



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: May 20, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **I and I Ranch, LLC, Special Permit**

Record Number: PLN-13324-SP

Assessor's Parcel Number: 214-112-006

Southwest side of Dyerville Loop Rd, approximately 50 feet west from the intersection of Dyerville Loop Rd and UNN17, on the property known to be in Section 8 of Township 03S, Range 04E, Humboldt Base & Meridian., Phillipsville area.

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Please contact Christopher Alberts, Planner, at (707) 268-3771, or by email calberts@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 20, 2021	Subject Special Permit	Contact Christopher Alberts
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Project Description: A Special Permit for 43,560 square feet of new mixed light commercial cannabis cultivation. Cultivation will occur in three distinct cultivation areas. Cultivation will take place in twenty-five (25) 1,600 square foot greenhouses and one (1) 1,560 greenhouse. Ancillary propagation will occur in two (2) 20'x80' greenhouses and offsite at an enclosed nursery located on APN 214-101-008. The off-site nursery was approved as a separate application (PLN-2020-16200). The applicant anticipates there will be two cultivation and harvest cycles occurring annually. Water for irrigation will be provided by a proposed one-million-gallon rainwater catchment pond. Water will be stored in the proposed 1-million-gallon rainwater catchment pond. The applicant anticipates 700,000 gallons of water will be required annually for irrigation. Processing such as drying, curing and trimming will occur onsite within a proposed 1,600-square-foot commercial processing facility. The applicant anticipates a maximum of six (6) employees will be required for operations. Power for the project will be provided by an onsite solar array system and a backup generator.

Project Location: The project is located in Humboldt County, in the Phillippsville area, on the southwest side of Dyerville Loop Rd, approximately 50 feet west from the intersection of Dyerville Loop Rd and UNN17, on the property known to be in Section 8 of Township 03S, Range 04E, Humboldt Base & Meridian.

Present Plan Land Use Designation: Agricultural Grazing (AG); 2017 General Plan; Density: 20-160 acres per unit; Slope Stability: Low Instability (2)

Present Zoning: Agricultural Exclusive (AE), Special Building Site B-5(160)

Record Number: PLN-13324-SP

Assessor Parcel Number: 214-112-006

Applicant

I and I Ranch, LLC
Shane Gomes
PO Box 732
Garberville, CA 95542

Owner

Shane Gomes
PO Box 732
Garberville, CA 95542

Agent

Compliant Farms Certified
Hollie Hall
PO Box 5306
Arcata, CA 95518

Environmental Review: An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of CEQA Guidelines.

Major Issue: None.

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

I and I Ranch

Record Number: PLN-13324-SP
Assessor's Parcel Number: 214-112-006

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Zoning Administrator has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the I and I Ranch Special Permit as recommended by staff subject to the recommended conditions of approval.

Executive Summary: I and I Ranch seeks a Special Permit to allow for 43,560 square feet of new mixed light cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive. Cultivation takes place on northwest portion of the parcel. Cultivation will take place in twenty-five (25) 20'x80' greenhouses and one (1) 20'x78' greenhouse. Ancillary propagation will occur in two (2) 20'x80' greenhouses and offsite at an enclosed nursery located on APN 214-101-008. The off-site nursery was approved as a separate application (PLN-2020-16200). The applicant anticipates there will be two cultivation and harvest cycles occurring annually.

Processing such as drying, curing and trimming is proposed onsite within a proposed 1,600-square-foot commercial processing facility. The applicant anticipates a maximum of six (6) employees will be required for operations. Artificial lighting used for processing activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Power for the project will be provided by an onsite solar system and a backup generator.

Water Resources

Water for irrigation will be provided by a proposed one-million-gallon rainwater catchment pond. The applicant proposes to construct a new well that will be used to supplement the rainwater catchment pond in the future. Prior to use of the proposed well, the applicant shall submit evidence from a qualified professional determining the well is not hydrologically connected to any nearby surface water diversions. The applicant shall also submit a Well Completion Report and Well Log upon construction of the well.

Water will be stored in the proposed 1-million-gallon rainwater catchment pond. The applicant anticipates 700,000 gallons of water will be required annually for irrigation.

Biological Resources

According to the California Natural Diversity Database there is a mapped rare and endangered species known as the Howell's montia located on the southeast portion of the parcel. All cultivation activities will be taking place on the northwest portion of the parcel which is approximately 0.32 miles away from the mapped Howell's montia. There is a mapped Northern Spotted Owl (NSO) Activity Center (HUM0958) located approximately 0.54 miles west from the project site. There nearest NSO observation is mapped approximately 0.58 miles west from the project site. Marbled Murrelet habitat is mapped approximately 1.24 miles west from the project

site. The applicant submitted a *Biological Reconnaissance Assessment* prepared by Mother Earth Engineering dated July 2019, which states there was an onsite investigation which did not yield any positive sighting or evidence of NSO habitation in the area. The assessment concluded the project takes place in an annual grassland habitat, it is unlikely habitat for the NSO.

The Biological Reconnaissance Assessment also included a scoping of potential wetlands and Streamside Management Areas onsite. The assessment concluded the existing project areas and proposed expansion areas did not contain any indications of hydrology, hydric soils or hydrophytic vegetation that would support a wetland. All existing and proposed project sites are outside SMA setbacks.

The applicant submitted a Soil Survey prepared by Lindberg Geologic Consulting dated December 16, 2016. According to the survey there is approximately 0.25 acres of prime agricultural soils located on the parcel. The applicant is proposing to construct a 1,600 square foot commercial processing building where there are mapped prime agricultural soils. The applicant will be utilizing less than 20% of the existing prime agricultural soils.

Access

The property is accessed via private driveway from Dyerville Loop Road. The applicant submitted a *Road Evaluation Report* that states the entire road segment is developed to the equivalent of a road category 4 standard. There will be a maximum of six round trip vehicle trips per day. The project is conditioned for the applicant to submit a Site Management Plan developed for the parcel prepared pursuant to Tier 2 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. The applicant submitted a Streambed Alteration Agreement (Notification No. 1600-2018-0855-R1) which identifies three encroachments to upgrade failing and undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The applicant shall adhere and implement all recommendations made within the Streambed Alteration Agreement and the Site Management Plan.

Tribal Consultation

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. The Bear River Band Rancheria recommended the applicant to survey the project site for cultural resources. The applicant submitted a *Cultural Resource Inventory Report* prepared by DZC Archaeology & Cultural Management dated September 2020. According to the Cultural Resource Inventory Report there are three isolated artifacts that were observed and recorded (I&I-ISO-01, I&I-Site-01, and P-12-002201A). The resources are located within the 600-foot buffer of the cultivation operation. The survey concluded the current and proposed cannabis operation will have no effect or changes to any historic resources from the project, due to their placement and distance from cannabis operation.

Environmental review

Based on the results of the analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

RECCOMENDATION: Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 21-

Record Number: PLN-13324-CUP

Assessor's Parcel Number: 214-112-006

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the I and I Ranch, Special Permit request

WHEREAS, I and I Ranch, LLC, submitted an application and evidence in support of approving a Special Permit for the operation of a proposed 43,560 square foot mixed light cannabis operation with drying activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 20, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING: **Project Description:** The application is a Special Permit to allow for a 43,560 square foot (SF) mixed light cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by solar with a backup generator within shed. Water for irrigation will be provided by a proposed one-million-gallon rainwater catchment pond. The applicant proposes to construct a new well that will be used for cannabis irrigation in the future.

EVIDENCE: a) Project File: PLN-13324-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE: a) Addendum Prepared for the proposed project.

b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- d) A Biological Reconnaissance Assessment was prepared by Mother Earth Engineering dated July 2019, which concluded there is unlikely habitat for the Northern Spotted Owl.
- e) The property is accessed via private driveway from Dyerville Loop Road. The applicant submitted a Road Evaluation Form which states the entire road segment is developed to the equivalent of a road category 4 standard.
- f) A Cultural Resource Inventory Report prepared by DZC Archaeology & Cultural Resource Management dated September 2020 which concludes the current and proposed cannabis operation will have no effect or changes to any cultural or historic resources from the project.

3. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE

General agriculture is a use type permitted in Agricultural Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

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

EVIDENCE

- a) The Agricultural Exclusive Zone or AE Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for AE zones. The parcel is also zoned as a Special Building Site (B-5(160)) which is intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.
- b) All general agricultural uses are principally permitted in the AE zone.
- c) Humboldt County Code section 314-55.4.6 allows cultivation of up to 43,560 square feet of new outdoor cannabis and up to 43,560 square feet of new mixed-light cannabis on a parcel over 5 acres subject to approval of a Special Permit. The application for 43,560 square feet of mixed light cultivation on a 152-acre parcel is consistent with this.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows new cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.6.1.1).

- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration; Parcels (APNs 214-111-006 and 214-112-006) qualifies for Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act due to approval of building permit 18-154 AOB 3.
- c) The project will obtain water from a non-diversionary water source.
- d) The property is accessed via private driveway from Dyerville Loop Road. The applicant submitted a Road Evaluation Report that states the entire road segment is developed to the equivalent of a road category 4 standard.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource.

6. FINDING

The cultivation of 43,560 square feet of mixed light cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a proposed one-million-gallon rainwater catchment pond.

