



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

3015 H STREET, EUREKA, CA 95501  
FAX: (707) 268-3792 PHONE (707) 445-7541

2/9/2017

**Atlas Engineering (Michael Taylor)**

**252 9th St**

**Arcata, CA 95521**

RE: Permit Application No. 12823 APN 222-222-003-000

Dear Atlas Engineering (Michael Taylor),

Thank you for your Commercial Cannabis Permit Application. After an initial review, the submittal did not contain all of the required information and has been deemed incomplete. The items below must be provided before we can begin processing your application. For a complete version of the application checklist please visit: <http://humboldt.gov/DocumentCenter/View/53497>

✓ **Additional Payments**

Check(s) in the amount of \$30.00 payable to the Tribal Historic Preservation Office (THPO) for each of the following tribes: \$30 to Bear River Band THPO. The application deposit balance indicated on your Notice of Incomplete Payment is due.

✓ **Application Materials**

Indemnification and Hold Harmless Agreement; Commercial Medical Marijuana Land Use Ordinance Acknowledgement Form; Signed Affidavit - Commercial Cannabis Activity; Documentation of cultivation activities occurring prior to January 1, 2016 (not required for new cultivation).

✓ **Evidence of Ownership or Authorization**

Evidence of ownership is needed including, but not limited to: Copy of current deed for the property; Copy of lease or similar instrument authorizing application for permits; Copy of ownership instrument, showing all owner names (if more than one owner); Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization.

✓ **Site Plan of Entire Parcel Showing**

A site plan is needed including, but not limited to: Owner's name and assessor's parcel number; Easements; Natural waterways including streams, springs, ponds, culverts, and any other water features; Location and area of cultivation or commercial activity; Setbacks of cultivation area from property lines; Access roads; Graded flats; Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity; Water storage structures labeled as to type, capacity, and date of construction; Water diversions including culverts, ponds, dams, and other ground disturbance from water diversion; Dimensions showing 600 square feet around the cultivation site, including distances from nearby schools, school bus stops, places of worship, public parks, Tribal Cultural Resources, and off-site residences within 300 feet.



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
DEVELOPMENT ASSISTANCE DIVISION

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

**CORRECTIVE ACTION ORDER**

Sent Regular and Certified Mail 7016 2140 0000 1780 9314  
June 27, 2017

MBM Development Pt  
754 Redwood Dr  
Garberville, CA 95542

Subject: Violation (17-231)  
Zoning: AG-B-5(5); R-4-P (Agriculture General; Apartment Professional)  
Assessor Parcel Number: 222-222-003 located in Garberville CA

Dear MBM Development:

Review of your commercial cannabis permit application has revealed that timber conversion and grading activities are occurring on the property without the proper permits and approvals. These activities are in violation of the Humboldt County Zoning Regulations (Title III, Division I, Sections 311-10; 312-3; 312-51.5; 314-7.4; and 314-55.4.81 of the Humboldt County Code).

While you have submitted application 12823 for a commercial cannabis permit, it has not been approved and you are not authorized to conduct operations or construction. Noncompliance has stayed the processing of your county permit applications and subjects you to enforcement.

You must complete the following corrective action: **Stop all grading and construction activities immediately. Any land alterations must be restored to their original contours and topography. Discontinue any cannabis cultivation that was not in existence in size, type, or location prior to January 1, 2016.**

If we do not receive confirmation that corrective action has been completed within 15 days of this letter, a Notice of Nuisance will be recorded against your property.

This matter will also be referred to the Code Enforcement Unit for further action. Enforcement may include abatement of the violation at your expense in addition to other civil, administrative and criminal remedies. Please be advised that in addition to any permit fees or penalties, the Planning and Building Department charges property owners the direct staff costs of remedying building or planning violations.

If you have any questions regarding this letter, I can be reached at the above address or at (707) 268-3724. Thank you for your attention to this matter.

