

State of California
Department of Fish and Wildlife

M e m o r a n d u m

Date: November 19, 2024

To: Warden Joshua Zulliger
California Department of Fish and Wildlife
Cannabis Enforcement Program – Northern Region
619 2nd Street
Eureka, California 95501
joshua.zulliger@wildlife.ca.gov

From: Kalyn Bocast, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
Cannabis Enforcement Program – Northern Region
619 2nd Street
Eureka, California 95501

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Kalyn Bocast
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Scott Bauer
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Subject: Violations of Fish and Game Code Sections 1602, 5650, and 5652 in Conjunction with Cannabis Cultivation

Introduction:

On October 15, 2024, and October 24, 2024, California Department of Fish and Wildlife (CDFW) staff inspected the property at Assessor's Parcel Number (APN) 208-111-028 (Property), owned by CTCC LLC, managed by Michael McEnry.

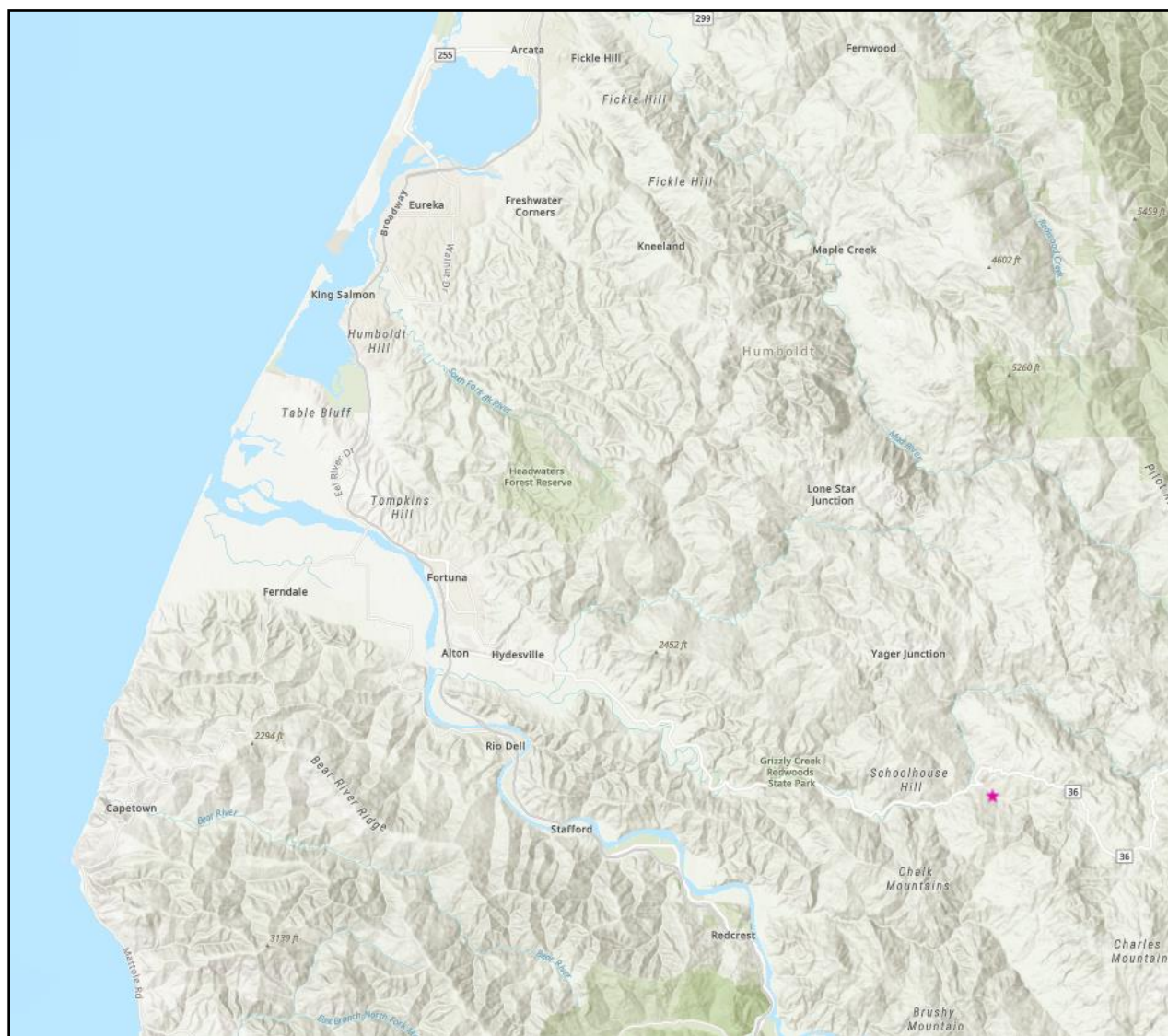
At the time of the visit, the Property had an active Annual License (CL20-0000229) from the Department of Cannabis Control (DCC). The DCC license was issued to Rockaway Investments LLC, managed by Kathy Hall. In addition, a Humboldt County Conditional Use Permit (PLN-12280-CUP), issued to Mana Farms LLC, also managed by Kathy Hall, was associated with the Property. An active CDFW Lake or Streambed Alteration Agreement (LSAA; No. EPIMS-HUM-04338-R1C), was issued to Kathy Hall for one encroachment related to a culvert replacement on the Property. No diversion of surface water for domestic or irrigation purposes was covered under the LSAA.

