



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

May 21, 2019

Department of Transportation
Environmental Health - Ukiah
Building Inspection - Ukiah
Forestry Advisor
Air Quality Management

Archaeological Commission
Sonoma State University
CalFire – Prevention
CalFire Resource Management
Department of Fish and Wildlife

Cloverdale Rancheria
Redwood Valley Rancheria
Sherwood Valley Band of Pomo Indians

CASE#: AP_2019-0041

DATE FILED: 4/29/2019

OWNER: RICHARD ETHELTON

APPLICANT: BIG FIR FARMS, LLC

AGENT: RAIN & ZEPP LAW

REQUEST: Administrative Permit for a large mixed light cannabis cultivation site (Type 2B (10,000 sq. ft.); AG_2018-0416) of no more than 10,000 sq. ft. of canopy.

LOCATION: 3.9± miles southeast of Whitethorn town center, lying on the east side of Briceland Road (CR 435), 5.4± miles northeast of its intersection with Usal Road (CR 431), located at 8030 Baker Creek Road (Private, Whitethorn (APN: 052-010-02).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: MARK CLISER

RESPONSE DUE DATE: June 4, 2019

PROJECT INFORMATION CAN BE FOUND AT:

<https://www.mendocinocounty.org/government/planning-building-services/public-agency-referrals>

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

- ☐ No comment at this time.
- ☐ Recommend conditional approval (attached).
- ☐ Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)
- ☐ Recommend denial (Attach reasons for recommending denial).
- ☐ Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).
- ☐ Other comments (attach as necessary).

REVIEWED BY:

Signature _____ Department _____ Date _____

OWNER: ROBERT SCOTT & RICHARD ETHERTON

APPLICANT: Big Fir Farms, LLC

AGENT: Rain & Zepp Law

REQUEST: Administrative Permit for a large mixed light cannabis cultivation site (Type 2B (10,000 sq. ft.); AG_2018-0416) of no more than 10,000 sq. ft. of canopy.

LOCATION: 3.9± miles southeast of Whitethorn town center, lying on the east side of Briceland Road (CR 435), 5.4± miles northeast of its intersection with Usal Road (CR 431), located at 8030 Baker Creek Road, Whitethorn, CA (APN: 052-010-02)

APN/S: 052-010-02-00

PARCEL SIZE: 56± ACRES

GENERAL PLAN: FOREST LANDS (FL)

ZONING: TIMBERLAND PRODUCTION ZONE (TP:160)

EXISTING USES: Cannabis

DISTRICT: Supervisorial District 3 (Haschak)

RELATED CASES: AG_2018-0416 (Agriculture Permit)

| | <u>ADJACENT GENERAL PLAN</u> | <u>ADJACENT ZONING</u> | <u>ADJACENT LOT SIZES</u> | <u>ADJACENT USES</u> |
|---------------|------------------------------|------------------------|---------------------------|----------------------|
| NORTH: | Humbolt County | Humbolt County | Humbolt County | Humbolt County |
| EAST: | FL160 | TP:160 | 80± acres | Institutional |
| SOUTH: | FL160 | TP:160 | 40±; 22.8± acres | Institutional |
| WEST: | FL160 | TP:160 | 21± acres; Humbolt County | Institutional |

REFERRAL AGENCIES

| | | |
|--|---|--|
| <u>LOCAL</u> | | |
| <input checked="" type="checkbox"/> Air Quality Management District | <input checked="" type="checkbox"/> Sonoma State University | <u>TRIBAL</u> |
| <input checked="" type="checkbox"/> Archaeological Commission | <u>STATE</u> | <input checked="" type="checkbox"/> Cloverdale Rancheria |
| <input checked="" type="checkbox"/> Building Division Ukiah | <input checked="" type="checkbox"/> CALFIRE (Land Use) | <input checked="" type="checkbox"/> Redwood Valley Rancheria |
| <input checked="" type="checkbox"/> Department of Transportation (DOT) | <input checked="" type="checkbox"/> CALFIRE (Resource Management) | <input checked="" type="checkbox"/> Sherwood Valley Band of Pomo Indians |
| <input checked="" type="checkbox"/> Environmental Health (EH) | <input checked="" type="checkbox"/> California Dept. of Fish & Wildlife | |
| <input checked="" type="checkbox"/> Forestry Advisor | | |

ADDITIONAL INFORMATION: Adjacent parcel to south (052-010-16) under same ownership is seperate legal parcel.

ENVIRONMENTAL DATA

1. MAC:

GIS

2. FIRE HAZARD SEVERITY ZONE:

CALFIRE FRAP maps/GIS

High

3. FIRE RESPONSIBILITY AREA:

CALFIRE FRAP maps/GIS

Calfire

4. FARMLAND CLASSIFICATION:

GIS

5. FLOOD ZONE CLASSIFICATION:

FEMA Flood Insurance Rate Maps (FIRM)

6. COASTAL GROUNDWATER RESOURCE AREA:

Coastal Groundwater Study/GIS

7. SOIL CLASSIFICATION:

Mendocino County Soils Study Eastern/Western Part

Western Soil Types

8. PYGMY VEGETATION OR PYGMY CAPABLE SOIL:

LCP maps, Pygmy Soils Maps; GIS

9. WILLIAMSON ACT CONTRACT:

GIS/Mendocino County Assessor’s Office

10. TIMBER PRODUCTION ZONE:

GIS

TPZ 2018

11. WETLANDS CLASSIFICATION:

GIS

12. EARTHQUAKE FAULT ZONE:

Earthquake Fault Zone Maps; GIS

13. AIRPORT LAND USE PLANNING AREA:

Airport Land Use Plan; GIS

14. SUPERFUND/BROWNFIELD/HAZMAT SITE:

GIS; General Plan 3-11

15. NATURAL DIVERSITY DATABASE:

CA Dept. of Fish & Wildlife Rarefind Database/GIS

16. STATE FOREST/PARK/RECREATION AREA ADJACENT:

GIS; General Plan 3-10

17. LANDSLIDE HAZARD:

Hazards and Landslides Map; GIS; Policy RM-61; General Plan 4-44

18. WATER EFFICIENT LANDSCAPE REQUIRED:

Policy RM-7; General Plan 4-34

19. WILD AND SCENIC RIVER:

www.rivers.gov (Eel Only); GIS

20. SPECIFIC PLAN/SPECIAL PLAN AREA:

Various Adopted Specific Plan Areas; GIS

21. STATE CLEARINGHOUSE REQUIRED:

Policy

22. OAK WOODLAND AREA:

USDA

23. HARBOR DISTRICT:

Sec. 20.512



Department of
Planning and Building
Services

Case No: AP 2019-0041

CalFire No: _____

Cultivation No: AG 2018-0416

Fee: \$641

Receipt No: _____

Received By: Mark Cliser

Date Filed: 4-29-19

Office use only

Application for Cannabis – Use Permit / Administrative Permit

☒ **ADMINISTRATIVE PERMIT (AP)**

☐ Type C-A Cottage Indoor (500 ft²) ☐ Sensitive Setback Reduction Request

☐ Forego RR:10 Housing Requirement ☒ TPZ or FL (Type 1 or Type 2)

