

Presented by:

Heather Mapes, Staff
Attorney, State Water
Resources Control Board

Erin Mustain, P.E., State
Water Resources Control
Board

Leah Lemoine, Water
Resource Control Engineer,
Central Coast Water
Quality Control Board

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Cannabis Regulation and Enforcement Program

BACKGROUND



Since 2014, the Water Boards' Cannabis Regulation and Enforcement Unit (CREU) & California Department of Fish & Wildlife Watershed Enforcement Team (WET) have partnered to reduce the adverse impacts of cannabis cultivation on water quality and on fish and wildlife, and to fulfill the legislative task of expanding the pilot project state-wide.

Legalization of Nonmedical Cannabis Under Proposition 64

- Obligations under Prop 64 are similar to those under MCRSA:
 - Cultivators must comply with *"any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow and water quality"* prior to being granted a license. (Bus. & Prof. Code section 26057.)
 - State agencies *"shall address environmental impacts of marijuana cultivation and shall coordinate when appropriate with cities and counties and their law enforcement agencies in enforcement efforts."* (Bus. & Prof. Code section 26066.)

Water Quality Enforcement Authority

- Water Code § 13260

Any person who discharges waste in the State of California that could affect the quality of waters of the State has a legal obligation to file a report of discharge with a Regional Water Quality Control Board, unless the Board waives that requirement.

- Water Code § 13376

Additionally, any person who discharges or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or who discharges or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state has to file a report of such discharge, as provided in Section 13260.

The Problem

- Illegal Water Diversions
- Illicit Grading Activity
- Chemical Usage
- Domestic Wastes
- Threats to Wildlife
- Timber Conversion
- Public Safety



Program Strategies

- Multiagency Coordination
- Regulation
- Enforcement
- Outreach & Education

Multiagency Coordination

- **State Water Board**
 - ✓ Office of Enforcement
 - ✓ Division of Water Rights
 - ✓ Division of Water Quality
- **Regional Water Boards**
- **CA Dept. of Fish & Wildlife**
 - ✓ Law Enforcement
 - ✓ Biologists
- **Counties**
 - ✓ Law Enforcement
 - ✓ Code Enforcement
 - ✓ Environmental Health
 - ✓ District Attorney

Regulation

- **North Coast Regional Water Quality Control Board (R1)**
 - General Waiver of Waste Discharge Requirements & 401 Certification.
- **Central Valley Regional Water Quality Control Board (R5)**
 - General Waste Discharge Requirements.
- **Statewide General Waste Discharge Requirements for cannabis cultivation sites**

Enforcement

- Notice of Violation (NOV)
- 13267 Investigative Order
- Cleanup & Abatement Order (Wat. Code § 13304)
- Administrative Civil Liability Complaint
 - Discharges to waters of the State (Wat. Code §13350) - \$5,000/day or \$10/gallon
 - Discharges to waters of the U.S. (Wat. Code §13385) - \$10,000/day & \$10/gallon after first 1,000 gallons

Education & Outreach

- **Materials:** Fact sheets, brochures, fliers, & mailers
- **Translation:** Spanish, Hmong, Bulgarian, & Russian
- **Events:** Workshops, round tables, & conferences
- **News:** News articles, news releases & radio interviews

Next Steps

- **Expand** the program through the state-wide waste discharge requirements
- **Develop** interim principles and guidelines (Division of Water Rights)
- **Continue** inspections, outreach efforts, and coordination with local agencies & organizations
- **Enforce** permitting & enrollment requirements

Interim Principles and Guidelines

- Developed by State Water Board in consultation with California Department of Fish and Wildlife
- For diversion and use of water for cannabis cultivation in areas where cultivation may have potential to substantially affect instream flows



Small Irrigation Use Registration Program

Develop general terms and conditions for the Small Irrigation Use registration program that can be applied statewide to support cannabis cultivation



Interim Principles and Guidelines Projected Timeline

- Release policy, with principles and guidelines, for public review (60 days): March- May 2017
- State Water Board meeting for consideration of proposed principles and guidelines: Fall 2017

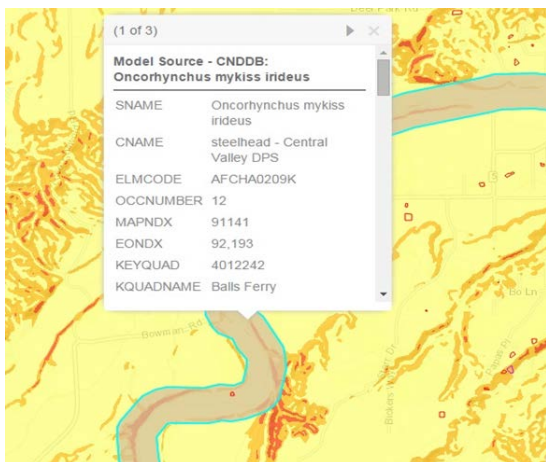


Cannabis Identification and Prioritization System (CIPS): Purpose

- Designed for two basic needs:
 - Quantify scope of problem
 - Identify number of cultivation sites
 - Prioritize watersheds for:
 - Compliance assistance
 - Enforcement
 - Leverage limited staff resources
- Watershed Approach
 - Holistic approach, watershed health
 - Identify cultivation in Public and Private lands

Results

- Numbers and Distribution
 - 19,050 individual cultivation sites identified to date
 - Sites mapped within 164 HUC 12 watersheds
 - approximately 12% of R1 and 5% of R5 area
 - 15,755 in Region 1, 3,295 in Region 5



Editing

The screenshot displays the CIPS Editor web application interface. At the top left is the logo for CIPS EDITOR. To the right of the logo is the text "CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY STATE WATER RESOURCES CONTROL BOARD" along with several small utility icons. Below this is a dark grey navigation bar with icons and labels for "Map", "Edit Tools", "Search", "Layers", "Basemap", "Analysis", and "Map Tools". The main area of the interface shows an aerial map with a large green polygon boundary and several smaller red polygons. A dropdown menu is open on the left side of the map, titled "I want to:". The menu is divided into three sections: "Add a New:" with radio button options for "Grow Footprint", "Disturbed Area", "Water Tank", "Reservoir", "Grow Site", and "Grow Site Parcel"; "Edit:" with radio button options for "A Feature's Attributes", "A Feature's Shape", "Add Grow to Grow Site", and "Merge Grow Sites"; and "Delete:" with a radio button option for "Delete a Feature". Below the menu is an "Instructions" section with the text "Select an editing option.".

Statewide Summary

QUICK STATS

Evaluated Area:

30 Interpretation Areas

164 HUC 12 Watersheds

34 Total Acreage

Grow Summary:

19,050 Number of Grows Identified

3,910 Grow Site Parcels

1,704 Total Grow Acreage

OF GROWS BY TYPE

Outdoor vs Greenhouse

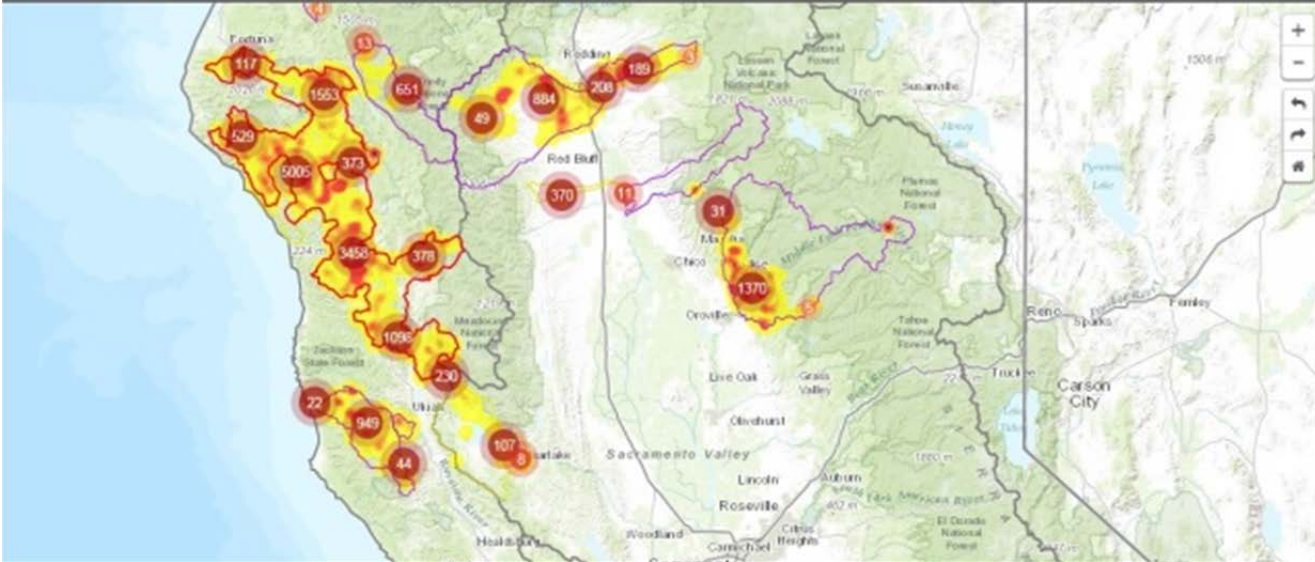


PRIORITIZATION MODELING

Cultivated Area



Map Search Layers Basemap Analysis Map Tools View Prioritization Model



Region 3 County Cannabis Land Use/Zoning Ordinances Overview



Region 3 Counties: Cannabis Land Use/Zoning Ordinances Overview

County	Commercial Cultivation Allowed for Medical Use? (Y/N)	Personal Cultivation Allowed for Medical Use? (Y/N)	Temporary Moratorium
Santa Cruz County	Y	Y	Non-medical use, possession and sale
Monterey County	Y	Y	
San Luis Obispo County	Y	Y	Prohibition on all cultivation; exempt are existing sites and medical personal use
Santa Barbara County	Y	Y	Medical marijuana cultivation prohibited, exemption for medical personal use
Santa Clara County	N	Y	
San Mateo County	N	Y	All outdoor cultivation
Ventura County	N	Y	
San Benito County	N	Y	All cultivation; exemptions are 6 plants/parcel and existing sites

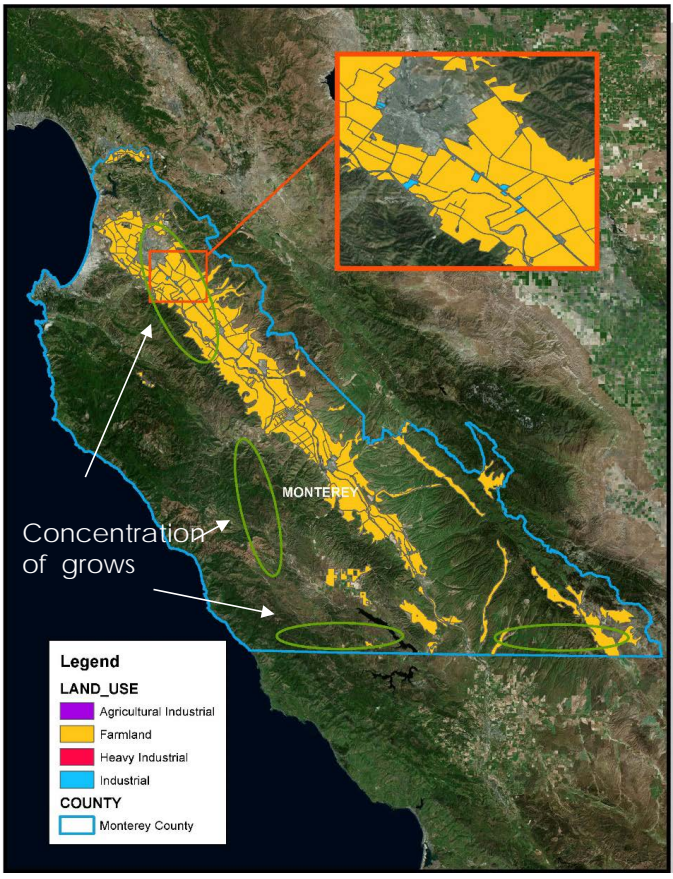
A Closer Look: Santa Cruz County

Commercial Cannabis Cultivation Activity	
Number of Growers Registered	951
Estimated Number of Non-Registered Growers	The county planning department did not have estimates.
Geographic Areas (To Be Permitted)	commercial agriculture, agriculture, residential agriculture, commercial, industrial, timber, and special use (as proposed for EIR, subject to change)
Geographic Areas (Existing)	The county planning department did not have estimates; database will be available soon.

A Closer Look: Monterey County

Predicted Commercial Cannabis Cultivation Activity

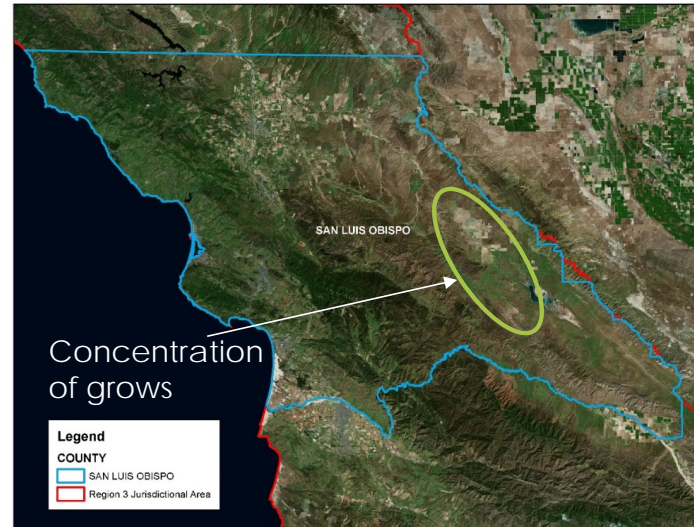
Number of Growers Registered	6 have applied for permits
Estimated Number of Non-Registered Growers	~ 200 (County est.) ~ 455 (CDFA Survey)
Geographic Areas (To Be Permitted)	Indoor cultivation only in existing structures; Farmland and Industrial parcels
Suspected Geographic Areas (Existing)	South county (near slow border), Los Padres (east side), greenhouses in and around Salinas



A Closer Look: San Luis Obispo

Predicted Commercial Cannabis Cultivation Activity

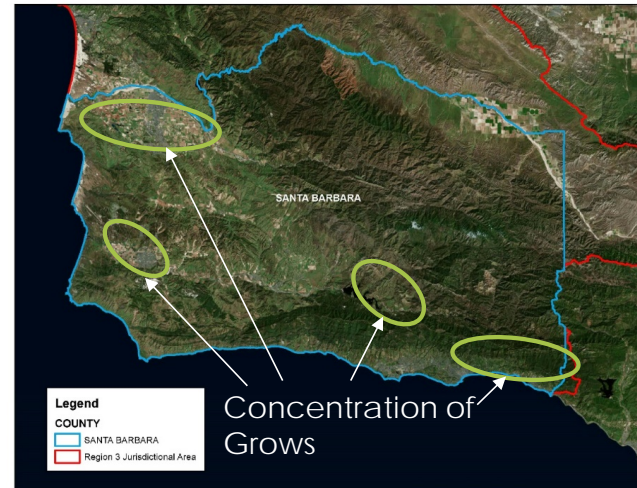
Number of Growers Registered	431 have registered (278 in CA Valley)
Estimated Number of Non-Registered Growers	800 to 1,000
Geographic Areas (To Be Permitted)	Permitted land uses not yet known (will be addressed in permanent ordinance)
Geographic Areas (Existing)	California Valley



A Closer Look: Santa Barbara County

Predicted Commercial Cannabis Cultivation Activity

Number of Growers Registered	No registry
Estimated Number of Non-Registered Growers	336 (CDFA est.)
Geographic Areas (To Be Permitted)	Not yet known
Suspected Geographic Areas (Existing)	Carpinteria; Lompoc, Santa Maria, San Marcos Pass (East Camino Cielo/Hwy 154 foothills)



A Closer Look: San Benito County

Predicted Commercial Cannabis Cultivation Activity

Number of Growers Registered	0
Estimated Number of Non-Registered Growers	Up to 32 (No responses to CDFA survey)
Geographic Areas (To Be Permitted)	Not known at this time
Suspected Geographic Areas (Existing)	Along Picacho River



A Closer Look: Santa Clara County

Predicted Commercial Cannabis Cultivation Activity	
Number of Growers Registered	0 (commercial cultivation not permitted)
Estimated Number of Non-Registered Growers	201 (CDFA est. countywide) 172 inspections have been completed by sheriff countywide
Geographic Areas (To Be Permitted)	None
Geographic Areas (Existing)	Santa Cruz Mountains

San Mateo County

Predicted Commercial Cannabis Cultivation Activity	
Number of Growers Registered	0 (commercial cultivation not permitted)
Estimated Number of Non-Registered Growers	119 (CDFA est. countywide)
Geographic Areas (To Be Permitted)	None
Suspected Geographic Areas (Existing)	Not known.

A Closer Look: Ventura County

Predicted Commercial Cannabis Cultivation Activity	
Number of Growers Registered	0 (commercial cultivation not permitted)
Estimated Number of Non-Registered Growers	417 (CDFA est, countywide)
Geographic Areas (To Be Permitted)	Not yet known
Suspected Geographic Areas (Existing)	Not known

Recap: R3 Commercial Cannabis Cultivation

County	Number of Growers, Applied or Registered	Total Number of Growers (Potential Workload)
Santa Cruz	951 (registered)	951
San Luis Obispo	431 (registered)	Up to 1,000
Monterey	6 (applied)	200 - 455
Santa Barbara	0	336
San Benito	0	32
Total	1,388	2,519 - 2,774

Summary

Cultivation Trends:

- Santa Cruz: Likely to be one of the most, if not the most, active.
- Monterey: Also active; indoor grows only
- San Luis Obispo and Santa Barbara: Large number of commercial cultivators.
 - Unknowns: number of licenses to be issued and types of land uses to be permitted.
- Ventura, San Benito, Santa Clara, San Mateo: R3 will pay attention to new ordinances, work with County staff, but large number of cultivation sites are not expected.

Next Steps:

- R3 to continue working with OE to establish enforcement program, outreach to local agencies, growers, and State agencies

Heather Mapes, Staff Attorney
State Water Board
Office of Enforcement
(916) 341-5163
Heather.Mapes@waterboards.ca.gov

Leah Lemoine
Water Resource Control Engineer
Central Coast Water Board
(805) 549-3159
Leah.lemoine@waterboards.ca.gov

Erin Mustain, P.E.
State Water Board
Office of Enforcement
(916) 445-9379
Erin.Mustain@waterboards.ca.gov

For More Information, please visit
<http://www.waterboards.ca.gov/cannabis/>



Extra Slides

Region 3 Cities: Cannabis Ordinances Overview

Cities	Commercial Cultivation	Personal Cultivation/Non-Commercial Collectives	Temporary Moratorium	Comments
Salinas	X	X		
Greenfield	X	X		Industrial zones only
King City	X	X		Designated zones only
Watsonville	X	X		Indoor only, up to 10,000 sq ft
Soledad			X (non-medical and medical)	Complete and total prohibition of cultivation (indoor and out)
Paso Robles		x		Only indoor cultivation for personal use; must be in auxiliary structure
Solvang			X	Ban on all cannabis businesses (in place until September 2017)