



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

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Hearing Date: September 16, 2021

To: Humboldt County Planning Commission

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

Subject: **Eel River Produce, LLC Special Permits and Zoning Clearance**  
Record Number: PLN-2020-16417  
Assessor's Parcel Number (APN): 209-331-002  
1048 Holmes Flat Road, Redcrest, CA

**Table of Contents**

**Page**

Agenda Item Transmittal 2  
Recommended Action and Executive Summary 3  
Draft Resolution 9

Maps

Topo Map 20  
Zoning Map 21  
Aerial Map 22  
Site Plan 23

Attachments

Attachment 1: Recommended Conditions of Approval (1A) and Mitigation Monitoring & Reporting Program (1B) 24  
Attachment 2: Initial Study/Mitigated Negative Declaration Separate  
Attachment 3: Applicant's Evidence in Support of the Required Findings 46  
Attachment 4: Referral Agency Comments and Recommendations 66  
Attachment 5: CEQA Comments 73

Please contact Desmond Johnston, Senior Planner, at 707-441-2622 or by email at [djohnston@co.humboldt.ca.us](mailto:djohnston@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	Special Permits and Zoning Clearance	Desmond Johnston

**Project Description:** A proposal to add 63,200 s.f. of cultivation area consisting of a Special Permit to allow 43,200 s.f., including 33,200 s.f. of outdoor light deprivation in fourteen greenhouses, and 10,000 s.f. mixed light in four greenhouses to be cultivated year-round, and a Zoning Clearance Certificate to allow a fourth RRR consisting of 20,000 s.f. of outdoor light deprivation in five greenhouses. Cultivation will occur from April 15th to October 15th and will achieve up to two harvest cycles. The site is presently permitted for 60,000 square feet of full-sun outdoor through three RRRs. The total cultivation at full build-out will be 133,200 square feet (3.06 acres). A 10,000-square-foot commercial nursery in four (4) greenhouses will produce seeds and clones and was approved with a separate ZCC. No supplemental light is used in the light-deprivation or nursery greenhouses. The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks. Estimated annual water use is 161,500 gallons, of which 19,000 gallons is used for the nursery. Water storage totals 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons proposed. At peak harvest, there will be up to fourteen (14) workers on-site. Harvested product will be dried in the greenhouses, or fresh frozen and taken off-site. No processing occurs on-site. P.G.&E. supplies renewable power to the site. A Special Permit is also required to vary from the 600' setback from Humboldt Redwoods State Park to a distance of 524'.

**Project Location:** The project is located in Humboldt County, in the Redcrest area, on the south side of Holmes Flat Road, approximately 1,700 feet west of the intersection of Holmes Flat Road and Tierney Road, on the property known as 1048 Holmes Flat Road.

**Present Plan Land Use Designations:** Agricultural Exclusive (AE), Timberland (T); 2017 General Plan: Avenues Community Plan Area – Stafford-Redcrest; Density: 20-60 acres per unit; Slope Stability: Low Instability (North area of parcel) and Moderate Instability (South area of parcel). The proposed project is confined to the northerly portion of the parcel.

**Present Zoning:** Agriculture Exclusive (AE) and Flood Hazard Area (F) on the Northerly half; and Timber Production (TPZ) on the Southerly half.

**Record Number:** PLN-2020-16417

**Assessor's Parcel Number:** 209-331-002

### Applicant

Eel River Produce, LLC  
c/o Wyatt Williamson  
P.O. Box 764  
Loleta, CA 95551

### Owners

Wyatt Williamson G Trust  
P.O. Box 764  
Loleta, CA 95551

### Agent

Brittany Massaro  
Humboldt Logistics  
P.O. Box 457  
Scotia, CA 95565

**Environmental Review:** An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission

**Major Issues:** None

**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:

- (a) Find that the Commission has considered the Mitigated Negative Declaration prepared for the Eel River Produce, LLC project pursuant to Section 15074 of the State CEQA Guidelines;
- (b) Make the findings in support of the Mitigated Negative Declaration;
- (c) Adopt the Mitigated Negative Declaration;
- (d) Make all the required findings for approval of the Special Permits and Zoning Clearance Certificate; and
- (e) Approve the Eel River Produce Special Permits, Zoning Clearance Certificate, and Mitigation Monitoring & Reporting Program as recommended by staff and subject to the recommended conditions.

**Executive Summary:** A proposal to add 63,200 s.f. of cultivation area consisting of a Special Permit to allow 43,200 s.f., including 33,200 s.f. of outdoor light deprivation in fourteen greenhouses, and 10,000 s.f. mixed light in four greenhouses to be cultivated year-round, and a Zoning Clearance Certificate to allow a fourth RRR consisting of 20,000 s.f. of outdoor light deprivation in five greenhouses. Cultivation will occur from April 15th to October 15th and will achieve up to two harvest cycles. The site is presently permitted for 60,000 square feet of full-sun outdoor through three RRRs and a 10,000-square-foot commercial nursery in four (4) greenhouses that was approved with a separate ZCC. The total cultivation at full build-out, approved and proposed, will be 133,200 square feet (3.06 acres). A Special Permit is also required to vary from the 600' setback from Humboldt Redwoods State Park to a distance of 524'; a reduction of 76 feet

A Zoning Clearance Certificate was approved for 10,000 square feet of commercial nursery in four greenhouses measuring 24' x 105' each (Record No PLN-2019-15762). The nursery produces clones, immature plants, and seeds for wholesale to licensed cultivators and distributors. The property also hosts 60,000 square feet of approved outdoor commercial cannabis cultivation that was relocated to the site through the Retirement, Remediation and Relocation (RRR) program, which was a ministerial action subject to a ZCC (Record No PLN-13290-SP, PLN2019-15674, PLN-2020-16332), for a total of 70,000 square feet of existing, approved cultivation area.

This Special Permit and ZCC will allow 63,200 s.f. of additional cultivation. Total cultivation on the parcel will then be 133,200 s.f., or 3.06 acres.

**Cultivation Operations**

Outdoor Full Sun cannabis cultivation operations will be conducted beginning with the previously-planted winter cover crop being mowed and disked, which is then plowed 14" deep, worked to a fine seed bed, and then let rest, with the moisture sealed in with a roller. The plants will be full sun grown through the late spring and summer months and will be planted on 8 ft. centers for a total of ~ 1,200 plants. Because of the presence of prime floodplain soils, the plants will require only minor amounts of supplemental hand watering.

Light Deprivation plants are taken from the on-site nursery and placed directly into native prime agricultural soil inside greenhouses. Vegging takes 2-4 weeks. Light deprivation runs from 7 p.m. until 7 a.m., for a period of 6-9 weeks. No supplemental light is used in the light-deprivation or nursery

greenhouses. Harvesting then occurs, followed by 1-2 weeks in the drying room until the flower is cured for further processing.

The subject parcel is accessed via a private driveway directly off Holmes Flat Road, a paved County-maintained road with a centerline stripe. The access road meets the functional equivalency of a Category 4 road and is suitable for the proposed commercial agriculture activity. A total of seven (7) full-time employees are needed, of which five (5) are associated with the cultivation and two (2) are associated with the nursery. An additional seven (7) temporary workers would be used. The maximum number of people onsite during harvest is fourteen. Twenty-two (22) parking spaces are shown on the Site Plan, of which two (2) are ADA compliant, twelve (12) are available for employees, and ten (10) are available for the existing employees and customers and regulatory staff. Power is provided by Pacific Gas and Electric (P.G.&E.). The applicant will purchase 100% renewable electricity through the RePower+ program. An ongoing operational condition requires the applicant provide proof of enrollment in a program meeting the renewable energy standard. Harvested product will be dried or fresh frozen and taken off-site. Processing occurs off-site.

**Water Source, Storage and Use**

The sole source of irrigation water is rainwater catchment stored in tanks. According to the Site Management Plan, the storage tanks occupy a disturbed area totaling 8,400 square feet. Conservatively estimating that at least a 5,000 square foot area could be rigged above the tanks to directly capture and store rainwater. The average rainfall in the Scotia area is between 50 to 60 inches per year. Using the coefficient of 0.62 gal/sf, the operation could capture between 155,000 to 186,000 gallons per year on site. There is currently 170,000 gallons of full tank storage on-site in thirty-four (34) 5,000-gallon HDPE tanks. The applicant will add an additional 50,000 gallons of tank storage to meet the irrigation needs of cultivation at full build-out. Rainwater will be collected directly into the tanks. Cannabis is partially dry-farmed. Annual water use at total build-out for the operation is estimated at 169,500 gallons. Water meters will be used to quantify irrigation water use. The applicant provided a Site Management Plan. The proposed cultivation site is on a less than 2% slope. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

At all times, water will be applied using no more than agronomic rates using an automated irrigation system. Irrigation will be needed from April through October of each year, with no irrigation needed during the months of November thru March.

Anticipated peak water use is approximately:

- **638** gallons of water per day in **Outdoor** operations, system and/or hand watering,
- **285** gallons of water per day in **Light Deprivation** operations, and
- **52** gallons of water per day in **Nursery** operations.

Applicant's total irrigation water *annual* needs, April through October, are approximately 161,500 gallons of water, per the following gallons/month breakdown.

April	May	June	July	Aug	Sept	Oct
1k	7k	27k	42k	42k	27k	15.5k

**General Plan, Zoning, and the CCLUO**

The northerly portion of the 30.5-acre parcel is designated by the General Plan Land Use Diagram as Agricultural Exclusive (AE), and zoned Agriculture Exclusive-Flood Hazard Area (AE-F). The southerly portion of the parcel is GP-designated Timberland (T) and zoned Timberland Production Zone (TPZ). All proposed development is within the northernmost area of the parcel.



The project site's zoning districts are in conformance with the General Plan designations, per Table 4-H, Section 4.8 of the General Plan. The AE plan designation applies to bottomland farms such as this, for uses that include row crops and other specialty agriculture. The residential density range is 20 to 60 acres per unit. There is one existing residence on the property and no others are proposed. The AE Zone is for fertile areas in which agriculture is the predominant use. The proposed agricultural and accessory agricultural uses, including greenhouses and appurtenant buildings, are principally permitted uses in the AE Zone (Sec. 314-7.1). Up to one acre of cultivation may be granted by special permit on a parcel of ten acres, and an additional RRR may be allowed by zoning clearance certificate for up to 20,000 s.f. of cultivation.

## **Biological Resources**

The proposed cultivation area would occur in an agricultural field and ruderal area. The vegetation is predominately non-native grasses and other non-native herbaceous vegetation. An unnamed Class II stream drains off the southern portion of the property, and two (2) ephemeral streams drain into a human-created Class IV drainage ditch that runs south-north along the eastern edge of the property, and then bisects the center of the property running west. The ditch does not hold water year-round and serves as a buffer between the agricultural fields and the forested habitat. According to the *Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan* prepared by Pacific Watershed Associates in July 2019 (hereinafter referred to as *Biological Report*), there are three (3) wetlands identified on the site. A fourth test pit was dug on the western edge of the drainage ditch, but the area did not exhibit the wetland hydrology in order to classify as a 3-parameter wetland.

The *Biological Report* evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined a high potential for maple-leaved checkerbloom and Northern Spotted Owl. A seasonally appropriate protocol survey was completed for maple-leaved checkerbloom, and no plants were found. A Northern Spotted Owl (NSO) survey specific to a proposed THP on the southern forested portion of the parcel was conducted on June 6, 2019, and is included in Appendix B of the *Biological Report*. The survey detected zero NSO within a 0.7-mile radius of the property. There are three (3) activity centers across the Eel River to the north and northeast approximately 1.3 miles away, and one (1) 1.3 miles to the southwest. Marbled murrelet mapped habitat is located on Redwood State Park land approximately 0.2 miles from the site. The *Biological Report* found low potential for Marbled murrelet habitat to occur in the forested southern portion of the site.

A noise study was completed measuring ambient noise levels at three property line locations (north, east and west) over a 24-hour period. The combined night-time and day-time average ambient noise was approximately 40 decibels. Ongoing operational conditions require the applicant to maintain noise levels no more than 3 decibels above existing ambient noise i.e. no more than 43 decibels of continuous noise. No supplemental lighting is used in the nursery greenhouses or light-deprivation operation. The project was referred to the California Department of Fish and Wildlife (CDFW) on November 20, 2019. Referral comments were received on April 30, 2020. Staff responded to CDFW concerns in an email dated May 5, 2020 (see Attachment 5). The CEQA IS/MND was circulated to CDFW during the 30-day public review period and comments were received and are addressed in the attached Findings of Fact.

## **Humboldt Redwoods State Park**

The cultivation area is located approximately 542 feet from the public land; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from Redwood State Park is included as a part of the applicant's request. The proposed site plan shows up to eight (8) light deprivation greenhouses within the proposed 76-foot area of reduced setback.

The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The *HRSPGP* identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The *HRSPGP* states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The *HRSPGP* also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The light deprivation greenhouses within the reduced setback will not have night lighting, and the design fans are the quieter snap fans. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The *HRSPGP*'s provisions for cultural resource protection has been met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources and mitigation included in the IS/MND. Additionally, a Site Management Plan was developed for the project. The plan was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

The project was referred to Humboldt Redwoods State Park in November 20, 2019. A draft of this Staff Report was sent to the State Park employee point of contact on May 5, 2020. A subsequent email was sent on May 7 with the revised Site Map. Comments were requested to include in the staff report. No comments were received. The CEQA IS/MND was circulated to State Park staff during the 30-day public review period, and Park staff requested a revised site plan with more precise measurements, and an inventory of approved and pending projects with setback reductions prior to making comment. These items were provided to Park staff August 26, 2021. The resulting revised site plan included a field boundary survey by a licensed surveyor which found that the requested setback reduction would be less than originally anticipated – down to 76' from 144'. Several inquiries by email and phone were subsequently made to Park staff for comment. On September 7, 2021, the project applicant offered to ensure that no noise greater than 3 dB above ambient conditions would occur within the 76' area. If necessary, the proposed "snap fans," which are quieter than conventional, would not be installed in the eight greenhouses. This is included among the recommended condition of approval. This information was conveyed to Park staff on September 7, 2021.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Daily Ranch Road located approximately 1-mile south of the project site. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

## **Project History**

The project was originally noticed for a Zoning administrator hearing of June 4, 2020 where the county received a substantial amount of public concern regarding the project. The project was continued to June 18, 2020 where it was then continued to a date uncertain. It was then brought back to the Zoning Administrator on January 7, 2021 however the Zoning Administrator chose not to hear the item and directed staff to prepare an Initial Study pursuant to the California Environmental Quality Act. The Zoning Administrator also directed staff to hold a public meeting with the Holmes Flat community and to bring the project back to Planning Commission for a decision. Staff understands that the applicant reached out to members of the community however the applicant stated to planning staff that they did not support having a public meeting with staff and the community as they felt it would not prove fruitful. For this reason, no public meeting was held.

## **Environmental Review**

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from May 26, 2021, to June 28, 2021, at the State Clearinghouse. The Mitigated Negative Declaration concluded there are no impacts that could not be mitigated, and eleven (11) mitigation measures were included addressing areas of biological resources, cultural and tribal cultural resources, and geology and soils. The measures are listed in the IS/MND and the Mitigation Monitoring and Reporting Program attached to this staff report, and in the Findings contained in the draft Resolution. Comments were received from four agencies and a member of the public. Comments received did not change the conclusions of the Mitigated Negative Declaration, but in some instances provided assistance in developing recommended conditions of approval. The comments, from the California Department of Fish and Wildlife, the California Department of Parks and Recreation, the California Department of Cannabis Control, and a neighboring property owner, Barbara Guest, and attached to the staff report, and summarized and addressed in the Findings.

**RECOMMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies and responses to comments on the IS/MND, Planning staff believes that the that Mitigated Negative Declaration complies with the provisions of CEQA, that the findings in support of the MND can be made, and that the applicant has submitted evidence in support of making all of the required findings for approval of the Special Permits and Zoning Clearance Certificate.

## **ALTERNATIVES:**

1. By the time of completion of the staff report, no comment indicating favor or disfavor with the requested 76-foot reduction in the 600-foot setback from Humboldt Redwoods State Park has been received from the California Department of Parks and Recreation. The Commission may, as an alternative, approve the Special Permit and Zoning Clearance for cultivation and deny the Special Permit for the setback reduction. Denial of the setback reduction would cause the applicant to forgo, or possibly relocate if possible, up to eight (8) Light Deprivation greenhouses. Should the Commission choose this alternative, staff recommends the addition of a condition of approval to submit a revised site and operations plan within 60 days of approval.
2. Staff prepared a thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

3. The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. 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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-  
Record Number PLN-2020-16417  
Assessor's Parcel Numbers: 209-331-002**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Eel River Produce, LLC, Special Permits and Zoning Clearance Certificate.**

**WHEREAS, Eel River Produce, LLC**, submitted an application and evidence in support of approving Special Permits and a Zoning Clearance Certificate for Record No, PLN-2020-16417.

**WHEREAS**, Permits requested include a Special Permit for 43,200 s.f. of new cannabis cultivation, a Special Permit to vary from the 600' setback from a public park by 76', and a Zoning Clearance Certificate to allow a fourth RRR consisting of 60,000 s.f.

**WHEREAS**, a Mitigated Negative Declaration was prepared for the proposed Special Permits and Zoning Clearance Certificate, and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

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

- 1. FINDING:**                    **Project Description:** A proposal to add 63,200 s.f. of cultivation area consisting of a Special Permit to allow 43,200 s.f., including 33,200 s.f. of outdoor light deprivation in fourteen greenhouses, and 10,000 s.f. mixed light in four greenhouses to be cultivated year-round, and a Zoning Clearance Certificate to allow a fourth RRR consisting of 20,000 s.f. of outdoor light deprivation in five greenhouses. Cultivation will occur from April 15th to October 15th and will achieve up to two harvest cycles. The site is presently permitted for 60,000 square feet of full-sun outdoor through three RRRs. The total cultivation at full build-out will be 133,200 square feet (3.06 acres). A 10,000-square-foot commercial nursery in four (4) greenhouses will produce seeds and clones and was approved with a separate ZCC. No supplemental light is used in the light-deprivation or nursery greenhouses. The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks. Estimated annual water use is 161,500 gallons, of which 19,000 gallons is used for the nursery. Water storage totals 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons proposed. At peak harvest, there will be up to fourteen (14) workers on-site. Harvested product will be dried in the greenhouses, or fresh frozen and taken off-site. No processing occurs on-site. P.G.&E. supplies renewable power to the site. A Special Permit is also required to vary from the 600' setback from Humboldt Redwoods State Park to a distance of 524'.

**EVIDENCE:**    a)    Project File: PLN-2020-16417

- 2. FINDING:**                    **CEQA.** The requirements of the California Environmental Quality Act have been complied with. A Mitigated Negative Declaration (MND) was prepared for the project and circulated for public review. The conclusion

of the MND is that there are not any potentially significant impacts that cannot be mitigated.

- EVIDENCE:**
- a) Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).
  - b) The CEQA document includes an analysis of the subject Special Permits and Zoning Clearance Certificate. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated from May 26 2021 to June 28, 2021.
  - c) The Initial Study/Mitigated Negative Declaration included eleven (11) mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

- 3. FINDING:** **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: aesthetics, agriculture and forest resources, air quality, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation. transportation and traffic, utilities and service systems, and wildfire.

- EVIDENCE:**
- a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
  - b) Initial Study/Mitigated Negative Declaration dated May 2021 and circulated for public review May 26,2021 to June 28, 2021.

- 4. FINDING:** **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The Initial Study identified potentially significant impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

- EVIDENCE:**
- a) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:
    - i. A seasonally appropriate special-status plant survey shall be conducted and any other potential special- status plant in the project area prior to any grading or site development. These surveys shall follow the protocol described in CDFW (2018) and abide by the biological report content and standards described in the Humboldt County Code Sections 314-61.1.17 and 314-61.1.18. No grading, restoration, removal of structures, or development of new structures will be done until permit approval. If plants are found during the floristic surveys, a qualified biologist shall conduct further tests on the species and Humboldt County Planning and

Building Department will be notified if these are a special or sensitive protected species on site.

- ii. No generators shall be used for the project, ensuring that the decibels will not exceed 50 db at tree line, to possibly disturb the Northern Spotted Owl. No work shall be permitted with heavy machinery associated with the cultivation of cannabis during the nesting period, starting in February through July, consistent with county Ordinance 2559.
  - iii. The landowner shall not development outside of the survey area and not remove vegetation from the forest buffer zone unless surveyed by a qualified biologist beforehand with report provided to County Planning. This is most importantly to protect the *Sidalecea malachroides*. Ground disturbance and vegetation clearing and/or trimming will be confined to the minimum amount necessary to facilitate project implementation and will not be conducted within the forested or shrubland alliances delineated within the Survey Area.
  - iv. Project-related materials will be stored in designated existing and proposed project storage buildings shown on the Site Plan.
  - v. Measures to prevent the spread of invasive weeds will be taken, including, where appropriate, inspecting equipment for soil, seeds, and vegetative matter, cleaning equipment, utilizing weed-free materials and native seed mixes for revegetation, and proper disposal of soil and vegetation. Prior to entering and leaving the work site, workers shall remove all seeds, plant parts, leaves, and woody debris (e.g., branches, chips, bark) from clothing, vehicles, and equipment. Permittee shall not commence any new development outside of the survey areas nor remove vegetation from the forest buffer zone. The permittee will follow the plan and timeline laid out in section 3.5 Invasive Species Management, and contact a qualified professional after five years if an additional eradication plan is needed.
  - vi. Disturbance or removal of native vegetation shall be limited to the minimum necessary to achieve design guidelines; damage to vegetation outside the work areas shall be prohibited.
  - vii. Clearing and vegetation grubbing operations, if necessary, shall occur outside the nesting season (1 March to 15 August). If clearing and grubbing operations is proposed to occur during the nesting season, then the landowner will have a qualified biologist conduct a nesting survey of the proposed clearing site and a surrounding 30-m (100-ft) buffer, with the report provided to County Planning. The nest survey results will be valid for two weeks. If clearing operations do not occur within the two-week window, the biologist will conduct another survey. If a nest is found, then the biologist will mark a 15-m (50-ft) diameter buffer around it that will remain in place until the young have fledged. The nest and buffer can be removed at that point.
- b) **Cultural & Tribal Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural and tribal cultural resources:
- i. The following provides means of responding to the circumstances of a significant discovery during the implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris,

building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA Guidelines Section 15064.5 (f)). Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

- ii. If suspected cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact will be made to the County, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and Wiyot Tribe. The professional historic resource consultant, Tribes and County officials will coordinate provide an assessment of the find and determine the significance and recommend next steps.
  - iii. If human remains are discovered during project construction, work would be stopped at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.
- c) **Geology and Soils:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for geology and soils:
- 1) In the event that paleontological resources are discovered, work will be stopped within 100 feet of the discovery and a qualified paleontologist will be notified. The paleontologist will document the discovery as needed. If fossilized materials are discovered during construction within 100 feet of the find shall be temporarily halted or diverted until discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

## 5. FINDING:

**CEQA Public Comments:** Letters of comment were received from three agencies, and two comments from a neighboring property owner. These



- comments have been considered and none of these comments change the conclusions of the Mitigated Negative Declaration.
- EVIDENCE:**
- a) A comment from the California Department of Fish and Wildlife (CDFW) recommended the project Site Plan be revised to clearly show development setbacks from wetlands.  
The Site Plan has been revised and amended per CDFW request.
  - b) CDFW commented that to ensure sufficient water storage exists, the IS/MND should provide a more thorough analysis of water use needs, including comparisons of actual water use at other existing cultivation sites similar to soils in the Holmes Flat area.  
The applicant states that the cultivation will be substantially dry-farmed, and has provided records of water use supplemental to dry farming for the 2021 cycle ending 7/8/21, totaling 23,600 gallons for the existing 60,000 s.f. cultivation, indicating very low water use consistent with water needs. This is also consistent with other cultivations in the Holmes Flat area.
  - c) CDFW commented that for structures in the 100-year flood zone, a mitigation measure or condition of approval to require a post-project reclamation and restoration plan should be included in the IS/MND.  
The applicant is required to obtain flood elevation certificates subject to County and FEMA standards and hydrostatic load study to develop engineered structures able to withstand projected potential water loads. The project is additionally subject to County Code Section 314-55.4.12.1.13 requiring a plan for management and disposal of waste including greenhouse framing, wiring, etc., post-project.
  - d) CDFW commented that the County should not permit a reduction in the 600-foot setback from Humboldt Redwood State Park.  
In their own comment, Humboldt Redwood State Park requested a better-quality site plan in order to determine the precise reduction to the setback requested. A boundary survey was prepared by a licensed surveyor and a revised site plan showing that the requested setback is 524 feet, or a reduction by 76 feet rather than 141 feet. This information was provided to State Park staff who did not request that the Special Permit application be conditioned or denied.
  - e) CDFW commented that the IS/MND should disclose and verify the compliance and restoration of RRR donor sites associated with the project. The RRR donor zoning clearance certificates are separate and not subject to the environmental analysis of this application. All RRR donor sites are, nonetheless, required to plan for and conduct full environmental remediation and restoration of habitat, and are monitored for completion by the County.
  - f) The California Department of Parks and Recreation (CDPR), commented with a request (1) that a revised site plan be prepared showing improved scale and boundaries with the location of the Humboldt Redwoods State Park identified; and (2) that additional information be provided on the number of approved and pending requests for reduction in the 600-foot setback be provided. A boundary survey prepared by a licensed surveyor found that the requested setback of new proposed cannabis from the Park boundary is 524 feet, or a reduction of 76 feet from the 600-foot setback. These items were provided to CDPR staff, and no request by CDPR staff for conditions, modifications, or denial of the special permit application were made. The revised site plan has been incorporated into the project, and the data showing reductions for other cannabis projects to the setback have

been included in the Final IS/MND. A condition of approval has been applied to ensure that the proposed use will not exceed 3dB above ambient at the property line.

