

Attachment D

Field Inspection Report		
Name and Location of Facility Inspected Indian Creek Watershed Trinity County APN 015-170-24 Douglas City, CA	Inspection Date April 10, 2015	Inspection Time ~10:30 a.m.
Names & Titles of On-Site Representatives	Contact Information	Notified of Inspection?
Andrew Carey	3025 Osceola Street Denver, CO 80212 Phone: (530) 784-3551	<input checked="" type="checkbox"/> NO
Howard Randol Jr.	7450 W 52nd Ave M208 Arvada, CO 80002	<input checked="" type="checkbox"/> NO
Names & Titles of Property Owner¹ at Time of Inspection	Address	Consent Provided?
RNC Holdings, LLC	PO Box 2954 Weaverville, California 374 Clarkson St. Denver, CO 80218	Administrative Warrent
Names & Titles of Current Property Owner	Address	Consent Provided?
Eduardo Guerrero	4708 Millbrook Way Bakersfield, CA 93313-4004	N/A
WQ Inspector Name(s) & Title(s)² Erin Mustain, Senior Water Resource Control Engineer, State Water Resources Control Board (SWRCB) Office of Enforcement (OE) Derek Magnuson, Engineering Geologist (EG), North Coast Regional Water Quality Control Board (NCRWQCB) Kason Grady, Water Resource Control Engineer (WRCE), NCRWQCB		
Attending Agency Representatives Scott Bauer, Environmental Specialist (ES), Ca. Department of Fish and Wildlife (CDFW) Michael Vella, ES, SWRCB Division of Water Rights (Water Rights) Lt. DeWayne Little, Supervising Warden, CDFW Brendan Lynch, Warden, CDFW		
Weather Conditions at the Time of the Inspection: Clear and sunny	Receiving Water Name(s): Frietas Gulch and unnamed tributary to Indian Creek	
Prepared By: Derek Magnuson on July 7, 2015		
Reviewed and Revised By: Erin Mustain on December 27, 2017		
Notes: 1. Inspection warrant issued April 8, 2015 for 4 parcels in Indian Creek watershed included this parcel. The inspection was conducted under an administrative warrant in the presence of the owner. 2. All photographs taken by Derek Magnuson, unless noted otherwise, have been resized, and in some places, annotated.		

I. Background

Trinity County Assessor's Parcel No. 015-170-24 (Property) is located in the Indian Creek watershed. Indian Creek is tributary to the Middle Fork Trinity River and located in the Douglas City Hydrologic Subarea of the Upper Middle Trinity Hydrologic Area near Douglas City, California. The Middle Fork Trinity River is listed as impaired due to sediment pursuant to Clean Water Act section 303(d). On December 20, 2001, the United States Environmental Protection Agency approved a Total Maximum Daily Load (TMDL) for sediment that indicates "Cold Water Fishery" as a beneficial use currently impaired in the watershed. The TMDL also indicates that populations of several anadromous salmonid species present in the Trinity River and its tributaries are in severe decline. The population of coho salmon is listed as threatened under the federal Endangered Species Act.

As part of the statewide pilot cannabis regulation and enforcement initiative, the Water Boards and the California Department of Fish and Wildlife (CDFW) identified sub-watersheds with critical resources that are or may be adversely impacted as a result of cannabis cultivation. The State and Regional Water Boards (Water Boards) and CDFW inspected private parcels with cannabis cultivation throughout target watersheds and evaluated site conditions and potential threats to water quality. The Water Boards and CDFW identified Indian Creek watershed as a high priority for watershed-wide inspections because of its valuable spawning habitat for juvenile salmonid.

On April 8, 2015, Water Board staff obtained an inspection warrant from Trinity County Superior Court to inspect four specific properties in the Indian Creek watershed wherein staff believed there may be conditions of and/or threatened conditions of pollution or nuisance resulting from discharges of waste to waters of the State and of the United States resulting from the cultivation of cannabis and associated activities. On April 9 and 10, 2015, staff from the North Coast Regional Water Board, State Water Resource Control Board's Office of Enforcement and Division of Water Rights, and CDFW inspected parcels within the watershed, including the four parcels identified in the inspection warrant.