7. FINDING

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

EVIDENCE

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

DECISION

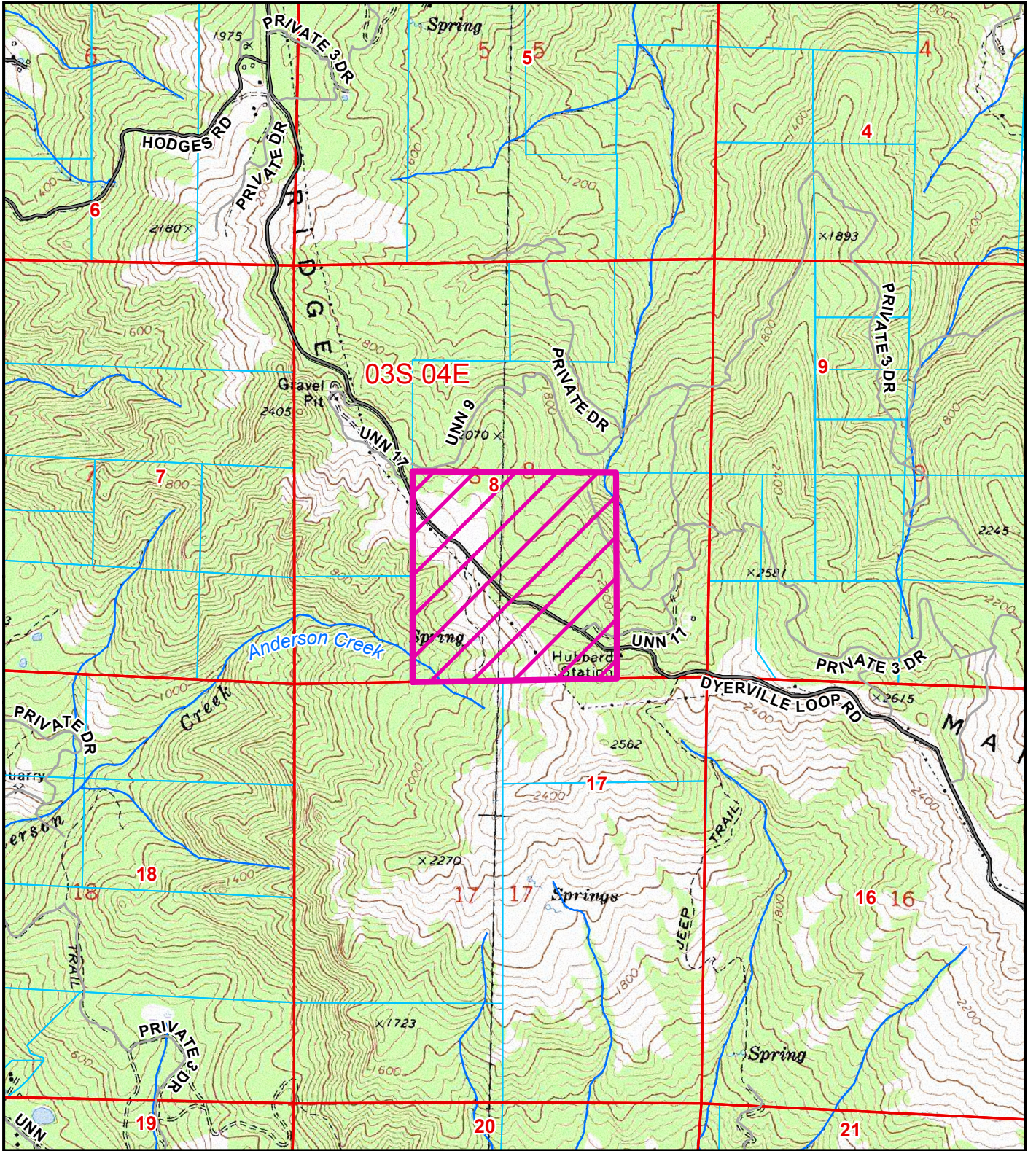
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on May 20, 2021

I, John H. Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator
Planning and Building Department

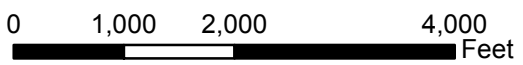


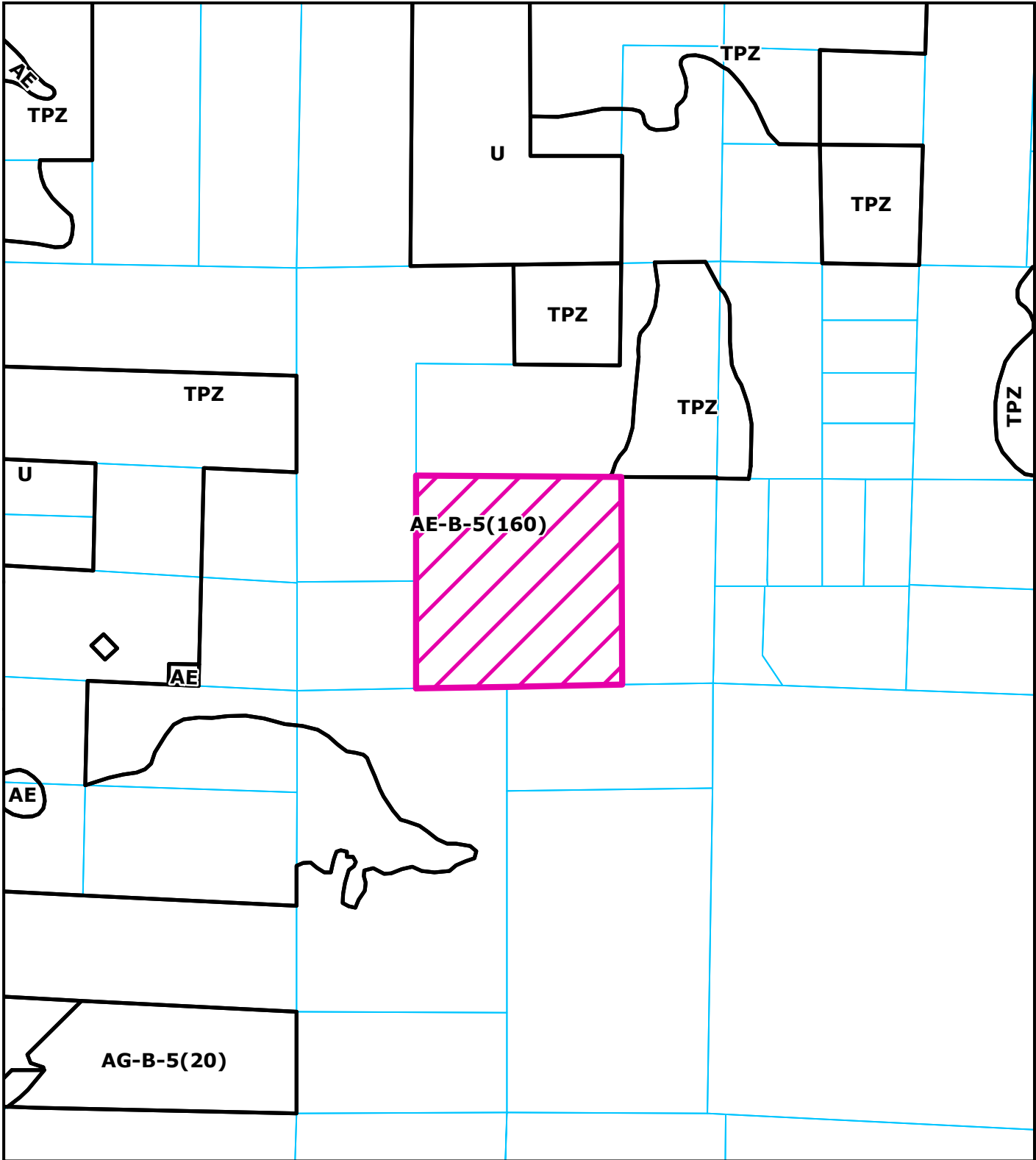
TOPO MAP
PROPOSED I AND I RANCH LLC
PHILLIPVILLE AREA
CUP-16-1103
APN: 214-112-006-000
T03S R04E S8 HB&M (FORT SEWARD)