Mary-Jane Ashton  
Senior Planner / Project Facilitator  
Development Assistance Division

CC: Agent (Atlas Engineering), Applicant (Emerald Holdings LLC)





HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

**APPLICATION WITHDRAWAL NOTICE**

Manhard Consulting  
Steve Luu  
517 3rd Street Suite 6  
Eureka, CA 95501

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8/16/2017

This is a courtesy notification from the County of Humboldt Planning and Building Department for the following commercial cannabis permit application:

Application #: 12823 Application Submittal Date: 12/29/2016  
Incomplete Letter Date: 2/10/2017 Application Withdrawal Effective Date: 9/16/2017  
Assessor Parcel Number: 222-222-003-000

Your application for a commercial cannabis permit has remained incomplete for more than 6 months since the first incomplete letter was sent to you. Section 312-6.1.5 of the Humboldt County Code states an application which has not been made complete within 6 months of receipt of the application is deemed withdrawn.

If you do NOT submit **ALL** information required to complete your application within 30 calendar days from the date of this letter your project will be deemed withdrawn.

Due to our commitment to process complete applications received prior to June 30, 2017 and the very large number of applicants receiving this same letter, it is anticipated there will be long lines and limited staff availability at the Planning and Building Department counter. Submittals which do not result in a complete application will not be accepted. Staff will review the supplemental materials at the counter to ensure all required information is included to complete your application. If the information does not result in a complete application, the material will not be taken over the counter. Additional time extensions are not being granted as this 30 day period is the time extension.

Please make your application complete as early as possible so we can continue assisting you in achieving our common goal of permit approval and compliance. If you have any questions, please contact the Planning and Building Department between the hours of 8:30 AM and 5:00 PM at (707) 445-7245.

Sincerely,

Office of the Director  
Planning and Building Department  
County of Humboldt



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

**APPLICATION WITHDRAWN**

Manhard Consulting  
Steve Luu  
517 3rd Street Suite 6  
Eureka, CA 95501

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9/16/2017

This is a notification from the County of Humboldt Planning and Building Department for the following commercial cannabis permit application:

Application #: 12823  
Application Submittal Date: 12/29/2016  
Incomplete Letter Date: 2/10/2017  
Application Withdrawal Notice Date: 8/16/2017  
Assessor Parcel Number: 222-222-003-000

As we have not received a complete application from you by the required date, the above referenced application is deemed withdrawn in accordance with Section 312-6.1.5 of the Humboldt County Code.

If you have any questions, please contact the Planning and Building Department between the hours of 8:30 AM and 5:00 PM at (707) 445-7245.

Sincerely,

Office of the Director  
Planning and Building Department  
County of Humboldt





**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**DEVELOPMENT ASSISTANCE DIVISION**

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

September 22, 2017  
Sent Via  
Email to Agent (Manhard Consulting)  
and USPS to owner

Brett Todoroff  
PB & J Ranch Management, LLC/Emerald Holding, LLC  
PO Box 194  
Garberville, CA 95542

Zoning: AG-B-5(5); R-4-P (Agriculture General; Apartment Professional)  
Assessor Parcel Number: 222-222-003 located in Garberville CA

Dear Brett Todoroff:

Thank you for meeting with the Planning and Building Department regarding the commercial cannabis permit application (CUP 16-863/APPS #12823) for Emerald Holding, LLC. This letter summarizes our understanding of the outcome of that September 20, 2017 meeting regarding code violations on the above referenced property.

1. Brett Todoroff/Emerald Holding, LLC shall remove all greenhouses and cannabis plants from the R-4 zoned portion of the property and notify the Planning and Building Department of such prior to October 2, 2017.
2. Brett Todoroff/Emerald Holding, LLC and/or designated agent shall provide evidence of existing cultivation areas on the property to the Planning and Building Department prior to September 29, 2017. Upon consideration of this additional information the Director shall determine an appropriate penalty fee.
3. Brett Todoroff/Emerald Holding, LLC and/or designated agent shall provide evidence confirming that appropriate erosion control measures have been fully implemented, to the satisfaction of the Planning and Building Department, on the R-4 zoned portion of the property prior to October 15, 2017.
4. Brett Todoroff/Emerald Holding, LLC and/or designated agent shall provide the Planning and Building Department with a complete application package for the above referenced application prior to September 29, 2017, including updated Plot Plans and a Cultivation and Operations Plan meeting minimum County requirements.
5. The permit for CUP-16-863 shall include a condition of approval requiring that a Restoration Plan be approved and implemented for the R-4 zoned portion of the property. Note that restoration of all former cultivation sites shall also be required.
6. Brett Todoroff/Emerald Holding, LLC shall not disturb, clear, or otherwise develop any portion of the parcel without first obtaining the necessary approvals. This includes any expansion or relocation of cannabis cultivation.