II. Site information

The Property is located in the central portion of the Indian Creek watershed, approximately 1.1 miles north of Indian Creek (Figure 1). The Property entrance is located at coordinates of approximately 40.6171° North and -122.8335° West and accessed via an unnamed, private, unpaved road off of Indian Creek Road. The Property is approximately 10 acres, and roughly square-shaped. Aerial imagery shows that the site is partially forested with interspersed chaparral. Site development has generally occurred in the northeastern portion of the Property. Frietas Gulch runs along the northern boundary of the parcel and an unnamed tributary to Indian Creek lies in the southeast corner of the Property. Site terrain generally slopes downhill to the southwest towards Indian Creek. Elevations generally range from about 3,610 feet above mean sea level in the southwest corner of the site to about 3,800 feet above mean sea level in the northeast corner of the site (Figure 1).

Pre-inspection reconnaissance through review of satellite and aerial imagery, including a March 2015 overflight by CDFW staff, identified one cultivation area or potential cultivation area and features of concern related to grading more than one acre of soil with no evidence of erosion control efforts or measures (Appendix A, Photograph 1).

Inspection area surficial geology¹ was mapped as *Ogb*: Trinity ophiolitic assemblage of the Ordovician age comprising of gabbro. There is a thrust fault approximately 500 feet to the west of the Property and an approximated fault 300 feet to the east.

Based on the Web Soil Survey², the Property falls mostly in map unit 144, the Etsel-Weitchpec Complex, 50 to 75 percent slopes. Etsel makes up 60 percent of the unit and consists of gravelly loam; Weitchpec, 20 percent and consists of gravelly, sandy loam; and xerofluvents make up 2 percent. Etsel is categorized as soil hydrologic group D and Weitchpec as soil hydrologic group C (Source: SoilWeb³). The southern portion of the Property falls within map unit 146, the Goulding-Vitzthum-Vanvor Complex, 50 to 75 percent slopes. Goulding makes up 30 percent of the unit and consists of gravelly loam; Vitzthum, 25 percent and consists of extremely gravelly loam; Vanvor, 20 percent and consists of very gravelly sandy clay loam; there is also 2 percent Riverwash and 2 percent Xerofluvents. Goulding and Vitzthum are categorized as soil hydrologic group D and Vanvor as group C.

Group C soils have moderately high runoff potential when thoroughly wet and Group D soils have high runoff potential when thoroughly wet⁴.

III. Residents/Occupants

Staff initially accessed the property near the residence located at the feature identified as Map Point RD1 (Figure 2), which was unoccupied at the time. Later during the visit to the site, two individuals arrived, and identified themselves as Andrew Carey and Howard Randol. Mr. Randol and Mr. Carey advised CDFW staff that they are each 50 percent owners of RNC Holdings. Mr. Randol informed the inspection team that the access road, the pad, and the water supply well were installed prior to purchase of the property four years ago from an individual named Clay Tucker. Mr. Carey reportedly became Mr. Randol's partner last year.

Upon review of field maps depicting the property boundaries in Figure 3, the property owners indicated that their property boundary is actually located slightly to the north relative to the boundaries shown in the maps. Therefore, Figure 3 includes points that, according to Trinity County assessor's parcel maps, appear to be on APN 015-170-29, but are associated with activities and operations occurring on APN 015-170-24.

David K. Jensen held the loan and foreclosed on RNC Holdings Inc. on November 7, 2016. David K. Jensen then sold the Property to Trinity River Construction Inc. on April 20, 2017. On May 11, 2017, Eduardo Guerrero purchased the Property from Trinity River Construction Inc., and is the current owner of record.

¹ United States Geological Survey. *Scientific Investigations Map 3095: Geologic Map of the Weaverville 15' Quadrangle, Trinity County, California*. William P. Irwin. 2009. <https://pubs.usgs.gov/sim/3095/sim3095-map.pdf>.

² Web Soil Survey is a tool provided by the United States Department of Agriculture's Natural Resources Conservation Service

³ University of California at Davis, Agriculture and Natural Resources SoilWeb

⁴ *Part 630 Hydrology National Engineering Handbook, Chapter 7 – Hydrologic Soil Groups*. United States Department of Agriculture, Natural Resources Conservation Service. January 2009.

