

# Update on the Cannabis Program

## Item 3

Diana Henriouille

North Coast Regional Water Quality Control Board

April 7, 2016

# Today's presentation

- R1 program update and upcoming efforts
- Cannabis Identification and Prioritization System (CIPS) (Kason Grady)
- Enrollment enforcement (Yvonne West)
- Statewide program update (Cris Carrigan)

# Statewide Cannabis Initiative

- Pilot program funding dedicated cannabis team staff effective July 1, 2014
- Joint Water Boards/Fish and Wildlife Strategic Plan
- In R1, four dedicated cannabis team positions filled as of March 2015
- Four-pronged approach:
  - Regulatory order development and implementation
  - Education and outreach
  - Enforcement
  - Interagency coordination

# Regulatory Order

- May 7, 2015: program update and presentation of draft Order
- August 13, 2015: Regional Water Board adopted Order No. R1-2015-0023
- As of February 15, 2016: cultivators with 2000 square feet or more of cannabis are required to enroll for coverage under the Order

# Enrollments as of April 5, 2016

County	R1	PWA	TRC	Grand Total
CDN	1			1
HUM	130	53	65	248
MEN	49	14	4	67
SON	3	3		6
TRI	40	5	4	49
UNKNOWN	1			1
<b>Grand Total</b>	<b>224</b>	<b>75</b>	<b>73</b>	<b>372</b>

Tier	Count of WDID
1	70
2	264
2*	1
(blank)	37
<b>Grand Total</b>	<b>372</b>

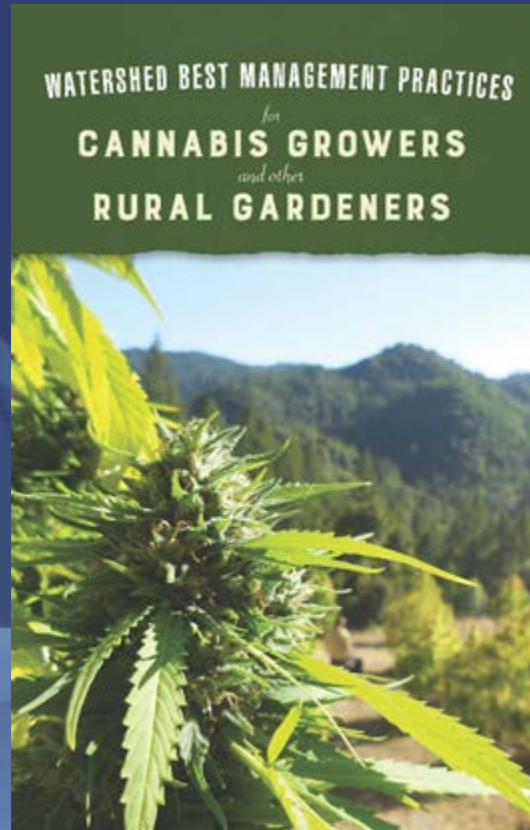
# Regulatory Order Implementation

- Administrative tasks
- Compliance assistance:
  - 15 enrollment clinics, 567 attendees
  - 35+ pre-enrollment inspections; 100+ pending
  - Customer service (hundreds of calls, numerous emails and drop-ins)
- Third party program review/approval
  - 2 approved (Timberland Resource Consulting and Pacific Watershed Associates)
  - 7 under review

# Education and Outreach

- Presentations and panels (28 events, reaching 1700+ attendees)
- Media (radio and print)
- Watershed-specific outreach: Mad River letters to 175 landowners
- Contracts and grants
  - Eel River Recovery Project
  - Mendocino Resource Conservation District

# BMP Guide



<http://mcrd.org/publications/>



# Enforcement

- Non-enrollment (administrative violation enforcement)
- Water quality violations (based on field inspections and observations)
  - Many landowners with violations are responsive to our recommendations for corrective actions
  - Field inspections produce results beyond the individual sites we inspect

# Water Quality Violations Based on 2015 Field Inspections and Observations

- Cannabis Program Enforcement/Task Force Inspections in 2015: ~70
  - ~25% had no violations or very minor concerns
  - ~50% had one or more moderate violations (e.g., undersized crossings, small controllable sediment sites, housekeeping issues)
  - ~25% had significant violations (e.g., fill in surface waters, poorly sited and constructed roads, widespread poor housekeeping practices)

# Interagency Coordination

- Environmental crimes task force meetings and field efforts
- March 29 & 30 “cannabis summit” with strategic plan agencies (WB, DFW, Water Rights) to review 2015 efforts and plan 2016 efforts
- Local and state agency coordination: new codes and ordinances, new legislation, new regulations (e.g., April 6 meeting with Humboldt County)

## What's ahead in the short term:

(..in addition to continuing efforts on activities discussed above...)

- Enrollment enforcement
- Enforcement on water quality violations
- Seeking and supporting funding for ERRP Phase II
- Improving efficiencies/addressing obstacles
  - Administrative processes
  - Accurate, up to date imagery
  - Streamlining field data collection, reporting, and communication

## What's ahead in the mid- and longer term:

- Update the Strategic Plan
- Scale up the program within our region
- Integrate our program implementation with other programs and priorities in the region, such as the Rural Roads Initiative
- Provide expertise for statewide implementation
- Continue implementing the four-pronged approach

# Cannabis Identification and Prioritization System (CIPS) Program



Kason Grady, WRCE – North Coast Regional Board

Presentation developed in coordination with:

Connor Mcintee, ES – North Coast Regional Board

Kevin Pfeiffer, EG – Central Valley Regional Board

Erin Mustain, Senior WRCE – State Water Board



# Involvement

- In-house

- ◆ State Water Board Office of Enforcement
- ◆ State Water Board Division of Information Technology
- ◆ Central Valley Water Board
- ◆ North Coast Water Board

- Private

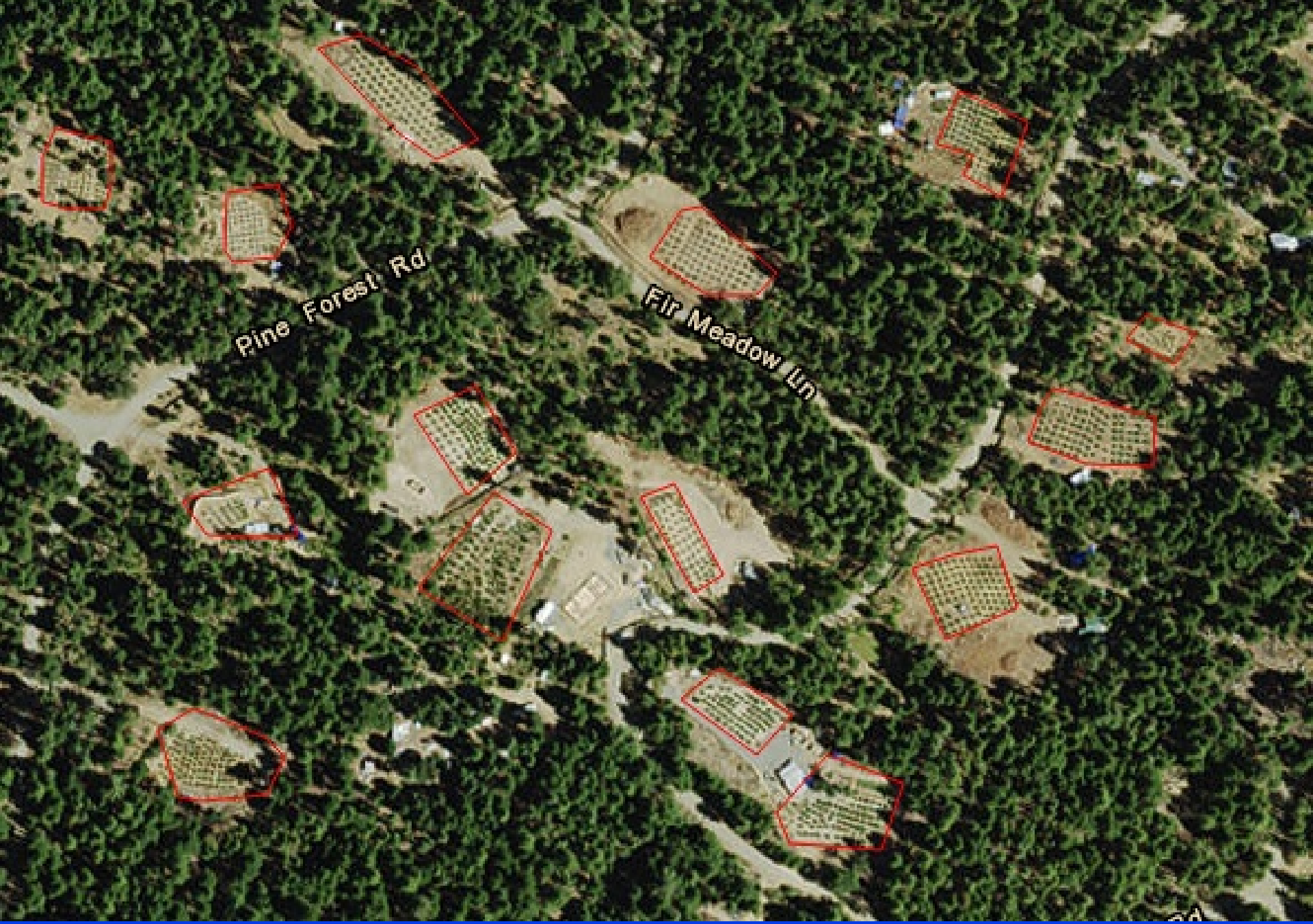
- ◆ Vestra
- ◆ Formation Environmental
- ◆ \$200,000 contract



# Purpose

- Quantify the scope of cultivation
  - ◆ 15,755 sites in 12% of Region 1
  - ◆ 3,295 sites in 5% of Region 5
- Prioritize watersheds
  - ◆ Compliance assistance
  - ◆ Enforcement
    - Enrollment
    - Water Quality Violations
- Leverage limited staff resources
- Watershed Approach
  - ◆ Holistic approach, watershed health





QUICK STATS

Evaluated Area:

- 10 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

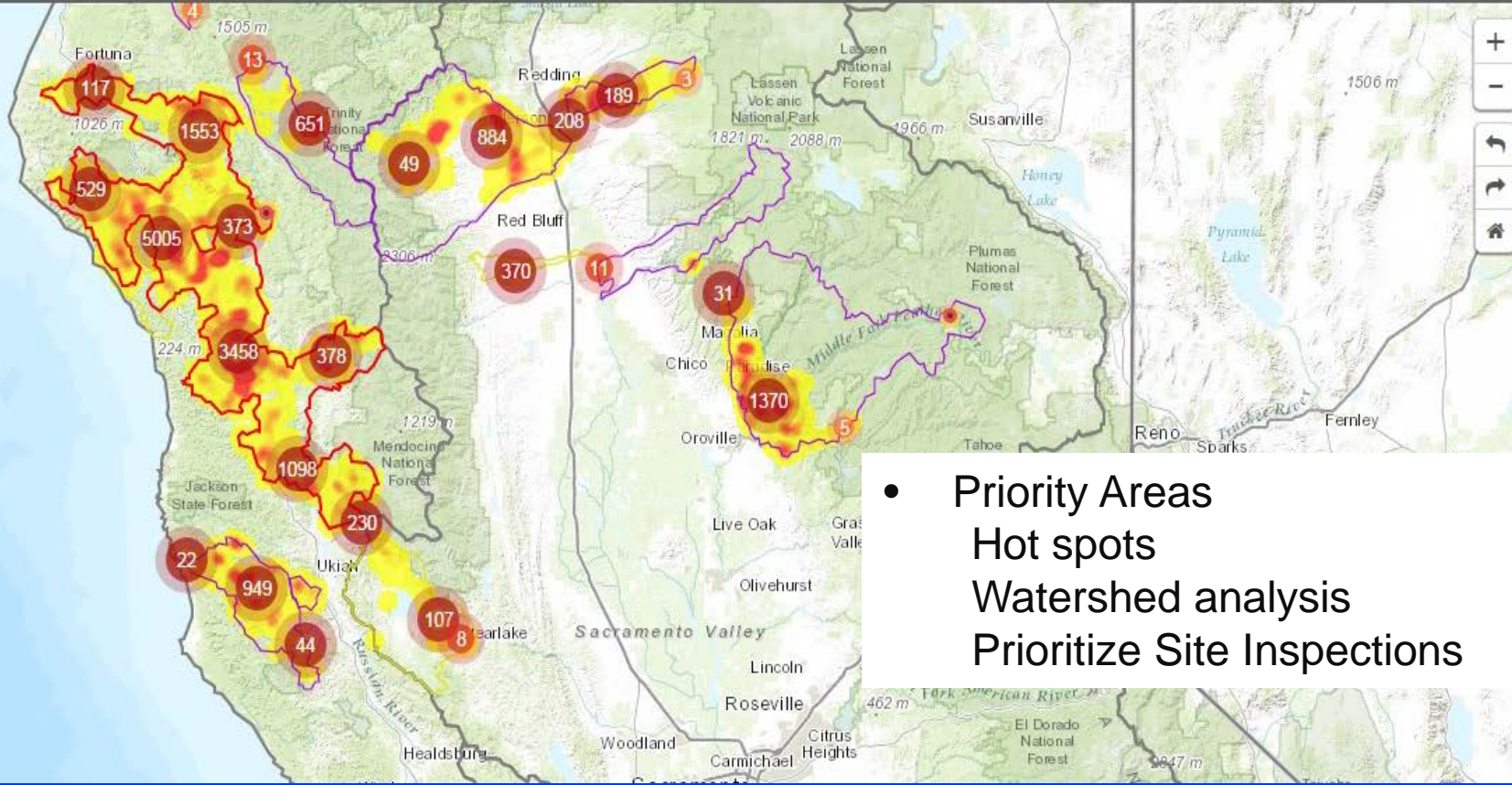


PRIORITIZATION MODELING

Cultivated Area



Map Search Layers Basemap Analysis Map Tools View Prioritization Model



# Model Creation

## Prioritization Model

Region 5

Prior. Area Name Cottonwood Creek

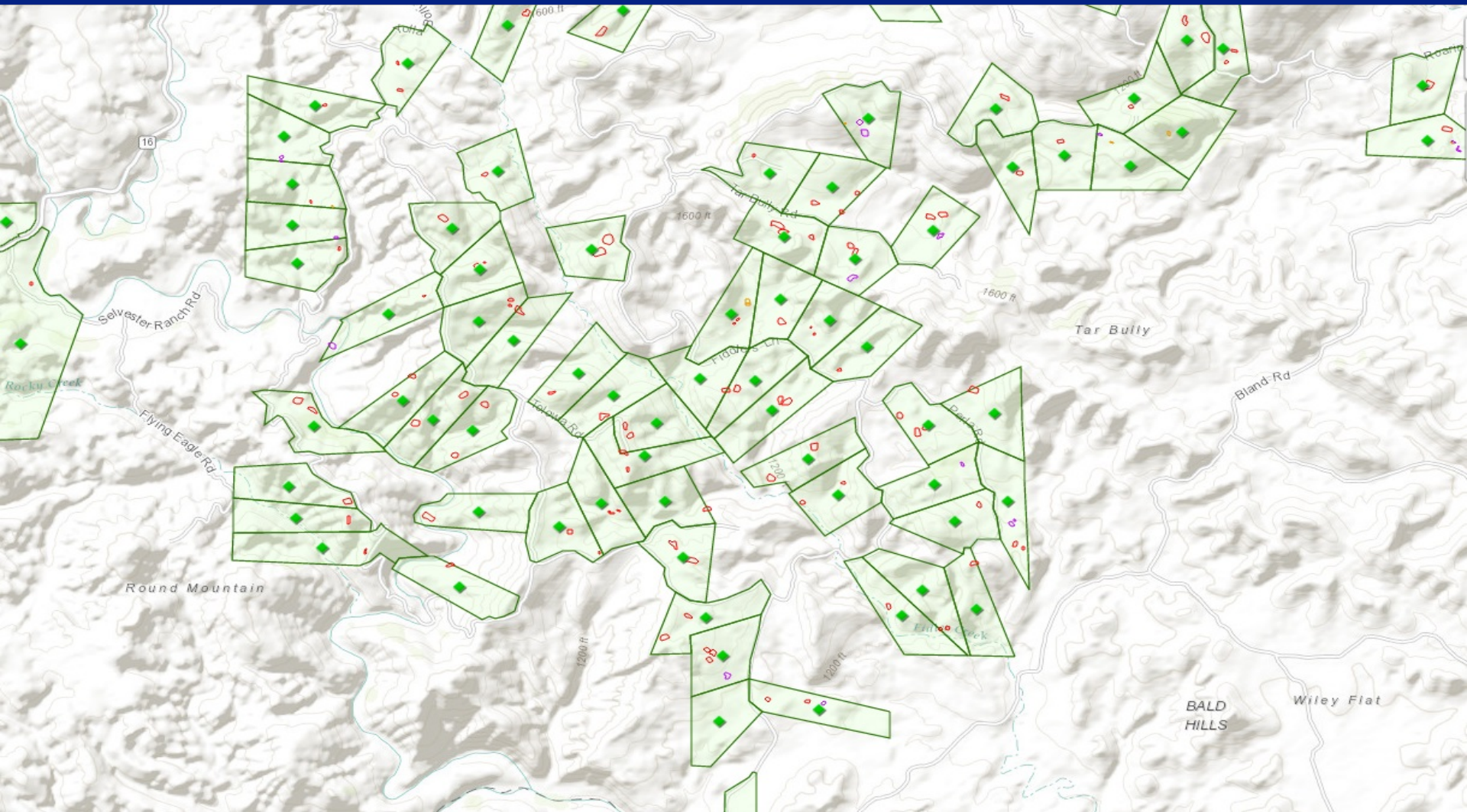
Model Name Cottonwood Creek: MOD1

Include?	Factor	Model Weight (%)	Risk Level 3	Risk Level 2	Risk Level 1
<input checked="" type="checkbox"/>	Surface Water Proximity	Weight 25	< 100	< 200 and > 100	> 200
<input type="checkbox"/>	Water Consumption	Weight 0	> 4500	> 600 and < 4500	< 600
<input checked="" type="checkbox"/>	Percent Slope	Weight 20	> 50	> 30 and < 50	< 30
<input checked="" type="checkbox"/>	LS Factor	Weight 25	> 10	> 3 and < 10	< 3
<input checked="" type="checkbox"/>	Cultivated Area	Weight 20	> 10000	> 5000 and < 10000	< 5000
<input checked="" type="checkbox"/>	Topo Wetness Index	Weight 10	> 10	> 5 and < 10	< 5
<input type="checkbox"/>	Sensitive Wildlife	Weight 0	Yes	No	None

Cancel

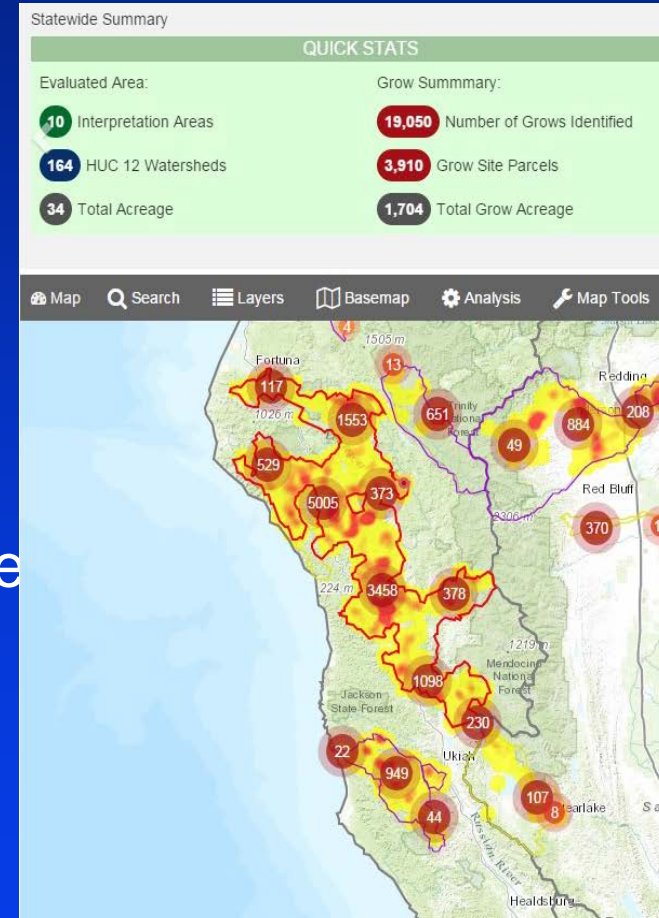
Save and Continue

# Linking Parcel/Owner Networks



# Current Status

- Contract is complete
- Finals stages of implementation
- We will be able to use CIPS this year
  - ◆ Enrollment enforcement
  - ◆ Water quality prioritization
- Permit/Enforcement Order Compliance
  - ◆ Link grows to owner network
  - ◆ Track enrollment metrics
  - ◆ Maintain site history
  - ◆ Inspection prioritization



# Future of CIPs

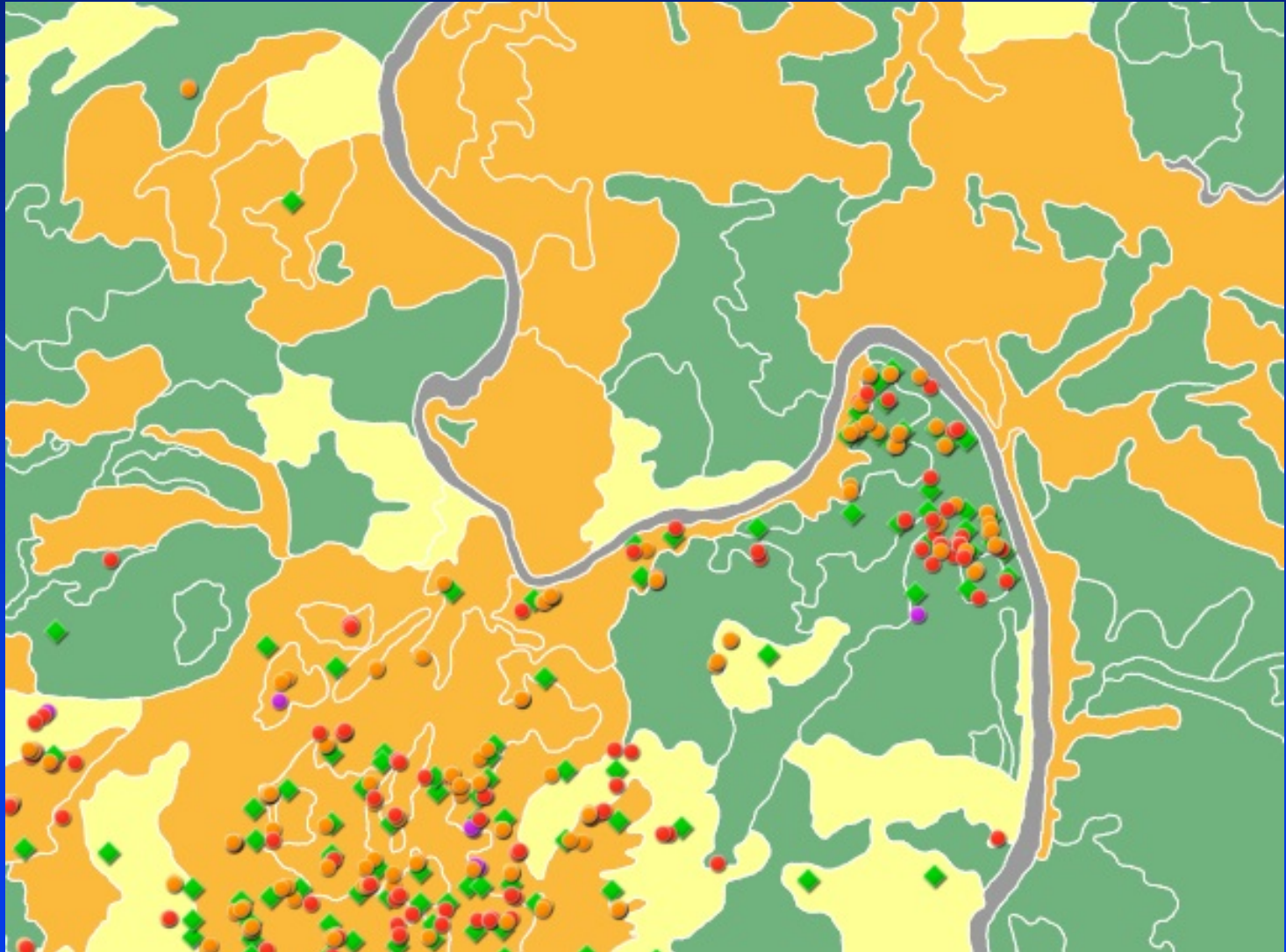
- Connect to other databases
  - ◆ CIWQS, Geotracker, CEDEN, SMARTS, Ecoatlas
- Use with other Water Board programs
  - ◆ 401 Certs, Stormwater, Timber Harvest
- Update model with Current Imagery
  - ◆ Allows for tracking new site development and use

# Collector Application and Field Data Collection

- Organized, electronic data collection
- Syncs with ArcGIS programs, including CIPS
- Aids report writing
  - ◆ Map creation
  - ◆ Organized, uniform data collection and reporting
- Can be utilized by public for tracking monitoring and reporting requirements



# Questions?





# Enrollment Enforcement Process

## Cannabis Cultivation Program

North Coast Regional Water Board

Ms. Yvonne West

Senior Staff Counsel

April 2016

# Enrollment Enforcement Authority

- **Water Code section 13260:** Requires party discharging waste or proposing to discharge waste to file a report of waste discharge with Regional Board
- **Water Code section 13261:** A person who fails to furnish a report to pay a fee when requested under 13260 may be liable for Administrative Civil Liability (ACL) of up to \$1,000 per day for each day in which the violation occurs.

# Education Before Enforcement

- **Extensive Public Outreach:** workshops and panel discussion
  - reaching over 1700 attendees
- **General Notices:** A general notice educating property owners about the Order was sent to 36,000 property owners in Mendocino County with property tax bills.
- **Targeted Notices in Mad River:** Staff sent a more focused letter to more than 170 properties in the Mad River watershed with indications of cultivation based on review of available aerial photography and County parcel line imagery.
  - 6% returned as undeliverable
  - 9% responses claimed not subject to enrollment

# Enrollment Enforcement Steps

- Step 1: Water Code Section 13260 Directive Letter
- Step 2: Notice of Violation Letter
- Step 3: Pre-Administrative Civil Liability Complaint Letter
- Step 4: Administrative Civil Liability Complaint
- Step 5: Administrative Civil Liability Hearing/Order
- Step 6: Lien

# Steps 1: Directive Letter

Within **30 calendar days of receiving this letter**, the North Coast Water Board is requiring you to one of the following:

1. Demonstrate that the Order does not apply to the subject parcel(s)
2. Provide proof of enrollment under the Order either individually or through a third party program.
3. Enroll as a discharger under the Order.
4. File a report of waste discharge and diligently pursue coverage under an individual order.

# Steps 2: Notice of Violation (NOV)

- Notice that party is now subject to liability starting from 30 days from the Directive Letter.
- Within **15 calendar days of receiving the NOV letter**, comply with the Directive Letter or be subject to liability starting from 30 days from the Directive Letter.
- Failure to take one of the actions required, will result in formal enforcement.

# Steps 3: Pre-Administrative Civil Liability Letter

- Documents period of violation & provide potential liability amount in compliance with Enforcement Policy Penalty Methodology
- Offer to settle violations contingent on
  - coming into compliance is a set period of time
  - payment of reduced settlement amount of liability
- Settlement will be memorialized as a Stipulated ACL Order & Settlement Agreement

# Steps 4: Administrative Civil Liability Complaint

ACL Complaints will be issued to

- Property owners who fail to respond to Pre-ACL Complaint letters or where settlement can not be reached.
- Hearing on the ACL Complaint will be scheduled within 90-days of issuance



# Steps 5: Administrative Civil Liability Hearing/Order

- Anticipate a significant number of ACL Complaints being issued & hearings a result of this enforcement effort.
- The Regional Water Board can consider one or more of the following options for expediting the hearing process:
  1. Conduct hearings before the EO; or
  2. Conduct hearings before a hearing panel made up of three or more Regional Board Members.

# Steps 6: Lien On Property

Failure to pay a final ACL Order:

- Subject that party to collection efforts, including lien on all real property owned by that party in California

# Questions

Ms. Yvonne West  
Office of Enforcement,  
State Water Board  
(916) 322-3626

