

INITIAL STUDY
AND
MITIGATED NEGATIVE DECLARATION

For
Expansion of an Existing Cannabis Cultivation Project

EEL RIVER PRODUCE, LLC
APPLICATION #16417

1048 HOLMES FLAT ROAD
HOLMES FLAT, HUMBOLDT COUNTY, CA

April 26, 2021

Lead Agency: Humboldt County

Prepared by: Humboldt Logistics
Brittany Massaro

Table of Contents

1. Introduction	
1.1 Project Title	2
1.2 Lead Agency Name and Address	2
1.3 Project Location	2
1.4 Project Sponsor Name & Address	2
1.5 APN Ownership, Zoning, and GP Designation	2
1.6 Project Background	3
1.7 Project Description	4
1.7.1 Hours/Days of Operation and Number of Employees	4
1.7.2 Operations Plan	5
1.7.3 Water Source, Storage, Irrigation Plan, Projected Water Use	5
1.7.4 Grading and Drainage	6
1.7.5 Storage and Use of Fertilizers, Pesticides, and Other Products	6
1.7.6 Access and Parking	7
1.7.7 Portable Toilets	7
1.7.8 Security Plan	7
1.7.9 Site Specific Technical Reports	8
1.8 Surrounding Land Uses and Setting	8
1.8.1 Existing Land Uses	8
1.8.2 Surrounding Land Uses	8
1.8.3 Geology	9
1.8.4 Soils and Seismicity	9
1.8.5 Biological Resources	10
1.8.6 Surface Waters and Drainage	11
1.9 Requested Entitlements	12
1.9.1 County Entitlements	12
1.9.2 Obtained Permits and Licenses	12
1.9.3 Preexisting Baseline Conditions before expansion on site	12
1.10 Maps	
1.10.1 Humboldt County Site Plan	13
1.10.2 Vicinity Map	14
1.10.3 Regional Location Map	15
2. CEQA Evaluation	16
2.1 Environmental Factors Potentially Affected	17
2.2 Determination	17
2.3 Evaluation of Environmental Impacts	17
I. Aesthetics	18
II. Agriculture and Forestry Resources	22
III. Air Quality	25

IV.	Biological Resources	32
V.	Cultural Resources	47
VI.	Energy	52
VII.	Geology and Soils	53
VIII.	Greenhouse Gas Emissions	57
IX.	Hazards and Hazardous Materials	59
X.	Hydrology and Water Quality	63
XI.	Land Use and Planning	67
XII.	Mineral Resources	69
XIII.	Noise	70
XIV.	Population and Housing	75
XV.	Public Services	77
XVI.	Recreation	80
XVII.	Transportation	81
XVIII.	Tribal Cultural Resources	84
XIX.	Utilities and Service Systems	86
XX.	Wildfire	89
XXI.	Mandatory Findings of Significance	91
XXII.	Mitigation Monitoring Report	93

Document Preparers	96
Source and Reference List	98

Appendices

Appendix A – Cultivation Operations Plan	
Appendix B – Humboldt County Site Plan	
Appendix C – Outdoor Sound Study	
Appendix D – Biological Resource Assessment Study, Wetland Delineation Report, Erosion Control Plan and Timber Harvest Plan, NSO Owl Charts 2019-2020	
Appendix E – Approved and Existing CalCannabis State Licenses	
Appendix F – Humboldt County Existing State Licenses	
Appendix G – SWRCB Notice of Applicability	
Appendix H – DFW LSAA 1600 Agreement, Pest Management Plan, Waste Management Plan, and Envirostor Search	

1.0 INTRODUCTION

1.1 Project Title

Eel River Produce, LLC, Expansion of Commercial Cannabis Cultivation Facility

1.2 Lead Agency Name and Address

Lead Agency Name: Humboldt County Planning and Building Department
Lead Agency Address: 3015 H Street, Eureka CA 95501
Contact Person: Desmond Johnson

1.3 Project Location

The project is located 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.

1.4 Project Sponsors Name and Address

Owner/Applicant

Attn: Wyatt Williamson & Mike Lentz
Eel River Produce, LLC
PO BOX 764
Loleta, CA 95551

Agent

Attn: Britt Massaro
Humboldt Logistics, LLC
PO BOX 457
Scotia, CA 95565

1.5 Assessor Parcels, Ownership, Zoning, and General Plan Designations

Present Plan Land Use Designation: Agricultural Exclusive (AE), Density: Range is 20 to 60 acres per unit; Timberland (T), Density: Range is 40 to 160 acres per unit, Avenues Community Planning Area: Stafford-Redcrest, 2017 General Plan, Slope Stability: Low Instability (1) and Moderate Instability (2).

Present Zoning: Agricultural Exclusive (AE), Flood Hazard Area (F); Timberland Production (TPZ) Record Number(s): PLN-2019-15762; PLN-2020-16332; PLN-2019-15674; PLN-13290-SP

Assessor's Parcel Number: 209-331-002, 30.5 acres.

1.6 Project Background

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 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.

The nursery produces clones, immature plants, and seeds for wholesale to licensed cultivators and distributors. The applicant utilizes heating pads to support seed growth, and solar powered fans for ventilation. 3 to 5 trips per day are generated throughout the week for nursery operations. The site is accessed by Holmes Flat Road, a paved County maintained road. The operation utilizes 100% renewable energy by opting up through RCEA's RePower+ program.

The sole source of irrigation water is rainwater catchment stored in tanks. There is a 120,000 gallon self-capture rainwater catchment tank farm on site now with current activities. Cannabis is partially dry-farmed.

A Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan was prepared for the site by Pacific Watershed Associates in July 2019. The 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 leafed checkerbloom and Northern Spotted Owl. A protocol survey was completed for the maple leafed checkerbloom and no plants were found. A protocol level survey was completed for NSO as part of a proposed Timber Harvest Plan. No NSO were found within a 1.3 mile radius of the site. No suitable habitat for Marbled Murrelets was identified on the site. The existing cannabis operation is required to limit noise generation to no more than 3 decibels above pre-project ambient noise per County ordinance.

The project site is zoned Agricultural Exclusive (AE) and Timberland (T).

The subject 30.5-acre parcel has been determined to be one legal parcel as described in Creation Deeds 1914-06556 (lots 23 and 24 Recorded Survey recorded in Book 5 of Surveys page 51) and 1924-04595 (exception of lot 23 of Recorded Survey recorded in Book 5 of Surveys page 51).

The proposed development is not located on a property where one or more violations of the Humboldt County Code exist.

1.7 Project Description

The proposed project is to add 63,200 square feet of cultivation area, consisting of:

- A Special Permit to allow 43,200 square feet (approximately one acre):
 - 33,200 square feet of which would be outdoor light deprivation cannabis in fourteen (14) greenhouses,
 - 10,000 square feet are proposed mixed light cannabis in four (4) greenhouses to be cultivated year-round, and
- A Zoning Clearance Certificate to allow a fourth RRR consisting of 20,000 square feet of outdoor light deprivation in five (5) greenhouses.

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

No supplemental light would be used in the light-deprivation greenhouses. The proposed expansion would use partial dry farming methods. The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks and this method will continue to serve the proposed expansion. Annual water uses at total build-out for the cultivation areas is estimated at 161,500 gallons, of which 19,000 gallons is used for the nursery. Storage consists of 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons of proposed storage.

At peak harvest, there will be up to fourteen (14) workers on-site at full buildout for all commercial activity on site. Harvested product will be fresh frozen and taken off-site. No drying or processing occurs on-site. P.G.&E. supplies power to the site, as well as a proposed solar array. A Special Permit is also requested to reduce the required 600-foot setback from Humboldt Redwoods State Park.

1.7.1 Hours/Days of Operation and Number of Employees

Hours of operation will be from 7:00 am to 7:00 pm, however there is an anticipated amount of seasonal harvest times, where longer hours must be done, which would increase to 16 hours per day (5:00 am to 9:00 pm). The project is anticipated to require up to 7 full time employees during the growing and harvesting period, and 7 seasonal employees between July and October. The facility is not open to the public and will not accept visitors without a specific business purpose.

1.7.2 Operations Plan

Eel River Produce, LLC has developed an operations plan outlining security measures, inventory, and quality control procedures, material storage, handling, and disposal procedures, health safety considerations, and waste management for the Project. See Appendix A, Operations

Plan. The mixed light cultivation will comply with the International Dark Sky Association Standards and implementing that all light will be shielded so no light escapes between sunset and sunrise.

1.7.3 Water Source, Storage, Irrigation Plan, and Projected Water Usage

There is a well on-site that will not be used for cultivation irrigation water, and is not included in the proposed project.

The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks. There is a 120,000-gallon self-capture rainwater catchment tank farm on site now with current activities, and would expand to 170,000 gallons of tank storage on site with the proposal. Annual water uses at total build-out for the cultivation areas is estimated at 161,500 gallons, of which 19,000 gallons is used for the nursery. Storage consists of 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons of proposed storage. Water will be pumped from the tank farm to the area of cultivation. 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.

The project’s estimated water usage is shown in *Table 1*, below.

Applicant will be cultivating approximately 123,200 square feet of cannabis, *plus* ancillary nursery facilities of 10,000 square feet, for a total of 133,200 square feet of cultivation area. The project site is within a prime soil floodplain area. 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 161,500 gallons of water.

Table 1. Estimated Water Usage

Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
			1 k	7k	27k	42k	42k	27k	15.5k		

Notes:

1. No irrigation water expected during the months of November through March.

1.7.4 Grading and Drainage

The existing site drainage and runoff patterns will be maintained as no grading is proposed. Plants will be planted in the existing natural soil. The slopes in the Project area are less than 15%.

1.7.5 Storage and Use of Fertilizers, Pesticides, and Other Products

Storage and use of fertilizers and pesticides will be conducted in accordance with the Best Practicable Treatment or Control (BPTC) measures of the State Water Resource Control Board (SWRCB) Order W Q 2017-0023-DWQ, which include requirements to apply fertilizers and soil amendments at only the proper agronomic rates, and to store materials in a manner that is protected from rainfall and erosion.

Fertilizers, potting soils, compost, and other soils and soil amendments will be stored in full enclosed, watertight, Conex-type boxes. The materials will be stored in a manner so that they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into the groundwater. See Appendix B, Site Plan – Project Area for storage location.

1.7.6 Access and Parking

The project area will be accessed from an existing driveway entrance off of Holmes Flat Road, off of Avenue of the Giants, and Highway 101.

A designated parking area with space for two (2) ADA parking areas (11' x 30' each), two (2) commercial parking spaces, five (5) guest parking spaces for the commercial nursery, and seven (7) employee parking spaces.

1.7.7 Portable Toilets

Given the Project involves only seasonal agricultural activities (cultivation) and a maximum of 14 employees, the site will utilize portable toilets to be located by the cultivation areas and designated parking areas.

1.7.8 Security Plan

The security measures located on the premises will include the following:

- **Lighting:** Outdoor will be controlled by photocell switching, timers, and infrared motion sensors. Exterior lighting will be directed so as to not pose a nuisance to neighboring properties.
- **Alarm:** A security/burglar alarm will be installed and operated at all appropriate times within the project site. This system will be monitored by a third party remote central control station which will have the responsibility for automatically providing notification to law enforcement of any breach in the facility's security system.
- **Access Control:** All entrances to the project site will be by access control only. 24-hour access to the project site by the emergency responders will be given the code.
- **Fencing:** The project site is fenced in, with freshly planted fruit trees around the perimeter.
- **Transport:** All cannabis, other than lab samples, will be transported to a State licensed wholesale, distribution, processing, and manufacturing company by the company's distribution transport only license.

The security measures will protect against theft and diversion from intruders, but staff members and visitors as well. The project site is limited access to certain people and not open to the public. Surveillance and monitoring of personnel and visitors at all times when in close proximity will be watched. Strict inventory control measures will also be employed to prevent and detect diversion.

1.7.9 Site Specific Technical Reports

The following technical reports have been prepared in support of this application:

- Appendix A Cultivation and Operations Plan
- Appendix B Site Plan
- Appendix C Outdoor Sound Study
- Appendix D Biological Resources Assessment and Invasive Species Plan and Protocol Level Survey (Pacific Watershed and Associates, July 12th 2019), Erosion Control Plan (Holmgren Forestry November 19th 2018), THP 1-18-0163-HUM Minor Amendment #4, Botanical Survey Results. (July 23rd 2019), and Wetland Delineation Report (Pacific Watershed and Associates, July 12th 2019)

1.8 Surrounding Land Uses and Setting

The region experiences a Mediterranean climate with warm, dry summers, and cool, wet winters. The bulk of annual precipitation occurs in the fall, winter, and spring. Summers are usually dry.

1.8.1 Existing Land Uses

Existing and historic land uses on the Project site include: animal grazing, horse pastures, agricultural operations and a small legacy residence.

1.8.2 Surrounding Land Uses

The predominant land uses in the vicinity of the project include farming activities such as the applicant, Avenue of the Giants, scattered rural residential, and open space/ recreation with California State Parks.

No schools, school bus stops, churches, or other places of religious worship are known to exist within any applicable regulatory setback from the Project Site.

1.8.3 Geology

The Project site is located above the main stem of the Eel River.

1.8.4 Soils and Seismicity

The parcel is mapped as having moderate and low geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are no mapped landslides on the agricultural portion of the property. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation will occur are less than 15%. There are no erosion control or runoff issues in the project area. An Erosion Control Plan was prepared for the Timber Harvest Plan evaluating the geologic stability of the proposed THP area. No erosion issues were identified that would impact or be impacted by the proposed project. The operation will comply with best practices for winterization. The proposed uses are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.

1.8.5 Biological Resources

Pacific Watershed and Associates and Holmgren Forestry conducted a Biological Resource Assessment consisting of literature reviews, and field observations and studies in order to identify potential sensitive natural resources that may occur within the Project areas. See attached technical reports for findings in more depth detail.

- **Special Status Species:** A review of available literature indicates that two special status plant species and 12 special status animal species have a moderate to high potential to occur within the Project area; however, site investigations were conducted by Pacific Watershed Associates during appropriate seasons for detection, and no special status species were observed.
- **Designated Critical Habitat:** The project does not contain designated critical habitat for any listed species. The nearest designated critical habitat is for the northern spotted owl (*Strix occidentalis caurina*); approximately 1.3 miles away to the northeast, 1.3 miles to the southwest, and across the Eel River to the north. Additionally, critical habitat for the marbled murrelet (*Brachyramphus marmoratus*) habitat is located on the Redwood State Park land approximately .2 miles from the site. The Biological Reconnaissance Survey found low potential for Marbled Murrelet habitat to occur in the forested southern portion of the site.
- **Vegetation Alliances:** The project does not contain designated critical vegetation alliances. *Sidalcea Malachroides*, or maple-leaved checkerbloom, is endemic to the area and there is a high potential for occurrence, but a site visit and survey concluded that the species is not found on site.
- **Wetland and Riparian Habitats:** According to the wetland delineation report prepared by Pacific Watershed Associates, the project will have no adverse effect on Wetlands or Waters of the US as identified in the wetland delineation report (PWA). 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 150-foot setback from wetlands and small tributaries and over 200-foot setback away from the Eel River.
- **Nesting Bird Habitat:** Locations with shrub or tree canopy layer within the Project area may provide suitable nesting habitat for a diverse assemblage of migratory birds.
- **Wildlife Movement Corridors:** Watercourses and their associated riparian zones are likely the primary wildlife movement corridors due to their complex structure, providing cover and hiding places from predators.

1.8.6 Surface Waters and Drainage

A Project specific wetland delineation conducted by Pacific Watershed Associates did identify wetlands and drainage ditches within the project area. The project will observe a 50-foot setback from the top or edge of riparian dripline of these ephemeral watercourses, to avoid impacts and discharge to surface waters, and to be consistent with the requirements of WQ 2017-0023-DWQ and the County's Streamside Management Areas and Wetland Ordinance.

1.9 Requested Entitlements

1.9.1 County Entitlements

Eel River Produce would like to obtain the following Humboldt County permits for the Project:

- Approval of Special Permit for 43,200 square feet to allow 33,200 square feet of outdoor light deprivation cultivation and 10,000 square feet of mixed light cultivation.
- Approval of Zoning Clearance Certificate for 20,000 square feet of outdoor light deprivation cultivation, via the RRR program within HCPD.