If you have any questions regarding this letter, I can be reached at the above address or at (707) 268-3724.

Mary-Jane Ashton  
Senior Planner / Project Facilitator



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**DEVELOPMENT ASSISTANCE DIVISION**

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

October 10, 2017  
Sent Via  
Email to Agent (Manhard Consulting)  
and USPS to owner

Brett Todoroff  
PB & J Ranch Management, LLC  
Emerald Holding, LLC  
PO Box 194  
Garberville, CA 95542

Zoning: AG-B-5(5); R-4-P (Agriculture General; Apartment Professional)  
Assessor Parcel Number: 222-222-003 located in Garberville CA  
RE: Settlement Agreement for CUP 16-863/APPS #12823

Dear Brett Todoroff:

This correspondence serves as a supplement to the initial Settlement Agreement mailed on September 22, 2017.

1. Based upon presented photo evidence indicating that all cannabis plants have been removed and substantial progress has been made in removing the greenhouses from the R-4 zoned portion of the property the deadline of October 2 has been extended. Brett Todoroff/Emerald Holding, LLC shall remove all greenhouses from the R-4 zoned portion of the property and notify the Planning and Building Department of such prior to October 6, 2017.
2. Brett Todoroff/Emerald Holding, LLC and/or designated agent provided evidence of 13,150 square feet of existing cannabis cultivation. A total of 48,500 square feet of cannabis had been planted. Based on this evidence the Planning and Building Director has determined that 35,350 square feet area has been planted in association with cannabis operations post December 31, 2015 and prior to receiving required permits. The penalty for this is \$70,700. Please make payment payable to Humboldt County Planning and Building Department.
3. Brett Todoroff/Emerald Holding, LLC and/or designated agent shall provide evidence confirming that appropriate erosion control measures have been fully implemented, to the satisfaction of the Planning and Building Department, on the R-4 zoned portion of the property prior to October 15, 2017.
4. Brett Todoroff/Emerald Holding, LLC and/or designated agent shall provide the Planning and Building Department with a revised application package for the above referenced application prior to October 20, 2017, including updated Plot Plans and Cultivation and Operations Plan meeting minimum County requirements.
5. The permit for CUP-16-863 shall include a condition of approval requiring that a Restoration Plan be approved and implemented for the R-4 zoned portion of the property. Note that restoration of all former cultivation sites shall also be required.



6. Brett Todoroff/Emerald Holding, LLC shall not disturb, clear, or otherwise develop any portion of the parcel without first obtaining the necessary approvals. This includes any expansion or relocation of cannabis cultivation.
7. The Planning and Building Department agrees to reactivate the processing of the cannabis application once the penalty is paid and appropriate modified plans have been submitted.

Please note that the penalty described above is independent of any other applicable fee, fine, or staff cost recovery that may apply to the parcel or permit.

If you have any questions regarding this letter, I can be reached at the above address or at (707) 268-3724.



Mary-Jane Ashton  
Senior Planner / Project Facilitator  
Development Assistance Division



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

October 12, 2018

Emerald Holdings, LLC  
Attn: Brett Todoroff  
P.O. Box 194  
Garberville, CA 95542

RE: Permit Application No. 12823      APN 222-222-003      Case No.: PLN-12823\_CUP

Dear Brett Todoroff,

Thank you for your submittal of the above referenced application for a commercial cannabis permit on December 27, 2016 for 5,000 square feet of existing mixed light and 8,150 square feet of existing outdoor cannabis cultivation. Prior correspondence regarding the project has included an Incomplete Letter dated February 9, 2017, an application withdrawal notice letter dated August 9, 2017, and violation meeting on March 13, 2018. Additional application materials were received on September 18, 2017. Unfortunately, after review the application submittal was found not to contain all of the required information and we are unable to move the permit forward at this time.

