



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## North Coast Regional Water Quality Control Board

July 28, 2020

WDID:1\_12CC424328

FANTASTIC GARDENS HUMBOLDT LLC  
ATTN: PETER JIVANOV  
PO BOX 313  
HYDESVILLE, CA 95547

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

  
On Behalf Of

2020.07.29 14:58:05 PDT

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

Water Boards

200728\_1H\_1\_12CC424328\_Fantastic\_Gardens\_NOA\_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, FANTASTIC GARDENS HUMBOLDT LLC, HUMBOLDT COUNTY APN(s) 210-141-008-000**

Fantastic Gardens Humboldt LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on May 13, 2020, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC424328**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

**1. FACILITY AND DISCHARGE DESCRIPTION**

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) some portion of the disturbed area is located within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 High Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note

that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;



- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by August 10, 2020, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Disturbed Area Stabilization Plan consistent with the requirements of General Order Provision C.1.c., and Attachment A, Section The Disturbed Area Stabilization Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. If the Discharger cannot achieve compliance by the next onset of the winter period (i.e., stabilization work will continue into the winter period or will continue the following year), the Discharger must include a time schedule and scope of work for approval by the Regional Water Board Executive Officer and use in preparing an enforcement order. Attachment D of the General Order provides guidance on the contents of the Disturbed Area Stabilization Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional

Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 High Risk. The 2018-2019 annual fee for that tier and risk level was set at \$4,800, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

## **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Notice of Applicability  
WQ 2019-0001-DWQ-R1  
WDID #1\_12CC424328

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July 28, 2020

Cc: Kevin Porzio, State Water Resources Control Board,  
dwq.cannabis@waterboards.ca.gov  
Cheri Sanville, California Department of Fish and Wildlife,  
cheri.sanville@wildlife.ca.gov  
Cliff Johnson, Humboldt County Planning and Building,  
cjohnson@co.humboldt.ca.us



#11966  
APN: 210-141-008



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## North Coast Regional Water Quality Control Board

September 17, 2021



Fantastic Gardens Humboldt LLC  
PO Box 313  
Hydesville, CA 95547  
[topmanmario16@yahoo.com](mailto:topmanmario16@yahoo.com)  
[jivanovp@gmail.com](mailto:jivanovp@gmail.com)

Dear Fantastic Gardens Humboldt LLC:

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

**File:** Fantastic Gardens North Property Water Quality Certification for Humboldt County APN 210-141-008-000; WDID No. 1B21157CHUM; Place ID: 843402

This letter certifies conditional coverage under the above referenced General Water Quality Order (the Order) and compliance with the referenced Policy for the proposed project (Project) as described in the *Application for 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill) and Coverage under Order No. WQ 2019-0001-DWQ* (Application) for Fantastic Gardens Humboldt LLC (Applicant) prepared by Natural Resources Management Corporation. The Project, as referenced in this NOA includes only: upgrading thirteen stream crossings, decommissioning three stream crossings, and upgrading one point of diversion.

This NOA only applies to the scope of instream work proposed in the Application and does not authorize any additional work within riparian setbacks, which would require the submittal of a Disturbed Area Stabilization Plan (DASP) and approval by the Regional Water Board prior to implementation. To comply with the Order and Policy, the Applicant must comply with all conditions of this NOA and documents referenced herein.

Any additional instream work beyond the scope of this NOA will require a new application and applicable fee which must be submitted to the Regional Water Board. This NOA does not certify the right to divert or store water, such activities require a valid water right from the Division of Water Rights. To determine if a water right is needed please contact the Division at: [CannabisReg@waterboards.ca.gov](mailto:CannabisReg@waterboards.ca.gov) with any associated questions.

