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## North Coast Regional Water Quality Control Board

November 18, 2022

Guadalupe Palma Gonzalez  
901 Russell AVE APT 122  
Santa Rosa, CA, 95403

Certified Mail No. 7021 0950 0001 6499 9811

Dear Guadalupe Palma Gonzalez:

**Subject: Notice of Violation, Transmittal of Reports for July 13, 2022 and October 26, 2022 Inspections of Mendocino County Assessor's Parcel Number 013-490-30-00**

**File: Cannabis Program Inspections, Mendocino County, 2022, Gonzalez, CIWQS Place ID 882284**

### **THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS**

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Mendocino County Assessor's Parcel Number: 013-490-30-00 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibition 2;
2. California Water Code (Water Code) Sections 13260 and 13264;
3. Federal Clean Water Act Section 301; and
4. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under 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 (Cannabis General Order). On July 13, 2022 and October 26, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation on the order of one acre in size. Accordingly, this letter directs you to address the violations noticed herein. Within 30 days, please contact Staff to discuss your plan to correct the observed violations.

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GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

## **Background**

Land Vision records show that you (Guadalupe Palma Gonzalez) purchased the Property on February 6, 2020. According to aerial imagery presented in Attachment C, the greenhouses identified in the inspection report in the vicinity of WQ1 were constructed after February 5, 2020.

On July 13, 2022, and October 26, 2022, during the execution of criminal search warrants served by the California Department of Fish and Wildlife (CDFW), Staff, accompanied by personnel from CDFW, the State Water Resources Control Board Division of Water Rights, and various law enforcement agencies, inspected the 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. During the inspection, Staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order. According to CDFW personnel, the requisite state and local authorizations for commercial cannabis cultivation are not associated with the Property.

Attached is a copy of the water quality inspection reports (Attachments B and C—Property Inspection Reports). Please review the inspection reports carefully and completely. The inspection reports contain recommendations for correcting observed violations and advise you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

## **Relevant Requirements**

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

## **Observed Violations**

As documented in the inspection reports, Staff observed: violations of the Basin Plan Section 4.2.1 Prohibition 2 at locations WQ1 through WQ5 and WQ11 through WQ13 for threatened discharges of earthen material to tributaries to Tenmile Creek; large-scale cannabis cultivation and associated activities that were being conducted without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260, in the vicinity of WQ1, WQ8 and WQ9 (identified as CA1-CA7 in Attachment B); violations of the California Water Code section 13264 for unauthorized discharges of earthen material into waters of the state of California at locations WQ2 through WQ5 and WQ11; violations of the Federal Clean Water Act section 301 for the discharge of earthen material into waters of the United States at WQ5; and site conditions at WQ1 through WQ9 that violate the Cannabis Policy.

## **Legal Requirements**

The State Water Board adopted the Cannabis Policy and the Cannabis General Order on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including, Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment under the Cannabis General Order. For more information, please visit our website at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

As documented in the inspection report, the site conditions observed on the Property do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining how the Property will be restored in compliance with the Policy.

The application for the water quality certification for cannabis cultivation-related projects is available 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)

## **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Basin Plan, Water Code, Federal Clean Water Act and Cannabis Policy warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, and secure 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 Basin Plan, Water Code, Federal Clean Water Act and Cannabis Policy.

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 Inspection Reports provide recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this letter**, please advise Staff of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Brian Fuller by email at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) or by phone at 707-576-2806.

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.

