CALIFORNIA
Water Boards

GAYIN NEWSOM
GOVt-MHOH

YANAGAACIA
::ft:flETMY FOPI
INVfAO"IM[NTAI rAOf'ECTIQlr,i

State Water Resources Control Board

MAR O9 2023

CERTIFIED MAIL

In Reply Refer to:
INV ID 14579

Nikaury Peralta

CERTIFIED MAIL NO: 7021 0950 0000 7129 8021

Dear Nikaury Peralta:

NOTICE OF VIOLATION FOR UNAUTHORIZED DIVERSION AND FAILURE TO FILE A STATEMENT OF WATER DIVERSION AND USE FOR TEHAMA COUNTY ASSESSOR PARCEL NUMBER (APN) 013-220-002-000.

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received information from the California Department of Fish and Wildlife alleging that you are diverting surface water for cannabis cultivation. You cannot divert water during the Cannabis Cultivation Policy's forbearance period of April 1 - October 31, nor can you divert water to storage without an appropriative water right issued by the State Water Board.

You are identified as the property owner for County Assessor's Parcel Number (APN) 013-220-002-000. The Division is contacting you to provide you notice that you are in violation of the California Water Code (WC) and the State Water Board's Cannabis Cultivation Policy (Policy) requirements. The purpose of this letter is to gather information, provide you notice that your diversion of water is subject to the State Water Board's permitting authority, and to inform you of your regulatory compliance options, or you risk administrative civil liability. This letter is your notice that you are in violation of the WC and Policy. You must take immediate action to come into compliance or risk civil liability on a per day, per violation.

The information obtained by the State Water Board identifies that you are diverting water subject to the State Water Board's permitting authority for cannabis cultivation without an appropriative water right that authorizes your water diversion and use. A diversion of water subject to the State Water Board's permitting authority without a basis of right is an unauthorized diversion or use of water. An unauthorized diversion or use of water constitutes a trespass against the State, and the State Water Board may impose a civil liability in an amount not to exceed $500 or $1,000 during a critically dry year (drought), for each day that the unauthorized diversion or use of water occurs, plus $2,500 for each acre-foot of water (drought). (WC § 1052, et seq.)

The Policy requires cannabis cultivators who divert and use surface water for cannabis cultivation must obtain an appropriative water right **(ex:** Cannabis Small Irrigation Use Registration) prior to diverting and storing water for use. Failure to obtain an appropriative water right and failure to cease your water diversion constitute ongoing violations. The State Water Board can impose civil liability in the amount'of $500 for each Policy violation and $250 for each day the violation continues after notice of the violation is provided by the State Water Board. (WC § 1847).

In addition, WC section 5101 requires, with minor exceptions, that a person who diverts water from a stream in the absence of a permit, license, or registration must file a Statement with the State Water Board. If you divert water, then you are required to report your water diversion and use to the State Water Board for October 1 - September 30 prior to February 1 of the succeeding year by filing a Statement pursuant to WC section 5101.

If you have multiple diversion locations (i.e., you divert water from a stream from multiple locations or divert water by use of a dam), a separate Statement is required to be filed for each diversion location. If you have any questions about how many diversion points your water infrastructure uses, please contact the Division at the phone number or email provided below.

The State Water Board may administratively impose a civil liability in the amount of $1,000 for the failure to file a Statement for each point of diversion, plus $500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. (WC§ 5107, subd. (c)(1)).

This letter constitutes your notice of the above mention WC and Policy requirements. Your response to the allegations listed in this notice is required and should be submitted within a timely manner. The State Water Board has discretion when considering an enforcement action and shall consider your corrective actions taken in response to this notice in determining whether and what civil liability is appropriate for violations. Therefore, this matter requires your immediate attention.

Within 30 days from the date of this notice letter you should take the following corrective actions:

1. You must cease your diversion of water and use for cannabis cultivation until you obtain an appropriative water right like a SIUR; and
2. You must obtain an appropriative water right like a SIUR or file an application to appropriate water by permit; and
3. You must file a Statement for each diversion location on your property whether you use water diverted for cannabis or other uses.

You must also submit photographic proof and/or other documentation that supports your corrective actions taken whether you choose compliance option 1, 2 and 3. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced below.

To facilitate your response, we are providing you with an Investigation Identification Number (Investigation ID No. listed below), which you can use to respond electronically. You can also contact Division staff by phone or by email provided at the bottom of this notice letter. To use your Investigation ID No. follow the steps provided below.