- g) The California Department of Food and Agriculture (CDFA) commented that several additions to the Initial Study/Mitigated Negative Declaration would improve the document. The comments are helpful but do not alter the conclusions of the Mitigated Negative Declaration. The information is taken as beneficial for future reference.
- h) Barbara Guest, a neighboring property owner commented on 6/1/2021 that she is opposed to the County issuing additional permits given the drought, concerned with water use by the project, concerned about effects on neighboring wells including her own, and about deleterious effects on the quiet, cleanliness, and safety of the neighborhood.  
The applicant proposes dry-farming with limited supplemental irrigation that would be provided by rain catchment only. The majority of cannabis projects in the Holmes Flat area are dry-farmed and/or rain catchment due to the high quality of the soil, and the fact that the wells are hydrologically connected and diversionary water was rarely, and is no longer, permitted for cannabis cultivation. The project can be authorized under the Commercial Cannabis Land Use Ordinance which allows for the proposed cultivations by special permit and zoning clearance certificate, and the Initial Study and Mitigated Negative Declaration did not identify a potential for significant impact related to health and safety.
- i) Barbara Guest, neighboring property owner, commented on 6/24/2021, with an attached letter that was submitted to the County on 6/4/2020, stating that she is opposed to the Mitigated Negative Declaration, requests that an environmental impact report be prepared, opposed to stacking RRRs, opposed to drying of cannabis on-site, is concerned that the applicant will use well water for irrigation and cause her well to go dry, and is opposed to reducing the setback from Humboldt Redwoods State Park.  
The project will be permitted to use irrigation sourced from rain catchment only. The existing well will be metered and monitored to track whether at any time the well is used for cannabis irrigation. If the proposed rain catchment and water storage plan is insufficient, the applicant will need to reduce cultivation area to continue within the approved water budget. The project can be authorized under the Commercial Cannabis Land Use Ordinance which allows for the proposed cultivations by special permit and zoning clearance certificate, and the Initial Study and Mitigated Negative Declaration did not identify a potential for significant impact related to health and safety. The comments do not change the conclusions of the Mitigated Negative Declaration and an environmental impact report is not required.

#### **FINDINGS FOR SPECIAL PERMITS AND ZONING CLEARANCE CERTIFICATE**

#### **6. 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 uses such as cannabis cultivation are a planned and anticipated use in the Agricultural Exclusive (AE) land use designation. The use of an agriculturally-designated property for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the addition of 63,200 s.f. of cultivation to a site with 63,000 s.f. of existing approved cultivation, or a total cultivation area of 133,200 s.f. on a 30-acre parcel is consistent with and complementary to the Open Space Plan and its Open Space Action Program.
  - b) The existing and proposed project is within the Redcrest area and Holmes Flat community in the AVES CPA. The project will support the major policies of the AVES CPA and Humboldt County General Plan which work in unison. The project consists of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Holmes Flat. The project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. As such, the project is consistent with both the General Plan and AVES CPA.
  - c) The project is located adjacent to state lands managed by the California State Parks as Humboldt Redwoods State Park (HRSP) on the south, and 400 feet away on the west. The public lands are subject to the Humboldt Redwoods State Park General Plan (GP) adopted October 26, 2001. The project is consistent with the GP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will maintain buffers from streams and all pesticides and fertilizers will be stored in a secondary containment unit. The applicant will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. Provisions for cultural resource protection have been met through project consultation with Tribal Historic Preservation Officers, preparation of a cultural resources survey, adoption of mitigation measures to avoid and protect sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600-foot buffer separation from developed campgrounds and/or trails.
  - d) The subject site is within a FEMA mapped 100-year flood zone. The existing project will not alter the existing flood area, does not propose any new residential or civic uses, and will not result in any hazardous industrial uses within the existing flood zone. Agriculture is an allowable use in flood zones. Domestic solid waste and recycling is stored on site picked up. Therefore, the proposed project will not store hazardous or acutely hazardous materials on site that could be cause environmental harm during a flooding event. Lastly, the project site is not within a mapped dam or levee inundation area. The project site is approximately 17 miles northeast of the coast, and is outside the areas subject to tsunami run-up.
  - e) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project will comply with the CMMLUO which requires all night lighting be completely shielded in compliance with International Dark Sky Standards.

- f) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project will comply with the CCLUO which requires all night lighting be completely shielded in compliance with International Dark Sky Standards.
- g) The project is consistent Conservation and Open Space Element Biological Resources as evidenced by compliance with the following policies and standards:
  - 1. Streamside Management Areas (BR-P5, P6): There are mapped Streamside Management Areas (SMAs). All development associated with the project is located outside of SMAs.
  - 2. Wetland Identification (BR-P7): A wetland delineation has been prepared and any potential impacts to wetlands are being mitigated.
  - 3. Biological Resource Maps (BRP11): A biological assessment was prepared did not find potential impacts to Marbled murrelet or Northern Spotted Owl (NSO). No special status species were found on-site, a mitigation measure has been applied for preconstruction surveys for special status plants.
  - 4. Agency Review (BR-P12): Consistent with this policy, the county has consulted with the California Department of Fish and Wildlife in the preparation of the Initial Study/Mitigated Negative Declaration and based on CDFW site visit, and improved site plan was prepared to better identify wetland and stream features and buffers, and mitigation provides for their protection.

The project is consistent with the Water Resources Element through compliance with the following goals and policies:

i. Sustainable Management (WR-P1).

ii. Protection for Surface and Groundwater Uses (WR-P2).

The project does not utilize diversion from a surface water source nor from any well, but will use captured rainfall from the roofs of storage tanks and the roof of one greenhouse.

iii. Project Design (WR-P12). The project is not located in any SMA and thus will not detract from the function of rivers, streams, ponds, wetlands or their setback areas.

iv. Rain Catchment Systems (WR-P20). Rainwater catchment is a component of the project, providing approximately 170,000 gallons of the annual water use.

**7. FINDING** The project is consistent with the Agriculture Exclusive (AE) Zone District.

**EVIDENCE** a) The AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use. General agricultural uses are principally permitted uses in the AE Zone. Section 314-7.1.

**8. FINDING** The project is consistent with the purposes of the Combining Zone Designation "F," Flood Hazard Area.

**EVIDENCE** a) The proposed agricultural use is not one of the uses restricted in a Flood Hazard Area per Section 314-21.1.4.

b) The applicant is required to obtain flood elevation certificates subject to

County and FEMA standards.

**9. FINDING** The proposed project is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) Section 55.4.6.1.2 authorizes up to 43,560 s.f. of cultivation area on parcels ten acres or larger by special permit; the project would add 43,200 s.f. of cultivation on a 30-acre parcel.
  - b) Section 55.4.6.5.9 (c) and (d) authorizes RRR cannabis relocation by zoning clearance certificate for up to 20,000 s.f. The proposed zoning clearance certificate would add 20,000 s.f. of cultivation under the County's RRR program.
  - c) Section 314-55.4.6.4.4 for publicly owned lands managed for Open Space and/or wildlife habitat purposes, a setback of less than 600 feet may be allowed with a Special Permit. The proposal is for a Special Permit to reduce the setback by 76 feet, and a Special Permit for 43,200 square feet of light deprivation and mixed light cultivation, and a Zoning Clearance Certificate to receive 20,000 square feet of outdoor light deprivation. The portion of the project that is within the setback by a distance of 76 feet includes only light deprivation that will not produce night light and will be conditioned to not exceed 3 dB above ambient noise conditions within the setback.
  - d) The proposed cultivation site is flat with less than 15% slope.
  - e) The cultivation areas are setback more than 30 feet from all property lines.
  - f) There are two existing residences on adjacently separately owned parcels within 300 feet of the proposed cultivation, APNs 209-33-003 and -004; the owners proved written statements waiving the setback, per Section 55.4.6.4.4 (d).
  - g) The proposed cultivation is primarily dry-farmed; supplement water will be provided by rain catchment only; there will be no groundwater used to irrigate.
  - h) The subject parcel has been determined to be a legal parcel under the provisions of the Subdivision Map Act.
  - i) The project is served by a County Maintained Road to the property. There will not be a decrease in the level of service of any roadway as a result of this project.
  - j) The proposed project will utilize renewable energy provided by P.G E.
  - k) Section 55.4.6.4.3 limits the use of prime soil on a parcel to 20%. The total area of prime soil on the parcel is 700,000 s.f., leaving 140,000 s.f. available for a cultivation site under the rule. The cumulative proposed cultivation is 133,200 s.f. plus a 6,600 s.f. drying building for a total cultivation site of 139,200 s.f. The proposed project is within the limitation on use of prime soils.

**10. FINDING** The operation of a commercial cannabis 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) Noise and light restrictions are applied to this project and all other projects in

the vicinity such that no cumulative impacts to the Northern Spotted Owl or Marbled murrelet habitat are anticipated. Noise levels may not exceed 50 decibels measured at a distance of 100 feet from the noise source or edge of habitat, whichever is closer. The project also adheres to the 150 ft Streamside Management Area setback from the South Fork Eel River.

- b) The Department finds that the project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.
- c) Irrigation water will be sourced only from on-site catchment directly to storage tanks.

**11. FINDING** The project provides sufficient parking to support the number of employees working on site.

- EVIDENCE**
- a) Off Street Parking for Agricultural use is one Parking space per employee at peak shift.
  - b) The project will provide 20 paved parking spaces for the 14 employees.

**12. 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**, be it resolved, determined, and ordered by the Humboldt County Planning Commission takes the following actions:

1. Adopts the Mitigated Negative Declaration for the Eel River Produce, LLC, project; and
2. Makes the findings in support of approving the Special Permits and Zoning Clearance Certificate; and
3. Approves the Zoning Clearance Certificate and conditionally approves the Special Permits (Record Number: PLN-16417) subject to the conditions of approval and the Mitigation Monitoring and Reporting Plan attached hereto as Attachments \_1A\_ and \_1B\_ and incorporated herein by reference.

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

The motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ and the following ROLL CALL vote.

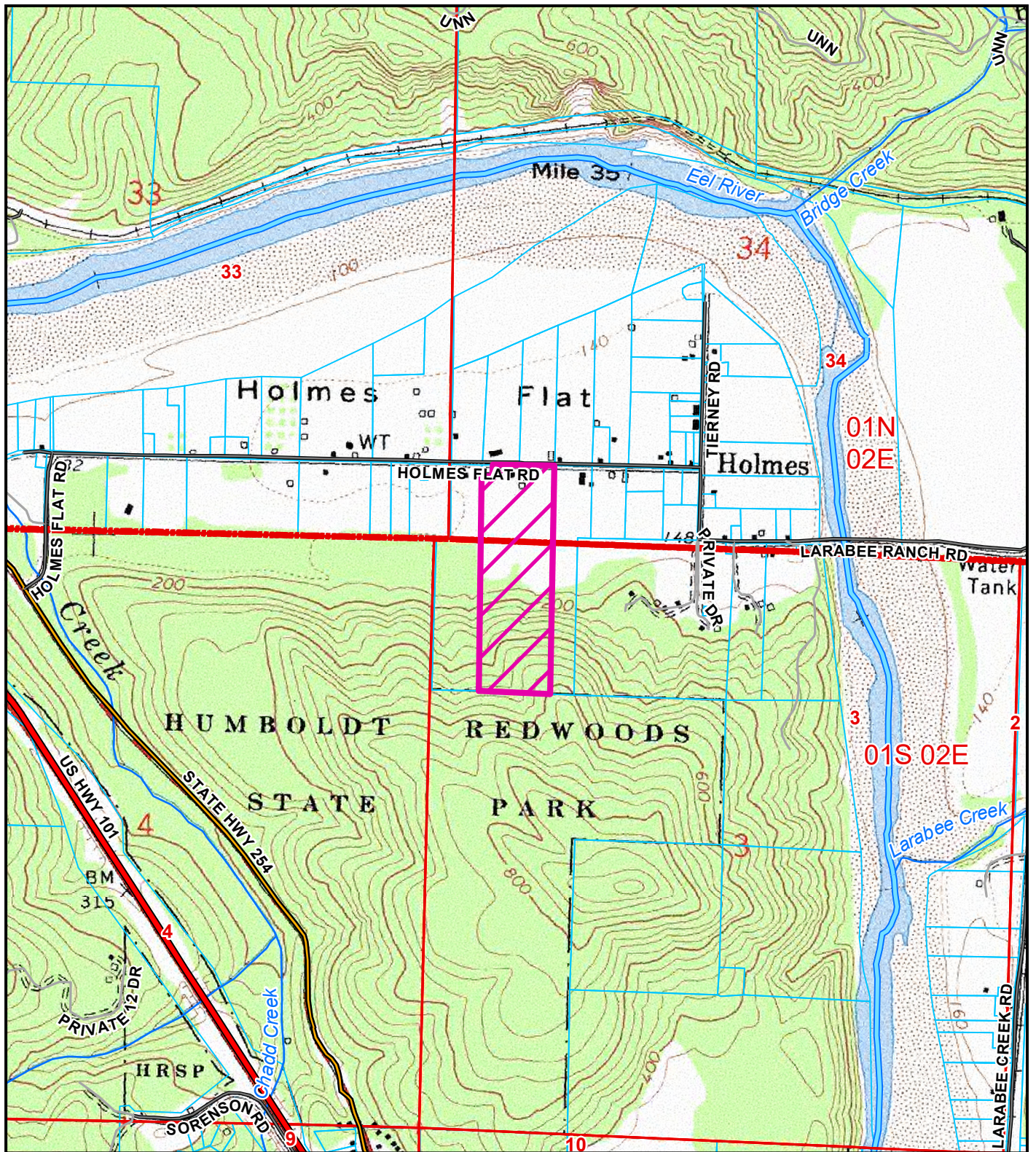
AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION:

I, John H. 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 H. Ford, Director  
Planning and Building Department





**TOPO MAP  
PROPOSED EEL RIVER PRODUCE  
PEPPERWOOD AREA**

**PLN-2019-15762**

**APN: 209-331-002**

**T01N R02E S34; T01S R02E S3 HB&M (REDCREST)**

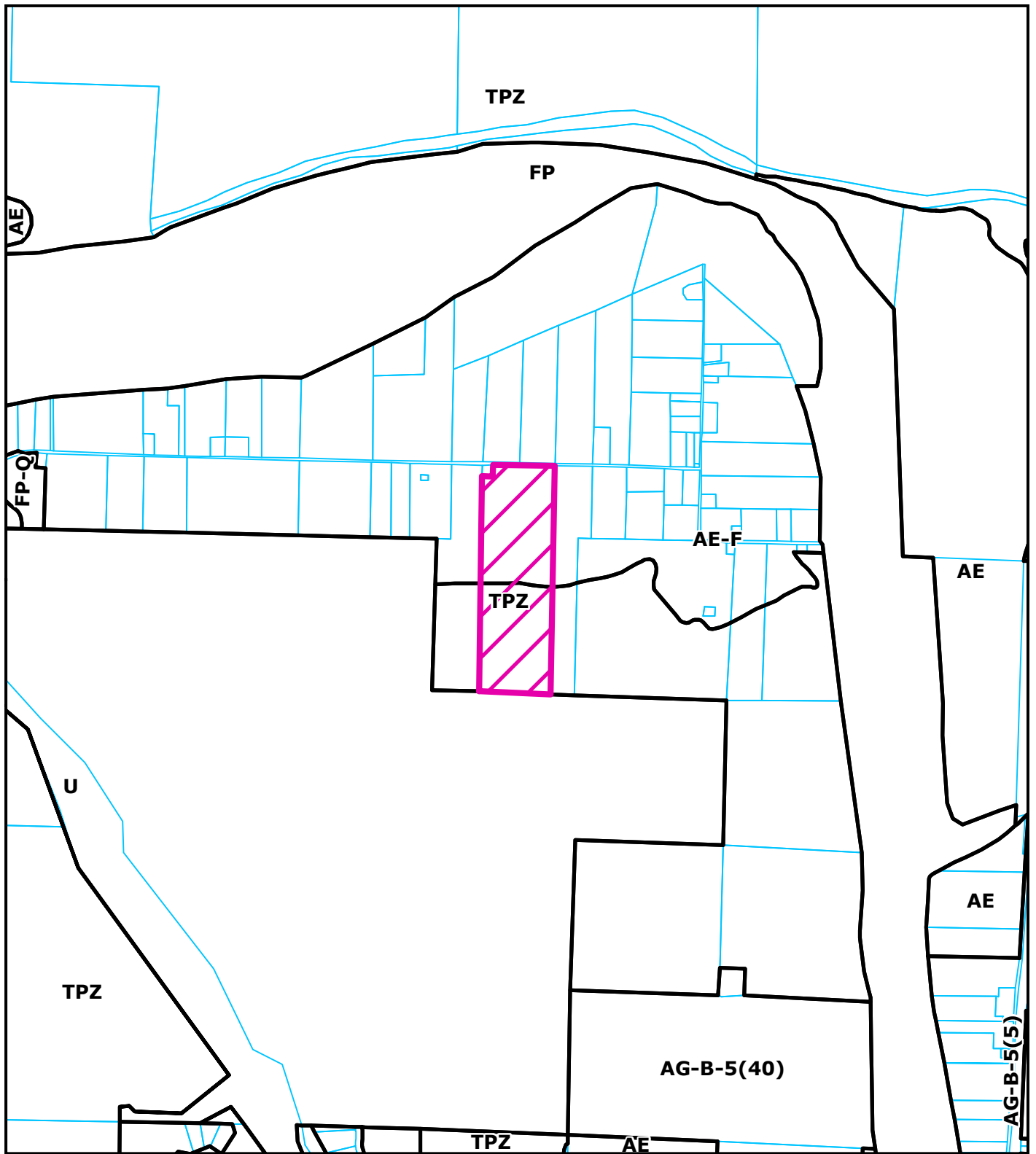
**Project Area =** 

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

0 1,000 2,000 Feet







**Project Area =**

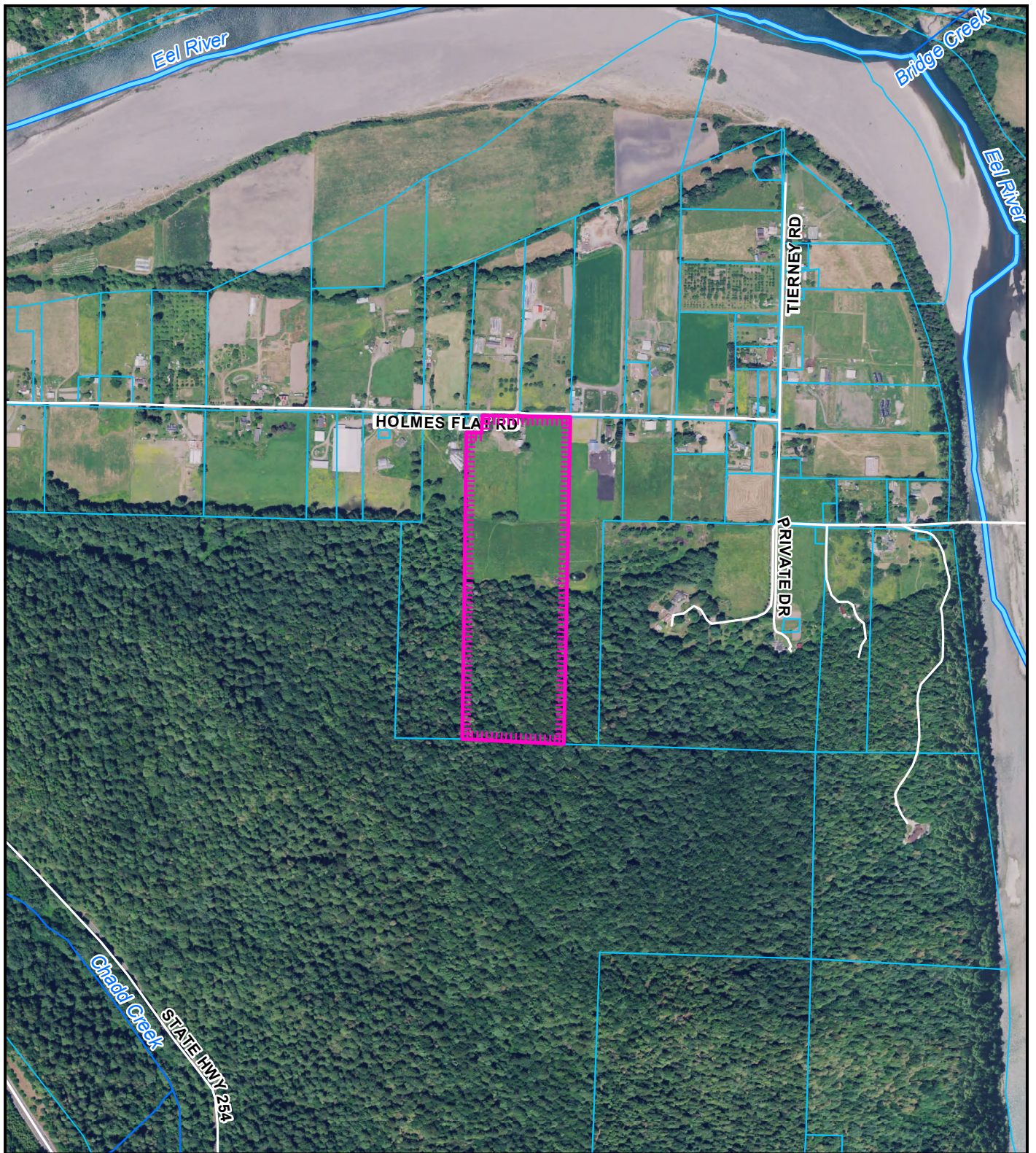
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