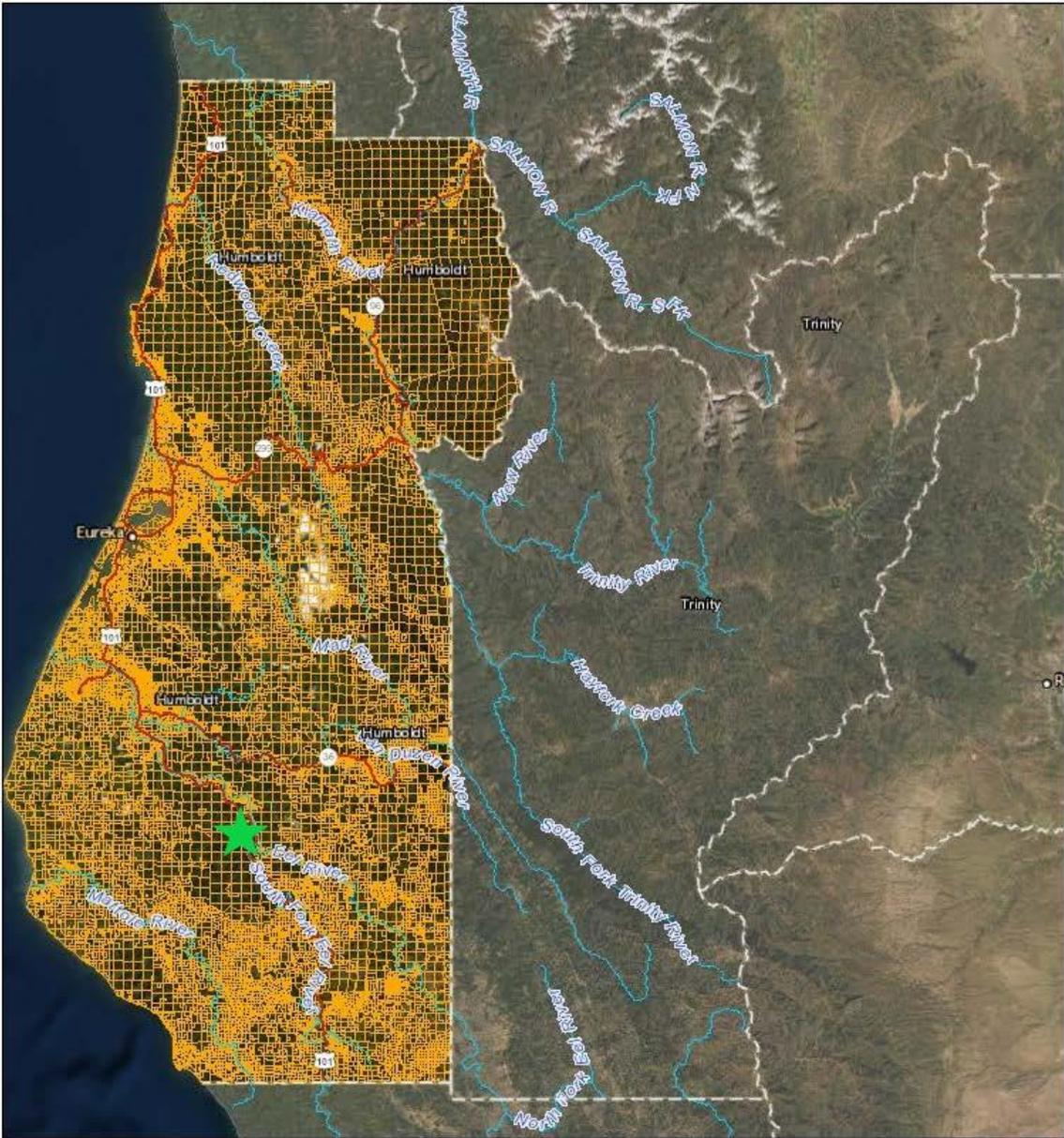
1.9.2 Obtained Permits and Licenses

Eel River Produce has obtained the following Humboldt County Permits:

- One (1) Zoning Clearance Certificate for a 10,000-sf commercial nursery (Record No PLN-2019-15762)
- Three (3) Zoning Clearance Certificates for 20,000 sf each, totaling 60,000 sf of outdoor cultivation via the HCPD RRR program. (Record No PLN-13290-SP, PLN2019-15674, PLN-2020-16332).
- 4 CDFA State Licenses (CCL20-0000055, CCL20-0000059, CCL20-0000060, & CCL20-0000061)
- CDFW Lake and Streambed Alteration Agreement – 1600-2020-0076-R1
- SWRCB Notice of Applicability WDID# 1_12CC424234
- Humboldt County Building Department Agricultural Exempt Temporary Structure Building Permit Record No BLD-2020-51440
- Flood Elevation Certificates for greenhouse structures

Pre-Existing Baseline Conditions before expansion on site at 1048 Holmes Flat Road

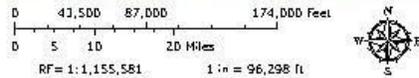
Record Number	Date Approved	Permit Type	Square Footage
PLN-2019-15762	April 24 th 2020	Nursery	10,000
PLN-13290-SP	July 9 th 2020	Outdoor	20,000
PLN-2020-16332	July 9 th 2020	Outdoor	20,000
PLN-2019-15674	July 9 th 2020	Outdoor	20,000
PLN-2020-16417	TBD	Mixed Light & Outdoor Light Dep	43,200
RRR TBD	TBD	Outdoor Light Dep	20,000
			Total Approved Entitlements and Square footage before expansion: 70,000 SF
			Total Approved and Proposed Entitlements and Square footage: 133,200 SF



ArcGIS Web Map

Humboldt County Planning and Building Department

- State HWY
- Major River or Stream
- Counties
- Parcels (no APN labels)



Printed: April 26, 2021

Web AppBuilder 2.0 for ArcGIS

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

Source: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Humboldt County GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

FIGURE 1 - REGIONAL LOCATION

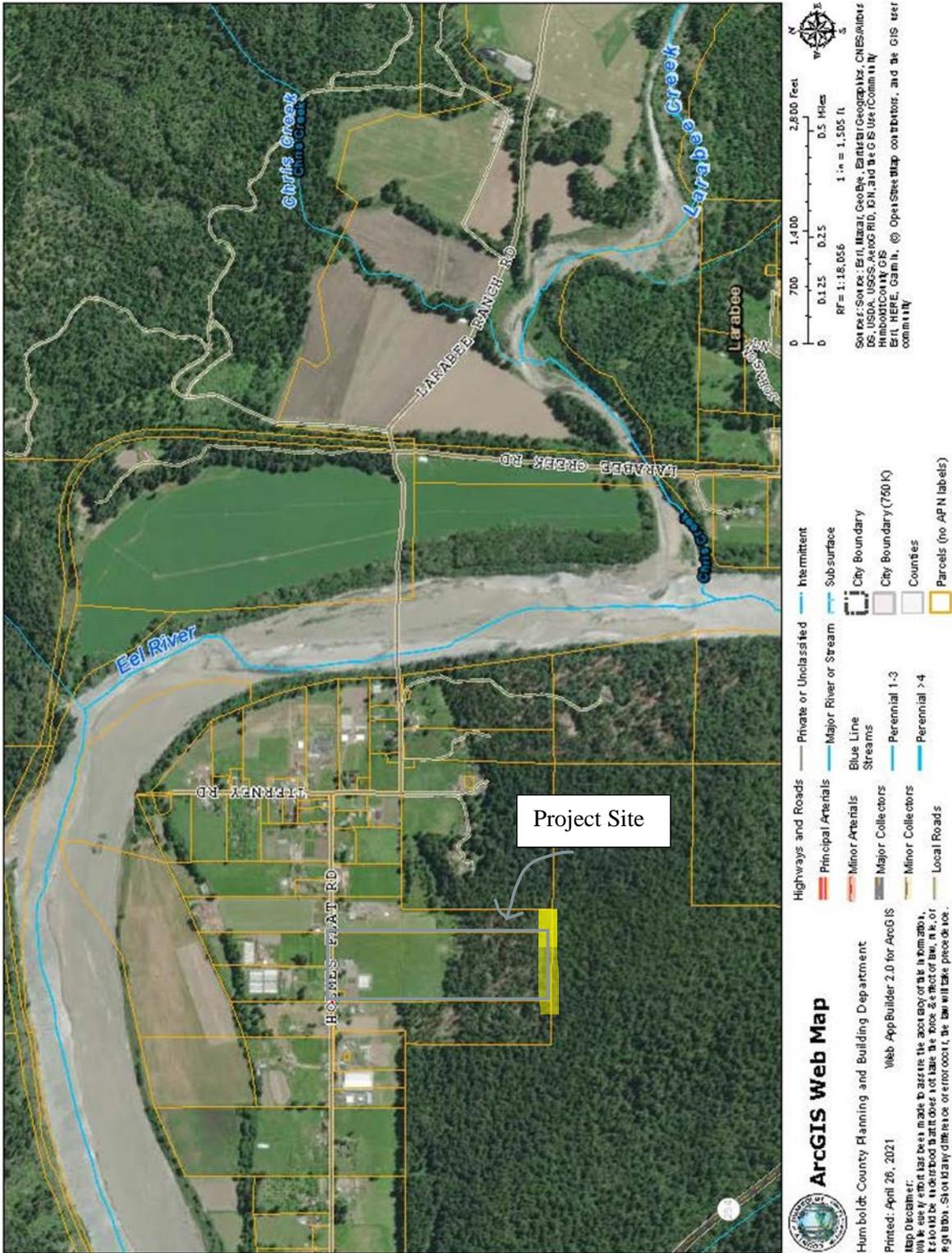


FIGURE 2 – PROJECT AREA

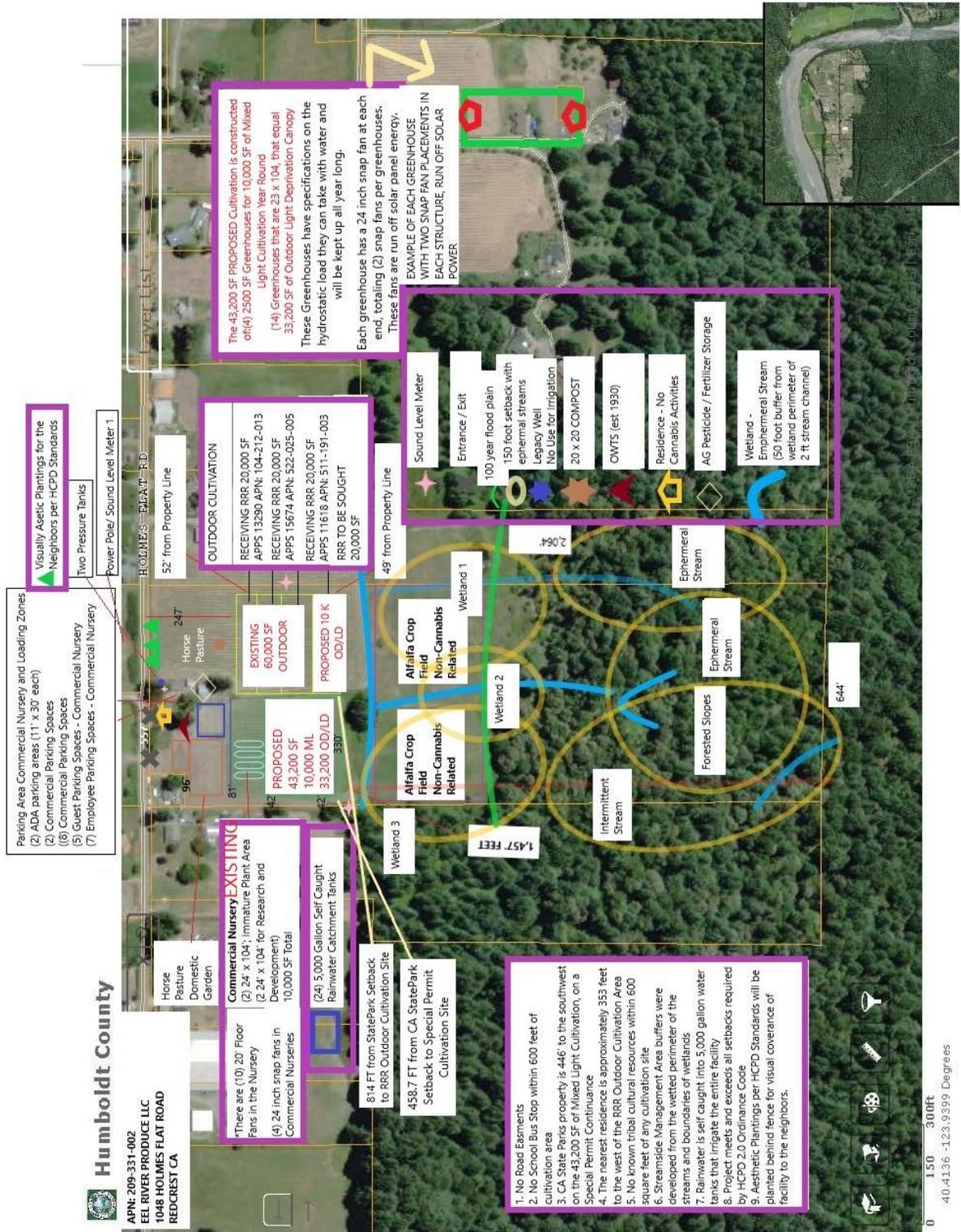


FIGURE 3 – SITE PLAN

2.0 CEQA EVALUATION

2.1 Environmental Factors Potentially Affected

The proposed Project will not have a significant effect on the environment, as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards and Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

2.2 Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



5/18/2021

Signature

Date

Desmond Johnston

Printed Name

For Humboldt County Planning Department

2.3 Evaluation of Environmental Impacts

The following checklist is taken from the Environmental Checklist Form presented in Appendix G of the CEQA Guidelines. The checklist is used to describe the impacts of the proposed Project and identify project-specific mitigation measures, as appropriate: For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The Project would not have any impact.

I. AESTHETICS.

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The project site (APN 209-331-002) is approximately 30-acre parcel, 15.3 acres of mapped Prime Agricultural Soil on the parcel, that is located at 1048 Holmes Flat Road in Homes Flat CA, on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road, on a site that was used in the past heavily for ranching and agricultural purposes.

The subject parcel is surrounded by agricultural land, grassland, rural residential uses, multiple commercial cannabis cultivation facilities, the Eel River, and hills. The subject parcel is currently developed with an 1,800 s.f. legacy house, 480 s.f. storage shed, 160 s.f. storage, and four 2,496 s.f. greenhouses for a commercial nursery, and twenty-eight 2,000 s.f. greenhouses for light deprivation and mixed light cultivation activities. Water is solely sourced from rainwater catchment irrigation. At full buildout 161,500 gallons will be used annually.

Analysis:

- a) Finding: The project would not have substantial adverse effect on a scenic visit.
Less than significant impact.

Discussion: There are no designated scenic vista points in the project area. Views of the project site off the main road are mostly blocked by the fence line and vegetation along the road. Applicant planted a variety of fruit trees along the fence line for future growth and sustainable and efficient landscaping for the whole community. The proposed cultivation in the mid-central portion of the site would only be visible from neighboring adjacent residences and travelers along Holmes Flat Road, which is a low use rural road.

Although recreation areas of the California State Parks are located within a ½ mile, the Project site will not be visible as it is located at a significant elevation above these areas and is separated by dense, mature, vegetation. Holmes Flat Road does not have any scenic vista points or available areas for drivers to stop (i.e. pullouts) within the vicinity of the project site. No scenic vistas would be affected with implementation of the project.

Construction of the greenhouses, RRR sites, and earthwork associated with the cultivation areas would be temporary and occur during daylight hours when people are accustomed to the use of construction equipment. Impacts to the aesthetic resources resulting from the project would be limited to views of the facility greenhouses from adjacent properties. All artificial light in the greenhouses will be visibly shielded to avoid night-time leakage. As such, the proposed project would not be widely visible and would not have a substantial adverse effect on a scenic vista. Therefore, the impact is less than significant.

- b) Finding: The project would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
No impact.

Discussion: According to the California Scenic Highway Mapping System, there are no designated State scenic highways in Humboldt County (Caltrans, 2011) US Highway 101 and State Route 36 are listed as Eligible State Scenic Highways, but the project site is not visible from either of these highways. The project site does not contain any landmark trees, rock outcroppings, or buildings of historical significance. Therefore, the proposed project would not substantially damage scenic resources within a state scenic highway. No impact would occur.

- c) Finding: The project would not substantially degrade the existing visual character or quality of the site and its surroundings.
Less than significant impact.

Discussion: The existing visual character of the project site consists of four 2,496 sf existing seasonal commercial nursery greenhouses, and 60,000 square feet of outdoor cultivation in rows, 1800 sf legacy house, 480 sf storage shed, and 160 sf storage. The majority of the site is undeveloped. The project site

is surrounded by grasslands, oak, Redwoods State Park, the Eel River, and rural residential uses similar to the proposed project or greater.

During the project's temporary construction periods, construction equipment, supplies, and construction activities would be visible on the subject property from immediately surrounding areas and along Holmes Flat Road. Construction activities are a common occurrence in the region and are not considered to substantially degrade the areas visual quality. All construction equipment would be removed from the project site following completion of the construction activities.

Development of the site for the proposed project would not alter the sites visual character by introducing additional greenhouses, additional water tanks, cultivation areas, and parking areas. The visual character of the greenhouses can be considered agricultural consistent within this agricultural zone. The greenhouses will be erected at 10.5 feet tall. These improvements would primarily be visible to drivers on Holmes Flat Road and adjacent properties. Views of the site would mostly be blocked due to intervening vegetation planted by the applicant.

In addition to plantings (cultivation), security fencing surrounds the project boundary near the entrance to the Site, and this fencing is visible for the stretch of Holmes Flat Road, passing the parcel. In addition, Holmes Flat Road has very limited traffic and thus a limited number of motorists viewing the Project site from the roadway. The project site is not visible from recreation areas of California State Park, and is separated by dense, mature vegetation and forest.

The proposed 63,200 square foot greenhouses have the greatest potential for aesthetic impacts due to the new greenhouses being erected. The proposed project will change the appearance of the project site from the adjacent public roadways from vacant to developed commercial crop farming. However, the visual character of the greenhouses can be considered agricultural and consistent with the agricultural zoning. These changes would be compatible with other existing and proposed cannabis development in the project area, and would not result in a significant impact.

- d) Finding: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
No impact.

Discussion: The project site currently contains existing outdoor lighting associated with security purposes for the parcel. The cultivation areas proposed at the site would have exterior lighting to illuminate the entrances and also motion activated security lights. All new outdoor lighting would be the minimum lumens required for security purposes, directed downward, and shielded to prevent lighting spillover onto adjacent properties.

The applicant proposes to use mixed light cultivation for 10,000 square feet of the cultivation, which means that at certain times of the year artificial lighting would be used in the proposed greenhouse structures. To ensure that light does not escape from the structures during lighting times, the illuminated greenhouses would be shielded with automated blackout covers when the artificial lighting is in use. This is required by Humboldt County CCLUO Ordinance 2.0 standards. As such,

the artificial lighting would not create a new source of light affecting wildlife or surrounding properties and nighttime views.

