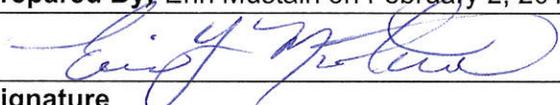
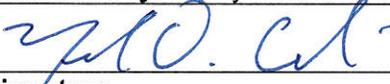


<b>Name and Location of Facility Inspected</b> McConnell Property APN 222-071-017 Garberville, CA	<b>Facility Permit</b> N/A	<b>Inspection Date</b> January 21, 2015	<b>Inspection Time</b> 10:59 a.m.
<b>Names &amp; Titles of On-Site Representatives</b>	<b>Contact Information</b>	<b>Notified of Inspection?</b>	
Ian McConnell, Co-Owner	(707) 267-6023	<input checked="" type="checkbox"/> <b>NO</b>	
Jacob Bullock, Co-owner	(760) 525-6675	<b>Consent<sup>1</sup> Provided? Administrative Warrant</b>	
Jeremy Bullock, Co-owner	(707) 223-4966		
<b>Property Owner(s)</b>	<b>Address</b>		
See above.	Ian McConnell P.O. Box 682 Garberville, CA 95542		
<b>Inspector Name &amp; Title<sup>2</sup></b> Erin Mustain, Senior Water Resource Control Engineer, SWRCB OE			
<b>Attending Agency Representatives</b> Melky Calderon, Water Resource Control Engineer, SWRCB OE Bryan Elder, Water Resource Control Engineer, SWRCB OE Michael Vella, Environmental Scientist, DIV Kevin Porzio, Water Resource Control Engineer, DIV Clare Golec, Environmental Scientist, DFW David Manthorne, Environmental Scientist, DFW Law enforcement personnel, DFW Wardens (Crowl, Gaske, Galwey) and Humboldt County Sherriff's Office			
<b>California Integrated Water Quality System (CIWQS) Inspection</b> 19430415			
<b>Weather Conditions at the Time of the Inspection:</b> Foggy at the beginning of the inspection, but cleared up in the afternoon. No signs of recent precipitation.		<b>Facility Receiving Water Names:</b> Jones Creek and unnamed tributaries thereto	
<b>Prepared By:</b> Erin Mustain on February 2, 2015			
		5/21/15	
<b>Signature</b>		<b>Date</b>	
<b>Reviewed By:</b> Melky Calderon on March 3, 2015			
		5-21-15	
<b>Signature</b>		<b>Date</b>	
<b>Foot Notes:</b> 1. On January 20, 2015, the Water Boards obtained an administrative warrant for the purposes of gaining access to multiple parcels, including APN 222-071-017, where known cannabis cultivation activities were occurring in the Sproul Creek watershed. 2. All photographs were taken by Bryan Elder, except where labeled otherwise			

Entered in CIWQS on: 2/23/2015

Report Delivered to Discharger on: \_\_\_\_\_

## **I. Background**

Parcel No. 222-051-008 is located in the Sproul Creek watershed. Sproul Creek is tributary to the South Fork Eel River and located in the Benbow Hydrologic Subarea of the South Fork Eel River Hydrologic Area. The South Fork Eel River is listed as impaired due to sediment and temperature pursuant to Clean Water Act section 303(d). On December 16, 1999, the United States Environmental Protection Agency approved Total Maximum Daily Loads (TMDL) for temperature and sediment that indicate "Cold Water Fishery" as the most sensitive of beneficial uses in the watershed. Protection of this beneficial use is presumed to protect all beneficial uses that might be harmed by sedimentation or increased temperature. The TMDL also indicates that major sources of sediment impairment in the South Fork Eel watershed are road-related and acknowledges the connection between anthropogenic sediment inputs and increases in stream temperatures.

As part of the statewide pilot cannabis regulation and enforcement initiative, the Water Boards and the California Department of Fish and Wildlife (DFW) are identifying sub-watersheds with critical resources that are being cumulatively adversely impacted as a result of cannabis cultivation. The Water Boards and DFW will inspect private parcels with cannabis cultivation throughout target watersheds and evaluate site conditions, water use and storage features, and potential threats to water quality. The Water Boards and DFW identified Sproul Creek watershed as a high priority for watershed-wide inspections because it supports relatively stable populations of three federally endangered salmonid species, Chinook and Coho salmon (which is also a state threatened species under the California Endangered Species Act), and steelhead trout. Sproul Creek went dry for the first time in recent record, likely due to the cumulative impacts of water diversions for marijuana cultivation and ongoing drought conditions. DFW and Water Board staff reviewed satellite and aerial photographic imagery for parcels throughout the watershed and identified features of concern: greenhouses, outdoor cultivation areas, water diversions, and water storage features.

