



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 20, 2022

To: Humboldt County Planning Commission

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

Subject: **Ambiguity Farm, LLC., Conditional Use Permit and Special Permit**
Record Number: PLN-12812-CUP
Assessor's Parcel Number (APN:) 223-011-009 and 223-011-007
on the property known to be in Section 26 of Township 04S, Range 04E,
Humboldt Base & Meridian, Garberville area

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Please contact Michael Holtermann, Planner, at 707-268-3737 or by email at mholtermann@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date January 20, 2022	Subject Conditional Use Permit, Special Permit	Contact Michael Holtermann
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Project Description: A Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation, and a Special Permit for restoration work within a Streamside Management Area (SMA). Ancillary propagation will occur in two 1,250-square-foot greenhouses for a total propagation space of 2,500 square feet. There will be three cultivation cycles occurring annually. All processing will occur offsite. Water for the project will be sourced from an onsite 800,000-gallon onstream-pond and a proposed rainwater catchment system. The applicant anticipates 400,000 gallons of water will be required for irrigation annually. There are 100,000 gallons of available water storage occurring in two 50,000-gallon metal tanks, with 300,000 gallons of additional water storage proposed for the project. There will be a maximum of four employees required for operations. Power for the project is sourced from a solar array with a backup generator.

Project Location: The project is located in the Garberville area, on either side of an unnamed road, approximately 0.73 miles from the intersection of Alderpoint Road and Upper Tobby Ranch Road along Upper Tobby Ranch Road, then 0.6 miles South from the intersection of Upper Tobby Ranch Road and an unnamed road along the unnamed road, then 0.78 miles South East on another unnamed road, on the property known to be in Section 26 of Township 04S, Range 04E, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agricultural General (AG); 2017 General Plan; Density: 20-160 acres per unit; Slope Stability: High Instability (3).

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

Record Number: PLN-12812-CUP

Assessor's Parcel Number: 223-011-009 and 223-011-007 (one separate legal parcel)

Applicant	Owner	Agents
Ambiguity Farm, LLC Michael Linde PO Box 1298 Redway, CA 95560	Christina Dodge & C/O Michael Linde PO Box 1298 Redway, CA 95560	Same as owner

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: None.

Ambiguity Farm, LLC

Record Number: PLN-12812-CUP

Assessor's Parcel Number: 223-011-009 and 223-011-007

Recommended Planning Commission Action:

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

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit, and adopt the Resolution approving the Ambiguity Farm, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary:

Ambiguity Farm, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 43,560 square foot outdoor cannabis operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), and a Special Permit for restoration work within an SMA. The site is designated as Agricultural General in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE). Cultivation will occur in the following structures:

Cultivation Site	Square feet
6 Greenhouses	2,000 sf each=12,000 sf
Greenhouse	1,600 sf
Greenhouse	1,200 sf
Outdoor Full Sun A	6,000 sf
Outdoor Full Sun B	6,000 sf
Outdoor Full Sun E	10,960 sf
Outdoor Full Sun P	5,800 sf
Total Cultivation Area	43,560 sf

The applicant proposes full sun outdoor cultivation of 28,760 square feet, and 14,800 square feet of outdoor cannabis cultivation in light deprivation greenhouses. Ancillary propagation will occur in two (2) existing 1,250-square-foot greenhouses. The applicant proposes harvesting and drying on site, with all processing occurring offsite at a licensed third-party processing facility. The applicant anticipates four (4) employees will be required for operations. Power for the project will be sourced from solar with a backup generator.

The project parcel is subject to a Land Conservation Contract pursuant to the California Land Conservation Act of 1965, also known as the Williamson Act. The project, including cannabis cultivation and all associated cannabis improvements, is below the two-acre threshold approved by the Williamson Act Committee as not requiring review by the Committee. The total cultivation area of 46,060 square feet (appurtenant nursery space included), and hard water tanks totaling approximately 2,303 square feet equate to roughly 0.96% of the subject parcel area. The remainder of the property remains useable for agricultural purposes relative to the Williamson Act and therefore approval of this project will not conflict with the Land Conservation Contract.

Water Resources

Water for irrigation will be provided by an 800,000-gallon onsite instream pond and a rainwater catchment system. The applicant anticipates 400,000 gallons of water will be required annually

for irrigation (9.2 gallons/sf/yr). There are 100,000 gallons of water storage onsite occurring in two (2) 50,000 gallon rainwater catchment tanks, and 300,000 gallons of additional water storage is proposed for the project. The applicant will forbear from using the pond annually from April 1 to October 31. The applicant calculates that roughly 9,952 square feet of surface area can be utilized for rainwater catchment. Annual precipitation for Garberville is approximately 67 inches, which would result in roughly 413,400 gallons of captured rainwater input to storage. The applicant proposes to utilize rainwater catchment and the onstream pond for cannabis irrigation water for two years, after which the applicant proposes to utilize rainwater catchment with the onstream pond serving only as a backup water source.

Tribal Consultation

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. The applicant is in the process of obtaining a completed Cultural Resource Study (CRS) prepared by Archaeological Research and Supply Company. In June of 2021 the applicant submitted an Interim Report prepared by Nick Angeloff of Archaeological Research and Supply Company that concluded there were no significant archaeological or historic period cultural resources that, for the purposes of CEQA (15064.5 (a)), would be considered an historical resource present in the limits of the project area. Additionally, tribal cultural resources were not present within the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

Biological Resources

There are no mapped endangered or threatened species of concerns located on the subject APN, although the neighboring APN (223-011-007), which is part of the same legal parcel, has a mapped occurrence of foothill yellow-legged frog. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 4.5-miles southeast of the cultivation site and the nearest NSO observation was observed over two-miles southeast from the cultivation site. Marbled Murrelet habitat is mapped approximately four miles east from the cultivation site. The applicant submitted a Biological Scoping Report prepared by Hohman and Associates. An *Initial Biological Scoping Report* was performed in February of 2019 by Kelsey McDonald of Hohman and Associates. The report recommended seasonally appropriate floristic surveys, a site visit, pre-construction bird surveys, and surveys for foothill yellow legged frog surveys within one week of beginning work on any stream crossings. These recommendations, if not already completed, have been included as conditions of approval.

The applicant has submitted a Botanical Survey completed by Kelsey McDonald of Hohman and Associates, dated July 2019. The results of the survey indicated that no special status plant species were present on the California Native Plant Society list ranked 1 or 2. Fawn lily was found on the project parcel, approximately 75 feet from the road and other human disturbance, and Lobb's aquatic butter cup occurred in a seasonal wetland near hard water tanks. Biologist recommendations include avoidance of the area where fawn lily is present, and that areas around the seasonal wetland is not disturbed further. Additional surveys are conditioned if expansion is planned in the future.

The Botanical Survey also identified invasive species in the area and recommends appropriate removal and mitigation methods that are included as conditions of approval for the project.

Access

The property is accessed via a private driveway from Tooby Ranch Road. According to the Road Evaluation submitted by the applicant dated March 12, 2021, the entire segment of Tooby Ranch Road is developed to the equivalent of a road category 4 standard. The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); and the applicant shall rock the surface of the access road where it intersects Tooby Ranch Road, for a minimum width of 20 feet and a length

of 50 feet. These conditions shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Restoration Work

The applicant proposes to complete remediation work within several Streamside Management Areas. The applicant submitted a Restoration and Monitoring Plan prepared by Hohman and Associates detailing three restoration areas, as well as recommended restoration measures. The restoration areas include an in-stream pond, greenhouses within a 50-foot SMA setback, and a small hoop house approximately 50 feet from a creek bank.

Restoration work for the in-stream pond include removing concrete riprap, rocking the inlet and outlet, implementing check dams to slow flow, and revegetating the channel with native species. Monitoring measures are also recommended over the course of a three-year period.

Restoration work for the greenhouses within a 50-foot SMA setback include removal of the fence and greenhouses from the SMA, engineering of a drainage system to prevent runoff from greenhouses into the watercourse, replanting with native species, removal of invasive species, and fencing off the restoration area. The Restoration and Monitoring Plan also recommended a wetland delineation, with further relevant recommendations contingent on the delineation results. The applicant has since submitted a wetland delineation report as recommended, which found that the area in question is not a wetland, and as such no further restoration was recommended for the area.

Restoration work for the hoop house 50 feet from a creek bank include removal of the hoop house and associated materials including bird netting and potting soil, removal of identified invasive species, and replanting of native riparian species.

