



North Coast Regional Water Quality Control Board

April 13, 2020

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California Property Solutions LLC CO
Attn: Paracorp Incorporated
2804 Gateway Oaks DR #100
Sacramento CA 95833

Dear Ms. Sodosky and Mr. Jacobsen:

Subject: **Notice of Violation**

File: Cannabis Program Inspections, Humboldt County, August 21, 2018 California Property Solutions LLC. CO and Diane Sodosky, CIWQS: Place ID 843377, Cannabis General Order WDID: 1_12CC416381

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County Assessor's Parcel Numbers: 214-142-008-000, 214-142-009-000 & 214-142-011-000, later combined into 214-142-012 (the Property).

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

1. State Water Resources Control Board Order WQ 2019-0000-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) various provisions,
2. California Regional Water Quality Control Board North Coast Region Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (Regional Cannabis Order) various provisions,
3. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1,
4. The Porter-Cologne Water Quality Control Act (Porter-Cologne, or Water Code) sections 13260, 13264, and 13376, and
5. Federal Clean Water Act (CWA) section 301

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 2, Low Risk to water quality. On August 21, 2018, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation greenhouses in wetlands. Accordingly, this letter directs you to, reassess the risk designation for this Property, and address the violations noticed herein.

Background

The property was enrolled for coverage under the Regional Cannabis Order from July 21, 2016 through June 30, 2019.

On August 21, 2018, Staff participated with personnel from the California Department of Fish and Wildlife (CDFW), Humboldt County Planning & Building Department Code Enforcement Unit, and personnel from various law enforcement agencies in inspecting the property. 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. Staff transmitted their report of this inspection (Inspection Report) to you on October 26, 2018, and have included it as Enclosure A to this notice.

On May 24, 2019, you transferred enrollment from the Regional Cannabis Order to the Cannabis General Order and self-certified your operation as Tier 2 Low Risk.

On May 24, 2019, your consultants submitted your 2016 WRPP in place of an SMP. The 2016 WRPP is out-of-date and, among other deficiencies, does not identify the impacted wetlands on the property.

On November 15, 2019, Timberland Resource Consultants submitted an Aquatic Resources Report prepared by Kyle S. Wear. The Aquatic Resources Report, included as Enclosure B, confirms that wetlands at location 4 in the Inspection Report were filled for the construction of greenhouses.

Relevant Requirements

During the inspection, 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 Inspection Report, Regional Water Board Staff observed violations of the Federal Clean Water Act, the California Water Code the Basin Plan and the Regional Cannabis Order¹ as summarized in the below table:

Table 1. Summary of violations documented by Staff during August 21, 2018 Inspection.

Location ²	Violation types
3	Basin Plan Prohibition 1, Porter Cologne 13260, 13264, Regional Cannabis Order section I.B second paragraph
4	CWA 301, Porter Cologne 13260, 13264, 13376, Basin Plan Prohibition 1, Regional Cannabis Order section I.A Standard Conditions 3.a and 3.b, section I.B second paragraph and section III D
5	Basin Plan Prohibition 2, Regional Cannabis Order section I.A Standard Condition 7.a and section IV.B
6	Basin Plan Prohibition 2, Regional Cannabis Order section I.A Standard Condition 1.a

Legal requirements and directive to reassess and modify enrollment in the Cannabis General Order

In your application for enrollment under the Cannabis General Order, in May 2019, you indicated that no portion of the disturbed area was located within the required setbacks. As a result, you self-certified as a Tier 2 Low Risk. However, based on the observations

¹ The provisions of the Regional Cannabis Order cited in this notice have comparable provisions and requirements in the Cannabis General Order which are also cited in Attachment A. The Regional Cannabis Order is cited here because the subject violations were initially observed by Staff while the site was enrolled in the Regional Cannabis Order.

² Locations are identified on the map located on page 3 of the Inspection Report.

made during the August 2018 inspection, the cultivation areas and associated land disturbances identified in the Inspection Report are within the required setback from the wetlands in area 4. Therefore, if these cultivation areas and associated land disturbance are still within the required setback, you must reassess the risk designation for the Property. It is the responsibility of the enrollee to update any enrollment information.

For the purposes of Cannabis General Order, land disturbance is defined as including all activities whatsoever associated with developing or modifying land for cannabis cultivation, related activities, or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, water storage areas, excavation, grading, and site clearing. Disturbed land includes cultivation areas, storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located. All access roads and water crossings that have not been designed, constructed, and maintained consistent with the Handbook for Forest, Ranch, and Rural Roads and Attachment A of the Cannabis General Order, are considered disturbed areas, as well.

If any land disturbance activities have occurred or are occurring within the riparian setback, the site must be enrolled as High Risk.

The Cannabis General Order provides for a High Risk designation as a temporary condition that exists until you stabilize the disturbed area and cease all cannabis cultivation-related activities located within the riparian setback. Once the riparian setback area is stabilized and the Regional Water Board approves the work, you can request to reclassify the site as either low or moderate risk, depending upon the site conditions, allowing a lower annual fee to be assessed. Your High Risk designation is therefore temporary until you reconfigure your operations to comply with the riparian setback requirements, per an approved plan.

Pursuant to Water Code section 13260 and Cannabis General Order Provision C.2.i, the Regional Water Board requires you to modify your application information by doing the following:

Within 30 days of the date of this letter you must:

Obtain appropriate coverage under the Cannabis General Order, representative of disturbed area based on tier and risk level.

- a. To modify enrollment, you must handwrite in your selection on pages seven and eight of the enclosed Application Summary and sign and date next to the handwritten change.
- b. Submit a copy of the edited summary to NorthCoast.Cannabis@waterboards.ca.gov.

If you fail to take the action described above, the Regional Water Board may impose penalties of up to \$1,000 per day pursuant to Water Code section 13261 for violations of

section 13260. In addition, pursuant to Cannabis General Order Provision C.2.h, the Regional Water Board Executive Officer may terminate a Discharger's coverage under the Cannabis General Order for cause including, but not limited to, any of the following:

- i. Violation of any of the terms or conditions contained in the General Order.
- ii. Obtaining the General Order by misrepresentation, or failure to disclose fully all relevant facts.
- iii. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge activities.
- iv. A material change in the activity, character, location, or volume of discharge.
- v. Adoption of a TMDL amendment, new TMDL, or TMDL alternative.

Be aware that termination of coverage under the Cannabis General Order may impact your ability to maintain a cannabis cultivation license with the California Department of Food and Agriculture.

Site Management Plan (SMP)

Pursuant to the Cannabis General Order, all enrollees must submit a Site Management Plan within 90 days of enrollment. On May 24, 2019, your consultants submitted your 2016 WRPP in lieu of an SMP. As noted above, that WRPP does not accurately reflect site conditions and does not fulfill the requirements for SMP, and the deadline for submitting your SMP has passed.

Potential Liabilities

The Regional Water Board reserves the right to take any enforcement action the law allows. Additionally, enrollment in the Cannabis General Order does not relieve you of responsibility to obtain other necessary local, state, or federal permits, nor does the Cannabis General Order prevent imposition of additional standards, requirements, or conditions by any other agency. In the event of duplicate or conflicting requirements, the most stringent requirement applies.

The Regional Water Board is in the process of considering whether the violations of the Clean Water Act, 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 Clean Water Act, 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.

An actual discharge to waters of the state, including waste discharges in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued by a regional board may subject a person to an administrative liability up to \$5,000 per day of violation for each violation, or \$10 for each gallon of waste discharged pursuant to Water Code section 13350 or up to \$10 per gallon for each gallon over 1,000 gallons not cleaned up, and up to \$10,000 per day per violation pursuant to Water Code section 13385.

Additionally, pursuant to Water Code sections 13261 and 13265, it is the Regional Water Board's intent for this Notice of Violation to constitute the type of notice that is required as a condition precedent to the potential penalties described therein.

Inspection Report Recommendations

The Inspection Report provides recommendations to correct violations, as well as to address features and conditions that threaten to impact water quality. Any work in waters of the state, including streams or wetlands, requires a water quality certification prior to conducting the work. To obtain such certification requires the applicant to submit a complete application³ and pay a fee, which are in addition to the fees paid for enrollment in the Cannabis General Order. Failure to obtain such certification may subject the responsible parties to additional civil liabilities. **Within 30 days of the date of this letter**, please advise Brian Fuller of your intentions, plan, and schedule to implement recommendations in the Inspection Report. Brian Fuller can be reached at (707) 576-2806 or by email at Brian.Fuller@waterboards.ca.gov.

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 Brian Fuller at the phone number or email above. You may also contact me at Diana.Henriouille@waterboards.ca.gov or by phone at (707) 576-2350.

³ Requirements for a complete application can be found in the California Code of Regulations Title 23. Waters Division 3 State Water Resources Control Board Chapter 28. Certifications:
https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/401regs.pdf

April 13, 2020

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.
Enforcement Unit

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Attachments: Attachment A – Regulatory Citations

Enclosures: Enclosure A – Water Quality Report of August 21, 2018 Inspection
Enclosure B – Aquatic Resources Delineation
Enclosure C – Application Summary

cc:

Department of Fish and Wildlife

Warden Joshua Zulliger, Joshua.Zulliger@wildlife.ca.gov
David Manthorne, David.Manthorne@wildlife.ca.gov
Gregory O'Connell, Gregory.OConnell@Wildlife.ca.gov

Humboldt County

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North Coast Regional Water Quality Control Board

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Timberland Resources

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U.S. Army Corps of Engineers

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Attachment A – Regulatory Citations

Regulatory Section	Citation
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.
Federal Clean Water Act Section 401	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”
Federal Clean Water Act Section 404	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 term “discharge or dredged material” mean any addition of dredge 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 term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).

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>(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p>(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	<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:</p> <p>(1) The issuance of waste discharge requirements pursuant to section 13263.</p> <p>(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>(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."
California Water Code Section 13350	"A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)."
California Water Code Section 13376	"A person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in section 13260."
California Water Code Section 13385a	A person who violates any of the following shall be liable civilly in accordance with this section: (1) Section 13375 or 13376.
Basin Plan Section 4.2.1, Prohibition 1	Prohibits "[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses."

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
Regional Cannabis Order Section I.A Standard Condition 1.a.	“[r]oads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.”
Regional Cannabis Order Section I.A Standard Conditions 3.a.	“[f]or Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its Executive Officer may apply additional or alternative conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.”
Regional Cannabis Order Section I.A Standard Conditions 3.b.	“[b]uffers shall be maintained at natural slope with native vegetation.
Regional Cannabis Order Section I.A Standard Condition 7.a.	“[f]ertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
Regional Cannabis Order Section I.B second paragraph	Any proposed work in streams and wetlands, as described in 3-5 below shall be submitted to the Regional Water Board for review and authorization 60 days prior to commencement. (See Appendix D.) In the alternative, dischargers may opt to seek authorization for instream work through other individual or general orders.

Regulatory Section	Citation
Regional Cannabis Order, Section III D	Dischargers shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) for construction projects that disturb one or more acres of soil, specifically for new site preparation and development. Dischargers shall submit to Regional Water Board staff a copy of the Stormwater Pollution Prevention Plan (SWPPP) developed for the site in compliance with that Permit
Regional Cannabis Order, Section IV.B	“[t]he placing or disposal of earthen materials, soil, silt, plant waste, slash, or other organic, or inorganic refuse, rubbish, and solid waste, water containing elevated temperatures above background conditions, chemicals, bio-stimulatory substances, and/or chemicals such as but not limited to pesticides, fertilizers or other substances in a location where such may discharge into streams or watercourses is prohibited.”
Cannabis General Order, Attachment A, Cannabis Cultivation Policy, Section 1, Term 32	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.

Regulatory Section	Citation																		
Cannabis General Order, Attachment A, Cannabis Cultivation Policy, Section 1 Term 37	<p data-bbox="583 233 1873 776"> 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). The Regional Water Board Executive Officer may require additional riparian setbacks or additional requirements, as needed, to meet the performance requirement of protecting surface water from discharges that threaten water quality. If the cannabis cultivation site cannot be managed to protect water quality, the Executive Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site. </p> <p data-bbox="583 818 1010 850"> Minimum Riparian Setbacks^{4,5} </p> <table border="1" data-bbox="583 889 1873 1299"> <thead> <tr> <th data-bbox="583 889 1220 964">Common Name</th> <th data-bbox="1220 889 1541 964">Watercourse Class⁶</th> <th data-bbox="1541 889 1873 964">Distance</th> </tr> </thead> <tbody> <tr> <td data-bbox="583 964 1220 1039">Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs⁷</td> <td data-bbox="1220 964 1541 1039">I</td> <td data-bbox="1541 964 1873 1039">150 ft.</td> </tr> <tr> <td data-bbox="583 1039 1220 1076">Intermittent watercourses or wetlands</td> <td data-bbox="1220 1039 1541 1076">II</td> <td data-bbox="1541 1039 1873 1076">100 ft.</td> </tr> <tr> <td data-bbox="583 1076 1220 1114">Ephemeral watercourses</td> <td data-bbox="1220 1076 1541 1114">III</td> <td data-bbox="1541 1076 1873 1114">50 ft.</td> </tr> <tr> <td data-bbox="583 1114 1220 1224">Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species</td> <td data-bbox="1220 1114 1541 1224">IV</td> <td data-bbox="1541 1114 1873 1224">Established Riparian Vegetation Zone</td> </tr> <tr> <td data-bbox="583 1224 1220 1299">All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals</td> <td data-bbox="1220 1224 1541 1299">IV</td> <td data-bbox="1541 1224 1873 1299">N/A</td> </tr> </tbody> </table>	Common Name	Watercourse Class ⁶	Distance	Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs ⁷	I	150 ft.	Intermittent watercourses or wetlands	II	100 ft.	Ephemeral watercourses	III	50 ft.	Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone	All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A
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Regulatory Section	Citation
Cannabis General Order, Attachment A, Cannabis Cultivation Policy, Section 2 –Term 3	Cannabis cultivators shall not drive or operate vehicles or equipment within the riparian setbacks or within waters of the state unless 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. This requirement does not prohibit driving on established, maintained access roads that are in compliance with this Policy.
Cannabis General Order, Attachment A, Cannabis Cultivation Policy, Section 2, Term 8	“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.”
Cannabis General Order, Attachment A, Cannabis Cultivation Policy, Section 2, Term 26,	“[c]annabis 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.”

⁴ A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivator with requirements that are inconsistent with the setbacks in this table if the Executive Officer determines that the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality.

⁵ Cannabis cultivators enrolled in a Regional Water Board order adopting WDRs or a waiver of WDRs for cannabis cultivation activities prior to October 17, 2017, may retain reduced setbacks applicable under that Regional Water Board order unless the Regional Water Board’s Executive Officer determines that the reduced setbacks applicable under that order are not protective of water quality.

⁶ Except where more restrictive, the stream class designations are equivalent to the Forest Practice Rules Water Course and Lake Protection Zone definitions (California Code of Regulations, title 14, Chapter 4. Forest Practice Rules, Subchapters 4, 5, and 6 Forest District Rules, Article 6 Water Course and Lake Protection).

⁷ Spring riparian setbacks default to the applicable watercourse riparian setback 150 feet downstream and/or upstream of the spring’s confluence with the watercourse or 150 feet downstream of the point where the spring forms a watercourse with defined bed and banks.