The new structures proposed would not be constructed of materials that would reflect light or cause any sources of glare that would impact surrounding land uses or drivers on adjacent roadways. Therefore, the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Lighting at the site will be limited to perimeter lighting installed for security purposes. There will also be outdoor lighting in the parking area and at the entrance gate. All new lighting and outdoor lighting will meet the minimum lumens required for security purposes, directed downward, and shielded to prevent lighting spillover onto adjacent properties. This is also important so it does not disrupt the outdoor cannabis plants life cycle, possibly altering the plant and production that occurs. Eel River Produce, LLC ensures that outdoor lighting is contained within the specific areas it is intended to illuminate. No new sources of glare would impact the property or surrounding land uses. Due to HCPD CCLUO and International Dark Sky Association Standards that must be met, no impact will occur.

II. AGRICULTURE AND FORESTRY RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepare the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>d. Result in the loss of forest land or conversion of forest land to non-forest use?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Setting

The project site (APN 209-331-002) is approximately 30-acre parcel, 15.3 acres of mapped Prime Agricultural Soil on the parcel, that is located at 1048 Holmes Flat Road in Homes Flat CA, on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road, on a site that was used in the past heavily for ranching and agricultural purposes.

The subject parcel is surrounded by agricultural land, grassland, rural residential uses, multiple commercial cannabis cultivation facilities, the Eel River, and hills. The subject parcel is currently developed with an 1800 sf legacy house, 480 sf storage shed, 160 sf storage, four 2,496 SF greenhouses for a commercial nursery, and 60,000 square feet of outdoor cannabis cultivation. Water for irrigation is solely sourced from rainwater catchment.

There is a TPZ section to the south of the property which was logged in 2017 and has a non-cannabis related timber harvest plan.

According to the HC WebGIS mapping, the property contains 15.3 prime agricultural soils. The forest canopy is Douglas fir and Coast Redwood. It is mature second growth, with many trees having up to 5 feet diameter at breast height and little to no low hanging horizontal branches. The dominant soils in the forested portion of the property are Scoutcamp-Rootcreek which classifies as a fine silty, mixed, superactive, isomesic, typic palehumults that are well drained. Though the northern portion of the property has a long history of agricultural disturbance, the forest portion has been able to withstand the encroachment of many invasive species as well as maintaining a productive ecosystem.

Analysis:

- a) Finding: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
No impact.

Discussion: According to Humboldt County webGIS mapping (<http://webgis.co.humboldt.ca.us>) the property contains 15.3 acres of prime agricultural soils. The cultivation areas would occur on the area of prime agricultural soils. All the proposed uses that would occur in the prime agricultural soils are either agricultural uses (outdoor and mixed light in greenhouses) or agricultural related uses (barn, horse stable, etc). . There are 15.3 acres of mapped Prime Agricultural Soil on the parcel. CCLUO Section 55.4.6.4.3 limits the use of prime agricultural soil for a cannabis cultivation site to no more than 20% of the total. The project will not exceed the 20 % threshold. The project would not convert prime agricultural lands as the subject parcel is zoned Agricultural Exclusive, Timber Production Zone. Humboldt County is not included in the Farmland Mapping and Monitoring Program (California Department of Conservation, 2019). All of the proposed uses (outdoor cultivation, accessory access roads, parking, and storage) will occur on the prime agricultural soils and are agricultural uses or agricultural related uses. Therefore, the proposed project would not convert prime or unique farmland or farmland of statewide importance to non-agricultural use

- b) Finding: The project would not conflict with existing zoning for agricultural use, or a Williamson Act

contract.

No impact.

Discussion: The project site (209-331-002) is zoned Agricultural Exclusive (AE), Flood (F), and Timber Production Zone (TPZ). According to Humboldt County Web GIS mapping, the entire project site is zoned AE-B-6. The proposed project is an agricultural use, therefore it would not conflict with agricultural zoning.

According to Humboldt County GIS mapping, there is no Williamson Act contract applicable to the project site. Therefore, the proposed project would not conflict with existing zoning for agricultural use or Williamson Act contract.

- c) Finding: The project would not conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526).

No impact.

Discussion: The project would not conflict with the existing forestland or timberland resource zoning because the project site does not contain an economically viable unit of timberland. The proposed project's domestic premises are placed within the 15.3 acres of Agricultural Exclusive (AE) portion of the property, therefore the proposed project would not conflict with existing zoning for, or causing rezoning of, forest land or timberland.

- d) Finding: The project would not result in the loss of forestland or conversion of forest land to non-forest use.

No impact.

Discussion: The project site does not contain an economically viable unit of forestland, and has historically been used for ranching and agricultural purposes. Therefore, the proposed project would not result in the loss of forestland or conversion of forestland into non-forest use.

- e) Finding: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

No impact.

Discussion: The proposed project would not produce significant growth inducing or cumulative impacts that would result in the conversion of farmland or forest land. Growth inducing impacts are generally caused by projects that have a direct or indirect effect on economic growth, population growth, or land development. The project would employ up to 14 employees at peak times.

III. AIR QUALITY.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting: The project site is located in Humboldt County which lies in the North Coast Air Basin (NCAB). The NCAB extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Annual average precipitation is approximately 79 inches per year (Humboldt State University Department of Geology, 2005). Predominate wind direction is typically from the northwest during summer months and from the southwest during storm events occurring during winter months.

Project activities are subject to the authority of the North Coast Unified Air Quality Management District (NCUAQMD) and the California Air Resources Board (CARB). The NCUAQMD is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards except for the state 24-hour particulate (PM10) standard, which relates to concentrations of suspended airborne particles that are 10 micrometers or less in size.

Sensitive receptors near the project site primarily include rural residential uses to the north, west, and south.

Analysis:

- a) Finding: The project would not conflict with or obstruct implementation of the applicable air quality plan.

Less than significant impact.

Discussion: The project site is located within the NCAB which encompasses approximately 7,767 square miles. The NCAB includes Del Norte, Humboldt, Trinity, and Mendocino counties, as well as the northern and western portions of Sonoma County. Air quality in Del Norte, Humboldt, and Trinity counties is regulated by the NCUAQMD.

The NCUAQMD's primary responsibility is to achieve and maintain federal and state air quality standards, subject to the powers and duties of the CARB. The NCUAQMD is currently listed as being in "attainment" or is "unclassified" for all federal health protective standards for air pollution (ambient air quality standards). However, under State ambient air quality standards, the air district has been designated "nonattainment" for particulate matter less than ten microns in size (PM10) (NCUAQMD website, 2018). PM10 emissions include, but are not limited to, smoke from wood stoves, dust from traffic on unpaved roads, vehicular exhaust emissions, and airborne salts and other particulate matter naturally generated by ocean surf.

A potentially significant impact to air quality would occur if the project would conflict with or obstruct the implementation of the applicable air management or attainment quality plan. Although the proposed project would represent an incremental increase in air emissions in the air district, of primary concern is that project-related impacts have been properly anticipated in the regional air quality planning process and reduced whenever feasible. Therefore, it is necessary to assess the project's consistency with the applicable district air quality management or attainment plan(s).

The California Clean Air Act (CCAA) requires the NCUAQMD to achieve and maintain State ambient air quality standards for PM10 by the earliest practicable date. The NCUAQMD prepared the Particulate Matter Attainment Plan, Draft Report, in May 1995. This report includes a description of the planning area (North Coast Unified Air District), an emissions inventory, general attainment goals, and a listing of cost-effective control strategies. The NCUAQMD's attainment plan established goals to reduce PM10 emissions and eliminate the number of days in which standards are exceeded. The plan includes three areas of recommended control strategies to meet these goals: transportation, land use and burning. Control measures for these areas are included in the Attainment Plan. The project design incorporates control measures identified in the PM10 Attainment Plan appropriate to this type of project, such as:

- Developing a cannabis cultivation, processing, and RRR site within the Holmes Flat area would reduce vehicle miles traveled and associated vehicular exhaust emissions generated by having more cannabis cultivation and processing in one centrally located site rather than multiple smaller sites spread out in different areas of the county. This would result in a reduction in PM10 generated by

- traffic on unpaved rural roads.
- The proposed facility would use forced-air gas heating instead of woodstoves or fireplaces which would significantly reduce PM10 emissions generated from heating during long-term operation of the project.

The project proposes an addition of one more 20,000 square feet of RRR light deprivation outdoor cultivation, in addition to the 60,000 sf outdoor RRR already onsite: a proposed special permit for 33,200 sf of outdoor light dep and 10,000 sf of mixed light, the existing 10,000 square foot nursery, and a rain catchment tank farm that would cover approximately 3.06 acres of the site, which is below the maximum development potential (20%) that would be permitted by the County's general plan land use/zoning. As such, the proposed project is consistent with the density of agricultural development planned for in the Humboldt County General Plan. Therefore, the project would not obstruct implementation of the NCUAQMD Attainment Plan for PM10.

b)Finding: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Less than significant impact.

Discussion: The NCUAQMD is currently listed as being in "attainment" or is "unclassified" for all federal health protective standards for air pollution (ambient air quality standards). However, under State ambient air quality standards, the air district has been designated "nonattainment" for PM10 (NCUAQMD website, 2018).

The NCUAQMD has advised that, generally, an activity that individually complies with the state and local standards for air quality emissions would not result in a cumulatively considerable in- crease in the countywide PM10 air quality violation. In general, construction activities that last for less than 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). Holmes Flat road is paved and meets Category 4 road standards, which sets Holmes Flat Road not as big of a contributor to Pm10.

Although fugitive airborne dust is created naturally in the river valley by summer winds, there are currently no air quality problems in the region, and this project would not cause a violation of ambient air quality standards either individually or cumulatively in the area.

Additionally, air quality measures in compliance with the EIR prepared for the CCLUO (Ordinance 2.0), under which the proposed project is authorized for permitting and is subject to, are:

During short-term construction activities the following dust control measures would be implemented to reduce nuisance dust generation:

- All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Adjacent public roads shall be kept clean of loose dirt tracked onto the roadways from the construction-site.

Vehicle/trucks on-site would be required to maintain a 15-m.p.h. speed limit. The speed limit would be posted on-site.

Also, see discussion under subsections a) and b) above. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standards.

c) Finding: The project would not expose sensitive receptors to substantial pollutant concentrations.

Less than significant impact.

Discussion: Sensitive receptors (e.g. children, senior citizens, and acutely or chronically ill people) are more susceptible to the effect of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. Sensitive receptors near the project site include rural residential and agricultural uses. The proximity to the sensory receptors are not limited to hospitals, schools, daycare facilities, and elderly housing and convalescent facilities. These are the areas where the occupants are more susceptible to the adverse effects of exposure to toxic chemicals, pesticides, and other pollutants.

As indicated by the air quality impact analysis under subsection b), the proposed project would not produce significant quantities of criteria pollutants (e.g. PM10) during short-term construction activities or long-term operation. In addition, the proposed project would not create a CO hot spot.

As part of the proposed cultivation, diatomaceous earth, magnesium sulfate, neem oil, and plant therapy would be used as pesticides and fungicides. Pesticide application is normally required to be administered a minimum of 300 feet from sensitive receptors (e.g. residences) in the case of dry pesticides and 200 feet in the case of wet pesticides. Generally, pesticide application should occur at low wind velocities (less than 10 mph). As shown on the proposed site plan and based on a review of aerial photography, application of pesticides in the greenhouse structures and outdoor cultivation areas would be a minimum of 300 feet from the closest sensitive receptors which include the existing residence on the project site and neighboring residences. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

d) Finding: The project would not result in emissions (such as those leading to odors adversely affecting a substantial number of people.

Less than significant impact.

Discussion: During long-term operation of the project there is the potential to impact air quality due to odors that would be generated by the proposed cultivation and processing activities. Wind direction often assumes a daily pattern in the river canyons that empty into the Pacific. In the morning hours, cool air from higher elevations flows down the valleys while later in the day as the lower elevation air heats up this pattern is reversed, and the airflow heads up the river canyon.

Odors from the mixed light greenhouses and outdoor cultivation activities would primarily be noticeable between July and October annually.

The closest land uses to the project site that could potentially be impacted by odors include surrounding rural residences. Based on-site visits and review of aerial photography, there are approximately eight residences within 2,000 feet from the center of the project site. These nearby residents could potentially experience odors from the proposed cultivation activities.

The Holmes Flat area has a population of roughly 40 persons and an above average concentration of cannabis being cultivation within the area, therefore odor is an existing condition within the flat. Although, these nearby residents may experience odors from the facility, the low number of residents does not comprise a substantial number of people. The odor will be the most between July and October, and applicant will apply standard odor-reducing agents within the premises in order to diminish odor.

While the project has the potential to create objectionable odors, the number of potentially affected properties is low for the following reasons: 1) the location of the cultivation area and large size of the parcel; 2) nature and type of surrounding land uses; and, 3) low-density and number of permitted residential uses near the project site. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES.

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting: The proposed cultivation area would occur in an agricultural field. The vegetation is predominately non-native grasses and other non-native herbaceous vegetation. Approximately 14 acres in the southern portion of the parcel are forested, characterized by second-growth coast redwood and Douglas fir. An unnamed Class II stream drains off the southern portion of the property, and two (2) additional ephemeral streams are mapped in the southern half of the parcel. A human-created Class IV drainage ditch 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.

Management Plan prepared by Pacific Watershed Associates in July 2019 (see Attachment 4), there are three (3) wetlands identified on the site. The biological recommendation prepared by PWA originally called for a 50-foot buffer for the wetlands. Based on CDFW comments noting that these are perennial wetland areas, the buffer has been increased to 150 feet from the edge of the wetlands as shown on the revised site plan. A fourth test pit was dug on the western edge of the drainage ditch, and although hydrophitic vegetation and hydric soils were identified, the area did not exhibit wetland hydrology in order to classify as a 3-parameter wetland. The cultivation area meets all setbacks from watercourses.

The Biological Reconnaissance 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-leafed checkerbloom and Northern Spotted Owl. A protocol survey was completed for maple-leafed checkerbloom, and no plants were found during a seasonally appropriate survey.

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 Reconnaissance Survey found low potential for Marbled Murrelet habitat to occur in the forested southern portion of the site.

Pre-project ambient noise readings taken at 3 points of the property line logged an average of 40 decibels. The project cannot result in an increase of 3 decibels of continuous project noise levels over ambient levels. The noise generated by fans in greenhouses will not exceed 43 decibels at the property line. In addition, greenhouses will not be in operation between October 15th and April 15th. There will be no supplemental lighting used in the nursery greenhouses or in the light deprivation hoop houses.

The project was referred to CDFW on November 20, 2019. Referral comments were requested again on April 21, 2020. Comments were received on May 1, 2020. Staff responded to CDFW comments on May 5 (see Attachment 5).

The Biological Background Data Search Results showed that there are 14 rare species occurrences that may be present in the project area (Table 2).

Table 2. Occurrence Potential Data for Biological Reconnaissance Survey			
Scientific Name	Common Name	Species Type	Occurrence Potential
<i>Montia howellii</i>	Howell's montia	plant	Potentially – outside of project area
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	plant	High potential – surveyed for but no species found
<i>Erethizon dorsatum</i>	North American porcupine	mammal	Potentially – outside of project area
<i>Pekania pennanti</i>	fisher	mammal	No potential
<i>Brachyramphus marmoratus</i>	marbled murrelet	avian	Low potential
<i>Charadrius nivosus nivosus</i>	Western Snowy Plover	avian	No potential
<i>Coccyzus americanus</i>	Yellow-billed cuckoo	avian	Low potential
<i>Falco peregrinus anatum</i>	American peregrine falcon	avian	No potential
<i>Pandion haliaetus</i>	osprey	avian	No potential
<i>Strix occidentalis caurina</i>	Northern Spotted Owl	avian	High potential – outside of project area
<i>Bombus caliginosus</i>	obscure bumble-bee	insect	Potentially
<i>Ascaphus truei</i>	Pacific tailed frog	herpetofauna	No potential
<i>Emys marmorata</i>	western pond turtle	herpetofauna	Low potential – outside of project area
<i>Rana boylei</i>	foothill yellow-legged frog	herpetofauna	No potential

1. Plants

Montia howellii (Howell's montia)

Listing Status: CNDDDB Element Ranks – Global G3G4, State S2

An annual, matted, smaller forb (1-9 cm) with alternate leaves and inconspicuous flowers. Commonly found within vernal wet sites and compacted soils under 1,300 ft in elevation. The habitat usually consists of coniferous forests, vernal pools, seeps, and meadows, sometimes clinging to the side of a rock outcrop.

Occurrence Data

There is low potential to occur within the southern forested portion of the property, not close to any planned project areas. See Figure 2 for critical habitat

Sidalcea malachroides (maple-leaved checkerbloom)

Listing Status: CNDDDB Element Ranks – Global G3, State S3

Commonly found in broad-leafed upland forest, coastal prairie, coastal scrub, north coast coniferous forest, and riparian forest. The plant favors woodlands and clearings near the coast, often in disturbed areas utilized for farming, logging, or general development. *S. malachroides* is a perennial herb that can be classified as a sub-shrub, is very bristly, and blooms from April to August. The leaves are reminiscent of a maple, but is covered in stiff white hair. The flowers are small (7-15 mm) and range from white to pale purple-white in color. Plants are not found higher in elevation than 3,000 ft.

Occurrence Data

On May 15, 2019 PWA biologist identified multiple areas of high occurrence potential. These areas include the field designated for cannabis development, the buffer zone where forest meets disturbed agricultural fields, and within a stand of willows on the north side of the property. A protocol level survey was conducted throughout the planned cannabis development area, in which no plants were found. Upon the second field visit on June 18, 2019 the landowner cleared the willow stand for fire suppression measures as permitted by CAL FIRE, and well as tilled and removed blackberry from the fringe of the forest. As of June 18, there is one area of high occurrence potential. This area is located along the southern forest buffer zone, and is included within the critical habitat area mapped in Figure 2.