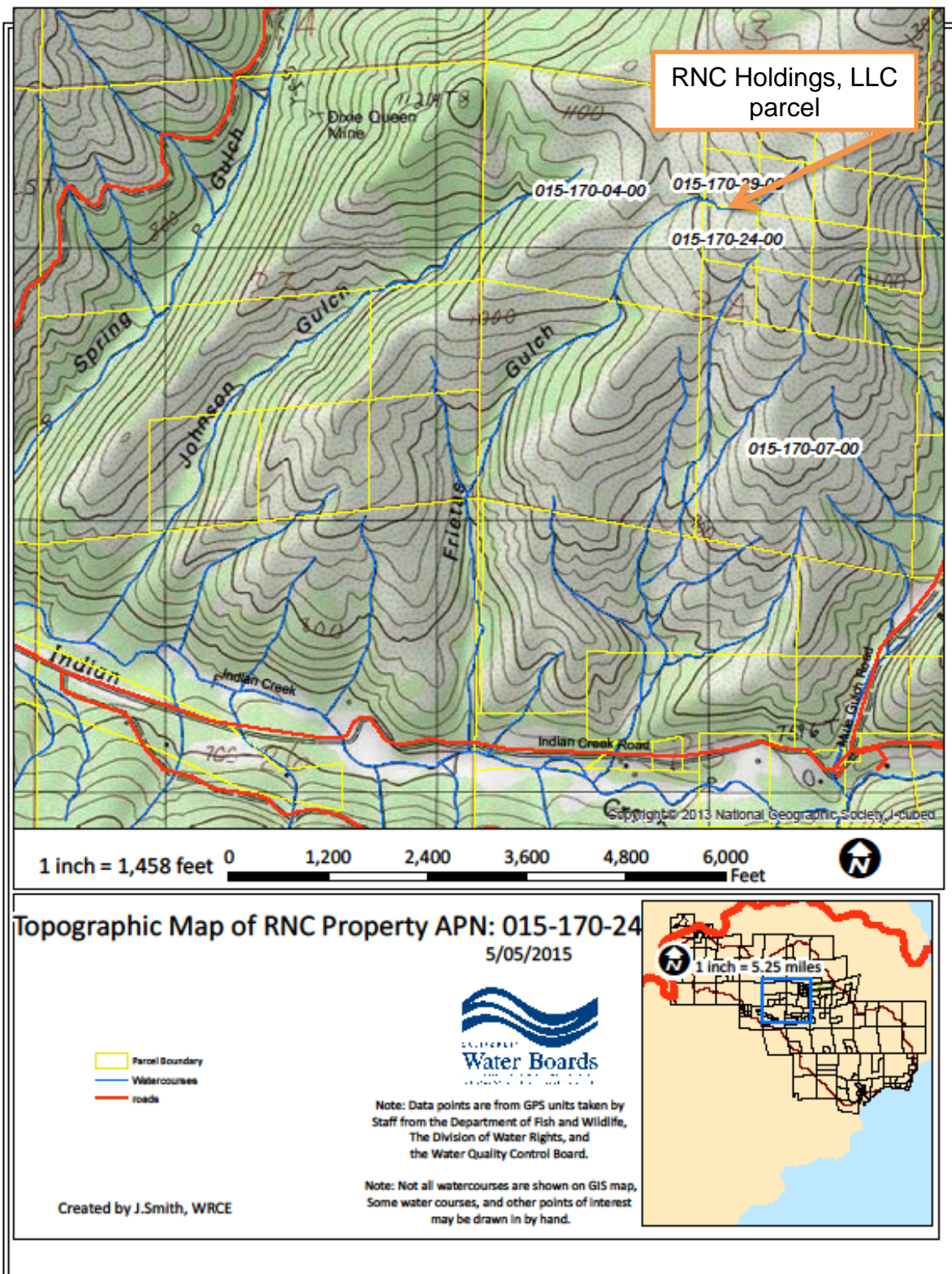


Figure 1 – Topographic parcel location map, identifying the subject parcel

(Image source: National Geographic Society 2013 i-cubed)

(Note: Contour line elevations are shown in meters)

