



COUNTY OF SISKIYOU

Board of Supervisors

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September 1, 2020

E. Joaquin Esquivel, Chair
Members of the State Water
Resources Control Board
1001 I Street
Sacramento, CA 95812-2815

Valerie L. Quinto, Chair
Members of the North Coast
Regional Water Quality
Control Board
5550 Skylane Boulevard,
Suite A
Santa Rosa, California
95403-1072

Chuck Bonham, Director
Department of Fish and
Wildlife
P.O. Box 944209,
Sacramento, CA 94244-2090

Re: Shasta River Watershed Environmental Complaint and Request for Cannabis Priority
Watershed Status

Dear Chairs Esquivel and Quinto, Members of the Water Board and Regional Board, and
Director Bonham:

We write to you today to urgently request that the State Water Resources Control Board (“Water Board”), in coordination with the California Department of Fish and Wildlife (“CDFW”), recognize the Shasta River watershed as a watershed of special environmental concern and at increased risk of environmental impacts due to the proliferation of illegal cannabis cultivation.¹ We further request the Shasta River Watershed be added to the Cannabis Priority Watershed list and that it receive immediate inspection and enforcement attention. Finally, we write to the Water Board and Regional Board to make a formal environmental complaint against those who are negatively impacting the water resources of this important watershed and to seek your assistance in protecting it.

The Shasta River is located in Siskiyou County and is a tributary of the Klamath River. The Shasta River is identified by CDFW as a high priority watershed for coho salmon recovery. It is also listed as impaired under Section 303(d) of the Clean Water Act for both water temperature and dissolved oxygen. In the late summer and fall, the Shasta River is at risk of the high water

¹ The Siskiyou County Code prohibits outdoor cannabis cultivation, and also prohibits all commercial cannabis activities (See Title 10, Chapters 14 and 15 of the Siskiyou County Code). Personal cultivation is limited to the indoor cultivation of a maximum of 12 cannabis plants (Siskiyou County Code, Title 10, Chapter 14). The illegal large-scale cannabis cultivation that is occurring in the watershed is both outdoors and in greenhouse structures.

temperatures and low water levels that can threaten coho salmon.

The watershed of the Shasta River consists of a semi-arid farming valley and includes the communities of Weed, Edgewood, Gazelle, Big Springs, Grenada, Montague, and Yreka. Currently, the watershed is significantly impacted by an intense proliferation of illegal cannabis cultivation. This proliferation of illegal cannabis cultivation has exacerbated environmental concerns for the watershed by reducing its water resources during the growing season (spring through early fall) and by creating new sources of pollution such as improperly handled human waste and solid waste, and the rodenticides, pesticides and fertilizers associated with cannabis cultivation.

In January 2020, the Board of Supervisors declared a local state of emergency estimating that millions of gallons of water were being expended daily in Siskiyou County by illicit cannabis producers, depleting the County's groundwater and surface water resources and jeopardizing the lawful agricultural, recreational, private and environmental use of water for thousands of the County's residents. The Board's declaration, attached hereto, describes the environmental impacts at these illegal cannabis cultivation sites, including the proliferation of encampments. (Attachment A, Siskiyou County Board of Supervisors Resolution.) Encampments in the Shasta River watershed house hundreds of people in unpermitted and illegally constructed dwellings without permitted sewage disposal systems or potable water. The lack of sanitary systems results in human waste being discharged directly into the ground. As an illustration, on a single day in June 2020, one of the County's two Code Enforcement Officers accompanied law enforcement officers to three illegal cultivation sites in the watershed and all three sites had campers discharging sewage directly to the ground or underground (citation numbers 20-0086-001; 20-0088-001; 20-0089-001).²

These environmental impacts are occurring on a vast scale in the Shasta River watershed. The County estimates that there are currently in excess of 2,000 illegal cannabis cultivation sites operating within and around the boundaries of the Shasta Valley groundwater basin.³ At a cumulative level, the environmental impacts from these sites over consecutive years is likely to be profound.