2. Mammals

Erethizon dorsatum (North American porcupine)

Listing Status: CNDDDB Element Ranks – Global G5, State S3

The North American porcupine is a black to browning-yellow rodent with a short round body. It is covered in quills that are solid at the base and hollow at the shaft with barbed tips. The porcupine lives in coniferous, deciduous and mixed forest types and is a generalist without many specific habitat needs.

Occurrence Data

There is potential to occur within the southern forested portion of the property, not close to any planned project areas. See Figure 2 for critical habitat.

Pekania pennanti (fisher)

Listing Status: Global Rank G5T2T3Q, State Rank S2S3, State Status Threatened

BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, USFS_S-Sensitive

Medium-sized light brown to dark blackish-brown mammal, with the face, neck, and shoulder being slightly gray, and a white underbelly. The fisher has a long body, bushy tail, short legs, and weights anywhere from 3-12 lbs. Males range in length from 35-47 in and females range from 29 to 37 in. They normally occur within low- to mid-elevation environments of coniferous and mixed conifer and hardwood forests. They prefer un-fragmented blocks of mature forest with closed canopies and structural complexity near the forest floor. Riparian habitats are also important and may be used as a travel corridor between suitable habitat patches. They avoid open habitats such as grasslands and oak woodlands.

Occurrence Data

There is no potential to occur on this property. There is abundant open grassland habitat and a forest that has been and currently is proposed for timber harvesting. This fragmented forest also lacks the riparian migratory corridor.

3. Avian Species

Brachyramphus marmoratus (Marbled murrelet)

Listing Status: Threatened

A small redwood dwelling seabird that nests anywhere from 2-30 miles from the surf line. They generally, prefer old-growth forests, characterized by large trees, multiple canopy layers, and moderate to high canopy closure. Murrelets nest from late March until mid-September, with the highest activity occurring from mid-May through the end of July. They spend most of their life in the marine environment courting, foraging, loafing, molting, and preening nearshore.

Occurrence Data

There is low potential to occur within the southern forested section of the property. See Figure 2 for critical habitat.

Charadrius nivosus nivosus (Western Snowy Plover)

Listing Status: CNDDDB Elemental Ranks - Global G3T3, State S2S3

Federal Status - Threatened

CDFW_SSC-Species of Special Concern

NABCI_RWL-Red Watch List

USFWS_BCC-Birds of Conservation Concern

The snowy plover is a small, inconspicuous shorebird with a pale tan back and white underparts. They have a narrow dark stripe on the forehead and a dark stripe behind the eyes. Snowy plovers are found in areas that match the pale color on their dorsal side including sandy beaches, salt pond levees and shores of large alkali lakes. Nesting seasons range from early March through September, with peak nesting occurring from mid-April through mid-August. Snowy plover nests primarily are shallow scraps or depressions on the ground, typically in sparsely vegetated areas consisting of sandy, gravelly, or other saline substrates. These nests are very well camouflaged and difficult to identify even to a well-trained eye.

Occurrence Data

No potential to occur, there is no suitable nesting habit on the property.

Coccyzus americanus (Yellow-billed cuckoo)

Listing Status: IUNC Red List of Threatened Species 2016- Least Concern (LC)

CNDDDB Elemental Ranks – Global G5T2T3, State S1

Federal Status – Threatened

State Status – Endangered

Yellow-billed cuckoos occur in a variety of riparian habitats with cottonwood and willow stands providing most of their forage grounds in California. They are a medium-sized bird (approximately 12 inches) with grayish-brown plumage above white and red primary flight feathers. Yellow-billed cuckoos inhabit broad home ranges (25-100 acres) and are primarily found in streamside trees in the west, but can also be found in marshes and deciduous woodlands. Nests occur usually 4-10 feet above the ground and consist of twigs, stems and a thin lining of grass, pine needles, leaves, and other materials.

Occurrence Data

Low potential to occur, there are some willows but they are scattered. All wetland areas are bordered by conifers as opposed to hardwoods. See Figure 2 for critical habitat.

Falco peregrinus anatum (American peregrine falcon)

Listing Status: CNDDDB Element Ranks – Global G4T4, S3S4

CDF_S-Sensitive

CDFW_FP-Fully Protected

USFWS_BCC-Birds of Conservation Concern

The American peregrine falcon is the largest falcon residing over most of the North American continent. It has long pointed wings, a long tail, and distinct yellow markings around the eyes and its beak. They are usually found near wetlands, lakes, rivers, or other water courses specifically on cliffs, banks, dunes, mounds, or human made structures. Their nests consist of a scrap or a depression or ledge in an open site that is protected from the elements on a rocky outcrop or cliff.

Occurrence Data

No Potential to occur on this property. There are no excessively tall trees, power lines or cliff faces in open areas on the property.

Pandion haliaetus (osprey)

Listing Status: CNDDDB Element Ranks – Global G5, State S4

Ospreys are a large, slender hawk with long narrow wings and long legs. They have a marked kink in their wings, making an M-shape when seen from below. The birds are brown above and white below, with a broad brown stripe through their eye. They usually are found around any form of body of water eating almost exclusively fish, and nest on top of poles and dead trees.

Occurrence Data

There is no potential to occur within and around the project sites, no suitable dead trees for nesting were observed.

Strix occidentalis caurina (Northern Spotted Owl, NSO)

Listing Status: IUNC Red List of Threatened Species 2017

A medium-sized (16-19 inches long) dark brown owl that primarily inhabits old growth forests. A spotted owl survey specific for a proposed THP, was conducted for this property on June 6, 2019 by Holmgren Forestry. This NSO compliance review is valid until February 1 2020 and is located in Appendix D with additional information about nearby occurrences in Appendix B.

Occurrence Data

High potential to occur within the southern forested portion of the property, see Figure 2 for critical habitat.

4. Insects

Bombus caliginosus (obscure bumble-bee)

Listing Status: Global Rank G4, State Rank S1S2, IUCN_VU-Vulnerable

The obscure bumblebee is almost identical to *Bombus vosnesenskii* apart from females having a pale fringe on their abdomen and males having slightly longer antennae. *B.caliginosus* has a yellow face and one yellow stripe across their abdomen. They are found predominantly on specific plant species including *Baccharis*, *Cirsium*, *Lupinus*, *Lotus*, *Grindelia*, and *Phacelia*.

Occurrence Data

There is potential to occur on this property, but no host plants were identified within the project area.

5. Herpetofauna

Ascaphus truei (Pacific tailed frog)

Listing Status: CNDDDB Element Rank – Global: G4, State: S3S4

Pacific tailed frogs inhabit cold (below 15 degrees C), clear, well-shaded, and fast moving streams with a rocky channel bottom in wet forests. They do not inhabit ponds or lakes. Tadpoles have wide, flat, and downward facing mouths that help with suction onto rocks. Most tailed frogs

are darkly colored with grainy skin to help them blend in. Tadpoles often have a white spot on the tip of their tails. Although they spend most of their time in the water, adult tailed-frogs can sometimes be found along stream banks at night or on rainy days.

Occurrence Data

No potential to occur on this property; no streams contain a rocky substrate and are mostly ephemeral.

Emys marmorata (western pond turtle)

Listing status: CNDDDB Element Ranks – Global G3G4, State S3

BLM_S-Sensitive

CDFW_SSC-Species of Special Concern

IUCN_VU-Vulnerable

USFS_S-Sensitive

A thoroughly aquatic turtle of ponds, marshes, rivers, streams, and irrigation ditches, usually with aquatic vegetation, and found below 6000 ft in elevation. The turtle needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5km from water for egg-laying.

Occurrence Data

There is a very low potential for the western pond turtle to occur here, the ponds do not have structures for the animal to climb out nor any foraging opportunity. There is an irrigation ditch that runs into a neighboring pond, but once again there are no foraging opportunities. See Figure 2 for wetland areas.

Rana boylei (foothill yellow-legged frog)

Listing Status: CNDDDB Element Ranks – Global G3, State S3

BLM_S-Sensitive

CDFW_SSC-Species of Special Concern

IUCN_NT-Near Threatened

USFS_S-Sensitive

Yellow legged frogs occur in streams and rivers with rocky substrates, cool water temperatures and within a variety of lotic habitats. They need at least some cobble-sized substrate to lay their egg masses on, and at least 15 weeks to attain metamorphosis. They can be identified by their smaller bodies (~3.5 inches) and their defensive mechanism. Yellow legged frogs will often jump into water and sit on the bottom, using their cryptic bodies to hide them while other species of frogs either hop away or dive into deep water and swim away quickly.

Occurrence Data

There is no potential to occur on this property as there is no suitable cobble to lay the egg masses.

Botanical Protocol Level Survey

A protocol level survey was conducted in all potential habitat and planned areas of development that were identified for *Sidalcea malachroides*. No occurrences of *Sidalcea malachroides* were identified. See Appendix A for the complete taxa list and Figure 2 for the area surveyed in yellow.

Invasive Species Management Plan

Throughout the property, there are many non-native species and specifically three invasive species to focus efforts on eradicating. This non-native assemblage is due to the historic farming practices.

Wetland Delineation

Wetlands identified on the project site exist to the south of the alfalfa field, along the toe of a north facing hillslope and along the southwestern property line..

Wetland #1

The biologist identified Wetland #1 (TP-1) along the southern edge of the alfalfa field at the break-inslope, below a forested hillside (Figure 2). This feature was characterized as an approximately 0.11 acre freshwater emergent wetland. This area was cleared of shrub and tree cover between May 2014 and May 2016 with slash stockpiled onsite, which made wetland boundaries somewhat difficult to discern. This site passed the Dominance Test for hydrophytic vegetation with a plant community composed primarily of *Alisma lanceolatum* (lance-leaf water plantain).

The hydric soil indicators present at this site are Loamy Gleyed Matrix (F2) and Depleted Matrix (F3). Primary wetland hydrology indicators present include Surface Water (A1), High Water Table (A2), and Saturation (A3) with the secondary indicators of Geomorphic Position (D2) and the FAC-Neutral Test (D5).

Wetland #2

At this location an emergent spring was developed into a pond, where a lateral overflow ditch leads west along the tree line and is confined to the break-in-slope by a constructed berm at the edge of the alfalfa field (Figure 2). The pond is approximately 725 square feet and, when paired with the overflow path, is a 0.03 acre freshwater emergent wetland. This site (TP-2) passed the Dominance Test for hydrophytic vegetation with a plant community dominated by *Sequoia sempervirens* (coastal redwood), *Notholithocarpus densiflorus* (tanoak), *Equisetum arvense* (field horsetail), *Oenanthe sarmentosa* (Pacific Water-Dropwort), *Veronica americana* (American-Brooklime), *Lemna minor* (common duckweed), and *Rubus armeniacus* (Himalayan blackberry). The hydric soil indicators present at this site are Hydrogen Sulfide (A4) and Loamy Gleyed Matrix (F2). Primary wetland hydrology indicators present include Surface Water (A1), High Water Table (A2), Saturation (A3), and Hydrogen Sulfide Odor (C1) with the secondary indicators of Geomorphic Position (D2) and the FAC-Neutral Test (D5).

Wetland #3

Adjacent to the western property boundary and at the outlet of the pond overflow of Wetland #2, PWA identified Wetland #3 (TP-3), which continues off the property to the west and parallels the fence line on the neighboring parcel for approximately 150 feet (Figure 2). This site passed the Dominance Test for hydrophytic vegetation with an overstory dominated by *S. sempervirens* and *Salix lasiolepis* (Arroyo willow) and an herb stratum composed primarily of *Scirpus microcarpus* (Red-tinge bulrush) and *E. arvense*. The hydric soil indicator present at this site was Depleted Matrix (F3). Primary wetland hydrology indicators present include Surface Water (A1), High Water Table (A2), and Saturation (A3) with the secondary indicators of Drainage Patterns (B10), Geomorphic Position (D2) and the FAC-Neutral Test (D5).

Drainage Ditch

A test pit was sampled next to the central drainage ditch at the western property line (TP-4, Figure 2). Sampling point TP-4 exhibits wetland characteristics due to historic backwatering of the man-made ditch beyond the western property line, where the ditch is flat to somewhat of a reverse grade for a short distance. The fence line was recently cleared of vegetation, but based on the existing herbaceous and woody cover, the Dominance test for hydrophytic vegetation was met. Hydric soils were also present here with the Depleted Matrix (F3) indicator. Wetland hydrology criteria was not met here, but there was some surface water in the drainage ditch. Based on existing conditions this site was not identified as a wetland, as the frequency and duration of inundation comes from an ephemeral, manmade conveyance that primarily backwaters in response to storm events.

Invasive Species Management Plan

Throughout the property, there are many non-native species and specifically three invasive species to focus efforts on eradicating.

This non-native assemblage is due to the historic agricultural land use associated with farming and grazing. The three invasive species to focus efforts on include *Cirsium vulgare* (bullthistle), *Holcus lanatus* (velvet grass), and *Rubus armeniacus* (Himalayan blackberry). For each species their location on the property will be specified, their identification will be explained, followed by species specific eradication methods.

Cirsium vulgare (Bull thistle) – When visited in May and June, small thistles were identified throughout the agricultural fields. It is not palatable to livestock, reduces the forage potential of infested pasture, and out competes native plants. *C.vulgare* is listed as Moderate Invasiveness on California Invasive Plant Council (Cal-IPC). Identification is based upon the following characteristics: Grows up to 7ft in height, Leaves are up to 12 inches long and deeply lobed with coarse prickly hairs on top and woolly hairs underneath, stem has spiny wings that run down the length of the stem, and finally a purple inflorescence. Tilling, hand pulling, and other means of mechanical removal are effective and should be done before flowering to prevent seed production. A single mowing in one season of the thistle is generally insufficient because of erratic phenology. Landowner should mow his agricultural fields twice a year for 5 years or as needed, while reseeding with native grass in between intervals. See Table 3 for a list of native grasses that are suitable to be seeded in the Holmes Flat area.

Holcus lanatus (velvet grass) – When visited in May and June, mature velvet grass was identified within all agricultural fields on the property, as well as encroaching upon the identified wetlands. *H.lanatus* rapidly colonizes disturbed areas, where it out competes natives species for soil moisture and nutrients. The grass is listed as moderate invasiveness on Cal-IPC. Identification is based upon the following characteristics: a tufted perennial typically 2-3 feet tall with a soft pubescent green-gray foliage. This foliage can look like gray hairs, giving the species the common name velvet grass. Because *H.lanatus* is within the same field as *C.vulgare*, the management practice will be the same. Landowner should mow his agricultural fields twice a year for 5 years or as needed, while reseeding with native grass in between intervals. See Table 3 for a list of native grasses that are suitable to be seeded in the Holmes Flat area.

Rubus armeniacus (Himalayan blackberry) – When visited in May and June, mature *R.armeniacus* was identified along the forest buffer zone (Figure 2), sprouting within the agricultural fields, with especially high densities on the west side of the property parallel to the neighboring parcel's fence. Himalayan blackberry is a perennial evergreen bramble, with leaves that come in sets of three or five and is listed as high invasiveness on Cal-IPC. The stem is what differentiates it from native species, being robust with large stiff prickles. The most effective way to eradicate this plant is by removing the root crowns and other major root systems but can be labor intensive. To reduce physical strain, the landowner will remove above ground canes every year for up to five years if needed. This will exhaust the plant of nutrients, eventually causing its demise.

Analysis

- a) Finding: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The mitigation of the Humboldt County CCLUO Ordinance EIR regarding preconstruction survey for birds has emphasized the mitigation measures in order to protect habitat and special status species in the surrounding area.
Less than significant impact with mitigation incorporated.

Discussion: Based on the biological resources technical report prepared by Pacific Watershed Associates and Holmgren Forestry, various species of plants, birds, mammals, and amphibians protected by federal and state regulations have very little potential habitat at the project site and in the project vicinity.

No special status plant species were observed in the Survey Area to date. Based on the vegetation communities observed by Pacific Watershed Associates and Holmgren Forestry, only one high potential species, *Sidalcea malachroides*, was determined to have potential to occur in the project. This species was not found when a search was conducted within the entire parcel and project vicinity.

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 Reconnaissance Survey found low potential for Marbled Murrelet habitat to occur in the forested southern portion of the site.

Once the project is completed and greenhouses, etc are operation, there exists possibility that noise and light pollution may adversely effect, either directly or indirectly, wildlife species identified as candidate, sensitive, or special status. Such adverse effects include modification of habit use or avoidance of flight pathways by special status birds or bats. Auditory shielding of all emergency generators to below 50 decibels and shielding on-site lighting used in the existing or proposed mixed light and nursery greenhouses to minimize off-site lighting and direct light within the property boundaries shall be completed. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).

The issue of elevated sound and light disturbance of forest wildlife species, especially as it affects the northern spotted owl (owl) and the marbled murrelet (murrelet), remains a complex, controversial, and poorly understood subject. The United States Fish and Wildlife (USFW) interprets that adverse auditory impacts on owl or murrelet activity (i.e. flushing from nest or abandoned or delayed feeding attempts) can result from elevated sound levels or visual detection of human activities near their active nests (Arcata Fish and Wildlife Office 2006). In addition, night time light pollution from poorly shielded artificial lights can result in significant impacts to organisms and ecosystems (Gaston et al. 2013; Bennie et al. 2015). Although historic activity centers occur within 1.3 miles of the project, adoption of noise and light impact avoidance measures will mitigate potential adverse impacts on non-nesting behavioral activities (i.e. foraging and migration).

The Biological Reconnaissance 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-leafed checkerbloom and Northern Spotted Owl. A protocol survey was completed for maple-leafed checkerbloom, and no plants were found during a seasonally appropriate survey.

With the proposed mitigation measures and operating restrictions, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

- b) Finding: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.

Less than significant impact.

