
North Coast Regional Water Quality Control Board

December 20, 2019

Blair Soffe/Donald Curley
P.O. Box 403
Whitethorn, CA 95589

Certified Mail No. 7016 0750 0001 0048 6726

Dear Mr. Soffe and Mr. Curley:

Subject: **Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for August 5, 2019, Inspection of Humboldt County Assessor's Parcel No. 221-091-038**

File: Cannabis Inspections, Humboldt County, 2019, 190805 Blair Soffe and Donald Curley 221-101-013, CIWQS Place ID No. 860359

This letter is to notify you of observed violations of the requirements listed below for unauthorized discharges to waters of the state from the above-referenced parcel (Property):

1. California Water Code (Water Code) sections 13260 and 13264
2. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1 Prohibitions 1 and 2

This letter directs you, within 30 days, to take action to comply with Water Code 13260. In addition, this letter directs you, within 30 days, to contact Regional Water Board staff to advise of your plan to implement recommendations in the attached report.

A. Background

On August 5, 2019, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), California Department of Food and Agriculture CalCannabis Bureau, State Water Resources Control Board Division of Water Rights, and various law enforcement personnel, inspected the subject Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

Attached is a copy of the water quality inspection report (August 5, 2019 Inspection Report). Please review the Inspection Report carefully and completely. The Inspection Report contains recommendations for correcting observed violations and water quality concerns observed on the Property, and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

B. Relevant Requirements

During the inspection, Regional Water Board staff observed features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these requirements and regulations.

C. Observed Violations

As documented in the August 5, 2019 Inspection Report, Regional Water Board staff observed cannabis cultivation and associated site disturbance of sufficient size and scope to require regulatory coverage under State Water Resources Control Board (State Water Board) Order No. WQ-2019-0001-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Statewide General Order). The Regional Water Board has no record of this Property's enrollment under the Statewide General Order. Outdoor cannabis cultivation activities in California with land disturbance of 2,000 square feet or more that are not enrolled for coverage under the Statewide General Order or individual waste discharge requirements violate Water Code section 13260. Staff also observed violations of Water Code sections 13260, 13264, and/or Basin Plan section 4.2.1 Prohibitions 1 and 2 at the Property locations identified as GH1-3 and GH4-6 in the August 5, 2019, inspection report.

D. Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code and Basin Plan.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily

basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both pursuant to Water Code section 13350.

E. Directive to Obtain Regulatory Coverage

Based on the observations detailed in the attached inspection report, and mentioned above, the Regional Water Board has determined that you are required to comply with Water Code section 13260 by taking one of the following actions within **30 calendar days of this letter**:

- 1) Enroll the property under the Statewide General Order by providing the information required in the online application process. The application can be accessed at this link: https://www.waterboards.ca.gov/water_issues/programs/cannabis/

Submit the application fee within **30 days** of submitting the on-line application. Failure to submit the application fee within 30 days will result in the application being voided and authorization terminated. Payments shall be identified using the Fee Payment Application Number (found on the Notice of Receipt). All checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered to:

(By US Mail):

Accounting Office
Attn: Water Quality Fees –
Cannabis General Order
P.O. Box 1888
Sacramento, CA 95812-1888

(In person or by courier delivery):

Accounting Office
Attn: Water Quality Fees –
Cannabis General Order
1001 I Street
Sacramento, CA 95814-2828

- 2) File a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your property.

Please submit the appropriate documents and payments to:

North Coast Water Board
Attn: Diana Henriouille
Enforcement Unit

5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

OR

- 3) If you believe regulatory coverage is not required under either of the options listed above, either because you and/or your tenants elect to not resume or continue cannabis cultivation or associated activities, or because the operations that are occurring are not subject to regulation under the Statewide General Order or individual WDRs, please provide a written response explaining your non-applicability (with all supporting documentation including photos if necessary) to the Regional Water Board at the address provided above. Regional Water Board staff may contact you to verify your response.

