Attachment 3). The WRPP identified 19 specific compliance and remediation corrections required onsite including culvert replacement and upgrades, waste storage, cultivation activities within the SMA setback buffers, and road runoff connected to a watercourse. The project is required to implement and adhere to and make the required remediation corrections pursuant to the recommendations included within the WRPP. Furthermore, the applicant is required to provide evidence of enrollment with the SWRCB Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ) including but not limited to submitting a copy of the Site Management Plan created for the project site to supersede the previously submitted WRPP to the Humboldt County Planning Department.

### **Biological Resources**

After review of the CDFW Biogeographic Information and Observation System (BIOS) which includes information from the California Natural Diversity Database (CNDDDB), there are no mapped sensitive species onsite and the nearest NSO activity center is located over 1.5 miles from the site, lands surrounding the site are sparsely forested thus there is low potential for NSO habitat. The proposed project does include 6,934 SF of cannabis cultivation within nine (9) greenhouses that utilize light that extends beyond normal daylight hours (Mixed Light Cultivation) and power is sourced from a 5kw solar array with 2 generators. The generators act as a secondary power source through much of the growing season with a primary use during drying and curing processes and sporadically from April through July to support clone room and propagation needs. A second smaller solar array is utilized to power the pumps



associated with the pond diversion to hard sided storage tanks that later irrigate cultivation areas. As a result, the project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting for erosion control measures, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.

On January 5, 2018, CDFW provided comments (Attachment 4) on the project recommending conditional approval so long as the following items (summarized) were addressed:

1. The applicant shall provide all requested reporting information, pursuant to the SAA, to CDFW
2. The applicant shall comply with the attached CDFW Bullfrog Management Plan (Attachment 3).
3. All greenhouses and generators be relocated to stable surfaces with a minimum 200ft buffer from Class 1 and Class 2 streams (measured horizontally from the outer edge of the riparian habitat).
4. CDFW recommends the applicant reduce square footage from 43,560 SF to no more than 33,600 SF.
5. CDFW noted a potential expansion post January 1, 2016.
6. Note that this project has the potential to impact sensitive species.

Staff have responded to CDFW (Attachment 4) on 8/17/2021, addressing these concerns either through implementing conditions of approval as requested or noting where project changes were made that meet the requests made by CDFW. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

### **Access**

Access to the site is via a private access road (D Road) from South Face Road which are privately maintained roads that ultimately connect to Island Mountain Road a county-maintained road. A Road Evaluation report for D Road and South Face Road was prepared by DTN engineering dated 9/5/2018 (Attachment 3). The evaluation concluded that D Road and South Face Road can handle the expected traffic and cumulative traffic (56 Average Daily Traffic) safely. The report further described the roads as having appropriate pullouts associated with curves with a natural turn around area existing however all culverts along these road sections were found to be clogged and require cleaning, some culverts have been crushed and require replacement.

Public Works, Land Use Division requests improvements to the road intersection apron (encroachment) that connects to the County road (Island Mountain Road) to South Face Road which included placing gravel for a minimum width of 20 feet and a length of 50 feet. The project is conditioned to implement all actions recommended by the Public Works, Land Use Division as described above including adherence to the County Code Section 341-1 (Sight Visibility Ordinance), and implementing the recommended improvements as described in the Road Evaluation Report provided for the project.

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).

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-11223-CUP  
Assessor's Parcel Number: 218-091-008**

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

**WHEREAS, Rebel Grown, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for continued cultivation of 30,620 square feet (SF) of cannabis of which 6,942 SF utilizing mixed light techniques in nine (9) greenhouses, and the remaining 23,678 SF of outdoor cultivation. Ancillary propagation occurs in two (2) hoop house structures (1,536 SF and 600 SF), a 300 SF portion of the storage building, and 626 SF in front of and around the greenhouse as needed totaling 3,065 SF. Water for irrigation is sourced from three (3) points of diversion located in unnamed tributaries to Chamise Creek. Water storage on site consists of one (1) 1,500,000-gallon pond and eighteen (18) 5,000-gallon hard water tanks. Drying and curing activities occur within three 600-square-foot rooms within a two story 1,800-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of fourteen (14) employees may be utilized onsite. Power is provided by a 5 KW solar array with 2 generators onsite to act as a source of power propagation, drying, and curing. A Special Permit is required for the continued use of three (3) Points of Diversion located within the Streamside Management Area in accordance with the Streamside Management and Wetland Area ordinance; and

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

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on September 16, 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 continued cultivation of 30,620 square feet (SF) of cannabis of which 6,942 SF utilizing mixed light techniques in nine (9) greenhouses, and the remaining 23,678 SF of outdoor cultivation. Ancillary propagation occurs in two (2) hoop house structures (1,536 SF and 600 SF), a 300 SF portion of the storage building, and 626 SF in front of and around the greenhouse as needed totaling 3,065 SF. Water for irrigation is sourced from three (3) points of diversion located in unnamed tributaries to Chamise Creek. Water storage on site consists of one (1) 1,500,000-gallon pond and eighteen (18) 5,000-gallon hard water tanks. Drying and curing activities occur within three 600-square-foot rooms within a two story 1,800-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of fourteen (14) employees may be utilized onsite. Power is provided by a 5 KW solar array with 2

generators onsite to act as a source of power propagation, drying, and curing. A Special Permit is required for the continued use of three Points of Diversion located within the Streamside Management Area in accordance with the Streamside Management and Wetland Area ordinance.

**EVIDENCE:** a) Project File: PLN-11223-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 Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated 5/8/17 for the North Coast Regional Water Quality Control Board (NCRWQCB). The WRPP identified 19 specific compliance and remediation corrections required onsite including culvert replacement and upgrades, waste storage, cultivation activities within the SMA setback buffers, and road runoff connected to a watercourse. The project is required to implement and adhere to and make the required remediation corrections pursuant to the recommendations included within the WRPP. Furthermore, the applicant is required to provide evidence of enrollment with the SWRCB Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ) including but not limited to submitting a copy of the Site Management Plan.
  - d) After review of the CDFW Biogeographic Information and Observation System (BIOS) which includes information from the California Natural Diversity Database (CNDDDB), there are no mapped sensitive species onsite and the nearest NSO activity center is located over 1.5 miles from the site, lands surrounding the site are sparsely forested thus there is low potential for NSO habitat. The proposed project does include 6,934 SF of mixed light cannabis cultivation. Conditions of approval will require adherence to Dark Sky Standards for greenhouse lighting and security lighting and noise produced by commercial activities to be at or below 50 decibels at 100 feet.
  - e) The cultivation of cannabis will not result in the net conversion of timberland. Review of National Agriculture Imagery Program (NAIP) through Humboldt County WebGIS for years 2014, 2016, 2018, and 2020 provided no apparent evidence of timber conversion occurring onsite. The project does not propose any conversion of timberland as such, no timber conversion would be expected by commercial use as proposed by this permit.
  - f) A Cultural Resources Investigation Report was carried out by Anthropological Studies Center Sonoma State University in August 2018. The study concluded that the proposed project will not result in any adverse

changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

- g) A Road Evaluation report for D Road and South Face Road was prepared by DTN engineering dated 9/5/2018 (Attachment 3). The evaluation concluded that D Road and South Face Road can handle the expected traffic and cumulative traffic (56 Average Daily Traffic) safely. The project is conditioned to implement the recommendations in the report, and implement recommendations made by the Public Works Department.

#### **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 Residential Agriculture (RA40) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

### **4. FINDING**

The proposed development is consistent with the purposes of the existing FR-B-5(40) zone in which the site is located.

#### **EVIDENCE**

- a) The Forestry Recreation Zone or FR Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) General agricultural uses and ancillary structures are principally permitted in the FR-B-5(40) 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 over 1 acre 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 23,678 SF outdoor and 6,942 SF mixed-light cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) The proposed project includes a Special Permit for Development within the Streamside Management Area (SMA) to allow for continued use of 3 points of diversion. The points of diversion are included in the Final Streambed Alteration Agreement (SAA) (Notification NO. 1600-2016-0456-R1) as sources of domestic and irrigation use (Attachment 3). POD 2 and 3 are registered with the State Water Resources Control Board (SWRCB) (Registration #H506011) under a Right to Divert and Use Water (Attachment 3). Requirements of both State agencies require the applicant to ensure best management practices; CDFW also requires sufficient flow at all times to keep all aquatic species, including fish and other aquatic life in good condition below the points of diversion. Planning staff supports continued use of the points of diversion and approval of the Special Permit as potential impacts are minimized through adherence to State agency regulations.

