Inspection Memo

From: Scott Gergus, Engineering Geologist, Non-point Source and 401 Certification Unit

To: Mona Dougherty, Senior Water Resources Control Engineer, NPDES Unit

Date: January 13, 2017
Amended January 27, 2017

Subject: January 12, 2017, new construction observed at 7205 Geysers Road and Warden James' January 24, 2017, email with photographs.

File: Cold Creek Ranch, Black Mountain Developers, LLC, 7205 Geysers Road, Healdsburg, Sonoma County
R:RB1/Shared/Storm_Water/Construction/Counties/Sonoma/Non_filers/Cold Creek Ranch/Comments on 4 memos, HM, CV, SRL/Finalized 4 Cold Creek memos (SAG)/1-12-2017 grading observation with Warden Reed email final.docx

Background

The purpose of the original January 13, 2017, inspection memo was to inform Mona Dougherty of our office that grading had occurred on lands bordering the Cold Creek Ranch. It appeared that the method and timing of the grading was similar to what I had experienced on Cold Creek Ranch and I speculated the two sites might be under the same ownership. Our office has been working with representatives of Cold Creek Ranch to resolve grading and stormwater discharge concerns for several months. The original January 13, 2017 inspection memo was amended on January 27, 2017, to include additional information and photographs provided by California Department of Fish and Wildlife Warden James Reed. The original January 13, 2017 provides background information and is as follows:

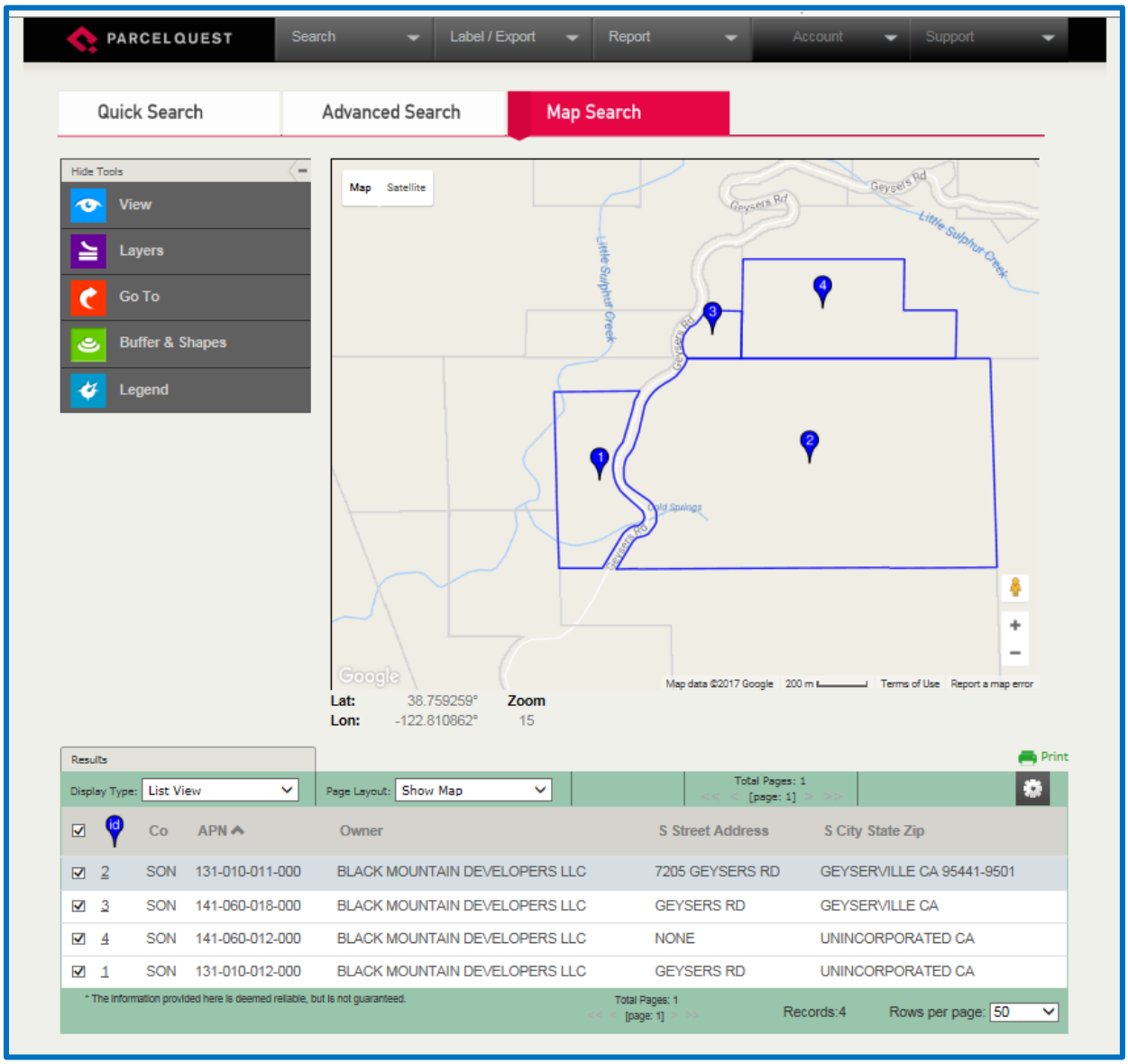
On January 12, 2017, I performed inspections of Geysers Power Company operations at The Geysers geothermal field. I drove back to the office on Geysers Healdsburg Road and observed hillside clearing with stored equipment on the south side of Little Sulphur Creek Canyon. I stopped just past the dirt road that serves the microwave towers on Geysers Peak to observe and take a picture of the clearing. The clearing is on the south side of the Little Sulfur Creek Canyon and on the opposite side of the ridgeline from Cold Creek Ranch (Black Mountain Developers, LLC). The observations and photograph were made in low-light conditions because it was late in the day and overcast. Several photographs were