☐ **USE PERMIT (UP)**

☐ Type C-A Cottage Indoor (500 ft² - 2500 ft²)

APPLICANT(S)

Name: Big Fir Farms, LLC

Phone: 707-298-5320

Mailing

Address: PO BOX 2342

City: Redway

State/Zip: CA 95560

email: bigfirfarms@gmail.com

PROPERTY OWNER

Name: Richard Etherton

Phone: 707-298-5320

Mailing

Address: PO BOX 2342

City: Redway

State/Zip: CA 95560

email: bigfirfarms@gmail.com

AGENT

Name: Rain & Zepp - A Professional Law Corporation

Phone: 707-442-3034

Mailing

Address: 517 Third Street Suite 30

City: Eureka

State/Zip: CA 95501

email: office@rainzepplaw.com ;

brittany@rainzepplaw.com ;

natemadsen@rainzepplaw.com

Parcel Size: 70 acres

Address of Property: 8030 Baker Creek Road Whitethorn 95589

Assessor Parcel Number(s): 052-010-02

TYPE OF CULTIVATION PERMIT:

| Size ↓ | Type of Permit → | OUTDOOR | INDOOR | MIXED LIGHT |
|-------------------------------|----------------------------|--|---|-------------|
| Small: (≤2500 ft²) | <input type="checkbox"/> C | <input type="checkbox"/> C-A (≤500 ft²) <input type="checkbox"/> C-A (501 – 2500 ft²) | <input type="checkbox"/> C-B | |
| Medium: (2501 – 5000 ft²) | <input type="checkbox"/> 1 | <input type="checkbox"/> 1-A | <input type="checkbox"/> 1-B | |
| Large: (5001 – 10,000 ft²) | <input type="checkbox"/> 2 | <input type="checkbox"/> 2-A | <input checked="" type="checkbox"/> 2-B | |
| Nursery: (≤12,000 ft²) | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | |

I certify that the information submitted with this application is true and accurate. I have attached the Consent of Landowner form because I am not the property owner of the parcel on which the cultivation site is located.

Signature of Applicant/Agent

Date

Signature of Owner

Date

CULTIVATION SITE & PROJECT DESCRIPTION QUESTIONNAIRE

1. Does the proposed cultivation site meet the following setbacks?

☒ YES ☐ NO

- 1,000 feet from all youth-oriented facilities, schools, parks, churches, or residential treatment facilities.

☒ FOR OUTDOOR AND MIXED LIGHT CULTIVATION SITES

- 100 feet from any legal residential structure located on a separate legal parcel.
- 50 feet from any adjoining legal parcel under separate ownership.
- If in mobile home park, 100 feet from an occupied mobile home under separate ownership.

☐ FOR INDOOR CULTIVATION SITES

- Any building property line setbacks.

2. Is the cultivation site visible from any public right of way or publically traveled private road?

☐ YES ☒ NO

3. Please describe the project site. Include improvements such as structures, wells, septic systems, grading, vegetation removal, roads, etc.

Five 20'x100' hoop houses will be used for mature plants. An additional 20'x50' hoop house will be used for immature plants only. Drying will be conducted in a 12'x20' metal shipping container. No grading, road building or vegetation removal is proposed for this project.

Rain water is caught in a pond on the parcel measuring approximately 5,000 s.f. and with a total storage capacity of 550,000 gallons of water. Water is pumped from the pond to one water tank having 5,000 gallons of total water storage capacity. The total water storage of pond and water tank is 555,000 gallons.

Crop rotation with clover, nettles, or vetch; Thorough cleaning of canopy areas between grow cycles, on-site cloning;Scouting/observation for pests on a routine basis.

4. Will the development of the proposed cultivation site be phased?

☐ YES ☒ NO

If YES, please describe the phases briefly.

5. How will you dispose of hazardous, natural (trimmings), or other (plastics) materials from the cultivation site?

On site Premises composting & off site recycling, garbage and hazardous waste disposal at an appropriate facility.

6. Have you constructed in the past, are constructing, or plan to construct any roads? Grading?

☐ YES ☒ NO

If YES, please complete the following:

A. Amount of cut: _____ cubic yards

B. Amount of fill: _____ cubic yards

C. Maximum height of cut slope: _____ feet

D. Maximum height of fill slope: _____ feet

E. Amount being imported/exported: _____ cubic yards

F. Location of borrow/disposal: ☐ ON-SITE ☐ OFF-SITE

14. Utilities will be supplied to the site as follows:

A. Electricity

☐ Utility Company (existing)

☐

Utility

Company

(planned)

☒ On-Site Generation – Specify Solar and Honda EU3000 generator for back up and peak load support _____

B. Gas

☐ Utility Company (existing)

☐ Utility Company (planned)

☒ On-Site Generation – Specify Propane for cooking and heating _____

☐ None

C. Water

☐ Community water system – Specify supplier _____

☐ Well

☐ Spring

☒ Pond

☐ Other – Specify _____

D. Sewage

☐ Community sewage system – Specify supplier _____

☐ Septic Tank

☒ Other – Specify Portable Toilet _____

15. Will there be any security lighting? ☐ YES ☒ NO If YES, will the light be cast downward? ☐ YES ☐ NO

16. Will you have employees? ☐ YES ☒ NO

If YES, how many employees will you have? 0

If employees are residing onsite, please indicate the structure they will be residing.