Discussion: 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 (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 Reconnaissance Survey found low potential for Marbled Murrelet habitat to occur in the forested southern portion of the site.

The Biological Reconnaissance 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-leafed checkerbloom and Northern Spotted Owl. A protocol survey was completed for maple-leafed checkerbloom, and no plants were found during a seasonally appropriate survey.

The setbacks from the ephemeral man-made ditches start with 50-foot setbacks from the wetlands and man-made ditch.

- c) Finding: The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Less than significant impact.

Discussion: According to the wetland delineation report prepared by Pacific Watershed Associates, the project has no adverse effect on the Wetlands or Waters of the US as identified in the wetland delineation report (PWA). 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.

The Erosion Control Plan for the parcel by Holmgren Forestry (Erosion Control Plan and THPO November 2019) and Site Management Plan by Humboldt Logistics (June 2020) has developed for the existing cultivation aspect of the proposed project but applicable to the entire project through annual monitoring efforts, includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment and impact on natural substances of the earth. Implementation of the practices proposed in these 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.

The proposed and existing project are also subject and enrolled with the requirements of the State Water Resource Control Board's Cultivation Waste Discharge Regulatory Program and the County of Humboldt Medical Marijuana Land Use Ordinance. The SWRCB Program and the County of Humboldt Medical Marijuana Land Use Ordinance have "standard condition's" applicable to cannabis operations that address potential impacts to water quality. This includes requiring that fertilizers and pesticides/herbicides be applied consistent with product labeling and managed to ensure that they would not enter or be released into surface or groundwater. Therefore, the project as proposed and in compliance with regulatory requirements would not have a substantial adverse effect on federally protected wetlands through direct removal, filing, hydrological interruption, or other means.

- d) Finding: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

Less than significant impact with mitigation incorporated.

Discussion: The project site (APN 209-331-002) is approximately 30-acre parcel, 15.3 acres of mapped Prime Agricultural Soil on the parcel, that is located at 1048 Holmes Flat Road in Homes Flat CA, on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road, on a site that was used in the past heavily for ranching and agricultural purposes. The subject parcel is surrounded by agricultural land, grassland, rural residential uses, multiple commercial cannabis cultivation facilities, the Eel River, and hills. The subject parcel is currently developed with a 1800 sf legacy house, 480 sf storage shed, 160 sf storage, and four 2,496 SF greenhouses for a commercial nursery, and twenty-eight 2,000 SF greenhouses for light deprivation and mixed light cultivation activities. Water for irrigation would be solely sourced from rainwater catchment.

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. The remainder of the site is previously disturbed/developed land.

- e) Finding: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Less than significant impact.

Discussion: This project does not conflict with local policies or ordinances protecting biological resources. The project would not involve the removal of any trees at the project site. In addition to the general biological resources policies in the County General Plan, the County maintains Streamside Management Areas (SMA) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality. As described above, the project footprint has been designed and is located outside outside of the SMA for the Eel River. There are no existing generators, and all fans are located away from the property line to ensure that noise levels do not exceed 50 decibels (dB), the current dB reading is approximately 43 dB at the property line.

- f) Finding: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
No impact.

Discussion: According to the U.S. Fish & Wildlife Service Environmental Conservation Online System (ECOS), the project site is not located within the boundaries of a Habitat Conservation Plan. Habitat Conservation Plans in Humboldt County include the following: 1) Green Diamond Resource Company California Timberlands & Northern Spotted Owl (formerly Simpson Timber Company); 2) Humboldt Redwood Company (formerly Pacific Lumber, Headwaters); 3) Regli Estates; and, 4) Humboldt Bay Municipal Water District Habitat Conservation Plan. These Habitat Conservation Plans primarily apply to forested lands in the County.

The project site is not located in the boundaries of a Natural Community Conservation Plan. The conservation plans for Humboldt County listed on California Regional Conservation Plans Map on the CDFW website include the Green Diamond and Habitat Conservation Plans. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved plan applicable to the project area.

The project does not contain designated critical habitat for any listed species. The nearest designated critical habitat is for the northern spotted owl approximately 1.3 miles away to the northeast, 1.3 miles to the southwest, and across the Eel River to the north. Additionally, critical habitat for the marbled murrelet habitat is located on the Redwood State Park land approximately .2 miles from the site. The Biological Reconnaissance Survey found low potential for Marbled Murrelet habitat to occur in the forested southern portion of the site.

Mitigation for Biological Resources for Impacts a, b, and d.

A seasonally appropriate special-status plant survey will 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.

No generators are used for the project, ensuring that the decibels will not exceed 50 db at tree line, to possibly disturb the Northern Spotted Owl. Applicant will minimize or avoid work with heavy machinery associated with the cultivation of cannabis during the nesting period, starting in February through July. This is also consistent with county Ordinance 2559.

The landowner will not commence new development outside of the survey area and not remove vegetation from the forest buffer zone unless surveyed beforehand. 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.

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

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 will remove all seeds, plant parts, leaves, and woody debris (e.g., branches, chips, bark) from clothing, vehicles, and equipment. Applicant will not commence any new development outside of the survey areas and not remove vegetation from the forest buffer zone. The Applicant 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.

Disturbance or removal of native vegetation shall be limited to the minimum necessary to achieved design guidelines and precautions to avoid damage to vegetation outside the work areas shall be implemented.

Clearing and vegetation grubbing operations will 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. 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.

V. CULTURAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting: Ethnographic and historical research identified the project area within the traditional territory of the Athabascan-speaking Indians, but their tribal name is uncertain. The Wiyot Indians, who lived downriver on near the Eel River below present-day Alton, called Holmes Flat, “Mat-the-the-com-ma-me.” According to the Wiyot elder Amos Riley this was as far upriver as the Wiyot language was spoken. The Lolahnkok tribal group, which occupied the Bull Creek drainage, called Holmes Flat Kahs-tes-be, but it does not appear that they claimed the area. A group called the Ne-tcin-dun-kut kai-ya, a branch of the Nongatl tribe, occupied the lower section of Larabee Creek, but it is not known if their territory extended along the Eel River. As late as the 1940s residents of Holmes would still find Indian implements in the Eel “when the water was low” (Rohde forthcoming).

It is uncertain which group of Indians claimed the project area, but is known they were Atabascan speakers. They may have been connected with a Sinkyone tribal group, as these groups are known to have occupied the main Eel drainage as far downriver as the High Rock area. Perhaps more likely, however, is that they were part of a Nongatl tribal group called the Ne-tcin-dun-kut kai-ya (Rohde forthcoming).

It is unclear how far northward Sinkyone territory extended downriver beyond the confluence of the South Fork and main Eel rivers. Goddard located at least two villages that he labeled Sinkyone in the area downriver of the confluence. The next location downriver for which there is definite habitation information is the lower stretches of Larabee Creek, which was occupied by a Nongatl tribal group. It is not clear that this group’s territory extended all the way downstream to the Eel. There is little information about the section of the Eel between Larabee Creek and Scotia; the Lolahnkok Indian George Burt provided several names for locations along this section of the river, but did not indicate what tribe controlled the area. Various ethnographers agree that the area above Scotia was occupied by California Athabascan speakers, but they offer various possibilities for their tribal affiliation. They could have been members of the Bear River, the Nongatl, or the Sinkyone tribe. Or they could have belonged to some unidentified tribal group. Or the area could have been an intertribal zone shared by members of two or more of the groups mentioned above. No name has been located for the Indian people who occupied this area.

According to the Northwest Information Center (NWIC), the project area has not been included in previous cultural resource' surveys, and no cultural resources are recorded within the project area or within ¼ mile of the project property.

The Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria was contacted during the course of the cultural resource investigation.

A comprehensive field survey of the entire area proposed for cultivation was completed in January 2019. Field conditions were good, as much of the project area and surrounding property was found to contain ample mineral sediment exposure on the ground surface (ARSC, 2019)

Analysis:

- a) Finding: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.
Less than significant impact with mitigation incorporated.

Discussion: The project site (APN 209-331-002) is an approximately 30-acre parcel that is on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road, on a site that was used in the past heavily for ranching and agricultural purposes. The subject parcel is currently developed with a 1800 sf legacy house, 480 sf storage shed, 160 sf storage, and four 2,496 SF greenhouses for a commercial nursery, and twenty-eight 2,000 SF greenhouses for light deprivation and mixed light cultivation activities. Irrigation water is solely sourced from rainwater catchment. The existing structures at the site are not proposed to be removed as part of this project and are not considered historic-period cultural resources in the Cultural Resources Investigation of the project site conducted by ARSC, December 2019. The purpose of this investigation was to document whether cultural resources that would be considered historical resources or tribal cultural resources, are present within the proposed project area. As stated on Page 39 section 6 of the investigation report:

Zero (0) archaeological resources were discovered as a result of this survey, and three (3) previous surveys within ½ mile of this property resulted in zero (0) archaeological findings outside of the current project area. Neither of these findings will be affected by the current project.

ARSC concluded that no further archaeological studies are recommended for permit approval, as it is currently proposed. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

- b) Finding: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.
Less than significant impact with mitigation incorporated.

Discussion: The Cultural Resources Investigation (ARSC, 2018) concluded that no artifacts, features, or sites which would be considered an historical resource for the purposes of CEQA (15064.5 (a)), were identified during the field survey and that the background research and field survey methods were adequately matched to identify cultural resources at this project location. Additionally, the Bear River Band of the Rohnerville Rancheria did not indicate that tribal cultural resources were present. The investigation concluded that no further archaeological studies are recommended for the project as currently proposed.

Although discovery of cultural resources during project construction is not anticipated, Mitigation Measure is included to ensure that potential project impacts on inadvertently discovered cultural resources are eliminated or reduced to a less than significant level. With the proposed mitigation, the project would not cause a substantial adverse change in the significance of an archaeological resource.

- c) Finding: The project would not disturb any human remains, including that interred outside of formal cemeteries.

Less than significant impact with mitigation incorporated.

Discussion: The Cultural Resource Investigation completed by ARSC (December 2019) did not identify any human remains on the project site. However, due to the potential of discovering unknown human remains during proposed construction activities, the inadvertent discovery protocol recommended in the Cultural Resources Investigation has been included in Mitigation Measure below. With the proposed mitigation, the impact would be less than significant.

Mitigation for Cultural Resources Impacts a, b, and c

The following provides means of responding to the circumstances of a significant discovery during the cultural monitoring of the final 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.

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.

VI. ENERGY.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Setting: The project site is provided with on-grid electricity from Pacific Gas and Electric Company (PG&E), enrolled in the RCEA Power+ community choice energy program that purchases 100% renewable grid energy for commercial use. There will be 12, (2 rows of lights, 6 each row) 1000 hps gevit lights within the four mixed light greenhouses, this puts Eel River Produce at a intensity of 6 watts per square foot, which on the State level, qualifies them for a Tier 1 license. Solar fans are used for all greenhouse structures.

The Humboldt County General Plan includes an Energy Element. The Energy Element promotes self-sufficiency, independence, and local control in energy management and supports diversity and creativity in energy resource development, conservation, and efficiency. The Energy Element notes that key renewable energy resources include biomass, wind, wave, and small run-of-river hydroelectric. According to the Energy Element, local biomass resources are used to provide about 25% to 30% of the County’s electricity needs.

Roughly half of the electricity serving Humboldt County is generated at the Pacific Gas and Electric Company Humboldt Bay Generating Station. The County imports about 90% of its natural gas; the rest is obtained locally from fields in the Eel River valley.

Analysis:

- a) Finding: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
No impact.

Discussion: The project would use on-grid electricity from PG&E, while enrolled in the RCEA Power+ program and solar fans for all operations. The 10,000 square foot mixed light would be the only greenhouses with mixed light. No new energy facilities are needed in connection with the project. No aspect of the project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. The project only involves cultivation, with processing to occur at an offsite location. The project will have minimal energy resource demands, relating to primarily to fuel use in the project vehicles, and security lighting on the perimeter of the property, in the parking area, and at the entrance gate. No impact would occur.

- b) Finding: The project would not conflict with or obstruct a state or local plan for renewable energy and energy efficiency.
No impact.

Discussion: The project would not conflict with the Humboldt County General Plan Energy Element. The project would only use the amount of electricity required for its operations and not in a wasteful manner. No impact would occur.

VII. GEOLOGY AND SOILS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Setting: The parcel is mapped as having moderate and low geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are no mapped landslides on the agricultural portion of the property. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation will occur are less than 15%. There are no erosion control or runoff issues in the project area. An Erosion Control Plan was prepared for the Timber Harvest Plan evaluating the geologic stability of the proposed THP area. No erosion issues were identified that would impact or be impacted by the proposed project. The operation will comply with best practices for winterization. The proposed uses are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.

There are no earthquake faults delineated on Alquist Priolo Fault Zone maps within the Project area according to online geologic maps produced by the California Division of Mine and Geology (<https://maps.conservation.ca.gov>). Since the Project area does not contain a known active fault and is not within 200 feet of an active fault trace, surface fault rupture is not considered to be a significant hazard for the Project site. Therefore, the Project will not expose people or structures to substantial adverse effects from a fault rupture, and no impact would occur.

a.ii. Earthquakes on active faults in the region have the capacity to produce a range of ground shaking intensities in the Project area. Ground shaking may affect areas hundreds of miles distant from an earthquake’s epicenter. Because the Project site is located within a seismically active area, some degree of ground motion resulting from seismic activity in the region could occur during the long-term operation of the Project; however, no structures or buildings are proposed as a part of the Project. Therefore, no impact would occur relating to strong seismic ground shaking.

a.iii According to online geologic maps produced by the California Division of Mine and Geology (<https://maps.conservation.ca.gov>), the Project site is not designated as an area subject to liquefaction. The Project would not expose people or structures to potential substantial adverse effects related to seismic-related ground failure, including liquefaction, and no impact would occur.

a.iv. According to the Humboldt County Web GIS system, no historic landslides are designated in or near the Project area. The Project parcels and immediately surrounding area are designated with a stability rating of 1 (low instability) or 2 (moderate instability). The Project area itself does not contain any areas of known slope instability. No buildings or structures are proposed as part of the Project.

Therefore, the Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides, and no impact will occur.

b. The existing drainage and runoff patterns will be maintained, as no grading is proposed in connection with

the Project. Plants will be planted in the existing natural soil and/or in “smart-pot” (or similar) above ground potting containers, which can be set on the existing terrain, and moved around easily within the Project area.

The Project does not involve the removal of any trees within the Project area, or vegetation outside of the Project footprint that could result in erosion.

The Project will maintain coverage under SWRCB Order WQ 2017-0023-DWQ, which prescribes Best Practicable Treatment or Control measures to control runoff and erosion, including monitoring of erosion control measures during and after design storm events, and repair or replacement, as needed, of ineffective erosion control methods immediately.

Given the design elements of the Project, as well as implementation of BMPs and BPTC measures, the Project is not expected to result in significant soil erosion or loss of topsoil during the initiation phase or for the life of the Project. Therefore, the Project will not result in substantial soil erosion or the loss of topsoil, and a less than significant impact would occur.

b. According to the Humboldt County Web GIS system, no historic landslides are designated in or near the Project area. The Project parcels and immediately surrounding area are designated with a stability rating of 1 (low instability) or 2 (moderate instability). The Project area itself does not contain any areas of known slope instability. According to online geologic maps produced by the California Division of Mine and Geology (<https://maps.conservation.ca.gov>), the Project site is not designated as an area subject to liquefaction. No buildings or structures are proposed as part of the Project. Therefore, the Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and no impact would occur.

c. Expansive soils possess a “shrink-swell” characteristic. Shrink/swell potential is the relative change in volume to be expected with changes in moisture content, that is, the extent to which the soil shrinks as it dries out or swells when it gets wet. No expansive soils have been identified on the Project site and no buildings or structures are proposed as part of the Project; therefore, no impact from expansive soils is expected.

d and e. Given that the Project involves only seasonal agricultural activities (cultivation) and a maximum seasonal demand for 16 employees, the site will utilize portable toilets to be located in the southeastern corner of the cultivation area (near the designated parking area), and no septic system will be installed. Therefore, no impact relating to use of septic tanks would occur. Attachment 4 is PWA OWTS Septic Suitability Report.

f. No unique paleontological or geologic features are known to exist on the Project site. Further, no grading is proposed in connection with the Project, as cultivation will occur in the existing natural soil and/or in “smart-pot” type above ground potting containers, which can be set on the existing terrain and moved around easily within the Project area. However, a mitigation measure is proposed to address the unlikely event that buried paleontological resources are discovered during Project activities.

Mitigation for Geology and Soils Impact “f”

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 a temporarily halted or diverted until discovery is examined by a qualified paleontologist.

VIII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting: As a result of revisions to the CEQA Guidelines that became effective in March 2010, lead agencies are obligated to determine whether a project’s GHG emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects (www.ncuaqmd.org).

Sources of greenhouse gas emissions from the project would occur during short-term construction activities (e.g. equipment) and long-term operation of the project (e.g. HVAC units on structures, vehicle/truck traffic, equipment, and back-up generators). During long-term operation of the project vehicle/truck trips would occur daily from employees, customers, and deliveries, once all phases of the project are complete.

Analysis:

- a) Finding: The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Less than significant impact.

Discussion: There are project specific components of impact for GHG generated within this project. The contribution of this individual project is so small, that the impacts of GHG are highly unlikely, due to the scale of the project.

Greenhouse gases from this project would include equipment used during short term construction, and vehicle/truck traffic and light weight duty equipment from long term operational use. All construction equipment is maintained to meet current emission standards required by CARB. Since the proposed cultivation construction activities are short term, they are not anticipated to generate significant greenhouse gas emissions. Up to eight (8) vehicle trucks per day would be generated by the project, and based on a 365-day season, that would be 2,016 trips per year. No processing occurs on site.