A solar panel is currently located within a mapped Streamside Management Area approximately 85 feet west of an existing outdoor cultivation area. Relocation of the solar panel outside the SMA has been included as a condition of approval for this project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

RECCOMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit and Special Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with

the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-
Record Number PLN-12812-CUP
Assessor's Parcel Number: 223-011-009 and 223-011-007**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Ambiguity Farm, LLC, Conditional Use Permit.

WHEREAS, Ambiguity Farm, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 43,560 square feet of existing outdoor cannabis cultivation and 2,500 square feet of ancillary propagation area, and a Special Permit for restoration work within an SMA; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 20, 2022 and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation, and a Special Permit for restoration work within a Streamside Management Area (SMA). Ancillary propagation will occur in two 1,250-square-foot greenhouses for a total propagation space of 2,500 square feet. There will be three cultivation cycles occurring annually. All processing will occur offsite. Water for the project will be sourced from an onsite 800,000-gallon onstream-pond and a proposed rainwater catchment system. The applicant anticipates 400,000 gallons of water will be required for irrigation annually. There are 100,000 gallons of available water storage occurring in two 50,000-gallon metal tanks, with 300,000 gallons of additional water storage proposed for the project. There will be a maximum of four employees required for operations. Power for the project is sourced from a solar array with a backup generator.
- EVIDENCE:** Project File: PLN-12812-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:** a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines.
- c) A Site Management Plan (SMP) dated May 2020 was prepared by Trinity Valley Consulting Engineers, Inc to show compliance with the North Coast Regional Water Quality Control Board Order No. 2017-0023-DWQ.
- d) There are no mapped endangered or threatened species of concerns located on the subject APN, although the neighboring APN (223-011-007), which is part of the same legal parcel, has a mapped occurrence of foothill yellow-legged frog. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 4.5-miles southeast of the cultivation site and the nearest NSO observation was observed over two-miles southeast from the cultivation site. Marbled Murrelet habitat is mapped approximately four miles east from the cultivation site. The applicant submitted a Biological Scoping Report prepared by Hohman and Associates. An Initial Biological Scoping Report was performed in February of 2019 by Kelsey McDonald of Hohman and Associates. The report recommended seasonally appropriate floristic surveys, a site visit, pre-construction bird surveys, and surveys for foothill yellow legged frog surveys within one week of beginning work on any stream crossings. These recommendations, if not already completed, have been included as conditions of approval.
- e) The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. The applicant is in the process of obtaining a completed Cultural Resource Study (CRS) prepared by Archaeological Research and Supply Company. In June of 2021 the applicant submitted an Interim Report prepared by Nick Angeloff of Archaeological Research and Supply Company that concluded there were no significant archaeological or historic period cultural resources that, for the purposes of CEQA (15064.5 (a)), would be considered an historical resource present in the limits of the project area. Additionally, tribal cultural resources were not present within the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the 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-B-5(160) zone in which the site is located.

- EVIDENCE**
- a) The Agriculture Exclusive or AE Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the AE zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over one acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 43,560 square feet of outdoor cultivation on a 146-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.8.2.2).
 - b) APN 223-011-009 and APN 223-011-007 have been determined to be one legal parcel as described in Certificate of Subdivision Compliance 2017-016429.
 - c) The applicant has a documented water right for a diversionary water source and will adhere to forbearance requirements.
 - d) A Road Evaluation Report was submitted by the applicant in February 2021 certifying that the road is equivalent to a road Category 4 standard. The Evaluation addressed Tooby Ranch Road to the access road to the subject parcel. All road segments evaluated were found to be functionally appropriate for the expected traffic.
 - e) The slope of the land where cannabis will be cultivated is less than 15%.
 - f) The cultivation of cannabis will not result in the net conversion of timberland.
 - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING The cultivation of 43,560 square feet of outdoor cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially

injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and will 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) Water for irrigation will be provided by an onstream rainwater catchment pond with a capacity of 800,000 gallons and a proposed rainwater catchment system. There are a total of 100,000 gallons of available water storage occurring within two (2) hard tanks located on APN 223-011-009, with 300,000 gallons of additional water storage proposed so that the applicant may observe forbearance.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

8. FINDING

The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

EVIDENCE

- a) The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 4.5-miles southeast of the cultivation site and the nearest NSO observation was observed over two-miles southeast from the cultivation site. Marbled Murrelet habitat is mapped approximately four miles east from the cultivation site.
- b) The applicant submitted a Biological Scoping Report prepared by Hohman and Associates. An Initial Biological Scoping Report was performed in February of 2019 by Kelsey McDonald of Hohman and Associates. The report recommended seasonally appropriate floristic surveys, a site visit, pre-construction bird surveys, and surveys for foothill yellow legged frog surveys within one week of beginning work on any stream crossings. These recommendations, if not already completed, have been included as conditions of approval.

c) The applicant submitted a Botanical Survey prepared by Hohman and Associates, which identified invasive species in the area and recommends appropriate removal and mitigation methods that are included as conditions of approval for the project.

d) The applicant submitted a Site Management Plan (SMP) prepared by Trinity Valley Consulting Engineers, Inc. which states the applicant is a Tier 2 discharger (WDID#-1_12CC419563). The applicant shall implement and adhere to all recommendations and corrective actions found within the SMP.

9. Finding

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

Evidence

a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 203 permits and the total approved acres would be 73.3 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Ambiguity Farm, LLC, Conditional Use Permit and Special Permit, (Application Number PLN-12182-CUP) subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on January 20, 2022.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

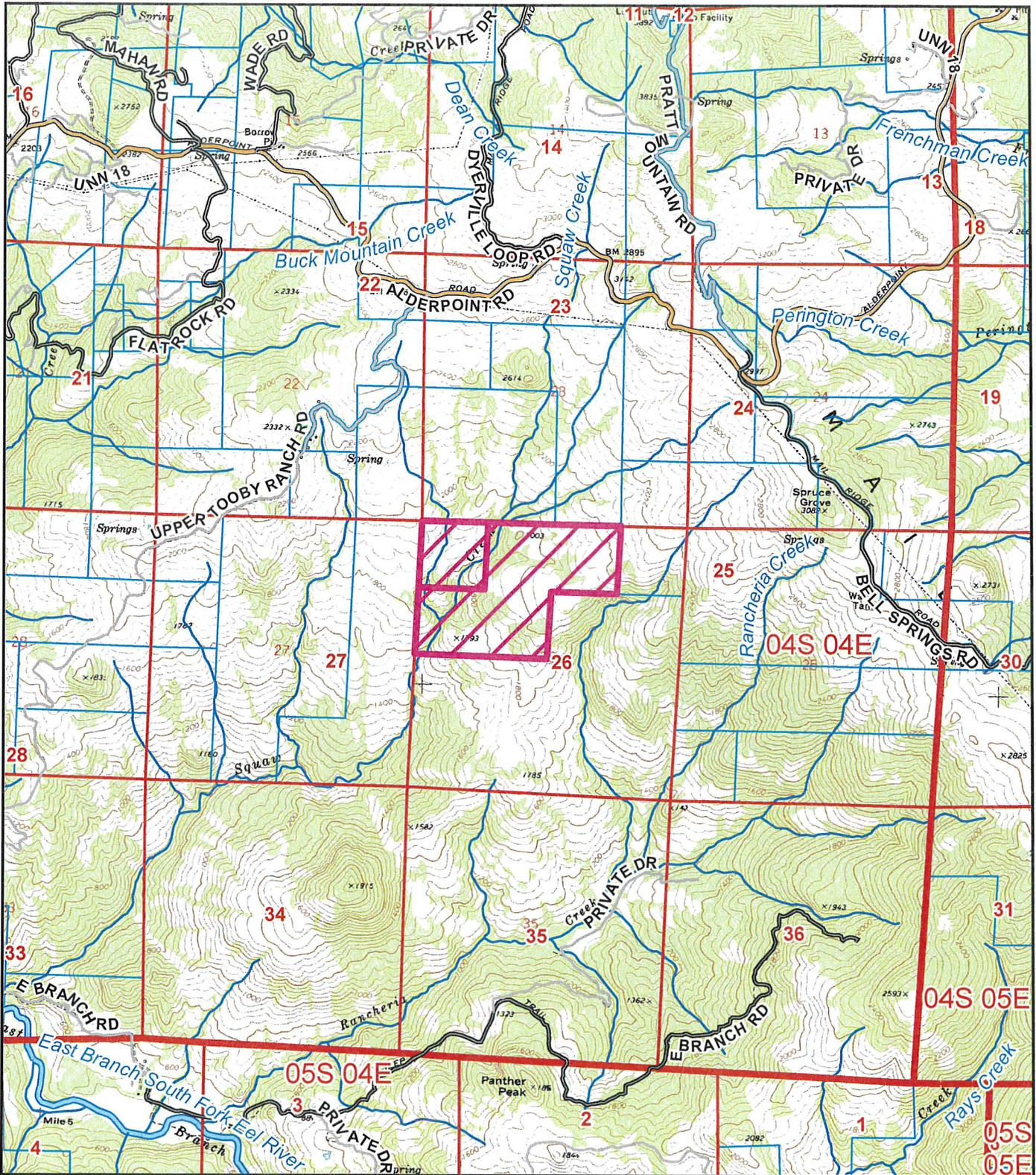
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

