



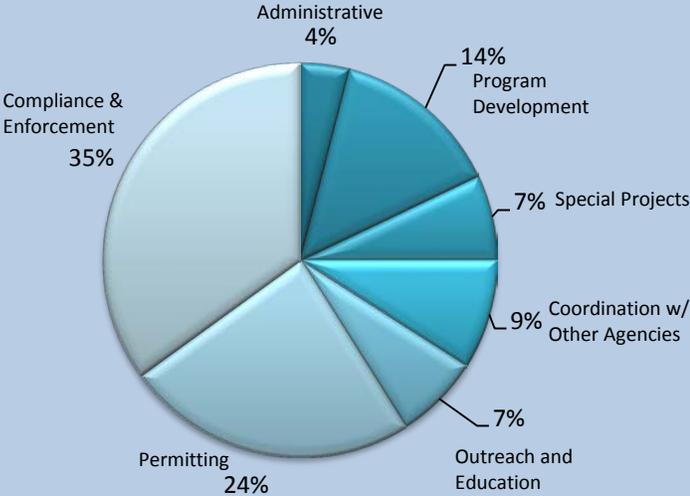
Cannabis Cultivation Waste Discharge Regulatory Program

Overview

California residents passed Proposition 215, the California Compassionate Use Act, in 1996. Since that time, cannabis cultivation has increased exponentially straining law enforcement, local governments, wildlife, and water resources. In response, the California Budget Act of 2014 appropriated resources for both the Department of Fish & Wildlife (Department) (7 PY) and the Water Boards (11 PY collectively) to reduce environmental damage caused by cannabis cultivation. These resources were used to create a multi-disciplinary Marijuana Task Force (Pilot Program), and to implement a priority-driven approach to address the natural resources damages resulting from marijuana cultivation on private lands and state owned lands of high conservation value in northern California.

In July 2016, the Program expanded when the Department and the Water Boards each received an additional 35 positions. Currently the Central Valley Water Board has five positions assigned to the Redding office and one to the Rancho Cordova office. Program resources are currently focused on improving process efficiency; enrolling cultivators in the Board's *General Waste Discharge Requirements for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities* (WDRs); and pursuing enforcement actions where necessary. Primary concerns associated with cannabis cultivation include illicit grading activity, illegal water diversion, and chemical/nutrient transport to waters of the state.

Current Resource Distribution



Goals

The Program requires close coordination among law enforcement, county departments, state and federal agencies to implement program objectives four main objectives:

- 1) Development of a regulatory program;
- 2) Targeted enforcement in high value watersheds;
- 3) Education and outreach to cultivators about best management practices; and
- 4) Multi-agency coordination at the state and local level.

Accomplishments

Cannabis Identification and Prioritization System (CIPS)

In April 2015, the State Water Board's Division of Information Technology and Central Valley Water Board staffs initiated a contract to develop CIPS; a GIS based remote sensing platform designed to identify cultivation sites, classify them based on site characteristics (size, soil type, slope, proximity to watercourse, class of water course, threatened or endangered species present, etc), and rank them in terms of threat to water quality and permitting tier. Staff worked with the selected contractors throughout much of FY 2015/2016 and formally transferred the completed program to State Board's servers in April 2016.

First Administrative Civil Liability Settlement under the Cannabis Program

In March 2016, the Program's enforcement staff brought the first Administrative Civil Liability Complaint (ACLC) associated with cannabis cultivation to the Board for consideration. The Board ultimately settled with the defendant in the amount of \$100,000; the defendant has spent an additional estimated \$200,000 in cleanup and mitigation costs to repair damages to anadromous fishery.

Second Administrative Civil Liability Order under the Cannabis Program

In June 2016, the Program's enforcement staff brought its second ACLC to the Board for consideration which was adopted in the amount of \$297,400 not including cleanup costs. The Order applied to an out of state landowner and licensed earthmoving contractor, who failed to obtain necessary permits.

Board Adoption of the Cannabis Program's General Order

In October 2015, the Central Valley Water Board adopted the Program's first General Waste Discharge Requirements for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities (General Order R5-2015-0113). The Order generally applies to any grower with a cultivation area of more than 1,000 square feet.

Public Outreach and Education

Program staffs participated in 17 outreach and education events during FY 15/16.

Fiscal Year 15/16 Performance Targets

	Target	Actual
Inspections	90	20*
General Order Enrollments	100	143

*Number of Target Inspections was not met largely due to sharing of CDFW Law Enforcement resources with the North Coast Water Board cannabis staffs. In the future, inspection targets will be adjusted to account for these limitations.

Program Changes

- New legislation affecting the Program has been adopted during each of the past three years. Program staffs continue to work with State and local agencies to implement new legislation affecting the program. This includes passage of the Medical Cannabis Regulation and Safety Act for licensure and regulation of medical cannabis and creation of the Bureau of Medical Cannabis Regulation under the Department of Consumer Affairs which in part requires the Board of Equalization and the Department of Food and Agriculture to adopt a system of reporting; requires licenses and permits; and imposes fines for violations of the Act.
- Both the Department of Fish and Wildlife and the Water Boards received additional staff in July 2016, both agencies will be working to hire and train new staffs during FY 16/17.