



HUMBOLDT BAY MUNICIPAL WATER DISTRICT
828 7th Street, Eureka



Minutes for Special Meeting of Board of Directors

September 29, 2015

A. **ROLL CALL**

President Hecathorn called the meeting to order at 2:05 pm. Director Rupp conducted the roll call. Directors Hecathorn, Rupp and Woo were present. Director Sopoci-Belknap arrived a few minutes later and Director Laird was absent. General Manager Paul Helliker, Superintendent Dale Davidsen and Board Secretary Sherrie Sobol were also present.

B. **FLAG SALUTE**

Director Hecathorn led the flag salute.

C. **ACCEPT AGENDA**

On motion by Director Woo, seconded by Director Rupp, the Board voted 3-0 to accept the agenda.

D. **CANNABIS CULTIVATION – REGULATORY PROGRAMS AND IMPACTS ON WATER RESOURCES**

Mr. Helliker thanked everyone for attending and acknowledged that several people had to travel some distance to participate. He then introduced Assembly Member Jim Wood.

1. **State Legislative Actions: Assembly Member Jim Wood**

Assembly Member Wood discussed three bills on the Governor's desk for signature related to licensing and operating rules for medical marijuana growers and dispensaries. The three bills are AB 243 (Assembly Member Jim Wood), AB 266 (Assembly Member Bonta) and SB 643 (Senator McGuire). The bills will become operative only if all three are enacted. Mr. Wood shared that his bill originally included an excise tax portion, however, since the three bills are linked and all must pass, the tax portion was removed and will be reintroduced as separate legislation. The Governor has until October 11th to sign the bills. The bills required that cannabis cultivators be licensed and must meet certain standards, including environmental compliance. He added that local jurisdictions can impose stricter requirements than those of the State. Director Sopoci-Belknap noted the bills apply only to medical marijuana and inquired about the status of recreational marijuana. Mr. Wood stated there is no guarantee that recreational marijuana will be legal in California, however if it does become legal, then the medical marijuana bills can be expanded on. The Board and members of the public thanked him for his efforts and taking the time to attend the Board meeting.

2. **CA Department of Fish and Wildlife (CDFW): Gordon Leppig and Scott Bauer**

Mr. Bauer of the California Department of Fish and Wildlife, provided an updated presentation on their assessment of outdoor marijuana cultivation in the Mad River Watershed. He shared that since he last presented to the Board earlier this year, the study results titled "Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds" was published online in the scientific journal PLOS One. Results showed that all streams monitored in the watersheds with large scale marijuana cultivation went dry. CDFW created a new Watershed Enforcement Team (WET) to help protect public resources from the



HUMBOLDT BAY MUNICIPAL WATER DISTRICT
828 7th Street, Eureka



Minutes for Special Meeting of Board of Directors

September 29, 2015

negative effects of marijuana cultivation. Mr. Bauer is a member of the seven person team. They have two hundred properties to inspect in six counties for CDFW violations. So far, about eighty notice of violation letters have been filed with six administrative actions pending. Mr. Bauer noted that of those inspected who were not in compliance 90% have since filed for a Streambed Alteration permit. More staff resources are needed to process the applications. Mr. Leppig stated staff is hopeful that legislation and regulatory requirements will help the situation, but the bottom line is additional staffing is required.

Director Rupp thanked them and inquired what the District could do to focus enforcement of Mad River, especially since Ruth Lake is the source of water supply for 88,000 customers. Mr. Leppig agreed it is important, however it is late in the year for enforcement now. Mr. Bauer added that it's difficult to grow marijuana outdoors in the winter season.

3. State Water Resources Control Board: Yvonne West via phone

Ms. West participated in the meeting via phone. She discussed riparian water rights and permit compliance requirements for cannabis production facilities and SWRCB enforcement actions. She noted her agency does not enforce local plant counts, but rather water violations. Director Rupp inquired when the Mad River Basin would be the focus for SWRCB. Ms. West replied the Mad River is on their list but it is hard to say how quickly they can get to it given limited staff and resources.

4. Regional Water Quality Control Board: John Corbett, Connor McIntee

Mr. McIntee and Mr. Corbett discussed the provisions of the General Waiver of Waste Discharge Requirements for Cannabis and implementation plans. Mr. McIntee stated the Regional Board developed a letter, specific to their authority, to send to cannabis growers. They thought it would be efficient to insert them into tax mailers going to property owners and inquired if the Tax Collector's office was agreeable to this. Mendocino County is the only one to accept the offer and the mailing went out to approximately thirty-six thousand property owners. The Humboldt County Tax Collector's office declined to participate. Supervisor Sundberg noted that the Tax Collector is an elected position. The Humboldt County Tax Collector's office made the decision not to participate.

Mr. Corbett shared that compliance and education letters are being sent based on aerial photos. Mr. Leppig added the letters have been sent to Mendocino area growers, which state 'it appears you are diverting water and we have no records on file for you to do so, please comply'. Mr. Corbett stated the level of interagency coordination is exceptional and DFW is doing a great job.

5. Humboldt County: Supervisor Sundberg

Supervisor Sundberg provided an update on the County's marijuana cultivation ordinance. He and Supervisor Fennell are on a subcommittee to address marijuana cultivation. The California Cannabis Voice Humboldt (CCVH) did a lot of work on an ordinance that they shared with the County, including comments received from the



HUMBOLDT BAY MUNICIPAL WATER DISTRICT
828 7th Street, Eureka



Minutes for Special Meeting of Board of Directors

September 29, 2015

public. The document was very close to being acceptable and the County used the draft as a template. The County is making sure the ordinance will be in synchrony with State legislation. Work on the document should be complete in a few weeks and it will be shared with the public for comments.

6. Discussion by other parties (John Fenley, Trinity County and Dave Feral, Mad River Alliance)

Trinity County Supervisor John Fenley provided an update on Trinity County efforts. Trinity County has limited the number of marijuana plants to eight per ten acres. To help enforce this, they are using abatement compliance. He noted there have been sites with approximately 200 plants on them they have removed all but the allowed eight with the abatement process. He stated the District can help by requesting abatement along the Ruth Lake and Mad River areas. He noted the eight plants per ten acres is for personal grows. Medical grows could be as much as fifty plants per half-acre. It is unknown at this time and thus it is important to have a "seat at the table". He will keep the District apprised as to the Trinity County cannabis ordinance.

Mr. Dave Feral of Mad River Alliance offered to help organize an educational workshop for growers prior to February 2016. He believes ratepayers should not have to carry the burden of this and is willing to help with costs. Mr. McIntee inquired if it would be helpful, theoretically, if an enforcement notification was sent out prior to the workshop. Mr. Feral stated it would.

Mr. Feral inquired whether he could advertise that he is sponsoring the workshop with the support of HBMWD. President Hecathorn stated the Board would discuss it and let him know.

7. Board discussion and potential action

No action was taken. The Board agreed to continue discussion at the regular Board Meeting and requested the topic be on the agenda. Mr. Helliker confirmed it would be.


E. PUBLIC COMMENT

No public comment was received.

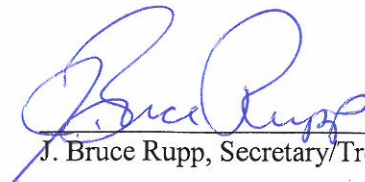
ADJOURNMENT

The meeting adjourned at 5:38 pm.

Attest:



Barbara Hecathorn, President



J. Bruce Rupp, Secretary/Treasurer