# North Coast Regional Water Quality Control Board

October 25, 2021

Certified Mail No. 7021 0950 0001 6499 5134

Mazari Farms Inc. and
Flore Farms Inc.
Tobias Hafenecker-Dodge
60 Rausch Street #208
San Francisco, CA, 94103
lastresortsvip@gmail.com
tobiasdodge@mac.com

Dear Tobias Hafenecker-Dodge:

Subject: **Notice of Violation for Failure to Comply with Cleanup and Abatement Order No. R1-2019-0051 (CAO) Required Actions Nos. 4 and 8**

File: Tobias Hafenecker-Dodge; Cannabis Program Enforcement, Humboldt County 2018; CIWQS Place ID 823853; Cannabis General Order WDID 1_12CC403261

The purpose of this letter is to notify you that the documents submitted by your consultants on your behalf do not completely meet the requirements for a Cleanup Restoration and Monitoring Plan (CRMP) and, as a result, you are in violation of Cleanup and Abatement Order No. R1-2019-0051 Required Actions Nos. 4 and 8. This letter also provides guidance for completing the CRMP.

## Background

On September 27, 2019, I, on behalf of the Executive Officer of the Regional Water Board, issued Cleanup and Abatement Order No. R1-2019-0051 (CAO) to you, #1 Tooby RD LLC, #3 Tooby RD LLC, Mazari Farms Inc., and Flore Farms Inc., (the "Dischargers"). The CAO pertains to observed discharges and threatened discharges to receiving waters associated with constructed features on the Property—including a failing instream reservoir (Reservoir)—that do not have adequate erosion and sediment controls, which were constructed without authorization from applicable federal, state, and local agencies.

On November 20, 2019, Regional Water Board staff (Staff) transmitted to the Dischargers a Notice of Violation of the above-referenced CAO Required Actions No. 1.b-d., for failure to submit a complete and acceptable Interim Plan by October 7, 2019,

and Required Actions No. 2, for failure to Implement an Interim Plan by October 21, 2019.

On November 21, 22, and 23, 2019, you emailed pictures showing work performed in response to Required Actions No 1.a. These emails did not address Required Actions No. 1.b-d.

On December 2, 2019, A.M Baird Engineering and Surveying INC. (A.M Baird Engineering), emailed a report entitled “As Built Roadway Winterization Report” (Winterization Report) to California Department of Fish and Wildlife copying Regional Water Board Staff. The Winterization Report includes pictures of armored segments of road and aggregate in watercourses and proposes adding a water bar and more aggregate at locations where culverts had recently been replaced. The Winterization Report appeared to document work that was completed without approval from the Regional Water Board and did not include the components listed in CAO Required Actions No. 1.b-d.

Staff did not immediately reply to the Winterization Report, but advised you during the May 5, 2020 inspection and associated July 21, 2020 Notice of Violation that the activities documented in the Winterization Report were conducted without a Water Quality Certification from the Regional Water Board. Staff recommended you submit plans to control erosion and prevent sediment transport and delivery to receiving waters as part of the CRMP and apply for a Water Quality Certification for all instream work locations, including those associated with culvert installation or replacements.

On March 19, 2020, Staff sent to you an email requesting the status of the CRMP development that was due by March 15, 2020. You did not respond.

On March 24, 2020, Staff issued to the Dischargers a Notice of Violation of the CAO Required Actions No. 4., for their failure to submit a proposed CRMP by March 15, 2020.

On July 15, 2020, the Dischargers submitted a proposed CRMP. Staff informed the Dischargers in a July 31, 2020 email that the submitted CRMP did not meet the requirements of the CAO.

On September 3, 2020, A.M Baird Engineering submitted, on behalf of the Dischargers, an Extension Request for the CRMP.

On October 12, 2020, the Dischargers submitted a proposed CRMP that was insufficient to meet the requirements of the CAO. In particular, the proposed CRMP did not adequately assess the impacts to waters of the state on the Property, did not provide sufficient detail for many of the proposed treatments and did not provide a plan for compensatory mitigation for temporal impacts to waters of the state on the Property.

On October 26, 2020, the Regional Water Board responded to A.M Baird Engineering's September 3, 2020, letter by denying the request to extend the deadline for the CAO Required Actions No. 4, but granting an extension of the deadline to implement an approved CRMP (CAO Required Actions No. 8) by ten months to August 15, 2021.

On November 10, 2020, Staff informed the Dischargers that the CRMP submitted on October 12, 2020, did not meet the requirements of the CAO.

On February 5, 2021, Green Road Consulting, on behalf of the Dischargers, submitted an updated proposed CRMP (2021 CRMP) and a request to extend the deadline for implementing an approved CRMP from August 15, 2021 to allow for the work to be performed during the summer of 2022.

On February 26, 2021, Green Roads Consulting submitted a document including a Restoration and Compliance Timeline, an Interim Erosion and Sediment Control Plan, and a Glass House Site Impact Assessment.

On March 1, 2021, Staff met with your consultants at the Property and then on April 20, 2021 transmitted a report of the inspection (2021 Inspection Report) to you and your consultants. The attached 2021 Inspection Report describes how the 2021 CRMP is incomplete and provides recommendations for completing the CRMP.

On June 8, 2021, Timothy Wykle proposed a possible conservation easement, on your behalf, to address the CAO requirements. In a June 21, 2021, meeting with Mr. Wykle, Staff explained that you will need to come into compliance with the CAO as described in the 2021 Inspection Report.