17. Will there be any processing of cannabis on site (trimming, leaf removal, curing, drying, etc)? ☐ YES ☒ NO

18. If you answered YES to the previous question (17), please describe the activities.

N/A

19. Please provide driving directions to the cultivation site using identifiable landmarks (streets, mile posts, mailboxes).

Driving Directors to Access Road from Redway CA: Head Northwest on Redwood Dr toward Briceland Road. Turn Left on first cross street onto Briceland Road. Continue on Briceland Road for Approximately 15.8 miles to Whitethorn. Turn slight left (portion unpaved - .6 miles past Stanley Creek Road, if reach Briceland Rd, .3 too far), (then 1.19 mi) Turn left onto Baker Creek Road.

I certify that the information submitted with this application is true and accurate:



12/17/2018

Signature of Applicant/Agent

Date



12/17/2018

Signature of Owner

Date

FOR STAFF PURPOSES ONLY

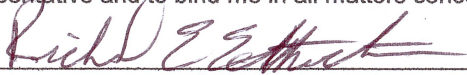
Zoning District: _____

Subject to Sunset Provision [MCC 10A.17.080(B)(2)(b)]? ☐ YES ☐ NO

Compliant with Mendocino County Code Chapter 20.242: ☐ YES ☐ NO

AUTHORIZATION OF AGENT

1. I hereby authorize Rain & Zepp, A Professional Law Corporation 517 Third Street Suite 30 Eureka, to act as my representative and to bind me in all matters concerning this application.


Owner

12-17-2018
Date

CERTIFICATION AND SITE VIEW AUTHORIZATION

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the county.
2. I hereby grant permission for County, Planning and Building Services staff, and hearing bodies to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports and render its decision.


Owner/Authorized Agent

12-17-2018
Date

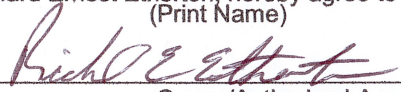
INDEMNIFICATION AND HOLD HARMLESS

ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to Sign this agreement will result in the application being considered incomplete and withheld from further processing.

INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

1. I, Richard Ernest Etherton, hereby agree to the above Indemnification Agreement.
(Print Name)


Owner/Authorized Agent

12-17-2018
Date

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence mailed to if different from those identified on the Application for Cannabis Cultivation page.

| | | |
|-----------------|-----------------|-----------------|
| Name | Name | Name |
| Mailing Address | Mailing Address | Mailing Address |

GovPayNet Logo

Government Payment Service

GovPayNet

7102 Lakeview Parkway West Drive

Indianapolis, IN 46268

24 Hour Customer Service #: 888-604-7888

Permits & Applications Payment Confirmation (Ref #: 25656305)

PLC: Mendocino County Planning & Building
7340 Services
860 North Bush St
Ukiah, California 95482
For: Permits & Applications

Date: 04/25/2019 16:29 EDT**TRANSACTION INFORMATION****Name:** Beorn Zepp**Transaction Reference #:** 25656305**Street Address:** 517 3rd St. Suite 30
Eureka, Ca 95501**Transaction Date/Time:** 04/25/2019 16:29 EDT**Type Of Payment:** Planning Application Fee**Building Permit #:** 8030 Baker Creek Road**BILLING INFORMATION****Name:** Beorn Zepp**Approval #:** 038583**Address:** 517 3rd St. Suite 30**Payment Amount:** \$641.00**City, State Zip:** Eureka, Ca 95501**Phone #:** (707)442-3034**Service Fee:** \$22.75**Card #:** xxxx-xxxx-xxxx-5294**Total Amount:** \$663.75**The service fee is not refundable.****ATTENTION CARDHOLDER**

If you have questions about the processing of your payment, please call GovPayNet at 888-604-7888.

Thank you for using GovPayNet

© 2007 Government Payment Service, Inc.

