



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: September 16, 2021

To: Humboldt County Planning Commission

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

Subject: **West Side Heritage Farms, Inc., Conditional Use Permit**
Record Number: PLN-12928-CUP
Assessor's Parcel Number (APN): 220-312-007
Redway area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 16, 2021	Conditional Use Permit	Abbie Strickland

Project Description: The applicant is seeking a Conditional Use Permit for 14,400 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project is supported by a nursery located on the adjacent parcel under the same ownership (220-312-010). The nursery is shared between three applications and does not exceed 10 percent of the combined cultivation area. Water for irrigation is sourced from an existing well located on an adjacent parcel under the same ownership (APN 220-312-010) and a 2-million-gallon rainwater catchment pond is proposed. Projected annual water usage totals 150,000 gallons. Existing available hard tank water storage totals 50,000 gallons. Processing such as drying and curing will occur onsite in shipping containers, and further processing occurs offsite at a licensed third-party processing facility. A maximum of three employees will be onsite during the peak season, if required. Electricity is sourced from a solar array and the applicant will have a generator onsite to provide supplemental energy, if needed.

Project Location: The project is located in Humboldt County, in the Redway area, on the north side of Briceland-Thorne Road, approximately 4,800 feet north from the intersection of Seely Creek Road and Briceland-Thorne Road, on the properties known to be in Section 4, 5, and 9 of Township 04 South, Range 03 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: 40 acres per unit; Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2).

Present Zoning: Forestry Recreation (FR), Minimum building site area is 40 acres (B-5(40)); Unclassified (U).

Record Number: PLN-12928-CUP

Assessor's Parcel Number: 220-312-007

Applicant

West Side Heritage Farms, Inc.
Trevor Anderson
4063 East Antelope Road
Eagle Point, Oregon 97524

Owner

North Coast Land Management LLC
4063 East Antelope Road
Eagle Point, Oregon 97524

Agents

Clearwater Ag Services
Diana Totten
446 Maple Lane
Garberville, CA 95542

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.

West Side Heritage Farms, Inc.
Record Number: PLN-12928-CUP
Assessor's Parcel Number: 220-312-007

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Find the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, making all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the West Side Heritage Farms, Inc., project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Conditional Use Permit for 14,400 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project is supported by a nursery located on the adjacent parcel under the same ownership (220-312-010). The nursery is shared between three applications and does not exceed 10 percent of the combined cultivation area. Processing such as drying and curing will occur onsite in shipping containers, and further processing occurs offsite at a licensed third-party processing facility. A maximum of three employees will be onsite during the peak season.

The applicant has been operating under an interim permit for 10,800 square feet of mixed light cultivation. Upon approval, the applicant will be authorized to cultivate 14,400 square feet of outdoor cultivation which does not exceed the amount identified in the *Cultivation Area Verification* completed by the County. The applicant will no longer conduct mixed light cultivation activities and instead will utilize light deprivation techniques to achieve two harvests annually.

Energy Resources

Energy for the project is supplied by a solar array that consists of sixteen 250-watt panels. A battery storage bank and an inverter are installed in the shipping container on site. The panels provide adequate energy to power small fans, dehumidifiers, and water pump. A small portable generator is onsite to provide supplemental energy, if needed.

Water Resources

Irrigation water is sourced from an existing permitted well located on an adjacent parcel under the same ownership (APN 220-312-010). However, the applicant has proposed to install a 2-million-gallon rainwater catchment pond which is projected to be installed prior to the 2022 cultivation season. Projected annual water usage for this project totals 150,000 gallons (10.4 gal/SF). Existing onsite hard tank water storage totals 50,000 gallons and an additional 25,000 gallons is proposed to be installed. The applicant submitted a *Well Completion Report* which shows that the well penetrated multiple layers of basalt and before reaching water at 45 feet and landing at a depth of 200 feet. The well is located over 500 feet east of the nearest watercourse.

The project was referred to the Division of Environmental Health (DEH) who recommended that the owner shall install a permitted onsite wastewater treatment system (OWTS), associated with a permitted structure, to support the needs of the project or the permittee shall provide portable toilet(s) to the cultivation areas. The applicant is currently utilizing portable toilets and will continue to do so. A condition of approval for the project will require the applicant to provide receipts to DEH on an annual basis and keep a copy of these records at the cultivation site to be made available during the applicant's annual

inspection. Alternatively, the applicant may provide documentation to the Planning Department showing that a permitted OWTS has been installed (**Ongoing Requirement B-4**).

Biological Resources

A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped near the subject parcel. The Foothill yellow-legged frog has been mapped south of the subject parcel along what appears to be Seely Creek. Seely Creek runs through the center of the subject parcel and is tributary to Redwood Creek. The subject parcel may contain habitat for the Foothill yellow-legged frog; however, the project is not anticipated to impact the Foothill yellow-legged frog as all cultivation related infrastructure will adhere to the required Streamside Management Area setbacks. Currently, all cultivation related infrastructure is located over 150 feet from Seely Creek, a Class I watercourse. Noise attenuation has been included an ongoing condition for the project. The condition will require that noise from cultivation related activities does not result in the increase of more than 60 decibels of continuous as measured from the property line (**Ongoing Requirement B-3**).

The project was referred to the California Department of Fish and Wildlife (CDFW) and no response was received. However, the applicant has submitted the Final Lake and Streambed Alteration Agreement (LSAA) which was drafted for the Timber Harvest Plan. The LSAA includes the replacements of culverts and the maintenance of temporary crossings. The provisions of the LSAA will improve hydrology and protect water quality. The applicant will be required to implement these provisions in accordance with their active Timber Harvest Plan.

Tribal Cultural Resource Coordination

The applicant submitted a *Archaeological Survey Report prepared by Hohman and Associates dated January 19, 2017*. The report was conducted for the active Timber Harvest Plan on the parcel. No cultural resources were identified within the project area which included the subject parcel. The report was dispersed to the applicable tribes for review. The report concluded that the project is not anticipated to adversely impact cultural, Tribal, or historic resources with the existing footprint. The report was forwarded to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band requested that the Inadvertent Discovery Protocol be a requirement of the project. This has been included as an ongoing requirement of the project (**Ongoing Requirement C-2**).

Access

Access to the site is via a private access road, Seely Creek Road, which is located off Briceland Road. Briceland Road is a county-maintained road which is developed to a category 4 road standard. A *Road Evaluation Report* for Seely Creek Road was prepared by Clearwater Ag Services which indicates Seely Creek meets the functional capacity required for the project. Provisions have been made within the applicants LSAA to improve the access road to prevent discharge of sediment to nearby watercourses.

The project was referred to the Department of Public Works Land Use Division which requested two conditions of approval be added to the project which would require the applicant to improve and maintain visibility where Seely Creek Road intersects with Briceland Road and pave the apron where Seely Creek Road intersects with Briceland Road, if Briceland Road is paved. These recommendations have been included as conditions of approval for the project (**Condition of Approval A.7**).

The subject parcel is located the State Fire Responsibility Area and is designated high fire hazard severity. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in state responsibility designated areas. A condition of approval will require the applicant to submit a revised Site Plan demonstrating the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and

emergency vehicle turn around into compliance (**Condition of Approval A.8**). The project was referred to CAL FIRE which responded stating they have no issues with 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.

Shared Resources

The project is supported by a 4,000 square foot nursery located on the adjacent parcel under the same ownership (220-312-010). The nursery contains propagation for four adjacent applications under the same ownership (the subject application PLN-12928, 12893, 12885, and 12938) and does not exceed the 10% threshold of the combined cultivation area (49,232 square feet). The consolidated propagation space prevents the applicant from having to provide a propagation greenhouse and associated power supply for each individual parcel.

Water for irrigation for all four projects is sourced from an existing well located on an adjacent parcel under the same ownership (APN 220-312-010) and a 2-million-gallon rainwater catchment pond is proposed. Once the pond is constructed all four applications will obtain irrigation water from the rainwater catchment pond and will utilize the well as a supplemental water source. Projected annual water usage for all of the projects combined totals 395,000 gallons per year. While ordinarily the Planning Department would seek to bring all four applications forward at the same time, the other three are not completely ready for a public hearing and the Department supports approving this application so that the rainwater pond can be constructed before this winter. All four applications are considered and analyzed in the CEQA addendum.

RECOMMENDATION: 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.

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 20-
Record Number PLN-12928-CUP
Assessor's Parcel Number: 220-312-007**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the West Side Heritage Farms, Inc., Conditional Use Permit request.

WHEREAS, West Side Heritage Farms, Inc., is seeking a Conditional Use Permit for 14,400 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project is supported by a nursery located on the adjacent parcel under the same ownership (220-312-010). The nursery is shared between three applications and does not exceed 10 percent of the combined cultivation area. Water for irrigation is sourced from an existing well located on an adjacent parcel under the same ownership (APN 220-312-010) and a 2-million-gallon rainwater catchment pond is proposed. Projected annual water usage totals 150,000 gallons. Existing available hard tank water storage totals 50,000 gallons. Processing such as drying and curing will occur onsite in shipping containers, and further processing occurs offsite at a licensed third-party processing facility. A maximum of three employees will be onsite during the peak season, if required. Electricity is sourced from a solar array and the applicant will have a generator onsite to provide supplemental energy, if needed.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMLLUO) 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 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: A Conditional Use Permit for 14,400 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are used to achieve two harvests annually. The project is supported by a nursery located on the adjacent parcel under the same ownership (220-312-010). The nursery is shared between three applications and does not exceed 10 percent of the combined cultivation area. Water for irrigation is sourced from an existing well located on an adjacent parcel under the same ownership (APN 220-312-010) and a 2-million-gallon rainwater catchment pond is proposed. Projected annual water usage totals 150,000 gallons. Existing available hard tank water storage totals 50,000 gallons. Processing such as drying and curing will occur onsite in shipping containers, and further processing occurs offsite at a licensed third-party processing facility. A maximum of three employees will be onsite during the peak season, if required. Electricity is sourced from a solar array and the applicant will have a generator onsite to provide supplemental energy, if needed

EVIDENCE: a) Project File: PLN-12928-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) A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped on and near the subject parcel. The Foothill yellow-legged frog has been mapped near the Class II stream that runs through the subject parcel. All cultivation related infrastructure and activities will maintain the required setbacks from all Streamside Management Areas.
- c) Noise attenuation has been included an ongoing condition for the project. The condition will require that noise from cultivation related activities does not result in the increase of more than 60 decibels of continuous as measured from the property line.
- d) Irrigation water is sourced from an existing permitted groundwater well located on an adjacent parcel under the same ownership (APN 220-312-010). The applicant has proposed to install a 2-million-gallon rainwater catchment pond which is projected to be installed prior to the 2022 cultivation season.
- e) Energy for the project is supplied by a solar array that consists of sixteen 250-watt panels. A battery storage bank and an inverter are installed in the shipping container on site. The panels provide adequate energy to power small fans, dehumidifiers, and water pump. A small portable generator is onsite to provide supplemental energy, if needed.
- f) The cultivation of cannabis and the development of the proposed pond will not result in the net conversion of timberland.
- g) The applicant submitted an *Archaeological Survey Report prepared by Hohman and Associates dated January 19, 2017*. No cultural resources were identified within the project area which included the subject parcel. The report concluded that the project, as proposed, is not anticipated to adversely impact cultural, Tribal, or historic resources. The report was forwarded to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band requested that the Inadvertent Discovery Protocol be a requirement of the project. This has been included as an ongoing requirement of the project.
- h) A *Road Evaluation Report* for the private access road was prepared by Clearwater Ag Services dated August 12, 2018, which states that the private access road meets the functional capacity required for the project's needs. Provisions have been made within the applicants LSAA to improve the private access road and driveway to prevent the discharge of sediment to waterways and protect water quality.

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The existing cannabis cultivation, an agricultural product, is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The existing development is consistent with the purposes of the Forest Recreation Zone (FR) and combining Unclassified Zone (U) in which the site is located.
- EVIDENCE**
- a) General agriculture is a principally permitted use in the FR Zone
 - b) General agriculture is a principally permitted use in the U Zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows up to one acre of outdoor cannabis cultivation in the RA zoning district on a parcel over 5 acres, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application is for 14,400 square feet of existing cultivation which has been verified by the Planning Department and is located on an 80-acre parcel.
- 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 only when possible to eliminate existing violations and bring the project into compliance (HCC 314-55.4.8.2.2). This application is for a Conditional Use Permit for 14,400 square feet of outdoor commercial cannabis within the FR zone.
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations as it was created in its current configuration by Determination of Status 16-006 and Certificate of Subdivision Compliance 2019-008358.
 - c) Energy for the project is supplied by a solar array that consists of sixteen 250-watt panels. A battery storage bank and an inverter are installed in the shipping container on site. The panels provide adequate energy to power small fans, dehumidifiers, and water pump. A small portable generator is onsite to provide supplemental energy, if needed.
 - d) Irrigation water is sourced from an existing permitted groundwater well located on an adjacent parcel under the same ownership (APN 220-312-010). The applicant has proposed to install a 2-million-gallon rainwater catchment pond which is projected to be installed prior to the 2022 cultivation season
 - e) A *Road Evaluation Report* for the private access road was prepared by Clearwater Ag Services dated August 12, 2018, which states that the private access road meets the functional capacity required for the project's needs. Provisions have been made within the applicants LSAA to improve the private access road and driveway to prevent the discharge of sediment to waterways and protect water quality.