Project Area =



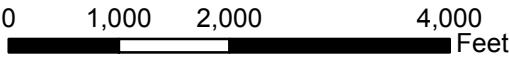
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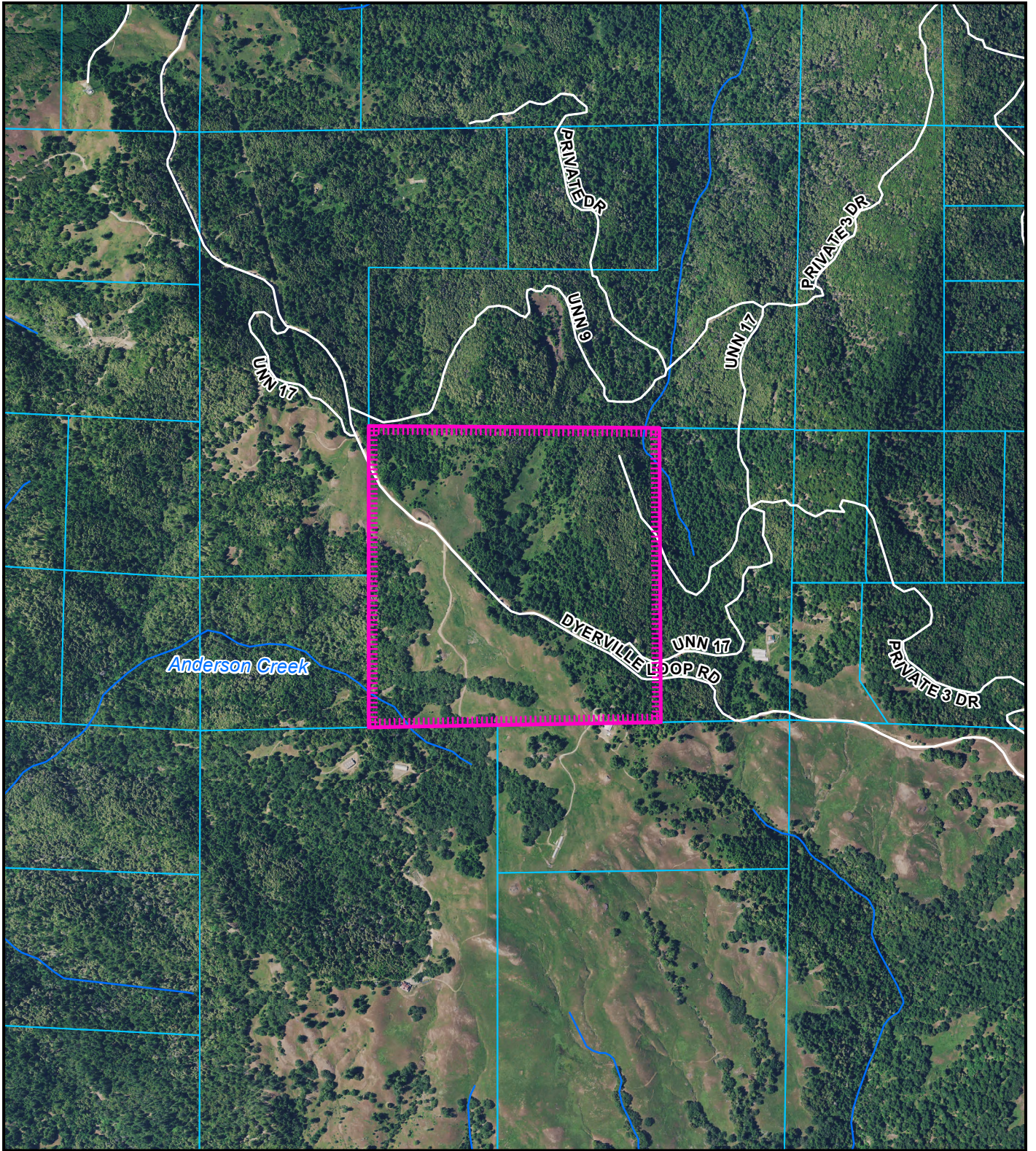


ZONING MAP
PROPOSED I AND I RANCH LLC
PHILLIPSVILLE AREA
CUP-16-1103
APN: 214-112-006-000
T03S R04E S8 HB&M (FORT SEWARD)

Project Area = 

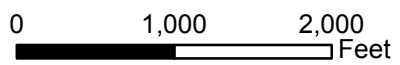


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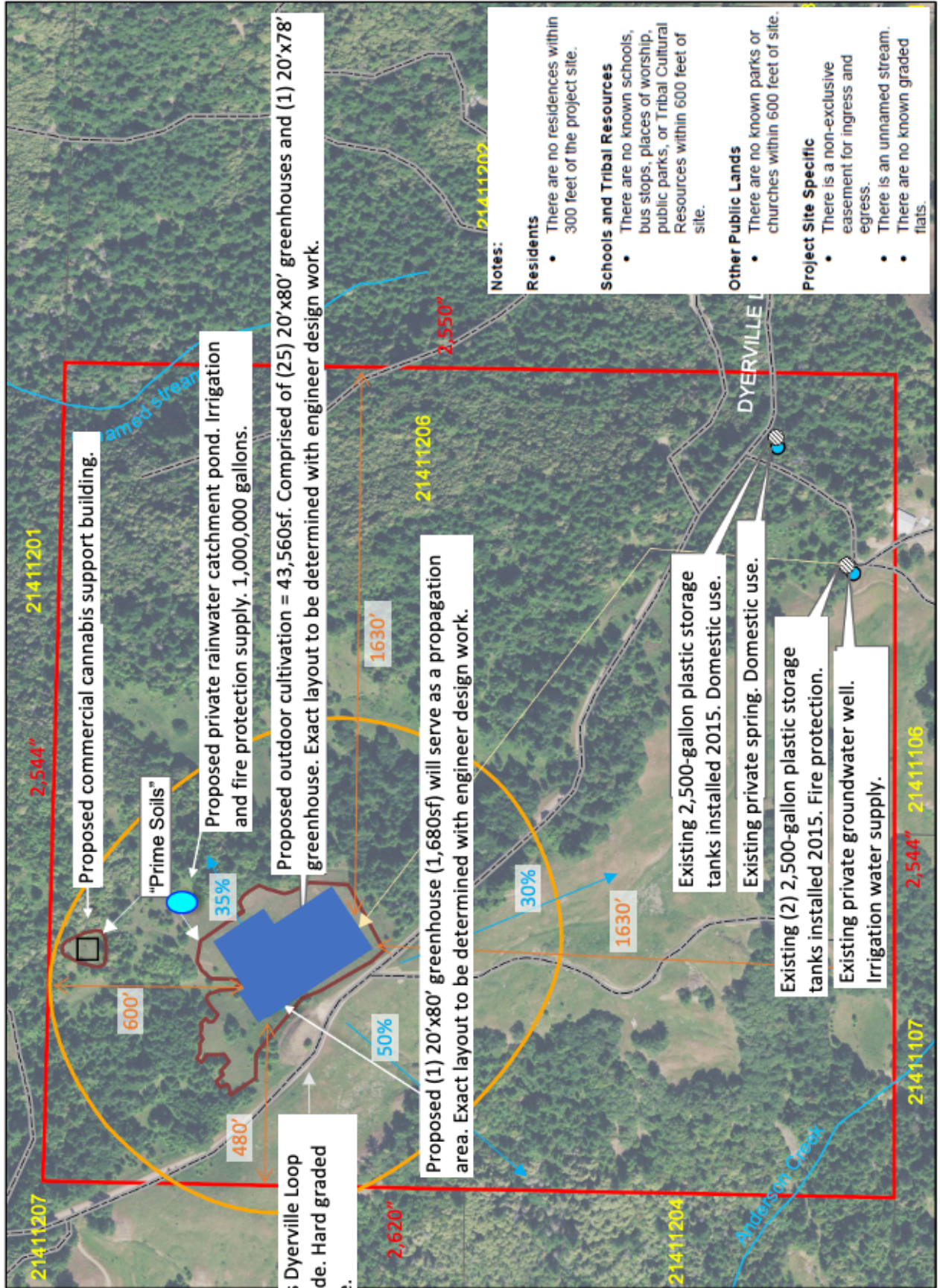


Project Area = 

**AERIAL MAP
 PROPOSED I AND I RANCH LLC
 PHILLIPSVILLE AREA
 CUP-16-1103
 APN: 214-112-006-000
 T03S R04E S8 HB&M (FORT SEWARD)**



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ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROJECT MAY BEGIN OPERATING

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, the greenhouses, one (1) commercial processing building, and all other structures with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
6. The applicant shall either provide an updated Site Plan which can designate a total of six (6) parking spaces on-site (five (5) parking spaces for employees and one (1) additional space for a potential visitor), or provide the department with a carpooling plan to show that fewer parking spaces are adequate for the project needs, within 30 days of the approved permit.
7. This permit does not allow the use of noise generating equipment (i.e. dehumidifiers) until ambient noise levels for at least three property lines are measured for a twenty-four hour period. The applicant shall provide ambient noise measurements to the department before commencing cultivation activities associated with this permit. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.

8. The applicant shall apply for and obtain a building permit for the proposed one-million-gallon rainwater catchment pond, if and when they decide to install. Sign-off on the Permit by the Building Division shall satisfy this requirement.
9. The applicant shall implement and adhere to recommendations made by CDFW found within the attached email (see Attachment 4) dated April 12, 2021 prior to cultivating. Final signoff from the Planning Department will satisfy this condition.
10. The Applicant shall provide the final Site Management Plan (SMP) report to the department when available. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 Low Risk enrollment under the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g.,

plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

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

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

after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use

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

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

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

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

ATTACHMENT 2

**CEQA ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), May 2018**

APN 214-111-006; 11314 on the west side of Dyerville Loop Road, approximately 1.8 miles south from the intersection of Hodges Road and Dyerville Loop Road, on the property known to be in the north half of the northeast quarter of Section 17, Township 03 South, Range 04 East., County of Humboldt

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

May 2021

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (CUP-16-1103) for an 43,560 square feet of new mixed light cannabis cultivation. Cultivation takes place on northwest portion of the parcel. Cultivation will take place in twenty-five (25) 20'x80' greenhouses and one (1) 20'x78' greenhouse. Ancillary propagation will occur in two (2) 20'x80' greenhouses and offsite at an enclosed nursery located on APN 214-101-008. The off-site nursery was approved as a separate application (PLN-2020-16200). The applicant anticipates there will be two cultivation and harvest cycles per year.

Water for irrigation will be provided by a proposed one-million-gallon rainwater catchment pond. The applicant proposes to construct a new well that will be used for cannabis irrigation in the future.