taken of 7205 Geysers Road (the Site) on high magnification because I could not see the Site on my camera screen. The low light conditions made it difficult to photograph and I was hoping one of the photographs would capture the Site. One of several photographs did capture the Site and this photograph was significantly magnified and lightened to show the Site (Photograph 1).

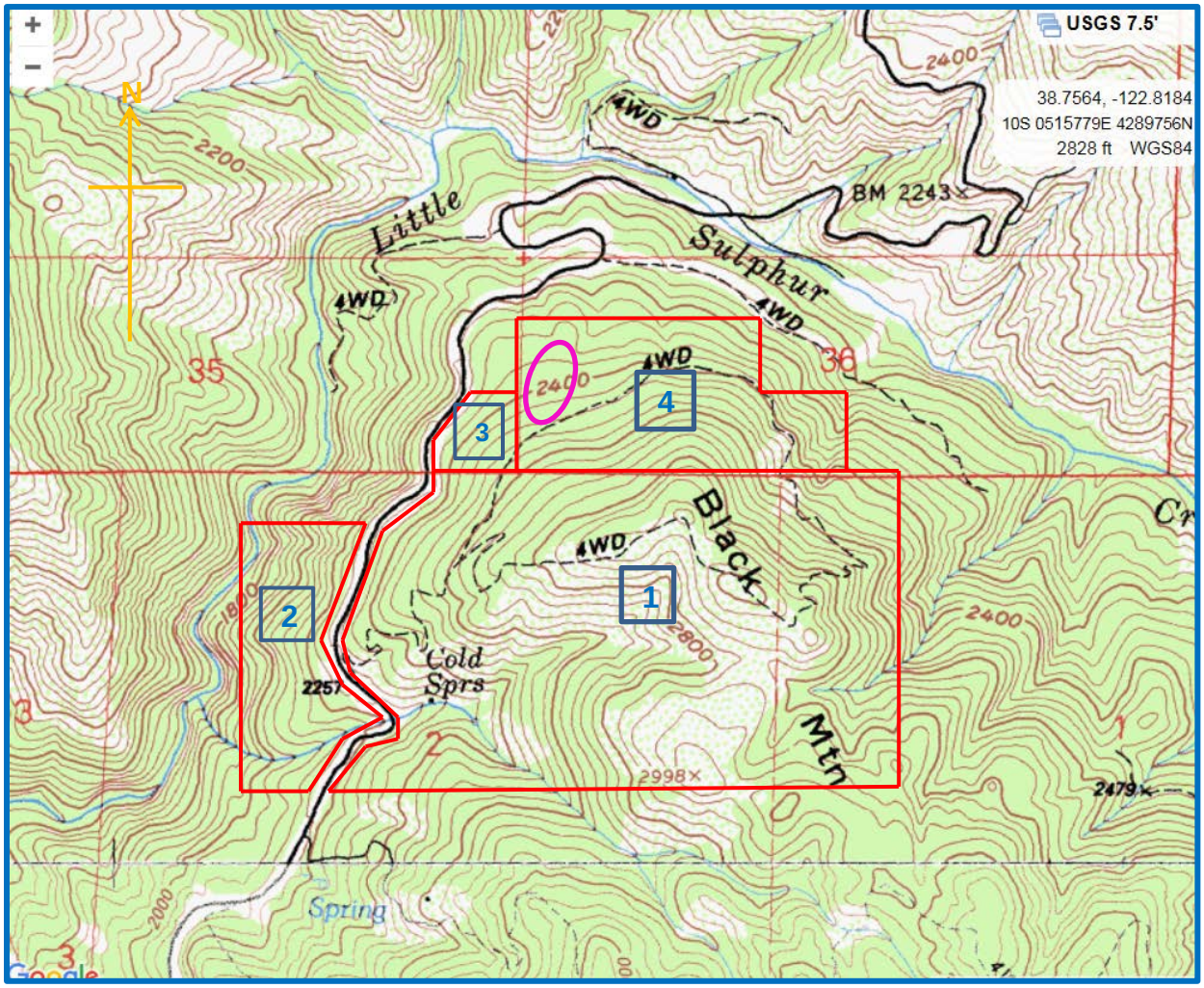
ParcelQuest.com was accessed and the Cold Creek Ranch parcels were observed in both the satellite and terrain screen modes. Two adjacent parcels bordering Cold Creek Ranch were located and the owner was determined to be Black Mountain Developers, LLC (ParcelQuest.com Data Table 1). Black Mountain Developers, LLC, also owns Cold Creek Ranch. Black Mountain Developers, LLC, recently purchased these two adjacent parcels, numbered APNs 141-060-018-000 and 141-060-012-000 (ParcelQuest.com Data Table 1).