Listed below are the actions you must take for staff to continue processing this permit application:

1. A check or money order in the amount of \$30.00 payable to the Tribal Historic Preservation Office (THPO) for each of the affiliated tribes:
  - a) Bear River Band
2. Water Resource Protection Plan
3. Submit a copy of a Water Resources Protection Plan (WRPP) or Site Management Plan prepared for the project and submitted to the State Water Resources Control Board, or a letter from a qualified professional indicating that one is being prepared.
4. Submit a completed Road Evaluation Report (enclosed). If selecting "Box 2", include evidence, such as photos or other documentation, justifying that determination.
5. Submit a Biological Resource Assessment drafted by a qualified professional biologist, demonstrating that the site would not impact any sensitive habitat areas. Our records indicate that the proposed cultivation area overlaps with habitat for one or more rare and/or endangered species.
6. \*Update Cultivation and Operations Plan to include the following:
  - a) Include protocols for proper storage and use of fertilizers, pesticides, etc.
  - b) Include details describing onsite parking, and the number of spots required with regards to the proposed buildings onsite and the number of employees expected for operations.
  - c) Water storage was described as 50,000 gallons via hard tanks however the NOI indicates 60,000 gallons of onsite water storage please clarify which amount is correct and update accordingly.



- d) Describe measures taken to comply with International Dark Sky Association Standards (for hoop/greenhouses that utilize artificial light)
  - e) Include a short description of use and location as to where the well (well application on file) exists onsite.
  - f) Include a short description of use and location as to where the point of diversion exists on site.
  - g) Describe current/existing water source (Rainwater catchment pond is proposed) for irrigation.
  - h) The processing plan described ADA compliant restrooms in the proposed processing facility though the site plan (proposed indicates the continued use of portable restrooms, is this intentional? If so elaborate in the operations plan)
  - i) Consider revising the amount of employees required, water usage, and the size of the proposed processing facility in regards to the reduction in cultivation area being applied for.
7. \*Update Site Plan of entire parcel showing:
- a) Owners Name – (The owner is listed as PB&J Ranch Management LLC)
  - b) Setbacks of cultivation area from property lines
  - c) Graded flats (if applicable)
  - d) Water storage structures labeled as to type, capacity, and date of construction
  - e) Well location and date of construction/implementation
  - f) Point of diversion location and date of construction/implementation
8. If 5 or more parking spaces are required a landscaping plan will be required in addition to the site plan
9. Submit a Biological Resource Assessment drafted by a qualified professional biologist, demonstrating that the site would not impact any sensitive habitat areas. Our records indicate that the proposed cultivation area overlaps with habitat for one or more rare and/or endangered species.

*\* In order to ensure accurate review and timely processing of your application, please ensure the Cultivation and Operations Plan and Site Plan are consistent with each other. I recommend you use the numbered items as your outline for the Cultivation and Operations Plan (i.e. numbered items are their own paragraphs or titled sections).*

Pursuant to Humboldt County Code Section 312-11.2, "Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations." While our office is in the process of completing this review for your parcel, it may be necessary for you to submit additional information In order to determine how the property was created in its current configuration. If additional information is needed our office will contact you.

Please keep in mind, additional information may be requested once the project is reviewed by State and local agencies during the referral stage of the process. The Department cannot make the required findings specified in Humboldt County Code Sections 312-1.1.2 and 312-17 et seq., and the California Environmental Quality Act (CEQA) based on the information submitted to date. In order for the Department to further evaluate this project for compliance, the additional requested information must be submitted.

Please accumulate all requested material and submit as a complete package and submit these items to the contact listed below during regular business hours. When submitting these items please include the Application Number and APN found at the top of this letter. For most efficient processing, please include a copy of this letter with your submittals.