Form #: EUR



Mendocino County

Planning and Building Services

860 North Bush Street
Ukiah, CA 95482
(707) 234-6650

120 West Fir Street
Fort Bragg, CA 95437
(707) 964-5379

Paid By: Beorn Zepp
517 Third Street
Suite 30
EUREKA

CA 95501

AP_2019-0041

Receipt: PRJ_027097

Date: 4/29/2019

Pay Method: CREDIT 25656305

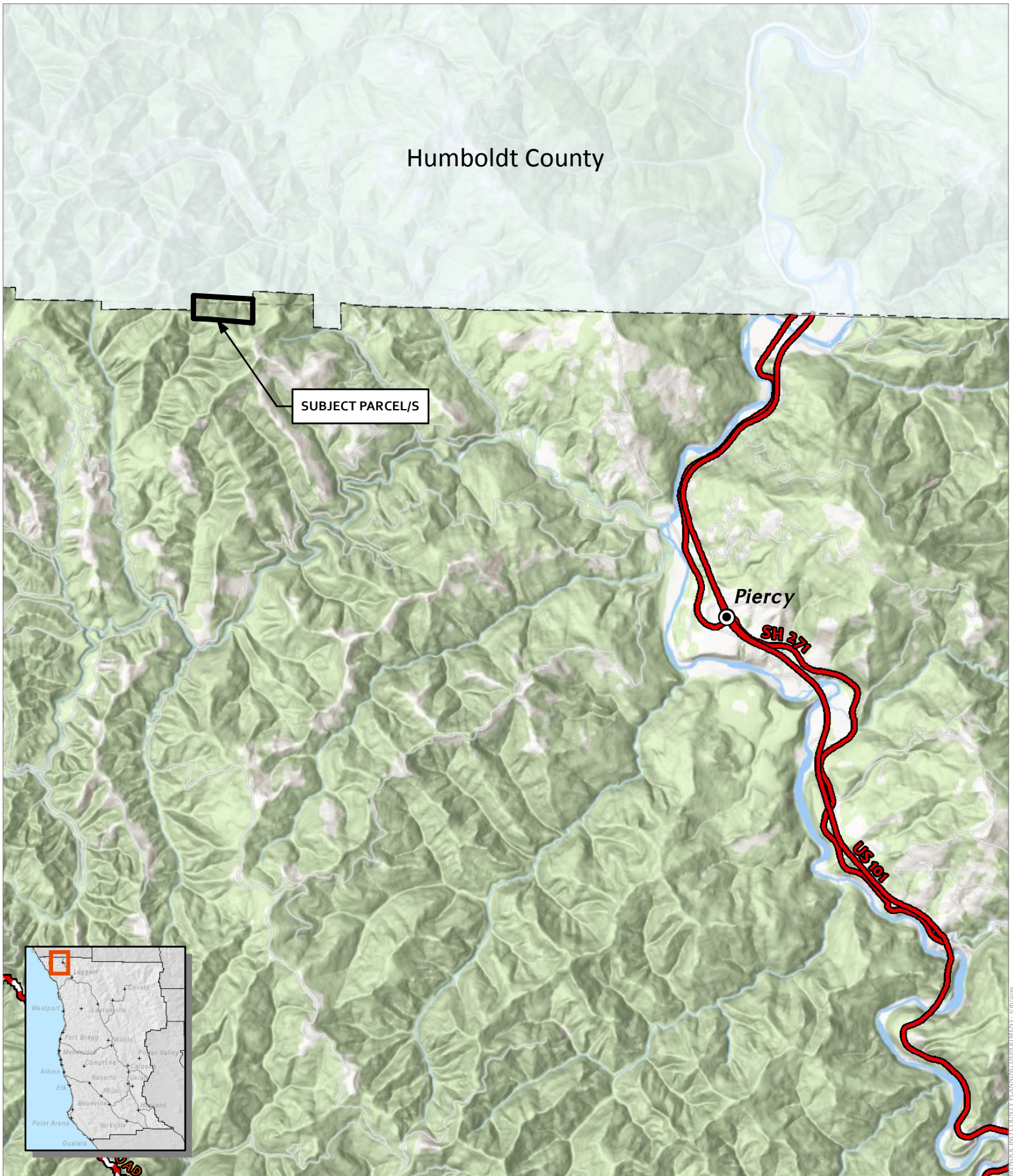
Received By: MARK CLISER

Project Number: AP_2019-0041

Project Description: Etherton.TPZ/FL.Whitethorn

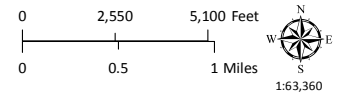
Site Address: 8030 BAKER CREEK RD

| Fee Description | Account Number | Qty | Fee Amount |
|-------------------------|-----------------------|------------|-------------------|
| BASE FEES | 1100-2851-822605 | | \$381.00 |
| AP BASE | | | \$381.00 |
| EH FEES | 1100-4011-822606 | | \$69.00 |
| AP EH | | | \$69.00 |
| GENERAL PLAN | 1100-2851-826188 | | \$116.00 |
| | | | \$116.00 |
| SONOMA STATE UNIVERSITY | 1100-2851-826390 | | \$75.00 |
| | | | \$75.00 |
| Total Fees Paid: | | | \$641.00 |



CASE: AP 2019-0041
 OWNER: **ETHERTON, Richard**
 APN: 052-010-02
 APLCT: Big Fir Farms, LLC
 AGENT: Rain & Zepp
 ADDRESS: 8030 Baker Creek Road, Whitethorn

- ⊙ Major Towns & Places
- ▬ Major Roads
- ▭ California Counties
- ▬ Highways





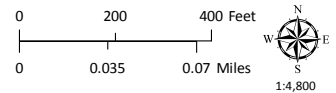
LOCATION MAP

Humboldt County

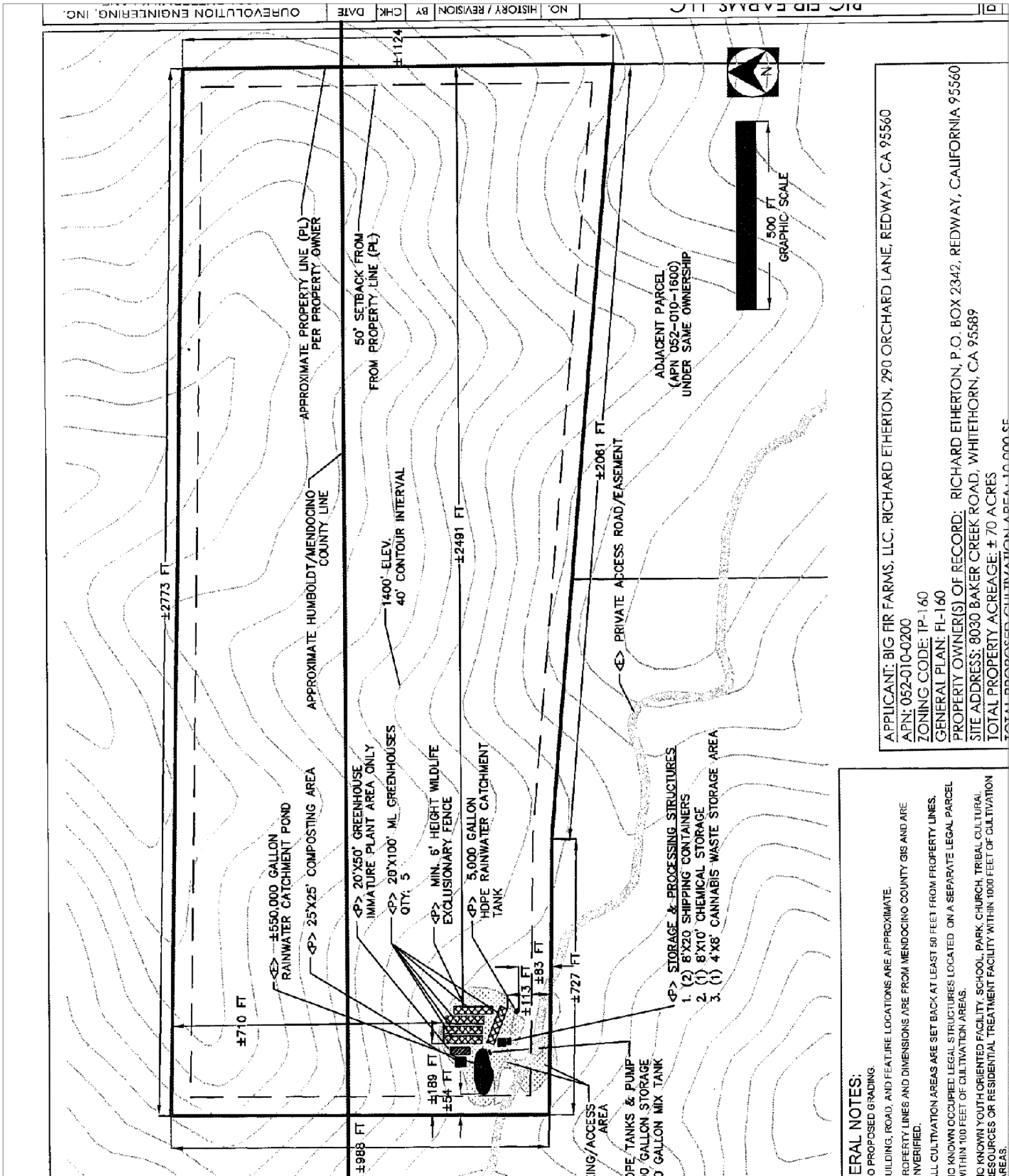


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AGENT: Rain & Zepp
ADDRESS: 8030 Baker Creek Road, Whitethorn