The proposed cultivation facility would be a receiving site for a fourth 20-acre RRR site, which would reduce vehicle miles traveled by employees who would have traveled to more distant rural properties in the area to conduct cultivation and processing activities. These locations are on long, dirt roads, very deep into the rural areas of Humboldt County. No common amenities are available in order for those projects to move forward, which is why the applicant has purchased them to bring these entitlements on site. Due to the small scale of the project, greenhouse gas emissions from vehicle/truck traffic and equipment would not be significant from project operation.

Stationary sources of emissions from the project included the proposed cultivation areas, which have solar fans. There are no generators, therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Because of limited amount of equipment to be used for implementing 123,200 square feet cannabis project, and up to 8 vehicle/truck trips per day (which are seasonal), GHG generation could not occur at levels that have the potential to be significant in either a local or regional context.

- b) Finding: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
Less than significant impact.

Discussion: The project proposes a facility that would involve the cultivation of cannabis products. This project would provide a needed facility for agricultural operations in Humboldt County that would help facilitate economic development and revitalization of the Holmes Flat area. The County had previously determined that a cannabis cultivation project involving up to 360 vehicle/truck trips (180in/180out) per day would result in a less than significant impact (Emerald Family Farms; Case No.:CUP16-022,SP16-032; Apps No. 10406). For comparison, the proposed project will involve up to 8 vehicle/truck trips maximum per day, which is less than 7% similar use project deemed to have a less than significant impact.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting: The project proposes the cultivation of cannabis products. The project does not involve the handling or emissions of acutely hazardous materials, substances, or waste. The project site is located in Humboldt County, in the Holmes Flat area, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road. The site is accessed from Holmes Flat Road off of Avenue of the Giants in Holmes Flat/ Redcrest area. Based on a review of historical aerial photography, the site was used in the past heavily for ranching and agricultural activities.

The State Water Resources Control Board (SWRCB) Geotracker website did not identify any cleanup sites on the subject parcel. The project site is not on any other Cortese List site. (California Environmental Protection

The closest school to the project site is Scotia Community School which is approximately 9.8 miles as the crow flies of the project site. The closest airport is Fortuna Airport which is approximately 11.1 miles North of the project site. The second closest public airport is the Dinsmore Airport approximately 17 miles East of the project site. Moderately steep forested hill slopes surrounded the project site on all sides of the river valley which are subject to substantial risk from wildland fires.

Analysis:

- a) Finding: The project would not create a significant hazard to the public or the environment through the routine transport use, or disposal of hazardous materials.
Less than significant impact.

Discussion: Construction of the proposed project would involve the use of materials that are generally regarded as hazardous, such as gasoline, diesel fuel, hydraulic fluids, paint, and other similar materials. The risks associated with the routine transport, use, and storage of these materials during construction are anticipated to be relatively small. With appropriate handling and disposal practices, there is relatively little potential for an accidental release of hazardous materials during construction, and the likelihood is small that workers and the public would be exposed to health hazards. Storage and handling of materials during construction would employ BMP's and would be subject to provisions of the project Storm Water Pollution Prevention Plan. BMP's would include provisions for safely refueling equipment, and spill response and containment procedures.

The project site would be developed for the cultivation of cannabis which is a use that typically uses hazardous materials including fertilizers, herbicides, pesticides, petroleum products, as well as vehicle and equipment fluids and lubricants. These materials would be transported to the site and used at the facility. No disposal of hazardous materials would occur as part of the proposed project. BMP's are employed when storing, handling, mixing, application, and disposal of all fertilizers, pesticides, and fungicides. All nutrients, pesticides, and fungicides, are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with the manufacturer's instructions. Application rates would be tracked and reported with the end of the year monitoring report required in the SMP. Employees responsible for application are trained to handle, mix, apply, or dispose of pesticides/fungicides with proper hand, eye, body, and respiratory protection in accordance with the manufacturer's recommendations.

The project also proposes to apply organic neem oil, diatomaceous earth, magnesium sulfate, and green cleaner to address pest and mold issues. Pesticide application is normally required to be administered a minimum 300 feet from sensitive receptors (i.e. residences) in the case of dry pesticides and 200 feet in the case of wet pesticides. Pesticide application should occur at low wind velocities (less than 10mph). As shown on the proposed site plan and based on a review of aerial photography, application of pesticides in the greenhouse structures would be a minimum of 300 feet from the closest off-site sensitive receptors and approximately 175 feet from the existing on-site residence. 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 III (Air Quality).

The project site is enrolled and subject to the requirements of the SWRCB Cannabis Cultivation Waste Discharge Regulatory Program and the County of Humboldt Medical Marijuana Land Use Ordinance. The SWRCB program and county ordinance have a “standard conditions” applicable to cannabis operations that address impacts from the storage and use of hazardous materials which include the following requirements.

- a) Any pesticide or herbicide product application be consistent with product labeling and be managed to ensure that they would not enter or be released into surface or ground- water.
- b) Petroleum products and other liquid chemicals be stored in containers and under conditions appropriate for the chemical with impervious secondary containment.
- c) Implementation of spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

With appropriate storage, handling, and application practices that comply with the requirements of the NCRWQCB and Humboldt County, it is not anticipated that the use of these materials at the facility would pose a significant hazard. Therefore, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b) Finding: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Less than significant impact.

Discussion: The proposed project involves the cultivation and processing of cannabis products which is a use that typically uses hazardous materials including fertilizers, herbicides, and pesticides, petroleum products, as well as vehicle and equipment fluids and lubricants.

Fertilizers, neem oil, and plant therapy would be stored and used on site. The fertilizers and pesticides used by the project would primarily be in five-gallon containers and stored within the designated area on site, with secondary containment.

With appropriate storage, handling, and application practices, it is not anticipated that the use of these materials would pose a significant hazard. In the event of foreseeable upset and accident conditions, it is unlikely that these hazardous materials would be released in a manner that would create a significant hazard to the public or the environment. Therefore, the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- c) Finding: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

No impact.

Discussion: There are no existing or proposed schools located within one-quarter mile of the project site. The closest school to the project site is the Scotia Community School which is approximately 9 miles from the project site. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- d) Finding: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.
Less than significant impact.

Discussion: The State’s Hazardous Waste and Substances Sites List (Cortese List, Government Code Section 65962.5) identifies sites with leaking underground fuel tanks, hazardous waste facilities subject to corrective actions, solid waste disposal facilities from which there is a known migration of hazardous waste, and other sites where environmental releases have occurred. The SWRCB Geotracker website did not identify any cleanup sites on the subject parcel, nor on the Department of Toxic Substances Control (DTSC) Envirostor database. The project site is not on any other Cortese List site (California Environmental Protection Agency, 2018). Therefore, the project is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment.

- e) Finding: The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.
No impact.

The project site is not located within two miles of a public airport or public use airport or private airstrip. The closest airport is the Fortuna Airport which is approximately 11.1 aerial miles north of the project site. The second closest public airport is the Dinsmore approximately 17 aerial miles east of the project site. Therefore, the project would not result in a safety hazard for people residing or working in the project area.

- f) Finding: The project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.
Less than significant impact.

The proposed project would use existing roadways (Holmes Flat Road, Avenue of the Giants, and Highway 101) to access the project site which the Public Works Department has determined are adequate to serve the proposed project.

- g) Finding: The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to an urbanized area or where residences are intermixed with wildlands.
Less than significant impact.

The project is located within the Redcrest Volunteer Fire Company. The risk of causing a wildfire would not be significant during construction and operation because project activities would occur on previously disturbed ground. Equipment shall be “fire-safe”. The access road will be maintained in a state that is free of vegetation during times of activity.

All of the existing and proposed buildings, except the greenhouse structures would be developed with fire suppression systems. In addition, SRA improvements include management of trees and vegetation surrounding existing structures, to maintain the required 100-foot defensible space and all structures on

the property meeting the 30 foot SRA setback requirements from property lines. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildfires.

X. HYDROLOGY AND WATER QUALITY.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting: The proposed cultivation area would occur in an agricultural field located in the floodplain of the South Fork Eel River.

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 agricultural field is cover cropped in the winter which helps keep water on the site.

According to FEMA Flood Insurance Rate Map (FIRM) the project site is within the 100-year flood zone. The project will be required to obtain a flood elevation certificate for the greenhouse structures.

a) Finding: The project would not violate any water quality standards or waste discharge requirements.

Less than significant impact.

Discussion: The surface water features on the project site include wetlands and drainages. Water quality in the Eel River watershed is influenced by stormwater runoff from a variety of land uses. It is reasonable to assume that the water quality in the vicinity of the project site is typical of water quality in other rural communities containing rural residential and agricultural uses.

The project site is not located within an area served by a wastewater treatment system. The proposed project would be served by on-site ADA portable toilets at the cultivation sites, cleaned bi-weekly. There is an existing unpermitted OWTS with leach field for the legacy house on site, that has no ancillary uses for cannabis cultivation. There is a septic site suitability survey prepared by Pacific Watershed Associates, for the unpermitted septic onsite.

Three ephemeral watercourses were identified onsite, and a 50 foot setback will be maintained from the edge of the riparian dripline, from these watercourses, consistent with the requirements of WQ 2017-0023-DWQ and the County's Streamside Management Areas and Wetland Ordinance. The existing site drainage and runoff patterns will be maintained as no grading is proposed in connection with the project. The outdoor, light dep, and mixed light cultivation will occur in the natural soil.

The proposed cultivation, CDFA approved Agchemicals would be applied to cannabis plants to address pest and mold issues. The outdoor cultivation activities will not produce wastewater discharge since the irrigation water and fertilizers will be administered at specific agronomic rates that will allow maximum uptake by the plants and

prevent excess water beyond the root zone.

The proposed project would increase the amount of impermeable surface within the project site by approximately 1.5 acres through construction of the four nursery greenhouses at 10,000 square feet, and 63,200 square feet of greenhouses for the light deprivation outdoor cultivation. This is consistent with County Code 314-69.112 and is therefore not a significant impact on prime farmland.

The increase in impermeable surface would not directly increase the rate of runoff and the volume generated during storm events. The SMP showed no evidence of surface runoff associated with the cultivation, nor was there evidence that it had occurred in the past with past agricultural and grazing practices. The area has vegetation ground consisting of native and nonnative grasses with no evidence of leaching from cultivation related activities. To further prevent run off to riparian areas, water conservation, and containment measures, would be implemented, including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zones.

The SMP and Holmgren Forestry's Erosion Control Plan includes erosion and sediment control BMP's designed to prevent, contain and reduce sources of sediment. The SMP requires any organic material be stored in a designated location away from wetlands and ditch reliefs. Due to this, and given the water quality protection measures needed to be implemented, the project would not violate any water quality standards or waste discharge requirements, or otherwise degrade water quality, so there would be less than a significant impact.

b) Finding: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Less than significant impact.

Discussion: The proposed project is not anticipated to substantially deplete groundwater supplies or affect the production rate of nearby wells because water sources used for the project would be one hundred percent (100%) non-diversionary with rainwater capture. The use of the existing well on site will not be used. The projects annual usage is 161,500 gallons per year. CDFW has given permission per the site's 1600 permit to use the existing and proposed rainwater catchment tanks for agricultural irrigation for the sole source of irrigation for the cannabis crop. The proposed project would not substantially deplete ground water supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

c) The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off- site.

Less than significant impact.

Discussion: The surface water features on the project site include the wetlands and man-made drainage relief ditch. The project would occur on the front portion of the site and does not propose any activities that would alter the course of the Eel River or the seasonal drainage feeding wetlands on the back portion of the site.

The rainwater catchment tank farm will not alter the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off site.

C ii) Finding: The project would not substantially increase the rate or amount of surface runoff in manner which would result in flooding on-or off site.

Less than significant impact.

Discussion: The surface water features on the project site include the wetlands and drainages. The project would occur on the front portion of the site, outside of the wetland and drainage ditch relief areas. The project does not propose any activities that would alter the course of the Eel river, the wetlands on the back portion of the site, or any drainage.

The area has vegetation ground cover consisting of native grasses with no evidence of leaching from the cultivation related activities. To further prevent runoff of to riparian areas, water conservation and containment measures would be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

C iii) The project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Less than significant impact

The project site does not drain to a municipal storm drainage system. The project site currently contains a manmade drainage ditch and native grasses. The SMP showed no evidence of surface runoff associated with the existing cultivation, and there was no evidence that it had occurred in the past. The area has vegetation ground cover consisting of native grasses with no evidence of leaching from cultivation related activities. The project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

d) Finding: The project would not impede or redirect flood flows.

No impact.

Discussion: According to FEMA the project site is within the 100 year flood zone. The proposed project would not place structures within the 100-year flood zone without the appropriate hydrostatic studies being performed to prove that the structure will be built in conformance with flood standard codes. A flood elevation certification is required by Humboldt County Building Code 335.5

e) Finding: The project would not in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Less than significant impact

The proposed project would not place structures within the 100-year flood zone without the appropriate hydrostatic studies being performed to prove that the structure will be built in conformance with flood standard codes. No pollutants due to project inundation are considering being used, making this not an impact to the project description and vicinity for purposes of this study.

XI. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting: The project parcel is currently developed with 60,000 square feet of outdoor cannabis and a 10,000 square foot commercial nursery was approved under a separate ZCC. The proposed project consists of 53,000 square feet of light deprivation cultivation and 10,000 square feet of mixed light cultivation. The majority of the site shows evidence that previous disturbances related to past agricultural activities. According to Humboldt County GIS the property contains 15.3 acres of prime agricultural soil. General agricultural is allowable use type for this designation. The subject parcel is surrounded by agricultural land, grassland, rural residential uses, the Eel River, and hills. The project site is zoned AE-F-TPZ.

The southern half of the site is planned Timberland. No cannabis activity is planned in this area.

The proposed project is within the Myers Flat community in the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The proposed project will consist 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 Myers Flat community. The proposed 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 proposed project would be consistent with both the General Plan and AVES CPA.

Analysis:

- a) Finding: The project would not physically divide an established community.
No impact.

Discussion: In addition to the existing cultivation area, storage sheds, and legacy house structure, the project proposes the use of 4 RRR sites, a nursery, a rainwater catchment tank farm, and 43,200 square feet of greenhouses. The subject parcel is located in an unincorporated rural area of the County, surrounded by like projects. No aspect of the project would physically divide an established community.

- b) Finding: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
No impact.

Discussion:

The project site is zoned AE-F-TPZ. Per the Humboldt County Medical Marijuana Land Use Ordinance,

the proposed project would require approval of a SP for the cultivation.

This commercial cannabis activity is authorized by Section 314-55.4.7.1 the Commercial Cannabis Land Use Ordinance (CCLUO). The application meets the requirements of zoning, size of cultivation area, setbacks from property lines, and listed incompatible uses (e.g. schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CCLUO. In addition, the proposed project would otherwise not conflict with any applicable goals, objectives, and policies of the Humboldt County General Plan and Zoning Ordinance. As discussed throughout this document, in all instances where potentially significant impacts have been identified, mitigation is provided to reduce each impact to less than significant levels.

The analysis contained in this document addressed the potential conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect including, but not limited to, Humboldt County General Plan and Land Use Ordinance, Humboldt County Draft Climate Action Plan (2012), HCAOG 20-Year Regional Transportation Plan (2017 Update), HCAOG Regional Bicycle Plan Update (2018), and NCUQMD Particulate Matter (PM10) Draft Attainment Plan (1995).

Therefore, based on the analysis conducted in this document, it was determined that the project was not in conflict with any adopted land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

XII. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a,b. The Project site does not include any lands that are classified as MRZ-2 or any known locally important mineral resources. Implementation of the Project would not result in the loss of availability of a known mineral resource, would not result in the loss of availability of a locally important mineral resource recovery site, and *no impact* would occur.

XIII. NOISE.

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting: The project site (APN 209-331-002) is approximately 30-acre parcel, 15.3 acres of mapped Prime Agricultural Soil on the parcel, that is located at 1048 Holmes Flat Road in Homes Flat CA, on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road, on a site that was used in the past heavily for ranching and agricultural purposes.

The subject parcel is surrounded by agricultural land, grassland, rural residential uses, multiple commercial cannabis cultivation facilities, the Eel River, and hills. The subject parcel is currently developed with a 1800 sf legacy house, 480 sf storage shed, 160 sf storage, and four 2,496 SF greenhouses for a commercial nursery. Water is solely sourced from rainwater catchment.

Ambient noise levels in the vicinity of the project site are low due to the rural nature of the project area and no major roadways or industrial commercial uses.

The noise standards in the Humboldt County General Plan are based on the Community Noise Equivalent Level (CNEL), which is a measure that describes average noise exposure over a period of time. “Because communities are more sensitive to impacts from nighttime noise, noise descriptors must specifically take this time period into account. Common measures include the CNEL and the Day-Night Average Level (Ldn). Both reflect noise exposure over an average day, with greater weight given to noise occurring during the evening and night. The two descriptors are roughly equivalent but CNEL is used in this Plan for regulating

cumulative noise exposure over a 24-hour period.”

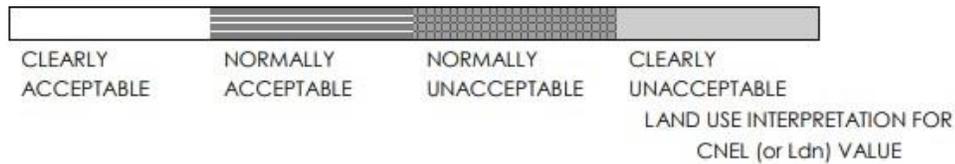
A standard construction wood frame house reduces noise transmission by 15 dB. Since interior noise levels for residences are not to exceed 45 dB, the maximum exterior noise level for residences is 60 dB without requiring additional insulation. In areas where CNEL noise levels exceed 60 dB, the need for additional noise insulation would vary depending on the land use designation; adjacent uses; distance-to-noise source; and, intervening topography, vegetation, and other buffers. The building code provides standards for meeting noise insulation requirements. (Humboldt County, 2017)

According to Table 13-C (Land Use/Noise Compatibility Standards) in the Humboldt County General Plan, normally acceptable noise levels go up to 91+ dB in an Agriculture land use category. Per Policy N-S1, the Land Use/Noise Compatibility Standards (Table 13-C) shall be used as a guide to ensure compatibility of land uses. Development may occur in areas identified as “normally unacceptable” if mitigation measures can reduce indoor noise levels to “Maximum Interior Noise Levels” and outdoor noise levels to the maximum “Normally Acceptable” value for the given Land Use Category.

