



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## North Coast Regional Water Quality Control Board

December 17, 2020

Eric Drosihn  
749 Atherton Avenue  
Novato, CA 94945  
[michael.drosihn@gmail.com](mailto:michael.drosihn@gmail.com)

Certified Mail No 7016 2710 0000 2653 3159

Dear Eric Drosihn:

Subject: **Notice of Violation and Transmittal of Inspection Report for March 24, 2020 Inspection of Humboldt County Assessor's Parcels 208-221-013-000 and 208-221-014-000**

File: Cannabis Program Inspections, Humboldt County, March 2020 Humboldt County Inspections, CIWQS Place ID 825153 (-014) and 842866 (-013)

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) Section 13260 and 13264
2. Federal Clean Water Act Section 301 (a), 401 and 404
3. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1

A number of these features and conditions are also inconsistent with the State Water Resources Control Board Order WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver Of Waste Discharge Requirements For Discharges Of Waste Associated With Cannabis Cultivation Activities.

Please provide us with a plan and schedule to address the Recommendations in the enclosed inspection report within 30 days of the date of this letter.

### Background

Effective August 9, 2016 through June 30, 2019, parcels 208-221-014-000 and 208-221-013-000 were enrolled under Regional Cannabis Order R1-2015-0023. Parcel 208-221-014-000 was transitioned to State Cannabis Order 2019-0001-DWQ effective July 1, 2019.

---

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

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)

On March 24, 2020, staff from the Regional Water Board inspected portions of parcels 208-221-013-000 and 208-221-014-000 for compliance with State Cannabis Order 2019-0001-DWQ. The purpose of the inspection was to evaluate onsite development and conditions associated with cannabis cultivation and associated activities and, for Regional Water Board staff to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

Staff have not received a Site Management Plan for this property.

### **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.

### **Observed Violations**

As documented in the enclosed inspection report, Regional Water Board staff observed violations of the California Water Code Section 13260 and 13264, Federal Clean Water Act Section 301 (a), 401, and 404, and Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1. In addition, staff observed violations of the State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #25-27, 32, and 37; Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #8, 15, 17, 22, 26, 31, 49-52, 56, 59, 62, 63, and 119.

Staff observed these violations at Property locations identified in the inspection report as ED1 - ED14.

### **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 the 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.

### Inspection Report Recommendations

As mentioned above, the March 24, 2020 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 Kate Hawken of your intentions, plan, and schedule to implement recommendations in the inspection report. Ms. Hawken can be reached by email at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or by telephone at (707) 445-6127.

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 Kate Hawken at the phone number or email above. You may also contact me at [Diana.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@waterboards.ca.gov) or (707) 576-2350. Additionally, we are available to meet with you if you wish to discuss this letter, the inspection report, or our waste discharge regulatory programs in further detail.

Sincerely,

Diana Henriouille, P.E.  
Senior Water Resources Control Engineer  
Enforcement Unit

201217\_KEH\_dp\_Drosihn\_NOV

Enclosures: Attachment A – Regulatory Citations  
Water Quality Inspection Report

**cc: California Department of Fish and Wildlife**  
Northern Coastal Region, [r1lsaeureka@wildlife.ca.gov](mailto:r1lsaeureka@wildlife.ca.gov)

**Division of Water Rights**  
Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

**North Coast Regional Water Quality Control Board**  
Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)  
Diana Henriouille, [Diana.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@waterboards.ca.gov)

**Humboldt County**  
Planning Department, [PlanningBuilding@co.humboldt.ca.us](mailto:PlanningBuilding@co.humboldt.ca.us)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
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 style="padding-left: 40px;">(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>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 13264 (a)	<p>“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:</p> <p style="padding-left: 40px;">(1) The issuance of waste discharge requirements pursuant to Section 13263.</p> <p style="padding-left: 40px;">(2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:...</p> <p style="padding-left: 40px;">(3) The issuance of a waiver pursuant to Section 13269.”</p>
California Water Code Section 13265(a)	<p>“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.”</p>