GREGORY A. GIUSTI, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER



### Background

On May 13, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application for enrollment from the Applicant to comply with the terms of, and obtain coverage under the Order for discharges of waste associated with cannabis cultivation and proposed work outside of waters of the State at Humboldt County assessor parcel number (APN) 210-141-008-000 (the Property). To conduct the work proposed in the Application and comply with the Order, the Project requires coverage under the General Water Quality Certification section of the Order. On July 13, 2021, the Regional Water Board received the Application containing Project details and requesting coverage under and consistent with the General Water Quality Certification included in Attachment A of the Policy, with the final Project documents received on August 27, 2021. The appropriate General Water Quality Certification Application Fee was received on July 13, 2021.

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 requirements included as Attachment A of the Policy ([https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/water_issues/programs/cannabis/)), are considered enforceable components of this NOA. Coverage under this General Water Quality Certification requires an annual fee to be paid until the instream work and associated monitoring have been completed and the Regional Water Board has issued a Notice of Termination.

### Project Description and Scope

The 17 instream work locations identified in the Application are collectively referred to as the Project in this NOA. The instream work location naming convention from the Application is used in the descriptions below for consistency. The Project includes instream work locations within the Little Van Duzen River hydrologic unit (HUC 180101050902, Hydrologic Sub-Area 1111.220401) of the Lower Eel River watershed. The total area of ground disturbance associated with the Project is estimated to be 5,890 square feet. There are approximately 5,856 square feet and 463 linear feet of temporary impacts and approximately 34 square feet and 7 linear feet of permanent impacts to streambeds and banks associated with the Project.

Project 1 consists of replacing an existing rock ford crossing with an appropriately sized 18-inch diameter culvert and installing rock armor at the inlet and outlet on a Class III watercourse. Project 2 consists of replacing an existing undersized and improperly installed 30-inch diameter culvert with an appropriately sized and properly installed 60-inch diameter culvert and installing rock armor at the inlet and outlet. Project 3 consists of replacing an existing improperly installed but appropriately sized 18-inch diameter culvert with a new properly installed 18-inch culvert and installing rock armor at the inlet and outlet.



Project 4 consists of replacing an existing undersized 24-inch diameter culvert with an 18-inch diameter culvert to convey low flows and a vented ford for high flow events for use during the dry season only. Project 5 consists of decommissioning an existing 36-inch diameter culverted stream crossing by excavating it from a Class II watercourse. Project 6 consists of decommissioning a rock ford stream crossing from a Class I watercourse by excavating and hydrologically disconnecting it from the road drainage. Project 7 consists of upgrading an existing rock ford crossing on a Class III watercourse by excavating and installing rock armor for use during the dry season only. Project 8 consists of upgrading a rock ford crossing on a Class III watercourse by excavating and installing rock armor for use during the dry season only.

Project 9 consists of installing additional rock on a rolling dip that conveys a roadside seep across the road to a Class II watercourse. Project 10 consists of the replacement of an existing undersized and improperly installed 30-inch diameter culvert with an 18-inch culvert for low flows and a vented rock ford for high flow events for use during the dry season only. Project 11 consists of upgrading an existing fill crossing on a Class III watercourse with a rock ford for use during the dry season only. Project 12 consists of upgrading an existing fill crossing with a rock ford on a Class III watercourse to be used during the dry season only.

Project 13 consists of the replacement of an undersized 8-inch diameter culvert with an appropriately sized 18-inch diameter culvert on a Class III watercourse. Project 14 consists of rocking the road approaches on an existing stream crossing on a Class III watercourse to be used during the dry season only. Project 15 consists of the replacement of an undersized and improperly installed 24-inch diameter culvert on a Class III watercourse with a 30-inch diameter culvert and installing rock armor at the inlet and outlet. Project 16 consists of decommissioning a Humboldt crossing on a Class II watercourse by excavating and restoring the channel. Project 17 consists of upgrading an existing high-density polyethylene pipe on a Point of Diversion (POD) on a Class II watercourse by installing a screened intake to meet California Department of Fish and Wildlife (CDFW) standards.