Investigation ID No. 14579

Step one: Go to the State Water Board's Cannabis Cultivation Programs Portal at: https://public2.waterboards.ca.gov/CGO/
Step two: Register or login to your account
Step three: Under survey Click "New" for the "Division of Water Rights Cannabis Compliance Response Portal"
Step four: When you fill out your response to this NOV use the Assessor Parcel Number listed in this NOV in Part I.
Step five: Additionally, in your response use the Investigation ID listed above.

You can submit an appropriative water right SIUR application at: https://public2.waterboards.ca.gov/cgo Need Help? Contact us at 916-341-5362 or email at dwr.cannabisenforcement@waterboards.ca.gov

If you would like to file an application to appropriate water by permit you can find information and file your application at the weblink listed at:

Application: https://public2.waterboards.ca.gov/mt/Home/Index
Appropriative water by permit information:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/

Information relating to the filing of a Statement can be found at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/intl_stmnt_form.pdf.

Information on the Cannabis SIUR and Cannabis Policy is available here:https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.html#siur

If you have any questions regarding this matter, please contact Laura Cunningham at (916) 327-8696 or via e-mail at laura.cunningham@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Laura Cunningham, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

Laura Cunningham

Laura Cunningham Analyst
Cannabis Enforcement Unit 2
Division of Water Rights

Enclosure: California Department of Fish and Wildlife Notice of Violation

ec: **Division of Water Rights**
Erik Ekdahl
Erik.Ekdahl@waterboards.ca.gov

Jule' Rizzardo
Jule.Rizzardo@waterboards.ca.gov

Taro Murano
Taro.Murano@waterboards.ca.gov

Stormer Feiler
Stormer.Feiler@waterboards.ca.gov

Laura Cunningham
Laura.Cunningham@waterboards.ca.gov

Cannabis Registration Unit
CannabisReg@waterboards.ca.gov

California Department of Fish and Wildlife
Lt. Brian Boyd
Brian.Boyd@wildlife.ca.gov

Matthew Jones
Matthew.Jones@Wildlife.ca.gov

Region 1 CEP
R1cepredding@wildlife.ca.gov

Regional Water Board
Jason Schroeder, P.G.
Central Valley Regional Water Quality Control Board, Redding
jason.schroeder@waterboards.ca.gov

Department of Cannabis Control
Jennifer Ostrowski
California Department of Cannabis Control
jennifer.ostrowski@cannabis.ca.gov,
investigations@cannabis.ca.gov

Tehama County Environmental Health
Clint Weston
cweston@co.tehama.ca.us

Lucy Garcia
lgarcia@co.tehama.ca.us

Tehama County Sheriff's Office
Lieutenant Jeff Garrett
cbennett@tehamamc.org

Tehama Major Crimes
Agent Clayton Bennett
cbennett@tehamamc.org

State of California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
601 Locust Street
Redding, CA 96001
(530) 225-2300
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 29, 2022

CERTIFIED MAIL:
7020 0640 0001 9219 8573

Nikaury Peralta

Subject: Notice of Violation of Fish and Game Code Section 1602, 5650 and 5652 in Conjunction with Cannabis Cultivation

Dear Nikaury Peralta:

On June 23, 2022, California Department of Fish and Wildlife (Department) staff visited your property, identified by Assessor's Parcel Number 013-220-002-000 located on Paynes Creek and Chapman Gulch in Tehama County. During the visit, staff observed the activities described below, which are in violation of Fish and Game Code (Fish & G. Code) sections 1602, 5650 and 5652. Staff also observed active cannabis cultivation in conjunction with these activities.

Fish & G. Code section 1602 requires a person to submit a written notification to the Department 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 Fish & G. Code section 1602 without first notifying the Department violates section 1602.

In the Department's view, notification under Fish & G. Code section 1602 was required because the activities as described in the table below have resulted in the substantial diversion, obstruction, and/or changes to the bed, channel or banks of Paynes Creek and Chapman Gulch. These activities included riparian clearing for the construction of greenhouses and water diversions to support the cultivation of cannabis. The Department, however, was unable to locate a current notification for these activities.

Fish & G. Code sections 5650 and 5652 make it unlawful to pollute waters of the state. Fish & G. Code 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. Fish & G. Code 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.