**ZONING MAP**  
**PROPOSED EEL RIVER PRODUCE**  
**PEPPERWOOD AREA**  
**PLN-2019-15762**  
**APN: 209-331-002**  
**T01N R02E S34; T01S R02E S3 HB&M (REDCREST)**

0      1,000      2,000

Feet





Project Area = 

**AERIAL MAP  
PROPOSED EEL RIVER PRODUCE  
PEPPERWOOD AREA**

**PLN-2019-15762**

**APN: 209-331-002**

**T01N R02E S34; T01S R02E S3 HB&M (REDCREST)**

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

0 1,000 2,000 Feet





PROPOSED CULTIVATION AREA 1						
	TYPE OF CULTIVATION	DIMENSIONS	AREA PER GREENHOUSE (SF)	NUMBER OF GREENHOUSES	TOTAL AREA (SF)	
	GH1-LD TO GH14-LD	OUTDOOR - LIGHT	24 X 100'	2400	14	33600
	GH15-ML TO GH18-ML	DERIVATION	24 X 100'	2496	4	9984
TOTAL PROPOSED CULTIVATION AREA 1 (SF)					43584	
RRR1 - RECEIVING 20,000 SF, APPS 13290, APN 104-212-013						
	CULTIVATION I.D.	TYPE OF CULTIVATION	TOTAL AREA			
	RRR1	FULL SUN OUTDOOR	20,000 SF			
TOTAL RRR1 CULTIVATION CANOPY AREA (SF)					20000	

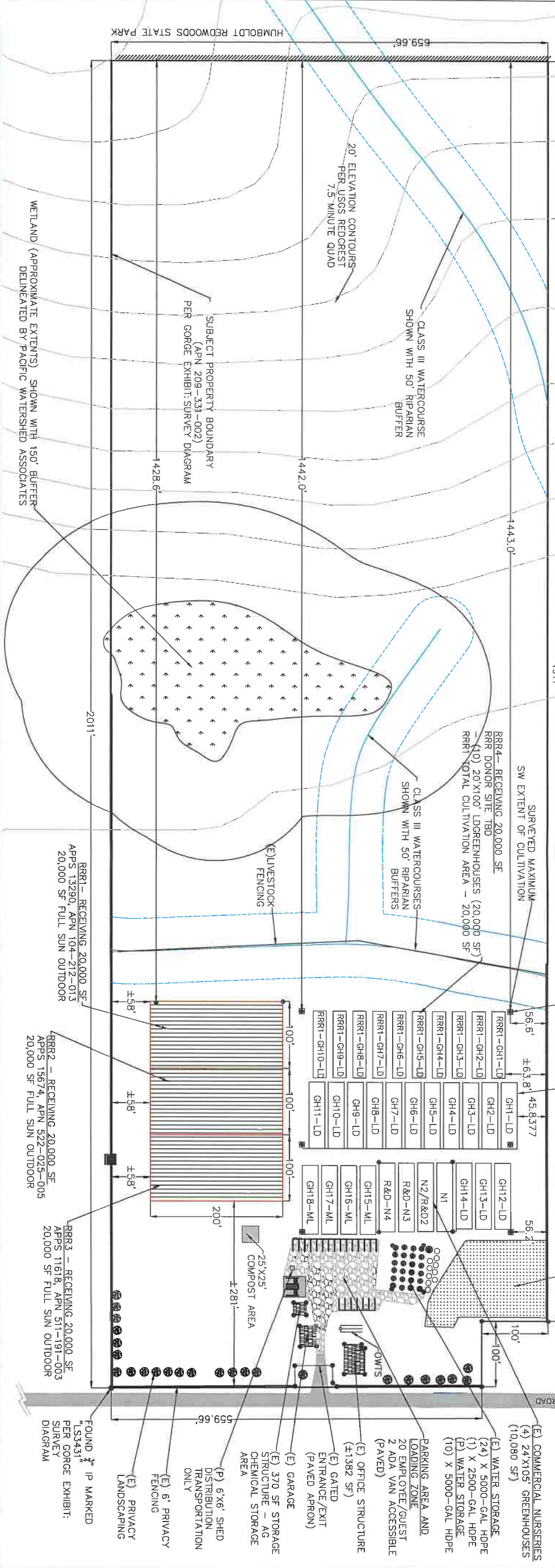
RRR3 - RECEIVING 20,000 SF, APPS 11618, APN 511-191-003				
CULTIVATION I.D.	TYPE OF CULTIVATION	TOTAL AREA		
RRR3	FULL SUN OUTDOOR	20,000 SF		
TOTAL RRR3 CULTIVATION CANOPY AREA (SF)		20000		
RRR4 - RECEIVING 20,000 SF, RRR DONOR SITE TBD				
GREENHOUSE I.D.	TYPE OF CULTIVATION	DIMENSIONS	AREA PER GREENHOUSE (SF)	NUMBER OF GREENHOUSES
RRR4-GH1-LD TO RRR4-GH10-LD	OUTDOOR - LIGHT	20' X 100'	2000	10
TOTAL RRR4 CULTIVATION AREA (SF)				20000

TOTAL PROPOSED OUTDOOR CULTIVATION			
CULTIVATION I.D.	CULTIVATION AREA (SF)	TOTAL AREA	
CA-1	33600	33600	
RRR1	20000	20000	
RRR2	20000	20000	
RRR4	20000	20000	
TOTAL OUTDOOR CULTIVATION (SF)		113600	

TOTAL PROPOSED MIXED-LIGHT CULTIVATION		
CULTIVATION I.D.	AREA (SF)	
CA-1	9984	
TOTAL MIXED-LIGHT CULTIVATION (SF)		9984
TOTAL PROPOSED CULTIVATION ON SITE		
CULTIVATION AREA	CULTIVATION (SF)	
OUTDOOR (FULL SUN AND LIGHT DEP)	113600	
MIXED LIGHT	9984	
TOTAL PROPOSED CULTIVATION (SF)		123584

IMMATURE PLANT AREA (COMMERCIAL NURSERY)			
NURSERY GREENHOUSE I.D.	GREENHOUSE USAGE	AREA PER GREENHOUSE (SF)	NUMBER OF GREENHOUSES
N1 AND N2	NURSERY	24 X 105'	2520
R&D2, R&D-N3 AND R&D-N4	RESEARCH & DEVELOPMENT	24 X 105'	2520
TOTAL IMMATURE PLANT AREA (SF)		5040	

RRR4 - RECEIVING 20,000 SF, APPS 15674, APN 522-025-005			
CULTIVATION I.D.	TYPE OF CULTIVATION	TOTAL AREA	
RRR4	FULL SUN OUTDOOR	20,000 SF	
TOTAL RRR4 CULTIVATION CANOPY AREA (SF)		20000	



- DRIVING DIRECTIONS FROM EUREKA, CA**
1. TAKE 101-S APPROXIMATELY 33.5 MILES
  2. TAKE EXIT 671 TOWARDS HOLMES/REDCREST (0.2 MILES)
  3. TURN LEFT ONTO BARKOULL ROAD (0.2 MILES)
  4. TURN RIGHT ONTO CA-254-S (0.2 MILES)
  5. TURN LEFT ONTO HOLMES FLAT ROAD (1.0 MILES)
  6. 1048 HOLMES FLAT ROAD IS ON RIGHT

**PROJECT INFORMATION**

APPLICANT: EEL RIVER PRODUCE LLC  
PROPERTY OWNERS OF RECORD: WYATT WILLIAMSON  
OWNER MAILING ADDRESS: P.O. BOX 794, LOLETA, CA 95551  
APN: 209-331-002  
HUMBOLDT COUNTY APPS#: 16417  
PROPERTY ADDRESS: 1048 HOLMES FLAT ROAD, REDCREST, CA 95569  
ASSESSED LOT SIZE: 30.50 ACRES  
HUMBOLDT COUNTY GIS ACRES: 30.35  
CURRENT GENERAL PLAN: AE-T  
ZONING WITH COMBINING ZONES: AE-F, TPZ

- GENERAL NOTES**
1. SITE MAPPING BASED ON ATTACHED GORGE EXHIBIT. SURVEY DIAGRAM AND RELATED DATA PROVIDED BY SURVEYOR. ALL "EXACT" SETBACK DIMENSIONS SHOWN AS "E" ARE ESTIMATES DERIVED FROM SURVEY DATA. NO KNOWN EASEMENTS ON SUBJECT PROPERTY.
  2. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR KNOWN TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION SITES.
  3. NO OFF-SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION SITES.
  4. NO CULTIVATION OR OPERATIONS WITHIN STREAMSIDE MANAGEMENT AREA.
  5. LANDSCAPING PER HCPD STANDARDS WILL BE PLANTED NEXT TO FENCE TO VISUALLY BLOCK FACILITY AND OPERATIONS FROM PUBLIC ROAD AND NEIGHBORING PROPERTIES.
  6. COMMERCIAL ACTIVITIES LOCATED WITHIN 100 YEAR FLOODPLAIN GREENHOUSES DESIGNED TO WITHSTAND EXPECTED EXPECTED HYDROSTATIC PRESSURES.
  7. OUTDOOR FULL SUN CANOPY AREA CALCULATIONS ARE BASED ON 1000, 50' (20 SF) PLANTS CONFIGURED AS DESCRIBED. TOTAL GARDEN AREA INCLUDES ROWS BETWEEN PLANTS AND NON-CANOPY AREA REQUIRED.

- IRRIGATION WATER SOURCE**
1. RAINWATER CATCHMENT - SELF-CAUGHT IN STORAGE TANKS
  2. (E) 24 X 5000-GAL HOPE RAINWATER CATCHMENT TANKS - 120,000 GALLONS
  3. (E) 1 X 2500-GAL HOPE RAINWATER CATCHMENT TANK - 2500 GALLONS
  4. TOTAL EXISTING STORAGE: 122,500 GALLONS
  5. (P) 10 X 5000-GALLON HOPE RAINWATER CATCHMENT TANKS - 50,000 GALLONS
  6. TOTAL EXISTING AND PROPOSED STORAGE - 172,500 GALLONS



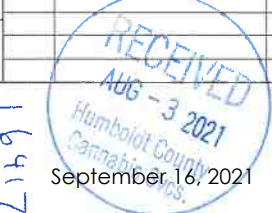
NO.	HISTORY / REVISION	BY	CHK.	DATE

OUREVOLUTION ENGINEERING, INC.  
1821 BUTTERMILK LANE  
ARCATA, CA 95521  
360.791.3259  
ANDY@OUREVOLUTION.COM



EEL RIVER PRODUCE LLC  
APN 209-331-002  
1048 HOLMES FLAT ROAD, REDCREST, CA 95569

**CULTIVATION SITE PLAN**



16417

September 16, 2021

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE CANNABIS CULTIVATION CAN BEGIN OPERATION AND BEFORE ISSUANCE OF ANY BUILDING PERMITS.**

#### **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 project shall be developed and operated in accordance with the Operations Plan and project site development plans and all conditions of approval and mitigation measures.
3. 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.
4. 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.
5. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,480.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2021, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,480.25 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.
6. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.

7. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
9. The applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use.
10. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
11. Prior to initiating commercial cannabis cultivation or associated activities 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.
12. The approved building plans shall address odor management by incorporating a ventilation/air filtration system that limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before release of the Building Permit and initiation of operations. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. Prior to cultivation, the applicant shall submit a soils management plan describing the amount of soil imported to the site, how the soil will be managed while in use and how often and where the soil used during operations will be disposed.
15. Prior to initiating operation the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.
16. All imported soil located onsite shall be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
17. Adhere to International Dark-Sky Standards, which include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. See: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>
18. All signage shall comply with Section 314-87.2 of the Humboldt County Code, and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.

19. 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.
20. 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. The driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet. 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.
21. 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.
22. The driveway shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Holmes Flat Road. 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.
23. Surfaced parking lots shall have an oil-water filtration system prior to discharged into any County-maintained facilities.
24. 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.
25. 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.
26. 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.
27. through April 16<sup>th</sup> in accordance with their agreement with the County (Attachment 3).

28. The applicant 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. A letter from DEH stating that the applicant has obtained a permitted septic system will excuse the applicant from this condition. Continued compliance with this condition will be assessed at the applicant's annual inspection.
29. The applicant shall maintain a weekly record of water used for cultivation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be kept onsite and made available at the applicant's annual inspection.
30. The applicant shall install a meter on the existing well to ensure that the well is not used for cannabis irrigation. The meter must be of a quality, specifications, and function acceptable to Planning staff.
31. Noise generated from the operation, including fans and dehumidifiers, shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.12.6 Humboldt County Code.
32. Noise generated from the operation shall not exceed 3 decibels above pre-project baseline ambient noise levels.
33. Noise shall not exceed 3dB above ambient conditions within the area of 76-foot reduction in the 600-foot Humboldt Redwoods State Park setback. If, based on the acoustical survey to be prepared by the applicant, the projected noise from snap fans within the estimated eight (8) greenhouses within the 76-foot area exceeds 3dB above ambient, there will be no fans permitted in these greenhouses. The applicant shall provide the results of the noise study to Planning staff for review and acceptance prior to obtaining building permits for the subject greenhouses.
34. **MM Bio 1:** A seasonally appropriate special-status plant survey shall be conducted and any other potential special- status plant in the project area prior to any grading or site development. These surveys shall follow the protocol described in CDFW (2018) and abide by the biological report content and standards described in the Humboldt County Code Sections 314- 61.1.17 and 314-61.1.18. No grading, restoration, removal of structures, or development of new structures will be done until permit approval. If plants are found during the floristic surveys, a qualified biologist shall conduct further tests on the species and Humboldt County Planning and Building Department will be notified if these are a special or sensitive protected species on site.
35. **MM Bio 2:** No generators shall be used for the project, ensuring that the decibels will not exceed 50 dB at tree line, to possibly disturb the Northern Spotted Owl. No work shall be permitted with heavy machinery associated with the cultivation of cannabis during the nesting period, starting in February through July, consistent with county Ordinance 2559.
36. **MM Bio 3:** The landowner shall not development outside of the survey area and not remove vegetation from the forest buffer zone unless surveyed by a qualified biologist beforehand with report provided to County Planning. This is most importantly to protect the *Sidalecea*



malachroides. Ground disturbance and vegetation clearing and/or trimming will be confined to the minimum amount necessary to facilitate project implementation and will not be conducted within the forested or shrubland alliances delineated within the Survey Area.

37. **MM Bio 4:** Project-related materials will be stored in designated existing and proposed project storage buildings shown on the Site Plan.
38. **MM Bio 5:** Measures to prevent the spread of invasive weeds will be taken, including, where appropriate, inspecting equipment for soil, seeds, and vegetative matter, cleaning equipment, utilizing weed-free materials and native seed mixes for revegetation, and proper disposal of soil and vegetation. Prior to entering and leaving the work site, workers shall remove all seeds, plant parts, leaves, and woody debris (e.g., branches, chips, bark) from clothing, vehicles, and equipment. Permittee shall not commence any new development outside of the survey areas nor remove vegetation from the forest buffer zone. The permittee will follow the plan and timeline laid out in section 3.5 Invasive Species Management, and contact a qualified professional after five years if an additional eradication plan is needed.
39. **MM Bio 6:** Disturbance or removal of native vegetation shall be limited to the minimum necessary to achieve design guidelines; damage to vegetation outside the work areas shall be prohibited.
40. **MM Bio 7:** Clearing and vegetation grubbing operations, if necessary, shall occur outside the nesting season (1 March to 15 August). If clearing and grubbing operations is proposed to occur during the nesting season, then the landowner will have a qualified biologist conduct a nesting survey of the proposed clearing site and a surrounding 30-m (100-ft) buffer, with the report provided to County Planning. The nest survey results will be valid for two weeks. If clearing operations do not occur within the two-week window, the biologist will conduct another survey. If a nest is found, then the biologist will mark a 15-m (50-ft) diameter buffer around it that will remain in place until the young have fledged. The nest and buffer can be removed at that point.
41. **MM Cultural & Tribal Cultural 1:** The following provides means of responding to the circumstances of a significant discovery during the implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA Guidelines Section 15064.5 (f)). Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.
42. **MM Cultural & Tribal Cultural 2:** If suspected cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact will be made to the County, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and Wiyot Tribe. The professional historic resource consultant, Tribes and County officials will coordinate provide an assessment of the find and determine the significance and recommend next steps.



43. **MM Cultural & Tribal Cultural 3:** If human remains are discovered during project construction, work would be stopped at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.
44. **MM Geology and Soils 1:** In the event that paleontological resources are discovered, work will be stopped within 100 feet of the discovery and a qualified paleontologist will be notified. The paleontologist will document the discovery as needed. If fossilized materials are discovered during construction within 100 feet of the find shall be temporarily halted or diverted until discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

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

1. The combination of background, greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure any back-up generators are located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.

5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent

rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

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

#### Performance Standards for Cultivation and Processing Operations

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

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

Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.

## MITIGATION MONITORING & REPORTING PROGRAM

Eel River Produce, LLC – Special Permit and Zoning Clearance Certificate

APN 209-331-002-000; Record Number; Apps No. 16417

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require ongoing monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

### Mitigation for Potential Biological Resources for Impacts

**MM Bio 1:** A seasonally appropriate special-status plant survey shall be conducted and any other potential special-status plant in the project area prior to any grading or site development. These surveys shall follow the protocol described in CDFW (2018) and abide by the biological report content and standards described in the Humboldt County Code Sections 314-61.1.17 and 314-61.1.18. No grading, restoration, removal of structures, or development of new structures will be done until permit approval. If plants are found during the floristic surveys, a qualified biologist shall conduct further tests on the species and Humboldt County Planning and Building Department will be notified if these are a special or sensitive protected species on site.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to exercising the Permit	Once only		HCP&BD*		

**MM Bio 2:** No generators shall be used for the project, ensuring that the decibels will not exceed 50 db at tree line, to possibly disturb the Northern Spotted Owl. No work shall be permitted with heavy machinery associated with the cultivation of cannabis during the nesting period, starting in February through July, consistent with county Ordinance 2559.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Ongoing through the life of the Project	Annually and as needed		HCP&BD*		

**MM Bio 3:** The landowner shall not development outside of the survey area and not remove vegetation from the forest buffer zone unless surveyed by a qualified biologist beforehand with report provided to County Planning. This is most importantly to protect the *Sida leceae* malachroides. Ground disturbance and vegetation clearing and/or trimming will be confined to the minimum amount necessary to facilitate project implementation and will not be conducted within the forested or shrubland alliances delineated within the Survey Area.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Ongoing through the life of the Project	Annually and as needed		HCP&BD*		

**MM Bio 4:** Project-related materials will be stored in designated existing and proposed project storage buildings shown on the Site Plan.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Throughout the life of the project	Annually and as-needed		HCP&BD*		

**MM Bio 5:** Measures to prevent the spread of invasive weeds will be taken, including, where appropriate, inspecting equipment for soil, seeds, and vegetative matter, cleaning equipment, utilizing weed-free materials and native seed mixes for revegetation, and proper disposal of soil and vegetation. Prior to entering and leaving the work site, workers shall remove all seeds, plant parts, leaves, and woody debris (e.g., branches, chips, bark) from clothing, vehicles, and equipment. Permittee shall not commence any new development outside of the survey areas nor remove vegetation from the forest buffer zone. The permittee will follow the plan and timeline laid out in section 3.5 Invasive Species Management, and contact a qualified professional after five years if an additional eradication plan is needed.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Throughout the life of the project	Annually and as-needed		HCP&BD*		



**MM Bio 6:** Disturbance or removal of native vegetation shall be limited to the minimum necessary to achieve design guidelines; damage to vegetation outside the work areas shall be prohibited.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Throughout the life of the project	Annually and as-needed		HCP&BD*		

**MM Bio 7:** Clearing and vegetation grubbing operations, if necessary, shall occur outside the nesting season (1 March to 15 August). If clearing and grubbing operations is proposed to occur during the nesting season, then the landowner will have a qualified biologist conduct a nesting survey of the proposed clearing site and a surrounding 30-m (100-ft) buffer, with the report provided to County Planning. The nest survey results will be valid for two weeks. If clearing operations do not occur within the two-week window, the biologist will conduct another survey. If a nest is found, then the biologist will mark a 15-m (50-ft) diameter buffer around it that will remain in place until the young have fledged. The nest and buffer can be removed at that point.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to exercising the Permit, and ongoing throughout the life of the Project	Annually and as-needed		HCP&BD*		

### Mitigation for Potential Cultural Resources and Tribal Cultural Resources Impacts

**MM Cultural & Tribal Cultural 1:** The following provides means of responding to the circumstances of a significant discovery during the implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA Guidelines Section 15064.5 (f). Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

**MM Cultural & Tribal Cultural 2:** If suspected cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact will be made to the County, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and Wiyot Tribe. The professional historic resource consultant, Tribes and County officials will coordinate provide an assessment of the find and determine the significance and recommend next steps.