- f) Noise attenuation has been included as an ongoing condition for the project. The condition will require that noise from cultivation related activities does not result in the increase of more than 60 decibels of continuous as measured from the property line.
- g) The cultivation of cannabis will not result in the net conversion of timberland as no trees are proposed to be removed as a result of this project.
- h) A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped on and near the subject parcel. The Foothill yellow-legged frog has been mapped near the Class II stream that runs through the subject parcel. All cultivation related infrastructure and activities will maintain the required setbacks from all Streamside Management Areas.
- i) The applicant submitted an Archaeological Survey Report prepared by Hohman and Associates dated January 19, 2017. No cultural resources were identified within the project area which included the subject parcel. The report concluded that the project, as proposed, is not anticipated to adversely impact cultural, Tribal, or historic resources. The report was forwarded to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band requested that the Inadvertent Discovery Protocol be a requirement of the project. This has been included as an ongoing requirement of the project.
- j) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.

6. FINDING

The continued cultivation of 14,400 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area.
- b) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.
- c) The applicant submitted a *Archaeological Survey Report prepared by Hohman and Associates dated January 19, 2017*. No cultural resources were identified within the project area which included the subject parcel. The report concluded that the project, as proposed, is not anticipated to adversely impact cultural, Tribal, or historic resources. The report was forwarded to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band requested that the Inadvertent Discovery Protocol be a requirement of the project. This has been included as an ongoing requirement of the project.
- d) The applicant has submitted the Final Lake and Streambed Alteration Agreement (LSAA) which was drafted for the Timber Harvest Plan. The LSAA

includes the replacements of culverts and the maintenance of temporary crossings. The provisions of the LSAA will improve hydrology and protect water quality. The applicant will be required to implement these provisions in accordance with their active Timber Harvest 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 the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for West Side Heritage Farms, Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

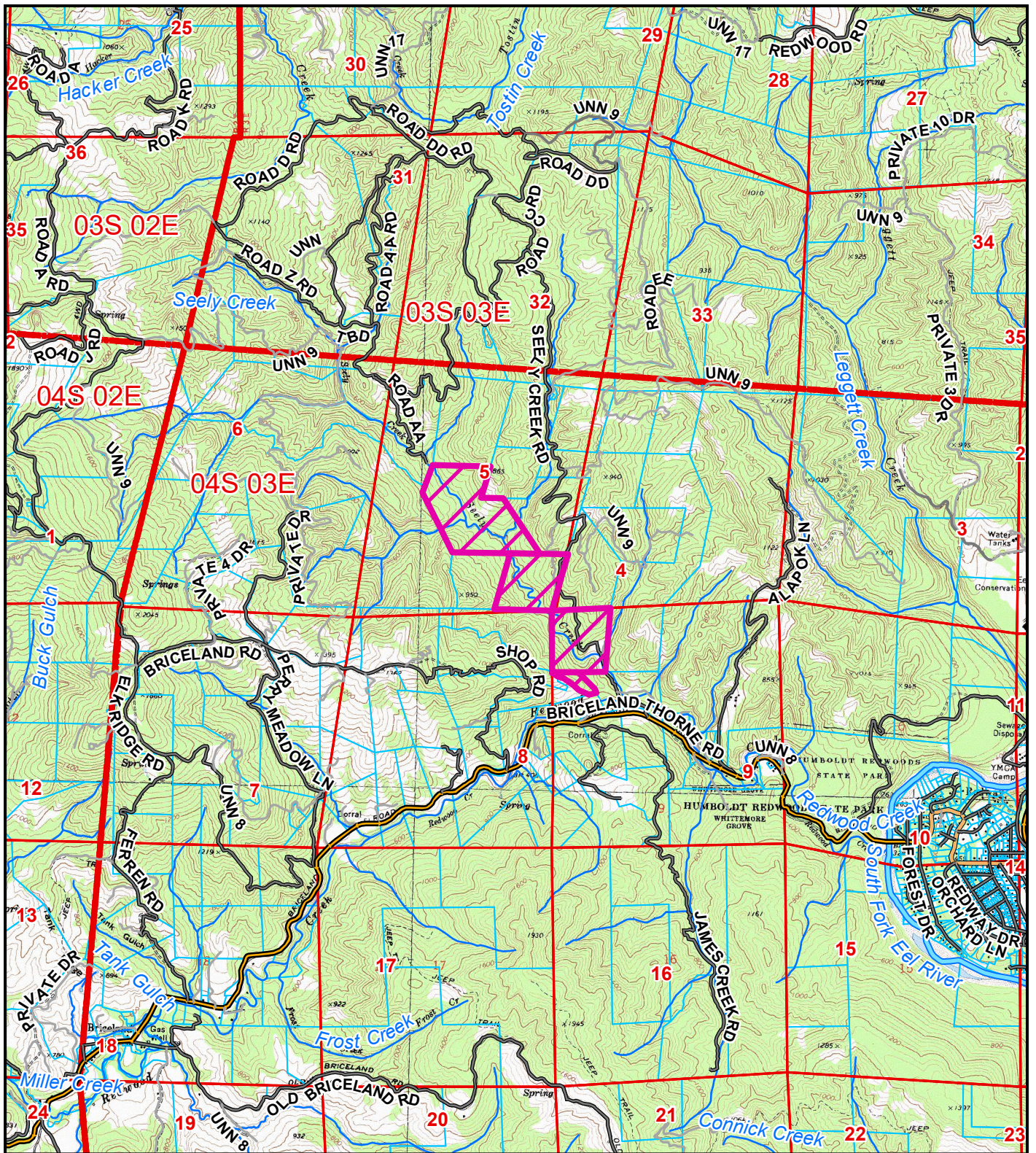
Adopted after review and consideration of all the evidence on September 16, 2021.

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 WEST SIDE HERITAGE FARMS
REDWAY AREA
PLN-12928-CUP
APN: 220-312-007; ET AL.
T04S R03E S5; S4; S9 HB&M (ETTERSBURG)

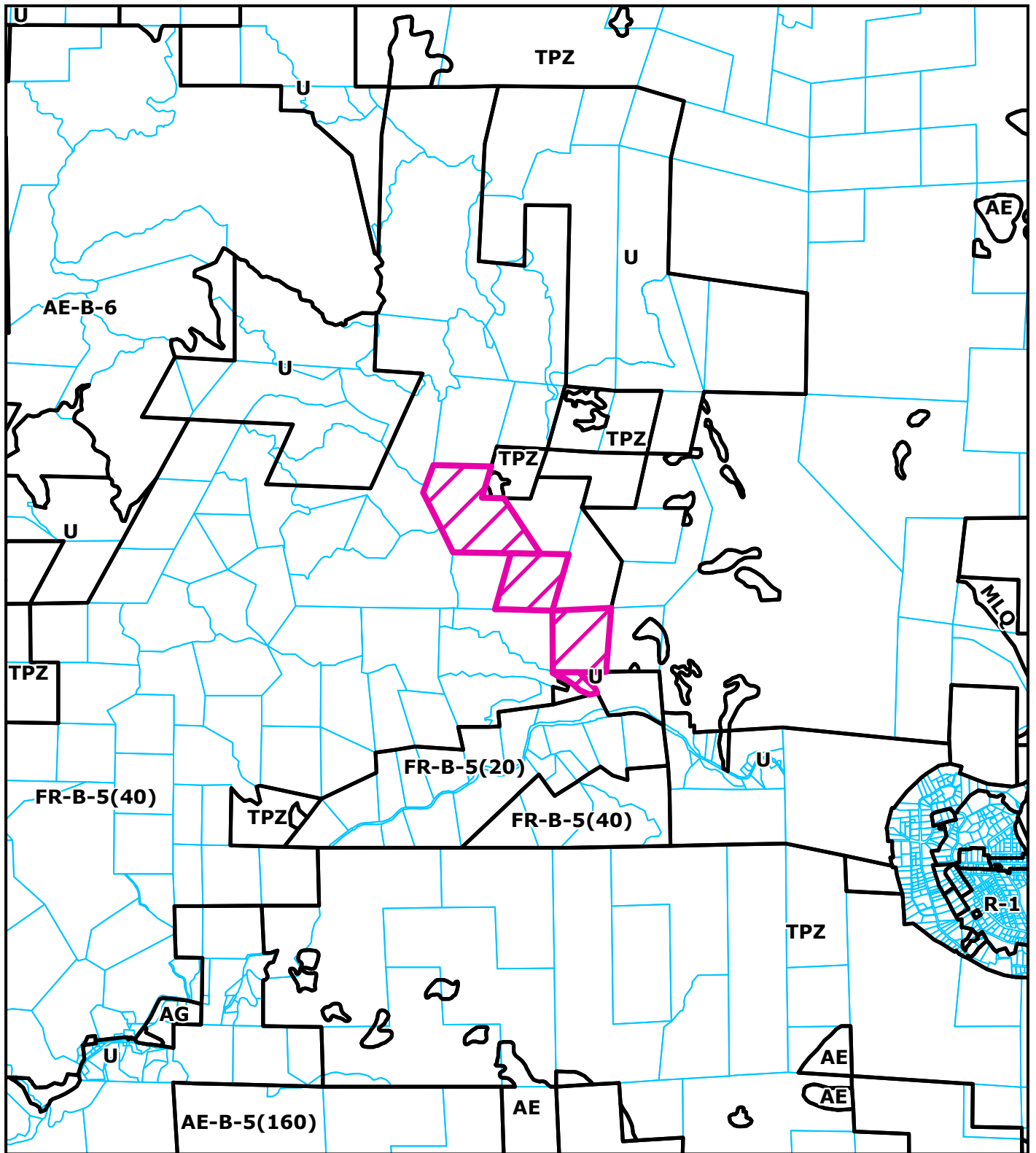
Project Area =



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

0 0.325 0.65 1.3 Miles





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.

ZONING MAP
PROPOSED WEST SIDE HERITAGE FARMS
REDWAY AREA
PLN-12928-CUP
APN: 220-312-007; ET AL.
T04S R03E S5; S4; S9 HB&M (ETTERSBURG)

0 0.325 0.65 1.3

Miles

SITE PLAN

PROJECT INFORMATION:

Applicant:
Westside Heritage Farms, LLC

Site Address:
Seely Creek Road
Redway, CA

APN: 220-312-007

Land Owner:
Northcoast Land Management
4063 E Antelope Road
Eagle Point, OR 97524

Agent:
Clearwater Ag Services
446 Maple Lane
Garberville, CA 95542

Mixed Light Cultivation Area: 14,400 Sq.Ft.

Trees to be Removed: None

Earthwork Quantities:

Water: Well on APN: 220-312-010

Sewer: Portable Toilet

Power: Solar

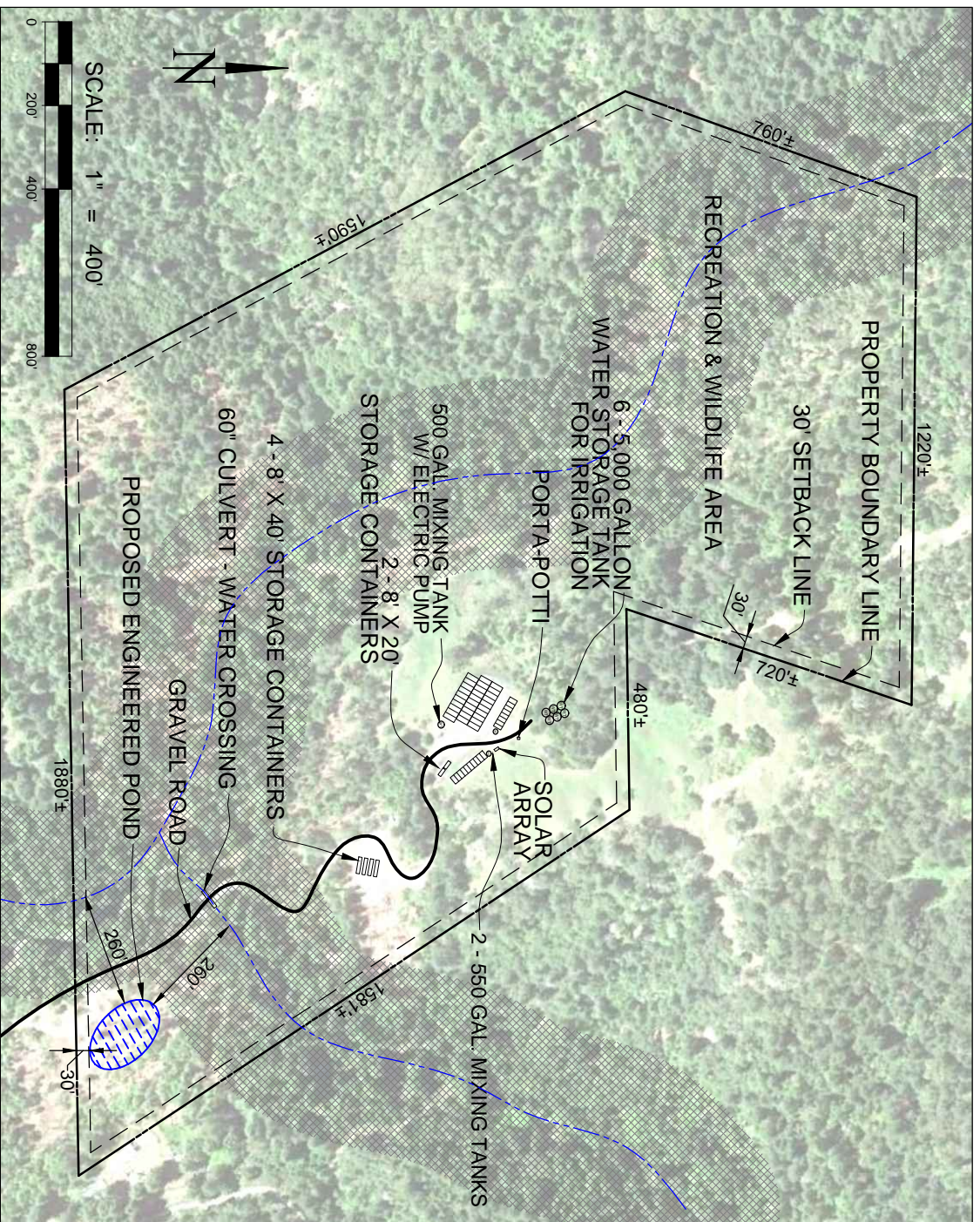
Parcel Size: 85± Acres

Zoning: FR-B-5(40)

General Plan Designation: RA40

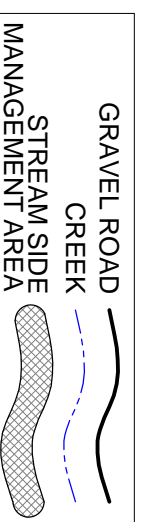
Easements: None

Stream Crossings: 1 - 60" Culvert



GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. APPLICANT HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.



