

North Coast Regional Water Quality Control Board

Shadow Light Ranch LLC Property
CIWQS Place ID No. 825542
Inspection Date May 10, 2018
WDID No. 1B16868CHUM

Property Information

Inspection Date: May 10, 2018
Time: 0900-1330 hours

Humboldt County Assessor Parcel Numbers (APNs):
 223-073-004-000, 223-073-005-000, 223-061-003-000, 223-061-038-000, 223-061-039-000, 223-061-043-000, 223-061-046-000 (together hereinafter referred to as the Property)

Property Representative Information

Consent Provided?
 YES

Notified of Inspection?
 YES

Names of On-Site Representatives and Consenting Parties:

Joshua Sweet, principal owner of Shadow Light Ranch, LLC and enrollee under Order R1-2015-0023 (hereafter referred to as Responsible Party)
 Elan Puno, business services consultant for Shadow Light Ranch, LLC
 Gary Simpson, CEG, SHN Consulting Engineers and Geologists;
 Skyler Twohig, Timberland Resource Consultants

Property Owner: Shadow Light Ranch LLC (ParcelQuest)

Mailing Address:

773 Redwood Dr., Ste E, Garberville, CA 95542 (Shadow Light Ranch LLC) (LandVision)
P.O. Box 250, Garberville, CA 95542 (per Notice of Intent for enrollment under Order No. R1-2015-0023)

Attending Agency Representatives:

Shannon Utley, Engineering Geologist, North Coast Regional Water Quality Control Board (Regional Water Board)

David Manthorne, Senior Environmental Scientist Specialist, CA Department of Fish and Wildlife (CDFW)

Christopher Van de Wyngard, Water Resource Control Engineer State Water Resources Control Board (State Water Board), Division of Water Rights (DIV)

David Rosas, Environmental Scientist, State Water Board, DIV

Inspection Report Information

Report Prepared By: Shannon Utley, Engineering Geologist, Regional Water Board

Report Reviewed By: Kason Grady, Senior Water Resource Control Engineer, Regional Water Board

Photos Taken: All photographs taken by Shannon Utley unless labeled otherwise and available in Attachment A.

California Integrated Water Quality System (CIWQS) Inspection ID: 32532885

Enrollment Status

Parcel Enrolled Under Regional Water Board Order No. R1-2015-0023: Yes

Enrollment Date: 6/16/2016

Pre-Inspection Compliance Status: 4/13/2018 dated Annual Report identified anticipated compliance dates¹ for Standard Conditions 1 (10/2018), 2 (10/2018), and 5 (10/2018). The Annual Report did not identify any anticipated disturbance of a stream or wetland.

1. Enrollee self-reported anticipated compliance dates for each Standard Condition shown above, in parentheses.

Enrolled Cultivation Area: initially enrolled for ">5,000 sq ft", then enrolled for 10,000 square feet, now enrolled for 57,300 square feet (per 4/13/2018 Annual Report)

Inspected Property Background

Parcel Ownership Information: Property purchased on 11/22/2006 by Joshua Sweet and transferred to Shadow Light Ranch LLC on 8/22/2016 (ParcelQuest)

Historic Imagery Reviewed: Google Earth images dated 6/12/1993, 11/4/2004, 12/31/2004, 10/12/2006, 5/24/2009, 4/24/2010, 8/23/2012, and 5/28/2014. NAIP imagery dated 2005, 2009, 2010, 2012, 2014, 2016 (CDFW GIS Services)

Site Development: The large upper pond (POND1 on Site Map) is not visible on available Google Earth images through May 28, 2014, and is not visible on 2016 NAIP imagery. The smaller lower pond (POND2) is first visible in the 10/12/2006 Google Earth imagery. In the next available Google Earth image (5/24/2009), POND2 appears to be full of water. The smallest pond (POND3) is visible in all available Google Earth images (6/12/1993 through 5/28/2014) and NAIP imagery (2005 through 2016). Following the November inspection, CDFW staff provided images taken October 27, 2017, of POND1 and POND2 (see November 2, 2017, inspection report for image).

Previous Site Inspections:

Regional Water Board staff inspected the Shadow Light Ranch, LLC property (then owned by Mr. Sweet) on January 29, 2016, and observed an on-stream wetland area (identified as WET on the Site Map, below), which Mr. Sweet reportedly wanted to turn into a recreational pond.