On August 13, 2021, Robin Collins at Green Roads Consulting advised Staff that they were working with Samara Restoration to develop a plan and timeline, and further requested a call to discuss the project. Staff replied on August 16, 2021, to advise that the CRMP was incomplete and the Dischargers were out of compliance with the CAO, and to direct Mr. Collins to the 2021 Inspection Report for recommendations to Complete the CRMP. Green Roads Consulting did not reply and on October 5, 2021, Staff called Green Roads Consulting and spoke with Robin Collins who advised that they were continuing to work with additional qualified professionals to develop the required plans.

**Lack of Compliance**

Required Actions No. 4 (submittal of an adequate and complete CRMP) is a condition of the CAO required pursuant to Water Code section 13267. Required Actions No. 8 (implementation of the CRMP) is a condition of the CAO required pursuant to Water Code section 13304. Violations of requirements imposed pursuant to Water Code section 13267 may result in administrative civil liability of up to $1,000 per day pursuant to Water Code section 13268. Violations of requirements imposed pursuant to Water Code section 13304 may result in administrative civil liability of up to $5,000 per day pursuant to Water Code section 13350.

As of October 15, 2021, you have been in violation of CAO Required Actions No. 4 since March 15, 2020, a total of 579 days, and face potential administrative civil liability of up to $579,000. You have been in violation of Required Actions No. 8 since August 15, 2021, a total of 61 days, and face potential administrative civil liability of up to $305,000. Your total potential administrative civil liability thus far is $884,000.

In addition, as a result of your failure to comply with the CAO and come into compliance with the Cannabis General Order, the Regional Water Board Executive Officer may terminate your coverage under the Cannabis General Order for cause.

**Within 30 days of this letter**, please advise my staff member Brian Fuller of your intentions, plan, and schedule to implement recommendations in the 2021 inspection report and come into compliance with the CAO. Brian Fuller can be reached at (707) 576-2806 or by email at Brian.Fuller@waterboards.ca.gov. We will consider the timeliness and adequacy of your response in determining our next enforcement steps. Staff is committed to continue to advise you and your consultants about the CAO requirements; however, it is your responsibility to engage and authorize your qualified professionals to perform the full site assessment and plan preparation and submittals required by the CAO.

Sincerely,

Digitally signed by Kason Grady
Date: 2021.10.25 17:14:43 -07'00'

Water Boards

Kason Grady
Cannabis and Enforcement Division Supervisor

211025_BMF_NOV_For_R1-2019-0051_Required_Actions_4_and_8

Attachment: Water Quality Report of March 1, 2021 Inspection

**cc:**

**Consultants for the Discharger**
Robin Collins, Robin@greenroadconsulting.com,
Christopher Kirk, ckirk@hohmanandassociates.com

**Counsel for the Discharger**
Paul Gallego, paul@gallegoslawhumboldt.com
Timothy Wykle, tjwykle@mkwwlaw.com

**Department of Fish and Wildlife**
David Manthorne, David.Manthorne@wildlife.ca.gov
Kalyn Bocast, Kalyn.Bocast@wildlife.ca.gov
Warden Bradley Padilla, Bradley.Padilla@wildlife.ca.gov
Warden Eric Agoitia, Eric.Agoitia@Wildlife.ca.gov

**Department of Cannabis Control**
Lindsay Rains, Lindsay.Rains@cannabis.ca.gov
Tabatha Chavez, Tabatha.Chavez@cannabis.ca.gov

**North Coast Regional Water Quality Control Board**
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Adona White, Adona.White@waterboards.ca.gov
Diana Henrioulle, Diana.Henrioulle@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov
Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov

**County of Humboldt**
Cliff Johnson, CJohnson@co.humboldt.ca.us
Branden Howton, BHowton1@co.humboldt.ca.us

**State Water Resources Control Board, Division of Water Rights**
Stormer Feiler, Stormer.Feiler@waterboards.ca.gov

**State Water Resources Control Board, Office of Enforcement**
Andrew Tauriainen, Andrew.Tauriainen@waterboards.ca.gov

# North Coast Regional Water Quality Control Board

TO: Diana Henrioulle

FROM: Brian Fuller

DATE: March 22, 2021

**Inspection Report for March 1, 2021 Consent Inspection, Humboldt County Assessor's Parcel Numbers (APNs) 223-074-004-000, 223-074-006-000, and 223-074-009-000 (the "Property")**

File: Cannabis Program Inspections, Humboldt County, March 1, 2021, Tobias Hafenecker-Dodge Property, CIWQS Place ID 823853

**Property information:**

County: Humboldt

| APN | Size (acres) | Owner |
|---|---|---|
| 223-074-004-000 | 160 | #1 Tooby RD LLC<br>60 Rausch Street, Apt 208<br>San Francisco, CA 94103 |
| 223-074-006-000 | 80 | Kenneth Bullock<br>PO BOX 940<br>Redway, CA 95560 |
| 223-074-009-000 | 160 | #3 Tooby RD LLC<br>60 Rausch Street, Apt 208<br>San Francisco, CA 94103 |

Watershed: Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Benbow Hydrologic Subarea (HU/HA/HSA 111.32; Table 2-1, Water Quality Control Plan for the North Coast Region)

**Regulatory status with the North Coast Regional Water Quality Control Board (Regional Water Board)**:

Site development: There was no regulatory coverage with the Regional Water Board for site development on the property.