707-923-2767

1/26/21

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #9. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, 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.
7. The applicant shall adhere to the following recommendations made by the Department of Public Works Land Use Division:
 - a) The applicant shall improve and maintain visibility where Seely Creek Road intersects with Briceland Road as recommended by the Department of Public Works- Land Use Division in accordance with the County's Sight Visibility Ordinance. Visibility will be assessed at the applicant's annual inspection.

- b) If Briceland Road has a paved surface at the intersection of Seely Creek Road, the applicant shall obtain an encroachment permit and the Seely Creek Road shall be paved for a minimum width of 20 feet and a length of 50 feet.

A letter or similar communication from the Department of Public Works stating the work has been completed to their satisfaction will satisfy this condition.

8. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
9. 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. 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 above, 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.
3. Noise from cultivation related activities must not result in the increase of more than 60 decibels of continuous as measured from the property line.
4. The applicant shall adhere to the recommendations provided by DEH which recommended the applicant provide portable toilets for cultivation areas. The receipts for portable toilet services shall be submitted to the Division of Environmental Health on an annual basis and a copy of these record shall be kept onsite for review during the applicant's annual inspection. If the applicant decides to install an onsite wastewater treatment system, a copy of the permit shall be submitted to the Planning Department to satisfy this requirement.
5. 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.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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).
17. 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.
18. 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).

19. 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.
20. 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. Pursuant to the Business and Professions 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."
27. 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).
28. 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.
29. 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.
30. 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
31. 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.
32. 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.
33. 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.
34. 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.

35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- Identifying information for the new owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - The specific date on which the transfer is to occur;
 - Acknowledgement of full responsibility for complying with the existing permit; and
 - Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. 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.

C. Informational Notes:

- Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
- 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 220-312-007; Seely Creek Road, Redway 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 applicant is seeking four separate Conditional Use Permits on four adjacent properties for a total of 44,432 square feet of existing outdoor cannabis cultivation and 4,800 square feet of existing mixed-light cultivation. Two harvests are anticipated for each project.

Project Number	Outdoor (SF)	Mixed Light (SF)	Total Cultivation Area (SF)	Annual Water Use (Gallons)	Primary Energy Source	Primary Water Source/Secondary Water Source
12928	14,400		14,400	150,000	Solar/ Generator	Existing Well/ Proposed Catchment Pond
12893	16,100		16,100	105,000	Solar/ Generator	Existing Well/ Proposed Catchment Pond
12885	11,000		11,000	77,000	P.G.E.	Existing Well/ Proposed Catchment Pond
12938	2, 932	4,800	7,732	77,000	P.G.E.	Existing Well/ Proposed Catchment Pond

The projects are supported by a single nursery located on the adjacent parcel under the same ownership (Apps 12893 or APN 220-312-010) and does not exceed the 10% threshold of the combined cultivation area. The consolidated propagation space prevents the applicant from having to provide a generator and propagation greenhouse for each individual parcel. Water for irrigation for all four projects is sourced from an existing well located on one of the parcels under the same ownership (APN 220-312-010) and a 2-million-gallon rainwater catchment pond is proposed to serve the cannabis cultivation areas. Projected annual water usage for all of the projects combined totals 395,000 gallons per year.

A review of the California Natural Diversity Database (CNDDb) found that species of special concern have been mapped near the subject parcels. The Foothill yellow-legged frog has been mapped along Seely Creek which runs through three of the four subject parcels and is tributary to Redwood Creek. The projects are not anticipated to impact the Foothill yellow-legged frog as all cultivation related infrastructure will adhere to the required Streamside Management Area setbacks. Currently, all cultivation related infrastructure is located over 150 feet from Seely Creek, a Class I watercourse.

The applicant submitted an *Archaeological Survey Report* prepared by Hohman and Associates dated January 19, 2017. No cultural resources were identified within the project area which included all four subject parcels. The report concluded that the projects, as proposed, are not anticipated to adversely impact cultural, Tribal, or historic resources. The report was forwarded to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyoone Wilderness Council. The Bear River Band requested

that the Inadvertent Discovery Protocol be a requirement of the projects. This has been included as an ongoing requirement of this project and will also be added to the other projects.

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.

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 14,400 square feet of cultivation with ancillary propagation and 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 (see Attachment 3 for a complete listing):

- *Site Plan* prepared by Clearwater Ag Services dated August 27, 2021.
- *Cultivation and Operations Plan* prepared by Clearwater Ag Services dated August 27, 2021.
- *Site Management Plan* prepared by Clearwater Ag Services for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- *Road Evaluation Report* prepared by Clearwater Ag Services dated October 3, 2019.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- *Archaeological Survey Report* prepared by Hohman and Associates dated January 19, 2017.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (*Site Plan* prepared by Clearwater Ag services received 8/27/2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (*Cultivation and Operations Plan* prepared by Clearwater Ag Services dated August 27, 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. (Not applicable).
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Addendum to the Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (*Site Management Plan* prepared by Clearwater Ag Services received November 7, 2019- **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0159-R1- **Attached**)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

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

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. *Road Evaluation Report* prepared by Clearwater Ag Services dated October 3, 2019. **(Attached)**
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
16. *Archaeological Survey Report* prepared by Hohman and Associates dated January 19, 2017.
17. *Well Completion Report*. **(Attached)**
18. *Cultivation Area Verification* completed by LACO dated November 15, 2017.



Westside Heritage Farms, Inc. Project Description

Revised 8/27/21

Westside Heritage Farms, Inc is seeking a CUP under the Humboldt County CMMLUO for 14,400 Sq Ft of existing Outdoor Commercial Cannabis Cultivation. This parcel is located approximately .8 miles north on Seely Creek Road then on to private driveway 0.4 miles west. The parcel is 44 acres and Zoning is FB-R-5 and current general plan is RA-40.

There are no Sensitive Receptors within setback requirements of the existing Cultivation. This includes being at least 600 ft. from a School Bus Stop, School, Place of Worship or Cultural Resources or Public Parks. No cultivation will take place within 300 ft. of a neighboring residence. This includes no cultivation within 270 ft. of separately owned undeveloped property line as well as 30 ft. from property lines.

Water source is a permitted well with an engineered rain catchment pond to be built once this application is permitted.

No new grading proposed for any cultivation areas. The proposed pond has engineered grading plan which has been submitted. No trees will be removed in the construction of the pond.

Operation Plan

Westside Heritage Farms, Inc. will be utilizing existing greenhouses with a total of 14,400 Sq Ft of Outdoor cannabis cultivation. Applicant expects 2 growing cycles each growing season by using light deprivation techniques in greenhouses. The adjoining parcel supplies the nursery plants for this project. No nursery area is needed on this parcel. Westside Heritage Farms LLC will abide by the international dark sky ordinance by not allowing any light to escape the cultivation area during night time hours. This will be achieved by using black out tarps.

Operations will consist of utilizing garden beds approximately 6 inches deep with commercial soil inside the green houses for the cultivation of the cannabis plants. The soil will be fully contained in the beds and will be recycled for continued use, which will eliminate the need to purchase new soil. Greenhouses use natural sunlight with no supplemental lighting needed for cultivation. The greenhouses have passive air flow with no need for ventilation fans. Small circulation fans provide air movement inside the greenhouses. This greatly reduces the noise from the cultivation area.

No employees will be needed for this cultivation operation at this time. Future plans include for up to 3 part time employees. All applicable Federal, State and Local employment laws and regulations will be adhered to. Applicant will supply to any future employees, appropriate PPE, job specific training, drinking water, toilet and hand washing facility, and all other required supplies.

Processing will be done at an offsite permitted Processing Facility. No noise from any cultivation activity will exceed 50 db at 50' from the noise source.

Slopes of cultivation site are less than 15% and no grading is necessary for the cultivation area.

Access roads and driveways will be maintained for erosion control.

A permitted well supplies the irrigation water at this time. Permits have been processed and pending this cannabis permit approval, a proposed 2,000,000 gallon rain catchment pond will supply cultivation irrigation water in the future and the existing wells will be used for domestic use only. The proposed pond will be unlined and produce ground water recharge during the summer months helping to promote a healthy streamflow for the nearby impacted water course.

Cultivation Plan

Westside Heritage Farms, Inc. will utilize a series of 5 existing greenhouses for their commercial cannabis cultivation. The cultivation will be in garden beds filled with approximately 6 inches of commercial garden soil. This soil will be recycled each growing cycle by adding appropriate amendments and nutrients. These amendments and nutrients will be natural and organic and will be handled and

stored as required by manufacturer. All amendments and nutrients will be stored in an existing 8'x20' shipping container and will have secondary containment.

The existing greenhouses of 20'x100', 20'x80' and 3-30'x120' provide the cultivation area for light deprivation. This totals 14,400 sq ft of cultivation area.

Only natural pesticides will be used if needed for plant health. Integrated Pest Management will greatly reduce or eliminate the need for pesticides.

In the future if employees will be needed for work in the cultivation project. Proper training for tasks as well as proper PPE will be provided. PPE provided by Westside Heritage Farms, Inc. will be gloves, eye protection, dust masks and any other PPE for a safe work environment. Fresh drinking water and sanitation facilities will also be provided. At this time a porta potti is in use and serviced by a local vendor.

Water for cultivation will be provided from a permitted well and stored in a series of 6 rigid plastic water tanks of 5,000 gallons and 2-550 gallon mixing tanks and one 500 gallon mixing tank for total irrigation water storage of 30,000 gallons without counting the mixing tanks. Westside Heritage Farm Inc. proposes to add additional water storage till the proposed pond is finished. We propose to add 5 additional 5,000 gallon rigid tanks bringing total storage to 55,000 gallons. Garden beds will utilize a drip irrigation system and water will be metered for efficiency and consistency.

Westside Heritage Farm, Inc. expects to cultivate 2 growing cycles per year as weather and growing conditions allow using natural sunlight and light deprivation techniques.

Garden beds are contained as to not allow any runoff from the cultivation area.

Security

Westside Heritage Farms, Inc. has a security plan in place which consists of No Trespassing Signs and locked gates leading to the cultivation site. Also security cameras are in place. Cultivation area is not visible from a public road which is a privately maintained dead end driveway with very little traffic. We use this to our advantage as well very few vendors will be needed which reduces the visibility of the cultivation site.

Processing

Westside Heritage Farms, Inc. will dry the harvested cannabis in a series of 4 8'x40' shipping containers. Any other processing will be offsite at a permitted Processing Facility. Solar power provides the electric power to run small dehumidifiers and fans for curing the cannabis.

Materials Management Plan

Westside Heritage Farm, Inc. will not use any Hazardous Materials as part of the cannabis cultivation project. Any plastics such as tarps, waterlines, plastic pots or propagation trays or any unusable greenhouse materials will be disposed of appropriately at a licensed disposal site such as the Redway Transfer Station in Redway or the Humboldt Waste Management Facility in Eureka.

Proper storage of trash in trash cans with containment will be utilized for other trash including household type trash. This also will be transported weekly to the appropriate Facility.

No fuel or storage of any hazardous material in reportable quantities will be on site.

This cultivation site is not allowing public visitations.

Parking and Roads

This cultivation site is located off the Seely Creek Road and then a private driveway with locked gates on both roads. The gravel driveway is well maintained for erosion control by shaping and using rolling dips when necessary. Several culverts and stream crossings are on the driveway leading to the cultivation site. These culverts have been replaced according to the approved LSAA and will meet the 100 year flood event. There is access for any type emergency vehicle with ample parking up to 6 vehicles including any type of emergency vehicle such as a Type 3 fire apparatus. An SRA turn around is provided as well. See Site Plan for Parking areas.

Light Pollution Control

Westside Heritage Farm, Inc. will utilize natural sunlight and light deprivation techniques as part of their operations. No supplemental lighting will be needed. Operator will monitor the cultivation greenhouses to ensure no light pollution

occurs and will correct any issues that might arise. Applicant adheres to the International Dark Sky ordinance.

Soils Management

Westside Heritage Farm, Inc. will utilize a high-quality commercial gardening soil for cultivation in beds inside the greenhouses. This soil will be recycled and reused each growing cycle by adding appropriate amendments. Soil will be contained within the greenhouse structure eliminating the possibility of runoff or exposure to cause contamination of surrounding areas or water courses.

Hazardous Material Waste Statement

No Hazardous Waste will be used on the cultivation of cannabis or on the parcel.

Energy Plan

All electrical needs for this parcel are provided from an existing solar power system. The solar system consists of 16-250 watt solar panels, a battery storage bank and inverter. The battery bank and inverter are installed in one of the 8'x20 shipping containers on site. This provides ample electrical power for all the power needs on this parcel for small fans, water pump and dehumidifiers.