-  California Counties
-  Cannabis Cultivation Sites



AERIAL IMAGERY



GENERAL NOTES:

- PROPOSED GRADING.
- BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
- PROPERTY LINES AND DIMENSIONS ARE FROM MENOCINO COUNTY GIS AND ARE UNVERIFIED.
- CULTIVATION AREAS ARE SET BACK AT LEAST 50 FEET FROM PROPERTY LINES.
- KNOWN OCCUPIED LEGAL STRUCTURES LOCATED ON A SEPARATE LEGAL PARCEL WITHIN 100 FEET OF CULTIVATION AREAS.
- KNOWN YOUTH ORIENTED FACILITY, SCHOOL, PARK, CHURCH, TRIBAL CULTURAL RESOURCES OR RESIDENTIAL TREATMENT FACILITY WITHIN 1000 FEET OF CULTIVATION AREAS.

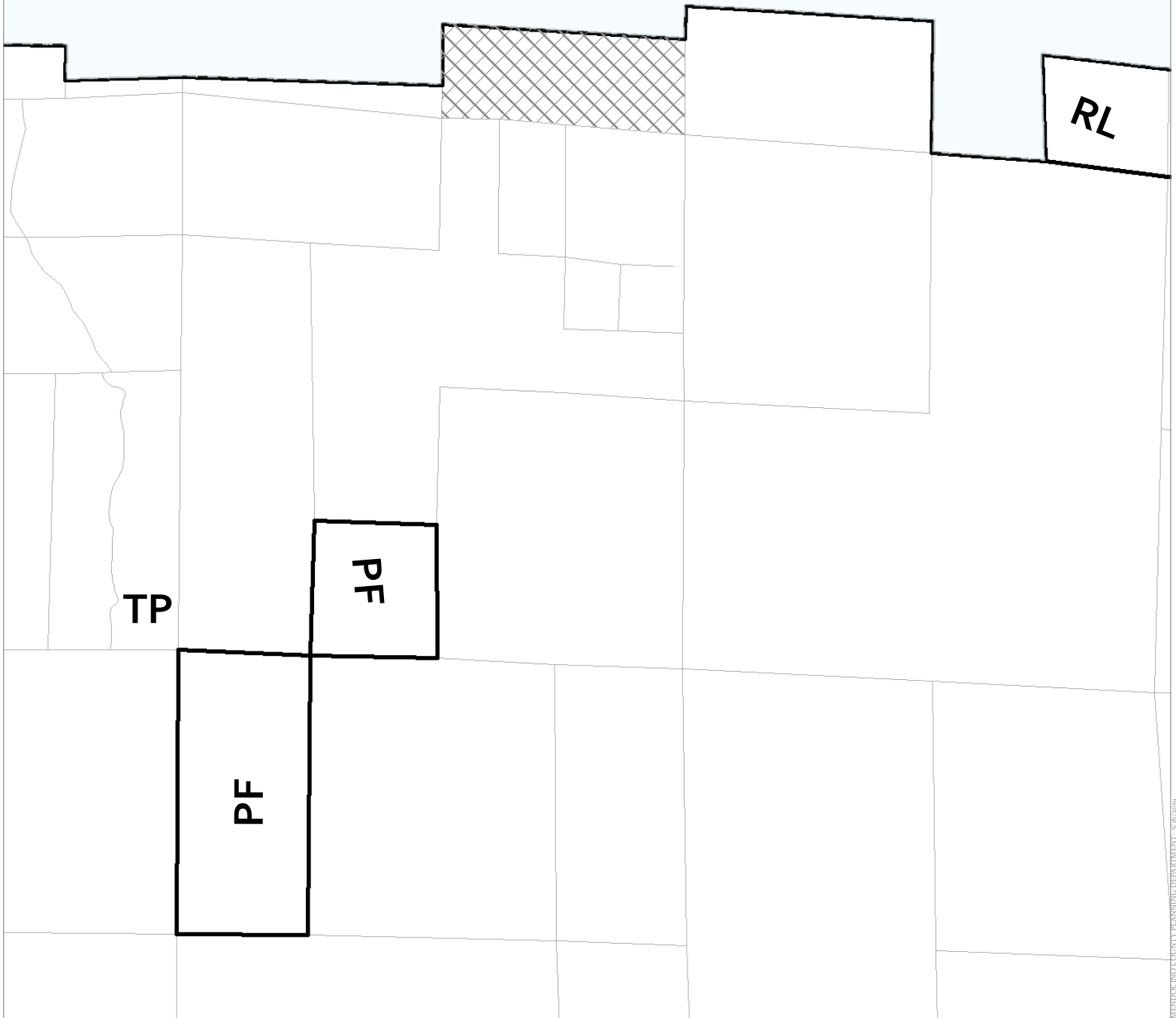
APPLICANT: BIG FIR FARMS, LLC, RICHARD ETHERTON, 290 ORCHARD LANE, REDWAY, CA 95560
 APN: 052-010-0200
 ZONING CODE: TP-160
 GENERAL PLAN: FL-160
 PROPERTY OWNER(S) OF RECORD: RICHARD ETHERTON, P.O. BOX 2342, REDWAY, CALIFORNIA 95560
 SITE ADDRESS: 8030 BAKER CREEK ROAD, WHITETHORN, CA 95589
 TOTAL PROPERTY ACREAGE: ± 70 ACRES
 TOTAL PROPOSED CULTIVATION AREA: ± 10.000 AC