The Siskiyou County Board of Supervisors is committed to working with the state through its boards and agencies to preserve and enhance the waters and fishery resources of the Shasta River watershed. To this end, the Board of Supervisors requests that the Water Board designate the Shasta River watershed a Cannabis Priority Watershed, recognizing both the importance of the watershed for salmonids and the increased risk of environmental harm the watershed faces from the proliferation of illegal cannabis cultivation.

In addition, on behalf of the residents of the Shasta River watershed, the County is making a formal complaint to the Water Board and Regional Board against the property owners and operators of the illegal cannabis cultivation sites in the watershed. The cultivation sites and their attendant environmental impacts are largely located in the Mount Shasta Vista Subdivision and its surrounding areas. (See Attachment B, Aerial Photos ⁴ and Map). The County requests the Water Board exercise its cease and desist authority (Water Code § 1831) in response to these

² In addition, grey water from sinks and showers in sheds has been found being discharged into the ground (citation number 20-0125). Solid waste is generally found at these sites being left to accumulate unmitigated or to be transported by the elements.

³ Shasta Valley. Basin Number; 1-004.

⁴ As the aerial photos show, most of the cultivation sites in the Mount Shasta Vista Subdivision are without legally established residences and used exclusively for illegal cannabis cultivation.

illegal operations and/or any other enforcement authority at the disposal of either the Water Board or Regional Board.

The County is also making a complaint against the agricultural well owners believed to be extracting large volumes of water for distribution to these cannabis sites. In recent weeks, the County has received an unprecedented number of complaints from residents in the watershed reporting that their wells are running dry, that there is increased arsenic in well water, and that surface water bodies in the watershed, such as Big Springs Lake, are markedly lower. The Water Board has continuing authority under Water Code sections 100 and 275 to enforce the requirements of the California Constitution, Article X, section 2, and to ensure the water resources of the state be put to beneficial use to the fullest extent, and not be wasted. Certain well owners in the Shasta River watershed are believed to be committing waste of water by extracting large quantities of groundwater for use on illegal cannabis grows. The agricultural wells that are the subject of this complaint are located in an area that is generally described as being within the sections of Township 43 North, Range 4 West, Mount Diablo Meridian. Siskiyou County Community Development Director, Rick Dean, is available to provide a more detailed description of the specific properties that are the subject of this complaint and to provide the identities of those believed to be responsible parties. He may be reached at 530-841-2100.

In closing, your partnership in assisting us to safeguard the groundwater and surface water resources of the Shasta River watershed is urgently requested.

This letter was approved by the Siskiyou County Board of Supervisors on September 1, 2020, by the following vote:

AYES:

NOS:

ABSENT:

ABSTAIN:

Sincerely,

Michael N. Kobseff, Chair
Board of Supervisors

Enclosures

Cc: Tina Bartlett, Regional Manager, Northern Region, California Department of Fish and Wildlife, 601 Locust St., Redding, CA 96001.

Storner Feiler, Cannabis Enforcement, North Coast Regional Water Quality Control Board
(Storner.Feiler@waterboards.ca.gov)

Christopher Borsh, Office of Enforcement, State Water Resources Control Board
(OECannabis@waterboards.ca.gov)

John Halligan, Chief, CalCannabis, Enforcement and Enforcement Branch, 1220 N Street, Sacramento, CA 95814

ATTACHMENT “A”

RESOLUTION 20-18

DRAFT

**SISKIYOU COUNTY BOARD OF SUPERVISORS
RESOLUTION**

**COUNTY 'STATE OF EMERGENCY' – PROLIFERATION OF ILLEGAL
CANNABIS CULTIVATION**

WHEREAS, the Siskiyou County Sheriff's Office (SCSO) and its partner agencies have experienced the unprecedented proliferation of illicit cannabis cultivation sites throughout the county, both on public and private lands, which, on private property number at least 1500 to 2,000, overwhelming SCSO and partner agency resources; and