Humboldt County Noise Element of the General Plan

The Noise Element of the Humboldt County General Plan establishes maximum acceptable noise levels for various land use categories. According to the Noise Element, evaluating new development projects for noise impacts should be based on a comparison of the noise compatibility standards in Table 13-C with noise contours and other available information. Appropriate standards for short-term noise levels measured by L_{max} varies with the type of land use and time of day.

**TABLE 3
LAND USE / NOISE COMPATIBILITY STANDARDS (TABLE 13-C OF GENERAL
PLAN)**



LAND USE CATEGORY	Maximum Interior Noise Levels*	50 - 60	61 - 70	71 - 80	81 - 90	91+
Residential Single Family, Duplex, Mobile Homes	45					
Residential Multiple Family, Dormitories, etc.	45					
Transient Lodging	45					
School Classrooms, Libraries, Churches	45					
Hospitals, Nursing Homes	45					
Auditoriums, Concert Halls, Music Shells	35					
Sports Arenas, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Courses, Riding Stables, Water Rec., Cemeteries						
Office Buildings, Personal, Business & Professional	50					
Commercial: Retail, Movie Theaters, Restaurants	50					
Commercial: Wholesale, Some Retail, Ind., Mfg., Util.						
Manufacturing, Communications(Noise Sensitive)						
Livestock Farming, Animal Breeding						
Agriculture (except Livestock), Mining, Fishing						
Public Right-of-Way						
Extensive Natural Recreation Areas						

*Due to exterior sources

Project activities are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards. Vehicle use and small agricultural support equipment (e.g., ATVs and forklifts) would be the greatest source of noise from ongoing operations.

**TABLE 6
VEHICLE REFERENCE NOISE LEVELS**

Type of Vehicle	Noise Level (dB)
Auto	50 (at 100 feet)
Pickup Truck	75 (at 50 feet)

*Reference: Construction Noise Impact Assessment
<https://www.nrc.gov/docs/ML1225/ML12250A723.pdf>*

measurements, vehicle noise would be attenuated to at least 50 dB approximately 800 feet from the source. Thus, noise levels from vehicle traffic are expected to be below the “clearly acceptable CNEL level,” by the time they reach the nearest residence.

Based on the types of equipment to be utilized by the Project, and the distance to nearby receptors, impacts related to noise are expected to be *less than significant*.

Analysis:

- a) Finding: The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Less than significant impact

Discussion: The project proposes the cultivation of cannabis on existing agricultural site in Holmes Flat, the existing County noise standard utilizes an averaging mechanism (dB Ldn) applicable to activities that generate sound sources averaged over a 24-hour period of time. The solar snap fans used are 24 inch brushless DC Snap fans. These fans are discrete speed taps and high efficiency. They are specifically designed to operate solar direct.

Activities associated with cultivation in the greenhouse (water, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 6 AM and extend no later than 8 PM. The project is proposed to occur between the months of February and October with increased activity in the fall. Noise sources that would be generated by this project would include temporary construction, employee vehicle traffic, delivery truck traffic, and equipment use.

The proposed project is not expected to result in a significant temporary or periodic increase in ambient noise levels given the type of use (i.e., cannabis facility) and size of the project, and the fact that existing cultivation activities have taken place on the project site. Construction activities would result in short-term increases in ambient noise levels due to the use of heavy equipment. To ensure that impacts from construction noise levels are reduced to less than significant no machinery work will be done from 8 pm to 8 am.

During the construction phase of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. This noise increase would be of short duration and would occur during daytime hours. It is anticipated that construction would take approximately 1 month. Since the proposed project would be located near existing agricultural uses and in a rural environment, noise levels are anticipated to be less than significant. The proposed project would not expose persons to or result in the generation of noise levels in excess of standards established in local general plan or noise ordinance, or applicable standard of other agencies.

Pre-project ambient noise readings were taken at 3 points of the property line and logged an average of 40 decibels.

The subject parcel is located within 1 mile of a mapped Northern Spotted Owl (NSO) activity center and within 0.2 miles of mapped Marbled Murrelet habitat. Projected noise sources are 60 snap fans.

- b) Finding: The project would not generate excessive ground borne vibration noise levels.
Less than significant impact.

Discussion: Neither the short-term construction activities nor the proposed cannabis cultivation activities would be expected to generate significant ground borne noise or vibration. Some short-term minor vibrations from excavation and grading may occur during construction but would be minimized by the same mitigation that limits hours of construction for noise. Therefore, the proposed project would not expose persons to or generate excessive ground-borne vibration or ground borne noise levels. The closest land use potentially impacted from the groundborne vibrations are the surrounding cannabis facilities and single family residential units located a minimum of 1,000 feet to the north, east, and west.

- c) Finding: The project would not, for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.
No impact.

Discussion: There are no private airstrips in the project area. Therefore, the proposed project would not be within the vicinity of a private airstrip, nor result in a safety hazard for people residing or working in the project area. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels. The project site is not located within two miles of a public airport or public use airport. The closest airport is the Fortuna Airport which is approximately 11.1 aerial miles southeast of the project site. The second closest public airport is the Dinsmore Airport approximately 17 aerial miles north of the project site. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels.

XIV. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting: Humboldt County is a rural county with a large land area and low population density. The 2010 Census reported the county’s population to be 134,623 which represents an increase of 8,105 over the population reported in the 2000 Census. The CA Dept of Finance (DOF) prepares estimates of statewide, county, and city populations for years between the decennial census that are used by state and local government to allocate funding and for planning purposes. The DOF also develops projections of State and county population 50 years beyond the decennial census. Between 2010 and 2020 the Humboldt County population is projected to increase by approximately 1.9%, from 134,998 to 137,711 (an increase of 2,713 people). Between 2020 and 2030, the population is projected to increase by approximately two percent, from 137,711 to 140,779 (an increase of 3,068 people) (California Department of Finance, 2018b).

There is no online data that is easily accessible to show Holmes Flat population, however estimates of locals assume it to be roughly 40 people.

Analysis:

- a) Finding: The project would not induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). *Less than significant impact.*

Discussion: The proposed project would provide employment for approximately 7 full time persons during the growing season April to October and up to 7 temporary employees from July to October. Relocating four current RRR sites on the project site would provide a centralized location for cannabis cultivation and processing and would reduce vehicle miles traveled by employees in the county who would have traveled to more distant rural properties in the area to conduct cultivation and processing activities. Growth inducing impacts are generally caused by projects that have a direct or indirect effect on economic growth, population growth, or when the project taxes community service facilities which require upgrades beyond the existing remaining capacity. Therefore, the proposed project would not induce substantial population growth in the area either directly or indirectly.

- b) Finding: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

No impact.

Discussion: The proposed project would not displace people or existing housing. The existing residence on the project site is not included with the cannabis permit. The project does not involve the creation of , or necessity for, new housing, and would not displace existing housing or people. Therefore, the proposed project would not displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere.

XV. PUBLIC SERVICES.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting: Fire protection in Humboldt County is provided by local districts, cities, and CALFIRE. The project site is within the boundaries of Redcrest Volunteer Fire Company. The Redcrest Volunteer Fire Company provides fire protection services to the unincorporated area of Holmes Flat.

The project site is also located within the State Responsibility Area (SRA), which means that fire protection services for wildland fires are provided by CAL FIRE. CAL FIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code 4290 and 4291. Also, CAL FIRE is the primary command and control dispatch for most local agency fire districts and departments.

The Humboldt County Sheriff’s Office is responsible for law enforcement in the unincorporated areas of the County including the Holmes Flat area. The Sheriff’s Office Operations Bureau is made up of seven units under the command of the Undersheriff. The most visible of these units is the Patrol Unit. Sheriff’s Deputies assigned to the Patrol Unit are responsible for responding to emergency calls for service, criminal investigations, and crime prevention through neighborhood and beat patrols. Patrol has one main station in Eureka, and substations in Garberville and McKinleyville. The Eureka substation patrols the Holmes area. According to the Humboldt County General Plan Update Draft EIR, in the more rural areas of the county, like the project area, maximum response times may reach 50 minutes because of longer travel distances, varied topography, available resources, and the location of the Sheriff Deputy on patrol in relation to the incident (Humboldt County 2012).

The closest school to project site is in the Scotia Community School which is approximately 9 miles as the crow flies of the project site. Scotia is a public school, established to meet the education needs of the children in the rural county area.

There is the California State Park by the project vicinity. A referral went out to the agency in response to the activities happening on the parcel, and they had no comments or concerns with the project moving forward.

Analysis:

- b) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection.

Less than significant impact.

Discussion: 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, as one of the RRR sites currently exist on other properties in the rural woods. As required by fire code, all the proposed buildings, except the greenhouse structures, would be developed with fire suppression systems.

Due to the nature of the proposed cannabis uses and required compliance with fire code requirements, it is not anticipated that the project would result in a significant increase in the number of calls-for-service to which the Redcrest Volunteer Fire Company responds. As such, the project would not result in the need for new or physically altered fire protection facilities. Therefore, impacts to fire protection services from the proposed project are considered less than significant.

- c) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection.

No impact.

- d) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives

for any of the public services schools.

No impact.

Discussion: Since the project does not propose residential development and would not increase the population in the Holmes Flat area, the project would not create a need for new schools or increase any school population. Therefore, there would be no impact to local schools.

- e) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services for parks.

Less than significant impact.

Discussion: The project is located adjacent to state lands managed by the California State Parks as 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 also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides, and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe regulations and the requiring adequate road access.

The project was referred to Humboldt Redwoods State Park on November 20, 2019. A second request for comments was emailed on May 4th 2020.

Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for other public facilities.

No impact.

The project would provide employment for approximately 7 full time persons and up to 7 temporary employees (April to October) and would not significantly increase the population in the Holmes Flat area. Since the project does not propose residential development and would not significantly increase the population in the Holmes Flat / Redcrest area, the project would not significantly increase the demand on the public parks aspect of this study. Therefore impacts to local parks from the proposed project are considered less than significant.

XVI. RECREATION.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a,b. As previously described, the Project does not involve the creation of new housing and would not result in population growth in the area. Similarly, new recreational facilities are not proposed as part of the Project and the demand for such facilities would not increase with implementation of the Project. Therefore, because the Project would not result in any increase in the use of, or demand for, parks or recreation facilities, ***no impact*** related to recreation would occur.

XVII. TRANSPORTATION

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is located on APN 209-331-002-000 located at 1048 Holmes Flat Road in Homes Flat CA, on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road. Holmes Flat Road is a county roadway that is approximately 20 feet wide. The existing road is in good condition. Up to eight vehicle/truck trips a day (four in/four out) or approximately 1,680 trips per year would be generated by the project during operation once all phases of the project are complete. During the peak harvesting period (July and October), it is expected that an additional eight trips per day would be made by temporary employees.

There are no highways in the project vicinity. Highway 101 is approximately 12 aerial miles west of the project site.

There are no Class I, II, or III bicycle facilities in the project vicinity. According to the Humboldt Transit Authority website there is no public transit available in the project area. The nearest available transit system is the Humboldt Transit Authority Southern Humboldt Intercity Bus, which connects Eureka in the north to Benbow in the south (Humboldt Transit Authority, 2018). There is a Holmes stop that is about a 1.4 mile walk from Holmes Flat, off of highway 254.

The closest airport to the project site is Fortuna which is approximately 11.1 aerial miles North of the project site. The second closest public airport is Dinsmore airport approximately 17 aerial miles East of the project site.

Analysis:

- a) Finding: The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
Less than significant impact.

Discussion: The project site would be accessed by Holmes Flat Road via Avenue of the Giants. Avenue of the Giants and Holmes Flat Road is a county-maintained road that is approximately 20 feet wide.

Holmes Flat Road is on the county's list of county-maintained roads that meet (or are equivalent to) Road Category 4 standards for cannabis projects.

The existing access road to the project site is off of Holmes Flat Road and is in good condition. A Road Evaluation Report was prepared for Holmes Flat Road and it was determined that the entire road segment is developed to Category 4 road standards (20 feet wide) or better. The Road Evaluation Report concluded that the roadway can accommodate the cumulative increased traffic from the proposed project and all known cannabis projects identified above.

Vehicle/truck traffic generated by long-term operation of the project is estimated to generate up to eight trips per day by full time staff (some housing is available onsite) and during the peak processing period it is expected that an additional eight trips per day would be made by temporary employees. These numbers take into consideration cannabis material and supplies being imported to the site and cannabis material being exported from the site.

Therefore, the proposed project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, considering all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

- b) Finding: The project would not conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision *Less than significant impact*.

Discussion: The project site is not within ½ mile of a transit stop or along a transit corridor. The nearest available transit system is Redwood Transit Authority which connects Eureka in the north to Benbow in the South (HTA, 2018). Automobiles would be the primary method of getting to and from the project site during construction and operations. Eel River Produce, LLC promotes carpooling to decrease their carbon foot print. However, since the site is an RRR receiving site for four cannabis cultivation applications, it is assumed that total VMT would be less with the proposed project than under existing conditions because the four sites would be consolidated on the project site rather than spread throughout the County. Therefore, since the project is anticipated to decrease VMT in the project area compared to existing conditions the impact is less than significant.

- a. Finding: The project would not substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). *Less than significant impact*.

The proposed project would use existing roadways (Avenue of the Giants via Highway 101) to access the project site. As stated in the Road Evaluation Report, "The entire road segment is developed to Category 4 road standards (20 feet wide) or better."

The proposed cannabis cultivation would occur entirely within the project site has one entrance that would be used for access. As such, the proposed project would not result in traffic from farm equipment (which would use the site internally) on nearby public roadways. Agricultural uses also occur to the north, south, east, and west of the project site which may generate traffic from trucks and farm

equipment on Holmes Flat Road. Therefore, the proposed project would not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (e.g. farm equipment).

- b. Finding: The project would not result in inadequate emergency access.

Less than significant impact.

Discussion: The proposed project would use existing roadways (Avenue of the Giants and US Highway 101) to access the project site. The project and surrounding vicinity has the necessary components for turn around and emergency vehicles. Therefore, the proposed project would not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting: The project site is approximately 30-acre parcel, within the un-incorporated Holmes Flat area on a site that was used in the past for ranching and agriculture. Vegetation surrounding the subject parcel consists of grassland with redwoods and hardwood stands throughout. Natural ground slopes range from five to ten percent.

Analysis:

- a) Finding: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. *Less than significant impact with mitigation incorporated.*

Discussion: Ethnographic and historical research identified the project area within the traditional territory of the Eel, one of the southern bands of Athabaskan speaking peoples. A cultural resource investigation (January 2019) was completed by ARSC which concluded on page 39 section 6 of the investigation report:

Zero (0) archaeological resources were discovered as a result of this survey, and three (3) previous surveys within ½ mile of this property resulted in zero (0) archaeological findings outside of the current project area. Neither of these findings will be affected by the current project.

The cultural resources report concluded that no further archaeological studies are recommended for permit approval, as it is currently proposed. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

Although the discovery of cultural resources during the project construction is not anticipated, mitigation would be included to ensure that potential project impacts on inadvertently discovered cultural resources are eliminated or reduced to less than significant levels.

The Bear River Band of Rohnerville Rancheria did not indicate that tribal cultural resources were present. With the proposed mitigation, the project would not cause a substantial adverse impact to a tribal cultural resource.

- b) Finding: The project would not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. *Less than significant impact with the mitigation provided for Cultural Resources impacts, Section V of this initial study.*

Discussion: As required by AB 52, the County of Humboldt sent requests for formal consultation to four local tribes, including the following: Bear River Band of the Rohnerville Rancheria, Big Lagoon Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Hoopa Valley Tribe and Round Valley Reservation/Covelo Indian Community. The County did not receive requests for consultation from any Tribe. The project was referred to Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Due to the parcel's location at a significant bend in the Eel River, the County requested that a Cultural Resources Investigation be conducted for the proposed project. Based on this request, a Cultural Resources Investigation (December 2019) was completed by ARSC for the proposed project. The THPO of the Bear River Band of the Rohnerville Rancheria was

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructures, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting: The project site is an approximately 30-acre parcel that is located on Holmes Flat Road within the unincorporated area of Holmes Flat on a site that was used historically for ranching and agriculture. The subject parcel is currently developed with 60,000 square feet of cannabis cultivation (April to October). The subject parcel is surrounded by agricultural land, grassland, rural residential uses, multiple commercial cannabis cultivation facilities, the Eel River, and hills. The subject parcel is currently developed with a 1800 sf legacy house, 480 sf storage shed, 160 sf storage, and four 2,496 SF greenhouses for a commercial nursery.

The cultivation irrigation is sourced solely from a self-caught rainwater catchment tank farm. Trash and recycling containers are located near the legacy house in safe enclosed location. Per the Cultivation and Operations Plan, solid waste and recycling is hauled off-site to the nearest transfer station at least once per week.

Analysis:

- a) Finding: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. *Less than significant impact.*

Discussion: The project site is located within the Holmes Flat area which does not have a wastewater treatment system. There is an existing septic to the legacy house, but it is not in use. The project is served by ADA portable toilets that are cleaned weekly. Therefore, the proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The project will not produce wastewater discharge since the irrigation water and fertilizers will be administered at specific agronomic rates that will allow maximum uptake by the plants and prevent excess water beyond the root zone.