## 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 FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as depicted in PM 218 PG 09 and recorded in Grant Deed 2016-16735.
- c) Water for irrigation is provided by three surface point of diversions (PODs) consisting of two creek diversions and one onstream pond utilizing Class III streams that are unnamed tributaries to Chamise Creek. The points of diversion are included in the applicants Final Streambed Alteration Agreement (SAA) (Notification NO. 1600-2016-0456-R1) while POD 2 and 3 are registered with the State Water Resources Control Board (SWRCB) (Registration #H506011) under a Right to Divert and Use Water. Due to the amount of existing water storage, staff has determined no additional water storage is required to meet the forbearance period requirements of 325,000 gallon from April 1<sup>st</sup> through October 31<sup>st</sup>. The applicant is required to show proof of a Right to Diver and Use Water or a Small Irrigation Use Registration for the third point of diversion not already registered with the SWRCB prior to utilizing it for cannabis irrigation. Additionally, the project must adhere to the requirements as included within the SAA authorized by CDFW. Due to the amount of existing water storage, staff has determined no additional water storage is required to meet the forbearance period requirements of 325,000 gallon from April 1<sup>st</sup> through October 31<sup>st</sup>. The applicant is required to show proof of a Right to Diver and Use Water or a Small Irrigation Use Registration for the third point of diversion not already registered with the SWRCB prior to utilizing it for cannabis irrigation. Additionally, the project must adhere to the requirements as included within the SAA authorized by CDFW.
- d) A Road Evaluation report for D Road and South Face Road was prepared by DTN engineering dated 9/5/2018 (Attachment 3). The evaluation concluded that D Road and South Face Road are not developed to the equivalent of a road category 4 or better condition, however with adherence to recommendations included within the report, the roads can handle the expected traffic and cumulative traffic (56 Average Daily Traffic) safely. The project is conditioned to implement the recommendations in the report, and implement recommendations made by the Public Works Department.
- e) The slope of the land where cannabis will be cultivated is less than 30% per review of the Humboldt County WebGIS.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of National Agriculture Imagery Program (NAIP) through Humboldt County WebGIS for years 2014, 2016, 2018, and 2020 provided no apparent evidence of timber conversion occurring onsite. The project does not propose any conversion of timberland as such, no timber conversion would be expected by commercial use as proposed by this permit.
- g) 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, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 30,620 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 located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is provided by three surface point of diversions (POD) two creek diversions and one onstream pond utilizing Class III streams that are unnamed tributaries to Chamise Creek. The points of diversion are included in the applicants Final Streambed Alteration Agreement (SAA) (Notification NO. 1600-2016-0456-R1) while POD 2 and 3 are registered with the State Water Resources Control Board (SWRCB) (Registration #H506011) under a Right to Divert and Use Water. Due to the amount of existing water storage, staff has determined no additional water storage is required to meet the forbearance period requirements of 325,000 gallon from April 1<sup>st</sup> through October 31<sup>st</sup>. The applicant is required to show proof of a Right to Diver and Use Water or a Small Irrigation Use Registration for the third point of diversion not already registered with the SWRCB prior to utilizing it for cannabis irrigation. Additionally, the project must adhere to the requirements as included within the SAA authorized by CDFW.
- e) A Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated 5/8/17 for the North Coast Regional Water Quality Control Board (NCRWQCB). The WRPP identified 19 specific compliance and remediation corrections required onsite including culvert replacement and upgrades, waste storage, cultivation activities within the SMA setback buffers, and road runoff connected to a watercourse. The project is required to implement and adhere to and make the required remediation corrections pursuant to the recommendations included within the WRPP. Furthermore, the applicant is required to provide evidence of enrollment with the SWRCB Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ) including but not limited to submitting a copy of the Site Management Plan

**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 one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for an additional 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 for Rebel Grown, 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 September 16, 2021.

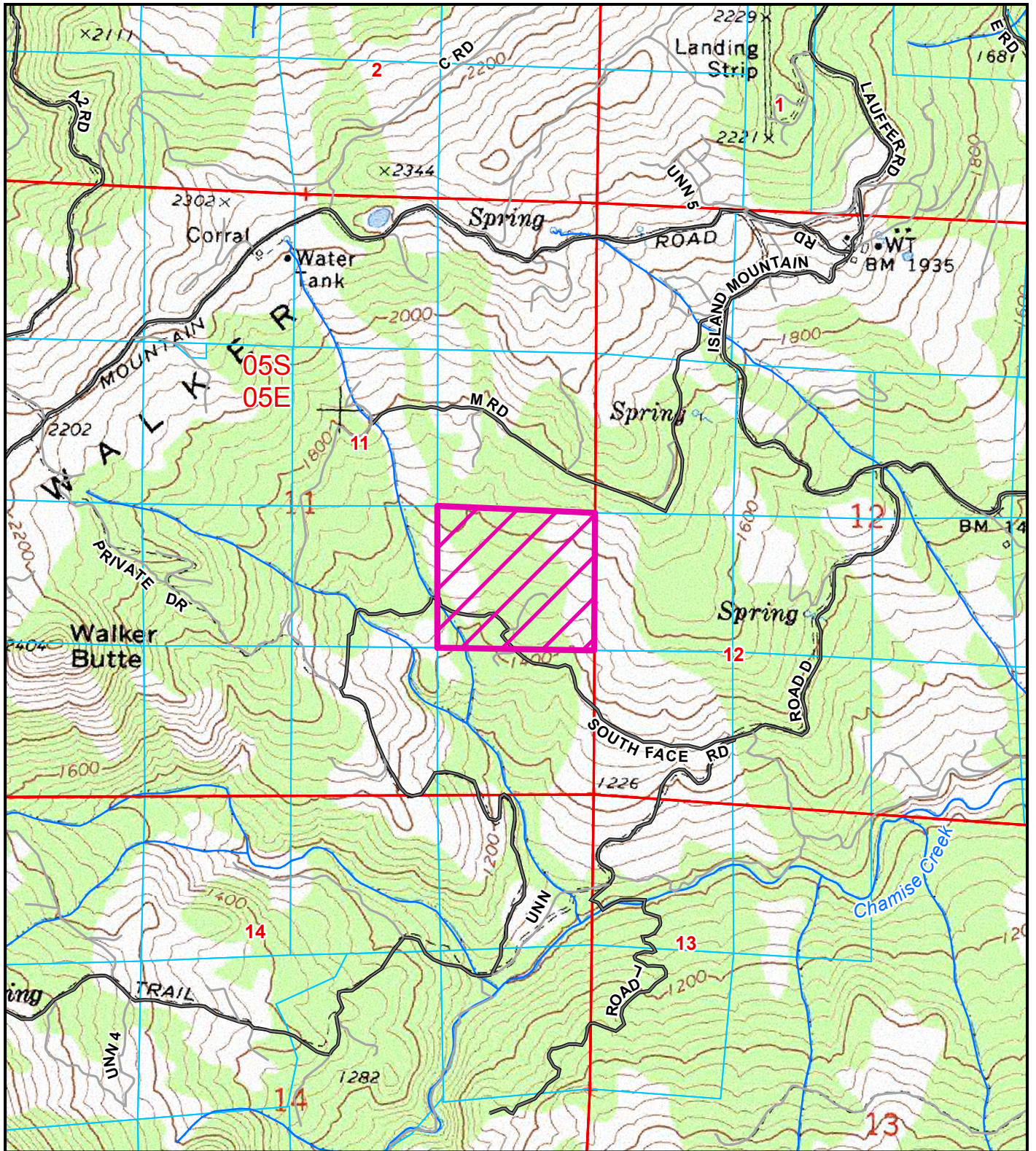
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

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

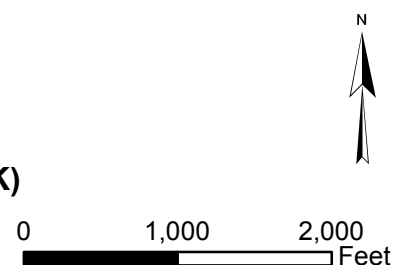




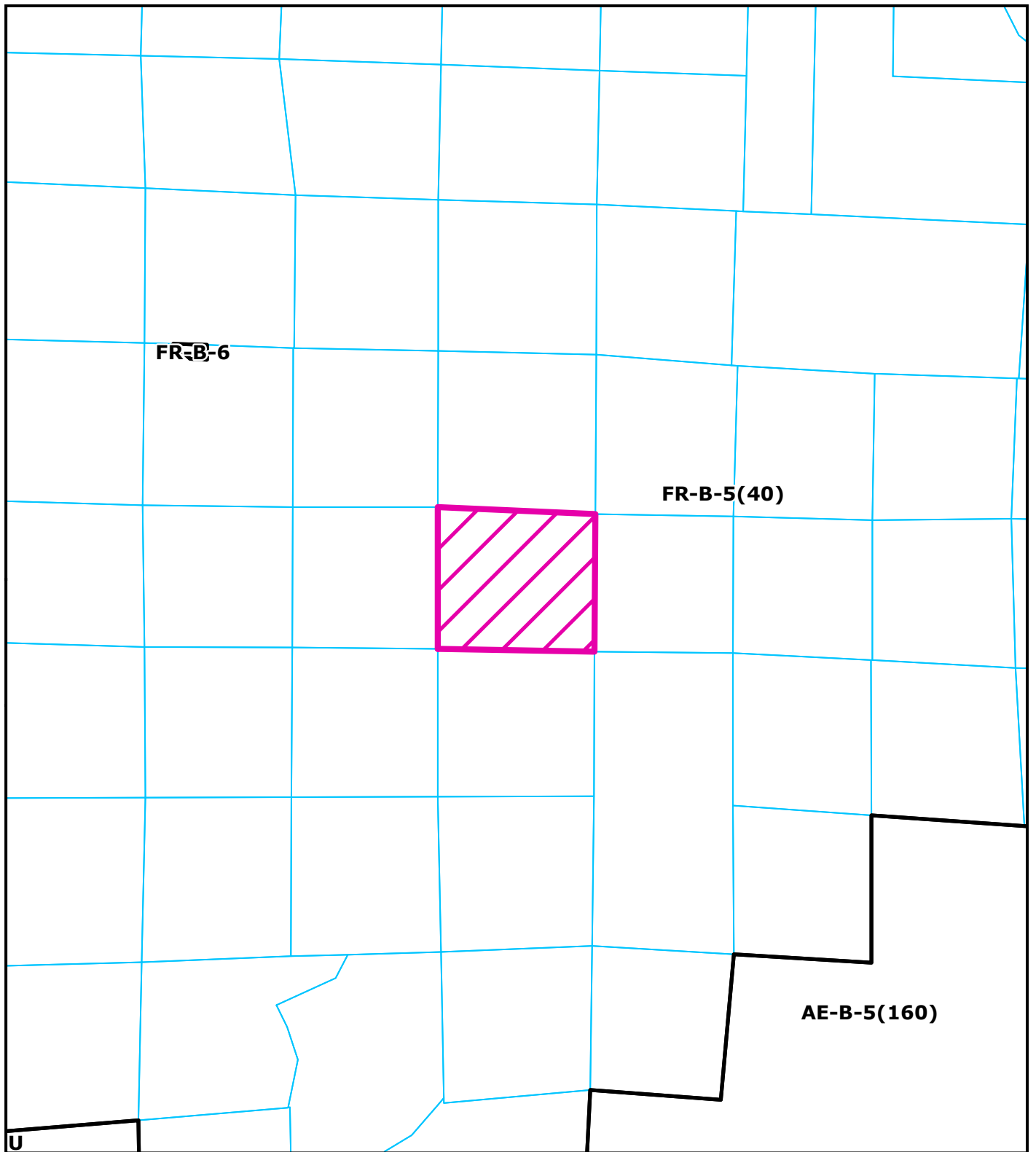
**TOPO MAP**  
**PROPOSED REBEL GROWN LLC**  
**PALO VERDE AREA**  
**CUP-16-189**  
**APN: 218-091-008**  
**T05S R05E S11 HB&M (JEWETT ROCK)**

