

Marijuana grows inspected near Eel River

Many violations observed

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A multi-agency partnership, involving state and local agencies, this week finished inspections of 14 private properties with active marijuana grow operations along Sproul Creek within the Eel River watershed.

The three-day effort, which began Jan. 21, is intended to ensure existing and future marijuana grow operations on private lands aren't affecting nearby waterways and wildlife.

The partnership includes staff from the State Water Resources Control Board, Division of Water Rights, North Coast Regional Water Quality Control Board, biologists and wildlife officers from the California Department of Fish and Wildlife and members of the Humboldt County Sheriff's Office and Humboldt County staff.

Sproul Creek is home to five endangered salmonid species, including one of the most important populations of coho salmon in the Eel River watershed.

This stream went dry last year for the first time in many years. This is most likely a result of water diversions for marijuana cultivation, combined with the ongoing drought conditions.

In addition, the agencies are concerned about potentially significant pollutants entering the watershed from sediments, pesticides, fertilizers and other contaminants that, when not properly regulated or monitored, degrade the environment and threaten native plants and wildlife.

"Sproul Creek is one of several at-risk watersheds this multi-agency partnership will be visiting and inspecting in the weeks and months ahead where known grow operations exist," said Cris Carrigan, chief of the State Water Board's Office of Enforcement, which is specifically focused on compliance with existing environmental regulations.

"What we are seeking from the growers is a commitment to work with us to solve the water quality and water supply problems in the watershed."

Carrigan said the goal of the integrated effort is to be proactive with enforcement resources in acutely impacted watersheds and hold those responsible for existing environmental damage accountable, while providing a pathway toward compliance for those operators who want to cultivate in an environmentally sound manner.

The Water Boards and CDFW hope that most or many of the growers will be interested in working with state and local agencies cooperatively to prepare for and then enroll in permits that may be required, such as a conditional waiver of waste discharge requirements and/or streambed alteration agreement.

The North Coast Regional Water Quality Control Board is creating a conditional waiver to better monitor and regulate activities associated with cannabis cultivation, much like it regulates and monitors other activities on California's North Coast.

Currently, grow operations are not regulated for potential environmental impacts.

"Voluntary compliance with the law is the best-case scenario, and we expect to see an increase in the number of permit applications following these inspections," said Lt. DeWayne Little of CDFW's Watershed Enforcement Team.

"We do have the authority to serve search warrants, cite those who are damaging the environment and confiscate crops. We hope to not have to resort to those measures, but it is imperative that we take every precaution to avoid the loss of the coho run for a second year in a row."

Following this inspection effort of the 14 locations, state and regional water board staff observed a variety of potential and actual violations that will be addressed in the coming weeks.

Possible violations appear to be unlawful diversion and storage of water for growing operations, and discharge of waste to waterways, including some indications of the use of pesticide or fertilizers in ways that could degrade nearby waterways.

Individuals on site at a majority of the inspected parcels gave consent for the team to look at the operations and were cooperative in identifying areas of interest for the inspectors, negating the need to serve administrative warrants to enter properties to perform the inspections.

The state and regional water board staff will be studying the evidence, and providing inspection reports to the property owners detailing any issues that need to be addressed. Those reports should be finalized in the next several weeks.

Following issuance of those reports, formal enforcement orders may follow from the North Coast Regional Water Quality Control Board and/or State Water Board to ensure compliance with all applicable Water Code provisions.

During this inspection effort, no grow operations were eradicated and Proposition 215 cards were not reviewed.