Regulatory Section	Citation
California Water Code Section 13350	<p>“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).”</p>
Federal Clean Water Act Section 301 (a)	<p>Section 301(a) provides that except as in compliance with this section [301] and section 1342 and 1344 of the Clean Water Act, “the discharge of any pollutant by any person shall be unlawful.” 33</p> <p>U.S.C. § 1311(a). The relevant exceptions allowed for under the Clean Water Act are the discharge of dredged and fill material into navigable waters pursuant to section 404 or the discharge of any pollutant to navigable waters from any point source pursuant to section 402 of the Clean Water Act. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 402 permit and/or prohibits the discharge of dredge and fill material without a section 404 permit and a section 401 state water quality certification.</p>
Federal Clean Water Act Section 401	<p>Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”</p>

Regulatory Section	Citation
Federal Clean Water Act Section 404	<p>Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The phrase “discharge of dredged material” means any addition of dredged material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The phrase “discharge of fill material” means the addition of fill material into waters of the United States. 33 C.F.R. § 323.2(f).</p>
Basin Plan Section 4.2.1	<p>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.”</p> <p>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.”</p>
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #25	<p>Cannabis cultivators shall not discharge waste in a manner that creates or threatens to create a condition of pollution or nuisance, as defined by Water Code section 13050.</p>
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #26	<p>Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge:</p> <ul style="list-style-type: none"> <li>• irrigation runoff, tailwater, sediment, plant waste, or chemicals to surface water or via surface runoff;</li> <li>• waste classified as hazardous (California Code of Regulations, title 23, section 2521(a)) or defined as a designated waste (Water Code section 13173); or</li> <li>• waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).</li> </ul>

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #27	<p>Unless authorized by separate waste discharge requirements, the Cannabis Cultivation General Order, or a CWA section 404/401 permit, the following discharges are prohibited:</p> <ul style="list-style-type: none"> <li>• any waste that could affect the quality of the waters of the state; or</li> <li>• wastewater from cannabis manufacturing activities defined in Business and Professions Code section 26100, indoor grow operations, or other industrial wastewater to an onsite wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land.</li> </ul>
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #32	<p>Tier 1 or 2 cannabis cultivators with any portion of the disturbed areas existing within the setbacks shall submit a Disturbed Area Stabilization Plan to the Regional Water Board Executive Officer. The Disturbed Area Stabilization Plan shall be approved by the applicable Regional Water Board Executive Officer prior to the cannabis cultivator initiating any land stabilization activities. This requirement does not apply to disturbed areas resulting from activities authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board.</p>
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #37	<p>Cannabis cultivators shall comply with the minimum riparian setbacks described below for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, off-stream water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody's bankfull stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of wetland as delineated by a Qualified Professional with experience implementing the Corps of Engineers Wetlands Delineation Manual (with regional supplements).</p>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #8	<p>The cannabis cultivator shall use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.</p>

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #15	Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at <a href="http://www.pacificwatershed.com/PWA-publications-library">http://www.pacificwatershed.com/PWA-publications-library</a> . Existing access roads shall be upgraded to comply with the Road Handbook.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #17	Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #22	Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #26	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gullyng. Cannabis cultivators shall use water bars and rolling dips as designed by a Qualified Professional to minimize access road surface erosion and dissipate runoff.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #31	Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a Qualified Professional.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #49	Cannabis cultivators shall ensure that all access road watercourse crossing structures allow for the unrestricted passage of water and shall be designed to accommodate the estimated 100-year flood flow and associated debris (based upon an assessment of the streams potential to generate debris during high flow events). Watercourse crossings shall be designed and sized by a Qualified Professional. Consult CAL FIRE 100-year Watercourse Crossings document for examples and design calculations, available at: <a href="http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf">http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf</a> .

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #50	Cannabis cultivators shall ensure that watercourse crossings allow migration of aquatic life during all life stages supported or potentially supported by that stream reach. Design measures shall be incorporated to ensure water depth and velocity does not inhibit migration of aquatic life. Any access road crossing structure on watercourses that support fish shall be constructed for the unrestricted passage of fish at all life stages, and should use the following design guidelines: <ul style="list-style-type: none"> <li>• CDFW's Culvert Criteria for Fish Passage;</li> <li>• CDFW's Salmonid Stream Habitat Restoration Manual, Volume 2, Part IX: Fish Passage Evaluation at Stream Crossings; and</li> <li>• National Marine Fisheries Service, Southwest Region Guidelines for Salmonid Passage at Stream Crossings.</li> </ul>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #51	Cannabis cultivators shall conduct regular inspection and maintenance of stream crossings to ensure crossings are not blocked by debris. Refer to California Board of Forestry Technical Rule No. 5 available at: <a href="http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf">http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf</a> .
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #56	Cannabis cultivators shall ensure that culverts used at watercourse crossings are: 1) installed parallel to the watercourse alignment to the extent possible, 2) of sufficient length to extend beyond stabilized fill/sidecast material, and 3) embedded or installed at the same level and gradient of the streambed in which they are being placed to prevent erosion.

