



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501
www.wildlife.ca.gov

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



ADOSH
11491-CUP

February 8, 2019

Kevin Dobosh
Stay Humboldt Farms, LLC
3054 Alice Ave, Arcata, CA 95521

**Subject: Notification of Lake or Streambed Alteration No. 1600-2018-0495-R1
Dobosh Stay Humboldt Farms Stream Crossings impacting tributaries to
Supply Creek tributary to the Trinity River
Humboldt County Assessor's Parcel Number 522-021-010**

Dear Kevin Dobosh:

On August 7, 2018 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). CDFW had 30 days determine if your notification was complete which was September 6, 2018.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete, if the Department determines that an Agreement is required for the project. An Agreement would be required if the Department determined that your project could substantially adversely affect an existing fish or wildlife resource. Therefore, the Department had until November 5, 2018 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, **it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

Your notification includes, but is not limited to, the following information: Three stream crossings are present on site. Two of them are old Humboldt crossings that will be upgraded. The third is appropriately sized to pass 100-year flows and associated debris. A well is the sole source of water for cannabis irrigation.
Ground Water Well: -123.7627907°; 40.98590947°

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Crossing #2: -123.7635072°; 40.98947311°, minimum 24-inch culvert
Crossing #3:-123.7631393°; 40.99217303°, minimum 24-inch culvert

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant 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 Notification, provided CDFW: a) provides advance notice; and b) allows the Applicant or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until November 5, 2023 which is 5 years from the date the Department was required to provide a Draft Agreement.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ec: carroll@timberlandresource.com

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North Coast Regional Water Quality Control Board
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County of Humboldt, Department of Planning and Building
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