Unless it is withdrawn, the Department must act on your application. For this reason, if you do not submit the requested materials or a request for hearing within 180 days (6 months) of the date of this letter, we will begin scheduling your project for a hearing. This could result in the denial of your application and the inability to secure a State license under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

**Unless operating subject to a valid Interim Permit issued by the County, please remember that the filing of a permit application does not authorize the applicant to engage in any new commercial marijuana cultivation, processing, manufacture or distribution activity.** No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured. If you have questions about this letter, please contact Max Hilken at 707-445-7541.

Sincerely,

*Max Hilken*

Max Hilken  
Cannabis Services Division  
Vendorlaco2@co.humboldt.ca.us

Additionally if you have an agent, please provide their name, business location, and contact information so that I may update the contacts list associated with your project.

Attachments:

- Road Evaluation Report Form





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North Coast Regional Water Quality Control Board

October 14, 2022

Nick Jelev  
56 Matisse Court  
Pleasant Hill, CA 94523

Certified Mail No. 7021 0950 0001 6499 9019

Dear Nick Jelev:

**Subject: Notice of Violation, Transmittal of Inspection Report for September 16, 2022, Inspection of Humboldt County Assessor's Parcel 222-222-013-000, and Requirement to Respond within 30 days**

**File:** Cannabis Program Inspections, Humboldt County, September 16, 2022, CIWQS Place ID 883288

**THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS**

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County Assessor's Parcel Number 222-222-013-000 (the Property):

1. State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation* (Cannabis Policy)
2. Water Quality Control Plan for the North Coast Basin (Basin Plan) Section 4.2.1
3. California Water Code (Water Code) Section 13260

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under the Cannabis General Order.

On September 16, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in hoop houses. Accordingly, this letter directs you to address the violations noticed herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

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

## **Background**

LandVision records show that the Property is owned by Nick Jelev and Serova Maria Jelev.

On September 16, 2022, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), and personnel of various law enforcement agencies, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report and Attachment C – Inspection Photo Log). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

## **Relevant Requirements**

During the inspection, Regional Water Board staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

## **Observed Violations**

As documented in the September 16, 2022, inspection report, Regional Water Board staff observed violations of the Water Code and Basin Plan. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 1, 12, 26, and 27 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 2, 8, 15, 17, 25, 26, 28, 38, 55, 59, 62, 104, 105, 117, 119, and 123. Staff observed these violations at Property locations identified in the inspection report as Upper Cultivation Area, Access Road, Unstable Crossing, and Lower Cultivation Area.

## **Legal Requirements**

The State Water Board adopted the Cannabis Policy and the Cannabis General Order on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including,



Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment in under the Cannabis General Order. For more information, please visit our website at:

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

As documented in the inspection report, the site conditions observed on the Property do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining and how the Property will be restored in compliance with the Policy.

As documented in the inspection report, the unstable stream crossing at -123.8172, 40.1230 must be upgraded or decommissioned to comply with the Basin Plan, which will require a water quality certification prior to conducting instream work.

The application for the water quality certification for cannabis cultivation-related projects is available here:

[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)

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the California Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the California Water Code and Basin Plan.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both pursuant to Water Code section 13350.

### **Inspection Report Recommendations**

As mentioned above, the September 16, 2022, Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality.

**Within 30 days of this letter**, please advise Regional Water Board staff Katherine Hawken of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Katherine Hawken by email at [Katherine.hawken@waterboards.ca.gov](mailto:Katherine.hawken@waterboards.ca.gov) or by phone at 707-445-6127.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

You may also contact me at [Mona.dougherty@waterboards.ca.gov](mailto:Mona.dougherty@waterboards.ca.gov) or by phone at 707-445-6129. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Mona Dougherty, PE  
Supervising Water Resource Control Engineer

221014\_KH\_Jelev\_NOV

Attachments: Attachment A - Regulatory Citations  
Attachment B – Facilities Inspection Report  
Attachment C – Inspection Photo Log