John H. Ford, Director,
Planning and Building Department

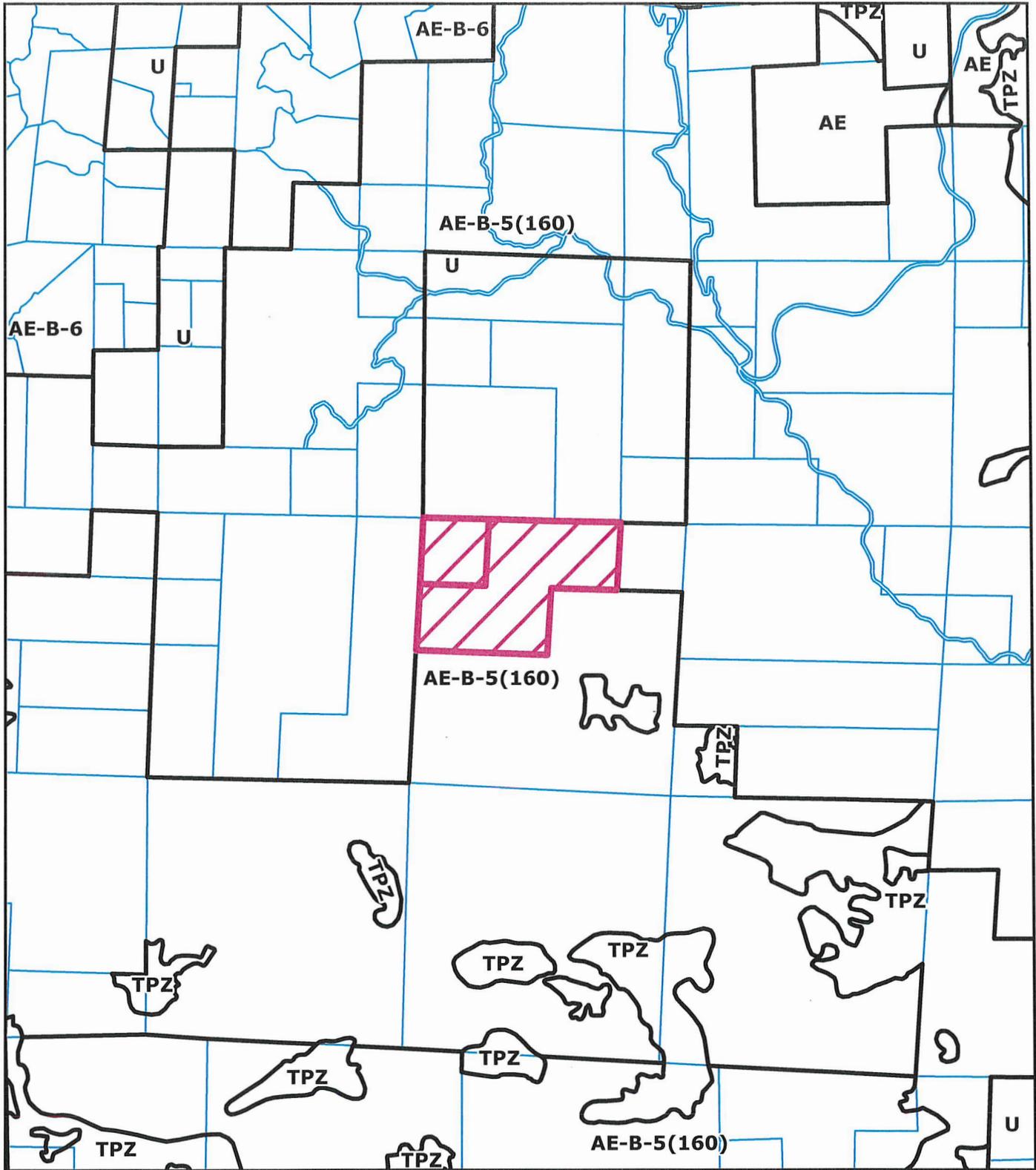


TOPO MAP
PROPOSED AMBIGUITY FARM LLC
GARBERVILLE AREA
CUP-16-858; CUP-16-859
APN: 223-011-009-000; ET AL.
T04S R04E S26 HB&M (HARRIS)

Project Area =

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





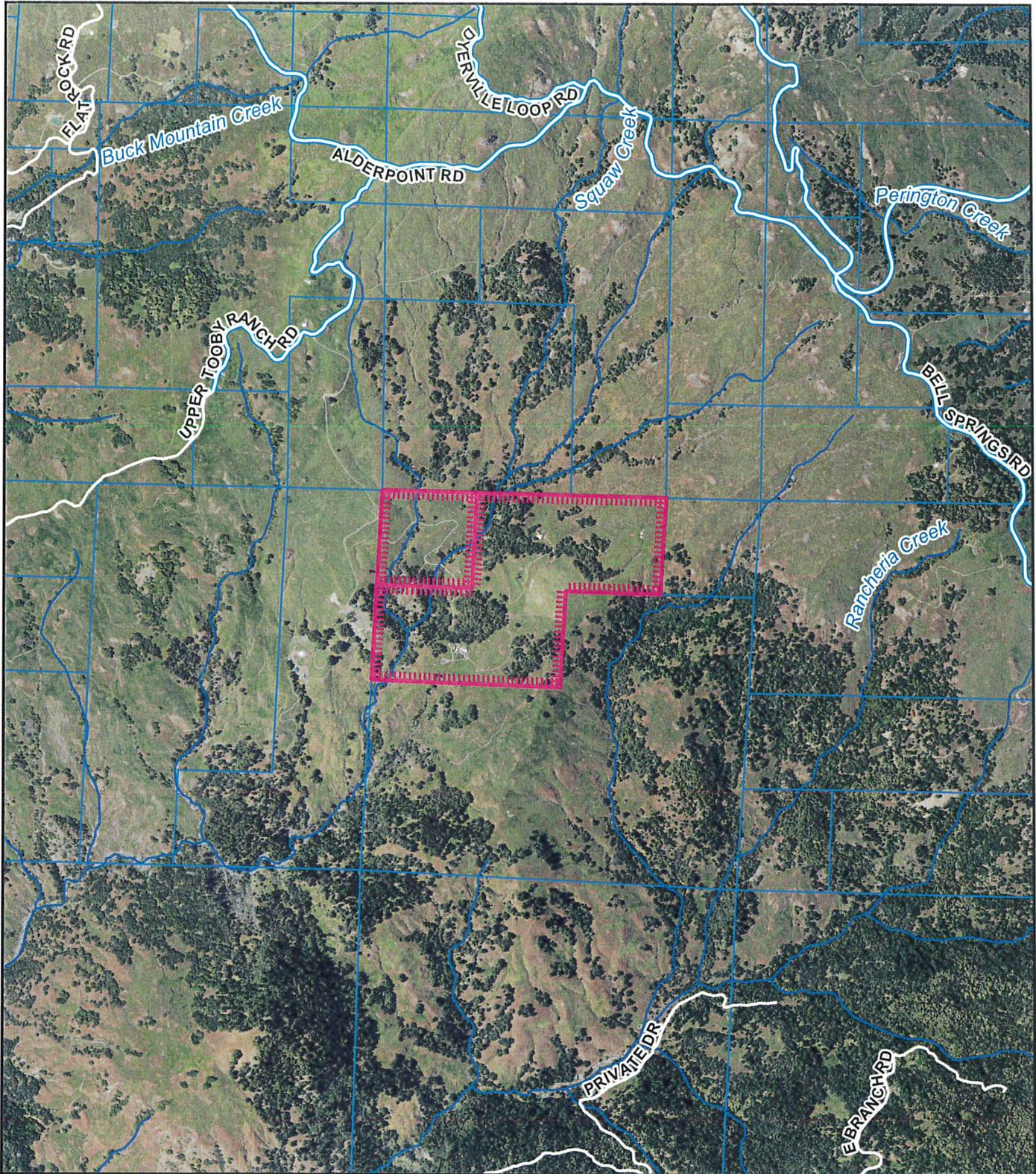
**ZONING MAP
 PROPOSED AMBIGUITY FARM LLC
 GARBERVILLE AREA
 CUP-16-858; CUP-16-859
 APN: 223-011-009-000; ET AL.
 T04S R04E S26 HB&M (HARRIS)**