Regional Water Board staff inspected the Shadow Light Ranch, LLC property on November 2, 2017, and observed eight stream crossings, three on-stream ponds, and six cultivation areas with approximately 80,000 square feet of cultivation, and various water quality violations.

Watershed	Section 303 d Listings	TMDL Development:
<p>Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Benbow Hydrologic Subarea 111.32 Ohman Creek HUC-12: 1801060403 CalWater: 1111.320806</p>	<p>South Fork Eel River: Sediment and Temperature</p>	<p>South Fork Eel River Sediment and Temperature TMDL December 1999</p>

Beneficial Uses and Threatened and Endangered Species

Listed Species:

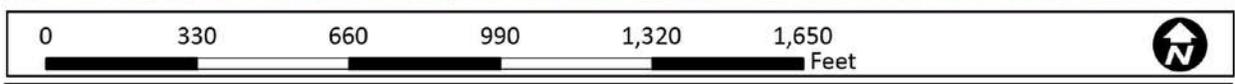
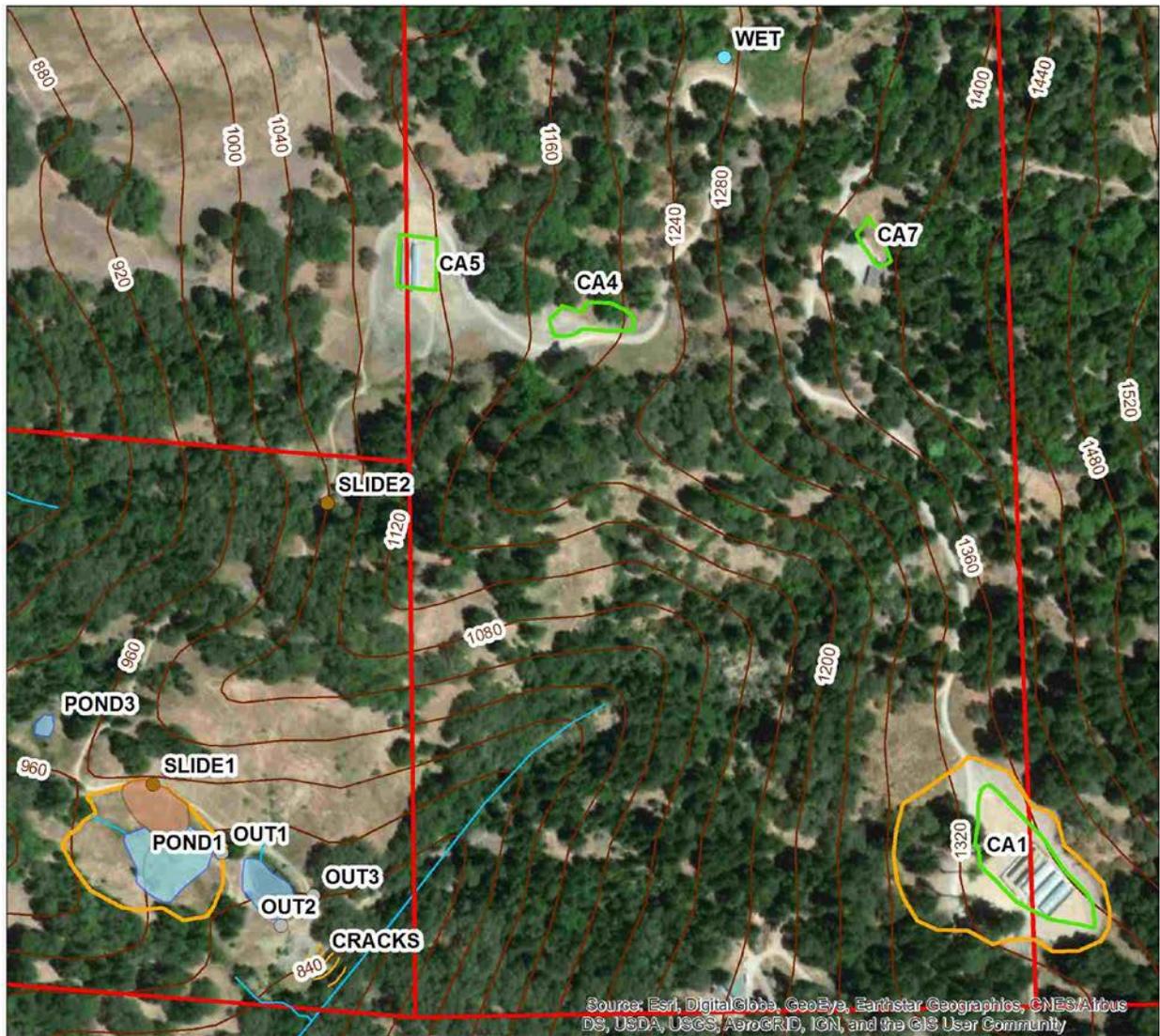
The South Fork Eel River watershed is within the following evolutionarily significant units (ESU) and distinct population segment (DPS): the Southern Oregon and Northern California Coast Coho Salmon ESU; and the Northern California Steelhead DPS. The National Oceanic and Atmospheric Administration National Marine Fisheries Service define these ESUs and DPSs for salmonid species listed on the U. S. Endangered Species Act (ESA).