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. The Bear River Band Rancheria recommended the applicant to survey the project site for cultural resources. The applicant submitted a Cultural Resource Inventory Report prepared by DZC Archaeology & Cultural Management dated September 2020. According to the Cultural Resource Inventory Report there are three isolated artifacts that were observed and recorded (I&I-ISO-01, I&I-Site-01, and P-12-002201A). The resources are located within the 600-foot buffer of the cultivation operation. The survey concluded the current and proposed cannabis operation will have no effect or changes to any historic resources from the project, due to their placement and distance from cannabis operation.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project in compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Cultivation and Operations Plan prepared by Compliant Farms Certified dated April 26, 2021.
- Site Plan prepared by the agent dated April 26, 2021.
- Biological Reconnaissance Assessment prepared by Mother Earth Engineering dated July 2019.
- Cultural Resource Inventory Report prepared by DZC Archaeology & Cultural Resource Management dated September 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated February 2021 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent dated April 24, 2021- Attached)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2019-0001, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (SMP) prepared by the agent-Conditioned).
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
8. If the source of water is a well, a copy of the County well permit, if available. (Conditioned)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion

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

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Road Evaluation Form prepared by the applicant dated May 8, 2018.
16. Biological Reconnaissance Assessment prepared by Mother Earth Engineering dated July 2019. (On file)
17. Soils Survey prepared by Lindberg Geologic Consulting dated December 16, 2016. (Attached)

State of California
Well Completion Report
 Form DWR 188 Complete 12/20/2016
 WCR2016-008300

Owner's Well Number 1 Date Work Began 10/31/2016 Date Work Ended 11/01/2016
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 16/17 0130 Permit Date 08/22/2016

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name <u>XXXXXXXXXXXXXXXXXXXX</u>	Activity <u>New Well</u>		
Mailing Address <u>XXXXXXXXXXXXXXXXXXXX</u> <u>XXXXXXXXXXXXXXXXXXXX</u>	Planned Use <u>Water Supply Domestic</u>		
City <u>XXXXXXXXXXXXXXXXXXXX</u> State <u>XX</u> Zip <u>XXXXX</u>			

Well Location			
Address <u>0 Dyerville Loop RD</u>		APN <u>214-112-006</u>	
City <u>Myers Flat</u> Zip <u>95554</u> County <u>Humboldt</u>	Township <u>02 S</u>		
Latitude _____ N Longitude _____ W	Range <u>03 E</u>		
Deg. Min. Sec. Deg. Min. Sec.	Section <u>04</u>		
Dec. Lat. <u>40.2163</u> Dec. Long. <u>-123.7505</u>	Baseline Meridian <u>Humboldt</u>		
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____		
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____		
	Elevation Determination Method _____		

Borehole Information	
Orientation <u>Vertical</u> Specify _____	
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	
Total Depth of Boring <u>250</u> Feet	
Total Depth of Completed Well <u>250</u> Feet	

Water Level and Yield of Completed Well	
Depth to first water <u>27</u> (Feet below surface)	
Depth to Static _____	
Water Level <u>25</u> (Feet) Date Measured <u>11/01/2016</u>	
Estimated Yield* <u>27</u> (GPM) Test Type <u>Air Lift</u>	
Test Length _____ (Hours) Total Drawdown _____ (feet)	
*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	250	None

Casings

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	20	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	8			
1	20	150	Blank	PVC	OD: 4.950 in. SDR: 17 Thickness: 0.291 in.	0.291	4.95			
1	150	250	Blank	PVC	OD: 4.950 in. SDR: 17 Thickness: 0.291 in.	0.291	4.95		0.035	

Annular Material

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		
20	250	Other Fill	See description.		No Annular Fill

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	20	12
20	250	7.5

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name WATSON WELL DRILLING
Person, Firm or Corporation

500 Summer Street Eureka CA 95501
Address City State Zip

Signed electronic signature received 12/07/2016 1014048
C-57 Licensed Water Well Contractor Date Signed C-57 License Number

DWR Use Only

CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			

INDBERG GEOLOGIC CONSULTING
David N. Lindberg, CEG
Post Office Box 306
Cuttien California 95534
(707) 442-6000

December 16, 2016

Project: 0200.01

Mr. Shane Gomes
Post Office Box 732
Garberville, CA 95542

Subject: Engineering-Geologic Review; Prime Soil Classification
Dyerville Loop Road, near Old Hubbard Station, APN 214-112-006

Dear Mr. Gomes:

Thank you again for your interest in Lindberg Geologic Consulting. In accordance with our agreement, we have conducted an engineering-geologic reconnaissance of your parcel, and reviewed information available from the Humboldt County Community Development regarding the subject parcel. While on-site we collected a soil sample for analysis at a local, certified materials testing laboratory. Our explorations were focused on determining if the soils at your proposed new cannabis cultivation location could be classified as "Prime Soils". Prime soils are defined in Humboldt County Ordinance No. 2544 as follows:

"Prime Soils" means all lands which qualify for rating as Class I or Class II in the Soil Conservation Service land use capability classifications or qualify for rating 80 through 100 in the Storie Index Rating. Additionally, where determined through site-specific fieldwork prepared by a qualified professional, soils meeting these characteristics may be recognized as prime."

Site-specific fieldwork, including excavation of one test hole and collection of a sample of the surface soils, was conducted by a Certified Engineering Geologist from our office on December 7, 2016. Our test sample was collected in the large prairie northeast of Dyerville Loop Road (Figure 1). A composite sample of soil from the uppermost two feet of the soil profile was collected at 40.21815°, -123.7522° (±9.8'), and delivered to a certified materials testing laboratory for textural analysis. Laboratory analytical results are attached and show the sample consists of **Sandy Clay Loam**, per the United States Department of Agriculture classification system.

The Storie Index (University of California, 1948), as revised in 1978, is a method of soil rating based on soil characteristics that govern the land's potential utilization and productive capacity. To calculate the Storie Index, percentage values are assigned to the characteristics of the soil, including the soil profile (Factor A), the texture of the surface soil (Factor B), the slope (Factor C). Other conditions of the soil including drainage, nutrient level, erosion and microrelief are

considered together as a fourth Factor (Factor X). Percentage values for each of the four Factors are multiplied to obtain the Storie Index. Based on the index, soils in California have been divided into six soil grades, with Grade 1 being excellent with a range of Storie Index from 80 to 100 percent. Thus Grade 1 excellent soils are, by the definition in Ordinance 2544, Prime Soils.

Factor A was assigned a value of 100 percent, because the area sampled and characterized on the subject parcel is located within an upland area underlain by softly consolidated material to greater than six feet. This prairie site exhibits a relatively-undeveloped to slightly-developed soil profile. Factor B is 95 percent, based on the laboratory textural analysis (attached) of the sample which classifies as **Sandy Clay Loam**. Factor C was assigned a value of 90 percent because the area of the subject parcel being characterized is gently to moderately sloping, and gently undulating to rolling.

Soil Factor X is calculated based on the product of six Factors. Soil drainage was rated at 100 percent because the site soils were observed to be well-drained. Alkalinity was rated at 100 percent because alkaline soils are not common in this region. Nutrient, or fertility, level was assigned a value of 100 percent due to the fact that this area has been used as for livestock grazing for decades. Acidity was assigned the value of 95 percent because the soils were estimated to have a near-neutral pH and thus a low degree of acidity. No erosion was observed, so the erosion factor was determined to be 100 percent. Microrelief of the parcel and the surrounding vicinity is smooth, and so was rated 100 percent.

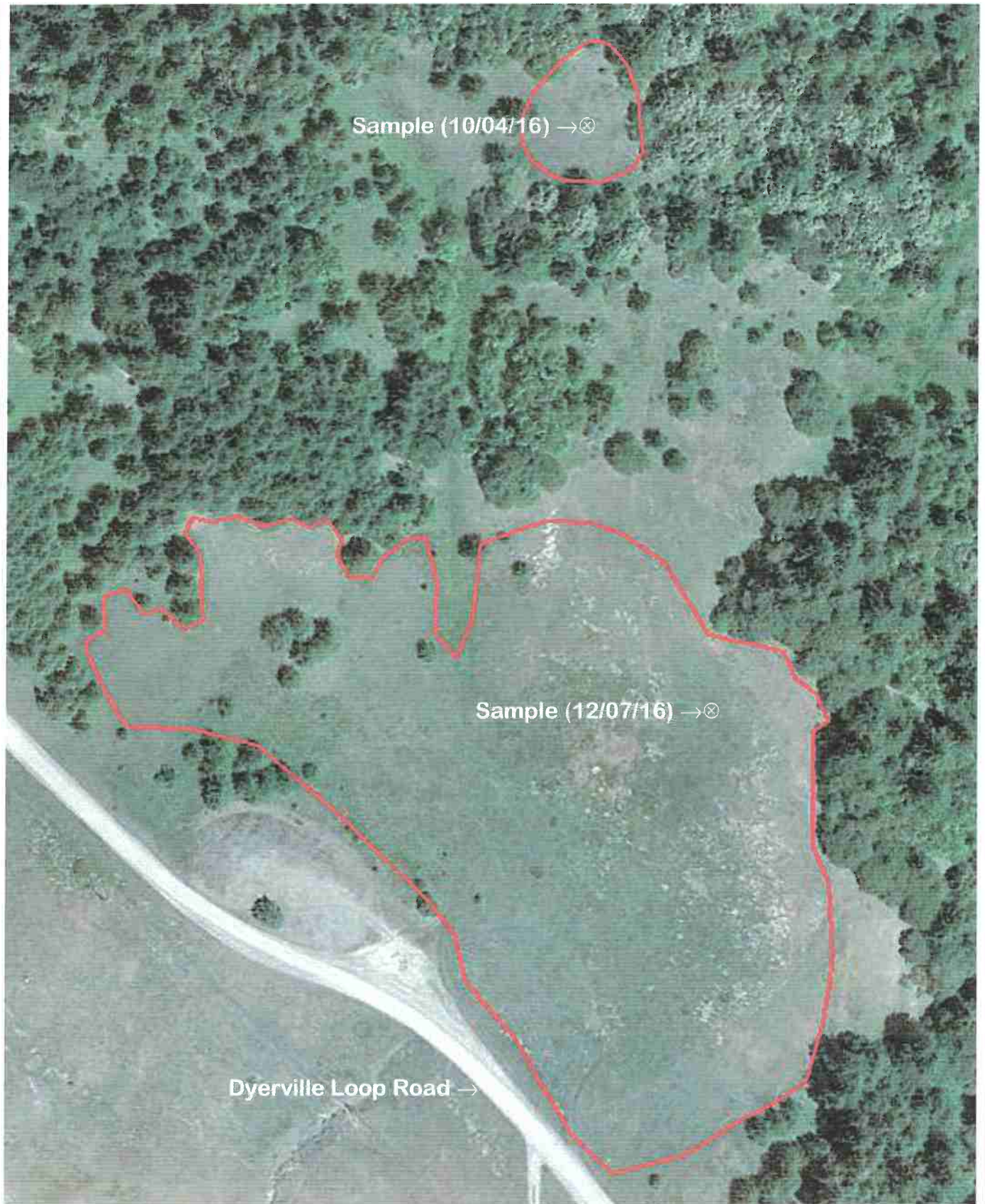
The Storie Index is the product of the four Factors (A, B, C and X), with Factor X itself the product of the six additional soil conditions outlined above. In mathematical terms, the Storie Index for this parcel equals A times B times C times X, as shown:

$$[100\% \times 95\% \times 90\% \times (100\% \times 100\% \times 100\% \times 95\% \times 100\% \times 100\%)], \text{ or}$$

$$(1.00 \times 0.95 \times 0.90 \times 0.95) = 0.81, \text{ or } 81\%$$

With a Storie Index of 81 percent, the site soil is a Grade 1 (excellent) soil, which is defined as suitable for a wide range of crops, including alfalfa, orchard, truck, and field crops (University of California, 1948). Because these soils have a Storie Index greater than 80 percent, they meet the definition of "Prime Soils" in the Ordinance (Humboldt County, California - Ordinance No. 2544). Additionally, based on our site-specific fieldwork, certified laboratory analysis, and our professional experience, it is our opinion that the site soils qualify as, and therefore could be recognized as, prime agricultural soils for the purposes of the cannabis cultivation ordinance.

Lindberg Geologic Consulting	Engineering Geologic Prime Soil Exploration Report	Figure 2
P. O. Box 306	Dyerville Loop Road, near Old Hubbard Station, Humboldt County	December 16, 2016
Cutten, CA 95534	APN: 214-112-006, for Mr. Shane Gomes, Client	Project 0200.00
(707) 442-6000	Satellite Image Map of Prime Soil Areas	1 inch \cong 120 Feet



From: Google Earth, Image of May 28, 2016. N



Reference: 013034

December 12, 2016

David Lindberg
Lindberg Geologic Consulting
PO Box 306
Cutten, CA 95534

SOIL PERCOLATION SUITABILITY / TEXTURAL ANALYSIS RESULTS

Job Name: Lindberg (Mail Ridge)	Sampled By: DNL-CEG
Date Sampled: 12/07/16	Date Tested: 12/08/16
Date Received: 12/08/16	AP Number: 214-122-006

<u>Sample ID</u>	<u>Depth</u>	<u>% Sand</u>	<u>% Clay</u>	<u>% Silt</u>	<u>% Coarse Fragments by Volume</u>	<u>Zone</u>	<u>Bulk Density</u>
		49.7	22.6	27.7	19.4	2	
Material: Sandy Clay Loam							

* = no peds provided

Regional Water Quality Control Board Zone Descriptions:

Zone 1 - Soils in this zone are very high in sand content. They readily accept effluent, but because of their low silt and clay content they provide minimal filtration. These soils demand greater separation distances from groundwater.

Zone 2 - Soils in this zone provide adequate percolation rates and filtration of effluent. They are suitable for use of a conventional system without further testing.

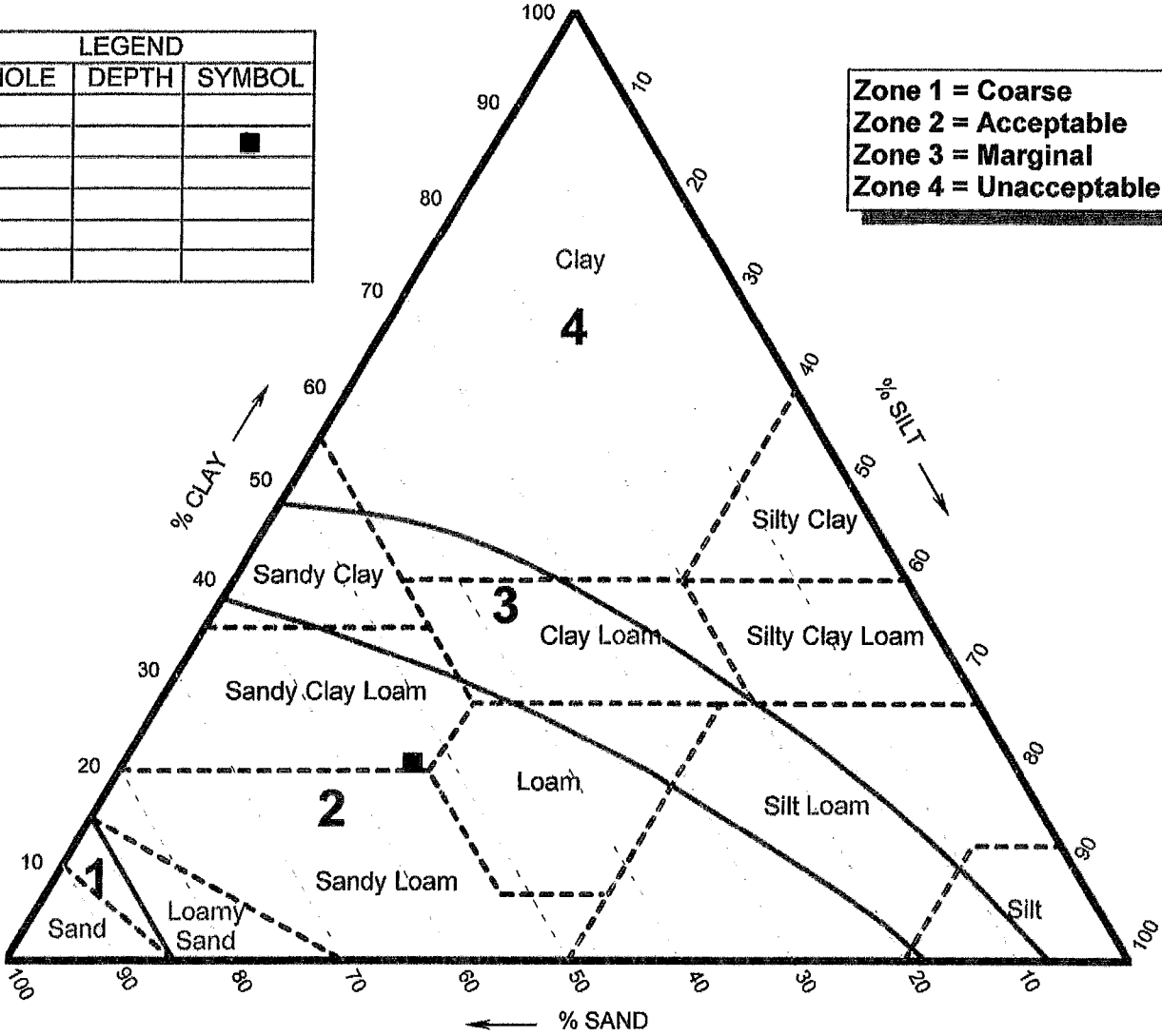
Zone 3 - Soils in this zone are expected to provide good filtration of effluent, but their ability to accept effluent at a suitable rate is questionable. These soils require wet-weather percolation tests to verify their suitability for effluent disposal by conventional leachfield methods.

Zone 4 - Soils in this zone are unsuitable for a conventional leachfield because of their severe limitations for accepting effluent.