Project Area = 



 0 0.3 0.6 1.2 Miles

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



Project Area = 

**AERIAL MAP
 PROPOSED AMBIGUITY FARM LLC
 GARBERVILLE AREA
 CUP-16-858; CUP-16-859
 APN: 223-011-009-000; ET AL.
 T04S R04E S26 HB&M (HARRIS)**



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





VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:
FROM EUREKA, CA
 - SOUTHBOUND ON US-101 (APPROX. 65.3 MI)
 - TAKE EXIT 639B TOWARD REDWAY (APPROX. 0.2 MI)
 - TURN RIGHT ONTO REDWOOD DR (APPROX. 0.2 MI)
 - TURN RIGHT ONTO ALDERPOINT RD (APPROX. 6.4 MI)
 - TURN RIGHT ONTO TOOBY RANCH RD (APPROX. 0.7 MI)
 - CONTINUE ONTO TOOBY RANCH RD (APPROX. 0.8 MI)
 - DESTINATION WILL BE ON THE LEFT

AMBIGUITY FARM, LLC

CONDITIONAL USE PERMIT

APN: 223-011-009
 APPS# 12812



PROJECT INFORMATION:

APPLICANT:
 AMBIGUITY FARM, LLC
 TOOBY RANCH RD
 GARBERVILLE, CA 95542

PROPERTY OWNER:
 AMBIGUITY FARM LAND TRUST
 P.O. BOX 1298
 REDWAY, CA 95560

APPLICANTS AGENT:
 LEE OBERBERGER
 P.O. BOX 1298
 REDWAY, CA 95560

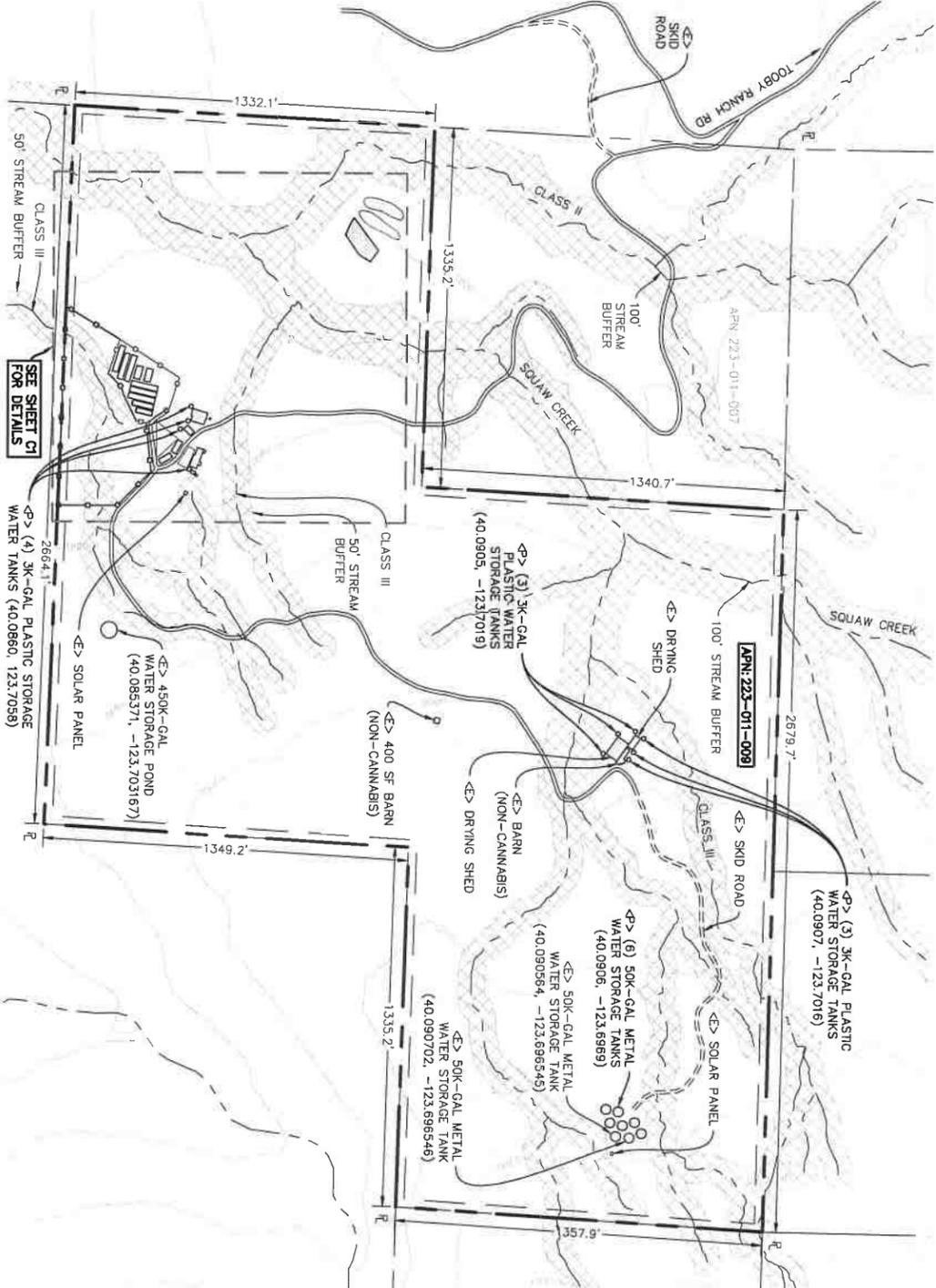
SITE ADDRESS:
 APN: 223-011-009
 GARBERVILLE, CA 95542

PROJECT DESCRIPTION:

AMBIGUITY FARM, LLC IS PROPOSING TO PERMIT EXISTING COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 43,560 SQUARE FEET (SF) OF OUTDOOR CANNABIS CULTIVATION.

GENERAL NOTES:

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



PLOT PLAN
 22x34 SHEET: 1"=300'
 11x17 SHEET: 1"=600'



LEGEND:

- STREAM BUFFER
- EXISTING
- PROPOSED

AG	AE	SRA
FRONT 20'	30'	30'
SIDE 6'	20'	30'
REAR 20'	10'	30'

SRA AREA: = YES
 IN COASTAL ZONE: = NO
 IN 100 YR FLOOD ZONE: = NO

SHEET INDEX:

- C0 - CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - EXISTING AND PROPOSED SITE PLAN