Applicable programs:

- State Water Resources Control Board Order 2009-0009-DWQ Construction general permit, for construction disturbing an acre or more of land.

- Regional Water Board's Clean Water Act section 401 Water Quality Certification permit for dredge/fill activities in a surface water.

  or

- Appendix D to the Regional Water Board Order R1-2015-0023 (Regional Cannabis Order).

Onsite activities/operations:

- On June 22, 2016, Tobias Hafenecker-Dodge enrolled parcels 223-074-004 and 223-074-009 as a Tier 2 site under Order No. R1-2015-0023 (Regional Cannabis Order) and was assigned WDID 1B16290CHUM.

- On July 2, 2018, Tobias Hafenecker-Dodge transferred enrollment of the Property from the Regional Cannabis Order to Order WQ 2017-0023-DWQ (Cannabis General Order) and was assigned WDID 1_12CC403261.

- On July 1, 2019, Tobias Hafenecker-Dodge submitted an application change, changing his enrollment status in the Cannabis General Order from Tier 1 Low Risk to Tier 2 High Risk.

**Inspection information**:

Date/time: March 1, 2021/9am -3pm

Weather: Sunny, most recent precipitation was on February 20, 2021[1]

Type: Follow-up (enforcement) Inspection.

Attendance:
Robin Collins, P.E., Principal Engineer, Green Road Consulting, Inc (Green Roads).
Steve Breitenstein, Environmental Scientist, Green Roads
Corrina Kamoroff, Wildlife Biologist, Hohman & Associates
Christopher Kirk, Registered Professional Forester (RPF), Hohman & Associates
Paul Gallegos, Attorney, Gallegos Law
Warden Eric Agoitia, California Department of Fish and Wildlife (CDFW)
David Manthorne, Senior Environmental Scientist Specialist, CDFW
Jordan Filak, Environmental Scientist, Regional Water Board

[1] Precipitation data from the Eel River Camp (ERC) weather station accessed at: http://cdec.water.ca.gov

Brian Fuller, P.G., Engineering Geologist, Regional Water Board

Background/Objective:
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On December 2, 2019, the Dischargers' consultant, A.M Baird Engineering and Surveying INC. (A.M Baird Engineering), emailed a report entitled "As Built Roadway Winterization Report" (Winterization Report). The Winterization Report includes pictures of armored segments of road and aggregate in watercourses, and proposes adding a water bar and more aggregate at the culvert locations. The Winterization Report does not include the components listed in Required Actions No. 1.b-d. Staff did not reply to nor comment on this Report.

On March 19, 2020, Staff sent Mr. Hafenecker-Dodge an email asking about the status of the Cleanup, Restoration, and Monitoring Plan (CRMP) that had been due by March 15, 2020. Mr. Hafenecker-Dodge did not respond.

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On February 26, 2021, Robin Collins submitted a document including a Restoration and Compliance Timeline, an Interim Erosion and Sediment Control Plan and a Glass House Site Impact Assessment.