Inspection Findings Summary:

On May 10, 2018, I inspected the Property as part of a multi-agency inspection team. During the inspection I observed a portion of the Property previously documented during the November 2, 2017, inspection (hereafter the November inspection). The portion of Property visited during this inspection is shown on the Site Map below. During this inspection I re-observed three on-stream ponds, an on-stream wetland, two existing landslides, three pre-existing cultivation areas and one new cultivation area.

During the inspection I observed channelized surface flow into the newer upper on-stream pond (POND1) from an upgradient swale and flow in an established stream channel below the disturbed area of POND1, and observed the condition of the existing landslide. At the older lower on-stream pond (POND2) I observed numerous lateral surface cracks, some approximately 24-inches deep, below POND2 and adjacent to a Class II stream. This type of ground surface cracking is indicative of mass movement and therefore structural instability of POND2.

During the inspection, I observed active cannabis cultivation at previously observed cultivation areas CA1, CA4, and CA5 (on Site Map) and at a new location CA7. These cultivation areas contained a total of 65,300 square feet of cultivation. I had previously observed approximately 80,000 square feet of cultivation during the November 2017 inspection. Assuming no change in the size of the cultivation areas observed in November 2017, CA7 brings the total cultivation area to approximately 83,600 square feet observed during this inspection. The 2017 annual monitoring report, received April 13, 2018, reports 57,300 square feet of cannabis cultivation for 2017.



Site Map of Shadow Light Ranch LLC Property
 5/22/2018

● Landslide	□ Cultivation Area	 CALIFORNIA Water Boards STATE WATER RESOURCES CONTROL BOARD REGIONAL WATER QUALITY CONTROL BOARD	
● Pond Outflow	□ Disturbed Area		
● Wetland Area	■ Landslide		
— Surface Cracks	■ Pond		
— Watercourse	□ Parcel Boundary	Note: Imagery provided by ArcGIS online server. Contours provided by the USGS. Points of interest may be drawn in by hand.	0.8 Miles
— Topographic Contours (m)			

Note: All points and shapes except those associated with Surface Cracks (CRACKS) and Cultivation Area CA7 were generated during the November 2, 2017, inspection and associated report writing.

Inspection Observations:

Upper Pond (POND1)

During the inspection, I re-observed a large on-stream pond (POND1) with a berm located in a topographic swale (Photos 1 through 9). DIV staff estimated POND1 to be approximately 24,670 square feet (0.5 acre), and up to 18 feet deep. Pond construction resulted in disturbance of approximately 87,000 square feet (2 acres) (Photos 1 and 2).

The pond construction disturbed a possible wetland located in a topographic swale based on the 2016 NAIP imagery and Photo 1, which shows the pre-pond area to have been well-vegetated with denser, darker vegetation on the northwest side of the pond. During the inspection, I observed rills at the top of the swale close to the ridgeline caused by erosion of the previously graded area that were actively transporting water downhill to POND1 (Photos 3 and 4).

The outflow pipe from POND1 (OUT1) is a 24-inch corrugated metal culvert (Photos 5 and 6). Water from POND1 flows through OUT1 (Photo 11) into the older, lower, on-stream pond (POND2 on Site Map), which in turn outflows to a Class II watercourse. During the inspection I did not observe any active overflow from POND1 to POND2, although the edge of the pond water was within two feet of OUT1 (Photo 5).

Below the berm for POND1, during the inspection I observed an established Class III stream channel (Photos 8 and 9) that discharges to the Class II stream below. This stream channel connects to the Class II stream downstream of the outflows of POND2 (see Site Map). Based on the topography, available NAIP and Google Earth imagery showing potential wetland features, the active transport and channelized flow of water into POND1 from the upgradient swale, and pre-POND1 photo provided by Mr. Sweet, the water collected in POND1 would have made its way into the Class II stream and therefore POND1 is considered an on-stream pond and a water of the State. As described in the report for the November 2017 inspection the Responsible Party constructed POND1 without the appropriate permits from the Regional Water Board.

Upper Pond Landslide (SLIDE1)

Pond construction reactivated a portion of a historic landslide amphitheater complex of approximately 15,000 square feet (SLIDE1 on Site Map), which delivered sediment into POND1, and damaged the access road to the lower pond to make it impassable by any motorized vehicle (Photo 10). The landslide material in the pond has reduced the pond capacity and likely resulted in increased discharges from POND1 into the lower pond (POND2). Since the November 2017 inspection the landslide scarp and disturbed area associated with the slope failure has continued to revegetate with grasses.

Lower Pond (POND2)

The lower older pond (POND2 on Site Map) is first visible in the available aerial imagery in October 2006. As noted, above, Mr. Sweet purchased the Property in November 2006. The DIV estimated POND2 to be approximately 11,480 square feet (0.25 acres) and up to 14 feet deep (Photo 11).

I re-observed one of the two outflow features for POND2, a set of two 24-inch corrugated plastic pipes (OUT2) that flows to a wetland-type area and then to the Class II watercourse (Photos 13 and 14). These outflow pipes were disconnected from the pond when the new outflow OUT3 was installed prior to the November inspection. The wetland-type area below OUT2 appears to be

associated with leakage through or under the pond berm, or overflow from OUT2 based on topography and vegetation. I also observed surface cracking on the top of the POND2 berm (Photo 12).

During the inspection I observed numerous lateral surface cracks (CRACKS) parallel to hillslope contours (Photos 15 and 16), some approximately 24-inch deep, below POND2 and adjacent to the Class II stream. This type of ground surface cracking is indicative of mass movement and, therefore, potential structural instability in the pond and presents a threatened discharge to surface waters.

Smallest Pond (POND3)

The third on-stream pond (POND3) located on the opposite side of the ridgeline from POND1 and POND2 was full during this inspection (Photo 29). This on-stream pond is much smaller (approximately 3,000 square feet) than either POND1 and POND2. POND3 is visible in all of the available imagery dating back to June 1993 (Google Earth image dated 6/12/1993).

Roadside Landslide (SLIDE2)

The roadside landslide (SLIDE2) (Photo 17) located between stream crossing C2 and POND1 is downgradient of the road and appears to have been caused by road development, grading, and surface runoff. During the November 2017 inspection, I observed stream channel degradation influenced by the SLIDE2 sediment discharge to a Class III headwater stream channel and hydrologic connectivity of the road network downslope of SLIDE2. During this inspection, I observed that the landslide was continuing to re-vegetate with grasses and, therefore, reducing the threat of sediment discharge to the Class III stream below the slide.

Wetland-Pond Area

During the inspection, I observed a wetland area (WET on Site Map) with standing water, dominated by cattails (Photo 18). The appearance of this feature is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation Areas

During the inspection, I re-observed three of the six cultivation areas (CA1, CA4, and CA5) that I previously observed during the November inspection and one new cultivation area (CA7) (Photos 27 through 36). During this inspection, I observed active cannabis cultivation at cultivation areas CA1, CA5 and CA7 (see Site Map).

Cultivation area CA1 is a large, graded pad, approximately 150,000 square feet, with approximately 44,100 square feet of cannabis cultivation with cultivation taking place outdoor in smart pots placed on the ground surface and inside three greenhouses, which were all planted with young plants in raised beds (Photos 19 through 22). The appearance of this cultivation area is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation area CA4 is approximately 10,600 square feet outdoor cultivation with cultivation taking place within smart pots placed on the ground surface (Photos 23 and 24). The appearance of this cultivation area is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation area CA5 is approximately 7,000 square feet of cultivation with cultivation taking place outdoor in smart pots and inside two greenhouses with young plants planted in raised beds

(Photos 25 and 26). The appearance of this cultivation area is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation area CA7 is a new cultivation area not previously developed during the November inspection and located next to the Property's drying shed and main parking area (see Site Map). CA7 is approximately 3,600 square feet of young plants in plastic pots placed on the ground surface (Photos 27 and 28). Mr. Sweet indicated that this was a temporary nursery location and that the plants would be moved.

Recommendations

Violations observed during the November 2017 inspection continue as violations following this inspection, with the addition of the potential discharge to waters of the State caused by the instability observed at POND2.

Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, and crossings throughout the parcel are corrected, restored, and/or maintained to prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of or stabilize all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters. As a reference for the goal of this recommendation, review Standard Conditions 1, 2, 3, and 4 of the Order.

Prepare a restoration and protection plan that includes plans for removal of both POND1 and POND2, delineation of wetland extent prior to pond development, and restoration of natural stream and wetland conditions including mitigation for temporal impacts and an immediate stability analysis of the ponds assessing the threat to water quality from potential pond failure.

Submit revisions to enrollment documents as appropriate to reflect actual site conditions, such as size of cultivation areas.

Revise your WRPP as appropriate to reflect actual site conditions. Ensure that the WRPP identifies all features not meeting standard conditions, specifies necessary corrective actions for each of these features, and provides a schedule to implement these corrective actions, including first securing any necessary permits and/or approvals. Ensure that WRPP describes manage practices/measures to be implemented to ensure that the Property and onsite operations are maintained and conducted in a manner consistent with standard conditions.

Obtain approval from the Water Boards through a Water Quality Certification for any proposed work in streams or wetlands prior to doing any such work.

North Coast Regional Water Quality Control Board

Attachment A:
Photographic Record of May 10, 2018, Inspection of
Shadow Light Ranch LLC (formerly Joshua Sweet) Property including Humboldt County
Assessor's Parcel Numbers 223-073-004-000, 223-073-005-000, 223-061-003-000, 223-
061-038-000, 223-061-039-000, 223-061-043-000, 223-061-046-000 (All photos taken by
Shannon Utley during the May 2018 inspection, unless otherwise noted)

	
<p>Photo 1: Pre-POND1 construction image looking northwest from POND2 towards the future site of POND1 (photo taken by Joshua Sweet on unknown date and provided by Mr. Sweet on May 17, 2018).</p>	<p>Photo 2: Image looking northwest from POND2 towards POND1. Orange arrow on Photo 1 and Photo 2 shows location of rills and upgradient swale.</p>



Photo 3: Image of POND1 showing the upgradient topographic swale. Orange arrow shows location of rills and upgradient swale.



Photo 4: Close up of upgradient topographic swale in Photo 4 showing rills and disturbance of straw wattles.



Photo 5: Image of POND1 showing the inlet for the pond outflow (OUT1).



Photo 6: Image of POND1 showing a closer view of OUT1.



Photo 7: Image of POND1 berm.



Photo 8: Image of headwaters of stream below POND1 berm. Orange arrow shows location of beginning of stream channel.



Photo 9: Image of stream channel between POND1 berm (upper left) and Class II stream channel below (bottom right).



Photo 10: Image of SLIDE showing part of the headscarp and displaced wattles.



Photo 11: Image of POND2.



Photo 12: Image of surface cracking within top of POND2 berm



Photo 13: Image of OUT2.



Photo 14: Image of wetland area below OUT2.



Photo 15: Image of lateral surface cracking below POND2. Orange line is below the lateral crack.



Photo 16: Image of lateral surface cracking below POND2. Orange line is below the lateral crack.



Photo 17: Image of SLIDE2.

Photo 18: Image of WET.



Photo 19: Image of cultivation area CA1 looking east.

Photo 20: Image of CA1 looking north-northeast.



Photo 21: Image of the three fully planted greenhouses at CA1.



Photo 22: Image of young plants inside one of the CA1 greenhouses.



Photo 23: Image of CA4 showing extent of cultivation area and recent weed-whacking.



Photo 24: Image of CA4 temporary licences attached to fence, smart pots, and drip lines.



Photo 25: Image of CA5 showing the extent of the cultivation area.



Photo 26: Image of young plants inside of the two greenhouses at CA5.



Photo 27: Image of CA7 showing extent of temporary cultivation area.



Photo 28: image of sign showing County application number and State licence numbers.



Photo 29: Image of POND3.