Project Area = 

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



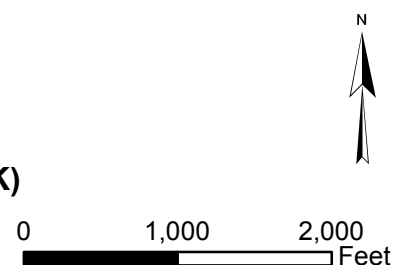




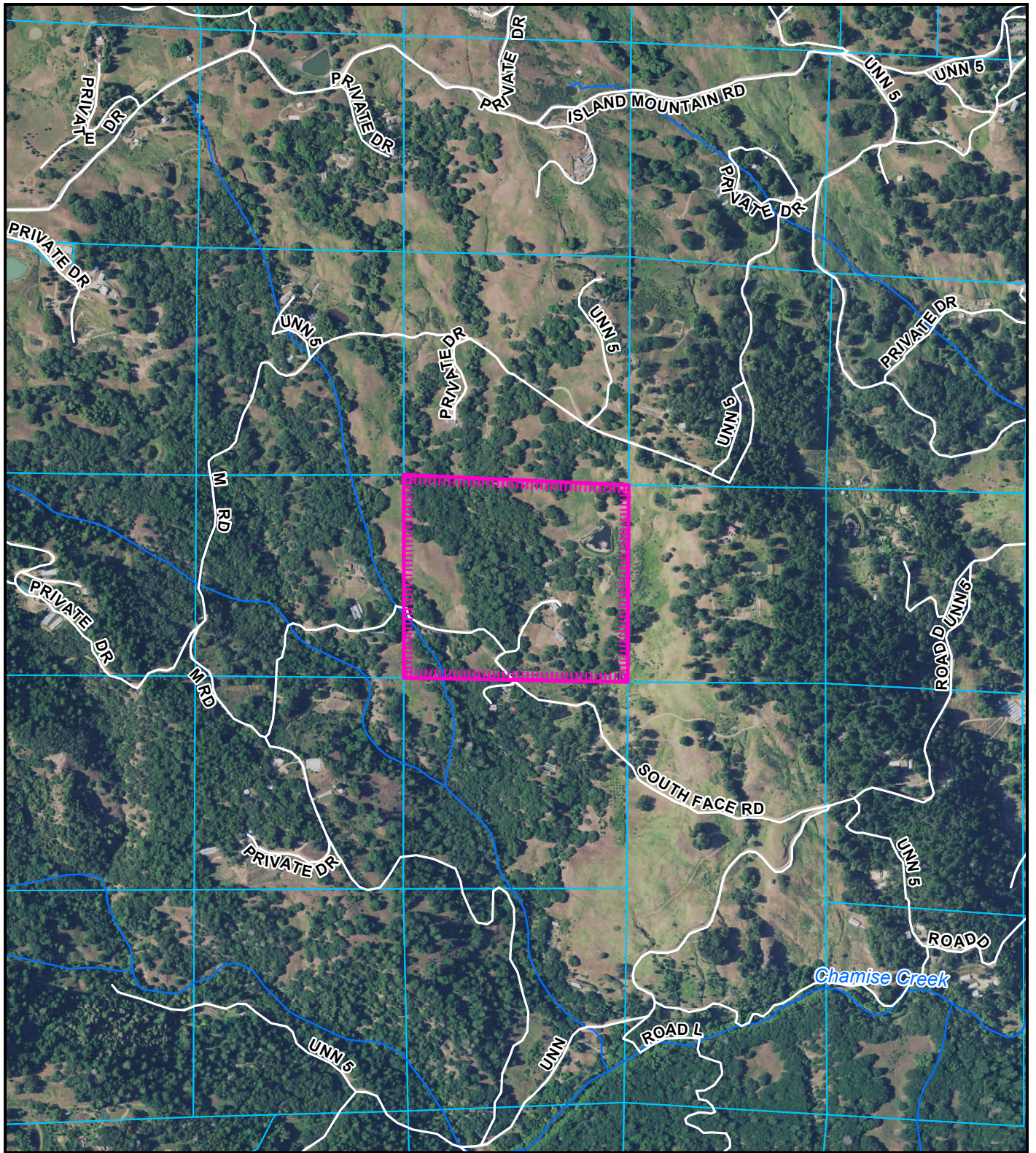
Project Area = 

**ZONING MAP**  
**PROPOSED REBEL GROWN LLC**  
**PALO VERDE AREA**  
**CUP-16-189**  
**APN: 218-091-008**  
**T05S R05E S11 HB&M (JEWETT ROCK)**

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.



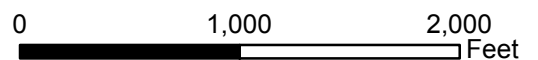




Project Area = 

**AERIAL MAP  
PROPOSED REBEL GROWN LLC  
PALO VERDE AREA  
CUP-16-189  
APN: 218-091-008  
T05S R05E S11 HB&M (JEWETT ROCK)**

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.





THIS IS NOT A BOUNDARY SURVEY.  
DRAWING SCALE AS NOTED.

## STRUCTURES:

PARCEL AREA:  
40.06 ACRES

<E> MIXED LIGHT: 13400 SQ. FT.  
<E> OUTDOOR: 30,160 SQ. FT.

WATER SOURCE:

<E> SHALLOW WELL - SPRINGBOX  
(DOMESTIC - 200 G.P.D)  
<E> DIVERTED/RETURNED SURFACEWATER  
(POOL - 65,000 G.P.Y.)  
<E> INSTREAM POND  
(AGRICULTURAL - 1.5 M.G. CAPACITY)

WATER STORAGE:  
<E> PLASTIC TANK FARMS  
+/- 40,000 GAL. (TOTAL)

## IRRIGATION AND DOMESTIC WATER USE:

WATER FROM A 1.5 M.G. CAPACITY POND IS PERIODICALLY SUPPLIED TO TANKS FOR IRRIGATION; THE 40,000+ GALLONS OF WATER STORAGE IN TANKS ARE INITIALLY FILLED DURING THE WET SEASON. WATER FROM A PRIVATE WELL IS SUPPLIED TO TANKS FOR DOMESTIC USE. WATER IS DIVERTED AND RETURNED UNTREATED TO A CLASS III STREAM FOR SWIMMING POOL USE.

NCRWQCB ORDER NUMBER R1-2015-0023:

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE NCRWQCB CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM WWD NUMBER 1B161488CHUM

# CONDITIONAL USE PERMIT APPLICATION

APN: 218-091-008

463 SOUTH FACE LANE, GARBERVILLE, CA 95542



- RESIDENCE
- UNFINISHED RESIDENCE
- AGRICULTURAL EXTENTS
- MIXED LIGHT
- OUTDOOR
- MARKED FOR RELOCATION
- STORAGE

● WATER SOURCE

● WATER TANK(S)



SWIMMING POOL


- CLASS II STREAMS
- CLASS III STREAMS



POND

DECOMMISSIONED  
WATER FEATURE

STREAM SETBACKS

 PROPERTY LINE SETBACKS PARCEL

PRIMARY ACCESS ROADS

## SECONDARY ROADS

CP - COVER PAGE  
CO - CULTIVATION OVERVIEW  
PR - PROPOSED RELOCATION



PREMISES DIAGRAM FOR MEDIUM OUTDOOR ANNUAL LICENSE, LLC (LCA 18-0000211 / APN: 218-091-008)

REBEL GROWN, 463 S. FACE ROAD, GARBERVILLE, CA 95542

Mixed Light:

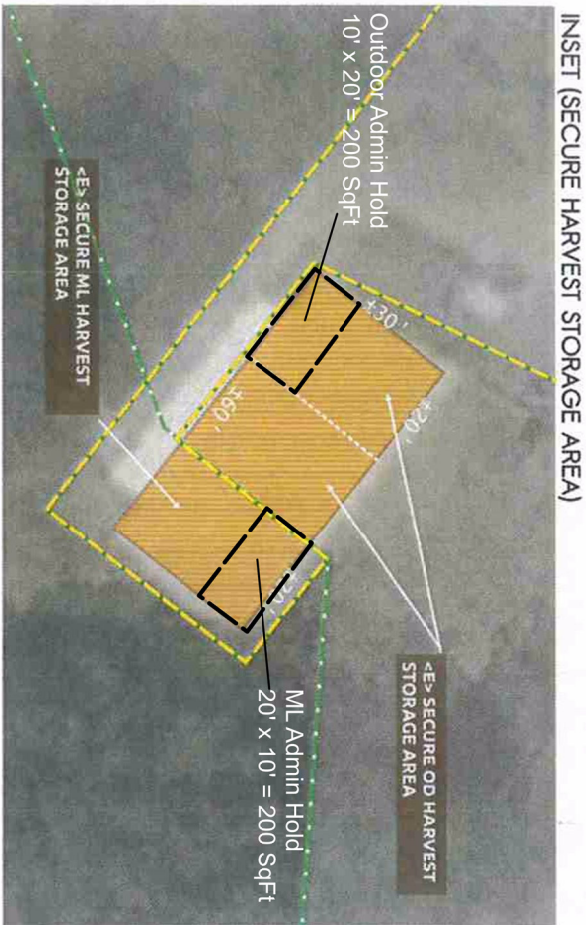
- 1: 12' x 80' = 960 SqFt
- 2: 12' x 75' = 900 SqFt
- 3: 12' x 65' = 780 SqFt
- 4: 12' x 80' = 960 SqFt
- 5: 12' x 75' = 900 SqFt
- 6: 12' x 65' = 780 SqFt
- 7: 10' x 60' = 600 SqFt
- 8: 10' x 60' = 600 SqFt
- 9: 12' x 50' = 600 SqFt