Storm Water Management Plan

Westside Heritage Farm, Inc. will maintain driveways and access roads to eliminate erosion or runoff during storms. No stream crossings or culverts exist on access to or on the cultivation site. During storm events operator will monitor roads and cultivation site to ensure that runoff from cultivation site as well as access roads will be corrected for minimal impact or erosion. This will include proper ditching and vegetation buffers to prevent erosion. If needed straw, seed, wattles, jute cloth or other industry standards of erosion control will be placed to eliminate runoff. Roads and cultivation site will be shaped with rolling dips and vegetation buffers which will help absorb potential runoff. Site Management Plan will contain additional information to ensure proper measures will be taken for appropriate storm water management.

Water Source and Water Rights

See attached documents. A permitted rain catchment pond will be installed for cannabis cultivation water once this permit is completed.

Irrigation Plan

Westside Heritage Farms, Inc. will utilize metered drip irrigation for consistent and appropriate quantity of water for cultivation. A water use plan is enclosed to show monthly water usage as well as annual use.

Water Storage

Westside Heritage Farms, Inc. has storage of 30,000 gallons of water to be used for cultivation at this time. The storage will be in 5,000-gallon rigid plastic water tanks filled from a permitted well. Applicant proposes to install additional water storage of 25,000 gallons. See Site Plan for location of the water storage areas. A proposed 2,000,000 gallon rain catchment pond will supply future irrigation water to this parcel. A 50,000 gallon water storage on adjacent parcel provides fire and dust control water. Projected annual water usage totals 150,000 gallons.

Sewage Disposal

Portable toilet is available on site and serviced by local vendor.

Noise Source and Mitigation

This Cultivation site produces minimal noise from cultivation activities. Greenhouses are passive air flow reducing the need for exhaust fans. Circulation fans if needed water pump and any other cultivation activity will produce minimal noise which is less than 50 db at 100 ft and inaudible at property lines.

Timber

An active timber harvest plan exists on this parcel. See attached documents

SITE MANAGEMENT PLAN

Westside Heritage Farm LLC

APN 220-312-010

APN 220-312-007



Prepared by:



Diana Totten, Owner

446 Maple Lane

Garberville CA 95542

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Introduction

This Site Management Plan was prepared to fulfill requirements of the Water Quality Control Board's Waste Discharge Requirements for Cannabis Cultivation Order WQ 2017-0023-DWQ. The Order requires Tier 1 Cultivators to prepare a Site Management Plan and submit it to the Water Board for approval. The Site Management Plan must adhere to the following excerpt from the order:

"Tier 1 and Tier 2 cannabis cultivators shall submit and implement a Site Management Plan that describes how the cannabis cultivator is complying with the Requirements listed in Attachment A. The description plan shall describe how the Best Practical Treatment or Control (BPTC) measures are implemented (e.g., for the petroleum fuel storage, specify the specific product or means of compliance). Cannabis cultivators that are landowners of cannabis cultivation sites in North Coast Regional Water Board jurisdiction are required to submit and implement Site Management Plans that describe how the Requirements are implemented property-wide, including Requirements implemented to address discharges from legacy activities. The Site Management Plan may include a schedule to achieve compliance, but all work must be completed by the onset of the winter period each year. (The winter period start date does not relieve a cannabis cultivator from implementing the interim soil stabilization Requirements described in Attachment A of this policy. Interim measures are those that are implemented immediately upon site development.) Attachment D of the Cannabis Cultivation General Order provides guidance on the contents of the Site Management Plan."

The following resources were consulted in the preparation of this plan:

- State Water Resources Control Board Order WQ 2017-0023-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Attachment A, Definitions and Requirements for Cannabis Cultivation.
- Handbook for Forest Ranch and Rural Roads, A Guide For Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads Prepared by: William Weaver, PhD Eileen Weppner, P.G. Danny Hagans, CPESC Pacific Watershed Associates, CA

1. Sediment Discharge BPTC Measures

Table 1. Site Information

Landowner	Discharger	Site Address	Assessor's Parcel Number (APN)	County	Zoning
Northcoast Land Management	Westside Heritage Farm LLC	251 Seely Creek Road, Redway Ca 95560	220-312-010 220-312-007	Humboldt	RA-40 FR-B-5(40)

Table 2. Field Visit Data

Date	Time	Weather Conditions
7/16/19	10:00 am	Sunny and clear

1.1 Site Characteristics

Westside Heritage Farm LLC operates four existing Cannabis Cultivation farms in Southern Humboldt County. This document is prepared specifically for Westside Heritage Farm LLC, for the farms located at 251 Seely Creek Road. The APNs are 220-312-010, which is zoned RA-40, and 220-312-007, which is zoned FR-B-5(40).

The parcels are mostly wooded with second growth Douglas Fir and Redwood as well as mixed hard wood species. There is an active Timber Harvest Plan on this parcel. Slopes vary from less than 5% to 30%. The access road has one water course crossing of a class 3 water course with a 48" steel culvert (CP-3) and is located at 40.1395 – 123.8678. There is an additional 72" steel culvert placed in the bottom of the stream bed of a class 1 watercourse. This culvert pipe (CP-4) is located at 40.1412 – 123.8691. These crossings are sized for the 100 year flood event as part of the current LSA and THP for the parcels. Please see site map for exact location and photos in attachments.

There are two main cultivation areas and the combined sq footage of these cultivation areas is 28,750. The cultivation areas are contained in garden beds, with rocked pathways kept clean and clear of water to provide access throughout the garden. The cultivation is a combination of outdoor using natural light and mixed light, using supplemental lighting. Electrical power is supplied by solar panels.

Water source is a permitted well and over 59,000 gallons of water storage is available with gravity flow to the cultivation sites. There is an additional 45,000 gallons of water storage as well as a 3,000,000 gallon pond proposed. Plants are watered using drip irrigation techniques at agronomic rates. Westside Heritage Farm LLC conserves water by using high quality soil and appropriate mulching techniques. Water storage is sufficient to meet forbearance requirements during the cultivation season.

The cultivation areas and surroundings were inspected for erosion sites with a focus on those having potential for sediment delivery to water courses. Prior to the site visit, aerial photos and USGS topo maps were examined for watercourse locations, developed sites, roads and trails, slope instabilities, and erosional features such as gullies, slides, etc. Westside Heritage Farm LLC is in the process of engineering a 3,000,000 gallon rain catchment pond. If approved, this pond will supply irrigation water as well as ground water recharge. Access roads are already in place and have been regularly maintained to ensure proper function.

Table 3. Cultivation Areas

Cultivation Area Name	Cultivation Area (sq. ft.)	Description	Natural Slope (%) Measured between cultivation area and nearest surface water body	Distance to Nearest Watercourse (ft)	Elevation Change Between Cultivation Area and Nearest Watercourse (ft)	Watercourse Classification
The Flat and The Meadow	28,750	Combination Mixed Light and Outdoor	< 15%	150'	60'	Class 1

1.1.1 Maps

See attachments for Site Overview Map.

Directions

From US-101, take exit 642 for Redwood Drive toward Redway, and continue onto Redwood Drive for 1.8 miles. Turn right onto Briceland Road, after 2.6 miles on Briceland Road turn onto Seely Creek Road, drive .4 miles down the gravel road. Entrance to property is secured with a locked gate.

1.1.2 Access Road Conditions

Access road is an existing road which has been storm proofed using the Handbook for Forest Ranch, & Rural Roads: A Guide For Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads. Road assessment revealed proper design and function. The existing roadway is surfaced with gravel. The road is maintained by the property owner with hand tools. Estimated vehicle traffic is 2-5 vehicles per day during the summer, spring, and fall, and 1-2 vehicles per day during the winter period. It is recommended that Westside Heritage Farm LLC contract a qualified professional to perform road maintenance as directed by the Handbook for Forest Ranch and Rural Roads to ensure that future updates and maintenance meet discharge requirements. All roads are well maintained as per the active THP.

Table 4. Access Roads on the Property

Name	Distance	Type/Description	Max Slope	Condition
Seely Creek	1 mile	Gravel	12%	Good

1.1.3 Vehicle Stream Crossings

The access road has one water course crossing of a class 3 water course with a 48" steel culvert (CP-3) and is located at 40.1395 – 123.8678. There is an additional 72" steel culvert placed in the bottom of the stream bed of a class 1 watercourse. This culvert pipe (CP-4) is located at 40.1412 – 123.8691. These crossings are sized for the 100 year flood event as part of the current LSA and THP for the parcels. Please see site map for exact location and photos in attachments.

1.1.3.1 Legacy Waste Discharge

No legacy waste discharge issues were located on the property. Culverts and access roads are well maintained, as part of the active THP.

1.2 Sediment Erosion Prevention and Sediment Capture

The property was inspected for indications of instability including: weak soil layers, geologic bedding parallel to slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. No unstable areas were located on the property. Westside Heritage Farm LLC will perform monthly inspections for signs of instability throughout the winter period and after any significant rainfall event. In the case that the site becomes unstable, a qualified professional will be contracted to stabilize the area. Unstable sites should be monitored after any significant rainfall event and before the onset of the winter period to ensure that these sites remain stable and do not lead to discharge to nearby watercourses, as well as to ensure storm water runoff from the cultivation area remains dispersed and does not drain into any of the watercourses on the property.

1.2.1 Erosion Prevention BPTC Measures

Cover crops are used to cover cultivation beds during the winter period to prevent soil or nutrient runoff due to rainfall. Plant waste and soil waste are to be stored in separate piles. At this time, Westside Heritage Farm LLC does not generate any soil waste. Soil waste piles will be covered with a plastic tarp to prevent discharge if they are created. When a plant waste pile is generated, the waste pile will be covered with a plastic tarp and containment will be put in place before the onset of the winter period. Slopes adjacent to the cultivation sites have established vegetation that prevents erosion and prevents exposure of disturbed soils to rainfall. After any land disturbance activities, weed-free straw mulch will be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, will be secured to the ground. These temporary stabilization measures will be implemented within seven days of any land disturbance activity, permanent stabilization measures will be implemented before the onset of the winter period.

1.2.2 Sediment Control BPTC Measures

The cultivation area remains hydrologically disconnected from downstream watercourses. A small footprint of the cultivation area generates a minimum amount of runoff which is dispersed into vegetation. Sediment capture measures will be implemented as a part of the winterization procedure for any disturbed sites including measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins.

1.2.3 Maintenance Activities

Westside Heritage Farm LLC will perform self-inspections of all facilities, erosion control, and sediment control BPTC measures at the beginning of the grow season and following any significant rainfall event (see Facility Status Self Survey). Westside Heritage Farm LLC will also inspect the site and implement any applicable BPTC measures before the onset of the winter period, see 5. *Winterization BPTC Measures* (pg.7).

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

2. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures

Westside Heritage Farm LLC uses permaculture techniques which greatly reduce the need for soil additives. The few nutrients that are used are adequately stored inside the shipping container storage shed on the adjacent parcel 220-26-046. At the time of inspection, fertilizers and soil treatments were responsibly stored inside the storage containers, within adequate secondary containment. Fertilizers will be stored for long term storage inside the shed within secondary containment to prevent exposure to elements and runoff of nutrients to nearby watercourses. The shed provides cover from rain and side wind and is secure from wildlife. Westside Heritage Farm LLC applies nutrients at or below agronomic rates. Westside Heritage Farm LLC does not use any harmful pesticides, fungicides, or rodenticides on the property, as per the projected employment of an Integrated Pest Management Plan. Food grade botanical extracts designed for use on flowering plants may be used to treat pests in accordance with the Integrated Pest Management Plan.

Table 2.1 Fertilizers, Pesticides, Herbicides, and Rodenticides

Products Used on Site	Delivery Schedule and Amount	N-P-K Ratio	Storage Condition	Product Usage	Winter Season Storage
Grow Part A; Vegetative Growth	As required	3-0-2	Within adequate secondary containment inside storage container	The combination of Grow A and B provides nutrient inputs required for vegetative development in plants	Within adequate secondary containment inside locked storage container
Grow Part B; Vegetative Growth	As required	1-2-4	Within adequate secondary containment inside storage container	The combination of Grow A and B provides nutrient inputs required for vegetative development in plants	Within adequate secondary containment inside locked storage container
Bloom Part A; Reproductive Growth	As required	2-0-4	Within adequate secondary containment inside storage container	The combination of Bloom A and B provides nutrient inputs required for reproductive development in plants	Within adequate secondary containment inside locked storage container
Bloom Part B; Reproductive Growth	As required	1-8-5	Within adequate secondary containment inside storage container	The combination of Bloom A and B provides nutrient inputs required for reproductive development in plants	Within adequate secondary containment inside locked storage container
BULK PK Booster	As required	2-12-3	Within adequate secondary containment inside storage container	BULK is a PK booster containing a blend of phosphorus, potassium and calcium in a true solution. BULK should be used in the flowering stage to optimize flower production	Within adequate secondary containment inside locked storage container
E-PLUS; Kelp, Yucca and Humic Acid	As required	3-0-1	Within adequate secondary containment inside storage container	E-PLUS is a product derived from traditional and organic ingredients, including plant extracts (kelp and yucca) and humic acid. E-PLUS can be used throughout the plant's life cycle to enhance root development and stress tolerance	Within adequate secondary containment inside locked storage container

2.2 Site Map

Storage container areas are identified on site map, see attached documents for exact locations as well as product photos and safety data sheets.

2.3 Bulk Fertilizer and Chemical Concentrate Storage

See Table 2.1 Fertilizers, Pesticides, Herbicides and Rodenticides

2.4 Spill Prevention and Clean Up Procedures

Spill kits will be kept on site with absorbent material, proper protective equipment, and proper disposal containers. Storage and handling will be done with extreme care to prevent any spills or discharges. Adequate secondary containment will be provided where necessary.