You may also contact me at [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov) or by phone at 707-576-2835. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Jeremiah Puget  
Senior Environmental Scientist  
Enforcement Unit

Attachments: Attachment A – Regulatory Citations  
Attachment B – Report of July 13, 2022 Inspection  
Attachment C – Report of October 26, 2022 Inspection

Certified Mail – Return Receipt requested

**cc: North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

Adona White, [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov)

**Division of Water Rights**

Zachary Gomer, [Zachary.Gomer@Waterboards.ca.gov](mailto:Zachary.Gomer@Waterboards.ca.gov)

Christopher Van de Wyngard, [Christopher.VandeWyngard@waterboards.ca.gov](mailto:Christopher.VandeWyngard@waterboards.ca.gov)

Karen Kramer, [Karen.Kramer@waterboards.ca.gov](mailto:Karen.Kramer@waterboards.ca.gov)

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**

Kalyn Bocast, [Kalyn.Bocast@Wildlife.ca.gov](mailto:Kalyn.Bocast@Wildlife.ca.gov)

Warden Justin Rhoades, [Justin.Rhoades@wildlife.ca.gov](mailto:Justin.Rhoades@wildlife.ca.gov)

Lieutenant Douglas Willson, [Douglas.Willson@wildlife.ca.gov](mailto:Douglas.Willson@wildlife.ca.gov)

**Mendocino County Cannabis Program**

[CannabisProgram@mendocinocounty.org](mailto:CannabisProgram@mendocinocounty.org)

**Mendocino County Code Enforcement**

Trent Taylor, [TaylorT@mendocinocounty.org](mailto:TaylorT@mendocinocounty.org)

**Department of Cannabis Control**

Travis White, [Travis.White@cannabis.ca.gov](mailto:Travis.White@cannabis.ca.gov)

Traci Lucchesi, [Traci.Lucchesi@cannabis.ca.gov](mailto:Traci.Lucchesi@cannabis.ca.gov)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 2	<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> <p>Available at: <a href="https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/">https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</a></p>
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 style="padding-left: 40px;">(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)	<p>“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).”</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: (3) The issuance of waste discharge requirements pursuant to Section 13263. (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: (3) The issuance of a waiver pursuant to Section 13269.”</p>

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."
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, "the discharge of any pollutant by any person shall be unlawful." 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</p> <p>Available at:  <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a> and  <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p>

**Attachment B –Report of July 13, 2022 Inspection**

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 448576
Program Type: IRRICANNABIS	WDID: 1_23MJ000063	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/13/2022	

**Discharger Information**

Party ID: 634387	Discharger Organization Name: Gonzalez, Guadalupe	
Address: 901 Russell Avenue Apt 122	City, State, Zip: Santa Rosa, CA 95403	
Discharger Contact Person:	Guadalupe Gonzalez	Discharger Contact Phone:
Discharger Contact Email Address:		

**Facility Information**

Place ID 882284	Facility Name: Gonzalez, Guadalupe Property		
Address: Hargus Road	City, State, Zip: Laytonville, CA 95454		
County: Mendocino	Latitude: 39.76968	Longitude: -123.58754	Method:

**Lead Inspector Information**

Lead Inspector Party ID: 526285	Lead Inspector Name: Adona White		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

**INSPECTION TYPE**

Inspection Type: Complaint inspection

**VIOLATIONS**Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1109982	Basin Plan Prohibition	07/13/2022	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 Prohibition 2 at locations WQ1 - WQ5 & WQ11
1109983	Other Codes	07/13/2022	B	California Water Code Section 13260 for unauthorized land disturbances associated with cannabis cultivation at locations CA1 - CA9
1109985	Unauthorized Discharge	07/13/2022	B	California Water Code Section 13264 for unauthorized discharge of waste to waters of the state at locations WQ2 - WQ5 & WQ11
1109986	Unauthorized Discharge	07/13/2022	B	Federal Clean Water Act Section 301 for unauthorized discharge of waste to waters of the United States at location WQ5

Showing the first 4 of 4 violations

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Retain a licensed professional to develop & submit: a) an aquatic resources inventory and assessment of the property, identifying impacts associated with development, & b) a workplan & schedule to implement measures to ensure that impacted aquatic resources are restored & site conditions no longer threaten water quality
- 2) Prior to instream work, submit a 401 application
- 3) Prior to cultivating cannabis activities, enroll for coverage under the Cannabis General Order

### GENERAL NOTES (OPTIONAL) (2000 character limit)

MEN APN 013-490-30 Warrant Inspection Observations:

Way Point (WP)789, CA1: Cultivation area on ridge, outdoor and hoop house

WP790, CA2: Cultivation area on ridge, outdoor and hoop house (83'x25')

WP791, Tanks: Chased lines from CA1/CA2 to tanks located upslope of bigger cultivation area. Some tanks have open tops. Lots of fertilizer and spent containers accumulated.