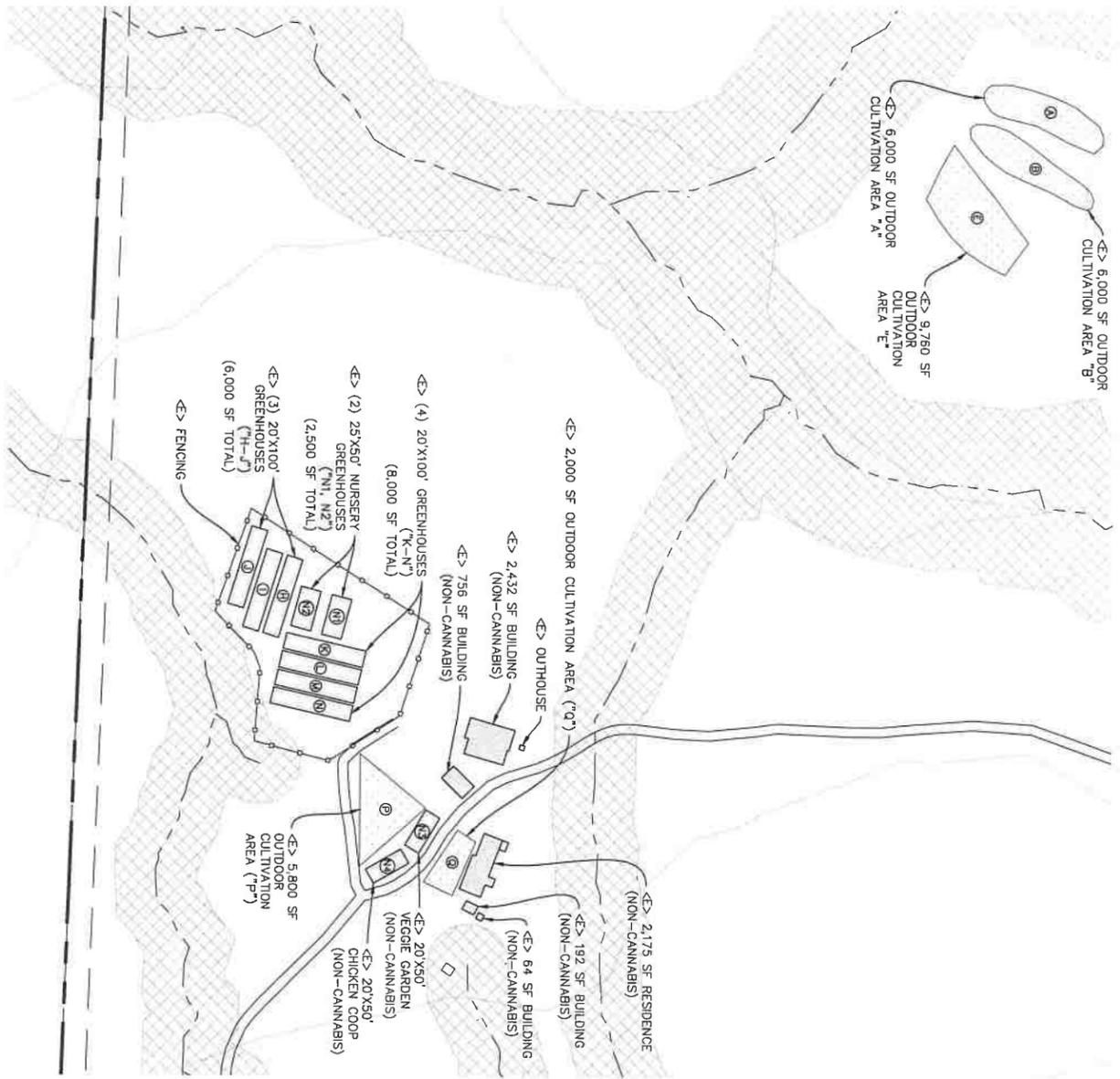
AMBIGUITY FARM, LLC GARBERVILLE, CA 95542 / 223-011-009 & 223-011-007 CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES	<p>NORTHPOINT CONSULTING GROUP, INC. 1117 Samoa Blvd., Arcata, CA 95521</p>	<table border="1" style="width: 100%;"> <tr> <th>DATE</th> <th>REVISIONS</th> <th>DRAWN BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	REVISIONS	DRAWN BY						
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21-080

AMBIGUITY FARM, LLC

EXISTING AND PROPOSED SITE PLAN

APN: 223-011-009
APPS# 12812



EXISTING SITE PLAN



PROPOSED SITE PLAN

22x34 SHEET: 1"=100'
11x17 SHEET: 1"=200'



AMBIGUITY FARM, LLC
GARBERVILLE, CA 95542 / 223-011-009 & 223-011-007
EXISTING AND PROPOSED SITE PLAN

NORTHPOINT
CONSULTING GROUP, INC.

1117 Samoa Blvd., Arcata, CA 95521

DATE	REVISIONS	DRAWN BY

21-080

C1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Determination and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility

Ordinance). Confirmation from the Department of Public Works that the work has been done will satisfy this condition.

8. The applicant shall rock the surface of the access road where it intersects Tooby Ranch Road, for a minimum width of 20 feet and a length of 50 feet. An encroachment permit must be obtained for the Department of Public Works Land Use Division prior to work within the county right-of-way. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
9. The applicant shall discontinue the use of and decommission the pit privy on-site and provide portable toilets for cultivation operations. The applicant shall keep receipts for portable toilets or similar documentation to be furnished during annual inspections.
10. The applicant shall complete all SMA restoration work outlined in the Restoration and Monitoring Plan prepared by Hohman and Associates and provide evidence that all corrective actions have been completed. Final signoff from the Planning Department will satisfy this condition.
11. The applicant shall install water monitoring device on each source – rainwater catchment and surface diversion if/when utilized and storage tanks as applicable - to monitor water used for cannabis irrigation separate from domestic use. Final signoff from the Planning Department will satisfy this condition.
12. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. Final signoff from the Planning Department will satisfy this condition.
13. The applicant shall adhere to all recommendations in the Road Assessment prepared by Hohman and Associates dated March 11, 2021. Final signoff from the Planning Department will satisfy this condition.
14. The applicant shall relocate the solar panel outside of the mapped SMA. Final signoff from the Planning Department will satisfy this condition.
15. 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.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.
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. The applicant shall abide by recommendations of the Biological Assessment prepared by Hohman and Associates Forestry Consultants dated February 1, 2019 which include foothill yellow legged frog surveys within one week of beginning work within streams, and pre-construction bids surveys prior to any additional construction or native vegetation clearing between February 1 and August 31.
4. The applicant shall abide by recommendations of the Botanical Survey Report prepared by Hohman and Associates Forestry Consultants dated July 31, 2019, which include avoiding disturbance of identified fawn lily and Lobb's aquatic butter cup identified on site, as well as appropriate treatment of invasive thistle identified on site.
5. Documentation from a licensed offsite processing service will be kept on file by the applicant to be furnished during annual inspections.
6. The applicant shall abide by all recommendations in the Restoration and Monitoring plan prepared by Hohman and Associates Forestry Consultants dated August 23, 2019, as approved by CDFW. The applicant shall submit the final monitoring report to the Planning Department at the end of the proposed three-year restoration period.
7. 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.
8. 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.
9. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
11. The use of anticoagulant rodenticide is prohibited.
12. 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.

13. 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.
14. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
15. 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.
16. 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.
17. 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.
18. 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).
19. Maintain enrollment in Tier 1 or 2 certification with State Water Resources Control Board Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. 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), if applicable.
21. 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.
22. 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).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection

fees.

25. 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.
26. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
28. 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.

Performance Standards for Cultivation and Processing Operations

29. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
30. 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).
31. 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.
32. 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.
33. 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
34. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation Permit 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.
35. 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.
36. 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.

37. 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.
38. 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.
39. 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.

ATTACHMENT 2

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

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

APN 223-011-009 and 223-011-007; Garberville, County of Humboldt

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

January 2022

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit (CUP-16-036) for 43,560 square feet of outdoor cannabis cultivation, and a Special Permit for restoration work within a Streamside management Area.

Water for irrigation will be provided by a 800,000-gallon onsite instream pond and a rainwater catchment system. The applicant anticipates 400,000 gallons of water will be required annually for irrigation. There are 100,000 gallons of water storage onsite occurring in two (2) 50,000 gallon rainwater catchment tanks, and 300,000 gallons of water storage is proposed for the project. The applicant will forbear from using the pond annually from April 1 to October 31. The applicant calculates that roughly 9,952 square feet of surface area can be utilized for rainwater catchment. Annual precipitation for Garberville is approximately 67 inches, which would result in roughly 413,400 gallons of captured rainwater input to storage. The applicant proposes to utilize rainwater catchment and the onstream pond for cannabis irrigation water for two years, after which the applicant proposes to utilize rainwater catchment with the onstream pond serving only as a backup water source.

There are no mapped endangered or threatened species of concerns located on the subject APN, although the neighboring APN (223-011-007), which is part of the same legal parcel, has a mapped occurrence of foothill yellow-legged frog. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 4.5-miles southeast of the cultivation site and the nearest NSO observation was observed over two-miles southeast from the cultivation site. Marbled Murrelet habitat is mapped approximately four miles east from the cultivation site. The applicant submitted a Biological Scoping Report prepared by Hohman and Associates. An Initial Biological Scoping Report was performed in February of 2019 by Kelsey McDonald of Hohman and Associates. The report recommended seasonally appropriate floristic surveys, a site visit, pre-construction bird surveys, and surveys for foothill yellow legged frog surveys within one week of beginning work on any stream crossings. These recommendations, if not already completed, have been included as conditions of approval.