A topographic map of the Cold Creek Ranch was downloaded from SARTopo.com and compared to the ParcelQuest.com terrain map. Four parcels owned by Black Mountain Developers, LLC, were located and drawn on the SARTopo.com topographic map as well as the cleared area. The four parcels are approximately outlined in red (SARTopo.com Map 1). Parcels 1 and 2 are part of the Cold Creek Ranch. Parcels 3 and 4 appear to have been recently purchased by Black Mountain Developers, LLC. The cleared area appears to be on parcel 141-060-012-000. The cleared area shown in Photograph 1 is located approximately by the magenta circle (SARTopo.com Map 1).

Photograph 1. This photograph was taken from Geysers Road on the north side of the Little Sulphur Creek canyon near the dirt road that serves the microwave towers on Geysers Peak. I am looking southwest towards Alexander Valley. The Cold Creek Ranch (Black Mountain Developers, LLC) is on the opposite side of the ridgeline. The area circled in green shows a newly graded road, cleared pad, and stored equipment. This parcel was recently purchased by Black Mountain Developers, LLC.



ParcelQuest.com Data Table 1. This parcel map and ownership table was copied from ParcelQuest.com. The four parcels outlined in blue are owned by Black Mountain Developers, LLC. Parcels 3 and 4 (APNs 141-060-018 and 141-060-012) were recently purchased by Black Mountain Developers, LLC, and border Cold Creek Ranch parcels (APNs 131-010-012-000 and 131-010-011-000) to the south.



SARTopo.com Map 1. This topographic map was downloaded from SARTopo.com and shows the four parcels owned by Black Mountain Developers, LLC. The four parcels are approximately outlined in red. Parcels 1 and 2 are part of the Cold Creek Ranch. Parcels 3 and 4 appear to have been recently purchased by Black Mountain Developers, LLC. The recent grading activity shown in Photograph 1 is located approximately by the magenta circle. Parcel boundaries were drawn by comparing ParcelQuest.com terrain map to the SARTopo.com map.

