
North Coast Regional Water Quality Control Board

September 15, 2015

Mr. William H. Shandel
Surprise Valley Ranch
P.O. Box 125
Comptche, CA 95427

Dear Mr. Shandel:

Subject: Notice of Violation of Order No. R1-2013-0005, General Waste Discharge Requirements for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMP) in the North Coast Region

File: Non-Industrial Timber Management Plan 1-95NTMP-003 MEN,
"Surprise Valley"

The purpose of this letter is to notify you that you are in violation of the General Waste Discharge Requirements for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMP) in the North Coast Region (NTMP GWDR) (No. R1-2013-0005). You are also in violation of Waste Discharge Prohibitions contained in the Action Plan for Logging, Construction, and Associated Activities in the Water Quality Control Plan for the North Coast Region (Basin Plan). Under California Water Code section 13350, you are subject to potential enforcement actions and penalties resulting from the violation. You must submit to the North Coast Regional Water Quality Control Board (Regional Water Board) a written description of sites that are violating or have the potential to violate applicable water quality requirements or to adversely impact beneficial uses, are human caused, and can reasonably and feasibly be treated, including watercourse crossings and ditch relief culverts. In order to satisfy the requirements of the NTMP GWDR, you must identify and correctly classify all watercourses within the current Non-Industrial Timber Operation (NTO) and revise all NTO maps accordingly, thereby ensuring protection of the beneficial uses of water. You must also provide details as to the proposed corrective actions and schedule of implementation. Corrective actions must occur no later than October 15, 2015 and October 15, 2016.

Introduction

Non-Industrial Timber Management Plan (NTMP) 1-95NTMP-003 MEN is located within the upper reaches of the North Fork Albion watershed, approximately one mile northeast of the town of Comptche, in Mendocino County. The California Department of Forestry and Fire Protection (CAL FIRE) approved the plan on June 23, 1995. On August 3, 2015, Registered Professional Forester (RPF), Randy Jacobszoon enrolled NTO#11 under Tier A of the NTMP WDR. The NTO covers 303 acres and uses selection and alternative silviculture methods.

Section A (5)(a) of the NTMP GWDR requires the Registered Professional Forester (RPF) to conduct a field evaluation of current conditions in the NTO area to identify sites that are violating or have the potential to violate applicable water quality requirements or to adversely impact beneficial uses, are human caused, and can reasonably and feasibly be treated. The RPF must also propose measures to protect and restore the beneficial uses of water at these sites (section A(5)(b)). The landowner must submit to the Regional Water Board a list containing each site identified in the NTO, pursuant to section A(5)(a), and a brief description of corrective action proposed, per section A(5)(b). NTO maps must show the location of each site (section 5(c)).

August 12, 2015 Site inspection

On August 12, 2015, Regional Water Board staff Ryan Bey inspected NTO #11 accompanied by RPF, Randy Jacobszoon. During the inspection, Regional Water Board staff inspected a culverted road crossing on a Class II watercourse that was not identified on NTO maps. The bottom and sides of the existing culvert were rusted through and there were large holes throughout the culvert (Figures 1 and 2). Water flowing out of the holes in the culvert may saturate underlying and surrounding fill material, increasing the potential for failure of the crossing and associated fill during large storm events. In its current condition, the culvert is no longer functioning as designed and must be replaced.

On October 29, 2013, CAL FIRE forester Chris Curtis inspected the NTO #10 area. In his post-inspection report (dated November 12, 2013), Mr. Curtis made the following recommendation:

“The 24 inch culvert west of the pond in the north area of the property is rusted through on the underside and should be replaced”

The rusted culvert Regional Water Board staff observed during the NTO #11 inspection is also west of the pond in the north area of the property (Map 1). Mr. Curtis’s November 12, 2013 report also indicates that the RPF was currently evaluating culverts and developing a replacement schedule based on a prior conversation. It does not appear that that evaluation took place.