**MM Cultural & Tribal Cultural 3:** If human remains are discovered during project construction, work would be stopped at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During construction	Construction period only		HCP&BD*		

**Mitigation for Potential Geology and Soils Impact**

**MM Geology and Soils 1:** In the event that paleontological resources are discovered, work will be stopped within 100 feet of the discovery and a qualified paleontologist will be notified. The paleontologist will document the discovery as needed. If fossilized materials are discovered during construction within 100 feet of the find shall be temporarily halted or diverted until discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During construction	Construction period only		HCP&BD*		

**MM Bio 2:** No generators shall be used for the project, ensuring that the decibels will not exceed 50 db at tree line, to possibly disturb the Northern Spotted Owl. No work shall be permitted with heavy machinery associated with the cultivation of cannabis during the nesting period, starting in February through July, consistent with county Ordinance 2559.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Ongoing through the life of the Project	Annually and as needed		HCP&BD*		

**MM Bio 3:** The landowner shall not development outside of the survey area and not remove vegetation from the forest buffer zone unless surveyed by a qualified biologist beforehand with report provided to County Planning. This is most importantly to protect the *Sidaelecea malachroides*. Ground disturbance and vegetation clearing and/or trimming will be confined to the minimum amount necessary to facilitate project implementation and will not be conducted within the forested or shrubland alliances delineated within the Survey Area.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Ongoing through the life of the Project	Annually and as needed		HCP&BD*		

**MM Bio 4:** Project-related materials will be stored in designated existing and proposed project storage buildings shown on the Site Plan.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Throughout the life of the project	Annually and as-needed		HCP&BD*		

**MM Bio 5:** Measures to prevent the spread of invasive weeds will be taken, including, where appropriate, inspecting equipment for soil, seeds, and vegetative matter, cleaning equipment, utilizing weed-free materials and native seed mixes for revegetation, and proper disposal of soil and vegetation. Prior to entering and leaving the work site, workers shall remove all seeds, plant parts, leaves, and woody debris (e.g., branches, chips, bark) from clothing, vehicles, and equipment. Permittee shall not commence any new development outside of the survey areas nor remove vegetation from the forest buffer zone. The permittee will follow the plan and timeline laid out in section 3.5 Invasive Species Management, and contact a qualified professional after five years if an additional eradication plan is needed.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Throughout the life of the project	Annually and as-needed		HCP&BD*		

**MM Bio 6:** Disturbance or removal of native vegetation shall be limited to the minimum necessary to achieve design guidelines; damage to vegetation outside the work areas shall be prohibited.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Throughout the life of the project	Annually and as-needed		HCP&BD*		

**MM Bio 7:** Clearing and vegetation grubbing operations, if necessary, shall occur outside the nesting season (1 March to 15 August). If clearing and grubbing operations is proposed to occur during the nesting season, then the landowner will have a qualified biologist conduct a nesting survey of the proposed clearing site and a surrounding 30-m (100-ft) buffer, with the report provided to County Planning. The nest survey results will be valid for two weeks. If clearing operations do not occur within the two-week window, the biologist will conduct another survey. If a nest is found, then the biologist will mark a 15-m (50-ft) diameter buffer around it that will remain in place until the young have fledged. The nest and buffer can be removed at that point.

Implementation Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to exercising the Permit, and ongoing throughout the life of the Project	Annually and as-needed		HCP&BD*		

### Mitigation for Potential Cultural Resources and Tribal Cultural Resources Impacts

**MM Cultural & Tribal Cultural 1:** The following provides means of responding to the circumstances of a significant discovery during the implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA Guidelines Section 15064.5 (f). Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

**MM Cultural & Tribal Cultural 2:** If suspected cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact will be made to the County, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and Wiyot Tribe. The professional historic resource consultant, Tribes and County officials will coordinate provide an assessment of the find and determine the significance and recommend next steps.

**MM Cultural & Tribal Cultural 3:** If human remains are discovered during project construction, work would be stopped at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During construction	Construction period only		HCP&BD*		

**Mitigation for Potential Geology and Soils Impact**

**MM Geology and Soils 1:** In the event that paleontological resources are discovered, work will be stopped within 100 feet of the discovery and a qualified paleontologist will be notified. The paleontologist will document the discovery as needed. If fossilized materials are discovered during construction within 100 feet of the find shall be temporarily halted or diverted until discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During construction	Construction period only		HCP&BD*		



**ATTACHMENT 2**  
**IS-MND and Appendices**

**See Link below**

<https://ceqanet.opr.ca.gov/2021040296>

## ATTACHMENT 3

### APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** in Maps Section)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. 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 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. (Not applicable)
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 (Not applicable).
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of

Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.12.5 (**Attached**)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Restoration and Monitoring Plan (Not applicable).
16. Initial Biological Scoping Report (see **Attached** IS/MND Appendix D).
17. Biological Habitat Assessment (see **Attached** IS/MND Appendix D).
18. Will Serve Letter (Not applicable).
19. Environmental Site Assessment (Not applicable 9).
20. Botanical Survey (see Attached IS/MND Appendix D).
21. Soils Report (Not applicable).
22. Foundation Plan (Not applicable).
23. SMA Reduction Request (Not applicable).
24. Cultural Resources Investigation (Confidential – On file).

## ***TABLE OF CONTENTS***

- I. Introduction**
- II. Project Description**
  - A. Project Site
  - B. Multi-Use and Two Phased Project
    - 1.Related Uses on Same Parcel
    - 2.Two Phased Project
- III. Outdoor Full Sun Operations Plan**
  - A. Introduction: Prime AG Soil's, Agricultural Operations, and Acreage Rotation
  - B. Outdoor Full Sun Cannabis Cultivation Footprint
  - C. Outdoor Full Sun Cannabis Cultivation Operations
- IV. Light Deprivation Operations Plan**
  - A. Light Deprivation Footprint
  - B. Light Deprivation Operations
- V. Nursery Operations Plan, Outdoor, and Indoor**
  - A. Nursery Footprints
  - B. Nursery Operations Functions
  - C. Outdoor Nursery Operations
- VI. On-Site Drying Operations Plan**
- VII. Property Wide Plans and Requirements**
  - A. *Land Based, Water Related Elements*
    - 1. Onsite Wastewater Treatment System Information and Documentation (Sewage Disposal Plan)
    - 2. Stormwater Management Plan
    - 3. Summary of Specific Measures for Compliance with SWRCB Order
    - 4. Water Source, Storage Plan, Irrigation Plan, and Estimated Use
      - a) Water Storage
      - b) Storage Plan
      - c) Irrigation Plan
      - d) Estimated Use
    - 5. Site Drainage
  - B. *Will Serve Letters*
  - C. *Premises Operations Plans*
    - 1. Recordkeeping
    - 2. Days/Hours of Operation, Shift Staffing
    - 3. Energy Plan
    - 4. Hazardous Materials Management Plan

5. Light Pollution Control Plan
6. Noise Source Assessments and Mitigation Plan
7. Parking Plan
8. Pest Management Plan
  - a) Introduction
  - b) Product Name and Active Ingredient(s) of All Pesticides to Be Applied to Cannabis at Any Time
  - c) Integrated Pest Management Protocols
    - a. Biological Pest Management Control Methods
    - b. Chemical Pest Management Control Methods
    - c. Cultural Pest Management Control Methods
  - d) Invasive Species Control
9. Security Plan
10. Soils Management Plan
11. Waste Management Plans
  - a. Cannabis Waste Management Plan
  - b. Hazardous Substances Management Plan
  - c. Solid Waste Management Plan

*D. Personnel Safety, Employee Protections*

1. Workplace Safety Standards
2. Employee Safety Protocols and Training
3. Safe Drinking Water, Toilets, & Sanitary Facilities
4. Sanitation Practices
5. On-Site Housing
6. Agricultural Employer Declaration

## I. INTRODUCTION

Applicant Eel River Produce, LLC (“Eel River Produce”) is simultaneously applying for three (3) Zoning Compliance Certificate’s and a Special Permit on the land at 1048 Holmes Flat to conduct various commercial cannabis activities including light deprivation and outdoor cannabis cultivation, nursery activities, and on-site drying.

These applications are being submitted simultaneously with specific common language included in their respective Operations Plans to facilitate Planning Department staff’s understanding of the project in all its facets.

The site is irrigated by a non-diversionary water source of rainwater catchment, with 24, 5,000-gallon rainwater catchment hard poly tanks, totaling 120,000 gallons of hard tank storage.

All supporting environmental documentation for the several permits sought (*e.g.*, LSAA, Water Board registration, Site Plan, etc.) were created addressing all the applicant’s permit types’ requirements as a whole.

CDFA State licenses have been submitted for this property.

These licenses are as follows:

LCA20-0000055 – MEDIUM OUTDOOR (43,560 SF)

LCA20-0000059 – NURSERY (10,000 SF)

LCA20-0000060 – SMALL OUTDOOR (10,000 SF)

LCA20-0000061 – SMALL OUTDOOR (10,000 SF)

LCA20-0000410 – SPECIALTY MIXED LIGHT TIER 1 (3,200 SF)

LCA20-0000412 – SMALL MIXED LIGHT TIER 1 (10,000 SF)

LCA20-0000413 – SMALL MIXED LIGHT TIER 1 (10,000 SF)

LCA20-0000414 – SMALL MIXED LIGHT TIER 1 (10,000 SF)

LCA20-0000415 – SMALL MIXED LIGHT TIER 1 (10,000 SF)

## **II. PROJECT DESCRIPTION**

### **A. Project Site**

The project site is an approximately 30.35 acre parcel, approximately half on the Holmes Flat (zoned AE-F) and the other half zoned TPZ, located at 1048 Holmes Flat Road, Redcrest, APN 209-331-002. The AE-F portion is all prime agricultural soils which have been cultivated for up to a century or more, constituting approximately fifteen acres, allowing for approximately three acres of prime agricultural soil “Outdoor” cannabis cultivation. The site presents no issues of any type as to setbacks, slopes, run-off, erosion, water quality or other county-ordinance or other regulatory agency related issues.

The site is irrigated by a non-diversionary water source of rainwater catchment, with 24, 5,000 gallon rainwater catchment hard poly tanks, totaling 120,000 gallons of hard tank storage. This tank farm will completely supply and irrigate the cultivation on site. More tanks will be sought in phase 2 for the additional 20,000 SF of receiving RRR that is TBD.

Holmes Flat Road is a public road maintained by the County of Humboldt; the parcel is approximately five miles from Highway 101, all paved.

### **B. Multi-Use and Two-Phased Project**

#### **1. Related Uses on Same Parcel**

The applicant is applying for a coordinated set of commercial cannabis land use permits on the same parcel, to wit, Outdoor Cultivation (Full Sun and Light Deprivation), Outdoor Nursery and on site drying in an agricultural exempt building, following FEMA flood requirements.

Outdoor Cultivation will consist of 60,000 square feet of Full Sun in Phase 1, and 80,000 square feet in Phase 2, and almost one acre (43,200 ft<sup>2</sup>) of Light Deprivation. One acre of cultivation is available by virtue of the parcel’s zoning (CMMLUO § 55.4.6.1(b)(2)), with the 80,000 further square feet authorized via the Ordinance’s RRR program (§ 55.4.6.5.9(d)). Nursery operations will consist of outdoor propagation (§ 55.4.7.1).

## 2. Two-Phased Project

The project is proposed as follows:

- I: Permit all land uses sought with the Special Permit of 43,200 SF of Outdoor Light Deprivation Cultivation.  
ZCC for 60,000 SF of outdoor cultivation allowance from RRR;  
ZCC for 10,000 SF Nursery; and
- II: Allowance of the remaining 20,000 SF of RRR outdoor cultivation; and  
variance for a building permit for Agricultural Exempt Drying Building.

Activities related to on-site storage and processing, will be conducted in a proposed agricultural exempt metal building of 6,600 ft<sup>2</sup> (see Site Plan, “Agricultural Exempt[...]").

This Operations Plan addresses all operations for all permits and their land uses sought. The permits sought are as follows:

<i>Land Use Type</i>	<i>Permit</i>	<i>Sq. Ft./Notes</i>	<i>Ord. §</i>
<b>Phase I</b>			
Outdoor Light Dep Cultivation	SP	43,200 sq. ft.	55.4.6.1(b)(2)
Outdoor Nursery	ZCC	10,000 sq. ft.	55.4.7.1
Outdoor cultivation	ZCC	60,000 SF via RRR, on remaining 20% of site's prime ag soils	55.4.6.5.9(d)
<b>Phase II</b>			
Drying Building	AE	6,600 ft <sup>2</sup> AG Exempt as defined in Chapter 2, Section 202, of CA Building Code	Humboldt County Code, Title III, Division 3, Section 331-11(s)(4), Section 106.2(8)
Outdoor cultivation	ZCC	20,000 SF via RRR, on remaining 20% of site's prime ag soils	55.4.6.5.9(d)



### **III. OUTDOOR FULL SUN OPERATIONS PLAN**

#### **A. Introduction: Prime Ag Soils, Agricultural Operations, and Acreage Rotation**

The site's prime agricultural soils are approximately fifteen acres in size. Of this, approximately two acres will be annually cultivated with a mix of vegetable row-crops including beans, various squashes, tomatoes, sunflowers, etc., and up to the permitted limit, which is 65,340 square feet of row-crop cannabis and 43,200 SF of outdoor light deprivation greenhouse cannabis, 60,000 SF of outdoor cannabis, and a 10,000 SF nursery in Phase 1.

Phase 2 is going to have up to maximum allowable amount for the 20% prime agricultural soils, which Eel River Produce is seeking 20,000 SF, and a variance for an AG Exempt drying building.

The remaining approximately 10.5 acres will be annually rested in a rotational pattern. All cultivation areas will be managed for weed control and seed bed preparation.

Baseline noise levels from 3 points of the property will be submitted here shortly. We are doing 24 hour readings from those three points.

#### **B. Outdoor Full Sun Cannabis Cultivation Footprint**

Outdoor Full Sun operations take place in the northern portions of the large flat floodplain area shown on the Site Plan, and will occupy 80,000 ft<sup>2</sup> (65,340 SF; see "CA Outdoor"). The outdoor operations are associated with the HCPD RRR program. The entitlements and permits purchased to cultivate on site for Phase 1 are Apps 15674, App 11618, and App 13290. These three RRR's are designated on the site plan, and each consist of 20,000 SF of cannabis canopy.

Phase 2 will constitute a 4<sup>th</sup> RRR to be onsite to add 20,000 SF of outdoor cultivation going up to the maximum allowable amount per Humboldt County Code. This 4<sup>th</sup> RRR is designated as TBD on the site plan.

#### **C. Outdoor Full Sun Cannabis Cultivation Operations**

Outdoor Full Sun cannabis cultivation operations will be conducted between June 1<sup>st</sup> and November 1<sup>st</sup>, beginning with the previously-planted winter cover crop being mowed and disked-in during May, which is then plowed 14" deep, worked to a fine seed bed, and then let rest, with the moisture sealed in with a roller. The plants will be full sun grown through the late spring and summer months and will be planted on 8 ft. centers for a total of ~ 1,200 plants. Because of the presence of prime floodplain soils, the plants will require only minor amounts of supplemental hand watering.

#### **IV. LIGHT DEPRIVATION OPERATIONS PLAN**

##### **A. Light Deprivation Footprint**

Light Deprivation operations will take place in simple hoop houses set into the native soils and will occupy 43,200 ft<sup>2</sup> of flat floodplain prime soils as shown in the northern portions of the Site Plan (see “CA #2, Light Del”).

##### **B. Light Deprivation Operations**

Light Deprivation operations will use no lighting fixtures in the hoop houses, only installing solar powered fans for air circulation. Plants will be planted directly into the soil. Because of the presence of prime floodplain soils, the plants will require only minor amounts of supplemental hand watering.

Light Deprivation operations will be conducted between April 15<sup>th</sup> and October 15<sup>th</sup>. Plants are taken from the on-site nursery and placed directly into native prime agricultural soil inside greenhouses. (The greenhouses will be removed annually.) Vegging takes 2-4 weeks. Light deprivation runs from 7 p.m. until 7 a.m., for a period of 6-9 weeks. Harvesting then occurs, followed by 1-2 weeks in the drying room until the flower is cured for further processing.

## **V. OUTDOOR NURSERY OPERATIONS PLAN**

### **A. Nursery Footprints**

Outdoor nursery operations consisting of four 24' x 105' hoop houses, totaling 10,000 ft<sup>2</sup> (see Site Plan, “Commercial nursery propagation (outdoor)”).

### **B. Nursery Operations Functions**

The nursery will produce only clones, immature plants, and seeds for wholesale to licensed cultivators to be used specifically for the planting, propagation, and cultivation of cannabis, or to licensed distributors. 3-5 trips a day will be generated throughout the week for nursery operations from clientel between the hours of 8 am and 4:30 pm.

### **C. Outdoor Nursery Operations**

The four 24' x 105' outdoor nursery hoop houses will have no lighting but may be equipped with solar fans for ventilation.

## **VI. ON-SITE DRYING OPERATIONS PLAN**

On-site harvest plant storage and drying will take place in a 6,600 ft<sup>2</sup> portion of the proposed 6,600 ft<sup>2</sup> agricultural exempt metal building. Four to eight employees will break down plants for bagging flower for ancillary activities through a licensed distributor off site. This building is awaiting a variance from the Humboldt County Building Department to be built according to FEMA requirements. Mr. Ford has told us he was going to talk to Keith Ingersoll about this building on March 13<sup>th</sup> 2020, as we have been on hold with the County for this building since October.

Until Phase 2 can be completed, the cultivation drying will not be occurring on-site, and instead Eel River Produce, LLC will be implementing fresh frozen harvest techniques and practices with licensed manufacturers.

The logistics are freezer trucks and wet harvesting. The flowering plants will be individually tagged in METRC with their UID tags. The individual plants weight will be recorded with the UID tag number directly after being cut. Once they are recorded within METRC they are placed on the freezer truck for transportation to the licensed manufacturer thru a licensed distributor. The driver is given a METRC transfer manifest to drive with product to the desired destination.

## **VII. PROPERTY-WIDE PLANS AND REQUIREMENTS**

### **A. Land-Based, Water-Related Elements**

#### **1. Onsite Wastewater Treatment System Information and Documentation (Sewage Disposal Plan)**

There is an existing at least 50-year old onsite septic tank and leach field system that is functioning well. The applicant has requested that Pacific Watershed Associates (PWA) conduct the necessary studies to design a new system with a greater capacity to facilitate the proposed operations. Initial site and soil investigations were conducted on May 13, 2019, and observational water level wells were installed in anticipation of conducting wet weather testing this coming winter. (See “**Attachment A**,” “*Preliminary Onsite Wastewater Treatment System Evaluation*,” July 11, 2019, by PWA Geologist Kathy Moley.)

There are B&B portable toilets for staff onsite and have weekly cleanings for sanitary purposes. Handwashing sinks are near with soap for access to proper handwashing stations.

#### **2. Stormwater Management Plan**

The southern approximately 40% of the property is a dense second growth, mixed conifer and hardwood forested hillslope with moderately steep slopes that contain several small first order stream that drain onto the northern 60% of the property underlain by flat, floodplain surfaces (see Site Plan). Once the streams reach the floodplain surfaces there are several small areas of ponded wetlands areas in natural and in man-made depressions, before the runoff is conveyed through a series of straight, man-made Class IV drainage ditches, the largest of which is 3' wide by < 2' deep, and all are well vegetated with grasses and forbes ground cover (see Site Plan). The main east to west drainage ditch is contiguous through the adjacent properties to the east and west and has likely existed across the farmed floodplain surfaces for 100 years or more.

The proposed cannabis farming will take place on the essentially flat floodplain surface to the north of the axial east-west man-made ditch, and all cultivation related activities will occur outside of a 50' buffer zone on the north side of the axial ditch (see Site Plan). The deep floodplain soils will result in minimal surface flow during rainfall events, and when shallow overland flow does occur, there is no soil erosion present on the property due to the dense ground cover of winter grasses that is applied annually to the cultivation areas following harvesting operation in the fall each year.

#### **3. Summary of Specific Measures for Compliance with SWRCB Order**

The application is for a proposed new cultivation permit on a property that has had no

previous cannabis cultivation, but which has been intensely farmed for feed crops for well over a hundred years.

Eel River Produce's SWRCB completed and submitted application is 424234 and was submitted on 2/14/2020. The State Water Resource Control Board General Waste Discharge

Requirements and Waiver of Waste Discharge Requirements for discharges of waste associated with cannabis cultivation activities determined that this is a Tier 2 Low Risk site. All application fee's have been paid and are up to date within the SWRCB. The rainwater catchment tank farm was enrolled underneath this General Waste Charge Order. The shallow well was enrolled as well, but no cultivation irrigation will come from this well. Due to the fact it is a shallow well, this would be the only exception for an SIUR. An SIUR is being prepared for the well for domestic uses, and this well follows all forbearance requirements within the SWRCB and DFW.

#### **4. Water Source, Storage Plan, Irrigation Plan and Estimated Use**

##### **a. Water Source**

This site's full source of irrigation is non-diversionary, consisting of rainwater catchment storage. There are 24, 5,000-gallon hard poly rainwater catchment tanks on site collecting storage water. These tanks catch rainwater for all cultivation irrigation, and have sat onsite throughout the winter, catching water for the 2020 season, and are completely full.

The tanks sit next to, where the metal building is, in order to store the rainwater for the future irrigation and use, and collect off the roof. This rainwater catchment methodology has been documented to the SWRCB for all irrigation use for cultivation.

The long farmer agricultural area of Holmes Flat, as all the properties in the floodplain areas have shallow commercial agricultural wells. The Eel River Produce well is about 78 ft bgs, is cased in an 8" steel pipe with the pump set at 70 ft bgs. There is another shallow well on the property, but it has been sealed shut for a long time. State Division of Water Rights applications for the well will be applied for and include both an Initial Statement of Diversion and Use (ISDU), as well as a Small Irrigation and Use Registration (SIUR). This well, will not be used for irrigation for cannabis cultivation on site.

##### **b. Storage Plan**

Given the fertile prime floodplain soils present on the property, the applicant's use of water will be many orders of magnitude less than the commercial animal feed crops that have been grown on the property for over a century. In order to significantly reduce this summer time use of groundwater, a hard poly tank farm consisting of twenty-four 5,000 gallon tanks (120,000 gallons of storage) is positioned adjacent the proposed 6,600 ft<sup>2</sup> metal building (see Site Plan). It is anticipated the roof structure of the proposed building will be plumbed to serve as a year-around rain and fog drip collection system.

**c. Irrigation Plan**

Irrigation needs will be dictated by daily weather conditions and by carefully monitoring soil moisture and plant health. Watering, when necessary, will be applied in the early morning or late evening for the outdoor and mixed light hoop houses via a drip irrigation system and/or hand watering to improve water conservation efforts.

**d. Estimated Use (Monthly & Annually, in gals.)**

Applicant will be cultivating approximately 119,500 ft<sup>2</sup> of cannabis, *including* accessory nursery facilities of 10,000 ft<sup>2</sup>. Based on applicant's past experience in legally cultivating cannabis in prime soil floodplain settings, anticipated water use is approximately:

- **638** gallons of water per day in **Outdoor** operations, system and/or hand watering,
- **285** gallons of water per day in **Light Deprivation** operations, and
- **52** gallons of water per day in **Nursery** operations.

**Applicant's total irrigation water annual needs are approximately 169,500 gallons of water.**

Applicant's total estimated **Outdoor** water usage needs in gallons by month:

Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
					15k	30k	30k	15k	7.5k		

Applicant's total estimated **Light Deprivation** water usage needs in gallons by month:

Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
				5k	10k	10k	10k	10k	7k		

Applicant's total estimated **Nursery** water usage needs in gallons by month:

Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1k	1k	2k	2k	2k	2k	2k	2k	2k	1k	1k	1k

## **5. Site Drainage**

There are no natural stream channels or road stream crossings located on the agricultural soils portion of the property, only long-standing man-made Class IV drainage ditches that are well vegetated with grasses and forbes. An east west man-made drainage swale bisects the agricultural soils portion of this and adjacent parcels since at least the 1964 flood, as appears on the Site Plan. Runoff is non-existent for this site; the flat terrain and highly porous soils allow for water to puddle and infiltrate into the floodplain soils, or during heavy rainfall period, result in low velocity shallow overland flow. No road surface erosion or discrete points of sediment delivery are present throughout the entire subject property.