During the inspection, Department staff observed activities that have resulted in the placement of deleterious materials including petroleum products, lead acid batteries, pesticides, sediment, wasted nutrient containers and polling soil, as well as trash and cultivation wastes where they can pass into waters of the state.

The number of Fish & G. Code violations documented during the inspection is **twenty-seven (27)** and includes **seven (7) 1602** violations, **twelve (12) 5650** violations, and **eight (8) 5652** violations. A summary description of the violations is included in Table 1 below. A site map and photographs are enclosed with this letter for reference.

Table 1. Summary of Fish & G. Code Violations

Site ID	Fish & G. Code Section	Approximate GPS Location (Latitude, Longitude)	Violation Description
PPG-1	5652(a)	40.333890°, -121.791560°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Waste in and around the encampment and Cultivation Site 1 (CS-1) including cannabis plant waste, buckets, plant containers, gas cans, cardboard waste, and encampment refuse were observed in and within 150 feet of Paynes Creek. **Photos 1 - 3.**
PP-1/CS-1 & SC-1	5650(a)(6)	40.333920°, -121.791683° & 40.333773°, -121.791704°	Permitting a deleterious material (sediment) to pass into, or be placed where it can pass into, waters of the state. Fine sediment from scattered and uncontained potting soil at CS-1 / Pollution Point 1 (PP-1) and from hydrologically connected and unarmored road approaches to Stream Crossing 1 (SC-1) is left in a condition where it can pass into Paynes Creek, waters of the state. **Photo 4.**
PP-1/CS-1	5650(a)(6)	40.333920°, -121.791683°	Permitting deleterious materials (nutrients) to pass into, or be placed where they can pass into, waters of the state. Nutrients from scattered and uncontained potting soils at CS-1/PP-1 are left in close proximity and in a condition where they can pass into Paynes Creek, waters of the state. **Photo 4.**
PP-2 & PP-6	5650(a)(1)	40.333822°, -121.791535 & 40.333756°, -121.791816°	Permitting acid materials to pass into, or be placed where they can pass into, waters of the state. Abandoned/wasted lead acid batteries were observed adjacent to and within the dry portion of the stream channel of Paynes Creek. **Photos 5 and 6.**

Site ID	Fish & G. Code Section	Approximate GPS Location (Latitude, Longitude)	Violation Description
PP-3 & PP-5	5650(a)(1)	40.333851°' -121.791557° & 40.333663°' -121.791936°	Permitting petroleum products to pass into, or be placed where they can pass into, waters of the state. Petroleum products including fuel storage containers, motor oil, propane tanks, and a leaky gas generator with no containment, were observed along the top of bank of Paynes Creek and within 15 feet of the active stream channel. **Photos 3, 7, and 8.**
PP-4	5650(a)(6)	40.333904°, -121.791600°	Permitting deleterious materials (surfactants) to pass into, or be placed where they can pass into, waters of the state. Surfactants relating to a make-shift laundry facility including open containers of laundry detergent and overflowing containers full of clothes, water, and detergent were observed within 6 feet of the top of bank of Paynes Creek and within 15 feet from the active channel. **Photo 9.**
SC-1	1602(a)	40.333773°, -121.791704°	Substantial obstruction and alteration of a stream without notification. A rock cobble dam constructed at downstream side of ford all-terrain-vehicle (ATV)-crossing has used and/or changed materials from the bed, bank, and channel of Paynes Creek and substantially obstructs the natural flow of the stream. **Photo 10.**
PP-5	5650(a)(6)	40.333663°' -121.791936°	Permitting deleterious materials (pesticides) to pass into, or be placed where they can pass into, waters of the state. Malathion, an organophosphate pesticide, was observed approximately 35 feet from the active channel, where it can pass into waters of the state. Additionally, application of this pesticide to cannabis plants within cultivation areas abutting the stream corridor creates a high likelihood of these pesticides leaching into surface waters. **Photos 11 and 12.**
PPG-2	5650(a)(6)	40.333786°, -121.792233°	Permitting deleterious materials (nutrients) to pass into, or be placed where they can pass into, waters of the state. Cultivation occurring in close proximity to Paynes Creek places nutrients where they can pass into waters of the state via irrigation tailwater and runoff. **Photos 11-14.**
PPG-2	5652(a)	40.333786°' -121.792233°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Cultivation wastes within Cultivation Sites 2 and 3 (CS-2 and CS-3) including cans, bottles, plastic pipe and irrigation line, tarps, fans, plant waste, and waste lumber observed within 150 feet from Paynes Creek. **Photos 14-17.**
HAP-1	1602(a)	40.333664°, -121.792203°	Substantial alteration of a streambank without notification. Riparian habitat clearing including the removal of mature big leaf maple, alder, and cedar trees amongst other vegetation for the construction of greenhouses associated with Cultivation Sites 2 and 3 (CS-2 and CS-3), has substantially altered approximately, 5,309 square feet of the streambank habitat on the southern bank of Paynes Creek. **Photos 14 and 18.**

