State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
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GAVIN NEWSOM, Governor
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October 23, 2023

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Subject: Notice of Violation of Fish and Game Code Sections – in Conjunction with Cannabis Cultivation

Dear Matt Grace:

On October 12, 2023, Department of Fish and Wildlife (Department) staff visited your property at Assessor's Parcel Number's (APN) 210-131-015-000, 210-131-018-000, and 210-131-017-000 (Properties) within the Dairy Creek and Little Van Duzen River watersheds, County of Humboldt, State of California. During the visit, staff observed activities that are in violation of Fish and Game Code sections 5650 and 5652. Staff also observed active cannabis cultivation in conjunction with these activity or activities.

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.

The Department observed activities on the Properties that is a violation or are violations of FGC Section 5650 and FGC Section 5652 that affected unnamed tributaries to Dairy Creek and the Little Van Duzen River. The location or locations and description or descriptions of this activity or these activities is or are provided in Table 1.

Table 1. Summary of Fish and Game Code (FGC) violations documented during CDFW staff visit on October 12, 2023 to APN's 210-131-015-000, 210-131-018-000, and 210-131-017-000, Humboldt County.

Violation #	FGC Section	Latitude*	Longitude*	Violation Description	Map & Photo Label
1	5650	40.415419	-123.59924	Water pollution from of a hydrologically connected road surface, used to access cannabis cultivation site(s), resulting in the placement of sediment (material deleterious to fish) into and/or where it can pass into waters of the state.	PP-1
2	5652	40.414686	-123.59947	Water pollution from the placement and/or abandonment of garbage/trash/debris/cannabis refuse (e.g., plastic pipe, plastic containers, plastic sheeting, etc.), associated with cannabis cultivation, into and/or within 150 feet of the high-water mark of waters of the state.	PP-2
3	5652	40.414205	-123.59933	Water pollution from the placement and/or abandonment of garbage/trash/debris/cannabis refuse (e.g., plastic pipe, plastic containers, plastic sheeting, etc.), associated with cannabis cultivation, into and/or within 150 feet of the high-water mark of waters of the state.	PP-3
4	5650	40.417117	-123.60121	Water pollution from of a hydrologically connected road surface, used to access cannabis cultivation site(s), resulting in the placement of sediment (material deleterious to fish) into and/or where it can pass into waters of the state.	PP-4
5	5652	40.416639	-123.59585	Water pollution from the placement and/or abandonment of garbage/trash/debris/cannabis refuse (e.g., plastic pipe, plastic containers, plastic sheeting, etc.), associated with cannabis cultivation, into and/or within 150 feet of the high-water mark of waters of the state.	PP-5
6	5652	40.417093	-123.60486	Water pollution from the placement and/or abandonment of garbage/trash/debris/cannabis refuse (e.g., plastic pipe, plastic	PP-6

				containers, plastic sheeting, etc.), associated with cannabis cultivation, into and/or within 150 feet of the high-water mark of waters of the state.	
7	5650	40.415383	-123.60335	Water pollution from of a hydrologically connected road surface, used to access cannabis cultivation site(s), resulting in the placement of sediment (material deleterious to fish) into and/or where it can pass into waters of the state.	PP-7

*Units = decimal degrees. Datum = WGS 84

A person who violates FGC sections 5650 and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty $20,000 for each violation of FGC Section 5650 or Section 5652. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e)). Also, the District Attorney or the Attorney General may enforce a violation of FGC Section 5650 civilly. Specifically, under FGC sections 5650.1, a person who violates FGC Section 5650 is subject to a maximum civil penalty of $25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 5650 and 5652 criminally. Under FGC Section 12000, each violation is a misdemeanor.

Be advised that absent provisions intended to protect patients and qualified caregivers, commercial cannabis cultivation without a state license is illegal. (Bus. & Prof. Code, § 26032.) The California Department of Cannabis Control (DCC) is the state licensing authority for commercial cannabis cultivation. DCC and the Department are members of a multi-agency task force created to protect the state's resources from the adverse impact of cannabis cultivation. (Fish & G. Code, § 12029.) **Pursuant to state law, failure to address these violations may affect your ability to obtain a commercial cannabis cultivation license or license renewal from DCC. (Bus. & Prof. Code, §§ 26057, 26060.1.)**

As a first step to address this matter, the Department requests you contact Senior Environmental Scientist Specialist David Manthorne at david.manthorne@wildlife.ca.gov within 14 days of the date of this letter. The Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above and may ask you to submit a written notification and fee for these activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in

violation of FGC sections 5650 and 5652, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

The Department appreciates your cooperation.

Sincerely,

Lt. Brendan Lynch
Department of Fish and Wildlife
Cannabis Enforcement Program

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