



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Region 1 - Northern  
 619 2nd Street  
 Eureka, CA 95501  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
 CHARLTON H. BONHAM, Director



March 13, 2020

**Certified Mail:**

# 7019 1640 0000 7872 8024

Candace Starr  
 California Green Akers, LLC  
 16060 Ventura Blvd, Suite #110-196  
 Encino, CA 91436



CALIFORNIA GREEN AKERS, LLC

APN 216-271-013

Apps 11682

**Subject:** Notice of Violation of Fish and Game Code Sections 5650 and 5652 in  
 Conjunction with Cannabis Production

Dear Candace Starr:

On January 25, 2020, Department of Fish and Wildlife (Department) staff visited your property, Assessor Parcel Number (APN) 216-271-013 (Property) located on an unnamed tributary to the Eel River and the Pacific Ocean. During the visit, staff observed activities that are in violation of Fish and Game Code sections 5650 and 5652. Staff observed active cannabis cultivation in conjunction with these activities (Table 1).

Table 1. Summary and description of Fish and Game Code (FGC) violations documented during CDFW staff visit on January 25, 2020.

Violation #	FGC Violation	Latitude/Longitude	Description
1	5650	40.1707, -123.6060	Sediment discharge to Waters of the State by placement of soil waste in a wet/wetland area hydrologically connected to a stream
2	5652	40.1707, -123.6068	Deposition of trash to Waters of the State by placement of debris in and within 150 feet of the stream

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.

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A person who violates FGC sections 5650 and 5652 in conjunction with the cultivation or production of marijuana 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 marijuana following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$20,000 for each violation of FGC section 5650 or 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 FGC section 5650 civilly. Specifically, under FGC section 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 Food and Agriculture (CDFA) is the state licensing authority for commercial cannabis cultivation. CDFA 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 CDFA. (Bus. & Prof. Code, §§ 26057, 26060.1.)**

As a first step to address this matter, the Department requests you contact the assigned Senior Environmental Scientist at [david.manthorne@wildlife.ca.gov](mailto:david.manthorne@wildlife.ca.gov) within 14 days of the date of this letter. CDFW personnel 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 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,



Eric Agoitia  
Watershed Enforcement Team

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