No buildings, structures, paving, or other areas of impervious surface are proposed.

At full buildout of the project, the site will use captured rainwater for the sole source of irrigation for the cannabis farm. CDFW has given permission via the 1600 Lake and Streambed Alteration Agreement to use the rainwater for cannabis irrigation.

The project site does not have a wastewater treatment system. As such, the project would be served by portable ADA toilets.

The property is served by an existing Pacific Gas and Electric (PG&E) service line, no new or expanded energy facilities are needed in connection with the project.

The proposed project would not result in significant environmental effects due to the construction of new water or wastewater treatment facilities or the expansion of existing facilities. Any surface or storm-water runoff from the site is addressed in Section 10, Hydrology and Water Quality.

- b) Finding: The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
Less than significant impact.

Discussion: At full buildout of the project, the captured rainwater would be used for irrigation of the cannabis. 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 cannabis is also partially dry farmed. Eel River Produce utilizes water management strategies to conserve and reuse on site water and fertilizers to achieve net zero discharge. Therefore, the proposed project would not have sufficient water supplies available to serve the project from existing entitlements and resources.

- c) Finding: The project would not result in a determination by the waste water treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
No impact.

Discussion: The project is located within the Holmes Flat area which does not have a wastewater treatment system. Due to this, the proposed project would be served by portable toilets on site that are cleaned weekly. Therefore, the proposed project would not result in a determination by the wastewater treatment provider. The irrigation water and fertilizers will be administered at specific ergonomic rates that will allow maximum uptake by the plants and prevent excess water beyond the root zone.

d) Finding: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. *Less than significant impact.*

Discussion: Solid waste generated by the proposed project would include the following: 1) Plant material, nutrient supplement, soil containers, etc generated from the cultivation, nursery, and breeding activities. 2) Facility and domestic solid waste generated by employees.

The project is projecting to have at full build out yearly irrigation use of 161,500 gallons from April to October, with a non-diversionary self captured rainwater tank farm.

Trash and recycling containers are located near the legacy house in a safe enclosed location to prevent animal intrusion. Garbage is hauled once per week and recycling two times per month to the Eureka Transfer Station. Items that can be recycled are separated and recycled. Stalks are composted or chipped for compost. Root balls are hauled away as green waste or composted. Spent potting soil is stored in a contained area with environmental measures in place. Spent soils are covered during the winter months and amended in pots before further use.

Therefore, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs.

e) Finding: The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. *Less than significant impact.*

Discussion: The California Integrated Waste Management Act of 1989 (Public Resources Code Division 30), enacted through Assembly Bill (AB) 939 and modified by subsequent legislation, required all California cities and counties to implement programs to divert waste from landfills (Public Resources Code Section 41780). Compliance with AB 939 is determined by the Department of Resources, Recycling, and Recovery (Cal Recycle), formerly known as the California Integrated Waste Management Board (CIWMB). Each county is required to prepare and submit an Integrated Waste Management Plan for expected solid waste generation within the county to the CIWMB. In 2010, the State legislature passed AB 341 (Chesbro) which set a statewide recycling goal of 75% by 2020 which is anticipated to be achieved through source reduction, recycling, and continued diversion of materials such as organic wastes. According to the Humboldt County General Plan Update Revised Draft EIR, the 2014 waste diversion rate for the unincorporated area of the county was 79 percent (Humboldt County, 2017; p. 3.3-36).

The proposed project would comply with all federal, state, and local statutes related to solid waste, including AB 939. This would include compliance with the Humboldt Waste Management Authority's recycling, hazardous waste, and composting programs in the county to comply with AB 939. Other waste diversion methods specific to the proposed project include the following: stalks are burned and composted or chipped for ground cover and compost; root balls are hauled away as green waste or composted; spent potting soil is stored in a contained area with environmental measures in place; spent soil is covered during winter months and then amended in pots before further use; and the applicant

utilizes water management strategies to conserve and reuse on site water and fertilizers to achieve net zero discharge. Therefore, the proposed project would not violate any federal, state, and local statutes and regulations related to solid waste.

XX. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting: Fire protection in Humboldt County is provided by local districts, cities, and CALFIRE. The project site is within the Redcrest Volunteer Fire response area.

CALFIRE identifies fire hazard severity zones in SRA’s throughout California. According to Humboldt County Web GIS mapping, the project area is located in a high and moderate (along the Eel River) fire hazard severity zone within the SRA and has no mapped fire history. The County of Humboldt Office of Emergency Services coordinates emergency response in Humboldt County through the Humboldt Operational Area.

Analysis:

a-d) Findings: The project would not substantially impair an adopted emergency response plan or emergency evacuation plan; would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; would not require the installation or maintenance of associated infrastructure (such as

roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes

Less than significant impact.

Discussion:

According to Humboldt County Web GIS mapping, the project site is located in a high and moderate (along the Eel River) fire hazard severity zone within the SRA, not within a very high fire hazard severity zone. The access roads will be maintained in a state such that they are paved or free of vegetation during times of activity. Fuels and other potentially flammable chemicals will be stored in containers designed for fuel storage that includes secondary containment and a hazardous materials business plan. The project will not increase wildlife risks and impacts would be less than significant.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

Setting:

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? The project

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

information provided for each of the topics above has been reviewed for all actions associated with it, during both temporary constructions, and long-term operation. Based on the project description and its location, the proposed project would not result in any significant impacts with the incorporated operating restrictions, mitigation measures, as well as those standards and requirements of other regulating resource agencies.

Analysis:

a) Finding: The project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Less than significant impact with mitigation incorporated.

Discussion: All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animal species, and historical and prehistorical resources were evaluated as part of the analysis in this document. Where impacts were determined to be potentially significant, mitigation measures have been imposed to reduce those impacts to less than significant levels. Accordingly, with incorporation of the mitigation measures imposed throughout this document, the proposed project would not substantially degrade the quality of the environment and impacts would be less than significant.

- b) Finding: The project would not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).

Less than significant impact with mitigation incorporated.

Discussion: There are multiple applications and annual permits surrounding the project premises. The project will not have impacts that are individually limited, but cumulatively considerable. The Mitigated Negative Declaration document's the project design features and mitigation measures that eliminate the projects potential impacts on the environment or mitigate the potential impacts to a less than significant level.

As discussed throughout this document, implementation of the proposed project has the potential to result in impacts to the environment that are individually limited, however, mitigation has been incorporated to reduce any potentially significant impacts that are individually limited to a less than significant level. There are many approved cultivation sites directly surrounding Eel River Produce, LLC's facility, and therefore Eel River Produce would not affect the land any more than it has been used for the last 100 years.

The proposed project does not have any impacts that are considered cumulatively considerable. VMT is unknown for the proposed project for construction and operations and for other projects in the vicinity, however since the site is an RRR receiving site for four cannabis cultivation applications, it is assumed that the total VMT would be less with the proposed project than under existing conditions because the four sites would be consolidated on this project site rather than spread throughout the county. Therefore, there would be no cumulatively considerable impact for VMT in the County.

Impacts to special status plants and wildlife are less than significant with mitigation and because the project site is a RRR receiving site for four cannabis cultivation applications, cumulative impacts to special status species are assumed to be less with the proposed project with consolidation rather than spread throughout the County. There would be no cumulatively considerable impact to special-status species. Other resource categories such as air quality, greenhouse gas emissions, water consumption, etc. would also be less with the proposed project as an RRR receiving site for four cannabis cultivation applications for the same reason above.

In all instances where the project has the potential to contribute to cumulatively considerable impacts to the environment (including the resource categories biological resources, cultural resources, hydrology and water quality, noise and public services) mitigation measures have been imposed to reduce the potential effects to less than significant levels. As such, with incorporation of the mitigation measures imposed throughout this document, the proposed project would not contribute to environmental effects that are individually limited, but cumulatively considerable, and impacts would be less than significant with mitigation.

MITIGATION MONITORING REPORT
Eel River Produce, LLC – Special Permit and Expansion
APN 209-331-002-000; Record Number; Apps No. 16714

Assessor Parcel Numbers: 209-331-002-000

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 Measures:

Biological Resources

Preconstruction Bird Surveys

Project-related vegetation management should occur outside the bird nesting season, (February 28 through September 1). If project-related brush clearing must occur during the breeding season, a preconstruction nesting-bird survey shall be conducted by a qualified biologist no more than two weeks prior to Project activities. If active nests are found, a no-disturbance buffer zone of a minimum of 250 feet shall be established. Within this buffer zone, no construction shall take place until September 1 or until the biologist determines that the nest is no longer active.

A seasonally appropriate special-status plant survey will 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 will come in to 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.

No generators are used for the project, ensuring that the decibels will not exceed 50 db at tree line, to possibly disturb the Northern Spotted Owl. Applicant will minimize or avoid work with heavy machinery associated with the cultivation of cannabis during the nesting period, starting in February through July. This is also in confinement with county Ordinance 2559.

The landowner will not commence new development outside of the survey area and not remove vegetation from the forest buffer zone unless surveyed beforehand. 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.

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

Expansion of the Eel River Produce, LLC Cannabis Project
CEQA Initial Study / Mitigated Negative Declaration

seed mixes for revegetation, and proper disposal of soil and vegetation. Prior to entering and leaving the work site, workers will remove all seeds, plant parts, leaves, and woody debris (e.g., branches, chips, bark) from clothing, vehicles, and equipment. Applicant will not commence any new development outside of the survey areas and not remove vegetation from the forest buffer zone unless it is surveyed beforehand. The Applicant 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.

Disturbance or removal of native vegetation shall be limited to the minimum necessary to achieved design guidelines and precautions to avoid damage to vegetation outside the work areas shall be implemented.

Clearing and vegetation grubbing operations will occur outside the nesting season (1 March to 15 August). If clearing and grubbing operations 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. 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
If vegetation removal is to occur during the bird nesting season (Feb 28 – Sept 1).	Annually		HCP&BD*		

Protection of Drainage Ditches

Use standard BMPs during ground disturbance activities and remove construction debris and waste from and up to 100 feet around drainage ditches.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity and project operations.	Continuous		HCP&BD*		

Cultural Resources

Inadvertent Discovery Protocol

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.

If human remains are discovered during Project activities, work will stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will 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 will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will 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 activity and project operations.	Continuous		HCP&BD*		

Geology and Soils

Inadvertent Discovery Protocol

In the event that paleontological resources are discovered, work shall be stopped within 100 feet of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the 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 activity and project operations.	Continuous		HCP&BD*		

Tribal Cultural Resources

Inadvertent Discovery Protocol

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.

If human remains are discovered during Project activities, work will stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will 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 will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will 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 activity and project operations.	Continuous		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department

Document Preparers:

Stacy Massaro, Humboldt Logistics, CEQA document project manager, author

Pacific Watershed Associates

Septic Suitability Letter – July 11th 2019

Biological Reconnaissance, Protocol Level Survey, Invasive Species, and Wetland Delineation – July 12th 2019

Humboldt Logistics

Site Management Plan -2020

Noise Assessment Study – 2020

ARSC

Archaeological Report and Cultural Resource Assessment – 2019

Holmgren and Associates

Timber Harvest Plan and Erosion Plan – 2019

Source / Reference List

The following documents were used in the preparation of this Initial Study:

Angeloff, Nick. Archaeological Research and Supply Company. "A Cultural Resource Investigation Report for a Commercial Cultivation Permit for APN 209-331-002 Near Redcrest" December 2019

Bay Area Air Quality Management District. "BAAQMD California Environmental Quality Act Air Quality Guidelines." May 2017.

CalFire. "State Responsibility Area Map." Last accessed online 13 January 2021. <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

California Department of Conservation. "Farmland Mapping & Monitoring Program." Last accessed online 13 January 2021.. <https://www.conservation.ca.gov/dlrp/fmmp>

California Department of Fish & Wildlife. "Natural Community Conservation Planning (NCCP)." Last accessed online 13 January 2021. <https://wildlife.ca.gov/Conservation/Planning/NCCP>

California Department of Pesticide Regulation. Last accessed online 13 January 2021. <https://www.cdpr.ca.gov/>

California Department of Pesticide Regulation. "Cannabis Pesticides that are legal to use." 2017. www.cdpr.ca.gov/cannabis

California Environmental Protection Agency. "Cortese List: Section 65962.5(a)." Last accessed online 13 January 2021. <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>

California Geological Survey. "California Landslide Inventory" Last accessed online 13 January 2021. <https://maps.conservation.ca.gov/cgs/lis/>

California Geological Survey. "Fault Activity Map of California (2010)." Last accessed online 13 January 2021.. <https://maps.conservation.ca.gov/cgs/fam/>

California Government Legislature. "California Environmental Quality Act (CEQA) Statute and Guidelines." 2016.

California Government Legislature. "Health and Safety Code - HSC." Code Available Online. Last accessed online 13 January 2021. <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=HSC&tocTitle=+Health+and+Safety+Code+-+HSC>

California Government Legislature. "Public Resources Code PRC." Code Available Online. Last accessed online 13 January 2021 <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=PRC&tocTitle=+Public+Resources+Code+-+PRC>

California State Water Resource Control Board. "GeoTracker Web Map." Last accessed online 13 January 2021. <https://geotracker.waterboards.ca.gov/>

California State Water Resource Control Board. "ORDER WQ 2017-0023-DWQ." 17 October, 2017. Caltrans. "California State Scenic Highway System." Last accessed online 13 January 2021. <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a> CalTrans. "Traffic Census Program" 2017.

Caltrans. "Traffic Census Program." 2017. <https://dot.ca.gov/programs/traffic-operations/censusepartmentofToxicSubstancesControl>. "DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List)" Last accessed online 22 May, 2020. <https://dtsc.ca.gov/dtscs-cortese-list/> Department of Toxic Substances Control. "EnviroStor Web Map." Last accessed online 14 Jan, 2021.. <https://www.envirostor.dtsc.ca.gov/public/>

City of Desert Hot Springs, Planning. "Coachillin Industrial Cultivation and Ancillary Canna-Business Park. Initial Study and Mitigated Negative Declaration Addendum." October 11, 2017.

Humboldt County Board of Supervisors. "A Codification of the General Ordinances of Humboldt County, California." Code accessed online using Code Publishing Company. Last accessed online 14 Jan, 2021.. <https://humboldt.county.codes/Code>

Humboldt County Board of Supervisors. "Commercial Medical Marijuana Land Use Ordinance." Code accessed online using Code Publishing Company. Last accessed online 14 Jan, 2021. <https://humboldt.county.codes/Code>

Humboldt County Board of Supervisors. "Streamside Management Area Ordinance." Code accessed online using Code Publishing Company. Last accessed online 14 Jan, 2021. <https://humboldt.county.codes/Code>

Humboldt County Board of Supervisors. "Fire Safe Regulations Ordinance." Code accessed online using Code Publishing Company. Last accessed online 14, January 2021. https://humboldt.county.codes/Code/3_Div11 Humboldt County Planning & Building Department. "Initial Study and Draft Mitigated Negative Declaration: Case Nos.:CUP16-022, SP16-032; Apps No. 10406."

Humboldt County Planning & Building Department. "Humboldt County Web GIS Map." Last accessed online 14 Jan, 2021. <https://humboldt.gov.org/1357/Web-GIS>

Humboldt County Planning & Building Department. "Initial Study and Draft Mitigated Negative Declaration." - Organic Liberty. May 2020

Humboldt County Planning and Building Department. PRA Response 20-265_12256 Honeydew Ranch PC Staff Report". October 3rd 2019.

Leonoff v. Monterey County Bd. of Supervisors (1990) 222 Cal.App.3d 1337, 1358; Sierra Club v. West Side Irrigation Dist. (2005) 128 Cal.App.4th 690, 701-702; Hines v. California Coastal Comm'n (2010) 186 Cal.App.4th 830, 858.) (p. 71)

North Coast Unified Air Quality Management District (NCUAQMD). "District Rules & Regulations." Last accessed online 14, Jan 2021.
<http://www.ncuaqmd.org/index.php?page=rules.regulations>

North Coast Unified Air Quality Management District (NCUAQMD). "Criteria Pollutant Attainment Status." Last accessed online 14, Jan 2021. <http://www.ncuaqmd.org/index.php?page=aqplanning.ceqa>
NRC.gov. "Biological Assessment Preparation Construction Noise Impact Assessment." 2012. <https://www.nrc.gov/docs/ML1225/ML12250A723.pdf>

Pacific Watershed & Associates. "Biological Reconnaissance, Protocol Level Survey, Wetland Delineation, and Invasive Species Management Plan for APN 209-331-002, Holmes, Humboldt County, California. PWA Report No. 19549701. July 12th 2019.

Pearce, Matt. Los Angeles Times. "Does marijuana smell bad? An Oregon court issues ruling on 'olfactory assault'." 14, Jan 2021 <https://www.latimes.com/nation/la-na-oregon-weed-stink-20150825-story.html>

Santa Barbara County Planning. "Cannabis Land Use Ordinance and Licensing Program Final Environmental Impact Report.: December 2017.

U.S. Department of Agriculture. Natural Resources Conservation Services. "Plant Guide California Oatgrass." 21 July, 2008.

U.S. Environmental Protection Agency. "Criteria Air Pollutants NAAQS Table." Last accessed online 14 January, 2021. <https://www.epa.gov/criteria-air-pollutants/naaqs-table>

U.S. Fish & Wildlife Services. National Wild and Scenic River Systems. "Wild and Scenic Rivers Map." Last accessed online 14 January, 2021.
<https://nps.maps.arcgis.com/apps/MapJournal/index.html?appid=ba6debd907c7431ea765071e9502d5ac#>

U.S. Fish & Wildlife Service. "ECOS Environmental Conservation Online System." Last accessed online 14, Jan 2021 <https://ecos.fws.gov/ecp/>