CASE: AP 2019-0041
 OWNER: ETHERTON, Richard
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 AGENT: Rain & Zepp
 ADDRESS: 8030 Baker Creek Road, Whitethorn



NO SCALE

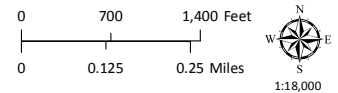
SITE PLAN

Humboldt County



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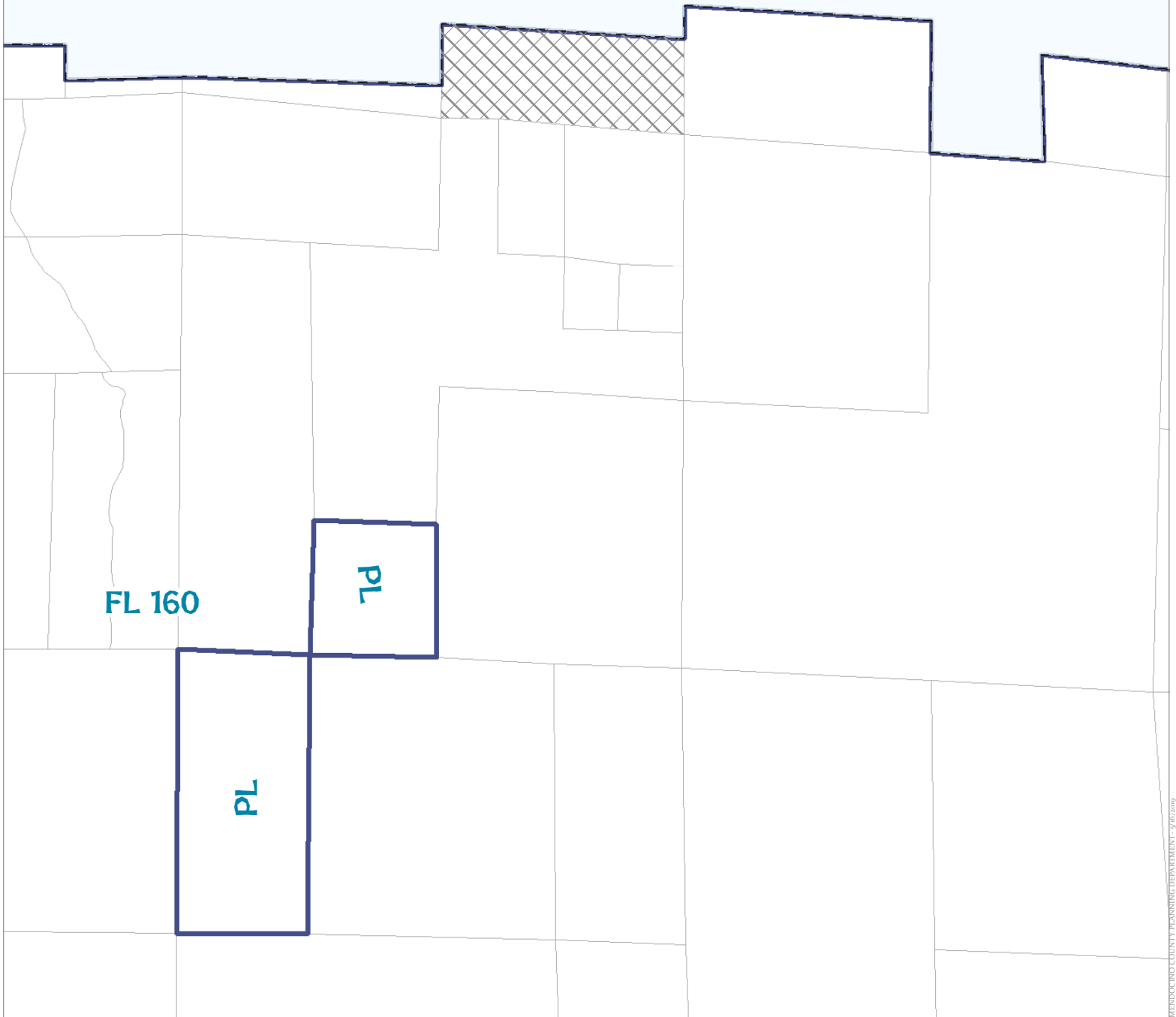
 California Counties
 Zoning Districts



ZONING DISPLAY MAP

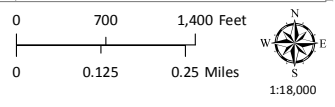
MENDOCINO COUNTY PLANNING DEPARTMENT - 5/10/2019

Humboldt County



CASE: AP 2019-0041
OWNER: ETHERTON, Richard
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APLCT: Big Fir Farms, LLC
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- California Counties
- General Plan Classes