### **B. Will-Serve Letters**

The site is served by PG&E, and has fully functioning on-site water and septic adequate for project demands; there are no applicable water or water service providers for the site. No public utility services are necessary or provided. No will-serve letters are necessary.

### **C. Premises Operations and Plans**

#### **1. Recordkeeping**

All required records will be legibly prepared and stored in the administrative hold area required by CDFA, which is a secured area where they are protected from debris, moisture, contamination, hazardous waste, fire, and theft. This administrative hold area is a limited access area, where only those with the correct managerial credentials have access to these documents.

All records specifically required to be kept and maintained for state licensure will be kept for the time period prescribed and, in a manner, allowing for their provision or delivery upon request. This includes all monthly inventory reporting, monthly METRC inventory reports of all items, and any other jurisdictional paperwork.

#### **2. Days/Hours of Operation, Shift Staffing**

Employee work hours for all commercial cannabis-related activities are 7 a.m. to 4:30 p.m., Monday through Sunday. Maximum number of employees by activity permitted is five in Cultivation, and two in Nursery, for a total of seven.

#### **3. Energy Plan**

The site is currently and historically has been supplied by PG&E grid power. The project will be run off of 100% renewable energy. 100% renewable grid power will be purchased by opting up to RCEA's RePower+ program.



#### **4. Hazardous Materials Management Plan**

The project and its related activities will not involve the storage or use of reportable quantities of hazardous materials under Health and Safety Code section 25500 *et seq.*

No Hazardous Materials Business Plan is required.

## **5. Light Pollution Control Plan**

All structures used for Nurseries and all ancillary uses will be shielded so that no light escapes between sunset and sunrise.

Where located on a parcel abutting a residential zoning district or proposed within resource production or rural residential areas, any security lighting for commercial cannabis activities will be shielded and angled so as to prevent light from spilling outside of the boundaries of the parcel(s) or premises or directly focusing on any surrounding uses.

## **6. Noise Source Assessments and Mitigation Plan**

Noise from cultivation and related activities will not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. No generators will be used in project operations.

## **7. Parking Plan**

On-site parking of twelve spots (two of which will be handicapped-marked) is provided for employees and visitors in existing areas historically used for that purpose (see Site Plan). All employees and visitors will be required to park on-site when conducting business on-site.

## **8. Pest Management Plan**

### **a. Introduction**

All project operations will comply with all pesticide laws and regulations enforced by the California Department of Pesticide Regulation and by the Humboldt County Department of Agriculture. Employees will (i) read and follow all pesticide labels in all storage, use, handling and disposal of any pesticides used, and (ii) use personal protective equipment (PPE) as required and provided for by the applicant.

The applicant will (i) obtain an operator identification number from the Humboldt County Agricultural Commissioner before applying any pesticides, and (ii) provide for and require the use by all employees of PPE, training, and access to pesticide labels and safety information in the proper storage, handling, and disposal of pesticides.

**b. Product Name and Active Ingredient(s) of All Pesticides to Be Applied to Cannabis at Any Time**

<i>Product Name</i>	<i>Active Ingredient(s)</i>
Lost Coast Plant Therapy	Soybean oil, isopropyl alcohol, citric acid, peppermint oil
Dr. Zymes	Citric acid derived from fermentation
Zerotol 2.0	Hydrogen dioxide, peroxyacetic acid
Neem oil	Neem oil
Grandevo	Chromobaeterium subtgugae strain Praa4-1
Regalia	Reynoutria sachalinensis
Venerate	Heat killed Burkholderias spp.
Sulfur	Sulfur
Mycotrol wpo	Beaveria Bassiana
Monterey BT	Bacillus thuringiensis sub. kurstaki

**c. Integrated Pest Management Protocols**

The project employs Biological, Chemical, and Cultural Pest-Management Control Methods, as follows:

**i. Biological Pest-Management Control Methods**

Once a pest population has been identified and monitored, beneficial insects or other organisms are introduced to control and suppress the continued growth of that population. Biological controls come in the form of insect predators/parasites, fungi, bacteria and more, and are chosen based on their effectiveness at controlling the target pest(s) in the cultivation environment. Examples include (1) cats for rodent control, (2) predator nematodes to suppress root aphids and fungus gnats, and (3) predator mites to suppress thrip, russet mites, and spider mites.

**ii. Chemical Pest-Management Control Methods**

Chemical controls may include spraying, dunking, and root drenching.

**iii. Cultural Pest-Management Control Methods**

1. Reduce and disrupt pest habitat around crops; weeding, cleaning, rototilling, mowing, etc.;

2. Adjusting crop density and planting to reduce pests;
3. Pruning and leafing plants for greater airflow;
4. Monitoring and identify types of pest and population size of pest; scouting and trapping and locations of pest in and around the crop;
5. Utilize proactive attempts to prevent pests and disease rather than reactive treatment; and
6. Sanitation to remove organic and inorganic residues, helping reduce egg/spore populations, deterring overwintering, and minimizing pest control efforts throughout the growing season.

**d. Invasive Species Control**

Pursuant to planning staff directive, PWA has prepared a “*Biological Reconnaissance, Protocol Level Survey, Wetland Delineation, and Invasive Species Management Plan*” specifically for APN 209-0331-002, which includes focusing on the removal of three particular invasive plant species from the site using measures specific to the species, including subsequent confirmation inspections (7-12-19, section 3.5).

**9. Security Plan**

All outdoor lighting used for security purposes will be shielded and downward facing.

A commercial security alarm company will be retained, including the use of security cameras. A six-foot chain link fence surrounds the entire cultivation perimeter. A properly licensed armed guard will be present on-site during all cannabis cultivation and processing time periods. All visitors must be accompanied at all times when within the premises.

**10. Soils Management Plan**

A cover crop of “3G’s Organic Cover Crop,” as well as beans, peas, oats, and clover are planted in winter; nutrient analysis is performed each spring, and soil is amended with organic nutrients as necessary based on analysis.

**11. Waste Management Plans**

**a. Cannabis Waste Management Plan**

Cannabis waste generated on the premises will be managed by self-hauling to a fully permitted and manned, (a) solid waste landfill or transformation facility, or (b) composting facility or manned composting operation.

**AMMENDMENT TO OPERATIONS PLAN**

EEL RIVER PRODUCE LLC  
1048 HOLMES FLAT ROAD  
REDCREST CA



January 28, 2020

To: Humboldt County Planning Department Cannabis Division  
Attn: Mr. Ford, Mr. Johnson, Mr. Yandell, and all CEQA Agencies

Re: 1048 Holmes Flat Road; Operations and Logistics

Eel River Produce is amending the cultivation and operations plan for their on-site activities due to a flood certification standard condition that must be met with the current proposed building that was going to be built on site. There are current plans that were handed into the county, that are erroneous at this time.

This building will now be permitted as an Agricultural Exempt building for on-site drying activities. The drying areas will be organized according to CDFA license numbers, and areas dedicated to those license numbers for proper METRC compliance and input. There will also be an administrative hold area within the building, a place where on-site paperwork, logs, and manifest's and all other employee materials will be kept.

The 600 square feet of indoor nursery propagation will no longer be occurring on-site, the only nursery activities on site will be the 10,000 square feet of outdoor nursery. Eel River Produce has a CDFA State license submitted for this nursery area, and would like to have CEQA requirements met in order to start cultivation operations for the 2020 season. This license number is LCA20-0000059.

The ADA bathroom area within the building on the original site plan, will not be built. Instead, B & B portable toilets are on-site and have weekly cleanings for employees.

Eel River Produce will be using a distribution license thru W.E. Investment Properties, LLC to transport the dried product in the AG Exempt building, to the proper facilities for processing, manufacturing, and distribution. These activities will be properly tracked in METRC upon transport. This application number within the county for these activities is PLN-2019-15501. The assessor parcel number is 506-231-011.

A timber harvest plan was submitted before any new cultivation on this site, which should provide sufficient enough findings of environmental assessments to allow this project to be transferred from referral's and approved as an annual permit within Humboldt County. To be in good standing with the County, this parcel was not cultivated last year.

There are two, 20,000 square feet RRR's being transferred onto this property right now. Eel River Produce has state licenses (two small outdoor cultivation licenses of 10,000 square feet

each) submitted within the California Department of Food and Agriculture. These license numbers are LCA20-0000060 and LCA20-0000061. The other 20,000 square feet of pending transfer cultivation has not been applied yet on State level until further local jurisdiction moves it out of referral's, due to the State processing faster than the County. We are ready to submit these licenses but don't want to lose money on submitting this other RRR that is in the works.

1 more 20,000 square foot RRR will be transferred on the premises, in addition to the ones listed above, as soon as the County can get us out of referral's and approved.

One acre of outdoor cultivation (medium outdoor) is submitted into CDFA and Eel River Produce is hoping to be approved in time to cultivate this for 2020, to progress as a business. This license is LCA20-0000055.

Attached to this amendment, is the timber harvest plan review that Eel River Produce feels most confident in which Humboldt County is looking for in their CEQA requirements. Also, is the approved Tribal Archaeological Review as well. All of these documents were e-mailed to Mr. Ford, Mr. Johnson, and Mr. Yandell on January 24<sup>th</sup>, 2020, and these documents were spoken about at a meeting that morning at 10am in the planning department, with Eel River Produce's Compliance Director, Brittany Massaro. If there are any other requirements needed to prove environmental superiority we would like to get them in ASAP.

Aside from the section of timber harvest plan that's included, there are hundreds of more documents relating to this project if need be.

Please let us know what else we can do,



Brittany Massaro  
Compliance Director on behalf of Eel River Produce

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Approved w Conditions	On file
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Approved	<b>Attached</b>
Humboldt County Sheriff	✓	Approved	On file
Humboldt County Ag Commissioner		No Response	
CalFIRE	✓	Approved	<b>Attached</b>
California Department of Fish & Wildlife	✓	Conditional Approval	<b>Attached</b>
CA Dept of Parks and Recreation		No response	
District Attorney		No response	
Code Enforcement		No response	
Fortuna Union HS District		No response	
Scotia Elementary School Dist	✓	Approved	<b>Attached</b>
NWIC		No response	
Garberville Volunteer Fire Department		No response	
Bear River Band	✓	Conditional Approval	On file
North Coast Regional Water Quality Control Board		No response	
NCUAQMD		No response	
Division of Water Rights		No response	
Intertribal Sinkyone Wilderness Council		No response	
PG&E		No response	

Workflow History (34)

View notice

Cancel

Help

Task	Due Date	Assigned Date
Environmental Health	12/21/2019	11/25/2019
Assigned to Department	Assigned to	Status
Environmental Health	Ben Dolf	Approved
Action by Department	Action By	Status Date
Environmental Health	Ben Dolf	12/11/2019
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Note that the proposed building will require a new, permitted onsite wastewater treatment system meeting current standards.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	Display Comment in ACA	Comment Display in ACA
No	Display Comment in ACA	All ACA Users
		Record Creator





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

ON-LINE  
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409  
ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MANAGEMENT 445-7493  
NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS 445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388  
LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01/13/2020

RE:

<b>Applicant Name</b>	<b>EEL RIVER PRODUCE</b>
<b>APN</b>	<b>209-331-002</b>
<b>APPS#</b>	<b>PLN-2019-15762</b>

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:

// END //



Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 15762

- ☒ 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 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:**

**From:** [Luther, Stephen](#)  
**To:** [Bauer, Scott@Wildlife](#)  
**Cc:** [Johnson, Cliff](#); [Ryan, Meghan](#)  
**Subject:** RE: CDFW Referral Eel River Produce 15762  
**Date:** Tuesday, May 05, 2020 2:10:23 PM

---

Dear Scott,

Thank you for CDFW's referral comments on this project. Please see the response below, and let me know if there are any other issues. I can keep you apprised of the State Parks position and forward the revised Site Plan when available.

1. The Cultivation and Operations Plan estimates: 638 gal/day for full-sun outdoor, 285 gal/day for light dep, and 52 gal/day in the nursery. This equates to 1.22 gal/sf. The cultivation will occur directly in floodplain soil in an area that has a high water table, thus dramatically reducing the irrigation water needed. About 0-5 gal/sf is an accurate estimate for cultivation in this area. Water use will be metered and additional rainwater storage capacity added if needed.
2. The applicant is requesting to reduce the setback from Humboldt Redwoods State Park to 446 feet. Planning staff is in contact with State Parks environmental scientists to determine if the Park has concerns. In response to CDFW comments, the applicant has agreed to locate the full sun outdoor cultivation on the western edge of the property and move the proposed light deprivation hoop houses to the east side of the property. The noise source from fans will be more than 600 feet from critical habitat. The nursery is all outdoor and no supplemental lighting is proposed in the operation. The cultivation project cannot move forward until a pre-project noise survey is completed, and noise from the project cannot result in an increase of more than 3 decibels. Noise cannot exceed 50 decibels measured 100 feet from the source or to the edge of habitat, whichever is closer.
3. A revised Site Plan has been requested for Pacific Watershed Associates to map the observed wetlands #1-3 as documented in the Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by PWA in July 2019. The map will show a 150 foot no-disturbance buffer as measured from the edge of the 3 wetland areas. As noted in that report, the fourth test pit dug in the east-west Class IV ditch did not exhibit wetland hydrology necessary to classify as a 3-parameter wetland, and the 50-foot buffer is appropriate.
4. The applicant is required to adhere to International Dark Sky Standards.
5. See discussion in #2. The power source is 100% renewable grid electricity and no generators are used in the operation.
6. All other items are included as ongoing operational conditions to protect fish and wildlife.

Best,  
Stephen

Sent from [Mail](#) for Windows 10





**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING**  
 3015 H STREET, EUREKA, CA 95601 - PHONE (707) 445-7245

11/20/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, School District: Fortuna Union, Cal Fish & Wildlife, CalFire, CA State Parks, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, PGE, School District: Scotia Union

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**Applicant Name** Eel River Produce, LLC **Key Parcel Number** 208-331-002-000

**Application (APPS#)** PLN-2019-16762 **Assigned Planner** Rodney Yandell 707-288-3732

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

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

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

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

**Return Response No Later Than:** 12/5/2019

Planning Clerk  
 County of Humboldt Planning and Building Department  
 3015 H Street  
 Eureka, CA 95501  
 Email: PlanningClerk@co.humboldt.ca.us Fax: (707) 288 - 3782

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

- ☒ Recommend Approval. The department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

**Other Comments:** \_\_\_\_\_

---

DATE:

12/5/19

PRINT NAME:

Amy Gossien

**ATTACHMENT 5**  
**ISMND Comments**

**From:** [Barbara Guest](#)  
**To:** [Johnston, Desmond](#)  
**Subject:** Draft Mitigated Negative Declaration Eel River Produce LLC  
**Date:** Tuesday, June 01, 2021 5:05:22 PM

---

Desmond,  
I would like to request some information from the County.

First, please provide a copy of the draft MND above.  
Secondly, I would like to know exactly how many square feet of cannabis has been approved for Holmes Flat and Tierney Road preferably by tax key APN and Applicant name.  
It appears this County does not actually give the recipient any say in the receiving of the 3 RRR program. Which to me, would make this an illegal program.

It is totally irresponsible of this County to even consider additional permits given the drought predictions in CA this year.  
Two of my neighbors' wells have already gone dry. So, I would like the calculation of how the County estimates how much water will be necessary for this project to go forward. How did this project collect rain water when it hasn't rained? Rain catchment = sole source? Did they fill the 24 hard tanks with their well water? Are there going to be another 10 hard tanks to satisfy the additional 50,000 gallons proposed?

On Oct 27, 2020 the Supervisors discussed the Triple R program and the practice of Stacking permits. At that time it appears John Ford was more concerned with the in progress permittees not wanting the rules to change mid-stream. Let's remember that the original rule was capped at 1 acre. That would have stopped the outsiders or investors from developing these huge grows. Obviously, the rights of neighbors don't trump the County's desire for tax dollars. The Supervisors should reconsider the legality of stacking and limit the number of grows, especially in this "drought year".  
There is no oversite on these projects, there is no septic systems required. I've seen B&B toilets being transported via ATVs to different grow sites.

We were never given the right to refute the original 3 RRR 60,000 sq ft. at this location. No public hearing was provided for the separate ZCC approval. We were told it would only operate April to Oct 15 with the greenhouses dismantled after Oct and no lighting. Now they are requesting year round commercial nursery with 4 greenhouses. Not satisfied with the original 3 entitlements (60,000 sq ft full sun outdoor) they want an additional 20,000 sq ft as a fourth RRR to be outdoor light deprivation in 5 greenhouses. And an additional 33,200 sq ft in 14 more greenhouses. And additional 10,000 sq ft in 4 greenhouses Year Round.

This County has already ruined this neighborhood. No longer do we have small farms and quiet; we have litter, speeding trucks, and increased traffic from the extensive number of grows on one little street.

If John Ford is so concerned about these investors expenses, he should stop advising them to request additional special use permits. No one else should be "entitled" to ruin this neighborhood.

Thank you,

Barbara Guest

**DISCLAIMER** - Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Anderson, Lucas, Somerville & Borges LLP would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

**PRIVILEGED AND CONFIDENTIAL** - This communication and accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the accountant-client privilege as to this communication or otherwise. If you have received this communication in error, please contact me at the above email address. Thank you.





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

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NOTICE OF INTENT TO  
ADOPT A MITIGATED NEGATIVE DECLARATION

**NOTICE IS HEREBY GIVEN** that the County of Humboldt, as Lead Agency, in accordance with the State California Environmental Quality Act (CEQA) Guidelines intends to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project described below. **This notification is to advise you that the Humboldt County Planning and Building Department will receive public comments on the proposed Mitigated Negative Declaration from May 26, 2021 to June 28, 2021.**

PROJECT TITLE: Eel River Produce, LLC: APNs: 209-331-002; Record Number: PLN-2020-16417.

APPLICANT: Eel River Produce, LLC

PROJECT DESCRIPTION: A proposal to add 63,200 s.f. of cultivation area consisting of a Special Permit to allow 43,200 s.f., including 33,200 s.f. of outdoor light deprivation in fourteen greenhouses, and 10,000 s.f. mixed light in four greenhouses to be cultivated year-round, and a Zoning Clearance Certificate to allow a fourth RRR consisting of 20,000 s.f. of outdoor light deprivation in five greenhouses. Cultivation will occur from April 15th to October 15th and will achieve up to two harvest cycles. The site is presently permitted for 60,000 square feet of full-sun outdoor through three RRRs. The total cultivation at full build-out will be 133,200 square feet (3.06 acres). A 10,000-square-foot commercial nursery in four (4) greenhouses will produce seeds and clones and was approved with a separate ZCC. No supplemental light is used in the light-deprivation or nursery greenhouses. The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks. Estimated annual water use is 161,500 gallons, of which 19,000 gallons is used for the nursery. Water storage totals 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons proposed. At peak harvest, there will be up to fourteen (14) workers on-site. Harvested product will be dried in the greenhouses, or fresh frozen and taken off-site. No processing occurs on-site. P.G.&E. supplies renewable power to the site. A Special Permit is also required to vary from the 600' setback from Humboldt Redwoods State Park to a distance of 446'.

PROJECT LOCATION: The project is located in Humboldt County, in the Redcrest area, on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat road and Tierney Road, on the property known as 1048 Holmes Flat Road. APN 209-331-002. Section 34, T1 North, R2 East.

ADDRESS WHERE COPIES OF THE PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY ARE AVAILABLE FOR REVIEW AND WHERE COMMENTS MAY BE MAILED:

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

The project and the proposed Mitigated Negative Declaration will be considered by the Humboldt County Zoning Administrator at a future public hearing. A separate notice for this hearing will be provided pursuant to Humboldt County Code 312-8 et seq.

Specific questions regarding the proposed project and the draft Mitigated Negative Declaration may be directed to Desmond Johnston at (707) 441-2622 or [djohnston@co.humboldt.ca.us](mailto:djohnston@co.humboldt.ca.us).

May 26, 2021

Barbara Guest  
1149 Holmes Flat Rd  
Redcrest, CA 95569

June 24, 2021

Re: 209-331-002 Eel River Produce, LLC  
PLN-2020-16417-SP or PLN-2020 -16417

I am writing to object to the Notice of intent to adopt a mitigated negative declaration for the above project. I have already documented my concerns in a previous letter dated June 4, 2020. (see Attached) Imagine my dismay when I tried to attend the following Zoom meeting and was constantly being given an error message that the meeting hadn't started yet, only to find out from the clerk that the meeting was over in 10 minutes after an hour of trying to sign in.

I was told John Ford would make the decision without public comment.

The original ZCC permit was issued without any public hearing. I object to this. As I understand the receiving site should have a say in the permitting of this cultivation. I am appalled that the planning dept actually considers these criminals "entitled" to eighty thousand square feet of cultivation. And now they are asking for another 43,200 sq ft.

I am against the stacking of RRR permits and object to a 4<sup>th</sup> RRR for this property.

It appears that the 3R program was a gift to the illegal growers on the mountain. Our neighborhood has been ruined by these large "grows". The rural integrity of AG land is not being maintained. I invite all of you down to see how these large grows have ruined the beautiful farmland.

This week I learned two of my neighbor's wells have gone dry. Caused by these grows filling these ugly huge plastic tanks with thousands of gallons of water.

This lack of water issue has no mitigation. Therefore, I object to adopting this negative declaration. In fact, I am requesting a complete Environmental study be performed addressing the lack of water in the worst drought our state has ever had. This grow maintains they will not use a well, only rain catchment, when there has been no rain.

I believe any permits issued going forward would be reckless and irresponsible of any planner, commissioner, or supervisor given this year is predicted to be the worst drought yet in California.

I ask the County not to continue to make the same mistakes. There are significant environmental impacts, this Street can not absorb another two acre grow site. Besides my main concern of lack of water, not one of these sites has an operating septic system, to my knowledge. So please evaluate this project before approving it. Please

provide an EIR. How many approved sites are there already in Holmes Flat? How many approved square feet has been permitted to date in Holmes/Tierney Road?

I want to state that I am against retail sales of clones, plants, or cannabis on property. I am against this project processing and drying on property. The traffic that this will cause has not been sufficiently evaluated either. The 14 employees representing 28 trips is also understated given they want to increase their square footage therefore their workforce will increase. Obviously, these workers are supposed to bring their lunch with them otherwise, they would have double the 28 trips.

The owners of this LLC are both criminals. (See attached) They have already shown their disregard for the law by tearing down a barn, by covering the area with stone, by erecting the hoop houses without permission, and have been fined accordingly. At the same time, they say they will not use well water, they install a waterline from the well.