All mandatory action will be taken in accordance with the Cal OES Hazardous Materials Spill/Release Notification Guide. If the source of the spill/discharge can be safely shut off, personnel will attempt to do so. If the spill/discharge can be safely cleaned up by facility personnel using available spill supplies, they will do so. Owner/Operator will determine if the spill/discharge poses a threat to health, safety, property, and or the environment and will immediately notify the necessary agencies. If the spill/discharge threatens to leave the property, personnel will attempt to place sorbents in the path, if it can be done safely. The facility personnel's Hazardous Waste Contractor will be contacted in a cleanup if necessary. All collected spill residues will be properly disposed of as hazardous waste.

3. Petroleum Product BPTC Measures

There are no petroleum products used on this cultivation site.

4. Trash/Refuse, and Domestic Wastewater BPTC Measures

Refuse will be cleared and disposed of off site to prevent contamination of the environment and access by wildlife. Trash/refuse will be picked up on site and hauled to the Eel River Resource Recovery Center in Redway, Ca. on a monthly basis. All trash/refuse storage will be kept secure between garbage service pickups.

4.1 Trash/Refuse Containment and Disposal

All trash/refuse generated will be kept covered to mitigate discharge and contained within adequate disposal containers. All trash/refuse generated will be properly disposed of and hauled to a proper treatment facility.

4.1.1 Site Map

The trash/refuse storage area is identified as “Solid Waste Storage” on the site map, see attached documents for exact location.

4.2 Employees, Visitors, or Residents

Westside Heritage Farm LLC requires no employees. There are no visitors to the site on a regular basis. There is a private residence with a tenant who is not involved in the cannabis cultivation project.

4.2.2 Disposal of Domestic Wastewater

Westside Heritage Farm LLC will rent a portable toilet from B&B portable toilets and have the toilet pumped as needed during the growing season. Please see attached documents for photo.

5. Winterization BPTC Measures

5.1 Winterization Actions

Sediment capture measures will be implemented as a part of the winterization procedure for all disturbed areas, including the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins as necessary. Culverts and storm drain inlets and outlets will be cleared from debris prior to the onset of the winter period.

5.2 Maintenance Activities

Culvert and storm drain inlets and outlets will be cleared from debris prior to the onset of the winter period. All drainage or sediment capture features will be monitored, and the removal of debris and soil blockages will commence when necessary to ensure the existence of adequate capacity.

5.3 Revegetation Activities

All BPTC measures will be followed and actions will be taken in accordance with best winterization techniques. Any and all exposed soils will be covered with natural vegetation, the garden beds will be replanted with fava beans when not in use for cannabis cultivation.

5.4 Compliance Schedule

If any BPTC measure cannot be completed before the onset of the winter period, the owner/operator will contact the Regional Waster Board to establish a compliance schedule.

5.5 Steps to Address Legacy Waste Discharge Issues

At the time of inspection, there were no legacy waste discharge issues found.

6. Identified Sites Requiring Remediation

At the time of inspection, there were no sites requiring remediation identified. Site is well maintained and monitored as per active THP.



Photo 1: Seely Creek Road Pull-off



Photo 2: .25 Miles



Photo 3: .40 Miles



Watercourse Photos



Inlet Culvert 1



Outlet Culvert 1



Inlet Culvert 2



Outlet Culvert 2



Inlet Culvert 3



Downstream CP-3



Upstream Culvert 3



Downstream CP-4



Upstream Culvert 4

California Department of Fish and Wildlife

Northern Region
601 Locust Street
Redding, California 96001



Streambed Alteration Agreement

Notification No. 1600-2017-0159-R1

Seely Creek, tributary to Redwood Creek, tributary to South Fork Eel, Humboldt County

41 Encroachments

Applicant: Trevor Anderson, as represented by Stephen Hohman

Property owner: North Coast Land Management LLC

Associated THP: 1-17-028-HUM; "Seely THP"

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Stephen Hohman Associates (Permittee), as represented by Stephen Hohman.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on March 30, 2017 that Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located within the Seely Creek watershed, in the County of Humboldt, State of California; Sections 4,5,8,9, T4S, R03E; U.S. Geological Survey map Miranda, Humboldt Base and Meridian (see Appendix A).

PROJECT DESCRIPTION

The project is limited to the sites outlined below in Table 1.

Table 1.

Encroachment details for Lake and Streambed Alteration Agreement # 1600-2017-0159-R1

Site #	Site Type (Treatment)	Minimum Culvert Size (Diameter/ inches)	Watercourse Class
RP 1	Abandoned Crossing	NA	1
RP 4	Rock Armored Ford/ Temporary Crossing	6	3
RP 2.6	Culvert Crossing	30	3
RP 5	Culvert Crossing	24	3
RP 6	Culvert Crossing	24	3
RP 10	Culvert Crossing	24	3
RP 11	Culvert Crossing	24	3
RP 20	Abandoned Crossing	NA	2
RP 21	Rock Armored Ford/ Temporary Crossing	6	2
RP 23	Culvert Crossing	24	3
RP 24	Culvert Crossing	24	3
RP 28.5	Rock Fill Ford	24	2
RP 29	Culvert Crossing	36	3
RP 30	Culvert Crossing	24	3
RP 32	Culvert Crossing	24	3
RP 35	Bridge or Temporary Crossing	36 (n = 2)	1
RP 36	Rock Fill Ford	NA	1
RP 37	Culvert Crossing	48	2
RP 38	Bridge, Culvert or Temporary Crossing	Permanent = 60 Temp = 36 (n = 2)	1
RP 40	Rock Armored Ford	NA	3
RP 49	Culvert Crossing	24	2
TC1	Temporary Crossing	6	3
TC2	Temporary Crossing	36 (n=2)	1
TC3	Temporary Crossing	6	2
TC4	Temporary Crossing	6	2
TC5	Temporary Crossing	6	2
WD1	Gravity Fed Tank Drafting Site	NA	2
WD2	Direct Drafting Site	NA	1

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead (*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: direct and/or incidental take, impede up- and/or down-stream migration of aquatic species, damage to spawning and/or rearing habitats and potential cumulative impacts.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. ADMINISTRATIVE MEASURES

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site: Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site: Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions: Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry: Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Project Accordance: Except where otherwise stipulated in this Agreement, all work shall be in accordance with the project description submitted with Notification No. 1600-2017-0159-R1 and 1-17-028-HUM.
- 1.6 Amendment of Agreement into the THP: Before any work covered by this Agreement is undertaken, this Agreement shall be amended into and made enforceable as part of the THP.
- 1.7 All Lake and Streambed Alteration Agreement (LSAA) notification, amendment, extension and emergency forms can be found:
<https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

2. REPORTING MEASURES

- 2.1 CDFW Reporting Location: All reports shall be sent by email to (CTP@wildlife.ca.gov).
- 2.2 Regional Water Quality Control Board (RWQCB) Reports: All RWQCB reports, relating to sites permitted under this LSA, shall be sent to CDFW via email at the time they are submitted to the RWQCB. This includes annual work plans, erosion control point summaries and discharge notifications.
- 2.3 Annual Water Drafting Log Books: At the end of the year, all drafting log books shall be sent to Eureka CDFW via email or mail.
- 2.4 Water Drafting Monitoring (Sites WD1 and WD2):
- a. One week prior to the first proposed drafting event, CDFW shall be contacted (Contact: Senior Environmental Scientist (Specialist) Nick Simpson at (707) 445-6512), and flow shall be reported. In addition, CDFW will conduct a follow-up site inspection to measure flow and install continuous flow measurement equipment.
 - b. CDFW will install three pressure transducers (50 feet upstream as control, 50 and 100 feet downstream as treatments) to monitor streamflow throughout the drafting period.
 - c. Streamflow shall be monitored on a weekly basis at pressure transducer equipped sites, and reported to CDFW by email (nicholas.simpson@wildlife.ca.gov).
- 2.5 Emergency Road Work: Permittee may remove obstructions and sediment at any time if the obstructions and sediment would reasonably be expected to cause substantial damage to resources or cause the facility to fail outside the time periods specified above. If heavy equipment is used, please notify CDFW within 14 days after completing activity using the emergency work form (<https://www.wildlife.ca.gov/Conservation/LSA/Forms>).
- 2.6 All Class I encroachments: If flow is present immediately prior to installation of any Class I crossing, CDFW shall be contacted 48 hours prior to construction commencing to evaluate fish presence. Contact Senior Environmental Scientist (Specialist) Nick Simpson at (707) 445-6512.

AVOIDANCE AND MINIMIZATION MEASURES

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below as outlined in Sections 3 through

12.

3. PROJECT TIMING

- 3.1 Timing for Work on Class I, II and III Watercourses: Permittee shall conduct the following activities only during periods between June 1 and October 15: vegetation removal; bank stabilization; and maintenance, replacement and installation of watercourse crossings. Temporary crossings installed during this time shall be removed prior to October 15. All work on the stream banks or within the stream channel shall be confined to periods of low rainfall (less than ¼" per 24 hour period) between May 1 and October 15 for Class II watercourses. Road Points 35 and 38 (temporary crossing option) shall be installed after August 1st.
- 3.2 Early and Late Season Work: The project may commence early between May 1 and May 31 or be extended late from October 15 to November 15, provided adherence to all conditions in this Agreement and a-h) below.
- a) Permittee shall obtain written approval from CDFW prior to commencement of work activities.
 - b) Permittee shall complete any unfinished encroachment work, including erosion control measures, within 24 hours of CDFW directing the Responsible Party to do so.
 - c) Prior to any ground disturbing work at a project site, Permittee shall stock-pile erosion control materials at the site. All bare mineral soil exposed in conjunction with crossing construction, deconstruction, maintenance or repair, shall be treated for erosion immediately upon completion of work on the crossing, and prior to the onset of precipitation capable of generating runoff. Erosion control shall consist of packed slash or weed-free straw mulch in a mosaic of depths of ½ to 2 inches. If the site is seeded, a mix of native grasses common to the area shall be used, free from seeds of noxious or invasive weed species, and applied at a rate which will ensure establishment. No annual (Italian) ryegrass (*Lolium multiflorum*) shall be used.
 - d) Road construction leading directly into or out of a proposed stream crossing shall only be performed when soils are sufficiently dry so that sediment is not discharged into streams.
 - e) All crossing installation or removal work at a given site shall be conducted in one day. If equipment breakdowns prevent completion of installation or removal in one day, work shall be completed in the shortest period feasible.
 - f) When a 7-day National Weather Service forecast of rain includes a minimum of 5 consecutive days with any chance of precipitation, 3 consecutive days with a 30%

or greater chance of precipitation, or 2 consecutive days of 50% or greater chance of precipitation, the Responsible Party shall finish work underway at encroachment and refrain from starting any new work at encroachment prior to the rain event.

4. INSPECTIONS AND REPAIR WORK

- 4.1 Inspection Timing: All crossings appurtenant to proposed operations shall be inspected by Permittee at least once during the first spring following construction. The inspection shall ensure that crossings are functioning as designed, road approaches hydrologically disconnect the road prism from waters, and the fine sediment present on road approach surfaces is prevented from delivery to streams. Inspection results and follow-up repair measures shall be documented and provided to CDFW in the annual monitoring report.
- 4.2 Repair Work: Permittee shall perform routine repair work that prevents diversion of water from a stream or ditch or helps maintain a stable operating surface within 50 feet of a crossing (e.g. repairing inboard ditches, cross drains, water bars, road surface and fill, unblocking of culverts) as soon as possible, regardless of the time of year. Forest floor discharge sites below the outlets of drainage facilities on all roads within the plan area and appurtenant to proposed operations shall be inspected for evidence of sediment delivery to streams. If evidence of sediment delivery is present, additional measures shall be undertaken to reduce the discharge of sediment from the site.
- 4.3 Emergency Road Work: Permittee may remove obstructions and sediment at any time if the obstructions and sediment would reasonably be expected to cause substantial damage to resources or cause the facility to fail outside the time periods specified above. If heavy equipment is used, please notify CDFW within 14 days after completing activity using the emergency work form (<https://www.wildlife.ca.gov/Conservation/LSA/Forms>).

5. GENERAL CONDITIONS FOR ALL ENCROACHMENTS

- 5.1 Heavy equipment shall not enter, cross, or operate in a stream when surface water is present. If heavy equipment is approved by CDFW for use in the stream at a particular site, equipment shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Cleaning of equipment shall take place outside of the Watercourse and Lake Protection Zone (WLPZ) and prior to entering the water.
- 5.2 Where flowing water is present during operations:
- a) Cofferdams shall be installed to divert stream flow, isolate and dewater the work

site, catch any sediment-laden water, and minimize sediment transport downstream. Cofferdams shall be constructed of non-polluting materials including sand bags, rock, and/or plastic tarps. Mineral soil shall not be used in the construction of cofferdams.

- b) Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and provide flows to downstream reaches.
- c) Permittee shall remove any turbid water and sediment present in the work area prior to restoring water flow through the project site, and place them in a location where they cannot enter the Waters of the State.

5.3 No fill material shall be placed within a stream except as specified in this Agreement.

5.4 Adequate and effective erosion and siltation control measures shall be used to prevent sediment or turbid or silt-laden water from entering streams at all times. Where needed, Permittee shall use native vegetation or other treatments including jute netting, straw wattles, and geotextiles to protect and stabilize soils. Geotextiles, fiber rolls, and other erosion control treatments shall not contain plastic mesh netting.

5.5 All bare mineral soil outside of the stream channel and in the riparian area exposed in conjunction with road work and drafting activities shall be treated for erosion prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Restoration shall include the seeding and mulching of all bare mineral soil with at least 2 to 4 inches straw mulch and native plants or regionally appropriate seeds, or sterile varieties or short-lived non-native annuals that are known not to persist or spread such as cereal cover crops [e.g. barley (*Hordeum vulgare*), buckwheat (*Fagopyron esculentum*), oats (*Avena sativa*), rye (*Secale cereale*), wheat (*Triticum aestivum*)] to avoid the propagation of non-native (invasive) plants and minimize competition with native vegetation. Annual (Italian) ryegrass (*Lolium multiflorum*) shall not be used.