Certified Mail – Return Receipt requested

**cc: North Coast Regional Water Quality Control Board**  
[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)  
Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)  
Claudia Villacorta, [claudia.villacorta@waterboards.ca.gov](mailto:claudia.villacorta@waterboards.ca.gov)  
Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

**Division of Water Rights**

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**

Kalyn Bocast, [Kalyn.Bocast@wildlife.ca.gov](mailto:Kalyn.Bocast@wildlife.ca.gov)  
Erika Winner, [Erika.Winner@wildlife.ca.gov](mailto:Erika.Winner@wildlife.ca.gov)

**Department of Cannabis Control**

[investigations@cannabis.ca.gov](mailto:investigations@cannabis.ca.gov)

**Humboldt County Sheriff's Office**

Sergeant C. Moore, [cmoore@co.humboldt.ca.us](mailto:cmoore@co.humboldt.ca.us)  
Deputy C. Crotty, [ccrotty@co.humboldt.ca.us](mailto:ccrotty@co.humboldt.ca.us)

**Humboldt County Planning and Building Department**

[rrussell@co.humboldt.ca.us](mailto:rrussell@co.humboldt.ca.us)



## Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p>(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p>(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under <u>Section 13260</u> when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</p> <p><a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf</a> and</p> <p><a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p>

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 449242
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 09/16/2022	

### Discharger Information

Party ID: 635301	Discharger Organization Name: Jelev, Nick		
Address: 56 Matisse Court	City, State, Zip: Pleasant Hill, CA 94523		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 883288	Facility Name: Nick Jelev		
Address:	City, State, Zip: Redway, CA 95560		
County: Humboldt	Latitude:	Longitude:	Method:

### Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

## INSPECTION TYPE

Inspection Type: Miscellaneous inspection

## VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1109242	Unauthorized Discharge	09/16/2022	B	Water Code 13260 for cannabis cultivation of sufficient size without appropriate regulatory coverage.
1109248	Basin Plan Prohibition	09/16/2022	B	Basin Plan Section 4.2.1, Prohibition 2 for the placement of earthen material where it may pass into a watercourse.

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

**Observations**

Upper Cultivation Area: I observed two water tanks with a hose attachment for a delivery truck (Photo 1). I observed two hoop houses with cannabis plants in raised beds (Photo 2). I observed cultivation-related waste surrounding the hoop houses including plastic tarps, slash, potting soil, and plastic netting.

Access Road: I observed a steep dirt access road connecting the upper and lower cultivation areas (Photo 3). I observed water bars along the road.

### GENERAL NOTES (OPTIONAL) (2000 character limit)

I observed multiple metal culvert stream crossings that appeared to be recently installed. I observed stretches where road runoff connected to watercourses, including roadside ditches discharging to stream crossings.

Unstable Crossing (-123.8172, 40.1230): I observed a culvert stream crossing with signs of instability. I observed cracks along the road, sinking and slumping fill, and an over-steepened cutbank directly above the watercourse (Photos 4 and 5). Fill placed atop and around the culvert threatens to discharge to the watercourse.

Lower Cultivation Area: I observed six hoop houses with cannabis plants in raised beds (Photo 6). I observed a well, pump, generator, diesel tank, water storage tanks, and trash (Photo 7). I observed multiple spots where petroleum product had dripped or leaked onto the ground near the generator (Photo 8).

**Recommendations**

1. If the owner and/or tenant plan to continue cultivating cannabis, enroll for coverage under the State Water Board’s Order WQ 2019-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities.
2. Contain and properly dispose of potting soil and other cultivation-related waste to prevent spillage and transport into receiving waters.
3. Prior to work in a stream including culvert installation, replacement, and removal, obtain a 401 Water Quality Certification: [www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/)
4. Disconnect road runoff from watercourses. Direct road runoff to vegetated areas away from surface waters.
5. Retain a qualified professional to assess the unstable stream crossing and to propose short-term and long-term solutions to minimize erosion of fill and to upgrade or decommission the crossing.
6. Keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of petroleum product.