Site ID	Fish &G. Code Section	Approximate GPS Location (Latitude, Longitude)	Violation Description
PPG-3	5650(a)(6)	40.333768°, -121.792977°	Permitting deleterious materials (nutrients) to pass into, or be placed where they can pass into, waters of the state. Cultivation occurring in close proximity to Paynes Creek places nutrients where they can pass into waters of the state via irrigation tailwater and runoff. **Photos 11-13 and 19.**
PPG-3	5652(a)	40.333768°' -121.792977°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Wastes associated with Cultivation Site 4 (CS-4) and a former greenhouse area included plastic tarps, chemical containers, irrigation line, netting, trash bags plant waste and other debris, observed within 150 feet of Paynes Creek. **Photos 19-20.**
HAP-2	1602(a)	40.333773', -121.791704'	Substantial alteration of a streambank without notification. Riparian habitat clearing including the removal of mature big leaf maple, alder, and cedar trees amongst other vegetation for the construction of greenhouses associated with Cultivation Site **4** (CS-4) and a former greenhouse closer to the creek, has substantially altered approximately, 7,691 square feet of the streambank habitat on the southern bank of Paynes Creek. **Photos 22 and 23.**
PP-7	5652(a)	40.334039', -121.795595°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Cultivation wastes including nutrient bags/containers, plastic tarp material and backpack sprayer abandoned in former outdoor cultivation area approximately 30 to 150 feet from Paynes Creek. **Photos 24 and 25.**
WS-1 & WS-2	1602(a)	40.332727°, -121.789073' & 40.332436', -121.788556'	Substantial diversion of a stream without notification. Two water diversions were observed on Chapman Gulch with water lines supplying water tanks adjacent to and serving both the active cultivation and encampment areas. **Photos 26 - 29.**
HAPt-1	1602(a)	40.332725°, -121.789121°	Substantial alteration of the streambank and obstruction of a stream without notification. A nine-foot long by five-and-a-half-foot wide rock, sandbag, and tarp darn were observed spanning the active channel within Chapman Gulch to obstruct stream flow and pool surface water for the diversion of water. In addition, two pits dug into the bank of Chapman Gulch, one five-foot by five-foot by two-and-a-half-foot deep and the other five-foot by four-foot by two-and-a-half-foot deep, filled with trash and debris, have substantially changed the streambank, and have placed debris where it can pass into the stream. **Photos 30 and 31.**

Site ID	Fish &G_ Code Section	Approximate GPS Location (Latitude, Longitude)	Violation Description
PP-8	5650(a)(1)	40.332704°, -121.789113°	Permitting petroleum products to pass into, or be placed where they can pass into, waters of the state. Petroleum products including discarded motor oil containers were observed within the dry portion of the stream channel of Chapman Gulch. **Photos 32 and 33.**
PP-8	5650(a)(1)	40.332704°, -121.789113°	Permitting acid materials to pass into, or be placed where they can pass into, waters of the state. Abandoned/wasted lead acid batteries were observed adjacent to and within the dry portion of the stream channel of Chapman Gulch. **Photos 34 and 35.**
PP-8	5652(a)	40.332704°, -121.789113°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Abandoned wastes including irrigation line, tarps, bottles, old pumps, batteries, and other debris was found in and within 150 feet of Chapman Gulch adjacent to the water diversion at WS-1. Pits filled with trash and other waste materials had been dug into the bank and were observed within the high-flow channel of the stream. **Photos 30-35.**
PP-9	5652(a)	40.334576°' -121.790928°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Abandoned bags of trash and other uncontained wastes were scattered along the bank of and approximately 25 feet from Paynes Creek. **Photo 36.**
PP-10	5650(a)(1)	40.334697°, -121.790938°	Permitting petroleum products to pass into, or be placed where they can pass into, waters of the state. Petroleum products including multiple containers of 2-stroke oil were observed abandoned adjacent to Paynes Creek. **Photos 37.**
HAP-4 & HAPt-2	1602(a)	40.336070°, -121.790055°	Substantial alteration of the streambank and obstruction of a stream without notification. Removal of riparian habitat for former cultivation activities has substantially altered approximately 8,763 square feet of the stream corridor. Placement of cleared materials and vegetative debris within the channel of Paynes Creek has resulted in the obstruction of natural flow of the stream. **Photos 37 and 38.**
PP-11	5650(a)(6)	40.336124°, -121.790103°	Permitting deleterious materials (nutrients) to pass into, or be placed where they can pass into, waters of the state. Abandoned nutrient containers found on bank of, and where contents can pass into, Paynes Creek. Substantial algal growth, immediately downstream from the nutrient location, indicates these nutrients have likely leached into the stream channel. **Photos 39 and 40.**

