
North Coast Regional Water Quality Control Board

August 28, 2013

Don Roberts
P.O. Box 1832
Laytonville, CA 95454

Stephen G. Whitley and Taylor Whitley
P.O. Box 1990
Laytonville, CA 95454

Dear Mr. Roberts and Mr. and Mrs. Whitley:

Subject: Acceptance of Restoration Plan Submitted for Compliance with Cleanup and Abatement (CAO) and 13267 Order No. R1-2013-0007 and Notice of Continued Violation

File: Don Roberts Property, Mendocino County Assessor's Parcel Number 014-060-26 (Aka 014-060-44), 320 Branscomb Road, Laytonville, Mendocino County, WDID No. 1B12063CNME

On July 22, 2013, we received your July 17, 2013 revised wetland delineation and restoration/monitoring plan (Plan), submitted in response to our June 21, 2013 Notice of Violation. I am accepting the July 17 Plan as final and complete, with the following revisions:

- 1) Please remove reference to the two proposed new bridges from the Plan. The CAO requires correction of violations, including removal of illegally constructed fills, roadways, and stream crossings, and restoration of surface water features damaged by illegal construction activities. The CAO does not authorize, nor can it permit, new construction, such as the proposed construction of new bridges, as shown in the July 17 Plan. Should you wish to construct new bridges following site cleanup and restoration, you will need to apply for and obtain appropriate permits.
- 2) The CAO requires that irrigation be conducted as necessary. The July 17 Plan indicates that you do not propose to irrigate restoration plantings. We recognize that irrigation may not be needed, due to wet conditions at the site, however, please include language indicating that if necessary to ensure adequate recovery, restoration plantings will be irrigated.

At your earliest convenience, please make revisions to incorporate the changes described above and submit the revised Restoration and Monitoring Plan. In addition, please proceed with all necessary consultations, secure any necessary permits from other agencies, and provide regular progress reports, including notification when you start work on the Site.

Note that you continue to be in violation of CAO Directive #3 requirements to submit a technical report and attendant items, and you are still not submitting Progress Reports by the first of each month, as required by Directive #6. You may submit progress reports by email to Stormer Feiler of my staff; his contact information is below; your next Progress Report is due September 1, 2013. We recommend that you provide the information required under Directive 3 as soon as possible. As of August 15, 2013, this information is **181 days** overdue; potential penalties accrue for each day of violation of CAO directives. If you have any questions regarding this matter, please contact Stormer Feiler of my staff by email at Stormer.Feiler@waterboards.ca.gov or by phone at (707) 543-7128, or his supervisor, Diana Henriouille by email at Diana.Henriouille@waterboards.ca.gov or by phone at (707) 576-2350.

Sincerely,

Matthias St. John
Executive Officer

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Certified-Return Receipt Requested

cc:

Mendocino County
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