WHEREAS, during 2019 a SCSO team (Siskiyou Interagency Marijuana Investigation Team – SIMIT) has served 154 search warrants on private property illicit marijuana cultivation sites, seizing 44,369 illicit cannabis plants, 16,759.5 pounds of processed product, 15 firearms, and, during 2018, 21,426 illicit plants, 14,406 pounds of processed marijuana, and six (6) THC extraction ("Honey Oil") labs at numerous county locations were seized, which illustrates an alarming upward trend in proliferation; and

WHEREAS, during 2019, the North State Major Investigation Team (NSMIT), a regional California DOJ-led team with SCSO membership, seized 17,230 illegal plants, 1,044 pounds of processed marijuana, made eight (8) arrests, and during 2018, on Gazelle-Callahan Road, seized 5,071 illicit plants, and stopped an illegal operation that included 15 active greenhouses in the area; and,

WHEREAS, counter-drug operations on private and public property have identified nearly universal non-compliance with the county's ban on outdoor cultivation of cannabis and have uncovered hundreds of pervasive fire hazards, insecticides, pesticides, rodenticides, fertilizers, trash, and unsanitary conditions which severely impact health, safety and quality of life for countless county residents and led to 3 carbon monoxide deaths in 2018 and at least one similar death during 2019; and

WHEREAS, Siskiyou County is already overwhelmed with methamphetamine, heroin, prescription drugs, cocaine, and other illicit drugs, and a rising suicide and drug overdose rate, multiplying the impact the illicit cannabis drug trade exacts against our adults and children and the illegal customers in other states; and

WHEREAS, 1,500 to 2,000+ illicit cannabis cultivation sites in private property areas have established encampments where hundreds of people are living in unpermitted and illegally constructed dwellings without permitted sewage disposal systems or potable water supplies. Additionally, solid waste is not properly removed from the site and is either illegally burned on-site, accumulated on-site causing a vector attraction, buried on-site or left to blow into neighboring properties, all constitute maintenance of a public nuisance in violation of existing codes; and

WHEREAS, during 2019, SIMIT and NSMIT seizures of illegal marijuana plants and processed products totaled 61,599 plants, 17,763.5 pounds of processed product, and included the confiscation of 18 firearms, with total East Coast retail values ranging from \$369,594,000.00 to \$554,391,000.00 for the average 3-pound yield per plant for marijuana and values ranging from \$35,527,000.00 to \$53,290,500.00 for the processed marijuana, thus illustrating the fact Siskiyou County has become a major drug trafficking organization hub for the state and national; and,

WHEREAS, During 2019, on-highway seizures of illicit marijuana by SCSO totaled 63 illegal marijuana plants, 2,074.4 pounds of processed or partly-processed product ranging from \$4.2M to \$6.2M value; and

WHEREAS, the County Fire Warden has documented multiple fires starts that have been initiated in these encampments and at least two fires, in recent years, that have escaped and threatened life and property; and

WHEREAS, the emergency responders are not able to locate 911 callers living in encampments to render emergency services further risking the life and safety of occupants; and

WHEREAS, public land cannabis grow sites (mostly USFS), operated mostly by drug trafficking organizations in 2016 resulted in the seizure of 101,255 illicit plants, 2,850 pounds of processed product, and sadly led to the

**SISKIYOU COUNTY
RESOLUTION**

No. 20-18

detection of dangerous conditions and illicit chemicals like "Carbofuran," a condition that still exists today, presenting a severe threat to citizens and the environment; and

WHEREAS, an estimated 3,000,000 gallons of water is being expended daily by illicit cannabis producers, depleting precious groundwater and surface water resources and these losses jeopardize the lawful agricultural, recreational, private and environmental use of water for thousands of residents; and