**For Internal Use (Optional)**

Reviewed By:	(1)	(2)	(3)
CIWQS Entry Date:		Regional Board File Number:	CIWQS Inspection ID:

Jelev Inspection Photo Log

Photos taken by Kate Hawken on September 16, 2022



Photo 1 – Upper Cultivation Area: Water storage tank with hose attachment for water delivery truck. View of hoop houses in background



Photo 2 – Upper Cultivation Area: View inside hoop houses with cannabis plants growing in raised beds





Photo 3 – Access Road: Steep dirt access road connecting the upper and lower cultivation area



Photo 4 – Unstable Crossing (-123.8172, 40.1230): Crack along road fill surface of culvert stream crossing



Photo 5 – Unstable Crossing (-123.8172, 40.1230): Sinking fill in foreground and steep cutbank in background. Culvert outlet visible near rocks



Photo 6 – Lower Cultivation Area: Hoop houses with cannabis plants in raised beds





Photo 7 – Lower Cultivation Area: Uncontained cultivation related waste



Photo 8 – Lower Cultivation Area: Generator in background and diesel engine oil containers in foreground, with spills/ leaks evident by darkened soil



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792  
<https://humboldt.gov.org/2546/Planning-Building>

June 27, 2024

## Notification of Intent to Deny Cannabis Permit

Nick Jelev  
56 Matisse Ct.  
Pleasant Hill, CA, 94523

This letter is to inform you that your Humboldt County Cannabis permit application **PLN-12823-CUP** on APN **222-222-013-000** for cultivation will be scheduled for denial by the Humboldt County Zoning Administrator unless immediate steps are taken.

On October 24, 2023, the Board of Supervisors received a report there are approximately \$14 million in unpaid Measure S taxes and \$2.1 million in unpaid permit processing costs associated with cannabis permit applications. The Board of Supervisors, wanting to balance the economic realities of the current cannabis market with the realities of the County, directed a series of actions to address these conditions. That direction resulted in a series of communications to applicants and permit holders to inform them of the needed actions and deadlines to keep their permits in good standing. This included a detailed January 9, 2024, letter, emails, and social media announcements reminding applicants and permit holders to bring their accounts current before March 31, 2024.

This permit number had unpaid Planning Department fees of **\$4,574.69**. This permit had Measure S taxes of **\$2,219.06** and did NOT make payment or establish a payment plan for those taxes owed. If, at the end of the ninety-day period from the date of this letter the following actions have not been taken, the application will be scheduled for a DENIAL hearing at the Zoning Administrator:

- Planning Department fees have been paid in full, and
- Measure S taxes have been paid or a payment plan has been established.

If you are attempting to utilize Trellis grant funds, applications open on Thursday, June 20<sup>th</sup> at 10am. Economic Development can be reached at 707-445-7745 or [ProjectTrellis@co.humboldt.ca.us](mailto:ProjectTrellis@co.humboldt.ca.us) for more information regarding eligibility and the application process. If you are eligible for this funding and will be utilizing it to pay your outstanding balance, notification to the Planning and Building Department will be necessary.

To address overdue Measure S taxes, please contact the Treasurer Tax Collector at 707-476-2450 for information regarding your balance and payments. To address Planning Department fees, please contact the Planning Department at 707-445-7541 to speak with a Permit Technician and make payment on your application. Once this is accomplished, please submit proof of payment to Jacob Dunn at [jdunn@co.humboldt.ca.us](mailto:jdunn@co.humboldt.ca.us). If you need assistance or have questions regarding your permit status you may contact Jacob Dunn at 707-267-9390. Once the required documentation has been submitted your application will be updated to indicate that it is in good standing.

Respectfully,

John H. Ford  
Director of Planning and Building

Applicant email: [nickj@greentechindustry.net](mailto:nickj@greentechindustry.net)  
Agent email: [yesklaw@gmail.com](mailto:yesklaw@gmail.com)

CC: Department of Cannabis Control  
Humboldt County Treasurer Tax Collector