Site ID	Fish &G. Code Section	Approximate GPS Location (Latitude, Longitude)	Violation Description
PP-11	5652(a)	40.336124°, -121.790103°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Chemical nutrient containers, fertilizer bags, buckets, tarps, and other wastes were observed on the top of bank and within approximately 6 feet of the active flow of Paynes Creek. **Photos 39-41.**
PP-12	5652(a)	40.336390°, -121.789324°	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Abandoned cultivation wastes including trash, tarps, water lines, soil bags, open buckets with unknown contents were observed approximately 47 feet from the active channel of Paynes Creek. **Photos 42 and 43.**

*All GPS coordinates are approximate and based on North American Datum 1983 Teale Albers coordinate system.

A person who violates Fish & G. Code sections 1602, 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 Fish & G. Code 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 of $8,000 for each violation of Fish & G. Code section 1602 and $20,000 for each violation of Fish & G. Code section 5650 or 5652. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, sections 12025, subds. (b)(1)(A) - (b)(1)(C), (b)(2); (e) & 12025.1 subd. (a)) Also, the District Attorney or the Attorney General may enforce a violation of Fish & G. Code sections 1602 or 5650 civilly. Specifically, under Fish & G. Code sections 1615 and 5650.1, a person who violates Fish & G. Code sections 1602 or 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 Fish & G. Code sections 1602, 5650, or 5652 criminally. Under Fish & G. Code 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) Ashley Worth at (530) 356-5975 or R1CEPRedding@wildlife.ca.gov within 14 days of the date of this letter. ***Do not attempt to remedy or mitigate these violations before first contacting the Department, as doing so could constitute additional violations.*** Ms. Worth 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 the 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 Fish & G. Code sections 1602, 5650 or 5652, we encourage you to respond to this notice so that we may better assess the activities and limit any damage to resources.

The Department appreciates your cooperation.

Sincerely,

DocuSigned by:
DCAE098A6331407...

Lieutenant Brian Boyd
Cannabis Enforcement Program

Enclosure(s): Site Map
Photographs

ec: Matt Jones, Lt. Brian Boyd, Ashley Worth, Tobi Freeny, and Curt Babcock
Department of Fish and Wildlife

Taro Murano, Stormer Feiler, and Karen Kramer
State Water Resources Control Board
taro.murano@waterboards.ca.gov, stormer.feiler@waterboards.ca.gov, karen.kramer@waterboards.ca.gov

Jason Schroeder, P.G.
Central Valley Regional Water Quality Control Board, Redding
jason.schroeder@waterboards.ca.gov

Jennifer Ostrowski
California Department of Cannabis Control
jennifer.ostrowski@cannabis.ca.gov, investigations@cannabis.ca.gov

Clint Weston and Lucy Garcia
Tehama County Environmental Health
cweston@co.tehama.ca.us, lgarcia@co.tehama.ca.us