SOIL PERCOLATION SUITABILITY CHART

LEGEND		
HOLE	DEPTH	SYMBOL
		■

Zone 1 = Coarse
Zone 2 = Acceptable
Zone 3 = Marginal
Zone 4 = Unacceptable



NOTES

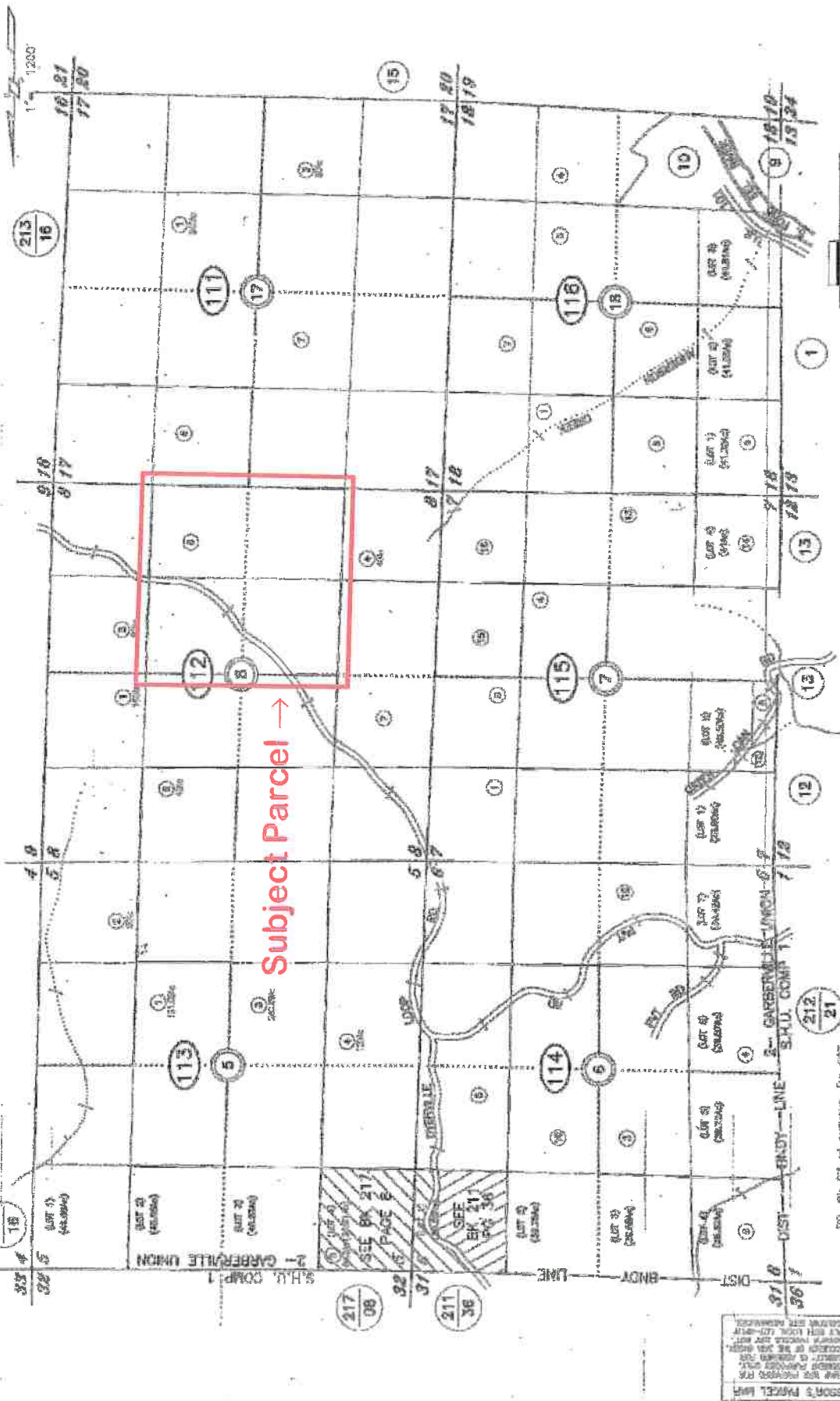
1. Soil texture is plotted on triangle based on percent sand, silt, and clay as determined by hydrometer analysis.
2. Adjustment for coarse fragments has been made by moving the plotted point in the sand direction an additional 2% for each 10% (by volume) of fragments greater than 2mm in diameter.
3. Adjustment for compactness of soil has been made by moving the plotted point in the clay direction an additional 15% for soils having a bulk-density greater than 1.7 gm/cc, when analyzed.
4. For soils falling in sand, loamy sand, or sandy loam, classification adjustment for bulk density will generally not affect suitability and a bulk-density analysis was not necessary.

JOB NUMBER: 013034 **DATE:** 12/08/16
JOB NAME: Lindberg (Mail Ridge) **APN:** 214-122-006

***SEW* Consulting Engineers & Geologists, Inc.**

812 W. Wabash
 Eureka, CA 95501-2138
 (707) 441-8855

SECS 5, 6, 8 & 17 & PTNS OF 7 & 18 T3S R4E H.B. & M. 214-11



Subject Parcel →

NOTE - Assessor's Black Numbers Shown in Ellipse
 Assessor's Parcel Numbers Shown in Circle
 Assessor's Map Bk. 214, Pg. 11
 County of Humboldt, CA
 Nov 22, 2011

SEE BK 217 OF SURVEYS, PG 107

ASSASSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR THE COUNTY OF HUMBOLDT, CALIFORNIA BY THE COUNTY ASSESSOR'S OFFICE.
 2. THE LOCATION OF THE PARCEL MAP IS SHOWN BY THE LOCATION OF THE PARCEL MAP.
 3. THE LOCATION OF THE PARCEL MAP IS SHOWN BY THE LOCATION OF THE PARCEL MAP.
 4. THE LOCATION OF THE PARCEL MAP IS SHOWN BY THE LOCATION OF THE PARCEL MAP.

LINDBERG GEOLOGIC CONSULTING
David N. Lindberg, CEG
Post Office Box 306
Cutten California 95534
(707) 442-6000

November 23, 2016

Project: 0200.00

Mr. Shane Gomes
Post Office Box 732
Garberville, CA 95542

Subject: Engineering-Geologic Review; Prime Soil Classification
Dyerville Loop Road, near Old Hubbard Station, APN 214-112-006

Dear Mr. Gomes:

Thank you for your interest in Lindberg Geologic Consulting. In accordance with our agreement, we have conducted an engineering-geologic reconnaissance of your parcel, and reviewed information available from the Humboldt County Community Development regarding the subject parcel. While on-site we collected a soil sample for analysis at a local, certified materials testing laboratory. Our explorations were focused on determining if the soils at your proposed new cannabis cultivation location could be classified as "Prime Soils". Prime soils are defined in Humboldt County Ordinance No. 2544 as follows:

"Prime Soils" means all lands which qualify for rating as Class I or Class II in the Soil Conservation Service land use capability classifications or qualify for rating 80 through 100 in the Storie Index Rating. Additionally, where determined through site-specific fieldwork prepared by a qualified professional, soils meeting these characteristics may be recognized as prime."

Site-specific fieldwork, including excavation of one test hole and collection of a sample of the surface soils, was conducted by a Certified Engineering Geologist from our office on October 4, 2016. Our test sample was collected in the small prairie in the northwestern corner of the (Figure 1). One composite soil sample from the uppermost two feet of the soil profile was collected at 40.2196°, -123.75259° ($\pm 9.8'$), and delivered to a certified materials testing laboratory for textural analysis. Laboratory analytical results are attached and show the sample (#1) consists of **Loam**, per the United States Department of Agriculture classification system. Sample collection occurred on the subject parcel (214-112-006); due to our typographic error, an incorrect assessor's parcel number is shown on the laboratory report.

The Storie Index (University of California, 1948), as revised in 1978, is a method of soil rating based on soil characteristics that govern the land's potential utilization and productive capacity. To calculate the Storie Index, percentage values are assigned to the characteristics of the soil, including the soil profile (Factor A), the texture of the surface soil (Factor B), the slope (Factor

C). Other conditions of the soil including drainage, nutrient level, erosion and microrelief are considered together as a fourth Factor (Factor X). Percentage values for each of the four Factors are multiplied to obtain the Storie Index. Based on the index, soils in California have been divided into six soil grades, with Grade 1 being excellent with a range of Storie Index from 80 to 100 percent. Thus Grade 1 excellent soils are, by the definition in Ordinance 2544, Prime Soils.

Factor A was assigned a value of 100 percent, because the area sampled and characterized on the subject parcel is located in an upland area underlain by softly consolidated material at more than six feet (A, IX). Site soils exhibit a relatively-undeveloped to slightly-developed soil profile. Factor B is 100 percent, based on the laboratory textural analysis (attached) of the sample which classifies as **Loam**. Factor C was assigned a value of 95 percent because the area of the subject parcel being characterized is gently sloping, and gently undulating (B, AA).

Soil Factor X is calculated based on the product of six Factors. Soil drainage was rated at 100 percent because the site soils were observed to be well-drained. Alkalinity was rated at 100 percent because alkaline soils are not common in this region. Nutrient level, or fertility, was assigned a value of 100 percent due to the fact that this area has been used for decades to graze cattle. Acidity was assigned the value of 95 percent because the soils were estimated to have a near-neutral pH and thus a low degree of acidity. Erosion Factor assigned a value of 100 percent because no erosion was observed. Microrelief of the site is smooth, and was rated 100 percent.

The Storie Index is the product of the four Factors (A, B, C and X), with Factor X itself the product of the six additional soil conditions outlined above. In mathematical terms, the Storie Index for this location equals A times B times C times X, as shown:

$$[100\% \times 100\% \times 95\% \times (100\% \times 100\% \times 100\% \times 95\% \times 100\% \times 100\%)], \text{ or}$$

$$(1.00 \times 1.00 \times 0.95 \times 0.95) = 0.90, \text{ or } 90\%$$

With a Storie Index of 90 percent, the site soil is a Grade 1 (excellent) soil, which is defined as suitable for a wide range of crops, including alfalfa, orchard, truck, and field crops (University of California, 1948). Because these soils have a Storie Index greater than 80 percent, they meet the definition of "Prime Soils" in the Ordinance (Humboldt County, California - Ordinance No. 2544). Additionally, based on our site-specific fieldwork, certified laboratory analysis, and our professional experience, it is our opinion that the site soils qualify as, and therefore may be recognized as, prime agricultural soils for the purposes of the Humboldt County cannabis cultivation ordinance.

Page 3
November 23, 2016
Engineering-Geologic Prime Soil Exploration
APN 214-112-006, Gomes, LGC #0200.00

In our opinion, soils are uniform and consistent across the portion of the subject parcel outlined in Figure 2. Based on the Miranda (1970), and the Fort Seward (1969) topographic quadrangle maps, and the assessor's parcel map, we estimate that this area of Prime Soils encompasses approximately 0.25 acres of the approximately 152 acres of parcel 214-112-006. Please note that our estimation is not based on any surveys, some additional areas of prime soils appear likely to exist in other parts of the property; additional exploration, sampling and testing would be necessary to more-precisely determine those area. LGC is available to delineate our interpretation of the extents of prime soils on this parcel. Our estimates of area does not account for any potential setback areas.

Please contact me at the number above if you have any concerns or questions.