During the site inspections I observed activities, described below, which are in violation of Fish and Game Code (FGC) sections 1602, 5650, and 5652. I also

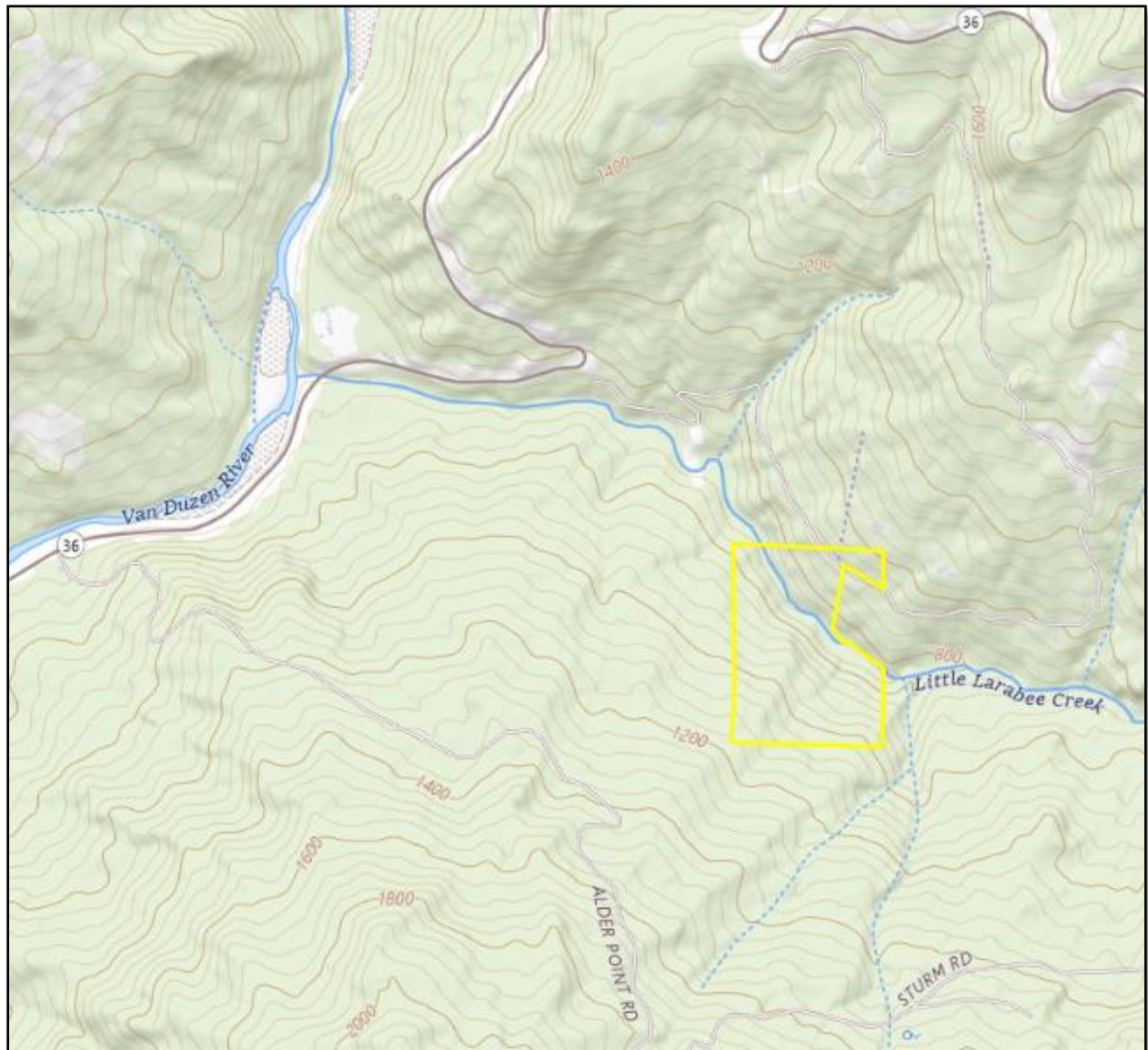
observed active cannabis cultivation in conjunction with these activities. Below is a summary of my findings.