Water Code section 13260 states, in relevant part:

(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board:

- (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.

Water Code section 13264 states, in relevant part:

(a) No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:

- (1) The issuance of waste discharge requirements pursuant to Section 13263.

Failure to comply with Water Code sections 13260 and 13264 may result in an administrative civil liability under Water code sections 13261 and 13265 not to exceed \$1,000 per violation for each day in which each violation occurs.

F. Inspection Report Recommendations

As mentioned above, the August 5, 2019, inspection report provides recommendations to correct violations, as well as to address features and conditions that threaten to impact water quality.

Within 30 days of this letter, please advise me of your intentions, plan, and schedule to implement recommendations in the inspection report. You may contact me by email at Diana.Henriouille@waterboards.ca.gov or, by telephone, at (707) 576-2350.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future

enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

If you have any questions regarding this matter, please contact me at the above email or telephone number.

Sincerely,

Diana Henriouille, P.E.
Enforcement Unit

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Attachments: Attachment A – Regulatory Citations
August 5, 2019, Water Quality Inspection Report

cc: Humboldt County

Meghan Ryan, Humboldt County Building and Planning, Cannabis Division
mryan2@co.humboldt.ca.us

Department of Fish and Wildlife

Ryan Bourque, Ryan.Bourque@wildlife.ca.gov
David Manthorne, David.Manthorne@wildlife.ca.gov

North Coast Regional Water Quality Control Board

Kason Grady, Kason.Grady@waterboards.ca.gov

California Department of Food and Agriculture, CalCannabis Bureau

Tabatha Chavez, Tabatha.Chavez@cdfa.ca.gov

State Water Resources Control Board Division of Water Rights

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Steven Hall, Steven.Hall@Waterboards.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p>(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p>(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264 (a)	“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:”

Regulatory Section	Citation
California Water Code Section 13265(a)	"Any person discharging waste in violation of Section 13264 , after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense."
California Water Code Section 13350	"A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)."

North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Connor McIntee

DATE: December 18, 2019

Inspection Report for August 05, 2019, Warrant Inspection Humboldt County Assessor's Parcel Number 221-091-038

File: Cannabis Program Inspections, Humboldt County, August 2019 HCSO/CAMP
Inspections, Blair J. Soffe and Donald C. Curley, CIWQS Place ID.860359

Property information:

County: Humboldt

Physical address: Unknown address, approximately 6 miles west of Miranda.

APN: **221-091-038**

Owner: Blair J. Soffe and Donald C. Curley

Transaction History: No transaction information available on LandVision.

Size: 87.38 acres.

Watershed: Cape Mendocino Hydrologic Unit; Mattole River Hydrologic Area;
Ettersburg Hydrologic Subarea (HU/HA/HSA 112.30; Table 2-1, Water Quality Control
Plan for the North Coast Region).

Aerial Imagery Notes (Google Earth Pro): Drainage patterns visible throughout the
property. Roads and small clearings with possible structures visible at multiple
locations from earliest available imagery (May 2006). Roads appear widened, one
clearing is larger, and a small hoop house is visible in the southernmost clearing in June
2009 imagery. Additional structures or materials visible in southernmost clearing in July
2010 imagery.

Additional disturbance visible in May 2014 imagery. Additional structure or large box, and hoop house frames visible in April 2019 imagery.

Regulatory status with the Regional Water Board:

Site Development: The Regional Water Board has no record of receiving any paperwork associated with site development on the Property.

Applicable programs: 401 Water Quality Certification Program for instream work.

Onsite activities/operations: The Regional Water Board has record of receiving enrollment paperwork but no payment to enroll for coverage under the Regional cannabis order, No. R1-2015-0023.

Applicable programs: Cannabis cultivation waste discharge regulatory program.