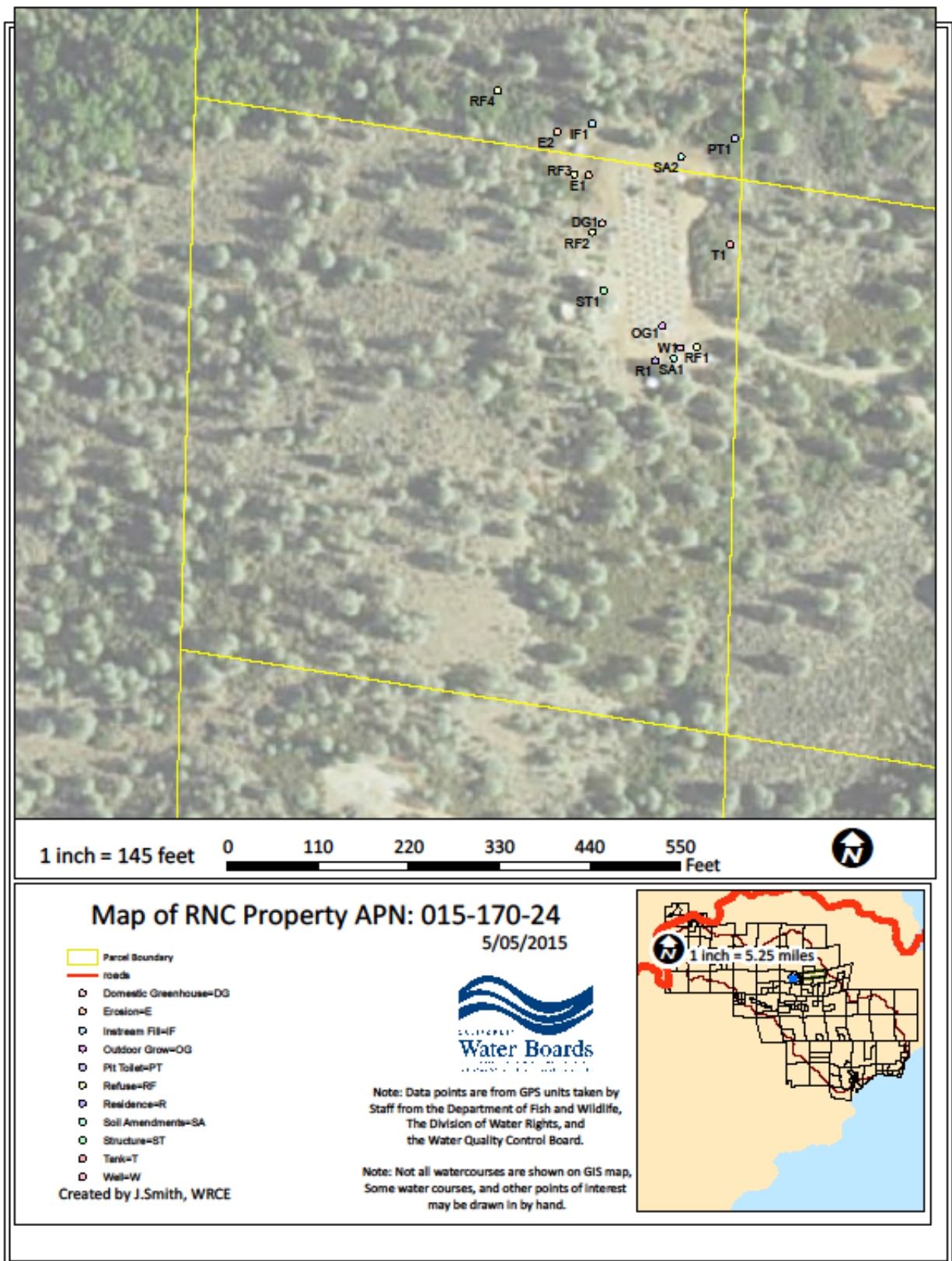


Figure 2 – Parcel aerial image, showing inspection points
(Image source: NAIP 2014 County Mosaics)

IV. Inspection observations

Inspection observations and photos are referenced to points shown in Figure 2, above. Figure 2 includes features of concern and reference points collected by Water Rights and CDFW staff during the inspection. The team periodically split up to look at different features throughout the parcel, and I did not visit all points shown on the map. I report on those features that the Water Quality inspection team (Regional Water Board and OE staff) visited and where we observed conditions that represent an impact or threatened impact to water quality; reports prepared by the Water Rights and/or by the CDFW staff, if any, may report on additional features and areas of concern observed on the parcel.