Location

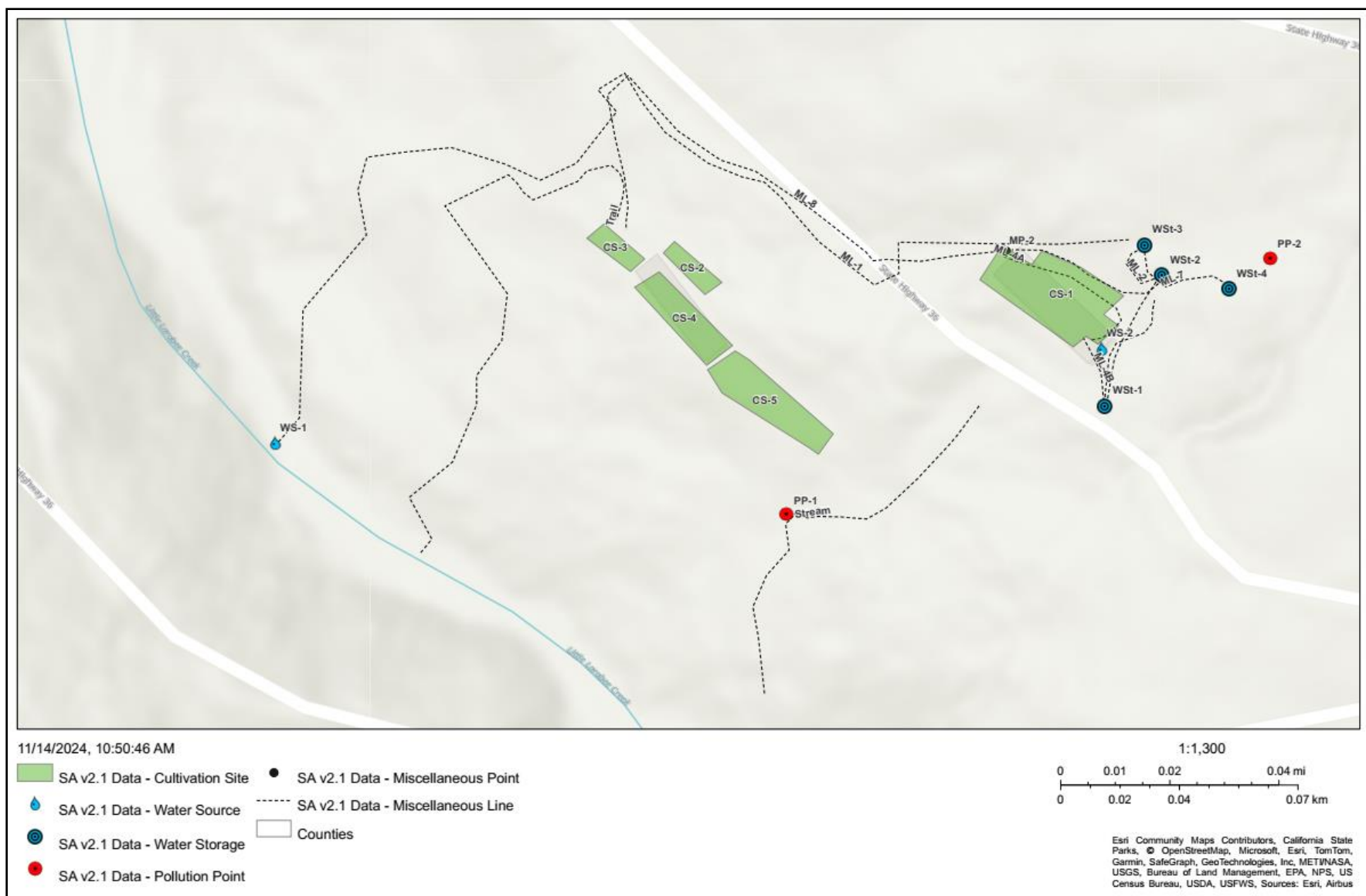
The subject Property is located within the Little Larabee Creek watershed, a sub-basin of the Van Duzen River, County of Humboldt, State of California, approximately 1.86 miles northeast of the town of Bridgeville. The Property is located in Sections 07 and 08, T01N, R04E, Humboldt Base and Meridian, in the Bridgeville U.S. Geological Survey 7.5-minute quadrangle.



