
North Coast Regional Water Quality Control Board

September 20, 2019

Adam Owens
PO Box 572
Garberville, CA 95542

Dear Adam Owens:

Subject: Water Quality Certification Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board Cannabis Cultivation Policy, and Order No. WQ 2019-0001-DWQ (the Cannabis General Order)

File: Smith Property Water Quality Certification for Humboldt County APN(s) 217-271-005-000; WDID No. 1B190153CHUM, CIWQS Place: 828618

This letter certifies conditional coverage of the proposed instream work project (Project) as described in *Appendix D for Smith Humboldt County APN 217-271-005-000* (Application) by Adam Owens (Applicant) prepared by Timberland Resource Consultants, under Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements (the Order) and in compliance with the State Water Resources Control Board Cannabis Cultivation Policy (Policy). To comply with the Order, the Applicant must comply with all conditions of this NOA and documents referenced herein.

Background

On July 01, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application for enrollment from Adam Owens to comply with the terms of, and obtain coverage under the Order for discharges of waste associated with cultivation and proposed work outside of waters of the State at Humboldt County assessor parcel number (APN) 217-271-005-000. To conduct the work proposed in the Application and comply with the Order, the Applicant requires additional coverage under the General Water Quality Certification section of the Order for proposed instream compliance work. On March 7, 2016, the Regional Water Board received a Notice of Intent and enrollment fee under Order R1-2015-0023 (the Regional Cannabis Waiver). On October 19, 2016, the Regional Water Board received an Instream Workplan completing the Application, which contains Project details and requests water quality

certification for the Project. The Application provides information related to the Project location, description, environmental need, design criteria, assessment of Project area flora and fauna, monitoring and reporting plans, and environmental protection measures. The Project activities, environmental protection measures included therein, and Best Practicable Treatment and Control (BPTC) measures included in Attachment A of the Order, are considered enforceable components of this NOA of enrollment under the Order. Enrollment under this General Water Quality Certification requires an annual fee to be paid until the instream work and associated monitoring has been completed and the Regional Water Board has been notified as such.

Project Description and Project Scope

This NOA covers only the work described in the original Application received on October 19, 2016. Any additional instream work must have a new application submitted and approved by the Regional Water Board per the requirements of the Order. The proposed project scope does not exceed what is allowed for coverage under the Order and is in compliance with one or more of the following categorical exemptions of the California Environmental Quality Act (CEQA): California Code of Regulations, title 14, section 15308 (regulatory actions for environmental protections); section 15301 (ongoing or existing projects).

Required Mitigation

Specific mitigation measures shall be completed as described in the Application and this NOA. Areas with temporary impacts outside of the existing project footprint shall be mitigated at a 1:1 ratio through enhancement, remediation, or restoration of riparian areas. Areas with permanent impacts outside of the existing project footprint, such as those caused by the placement of armoring around culverts, increased length of culverts outside of road prism, pond removal, etc.; shall be mitigated at a 3:1 ratio through enhancement, remediation, or restoration of riparian areas. Mitigation through enhancement consists of activities that enhance the existing riparian area through minor modifications, i.e. removal of non-native species or planting of native species over a small surface area (approximately 100 square feet). Mitigation through remediation consists of activities that remediate impacts to the riparian area, streambed, or streambank caused by recent impacts. Examples of remediation are replanting disturbed areas with native species, minor re-contouring of streambanks, etc. Mitigation through restoration consists of activities that restore previously existing features, such as fully restoring a previously existing stream channel (i.e. engineered streambed, streambank, and floodplain, and establishment of native plants in the restored area) after removal of an on-stream pond.

Monitoring Plan

Monitoring of physical stream parameters (e.g. vegetation, signs of erosion or sedimentation, stream stability, and stream flow capacity) will be conducted both before and after Project implementation. Pre-Project monitoring was conducted by the Applicant. Post-Project monitoring shall occur annually and shall be submitted annually to the Regional Water Board by January 31. Monitoring will be conducted and recorded by the landowner and shall include photo documentation of each instream work location with associated notes on plant survival and vigor, stream and pond stability, and signs of bed and bank erosion. At least five years of post-Project monitoring shall be provided

until a minimum of 85 percent survival rate is achieved. Compensatory Mitigation shall be revegetation of eroded/denuded stream banks, as described in the Application and prescribed in the Required Mitigation section above.

Following the completion of each seasonal work period, an annual report shall be submitted to all appropriate agencies (Humboldt County, Army Corps of Engineers, Regional Water Board, and California Department of Fish and Wildlife). This annual report shall include findings that result from pre- and post-Project monitoring. These findings shall indicate the achievement of performance standards and include the following information:

- Summary of findings
- Identification and discussion of problems with achieving performance standards
- Proposed corrective measures as needed (requires Regional Water Board approval prior to implementation)

All other monitoring requirements, pursuant to Order WQ 2019-0001-DWQ and proposed in the Project Application shall be followed in addition to the requirements listed above.

Notice of Applicability & Project Determination

Regional Water Board staff has determined that the proposed activities as described in the Application may proceed under the General Water Quality Certification of the Order so long as the Applicant complies with the conditions prescribed in this NOA, the Order, the Policy, and the Site Management Plan associated with this property.

Project Reporting

Monitoring reports shall be submitted at a minimum annually by January 31st of each year, documenting the achievement of performance standards and project goals.

In addition, a Notice of Completion (NOC) shall be submitted by the applicant no later than 30 days after the Project has been completed. A complete NOC must include, at a minimum: photographs with a descriptive title, the date each photograph was taken, the name of the photographic site, the WDID number indicated above, and success criteria for the project. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the Applicant's Project Application and this NOA. Please note that the Applicant will continue to get billed an annual fee until an NOC has been submitted and approved

Please include the Project name and WDID number with all future inquiries and document submittals. Document submittals shall be made electronically to:
NorthCoast.Cannabis@waterboards.ca.gov.

Please contact staff at 707 576-2676 or NorthCoast.Cannabis@waterboards.ca.gov if you have any questions.

Sincerely,

Matthias St. John
Executive Officer

File Name: Smith_App D_1B190153CHUM_NOA

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