

North Coast Regional Water Quality Control Board

**CEQA Project Review and Comment
Cannabis Program
Project Name: Ivan Jimenez CUP
WDID No. (1B161523CHUM)
Date: 2/25/19**

APN: 208-271-011	County: Humboldt	Case, File or Appl. No. PLN-12603-CUP	RWB Reviewer: A. Piscitelli
Date Referral Received: 2/8/19		Date Comments Requested By: 2/23/19	
Site Location and Landowner Information			
Physical Site Address: Coyote Flat Rd./Rattlesnake Ridge Dinsmore, CA		Mailing Address: Ivan Jimenez 607 Loma Ave Long Beach, CA 90814	
CEQA Lead Agency Contact		Document Type	
Humboldt County		CEQA: <input type="checkbox"/> CE <input type="checkbox"/> NOP <input type="checkbox"/> IS <input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> DEIR Other: <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Project Referral	
Project Description			
Conditional Use Permit for 10,450 square feet of existing, outdoor, medical cannabis cultivation. The applicant projects one cultivation cycle per year. Water for irrigation is sourced from an existing on-site well. Water is stored in four 2,500 gallon tanks totaling 10,000 gallons. Processing, including drying and trimming, occur on-site in an existing structure. The applicant states that eight employees are needed for operations. Electricity is sourced using solar and natural gas generator power.			
Cannabis Program Enrollment			
North Coast Regional Water Quality Control Board Order No. R1-2015-0023 Enrolled? <input checked="" type="checkbox"/> Yes, <input type="checkbox"/> No Enrollment Tier <input type="checkbox"/> Tier 1, <input checked="" type="checkbox"/> Tier 2, <input type="checkbox"/> Tier 2*, <input type="checkbox"/> Tier 3		State Water Board Cannabis Program Order No. WQ-2017-0023-DWQ Enrolled? <input type="checkbox"/> Yes, <input type="checkbox"/> No, <input type="checkbox"/> Exempt (Personal Use), <input type="checkbox"/> Conditionally Exempt (Waiver) Enrollment Tier <input type="checkbox"/> Tier 1, <input type="checkbox"/> Tier 2 Risk Level	

	<input type="checkbox"/> Low, <input type="checkbox"/> Medium, <input type="checkbox"/> High
Tribal Authorization, for cultivation within 600 feet of tribal lands (PRC section 21073)	
<input type="checkbox"/> Authorized <input type="checkbox"/> Request for authorization denied by Tribe <input type="checkbox"/> Authorization required <input checked="" type="checkbox"/> Not applicable (Cultivation not within 600 feet of tribal lands)	
CEQA Document Review and Project Proposal Comments	
<input checked="" type="checkbox"/> No Comment at this time <input type="checkbox"/> Recommend Conditions be Applied to the Project (See requirements below) <input type="checkbox"/> Recommend Environmental Impact Report <input type="checkbox"/> Additional Information Requested or Potential Permits Required (see comments below)	
Regional Water Board Authority	
<p>The North Coast Regional Water Quality Control Board (Regional Water Board) implements the Porter Cologne Water Quality Control Act and Federal Clean Water Act, and is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) otherwise known as Waters of the State and United States and the protection of the beneficial uses associated with those waters. We regulate the discharge of waste to land and waters of the state as well as implement the federal Clean Water Act in California.</p> <p>The Regional Water Board’s Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: “Waters of the state’ refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e).” This definition is broader than that of “waters of the United States” and consequently should always be acknowledged and considered when determining impacts upon water resources.</p> <p>Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated.</p> <p>Any impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. Project proponents are required to first avoid and second to minimize impacts to waters of the State, such efforts must be fully exhausted prior to deciding to mitigate for their loss. If a project’s impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.</p> <p><u>Antidegradation Policy</u></p> <p>The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board’s Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Therefore, projects are</p>	

not authorized to discharge increased concentrations of pollutants, increased volumes of treated wastewater, or adversely modify an ecosystem that may result in degradation of high quality waters.

Please consider the following water quality concerns identified below when adding conditions of approval to a project or conducting a CEQA analysis of potential impacts.

Watershed	Section 303 d Listings
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Mad River, Butler Valley

Cal Water (version 2.2) – Mad River, Butler Valley, Eightmile Ridge, Bear Creek 1109.300101
HUC 12 – Mad-Redwood, Middle Mad River, Bear Creek-Mad River 180101020302

Section 303 d Listings

- Sediment
- Siltation
- Nutrients
- Temperature
- Aluminum
- Oxygen, Dissolved
- Mercury
- Indicator Bacteria
- PCBs
- Microcystin
- Phosphorous
- pH (High)
- Turbidity
- Manganese
- Specific Conductivity
- Organic Enrichment/Low Dissolved Oxygen
- Diazinon
- Dioxins Toxic Equivalents
- Biostimulatory Conditions

TMDL Projects

- NONE
- Total Maximum Daily Load Implementation Policy for Sediment Impaired Receiving Waters
- Albion River
- Big River
- Eel River, North Fork
- Eel River, Upper Main
- Eel River, Middle Main
- Eel River, Middle Fork
- Eel River, Lower Main
- Eel River, South Fork