The applicant has submitted a Botanical Survey completed by Kelsey McDonald of Hohman and Associates, dated July 2019. The results of the survey indicated that no special status plant species were present on the California Native Plant Society list ranked 1 or 2. Fawn lily was found on the project parcel, approximately 75 feet from the road and other human disturbance, and Lobb's aquatic butter cup occurred in a seasonal wetland near hard water tanks. Biologist recommendations include avoidance of the area where fawn lily is present, and that areas

around the seasonal wetland is not disturbed further. Additional surveys are conditioned if expansion is planned in the future.

The Botanical Survey also identified invasive species in the area and recommends appropriate removal and mitigation methods that are included as conditions of approval for the project.

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rhonerville Rancheria, and Intertribal Sinkyone Wilderness Council. The applicant is in the process of obtaining a completed Cultural Resource Study (CRS) prepared by Archaeological Research and Supply Company. In June of 2021 the applicant submitted an Interim Report prepared by Nick Angeloff of Archaeological Research and Supply Company that concluded there were no significant archaeological or historic period cultural resources that, for the purposes of CEQA (15064.5 (a)), would be considered an historical resource present in the limits of the project area. Additionally, tribal cultural resources were not present within the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources resulting from light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 11,660

square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Plan dated February 2018.
- Site Plan prepared by Northpoint Consulting Group Inc, received August 27, 2021.
- Site Management Plan (SMP) prepared by Trinity Valley Consulting Engineers Inc, dated May 2020.
- Biological Assessment prepared by Hohman and Associates Forestry Consultants dated February 1, 2019.
- Restoration and Monitoring Plan prepared by Hohman and Associates Forestry Consultants dated August 23, 2019.
- Botanical Survey Report prepared by Hohman and Associates Forestry Consultants dated July 31, 2019.
- Wetland Delineation Report performed by Northpoint Consulting Group Inc, received August 27, 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by Northpoint Consulting Group, Inc, received August 27, 2021– **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan dated February 2018- **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. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan prepared by Trinity Valley Consulting Engineers, INC. – **Attached**. Notice of Applicability: Waiver of Waste Discharge Requirements WD 1B16827CHUM – On file)
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. (**Attached**)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
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. Right to Divert and Use Water. (**Attached**)
16. *Biological Assessment* prepared by Hohman and Associates dated July 31, 2019. (On file)
17. *Restoration and Monitoring Plan* prepared by Hohman and Associates Forestry Consultants dated August 23, 2019. (On file)
18. *Site Management Plan* prepared by Trinity Valley Consulting Engineers, INC. dated May 2020. (**Attached**)
19. *Wetland Delineation Report* prepared by Northpoint Consulting Group, INC. dated August 2021. (On file)
20. *Road Evaluation Report* form dated March 12, 2021. (On file)
21. *Road Assessment* prepared by Hohman and Associates Forestry Consultants. (On file)

**AMBIGUITY FARM
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**COMMERCIAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



February 2018

AMBIGUITY FARM LLC

Tooby Ranch Road
Garberville, CA 95542

Cultivation and Operations Plan

Updated: February 2018
APN: 223-011-009
App#: 12812

Commercial Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

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1.0 Operations Plan

Project Description:

Ambiguity Farm LLC Commercial Cannabis Cultivation Project seeks a Conditional Use Permit (CUP) in compliance with the Commercial Cannabis Land Use Ordinance (CCLUO) and Medical Cannabis Regulation and Safety Act (MCRSA) for 34,560 square feet of existing outdoor cannabis and 10,000 square feet of existing mixed light cultivation. The project site is located on a single 200-acre parcel zoned AE. The cultivation occurs in a terraced and flat area located on the property, which is accessible by private road.

Water is gravity fed from two 50,000 gallon tanks to an existing 550,000 gallon pond. At the time of registration for an SUIR, SWRCB did not permit existing on-stream ponds to be used for cannabis cultivation. The updated regulations do allow for use of the on-stream pond and the applicant is engaged with both CDFW and SWRCB for a revised SUIR and LSA.

The Applicant has enrolled and/or applied in all required permits and notices for the California Department of Fish and Wildlife (CDFW), North Coast Regional Water Quality Control Board (NCRWQCB) and State Water Resources Control Board (SWRCB).

A copy of the SUIR, CDFW LSA application and NOA is attached in Appendix B

1.1 Water Management

1.1.11 Source and Storage

Ambiguity Farm will draw water from the on-site pond located on Applicant's parcel APN 223-011-009. The applicant is enrolled as Tier 2 with the North Coast Regional Water Quality Control Board (NCRWQCB) and will adhere to the standards of that tier to maintain enrollment.

1.1.2 Irrigation Plan & Projected Usage

All irrigation of cannabis is completed by a drip system that has been installed, with water meters to be installed. Drip lines and other related irrigation equipment will be maintained according to the manufacturer's recommendations. Watering occurs every three days and is closely monitored to prevent overwatering and resulting discharge.

Projected Cultivation Water Usage by Month

- May: 80,000 gallons
- June: 100,000 gallons

- July: 150,000 gallons
- August: 85,000 gallons
- September: 65,000 gallons
- October: 50,000 gallons
- November: 20,000 gallons

1.2 Drainage, Erosion Control & Habitat Protection

1.2.1 Drainage

The cultivation site is terraced and graded to direct rainwater runoff and other water discharge to an infiltration zone placed at the bottom of the terraced area to slow water flows from the project area and promote recharging of the water table.

1.2.2 Erosion Control

Ambiguity Farm has allowed native ground cover to re-establish itself following work prescribed, in conformance with the measures outlined in the WRPP found in Appendix B. Soils are seeded with ground cover and/or tarped to prevent loss in the off-season.

1.2.3 Habitat Protection

Applications of compost tea along with organic amendments will follow management practices to carefully prevent run-off and/or discharge. The applicant has completed an initial Biological Resource Assessment which can be found in Appendix B. Soils are re-used are kept from erosion using organic ground cover, and/or tarping as necessary.

The Water Resource Protection Plan (“WRPP”) for the Parcel is found in Appendix B. The applicant is in conformance with the spoils management plan, best management practices, and monitoring plan outlined in the WRPP in Appendix B.

Squaw Creek and one named class 3 watercourse that cross into the parcel are well buffered from the cultivation zone and more than 150 feet away. The applicant is enrolled in the Water Board’s Waiver of Waste Discharge program as a Tier II discharger. A copy of the NOA form is also attached in Appendix B.

1.2.4 Roads

All culvert replacement work is under design for 4 encroachments. The existing County Road Evaluation document is attached in Appendix B. There is ample parking available for the operation’s needs.

1.3 Noise Compliance

A small whisper watt generator will be used. Noise levels generated by normal farming activities are below the 60-decibel maximum allowed at the property line.

1.4 Storage Protocols

Single batches of compost tea are brewed on-site for immediate use, all remaining tea components and equipment are removed from the site after application. All labels are kept and directions are followed when amendments are applied.

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The applicant is not using any pesticides on cannabis at any stage of the process. No other regulated products are utilized in the regular operations.

1.5 Security Plan

Only persons approved by the owners will be allowed onto the property. The cultivation area is currently only accessible by a single gated private drive off of Tooby Ranch Road, The driveway leading into the cultivation parcel features a locked gate to prevent unwanted vehicle access. The parcel will be monitored by on-site owners.

2.0 Cultivation Plan

Ambiguity Farm will feature 34,560 sq ft of full-sun cannabis cultivation in a terraced cultivation zone and a 10,000 square foot mixed light cannabis cultivation. There will be one full-term cultivation cycle per year and 2-3 mixed light cultivation cycles. The following pages describe their schedule of activities and standard practices for cultivation.

2.1 Schedule of Activities for Growing and Harvest Seasons

Month	Activity
January	Maintain cover crop in cultivation zone
February	Maintain cover crop in cultivation zone
March	Maintain cover crop in cultivation zone
April	Cycle 1 Begins in for Mixed Light from seed.
May	Tend to Mixed Light Cycle 1.
June	Harvest Mixed light Cycle 1 prepare for processing and transport. Cycle 1 Outdoor Begins. Seed planted in pots. Compost tea and organic amendments applied weekly or biweekly, depending on needs.
July	Begin Mixed Light Cycle 1, Tend to outdoor plants. Monitor water use and watch for signs of mold and nutrient imbalance. Compost tea and organic amendments applied weekly or biweekly depending on needs.
August	Tend to mixed Light Cycle 2 and Outdoor Cycle 1. Monitor water use and watch for signs of mold and nutrient imbalance. Compost tea and organic amendments applied weekly or biweekly depending on needs, stopping at least two weeks before harvest.
September	Harvest all plants and prepare for transport the varieties that finish maturing flowers this month. Maintain and monitor other varieties in preparation for late harvest.
October	Harvest and prepare for transport the varieties that finish maturing flowers this month.
November	Harvest and prepare for transport the varieties that finish maturing flowers this month.
December	Maintain cover crop in cultivation zone.

2.2 Standard Cultivation Practices

- *Planting:* A portion of the total cannabis seeds will be planted in garden beds, and the remaining will be placed in 80-gallon pots. As the soil

improves with native cropping and other measures, more garden beds will be built to replace the pots.

- *Soil Management.* Existing soil is reused and cover cropped or tarped to prevent loss of soil.
- *Compost Tea Management:* Applied as a soil drench every 1-2 weeks during the cultivation cycle. The amount of compost tea applied to each plant's soil will vary as needed based on the plant's health.
- *Mildew management:* Excessive signs of mold and/or mildew will require containment and destruction in accordance with State and local regulations.

2.3 Processing Plan

When cannabis flowers have reached desired maturity, the whole plant will be harvested and transported to a processing facility compliant with local regulations, until the site is prepared for onsite processing.

2.4 Recordkeeping

The applicant will comply with all accountability requirements from the state and county. A perpetual inventory system will be used to comply with track-and-trace measures once it is available.

2.5 Waste Management Plan

Waste materials will be self-hauled off site using a manned fully permitted transfer/processing facility or manned transfer/processing operation. Typically the Redway Transfer Station is used. Organic matter, including cannabis plant waste will be composted on-premises in the designated area. Alternatively, unusable plant material may be removed by an authorized disposal service, if such options become available and practical. Portable toilets and handwashing stations will be provided and maintained during the cultivation season for human waste.

2.6 Human Resources

Typically there will be two day-to-day workers on site at one time, with an additional two to four seasonal workers at harvest. The cultivation will be run by the manager and only residents of the site will provide labor. Should the cooperative change its filing status or additional contractors be needed, the applicant will acknowledge that it is an agricultural employer and will 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

All workers will be trained in visitor protocols, loss aversion requirements, emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies, including maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection. No housing for workers is provided on-site, all workers are expected to commute.

Appendix A: Emergency Procedures and Contact Information for Ambiguity Farm

The first priority in the event of an emergency is for the safety of all people present.
Move quickly out of area danger.
Meet at assigned meeting place to get a headcount.
Enact Emergency Procedures.

Emergency Phone Numbers Dial 911 for Fire/Police/Ambulance

1. Tell the operator which emergency service you want
2. Wait until the service answers
3. Give the following address: Tooby Ranch Road, Garberville, CA
4. Do not hang up until told to do so by the 911 Operator

Other Emergency Contacts

Humboldt County Sheriff: 707-445-7251

Miranda Volunteer Fire Department: 707-943-3023

Humboldt County HazMat: 707-445-6215

Humboldt County Ag Dept.: 707-441-5260

Fire and Emergency Procedures Checklist

You must know and understand what to do if a fire occurs. Your first concern is the immediate safety of visitors and staff; secondly, the need to call emergency services and then to contain the fire but only if it is safe to do so. If help is available, allocate responsibilities to others to create a competent firefighting team.

- Evacuate people from the area
- If it is safe to do so, switch off power to all equipment
- Call the fire department (dial 911)
- If a small fire, use your fire extinguisher, tools and water hoses if it is safe to do so – try to contain and extinguish the fire
- If the fire is near a fuel tank, do not attempt to extinguish the fire – retreat to a safe distance
- Be prepared to direct the fire service to the scene

Spill Procedures Checklist

You must know and understand what to do if a spill occurs. Your first consideration is the immediate safety of visitors and staff; secondly, the need to call emergency services and then contain the spill if it is safe to do so. If help is available, allocate responsibilities to others to create a competent team to deal with the spill.

- If the spill is from the hose or tap, shut the isolation valve
- Warn people in area of the spill – evacuate if necessary
- Remove sources of ignition if flammable substance is present
- Evaluate the spill – only respond if you believe it is safe to do so
- Refer to the Materials Safety Data Sheet or call on an approved handler or other specialists for advice
- If necessary, call emergency services and advise local authority
- Put on safety equipment (e.g., overalls, boots, gloves, eye protection, etc.)
- Contain the spill if it is safe to do so – utilize a drip tray or oversize container or spill kit to soak up the substance
- Dispose of waste safely as set out in the Materials Safety Data Sheet

Incident Reporting

- Every accident resulting in injury or damage to the property must be reported to your manager immediately
 - Respond to the accident promptly and positively
 - Collect relevant information about the accident
 - Develop and take remedial actions
-
- Complete insurance claims and reports required First Aid
 - A first aid kit must be kept on the premises and maintained
 - All staff must know basic first aid procedures

Minor Injury Accidents

- Minor cuts and abrasions must be attended to immediately
- If in doubt, contact a physician or call 911

Serious Injury Accidents

- Call an ambulance immediately (dial 911)
- Seek the assistance of any first responder
- Stabilize the victim
- Advise your manager

Property Damage

- All damage to farm property must be reported to your manager

Control of Bleeding

1. Direct pressure – use your hand(s)
2. Elevate (raise) the limb
3. Apply a pad and firm bandage
4. If necessary, use clean rags or clothing

Remember!!

- Always check for circulation below the bandage!
- If there is tingling, numbness or blue color, loosen the bandage

Management of Burns

1. Cool the burned area with cool water for 10-15 minutes
2. If necessary, cover the burn with a clean dressing or plastic wrap before moving person

Remember!!

- Do not burst blisters
- Do not remove clothing that is stuck
- Do not apply creams

Management of Eye Injuries

Foreign Bodies In the Eye(s)

1. Wash the eye(s) with eyewash or clean water
2. If the foreign body is stuck to the eye, DO NOT attempt remove
3. Place covering over the eye and obtain medical attention

Chemicals in Eye(s)

1. Wash the eye(s) with clean cool water for at least 15 minutes
2. Wash from near the nose outward
3. Always wash under the upper eyelid
4. Obtain medical attention

Breathing

If a person is breathing but unconscious, turn them on their side to prevent tongue swelling or vomit from obstructing airway

If person is not breathing:

- Check airway for blockage and clear
- Call 911
- Administer CPR

Location of Firefighting, Spill and First Aid Kits

A fire extinguisher is located in the following places:

- Work vehicles

A first aid kit is located in the following places:

- Work vehicles

A spill kit is located in the following places:

Not applicable (if chemicals are acquired that require special handling, a spill kit will be provided)

12812

RECEIVED

DEC 11 2020

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

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2019-0698-R1**

Unnamed Tributaries to Squaw Creek, Tributary to East Branch South Fork Eel River, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean



Michael Linde
Linde Ambiguity Farm Trust Water Diversion Pond and Stream Crossings Project
15 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on August 27, 2019, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within Squaw Creek watershed, approximately 4.92 miles east southeast of the town of Garberville, County of Humboldt, State of California. The project is located in Section 27, T4S, R4E, Humboldt Base and Meridian; in the Harris U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 223-011-009 and 223-011-007; latitude 40.088388 N and longitude -123.70331 W at the parcels center.