Lieutenant Jeff Garrett
Tehama County Sheriffs Office

Agent Clayton Bennett
Tehama Major Crimes

Nikaury Peralta; APN: 013-220-002-000
Enclosure: Site Map

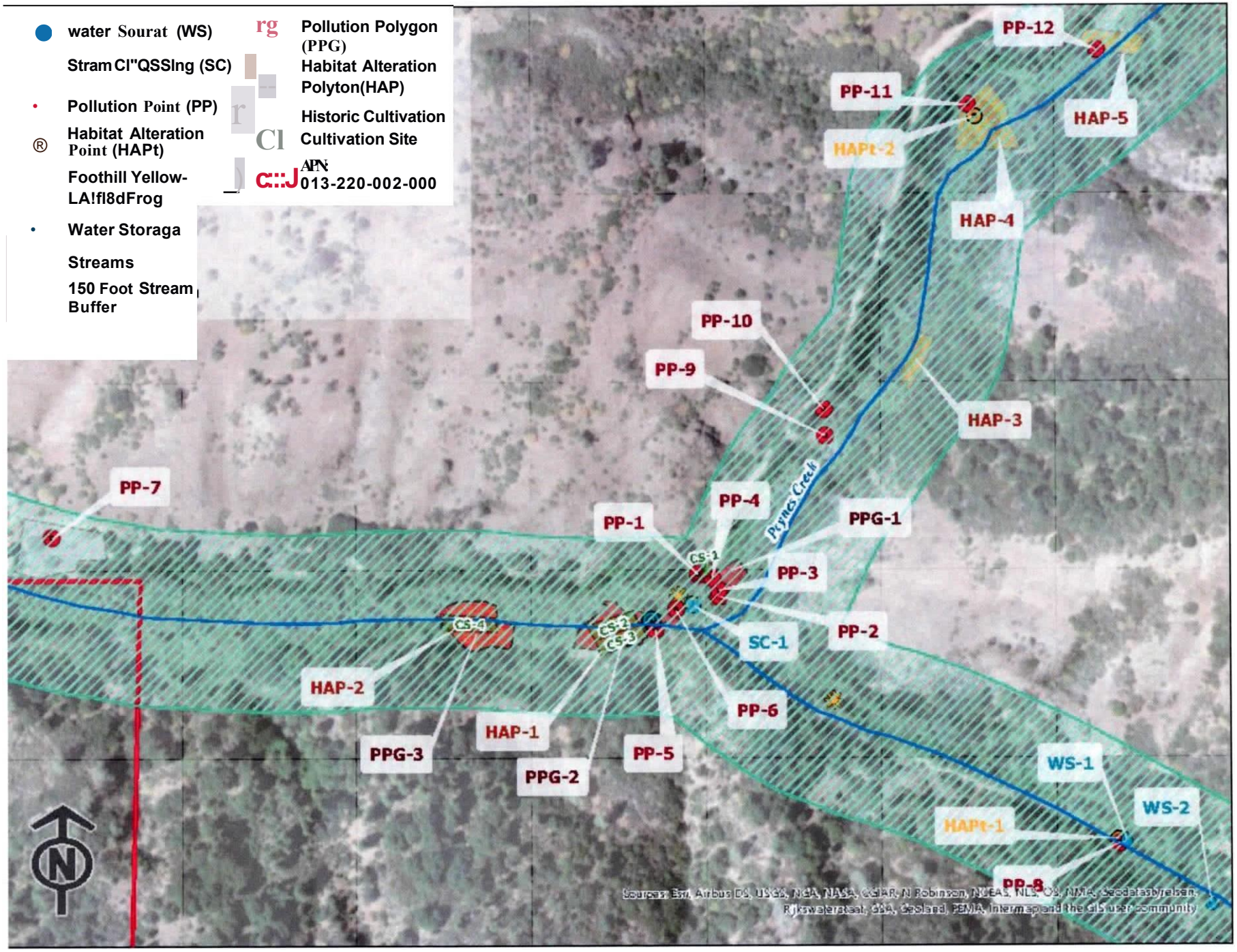

Photo 1: Encampment area / Pollution Polygon 1 (PPG-1) to the north of Stream Crossing 1 (SC-1). Photo shows 55-gallon drums with fuels, laundry area, leaky generator, and wastes in the foreground and the riparian area of Paynes Creek in the background.

Photo 2: View of encampment area / Pollution Polygon 1 (PPG-1) from Stream Crossing 1 (SC-1).

Photo 3: Cannabis trim waste and two 55-gallon drums, one with a fueling nozzle and petroleum fuel within the high-flow portion of the Paynes Creek. The actively flowing portion of the stream channel is observable in the background.

Photo 4: View looking south towards Stream Crossing 1 (SC-1). Sediment from scattered potting soil at Cultivation Site 1 (CS-1) as well as from the unarmored and hydrologically connected approaches has placed sediment where it can enter waters of the state. Uncontrolled nutrient dense potting soil additionally places nutrients where they can enter waters of the state.

Phots 5 and 6: Pollution Point 2 (PP-2) and Pollution Point 6 (PP-6) showing discarded lead acid batteries adjacent to Paynes Creek.