Map 1. Overview of the approximate location of the Property (indicated by pink star) within the Little Larabee Creek watershed, tributary to the Van Duzen River, Humboldt County, California



Map 2. Location of the Property (indicated by yellow parcel lines) within the Little Larabee Creek watershed, tributary to the Van Duzen River, Humboldt County, California.



Map 3. Site detail map of APN: 208-111-028 displaying the locations of cannabis cultivation, pertinent site features, and alleged FGC violations.

FGC Violations

FGC section 1602 requires a person to submit a written notification to CDFW before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC section 1602 without first notifying CDFW violates section 1602.

FGC sections 5650 and 5652 make it unlawful to pollute Waters of the State. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into Waters of the State any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into Waters of the State, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the Waters of the State, any garbage, refuse, or waste, among other materials.

CDFW has determined notification under FGC section 1602 was required for one (1) activity that affected Little Larabee Creek. CDFW was unable to locate a notification for this activity. The location and description of this activity is provided in Table 1 (below).

CDFW observed one (1) activity that is a violation of FGC section 5650. CDFW also observed three (3) activities that are violations of FGC section 5652 that affected Little Larabee Creek and its unnamed tributaries. The locations and descriptions of these activities are provided in Table 1 (below).

Table 1. Summary of Fish and Game Code (FGC) violations documented on Humboldt County APN: 208-111-028 during the CDFW staff visit on October 24, 2024.

Violation #	FGC Section	Latitude*	Longitude*	Violation Description	Map ID	Figures
1	5652(a)	40.4730	-123.7650	Water pollution from the abandonment of trash (e.g., monofilament trellis netting, plastic tarp, other plastic waste), associated with cannabis cultivation, into, and within, 150 feet of a stream.	PP-1	5
2	5652(a)	40.4736	-123.7633	Water pollution from the abandonment of trash (e.g., plastic irrigation pipe, above ground pool, etc.), associated with cannabis cultivation, into, and within, 150 feet of a stream.	PP-2	6
3	1602(a)	40.4731	-123.7668	Failure to notify for the diversion of surface water, used to irrigate cannabis, resulting in diversion of natural flow from Waters of the State.	WS-1	7-12
4	5652(a)	40.4731	-123.7668	Water pollution from the abandonment of trash (e.g., plastic irrigation pipe, etc.), associated with cannabis cultivation, into, and within, 150 feet of a stream.	WS-1	7-12
5	5650(a)(1)	40.4731	-123.7668	Water pollution from placement of deleterious substances (petroleum products), associated with cannabis cultivation, into, and where it may pass into, Waters of the State.	WS-1	7-13
Total Fish & Game Code Violations = 5 1 – 1602(a), 1 – 5650(a)(1), 3 – 5652(a)						

*Units = decimal degrees. Datum = WGS 84

Photo Documentation



Figure 1. Looking southeast at a portion of the cannabis cultivation observed on the Property.



Figure 2. Showing a DCC METRC tag for Rockaway Investments, located in a plastic potting bag with a recently harvested cannabis plant (green stem).



Figure 3. Showing a portion of the cannabis cultivation observed on the Property.



Figure 4. Looking east at a portion of the cannabis cultivation observed on the Property. Note a small portion of the uncontained plastic trellis netting observed onsite (red arrows).



Figure 5. Violation No. 1 (Map ID PP-1). Looking southwest at cannabis cultivation waste containing plastic bottles, trellis netting, and other plastic materials (red arrow) deposited upslope (approx. 24 feet) from a stream (blue arrow).



Figure 6. Violation No. 2 (Map ID PP-2). Looking east at abandoned waste (above ground pool, plastic irrigation pipe, etc.), associated with cannabis cultivation, deposited upslope (approximately 20 feet) from a stream (blue arrow).



Figure 7. Violation Nos. 3-5 (Map ID WS-1). Looking southeast (upstream) at a gas-pump water diversion located on Little Larabee Creek, a Class I fish bearing stream, during the October 15, 2024, site visit. The intake screen is insufficient to prevent harm to aquatic life. Diverted water was stored on the Property and used for cannabis irrigation. Note the placement of the bucket and gas tank (red arrows). Blue arrow indicates direction of streamflow.

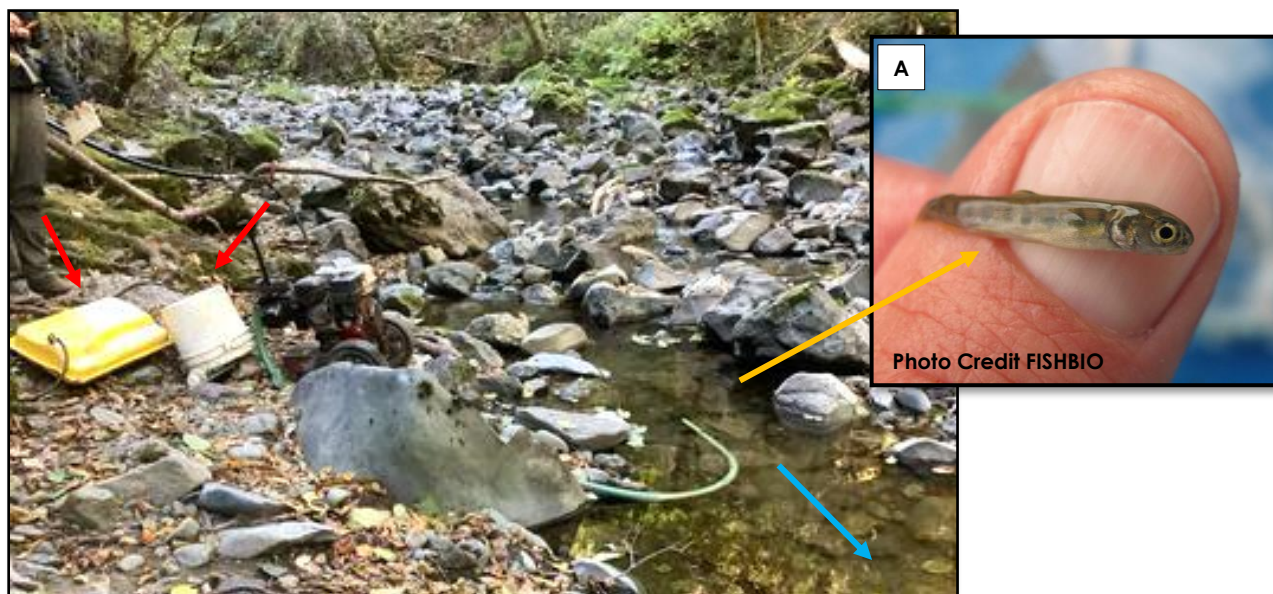


Figure 8. Violation Nos. 3-5 (Map ID WS-1). Looking southeast (upstream) at the gas-pump water diversion on October 24, 2024, eight days following the images shown in Figure 7 (above). The gas tank and bucket noted in Figure 7 was relocated (closer to the stream) on the October 24, 2024, visit. Juvenile salmonids (fish) were observed in the stream at this location. Representative juvenile salmonid body size (A). Blue arrow indicates direction of streamflow.



Figure 9. Violation Nos. 3-5 (Map ID WS-1). Looking west at the gauge on the gas-pump, used to divert water for cannabis irrigation on the Property. The guage shows approximately 25 pounds of pressure indicating its recent use.



Figure 10. Violation No. 3 and 4 (Map ID WS-1). Looking east at the plastic water diversion pipe actively dripping water onto the ground (blue arrow) at the time of the October 15, 2024, inspection.



Figure 11. Violation No. 3-5 (Map ID WS-1). Photos showing the refuse associated with WS-1 placed into and where it can pass into State waters. Red arrows indicate a portion of the trash partially obscured by leaf litter, and includes pieces of plastic pipe, a metal dolly handle, plastic bottles, and other plastic and non-plastic trash.



Figure 12. Violation Nos. 3-5 (Map ID WS-1). A close up image of the gas-powered pump and associated fuel and oil containers, used to divert water for cannabis cultivation on the Property. The leaky pump (green arrows) and petroleum products (red arrows) lack proper storage or secondary containment resulting in delivery of petroleum to State waters. Plastic irrigation line, plastic bottles, and other plastic and non-plastic refuse were placed into, and where they could pass into, State waters, resulting in water pollution and potential for future delivery.



Figure 13. Violation No. 5 (Map ID WS-1). Showing the sheen of petroleum on the water surface of Little Larabee Creek adjacent to the gas-powered pump. Juvenile salmonids (fish) were observed in the stream at this location.



Figure 14. Map ID WS-1. Sections of the well-worn footpath leading from the cannabis cultivation sites to the water diversion (WS-1) on Little Larabee Creek.



Figure 15. Showing a portion of the water storage tanks on the Property receiving diverted water from Little Larabee Creek. Photo (A) shows the water tank directly connected to water diversion WS-1. Note the gray hose, which was also found near the site of water diversion WS-1 (see Figure 14).

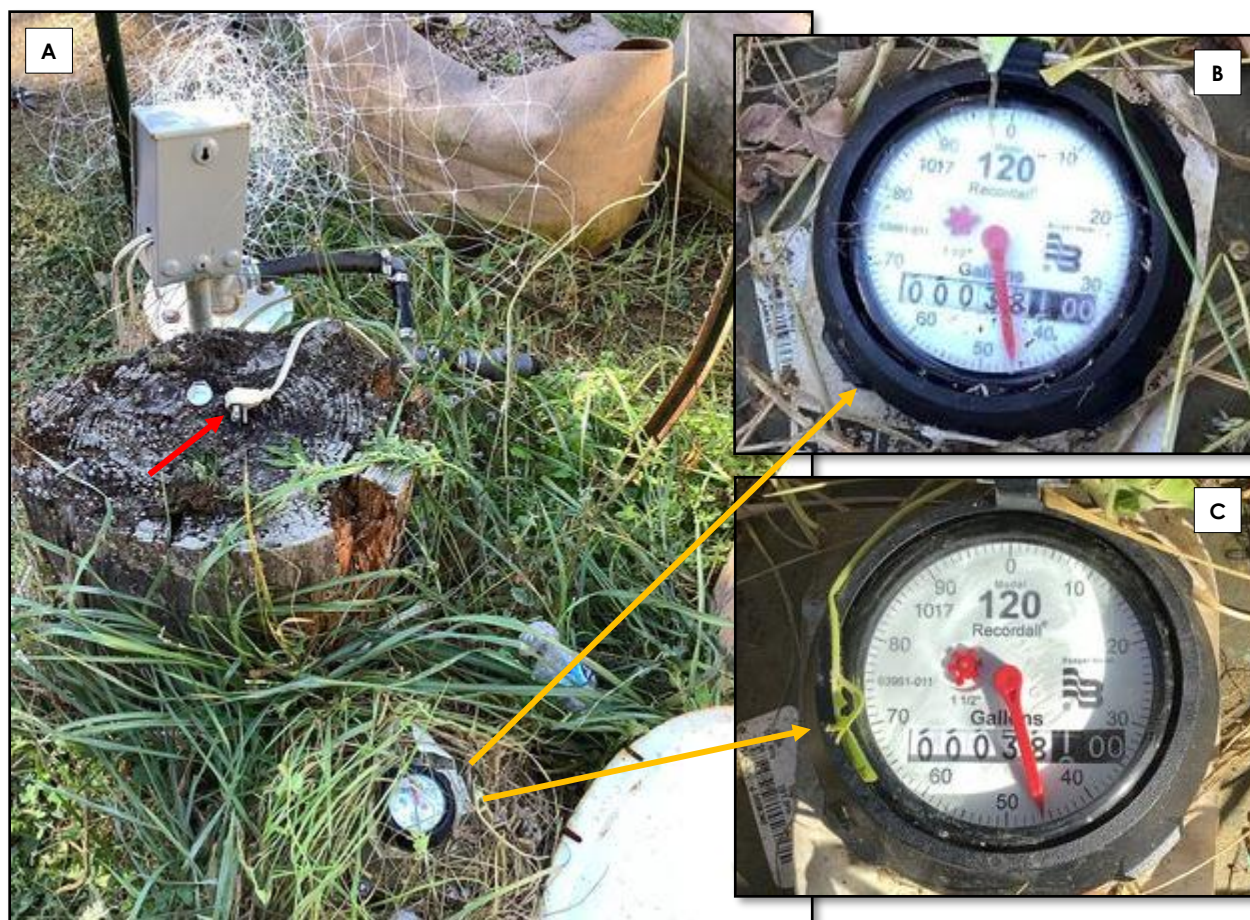


Figure 16. Map ID WS-2. (A) Showing the unplugged (red arrow) groundwater well on the Property with the well gauge in the foreground. (B) Site observations of the well gauge on October 15, 2024, show a gauge number of 38,100. (C) Site observations of the well gauge on October 24, 2024, show the same gauge number (38,100), indicating no well water had been used in the eight days between site inspections. Note the improper storage/disposal of trellis netting in the background.



Figure 17. Cannabis drying shed on the Property (A) containing recently harvested cannabis drying in the shed (B). Outside the building, containers of oil were present (C) along with an open air plastic storage container filled approximately 2/3rds full with a mixture of used oil and rainwater (D and E).



Figure 18. Example of unkempt cannabis cultivation waste including plastic tarping, plastic trellis netting, and metal greenhouse infrastructure placed/abandoned in the forest and underlying vegetation.



Figure 19. Example of a portion of the monofilament (plastic) trellis netting and plastic deer fencing improperly discarded into nearby vegetation on the Property.



Figure 20. Example of a portion of the photo-degraded plastic greenhouse tarp found on the Property. Millions of micro-plastic pieces have been left to further degrade and disperse into the surrounding environment.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
619 2nd Street
Eureka, California 95501
(707) 445-5493
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

CTCC LLC / Michael McEnry

NOTICE

THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW) HAS DOCUMENTED VIOLATIONS OF FISH AND GAME CODE RELATED TO CANNABIS CULTIVATION ON THIS PROPERTY. PLEASE CONTACT CDFW TO REMEDY THESE VIOLATIONS AND AVOID POTENTIAL PENALTIES.

On (date) 10/24/24 CDFW staff visited your property located at Humboldt County APN: 708-111-028. During the visit, CDFW staff observed one or more of the following violations of Fish and Game Code (FGC) related to cannabis cultivation:

- ☒ FGC § 1602 requires written notification to the CDFW before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Any entity engaging in activity subject to § 1602 without first notifying the CDFW violates § 1602.
- ☐ FGC § 2000 makes it unlawful to take a bird, mammal, fish, reptile, or amphibian except as provided elsewhere in the code. Authorization to "take" any wildlife requires compliance with all applicable state, federal and local laws.
- ☒ FGC § 5650 makes it unlawful to pollute waters of the state. Section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life.
- ☒ FGC § 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any garbage, refuse, or waste, among other materials.
- ☐ Other violations observed (specify if related to cannabis cultivation):

INSTRUCTIONS TO PROPERTY OWNER OR OTHER OCCUPANT:

Do not attempt to remedy or mitigate these violations before first contacting CDFW, as doing so could result in additional violations. Violations of FGC sections 1602 and 2000 in connection with cannabis cultivation carry potential penalties of \$8,000 per violation. FGC sections 5650 and 5652 carry potential penalties of \$20,000 per violation. The same activities may also constitute felony criminal violations of the H&S Code. Please contact CDFW Senior Environmental Scientist Kalyn Bocast at kalyn.bocast@wildlife.ca.gov CDFW Staff will assist you in safely mitigating these violations and preventing further environmental damage.

Kalyn Bocast
Warden or Senior Environmental Scientist

Date: 10/24/24

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Figure 21. Photograph of the Field Notice of Violation (FNOV) left onsite October 24, 2024.

Please contact Senior Environmental Scientist (Specialist) Kalyn Bocast by phone at (707) 798-7010 or by email at kalyn.bocast@wildlife.ca.gov if you have questions or require additional information.

ec: Lt. Brendan Lynch, Scott Bauer, Rebecca Garwood, Matthew Jones, Stacy Roberts, and Emma Kennedy
California Department of Fish and Wildlife