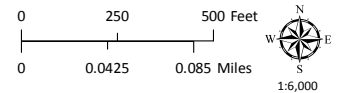
GENERAL PLAN CLASSIFICATIONS

Humboldt County



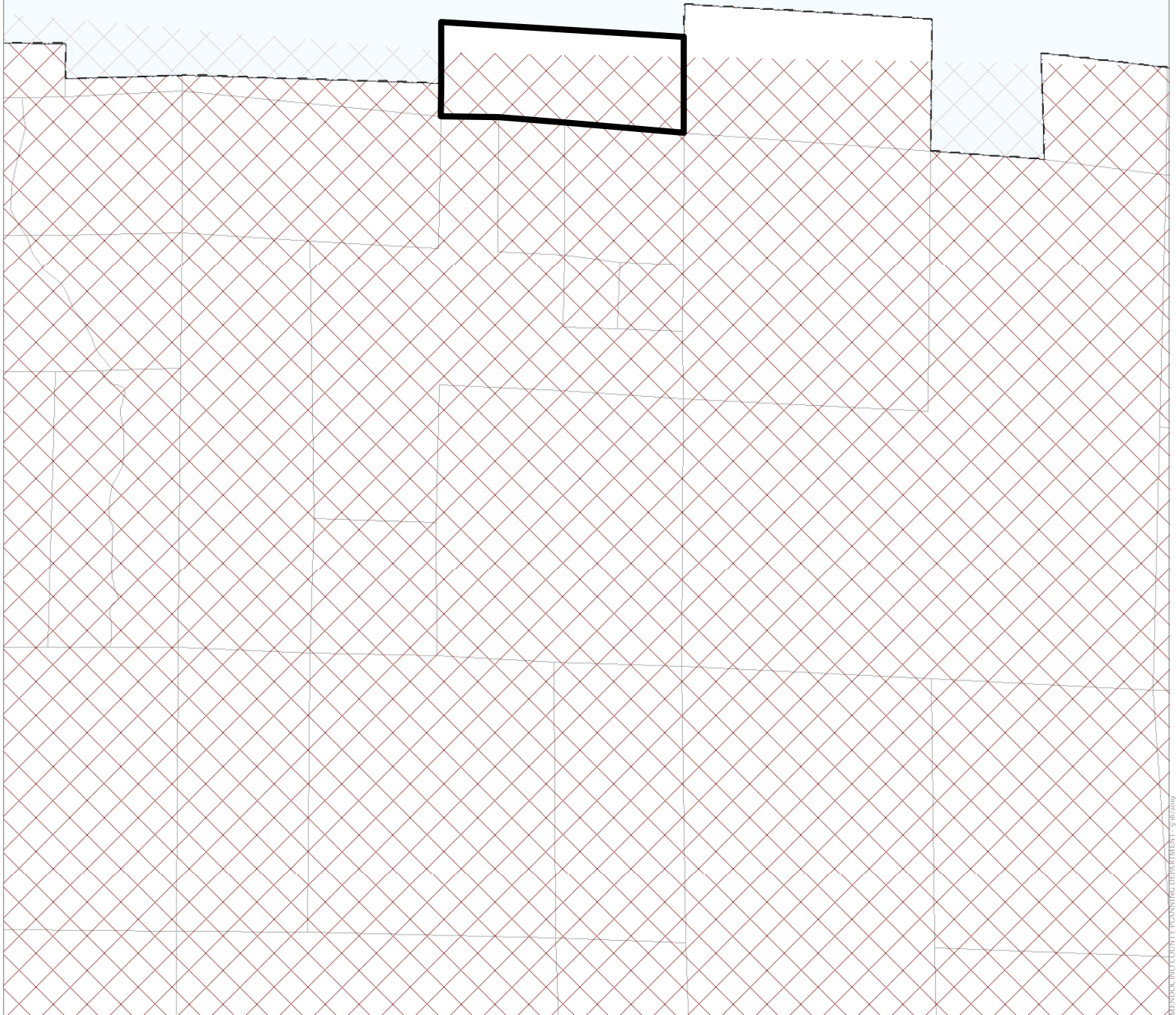
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California Counties





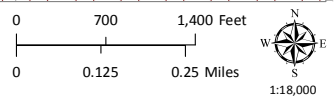
ADJACENT PARCELS

Humboldt County



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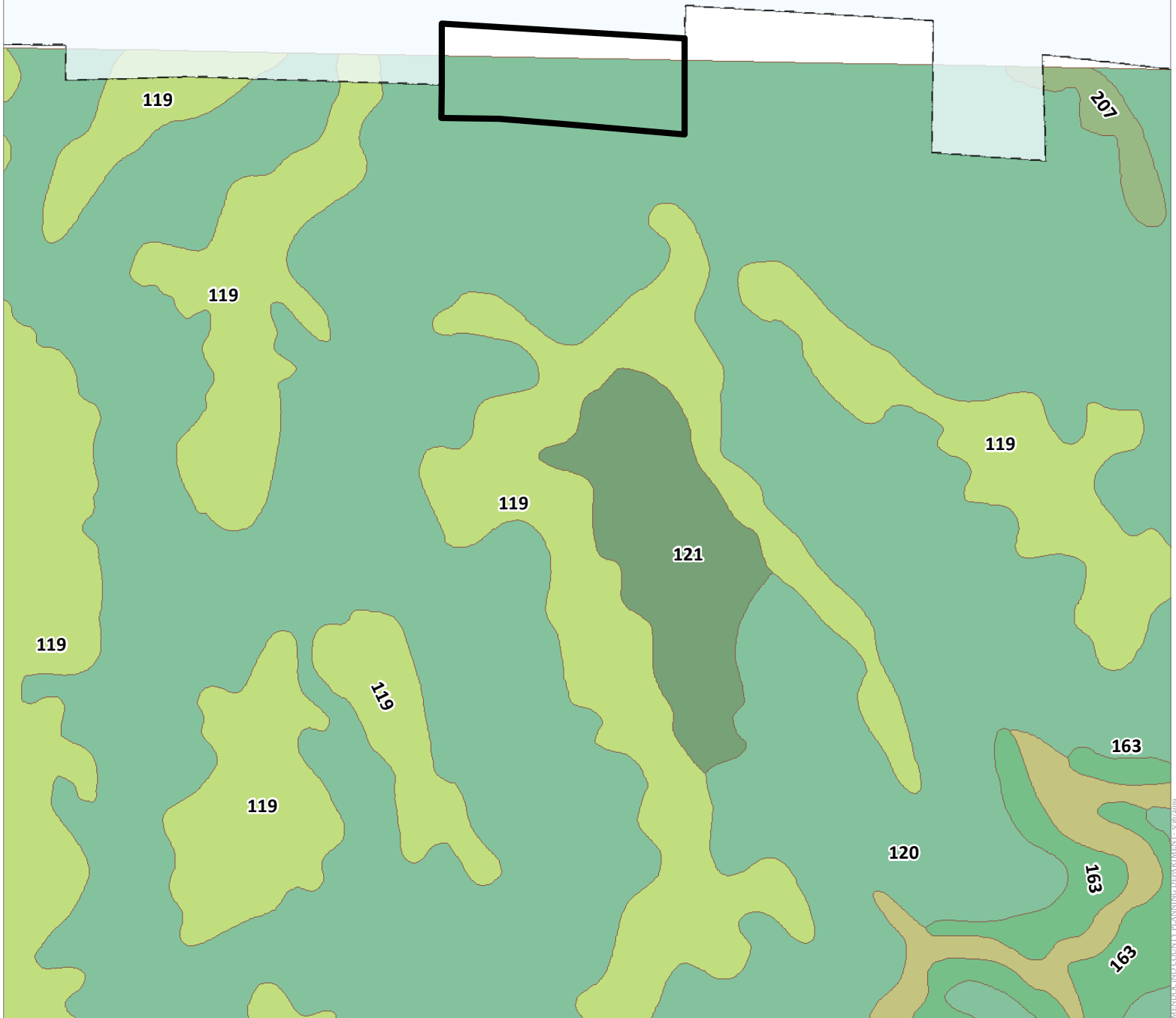
 California Counties
 High Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