Photo 7 and 8: Leaky gasoline-powered generator lacking containment adjacent to Paynes Creek. Use, refueling, and placement of this generator places petroleum products where they can enter waters of the state.

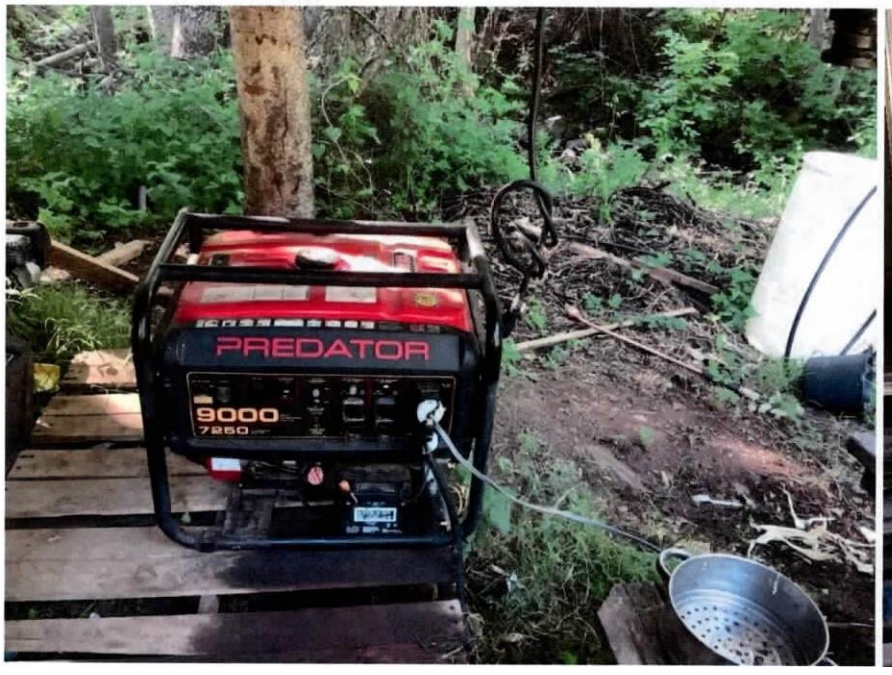

Photo 9: Wash area with overflowing wash bin within the encampment area. Surfactants from detergents and cleaning materials are placed where they can enter waters of the state.

Photo 10: A rock cobble dam constructed on the downstream side (photo left) of Stream Crossing 1 (SC-1) has used and/or changed materials from the bed, bank, and channel of Paynes Creek and substantially obstructs the natural flow of the stream.

Photos 11 and 12: Mixing area containing nutrients and pesticides. Structure in background served as a mixing reservoir and is upslope and approximately 35-40 feet from Paynes Creek. Malathion concentrate (50% malathion mixture), an organophosphate systemic pesticide, was observed in this area along with backpack applicators.

Photo 13: View of the mixing reservoir's contents. This solution likely contains high concentrations of nutrients based on the observable green color and evident algal growth. Measuring cups and open nutrient containers were observed adjacent to this structure.

Photo 14: Photo looking towards Paynes Creek from the corner of Cultivation Site 2 (CS-2). The cultivation area is built immediately adjacent to the actively flowing portion of the stream channel where nutrients from irrigation tailwater and stormwater runoff through the greenhouse can enter waters of the state. Photo also shows cultivation wastes and cut riparian vegetation, used in greenhouse construction.

Photo 15: Pollution Polygon 2 (PPG-2) showing cultivation waste materials including irrigation line, plastic pipe, soil bags, plant trim waste, and other debris with Paynes Creek in the background.

Photo 16: Pollution Polygon 2 (PPG-2) showing cultivation waste materials including lumber, plastic tarp material, and other debris with Paynes Creek in the background.

Photo 17: Pollution Polygon 2 (PPG-2) including cut irrigation line, plastic bottles, and other waste approximately 35-40 feet from Paynes Creek.

Photo 18: Habitat Alteration Polygon (HAP-1). Construction of greenhouses comprising Cultivation Sites 2 and 3 (CS-2 and CS-3) within the riparian area along Paynes Creek has resulted in the substantial removal of mature riparian vegetation including alder, big leaf maple, and cedar (as seen in the photo below), amongst other vegetation.