As illustrated in Figure 2, the developed portion of the parcel is comprised of several features generally located atop a larger graded pad, including a trailer (Map Point R1), a water supply well (Map Point W1), an outdoor cultivation area (Map point OG1), a wooden shed (ST1), and a greenhouse containing various vegetable and fruit plants (Map Point DG1). A pit toilet lies to the northeast of the graded pad (Map Point PT1). A water storage tank is located to the east of the pad (Map Point T1). The northwestern corner of the pad features significant fill slopes. The following features observed are of concern for water quality:

- Fill slopes and vicinity off northwest corner of pad: The area below and northwest of the main graded pad contains an upper fill slope and a lower fill slope separated by a relatively flat pad surface (Photograph 1). The fill material observed at the surface generally consists of light brown, loose, fine to medium sand with little clay and weathered gneiss cobbles.
 - The upper fill slope is approximately 6 to 12 feet in height, approximately 60 feet in length along the top of the slope, and varies in angle from approximately 25 to 35 degrees. Rills are present on the steeper portion of the upper slope (Map Point E1, Photograph 2).
 - The lower pad surface between the upper and lower slopes is approximately 25 to 40 feet wide between the toe of the upper slope and the top of the lower slope. We observed rills and a burn pile on the lower pad surface below the steeper portion of the upper slope (Photograph 2).
 - The lower fill slope is approximately 2 to 6 feet in height, approximately 80 feet in length along the top of the slope, and varies in slope angle from approximately 25 to 35 degrees. The down-gradient distance between the toe of the fill slope and Frietas Gulch varies from 0 feet at the northeastern extent to approximately 150 feet at the southwestern extent. Beneath the location where the toe of the lower fill slope coincides with the bank of Frietas Gulch, minor amounts of fill sediment were observed in the streambed (Map Point IF1, Photographs 3 & 4). Abundant organic material is exposed at the surface of portions of the lower fill slope, consisting of grubbed roots and tree stumps (Photograph 5). Staff observed rilling at several locations along the lower fill slope (Photograph 5). On the natural chaparral-covered slope below the lower fill slope, staff observed evidence of scour in the surficial soil and evidence of recent sediment deposition (Map Point E2, Photograph 6).
- Refuse: Staff observed refuse throughout the site, with notable locations discussed below:
 - At location RF1 as shown on Figure 2, staff observed a pile of full trash bags, construction debris, tent poles, and other miscellaneous debris (Photograph 7).
 - At location RF2 as shown on Figure 2, staff observed an unenclosed burn pile with miscellaneous trash atop the pile (Photograph 8).
 - At location RF3 as shown on Figure 2, staff observed an unenclosed burn pile which was located at the toe of the upper pad fill slope. Several rills were present on the fill

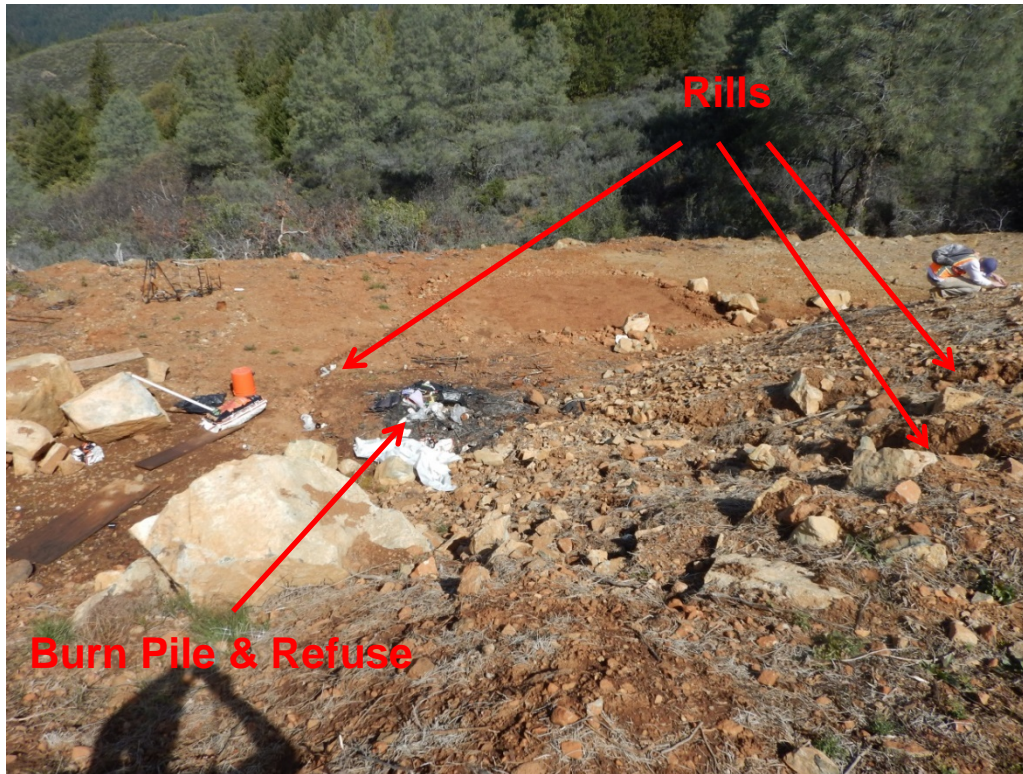
slope above this burn pile. Rills were also present on the fill pad and on the slope down-gradient from the burn pile in the direction of Frietas Gulch. In a significant rainfall event, there is a high likelihood of delivery of burn pile material to Frietas Gulch based on the existing presence and pattern of erosion; the erosion pathway can be seen in Photograph 2.

