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Maggie Fleming

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NEWS RELEASE

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Today, Humboldt County District Attorney Maggie Fleming announced that yesterday, 33 year-old Sean C. Appelbaum, of Dinsmore, California, pled guilty to a felony violation of cultivating marijuana resulting in environmental violation (Health and Safety Code § 11358(d)(3)) and admitted to being personally armed during the commission of that felony (Penal Code § 12022(a)(1)). In addition, Mr. Appelbaum pled guilty to unlawfully diverting a stream, which is a misdemeanor under Fish and Game Code §1602(a). Mr. Appelbaum faces up to 4½ years in jail. He will return to court on June 13, 2017 for sentencing.

This case arose on August 26, 2016 when the Humboldt County Sheriff's Office served a search warrant on two rural parcels near Dinsmore owned by Mr. Appelbaum. On one of the parcels, the Sheriff's Office discovered unpermitted marijuana cultivation of about 2000 plants being conducted by Mr. Appelbaum. Mr. Appelbaum was found to have leased the adjacent parcel to others for the purpose of unlawful marijuana cultivation of over 7,000 plants. Mr. Appelbaum also had eight firearms in a trailer on his property.

The California Department of Fish and Wildlife's Watershed Enforcement Team assisted in the investigation of Mr. Appelbaum's two parcels. Fish and Wildlife identified numerous environmental violations on the properties, including the filling of stream channels, constructing an artificial dam, excavating a spring, and diverting water to create a pond. In addition, Fish and Wildlife found a leaking diesel tank, trash, and plant fertilizers in areas that would drain into a tributary of the Van Duzen River. Moreover, Mr. Appelbaum elevated sediment run-off into the tributary by using heavy equipment to unlawfully fell trees, cut roads and form landings. Mr. Appelbaum's felony violation of the Health and Safety Code reflects California's recent changes to marijuana law via Proposition 64: a person that unlawfully cultivates marijuana resulting in certain environmental violations, or results in harm to public lands, or public resources may be charged with a felony. Landowners who lease property where unlawful marijuana cultivation results in such environmental harms may also be held criminally liable. In addition to criminal penalties, landowners can face civil penalties in the range of \$8,000 to \$20,000 per day for illegal water diversions, water pollution and other violations of environmental laws.