- Elk River
- Freshwater Creek
- Garcia River
- Gualala River
- Klamath River
- Laguna De Santa Rosa
- Lost River, Upper
- Lost River, Lower
- Mad River
- Mattole River
- Navarro River
- Noyo River
- Redwood Creek
- Russian River
- Salmon River
- Scott River
- Shasta River
- Stemple Creek
- Ten Mile River
- Trinity River
- Trinity River, South Fork
- Van Duzen River

Beneficial Uses

- | | |
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| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> MUN--Municipal and Domestic Supply <input checked="" type="checkbox"/> AGR--Agricultural Supply <input checked="" type="checkbox"/> IND--Industrial Service Supply <input checked="" type="checkbox"/> PRO--Industrial Process Supply <input checked="" type="checkbox"/> GWR--Groundwater Recharge <input checked="" type="checkbox"/> FRSH--Freshwater Replenishment <input checked="" type="checkbox"/> NAV--Navigation <input checked="" type="checkbox"/> POW--Hydropower Generation <input checked="" type="checkbox"/> REC-1--Water Contact Recreation <input checked="" type="checkbox"/> REC-2--Non-Contact Water Recreation <input checked="" type="checkbox"/> COMM-- Commercial and Sport Fishing <input type="checkbox"/> WARM--Warm Freshwater Habitat <input checked="" type="checkbox"/> COLD--Cold Freshwater Habitat <input type="checkbox"/> ASBS--Preservation of Areas of Special Biological Significance <input type="checkbox"/> SAL--Inland Saline Water Habitat | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> WILD--Wildlife Habitat <input checked="" type="checkbox"/> RARE--Rare, Threatened, or Endangered Species <input type="checkbox"/> MAR--Marine Habitat <input checked="" type="checkbox"/> MIGR--Migration of Aquatic Organisms <input checked="" type="checkbox"/> SPWN--Spawning, Reproduction, and/or Early Development <input type="checkbox"/> SHELL--Shellfish Harvesting <input type="checkbox"/> EST--Estuarine Habitat <input checked="" type="checkbox"/> AQUA--Aquaculture <input checked="" type="checkbox"/> CUL--Native American Culture <input type="checkbox"/> FLD--Flood Peak Attenuation/ Flood Water Storage <input type="checkbox"/> WET--Wetland Habitat <input type="checkbox"/> WQE--Water Quality Enhancement <input type="checkbox"/> FISH--Subsistence Fishing |
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Threatened and Endangered Species

- Tidewater Goby

- Lost River Sucker
- Modoc Sucker
- Bull Trout
- Eulachon
- Longfin Smelt
- Green Sturgeon
- Chinook Salmon California Coastal ESU
- Coho Salmon Central California Coast ESU
- Coho Salmon Southern Oregon Northern California Coastal ESU
- Steelhead Trout Northern California Distinct Population Segment (DPS)
- Steelhead Trout Central California Coast DPS
- California Tiger Salamander
- California Red Legged Frog
- Scott Bar Salamander
- Shasta Salamander
- Siskiyou Mountains Salamander
- Southern Torrent Salamander
- Point Arena Mountain Beaver
- Freshwater Shrimp

This is not a comprehensive account of listed species, please refer to the CA Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and NOAA-National Marine Fisheries Service for a complete list.

Documentation Required to Assess Project Compliance with the Water Code

- Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
- Low Impact Development Strategy
- Waste Characterization/Disposal Strategy
- Riparian/Stream/Wetland Avoidance Strategy
- Water Rights Documentation
- Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
- Water Resource Protection Plan
- Cleanup and Restoration Plan
- Evidence of Consultation with Army Corps of Engineers
- Evidence of Consultation with Dept. of Fish and Wildlife
- Cumulative Impact Assessment for Project Sub Watershed
- Other, described as follows:

Permits and Mitigations Likely Required for Project Compliance

- Federal Clean Water Act section 401 State Water Quality Certification
https://www.waterboards.ca.gov/water_issues/programs/cwa401/

- Cannabis Regulatory Program Enrollment
https://www.waterboards.ca.gov/water_issues/programs/cannabis/
- Waste Discharge Requirements / Water Quality Certification for Instream Work
https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190125/180731_031616_401_R1-2015-0023-Application.pdf
- Construction Storm Water General Permit (for disturbed area greater than one acre)
https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html
- Industrial Storm Water Permit
https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html
- National Pollutant Discharge Elimination System Permit (NPDES)
Describe NPDES permit required:

Additional Comments or Recommendations

In the event the project proponent or lead agency has already addressed requested information please provide the information identified above or develop such information to demonstrate compliance with the Water Code. In the event that the project applicant determines the requested information is not necessary, please provide justification to support the project's compliance with the Water Code.

Submit 2018 Annual Report under Regional Cannabis Order (R1-2015-0023) by March 31, 2019.

Recommendations in WRPP should be implemented (provide updated schedule for implementation if needed).

If future instream work (affecting waters of the state) is proposed, Water Quality Certification will be needed.

Discharger will need to transition into State Cannabis Order (WQ 2017-0023-DWQ) by July 1, 2019. Once under the State Order additional activities needed may include winterization measures, review State Order requirements and conditions.

Signature Block

Amanda Piscitelli

Date: 2/25/19