WP792: Swale upslope of Class III watercourse

WQ1, WP793, Drop inlet: Corrugated metal drop inlet installed along swale/small Class III watercourse where rutted road leads to large cultivation area (CA3).

WP795: A corrugated plastic pipe protrudes from fill slope associated with constructed flat used for cultivation (CA3)

WQ2, WP794, Below the cultivation flat, in line with swale and drop inlet, is a well-defined Class III watercourse with cultivation waste and refuse in the channel.

WQ3, WP796: Below CA3 is a road crossing with sediment delivery to the head of a Class III watercourse channel.

WQ4: WP797: A gully with delivery to same channel head identified at WP796 is 2-3' deep x 25' long x 3' wide.

WP798: A gully that is 20 long x 2' wide x 1' deep.

WP799, CA4: Cultivation area, outdoor.

WP800, CA5: Cultivation area, outdoor.

WP801: Tank and pump located just above the break in slope leading to a watercourse. Road down is steep and poorly drained, it is not maintained, shows evidence of use, and is rutted.

WQ11, WP802: Crossing 1. Upstream appears to be a swale and wetland/watercourse. Downstream is sediment delivery to Class III watercourse.

WQ5, WP803: Wet ford Crossing 2 on a Class II tributary to Ten Mile Creek. 170' of road overly steep road between WP802 and WP803 is hydrologically connected to Crossing 2. Crossing is 12' long x 14' wide and is 4' high at outboard edge. Fine sediment is deposited in channel below the road.

WP804: Tanks overflowing next to watercourse channel.

WP805 & WP806: Spring diversions

WP807, CA6: 2 hoop houses

WP808, CA7: 5 hoop house, uncontained refuse.

For Internal Use (Optional)					
Reviewed By:	(1)	(2)	(3)		
CIWQS Entry Date:		Regional Board File Number:		CIWQS Inspection ID:	

