

Regional Water Quality Control Board  
North Coast Region

Executive Officer's Summary Report  
Thursday, April 7, 2016  
Eureka City Hall  
Eureka Council Chambers  
Eureka, California

ITEM: 3

SUBJECT: Update on the Cannabis Program (*Diana Henriouille*)

BOARD ACTION: This is an informational item only. No action will be taken by the Regional Water Board.

BACKGROUND: On August 13, 2015, the Regional Water Board adopted Order No. R1-2015-0023 regulating the discharge of waste from cannabis cultivation and associated activities or operations with similar environmental effects. As of February 15, 2016, cultivators with 2000 square feet or more of cannabis cultivation are required to enroll for coverage under and comply with the Order.

DISCUSSION: Since the Board's adoption of the Order, staff have been working on a number of tasks directly related to Order implementation and preparation for enrollment enforcement efforts, as well as continuing with tasks associated with the other three elements of our cannabis program, including inter-agency coordination, education and outreach, and enforcement. The staff presentation at the April 7th Board meeting will cover staff's implementation activities conducted since Order adoption and efforts planned over the next several months. In addition to program updates, staff will demonstrate the Cannabis Identification and Prediction System (CIPS), a GIS-based tool developed under a contract by the Central Valley Regional Water Board, in coordination with staff from the North Coast Regional Water Board and State Water Board's Office of Enforcement (OE). Also, OE will outline the proposed enrollment enforcement process and update the Board on statewide cannabis legislative issues and the Water Boards' statewide cannabis program.

Accomplishments of the North Coast Regional Water Board's Cannabis Regulatory Program over the past eight months include:

I. Order implementation

Staff have invested significant effort into the development and implementation of this new program. Staff have worked to:

- Develop new technologies to track enrollments and identify enforcement priorities,

- Developed outreach and educational materials for hard copy distribution and web posting at [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/), and
- Sponsored 15 enrollment clinics throughout the region with approximately 567 public participants, including cannabis cultivators, consultants, and members of partner agencies.

The enrollment clinics were specifically designed to assist the public with questions and assist cannabis growers with enrollment for coverage under the Order. These efforts, combined with staff involvement in other public forums (see II. Education and Outreach below), provided extensive assistance and outreach to the public throughout the Region.

As of March 10, 2016, staff have approved two third party programs. Seven other proposals are currently under review and staff continue to receive additional queries from other prospective third parties.

In Fall 2015, staff worked with the Mendocino County tax assessor to include an informational flyer regarding the Order with the County's tax bill mailing to approximately 36,000 property owners. In February 2016, following aerial imagery review of portions of the Mad River and Van Duzen River watersheds, staff sent letters to approximately 175 landowners in the Mad River advising them that their property may need to enroll under the Order.

As of March 10, 2016, there was a total of 263 enrollments throughout the region, a third of which were enrolled through approved third party programs. Staff have and continue to address dozens of queries each week from third parties, consultants and landowners as application packages for enrollment are prepared. Additionally, staff have inspected at least 37 properties at the request of property owners or tenants to provide pre-enrollment consultation, and to assist individuals with program enrollment, Order compliance, and in meeting water quality goals.

Staff have continued developing operational procedures to ensure staff safety, provide consistency amongst staff and third parties, and to serve as a resource to new staff, in the future.

## II. Education and Outreach

In addition to hosting enrollment clinics, staff have participated in 28 workshops and informational events sponsored by other organizations, providing information on the Order to more than 1700 participants since the Order was adopted in August 2015. Staff have given presentations on the specifics of the Order to

several County supervisors and planning commissions to inform counties contemplating commercial medical cannabis cultivation ordinances.

Staff coordinated the timing of the Mad River letters with a series of workshops (Cannabis Farmers Compliance Workshop series) sponsored by the Environmental Protection and Information Center (EPIC), the Mad River Alliance, and the Humboldt Bay Municipal Water District. Workshops were held throughout February and March in Humboldt County. These workshops included multi-agency presentations covering topics including California Department of Fish and Wildlife (CDFW) permitting and violations, Regional Water Board enrollment and enforcement, Humboldt County ordinance application processes, and best practices of water resource protection. Staff continue to respond to queries from various news venues, including radio and print.

Staff have provided oversight and participation in projects funded by the State Water Resources Control Board Cleanup and Abatement Account. Projects include the Eel River Recovery Project (ERRP)'s environmental awareness project (Agreement Number 14-679-550, <http://www.eelriverrecovery.org/>) and the Mendocino County Resource Conservation District's development of a BMP guide for cannabis cultivators (Agreement number, 14-064-110, [http://mcrccd.org/wp-content/uploads/MCRCCDCannabisWatershedBMPGuide\\_low-res.pdf](http://mcrccd.org/wp-content/uploads/MCRCCDCannabisWatershedBMPGuide_low-res.pdf)).

### III. Enforcement

Staff continue working on sites inspected prior to 2016, including inspection follow-up, enforcement response, and oversight of compliance efforts.

Staff have been working closely with OE staff to develop an Order enrollment enforcement process including development and evaluation of CIPS data and the possibility of sourcing additional aerial imagery. The anticipated process will include determination of target watersheds, identification of sites that likely need to enroll under the Order, issuance of a directive letter requiring enrollment or other response within 30 days, and then follow-up with additional notices and penalties as appropriate. This strategy is targeted towards obtaining Order enrollment compliance and will not restrict or limit the Regional Water Board's ongoing enforcement efforts for sites that currently are impacting or threaten to cause a significant water quality impact.

#### IV. Interagency coordination

Staff have continued participation in environmental crimes task force meetings in the various counties in the north coast region. Staff continue to work with CDFW and OE on developing and implementing multi-agency site inspection protocols and procedures, conducting site inspections, and following up with appropriate enforcement responses. At the end of March, staff will participate in a “cannabis summit” with OE, Central Valley Regional Water Board, Division of Water Rights, and CDFW to review 2015 efforts and plan 2016 efforts.

Staff will continue to work on many of the tasks summarized here over the coming months. High priority activities over the next six months will include implementing enrollment enforcement; processing enrollments; field-verifying third party program performance; continuing to develop enforcement cases for non-compliant sites inspected during 2015; participating in field efforts with partner agencies on subwatershed and complaint inspections; and seeking and supporting funding for a Phase II ERRP effort.

#### PRESENTATION:

Staff’s presentation will be in four parts:

- I. Introduction and review of recent efforts and proposed next steps (Diana Henriouille)
- II. Enrollment enforcement framework (Yvonne West, OE)
- III. CIPs overview and demonstration (Kason Grady)
- V. Statewide Cannabis Program and legislative update (Cris Carrigan, OE)

RECOMMENDATION: This is an informational item. No action will be taken.