Regulatory Section	Citation
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #59</p>	<p>Cannabis cultivators shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water. Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).</p>
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #62</p>	<p>Cannabis cultivators shall haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.</p>
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #63</p>	<p>Cannabis cultivators shall not disturb aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under a CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), or a CDFW LSA Agreement.</p>

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #119	Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Cannabis cultivators shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Cannabis cultivators shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state. Cannabis plant material may be disposed of onsite in compliance with any applicable CDFA license conditions.

---

## North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Kate Hawken

DATE: December 16, 2020

### **Inspection Report for March 24, 2020 Inspection of Humboldt County Assessor's Parcel Numbers 208-221-013-000 and 208-221-014-000**

File: Cannabis Program Inspections, Humboldt County, March 2020 Humboldt County Inspections, CIWQS Place ID 825153 (-014) and 842866 (-013)

#### **Property Information**

County: Humboldt

Physical address: Approximately 2 miles north of Dinsmore

APN: 208-221-013-000 and 208-221-014-000

Owner: Eric Drosihn/  
Skyline Living Trust  
749 Atherton Avenue  
Novato, CA 94945

Transaction History (per LandVision): Transferred July 9, 2019 from seller Courtney Fleming (-014). Transferred July 9, 2019 from seller Vanessa Fileg (-013).

Size: 40 acres each

Watershed: Eel Hydrologic Unit; Van Duzen River Hydrologic Area; Bridgeville Hydrologic Subarea (HU/HA/HSA 111.22; Table 2-1, Water Quality Control Plan for the North Coast Region).

Aerial Imagery Notes (Google Earth Pro): No significant development visible in available imagery until June 2009. Driveway/road and clearing with structure visible in June 2009 imagery. Additional clearing and structures visible in subsequent imagery.

**Regulatory status with the Regional Water Board**

Site Development: N/A

Onsite activities/operations: Both parcels were enrolled under Regional Cannabis Order R1-2015-0023 from August 9, 2016 through June 30, 2019. Parcel 208-221-014-000 was transitioned to State Cannabis Order 2019-0001-DWQ effective July 1, 2019.

**Inspection information:**

Date/time: March 24, 2020

Type: Compliance

Attendance:

Dave Manthorne, Kyle Shaw, Eric Agotia, and Brad Padilla, California Department of Fish and Wildlife (CDFW)

Adona White and Kate Hawken, North Coast Regional Water Quality Control Board (NCRWQCB)

Background/Objective:

North Coast Regional Water Board (Regional Water Board) staff participated with staff of the California Department of Fish and Wildlife (CDFW) to inspect several cannabis cultivation sites north of Dinsmore in the Mad River watershed on March 24, 2020. 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



Figure 1: Map of Property, including Inspection Points of Interest

## Inspection Observations

On March 24, 2020, I inspected the subject property. Figure 1, above, is a site map showing inspection points discussed below.

**ED1:** I observed a recently graded road hydrologically connected to a watercourse. I observed fine sediment in the watercourse from the road (Photo 1).

**ED2:** I observed a recently graded flat within the setbacks to a watercourse (Photo 2).

**ED3:** I observed rills on an access road (Photo 3). The rills discharged to the outlet of a stream crossing.

**ED4:** I observed a watercourse running alongside an outdoor cultivation area. I observed cultivation-related waste placed around the watercourse (Photo 4).

**ED5:** I observed potting soil perched above a watercourse (Photo 5).

**ED6:** I observed a second outdoor cultivation area (Photo 6). I observed some potting soil had been pushed over the hillside.