5.6 Encroachments and associated approaches, structures, fills, and other exposed soils shall be armored as needed to protect the stream channel and banks from erosion. Armoring shall be comprised of rock riprap, large woody debris (LWD), or other non-polluting materials and shall be constructed to remain in place during periods of high flow events. When used on permanent culverts, armoring shall extend at least as high as the top of the culvert, and shall prevent bank erosion by extending a sufficient distance upstream and downstream along the banks.

5.7 Encroachments shall be constructed, deconstructed, and maintained in a manner that minimizes to the extent feasible headcutting or downcutting of the stream channel by

installing grade control such as riprap, woody debris, or through other effective measures.

- 5.8 Approaches to all encroachments shall be treated to eliminate the generation and transport of sediment to streams. Treatment locations shall include, but not be limited to, road surfaces, fill faces, cut banks, and road drainage ditches. Road approaches and other work shall be left in a finished condition with all hydrologic connectivity from the road or ditch to the site eliminated as feasible and effective erosion control in place prior to any rainfall event capable of generating runoff. Effective erosion control shall extend away from the crossing to at least the first waterbreak.
- 5.9 Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 5.10 Temporary erosion control devices, such as straw bales, silt fencing, and sand bags, may be used, as appropriate, to prevent siltation of the stream. To minimize the risk of ensnaring and strangling wildlife, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products shall be composed entirely of natural-fiber, biodegradable materials. Permittee shall not use "photodegradable" or other plastic erosion control materials.
- 5.11 All non-merchantable LWD excavated during crossing construction or deconstruction shall be used on site for streambed and bank stabilization or erosion control. LWD shall be sufficiently anchored or keyed-in to resist movement during high flows and placed in a manner that prevents undercutting of streambanks.
- 5.12 Permittee shall provide site maintenance including, but not limited to, re-applying erosion control to minimize surface erosion and ensure streambeds and banks remain sufficiently armored and/or stable at the encroachment for as long as the encroachment remains.
- 5.13 Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first.
- 5.14 Refueling of equipment and vehicles and storing, adding or draining lubricants, coolants or hydraulic fluids shall not take place within RMZs or within stream beds, banks or channels. All such fluids and containers shall be disposed of properly. Heavy equipment including water drafting trucks parked within RMZs or streambeds, banks or channels shall use drip pans or other devices (e.g. absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 5.15 No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or

be placed where it may be washed by rainfall or runoff into Waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

6. PERMANENT CULVERT CROSSINGS

- 6.1 Culvert Alignment: Permittee shall align culverts with the watercourse channel. Culverts shall extend beyond the road fill and shall not be perched (suspended). On Class II and III watercourses they shall be installed at watercourse gradient or have downspouts or energy dissipaters (rock rip-rap or boulders) at the outfall to prevent erosion.
- 6.2 Basins at Culvert Inlets: Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets unless designed and approved.
- 6.3 Culverts Extend Beyond Toe of Fill: Permittee shall ensure that culverts extend lengthwise completely beyond the toe of fill.
- 6.4 Culverts Aligned With the Stream Channel: Permittee shall ensure that permanent culverts and their outfall structures are aligned with the stream channel and as wide as or wider than the channel width.
- 6.5 Culvert Bottom at Natural Streambed Elevation: Permittee shall ensure that permanent culverts are placed with the bottom set at or slightly below the natural streambed elevation to the maximum extent feasible.
- 6.6 Culverts Not Set to Grade: Permittee shall ensure, if permanent culverts cannot or will not be set to grade, that they shall have downspouts and/or energy dissipaters below the outfall as needed to effectively control erosion. If half-round downspouts (flumes) are used, they shall be placed in line with the culvert, sized larger than the culvert and of sufficient size to accommodate entire anticipated stream flow. Downspouts shall be securely attached to the culvert and staked or otherwise anchored to the fill slope.
- 6.7 Culvert Protection: Permittee shall protect culvert inlets and outlets from erosion as appropriate through armoring constructed of rock rip-rap or other non-erodible material (e.g. concrete head wall). Where used, rock rip-rap or armoring shall be of sufficient size and depth to remain in place during 100-year peak flows (generally 12 inch or greater diameter or equal to the largest size that naturally exists in the channel), extend at least as high as the top of the pipe on inlets, and shall extend sufficient distance upstream as wing walls to prevent bank erosion. Where armoring is used, the

channel at the culvert outlet shall be rip-rapped in a U-shaped channel and rip-rap set below grade so as to allow the natural accumulation of bedload at watercourse grade.

- 6.8 Excavate and Dispose of Sediment Depositions: Permittee shall excavate and dispose of sediment depositions in the stream channels at the inlets of the culvert at a location and in a manner where sediment shall not enter into the waters of the State.
- 6.9 Road Point 38: If a permanent culvert is installed, it shall have a minimum 60-inch diameter and installed at reverse grade to facilitate juvenile and adult fish passage.

7. FORD CROSSINGS

- 7.1 Approaches shall be rocked to the hydrologic divide or disconnect, and hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the ford site, and shall be maintained as necessary during use.
- 7.2 Fords shall be designed to ensure the fording surface is dry during vehicle use.
- 7.3 Base rock shall be sized to accommodate the 100 year-flow. A thin layer of sacrificial small-diameter rock may be placed on top of the rock fill to provide a running surface that can accommodate truck traffic.
- 7.4 Only clean, durable, screened rock shall be used in rocked fords.
- 7.5 At Road Point 36, the ford shall be constructed to facilitate passage of adult steelhead. Step pools (greater than 1-foot deep bank full), shall be established at intervals no greater than 10 feet. In addition, the debris jam immediately below the site shall not be removed.

Rock-fill Ford Crossings

- 7.6 A rock-fill ford shall be a watercourse crossing where base rock that is free of fines is placed as fill in the channel to establish a usable road grade through the crossing to accommodate traffic. The crossing shall be designed so that streamflow will typically pass through the rock fill during periods of low flow, but will pass over the rock fill during periods of high flow.

Rock-armored Ford Crossings

- 7.7 A rock-armored ford shall be a watercourse crossing where fill, composed of native earth material, is placed in the channel to establish a usable road grade through the crossing to accommodate traffic. The outfall of the crossing and road surface are protected against scour by revetment composed of rock. The crossing shall be designed so streamflow will typically pass over, rather than through, the crossing fill. The outside

fill face of rocked fords shall be a dished-out rock apron fill face that forms a spillway. The spillway shall extend from the rock ford outfall break-in-slope down to a location where it shall be keyed-in to the slope and remain stable. The outside fill face slope (spillway) ratio of the ford shall be no steeper than 1.5:1 (horizontal: vertical; 67%).

8. PERMANENT BRIDGES

- 8.1 On streams which cannot be dewatered, heavy equipment shall be permitted up to two passes (stream crossings across and back), to install the bridge. If turbidity is observed greater than 500 feet downstream of the crossing, operations shall cease until turbidity dissipates.
- 8.2 Abutment fill below the high water mark shall only be log and/or rock. Abutments shall not constrict the streamflow in a manner that limits upstream or downstream fish passage or is detrimental to aquatic life. If fill material needs to be placed within the stream when surface flows are present, only rip-rap, logs, clean, screened gravel, filter fabric, or other substances or structures that cause no siltation or other pollution shall be used.
- 8.3 As long as the bridge remains in place, Permittee is responsible for maintaining free-flowing conditions under the bridge and clearing all debris that does not pass.
- 8.4 All permanent bridges shall accommodate the 100 year flow and associated debris. A minimum of 4 feet of freeboard from the bridge deck to the 100 year high water mark shall be established.

9. TEMPORARY CROSSINGS

Class I Temporary Crossings

- 9.1 A sufficient number of culvert half rounds (greater than 36 inches diameter) shall be used to cover the entire wetted width of the channel. Crossings shall pass juvenile and resident adult fish at all times.
- 9.2 Only clean, screened, gravel and logs shall be used as fill within the high water mark. The cap's thickness and soil content shall not exceed the minimum necessary to provide for adequate compaction. No soil from the cap shall come in contact with the stream channel.
- 9.3 All fill shall be removed and placed back to natural grade immediately following completion of crossing removal.

Standard Temporary Crossings

- 9.4 Temporary crossings shall not restrict surface flows at the time of installation.
- 9.5 At all temporary crossings, logs, green slash, tops and/or straw bales shall be used as fill instead of earthen material to the maximum extent feasible.
- 9.6 When surface water is present, temporary crossing fill shall only be composed of clean, durable, screened rock and a culvert or a combination of such rock, filter fabric, sound logs and green slash, and straw. These materials shall cause no siltation. Above this fill, a fractured rock or native soil cap may be installed to provide a compacted road surface. The cap's thickness and soil content shall not exceed the minimum necessary to provide for adequate compaction. No soil from the cap shall come in contact with the stream channel.
- 9.7 During temporary crossing deconstruction and removal activities, when stream crossings, stream channels, and fills are excavated, all materials shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment.

Spittler or Modified Spittler-Type Crossings

- 9.8 Permittee shall ensure that Spittler and modified Spittler-type crossings include a culvert to carry flows, choked-logs to fill the channel, a six inch minimum straw layer, and a temporary running surface of local topfill or rock.
- 9.9 Culverts shall be of sufficient size to accommodate the expected flow during the use period.
- 9.10 Log fill crossing (Spittler) shall be constructed by laying choker cables or similar cables across stream channel, then placing pipe and/or sound logs in the channel bottom. The logs shall then be covered with filter fabric and/or straw mats, and rock or a local topfill used for road surfacing. For removal, the topfill shall be scraped off, the logs removed as a unit by pulling the chokers, and loose soil removed from the crossing using mechanized equipment and/or hand tools, as necessary. The straw layer in temporary log fill crossings (Spittler) shall extend beyond the road fill surface to prevent fill from entering the logs and stream (i.e., the straw layer should be visible on the crossing edges after installation). If whole bales are used the twine shall be cut after installation of the bales to create a continuous straw layer.

10. DECONSTRUCTION AND ABANDONMENT

- 10.1 When stream crossings and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.
- 10.2 Sites previously not fully excavated shall be completely excavated when crossings are deconstructed. Adjacent potentially unstable road or landing fill that can enter a stream shall also be excavated when crossings are deconstructed.
- 10.3 All excavated fill shall be placed in stable areas where it cannot enter or erode into a stream.

11. WATER DRAFTING

- 11.1 Limitations and restrictions of drafting conditions apply to each individual drafting site. All NTMPs/THPs using a drafting site shall comply individually and collectively with limitations and restrictions in this Agreement.
- 11.2 Drafted water shall only be used for timber operations related to dust abatement; road maintenance; road and stream crossing construction, reconstruction, deconstruction, upgrading and decommissioning; prescribed fuel reduction burning; and pesticide mixing.
- 11.3 Permittee shall not grant permission to other parties to use water drafting sites or water drafted under this Agreement for purposes other than permitted without first informing CDFW and amending this Agreement. Such permission shall assure that conditions to which Permittee must adhere are followed individually and collectively by all parties using the site.
- 11.4 Prior to drafting in each calendar year, a pre-operational meeting shall take place between the RPF and the licensed timber operator (LTO) responsible for field operations. The meeting shall take place at a representative sample of drafting sites, including all drafting sites with unique, site-specific conditions. The LTO shall inform all water truck operators of their responsibilities under this Agreement.
- 11.5 Drafting by more than one truck shall not occur simultaneously at the same site.
- 11.6 All water drafting vehicles shall be checked daily and shall be repaired as necessary to prevent leaks of deleterious materials from entering the WLPZ or stream.

- 11.7 For any instream work for intakes or approaches that was not described in the notification project description, Permittee shall notify CDFW and obtain an amendment to this Agreement if necessary prior to doing this work.
- 11.8 Effective erosion control such as water bars, gravel berms, or hay bales shall be installed and maintained as necessary to remain effective where overflow run-off from water trucks or storage tanks may enter the stream.
- 11.9 Pesticide mix trucks shall not directly draft water from a stream or pond. Pesticide shall not be mixed where runoff may enter a stream or hydrologically-connected drainage facility.
- 11.10 Water truck operators drafting water from within or downstream of a known sudden oak death syndrome infestation area shall disinfect water in trucks and shall disinfect truck water tanks before leaving the area. Disinfection shall be accomplished by using 1 gallon of Ultra Clorox Bleach per 1000 gallons of drafted water (i.e., a solution equivalent to 50 parts per million chlorine). The water truck shall be filled to capacity and then driven for 5 minutes to allow the bleach-water mixture enough contact time to allow for complete mixing and disinfection prior to using or disposing of water from the truck. Following disinfection, the bleach-water mixture shall be disposed of by spreading on a bare mineral surface area (e.g. a rocked or native-surface road surface) at least 100 feet from any lake, stream or riparian area, at a rate that will ensure rapid absorption and/or evaporation. No bleach-water mixture shall be allowed to come in contact with water in a stream, lake, or pond, or riparian or wetland vegetation.
- 11.11 Drafting for storage tanks shall:
- a) Screen flow at the point of diversion (intake);
 - b) Have a valve in the diversion line before it enters the tank so flow can be regulated;
 - c) Have float valves to prevent overflow or Drain overflow from tanks using pipes that will return all excess water to the source stream, and armor or otherwise prevent erosion of the outfall location of water storage tank return pipes;
 - d) Not spill excess water onto the drafting pad, tank pad, or road surface; and
 - e) Screen or close all points of ingress to the tank to prevent wildlife entry or entrapment.
- 11.12 Screens shall be installed on intakes wherever water is drafted. Intakes shall be at least 6 inches above the bottom of the channel and away from submerged vegetation, where practicable. Where not practicable, intakes shall maximize these clearances. Screens and intakes shall be inspected weekly, kept in good repair, and kept clean and free of accumulated algae, leaves, or other debris or obstructions.