Figures 1 and 2: rust and extensive holes in bottom of culvert

During the August 12, 2015 inspection, Regional Water Board staff also observed a ditch relief culvert (DRC) that had become filled and covered with sediment and organic material to the extent that the inlet and outlet were difficult to locate (Figures 3 and 4). During a precipitation event, water would be unable to pass through the blocked inlet and would instead be diverted down the road, potentially delivering sediment into nearby watercourses. This would violate applicable water quality requirements outlined in the Basin Plan. As the DRC is currently no longer functioning as designed, it must be flushed clean, or replaced. The NTO does not include this DRC, violating section A(5)(a) of the NTMP GWDR.



Figures 3 and 4: Ditch relief culvert inlet and outlet filled with sediment and organic materials

During the inspection, at the southern section of the NTO, Regional Water Board staff observed a spring to the north of the domestic well. The NTO and NTO maps do not include this feature. The spring extends to the northeast and southwest of the road. Water flows from the southwest, through a culvert, to the northeast (Figures 5 and 6). The water then dissipates into a field occupied by cattle. The existing crossing does not need replacing. Water Board staff and the RPF agreed that this spring and associated flow path should be provided Class II watercourse protection. Currently, the NTO does not identify this watercourse, and therefore does not provide for appropriate watercourse protection. Trees in this area had been felled as part of the NTO, but at the time of the inspection, had not been hauled away (Figure 7). Failure to disclose this site and to provide appropriate protection to the beneficial uses of water associated with the spring violates both the Basin Plan and sections A (5)(a) and (b) of the NTMP GWDR. You must add the watercourse to the NTO maps, and provide for appropriate protection to ensure that the beneficial uses of water are protected.





Figures 5 and 6: unidentified spring with no corresponding protection



Figure 7: trees felled under NTO waiting hauling lie adjacent to unidentified spring

Project Completion:

At the end of the inspection, RPF Randy Jacobszoon agreed to replace the rusted culvert. The RPF must submit a written description of the existing site conditions to the Regional Water Board by October 15, 2015, with proposed corrective action plan to prevent or minimize sediment discharge. The plan must include any design, installation and material specifications, and shall address the following:

- The length, diameter and material of the new culvert, sufficient to ensure that it will accommodate the estimated 100-year flood flow, including debris and sediment loads;
- Specifics about the removal of the existing culvert and installation of the new culvert;
- Specific prescriptions to hydrologically disconnect the road approaches to the crossing, including road surface materials and incorporation and location of rolling dip(s) or other drainage structures as warranted.

As discussed and agreed to during the inspection, the RPF must inventory all watercourse crossings and remaining ditch relief culverts within the NTO area, and compile a description of the current conditions at each site and proposed corrective action with time schedule for implementation. A copy of this document, with map(s), must be submitted to the Regional Water Board by no later than October 15, 2015.

All corrective actions for the rusted culvert must be fully implemented by no later than October 15, 2016. All corrective actions for the ditch relief culvert must be fully implemented by no later than October 15, 2015. Confirmation of completion of each corrective action must be provided to Regional Water Board staff no more than 30 days following completion.

Finally, by no later than May 15 of the year following the first winter period after completion of corrective actions for the sites described above, you must contact Regional Water Board staff to schedule a site inspection so that we may evaluate whether the corrective action has been sufficiently implemented, that it is functioning effectively, and that the violation has been adequately corrected.