**ED7:** I observed a spring diverted down an access road (Photo 7).

**ED8:** I observed an undeveloped stream crossing with a water storage tank adjacent (Photo 8).

**ED9:** I observed a third outdoor cultivation area with bare soil from recent grading (Photo 9).

**ED10:** I observed dozens of grow bags, fill, and slash piled in a watercourse (Photo 10).

**ED11:** I observed road fill material pushed into and perched above a watercourse (Photo 11).

**ED12:** I observed a culvert stream crossing. The culvert was squashed and not functioning (Photo 12).

**ED13:** I observed a fourth outdoor cultivation area with cultivation related waste approximately 10 feet from a watercourse (Photo 13).

**ED14:** I observed a culvert stream crossing (Photo 14).

**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: I observed multiple stretches of roads that were hydrologically connected to watercourses. I observed multiple recently graded areas lacking erosion control.
2. Stream crossing maintenance and improvement: I observed multiple failing and/or undeveloped stream crossings.
3. Riparian and wetland protection and management: I observed cultivation areas, cultivation-related waste, construction-related waste, and a water storage tank in the riparian setbacks. I observed grow bags, fill, and slash in a watercourse.
4. Spoils management: I observed road fill in and perched above watercourses.
5. Water storage and use: I observed a spring diverted down a road. I observed a water storage tank in the setbacks to a watercourse as noted above.
6. Irrigation runoff: I did not observe irrigation runoff, however, given the proximity of the cultivation areas to watercourses there is an increased risk of runoff reaching waters of the state.
7. Fertilizers and soil amendments: I did not observe fertilizers or soil amendments.
8. Pesticides: I did not observe pesticides.
9. Petroleum products and other chemicals: I did not observe petroleum products or other chemicals.
10. Cultivation-related wastes: I observed potting soil pushed over a hillside and piled where it may discharge to waters of the state.
11. Refuse and human waste: I did not review domestic or human waste disposal.

**Recommendations**

1. Enroll parcel 208-221-013-000 for coverage under State Cannabis Order 2019-0001-DWQ if you plan to continue cultivating cannabis. See information on the Order here:  
[www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)
2. Submit a Site Management Plan and a Disturbed Area Stabilization Plan.

3. Retain a licensed professional to develop a workplan and schedule to:
  - a. Evaluate all stream crossings for capacity to convey the 100-flood flow, including debris and sediment loads, and to replace the stream crossings as necessary.
  - b. Improve access road alignment, surfacing, and drainage to minimize erosion and sediment transport. Hydrologically disconnect access roads and road ditches from watercourses.
  - c. Assess the cultivation flats for stability and compliance with riparian setbacks and improve or remove unstable/ non-compliant flats. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
4. Relocate all cannabis-related infrastructure outside of the applicable riparian setback requirements per the CANGO.
5. Submit design plans, construction schedule, and other relevant information to the Regional Water Board through the 401 Water Quality Certification process prior to starting work in surface waters. Work may not start until authorization is received from the Regional Water Board. See 401 Water Quality Certification application here:  
[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)
6. Store and contain all potting soil, cultivation-related waste, and chemicals, including pesticides and petroleum products, properly to prevent spillage and potential for migration/transport into receiving waters.
7. Haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.
8. Use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.
9. 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.

### 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

 A photograph showing a muddy, light-brown stream of runoff flowing down a dirt road and into a shallow watercourse. The surrounding area is a wooded hillside with trees and some fallen leaves. A timestamp in orange text in the bottom right corner reads "03-24-2020 10:32".	 A photograph showing a wide, flat, muddy area adjacent to a watercourse. Several people are standing in the distance, looking towards the watercourse. The area appears to be a bare, eroded flat. A timestamp in orange text in the bottom right corner reads "03-24-2020 10:34".
<p>Photo 1 – Road runoff entering watercourse</p>	<p>Photo 2 – Bare flat area adjacent watercourse</p>



Photo 3 – Surface erosion on road



Photo 4 – Stream crossing in forefront;  
cultivation waste placed around  
watercourse; outdoor cultivation area in  
background



Photo 5 – Potting soil perched above  
watercourse



Photo 6 – Outdoor cultivation area



Photo 7 – Spring diverted down road



Photo 8 – Stream crossing adjacent water storage tank



Photo 9 – Outdoor cultivation area



Photo 10 – Grow bags piled in watercourse



Photo 11 – Road fill pushed into and perched above watercourse



Photo 12 – Squashed culvert stream crossing



Photo 13 – Cultivation related waste near watercourse



Photo 14 – Culvert stream crossing