



Enforcement News

\$325,000 Settlement Reached In Illegal Land Development For Cannabis Cultivators

FOR IMMEDIATE RELEASE
June 12, 2019

Contact: Josh Curtis
(707) 576-2695

SACRAMENTO – Four developers who illegally graded roads and pads on a series of remote Trinity County properties, some of which were sold to cannabis cultivators, have agreed to pay a \$325,000 fine to settle a lawsuit brought by the North Coast Regional Water Quality Control Board (North Coast Water Board).

The development activity, conducted without the necessary permits, made the land vulnerable to erosion and runoff issues that washed sediment into the nearby Indian Creek watershed, a tributary of the Middle Fork Trinity River, according to an investigation by the North Coast Water Board. In addition to the financial penalty, the developers and current landowners are named in a Cleanup and Abatement Order that requires correction of water quality violations.

“Illegal development for cannabis cultivation continues to be a significant issue and is a direct threat to the water quality of the north coast,” said Josh Curtis, assistant executive officer of the North Coast Water Board. “The settlement reflects that the parties acknowledged their illegal conduct, and we will be monitoring compliance with the Cleanup and Abatement Order so that these violations are corrected.”

Soil discharges into watersheds are a common concern with this kind of illegal grading, which are made worse by heavy winter rains that trigger runoff of soils that have been disturbed.

After investigating the violations, the North Coast Water Board sued the four parties in Trinity County Superior Court. The California Department of Justice filed the lawsuit on behalf of the North Coast Water Board, in coordination with the State Water Resources Control Board’s Office of Enforcement.

The settlement resolves the litigation with a [stipulated judgment](#) against the parties.

“We prioritized this case for enforcement because the unpermitted and poorly planned development of the properties caused actual and threatened discharges to Indian Creek, which is tributary to the sediment-impaired Middle Fork Trinity River,” said Curtis.



Part of the illegally graded roads and pads

The four defendants (Clay Tucker, Barney Brenner, Rincon Land Holdings LLC, and Independence Corporate Offices, Inc.) acquired the largely undeveloped properties, then graded a series of roads and pads and sold the properties. The development was conducted without the necessary permits and in a manner that caused sediment from runoff to cloud the tributaries of Indian Creek and threaten fish habitat.

Through a combination of regulatory actions, including a Cleanup and Abatement Order for the shared access road and mandatory enrollment in the Cannabis Waste Discharge Regulatory Program for properties engaged in cannabis

cultivation, the North Coast Water Board is working with the four developers and the subsequent property owners to ensure all water quality threats are addressed.

In addition to the guaranteed payment of \$325,000, a suspended liability of up to \$200,000 was imposed on Tucker. It will be triggered if he engages in, directs or finances conduct that violates the California Water Code within five years of the stipulated judgment.

For information regarding the North Coast Water Board, please visit <https://www.waterboards.ca.gov/northcoast/>

###