- a) Class I watercourse water drafting intake screens shall:
 - 1) Be designed so that approach velocity is no more than 0.1 feet per second (fps);
 - 2) Have at least 2.5 square feet of wetted, unobstructed screen; and
 - 3) Be constructed of wire mesh, perforated plate, or pipe with at least 27 percent open area. Round openings in the screen shall not exceed 3/32 inch (2.38 millimeters) in diameter. Slotted openings shall not exceed 1/16 inch (1.75 mm) horizontally (providing a maximum diagonal opening of 3/32 inch).
- b) Class II watercourse drafting intakes shall be screened and openings in the screen shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings.

- 11.13 At the end of drafting operations each season, intakes shall be removed from the channel. Intakes shall then be plugged, capped, or blocked using a shut-off valve, or removed from the flood prone area during the winter period.
- 11.14 If CDFW determines water drafting from a site is, or may result in, significant adverse impacts to sensitive resources, drafting operations shall cease until a site-specific plan to reduce the impacts is developed and this Agreement is amended to include these measures.
- 11.15 Source flow at drafting sites shall be measured using a flow meter, bucket, or float method. Permittee shall document equipment and procedures used to measure streamflow.

PROCEDURES FOR WATER DRAFTING FROM CLASS I WATERS

In addition to the General Water Drafting Procedures above, the following shall apply to water drafting from Class I watercourses.

- 11.16 Water drafting from Class I watercourses shall adhere to requirements in Table 2. Water drafting from a Class I watercourse drafting site shall cease when source flow drops to 2 cubic feet per second (cfs).

Weekly Water Drafting Reports: During active Class I water drafting operations, streamflow, and drafting rate measurements shall be collected at least once a week and provided to CDFW by email (CTP@wildlife.ca.gov).

11.17 The following shall apply to each seasonally-active Class I watercourse drafting site when the source flow (streamflow) is 6.0 cfs or less:

- a) Water truck operators shall be in possession of a log book that contains the following information, kept current during operations:
 - 1) Drafting site location;
 - 2) Date, time (including a.m. or p.m.), and operators name;
 - 3) Whether pumping directly from stream or from a tank;
 - 4) Truck capacity in gallons and estimated gallons of water drafted;
 - 5) Filling time;
 - 6) Drafting rate; and
 - 7) Screen cleaning and inspection notes.
- b) Prior to drafting below 6 cfs, Permittee shall provide verification that the pump(s) used for pumping directly from a stream can be adjusted to the pumping rates set forth in Table 2. This documentation shall be provided to CDFW by email (CTP@wildlife.ca.gov).

Table 2. Class I Watercourse Requirements: Maximum Allowable Water Drafting Rates

Source Flow (streamflow) in cfs (gpm)	Range of allowable water drafting rates (gpm)	Estimated time to draft 3,200 gallons	REQUIREMENTS
> 7.8 (3500)	350	9 minutes	Maximum removal rate shall be < 10% of source flow (streamflow)
> 6 - 7.8 (2693 – 3500)	270 – 350	9 – 12 minutes	Maximum removal rate shall be < 10% of source flow (streamflow)
> 2.25 - 6 (1009 – 2693)	101 – 270, depending on flow	12 – 32 minutes	Drafting Logs Required; Maximum removal rate shall be < 10% of source flow (streamflow); Trucks likely require smaller pumps; pumping rate verification required
>2 – 2.25 (898 – 1010)	90 – 101, depending on flow	32 – 48 minutes	Drafting Logs Required; Maximum removal rate shall be < 10% of source flow (streamflow); Trucks will require smaller pumps; pumping rate verification required
≤ 2 (898)	NO DRAFTING		WATER DRAFTING PROHIBITED

PROCEDURES FOR WATER DRAFTING FROM CLASS I WATERCOURSES

In addition to the General Water Drafting Procedures, the following shall apply to each seasonally-active Class II watercourse drafting site:

- 11.18 Water drafting shall adhere to Table 2. Water drafting from a Class II watercourse drafting site shall cease when streamflow drops to 0.01 cfs (4.5 gpm).
- 11.19 For Class II sites actively used for drafting via gravity flow into a tank or other storage facility, Permittee shall inspect the diversion intake on at least a weekly basis. During this inspection Permittee shall:
- a) Measure the streamflow and temperature immediately upstream of the diversion; if unable to do so, explain why and state where streamflow and temperature were measured;
 - b) Measure the temperature of water overflow from the storage tank to the stream;
 - c) Measure the diversion flow either directly (in the water lines or where it enters the tank) or indirectly (by subtracting a flow measurement taken immediately downstream of the diversion from that taken immediately upstream of the diversion);
 - d) Calculate the rate of diversion and make adjustments as needed at the intake or tank to meet the requirements of Table 2;
 - e) The information collected above, including calculated rates of diversion and adjustments made, shall be provided to CDFW by email (CTP@wildlife.ca.gov) or by phone (707) 441-2075 or fax (707) 441-2021 by the last day of each month during which water was drafted.

Table 3. Class II Watercourse Requirements: Maximum Allowable Water Drafting Rates

Source flow (streamflow) in cfs (gpm)	Range of allowable water drafting rates (gpm)	Requirements as a maximum percent of removal of source flow
> 2.0 (> 898)	225	25 %
> 1.5 – 2.0 (> 673 – 898)	168 – 225	25 %
> 1.0 – 1.5		25 %

(> 449 - 673)	110 – 168	
> 0.5 – 1.0 (> 224 – 449)	55 – 110	25 %
> 0.25 – 0.5 (> 112 – 224)	28 – 55	25 %
> 0.1 – 0.25 (> 45 – 112)	10 – 28	25 %
> 0.05 – 0.1 (> 22 45)	5 – 10	25%
> 0.025 – 0.05 (> 11 – 22)	2.5 – 5	25 %
≥0.01 – 0.025 (>4.5 – 11)	1.0	9 – 22 %
≤ 0.01 (≤4.5)	WATER DRAFTING PROHIBITED	

CONTACT INFORMATION

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

To Permittee:

Trevor Anderson
4063 E Antelope Rod
Eagle Pt, Oregon 97524
(541) 613-1504

To CDFW:

Department of Fish and Wildlife
North Coast Region
619 Second St
Eureka, California 95501
ATTN: Lake and Streambed Alteration Program
Notification # 1600-2017-0159-R1
Fax: (707) 441-2021

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form.

TRANSFER AND ASSIGNMENT

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

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form.

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form. CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

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

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under CEQA.

TERM

This Agreement shall expire 5 years from the CDFW signature date below, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term.

Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

EXHIBITS

Maps of the encroachment sites are included as an exhibit to the Agreement and shall be incorporated herein by reference.

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR: North Coast Land Management




Trevor Anderson
(North Coast Land Management)

6/18/17

Date

FOR: California Department of Fish and Wildlife


(Nick Simpson acting for Hendrix)

Jon Hendrix
Senior Environmental Scientist (Supervisory)
Timber Conservation Planning

6/28/17

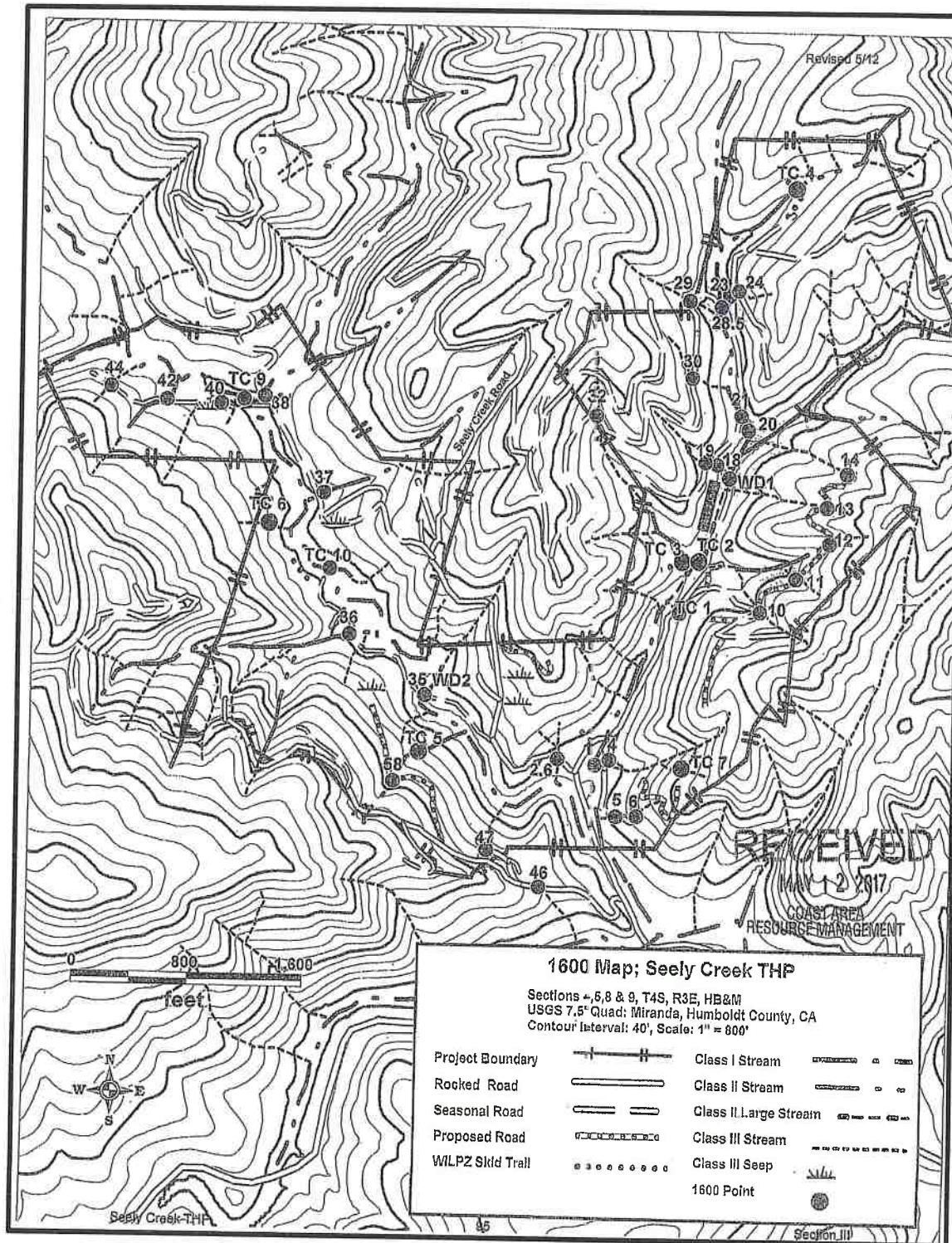
Date

Prepared by:

Nicholas Simpson
Senior Environmental Scientist (Specialist)
Timber Conservation Planning

Date Prepared: 6/9/17

Appendix A:



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



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

Applicant Name: Westside Heritage Farm

APN: 220-312-007

Planning & Building Department Case/File No.: 12928

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

From Road (Cross street): Briceland Road

To Road (Cross street): cultivation site

Length of road segment: .85 miles Date Inspected: 08-12-2018

Road is maintained by: ☐ County ☒ Other private road association

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

08/12/2019

Date

Diana Totten
Name Printed

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

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
From Road: _____ (Post Mile _____) Planning & Building
To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
(Contact the Planning & Building Department for information on other nearby projects.) _____

ADT: _____ Date(s) measured: _____

Method used to measure ADT: ☐ Counters ☐ Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? ☐ Yes ☐ No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* for guidance.)

A. Pattern of curve related crashes.

Check one: ☐ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☐ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☐ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

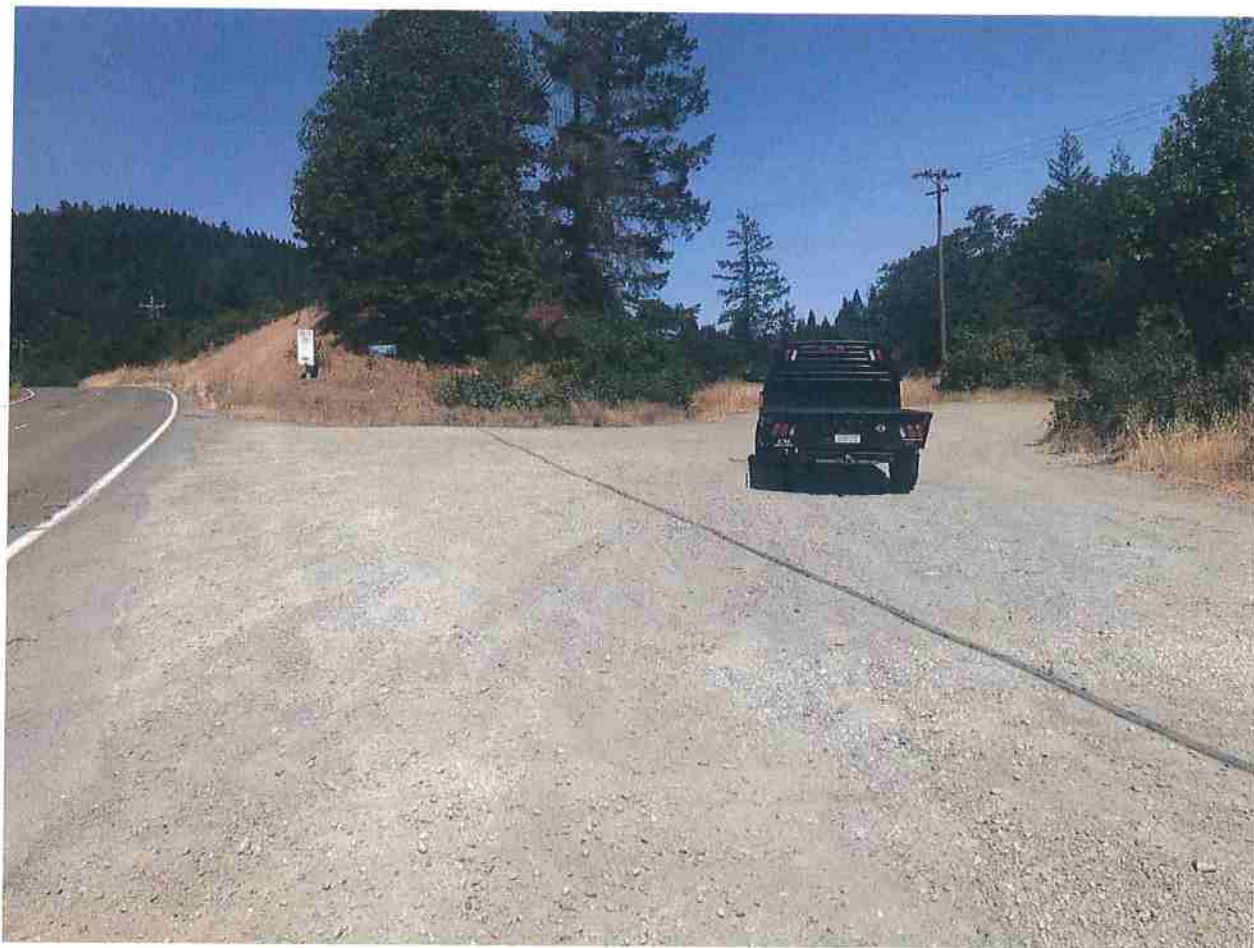
☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Signature of Civil Engineer _____ Date _____