Total ML Aggregate = 7,080 SqFt

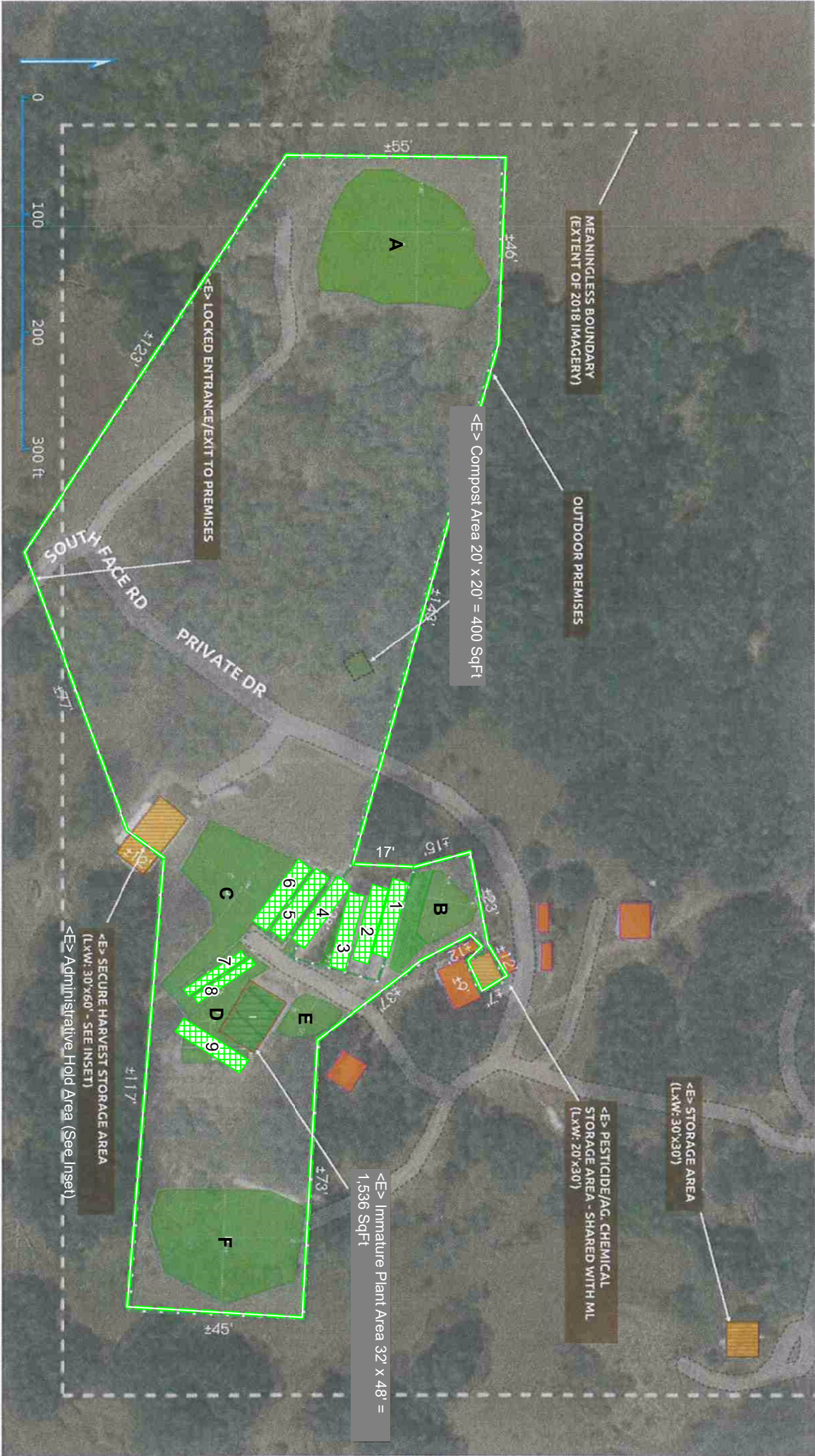
Outdoor:

- A: ~112' x 112' = 1,2765 SqFt
  - B: ~44' x 44' = 1,940 SqFt
  - C: ~81' x 81' = 6,701 SqFt
  - D: ~42' x 42' = 1,838 SqFt
  - E: ~36' x 36' = 1,302 SqFt
  - F: ~99' x 99' = 9,993 SqFt
- Total Outdoor Aggregate = 34,539 SqFt

SHEET INDEX:  
PRE-OD - PREMISES  
DIAGRAM (OUTDOOR)



PREMISES DIAGRAM



LEGEND:

- CULTIVATION ACTIVITY
- PREMISES
- OD CULTIVATION
- IMMATURE PLANT AREA
- STRUCTURES
- <E> STORAGE AREA
- <E> COMPOST AREA
- <E> DOMESTIC AREA
- MISC.
- PARCEL
- ROADS
- Mixed Light Greenhouse

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. DRAWING SCALE AS NOTED. DIMENSIONS OF BUILDINGS AND CULTIVATION AREAS ARE IN FEET AND ARE APPROXIMATE.
2. "OD" REFERS TO OUTDOOR CULTIVATION. "AG." REFERS TO AGRICULTURAL. "GAL." REFERS TO GALLON. "S.F." REFERS TO SQUARE FOOT. "<E>" REFERS TO EXISTING.
3. SPECIFIED COORDINATES ARE IN NAD83 (EPSG 3740).
4. IMMATURE PLANT AREA ACTIVITY DOES NOT OCCUR CONCURRENTLY WITH OUTDOOR CULTIVATION IN THE SPECIFIED STRUCTURE.
5. PROCESSING & PACKAGING ARE OCCURRING OFFSITE.

PREMISES DIAGRAM (ANNUAL LICENSE - MEDIUM OD CULTIVATION)

REBEL GROWN / APN: 218-091-008  
463 S. FACE RD, GARBERVILLE, CA 95542

EMERALD HERITAGE  
FARMS  
Consulting . Advocacy . Education

#	REVISION	DATE

PREMISES  
DIAGRAM (OUTDOOR)



## 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. **Within three days of the effective date of permit approval**, 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 submit a revised plot plan showing the following, in addition to what is shown:
  - a. Accurately depict the historic (Retirement/Remediation) and relocation areas as implemented onsite.
  - b. Buffers/setback distances for natural waterways, including streams, springs and ponds in conformance with the Streamside Management Area and Wetlands Ordinance (SMAWO) definition in HHC Section 314-6.1 as follows:
    1. 100 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.
    2. 50 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.
    3. The width of the SMA shall not exceed 200 feet measured as a horizontal distance from the top of bank. The width of Streamside Management Areas shall be expanded to up to 200 feet measured as the horizontal distance from the top of bank as necessary to include slides or areas with visible evidence of slope instability.
    4. 50 feet for seasonal wetlands.
    5. 150 feet from perennial wetlands.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed

under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

7. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, on-stream pond and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
9. Prior to any processing occurring site, the applicant shall submit a site suitability report to establish potential for onsite waste treatment system to the Department of Environmental Health (DEH). A letter or similar communication from DEH to the Humboldt County Planning Department confirming this report has been submitted and approved shall satisfy this condition.
10. An invoice or equivalent documentation shall be submitted annually to the Department of Environmental Health (DEH) is required for the continued use of portable toilets onsite to serve the needs of cultivation staff. A letter or similar communication from DEH to the Humboldt County Planning Department confirming this report has been submitted and approved shall satisfy this condition.
11. The applicant shall implement all 19 corrective actions detailed in the Water Resources Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board. A letter or similar communication from a qualified professional will satisfy this condition. Alternatively, the applicant may schedule a site inspection with the Humboldt County Planning Department to verify this condition is satisfied.
12. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
13. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW, including the Bullfrog Monitoring and management Plan as described for CEQA-2017-0329-R1. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. The applicant shall submit evidence (e.g. photographs and noise

readings) to demonstrate compliance with this condition. A sign-off from the Planning Department will satisfy this condition.

15. All mixed light cultivation and artificial lighting used for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
16. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
17. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
18. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of three points of diversion and amount of water available in the on-stream pond and storage tanks. The applicant shall be provide water use records prior to or during the annual inspection.
19. 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.
20. 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.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to



crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

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

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

#### Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:

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

noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and

Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

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

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

**APN 218-091-008; 463 South Face Lane, Garberville area  
County of Humboldt**

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

**August 2021**

## Background

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

The modified project involves a Conditional Use Permit for continued cultivation of 30,620 square feet (SF) of cannabis of which 6,942 SF utilizing mixed light techniques in nine (9) greenhouses, and the remaining 23,678 SF of outdoor cultivation. Ancillary propagation occurs in two (2) hoop house structures (1,536 SF and 600 SF), a 300 SF portion of the storage building, and 626 SF in front of and around the greenhouse as needed totaling 3,065 SF. Water for irrigation is sourced from three (3) points of diversion located in unnamed tributaries to Chamise Creek. Water storage on site consists of one (1) 1,500,000-gallon pond and eighteen (18) 5,000-gallon hard water tanks. Drying and curing activities occur within three 600-square-foot rooms within a two story 1,800-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of fourteen (14) employees may be utilized onsite. Power is provided by a 5 KW solar array with 2 generators onsite to act as a source of power propagation, drying, and curing. A Special Permit is required for the continued use of three (3) Points of Diversion located within the Streamside Management Area in accordance with the Streamside Management and Wetland Area ordinance.