WHEREAS, site grading in excess of one acre, illegal timber conversion, illegal water diversions or unauthorized use of surface water without proper permits/authorization is occurring on a significant number of properties. The volume of properties and number of violations exceeds the capacity of local resources to effectively enforce provision to prevent further environmental damage and impacts to watercourses and fish populations; and

WHEREAS, during 2019, Siskiyou County has experienced an unprecedented level of violence associated with the marijuana industry, including a murder that occurred on February 7, 2019 (Hunter Sims), a double homicide that occurred on March 20, 2019 (Ms. Mor Hang, 81, and Ms. Rosey Vang, 49), and an attempted murder at a marijuana cultivation site, the murder of a man running a marijuana business (link not known), and, during a recent search warrant operation Sacramento County authorities arrested a murder suspect wanted in their jurisdiction for a marijuana-related homicide; and,

IT IS THEREFORE RESOLVED that the Siskiyou County Board of Supervisors declares a "Local State of Emergency" due to the catastrophic impact illicit cannabis cultivation sites have had on public health, safety, and quality of life issues in the county. SCSO, local and regional resources have been exhausted and the "State of Emergency" can only be mitigated with additional assistance from federal, state, and/or regional resources due to the organized crime, interstate characteristics, nature, magnitude, and multi-billion dollar funding mechanisms that supports cannabis crime networks in the county.

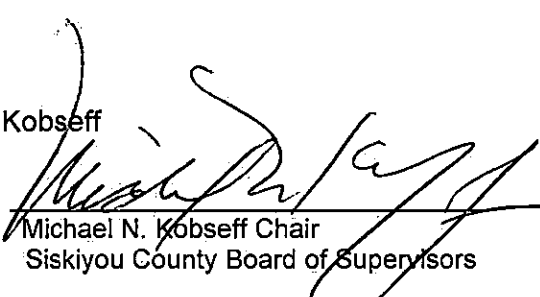
BE IT FURTHER RESOLVED that the Siskiyou County Board of Supervisors, pursuant to Government Code Section 8260(c) shall continue to review the need for continuing the local emergency at least once every 30-days until its termination is proclaimed by the Board of Supervisors; and,

BE IT FURTHER RESOLVED that the Siskiyou County Board of Supervisors hereby Proclaims and Orders that during the existence of this local emergency, the powers, functions and duties of the Director of Emergency Services and the emergency organizations of this county shall be those prescribed by state law, ordinances, and resolutions of this county approved by the Board of Supervisors, and by the Siskiyou Operational Emergency Area Operations Plan, as approved by the Board of Supervisors; and,

BE IT FURTHER RESOLVED that a copy of this declaration shall be forwarded to the Secretary of the Governor's Office of Emergency Services (CAL OES) and that appropriate public safety-related resources be released to assist in recovery from this on-going disaster.

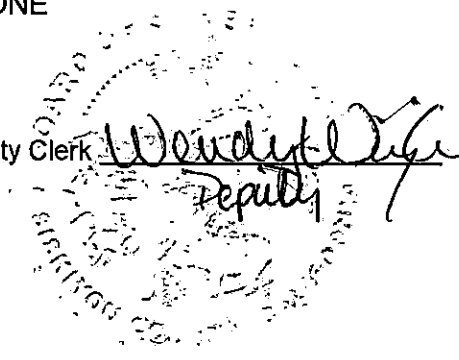
Passed and adopted this 21st day of January, 2020:

Ayes: Supervisors Haupt, Valenzuela, Nixon and Kobseff
Noes: NONE
Abstain: Supervisor Criss
Absent: NONE


Michael N. Kobseff Chair
Siskiyou County Board of Supervisors

ATTEST:

Laura Bynum, County Clerk



ATTACHMENT “B”

MAP AND RECENT AERIAL PHOTOGRAPHS OF
THE MOUNT SHASTA VISTA SUBDIVISION

DRAFT