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



Beginning of Seely Creek Road at Briceland Road



.25 miles



.4 miles

State of California
Well Completion Report
WCR Form Submitted 09/26/2016
WCR2016-006670

Owner's Well Number 1 Date Work Began 09/22/2016 Date Work Ended 09/24/2016
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 16/17-0264 Permit Date 09/22/2016

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity
Name <u>TREVOR ANDERSON NORTH COAST LAND MANAGMENT</u>		Activity <u>New Well</u>
Mailing Address <u>4063 E. ANTELOPE RD.</u>		Planned Use <u>Water Supply Domestic</u>
City <u>EAGLE POINT</u>	State <u>OR</u> Zip <u>97524</u>	

Well Location					
Address <u>0 SEELY CREEK RD</u>			APN <u>220-313-010</u>		
City <u>REDWAY</u>	Zip <u>95560</u>	County <u>Humboldt</u>	Township <u>04</u>	<u>S</u>	
Latitude _____ N Longitude _____ W			Range <u>03</u>	<u>E</u>	
Deg. _____ Min. _____ Sec. _____	Deg. _____ Min. _____ Sec. _____		Section <u>05</u>		
Dec. Lat. <u>40.1392100</u>		Dec. Long. <u>-123.8659900</u>		Baseline Meridian <u>Humboldt</u>	
Vertical Datum _____		Horizontal Datum <u>WGS84</u>		Ground Surface Elevation <u>549</u>	
Location Accuracy _____		Location Determination Method _____		Elevation Accuracy <u>10 Ft</u>	
				Elevation Determination Method <u>GPS</u>	

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>45</u> (Feet below surface)
Drilling Method <u>Downhole Hammer</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>200</u> Feet	Water Level <u>48</u> (Feet) Date Measured <u>09/25/2016</u>
Total Depth of Completed Well <u>200</u> Feet	Estimated Yield* _____ Test Type <u>Air Lift</u>
	Test Length <u>3.5</u> Total Drawdown <u>0</u> (Feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	10	TOP SOIL
10	45	SAND STONE
45	85	WATER BEARING SAND STONE AND LAYERD BASALT
85	140	BASALT
140	165	WATER BEARING BASALT
165	200	BASALT

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	80	Blank	PVC	OD: 6.625 in. SDR: 21 Thickness: 0.316 in.	0.316	6.625			
1	80	180	Screen	PVC	OD: 6.625 in. SDR: 21 Thickness: 0.316 in.	0.316	6.625	Milled Slots	32	.032 SLOT
1	180	200	Blank	PVC	OD: 6.625 in. SDR: 21 Thickness: 0.316 in.	0.316	6.625			W/ 6" CAP

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		SEAL
20	200	Filter Pack	Other Gravel Pack	3/8 & 1/2 PEA GRAVEL	3/8 & 1/2 PRE WASHED MIX PEA GRAVEL

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	200	10.63

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>VICS WELL DRILLING INC</u>			
Person, Firm or Corporation			
<u>3807 SIERRA HWY UNIT #6</u>	<u>ACTON</u>	<u>CA</u>	<u>93510</u>
Address	City	State	Zip
Signed _____	<u>09/26/2016</u>	<u>886439</u>	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

Attachments

3034_001.pdf - Permit

TREVOR GARBERVILLE WELL#1 PLOT PLAN.jpg - Location

DRILLERS REPORT TREVOR ADESON.docx - Other

DWR Use Only	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
Site Number / State Well Number	
<div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; text-align: center;">N</div>	<div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; text-align: center;">W</div>
Latitude Deg/Min/Sec	Longitude Deg/Min/Sec
TRS:	
APN:	

Cultivation Area Verification (CAV)

1) Enter amount of verified cultivation area.

Existing Outdoor Square Footage: _____

Existing Mixed Light Square Footage: 15,155 ϕ ML

2) Enter base year date and source (e.g. 2014 – GIS or 10/27/15 – TerraServer or May 28, 2014 – Google Earth etc)

Base Year Date and Source: 11/04/15

3) Enter person performing verification:

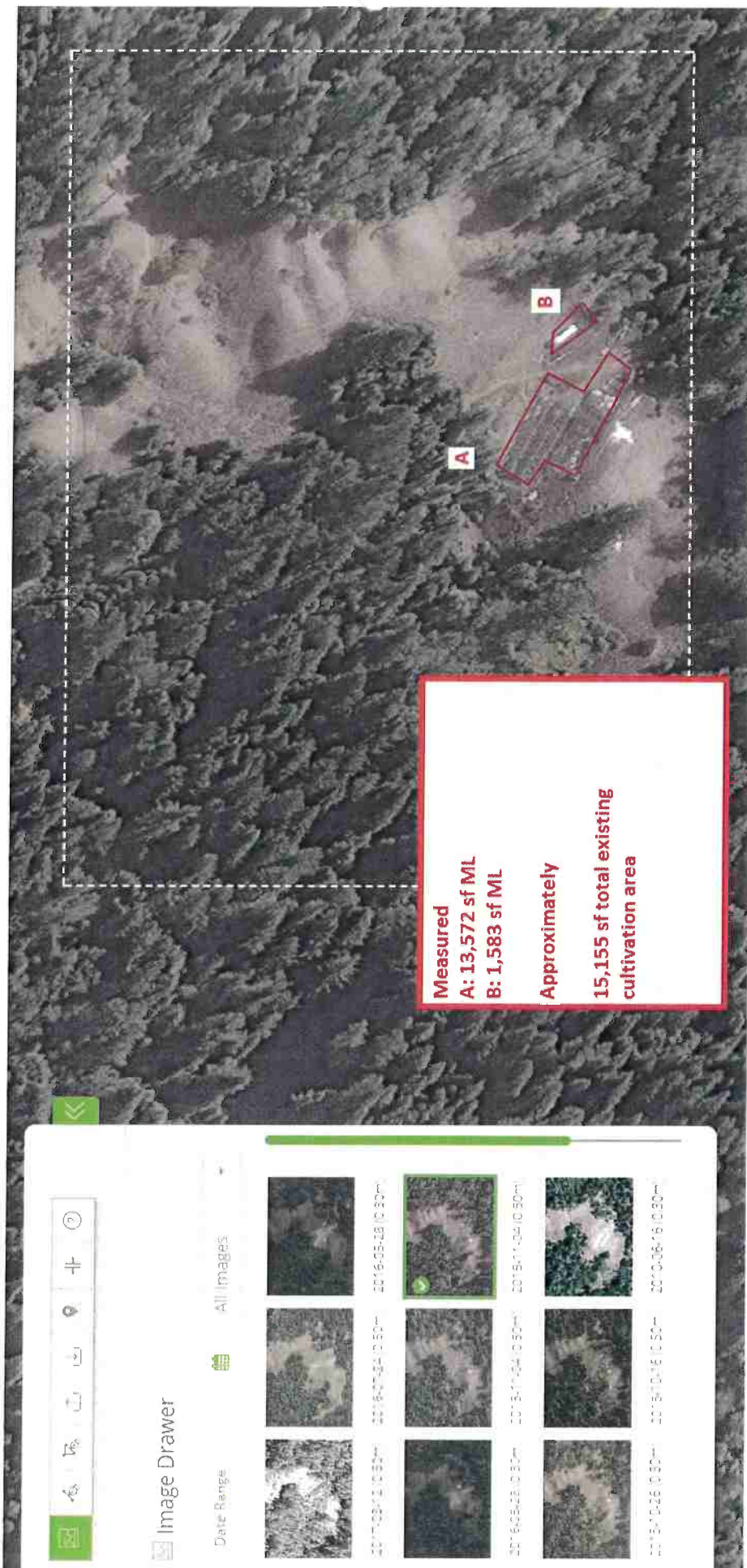
Verified By: Laco JMH

4) Enter date of verification (e.g. current date)

Date Verified: 11-15-17

5) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)

6) Write "CAV" on the outside of the project file to indicate that cultivation area verification is completed for project.



CAV
 Laco ZmH
 11-15-17

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Additional Comments	Attached
CA Division of Water Rights	✓	Conditional Approval	On file
Northwest Information Center	✓	Further Study	On file- confidential
Bear River Band of Rohnerville Rancheria	✓	Inadvertent Discovery Protocol	On file- Confidential
Intertribal Sinkiyone Wilderness Council		No response	
Humboldt County Sheriff	✓	Approval	On file
Southern Humboldt Joint Unified School District		No response	
California Department of Fish & Wildlife		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	
Briceland Fire Protection District		No response	

▼ Pre-Site Inspection

Status:

[History](#)

PRE-SITE

Project Started

☐ Yes ☐ No

AOB Inspection

☐ Yes ☐ No

Soil Required Due to

Project is in flood zone A

☐ Yes ☐ No

2nd Flood Certificate Required

☐ Yes ☐ No

SRA requirements apply

☐ Yes ☐ No

SRA water storage requirements apply

☐ Yes ☐ No

Grading permit required

☐ Yes ☐ No

Erosion and sediment control measures required

Lot created prior to 1992

☐ Yes ☐ No

Incomplete Submittal Construction Plan

☐ Yes ☐ No

 Standard Comment

Plans Stamped by Licensed Prof Required

☐ Yes ☐ No

Soil Report Required

☐ Yes ☐ No

FIRM panel number

(Text)

Flood elevation certificate required

☐ Yes ☐ No

Project appears to be within wet area

Appr.SRA req. need to be shown on plot plan

☐ Yes ☐ No

Driveway slope appears to be

Submit engineered foundation for

Applicant must locate property lines

☐ Yes ☐ No

Plot plan incomplete, must be revised

☒ Yes ☐ No

Other concerns exist

☐ Yes ☐ No

Planning Referral

4/18/19

db

- Recommend approval after plot plan has been revised and resubmitted based on the condition that all grading, building, plumbing electrical and mechanical permits and/or Agricultural Exemption are obtained
- No wet areas within 100-200 feet of cannabis
- Note: existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
- revise and resubmit plot plan showing all water tanks and sizes
- revise and resubmit plot plan showing the (E) graded flat that was done with a THP, show all conex's and size, show all green houses sand sizes

check spelling

Attachment(s) : 

PLN-12928-CUP - West Side Heritage Farms, INC - 10,800 sq ft mixed light existing

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (4)

Payment

Workflow History (11)

Comments (6)

Documents (20)

A notice was added to this record on 2019-05-09.

Condition: Parcel Status : LEGAL PARCEL Severity: Notice

Total conditions: 3 (Notice: 3)

View notice

Cancel

Help

Task	Due Date	Assigned Date
Environmental Health	05/10/2019	04/15/2019
Assigned to Department Environmental Health	Assigned to LandUser1 DEH	Status Approved with Conditions
Action by Department Environmental Health	Action By Ben Doif	Status Date 04/30/2019
Start Time	End Time	Hours Spent 0.0
Billable	Overtime	Comments
No	No	Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No	<input checked="" type="checkbox"/> All ACA Users	<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action Updated	Workflow Calendar
0.0		

Apps 12928- Referral Inquiry



Whittlesey, Joseph
Mon 8/30/2021 2:06 PM
To: Strickland, Abigail



Hi Abbie,

Yes, operations can be supported by portable toilets or permitted OWTS when trimming occurs offsite. Typically, our office uses the following standard comment for projects proposing cultivation only:

"Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure."

Thanks,

Joey Whittlesey
Senior Environmental Health Specialist
[Land Use Program](#)
[Division of Environmental Health](#)
100 H Street, Suite 100, Eureka, CA 95501
Phone: (707) 268-2240 – Fax: (707) 441-5699

...

Great, thank you!

Thank you for the clarification.

Very helpful. Thank you!

[Reply](#) | [Forward](#)



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

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Liza Welsh, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 04/18/2019

RE:

Applicant Name	WEST SIDE HERITAGE FARMS, INC.
APN	220-261-046
APPS#	PLN-12928-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 11/14/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 12928

- ☐ **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: (AT END OF COUNTY MAINTAINED RD)**
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 //

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: