

TRINITY COUNTY PLANNING COMMISSION

STAFF REPORT

PROJECT TITLE: Appeal of the Director's Decision to Approve CCL 651

APPELLANTS: ICRS LLC, Bervely S. Soruco, Birol Sabankaya and Semih Sabankaya

APPEALED PROJECT APPLICANT: Schyler Douglas

REPORT BY: Bella Hedtke, Code Compliance Specialist II

LOCATION: 1598 Indian Creek Rd., Douglas City (APN 015-180-045-000)

ZONING DISTRICT: Unclassified

GENERAL PLAN DESIGNATION: Resource (RE)

PROJECT DESCRIPTION:

The planning director approved the application for commercial cannabis cultivation license (CCL) 651 on October 5, 2022 and was scheduled for license issuance on October 20, 2022 after the 10-day appeal period ended. On October 19, 2022, an application for appeal of the approval of CCL 651 was submitted to the Trinity County Planning Department, pursuant to the standards established in Trinity County Code Section 17.34.110.

Location	Land Use	Zoning District	General Plan Designation
North	Commercial Cannabis License	Unclassified	Resource
South	Bureau of Land Management	Unclassified	Resource
East	Undeveloped	Unclassified	Resource
West	Bureau of Land Management	Unclassified	Resource

Table 1: Surrounding Land Uses to Project Site

PROJECT BACKGROUND:

The project is a small mixed-light license from the Trinity County Planning Department, Cannabis Division to cultivate up to 10,000SF of cannabis mature canopy. The project site includes 8,640SF within six permitted greenhouses dedicated to mature canopy, 1,440SF within three 6'x80' hoophouses designated for immature canopy, a 2,200SF ramada that is being converted to a storage building for harvest storage and processing, a 10'x10' chemical storage shed, cannabis compost waste area, permitted well, permitted septic, water storage tanks and a

permitted temporary recreational vehicle while the applicant constructs a 1,500SF single family dwelling.

COUNTY ORDINANCE AND CEQA COMPLIANCE:

An Appendix C document was submitted to the Cannabis Division for CCL 651 on February 22, 2022. Throughout the Appendix C review process, two incomplete letters were sent to the applicant and their agent, followed by two resubmittals of the Appendix C document on June 8, 2022 and September 8, 2022.

A site inspection was performed by Cannabis Division compliance staff on April 28, 2022 to ensure that the site plan and project description included in the Appendix C were accurately prepared. A completeness review was performed by Cannabis Division staff on August 11, 2022. Both the site inspection and completeness review are designed to verify site and application compliance with Trinity County Code Chapter 17.43 (Commercial Cannabis Cultivation Regulations). The site and application were considered complete on August 15, 2022.

LACO Associates prepared a compliance memorandum on September 26, 2022 with a final review performed by County environmental compliance staff, that determined that approval of this project is a “later activity” associated with the Cannabis Program EIR, as defined by subsection (c) of Section 15168, in that (i) all impacts associated with the approval of this project are within the scope of environmental review previously studied, and (ii) the requirements and mitigations required by Chapter 17.43 and 17.43G of the Trinity County Code, adequately serve to mitigate the impacts associated with approval of this project, it adequately evaluates all potential environmental impacts, and can be appropriately tiered within the Trinity County Cannabis Programmatic Environmental Impact Report. Based on the application review, site inspection and LACO Associates’ review of the Appendix C, County environmental compliance staff recommended license approval to the planning director on September 27, 2022.

REASONS FOR APPEAL:

The appellants’ appeal letter outlined six main complaints for appealing the approval of CCL 651. These complaints are numbered in red font in the margins of the attached letter (Attachment 1). The Cannabis Division has investigated each of these complaints and provided a summary of the findings below:

1) Shared financial burden of road maintenance of a private road that resulted from a Water Board Violation

Findings: The appellant holds CCL 678 in the Trinity County Commercial Cannabis Program. Water Board Notice of Violation (NOV) and subsequent Compliance Notice that was issued to the appellant’s three properties on February 16, 2021 is attached (Attachment 2). This letter does not reference the parcel owned by the applicant of CCL 651. As of the date of this staff report, no Water Board NOV’s have ever been issued for the subject parcels associated with CCL 651.

Additionally, the Cannabis Division does not have jurisdiction to enforce that the applicant pays a portion of the road maintenance costs. Trinity County Department of Transportation (DOT) staff confirmed that the maintenance of private roads is not under the jurisdiction of the County, except where they encroach on County roads. DOT forwarded State Civil Code § 845 that outlines that this is a civil matter that could be processed through the State's court system (Attachment 3).

2) Applicant cultivated commercial cannabis without a County or State License

Findings: Attachment 4 displays the photos submitted by the applicant that report cultivation without a County or State License. The applicant did not hold a valid County or State License during the 2022 calendar year. Commercial cultivation was not observed during the site inspection performed on April 28, 2022, 10 days after the photo date, or during the inspection performed for the appeal on November 29th, 2022. The letter provided by the appellant also states that their business partners submitted three complaints through the online complaint form and one through a Department of Cannabis Control (DCC) inspector that the Cannabis Division did not respond to. These two statements are notated as A and B in the letter provided by the appellant (Attachment 1).

A) Online Complaints: Complaints that are submitted through the online complaint form (URL: <https://www.trinitycounty.org/Online-Complaint-Form>) are directly sent to the info.planning@trinitycounty.org email box. Planning staff then forwards these complaints to Cannabis Division code compliance staff for investigation. Investigation includes scheduling a site inspection with a 24-hour notice (per TCC §17.43.030 (B)), then preparing a report summarizing observations and findings through memorandum or email to the Cannabis Division Director for further guidance. An online complaint against CCL 651 could not be located in this inbox, so an investigation of these claims could never have occurred.

B) DCC Inspector Complaint: Email correspondence from a DCC inspector was received by Cannabis Division staff on June 1, 2022 (Attachment 5). In this correspondence the inspector mentions that the video is nondescriptive. Given the Cannabis Division's large workload, lack of staff and lack of concrete evidence provided in the complaint, the Cannabis Division was unable to perform investigation of this complaint at that time.

3) Project does not meet the legal dwelling requirement

Findings: Trinity County Code Section § 17.43.050 (A)(3) sets forth the legal dwelling requirement for commercial cultivation licenses, which states:

“Applicants will not be approved for cultivation of cannabis in any amount or quantity, in the following areas: ... 3. A legal parcel without a legal dwelling, or without an active building permit.”

This project has met this requirement by taking the necessary steps to obtain an issued and active building permit for a dwelling (BLDG2020-00741) and by obtaining a Director's Use Permit (DP-20-46) for the use of a temporary recreational vehicle while constructing the dwelling. The building permit was issued on April 21, 2022 and the DUP was issued on October 27, 2022.

4) Project does not have a legal water source on-site

Findings: Trinity County Code Section § 17.43.060 (C) sets forth the legal water source requirements for commercial cultivation licenses, which states:

“Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.”

This project has met the legal water source requirement by constructing and obtaining a finaled well permit (WP2015-250) with the Trinity County Environmental Health Division on the subject parcel. The well was finaled on September 8, 2015. Photos of the well and evidence of water transport to storage tanks is attached.

5) Applicant has been receiving deliveries from water trucks not in compliance with TCC § 17.43.060 (C)

Findings: Trinity County Code Section § 17.43.060 (C) also sets forth the restrictions for water hauling for commercial cultivation licenses, which states:

“Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.”

In order for staff to enforce this requirement, staff would need the availability and authority to track and follow a water truck to a licensed cultivation site. This has been difficult to perform given historic low staffing. Furthermore, TCC § 17.43.030 (B), which requires 24-hour notice for site inspections, restricts staff’s ability to witness water hauling on the licensee’s parcel when it occurs.

The appellant provided video and photo evidence from April 2022 to August 2022 that shows a DC Water Company truck at three different locations on the shared private road. These three locations have been notated as Location A, B and C in Attachment 7. The video and photographic evidence taken from Location A & B cannot be considered concrete evidence for unlawful water hauling because the final destination of the water truck cannot be confirmed from these locations. The truck could have gone to the appellant’s or the applicant’s parcel. The applicant has expressed that the appellant has previously also hauled water. Videos and photos taken from Location C are considered concrete evidence and triggered an investigation of a possible code violation (Attachment 8). The Cannabis Division seeks to investigate code

complaints in a fair unbiased manner, so the applicant was forwarded the dates and video/photographic evidence from Location C and asked to provide input for why water hauling occurred, as well as include proof of bill of sale from DC Water Company for each delivery of water received. The following specific dates and evidence were forwarded to the applicant:

1. April 18, 2022
2. May 3, 2022
3. June 1, 2022
4. June 16, 2022
5. June 24, 2022
6. June 26, 2022
7. August 20, 2022

The applicant's response is attached (Attachment 9). The applicant needs additional time to secure the bill of sale for each delivery and will be included in a memorandum when received. Photos from the site inspection on November 29, 2022 of the fire suppression connection are attached (Attachment 10). The applicant is claiming that water hauling occurred for residential and fire suppression purposes, which is allowed and not within the regulatory scope of TCC § 17.43.060 (C).

Furthermore, Mitigation Measure 3.10-2: Conduct Groundwater Monitoring and Adaptive Management sets forth a performance standard to request applicants to provide the County with groundwater monitoring data for existing on-site well facilities during the renewal process. The Cannabis Division intends to implement this standard as soon as feasibly possible with current priorities and staffing capacity. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, and waters of the state and sensitive habitats, and indicate a connection to operation of the on-site wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and stabilized based on annual monitoring data provided to the County as part of subsequent annual inspections.

6) Subject parcel has been supplied an unlawful 400-amp electrical service upgrade

Findings: A service upgrade would have required a building permit. Cannabis Division staff received confirmation from the Building Department that the applicant does not have a 400-amp service upgrade. Additionally, photos taken on the November 29, 2022 site inspection of the electrical box were confirmed by the Building Department to be compliant.

BUREAU OF LAND MANAGEMENT (BLM) COMMENT:

The Cannabis Division received a comment letter from BLM for P-22-29 on November 14, 2022. County environmental compliance staff replied to BLM on November 30, 2022 addressing their concerns (Attachment 11).

STAFF RECOMMENDATION:

Given that all complaints referenced in the appellant's letter were found to be unsubstantiated, staff recommends that the Planning Commission make a motion to deny the appeal (P-22-29), upholding the Director's decision to approve CCL 651, with the findings referenced in this staff report.

ALTERNATIVES:

If the Planning Commission does not wish to deny the appeal, the following alternatives are available:

1. The Planning Commission could move to uphold the appellant's request to deny CCL 651, with findings stated by the Planning Commission.
2. In the event that more information or time is required prior to the Planning Commission making a final decision on P-22-29, the Planning Commission could move to continue to a future certain meeting date.

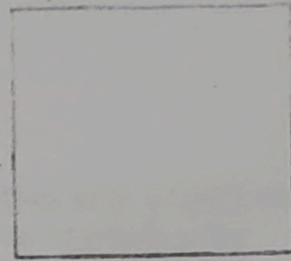
ATTACHMENTS:

- 1) Appeal of the Planning Director's Decision and Associated Letter
- 2) Water Board Notice of Violation (NOV) and Subsequent Compliance Notice for CCL 678
- 3) State Civil Code § 845
- 4) Photos from Appellant Labelled Unlicensed Cultivation
- 5) Email Correspondence from DCC Inspector
- 6) Photos of Well and Evidence of Water Transport to Storage Tanks
- 7) Water Hauling Photo Locations A, B and C
- 8) Evidence of Water Hauling from Location C Perspective
- 9) Applicant's Response for Water Hauling
- 10) Fire Suppression Connection Image
- 11) Comment Letter from BLM and County Response
- 12) CCL 651 Appendix C Mitigation Measure Applicability Table (MMAT)
- 13) Project Location Map
- 14) Project Location Map – Site Specific Aerial Imagery
- 15) CCL 651 Site Plan
- 16) Project Zoning Districts Map
- 17) Project General Plan Designations Map



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S
DECISION TO PLANNING COMMISSION



Received Stamp

Name: ICRS LLC, Bervely S. Soruco, Birol Sabankaya,
Semih Sabankaya Phone: 530-423-5343

Email: icrsllc@outlook.com

Physical Address or APN: 1580 Indian Creek Rd, Douglas City, CA 96024, 015-180-43, 015-180-44, 015-180-45

Mailing Address: 98 North 5th Street, San Jose, CA 95112

Decision of Planning Director rendered on (date): October 5, 2022

Planning Director's Decision was to: Approve Deny Continue

Request for:
Commercial Cannabis Cultivation License CCL-2022-651 for APN 015-180-045-00 located at
1598 Indian Creek Rd, Douglas City, CA 96024

Reason for Appeal:
The above-referenced license should not have been granted because the applicant: (1) is in violation of
Trinity Code Section 17.43.060(C), because the applicant utilizes trucked-in water to cultivate cannabis
on a non-emergency basis, (2) does not have a permitted structure, and (3) engaged in unlicensed and
unlawful commercial cannabis cultivation, all as more particularly set forth on the attached.

Signature: [Handwritten Signature] Date: October 18, 2022

Clerk's Use Only

Date Filed: _____ Fee Collected: _____
Hearing Date: _____ Receipt No.: _____
Notice Published: _____ Notice Mailed: _____

From: Birol Sabankaya <birols@live.com>
Date: Oct 4, 2022 4:55 PM
Subject: Lisence CCL2022-651
To: eoprestley@trinitycounty.org
Cc: lgogan@trinitycounty.org,sconnell@trinitycounty.org

Good Afternoon Edward ,

My name is Birol Sabankaya I'm one of the partners at ICRS LLC at 1580 Indian Creek Rd, Douglas city, CA 96024. CC-2022-678 / CCL20-0000472

My partner recently received the attached letter from the county informing us that my neighbor (Skyler) at 1598 Indian Creek Rd, Douglas City, CA 96024 APN: 015-180-045-00 CCL-2022-651 will be receiving a County License on Oct. 5, 2022 (tomorrow). I became aware of this late yesterday afternoon Oct.3, 2022. Today I went to the Cannabis Department to find out what I can do about this since I believe from my experience obtaining a license that application CCL-2022-651 DOES NOT MEET the requirements to be issued a County or State License. I spoke to Bella Hedtke and she handed me a Trinity County Code Violation Complaint Form, but not much more guidance about how to go about stopping the Trinity County Cultivation License from being issued. I went to talk to Liam Gogan, my Board of Supervisor representative and he suggested I contact you.

1 & 5

Last year (2021) the State issued my neighbour Skyler a License and he was able to grow, however the water truck that delivered the water for his cannabis grow did damage to my road. At the time I had schedule a delivery of gravel from Eagle Rock to smooth out my road (he has a legal easement however refuses to contribute to maintenance) I requested that he keep traffic to a minimum for a few days but he did not comply (he had trimmers and buyers going in and out at all hours including after midnight), Eagle Rock had to reschedule my delivery and my road became a mess.

1

1

My neighbor Skyler contacted the Water Board and they came out. I had to spend 170k to fix my road in a timely manner and take care of the violation I was issued from the mess the high volume traffic to his place caused.

The inspectors could see the damage was starting /ending at his front gate so they did not issue additional fines.

1 & 2

This year 2022 Skyler once again started a grow and harvested without a County or State License. Again the water truck and high volume traffic at all hours caused damage to my road that I need to repair it in order for me to remain compliant (see attached) \$65,000 is the cost to resurface my road to fix the damage he caused. This is a buddy price since I give jobs to those guys the actual cost is much higher.

A

Earlier in the year around July/Aug my others partners come to visit and saw the damage to the road, they filed out at least three (3) TC Code Violation Complaint

A

damage to the road, they filled out at least three (3) TC Code violation Complaint Forms online (the form Ms. Hedtke provided earlier today) but no-one came to inspect. I know that inspector Paul Oviatt from DCC State filed a complaint with Trinity County Code on Jun 1, 2022 after seeing the pictures of the ongoing grow and road damage.

1

About a week ago all partners decided to do something about it to prevent this from happening again next year and we retained an attorney Mr. Barry Himmelstain. We do not feel it is right for us to have to take care of the road resurfacing maintenance fees every year.

We are just trying to protect our investment.

We know the water delivery person was issued a cease and desist letter from the county a few weeks back but he continues his deliveries to my neighbor.

Here are some of the reasons we feel that application CCL-2022-651 fails to meet the requirements to get a license.

3

- We were told we needed a legal house, permitted structure. He has a trailer home sitting on top of portable jacks.

1

- We were told we could not grow at any time without a County or State License. He did grow this year without county and or state licenses issued

4

- We were told the water to irrigate the cannabis plants have to come from our own property. He has approached me to purchase water from us before and I have declined. I have spent 500k to be compliant with the water.

5

I have at least six (6) months worth high quality CCTV video footage showing water trucks and high volume traffic coming in and out of his premises. Someone suggested it could have been an emergency. I had an emergency once and fixed the issue after one water delivery when I was in the construction phase.

I've been a licensed contractor for over 25+ years and so have my partners and we see multiple code violations.

4

&

5

I'm not sure if he has bad water or little water or what the issue is, but he has erected his irrigation system to look like it is coming from his wells into his water tanks when in reality the tanks are being filled by the water truck. Four or five times a week at the peak of summer that's 16,000 to 20,000 gallons of water a week no way this is for his household needs only.

6

As far as the electricity he has right now (he uses lights on his greenhouse), we have an issue. According to our Title Report only our parcel had electricity available, none of our neighbors had access to it. I believe he has 400 amp service, but I don't for sure what the wattage is. What I do know is I'm short of power and he has power at his site which he should not have been able to. I've spoken to the previous owners and they never gave anyone permission to hook up to the electricity as shown in the Title Report. I will be solving this issue by getting Trinity PUD to bring me additional

power to my promises with power poles at a cost of \$250,000

I can go on but I really need someone to pay attention, I'd like to fix this issue as soon as possible, this neighbor has threaten to do us harm if we cause problems for him so we were hoping that the County Inspection to his site would have put an end to it without us getting involved but it looks like that won't be the case.

Please give me a call at 530 423-5343 or my cell 831 515-2293 or schedule a meeting for us to discuss this issue and get a resolution for it as soon as possible.

I would recommend this person/entity is not issued a license tomorrow

Your attention to this matter is much appreciated

Blessings

Birol Sabankaya

ICRS LLC

EXHIBITS IN SUPPORT OF APPEAL OF CCL-2022-651

Date	File Name	Description
08/05/21	20210805_104804.jpg	Photo of water truck delivery
08/05/21	20210805_104805.jpg	Photo of water truck delivery
08/05/21	20210805_104806.jpg	Photo of water truck delivery
04/18/22	20220418_111906.jpg	Photo of water truck delivery
04/18/22	20220418_111908.jpg	Photo of water truck delivery
04/18/22	20220418_111911.jpg	Photo of water truck delivery
04/27/22	20220427_142402.jpg	Photo of only structure on property
04/27/22	20220427_142408.jpg	Photo of only structure on property
05/03/22	20220503_131529.mp4	Video of water truck delivery
05/03/22	20220503_131529_001.mp4	Video of water truck delivery
06/01/22	20220601_141807.jpg	Photo of water truck delivery
06/01/22	20220601_141818.jpg	Photo of water truck delivery
06/01/22	20220601_141939.mp4	Video of water truck delivery
06/16/22	20220616_124637.jpg	Photo of water truck delivery
06/16/22	20220616_124639.jpg	Photo of water truck delivery
06/16/22	20220616_134231.jpg	Photo of water truck delivery
06/16/22	20220616_141628.jpg	Photo of water truck delivery
06/24/22	20220624_212246.mp4	Video of water truck delivery
06/26/22	20220626_140450.jpg	Photo of water truck delivery
06/26/22	20220626_142518.jpg	Photo of water truck delivery
06/26/22	20220626_150533.jpg	Photo of water truck delivery
06/26/22	20220626_164652.jpg	Photo of water truck delivery
06/26/22	20220626_164654.jpg	Photo of water truck delivery
06/29/22	Screenshot_20220629-222731.jpg	Photo of unlicensed cultivation
06/29/22	Screenshot_20220629-222732.jpg	Photo of unlicensed cultivation
06/29/22	Screenshot_20220629-223047.jpg	Photo of unlicensed cultivation
07/06/22	20220706_141950.jpg	Photo of water truck delivery
07/06/22	20220706_145520.jpg	Photo of water truck delivery
07/14/22	20220714_094724.jpg	Photo of water truck delivery
07/14/22	20220714_102250.jpg	Photo of water truck delivery
07/20/22	20220720_080024.jpg	Photo of water truck delivery
07/20/22	20220720_083540.jpg	Photo of water truck delivery
07/24/22	20220724_200911.jpg	Photo of water truck delivery
07/24/22	20220724_200914.jpg	Photo of water truck delivery
07/26/22	20220726_094711.jpg	Photo of water truck delivery
07/27/22	20220727_103349.jpg	Photo of water truck delivery

Date	File Name	Description
07/28/22	20220728_170217.jpg	Photo of water truck delivery
08/22/22	20220822_185054.jpg	Photo of water truck delivery
08/25/22	20220825_110202.jpg	Photo of water truck delivery
08/25/22	20220825_113706.jpg	Photo of water truck delivery
08/27/22	20220827_192600.jpg	Photo of water truck delivery
08/27/22	20220827_192601.jpg	Photo of water truck delivery
09/01/22	Road Repair Estimate	Road Repair Estimate
10/14/22	20221014_133456.jpg	Photo of water truck delivery
10/14/22	20221014_133458.jpg	Photo of water truck delivery



Attachment 2



State Water Resources Control Board

(sent via Certified Mail)

CERTIFIED MAIL
NO. 7018 0680 0000 1017 8988

NOTICE OF VIOLATION

February 16, 2021

CANNABIS REGULATORY PROGRAM
WDID 1_53CC421210

Operator and Landowner:
ICRS LLC
Nezih Sabankaya
PO Box 217
Douglas City, CA 96024
Email: nezih.sabankaya@gmail.com

VIOLATION OF THE CANNABIS GENERAL ORDER, TRINITY COUNTY ASSESSOR PARCEL NUMBER (APN) 015-180-043-000, 015-180-044-000, and 015-180-046-000

Dear Mr. Nezih Sabankaya,

You are required to respond to this Notice of Violation within **30 days** from the date of this letter. See the sections titled "**Response Required**" on page 2, and "**Contact Information**" on page 4. **Failure to respond to this Notice of Violation may result in significant monetary penalties.**

You are receiving this Notice of Violation because, based on information available to staff of the State Water Resources Control Board, Office of Enforcement (State Water Board) you are identified as the operator and landowner of the real property parcels listed above, which are used for commercial cannabis cultivation. You are in violation of the Cannabis General Order¹. The details of those violations are on page 3, under the **Violations** section. Items indicated in the **Response Required** section on the next page must be implemented immediately and completed by the indicated deadlines to return to compliance with the permit.

¹ The Cannabis General Order is State Water Resources Control Board Order WQ 2019-0001-DWQ: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html#general_order

Response Required

To satisfy the requirements of this Notice of Violation, respond to the following three items by the due dates set forth below.

- **Item #1:** Verify installation of winterization requirements
- **Item #2:** Provide a schedule for remaining road work
- **Item #3:** Document road construction is compliant with Road Handbook

Item #1 – Winterization Requirements

You are required to provide documentation of site conditions that demonstrate compliance with winterization requirements within **30 days** from the date of this letter. Submit documentation in portable document format (PDF) to Mr. Yearout by email (see **Contact Information** on page 4).

Allen Boyd, with Boyd Engineering, has indicated responsibility of storm water monitoring and reporting for the 3.6-acre graded area under the Construction General Permit (CGP), and his weekly field reports include the road. Mr. Boyd has provided Mr. Yearout with a copy of his reports on 1/20/21 and 2/3/21. A continuing submittal of similar field reports, sent to Mr. Yearout on a weekly basis until the requirements have been installed (as outlined by the Cannabis General Order and as described in the Annual Winterization Measures section of the Site Management Plan) will satisfy this item.

Item #2 – Remaining Road Work

You are required to submit a schedule for completing the road work within **60 days** from the date of this letter. Submit this in portable document format (PDF) to Mr. Yearout by email.

To prevent future ground disturbances during the winter period, schedule any remaining road work, including drainage ditches and ditch relief culverts, during the “dry period”, or from April 1st to November 15th. When developing the schedule, include a description of the work and an estimated duration for the work. Include planned work for installation and maintenance of erosion and sediment controls and other winterization requirements installed before the start of the winter period, or November 15th.

Item #3 – Compliance with Road Handbook

Once road work is completed, you are required to provide an analysis from a qualified professional verifying the road construction, including surfacing, drainage, and ditch relief culverts have been installed according to guidelines of The Handbook for Forest, Ranch, and Rural Roads (Road Handbook). Submit documentation in portable document format (PDF) to Mr. Yearout by email within **30 days** after road completion.

The three items requested are aimed at protecting water quality by preventing future ground disturbance during the winter period, installing winterization requirements in preparation for the winter period, and verifying the road construction and ditch relief culvert installation are compliant with the Road Handbook. All these items are requirements of the Cannabis General Order Attachment A and are addressed in the Site’s Management Plan (SMP), submitted by Flowra Environmental Services Team in December 2019. Specifically, the SMP addressed winterization

requirements, made recommendations for improving road surfacing and drainage, and referenced the Road Handbook for road construction practices.

Violations

On December 30, 2020, State Water Board staff conducted an inspection of an unnamed road under construction by ICRS LLC located at 1580 Indian Creek Road, and including Trinity County APNs 015-180-043-000, 015-180-044-000 and 015-180-046-000 (Site). During this inspection, State Water Board staff observed the following violations of the Cannabis General Order:

- Ground disturbance during the winter period
- Missing and ineffective erosion and sediment controls (winterization requirements)
- Road construction and ditch relief culvert installation not according to Road Handbook

By enrolling in the Cannabis General Order, “The Discharger shall comply with, and implement, all requirements described in Attachment A of the Cannabis Policy, which is included as Attachment A of the General Order.”

Based on site conditions and observations during the inspection, the following requirements (and associated term numbers) were not complied with or completely implemented:

Attachment A of the Cannabis General Order, Section 1

Subsection	Term #
General Requirements and Prohibitions	6, 33, and 34 (winterization requirements)

Attachment A of the Cannabis General Order, Section 2

Subsection	Term #
Limitations on Earthmoving	2, 4
Erosion Control	10
Access Road and Drainage	15, 17, 18, 21, 25, 26, 28
Drainage Culverts	30
Winterization	126, 128, 130

Section 1 and Section 2 term numbers in the tables above are described in the Cannabis General Order, Attachment A, Section 1 and 2, which is included as Attachment 2 to this letter.

Failure to Comply and Potential Monetary Penalties

The Water Boards retain full enforcement authority and discretion to bring formal enforcement for all violations and may impose penalties of up to \$5,000 per day or \$10 per gallon of discharged waste pursuant to Water Code sections 13350 for each violation of the Cannabis General Order that causes discharge of waste into waters of the state. Failure to comply with the requirements of this Notice of Violation may subject you to formal enforcement actions by the Water Boards.

Future correspondence regarding this matter will be sent to the addresses indicated on page 1 unless an alternative address is provided to the Water Boards. If you would prefer to also receive correspondence by another method (such as email), please let us know, as it is important you receive future communications.

Failure to accept mail from the Water Boards is not a valid excuse for non-compliance with directives, and a failure to respond or otherwise address these violations could subject you to the imposition of administrative civil liability complaint which may include significant monetary penalties.

Note: 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.

Contact Information

Documents and evidence requested in the **Response Required** section above may be submitted in portable document format (PDF) to Mr. Casey Yearout via email at casey.yearout@waterboards.ca.gov.

For any questions on this matter, please contact Mr. Yearout by phone at (916) 341-5629, or via email at casey.yearout@waterboards.ca.gov.

To confirm receipt of this letter, you may contact Mr. Yearout. Mr. Yearout will confirm receipt of documents, e-mails, or calls in the future, if requested.

Additionally, we are available to meet with you to discuss this letter, the inspection memo, or the Cannabis General Order in further detail.

Sincerely,

Dylan Seidner
Supervisor of Cannabis Enforcement Unit
Office of Enforcement

Enclosures: Attachment 1 – State Water Resources Control Board Cannabis Water Quality
Inspection Memo
Attachment 2 – Excerpts of Attachment A Section 1 and 2

cc:

(via email only)

North Coast Regional Water Quality Control Board

Mr. Kason Grady

Kason.Grady@waterboards.ca.gov

Ms. Mona Dougherty

Mona.Dougherty@waterboards.ca.gov

State Water Resources Control Board

Office of Enforcement

Mr. Casey Yearout

Casey.Yearout@waterboards.ca.gov

California Department of Fish and Wildlife (CDFW)

Mr. Matt Mitchell

Matthew.Mitchell@wildlife.ca.gov

California Department of Fish and Wildlife (CDFW)

Ms. Helen Bowman

Helen.Bowman@wildlife.ca.gov

S2J2 Engineering, Inc.

Mr. Steve Nelson

Sdnelson@shasta.com

Boyd Engineering

Mr. Allen Boyd

Boydengineering@charter.net

Attachment 1 – State Water Resources Control Board Cannabis Water Quality Inspection Memo

Attachment 2 - Excerpts of Attachment A Section 1 and 2

SECTION 1 – GENERAL REQUIREMENTS AND PROHIBITIONS

The following general requirements and prohibitions apply to any cannabis cultivator.

General Requirements and Prohibitions

#	TERM
1.	<p>Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following:</p> <ul style="list-style-type: none"> • The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the <i>Requirements in the Policy and Cannabis General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities</i> (Cannabis Cultivation General Order). • The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards). • All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building. • All applicable requirements of the California Department of Fish and Wildlife (CDFW). • All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry. • California Environmental Quality Act and the National Environmental Policy Act.

#	TERM
5.	<p>A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivation facility that does not include requirements consistent with the following if the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality:</p> <ul style="list-style-type: none"> • The maximum slope limit of 50 percent in disturbed areas. • The minimum riparian setbacks described herein. • The prohibition against land disturbance activities during the winter period.
6.	<p>To avoid water quality degradation from erosion and sedimentation, land disturbance activities shall not occur during the winter period unless authorized by a Regional Water Board Executive Officer. Cannabis cultivators shall ensure land disturbing activities are completed and site stabilization measures are in place prior to the onset of the winter period. All land disturbing activities during the winter period shall be supervised by a Qualified Professional.²</p>
7.	<p>A California Licensed Timber Operator (LTO)³ shall be used if any commercial tree species are to be removed from the cannabis cultivation site. All timberland conversions shall be permitted and compliant with the Forest Practice Rules and CAL FIRE permitting requirements.</p>
8.	<p>Site improvements and limited repairs may be performed by the cannabis cultivator or contractors as allowed by the Business and Professions Code (Bus. & Prof. Code, section 7044 and/or section 7048). All contracts to perform work that is valued at \$500 or more in combined labor and material costs shall be performed by an appropriately qualified and licensed contractor as required by the California Contractors' State License Board.</p>
9.	<p>During land disturbance activities, the cannabis cultivator shall review and evaluate the applicable daily weather forecast and any applicable 24 hour forecast⁴ at least once per 24 hour period and maintain records of the weather forecast for each day land disturbance activities are conducted. The cannabis cultivator shall cease land disturbance activities and shall implement erosion control Requirements described in this Policy during any 24 hour period in which the applicable daily weather forecast or any 24 hour forecast reports a 50 percent or greater chance of precipitation greater than 0.5 inch per 24 hours.</p>

² Although emergency mitigation measures may not require obtaining coverage under the Construction Storm Water Program, the elevated threat to water quality caused by emergency mitigation or remediation work performed during the winter period requires planning and supervision by an appropriately Qualified Professional to protect water quality, such as an appropriately certified or registered Storm Water Pollution Prevention Plan Developer.

³ Licensed Timber Operators or "LTOs" are persons who have been licensed under the Forest Practice Act law and are authorized to conduct forest tree cutting and removal operations.

⁴ If available, the cannabis cultivator shall refer to the weather forecast developed by the National Oceanic and Atmospheric Administration (NOAA) for the local National Weather Service Office (<http://www.weather.gov>). If the NOAA forecast is not available, a forecast by a local television news or radio broadcast shall be used.

#	TERM
	Water Board Executive Officer prior to the cannabis cultivator initiating or expanding any land disturbance. The Regional Water Board Executive Officer may deny the request to conduct new land disturbance activities for cannabis cultivation if local conditions (e.g., soil type, site instability, proximity to a waterbody, etc.) do not allow for adequate erosion and sediment control measures to ensure discharges to waters of the state will not occur.
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.
33.	Cannabis cultivators under any Cannabis Cultivation General Order or individual WDRs implementing this Policy shall self-certify that they have complied with or will comply with all applicable Requirements in this Policy no later than the onset of the winter period of the same year as the application date and each year thereafter. If application occurs after the onset of the winter period, cannabis cultivators shall self-certify that all applicable Requirements in this Policy will be implemented by the onset of the winter period of the next calendar year, and each year thereafter. Those cannabis cultivators that cannot implement all applicable Requirements by the onset of the winter period shall, within 90 days of application submittal, submit to the Executive Officer of the applicable Regional Water Board a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule.
34.	Cannabis cultivators shall implement interim Requirements immediately following land disturbance, to minimize discharges of waste constituents. Interim Requirements are those that are implemented immediately upon site development. Cannabis cultivators shall complete all winterization Requirements prior to the onset of the winter period to prevent waste discharges that may result in water quality degradation.
35.	Cannabis cultivators shall not cause downstream exceedance of applicable water quality objectives identified in the applicable water quality control plan(s).
36.	The landowner is ultimately responsible for any water quality degradation that occurs on or emanates from its property and for water diversions that are not in compliance with this Policy. Landowners will be named as responsible parties and will be notified if a Cannabis Cultivation General Order Notice of Applicability or conditional exemption has been issued for cannabis activities on their property. The cannabis cultivator and the landowner will be held responsible for correcting non-compliance.

SECTION 2 – REQUIREMENTS RELATED TO WATER DIVERSIONS AND WASTE DISCHARGE FOR CANNABIS CULTIVATION

The following Requirements apply to any water diversion or waste discharge related to cannabis cultivation.

Land Development and Maintenance, Erosion Control, and Drainage Features Limitations on Earthmoving

#	TERM
1.	<p>Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply.</p> <p>The grading prohibition on slopes exceeding 50 percent does not apply to site mitigation or remediation if the cannabis cultivator is issued separate WDRs or an enforcement order for the activity by the Regional Water Board Executive Officer.</p>
2.	<p>Finished cut and fill slopes, including side slopes between terraces, shall not exceed slopes of 50 percent and should conform to the natural pre-grade slope whenever possible.</p>
3.	<p>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.</p>
4.	<p>Cannabis cultivation land development and access road construction shall be designed by Qualified Professionals. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat.</p>
5.	<p>The cannabis cultivator shall control all dust related to cannabis cultivation activities to ensure dust does not produce sediment-laden runoff. The cannabis cultivator shall implement dust control measures, including, but not limited to, pre-watering of excavation or grading sites, use of water trucks, track-out prevention, washing down vehicles or equipment before leaving a site, and prohibiting land disturbance activities when instantaneous wind speeds (gusts) exceed 25 miles per hour. Cannabis cultivators shall grade access roads in dry weather while moisture is still present in soil to minimize dust and to achieve design soil compaction, or when needed use a water truck to control dust and soil moisture.</p>

#	TERM
9.	<p>The cannabis cultivator shall not plant or seed noxious weeds. Prohibited plant species include those identified in the California Invasive Pest Plant Council’s database, available at: www.cal-ipc.org/paf/. Locally native, non-invasive, and non-persistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.</p>
10.	<p>Cannabis cultivators shall incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of the cannabis cultivation activities. The erosion prevention and sediment capture measures shall be effective in protecting water quality.</p> <ul style="list-style-type: none"> • Interim erosion prevention and sediment capture measures shall be implemented within seven days of completion of grading and land disturbance activities, and shall consist of erosion prevention measures and sediment capture measures including: <ul style="list-style-type: none"> ○ Erosion prevention measures are required for any earthwork that uses heavy equipment (e.g., bulldozer, compactor, excavator, etc.). Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection. ○ Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins. • Long-term erosion prevention and sediment capture measures shall be implemented as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure access roads or improve access road drainage, installation of properly-sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land. <p>Maintenance of all erosion protection and sediment capture measures is required year-round. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities.</p>

#	TERM
11.	Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.
12.	Cultivation sites constructed on or near slopes with a slope greater than or equal to 30 percent shall be inspected for indications of instability. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. If indicators of instability are present, the cannabis cultivator shall consult with a Qualified Professional to design measures to stabilize the slope to prevent sediment discharge to surface waters.
13.	For areas outside of riparian setbacks or for upland areas, cannabis cultivators shall ensure that rock placed for slope protection is the minimum amount necessary and is part of a design that provides for native plant revegetation. If retaining walls or other structures are required to provide slope stability, they shall be designed by a Qualified Professional.
14.	Cannabis cultivators shall monitor erosion control measures during and after each storm event that produces at least 0.5 in/day or 1.0 inch/7 days of precipitation, and repair or replace, as needed, ineffective erosion control measures immediately.

Access Road/Land Development and Drainage

#	TERM
15.	Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at http://www.pacificwatershed.com/PWA-publications-library . Existing access roads shall be upgraded to comply with the Road Handbook.
16.	Cannabis cultivators shall obtain all required permits and approvals prior to the construction of any access road constructed for cannabis cultivation activities. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), CDFW LSA Agreement, and county or local agency permits.

#	TERM
17.	Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.
18.	New access road alignments should be constructed with grades (slopes) of 3- to 8-percent, or less, wherever possible. Forest access roads should generally be kept below 12-percent except for short pitches of 500 feet or less where road slopes may go up to 20-percent. These steeper access road slopes should be paved or rock surfaced and equipped with adequate drainage. Existing access roads that do not comply with these limits shall be inspected by a Qualified Professional to determine if improvements are needed.
19.	Cannabis cultivators shall decommission or relocate existing roads away from riparian setbacks whenever possible. Roads that are proposed for decommissioning shall be abandoned and left in a condition that provides for long-term, maintenance-free function of drainage and erosion controls. Abandoned roads shall be blocked to prevent unauthorized vehicle traffic.
20.	If site conditions prohibit drainage structures (including rolling dips and ditch-relief culverts) at adequate intervals to avoid erosion, the cannabis cultivator shall use bioengineering techniques ¹³ as the preferred measure to minimize erosion (e.g., live fascines). If bioengineering cannot be used, then engineering fixes such as armoring (e.g., rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g., gravel-filled “pillows” in an inside ditch to trap sediment) may be used for problem sites. The maximum distance between water breaks shall not exceed those defined in the Road Handbook.
21.	Cannabis cultivators shall have a Qualified Professional design the optimal access road alignment, surfacing, drainage, maintenance requirements, and spoils handling procedures.
22.	Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.
23.	Cannabis cultivators shall install erosion control measures on all access road approaches to surface water diversion sites to reduce the generation and transport of sediment to streams.

¹³ A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. 02-#1, San Francisco Bay Region, California Regional Water Board (April 2003) http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf

#	TERM
24.	Cannabis cultivators shall ensure that access roads are out-sloped whenever possible to promote even drainage of the access road surface, prevent the concentration of storm water flow within an inboard or inside ditch, and to minimize disruption of the natural sheet flow pattern off a hill slope to a stream.
25.	If unable to eliminate inboard or inside ditches, the cannabis cultivator shall ensure adequate ditch relief culverts to prevent down-cutting of the ditch and to reduce water runoff concentration, velocity, and erosion. Ditches shall be designed and maintained as recommended by a Qualified Professional. To avoid point-source discharges, inboard ditches and ditch relief culverts shall be discharged onto vegetated or armored slopes that are designed to dissipate and prevent runoff channelization. Inboard ditches and ditch relief culverts shall be designed to ensure discharges into natural stream channels or watercourses are prevented.
26.	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gullying. Cannabis cultivators shall use water bars and rolling dips as designed by a Qualified Professional to minimize access road surface erosion and dissipate runoff.
27.	Cannabis cultivators shall only grade ditches when necessary to prevent erosion of the ditch, undermining of the banks, or exposure of the toe of the cut slope to erosion. Cannabis cultivators shall not remove more vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
28.	Access road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.
29.	Sediment control devices (e.g., check dams, sand/gravel bag barriers, etc.) shall be used when it is not practical to disperse storm water before discharge to a waterbody. Where potential discharge to a wetland or waterbody exists (e.g., within 200 feet of a waterbody) access road surface drainage shall be filtered through vegetation, slash, other appropriate material, or settled into a depression with an outlet with adequate drainage. Sediment basins shall be engineered and properly sized to allow sediment settling, spillway stability, and maintenance activities.

Drainage Culverts (See also Watercourse Crossings)

#	TERM
30.	Cannabis cultivators shall regularly inspect ditch-relief culverts and clear them of any debris or sediment. To reduce ditch-relief culvert plugging by debris, cannabis cultivators shall use 15- to 24-inch diameter pipes, at minimum. In forested areas with a potential for woody debris, a minimum 18-inch diameter pipe shall be used to reduce clogging. Ditch relief culverts shall be designed by a Qualified Professional based on site-specific conditions.
31.	Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a Qualified Professional.

#	TERM
122.	<p>Cannabis cultivators shall retain, for a minimum of five years, appropriate documentation for any industrial wastewater collected to a storage tank for disposal at a permitted wastewater facility that accepts cannabis cultivation wastewater. Documentation for hauled industrial wastewater shall include, for each delivery, the following:</p> <ul style="list-style-type: none"> • A receipt that shows the date of pickup and the name, address, license plate number, and license plate issuing state for the industrial wastewater hauler; • A copy of the wastewater hauler’s permit; and • The quantity of industrial wastewater picked up, in gallons. <p>Documentation shall be made available, upon request, to Water Boards or CDFW staff and any other authorized representatives of the Water Boards or CDFW.</p>

Refuse and Domestic Waste

#	TERM
123.	<p>Cannabis cultivators shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (including food sources) does not contaminate soil or enter the riparian setback or waters of the state.</p>
124.	<p>Cannabis cultivators shall not dispose of domestic wastewater unless it meets applicable local agency and/or Regional Water Board requirements. Cannabis cultivators shall ensure that human or animal waste is disposed of properly. Cannabis cultivators shall ensure onsite wastewater treatment systems (e.g., septic system) are permitted by the local agency or applicable Regional Water Board.</p>
125.	<p>If used, chemical toilets or holding tanks shall be maintained in a manner appropriate for the frequency and conditions of usage, sited in stable locations, and comply with the riparian setback Requirements.</p>

Winterization

#	TERM
126.	<p>Cannabis cultivators shall implement all applicable Erosion Control and Soil Disposal and Spoils Management Requirements in addition to the Winterization Requirements below by the onset of the winter period.</p>
127.	<p>Cannabis cultivators shall block or otherwise close any temporary access roads to all motorized vehicles no later than the onset of the winter period each year.</p>

#	TERM								
128.	<p>Cannabis cultivators shall not operate heavy equipment of any kind at the cannabis cultivation site during the winter period, unless authorized (1) in a site management plan as described below, or (2) for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. Use of heavy equipment (e.g. agricultural equipment) for routine cannabis cultivation soil preparation or planting may be authorized in a site management plan approved by the applicable Regional Water Board Executive Officer or designee if both of the following conditions are met:</p> <ul style="list-style-type: none"> i. all soil preparation and planting activities occur outside of the riparian setbacks; and ii. all soil preparation and planting activities are located on an average slope equal to or less than five percent (5%) (e.g., valley floor). 								
129.	<p>Cannabis cultivators shall apply linear sediment controls (e.g., silt fences, wattles, etc.) along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow length²⁹ at the frequency specified below or as authorized in a site management plan approved by the applicable Regional Water Board Executive Officer or designee.</p> <table border="1" data-bbox="594 1014 1265 1346"> <thead> <tr> <th data-bbox="594 1014 894 1136">Slope (percent)</th> <th data-bbox="894 1014 1265 1136">Sheet Flow Length Not to Exceed (feet)</th> </tr> </thead> <tbody> <tr> <td data-bbox="594 1136 894 1205">0 – 25</td> <td data-bbox="894 1136 1265 1205">20</td> </tr> <tr> <td data-bbox="594 1205 894 1274">25 – 50</td> <td data-bbox="894 1205 1265 1274">15</td> </tr> <tr> <td data-bbox="594 1274 894 1346">>50</td> <td data-bbox="894 1274 1265 1346">10</td> </tr> </tbody> </table>	Slope (percent)	Sheet Flow Length Not to Exceed (feet)	0 – 25	20	25 – 50	15	>50	10
Slope (percent)	Sheet Flow Length Not to Exceed (feet)								
0 – 25	20								
25 – 50	15								
>50	10								
130.	<p>Cannabis cultivators shall maintain all culverts, drop inlets, trash racks and similar devices to ensure they are not blocked by debris or sediment. The outflow of culverts shall be inspected to ensure erosion is not undermining the culvert. Culverts shall be inspected prior to the onset of fall and winter precipitation and following precipitation events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation to determine if maintenance or cleaning is required.</p>								
131.	<p>Cannabis cultivators shall stabilize all disturbed areas and construction entrances and exits to control erosion and sediment discharges from land disturbance.</p>								

²⁹ Sheet flow length is the length that shallow, low velocity flow travels across a site.



State Water Resources Control Board

NOTICE OF VIOLATION COMPLIANCE NOTICE

(sent via Certified Mail)

**CERTIFIED MAIL
NO. 7018 0680 0000 1017 9527**

June 29, 2021

CANNABIS REGULATORY PROGRAM
WDID 1_53CC421210

Operator and Landowner:
ICRS LLC
Nezih Sabankaya
PO Box 217
Douglas City, CA 96024
Email: nezih.sabankaya@gmail.com

COMPLIANCE WITH REQUIREMENTS STATED IN NOTICE OF VIOLATION OF THE CANNABIS GENERAL ORDER, TRINITY COUNTY ASSESSOR PARCEL NUMBER (APN) 015-180-043-000, 015-180-044-000, and 015-180-046-000

Dear Mr. Nezih Sabankaya,

This letter is to inform you that the requirements of the Notice of Violation, issued February 16, 2021, have been met and no further action is required. You have satisfied the requirements by:

- (1) submitting weekly storm water monitoring field reports by Mr. Allen Boyd, with Boyd Engineering, during winter period road construction activities.
- (2) submitting a schedule for completion of road work.
- (3) submitting an analysis from a qualified professional, Mr. Allen Boyd, P.E., stating the road construction, including surfacing, drainage and ditch relief culverts have been installed according to guidelines of The Handbook for Forest, Ranch and Rural Roads (Road Handbook).

The weekly storm water field reports, road work completion schedule and analysis of road construction per Road Handbook by Mr. Boyd, were reviewed by Casey Yearout of my unit at the State Water Resources Control Board, Office of Enforcement.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272
E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

As a follow up to this letter, Mr. Yearout and I will schedule an inspection during the winter period of 2021/2022 to observe winterization measures, as described in the Cannabis General Order and Site Management Plan, and the winter condition of road surfacing, drainage and ditch relief culverts. Mr. Yearout will be in contact with Mr. Boyd to schedule this inspection.

I greatly appreciate your communication and cooperation efforts with Mr. Yearout and myself and your dedication to resolve this Notice of Violation.

Sincerely,

 Digitally signed
by Dylan Seidner
Date: 2021.06.28
16:33:10 -07'00'

Dylan Seidner
Supervisor of Cannabis Enforcement Unit
Office of Enforcement

cc:

(via email only)

North Coast Regional Water Quality Control Board

Mr. Kason Grady

Kason.Grady@waterboards.ca.gov

Ms. Mona Dougherty

Mona.Dougherty@waterboards.ca.gov

State Water Resources Control Board

Office of Enforcement

Mr. Casey Yearout

Casey.Yearout@waterboards.ca.gov

California Department of Fish and Wildlife (CDFW)

Mr. Matt Mitchell

Matthew.Mitchell@wildlife.ca.gov

California Department of Fish and Wildlife (CDFW)

Ms. Helen Bowman

Helen.Bowman@wildlife.ca.gov

Boyd Engineering

Mr. Allen Boyd, P.E.

Boydengineering@charter.net



Attachment 3

State of California

CIVIL CODE

Section 845

845. (a) The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.

(b) If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose. In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

(c) If any owner refuses to perform, or fails after demand in writing to pay the owner's proportion of the cost, an action to recover that owner's share of the cost, or for specific performance or contribution, may be brought by the other owners, either jointly or severally. The action may be brought before, during, or after performance of the maintenance work, as follows:

(1) The action may be brought in small claims court if the amount claimed to be due as the owner's proportion of the cost does not exceed the jurisdictional limit of the small claims court. A small claims judgment shall not affect apportionment of any future costs that are not requested in the small claims action.

(2) Except as provided in paragraph (1), the action shall be filed in superior court and, notwithstanding Section 1141.13 of the Code of Civil Procedure, the action shall be subject to judicial arbitration pursuant to Chapter 2.5 of Title 3 of Part 3 (commencing with Section 1141.10) of the Code of Civil Procedure. A superior court judgment shall not affect apportionment of any future costs that are not requested in the action, unless otherwise provided in the judgment.

(3) In the absence of an agreement addressing the maintenance of the easement, any action for specific performance or contribution shall be brought in a court in the county in which the easement is located.

(4) Nothing in this section precludes the use of any available alternative dispute resolution program to resolve actions regarding the maintenance of easements in the small claims court or the superior court.

(d) In the event that snow removal is not required under subdivision (a), or under any independent contractual or statutory duty, an agreement entered into pursuant to subdivision (b) to maintain the easement in repair shall be construed to include snow removal within the maintenance obligations of the agreement if all of the following exist:

(1) Snow removal is not expressly precluded by the terms of the agreement.

(2) Snow removal is necessary to provide access to the properties served by the easement.

(3) Snow removal is approved in advance by the property owners or their elected representatives in the same manner as provided by the agreement for repairs to the easement.

(e) This section does not apply to rights-of-way held or used by railroad common carriers subject to the jurisdiction of the Public Utilities Commission.

(Amended by Stats. 2012, Ch. 244, Sec. 1. (AB 1927) Effective January 1, 2013.)

Attachment 4 – Photos from Appellant Labelled Unlicensed Cultivation



Bella Hedtke

From: Oviatt, Paul@Cannabis <Paul.Oviatt@cannabis.ca.gov>
Sent: Wednesday, June 1, 2022 12:35 PM
To: Bella Hedtke; Info.Planning
Cc: Wonder, Erin@Cannabis; Hogan, Robert@Cannabis; Daniel Marvel
Subject: RE: Trinity County Water Hauling Complaint
Attachments: Water hauling complaint - CBMC Consulting, LLC; State license #CCL20-0000228 (expired).JPG; Water hauling complaint - CBMC Consulting, LLC; State license #CCL20-0000228 (expired).3GP

Hi Bella,

The video doesn't show anything definitive, but here it is along with the photo taken of the expired State license.

Thanks, appreciate you

Paul Oviatt

Environmental Scientist
Compliance Division, Region 2 Unit
desk: (279) 217-3692
mobile: (916) 956-7663
www.cannabis.ca.gov



**Department of
Cannabis Control**
CALIFORNIA

Integrity • Fairness • Innovation • Knowledge • Collaboration • Support

From: Bella Hedtke <bhedtke@trinitycounty.org>
Sent: Wednesday, June 1, 2022 11:50 AM
To: Oviatt, Paul@Cannabis <Paul.Oviatt@cannabis.ca.gov>; Info.Planning <Info.Planning@trinitycounty.org>
Cc: Wonder, Erin@Cannabis <erin.wonder@cannabis.ca.gov>; Hogan, Robert@Cannabis <Robert.Hogan@cannabis.ca.gov>; Daniel Marvel <dmarvel@trinitycounty.org>
Subject: RE: Trinity County Water Hauling Complaint

[EXTERNAL]: bhedtke@trinitycounty.org

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CANNABIS CONTROL!
DO NOT: click links or open attachments unless you know the content is safe.
NEVER: provide credentials on websites via a clicked link in an Email.

Good Morning Paul,

Please send us the video when you can. I can send you a share drive link if it's too large to send over email.

Thank you,

Bella Hedtke

Code Compliance Specialist

Trinity County Cannabis Division

530 Main St., P.O. Box 2819, Weaverville, CA 96093

bhedtke@trinitycounty.org

Cell: (530) 739-8811

Office: (530) 623-1351 ex. 2821

[Trinity County Cannabis Division Webpage](#)

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From: Oviatt, Paul@Cannabis <Paul.Oviatt@cannabis.ca.gov>

Sent: Wednesday, June 1, 2022 11:17 AM

To: Info.Planning <Info.Planning@trinitycounty.org>

Cc: Wonder, Erin@Cannabis <erin.wonder@cannabis.ca.gov>; Hogan, Robert@Cannabis <Robert.Hogan@cannabis.ca.gov>; Daniel Marvel <dmarvel@trinitycounty.org>; Bella Hedtke <bhedtke@trinitycounty.org>

Subject: Trinity County Water Hauling Complaint

To whom it may concern,

My name is Paul Oviatt and I am an Environmental Scientist with the Department of Cannabis Control's Compliance Division and I received a complaint from a State licensed cultivator, whom wishes to remain anonymous, about water being delivered to a neighboring parcel for use on a cannabis grow. The licensee sent me a photo of their expired State license and a grainy video of the purported action taking place. The business name is CBMC Consulting, LLC, the expired State license number is CCL20-0000228, and the address is 1598 Indian Creek Road, Unincorporated, CA 96024. I was told to refer this to your office.

Best,

Paul Oviatt

Environmental Scientist

Compliance Division, Region 2 Unit

desk: (279) 217-3692

mobile: (916) 956-7663

www.cannabis.ca.gov

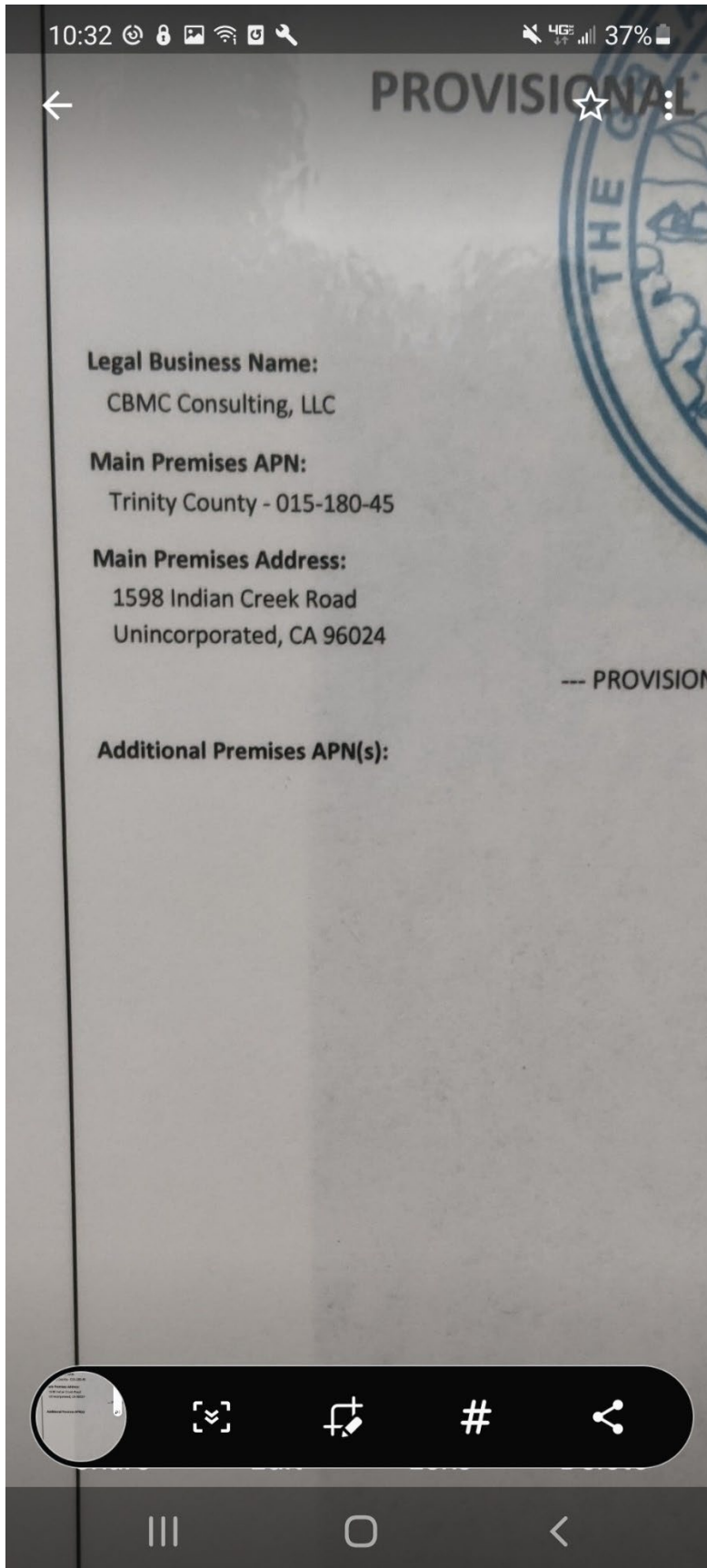


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Attachment 5 – Email correspondence from a DCC inspector attachments





Attachment 6 – Photos of Well and Evidence of Water Transport to Storage Tanks



Attachment 6 – Photos of Well and Evidence of Water Transport to Storage Tanks



Attachment 6 – Photos of Well and Evidence of Water Transport to Storage Tanks



Attachment 6 – Photos of Well and Evidence of Water Transport to Storage Tanks



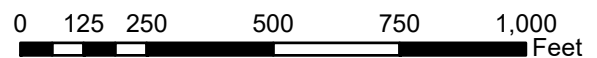
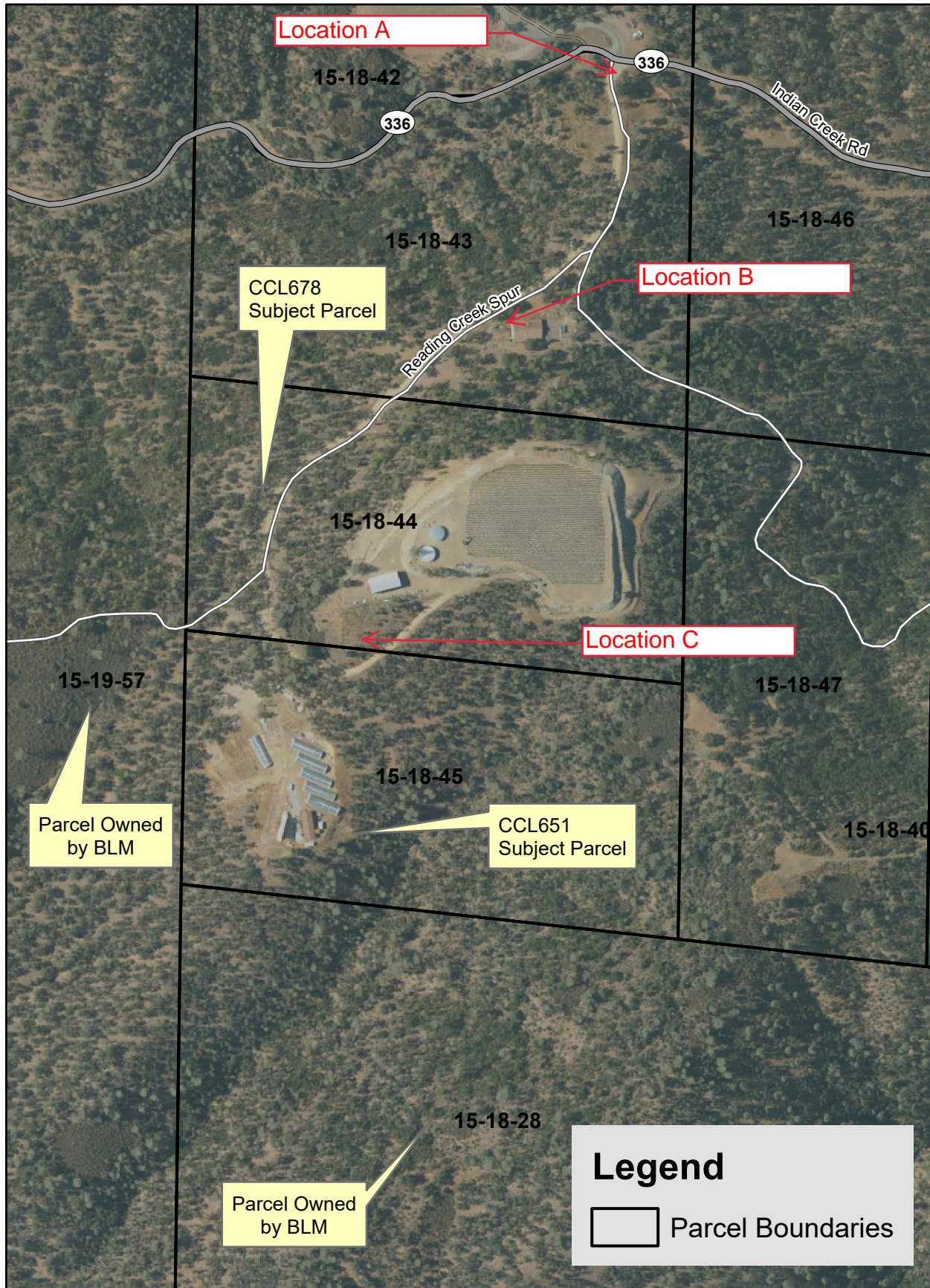
Attachment 6 – Photos of Well and Evidence of Water Transport to Storage Tanks



Please note that all of the tanks are piped together using PVC piping at the bottom of each tank.



Aerial Location Map

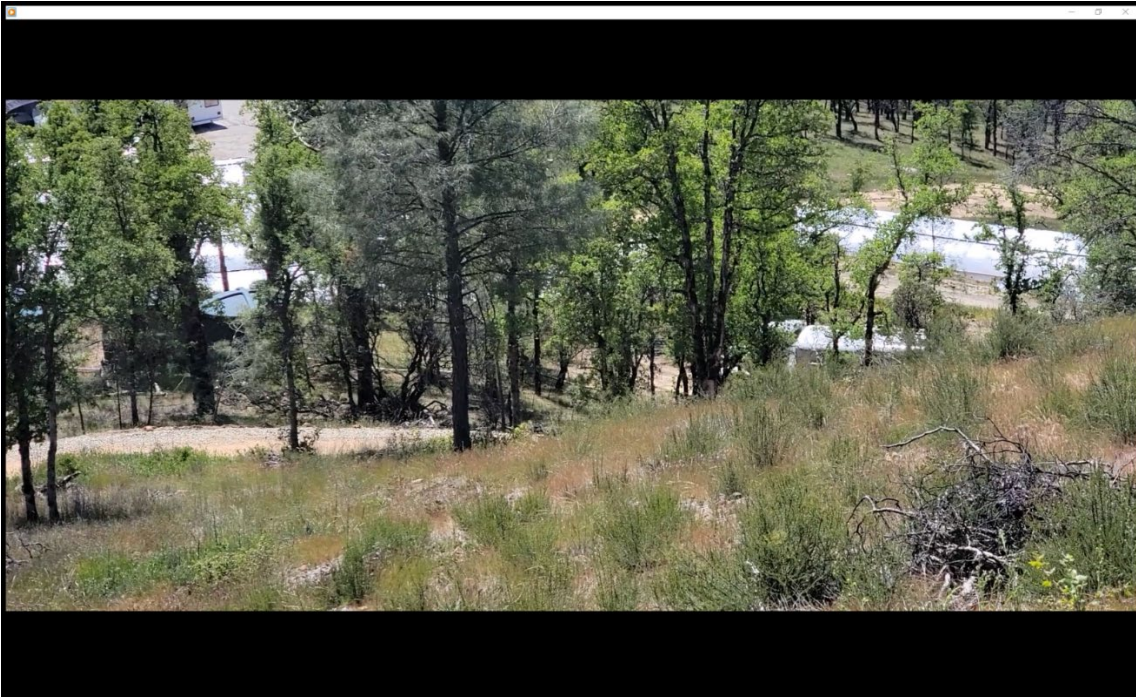


Attachment 8 – water hauling images and videos
April 18, 2022:

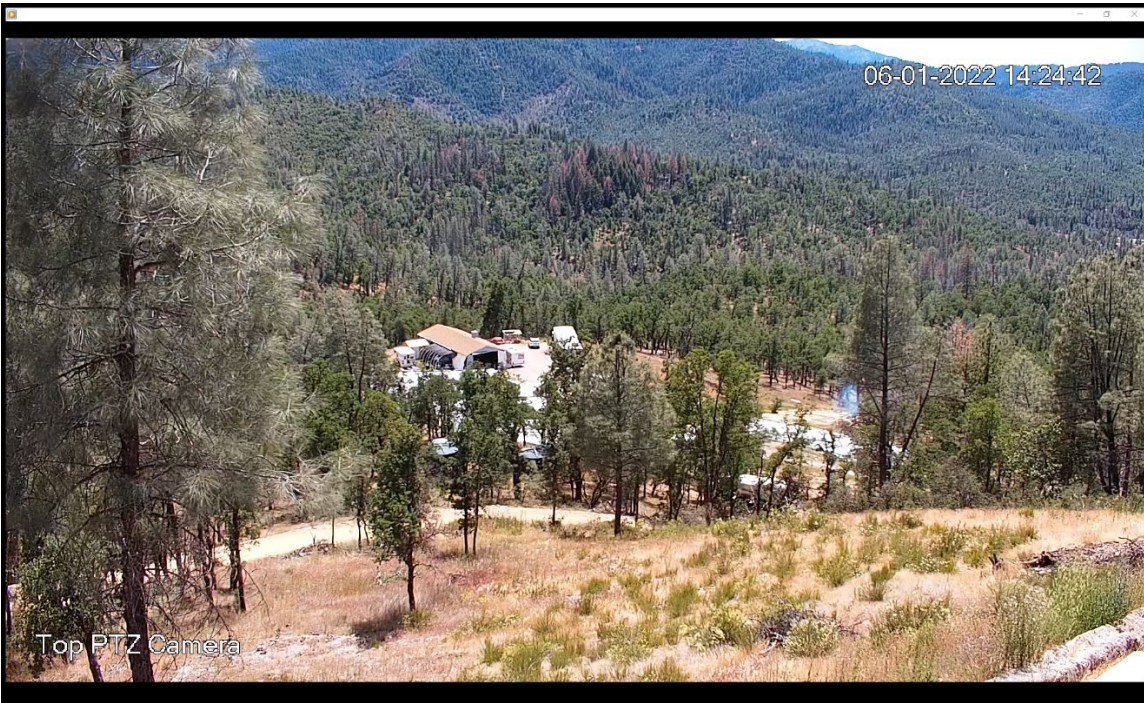


Attachment 8 – water hauling images and videos

May 3, 2022:



June 1, 2022:

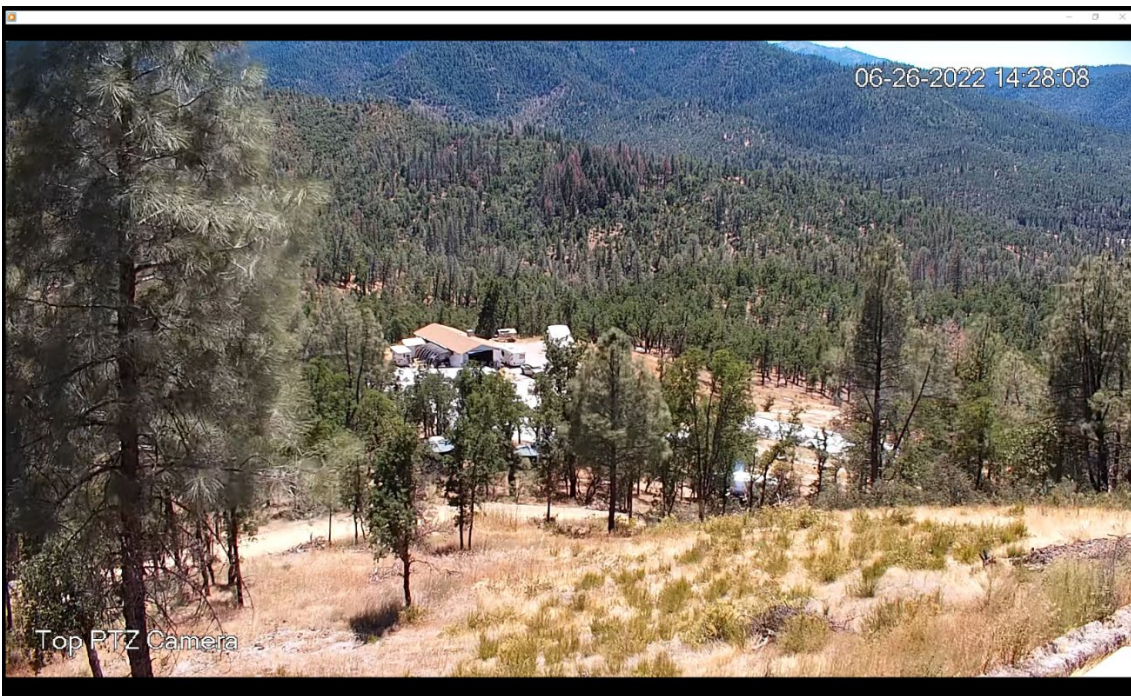


Attachment 8 – water hauling images and videos

June 16, 2022:

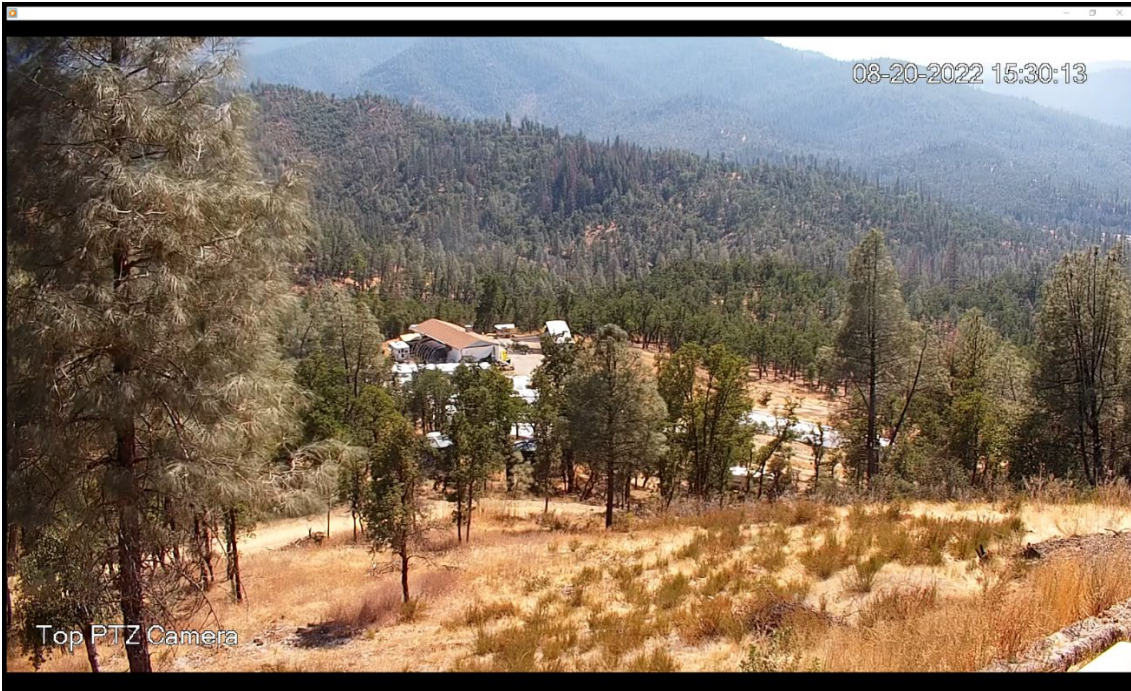


June 26, 2022:



Attachment 8 – water hauling images and videos

August 20, 2022:



Attachment 9

From: [Dark salty water](#)
To: [Bella Hedtke](#)
Subject: Re: Water Hauling
Date: Tuesday, November 29, 2022 11:09:38 PM

Bella,

It was great meeting you today and I appreciate the visit. (This is Joe by the way). I just got back home after a very long day of driving. I was unable to get in touch for the bill of sale by this timeline, but will get a copy of that as soon as humanly possible. I will get something digital so that we can get it to you fast, or have him bring it directly to the office. I wanted to get it all sorted by EOD today but with the notice being time sensitive, and a full day of driving, the stars just didn't align. We are open to inspections and want to be as transparent as possible as we have been trying to get this license sorted for almost a year now, what a year. That being said, happy you could come by and check out our property and get a look for yourself. We deeply care about this project and our position in the program.

As for the footage, for a cultivation License we are aware the only usage of water must be for "emergency" use. We also know that for residential, outside of cultivation, we can have water for residential and construction, as stated by the building department. The footage shown as choppy as it was in that video, Is our attempt to ready ourselves and brace for a potentially bad fire season as was the scene last year during the fire season. We were told that there were fires coming in this summer by Zeph who runs fires with his water truck and as a friend and neighbor he told us to fill our fire suppression tank. Last year was bad and was pretty scary. Today you were able to see our hook up goes directly into our Fire tank that's labeled as I pointed out today. The well line goes directly into our tank that leads down to the property which you also got to see. With water being so vital for our operation, we are trying to preserve as much of our well water as possible for when we have the opportunity to cultivate. Any water that was hauled in was completely compliant to all the guidelines as you can see by all the aspects of our project. We are very adamant about this and intend to do everything the right way. We just want to get to business and do what we have set out to do since the start of this whole process. We both have families and are just trying to do our job and provide and survive as all of you are trying to do as well. I am here to answer any and all questions and provide anything you may need for us to get on with this and put this final hurdle behind us.

I will have the bill of sale in correlation to anything that may seem to be needing explanation. DC water is a good friend and neighbor of ours and every year has stopped by to chat and have a beer after a long day of work. It's a shame the other neighbor has it out for us and is turning this into something that it isn't.

As far as his road work, rock trucks in winter weather and excavator running all day (Ashely from CDFW can attest), I will get that footage as well so it can further hammer in the fact that he is in fact responsible for any road issues. I hope you were able to see his rock gutter forming and can see that line of rocks increase throughout the following days.

I look forward to working with you during the season

Thank you again for your time, if you need anything from me in the meantime, we are here.

Joe

On Tue, Nov 29, 2022 at 12:42 PM Bella Hedtke <bhedtke@trinitycounty.org> wrote:

Good afternoon Schyler and Joe,

I really appreciate the site visit today. As I mentioned on site, the Division was provided concrete evidence that water hauling did occur at various times throughout last year. Trinity County Code § 17.43.060 (C) also sets forth the restrictions for water hauling for cultivation licensees, which states:

“Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. **If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.”**

You can access the photos/videos I am referring to here:

<https://www.trinitycounty.cloud/index.php/s/4Y2C55g4wbmiDtM>

From the evidence provided it looks like we can confidently conclude that water hauling occurred on the following dates:

1. April 18, 2022
2. May 3, 2022
3. June 1, 2022
4. June 16, 2022
5. June 24, 2022
6. June 26, 2022
7. August 20, 2022

We seek to have a fair interpretation of possible code violations, so please provide input/explanation for why water hauling occurred in writing. This includes proof of bill of sale from DC Water Company for each water hauling transport that was performed. Your response will be included in the staff report I am preparing for this item that is due by EOD today. **Please provide an update regarding your reply by EOD today if you are unable to provide a full response by then, I'll need to write a subsequent memo for this item if so that will be provided to the commission after the original packets are mailed tomorrow.**

Thank you for your cooperation and coordination during this, you have both been really pleasant to work with.

All the best,

Bella Hedtke

Code Compliance Specialist II

Trinity County Cannabis Division

530 Main St., P.O. Box 2819, Weaverville, CA 96093

bhedtke@trinitycounty.org

Cell: (530) 739-8811

Office: (530) 623-1351 ex. 2821

[Trinity County Cannabis Division Webpage](#)

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Attachment 10 – Fire Suppression Connection Image





United States Department of the Interior



BUREAU OF LAND MANAGEMENT
 Redding Field Office
 6640 Lockheed Drive
 Redding, CA 96002
www.blm.gov/office/redding-field-office

November 14, 2022

Trinity County Planning Department
 P.O. Box 2819
 530 Main St.
 Weaverville, California 96093

Dear Planning Department,

Thank you for providing the Bureau of Land Management (BLM) with the opportunity to share our concerns regarding county permitting for cannabis cultivation on private parcels and determine if this affects federal lands or requires any federal authorizations. This letter provides a response to the following letter(s):

CCL/CCV(s)

P-22-29 (CCL-651)

APN(s)

015-180-045-000

The Comprehensive Drug Abuse Prevention and Control Act of 1970 and more specifically Title II of the Act (the Controlled Substances Act), lists Cannabis as a Schedule I drug. The BLM does not have discretion to permit activities on the public land that will violate the Controlled Substances Act or any other federal law. The BLM therefore cannot authorize any activities related to cannabis operations on public land such as the *cultivation, production, transportation, or distribution* of supplies or product.

Individuals that cause resource damage (i.e., erosion or soil contamination) to BLM-administered lands from illicit acts, including the manufacturing of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should also be aware that transporting cannabis across an existing right-of-way (ROW) on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

The BLM Redding Office shared the following concerns for adjacent parcels under CCL-2022-678 earlier this year, which remain relevant to CCL-651 as well. Therefore, we support the appeal of the director's decision to approve the commercial cannabis license for CCL-651.

Wildlife Concerns

A-1 The Indian Creek watershed is home to one of California's few Roosevelt elk herds - a species whose population is still well under the California Department of Fish and Wildlife's (CDFW) established population objectives. The watershed also contains limited blacktail deer winter range and suitable habitat for both the federally listed Northern Spotted Owl and the International Union for Conservation of Nature (IUCN)-endangered monarch butterfly – a species whose decline has been linked directly to both modern agricultural practices and development within the wildland-urban interface. Continued industrial marijuana cultivation, which requires both substantial vegetation removal and large volumes of water, will adversely affect each of these species. Numerous seeps and springs in the watershed are critical to



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Redding Field Office
6640 Lockheed Drive
Redding, CA 96002
www.blm.gov/office/redding-field-office

- A-2 continued viability as elk habitat. Ground or surface water extraction within the watershed is likely to exacerbate drought conditions and accelerate the habitat degradation already observed within the region.
- A-3 Additional impacts to both wildlife and wildlife-related recreation occur because of increased vehicular traffic, as well as machinery and equipment associated with agricultural operations. These impacts extend beyond property boundaries and can result in direct, adverse effects to wildlife.

Erosion and Restoration Efforts

- A-4 Since 2012, operations on the applicant's parcels have been substantially developed through the creation of new roads, flattening ridge tops, and developing new flats for cultivation. The BLM is concerned about erosion from continued development and contamination for herbicide and pesticide use for large scale agriculture into both Indian Creek and Panwalket Gulch that flow into Reading Creek, both of which are public lands. Restoration work was completed by the Yurok Tribe and Redding BLM in 2018 on Indian Creek to improve fisheries habitat and correct sedimentation created during the gold rush. Sedimentation from heavy development could further impact the Indian Creek Fisheries. In addition to potential impacts from erosion and contamination, the visual resources of the areas have been significantly altered. When looking Northwest along Indian Creek there is a natural corridor until the viewshed becomes disrupted by multiple prominent hoop houses located directly in line with Indian Creek.

Trespass and Property Line

- A-5 We recommend that permit applicants adjacent to or near BLM lands have their parcels surveyed by a professional land surveyor, so their operations do not trespass upon or cause impacts to federal lands. The applicant's development on the northwest corner of their land abuts BLM managed land, increasing a likelihood of trespass or impacts. In addition, BLM recommends that private property lines have adequate signage so that public land user and private landowner conflicts are avoided.

Thank you again for the opportunity to comment. Please contact our planner, Natasha Braziel, if you would like to further discuss this issue at 530-224-2120 or nbraziel@blm.gov.

Sincerely,

Jennifer Mata
Field Manager



TRINITY COUNTY

PLANNING – CANNABIS

PHONE – 530-623-1351

530 MAIN ST., PO BOX 2819

WEAVERVILLE, CALIFORNIA 96093

Memorandum

November 30, 2022

To: Bureau of Land Management, Redding Field Office

From: Colton Trent, Environmental Compliance Specialist, Cannabis Division

CC: Drew Plebani, Acting Division Director, Cannabis Division, and Bella Hedtke, Code Compliance Specialist, Cannabis Division

- A-1 This comment states concern for multiple sensitive species that have been identified for protection by various environmental agencies. This includes the Roosevelt elk whose population is below the California Department of Fish and Wildlife established population objectives, the Blacktail Deer range, suitable habitat for the federally listed Northern Spotted Owl, and suitable habitat for the Monarch Butterfly which is listed as endangered by the International Union for conservation of Nature. Impacts to all of these species have been accounted for in the Trinity County Cannabis Program Environmental Impact Report (EIR) with the exception of the Monarch Butterfly. There are no mitigation measures applicable to the Roosevelt Elk and impact to them was found to be less than significant, as most of their range within Trinity County exists in areas that are not applicable to commercial cannabis operations. Impacts to Blacktail Deer were found to be less than significant with the implementation of mitigation measure 3.4-6a: Implement Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features. There are multiple mitigation measures associated with Northern Spotted Owls that address potential loss of individuals and habitat; impacts to Northern Spotted Owls were found to be less than significant with the implementation of Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species and Mitigation Measure 3.4-2n: Implement Generator Noise Reduction Measures. Monarch Butterflies are not addressed in the EIR as they are not listed under either the Federal Endangered Species Act or the California Endangered Species Act. This project, CCL-651, was reviewed and determined to be consistent with the Trinity County Cannabis Program EIR and has identified which mitigation measures are applicable and will be applied.
- A-2 This comment states that ground or surface water extraction within the Indian Creek watershed will exacerbate drought conditions and accelerate habitat degradation. Watershed characteristics, including impacts to ground and surface waters, have been scoped into the EIR through mitigation measures: 3.10-1a: Demonstrate Compliance with Water Resource Standards, 3.10-2: Conduct Groundwater

Monitoring and Adaptive Management, 3.10-3b: Prohibit Commercial Cannabis Operations in Watersheds under a CDFA Moratorium. All impacts were found to be less than significant after implementation of these mitigation measures. The applicant is currently registered under the State Water Resource Control Board General Order, WDID: 1_53CC422338, and has multiple finaled wells located on the cultivation parcel that are utilized for commercial purposes. This project, CCL-651, was reviewed and determined to be consistent with the Trinity County Cannabis Program EIR and has identified which mitigation measures are applicable and will be applied.

A-3 This comment states that impacts to wildlife and wildlife-related recreation will occur due to increases in vehicular traffic, machinery, and equipment related to agricultural operations. Impacts to wildlife and wildlife-related recreation have been scoped into the EIR and have been addressed as follows.

The EIR found that impacts related to traffic to be less than significant without mitigation and significant and unavoidable. Impacts found to be significant without mitigation include: 3.14-1: Construction Related Increase in Traffic, 3.14-2: Long-Term Increase in Traffic, and 3.14-5: Result in a Net Increase in and inefficient VMT travel for the Proposed Cannabis Program. There are not mitigation measures for these impacts as they were found to be less than significant without mitigation. Impact 3.12-3: Traffic Noise Levels was found to be significant and unavoidable.

Impacts related to the use of machinery and equipment associated with cannabis cultivation were found to be less than significant without mitigation, less than significant with mitigation and significant and unavoidable. Impacts that were found to be significant and unavoidable include: 3.3-1: Construction-Generated Emissions of Criteria Air Pollutants and Precursors and 3.3-2: Long-Term Operational Emissions of Criteria Air Pollutants and Precursors. The EIR states that there is no other feasible mitigation available. Impacts that were found to be less than significant with mitigation include: 3.8-1: Generation of Greenhouse Gas Emissions and 3.12-1: Create Short-Term, Construction-Related Noise. Impacts that were found to be less than significant without mitigation include: 3.9-1: Create a Significant Hazard Through Transport, Use, or Disposal of Hazardous Materials and 3.12-2: Creation of Long-Term Nontransportation Operational Noise. There are not mitigation measures for these impacts as they were found to be less than significant without mitigation. This project, CCL-651, was reviewed and determined to be consistent with the Trinity County Cannabis Program EIR and has identified which mitigation measures are applicable and will be applied.

A-4 This comment states concern for erosion, sedimentation, herbicide and pesticide contamination, and impacts to visual resources. Impacts stemming from erosion, sedimentation, herbicide and pesticide contamination, and impacts to visual resources have been scoped into the EIR and have been addressed as follows.

Mitigation measures 3.4-4b: Restore Abandoned Cultivation and Nursery Sites, 3.10-1a: Demonstrate Compliance with Water Resource Standards, 3.10-1b: Prohibit

Cultivation in Floodplains all address potential impacts related to erosion, sedimentation, and herbicide and pesticide contamination and were found to be less than significant after mitigation. Impact 3.9-1: Create a Significant Hazard Through Transport, Use, or Disposal of Hazardous Materials, and Impact 3.16-1: Exposure of People or Structures Directly or Indirectly to a Significant Risk of Loss Involving Wildfire Hazards or Exacerbate Wildfire Risk and Expose Project and Public to Pollutant Concentrations from Uncontrolled Spread of a Wildfire, Impact 3.16-2: Installation and Operation of Associated Infrastructure That May Exacerbate Fire Risk require herbicide and other agricultural chemicals to be stored in a secured and locked structure or device. A site inspection was conducted on 11/29/22 where Trinity County Cannabis Program staff identified the implementation of erosion control measures consistent the State Water Resources Control Board Cannabis Cultivation Policy Attachment A. All agricultural chemicals, including herbicides and pesticides were seen properly stored according to the EIR and the State Water Resources Control Board Cannabis Cultivation Policy Attachment A during the site inspection.

Impact 3.1-1: Have a Substantial Adverse Impact on Scenic Vistas or Damage Scenic Resources and Impact 3.1-2: Substantially Degrade the Existing Visual Character or Quality of the Project Area were found to be less than significant after mitigation. Impact 3.1-3: Create a New Source of Substantial Light or Glare That Would Adversely Affect Views was found to be less than significant without mitigation. This project, CCL-651, was reviewed and determined to be consistent with the Trinity County Cannabis Program EIR and has identified which mitigation measures are applicable and will be applied.

A-5

This comment recommends that all applicants in the Trinity County Commercial Cannabis Program that are adjacent or near BLM lands hire a professional land surveyor to ensure that operations do not trespass or impact federal lands. The comment also recommends placing signage at private property lines along BLM lands to avoid conflicts between public land users and private land owners. The comment states that the northwest corner of the applicant's parcel abuts BLM land and may have an increased potential to trespass or impact their lands. The Trinity County Cannabis Program agrees that these recommendations could be potentially beneficial and have forwarded this to the applicant as a recommendation. Current aerial imagery shows infrastructure related to commercial cannabis operations on the applicant's parcel to be fully contained within the parcel boundaries.

Mitigation Measure Applicability Table

The following table is intended to identify which of the mitigation measures included in the Trinity County Cannabis Program EIR are applicable to the 1598 Indian Creek Rd., Douglas City Project (CCL-651). The columns are as follows:

- **Mitigation Measure # and Title:** This column lists the mitigation measures from the Trinity County Cannabis Program EIR. For the full text of each mitigation measure, see the Trinity County Cannabis Program EIR.
- **Applicable to Project?:** Indicate yes if the mitigation measure is applicable to your project and no if it is not.
- **Implementation Plan/Reasons Not Applicable:** If the mitigation measure would be applicable to your project, briefly describe how the mitigation measure would be implemented for your project. If the mitigation measure would not be applicable to your project, briefly describe why the mitigation measure would not apply to your project.

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
EIR Section 3.1 – Aesthetics		
Mitigation Measure 3.1-1a: Screen Cultivation Sites from County Scenic Roadways	N	Project location is 4.9 miles from nearest scenic highway
Mitigation Measure 3.1-1b: Maintain Cultivation Parcel	Y	Project location is 4.9 miles from the nearest scenic highway however, the parcel is maintained. S
Mitigation Measure 3.1-1c: Fence Cultivation Site	Y	Whole parcel is fenced
Mitigation Measure 3.1-2: Implement Mitigation Measures 3.1-1a, 3.1-1b, and 3.1-1c.	Y	The parcel is 4.9 miles from the nearest scenic highway however, the parcel is also fenced and maintained.
Mitigation Measure 3.1-3 – Shield and/or downcast light	Y	The project complies however, does not use grow lights
EIR Section 3.3 – Air Quality		
Mitigation Measure 3.3-1a: Prohibit Burning Vegetation	Y	Project utilizes compost methods for cannabis waste/Project complies with existing NCUAQMD standards
Mitigation Measure 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control	Y	Project uses vegetative fencing and an odor control plan for dust mitigation and diesel engine exhaust
Mitigation Measure 3.3-1c: Use Alternative Fuels	N	Project uses grid power and propane for heat during off-season

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.3-2a: Limit the Use of Fossil Fuel-Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites	Y	Project limits use of fossil fuel-powered outdoor equipment
Mitigation Measure 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites	N	Project does not use back-up generators
Mitigation Measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivation, Processing, Handling of Cannabis	Y	The project's odor control plan is attached and includes enclosed areas for product storage and vegetative fencing
EIR Section 3.4 – Biological Resources		
Mitigation Measure 3.4-1a: Conduct Preapproval Biological Reconnaissance Surveys	Y	Biological Survey is attached
Mitigation Measure 3.4-1b: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation	Y	Biological survey is attached. Project is outside of all setback requirements
Mitigation Measure 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species	Y	A Noxious Weed Management plan is attached.
Mitigation Measure 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians	Y	Biological survey is attached. No special-status amphibians found onsite
Mitigation Measure 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals	Y	Biological survey is attached. No Western pond turtles found onsite
Mitigation Measure 3.4-2c: Conduct Preconstruction Nesting Raptor Surveys and Establish Protective Buffers	Y	Biological survey is attached. No Nesting raptors found onsite
Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species	Y	Biological survey is attached. No Spotted Owls or habitats found onsite
Mitigation Measure 3.4-2e: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers	Y	Biological survey is attached. No special-status Nesting Birds found onsite
Mitigation Measure 3.4-2f: Conduct Preconstruction Surveys for Trinity Bristle Snail	Y	Biological survey is attached. No Trinity Bristle Snails found onsite
Mitigation Measure 3.4-2g: Conduct Preconstruction American Badger Survey and Establish Protective Buffers	Y	Biological survey is attached. No American Badgers found onsite

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.4-2h: Conduct Preconstruction Fisher and Humboldt Marten Survey and Preserve Active Den Sites	Y	Biological survey is attached. No Fishers or Humboldt Martens found onsite.
Mitigation Measure 3.4-2i: Conduct Preconstruction Surveys for Ringtail and Implement Avoidance Measures	Y	Biological survey is attached. No Ringtails found onsite
Mitigation Measure 3.4-2j: Conduct Preconstruction Surveys for Oregon Snowshoe Hare and Implement Avoidance Measures	Y	Biological survey is attached. No Oregon Snowshoe Hares found onsite.
Mitigation Measure 3.4-2k: Preconstruction Bat Survey and Exclusion	Y	Biological survey is attached. No bats found onsite.
Mitigation Measure 3.4-2l: Preconstruction Vole Survey and Relocation	Y	Biological survey is attached. No voles found onsite.
Mitigation Measure 3.4-2m: Implement Generator Noise Reduction Measures	N	Project uses grid power
Mitigation Measure 3.4-3: Implement Mitigation Measures 3.10-1a and 3.10-3b.	Y	Project enrolled in SWRCB and NCWRCB. Project not located near critical water resources or water shed projects.
Mitigation Measure 3.4-4a: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation	Y	Biological survey is attached. Project observes setback requirements to the onsite class III creek.
Mitigation Measure 3.4-4b: Restore Abandoned Cultivation and Nursery Sites	N	No abandoned cultivation sites onsite
Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features	Y	Project observes setback to class III creek.
Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5	Y	Project observes setback to class III creek.
Mitigation Measure 3.4-6b: Retention of Fisher and Humboldt Marten Habitat Features	Y	Biological survey is attached. No Fisher or Humboldt Martens found onsite. No removal of old-growth trees has occurred onsite.
Mitigation Measure 3.4-6c: Implement Mitigation Measure 3.1-1b	Y	A site management plan including best practices is included in this submission
EIR Section 3.5 – Cultural Resources		
Mitigation Measure 3.5-1a: Conduct Historic Evaluations for Existing Operations	Y	A cultural resources assessment is attached

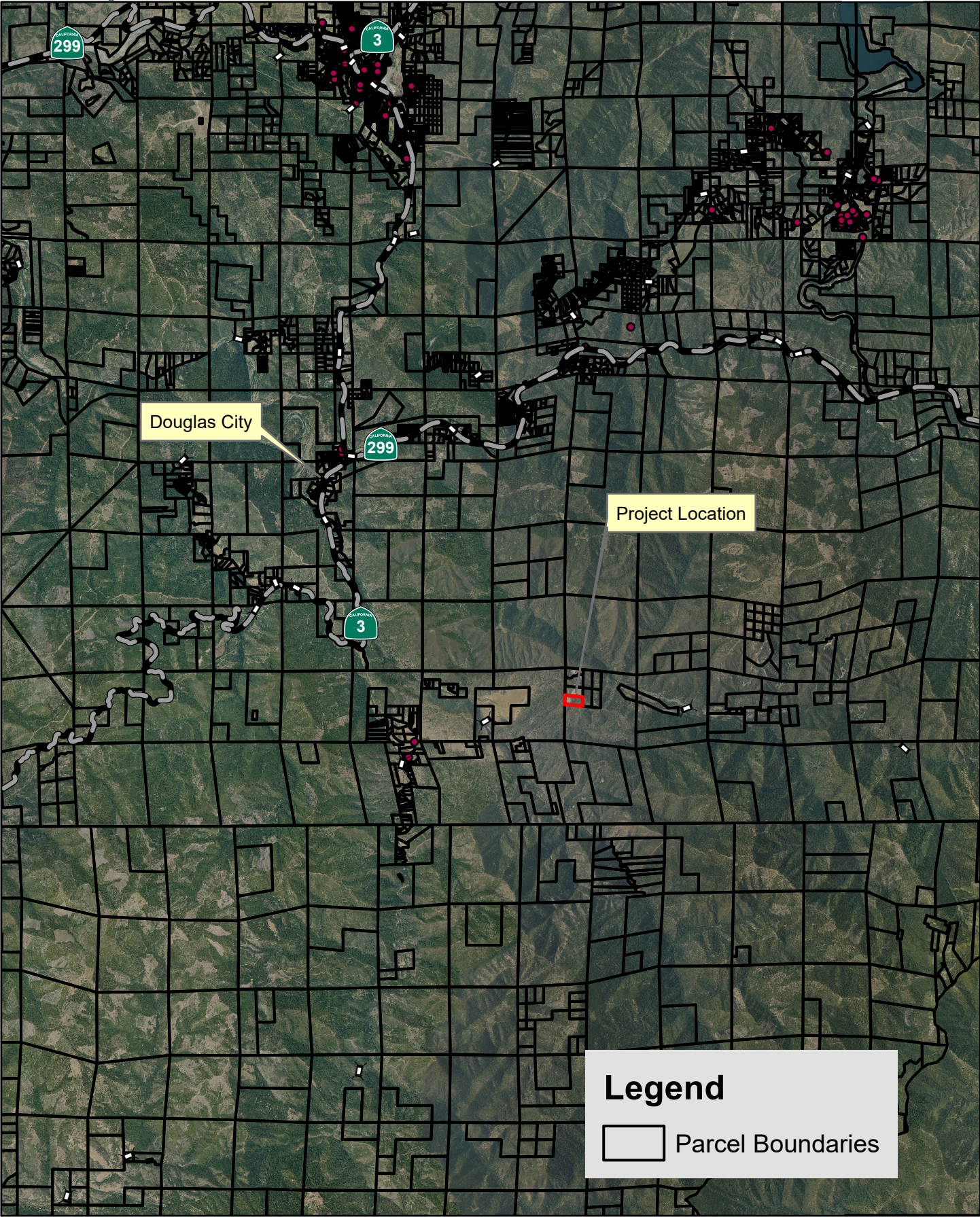
Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.5-1b: Revise Ordinance to Include All Historic Districts and Additional Measures to Protect Historic Resources	N	The project is not in charge of making changes to the ordinance however, no cultural resources were found onsite.
EIR Section 3.7 – Geology and Soils		
Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a	Y	A grading and revegetation plan are included
Mitigation Measure 3.7-4: Protect Discovered Paleontological Resources	N	No paleontological resources found onsite however, a cultural resources assessment is included.
EIR Section 3.8 – Greenhouse Gas Emissions and Climate Change		
Mitigation Measure 3.8-1a: Implement Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c	Y	The project has adopted an odor control plan and great neighbor policy to reduce emissions
Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b	N	Project does not use generators
Mitigation Measure 3.8-1c: Renewable Electricity Requirements	Y	Project will purchase renewable energy when in production and purchase energy credits until that time.
Mitigation Measure 3.8-1d: Lighting Efficiency Requirements	N	Project does not use artificial lighting for cultivation
EIR Section 3.9 – Hazards and Hazardous Materials		
Mitigation Measure 3.9-2a: Prepare Environmental Site Assessments	N	Project location not within a hazardous materials zone
Mitigation Measure 3.9-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities	N	Project not using hazardous materials and is cultivation-only/nearest sensitive receptor is 6.5 miles away.
Mitigation Measure 3.9-6: Implement Mitigation Measures 3.14-3 and 3.14-4.	Y	Project has maintained appropriate roadway conditions including width, etc.
EIR Section 3.10 – Hydrology and Water Quality		
Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards	Y	See water board enrollment and site management plan
Mitigation Measure 3.10-1b: Prohibit Cultivation in Floodplains	N	Project not in floodplain
Mitigation Measure 3.10-2: Conduct Groundwater Monitoring and Adaptive Management	Y	See WB annual reporting included in this submission.
Mitigation Measure 3.10-3a: Implement Mitigation 3.10-1a	Y	See water board enrollment and site management plan

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.10-3b: Prohibit Commercial Cannabis Operations in Watersheds under a CDFA Moratorium	N	Project not within a moratorium. Project's closes building is 70 feet from the nearest class III
Mitigation Measure 3.10-4: Implement Mitigation Measure 3.10-1b	N	Project not within a floodplain
EIR Section 3.12 – Noise		
Mitigation Measure 3.12-1: Implement Construction Noise Mitigation	Y	A Great neighbor Policy has been included with this submission to address noise
EIR Section 3.13 – Public Services		
Mitigation Measure 3.13-1: Implement Mitigation Measures 3.14-3 and 3.14-4.	Y	Although cultivation only, the project is in the CDFW Fire Hazard zone and utilizes a Fire Hazard Safety Plan
EIR Section 3.14 – Transportation/Traffic		
Mitigation Measure 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design	Y	The road is free of hazards and is maintained
Mitigation Measure 3.14-4: Provide Adequate Emergency Access	Y	The project utilizes a Fire Hazard Safety plan
EIR Section 3.15 – Utilities and Service Systems		
Mitigation Measure 3.15-1a: Prepare a Treatment Program for Noncultivation Activities	Y	Project has an onsite waste disposal system and utilizes best practices within the Site management plan and biological survey
Mitigation Measure 3.15-1b: Verification of Adequate Wastewater Service and Necessary Improvements for Public Wastewater Systems	Y	Project uses an onsite waste disposal system
Mitigation Measure 3.15-3: Implement a Cannabis Waste Composting Management Plan	Y	Project has included a Cannabis Waste Management Plan with this submission
EIR Section 3.16 – Wildfire		
Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel	Y	Project has adopted a Site Management plan and included it with this submission
Mitigation Measure 3.16-2a: Implement Fire Prevention Measures for New Power Lines and Electrical Facilities	N	No new power lines are required for this project.
Mitigation Measure 3.16-2b: Implement Fire Prevention Measures for On-Site Construction and Maintenance Activities	Y	Project has implemented a Fire Safety Plan and included it in this submission

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015-180-045

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.16-3: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards	Y	Project compliant w/SWRCB and NCRWCB

Project Location Map

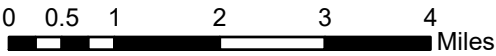


Douglas City

Project Location

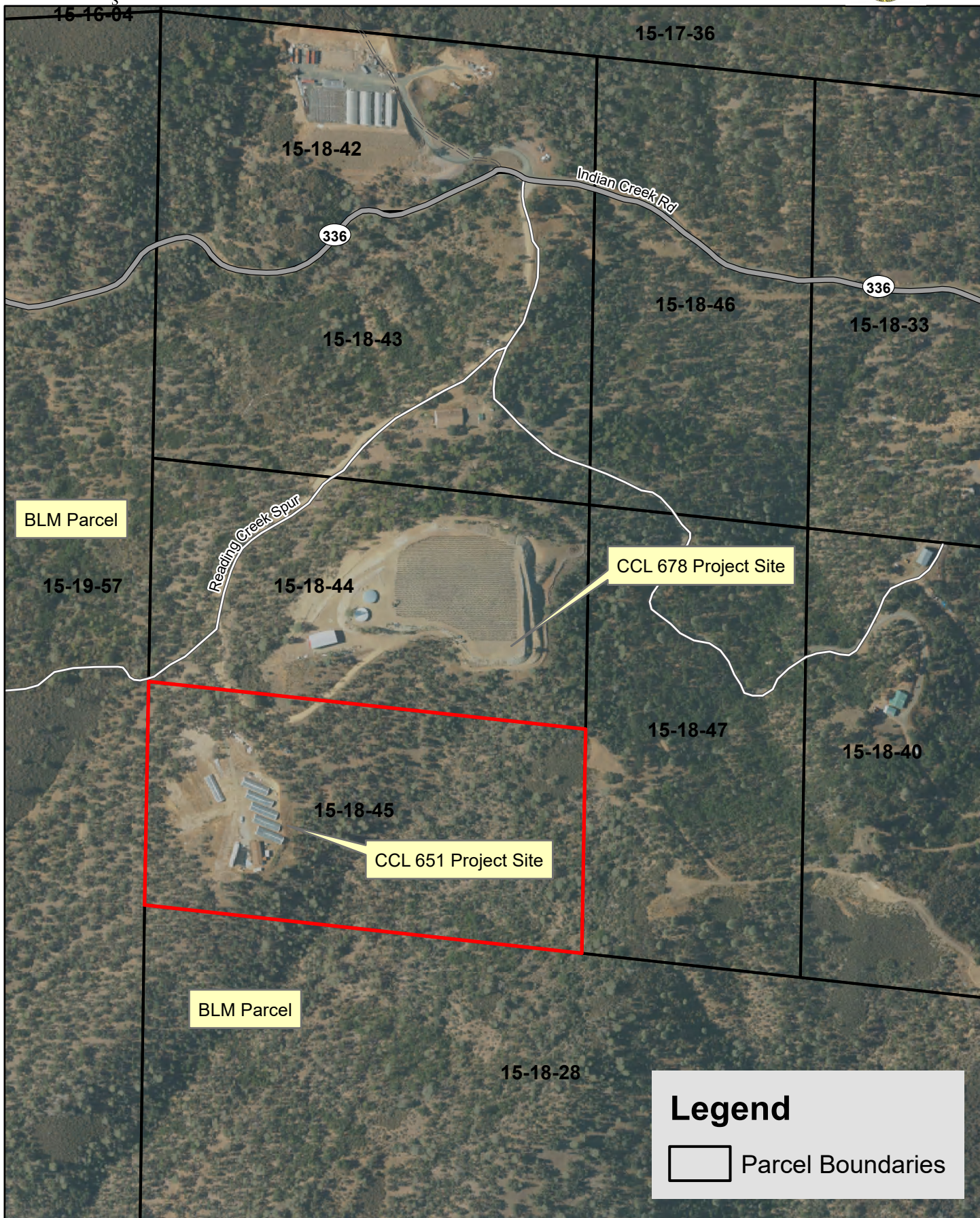
Legend

Parcel Boundaries




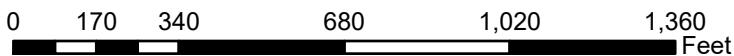


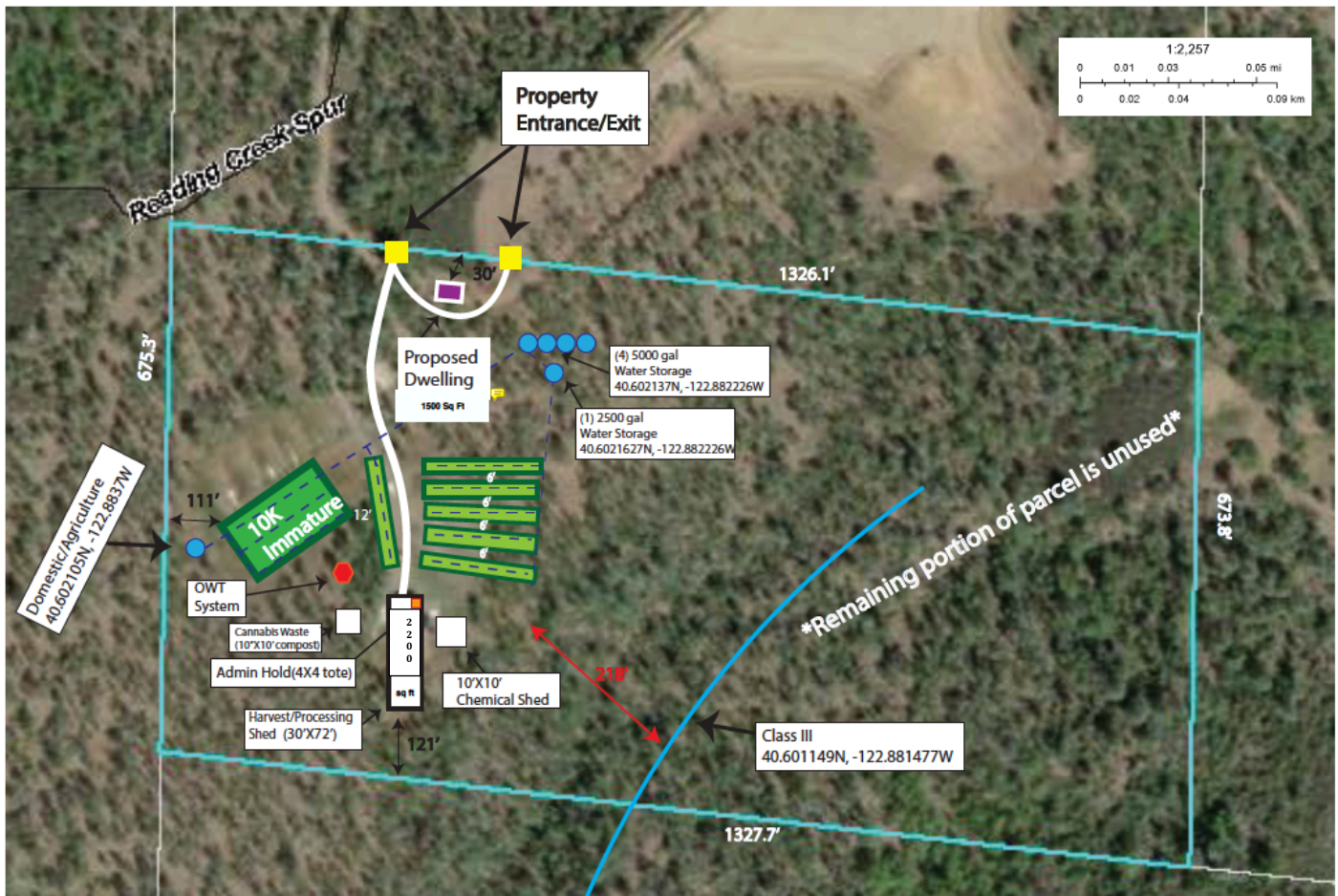
Project Location Map – Site Specific Aerial Imagery



Legend

 Parcel Boundaries



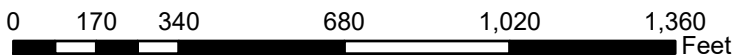


CBMC Consulting, LLC
 APN: 015-180-45-00
 Address: 1598 Indian Creek Rd. Douglas City, CA
 Packaging occurs off-site

Canopy Calculations:
 Mature: Six 24' X 84' Greenhouses
 Rows Inside Greenhouses: (3) 6'X80' = 1440sq ft./hoop house
Total Mature Canopy: 8640 square feet
Total Immature Canopy: 10,000 square feet

Figure 5. Premises Map for 1598 Indian Creek Rd.

Project Zoning District Map



Project General Plan Designation Map