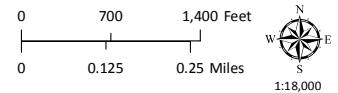
HUMBOLDT COUNTY PLANNING DEPARTMENT 5/10/2019

Humboldt County



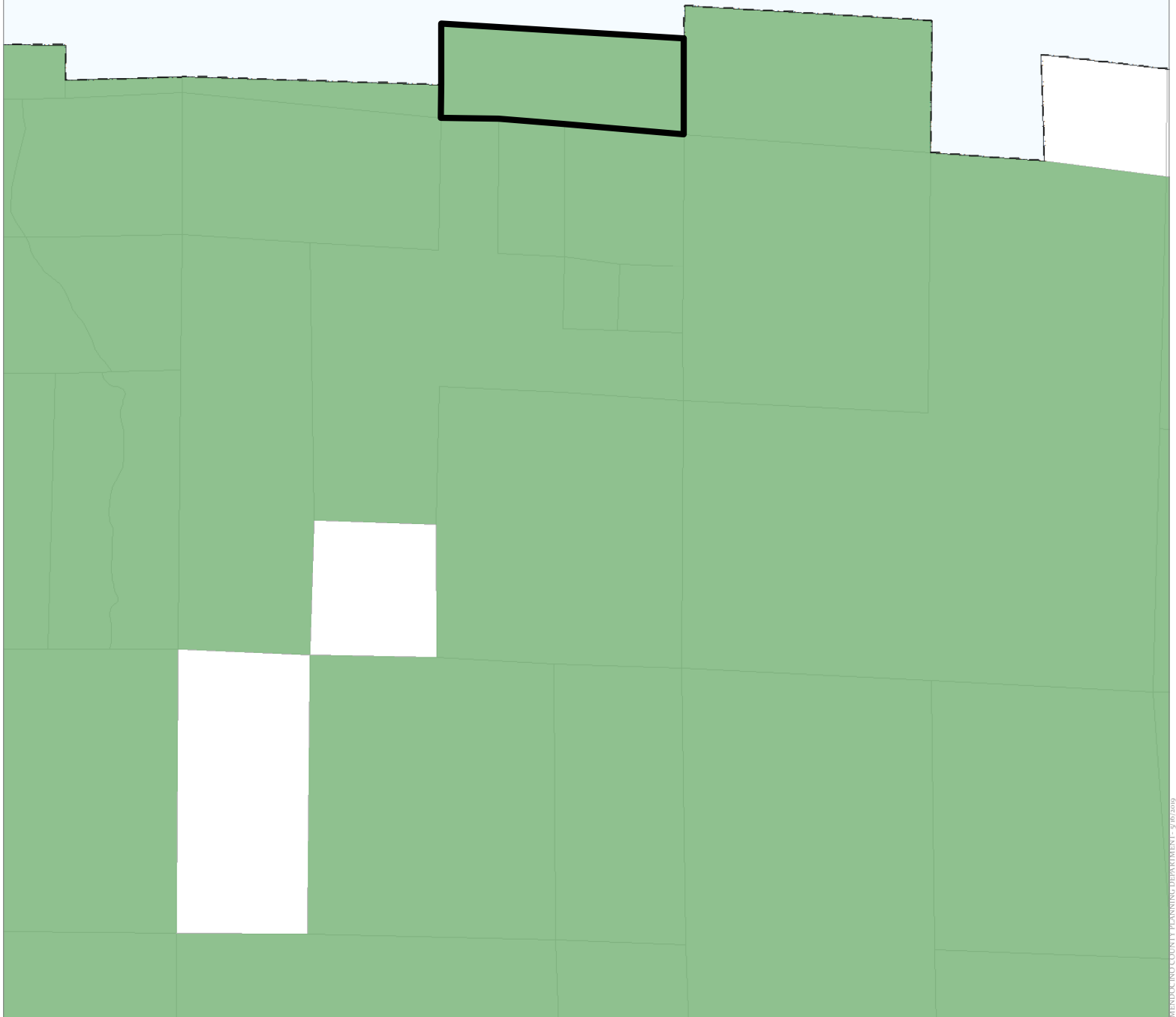
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- California Counties
- Western Study Soil Types





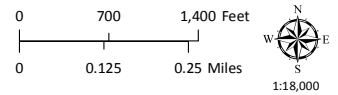
LOCAL SOILS

Humboldt County



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 California Counties
 TPZ 2018



TIMBER PRODUCTION ZONES



North Coast Regional Water Quality Control Board

February 15, 2019

WDID:1_23CC407495

BIG FIR FARMS, LLC
ATTN: RICHARD ETHERTON
290 ORCHARD LANE
REDWAY, CA 95560

Subject: Notice of Applicability - Waste Discharge Requirements, Water
Quality Order WQ-2017-0023-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 No. WQ-2017-0023-DWQ (General Order) 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.

Sincerely,

Kason Grady

On Behalf Of

Water Boards

2019.02.15 12:48:42 PST

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

190215_2M_1_23CC407495_BFF Property 1_NOA_TW

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skyline Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, BIG FIR FARMS, LLC, MENDOCINO COUNTY APN(s) 052-010-02-00

Big Fir Farms, LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on December 10, 2018, 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 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 No. WQ-2017-0023-DWQ (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_23CC407495**.

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 with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, some 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 2 Moderate Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. 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.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control 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 March 09, 2019, 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 Site Erosion and Sediment Control Plan consistent with the requirements of General Order Provision C.1.b., and Attachment A, Section 5. The Site Erosion and Sediment Control Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. Attachment D of the General Order provides guidance on the contents of the Site Erosion and Sediment Control 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 the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP 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.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Moderate Risk with the current annual fee assessed at \$3,000. 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 Notice of Termination, 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

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

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 so that a site-specific compliance schedule can be developed.

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
Daniel Boe, Mendocino County Department of Agriculture, agcomm@co.mendocino.ca.us
Richard Etherton PO Box 2342 Redway, CA 95560
Robert Scott PO Box 2133 Redway, CA 95560