The Site Plan shows the Plot Plan shows five (5) Class III stream channels and two (2) Class II stream channels. The project site has a Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated 5/8/17 for the North Coast Regional Water Quality Control Board (NCRWQCB) (Attachment 3). The WRPP identified 19 specific compliance and remediation corrections required onsite including culvert replacement and upgrades, waste storage, cultivation activities within the SMA setback buffers, and road runoff connected to a watercourse. All approved cannabis activities would be located outside of any Streamside Management Area (SMA) and associated buffer and on slopes less than 50%. The nearest NSO activity center located approximately 1.5 miles from the site, and power is sourced from a 5kw solar array with 2 generators. The generators act as a secondary power source through much of the growing season with a primary use during drying and curing processes and sporadically from April through July to support clone room and propagation needs. Artificial lighting will be utilized to support the propagation areas and 6,934 SF of mixed light cultivation. The project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise does not exceed 50 dBA at 100 feet from noise source. The project is conditioned to adhere to Dark Sky Standards for greenhouse and security lighting. The applicant is conditioned to enroll with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is adherence to the recommendations made in the Cultural Resource Investigation and addendum prepared for the project and heightened inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

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 restocking 0.30 acres with timber that was converted after the CEQA baseline was established to

remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 30,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by Emerald Heritage Farms dated 02/24/2018.
- Cultivation and Operations Plan prepared by Rebel Grown, LLC dated 01/XX/2021.
- Right to Divert and Use Water, Certificate H100566 with the State Water Resources Control Board, Division of Water Rights.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023, received 06/15/2017.
- Notice of Applicability, Waiver of Waste Discharge Requirements filed with the North Coast Regional Water Quality Control Board, received 02/09/2021
- Final Streambed Alteration Agreement (Notification No. 1600-2016-0456-R1) Authorized 6/15/17.



- Engineer's Road Evaluation Report for South Face Road prepared by DTN Engineering & Consulting, dated 5/15/19 and received 09/05/2018.
- Cultural Resources Investigation for Application #11223 prepared by Anthropological Studies Center – Sonoma State University, prepared 08/XX/2018.

### **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. (Plot Plans prepared by Emerald Heritage Farms dated 02/24/2018 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Rebel Grown, LLC dated January 2021- **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Riparian Water Rights Statement of Diversion and Use claims and reporting (Right to Divert and Use Water, Certificate H100566 with the State Water Resources Control Board, Division of Water Rights – **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for State Water Board Cannabis Order No. R1 - 2015-0023 (item 7. below)
7. Copy of Notice of Applicability, Waiver of Waste Discharge Requirements and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOA and reporting, and Water Resources Protection Plan (WRPP) Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants received 06/15/2017 – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2016-0456-R1) Authorized 6/15/17. – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Engineer's Road Evaluation Report for South Face Road prepared by DTN Engineering & Consulting, dated 5/15/19 and received 09/05/2018. (On-file)
16. Cultural Resources Investigation for Application #11223 prepared by Anthropological Studies Center – Sonoma State University, prepared 08/XX/2018. (On-file)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
18. Lighting Diagram received February 9, 2021. **(Attached)**



# Rebel Grown

## Cultivation and Operations Manual

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January, 2021

Prepared for:



# **REBEL GROWN, LLC**

Cultivation and Operations Plan

**Mailing Address:**

1271 Evergreen Road #121  
Redway, CA 95560

**APN:** 218-091-008

**Property Address:**

463 South Face Lane  
Garberville, CA 95542

January, 2021

**Lead Agency:**

Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501

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# 1 OPERATIONS PLAN

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Rebel Grown operates existing cannabis cultivation activities in accordance with the County of Humboldt's Commercial Cannabis Land Use Ordinance (CMMLUO). The project requires a Conditional Use Permit for approximately **6,942** square feet (sf) of mixed light and **23,678** sf of outdoor cannabis cultivation and facilities for drying, curing, propagation and research and development.

## 1.1 SITE DESCRIPTION

The Project is located at 463 South Face Lane (APN 218-091-008) in New Harris. The subject parcel is approximately 40.06 acres in size (per the County of Humboldt's WebGIS), having relatively flat topography and slopes of less than 15% gradient. The parcel is located in a lightly wooded area with 2 cabins located in the southeastern portion of the parcel. One cabin is a two-story structure that is incomplete to be permitted/finished in the future. There is a large two story garage/workshop/storage/office space, a small storage/drying/processing shed and an existing 1-bedroom cabin currently used for housing. A non-residential barn structure is located on the southeastern portion of the parcel.

## 1.2 LAND USE

The subject property has a General Plan designation of Agricultural Lands as identified by the Humboldt County General Plan and is zoned FR B-5 (40). The property contains no prime agricultural soils according to the Humboldt WebGIS. Land uses surrounding the parcel are comprised of agriculture. The surrounding parcels are zoned FR B-5 (40).

## 1.3 STATE AND LOCAL COMPLIANCE

### 1.3.1 STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Rebel Grown holds two Provisional Commercial Cannabis Activity licenses issued by the State of California.

Medium Outdoor: CCL19-0004784

Small Mixed Light Tier 1: CCL19-0000478

### 1.3.2 STATE WATER RESOURCES CONTROL BOARD

Water for cultivation is pumped via 1-inch line with a pump solar pump from an existing on-site pond of approximately 1.5 million gallons to 18 existing tanks totaling 40,000+/- gallons. The pond is 0.44 acres in size and was man-made over 19 years ago. The pond is fed by a Class III watercourse and is



listed on the Notification of Lake or Streambed Alteration form filed with the California Department of Fish and Wildlife.

Domestic water is provided by a shallow well that intercepts shallow ground water. The diversion works is a perforated 2-inch pipe placed in a wooden spring box, and is listed as a point of diversion in the Notification of Lake or Streambed Alteration form filed with the California Department of Fish and Wildlife.

A [Notice of Applicability](#) has been issued by the State of California Water Resources Control Board.

#### 1.3.3 NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Compliance with the North Coast Regional Water Quality Control Board regulations mandate monitoring self-certification which is ongoing. A Water Resources Protection Plan was developed for the project by Timberland Resource Consultants.

#### 1.3.4 HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

#### 1.3.5 CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. All structures on the property meet the 30-foot SRA setback requirement from property lines.

#### 1.3.6 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement ([LSAA](#)) from the Department of Fish and Wildlife (DFW) has been obtained for [pond spillways, culvert replacement, restoration of drainages, and points of diversion.] Notification of Lake or Streambed Alteration has been filed and includes a shallow well that intercepts shallow groundwater, a cylindrical spring box placed in the channel of a Class III watercourse, a 1.5 million gallon man-made pond, and three culverts. All roads and developed sites were assessed for compliance with CDFW regulations.

#### 1.3.7 CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary

bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The Permittee is ultimately responsible for ensuring compliance with this condition.

## 2 CULTIVATION AND PROCESSING

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### 2.1 MIXED LIGHT/OUTDOOR CULTIVATION PLAN AND SCHEDULE

The mixed light cultivation of approximately 6,942 square feet (sf) occurs within multiple hoops.

The outdoor cultivation area is approximately 23, 678 square feet (sf). Outdoor cultivation practices include regenerative, permaculture/soil-building techniques as a measure to decrease water and amendment usage and minimize runoff and erosion.

The mixed light area consists of basic constructed hoops, covered with a woven poly translucent opaque tarp. Airflow is supplemented seasonally in the hoop houses. The hoop houses utilize a combination of artificial light and light deprivation to produce two (2) flowering cycles per year. The monthly Cultivation Schedule (subject to weather) below details the cultivation activities associated with the mixed light cultivation operation for a typical two cycle year. The outdoor cultivation area will have one (1) flowering cycle per year.

Month	Activity
January	Maintain cover crop in cultivation zone
February	Maintain cover crop in cultivation zone. Seeds started. Tagged.
March	Maintain cover crop in cultivation zone. Seeds started. Clones cut from mothers. Tagged.
April	Maintain cover crop in cultivation zone. ML Cycle 1 Begins. Immature plants started from clones and/or seed transplanted to flowering area and tagged. Potentially start full-term outdoor cycle (weather dependent). Compost tea and organic amendments applied weekly or biweekly, depending on needs

May	Maintain cover crop in cultivation zone. Potentially start full-term outdoor cycle (weather dependent). Compost tea and organic amendments applied weekly or biweekly, depending on needs
June	Cycle 2 Begins. Compost tea and organic amendments applied weekly or biweekly, depending on needs. Harvesting of Cycle 1 may begin dependent on strain variables.
July	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance. Compost tea and organic amendments applied weekly or biweekly depending on needs. Harvesting of Cycle 1 may begin dependent on strain variables.
August	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance. Compost tea and organic amendments applied weekly or biweekly depending on needs, stopping at least two weeks before harvest.

September	Cycle 2 harvest and prepare for transport the cultivar that finish maturing flowers this month. Maintain and monitor other cultivars in preparation for late harvest.
October	Harvest and prepare for transport the cultivar that finish maturing flowers this month.
November	Prepare for transport the cultivar that finish maturing flowers this month. Plant cover crop in cultivation zone
December	Maintain cover crop in cultivation zone.

## 2.2 IRRIGATION PLAN AND SCHEDULE

Drip irrigation and hand watering are used to control the amount of water for each plant based on the season, the plant's stage of development, and seasonal conditions. Table 3.1 in Section 3.1 details the irrigation activities associated with all cultivation.

## 2.3 PROPAGATION AND INITIAL TRANSPLANT

Plants are (1) propagated from seeds propagated on site, (2) propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis cultivar or (3) procured from an offsite nursery.

Moms remain in the vegetative stage solely for propagation. Cuttings are sampled from moms and rooted into a growing medium, typically oasis cubes or coco plugs, to produce 'clones' placed on racks. Lots are tagged for METRC compliance. Once roots are established and clones are ready for the cultivation area, the clones are transplanted into four (4) inch or one (1) gallon plastic containers and placed in the nursery area. The juvenile plants are irrigated using hand watering methods.

Juvenile plants are also obtained from state licensed off-site nurseries and transported to the farm by licensed transporters or distributors.

Plant stock is also grown from seed in the propagation area.

After 2-4 weeks the juveniles are transplanted into their flowering location into different sized pots, raised beds or in the ground with a proprietary diversified organic soil mix soil medium that may include compost worm castings, kelp, guano, fishbone/feather meal, azomite, gypsum, epsom salt, glacial rock dust, trace minerals, lime/oyster, alfalfa, neem meal and/or other inputs derived on farm. When transplanted into their flowering locations, either a mixed light greenhouse or outdoor cultivation area, the plants are individually tagged for METRC compliance.