Thank you.
Sincerely,



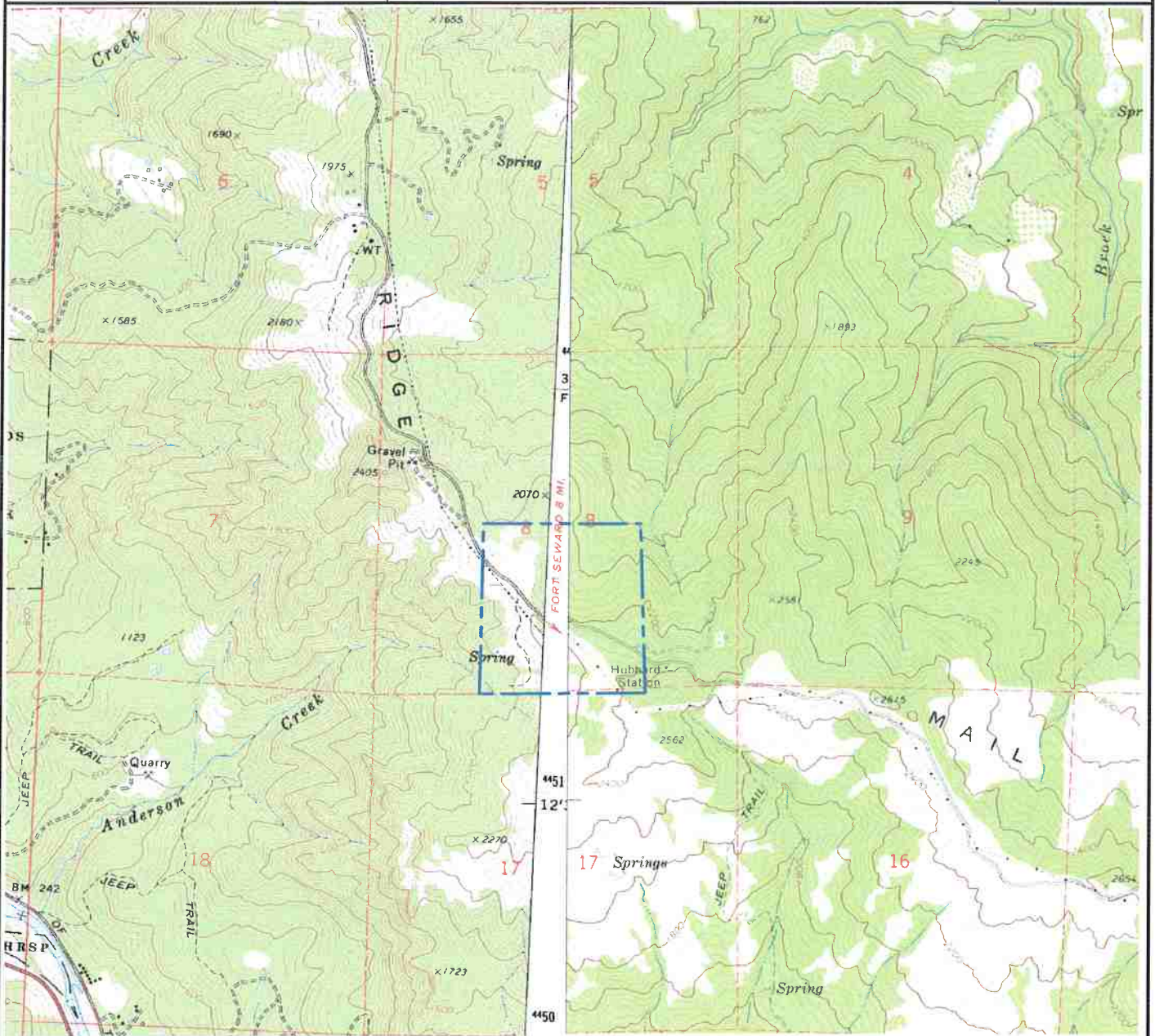
David N. Lindberg, CEG 1895
Lindberg Geologic Consulting



DNL:sll

University of California, 1948, Storie, R., Earl, and Walter W. Weir, Manual for Identifying and Classifying California Soil Series, with Supplement, 1958, and revised December 1978, (Special Publication 3203), Published by the Associated Students' Store, University of California, Berkeley.

Lindberg Geologic Consulting Post Office Box 306, Cutten, CA 95534 Telephone / Fax: (707) 442-6000	Engineering-Geologic Prime Soil Exploration Report	Figure 1
	Dyerville Loop Road, near Old Hubbard Station, Humboldt County	November 23, 2016
	APN: 214-112-006, for Mr. Shane Gomes, Client	Project 0200.00
	Project Topographic Location Map	1 inch = 2400 feet



MIRANDA, CALIF.
 NE/4 CARBERVILLE 15' QUADRANGLE
 N4007.5—W12345/7.5
 1970
 AMS 1264 III NE—SERIES V895



FORT SEWARD, CALIF.
 NW/4 ALDERPOINT 15' QUADRANGLE
 N4007.5—W12337.5/7.5
 1969
 AMS 1264 II NW—SERIES V895

All Locations are Approximate. "Miranda" topographic map needs to rotate to match the "Fort Seward" topographic map. As a result, the property lines are "best estimates".

Lindberg Geologic Consulting	Engineering Geologic Prime Soil Exploration Report	Figure 2
P. O. Box 306	Dyerville Loop Road, near Old Hubbard Station, Humboldt County	November 23, 2016
Cutten, CA 95534	APN: 214-112-006, for Mr. Shane Gomes, Client	Project 0200.00
(707) 442-6000	Satellite Image Map of Prime Soil Area	1 inch \cong 155 Feet



From: Google Earth, Image of May 28, 2016. N \cong



Reference: 013034

October 28, 2016

David Lindberg
Lindberg Geologic Consulting
PO Box 306
Cuttan, CA 95534

SOIL PERCOLATION SUITABILITY / TEXTURAL ANALYSIS RESULTS

Job Name: Lindberg (Gomes)
Date Sampled: 10/4/16
Date Received: 10/4/16
Sampled By: DL
Date Tested: 10/28/16
AP Number: 214-122-006

Table with 8 columns: Sample ID, Depth, % Sand, % Clay, % Silt, % Coarse Fragments by Volume, Zone, Bulk Density. Row 1: #1, Material: Loam, 44.0, 20.7, 35.3, 7.3, 2, *

* = no peds provided

Regional Water Quality Control Board Zone Descriptions:

Zone 1 - Soils in this zone are very high in sand content. They readily accept effluent, but because of their low silt and clay content they provide minimal filtration.

Zone 2 - Soils in this zone provide adequate percolation rates and filtration of effluent. They are suitable for use of a conventional system without further testing.

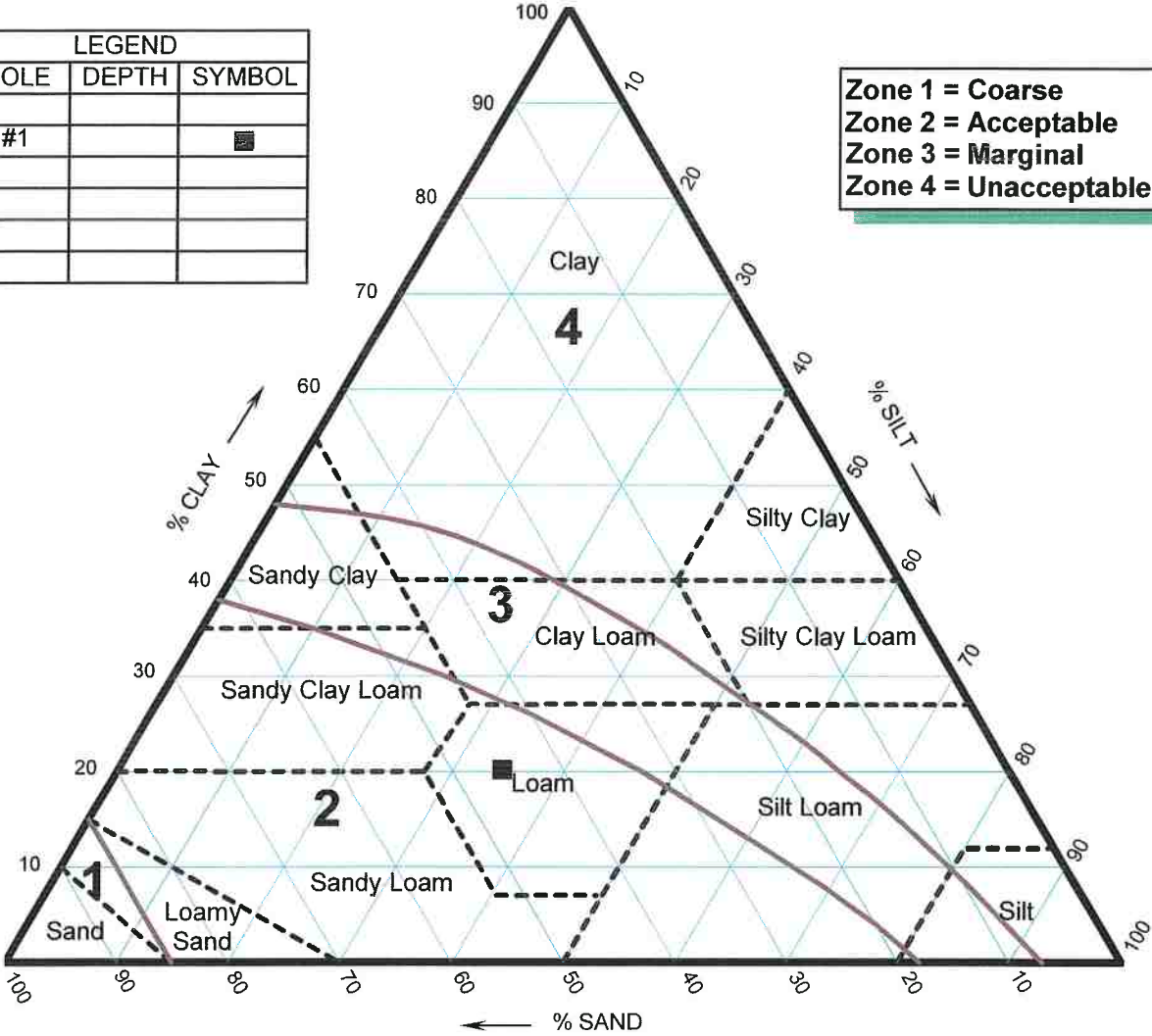
Zone 3 - Soils in this zone are expected to provide good filtration of effluent, but their ability to accept effluent at a suitable rate is questionable. These soils require wet-weather percolation tests to verify their suitability for effluent disposal by conventional leachfield methods.