- At location RF4 as shown in Figure 2, staff observed debris in Frietas Gulch consisting of a gray plastic storage container and an associated container lid (Photograph 9).
- Soil amendments/pesticides/petroleum products/other chemicals: A variety of fertilizers, nutrients, a container of insecticide, butane, propane, gasoline, and other chemicals were stockpiled at a location in the southern portion of the graded area without overhead cover (Map Point SA1). Some of their respective containers were resting on bare ground (Photograph 10). Additional soil amendments were stockpiled atop pallets at a location on the northern portion of the graded area. Many of the plastic bags containing soil amendments at this location were ripped and were not otherwise covered at the time of our inspection, although black visqueen lay adjacent to the stockpile (Map Point SA2, Photograph 11).
- Water supply well: The well observed on site (Map Point W1), apparently used for onsite water supply, was not capped during the April 10 inspection (Photograph 12).
- Ponding in the cultivation area, possibly from over-irrigation (Photograph 13).
- Gasoline in red, plastic containers were lying directly on the ground without secondary containment (Photograph 14).
- Human waste disposal consisted of shallow pits (Photographs 15 and 16).

V. Photos



Photograph 1: Developed site overview, looking eastward. Photo by Steve Crawl on 3-26-15 during overflight.



Photograph 2: Rills observed on upper fill slope and lower pad at Location E1. Note position of burn pile (location R3) & refuse relative to rills. Photo by Kason Grady.



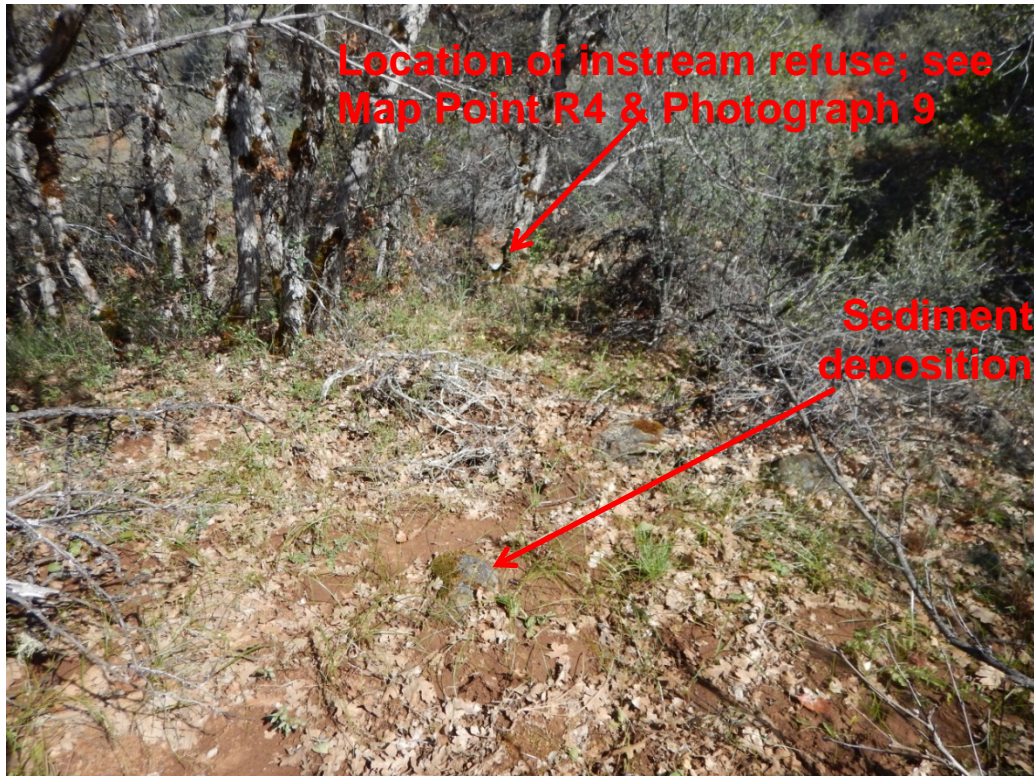
Photograph 3: Northeastern extent of lower fill slope where fill slope toe coincides with stream bank at location IF1, looking north. Photo by Kason Grady.