Inspection information:

Date/time: August 05, 2019

Type: Humboldt County Sheriff's Office (HCSO)/Campaign Against Marijuana Planting (CAMP) Warrant Inspection

Attendance:

Ryan Bourque, Environmental Scientist (ES), California Department of Fish and Wildlife (CDFW)

David Manthorne, ES, CDFW

Steven Hall, ES, Division of Water Rights (DIV)

Connor McIntee, ES, North Coast Regional Water Quality Control Board (NCRWQCB)

Staff, California Department of Food and Agriculture (CDFA)

Multiple Law Enforcement Officials (LEO), HCSO

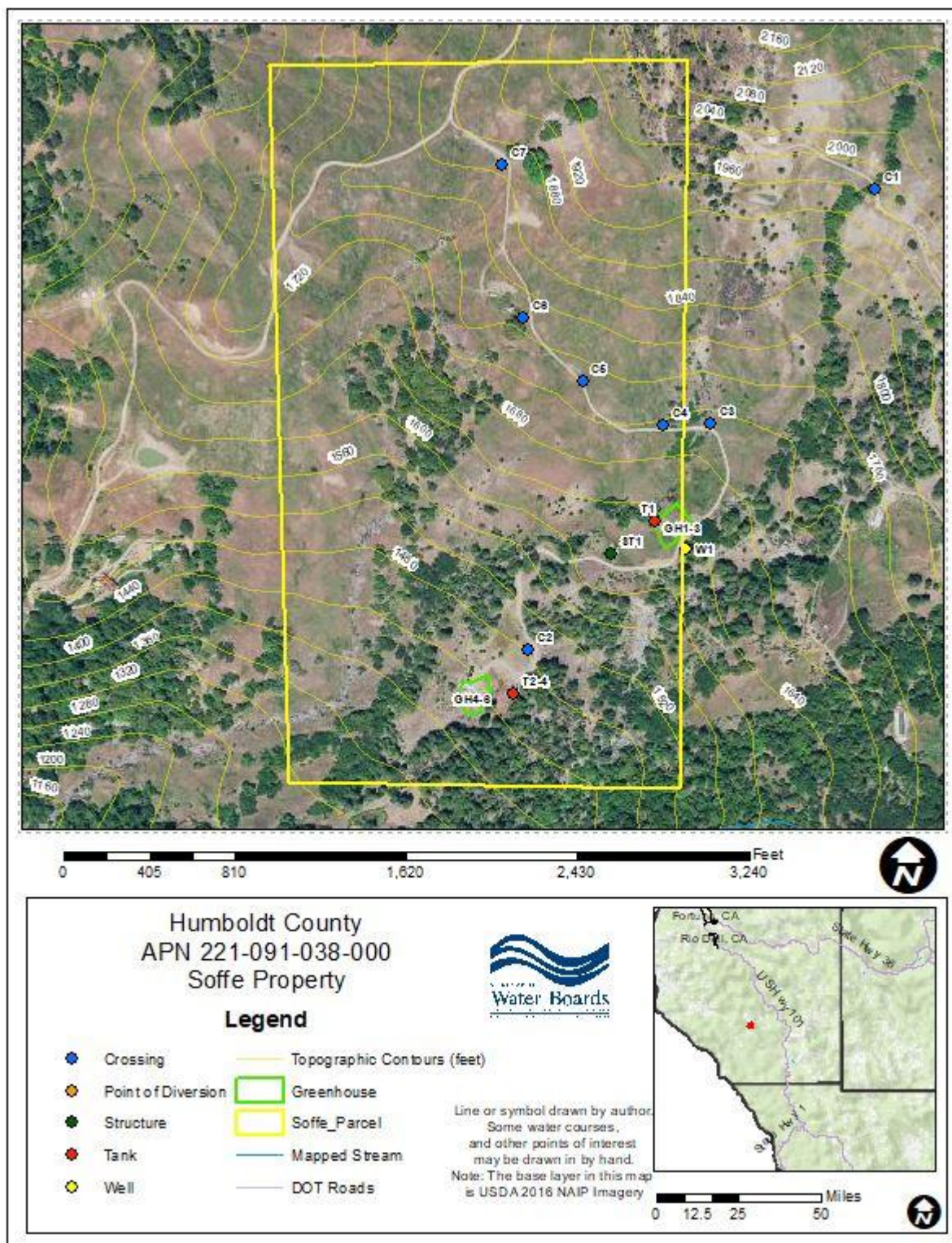
Multiple LEOs, CAMP

Multiple LEOs, CDFW

Background/Objective:

North Coast Regional Water Board (Regional Water Board) staff participated with staff of the Humboldt County Sheriff's Office (HCSO), California Department of Fish and Wildlife (CDFW), State Water Board's Division of Water Rights (DIV), California Department of Food and Agriculture (CDFA), and personnel from various law enforcement agencies in four days of inspections of multiple cannabis cultivation sites in Humboldt County, on August 5-8, 2019. Inspection objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

Inspection Map



Inspection Observations:

On August 5, 2019, I inspected the subject property. Figure 1, above, is a site map showing the inspection points discussed below. Development on the parcel includes two areas that were being used for cannabis cultivation at the time of the inspection (GH1-3, and GH4-6), water supply infrastructure used for irrigating cannabis plants, including several water storage tanks, an onstream diversion and a well, as well as a network of connecting roads and related road infrastructure, including four stream crossings and two ditch relief culverts.

GH1-3 is located along the eastern edge of the Property, near the main access road. GH1-3 consists of an approximately 11,225-square foot earthen pad/clearing with cannabis cultivation in three greenhouses (Photo 1). In this area I observed multiple piles of refuse, petroleum, generators, cultivation related soil amendments and waste, and fertilizer (Photos 2-4), uncovered and/or uncontained, and at one location, I observed cultivation-related soil amendments immediately adjacent to a class III watercourse, presenting an immediate threat of discharge of waste to waters of the state (Photo 5). Just to the west of GH1-3, I observed a 2500-gallon water storage tank with staining along its sides, indicating that, at one point, its contents had overflowed (photo 6).

Immediately adjacent, to the north of GH1-3, I observed a 200-square foot nursery area (not labeled of Figure 1), enclosed by plastic net fencing, and containing over 100 immature cannabis plants (photo 7). Approximately 25 feet to the northwest of the nursery, and the area associated with GH1-3, I observed a potential wetland area. In this area, I observed juncus and pennyroyal species in high concentrations (photos 7-8). Given the relative slope of the potential wetland area and the disturbed cultivation area, GH1-3, it is possible that the wetland extended into GH1-3 in its native state, prior to development.

Approximately 50 feet downhill from GH1-3, I observed a pit toilet, HW1, in between the main access road and a class III watercourse (photo 9). The pit toilet was located within 25 feet of a class III watercourse, and appeared to be in active use. Also near GH1-3, I observed a well site, labeled W1 on Figure 1.

GH4-6 is located farther along the main access road and downslope from GH1-3. GH4-6 consists of an approximately 19,670-square foot earthen pad/clearing with cannabis cultivation in five greenhouses (photos 10, 16-18). At GH4-6, I observed multiple piles of refuse, cultivation-related soil amendments and waste, and fertilizer, uncovered and/or uncontained (photos 14-15). Immediately above GH4-6, I observed a class III watercourse crossing, C2, where the access road cuts through the drainage without any type of constructed conveyance to allow for stable passage of stream flows across the road. Consequently, the road has diverted the stream, causing it to drain along the road to the northern edge of GH4-6 (photos 10-13).

The drainage disappears underneath GH4-6 (photo 14) and daylight at the southern edge of GH4-6 (photo 15), where it continues for approximately 15 feet to a confluence with a class III watercourse, below (photo 15). From my observations, it appears that GH4-6 has interrupted the flow of, and its fill buried, approximately 150 linear feet of a class III watercourse.