On January 20, 2015, Water Board staff obtained an inspection warrant from the Humboldt County Superior Court to inspect 14 specific properties in the Sproul Creek watershed wherein staff believed there may be conditions of, and/or threatened conditions of, pollution or nuisance resulting from discharges of waste to waters of the State and of the United States resulting from the cultivation of marijuana and associated activities. On January 21-23, 2015, staff from the North Coast Regional Water Board, State Water Resource Control Board's Office of Enforcement and Division of Water Rights, DFW, and the Humboldt County Sheriff's Office, visited and inspected parcels within the watershed, including the 14 parcels identified in the inspection warrant.

Inspection objectives for the water quality team members (Regional Water Board and Office of Enforcement staff) was to identify and inspect receiving waters, to review site characteristics, developed site features, cannabis cultivation sites and associated facilities, materials, equipment, structures, drainage features, and management practices in order to assess impacts or potential impacts to water quality and beneficial uses. In addition, water quality team members considered the relative potential for sites to be regulated through a general conditional waiver of waste discharge requirement order (Conditional Waiver). As the Conditional Waiver is in development at this time and subject to further change prior to Board consideration, this latter screening effort was conducted at a fairly coarse level.

## **II. Site information**

The subject parcel is located between Oak Rock Road and Seeba Road in the southeast portion of Sproul Creek Watershed (see Figure 1). According to Parcel-Quest, the parcel is

approximately 58 acres and roughly rectangular. Aerial imagery shows that the site is mostly forested with an open area in the northeast. Jones Creek runs through the center of the parcel from northeast to the southwest corner and is identified as a blue line on Figures 1 and 2. Most of the activity is taking place on the northern half of the parcel, above the creek. Site terrain slopes downward from north to south toward the creek and begins upwards south of the creek and east of the creek. Site elevations range from 920 feet to about 1200 feet above sea level.

Figure 2 shows a site map, created by the Lead Inspector, Ms. Mustain. It uses Google Earth as a background and identifies features of concerns through review of satellite and aerial imagery provided by Google Earth and ArcGIS and from walking the site during the inspection.

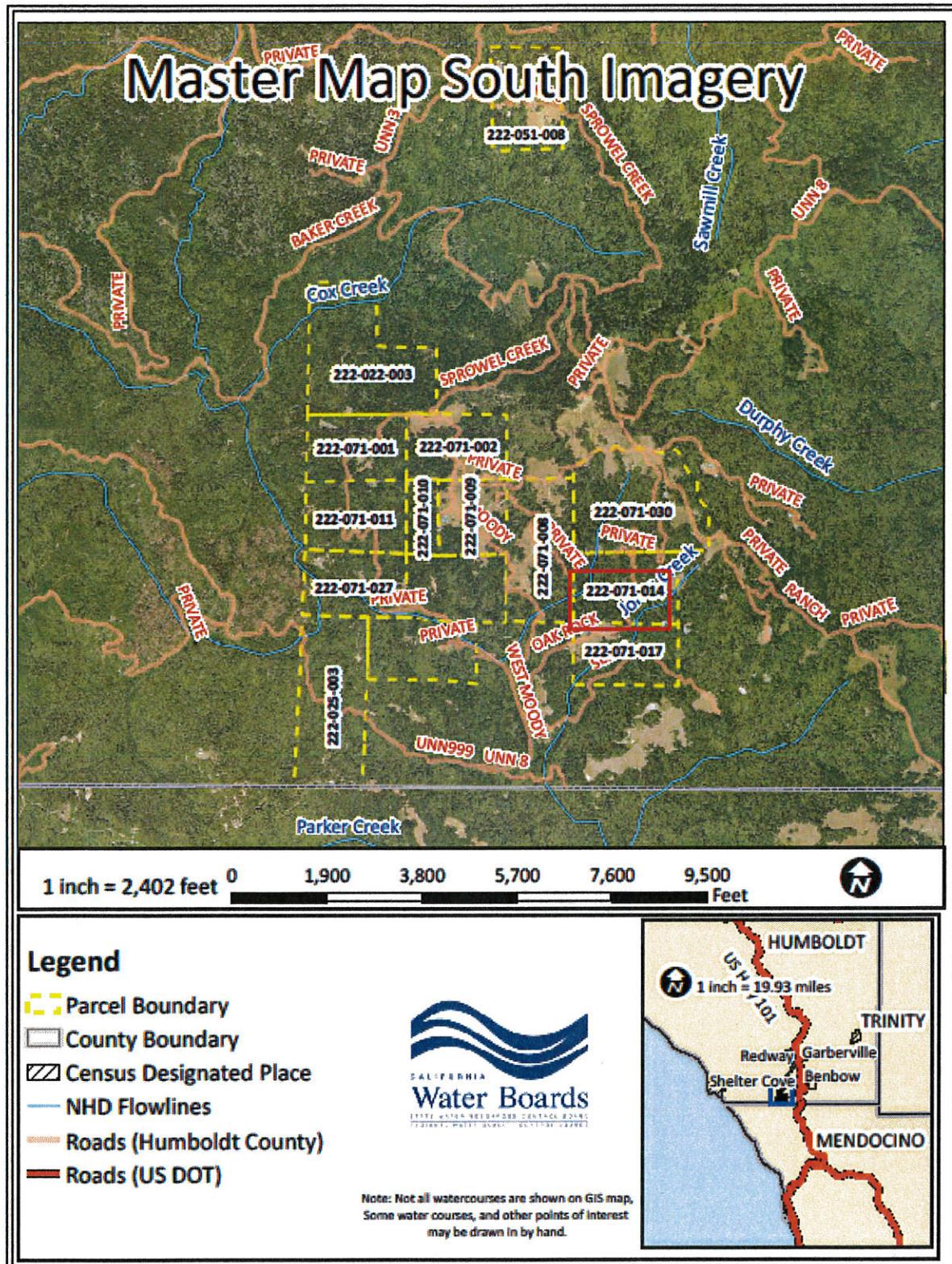


Figure 1 - Location of APN 222-071-017

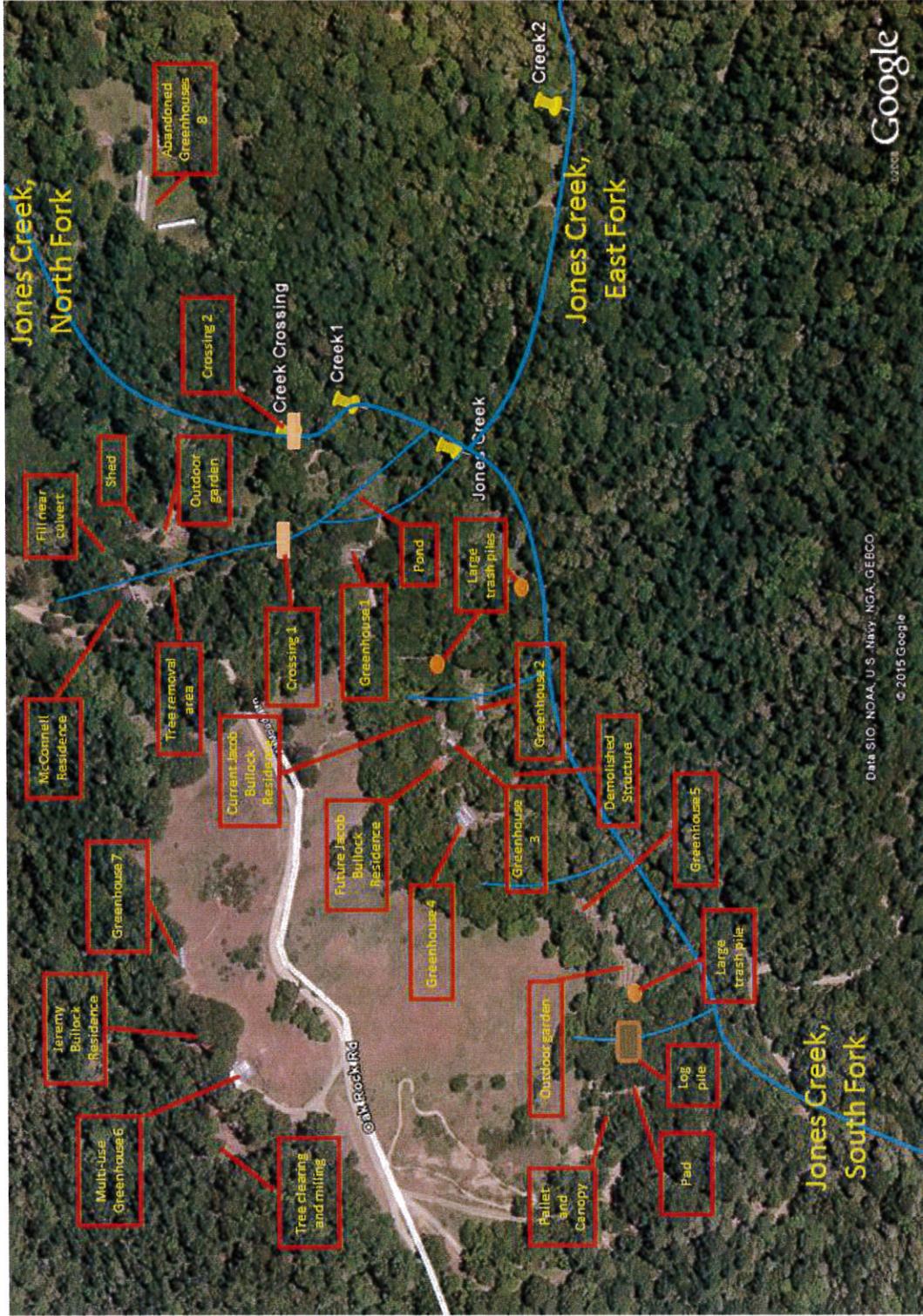


Figure 2 – Site Diagram

Google Earth Image as background (Obtained on 3/2/2015). Pins placed on Google Earth map by Lead Inspector, Erin Mustain based on GIS locations obtained by Clare Golec and Michael Vella. All other images, including water body lines are Ms. Mustain's annotation.

### III. Inspection observations

At 10:59 a.m., the Humboldt County Sheriff's Department Officers and California Department of Fish and Wildlife Wardens went to the first structure, McConnell's residence, on the parcel to secure the property. Once this and other structures were secured the Warden cleared Water Board and CDFW staff for entry.

Water Board and CDFW staff began the inspection by talking to Mr. McConnell. Ms. Mustain explained the administrative warrant to Mr. McConnell and provided the Water Boards' outreach brochure to him. Mr. McConnell indicated he'd owned the property for approximately 7 years.

Shortly after, Jacob Bullock, brother of Ian McConnell and co-owner, drove up the road from his property and Ms. Mustain showed him a copy of the warrant and provided her business card to him. Mr. Jacob Bullock provided his in return. He left the property shortly after staff began the inspection. Ian McConnell escorted Water Rights' staff, Kevin Porzio and Michael Vella and CDFW staff, David Manthorne around the property to target points of diversion. Their findings will be addressed in a separate report.

Erin Mustain and Melky Calderon from State Water Board's Office of Enforcement and Clare Golec of CDFW formed an investigative team to focus on water quality (referred to hereafter as Water Quality Staff). This report will focus on water quality issues.

Water Quality staff walked from the main road towards the residence. To get to the residence, staff had to cross a drainage channel. There was evidence of recent vegetation removal in the riparian corridor (**photos 1 and 2**). Staff walked upslope to the residential structure and adjacent outdoor garden. Water Board staff noted that the residence was only a few feet from the drainage channel and that the septic tank was therefore immediately adjacent (**photos 3 and 4**). Mr. McConnell indicated that he had never had to do any maintenance on the septic tank. Water Board and CDWF staff noted fill in the drainage channel both upslope and downslope of a culvert located just in front of the residence (**photo 4**). The fill appeared to have been placed to stabilize the channel near the culvert. Mr. McConnell stated that he'd "fixed the runoff channel."

Staff continued to walk downslope of the residence and noted how the drainage split of into two channels. Flow in this channel is not atypical as evidenced by a stream crossing (**photo 5**) and from flowing water in the unnamed tributary (**photo 6**). Following the drainage channels led to an area with an above ground pool abutting a pond. Staff walked westerly along the road that lines the southern edge of the pond and noted a PVC pipe installed through the bank to the other side of the berm, possibly to keep the roadway free of water (**photos 7 through 10**).

Farther west down the road was a greenhouse (Greenhouse 1). The greenhouse contained exposed fertilizer. Water Board staff measured the distance from the greenhouse to the creek. The distance was 151 feet from roughly midline of the greenhouse to the bank head.

Staff continued to walk down the road towards the residence of Jacob Bullock. As staff neared the residence, they noted trash piles that included car batteries. The trash pile nearest the creek was 140 feet from the creek. There were numerous bags and containers of fertilizers strewn on the ground including: Mocha bat guano, chicken manure, and earthworm castings (**photos 11 through 16**). The residence had an outhouse (**photos 17 and 18**) on its porch alongside the drainage that flowed to Jones Creek and the gray water appeared to be typically discharged directly into the creek. However, because the pipe became disconnected, the sudsy, foamy water was on the side of the residence. Downslope from the current residence was a second greenhouse (Greenhouse 2). Upslope was a third greenhouse (Greenhouse 3) and the future residence of Mr. Jacob Bullock, currently under construction. Water Board staff walked up to

take a look at the structure and noted an excavated area in which a tote was placed. The tote had a pipe connected to it. Its purpose is unclear; it may be for collecting gray water (**photo 19**). Staff also noted the pit with the septic tank also had standing water (**photo 20**).

Staff walked southwesterly to more greenhouse structures (Greenhouse 4) and reached a fork. Staff took the south fork and continued to walk southerly along a road perpendicular to the creek. There was evidence of more riparian clearing. A tree appeared to have been brought down by heavy equipment. The condition of the roads throughout the site was poor and the roads are a potential source of erosion and sedimentation (**photos 21 and 22**). The road connecting the main road to the Jacob Bullock residence and Jacob Bullock gardens runs through channels without any crossing in at least three locations (**photos 23 and 24**). Staff walked to the end of this road, here the road was at a 25% incline and completely bare. At the end of the road was a demolished structure. Staff proceeded back up the slope to the greenhouses and then continued westerly following the creek. This path led across a channel (without a proper crossing) to three gardens in a terraced formation. Downslope of all of the terraces was another trash pile (**photos 25 and 26**).

Mr. McConnell helped staff identify, and subsequently go to, an area of interest on the parcel map. This turned out to be a large pile of logs. Staff noted a channel running across the road and through the pile (**photo 23**). Mr. McConnell then escorted us to a short road leading down to clearing with a makeshift shed of covered pallets, where Mr. McConnell stated Mr. Jacob Bullock has stored equipment (**photo 27**). The shed was currently empty, with just pallets remaining. Adjacent was a filled earthen pad, stabilized by a log (**photos 28 through 30**). The pad had a gravel cover. Staff also found another trash pile upslope from this site (**photo 31**).

Mr. McConnell escorted us back up to the main road and to a multi-use greenhouse (greenhouse 6) on Mr. Jeremy Bullock's part of the parcel. Ms. Mustain introduced herself, gave Mr. Jeremy Bullock her business card, and handed him the warrant. From greenhouse 6 looking northwesterly toward Sproul creek, staff could see a pad with a machine for sawing and milling logs (**photos 32 and 33**).

Water Board staff walked downslope to investigate the extent of the bulldozing (**photos 34 and 35**). It did not lead to any structure. Mr. Jeremy Bullock granted consent for Water Quality Staff to enter the greenhouse structure to Warden Steve Crowl. This greenhouse was used for more than just cannabis. Staff noted what appeared to be tomatoes and a citrus plant.

Lastly, Staff investigated some greenhouses at the northwest section of the property by cutting back through Mr. McConnell's part of the parcel and following a road to the unnamed creek. There was a makeshift crossing of several layers of boards across the North Fork of Jones Creek, with much debris and trees in the creek upstream of it (**photos 36 and 37**). Sediment was entering the creek from both sides of the crossing (**photo 37**).

Then staff hiked up a steep slope to some more gardens (**photos 38 and 39**). Mr. McConnell stated that the neighbors had complained about the proximity to the property line and so these were not in use. However, potting soil, fertilizer, and miscellaneous debris remains on the site.

The inspection ended at 16:16.

IV. Photos



Photo 1 - Riparian Clearing



Photo 2 - Riparian Clearing



Photo 3 - Pipe to Septic Tank (east side of residence)



Photo 4 - Fill in Unnamed Tributary to North Fork of Jones Creek



Photo 5 - Crossing at Unnamed Tributary to North Fork of Jones Creek



Photo 6 - Flow in Southern End of Unnamed Tributary to North Fork of Jones Creek (prior to)

pond)



Photo 7 – Pond from East



Photo 8 – Pond from West



Photo 9 – Pond from East



Photo 10 – Pipe through berm



Photo 11 - Trash Pile (Just East of Jacob Bullock Residence)



Photo 12 - Trash Pile (Just East of Jacob Bullock Residence)



Photo 13 - Trash Pile (Just East of Jacob Bullock Residence)



Photo 14 - Trash Pile (Just East of Jacob Bullock Residence)



Photo 15 - Trash Pile (Just East of Jacob Bullock Residence)



Photo 16 - Trash Pile (Just East of Jacob Bullock Residence)



Photo 17 - West side of outhouse



Photo 18 - South side of Outhouse (channel is between it and the log)



Photo 19 – Buried Tote



Photo 20 – Septic Tank



Photo 21 – Road Connecting Main Road to Jacob Bullock Residence



Photo 22 – Road just East of Jacob Bullock Residence



Photo 23 (Golec) – Road through Drainage Channel



Photo 24 (Golec) – Channel Flowing across the road



Photo 25 – Trash Pile



Photo 26 – Trash Pile

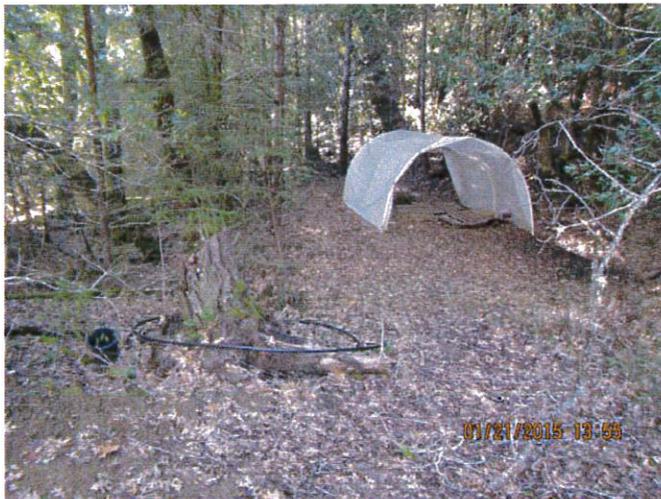


Photo 27 – Shed



Photo 28 – Earthen Pad



Photo 29 - Earthen Pad



Photo 30 – Excavation adjacent to Pad



Photo 31 – Trash pile near Pad



Photo 32 – Milling Area



Photo 33 – Milling Area



Photo 34 – Road from Greenhouse 6 towards Sproul Creek

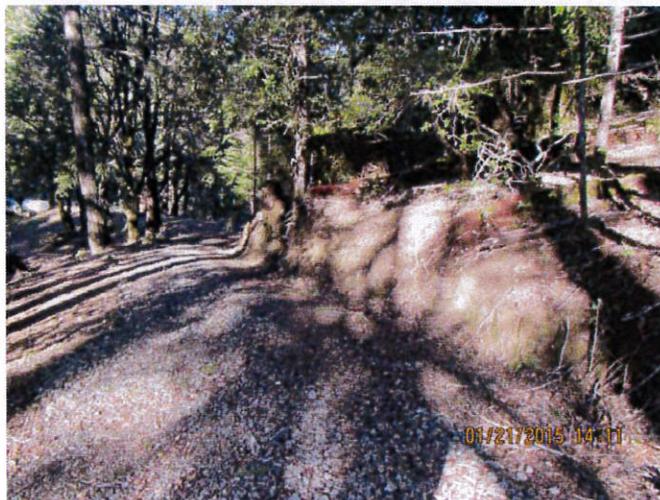


Photo 35 – Road from Greenhouse 6 towards Sproul Creek



Photo 36 – Slash Placed in Jones Creek



Photo 37 (Vella) – Crossing at Jones Creek, North Fork



Photo 38 – Greenhouse 8 (Southeast Part of Property)



Photo 39 – Debris near Greenhouse 8

## V. Best Management Practices

### 1. General Site Characteristics

The parcel had steep slopes and there were watercourses throughout the site. Several existing features on the site warrant cleanup and abatement. Most of the problems identified on the site were on the Jacob Bullock property.

### 2. Specific Features

#### a. Roads

Many road segments throughout the site were muddy, showed evidence of erosion and sediment transport, and were delivering sediment to receiving waters. Evidence of rutting was observed and photographed (**photos 21 through 23**).

#### b. Developed areas

There is bare soil and steep cuts throughout the property. The areas along the South Fork of Jones Creek have trash, fertilizer, and potting soils on the ground and uncovered.

#### c. Crossings

The road running parallel to Jones Creek, South Fork runs through channels that are feeding the creek. The stream crossing on the tributary to the North Fork of Jones Creek, on the McConnell portion of the property was undersized and has created a nozzle effect on the channel forming a narrow channel with steep banks (**photo 5**). The stream crossing on the North Fork was clogged with vegetation, and showed signs of sediment transport from both sides (**photos 36 and 37**).

#### d. Riparian/Wetland Protection and management

Adjacent to the McConnell residence, fill was placed directly into an unnamed tributary to Jones Creek, North Fork. Further downslope, trees were removed in the riparian corridor of the tributary to Jones Creek, North Fork (**photos 1 and 2**). This is likely to bring in sunlight for a new grow site and could increase the temperature of the unnamed tributary to Jones Creek, North Fork. At another location on the Jacob Bullock portion of the property a tree appeared to have been pushed by a bulldozer into the South Fork of the creek.

#### e. Spoils

Waste potting soil and spoils associated with construction of the new residence appear to be placed in locations where they may be transported to surface waters.

#### f. Irrigation Runoff

The team did not observe evidence of runoff from irrigated areas.

#### g. Fertilizers/Pesticides/Petroleum/Other Chemicals

Staff observed open potting soil, soil amendments, and fertilizer bags and containers at several locations through the site, mostly on the Jacob Bullock portion of the property. Water Board staff did not find any pesticides onsite. This is consistent with a statement by Mr. Jacob Bullock that he does not use them. Water Rights staff, Kevin Porzio stated

to Ms. Mustain that he observed fertilizer placed directly in the creek, but did not obtain a photograph.

h. Refuse/Garbage

Staff observed trash at locations through the site, mostly on the Jacob Bullock portion of the property.

i. Human Waste

The McConnell residence is poorly sited, immediately adjacent to a tributary; the drain field would therefore be under the channel. The current residence of Jacob Bullock had an outdoor pit toilet in close proximity to the South Fork of Jones Creek. The future residence of Jacob Bullock has a septic tank that doesn't appear to have been properly installed. It doesn't appear to be level. Additionally, there is standing water with a milky appearance. If this is due to a leak, it is a health hazard.

**VI. Summary of violations & recommendations.**

1. Violations

- a. Discharge of sediment to surface waters due to improperly sized and installed stream crossing on Jones Creek, North Fork and lack of crossings across unnamed tributaries to Jones Creek, South Fork.
- b. Threatened discharge of sediment from roads and bare soil throughout the parcel due to inadequate drainage and diversion of runoff, improper road design, and lack of vegetation.
- c. Unpermitted fill placed in unnamed tributary to Jones Creek, North Fork and placement of tree in Jones Creek, South Fork.
- d. Actual discharge of fertilizer to surface waters.
- e. Threatened discharge of waste associated with improper domestic waste storage and disposal, improper disposal of sanitary sewage, uncontrolled storage of fertilizers and refuse, and potting soil and amendments.

2. Recommendations

Recommendation 1: Relocate or dispose of fertilizers, spoils, and refuse so it cannot enter surface waters, and ensure that all spoils are properly stabilized.

Recommendation 2: Improve the surface of the road throughout the parcel by consulting a professional to redesign the road and resurface areas of erosion, rutting, and soil failure. This will prevent high runoff velocities and the generation of loosened and muddy soil.

Recommendation 3: Inventory/assess roads and stream crossings, develop a workplan and schedule to hydrologically disconnect road from surface waters and to upgrade all stream crossings to pass flows from 100-year storm. This should include the installation of crossing for each channel along the road from Greenhouse 1 to the pad where the road veers north or the removal of the road and a restoration of the area. It also includes the replacement of the crossing at the North Fork of Jones Creek where sediment is being discharged from the road.

Recommendation 4: Prepare site operation plan(s) for each cannabis cultivation operation being conducted on the site, identifying operator, indoor and outdoor cultivation sites, and management practices and measures to be implemented to ensure the cultivation site and all associated activities and features will be operated and maintained in a manner that will control/prevent discharge of waste to receiving waters.

**ENFORCEMENT DISCRETION**

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.