**Inspection Maps:**

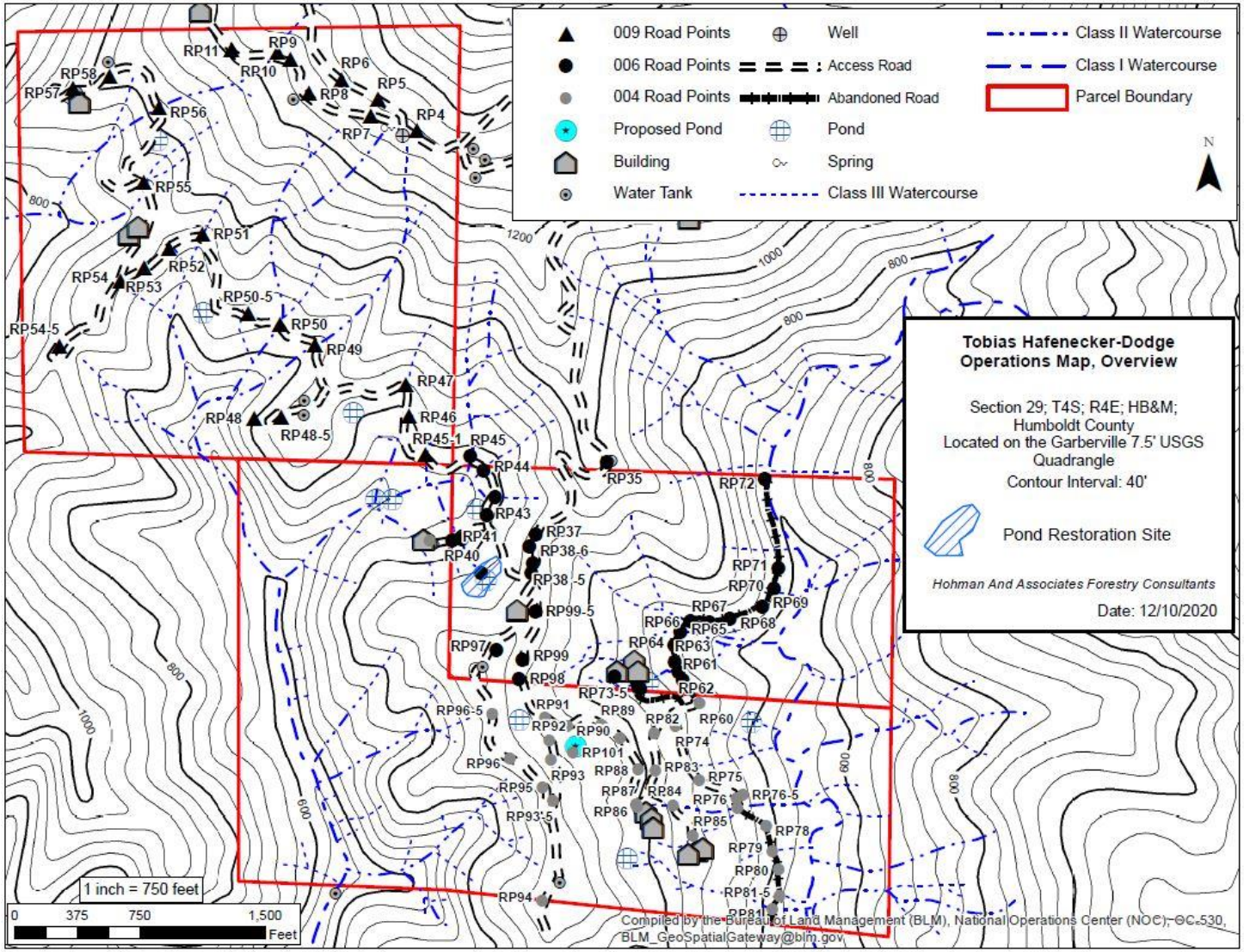


*Figure 1:Inspection Map from page 54 of 2021 CRMP.*

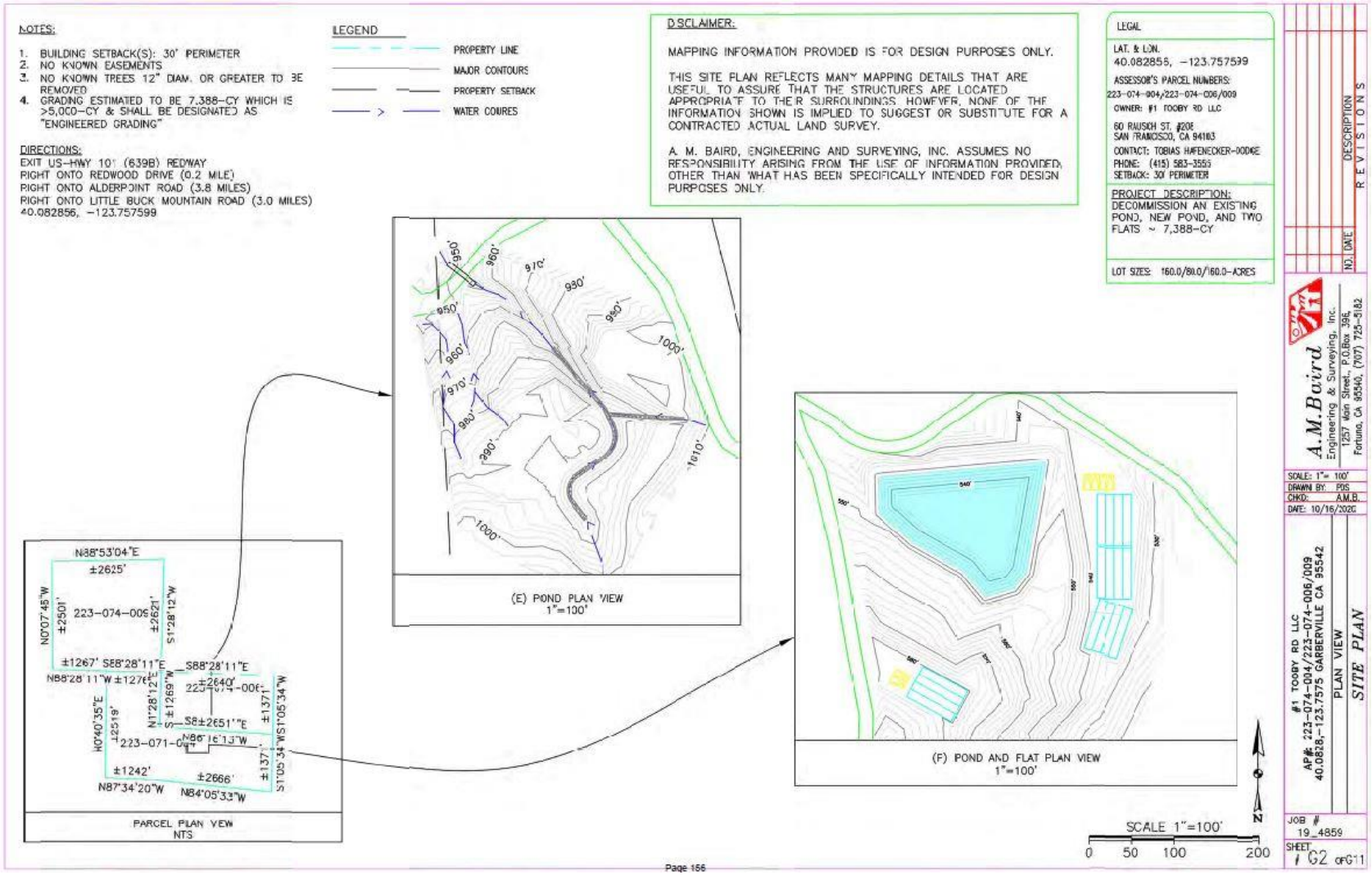


*Figure 2: Drawing of proposed reservoir replacement from 2021 CRMP.*

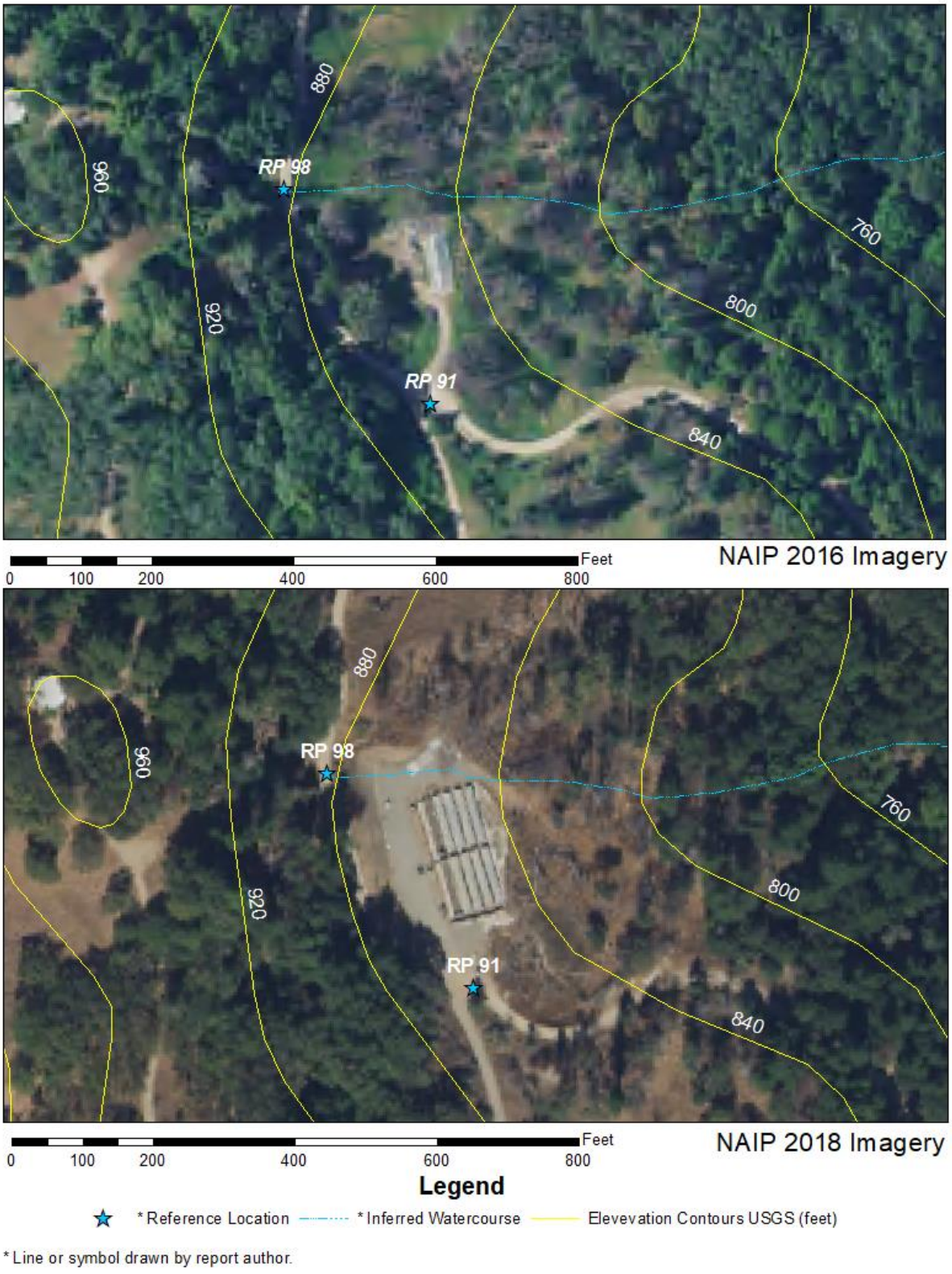


*Figure 3: Aerial Images of Burned Area. Background imagery from USDA NAIP.*

**Inspection Narrative:**

Attendees from Green Roads, CDFW and the Regional Water Board met at the turn-off from Alderpoint Road in the vicinity of latitude 40.107812, and longitude -123.747553. We drove onto the property and parked vehicles near the house in the center of the property in the vicinity of RP 38-5 (Figure 1). After a brief discussion about which sites the participants wanted to see and discuss, we decided to start at the northwest corner of the property and work south.

APN: 223-074-009-000:

We drove to RP 57. I observed terraced cultivation pads perched above a southwesterly trending valley (Photo 1). I observed that the area immediately southwest and downslope from the cultivation pads had holes and arcuate cracks, several decimeters deep and perpendicular to slope, signifying shallow landsliding. I observed a bag of potting soil in one of the cracks (Photo 2) and plants, from the genus juncus, growing in some of the cracks (Photo 3). The cracks coalesce into a clearly defined watercourse approximately 500 feet downslope from the cultivation area (Photo 4). The watercourse is the headwaters of Bear Canyon, tributary to the South Fork Eel River.