It appears that everyone of these "grows" submits a permit stating they won't use well water, they won't process on property, they won't sell retail, after approval, they all submit additional special use permits to do all of the above. This round about way of abusing the system should stop. Their next request will be to build a 6,600 sq ft structure to house the distribution area.

I am concerned my well will go dry. The planning dept is not concerned about the residents that live here already. An individual's right to health and safety should override these massive grows. Again, it appears that only the almighty "tax Dollar" is their concern. I should not have to pay to drill deeper if the County continues to act irresponsibly by approving projects that have shown they have no respect for the environment, or the people who live here.

This LLC named themselves "Produce", called themselves a farm business, with no mention of Cannabis on their LLC license. They are liars and criminals and should not be entitled to anything. See attached.

Please provide me with the number of square feet already approved for cannabis cultivation to date in Holmes Flat with tax assessment numbers and the names of the applicants. Thank you

Respectfully Submitted,



Barbara Guest



To: County Planning Clerk  
Agenda Item #3: Eel River Produce LLC  
Date of meeting: June 4, 2020 10am

I would like to voice my objection to the Special Permit record number PLN-2019-15762; Zoning Clearance certificate number PLN-2020-16332, PLN 2019-15674, PLN -13290 SP for parcel number 209-331-002. And I object to the County rewarding illegal cultivation with "entitlement" to destroy my neighborhood.

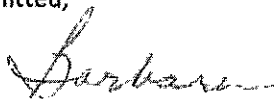
1. This is the first notice I have been sent regarding this property, yet several greenhouses have already been erected, and business is being conducted. Per the Planning Dept this ZCC permit was approved **without a public hearing**.
2. I object to Holmes Flat becoming the dumping ground for the 3 Rs. We have already absorbed enough of the Big Grows from the mountain. There is a commercial cement block building being constructed currently on prime AG land. This is not a barn. We now have chain link and barbed wire, speeding cars, more traffic, litter, and the criminal element.
3. I am informed by the planning dept that only one of these 3 Rs had a 10,000 ft permit. That should be the only amount of Cannabis grown by this entity. The other two properties on the mountain were illegal grows. They should not be "entitled" to anything. And the 4<sup>th</sup> R should not be "entitled" either. What this County is doing, is rewarding criminals. Granting this entity 1.5 acres of new outdoor commercial cannabis cultivation through 4 RRR program which will be evaluated later is **not acceptable**. Evaluate it now, before you ruin Holmes Flat. This is not an experiment; the County is taking "murder mountain" and making "murder Flat".
4. When these Big Growers relocate, are they ever permitted entities? My understanding is this is not a permitted cannabis entity. And how would they become permitted with criminal records?
5. I am concerned that many of our wells could go dry based on these large growers. How will the County fix that when it occurs? The planning dept said it would be catchment only, yet the agenda is very specific that they are requesting use of a shallow well for irrigation. Page 38 of PLC -15762 states **the well will not be used for cannabis irrigation**.
6. I do not want the set back to the redwoods granted. I believe the Redwoods should be protected and not damaged by potential pesticide runoff or damage to our water supply by chemicals.
7. The planning Dept said 14 employees representing 28 trips on the road as minimal traffic impact. Unlikely since the agenda is asking for retail space for nursery sales.
8. EEL River Produce LLC filed as a Farm business, no mention of cannabis in the LLC application. The two members are both criminals and should not be allowed to participate in any cannabis business. *See attached.*

9. It is bad enough that the jail just let out the man who was responsible for burglarizing many of the homes in this neighborhood (Wade Harris), now this property is bringing the criminal element back to Holmes Flat.
10. The PLN 15762 Page 40, states **offsite drying and offsite processing**, yet the request for Special permit is providing for areas for drying, processing and storage with a 6,600 Sq Ft proposed structure. How is that maintaining the rural integrity of AG land.
11. There should be a requirement to show how these people are financing this project. Is it with the illegal money from their illegal grows? Have they provided tax returns to show proof of income? Who is backing them? As a resident, I would like to know if the cartel is in Holmes Flat.
12. I believe the County should not jeopardize my safety and security for tax dollars or that of my neighbors. There are two little boys that live directly across from this property. They shouldn't have to smell this weed all summer long. And eventually, they may require a **school bus stop**. The site map omits the neighbors across the street.

My understanding of the home invasion that Mr. Williamson participated in, was due to his illegal "cannabis" being stolen. In 2012, he was violating the law by illegally growing. These men that represent Eel River Produce, LLC are criminals. They associate with criminals. Giving them 80,000 sq ft of outdoor cannabis from **illegal retired sites** will increase the risk of crime. I object to all of these requests to further destroy Holmes Flat. Please do not approve any hosted RRRs or special permits for this property. Please inform me of any further permit requests by this property. This would be a poor land use decision for all the above reasons.

Respectfully Submitted,

Barbara Guest



**3. Eel River Produce, LLC Special Permit**

Application Number 15762; 16332, 15674, 13290

Record Number PLN-2019-15762; PLN-2020-16332, PLN-2019-15674, SPL-13290-SP

Assessor's Parcel Number: (APN) 209-331-002.

1048 Holmes Flat Road, Redcrest area

Project Description: A Special Permit for 43,200 square feet of new outdoor light-deprivation commercial cannabis cultivation, a Zoning Clearance Certificate for a commercial cannabis distribution facility, and a Zoning Clearance Certificate for a 10,600 square foot commercial cannabis nursery.

There is a 6,600 square foot structure proposed that will house the distribution area, a portion of the nursery space, a retail space for nursery sales, areas for drying, processing and storage, and an ADA compliant restroom. The property will also be host to 1.5 acres of new outdoor full-sun commercial cannabis cultivation that will be relocated to the site through the Retirement, Remediation and

Relocation program and evaluated through subsequent analysis. There is also a Special Permit requested for the reduction of the 600-foot setback from Redwoods State Park and a Special Permit requested for the use of a shallow well on the property for irrigation water that is assumed to be hydrologically connected to surface water. Water for irrigation will be sourced from the shallow well and rainwater catchment. There will be 120,000 gallons of tank storage on site. Cannabis is partially dry-farmed. Annual water use at total build-out for the cultivation areas is estimated at 149,500 gallons. Annual water use for the nursery is estimated at 19,000 gallons. PG&E supplies power to the site.

**Recommendation:** Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Eel River Produce, LLC Special Permit subject to the recommended conditions.

**Attachments:** PLN-2019-15762 Staff Report.pdf  
Attachment 4.A 15762 Cultivation and Operations Plan 5.12.2020.pdf  
Attachment 4.B 15762 Biological Report 08-15-19.pdf  
Attachment 4.C 15762 Botanical Survey Results 01.29.2020.pdf



**Secretary of State**  
**Statement of Information**  
(Limited Liability Company)

**LLC-12**

19-C27944

**FILED**

In the office of the Secretary of State  
of the State of California

JUN 13, 2019

**This Space For Office Use Only**

**IMPORTANT** — Read instructions **before** completing this form.

**Filing Fee** — \$20.00

**Copy Fees** — First page \$1.00; each attachment page \$0.50;  
Certification Fee — \$5.00 plus copy fees

**1. Limited Liability Company Name** (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

EEL RIVER PRODUCE, LLC

**2. 12-Digit Secretary of State File Number**

201914810323

**3. State, Foreign Country or Place of Organization** (only if formed outside of California)

CALIFORNIA

**4. Business Addresses**

**a. Street Address of Principal Office** - Do not list a P.O. Box

1048 Holmes Flat Road

City (no abbreviations)

Redcrest

State

CA

Zip Code

95569

**b. Mailing Address of LLC, if different than Item 4a**

PO Box 764

City (no abbreviations)

Loleta

State

CA

Zip Code

95551

**c. Street Address of California Office, if Item 4a is not in California** - Do not list a P.O. Box

1048 Holmes Flat Road

City (no abbreviations)

Redcrest

State

CA

Zip Code

95569

**5. Manager(s) or Member(s)**

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

**a. First Name, if an individual** - Do not complete Item 5b

Wyatt

Middle Name

Last Name

Williamson

Suffix

**b. Entity Name** - Do not complete Item 5a

**c. Address**

PO Box 764

City (no abbreviations)

Loleta

State

CA

Zip Code

95551

**6. Service of Process** (Must provide either Individual OR Corporation.)

**INDIVIDUAL** — Complete Items 6a and 6b only. Must include agent's full name and California street address.

**a. California Agent's First Name** (if agent is not a corporation)

Maureen

Middle Name

Last Name

McCready

Suffix

**b. Street Address** (if agent is not a corporation) - Do not enter a P.O. Box

1160 G Street, Ste. A

City (no abbreviations)

Arcata

State

CA

Zip Code

95521

**CORPORATION** — Complete Item 6c only. Only include the name of the registered agent Corporation.

**c. California Registered Corporate Agent's Name** (if agent is a corporation) — Do not complete Item 6a or 6b

**7. Type of Business**

**a. Describe the type of business or services of the Limited Liability Company**

Farm business, hold real property

**8. Chief Executive Officer, if elected or appointed**

**a. First Name**

Middle Name

Last Name

Suffix

**b. Address**

City (no abbreviations)

State

Zip Code

**9. The Information contained herein, including any attachments, is true and correct.**

06/13/2019

Maureen McCready

Agent

Date Type or Print Name of Person Completing the Form

Title

Signature

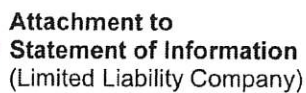
**Return Address (Optional)** (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name: [ ]

Company:

Address:

City/State/Zip: [ ]



**LLC-12A**  
**Attachment**

**A. Limited Liability Company Name**

EEL RIVER PRODUCE, LLC

This Space For Office Use Only

B. 12-Digit Secretary of State File Number

201914810323

C. State or Place of Organization (only if formed outside of California)

CALIFORNIA

D. **List of Additional Manager(s) or Member(s)** - If the manager/member is an individual, enter the individual's name and address. If the manager/member is an entity, enter the entity's name and address. Note: The LLC cannot serve as its own manager or member.

LLC-12A - Attachment (EST 07/2016)



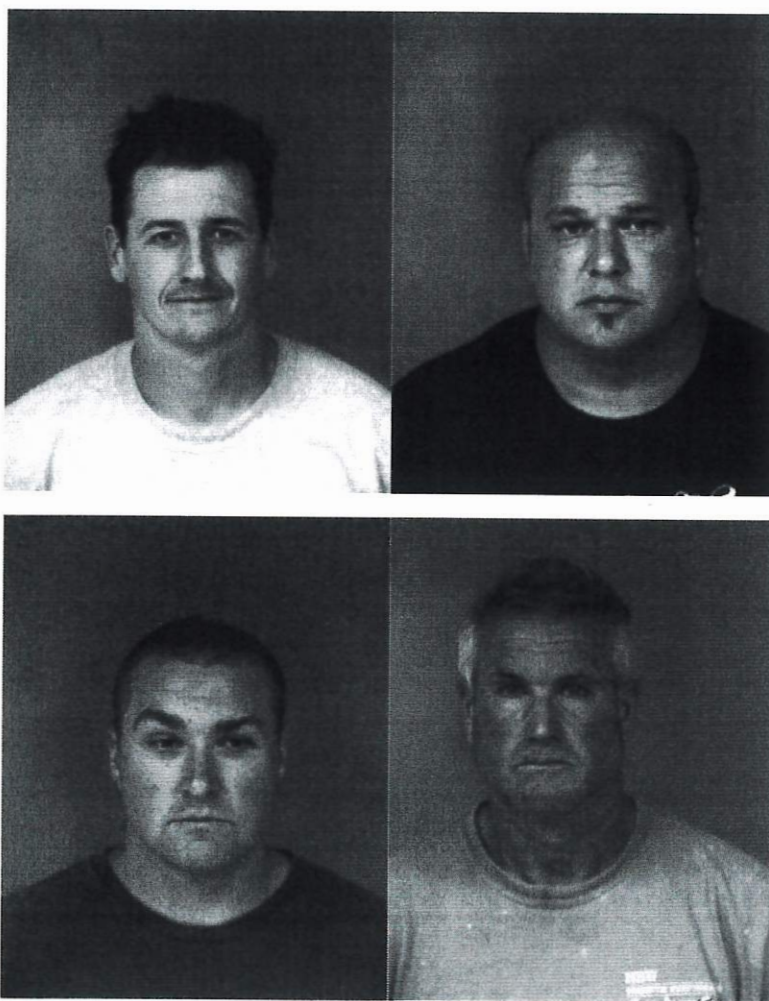
(/)

« Sheriff Tells Growers 'Ask Trimmers for References' (/2012/sep/19/sheriff-dept-tells-growers-know-your-trimmers/)

Accident North of Orick » (/2012/sep/20/accident-north-orick/)

KYM KEMP (/AUTHOR/KYM-KEMP) / WEDNESDAY, SEPT. 19, 2012 (/2012/SEP/19/) @ 7:44 P.M. / MARIJUANA AND/OR CANNABIS (/CATEGORIES/MARIJUANA/)

## Four Men Allegedly Try to Kidnap and Pepper Spray Children and Adults in Fortuna



(Clockwise from top left: Trevor Bohn, Gregory Stephens, James O'Neil, Wyatt Williamson.)

###

**UPDATE, 9:10 p.m.:** The Trevor Bohn accused in this case is, in fact, the son of Supervisor Rex Bohn.

On September 19, 2012 at about 10:00 am, officers with the Fortuna Police Department responded to an apartment complex located in the 100 block of 12th Street for a report of a strong odor of pepper spray about the complex.

Upon arrival, officers contacted several subjects who reported that they had just been assaulted by a group of male subjects who had fled the complex in two vehicles.

Moments later, officer located and stopped the involved vehicles and contacted the occupants who were all later arrested.

During the investigation, victims reported that the subjects had forced entry into an apartment and forcibly held two subjects in a bedroom while demanding marijuana that they had allegedly stolen. The suspects then allegedly discharged a canister of bear pepper spray at numerous occupants within the residence including minor children. The subjects then attempted to forcibly remove one of the victims from the apartment.

As a result of the incident a total of ten victims experienced symptoms associated with the pepper spray. City Ambulance responded and transported three adults and two minor children to the hospital where they were treated for moderate injuries.

The following subjects were arrested:

Gregory Stephens (age 36) of Eureka, Wyatt Williamson (age 26) of Eureka, Trevor Bohn (age 27) of Eureka, and James Michael Oneil (age 58) of Loleta.

All four subjects were transported to the Humboldt County Correctional Facility and booked on the following charges:

Penal Code Section 459 (Burglary)  
 Penal Code Section 236 (False Imprisonment)  
 Penal Code Section 273 (Felony Child Abuse)  
 Penal Code Section 207 (Kidnapping)  
 Penal Code Section 245 (Assault with a Deadly Weapon)

This investigation is ongoing and the department is asking anyone with information to contact the department or to remain anonymous, contact the department WeTip Hotline at 1-800-78-CRIME.

**SHARE** →  (<https://www.facebook.com/sharer/sharer.php?u=https://lostcoastoutpost.com/2012/sep/19/four-men-allegedly-try-kidnap-and-pepper-spray-chi/>)  (<https://twitter.com/home?status=Four%20Men%20Allegedly%20Try%20to%20Kidnap%20and%20Pepper%20Spray%20Children%20and%20Adults%20in%20Fortuna%20CA%20-%20Check%20out%20this%20article%20from%20the%20Lost%20Coast%20Outpost%3A%20https%3A%2F%2Flostcoastoutpost.com%2F2012%2Fsep%2F19%2Ffour-men-allegedly-try-kidnap-and-pepper-spray-chi/>)  (mailto:?subject=Four Men Allegedly Try to Kidnap and Pepper Spray Children and Adults in Fortuna&body=Check out this article from the Lost Coast Outpost: <https://lostcoastoutpost.com/2012/sep/19/four-men-allegedly-try-kidnap-and-pepper-spray-chi/>)

## NEWS

## Fortuna home invasion preliminary hearing delayed, again; New evidence reveals additional juvenile victims may step forward

By THE TIMES-STANDARD |

PUBLISHED: January 9, 2013 at 12:00 a.m. | UPDATED: July 30, 2018 at 7:29 a.m.

The preliminary hearing for James O'Neil, Wyatt Williamson, Gregory Stephens and Trevor Bohn, who have all pleaded not guilty to 11 felony charges, including conspiracy to commit a crime, assault with a caustic chemical and false imprisonment by violence, in connection with a Fortuna home invasion was continued again Wednesday morning.

Additional discovery material brought forward by Deputy District Attorney Luke Brownfield prompted the four men's defense attorneys to request a continuance to Monday at 8:30 a.m.

"We have new evidence that there may be more victims stepping forward," Brownfield said Wednesday.

According to Brownfield, new information from the Fortuna Police Department indicates that there may be an additional two juveniles allegedly involved in the Sept. 19 incident, when according to the felony complaint prepared by Assistant Humboldt County District Attorney Kelly Neel, the four men allegedly forced their way into a 12th Street apartment looking for stolen marijuana.

Using the victims' statements, Fortuna Police Chief William Dobberstein said after the incident officers piced together that the four men forcibly held a couple in a bedroom while demanding marijuana, and sprayed them with bear pepper spray.

Five people — including an infant and a toddler — were sent to the hospital after they were exposed to the bear pepper spray.

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## No jail time for last man standing in Fortuna pepper spray case

The last of four men accused of dousing a family with bear pepper spray while looking for stolen pot during a September home invasion in Fortuna will not see jail time, a judge ruled on Thursday.

Humboldt County Superior Court Judge Marilyn Miles sentenced Gregory Stephens to three years supervised probation and ordered him to pay out at least \$660 in victim restitution as part of a plea agreement with the Humboldt County District Attorney's Office.

Stephens, along with three other defendants, had faced a number of felony charges including first degree burglary, attempted kidnapping, two felony counts of false imprisonment by violence, and two misdemeanor counts of false imprisonment by violence stemming from the September incident, which sent five people — including at least two children — to the hospital for pepper spray exposure.

In April, Stephens pleaded no contest to a single felony charge of use of tear gas or a tear gas weapon for purposes other than self-defense.

A second defendant in the case, Wyatt Williamson, also pleaded no contest in April to a single count of misdemeanor false imprisonment. Williamson was immediately sentenced to three years probation and 90 days in jail.

At the time, Miles also dismissed a single charge of first degree burglary against Loleta dairyman James O'Neil. Miles had previously ruled in March — following a lengthy preliminary hearing that ended in January and involved a number of witnesses, including a victim and law enforcement officers — that there was insufficient evidence to hold Trevor Bohn over for trial as the fourth defendant in the case.

Following the sentencing, Stephens' attorney Patrik Griego called Miles' ruling fair.

"Yes, the outcome is certainly different than how it appeared it would be at the beginning of this case," he said. "But I think the District Attorney's Office was educated on some of the details surrounding the case that they weren't aware of before they brought charges forward. I think we are all satisfied."

Kaci Poor can be reached at 441-0504 or [kpoor@times-standard.com](mailto:kpoor@times-standard.com)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF HUMBOLDT**

**February 1, 2013**

**Courtroom: Two**

**Hon: Marilyn B. Miles**

**Courtroom Clerk: Kimberly W.  
Court Reporter: Lori Rock**

**PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,**

**Counsel present:  
Deputy District Attorney  
Luke Brownfield  
Attorney's Present:  
Kathleen Bryson  
Patrik Griego  
Michael K. Robinson**

**vs.**

**James Michael ONeil, Gregory Aaron Stephens,  
Wyatt Gene Williamson**

**Defendant(s).**

**NATURE OF PROCEEDINGS: Preliminary Hearing  
(cont. Day 7)**

**ACTION NO:  
CR1204763 B,C,D**

8:40-a.m. - Court is in session. Preliminary Hearing continues. DDA Brownfield present. Attorney Kathleen Bryson present with Defendant, James Michael ONeil, Attorney Patrik Griego present with Defendant, Gregory Aaron Stephens, Attorney Michael K. Robinson, present with Defendant, Wyatt Gene Williamson.

Court finds sufficient evidence to hold James Michael ONeil to Count 6 (PC 459). Court does not find sufficient evidence for a holding order as to Count 1 (PC 182(a)(1), Count 2 (PC 244), Count 3 (PC 244), Count 4 (PC 244), Count 5 (PC 244), Count 7 (PC 664/207(a), Count 8 (PC 236), Count 9 (PC 236), Count 10 (PC 236), and Count 11 (PC 236), and these counts are ordered dismissed as to James Michael ONeil.

Court finds sufficient evidence to hold Gregory Aaron Stephens to Count 6 (PC 459), Count 7 (PC 664/207(a)), Count 8 (PC 236) and Count 9 (PC 236) as charged. As to Counts 10, and 11 (PC 236) the Defendant is held to answer to these two counts as misdemeanors. Court does not find sufficient evidence for a holding order as to Count, 1 (PC 182(a)(1)), Count 2 (PC 244), Count 3 (PC 244), Count 4 (PC 244), and Count 5 (PC 244), and these counts are ordered dismissed as to Gregory Aaron Stephens.

CR1204763A,B,C,D  
Oncil, Stephens, Williamson  
02/01/13  
Day 7

Pg 2

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Court finds sufficient evidence to hold Wyatt Gene Williamson to Count 6 (PC 459), Count 7 (PC664/207(a)), Count 8 (PC236) and Count 9 (PC 236) as charged. As to Counts 10, and 11 (PC 236) the Defendant is held to answer to these two counts as misdemeanors. Court does not find sufficient evidence for a holding order as to Count, 1 (PC 182(a)(1)), Count 2 (PC 244), Count 3 ( PC 244), Count 4 ( PC 244), and Count 5 ( PC244), and these counts are ordered dismissed as to Wyatt Gene Williamson.

By stipulation Court orders Defense Exhibit E1 returned to the Defense.

All Defendants waive time for Arraignment on the Information.

Arraignment on the Information scheduled for March 14, 2013 at 2:00 p.m. in Courtroom 2.



7/18/2008

## Drugs seized, arrests made in Humboldt raid

A Tuesday raid, conducted by state and federal drug agencies throughout Humboldt County, ended with the arrests of 15 suspects and the seizure of thousands of marijuana plants, heroin and firearms.

According to Humboldt County Drug Task Force Commander Jack Nelsen, agents served search warrants at 15 locations in Eureka, Loleta, Fernbridge and Bridgeville. During the one-day raid, investigators reportedly discovered 3,026 marijuana plants and about 10 pounds of processed marijuana. Authorities also reportedly found two ounces of heroin and 22 firearms — including one assault rifle.

The raid concluded a one-year investigation into an alleged circle of grow operations, all reportedly connected to 29-year-old Ryan Robletto. Nelsen said "a couple" of the grows were directly linked to Robletto; the others, more loosely linked.

According to Nelsen, Robletto admitted to renting two of the locations where marijuana grows were operating: one in Loleta, another in Fernbridge. And Nelsen said agents found paperwork and photographs reportedly linking him to a number of other cultivation sites.

"Mr. Robletto is fairly open about his involvement in the cultivation and sales of marijuana," Nelsen said. "We believe he's responsible for the sales of some fairly large amounts of marijuana."

Nelsen said Robletto had little reservation about his alleged grows, helping investigators identify him early as a suspect. Robletto has marijuana tattoos and a MySpace page asserting his interests in the drug, both of which agents used to identify him, Nelsen said.