Research and development and propagation occur in designated areas.

## 2.4 HARVESTING, DRYING, AND PROCESSING

When ready for harvest, flowering branches are removed, weighed and entered into METRC, waste weighted and entered into METRC, and then branches are suspended in the drying room, which is equipped with heating, cooling, dehumidification, exhaust and circulation. The drying process takes approximately one week.

The bucked, dried flowers are put into totes/bins with culinary grade liners or hand trimmed. Flower is transported off farm by a licensed distributor or transporter for processing off-site.

The totes are stored in the processed materials room before transported off farm by a licensed distributor or transporter. Leaves are collected, weighed tracked in METRC, placed into bins, labeled, and sealed. Leaves are transported off farm by a licensed distributor or transporter to an offsite, licensed manufacturing facility.

## 2.5 EMPLOYEE PLAN

Rebel Grown 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### 2.5.1 JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- Lead Cultivator: Oversight and management of the day to day cultivation of cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, harvest activities, METRC compliance and safety officer. This is a full-time, year-round position.
- Assistant Cultivator: Provides support to the Lead Cultivator in their day to day duties and takes the lead role during times when the Lead Cultivator may be off site. This is a full-time, year-round position.
- Seasonal Laborer: Provides cultivation, harvesting, and processing support. This is a part-time to full-time, seasonal position.
- Agent in Charge: Responsible for business oversight and management of Rebel Grown. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a year-round position.

### 2.5.2 STAFFING REQUIREMENTS

In addition to the Agent, Lead Cultivator, and up to two Assistant Cultivator positions, up to five to ten part-time to full-time seasonal labor positions are contracted with companies that provide seasonal labor during peak harvest and processing times. Seasonal labor needs vary based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of fourteen (14) laborers on site. Staffing companies provide seasonal labor.

#### 2.5.3 EMPLOYEE TRAINING AND SAFETY

Employees and seasonal laborers are trained to perform the tasks assigned to them, which could include on-site cultivation, harvesting, drying, and processing. Employees and seasonal laborers are trained in the proper cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers; and correct processing methods. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff. Employees will not be asked to perform duties for which they are unauthorized (i.e. application of regulated materials.)

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Employee training records are kept on site. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The safety data sheets (SDS) are kept on site and accessible to employees. Employees attend regular safety meetings; minutes are kept on site. COVIS specific training and expectations of both employer and employee are carefully communicated.

#### 2.5.4 TOILET AND HANDWASHING FACILITIES

There is an existing restroom connected to an existing septic, not ADA-compliant, currently in use at the main workshop. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 250 feet from the restroom facility. Additional portable toilets and handwashing stations may be brought on-site to accommodate seasonal employee fluctuations and potential pandemic restrictions.

#### 2.5.5 ON SITE HOUSING

The existing single-family residence located on site is occupied by the Lead Cultivator. All other full-time and seasonal employees live off site and commute daily to the farm.

## 2.6 SECURITY PLAN AND HOURS OF OPERATION

### 2.6.1 FACILITY SECURITY

The cultivation facilities, including existing greenhouses, drying/processing building are enclosed in a secure fence. An entry gate is located off South Face Lane. The entry gate remains locked at all times. A restricted access sign is posted conspicuously at the entry gate. The cultivation and processing facility area will have low intensity exterior lighting to illuminate the entrances and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. There are security cameras installed at the main access gates and at entrances to the facilities

### 2.6.2 HOURS OF OPERATION

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours. The lead cultivator lives on the property.

### 3 ENVIRONMENT

#### 3.1 WATER SOURCE AND PROJECTED WATER USE

Water is supplied by a spring, a man-made pond, and a shallow well for cultivation and domestic use.

Rebel Grown implements water-conservation practices and reuses onsite water and fertilizers to achieve net zero discharge. Refer to section 2.4 for a summary of irrigation practices.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis cultivar will have a slight effect on water use. Water metering program is in effect.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
1,500	1,500	2,500	15,000	50,000	50,000	60,000	60,000	60,000	30,000	1,500	1,500

#### 3.2 WATER STORAGE

Water storage for domestic and irrigation use is provided in the form of water storage tanks. The property has eighteen (18) 5000 gallon storage tanks. Six are for domestic and the remainder Ag storage.

Water storage for irrigation use is provided in an existing ponds. The capacity of the pond has a capacity of 1.5 million gallons.

#### 3.3 SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Rebel Grown is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.



#### 3.3.1 SITE DRAINAGE AND RUNOFF

The driveway to the main residence has been rocked and drainage from the road is disconnected from the stream system. The existing hoop houses are located away from riparian zones. Fertilizers and pesticides are stored in a lockable storage building with secondary containment to prevent contamination by runoff. Areas identified on map for storage/disposal cultivation waste.

No evidence of surface runoff was found to be associated with the cultivation area during a site investigation for the development of the Water Resources Protection Plan (WRPP). Cultivation and associated structures meet required setbacks from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient run off. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including, but not limited to, the use of hand irrigation to prevent excessive water use, and other measures as prescribed in the Water Resourced Protection Plan.

#### 3.3.2 EROSION CONTROL

Erosion and sediment control are important elements of the Water Resource Protection Plan (WRPP). The best management practices are designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery, including: hand irrigation at agronomic rates. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities in the "Other Documents..." section of this application for complete BMP recommendations and specifications.

### 3.4 WATERSHED AND HABITAT PROTECTION

Cultivation activities and related structures meet required setbacks from the nearest watercourse, providing a buffer between the cultivation operation and habitat. Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP. Refer to the WRPP in the "Other Documents..." section of this application for detailed descriptions of watershed and habitat protection measures.

### 3.4.1 MONITORING AND REPORTING

Adherence to the Water Resource Protection Plan (WRPP) will ensure monitoring is conducted and will confirm the effectiveness of corrected measures listed, and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. Elements of the WRPP that include a time schedule will also be reviewed during inspection.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.
- A Monitoring and Reporting Form (Order No. 2015-0023 Appendix B) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

### 3.5 ENERGY AND GENERATOR USE

Off-grid electricity is provided by a solar system with batteries and an inverter and generator back up. Use of the on-site generator is limited to power outage events and the need for supplemental power, and follows all guidelines set up by Humboldt County and the State of California. The generator is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator and diesel fuel is located within a secondary containment trough.

Generators used include Honda 3000 and 6500EV, for normal farm work requiring temporary/transportable power.

### 3.6 USE AND STORAGE OF REGULATED PRODUCTS

#### 3.6.1 BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are implemented when storing, handling, applying and disposing of fertilizers, pesticides and fungicides. Pesticides, nutrients, and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufacturer's instruction, in addition to secondary containment using plastic tubs. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications.

#### 3.6.2 FERTILIZERS

Nutrients and biological inoculants (maximum of 10 gallons each kept on site) used for cultivation are approved, commercially available, meet regulatory requirements and include:

- Organic Fertilizers
- Fish Emulsion
- Kelp, Silica, Bat Guano
- Primordial Solutions Sea Green
- Nitrozyme
- Liquid Fish

#### 3.6.3 PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Green Cleaner - 1 Gallon
- Forge SP - 1 Gallon
- Neem Oil - 1 Gallon
- Potassium Bicarbonate - 1 Gallon
- Predatory Insects - introduced as needed

#### 3.6.4 FUELS AND OILS

Fuels and oils stored on site include:

- Gasoline – 300 Gallons

- Diesel – 1000 Gallons

### **3.7 WASTE MANAGEMENT PLAN**

#### **3.7.1 SOLID WASTE MANAGEMENT**

Trash and recycling containers are located near the barn on a concrete pad in covered containers. Solid waste and recycling are hauled off-site to the Redway transfer station at least once per week.

#### **3.7.2 CULTIVATION WASTE AND SOIL MANAGEMENT**

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area (Property Map). Soils are amended and reused each season. Used pots are collected and stored in the barn for the winter. All packaging from soil amendments and fertilizers is collected and disposed at an appropriate waste transfer facility.

## 4 PRODUCT MANAGEMENT

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### 4.1 PRODUCT TESTING AND LABELING

Samples are selected from a maximum 10-pound batch of a harvested cannabis varietal and are tested by a licensed third-party lab in accordance with State and local standards prior to transport off site. The finished product is labeled to include tracking ID's provided by MERTC.

### 4.2 PRODUCT INVENTORY AND TRACKING

The Agent in Charge and Lead Cultivator ensure all cannabis from seed or clone to product packaged for transport off farm is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with METRC. The information recorded for each harvest includes:

- Cultivation canopy area
- Product ID numbers and product weight
- Staff identification (at each step)
- Weight of flowers, leaves, by-product, and waste and after drying and separation
- Physical location of the plant material at all times

### 4.3 TRANSPORTATION AND DISTRIBUTION

Transportation and Distribution will be arranged with licensed transporter/distributor in accordance with State and Local regulations. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest is created by the distributor/transporter and includes:

- METRC ID numbers and product weight
- Route
- Origin and destination addresses
- Log of departure and arrival times

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported to ensure physical inventory coincides with the transport manifest.



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

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION H506011

CERTIFICATE H100566

Right Holder: *Rebel Grown LLC*  
1271 Evergreen Road 121  
Redway, CA 95560

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 04/25/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
POD 3	Chemise Creek	Eel River	Pacific Ocean	40.038169	-123.576876	Humboldt	218-091-008
POD 2	Unnamed Stream	Chemise Creek	Eel River	40.038073	-123.578252	Humboldt	218-091-008

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection, Fish and Wildlife Preservation and Enhancement	Humboldt	218-091-008	0.99

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 04/18/2019.

The place of use is shown on the map filed on 04/18/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 4.19 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 4.85333 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.** For

onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

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

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

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

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

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
  - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and
  - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 04/18/2019 14:23:32

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



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2016-0456-R1

Unnamed Tributaries to Chamise Creek, Tributary to the Eel River and the Pacific Ocean

Mr. Daniel Pomerantz  
 Pomerantz Water Diversion and Road/Stream Crossings Project  
 6 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on September 19, 2016, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Chamise Creek watershed, approximately 9.7 miles south southeast of the town of Alderpoint, County of Humboldt, State of California. The project is located in Section 11, T5S, R5E, Humboldt Base and Meridian; in the Jewitt Rock U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 218-091-08; latitude 40.038 N and longitude 123.578 W.