Guadalupe Gonzalez Property  
July 13, 2022 Inspection  
Map and Photo Appendix

Inspection Map

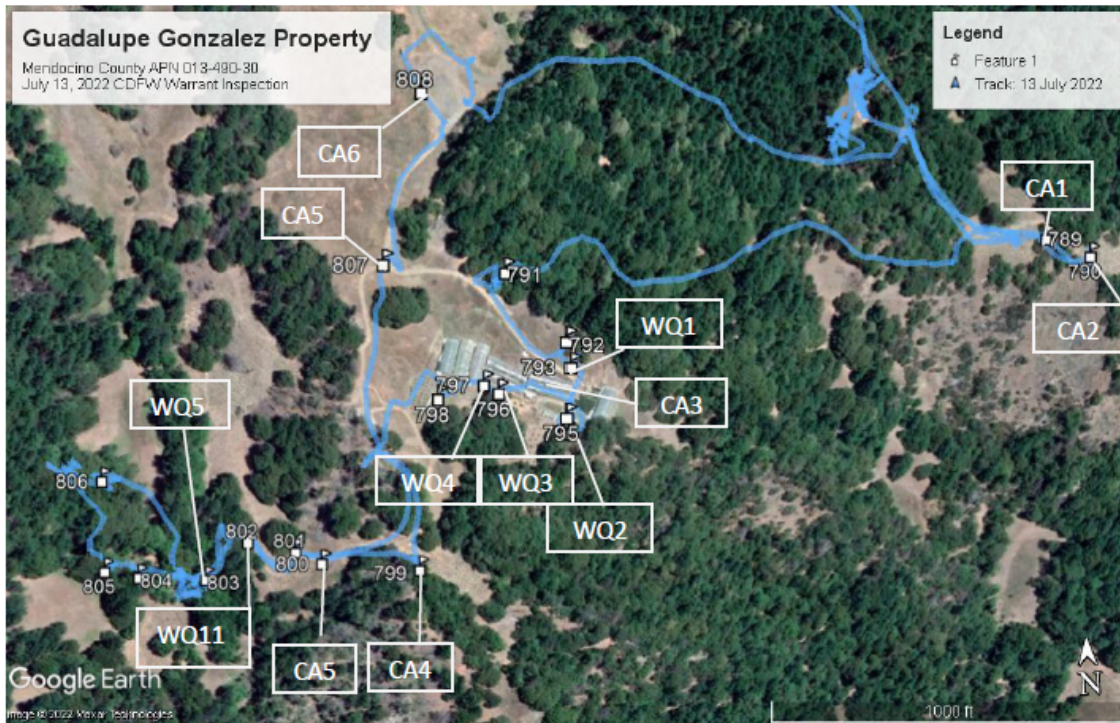


Figure 1. July 13, 2022 Inspection Map. GPS way point locations (WP) shown by number, and features discussed in the text are described as cultivation area (CA) and water quality threat (WQ). Inspection route is shown in blue line.

Inspection Photographs

All photos taken by Adona White on July 13, 222.



Figure 2. WP789, CA1, outdoor cultivation on ridgetop.



Figure 3. WP789, CA1, hoop house cultivation on ridgetop.

Guadalupe Gonzalez Property  
July 13, 2022 Inspection  
Map and Photo Appendix



Figure 4. Feed tanks and fertilizer at CA1.



Figure 5. Open top of feed tank at CA1.



Figure 6. WP790, CA2, hoop house cultivation on ridgetop.



Figure 7. WP791, Tanks. We followed water lines from CA1 and CA2 to tanks located upslope of larger cultivation area. Some tanks have open tops. Lots of fertilizer and spent containers accumulated.



Figure 8. CA3 cultivation area.



Figure 9. WQ1. CA3 and rilled access road.



*Figure 10. Swale above road at CA3, looking upslope.*



*Figure 11. Swale above road at CA3, looking downslope.*



*Figure 12. WQ1. Drop inlet upslope of access road to CA3.*



*Figure 13. CA3.*



*Figure 14. WQ2. WP795. A corrugated plastic pipe protrudes from fill slope associated with constructed flat used for cultivation (CA3). Photo shows plastic sheeting over the culvert outlet and fillslope, down to watercourse channel.*



*Figure 15. Rock on fillslope upslope of culvert outlet.*



*Figure 16. Outlet of culvert discharges onto fillslope of CA3 graded flat.*



*Figure 17. WQ2, WP794. Watercourse below CA3, with discarded root wads and attached potting soil into channel, looking upslope.*



*Figure 18. WQ2, WP794. Receiving watercourse channel below fillslope at CA3, looking downslope.*



*Figure 19. WQ2, Watercourse below CA3, WP794. with refuse in channel, view looking downslope.*



*Figure 22. WQ4, WP797. Gully with delivery to same channel head identified at WP796 is 2-3' deep x 25' long x 3' wide.*



*Figure 20. WQ3, WP 796. Road below CA3 with sediment delivery to a Class III channel.*



*Figure 23. WQ5, WP803. Upslope of Stream Crossing 2, the steep rutted road surface is hydrologically connected to the stream crossing for 170 feet.*



*Figure 21. WQ3, WP796. Class III channel below that receives runoff from the road below CA3.*