Photo 19: Photo looking towards Paynes Creek from the corner of Cultivation Site 4 (CS-4). The cultivation area is built immediately adjacent to the actively flowing portion of the stream channel where nutrients from irrigation tailwater and stormwater runoff through the greenhouse can enter waters of the state. Photo also shows cultivation waste and cut riparian vegetation.

Photo 20: Cultivation wastes associated with Pollution Polygon 3 (PPG-3) including black irrigation line, broken down tarp material and other wastes adjacent to the actively flowing portion of Paynes Creek.

Photo 21: Cultivation wastes associated with Pollution Polygon 3 (PPG-3) including tarps, plastic trash bags, plant waste, and monofilament plastic netting adjacent to the actively flowing portion of Paynes Creek.

Photo 22: Habitat Alteration Polygon 2 (HAP-2) / Cultivation Site 4 (CS-4). Placement of greenhouses (and former greenhouses) has resulted in substantial change to riparian habitat through removal of mature trees and other vegetation.

Photo 23: Habitat Alteration Polygon 2 (HAP-2). Removal of native riparian vegetation has allowed invasive mullein to take over the disturbed area where a former greenhouse stood on the southern bank of Paynes Creek. Several native trees were used as former greenhouse posts-consistent with the construction of existing active greenhouses.

Photos 24 and 25: Former outdoor cultivation plot with remnants of abandoned cultivation activities. Wastes included abandoned fertilizers, netting, plastic tarps, and a backpack sprayer within 150 feet of Paynes Creek.

Photo 26 and 27: Water diversion and screened 1 ¼ inch intake at Water Source 1 (WS-1) on Chapman Gulch.

Photos 28 and 29: Unscreened 1 ¼ inch intake at Water Source 2 (WS-2) on Chapman Gulch.

Photo 30: Habitat Alteration Point 1 (HAPt-1) at Water Source 1 (WS-1). A sandbag, rock, and tarp impoundment (photo right) placed downstream of WS-1, substantially obstructs the natural flow of Chapman Gulch to create a pool for the placement of the diversion line at WS-1. Additionally, two large pits excavated into the southern streambank and filled with trash and debris (one visible photo left) have substantially altered the bank of Chapman Gulch and have placed waste and debris where they can enter waters of the state.

Photo 31: Pits excavated into the streambank of Chapman Gulch filled with waste and debris at Pollution Point 8 (PP-8).

Photo 32 and 33: Multiple discarded oil containers found adjacent to excavated pits adjacent to Chapman Gulch at Pollution Point 8 (PP-8).

Photo 34: Lead acid battery discarded into excavated pit into the streambank of Chapman Gulch at Point 8 (PP-8).

Photo 35: Lead acid battery discarded on the streambank (and within the high-flow portion of the channel) of Chapman Gulch at Point 8 (PP-8).

Photo 36: Bags of trash, tarps, cans and other debris approximately 25 feet from Paynes Creek at Pollution Point 9 (PP-9). Staff also observed irrigation line and other cultivation wastes along the western bank of Paynes Creek at this location.

Photo 36: Bottles of 2-stroke oil, a petroleum product, observed abandoned adjacent to Paynes Creek along with wastes observed in photo 35 above.

Photo 37: Habitat Alteration Polygon 4 (HAP-4). Former cultivation activities have led to substantial clearing of riparian vegetation along Paynes Creek and the removal of mature trees.

Photo 38: Removal of trees and other riparian vegetation within Habitat Alteration Polygon 4 (HAP-4) and placement of these debris directly in Paynes Creek has led to the substantial obstruction of natural flow within the channel. The photo below shows a cross section within Paynes Creek of the vegetative obstruction from downed vegetation and debris racking from obstructed streamflow.

Photo 39: Chemical fertilizers and waste on the top of bank of Paynes Creek at Pollution Point 11 (PP-11).

Photo 40: Debris rack with abandoned nutrient bags within Paynes creek, immediately downstream from the abandoned nutrient pile depicted in Photo 39 above. Algae mats observable in photo top left, likely due to nutrient inputs from abandoned stockpile at Pollution Point 11 (PP-11) and sun exposure from riparian clearing associated with Habitat Alteration Polygon 4 (HAP-4).

Photo 41: Other wastes observed along the eastern bank of Paynes Creek adjacent to the historic cultivation area at Habitat Alteration Polygon 4 (HAP-4).

Photo 42 and 43: Pollution Point 12 (PP-12). Wastes associated with a historic cultivation site within Habitat Alteration Polygon 5 (HAP-5).