While inspecting this area, I observed plants, potting soils, native soil, building materials, and cultivation-related infrastructure, including plastic soil bags, piled at the edge of the greenhouse structures, on the south end of GH4-6 (photos 16-18), approximately ten feet from the location where the Class III watercourse daylighted from the cultivation area fill. Given the proximity to the watercourse, this piled material presents a heightened, and immediate threat of discharge to receiving waters once winter rains commence.

To the northeast of GH4-6, and west of the main access road, I observed three water storage tanks, T2-4 (Photo 32-33) along the edge of a steep slope. The sizes of the tanks were 2 2,800-gallon and 1 1,000-gallon tanks. The tanks did not appear to have adequate overflow valves, and one tank was overfilled, with water overflowing from the top of the tank (photo 33). At this site, I also observed multiple generators that were uncontained (photo 32). Staff from DIV and CDFW traced a water diversion pipe from T2-4 to a diversion point along a class II watercourse off of the property. I have not included that diversion point on Figure 1.

Throughout the parcel, I observed a network of roads, and at multiple locations throughout the road system, I observed signs of inadequate design and/or maintenance, including extended inboard ditches, and signs of erosions, including rilling and rutting (Photos 29-31). The main access road on the Property meanders throughout the Property from north to south. East of the Property, I observed a culverted watercourse crossing, C1, that was undersized. However, as it was located off-parcel, I have not added any further information to this point, but have included it on Figure 1.

Heading north on the main access road from the southern extent of the Property, I observed a total of six stream crossings, including C2, mentioned above

North along the main access road from C2, I observed culverted crossing C3 (Photos 19-20). The culvert at C3 consists of a 24" corrugated metal pipe (CMP) that appears appropriately sized, aligned, and armored. This crossing, by itself, does not present immediate water quality concerns. However, as other crossings on the Property do, I still recommend that this crossing be checked to confirm that it is adequately sized to accommodate the 100-year flow event.

Uphill and east approximately 100 feet along the main access road, I observed culverted crossing C4 (photo 21-22). The culvert at C4 is a 24" CMP, with an inadequately armored outlet; earthen fill below the outlet show signs of erosion from high flow events.

Continuing north on the access road, I observed culverted Class III watercourse crossing C5. C5 consists of a 24" CMP with shotgunned, and inadequately armored outlet (photos 23-24). North of C5, I observed C6 (Photos 25-26), consisting of an 18" CMP along a class III watercourse, that is not armored. The channel downstream of C6 showed evidence of scouring from high flow events.

Towards the northern end of the Property, I observed culverted crossing C7 (photos 27-28). C7 consists of an 18" CMP along a class III watercourse that is not adequately armored. The outlet is misaligned, and the downstream channel shows evidence of scouring from high flow events.

At the end of the inspection, HCSO and CDFW law enforcement staff encountered Mr. Donald Chance Curley, one of the property owners, and detained him for questioning. I had the opportunity to speak with Mr. Curley and I asked him about the history of the activities associated with the areas developed for cannabis cultivation, and the main access road. Mr. Curley stated that he has owned the parcel for over 15 years, and that the main road was already in place, including all watercourse crossings, at the time of his purchase. Mr. Curley stated that approximately two years ago, he conducted the work to create the graded areas of GH1-3 and GH4-6. Mr. Curley stated that he conducted the earthwork activities himself, and operated the machinery used to create the graded areas.

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
GH1-3	Cannabis cultivation area	Greenhouse with active cannabis cultivation, soils, trash, fertilizer, petroleum	Cannabis cultivation/dischage of waste without a report of waste discharge and/or coverage under State Water Board regulatory order Threatened discharge of waste to waters of the state	1-6

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
GH1-3	Nursery Adjacent to GH1-3 and potential wetland feature	Graded site used for cannabis cultivation near, and potentially within jurisdictional wetlands	Threatened discharge of waste to waters of the State Potential dredge and fill within surface water.	7-8
GH4-6	Cannabis cultivation area	Greenhouse with active cannabis cultivation, soils, trash, fertilizer Greenhouse located within a class III watercourse	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order Dredge and fill within surface water	10, 16-18
C2	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	10-15
C3	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	19-20
C4	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	21-22
C5	Watercourse Crossing	watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	23-24