Zone 4 - Soils in this zone are unsuitable for a conventional leachfield because of their severe limitations for accepting effluent.

SOIL PERCOLATION SUITABILITY CHART

LEGEND		
HOLE	DEPTH	SYMBOL
#1		■

Zone 1 = Coarse
Zone 2 = Acceptable
Zone 3 = Marginal
Zone 4 = Unacceptable



NOTES

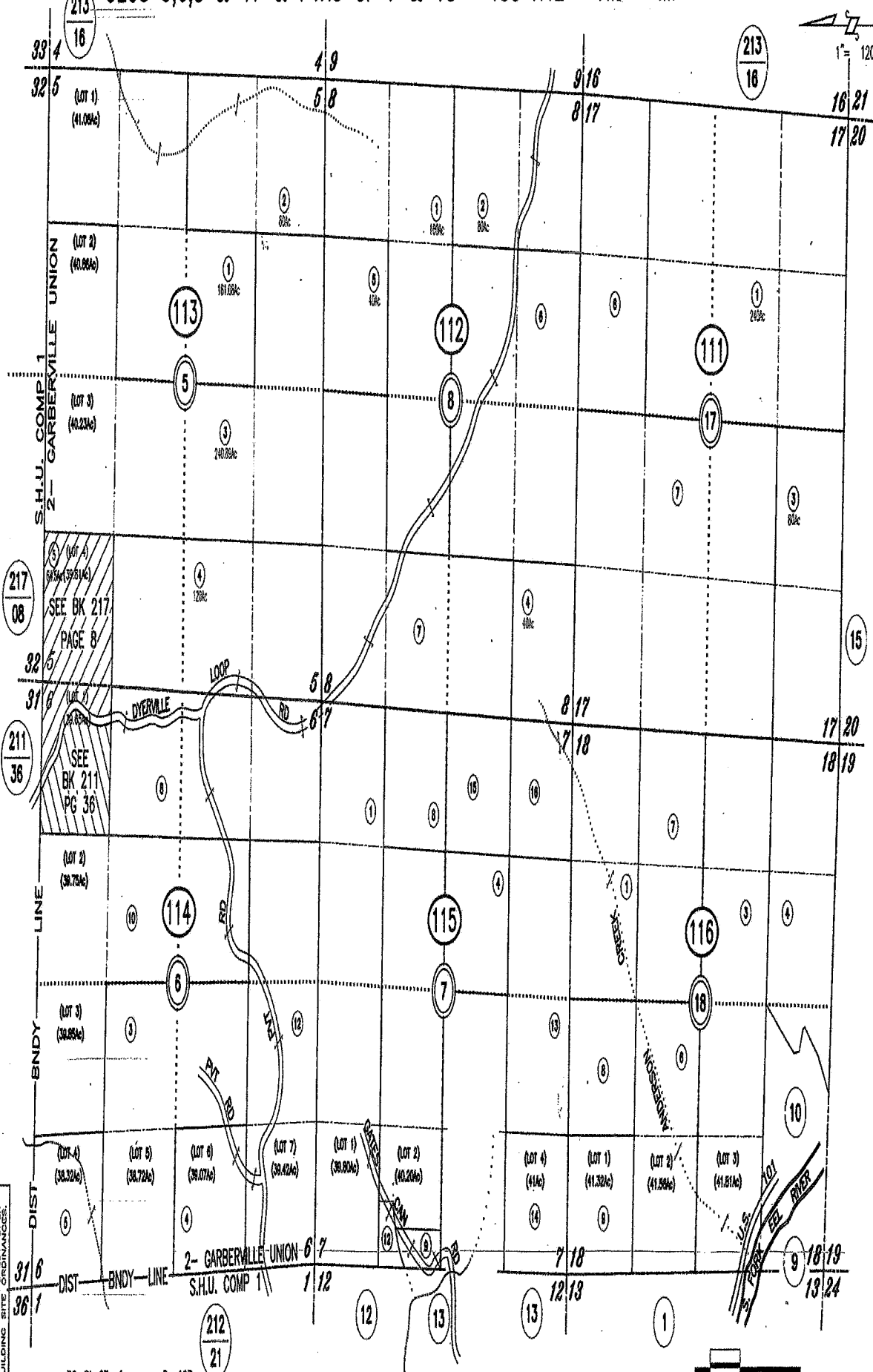
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4. For soils falling in sand, loamy sand, or sandy loam, classification adjustment for bulk density will generally not affect suitability and a bulk-density analysis was not necessary.

JOB NUMBER: 013034
JOB NAME: Lindberg (Gomes)

DATE: 10/28/16
APN: 214-122-006



812 W. Wabash
 Eureka, CA 95501-2138
 (707) 441-8855

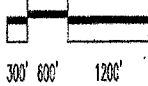


ASSESSOR'S PARCEL MAP
 THIS MAP WAS PREPARED FROM THE RECORDS OF THE COUNTY OF HUMBOLDT, CALIFORNIA, AND IS SUBJECT TO THE REVISIONS AND AMENDMENTS THEREIN. THE ASSessor'S OFFICE DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE ASSessor'S OFFICE DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON.

RS, Bk 67 of surveys, Pg 107

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 214, Pg.11
 County of Humboldt, CA.



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Approved	On file
Public Works, Land Use Division	✓	Conditional Approval	On file
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band Rancheria	✓	Comments	On file and confidential
RRR Planner		No response	
Intertribal Sinkyone Wilderness Council		No response	
Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Southern Humboldt Joint Unified School District		No response	

From: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>
Sent: Monday, April 12, 2021 5:36 PM
To: Alberts, Chris; Risa Okuyama
Cc: Orahoske, Andrew@Wildlife
Subject: [I and I Ranch] RE: Application No. 13324 Referral Response- APN 214-112-006
Attachments: 13324_Bio_Report_11.20.19.pdf; 13324 Soil Study 12.16.16.pdf; Site Map 214-112-006 02_08_2021.pdf

Hi Chris and Risa. I wanted to follow-up on the separate phone calls we had earlier today regarding HumCO Application No. 13324 (I and I Ranch) on APN 214-112-006.

I recommended to Risa that additional field work occur to:

- conform to CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#).
 - characterize [Natural Communities](#) in the project area, particularly grasslands.
 - Evaluate the potential occurrence for early-season special status plant species, such as *Montia howellii*. Also, this location seems like suitable habitat for *Sidalcea malviflora* ssp. *patula*. Additional field work may be needed for *Sidalcea* if you are not confident that you could detect it given the seasonality and conditions during your field work.
- Provide more info on the potential presence of stream or wetlands within the project's areas of potential effects. Please take a closer look at the linear feature visible on areal imagery at ~ 40.218288, -123.752981 and other areas that may meet stream/wetland criteria. It would be good to see close up photos of the linear feature. If you believe there are no wetlands, it would be good to do at least one wetland delineation data sheet in the location most likely to be wetland.

It would be a good idea to schedule field work soon and I may be able to join you there to provide some quick feedback/perspective. We should also take a look at the wetland sampling points from your March 31, 2021 memo for APN 214-111-006. Let's try and coordinate on a day/time; would **Tuesday April 20** work for you?

Thanks,

Greg O'Connell
Environmental Scientist
Coastal Conservation Planning
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
Gregory.OConnell@Wildlife.ca.gov

From: Alberts, Chris <calberts@co.humboldt.ca.us>
Sent: Thursday, April 8, 2021 10:57 AM
To: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Hollis, Jonathan@Wildlife <Jonathan.Hollis@Wildlife.ca.gov>; Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Subject: Application No. 13324 Referral Response- APN 214-112-006

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning,

The subject project is anticipated to be scheduled for the May 6, 2021 Zoning Administrator Hearing. Please see the project description below:

“A Special Permit for 43,560 square feet of new mixed light cannabis cultivation with ancillary propagation. The applicant anticipates a maximum of three cultivation cycles will occur annually. Water for irrigation will be provided by one permitted well and a proposed one million gallon rainwater catchment pond. Water will be stored in a proposed 1-million-gallon rainwater catchment pond and hard tanks. The applicant anticipates approximately 700,000 gallons of water will be required annually. Processing such as drying, curing, and trimming will occur onsite in a proposed 1,600-square-foot structure. The applicant anticipates on hiring a maximum of six (6) employees. Power for the project will be sourced from solar with a backup generator.”

I also attached the Site Plan, a Soil Study, and the Bio Report. Please let me know if you have any questions or concerns.

Best,



Christopher Alberts
Planner II
[Planning and Building Department](#)
County of Humboldt
(707) 268-3771



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