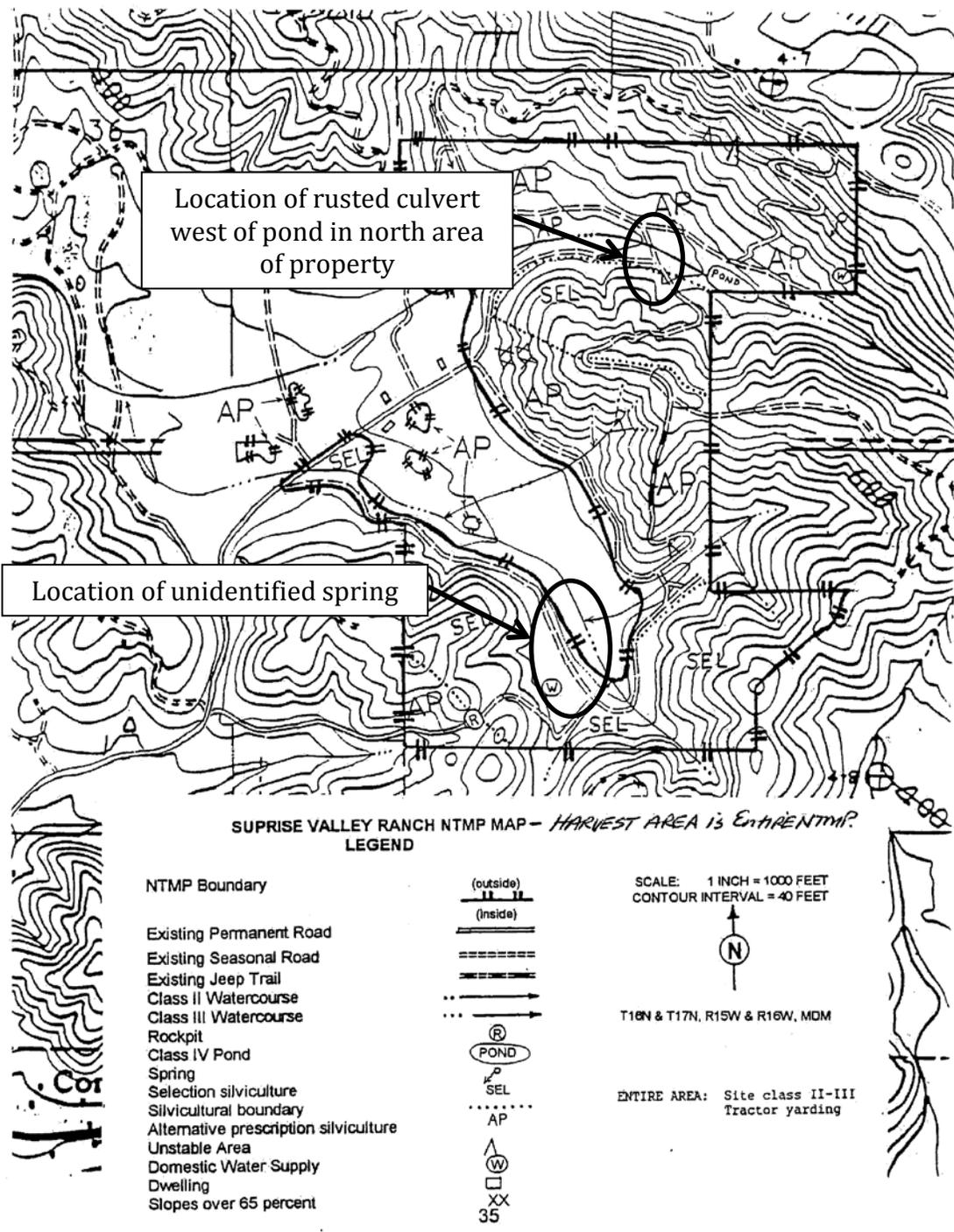
Please contact Jim Burke at 707-576-2289 or Ryan Bey at 707-576-2679 if you have any questions or need more information regarding this matter.

Sincerely,

Fred Blatt, Division Chief
Nonpoint Source and Surface Water Protection Division

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cc: Mr. Randy Jacobszoon, forestry@pacific.net
Ms. Leslie Markham (CAL FIRE), Leslie.Markham@fire.ca.gov
Mr. Craig Pedersen (CAL FIRE), Craig.Pedersen@fire.ca.gov
Mr. Jon Hendrix (CDFW), Jon.Hendrix@wildlife.ca.gov



Map 1: location of rusted culvert and unidentified spring