Photograph 4: Fill slope sediment in stream (circled); location IF1. Photo by Kason Grady.



Photograph 5: Rills & organic material in lower fill slope. Photo by Kason Grady.



Photograph 6: Relatively recent sediment deposition observed between lower fill slope and stream; downgradient of location E2. Photo by Kason Grady.



Photograph 7: Various refuse at location R1. View to south. Photo by Erin Mustain



Photograph 8: Burn pile at location R2; note unenclosed setup. Photo by Kason Grady



Photograph 9: Debris observed in watercourse at location R4. Photo by Kason Grady.



Photograph 10: Soil amendments, fertilizers, nutrients, insecticides, & other chemicals on bare ground with no overhead cover at location SA1. Photo by Erin Mustain.



Photograph 11: Soil amendments at location SA2. Note uncovered, ripped bags. Photo by Erin Mustain.



Photograph 12: Uncapped water supply well at location W1. Photo by Erin Mustain



Photograph 13: Ponding observed in cultivation area. Note irrigation lines and surrounding saturated soil as indicated by dark brown color. Photo by Erin Mustain.



Photograph 14: Fuel storage containers with no form of secondary containment. Photo by Erin Mustain.



Photograph 15: Pit toilet observed at location PT1. Photo by Erin Mustain.



Photograph 16: Rock piles adjacent to the observed pit toilet are presumed to represent former pit toilet locations. Photo by Erin Mustain.

VI. Summary of violations & recommendations.

1. Violations

- a. Water Code - Discharge of sediment from a bare fill slope to the Class III watercourse adjacent to the northern side of the pad; and refuse observed in the Class III watercourse adjacent to the northern side of the pad.
- b. Basin Plan prohibition - Threatened discharge of sediment and waste associated with areas developed for cannabis cultivation.
- c. Threatened discharge to groundwater via an uncapped groundwater supply well.
- d. Health and Safety Code – Lack of secondary containment for gasoline

2. Recommendations

Recommendation 1: Perform general site maintenance as soon as possible, including:

- Removal and proper disposal of rubbish, refuse, garbage, waste oil, waste chemicals, burn piles, etc. The goal of this recommendation is to collect items that are in or that may be blown into or be carried by stormwater runoff into surface waters and to properly contain these items onsite (e.g. in secure, covered containers) or to dispose of offsite at a legal point of disposal and to retain copies of any receipts or other documentation associated with that offsite disposal.
- Storage of soil amendments, fertilizers, pesticides, fuels, and other chemicals in a manner consistent with product labeling and in a manner that prevents potential discharge to

surface water or groundwater. Specifically, unused chemicals or fluids to be kept onsite should be placed in covered/secure containers or structures. Liquid chemicals stored or used outdoors should be provided secondary containment, and spill cleanup materials should be available onsite. Soils contaminated by spilled chemicals or fuels should be collected, placed in appropriate containers, and properly disposed of at a legal point of disposal, and all receipts and other documentation of this disposal should be retained.

Recommendation 2: Immediately install a cap on the groundwater supply well and provide the North Coast Regional Water Quality Control Board with photographic evidence of its installation.

Recommendation 3: Identify and stabilize actively eroding features on the site as soon as possible. The goal of this recommendation is to reduce the amount of sediment delivered into surface waters (streams).

Recommendation 4: In consultation with a licensed California professional engineer or professional geologist with experience in slope stability, erosion control and water resource protection, remove and/or re-grading of the fill immediately adjacent to the stream in the northwest corner of the graded area to minimize the potential for sediment delivery to the stream. Spoils moved or removed shall be placed where it cannot enter surface waters, and ensure that all spoils are properly stabilized. The fill slopes and restored slopes should be replanted with native vegetation to restore shading, prevent erosion, and minimize the potential for sediment delivery to the stream. The cleanup and restoration plan should include the following:

ENFORCEMENT DISCRETION

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.