Based on the extent of the impacts associated with the Project, the Applicant will receive an annual invoice under the Low Impact Discharges Fee Category. The proposed scope of the Project 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) and section 15304 (minor alterations to land).

#### Required Project Design Features

The Project includes revegetation of eroded and denuded streambanks immediately following the completion of work. The reduction of sediment discharges and threatened discharges as a result of appropriate design and construction of the stream crossings account for a portion of the work needed to offset the permanent impacts associated with completing the Project. Completion of the Project will result in 5,890 square feet

and 470 linear feet of enhancement to impacted stream channels. The Project includes planting a total of 21 trees to replace six Douglas Firs and one Live Oak, which will be removed during construction. Specific Project design features and impact dimensions are described in the Application.

#### 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 and Natural Resources Management Corporation. Post-Project monitoring shall occur annually and be submitted annually to the Regional Water Board by January 31<sup>st</sup> of each year. Monitoring will be conducted and recorded by the Applicant and shall include photo documentation of each instream work location with associated notes on plant survival and vigor, stream 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.

Following the completion of each seasonal work period, an annual report shall be submitted to all appropriate agencies (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 the Order WQ 2019-0001-DWQ and proposed in the Application shall be followed in addition to the requirements listed above.

#### Project Reporting

Monitoring reports shall be submitted at a minimum annually by January 31<sup>st</sup> of each year, until the monitoring period is over, 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 Application and this NOA. Please note that the Applicant will continue to get billed an annual fee until the

monitoring and reporting period has finished, the success criteria have been achieved, and the Regional Water Board has terminated this NOA.

Notice of Applicability & Project Determination

Regional Water Board staff has determined that the proposed activities as described in the Application qualify for coverage, and may proceed under the Order so long as the Applicant complies with the conditions prescribed in this NOA, Order WQ 2019-0001-DWQ, and the Cannabis Policy. Approval of this Project requires revegetation of eroded or denuded stream banks, as described in the Application and prescribed in the Required Project Design Features section above.

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](mailto:NorthCoast.Cannabis@waterboards.ca.gov) and include "Fantastic Gardens North Water Quality Cert WDID 1B21157CHUM" as part of the subject line.

Please contact staff at [NorthCoast.Cannabis@waterboards.ca.gov](mailto:NorthCoast.Cannabis@waterboards.ca.gov) or 707-576-2676 if you have any questions.

Sincerely,



On Behalf Of

Matthias St. John  
Executive Officer

Digitally signed by

Kason Grady

Date: 2021.09.17

14:39:33 -07'00'

Water Boards

210917\_EB\_er\_Fantastic Gardens North\_1B21157CHUM\_WQC\_NOA

Original to:

Fantastic Gardens Humboldt LLC

PO Box 313

Hydesville, CA 95547

[topmanmario16@yahoo.com](mailto:topmanmario16@yahoo.com); [jivanovp@gmail.com](mailto:jivanovp@gmail.com)

cc:

California Department of Fish and Wildlife, [r1lsaeureka@wildlife.ca.gov](mailto:r1lsaeureka@wildlife.ca.gov)

Humboldt County, [PlanningBuilding@co.humboldt.ca.us](mailto:PlanningBuilding@co.humboldt.ca.us)

US Army Corps of Engineers, [CESPN-Regulatory-Info@usace.army.mil](mailto:CESPN-Regulatory-Info@usace.army.mil)

Jennifer Siu, US Environmental Protection Agency, [Siu.Jennifer@epa.gov](mailto:Siu.Jennifer@epa.gov)

State Water Resources Control Board, [DWQ.Cannabis@waterboards.ca.gov](mailto:DWQ.Cannabis@waterboards.ca.gov)

North Coast Regional Water Quality Control Board, [ermias.berhe@waterboards.ca.gov](mailto:ermias.berhe@waterboards.ca.gov)

Natural Resources Management, [dpeterson@nrmcorp.com](mailto:dpeterson@nrmcorp.com)