A clothing company, Humboldt Life, was owned by Robletto, Nelsen said, and may have been used in connection with the marijuana cultivation effort.

Agents raiding the alleged grow houses found a number of Proposition 215 cards at the residences, but according to Nelsen, "none of them appeared to be legitimate; no plants were left standing."

During the raids, one man was arrested for resisting arrest after failing to comply with officers who were serving a warrant in Eureka. Of the suspects arrested, one was female.

Nelsen said agents encountered numerous guard dogs. Several were subdued with pepper spray.

"One pit bull would not allow a team in, and they used a sound-emitting device to scare the dog. And it worked," Nelsen said.

Many of the properties agents raided were rentals, and Nelsen said the alleged growers altered electrical systems in many of the houses, which "were extremely out of code."

Charges during the arrests ranged from cultivation of marijuana and possession of marijuana for sale to possession of heroin and firearms.

Authorities with the task force, as well as Humboldt County Sheriff's deputies, agents with the Bureau of Narcotic Enforcement and the Federal Bureau of Investigation finished executing the warrants Tuesday, and are continuing to sift through the collection of evidence. The District Attorney's Office is in the process of filing formal charges against the suspects, many of whom, Nelsen said, have gotten out on bail.

Authorities are continuing their investigation into the alleged drug ring, and Nelsen said there may be additional arrests.

Raid at a glance:

Bridgeville

500 block of Golden Gate Avenue

Arrests: Ryan Warlord Robletto, 29 and Brenton Richard, 28

Found: 18 marijuana plants, 3.5 pounds processed marijuana and one handgun

Fernbridge

Five apartments at 600 block of Fernbridge Drive

Arrests: Jacob Woody

Found: 899 marijuana plants and 2 shotguns

Loleta

300 block of Railroad Avenue

Arrests: Sean Furman, 23; Steven Streeter, 23; Allen Penna, 37; Emma Lorenc, 20

Found: 1,669 marijuana plants and four pounds processed marijuana

Eureka

1400 block of A Street

Arrests: Daniel Hawk, 52; Nathan Hawk, 22; Juniper Thompson, 19; Zachary Christianson, 29

Found: 170 marijuana plants, five pounds processed marijuana, one handgun and four rifles

1700 block of McFarlan Street

Arrests: Keith Garrett, 24

Found: 18 marijuana plants, 30 plant stalks and two shotguns

2400 block of Spring Street

Arrests: Michael Lentz, 24 and Paul Horn, 23

Found: Two ounces heroin, 240 marijuana plants, two shotguns, two handguns, three rifles, one assault rifle

2400 block of Garland Street

Found: 144 marijuana plants, three shotguns, one rifle

Source: Humboldt County Drug Task Force

Sean Garmire can be reached at 441-0514 or [sgarmire@times-standard.com](mailto:sgarmire@times-standard.com).




## Barbara Guest

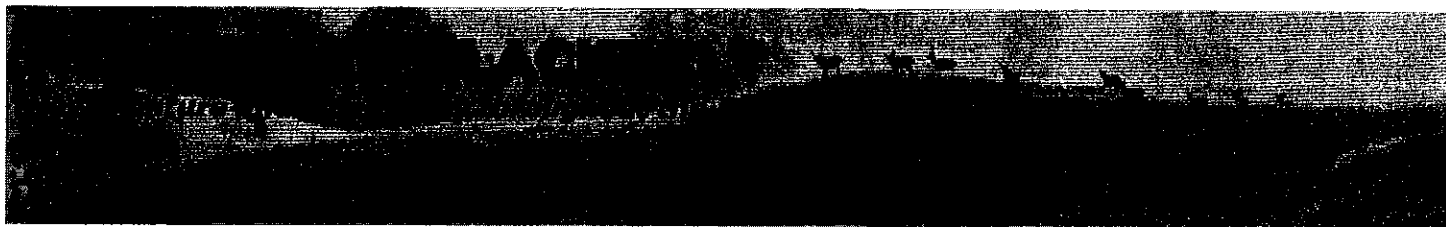
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**From:** Luther, Stephen <SLuther@co.humboldt.ca.us>  
**Sent:** Thursday, May 28, 2020 4:15 PM  
**To:** Barbara Guest  
**Subject:** RE: Eel River Produce, LLC  
**Attachments:** Eel River Produce, LLC Statement of Information.pdf

Hi Barbara,

Thank you for your questions. I hope I've answered them thoroughly below. Please let me know if you have any follow-up questions. If you are not able to join the call on June 4, you are also welcome to submit a letter with your comments.

1. RRRs are permitted through Zoning Clearance Certificates (ZCCs) which are ministerial actions. There are actually two permits associated with RRRs- one is for the "retiring" site where cultivation is being restored, and the other is for the "receiving" site where new cultivation will occur. This hearing will consider the project at the receiving site as a whole. While 3 of the RRRs were ready to be completed, a 4<sup>th</sup> one is not yet identified and is included as a placeholder, which is common practice for sites eligible to receive RRRs.
2. One of the RRR retiring sites was a permitted grow that received a permit for 10,000 sq ft of new cultivation. That parcel is located in the McKinleyville Community Planning area. A section of the Commercial Cannabis Land Use Ordinance allows for permitted operations in certain community planning areas to elect to relocate the cultivation. The other two RRRs had existing cultivation and applied to remediate and relocate it.
3. I am not sure which one you are referring to.
4. Four greenhouses are being constructed under an approved Zoning Clearance Certificate for a commercial nursery. As noted above, ZCCs are ministerial permits for principally permitted uses. The nursery was approved earlier because there was a delay in the ability to hold a public hearing due to COVID-19.
5. You can utilize the County WebGIS, which would take you to the subject parcels and tell you the following information about landownership: APN 104-212-013 is owned by Kelton Chambers; APN 522-025-005 is owned by Bradford and Tandy Lynn Floyd, and APN 511-191-003 is owned by Libby Hooven. Each of these landowners have executed a covenant restricting cannabis cultivation at the properties in question. In exchange for allowing those areas to be restored, the applicant Eel River Produce receives entitlements for cultivation in Holmes Flat.
6. Your comments are noted, and I would encourage you to make them heard at the public hearing on Thursday June 4 starting promptly at 10am. The Zoning Administrator will be able to hear those concerns, and if warranted, add conditions. In response to traffic concerns, the operation would have a total of 14 workers at peak activities, which would generate 28 trips for a limited period. As Holmes Flat Road is a paved road with a centerline stripe, the site can accommodate this level of increased traffic. The water source is rainwater catchment. The amount of rainwater captured to storage (approximately 170,000 gallons) is not enough to impact the availability of groundwater on surrounding parcels.
7. The members of Eel River Produce, LLC according to corporate documents filed with the California Secretary of State are Wyatt Williamson and Mike Lentz.
8. Attached.
9.  There are no County regulations regarding applicants with criminal records receiving land use permits. Projects are referred to the Sheriff's office.
10. There is a 600 foot setback for public lands. Where there are no public facilities such as parks or campgrounds, the setback can be reduced with a Special Permit if found compatible with the agencies management recommendations for wildlife and water quality. This project seeks to reduce the setback to 460 feet. The staff report analyzed the Humboldt Redwoods State Park plans and found the project as proposed would not impact the management of public lands. Due to the flat slope and porosity of the soil, there will be no runoff from



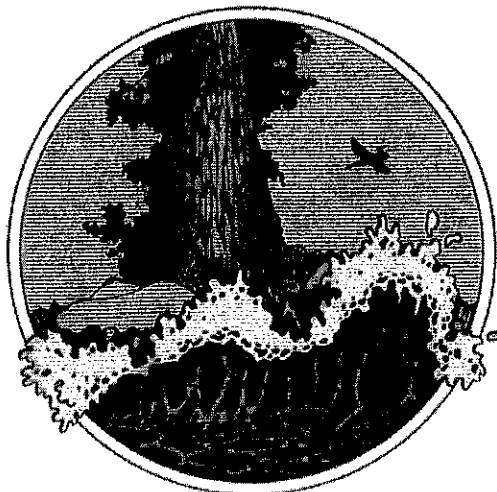
## NEC AND CSH CALL OUT PLANNING DEPARTMENT FOR WHAT THEY CLAIM IS A PATTERN OF INACCURATE CHARACTERIZATIONS OF CEQA'S STANDARDS AND REQUIREMENTS

May 4, 2021 | Kym Kemp | 7 comments

*Press release from the Northcoast*

*Environmental Center.*

*(Please remember that this is not neutral reporting but a press release from an interested party):*



In response to what they see as an ongoing pattern of inaccurate statements about the standards and requirements of the California Environmental Quality Act (CEQA) in regards to permitting projects in Humboldt County, the Northcoast Environmental Center (NEC) and Citizens for a Sustainable Humboldt (CSH) have submitted a letter (see attached) to the Board of Supervisors and Planning Department seeking to set the record straight and foster improved adherence to environmental regulations. The letter comes in response to the County repeatedly issuing Mitigated Negative Declarations (MNDs) for proposed projects rather than requiring project applicants to go through the more rigorous and public process of a full Environmental Impact Report (EIR). The NEC and CSH have filed a lawsuit against the County challenging the approval of one such project, the Rolling Meadow Ranch Cannabis project near McCann.

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The Zwerdling Law Firm has seen a significant increase in the number of dog attack cases reported to our office in recent months. Most of these cases involve horrible injuries which unfortunately serve as lifetime reminders of the attack.

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If you or someone you know has been attacked by a dog, please call 707-798-6211 for a confidential, no-charge consultation.

### ALL RECENT POSTS

- One Arrested Following Restraining Order Violation Investigation

As stated in the letter, "Over the course of several recent Planning Commission and Board of Supervisor meetings, where proposed large development projects have been considered for approval, NEC and CSH members have observed repeated inaccurate characterizations of CEQA's standards and requirements." These include downplaying the important procedural and substantive differences between an EIR and an MND; portraying the "fair argument" test under CEQA (which establishes the low threshold for requiring an EIR) as a higher burden of proof for project challengers than it actually is under the statute and controlling case law; advancing a double standard, where County planning staff and project applicants are permitted to present absolute conclusions dismissing the potential for significant environmental impacts that are nothing more than unsubstantiated opinion while at the same time staff and applicants criticize substantiated comments from the public, other agencies, and County planners concerning potentially significant impacts that may be caused by proposed projects as lacking sufficient evidence and expert support; and implying that County decision-makers have discretion to decide to prepare an MND instead of an EIR based on practical considerations, such as whether more in-depth environmental impact analysis would change the outcome, rather than on the required factual and legal basis.

One example the groups point to is Planning Director John Ford repeatedly falsely equating an MND with an EIR, saying at one point that they "do very much the same thing" and that the level of study is "very similar."

Preparation of an EIR is a multi-step process of studies and reviews which the public and other agencies are able to review and comment on and the lead agency (in this case, the County) is required to respond to public and agency comments and revise the analysis in the final EIR if necessary. With an MND, the lead agency is not required to respond to public and agency comments. The heightened procedural and substantive requirements for an EIR result in a more robust analysis of a proposed project's impacts and the ways in which those impacts can be minimized and avoided through mitigation and alternative designs.

The letter also addresses the inaccurate characterization of CEQA's "fair argument" test for determining whether an EIR is required as opposed to an MND stating that,

"pursuant to the mandatory language of the CEQA statute and CEQA Guidelines, an MND is only allowed when the Initial Study demonstrates with substantial evidence that, after incorporating mitigation measures, a

- Blocksburg Shooting Investigation
- 2020 Hindsight: From Epidemic To Unending Infections, Covid-19 May Never Leave Humboldt Or Anywhere
- NEC and CSH Call Out Planning Department for What They Claim Is a Pattern of Inaccurate Characterizations of CEQA's Standards and Requirements
- Annual Quarantine of Sport-Harvested Mussels Began May 1
- Laurel Dalsted Announced as Director of Donor Relations and Development at HAF + WRCF
- HappyDay: A Practical Look at Spring on a Farm
- Redway Community Services District to Discuss Placing Delinquent Accounts on County Tax Rolls on June 16th
- In loving memory of Maria de la Paz Fregoso Berumen
- Hundreds of New Humboldt State Students to Receive Scholarships
- Fortuna Business Improvement District Seeking Board Member
- This 'Outgoing and Friendly' Guy Needs a Good Home
- [UPDATE 11 p.m.] Head On Collision Near Redcrest
- Altamente Contagioso B.1.1.7 Variante 'es Probable Que Circule Ampliamente' A Nivel Local; 3 De Mayo De 2021
- 33 Nuevos Casos Notificados Desde El Viernes, Y Clínica De Vacunación Programada En Rio Dell El Jueves
- [UPDATE 5:25 p.m.] Crash Slowing Traffic on Briceland Thorn Road



proposed project will “clearly” not cause “any significant effect on the environment.” In contrast, an EIR is required when there is a fair argument, based on substantial evidence, that a project “may” cause one or more potentially significant impacts. In other words, when an MND is prepared, the burden is on the lead agency (here the County) to demonstrate with supporting evidence and transparent analysis that, with incorporated mitigation measures and project design changes, there is no possibility that the proposed project may cause significant impacts. If commenters present any substantial evidence supporting a fair argument that the project may cause significant impacts, then an EIR is required – even if there is also substantial evidence that the project may not cause significant impacts.”

When project applicants have mis-characterized the “fair argument” test to shift the burden of proof to opponents by stating they must present proof that a project “will” have a significant environmental impact (rather than the lead agency having to prepare an EIR to prove that it won’t), County staff have failed to correct them.

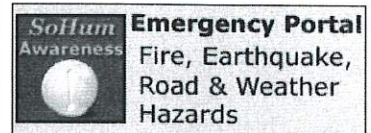
Recognizing that these issues may arise out of a fundamental misunderstanding of the CEQA statute and guidelines and how they apply to discretionary project approvals, NEC and CSH have submitted these comments to help the Board of Supervisors and County staff “foster improved public participation and help ensure decisions with major long-term implications for the environment are based on an accurate understanding of these important legal concepts.”



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## Holder Law Group

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April 30, 2021

VIA EMAIL AND U.S. MAIL

Humboldt County Board of Supervisors  
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Steve Madrone, smadrone@co.humboldt.ca.us  
Mike Wilson, mike.wilson@co.humboldt.ca.us  
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Rex Bohn, rbohn@co.humboldt.ca.us  
Attn: Clerk of the Board, cob@co.humboldt.ca.us  
825 5th Street, Room 111  
Eureka, CA 95501

John Ford, Director  
Humboldt County Planning and  
Building Department  
3015 H Street  
Eureka, California 95501  
Email: jford@co.humboldt.ca.us

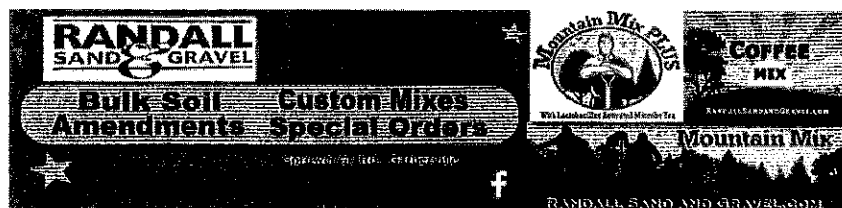
Re: **Pattern of Inaccurate Characterizations of CEQA's Standards and Requirements**

Dear Honorable Members of the Humboldt County Board of Supervisors and Director Ford:

On behalf of Northcoast Environmental Center ("NEC") and Citizens for a Sustainable Humboldt ("CSH"), we respectfully submit the following general comments with the intention of fostering improved adherence to and compliance with established standards and mandatory requirements of the California Environmental Quality Act ("CEQA").<sup>1</sup> Over the course of several recent Planning Commission and Board of Supervisor meetings, where proposed large development projects have been considered for approval, NEC and CSH members have observed repeated inaccurate characterizations of CEQA's standards and requirements. The inaccurate characterizations – advanced by planning staff, project applicants' counsel, and, occasionally, even by Commissioners and Supervisors – have tended to:

- downplay the important procedural and substantive differences between an Environmental Impact Report ("EIR") and a Mitigated Negative Declaration ("MND");

<sup>1</sup> Public Resources Code ("PRC") §§ 21000, et seq.; CEQA Guidelines, 14 CCR §§ 15000, et seq. The 2021 CEQA statute and CEQA Guidelines are available to download at: [https://www.califaep.org/statute\\_and\\_guidelines.php](https://www.califaep.org/statute_and_guidelines.php).



June 28, 2021

Desmond Johnson  
Senior Planner  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
djohnston@co.humboldt.ca.us

**Subject:** Initial Study/Mitigated Negative Declaration (SCH No. 2021050545) – Eel River Produce, LLC

Dear Mr. Desmond:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH# 2021050545) prepared by Humboldt Logistics on behalf of Humboldt County for the proposed Eel River Produce Project (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: [https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text\\_01162019\\_Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf).

CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's needs at that time, CDFA requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to CDFA. This should apply not only to this

Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the Humboldt County.

CDFA offers the following comments concerning the IS/MND.

## **General Comments (GCs)**

### ***GC 1: Evaluation of Cumulative Impacts***

It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in Humboldt County. The IS/MND discloses that, presently, there are multiple cannabis operations (i.e., applications for proposed cannabis businesses, and/or annual permits issued to cannabis businesses) located in or nearby the Proposed Project area (see page 93). The IS/MND determines that the Proposed Project would not contribute to significant cumulative impacts; however, this determination is not supported by substantial evidence, such as a list of projects located within the vicinity of the Proposed Projects and/or a detailed discussion of the impacts of those projects coupled with the impacts of the Proposed Project. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts related to water supplies;
- cumulative impacts related to noise generation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved with further analysis of the potential for cumulative impacts resulting from the Proposed Project coupled with other cannabis cultivation projects being processed by the County.

### ***GC 2: Acknowledgement of CDFA Regulations***

The IS/MND acknowledges that permits from CDFA are needed, but does not acknowledge that CDFA is responsible for the licensing and regulation of cannabis cultivation specifically. The IS/MND would be more informative if it acknowledged CDFA's responsibilities for cannabis cultivation licensing and regulation, as well as enforcement, as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). The IS/MND's analysis would also benefit from discussion of the protections for environmental resources provided by CDFA's regulations. In particular, the impact analysis would be further supported by an explicit identification of the state regulations that are being relied on to reduce the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)
- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See § 8102(s); § 8305; § 8306.)
- Cumulative Impacts (related to the above topics).

### ***GC 3: Mitigation Measures***

CEQA requires that documents disclose whether and how recommended mitigation measures reduce significant impacts to a less-than-significant level. While the IS/MND includes mitigation measures after the discussion of each resource topic, the IS/MND would be improved by numbering the mitigation measures and organizing them in such a way that it is clear which impact(s) would be reduced with the incorporation of which mitigation measure(s). Additionally, the mitigation measures found in the Mitigation Monitoring Report at the end of the document appear to be different than the mitigation measures listed in the text of the IS/MND. The IS/MND would be improved if these were made consistent throughout the document. Lastly, additional mitigation measures are required under the Mitigation Monitoring Report that are not included in the text of the IS/MND; therefore, an explanation of why these additional mitigation measures are needed should be included.

### **Specific Comments and Recommendations**

In addition to the general comment provide above, CDFA provides the following specific comments regarding the analysis in the IS/MND.



<b>Comment No.</b>	<b>Page Number</b>	<b>Section Number</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>CDFA Comments and Recommendations</b>
1	7	1.7.3	Water Source, Storage, Irrigation Plan, and Projected Water Usage	N/A	The IS/MND discusses water use in this section, but only discusses water used for irrigation purposes. The IS/MND would be improved if it also discussed any additional water use on site, such as water needed during construction, for dust mitigation efforts, and/or employees' use of sinks and toilets.
2	9	1.7.6	Access and Parking	N/A	The IS/MND states the designated parking area includes 7 employee parking spaces and a maximum of 14 employees. The IS/MND would be improved if it addressed where the additional 7 employees would park during peak harvest.
3	14	1.9.2	Obtained Permits and Licenses	CDFW Lake and Streambed Alteration Agreement – 1600-2020-0076-R1	Applicants are required to provide a final copy of proof of a lake and streambed alteration agreement issued by the California Department of Fish and Wildlife (CDFW) or written verification that an agreement is not needed. (Cal. Code Regs., tit. 3 § 8102(v)).
4	29	2.3 III	Air Quality	In general, construction activities that last for less than	The IS/MND would be improved if it provided examples of the types of construction equipment and

				one year, and use standard quantities and types of construction equipment, are not required to be quantified and are assumed to have a less than significant impact (NCUAQMD, 2017b).	standard quantities that would be used to support this statement.
5	30	2.3 III	Air Quality	All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.	The IS/MND would be improved if this water need was discussed in the water usage section (page 7, Section 1.7.3) and the Utilities and Services systems section (page 88, Section XIX (b)).
6	32	2.3 III	Air Quality	... applicant will apply standard odor-reducing agents within the premises in order to diminish odor."	The IS/MND would be improved if it listed the standard odor-reducing agents that would be used. If these agents are required to reduce impacts on Air Quality to less than significant levels, they should be included as mitigation measures.
7	45	2.3 IV	Biological Resources	N/A	The checklist for Biological Resources indicates that impacts are "Less than Significant with Mitigation" for item b; however,

					within the discussion for item b the impact statement is "less than significant" and no mitigation is listed. The IS/MND would be improved if the checklist conclusions and impact conclusions were consistent throughout the document.
8	45	2.3 IV	Biological Resources	<p>The setbacks from the ephemeral man-made ditches start with 50-foot setbacks from the wetlands and man-made ditch.</p> <p><i>And,</i></p> <p>As shown on the proposed site plan, the project would be designed and constructed outside of all Wetlands and Waters of the US on the property with a 50-foot setback from wetlands and small tributaries and over 200-foot setback away from the Eel River.</p>	<p>Page 34 of the IS/MND states that the setback for wetlands was increased to 150 feet, while page 45 states that the setback is 50 feet. The IS/MND would be improved if this was made consistent</p> <p>Furthermore, the IS/MND would be improved if it explained how this setback will be protected, such as fencing.</p>
9	46	2.3 IV	Biological Resources	Implementation of the practices proposed in these	The IS/MND would be improved if it described the practices proposed in these technical memorandums.

				technical memorandums would significantly reduce any protentional issues of irrigation run from the cultivation areas, preventing discharge of nutrients, pesticides/herbicides, salts, and heavy metals to adjacent surface waters, including the delineated wetlands on the project site.	
10	46	2.3 IV	Biological Resources	The project has been designed to maintain a 300 plus foot setback from the Eel River, therefore the proposed project would have no impacts to the Eel River and associated areas.	Page 12 of the IS/MND states that the setback will be 200 feet, while Page 46 says the setback will be 300 feet. The IS/MND would be improved if this was made consistent.
11	46	2.3 IV	Biological Resources	N/A	The IS/MND would be improved if this section addressed impacts to migratory terrestrial species.