From RP 57, we drove southeast to RP 48. The road accessing the site dips southwest towards the northwest edge of an elongated pad trending northwest to southeast (Photo 5). I observed a southwest-dipping channel starting at the northwestern edge of the pad, dissipating roughly 20 feet downslope (Photo 6). Approximately 100 feet farther downslope from where the channel dissipates, I observed a watercourse channel that extended downslope towards Panther Canyon (Photo 7). I returned to the pad and observed a constructed dip which directed stormwater from the access road to the west and away from the scoured channel in the northwest corner of the cultivation pad. I walked northeast along the greenhouse pad and observed uncontained cultivation waste at the eastern edge of the cultivation area (Photo 8). Immediately south and downslope from the southeastern corner of the cultivation pad, I observed a channel or crack (Photo 9), and within 100 feet downslope, I observed the channel head of another watercourse tributary to Panther Canyon.

Glass House:

From RP 48, we drove southeast to the crossroads leading to the Glass House Pad (near RP 43) and met with personnel from Hohman & Associates and Paul Gallegos. With all participants present, we summarized what we had already looked at. I walked around the Glass House and observed scour marks indicating that stormwater collected by the Glass House's roof, discharged from a single outlet at the northwestern corner of the greenhouse, flowed north (Photo 10) and eroded the northwestern corner of the Glass House pad (Photo 11).

Inspection participants reconvened on the south side of the Glass House and Mr. Gallegos asked what would be needed to be done for the Dischargers to be able to keep the Glass House. I explained that the CAO identified the construction of the Glass

House, the reservoir immediately to the south, associated roads and the expansion of the earthen pad as unauthorized activities which resulted in impacts to the tributary to Panther Canyon north of the Glass House. I explained that the CAO requires the Dischargers to submit a CRMP that assesses these impacts, and proposes measures to clean up and abate these impacts, and to mitigate for any temporary or permanent impacts. I explained that the deadlines for submitting a complete CRMP had passed and that there is an upcoming deadline to implement an approved CRMP by this fall.

I further explained that the Glass House and its operation continue to discharge waste to the tributary to Panther Canyon. I added that the Dischargers had already significantly delayed implementing corrective measures, apparently in part because of their unwillingness to fully remediate the reservoir to the south after it had become evident that it would not be feasible for them to keep it. I said that I did not see a path forward for the Dischargers to keep and operate the Glass House at the current location and I informed the participants that the Dischargers risked liability in the form of financial penalties if they delayed meeting CAO deadlines while continuing to look for a solution to keep the Glass House infrastructure in place.

Reservoir:

From the Glass House, we drove to the southern side of the reservoir west of RP 38-5 (Photo 12). I commented that the 2021 CRMP included only a concept drawing for the reservoir restoration on one page (Figure 2) of an eleven-page drawing set which focused on the construction of a new reservoir elsewhere on the property. I explained that the CAO does not require the Dischargers construct a new reservoir but does require remediation of the current reservoir location. I noted the sketch in Figure 2 proposed constructing a channel connecting stormwater runoff from the parking area south of the reservoir to Panther Canyon to the north. I recommended that the Dischargers consider constructing a vegetated area to diffuse the stormwater instead of connecting it directly to receiving waters. I commented that the Aquatic Resources Report, beginning on page 119 in the CRMP, identified a possible 0.15 acres of aquatic features in the area. I explained that I expected the CRMP to propose recreating these features.

Burned Area:

From the reservoir, we drove to the cultivation area at RP 91 (refer to Figure 1 and Figure 3) and walked to a crossing at the north-west corner of the cultivation pad at RP 98. I observed that the culvert outfall is directed to the north through a swale bounded to the south by a low rock berm, and that the vegetation within the swale included plants from the genus juncus (Photo 13). I acknowledged that the 2021 CRMP included a wetland delineation of the area, however the delineation described the current conditions and was not forensic. I explained that aerial imagery showed that part of the unauthorized activity in 2016 included expanding the cultivation pad (Figure 3). I added that the CAO requires a forensic assessment of this area to identify whether the pad

enlargement encroached on any waters of the State and, in the event that there was any encroachment, that the Dischargers identify proposed corrective actions.

We continued south down the road to a crossroad at RP 91. The Dischargers had earlier submitted drawings that identified a spring in this location and had proposed constructing a processing facility within the required setbacks from springs stipulated in the Cannabis General Order. I observed a saturated path leading from a suspected spring location to the west, crossing the north-south trending road and entering the inboard ditch of the road heading east (Photo 14). I commented that the weather had been unseasonably dry, and that it had not rained for more than seven days. In discussions with Mr. Kirk, I advised that if practicable, the stormwater from the road upslope from the spring source should be redirected away from the spring flow and the spring flow should be directed to the area east of the road (Photo 15). Mr. Kirk replied that the Aquatic Resources Report did not identify wetlands in the area east of the road and I responded that, although the report did not identify a three parameter wetland in the area, the report identified wetland plants and it appeared to be the most likely destination of the spring water prior to construction of the road. I advised that the spring water should be directed where it may benefit habitat rather than being intermixed with the stormwater road runoff.

Area with Small Cabins:

We decided not to inspect the area to the south along the road leading to RP 93 and continued east along the road. In previous years, I observed stormwater from the road north of RP 93, flowing a quarter mile along an inboard ditch before delivering to a watercourse at RP 87. During this inspection, I observed a head-cutting channel (Photo 16) entering the inboard ditch from the west approximately 100 feet upstream from RP 87. The watercourse at RP 87 is propagating upstream into the earthen prism of a road (Photo 17) that is used to access structures to the south. I explained that the inboard ditch upslope from where it intersected with the head-cutting channel (100 feet north of RP 86) appeared to primarily transport road runoff and should be drained to the west of the road. The watercourse discharging into the roadside channel, and the drainage downstream, including the roadside channel, should be treated as a watercourse. I recommended that the Dischargers propose treatments to stabilize the entire reach, prioritizing realignment and planting of native species over rock armoring.

From RP 87 we walked south, then east, along a foot path, where I observed a watercourse (Photo 18) intersect with the footpath and then flow below a pair of cabins at RP 85. The 2021 CRMP includes a proposal to relocate the cabins and to construct a rocked ford to provide stable conveyance for the watercourse crossing the road and parking area at RP 85. I commented that the parking area appeared to be a significant source of pollution to the surface water. I also commented that the Cannabis General Order allowed for rocked fords only on temporary and seasonal roads. Participants concluded that a culvert would be preferable at the location. We walked south of the large house at RP 85, and I observed waste potting soils and refuse in the forested area south of the house (Photo 19).

From the house, we walked along the road north of RP 85 to the stream crossing at RP 84. I observed that the culvert outlet is perched several feet above the channel bed and directed at the unarmored left bank of the watercourse (Photo 20 and Photo 21). Participants discussed and concluded the culvert should be replaced with a properly aligned culvert. The road turned to the east, then south and we arrived at RP 76 and RP 77. Here we discussed decommissioning the abandoned road to satisfy, in part, the mitigation requirements of the CAO. I said I was supportive of the plans to remove the culverts and lay back road prisms approaching the crossings, but the plan to fully rock the former stretches would not meet restoration requirements.

Road Decommissioning:

I explained that, in order for the decommissioning to count for mitigation credit, the restored length of channel should closely match the dimensions (width and slope), morphology (sinuosity and substrate), and plant complement of a relatively unimpacted reach either upstream or downstream. I added that where grade control is needed, plantings of native species should be considered before hard armoring. If armoring is needed, the precise location and dimensions should be shown in the proposed plan drawings. In addition to restoring the channel, the riparian area should be stabilized with plantings. The design should include the proposed dimensions, planting areas, concentrations of plants, species lists of plants and details about the proposed seed mix. The design should be of sufficient detail for contractors to implement the work and will serve as the basis both for determining how much mitigation credit will be earned and for guiding post-implementation monitoring. The restoration plan/design must specify a minimum 85% success rate is met over 5 years[2] and a monitoring plan to measure and demonstrate that restoration has been successful.

We walked to the property boundary then returned north along the road to the Shady Grove site at RP 73. I did not observe any material changes to the site condition since the previous year. We then walked east and north along another segment of road that the Dischargers are proposing to decommission. I observed that this segment was in worse condition than the road to the south (Photo 22 and Photo 23). We then returned to where the vehicles were parked near RP 73 and I discussed with Mr. Collins the extension request he submitted on February 5, 2021. I explained that I would not recommend the request be granted because the CRMP was still incomplete

2021 CRMP:

a) The Property Assessment presented in the 2021 CRMP does not fulfill Required Action 4.a of the CAO, because it does not include sufficient information about the property conditions before and after the unauthorized activities associated

[2] Provision 35 on page 42 of the Cannabis Policy linked to below lists monitoring and success requirements for all disturbed riparian areas on the property https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

with the Glass House and the Burned Area at RP 98 as described above.

b) The Required Property Assessment described above must be completed to fully inform the restoration plan required by Required Action 4.b of the CAO. With respect to the restoration proposed in the 2021 CRMP, please refer to Recommendations 3 and 5 below for Staff's comments.

c) A complete assessment, fulfilling Required Action 4.a of the CAO as discussed above, is needed to identify the length, area, type and quality of aquatic resources that were present in the area before and after the unauthorized work. This information will be the basis for determining how much mitigation will be required. A complete Restoration Plan, fulfilling Required Action 4.b as discussed above, is needed to determine if there will be any remaining permanent impacts requiring additional mitigation. With a complete Property Assessment and Restoration Plan, one can then identify impacted aquatic resources, and identify/assess temporal and permanent impacts. A tool such as the U.S. Army Corps 12501 methodology may be used to calculate appropriate ratios of impacted to restored/enhanced aquatic resources to account for the temporal and permanent impacts that resulted from the unauthorized work. Please refer to Road Decommissioning above for Staff's comments about the proposed mitigation projects presented in the 2021 CRMP.

d) Once the full scope of work needed to fulfill the CAO requirements is developed, review specifications for Best Management Practices (BMPs) to be applied during and following cleanup and restoration work and provide Staff with a confirmation that the BMP plan is sufficient as is, or revise as necessary to make it sufficient.

e) The full scope of work described in Required Action 4.b and 4.c of the CAO must be completed to fully inform whether the proposed timeline adequately fulfills Required Action 4.e of the CAO.

**Recommendations:**

1. Clean up cultivation waste from watercourse buffers in the vicinity of RP 57 and RP 48. Monitor buffers for signs of erosion and treat/stabilize with native plantings. Redirect any stormwater originating on roads and constructed features from the watercourse buffers.

2. Include in a revised CRMP a complete assessment of the unauthorized impacts at the Glass House Pad and a plan to restore the Beneficial Uses of the tributary to Panther Canyon and to abate threats of ongoing impacts (i.e., remove the Glass House and the roads leading to the pad, remove sediment from the aggraded channel reach and implement a planting plan).

3. Provide in a revised CRMP a full plan for restoring the Reservoir area including: a grading plan showing how much earth will be moved and to where, and a drawing showing locations for restored aquatic features. The plan should also include a planting plan with species list and distribution for suspected wetlands and areas riparian to recreated stream channels.

4. Include in a revised CRMP a complete assessment of the unauthorized impacts at the enlarged pad at the Burned Area (RP 98).

5. Revise the proposed treatments at RP 91, RP 86, RP 87, RP 85, and RP 84 in accordance with what we discussed during the inspection (as summarized above).

6. Develop a plan for containing refuse at RP 85.

7. Provide additional detail, as discussed in Road Decommissioning, above, as part of the mitigation proposal for the CRMP.

**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—Looking east at cultivation area located at RP 57.*

*Photo 2—Cultivation waste in hole south of RP 57.*

*Photo 3—Looking south, the cultivation area at RP 57 is behind the photographer. Juncus is evident in the foreground of the image.*

*Photo 4—Looking upslope at a crack leading into a slumped block of soil. The crack continues to the clearly defined watercourse at the photographers back.*

*Photo 5—Looking southwest at the eastern side of the cultivation pad at RP 48.*

*Photo 6—Looking southwest at the scoured channel from the southwest corner of the cultivation pad in the vicinity of RP 48.*

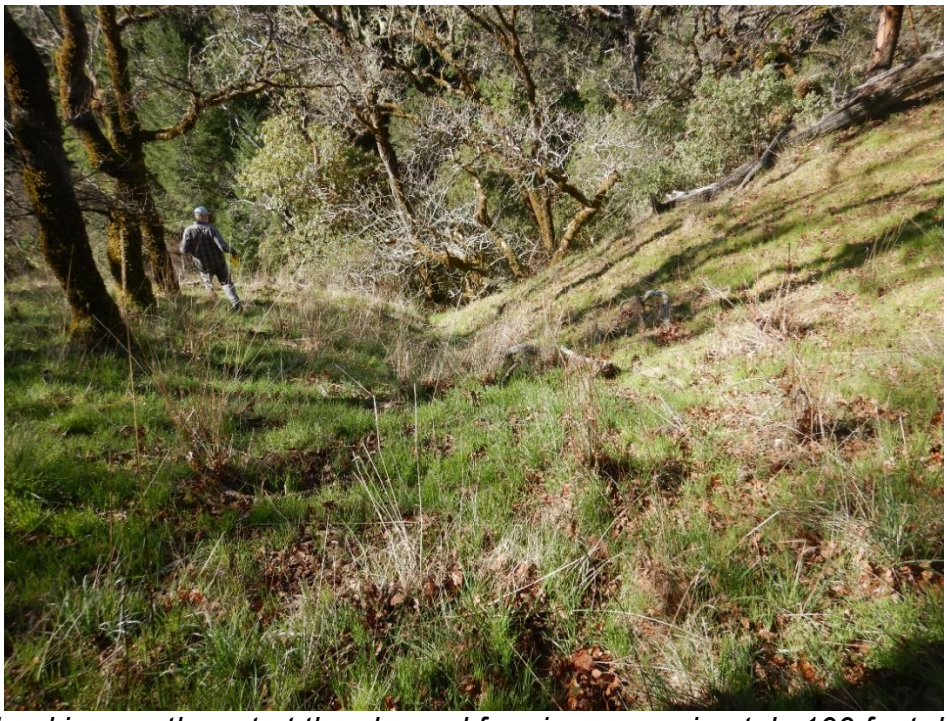

*Photo 7—Looking southwest at the channel forming approximately 100 feet downslope from where the channel dissipates in the previous image. Panther Canyon is out of view in the background of the image.*

*Photo 8—Cultivation waste uncontained in the eastern edge of the cultivation area in the vicinity of RP 48.*

*Photo 9—Channel or crack at the south eastern corner of the cultivation area. Potting soils with white pieces of perlite are visible in the lower right of the image, and juncus is visible growing in the crack.*

*Photo 10—Scouring immediately downslope from the single gutter outlet discharging stormwater collected by the Glass House's roof at the northwestern corner of the Glass House.*

*Photo 11—Significant erosion of the northwestern corner of the Glass House pad from stormwater concentrated by the Glass House pad. Panther Canyon is in the background of the image.*

*Photo 12—Looking southwest at Reservoir in the vicinity of RP 40.*

*Photo 13—Looking southeast from northern edge of cultivation pad in the vicinity of RP 98.*

*Photo 14—Looking west at the crossroads at RP 91. Water is present in the roadside channel despite no rain for more than a week.*

*Photo 15—Looking north from crossroads south of RP 91.*

*Photo 16—Looking east at incised channel upstream from road ditch in the vicinity of RP 86.*

*Photo 17—Looking at watercourse receiving flow from roadside channel in the vicinity of RP 86.*

*Photo 18—Looking west, upslope from cabins in the vicinity of RP 85.*

*Photo 19—Refuse south of house at RP 85.*

*Photo 20—Looking north at culvert outlet at RP 84. The culvert is perched several feet above the channel bottom and directed at the unarmored left bank of the watercourse.*

*Photo 21—Looking east and downstream at the same culvert in the previous image.*

*Photo 22—Looking south at a perched culvert on the unused road east of Shady Grove.*

*Photo 23— Looking south at a failed road crossing on the unused road east of Shady Grove.*