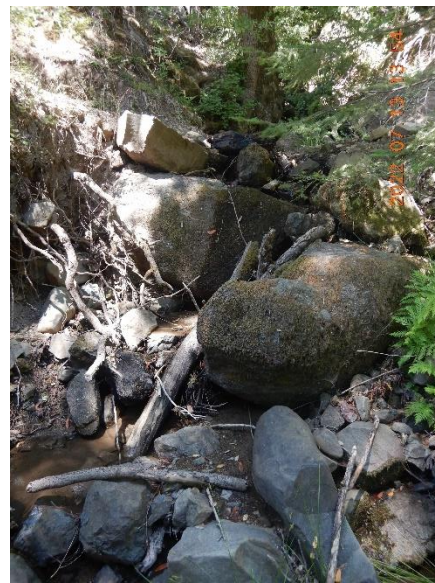
*Figure 24. WQ5, WP803. Stream Crossing 2 is a wet ford on a Class II watercourse, with direct delivery from the road surface.*



*Figure 25. WQ5, WP803, Stream Crossing 2.*



*Figure 26. WQ5, WP803. The crossing consists of large rocks used to level the road surface, and a wet ford across the stream.*



*Figure 27. WQ5, WP803, Crossing 2 looking upstream at road surface in upper photo. Fine sediment has accumulated in pools.*



*Figure 28. WQ5, WP803, Crossing 2 contributes fine sediment in pools.*



*Figure 30. Trash accumulation.*



*Figure 29. Cultivation area CA5 at WP807.*



*Figure 31. Inadequate containment of refuse and amendments, including high concentration, water soluble fertilizer.*

**Attachment C –Report of October 26, 2022 Inspection**



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## North Coast Regional Water Quality Control Board

TO: Jeremiah Puget

FROM: Brian Fuller

DATE: November 18, 2022

**Report of October 26, 2022 Warrant Inspection,  
Mendocino County  
Assessor's Parcel Number (APN) 013-490-30-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2022, Gonzalez,  
CIWQS Place ID 882284

**Property information:**

Watershed: Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Laytonville Hydrologic Subarea Hydrologic Subarea; (HU/HA/HSA 111.33; see Table 2-1 of the Water Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses)

**Inspection information:**

Date/time: October 26, 2022 / morning

Weather: sunny

Type: Warrant Inspection

**Background/Objective:**

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:**

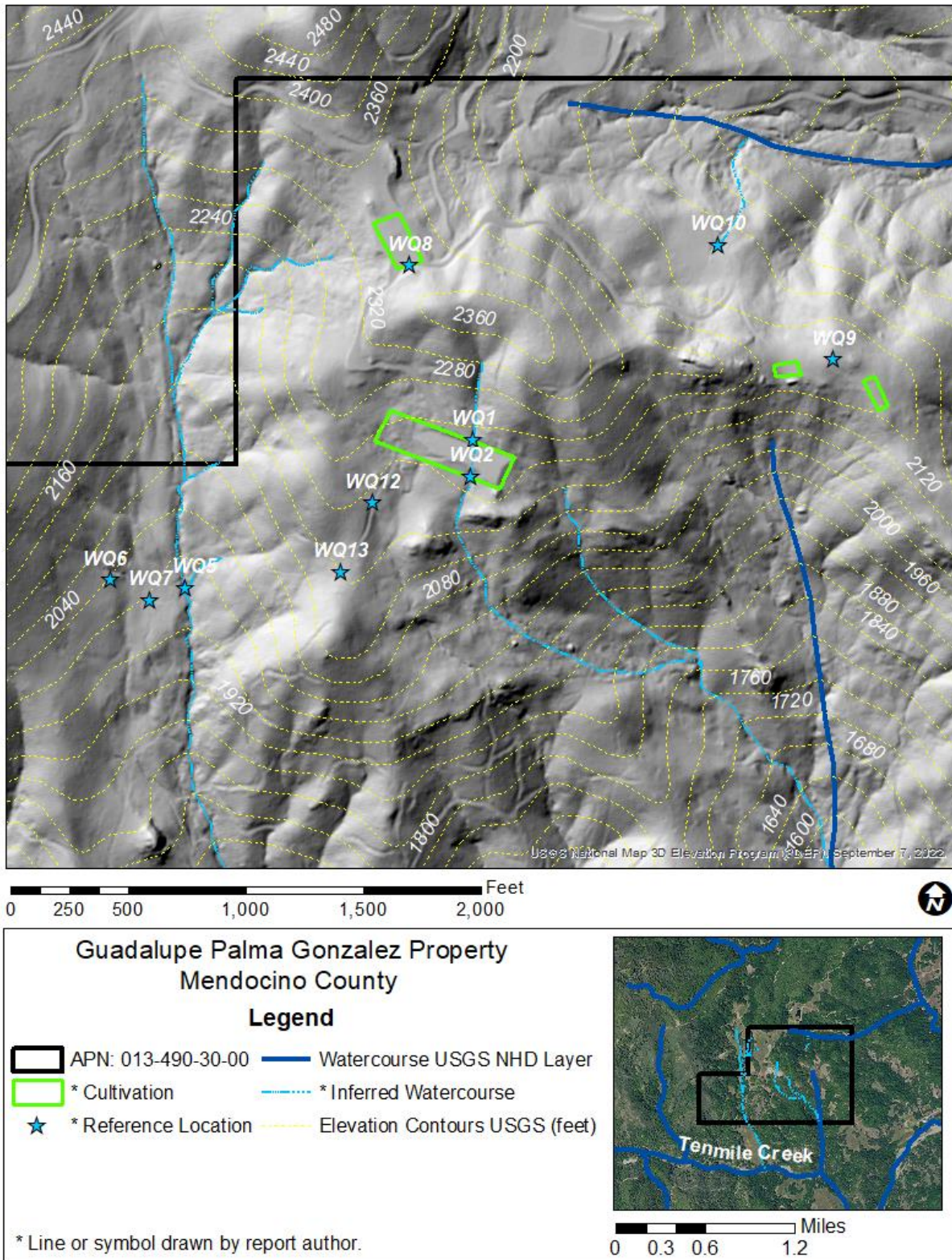


Figure 1—Aerial image/map showing inspection points discussed in this report.

**Inspection Narrative:**

The inspection was associated with a criminal search warrant, and I viewed only portions of the Property. See the above Inspection Map and below Photo Appendix for locations and details about features of concern to water quality. I entered the northern portion of Property from the north and observed a row of hoop-type greenhouses on a constructed pad in the vicinity of WQ1. I observed ruts on the dirt road leading to the cultivation area at WQ1, and a watercourse upslope from the road at WQ1. I observed a vertically oriented culvert and I measured with a tape measure: a pipe diameter of 18 inches; a depth of seven feet from the top of the pipe; and a distance of three feet below the top of the pipe to a slot that would allow flow to enter from the side. I also observed a trench crossing the road that was shaped such that stormwater collected by the road would be directed into the pipe.

On the opposite side of the cultivation pad from the culvert inlet, I observed scour marks on the outboard edge of the cultivation pad and a corrugated plastic pipe extending from below the pad which I suspect was installed to convey water from WQ1. I observed a watercourse approximately 25 feet downslope from WQ2 and measured an estimated channel bank-full width of between two and four feet. I observed a pile of cannabis cultivation waste 15 feet long and six feet wide, including plant stalks and root-balls extending into the watercourse. I also observed a lens of fine sediment immediately upstream from the waste cannabis material.

I walked west to WQ12 where I observed another rutted dirt road. I followed the road south to WQ13 where I observed recently constructed rock-filled trenches. The trenches were shaped such that they would locally collect surface water, but they would not always direct the water off the road, instead allowing stormwater to flow through earthen spoils on the downslope side and back onto the road. Additionally, some of the trenches were installed at an insufficient interval to prevent stormwater from collecting on the road and scouring the road surface. I followed the road to WQ5 where I observed the road fording a tributary to Tenmile Creek.

I observed an overflowing water tank west of WQ5 and followed the line that was filling the tank to the point of diversion at WQ6. I walked southeast of WQ6 following the watercourse and observed the form of the watercourse channel diminish as the slope decreased, which also corresponded with the location of a road to access a historical outdoor grow area to the south. I followed the flow path of the watercourse from this point to the east, past two above ground swimming pools and to a point where the slope steepened and the form of a channel reestablished as it approached a tributary to Tenmile Creek, 35 feet downstream from WQ5.

I observed cannabis plants in a hoop-type greenhouse at WQ 8 and WQ9. At WQ10 I observed an area with distinct vegetation including plants from the genus *Juncus*. The area dips gently north towards a watercourse that connects to a tributary to Grub Creek which is tributary to Tenmile Creek.

**Recommendations for the Discharger:**

1. Retain a licensed professional to:
  - a. inventory and assess all aquatic resources including wetlands and watercourses that are waters of the state of California on the Property;
  - b. develop a workplan and schedule to implement measures to ensure that all impacted features—including the buried channel between WQ1 and WQ2, the impacted watercourse in the vicinity of WQ7 and any impacted wetlands in the vicinity of WQ10—are restored and that all developed features, roads and watercourse crossings throughout the Property are corrected, restored, and/or maintained in conditions that comply with the Cannabis Cultivation Policy<sup>1</sup>.
2. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
3. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order<sup>2</sup>.
4. Prior to conducting work in a water of the state of California, submit an application and pay the required application fee for a Water Quality Certification/Waste Discharge Requirement<sup>3</sup>:

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<sup>1</sup> The Cannabis Cultivation Policy can be found at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy/final\\_cannabis\\_policy\\_with\\_attach\\_a.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)

<sup>2</sup> Details about enrolling in the Cannabis General Order can be found at:  
<https://public2.waterboards.ca.gov/mt/Home/Index>

<sup>3</sup> The application for instream work can be found at:  
[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)

**Photo Appendix:**



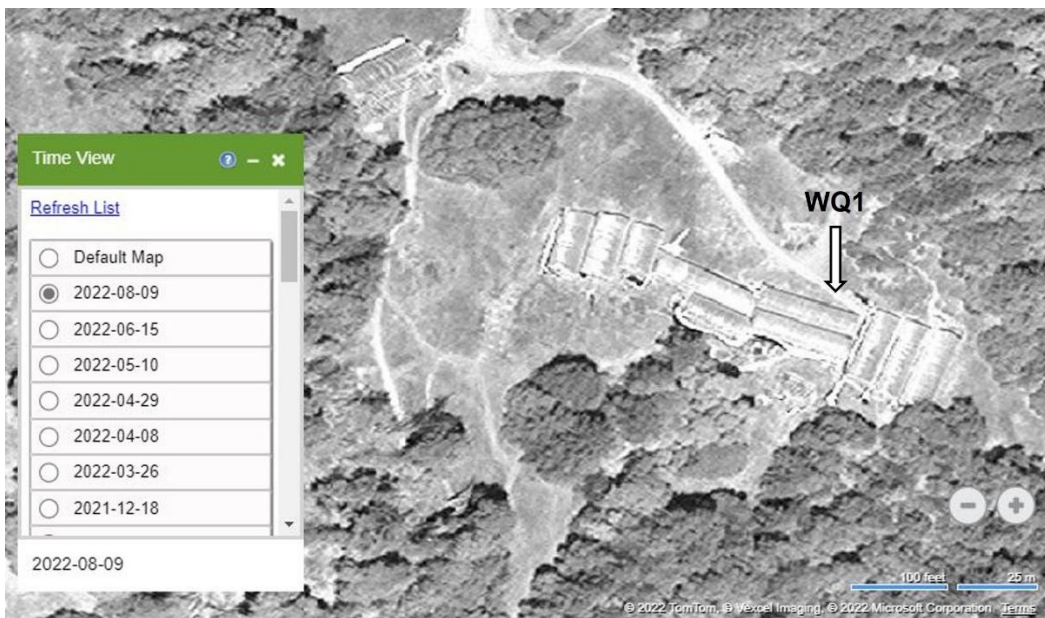
*Figure 2—Aerial image taken on June 16, 2010, obtained from Land Vision services. The area shown in the image has not yet been developed and a watercourse, tributary to Tenmile Creek, is visible at WQ1.*



*Figure 3—Aerial image taken on February 5, 2020, obtained from Land Vision services. A road is visible approaching WQ1 from the northwest (top left) of the image, but there is no other apparent development.*



*Figure 4 Aerial image taken on March 13, 2020, obtained from Land Vision services. Image shows greenhouses being constructed south of WQ1 where they impact a tributary to Tenmile Creek.*



*Figure 5—Aerial image taken on August 9, 2022, obtained from Land Vision services. Image shows greenhouses south of WQ1.*



*Figure 6—Looking southeast towards greenhouses covering an area of approximately 30,000 square feet in the vicinity of WQ1.*



*Figure 7—Growing cannabis plants in one of the greenhouses pictured in the previous image.*



*Figure 8—Looking east in the vicinity of WQ1. Wheel ruts on the road surface are visible in the middle of the image.*



*Figure 9—Pile of imported potting soils on the edge of the road in the vicinity of WQ1.*



*Figure 10—Looking north at culvert inlet located at WQ1. A trench across the road is shaped such that stormwater collected by the road will be directed into the pipe.*



*Figure 11—Looking south in the vicinity of WQ2 where irrigation runoff from the greenhouse to the back of the photographer would flow toward a watercourse located in the top center of the image.*



*Figure 12—Corrugated plastic pipe located at WQ2. Aerial imagery shown in Figures 2 through 5 above suggests the pad in the background of the image buries a surface watercourse.*



*Figure 13—Looking south and downstream at a watercourse approximately 25 feet downslope from WQ2. A pile of cannabis cultivation waste including plant stalks and root-balls is visible extending over a portion of the channel. A lens of fine sediment is also visible immediately upstream from the waste cannabis material.*



*Figure 14—Looking northwest at a rutted dirt road in the vicinity of WQ12.*



*Figure 15—Looking south along the dirt road in the vicinity of WQ12. A sinuous scour mark is visible on the road's surface.*



*Figure 16—Looking northwest along dirt road at WQ13. A rock filled trench is visible in the right image, and another rock filled trench is out of view approximately 80 feet down the road to the west.*



*Figure 17—Road fording watercourse at WQ5.*



*Figure 18—Watercourse located at WQ6. A black plastic pipe, visible in the channel, was diverting the surface water to a storage tank north of WQ7 to the east.*



*Figure 19—Looking east in the vicinity of WQ7, past above-ground pools located in the flow path of the watercourse pictured above at WQ6.*



*Figure 20—Looking east with the above ground pools pictured in the previous image to the back of the photographer. The topography is shaped such that it would direct surface water from WQ6 to the receiving watercourse in the middle of the image, approximately 35 feet downstream from WQ5.*



*Figure 21—A hoop-type greenhouse covering approximately 8,000 square feet in the vicinity of WQ8.*



Figure 22—A pesticide sprayer located at WQ8.



Figure 23—One of two hoop-type greenhouse in the vicinity of WQ9 covering a combined area of approximately 5,000 square feet.



*Figure 24—Nutrient mixing area located at WQ9.*



*Figure 25—Looking south and across an area in the vicinity of WQ10 that is vegetated with juncus and slopes gently to the back of the photographer.*



*Figure 26—Looking north where at a culverted road crossing located at WQ10. A suspected wetland, pictured above, is to the back of the photographer. The culverted channel flows north before connecting to a tributary to Grub Creek which is a tributary to Tenmile Creek.*