12	46	2.3 IV	Biological Resources	N/A	The IS/MND states that mitigation measures are necessary to bring impacts related to item d to less than significant; however, it is not clear what mitigation measures would be implemented. The IS/MND would be improved by clearly indicating which mitigation measures would be implemented and how or whether implementation would reduce impacts to a less-than-significant level.
13	47	2.3 IV	Biological Resources	Mitigation for Biological Resources for Impacts a, b, and d.	The IS/MND would be improved by identifying which mitigation measure(s) apply to each checklist item.
14	51	2.3 V	Cultural Resources	Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	The impact statement for question (a) is "Less than significant impact with mitigation incorporated;" however, mitigation is not proposed for project implementation, nor is to addressed in the discussion. The IS/MND would be improved if the impact determination was made consistent. If mitigation is deemed appropriate, measures should be clearly included and an analysis as to how and/or whether mitigation would reduce potentially significant impacts should be disclosed.

15	56	2.3 VII	Geology and Soils	A maximum seasonal demand for 16 employees	The IS/MND states that operations require a maximum of 14 employees elsewhere. The IS/MND would be improved if the number of employees was made consistent throughout the document.
16	58	2.3 VIII	Greenhouse Gas Emissions	Due to the small scale of the project, greenhouse gas emissions from vehicle/truck traffic and equipment would not be significant from project operation.	The IS/MND would be improved if a quantitative analysis was provided to support this statement. The County should consider including all types of trips, such as employee commute, hauling, and delivery.
17	61	2.3 IX	Hazards and Hazardous Materials	The requirement to maintain appropriate setback from nearby residences and only conduct spraying activity at low wind velocities has been included as Operating Restriction AQ-5 for the proposed project in Section IIII (Air Quality).	Operating Restriction AQ-5 does not appear to be within this IS/MND. The IS/MND would be improved by ensuring all applicable regulatory requirements and project-specific measures have been described in detail and incorporated into the Proposed Project. Additionally, the IS/MND would be improved if the source of this requirement was disclosed.
18	74	2.3 XIII	Noise	To ensure that impacts from	If this specification is intended to reduce impacts related to noise to a

				construction noise levels are reduced to less than significant no machinery work will be done from 8 pm to 8 am.	less than significant level, it should be included as a mitigation measure.
19	79	2.3 XV	Public Services	During peak operations, the project would provide employment for approximately 8 full time persons and 16 temporary employees (April to October) which would not significantly increase the population in the Holmes Flat area.	In other locations within the IS/MND it states that there would be 7 full time employees and 7 temporary employees. The IS/MND would be improved if this was revised and a consistent number of employees was described throughout the document.
20	86	2.3 XVIII	Tribal Cultural Resources	N/A	This section of the IS/MND appears to be incomplete. The IS/MND would be improved by completing the environmental analysis of impacts related to Tribal Cultural Resources and evaluating all relevant significance criteria included in the CEQA guidelines.
21	86	2.3 XVIII	Tribal Cultural Resources	N/A	The IS/MND would be improved by inclusion of the date(s) that tribes were contacted.

22	88	2.3 XIX	Utilities and Service Systems	Total water usage for a typical year is 161,500 gallons. The rainwater catchment source of water would provide more than enough water for the proposed project, due to the nature of location of Holmes Flat.	The IS/MND would be improved if evidence for this statement was provided, including information supporting that this amount of water would be available during dry years. This might include a detailed description of the rainwater catchment source and a quantitative analysis that illustrates historical water supply and usage, compared with Proposed Project water needs.
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## Conclusion

CDFA appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about these comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at [kevin.ponce@cdfa.ca.gov](mailto:kevin.ponce@cdfa.ca.gov).

Sincerely,

Caitlin Hengeveld  
Senior Environmental Scientist Specialist  
for  
Lindsay Rains  
Licensing Program Manager



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Northern Region  
 601 Locust Street  
 Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 25, 2021

Desmond Johnston  
 Humboldt County Planning and Building Department  
 3015 H Street  
 Eureka, CA 95501  
[djohnston@co.humboldt.ca.us](mailto:djohnston@co.humboldt.ca.us)

**Subject: Eel River Produce, LLC - Humboldt County App. No. 16417 (SCH#  
2021050545)**

Dear Desmond Johnston:

The California Department of Fish and Wildlife (CDFW) received from the County of Humboldt (Lead Agency) an Initial Study and Draft Mitigated Negative Declaration (IS/MND), dated April 26, 2021, for the Eel River Produce, LLC's expansion of an existing cannabis cultivation project (Project), in Holmes Flat, Humboldt County, California. CDFW understands the Lead Agency will accept comments on the Project through June 28, 2021.

As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

## **Project Description**

The Project is located at 1048 Holmes Flat Road on Humboldt County Assessor's Parcel Number (APN) 209-331-002. The Project proposes 1.45 acres of new cannabis cultivation consisting of 53,200 square feet of outdoor light deprivation cannabis in 19 greenhouses, and 10,000 square feet of year-round mixed light cannabis in four greenhouses. Although not included as part of the current proposed Project, this parcel previously received authorization from Humboldt County for 1.61 acres of cannabis cultivation consisting of 60,000 square feet of outdoor cultivation (PLN-13290, PLN-16332, PLN-15674) and 10,000 square feet of nursery facility (PLN-15762). The total

Desmond Johnston  
 Humboldt County Planning and Building Department  
 June 25, 2021  
 Page 2

cultivation at full build-out, existing and proposed, would be 133,200 square feet (3.06 acres).

The Project proposes rainwater catchment stored in hard tanks as the sole source of irrigation water. The IS/MND states annual water use at full build-out for the cultivation areas will be 161,500 gallons. Storage consists of 120,000 gallons in 24 hard tanks, with an additional 50,000 gallons of proposed storage. The Project will be powered by combination of existing Pacific Gas and Electric Company service and a proposed solar array. The Project also requests a Special Permit to reduce the County required 600-foot setback from Humboldt Redwoods State Park.

### **CDFW Consultation History**

On February 18, 2020, CDFW received a Lake or Streambed Alteration (LSA) Notification (1600-2020-0076-R1) for the parcel. The sole LSA project in the Notifications was a water well for domestic use.

On April 30, 2020, CDFW submitted comments on the Project, recommending clarifications on water use, adherence to the 600-foot buffer from Humboldt Redwoods State Park, development buffers from wetlands, adherence to International Dark-Sky Standards, a noise attenuation plan, and waste/pollution impact avoidance measures (Attachment A).

On May 5, 2020, the County responded to CDFW's April 30, 2020 comments (Attachment B).

On June 16, 2021, CDFW Environmental Scientist Greg O'Connell conducted a site visit at the Project location to review the wetland delineation and other onsite conditions.

### **CDFW Comments on the IS/MND:**

#### **Wetlands**

The Lead Agency should ensure that wetlands and other aquatic habitats within the Project vicinity are adequately characterized and appropriate development setbacks are in place. Approximately 90 percent of California's historical wetlands have been filled or converted to other uses, with a consequent reduction in the functions and values wetlands provide (CDFW 2014). As a result, the State of California has a wetland "no-net-loss" policy.

The IS/MND contains a wetland delineation report that maps three wetland polygons and an additional "drainage ditch" at test pit #4 that intercepts two ephemeral streams. Some IS/MND sections state a 150-foot setback will occur from wetlands and small

Desmond Johnston  
 Humboldt County Planning and Building Department  
 June 25, 2021  
 Page 3

tributaries (IS/MND section 1.8.5, Biological Resources). However, other sections indicate wetlands and ephemeral streams will observe a 50-foot setback (IS/MND section 1.8.6, Surface Waters and Drainage).

Based on observations during CDFW's June 16, 2021 site visit, wetland #2 and wetland #3 are spring-fed perennial wetlands and should receive 150-foot development setbacks, as required by the County's Streamside Management Area and Wetlands Ordinance (SMAWO). The "drainage ditch" described in the wetland delineation is a seasonal wetland and should receive a 50-foot development setback as required by the SMAWO. Accordingly, seasonal wetland #1 and the ephemeral streams should receive a 50-foot development setback.

In light of these site visit observations, CDFW recommends the Project Site Plan Figure be revised to clearly show these development setbacks (**Recommendation 1**).

## **Water Use**

The IS/MND states 170,000 gallons of water storage will provide all irrigation water needed annually for 3.06 acres of cannabis cultivation. Although prime agricultural soils may facilitate some level of "dry farming" at the Project location, this volume is substantially smaller than CDFW would expect based on comparison with other cultivation sites. A recently proposed Humboldt County cannabis project in the Blocksburg area estimated an average of 2,400 gallons of irrigation water would be used daily for each acre of cannabis cultivation. Given these metrics, irrigation of three acres of cultivation for six months could use a total of 1,296,000 gallons of water annually.

To ensure that sufficient water storage exists, the IS/MND should provide a more thorough analysis of water use needs, including comparisons of actual water use at other existing cultivations sites on similar soils in the Holmes Flat area (**Recommendation 2**).

## **Development within 100-year floodplain**

The Project occurs within the 100-year flood zone of the Eel River. Floodplains, by their nature, are likely to be inundated by high flow events. They also connect streams and rivers to upland habitat and provide an important ecological transition zone (CDFW 2014). New development within the floodplain may result in pollution and debris during a 100-year flood event. CDFW typically recommends avoidance of non-critical infrastructure development within flood plains. It is unclear how the Project will comply with County building code regarding development in flood zones and what specific performance standards will be required (e.g., engineered foundations -vs- bare earth).

Desmond Johnston  
 Humboldt County Planning and Building Department  
 June 25, 2021  
 Page 4

If the County chooses to authorize the Project within the 100-year floodplain, it is appropriate to decommission facilities and restore the area at the end of the Project's life. A mitigation measure to require a Post-Project Reclamation and Restoration Plan should be included in the Project's IS/MND or as a County condition of approval **(Recommendation 3)**. That plan should be implemented if Project activities cease for five years.

### **Humboldt Redwoods State Park Buffer**

The IS/MND Project site plan indicates a proposed 141-foot reduction in the County Commercial Cannabis Land Use Ordinance's 600-foot buffer from Humboldt Redwoods State Park. Humboldt Redwoods State Park provides critical habitat to sensitive wildlife species including, but not limited to, Northern Spotted Owl (*Strix occidentalis caurina*), a threatened species pursuant to both the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (Fish & G. Code, § 2050 et seq.), as well as Marbled Murrelet (*Brachyramphus marmoratus*), a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and an endangered species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) This 600-foot buffer was included in the County Ordinance through the public process to prevent additional encroachment on this limited critical habitat, and as an effort to mitigate impacts to biological resources. This buffer protects current habitat conditions within the State Park as well as improved future conditions of State Park lands managed for wildlife habitat. As stated in prior CDFW comments on this Project, we recommend against reducing the 600-foot buffer from Humboldt Redwoods State Park **(Recommendation 4)**.

### **Restoration Status of RRR Donor Sites**

The IS/MND states the Project is relying on the County's retire, remediate, and relocate (RRR) process to retire and remediate cultivation sites on inappropriate or environmentally sensitive sites to environmentally superior sites. A total of four off-parcel RRR donor sites are being utilized for the proposed Project and previously approved projects on this parcel (PLN-13290, PLN-15674, PLN-16332, PLN-16417). The RRR process requires full environmental remediation of the RRR donor sites, however the IS/MND does not appear to demonstrate that remediation has occurred. The IS/MND should disclose and verify the compliance and restoration status of RRR donor sites **(Recommendation 5)**.

### **Summary of Recommendations**


1. The County should ensure that perennial and ephemeral wetlands and streams receive appropriate setbacks as required by the County's SMAWO. The Project Site Plan Figure should be revised to clearly show these setbacks.

Desmond Johnston  
Humboldt County Planning and Building Department  
June 25, 2021  
Page 5

2. To ensure that sufficient water storage exists, the IS/MND should provide a more thorough analysis of water use needs, including comparisons of actual water use at other existing cultivations sites on similar soils in the Holmes Flat area.
3. If the County chooses to authorize the Project within the 100-year floodplain, a mitigation measure to require a Post-Project Reclamation and Restoration Plan should be included in the Project's IS/MND or as a County condition of approval. That plan should be implemented if Project activities cease for five years.
4. The Lead Agency should not permit a reduction in the 600-foot buffer from Humboldt Redwoods State Park required by the County Ordinance.
5. The IS/MND should disclose and verify the compliance and restoration status of RRR donor sites associated with the Project.

We appreciate the opportunity to comment on this IS/MND. If you have any questions please contact Environmental Scientist Greg O'Connell by email at [Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
1D82ADE7303A474...

**Tina Bartlett**

Regional Manager, Northern Region  
California Department of Fish and Wildlife

#### Attachments

- A. CDFW Project Comments, Dated April 30, 2020.
- B. County Response to CDFW Comments, Dated May 5, 2020.

ec:

State Clearinghouse, Office of Planning and Research  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Humboldt County Planning Commission Clerk  
[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)

Mona Dougherty, Senior Water Resource Control Engineer  
North Coast Regional Water Quality Control Board  
[Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov)

Kasey Sirkin, Lead Biologist  
U.S. Army Corps of Engineers  
[L.K.Sirkin@usace.army.mil](mailto:L.K.Sirkin@usace.army.mil)

Desmond Johnston  
Humboldt County Planning and Building Department  
June 25, 2021  
Page 6

Rebecca Garwood, Coastal Habitat Conservation Program Manager  
California Department of Fish and Wildlife  
[rebecca.garwood@wildlife.ca.gov](mailto:rebecca.garwood@wildlife.ca.gov)

Scott Bauer, Senior Environmental Scientist Supervisor  
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Greg O'Connell, Environmental Scientist  
California Department of Fish and Wildlife  
[gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov)

[CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

## Citations

CDFW. 2014. Development, land use, and climate change impacts on wetland and riparian habitats—A summary of scientifically supported conservation strategies, mitigation measures, and best management practices. Technical Memorandum. California Department of Fish and Wildlife, Northern Region. Redding, CA.

Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station.

U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center



**California Department of Fish and Wildlife**  
**CEQA: Project Referral Comments**

Applicant: Eel River Produce		Date: 4/30/2020
APPS No.: PLN-2019-15762	APN: 209-331-002	DFW CEQA No.: CEQA-2019-0586-R1
<input checked="" type="checkbox"/> New	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 123,200 <input checked="" type="checkbox"/> Wholesale Nursery (SF): 10,000	

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

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

- ☒ Recommend Conditional Approval. Suggested conditions below.

**Please provide the following information prior to Project Approval:** (*All supplemental information requested shall be provided to the Department concurrently*)

- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.

**Please consider the following information and/or requested conditions of Project approval, if approval is granted.**

- ☒ CDFW recommends against reducing the 600-foot buffer from Redwood State Park. Redwood State Park provides critical habitat to sensitive wildlife species including but not limited to Northern Spotted Owl (*Strix occidentalis caurina*) a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and threatened pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) as well as Marbled Murrelet (*Brachyramphus marmoratus*), a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and endangered pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) This 600-foot buffer was included in the County Ordinance through the public process to prevent additional encroachment on this limited critical habitat and in an effort to mitigate impacts to biological resources. CDFW requests that the 600-foot buffer from public lands remain intact.
- ☒ Perennial wetlands have been identified on the project site, however, the buffer included in the Biological Assessment consists of 50ft from the wetted edge. CDFW recommends a minimum 150ft buffer from perennial wetlands and 50ft from seasonal wetlands measured from the outer edge of the wetland boundary. These areas should be identified as no-disturbance buffers.
- ☒ Artificial light pollution may adversely affect fish and wildlife species in the Project vicinity in several ways including but not limited to disruption of circadian rhythms, suppressed immune response, changes in foraging behavior, altered navigation, altered predator-prey relationships, impacts on reproduction, and phototaxis. Adhering to International Dark-Sky Standards, will minimize impacts to sensitive species, potentially affected by this Project. CDFW requests, a Light Attenuation Plan be submitted, approved, and implemented prior to the use of lights as applicable to the Project. International Dark-Sky Standards include but are not limited to the following, 1) light



shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. See: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>

- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To minimize disturbance to wildlife, CDFW requests a Noise Attenuation Plan be developed, approved, and implemented prior to the use of generators and fans as applicable to the Project; noise released shall be no more than 50 decibels measured from 100ft or edge of developed cultivation site, whichever is closer.
- ☒ 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.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ CDFW requests, as a condition of Project approval, all generators and associated fluids (as applicable to the project) be relocated to stable surfaces with a minimum 150ft buffer from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2020-0076-R1).
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Marbled Murrelet (*Brachyramphus marmoratus*), Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Western Red Bat (*Lasiurus blossevillei*), Osprey (*Pandion haliaetus*), Coast Fawn Lily (*Erythronium revolutum*), Maple-leaved Checkerbloom (*Sidalcea malachroides*), Seacoast Ragwort (*Packera bolanderi* var. *bolanderi*), Siskiyou Checkerbloom (*Sidalcea malviflora* ssp. *patula*), Humboldt County Milk-vetch (*Astragalus agnicidus*), Northern Clustered Sedge (*Carex arcta*), Pacific Gilia (*Gilia capitata* ssp. *pacifica*), White-flowered Rein Orchid (*Piperia candida*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Green Sturgeon (*Acipenser medirostris*), White Sturgeon (*A. transmontanus*), Pacific Lamprey (*Entosphenus tridentatus*), Inland Threespine Stickleback (*Gasterosteus aculeatus microcephalus*), Prickly Sculpin (*Cottus asper* ssp. 1), Foothill Yellow-legged Frog (*Rana boylei*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to

Thank you for the opportunity to comment on this Project.

Sincerely,

Scott Bauer  
Senior Environmental Scientist Supervisor  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501

**From:** [Luther, Stephen](#)  
**To:** [Bauer, Scott@Wildlife](#)  
**Cc:** [Johnson, Cliff](#); [Ryan, Meghan](#)  
**Subject:** RE: CDFW Referral Eel River Produce 15762  
**Date:** Tuesday, May 05, 2020 2:10:23 PM

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Dear Scott,

Thank you for CDFW's referral comments on this project. Please see the response below, and let me know if there are any other issues. I can keep you apprised of the State Parks position and forward the revised Site Plan when available.

1. The Cultivation and Operations Plan estimates: 638 gal/day for full-sun outdoor, 285 gal/day for light dep, and 52 gal/day in the nursery. This equates to 1.22 gal/sf. The cultivation will occur directly in floodplain soil in an area that has a high water table, thus dramatically reducing the irrigation water needed. About 0-5 gal/sf is an accurate estimate for cultivation in this area. Water use will be metered and additional rainwater storage capacity added if needed.
2. The applicant is requesting to reduce the setback from Humboldt Redwoods State Park to 446 feet. Planning staff is in contact with State Parks environmental scientists to determine if the Park has concerns. In response to CDFW comments, the applicant has agreed to locate the full sun outdoor cultivation on the western edge of the property and move the proposed light deprivation hoop houses to the east side of the property. The noise source from fans will be more than 600 feet from critical habitat. The nursery is all outdoor and no supplemental lighting is proposed in the operation. The cultivation project cannot move forward until a pre-project noise survey is completed, and noise from the project cannot result in an increase of more than 3 decibels. Noise cannot exceed 50 decibels measured 100 feet from the source or to the edge of habitat, whichever is closer.
3. A revised Site Plan has been requested for Pacific Watershed Associates to map the observed wetlands #1-3 as documented in the Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by PWA in July 2019. The map will show a 150 foot no-disturbance buffer as measured from the edge of the 3 wetland areas. As noted in that report, the fourth test pit dug in the east-west Class IV ditch did not exhibit wetland hydrology necessary to classify as a 3-parameter wetland, and the 50-foot buffer is appropriate.
4. The applicant is required to adhere to International Dark Sky Standards.
5. See discussion in #2. The power source is 100% renewable grid electricity and no generators are used in the operation.
6. All other items are included as ongoing operational conditions to protect fish and wildlife.

Best,  
Stephen

Sent from [Mail](#) for Windows 10



## DEPARTMENT OF PARKS AND RECREATION

Armando Quintero, Director

North Coast Redwoods District  
P.O. Box 2006  
Eureka, CA 95502  
(707) 445-6547

June 28, 2021

County of Humboldt  
Planning and Building Department  
Attn: Desmond Johnston  
3015 H Street  
Eureka, CA 95501

Subject: Eel River Produce, LLC, APNs 209-331-002, PLN 2020-16417. Proposed Mitigated Negative Declaration and Initial Study Comments

Dear Desmond Johnston,

Thank you for the opportunity to review the *Initial Study and Mitigated Negative Declaration for Expansion of an Existing Cannabis Cultivation Project, Eel River Produce, LLC, Application #16417, located at 1048 Holmes Flat Road, Holmes Flat, Humboldt County, CA* (April 26, 2021) on Assessor Parcel Number 209-331-002. The public comment period is from May 26, 2021 to June 28, 2021.

As described in the document, the project proposes to add 63,200 square feet of cultivation area (33,200 square feet of outdoor light deprivation in fourteen greenhouses, 10,000 square feet mixed light in four greenhouses, 20,000 square feet of outdoor light deprivation in five greenhouses). The site is presently permitted for 60,000 square feet of full-sun outdoor and 10,000 square foot nursery for seeds and clones for a total cultivation at area of 133,200 square feet, or 3.06 acres. No supplemental light is used in the light-deprivation or nursery greenhouses. The sole source of irrigation water is rainwater catchment captured directly and stored in hard tanks onsite. The estimated annual water use is 161,500 gallons, of which 19,000 gallons is used for the nursery. Water storage totals 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons proposed. Additionally, a reduction in the setback from Humboldt Redwoods State Park (HRSP) from 600 feet to 445 feet requires a Special Permit.

California State Park's North Coast Redwoods District (NCRD) is responsible for the management of the 53,000-acre HRSP, which is adjacent to the subject parcel pending application review for a Special Permit. HRSP contains multiple camping and day use areas with over 138 miles of non-motorized trails. It is the third largest park unit in the State Park system and is home to the largest contiguous old growth coast redwood forest in the world. The Park receives over a half million visitors each year from local community members to national and international travelers.

In review of the project analysis NCRD has the following comments:

- Figure 3 – Site Plan relies upon Geographic Information Systems data for the property boundaries that can be inaccurate by several to hundreds of feet. Because the discrepancies can vary NCRD is interested in viewing a site plan that has a reliable boundary identified that shows the proposed activities and buffer to HRSP. Additionally, NCRD requests the location of HRSP be identified on the site plan moving forward.
- The cumulative impacts analysis refers to “multiple applications and annual permits surrounding the project premises”, but it is not clear how many have been approved or have pending requests for a reduced setback from the HRSP boundary. The NCRD would be interested in better understanding the cumulative consideration of the projects within the vicinity impacts on resources within HRSP.
- Once the two items above have been addressed the NCRD may provide additional feedback or request conditions of approval about the proposed reduction in the setback from HRSP.

NCRD appreciates the opportunity to review and comment on the project environmental document. Please contact Rosalind Litzky at 707-682-5062 or [Rosalind.Litzky@parks.ca.gov](mailto:Rosalind.Litzky@parks.ca.gov) if you have any questions.

Sincerely,

DocuSigned by:  
  
A1FBEA008EE0488...  
Victor Bjelajac  
Superintendent, North Coast Redwoods District