PROJECT DESCRIPTION

The project is limited to 15 encroachments on unnamed tributaries to Squaw Creek (Table 1). Two encroachments are for water diversion for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The 13 other encroachments are to replace or maintain culverts and a pond spillway. Work for these encroachments will include some or all of the following: excavation, culvert removal and/or replacement, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude, Longitude	Description
Crossing-1	40.090989, -123.697228	Replace undersized 18" diameter culvert with minimum 24" diameter culvert set to grade with adequate rock armor at inlet and outlet to minimize/avoid erosion potential.
Crossing-2	40.091567, -123.698648	Installation of rock armor at the inlet and outlet of unpermitted culvert to minimize erosion potential.
Crossing-3	40.089979, -123.701130	Replace undersized 36" diameter culvert with minimum 48" diameter culvert set to grade with adequate rock armor at inlet and outlet to minimize/avoid erosion potential. Removal of irrigation line from culvert and stream.
Crossing-4	40.087152, -123.703362	Reposition existing but perched 18" diameter culvert set to grade with adequate rock armor at inlet and outlet to minimize/avoid erosion potential.
Crossing-5	40.086625, -123.703132	Install an 18" diameter culvert in accordance with Mitigation Alternative #1 to reestablish the natural stream flow from above the road.
Crossing-6	40.086446, -123.703135	Install an 18" diameter culvert in accordance with Mitigation Alternative #1 to reestablish the natural stream flow from above the road.
Crossing-7	40.085278, -123.704318	Installation of additional rock armor downstream from outlet and installation of critical dip to minimize erosion potential.
Crossing-8	40.086522, -123.706015	Replace undersized 18" diameter culvert with minimum 24" diameter culvert set to grade with critical dip and adequate rock armor at inlet and outlet to minimize/avoid erosion potential.
Crossing-9	40.088649, -123.706022	Replace undersized 12" diameter culvert with minimum 18" diameter culvert set to grade with critical dip and adequate rock armor at inlet and outlet to minimize/avoid erosion potential.
Crossing-10	40.089247, -123.706658	Install additional rock armor at outlet.
Crossing-11	40.089365, -123.707538	Reposition existing but perched 18" diameter culvert set to grade with adequate rock armor at inlet and outlet to minimize/avoid erosion potential.
Crossing-13	40.090892, -123.708275	Replace undersized 18" diameter culvert with minimum 30" diameter culvert set to grade with critical dip and adequate rock armor at inlet and outlet to minimize/avoid erosion potential.
Pond Spillway	40.085356, -123.703534	Remove abandoned concrete from and reconstruct failing pond spillway as proposed in the notification.
POD-1 (Cultivation)	40.085346, -123.703410	Use and maintenance of water diversion infrastructure in accordance with this agreement for diversion from a pond for cannabis cultivation.
POD-2 (Domestic)	40.11870, -123.7002	Use and maintenance of water diversion infrastructure in accordance with this agreement for diversion from a spring for domestic use.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Rough-skinned Newt (*Taricha granulosa*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

increased water temperature;
reduced instream flow;
temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

loss or decline of riparian habitat;
direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process:

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 Agreement Compliance. The proposed work shall comply with the measures of this Agreement. **Failure to comply with these measures shall result in suspension or revocation of this agreement.**
- 1.8 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on August 27, 2019, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2021**. A written notice (e.g., email or letter) of completed work shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.
- 2.6 **Foothill Yellow-legged Frog avoidance:** Foothill Yellow-legged Frogs (FYLF), state species of special concern, are known to occur within the proposed project area(s). As a result, construction or remediation activities shall not occur where free water (flowing or stagnant) is present in the watercourse in the project area or within 100 feet of it, unless a visual encounter survey is conducted for all life-stages of FYLF by a qualified individual (knowledgeable with all life stages of FYLF and similar species) in accordance with the following:
- 2.6.1 A visual encounter survey shall be conducted no more than two weeks prior to initiating construction/reconstruction work.
- 2.6.2 Visual encounter surveys shall consist of walking the entire survey reach and visually scanning in the water and on the banks. Any frog species encountered shall be recorded.
- 2.6.3 If FYLF are present within the survey area, operations at these locations shall not occur unless consultation with CDFW is completed to develop site-specific mitigation measures or an Incidental Take Permit for FYLF is obtained.

Vegetation Management

- 2.7 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.8 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Water Diversion

- 2.9 **Maximum Diversion Rate.** The maximum combined instantaneous diversion rate from the water intake (i.e., point of diversion) shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.10 **Bypass Flow.** The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.11 **Seasonal Diversion Minimization.** No more than **200 gallons per day** shall be diverted during the low flow season from **May 15 to October 30**. Water shall be diverted only if the Permittee can adhere to measures 2.09 and 2.10 of this Agreement.
- 2.12 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.12.1 A log including the date, time and quantity of water diverted from the POD.
- 2.12.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.12.3 Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

- 2.13 Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.14 Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.15 Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.16 Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.16.1** The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.16.2** A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.16.3** The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.16.4** The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.17 Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

- 2.18 **Diversion Infrastructure Plan (DIP)**. The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with this Agreement.
- 2.19 **Diversion Intake Removal**. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.20 **Heavy Equipment Use**. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.21 **Water Conservation**. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.22 **Water Storage**. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.23 **Water Storage Maintenance**. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.24 **State Water Code**. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu_registration.pdf.

Water Storage Pond

- 2.25 **Bullfrog Management Plan**. The Permittee shall monitor pond(s) each year for invasive bullfrogs. If bullfrogs are or become present, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in **Exhibit A**. A copy of the annual monitoring

report, shall be submitted to CDFW in accordance with the reporting measures described in **Exhibit A** and below (Reporting Measure 3.4)

- 2.26 Seasonal Diversion Minimization.** To minimize adverse impacts to pond breeding amphibians the following diversion minimizations apply: From **November 01 to March 31**, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From **April 1 – September 1**, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.
- 2.27 Wildlife Entrapment Prevention.** The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond.
- 2.28 Pond Spillway.** The Permittee shall install an overflow spillway that will withstand a 100-year flood event and control concentrated overflow. The spillway shall prevent surface overflow from reaching waters of the State.
- 2.29 No Stocking.** Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.

Stream Crossings

- 2.30 Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.31 Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.32 Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the

California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.33 Dewatering.

2.33.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.33.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

2.33.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

2.33.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.33.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour

downstream of the diversion.

2.33.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.33.7 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.34 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.35 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.36 Culvert Installation.

2.36.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials should consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe is not recommended.

2.36.2 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.36.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.36.4 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even

distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.36.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.36.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.37 Rock Armor Placement.

2.37.1 No heavy equipment shall enter the wetted stream channel.

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

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

2.37.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.38 Road Approaches. The Permittee shall treat road approaches to new or reconstructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

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

Erosion Control and Pollution

2.40 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

- 2.41 Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.42 Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.43 Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament 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.
- 2.44 Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.45 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.46 No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (Measure 2.12) shall be submitted to CDFW (see contact information below) no later than **December 31** of each year beginning in **2020**.
- 3.2 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** (Measure 2.13) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW (see contact information below).
- 3.3 **Diversion Infrastructure Plan.** The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan (Measure 2.18). This document shall be submitted to CDFW (see contact information below).
- 3.4 **Bullfrog Management Plan.** To comply with Measure 2.25, the Permittee shall submit all required documents described in the **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW (see contact information below).
- 3.5 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (Measure 2.39) to CDFW (see contact information below).

CONTACT INFORMATION

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

To Permittee:

Michael Linde
Ambiguity Farm Trust
P.O. Box 1298
Redway, California 95560
949-630-1350

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification # 1600-2019-0698-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and

subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Michael Linde

Michael M. Linde

Michael Linde

12-9-20

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Scott Bauer

Scott Bauer

Senior Environmental Scientist Supervisor

12/11/2020

Date

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, November 26, 2019 and revised February 7, 2020.

EXHIBIT A

BULLFROG MONITORING AND MANAGEMENT PLAN FOR NOTIFICATION NO. 1600-2019-0698-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages

can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

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

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H500875

CERTIFICATE H100329

Right Holder: *Kristina Dodge*
 TOOBY RANCH ROAD
 GARBERVILLE, CA 95542

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 05/07/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
UNNAMED POD	Squaw Creek	East Branch South Fork Eel River	South Fork Eel River	40.085078	-123.702177	Humboldt	223011009

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	223011009	1.5

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 11/13/2018. The place of use is shown on the map filed on 11/13/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1.5344 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 1.53 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

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

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 11/13/2018 09:43:24

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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	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFire	✓	Note	On file
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rhonerville Rancheria	✓	Comments	On file and confidential
Humboldt County Sheriff		Rejected	On file
Ag Commissioner		No response	
Williamson Act		No response	
Southern Humboldt Joint Unified		No response	
Humboldt County District Attorney		No response	
North Coast Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Intertribal Sinkyone Wilderness Council		No Response	



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

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

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

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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Desmond Johnston, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 04/29/2021

RE:	Applicant Name	AMBIGUITY FARM LLC
	APN	223-011-009
	APPS#	PLN-12812-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted road evaluation reports, dated 03/12/21, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard.

It appears that the applicant has combined approximately 0.70 miles of Upper Tooby Ranch Road (County maintained) with the unnamed access road used for the project sites into one road evaluation. **The Department recommends separate reports for both road sections.**

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, “No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual.” Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #

COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //