

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2014-0004**

ALLOCATE FUNDING FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA)
TO THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NORTH COAST
WATER BOARD) FOR THE EEL RIVER MONITORING AND WATER QUALITY AWARENESS
PILOT PROJECT (PROJECT)

WHEREAS:

1. The North Coast Water Board is requesting \$209,566 from the CAA to fund a public outreach and monitoring program to increase public awareness about individual and cumulative adverse impacts of improperly developed or managed crop cultivation, including marijuana cultivation, on water quality and beneficial uses within the Eel River watershed (watershed);
2. Due to the inherent danger associated with field work in marijuana cultivation areas, State Water Board Staff has safety and legal concerns regarding the proposed Project; in particular, staff and volunteers conducting site visits and water quality monitoring on marijuana cultivation sites;
3. The Project consists of educational outreach to watershed residents, including marijuana growers on private property, regarding water quality impacts associated with cultivation practices as well as development of best management practices to address such impacts, monitoring of instream temperatures and flows, and development of technical assistance and outreach materials to address water quality impacts;
4. Community outreach will include public meetings and trainings, technical assistance, and media and website outreach. Monitoring results will be used to produce a global ArcGIS project and statistical analysis of flow, climate, and water temperature in the watershed;
5. The Eel River Recovery Project (ERRP) was formed by concerned citizens in the watershed in response to concerns about diminishing flows, increasing pollution including toxic blue-green algae blooms, and the future of salmon runs;
6. The final 2012 ERRP stream monitoring results demonstrated that major tributaries are drying up and the lower main branches of the Eel River are becoming stagnant and potentially toxic as marijuana cultivation throughout the North Coast region continues to increase;
7. Water use related to marijuana cultivation including riparian diversions and extraction of stream underflow are mostly done without State Water Resources Control Board (State Water Board) or county permits;

8. Most interaction with marijuana growers has been related to enforcement actions. According to the North Coast Water Board's application, an enforcement-only response to address the individual and cumulative downstream effects to water quality and beneficial uses is not as effective in improving water quality impacts as a combined response that includes community outreach and technical assistance;
9. The Project will help to increase water conservation, reduce pollution, and is anticipated to bring more Eel River watershed residents who cultivate medical marijuana into compliance with water quality laws and regulations;
10. The requested funding from CAA would be used for: 1) water conservation and pollution prevention community outreach; 2) citizen assisted monitoring including flow and temperature monitoring; and 3) development of a Best Management Practices (BMP) Guide that addresses water quality impacts of marijuana cultivation; and
11. The requested allocation is consistent with the purposes of Water Code Sections 13440-13443. Section 13443 provides that the State Water Board may order monies to be paid from the account to the North Coast Water Board to assist it in attempting to remedy a significant unforeseen water pollution problem, posing an actual or potential public health threat, or is overseeing and tracking the implementation of a supplemental environmental project required as a condition of an order imposing administrative civil liability.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the funding with the understanding that project staff and volunteers will conduct site visits on private cultivation sites by invitation only.
2. Approves the funding with the condition that the Project funds will focus on water quality impacts related to medical marijuana cultivation that is in compliance with state law on private land. The Project funding is limited to only addressing water quality impacts and does not in any way authorize, or is intended to facilitate the cultivation, use, sale or any other activities associated with marijuana operations.
3. Approves the funding with the condition that Project staff and volunteers will conduct surface water quality monitoring on any known marijuana cultivation sites by invitation only.
4. Directs the Division of Financial Assistance to report back within one year on the outcomes of the funding.
5. Makes the funds available until August 31, 2016, any unexpended funds shall revert to the CAA as of October 31, 2016, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

6. Approves the funding with the condition that no funds will be disbursed until a contract that includes specific and enforceable conditions consistent with this Resolution is executed.

CERTIFICATION


The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on January 21, 2014.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board