**PROJECT DESCRIPTION**

The project is limited to six encroachments (Table 1). Three encroachments are for water diversion from unnamed tributaries to Chamise Creek. Water is diverted from two separate Class III watercourses and an on-stream pond for domestic use and irrigation.

Work for the water diversion will include use and maintenance of the water diversion infrastructure. Three other proposed encroachments are to upgrade failing and undersized culverts at road/stream crossing locations. Work for these encroachments will include excavation, removal of the failing or undersized culverts, replacement with a new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

**Table 1. Project encroachments with description**

ID	Latitude/Longitude	Description
POD-1	40.0389, -123.5784	Point of diversion (POD) diverts shallow groundwater for domestic use
POD-2	40.0381, -123.5783	POD in Class III stream
POD-3	40.0382, -123.5769	On-stream pond fed by ephemeral Class III stream
X-ing-1	40.0378, -123.5770	Armor outlet of pond downspout and replace existing 12" diameter culvert with minimum 18" diameter culvert at road/stream crossing
X-ing-2	40.0365, -123.5786	Undersized existing 12" diameter culvert to be replaced with minimum 24" diameter culvert
X-ing-3	40.0366, -123.5797	Undersized existing 42" diameter culvert to be replaced with minimum 54" diameter culvert

## PROJECT IMPACTS

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

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

### Impacts to water quality:

increased water temperature;  
reduced instream flow;  
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:

cumulative effect when other diversions on the same stream are considered;  
diversion of flow from activity site;  
direct and/or incidental take;

indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

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

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

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

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on September 19, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species, including fish and other aquatic life, in good condition below the point of diversion.
- 2.4 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted from POD-1 and POD-2 during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittee.
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.7 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.8 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch

for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.

- 2.9 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.10 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.11 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### **Stream Crossings**

- 2.13 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 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 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 1 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.
- 2.17 Work Completion. The proposed work shall be completed by no later than **October 1, 2017**. A notice of completed work shall be submitted to CDFW via email within 7 days of project completion.
- 2.18 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.
- 2.19 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.
- 2.20 Culvert Installation.
- 2.20.1 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.
- 2.20.2 Culvert shall be installed to grade, 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).
- 2.20.3 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.



2.20.4 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.

2.20.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq 1.5$  times the width of the active (bankfull) channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

## 2.21 Rock Armor Placement.

2.21.1 No heavy equipment shall enter the wetted stream channel.

2.21.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.21.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.21.4 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 Project Inspection. The Project shall be inspected by Timberland Resource Consulting or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

## 3. Reporting Measures

3.1 Measurement of Diverted Flow. Copies of the **water diversion records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2017.**

3.2 Water Management Plan. The **Permittee shall submit a Water Management Plan** (condition 2.6) **no later than May 15, 2017**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

3.3 Work Completion. A **Notice of Completed Work** shall be submitted to CDFW via email within 7 days of project completion (condition 2.17).

3.4 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.22) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

## CONTACT INFORMATION

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

To Permittee:

Mr. Daniel Pomerantz  
1271 Evergreen Road #121  
Redway, California 95560  
617-290-9850  
[noahpomerantz@gmail.com](mailto:noahpomerantz@gmail.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2016-0456-R1  
[david.manthorne@wildlife.ca.gov](mailto:david.manthorne@wildlife.ca.gov)

## LIABILITY

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

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

## SUSPENSION AND REVOCATION

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

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes



the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## TRANSFER AND ASSIGNMENT

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

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

## EXTENSIONS

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

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

## EFFECTIVE DATE

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

## TERM

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

## **AUTHORITY**

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

## **AUTHORIZATION**

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

## **CONCURRENCE**


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

**FOR Mr. Daniel Pomerantz**

  
\_\_\_\_\_  
Daniel Pomerantz

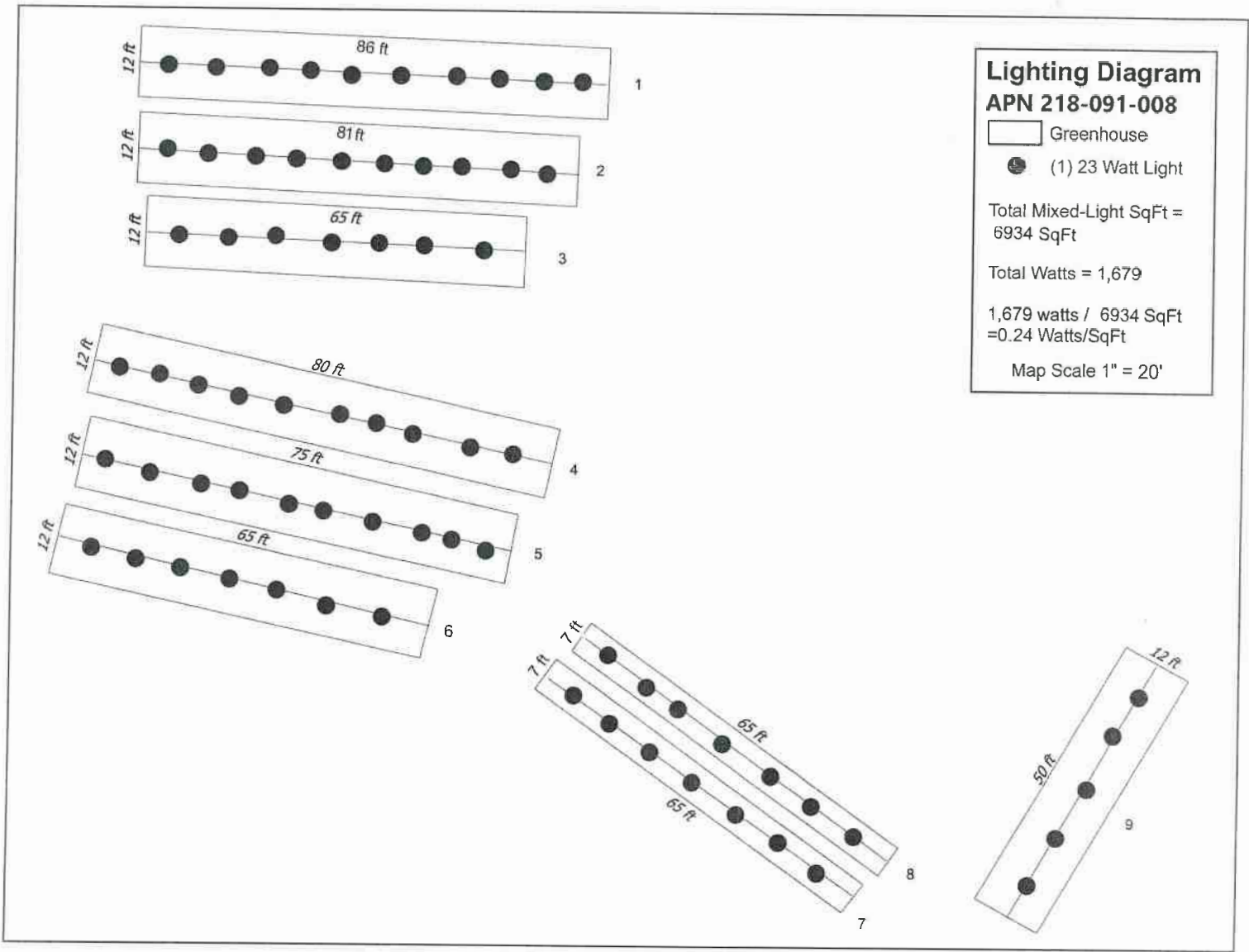
2/14/17  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Scott Bauer  
Senior Environmental Scientist Supervisor

6/15/17  
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, November 30, 2016



**Lighting Diagram**  
**APN 218-091-008**

Greenhouse  
 (1) 23 Watt Light

Total Mixed-Light SqFt = 6934 SqFt  
 Total Watts = 1,679  
 $1,679 \text{ watts} / 6934 \text{ SqFt} = 0.24 \text{ Watts/SqFt}$   
 Map Scale 1" = 20'

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Comments	<b>Attached</b>
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
CAL FIRE	✓	Comments	<b>Attached</b>
California Department of Fish & Wildlife	✓	Additional Information Requested	<b>Attached</b> Staff Response Included
Northwest Information Center	✓	Further Study	On file and confidential
Palo Verde Fire Protection District		Comments	
Southern Humboldt Joint Unified School District		No response	
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
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

4/30

8/30/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff's Department School District, Palo Verde Fire Protection District, Southern Humboldt Joint Unified School District

**Applicant Name** Rebel Grown, LLC **Key Parcel Number** 218-091-008-000

**Application (APPS#)** 11223 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-189

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 9/14/2017**

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: 4/30/18

PRINT NAME: Rudy Marenghi

218-091-008



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.: 46420/11223  
Parcel No.: 218-091-008  
Case No.: CUP16-189

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

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show all structures w/ use and dimensions, show storage building south of residence w/ an apartment (change use), SMA of all streams, all DRC's, all connex shipping containers, all propane tanks, all GH's drawn on plot plan with dimensions, each GH numbered, all solar panels, all proposed ~~existing~~ structures, the pond on the south section of parcel as decommissioned, and proposed solar panel.