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
C6	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	25-26
C7	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	27-28

A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:

1. Site maintenance, erosion control and drainage features: As noted above, I observed inappropriately designed roads, including extended inboard ditches, and signs of erosions, including rilling and rutting.
2. Stream crossing maintenance and improvement: I observed 6 stream crossings that were inappropriately sized, installed, and/or maintained and represent a threat to water quality.
3. Riparian and wetland protection and management: I observed two locations where cannabis cultivation sites encroached, or potentially encroached, into wetlands and/or watercourses. Additionally, I observed one location, GH4-6, where development associated with cannabis cultivation appeared to have altered 150 linear feet of the native channel of a class III watercourse.
4. Spoils management: I observed no water quality concerns relating to spoils management.
5. Water storage and use: I observed multiple locations where water storage tanks were not properly sited and/or using best management practices to prevent spills, leaks and unnecessary waste of water.
6. Irrigation runoff: I observed no water quality concerns relating to irrigation runoff.
7. Fertilizers and soil amendments: I observed multiple locations where fertilizers and soil amendments were uncovered and/or uncontained, and in locations where they pose a significant threat to water quality.

8. Pesticides: I observed no water quality concerns relating to pesticides.
9. Petroleum products and other chemicals: I observed multiple locations where petroleum products, generators, and other chemicals were uncovered and/or uncontained, and in locations where they pose a significant threat to water quality.
10. Cultivation-related wastes: I observed multiple locations where cultivation-related wastes were uncovered and/or uncontained, and in locations where they pose a significant threat to water quality.
11. Refuse and human waste: I observed multiple locations where refuse was uncovered and/or uncontained. Also, as noted above, I observed a human waste containment/disposal system that did not appear to comply with county code requirements.

Recommendations:

1. Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, watercourse crossings, and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that 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 so as to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
2. Engage an appropriately licensed, qualified professional to conduct a U.S. Army Corps verified forensic wetland delineation of the area associated with, and adjacent to GH1-3, to determine the boundaries and extent of, any potential wetland within the required setback distances from cannabis cultivation activities.
3. Based upon the results of the wetland delineation, per recommendation 2, above, engage an appropriately qualified professional with relevant experience in wetland restoration to prepare and submit a wetland restoration plan which includes but is not limited to, a project description, goal of restoration, implementation plan and schedule, plan for monitoring and site maintenance following restoration, and contingency measures addressing the diversity index of wetland/ non-wetland native plant species occurring on the Property. The plan should include proposed mitigation to address the temporal and permanent losses of wetland value and function. The plan should include specifications for debris removal and disposal.

4. Retain a qualified professional to delineate the extent, and natal location, of the class III watercourse that was impacted by dredge and fill activities relating to the development of GH4-6. Based upon the delineation, retain a qualified professional to develop a workplan and schedule to remove the fill and cannabis cultivation infrastructure associated with the area labeled GH4-6, and restore the channel to its natural state. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
5. Work with CDFW and the State Water Resources Control Board's Division of Water Rights (DIV) to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use on the site. If the existing surface water diversions do not meet applicable CDFW or DIV requirements, remove diversion infrastructure from surface waters and ensure that restoration plans developed pursuant to Recommendation 1, above, include provisions for restoring any instream or riparian disturbance associated with this features or removal thereof.
6. Prior to conducting any instream work associated with recommendations 1, 3, and 4, above, submit to the Regional Water Board an application for Clean Water Act section 401 water quality certification, and secure approval from the Regional Water Board.

The 401 Application may be found at the following hyperlink:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/wqc_docs/031616_401-Application.pdf

7. Collect and dispose of or contain all refuse and cultivation-related wastes in a location and manner so as to minimize potential for these wastes to enter or be transported into receiving waters.
8. Discontinue use of and dismantle any outhouse/pit toilet features and work with Humboldt County to ensure that all domestic and human wastes are collected and disposed of consistent with applicable County requirements.
9. Store and contain all chemicals, including petroleum, fertilizer and/or pesticides properly to prevent spillage and discharge to receiving waters. Provide secondary containment for all petroleum products.
10. If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the CANGO (Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities).

More information about the CANGO can be found at this hyperlink:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

11. In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean Water Act section 401. You may find further information about Water Board permits that may apply to proposed site development or land use activities at this hyperlink:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/

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.

PHOTO APPENDIX



Photo 1: GH1-3



Photo 2: Uncontained Fertilizer adjacent to GH1-3



Photo 3: Uncontained portable pump near GH1-3 and T1



Photo 4: Trash near GH1-3



Photo 5: uncontained cultivation soil amendments adjacent to class III watercourse, near GH1-3



Photo 6: T1



Photo 7: Nursery near GH1-3, potential wetland in background, on the right side of the photo



Photo 8: Juncus and Pennyroyal in area of potential wetland near GH1-3 and nursery.



Photo 9: Pit Toilet, HW1, adjacent to CIII watercourse.



Photo 10: C2, looking upslope



Photo 11: Class III channel upstream of C2, GH4-6 visible in the background

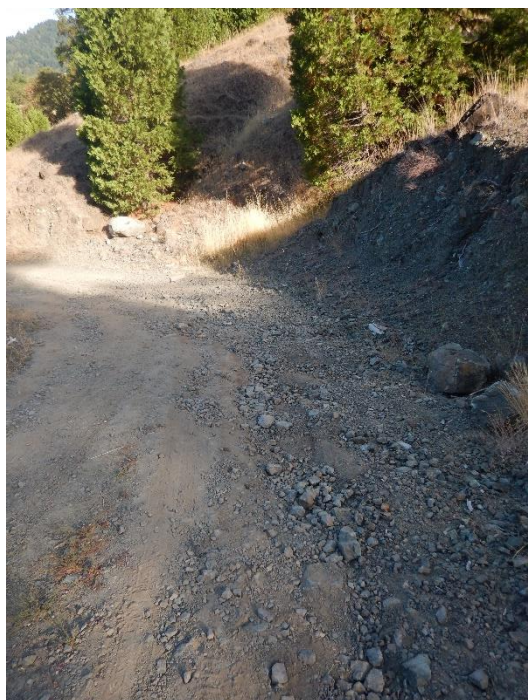


Photo 12: Picture of channel evidence immediately downslope of where the access road intercepts the class III watercourse associated with C2



Photo 13: Continued channel of intercepted class III watercourse, below C2, heading towards GH4-6



Photo 14: Class III channel arriving at GH4-6 before going underground at the developed area associated with GH4-6



Photo 15: Class III channel immediately south of GH4-6, trash, soil amendments, and fine silt present within the channel.



Photo 16: Looking south across GH4-6. A Class III watercourse daylights beyond the cultivation area far end of the hoop houses. Plastic covers have been removed, and contents of the two hoop houses to the left can be seen piled towards the southern end.



Photo 17: Close-up view looking down into the end of one of the hoop houses at GH4-6.



Photo 18: Close-up view looking down into the end of one of the hoop houses at GH4-6. Potting soil, plants, and other cultivation-related materials piled toward the southern end of the structure. Class III watercourse is approximately 10 feet beyond the end of the structure.



Photo 19: C3 outlet



Photo 20: C3 inlet



Photo 21: C4 inlet

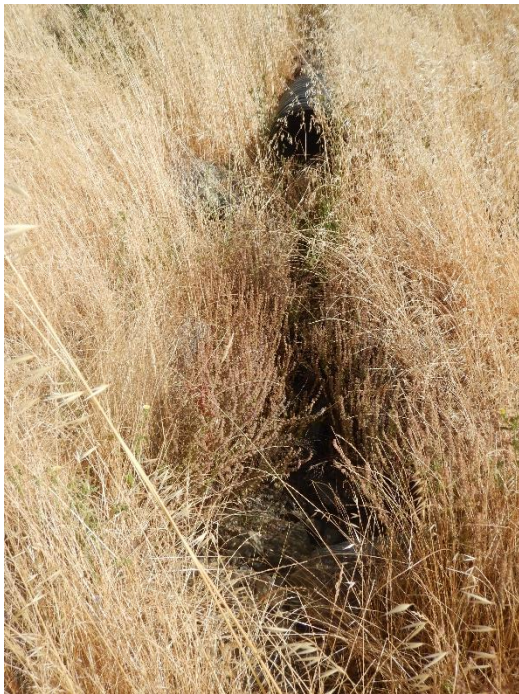


Photo 22: C4 Outlet

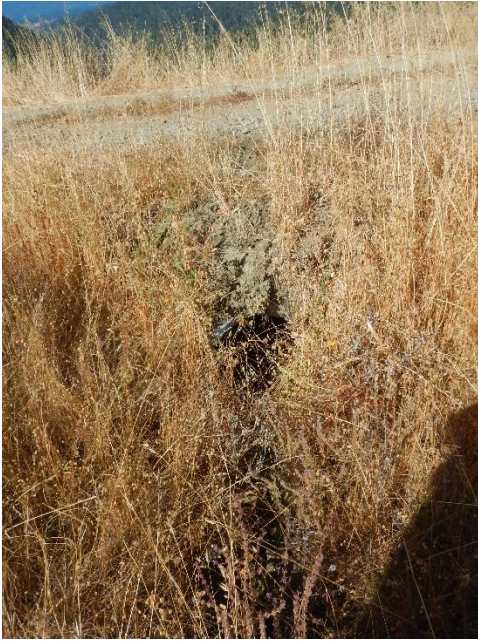


Photo 23: C5 inlet



Photo 24: C5 outlet



Photo 25: C6 inlet



Photo 26: C6 Outlet



Photo 27: C7 inlet



Photo 28: C7 outlet

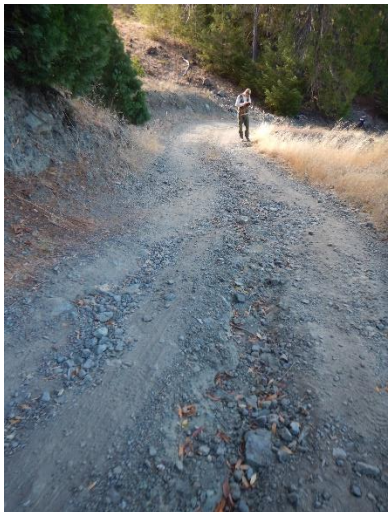


Photo 29: Poorly drained road segment



Photo 30: Long segment of inboard ditch along the main access road

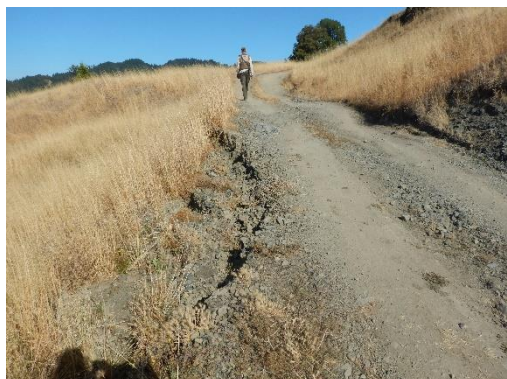


Photo 31: Segment of poor road drainage



Photo 32: Tanks 2-4, uncontained generators in background



Photo 33: Storage tank, associated with T2-4, actively leaking from the top of the tank, showing overflow valves either not installed, or functioning properly.