Name: Rudy Marenghi

Date: 4/30/18

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





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



DEH received  
8-30-17

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

17/18-0516

**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, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff's Department School District, Palo Verde Fire Protection District, Southern Humboldt Joint Unified School District

**Applicant Name** Rebel Grown, LLC **Key Parcel Number** 218-091-008-000

**Application (APPS#)** 11223 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-189

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

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

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

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

**Return Response No Later Than**

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

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
3. **Legalize or destroy the well:** A shallow well is described in project description. Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

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





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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

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

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

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

LAND USE 445-7409



**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 02-28-2018

RE:

Applicant Name	REBEL GROWN, LLC
APN	218-091-008
APPS#	11223

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11223

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //

Exhibit "D"

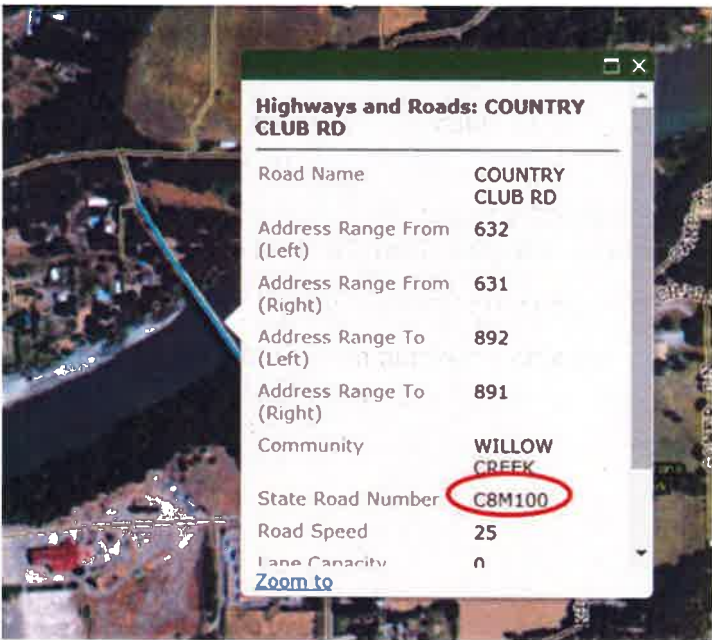
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

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



Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

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

// END //

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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

Ref: 7100 Planning  
Date: September 12, 2017

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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Rebel Grown, LLC  
**APN:** 218-091-008-000  
**Area:** Palo Verde  
**Case Numbers:** CUP16-189

**Humboldt County Application #:** 11223  
**Type of Application:** Conditional Use Permit  
**Date Received:** 8/31/2017  
**Due Date:** 9/14/2017

**Project Description:** A Conditional Use Permit for an existing outdoor and mixed-light cultivation operation totaling 43,560 square feet (SF) in size. The mixed-light cultivation area totals 13,400 SF and outdoor cultivation totals 30,160 SF. Water is supplied by a spring, a man-made pond, and a shallow well for cultivation and domestic use. Water use is estimated to be approximately 240,000 gallons for irrigation during a typical year. Water storage for domestic and irrigation use is provided in the form of water storage tanks. The property has 90,000 gallons of storage in hard tanks and a bladder. Additional water storage for irrigation use is provided in an existing pond which has the capacity of 1.5 million gallons. Harvested cannabis will be processed on-site at the proposed 1,200 SF processing facility and off-site as it becomes available. The Applicant anticipates hiring a maximum of fourteen (14) employees at peak harvest and processing season. Electricity is provided by solar panels with a generator, use of the on-site generator is limited to power outage events. Generators used include Honda 3000 and 6500EV, as needed for charging solar batteries and/or normal farm work requiring temporary/transportable power.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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



## RESOURCE MANAGEMENT

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

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

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

## **Cannabis**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

**Laney, Megan**

---

**From:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Sent:** Monday, October 02, 2017 3:46 PM  
**To:** Planning Clerk  
**Subject:** FW: 218-091-008-000 Rebel Grown, LLC

RECEIVED  
OCT 10 2017  
Humboldt County  
Planning Division

Chris Ramey  
Battalion Chief, Fire Planning

**CAL FIRE**

Humboldt-Del Norte Unit  
C: 707-599-6442  
Duty Days: Tues-Fri

**From:** Lake, M. Isaac@CALFIRE  
**Sent:** Friday, September 22, 2017 3:09 PM  
**To:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Subject:** APN: 218-091-008-000 Rebel Grown, LLC

No additional comments from B-1211 other than any artificial lighting being used shall be shielded so that little or no light escapes.

*M. Isaac Lake*  
Battalion Chief  
**CAL FIRE**  
**HUMBOLDT-DEL NORTE UNIT**  
Battalion 1  
Alderpoint~Garberville~Thorn  
Cell (707) 499-2249  
Office (707) 923-3446  
Schedule Thrs, Fri, Sat  
[MLake@fire.ca.gov](mailto:MLake@fire.ca.gov)



**From:** [Bocast, Kalyn@Wildlife](mailto:Bocast.Kalyn@Wildlife)  
**To:** [Yandell, Rodney](mailto:Yandell.Rodney)  
**Cc:** [Planning Clerk](mailto:Planning.Clerk); [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)  
**Subject:** Rebel Grown LLC, Conditional Use Permit, APPS-11223, APN: 218-091-008, CEQA-2017-0653  
**Date:** Friday, January 05, 2018 1:12:29 PM  
**Attachments:** [PT-11223-8.28.2017.pdf](#)  
[CEQA Referral APPS-11223 CEQA-2017-0653.pdf](#)  
[Exhibit A Bullfrog Management Plan-CEQA 2017 0653 HumCo-APPS-11223.pdf](#)

---

To Whom It May Concern,

Please see the attached comments regarding the subject application.

Thank you for the opportunity to comment on this project.

Sincerely,

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



## California Department of Fish and Wildlife CEQA Referral Checklist

Applicant: Rebel Grown LLC			
Co APPS: 11223	APN: 218-091-008	CDFW CEQA: 2017-0653	<input type="checkbox"/> ZCC <input type="checkbox"/> SP <input checked="" type="checkbox"/> CUP
<input type="checkbox"/> New Size (SF):	<input checked="" type="checkbox"/> Existing Size (SF): 43,560	<input checked="" type="checkbox"/> Mixed-light <input checked="" type="checkbox"/> Outdoor <input type="checkbox"/> Indoor <input type="checkbox"/> RRR	

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

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.
- ☒ A Final Lake or Streambed Alteration Agreement (LSA#: 1600-2016-456) was issued to the applicant in June of 2017. As of January 2018, the reporting requirements in the Agreement have not been met. CDFW recommends as a condition of project approval, that the applicant provide all requested reporting information, pursuant to the Agreement, to the Department.
- ☒ The referral materials state that there is a constructed pond onsite. CDFW requests, as a condition of Project approval, that the applicant comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- ☒ CDFW requests, as a condition of Project approval, all Mixed-light (greenhouses and generators) be relocated to stable surfaces with a minimum 200ft buffer from Class I and Class 2 streams (measured horizontally from the outer edge of the riparian).
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 33,600 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- ☒ Aerial imagery suggests that the cultivation area has expanded approximately 8,000 square feet post January 1, 2016.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle



(*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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

## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0329-R1**

#### **GENERAL BULLFROG INFORMATION**

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### **MONITORING**

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of two total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of two total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### **SUCCESS CRITERIA**

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

## Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

## REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

## APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.



## Max C. Hilken

---

**From:** Max C. Hilken  
**Sent:** Tuesday, August 17, 2021 4:03 PM  
**To:** 'Gregory.Oconnell@wildlife.ca.gov'; 'Michael.VanHattem@wildlife.ca.gov'  
**Cc:** Meghan Ryan; Johnson, Cliff  
**Subject:** Re: CDFW comments response on App# 11223, Rebel Grown, LLC, APN: 218-091-008  
**Attachments:** Site Plan Cover Final.pdf; 11223 WRPP.pdf; 11223 Right to Divert and use Water 02.09.2021.pdf; 11223 Cultivation and Operations Plan 02.09.2021.pdf; 11223 Lake and Streambed Alteration Agreement 02.09.2021.pdf; 11223\_ref\_CDFW.pdf

Good afternoon, Greg O'Connell and Michael Van Hattem - I hope this email finds you well. Below are my responses to CDFW comments for APPS #11223.

1. The applicant is conditioned to adhere to and implement all the requirements as included in the Final Streambed Alteration Agreement (Notification NO. 1600-2016-0456-R1) (attached).
2. The project is conditioned to adhere to and implement the Bullfrog management plan.
3. Per the applicants site plan (attached) it appears the currently proposed locations for greenhouses and generators are between Class III streams outside the standard SMA buffer (Site Plan updates to include the actual buffer are also conditioned) which I believe would prevent erosion or sediment transportation to Class II streams located onsite.
4. The project has been reduced from the original 43,560 SF requested down to 30,620 SF which is below the confirmed cultivation amount by CDFW review (33,600 SF).
5. The expansion mentioned appears to be a footprint relocation, no additional cultivation appears to have been grown beyond the confirmed CAV amount.
6. The project is conditioned to include proper waste management, prohibition on synthetic materials used for erosion control, noise and light attenuation (International Dark Sky standards and 50dba limit), and adherence to the Bullfrog management plan for the protection of any potential sensitive species (none shown when using BIOS onsite – per 2021).

For ease of review, I am including the CDFW original comments, LSAA, Water Resources Protection Plan (WRPP), Right to Diver and Use Water, updated Site Plan (additional details are required as conditioned), and updated project description (below).

### Project Description:

A Conditional Use Permit for continued cultivation of 30,620 square feet (SF) of cannabis of which 6,942 SF utilizing mixed light techniques in nine (9) greenhouses, and the remaining 23,678 SF of outdoor cultivation. Ancillary propagation occurs in two (2) hoop house structures (1,536 SF and 600 SF), a 300 SF portion of the storage building, and 626 SF in front of and around the greenhouse as needed totaling 3,065 SF. Water for irrigation is sourced from a spring point of diversion and an onstream pond. Water storage on site consists of one (1) 1,500,000-gallon pond and eighteen (18) 5,000-gallon hard water tanks. Drying and curing activities occur within three 600-square-foot rooms within a two story 1,800-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of fourteen (14) employees may be utilized onsite. Power is provided by a 5 KW solar array with 2 generators onsite to act as a source of power propagation, drying, and curing. A Special Permit is required for the continued use of a Point of Diversion located within the Streamside Management Area in accordance with the Streamside Management and Wetland Area ordinance.

Please let me know if you have any questions or need any additional information.

Best,

Max Hilken



Max C. Hilken  
Associate Planner  
LACO Associates  
**Eureka** | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
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