January 24, 2017, Information Provided by Warden James Reed

On January 24, 2017, James Reed, a warden with the Department of Fish and Wildlife (CDFW), sent me an email regarding parcels APNs 131-010-012-000 and 141-060-012-000. Warden Reed reported that on December 1, 2016, he, Dan Cahill from Sonoma County Permit and Resource Management Department (PRMD), CDFW Lieutenant Kyle Haitt, and CDFW Wildlife Biologist Tim Dodson met the project manager Clint Gerber to discuss grading activities on the Site. The photographs showed recent grading activities absent of adequate erosion control (Photographs 2 and 3), a Caterpillar D6 on site parked in the recently bulldozed soils (Photograph 3), silt fence and soil erosion (Photograph 4), and one of 4 greenhouses that contained hundreds of cannabis plants (Photograph 5). Warden Reed's email is as follows:

You forwarded this message on 1/24/2017 129 PM

From: Reed, James@Wildlife James.Reed@wildlife.ca.gov Sent: Sat 1/21/2017 8:00 AM
To: Dougherty, Mona@Waterboards Mona.Dougherty@waterboards.ca.gov
CC: Ann Gallagher-White <awhite2@sonoma-county.org>; DCAHILL@sonoma-county.org; lisa.chapman@sonoma-county.org; Gergus, Scott@Waterboards <Scott.Gergus@waterboards.ca.gov>; Bargsten, Stephen@Waterboards <Stephen.Bargsten@waterboards.ca.gov>; Jorgenson, Devon C.@Waterboards <Devon.Jorgenson@Waterboards.ca.gov>; Grady, Kason@Waterboards <Kason.Grady@waterboards.ca.gov>
Subject: Re: new Cold Creek Ranch parcels and grading

Message IMG_0968.JPG (8 MB) IMG_0956.JPG (11 MB) IMG_0909.JPG (4 MB) IMG_0964.JPG (3 MB)

That's the one that the owner said "What? I didn't know they graded this spot, they must have just done it today while I was gone!"...after he spent a couple hours telling us there were no bulldozers on the property...(except for the two D6's we found). Dan was up there with us too.
I believe that's the day that Dan told them their current erosion control plan was no good, because they didn't follow it. Several greenhouses, and several hundred plants were growing. Notice the erosion control placed on the uphill side of the graded area.

From: Dougherty, Mona@Waterboards <Mona.Dougherty@waterboards.ca.gov>
Sent: Friday, January 20, 2017 8:06:49 PM
To: Reed, James@Wildlife
Cc: Ann Gallagher-White; DCAHILL@sonoma-county.org; lisa.chapman@sonoma-county.org; Gergus, Scott@Waterboards; Bargsten, Stephen@Waterboards; Jorgenson, Devon C.@Waterboards; Grady, Kason@Waterboards
Subject: Re: new Cold Creek Ranch parcels and grading

I wasn't aware of that. Can we coordinate on what you found? We're not far from issuing a CAO, and would like to coordinate with you before we do. Thx

Sent from my iPhone

On Jan 20, 2017, at 9:11 AM, Reed, James@Wildlife <James.Reed@wildlife.ca.gov> wrote:

I'm pretty sure that is the same spot that Lt. Hiatt, Tim Dodson and I hiked in on and found the two bulldozers and all the greenhouses at on December 1st

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From: Dougherty, Mona@Waterboards <Mona.Dougherty@waterboards.ca.gov>
Sent: Thursday, January 19, 2017 9:45:14 PM
To: Ann Gallagher-White; Reed, James@Wildlife; DCAHILL@sonoma-county.org; lisa.chapman@sonoma-county.org
Cc: Gergus, Scott@Waterboards; Bargsten, Stephen@Waterboards; Jorgenson, Devon C.@Waterboards; Grady, Kason@Waterboards
Subject: Re: new Cold Creek Ranch parcels and grading

Hi. Did you all get this email? I'm wondering if anyone knows more about this then the info we provided and how this might fit with the stop work order. Thx

Sent from my iPhone

> On Jan 13, 2017, at 5:23 PM, Dougherty, Mona@Waterboards <Mona.Dougherty@waterboards.ca.gov> wrote:
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> Hi,
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> I wanted to let you know that Scott told me that he saw an area of grading on the other side of the ridge from Cold Creek Ranch yesterday. He found out from parcel search that it appears to be the same developer as Cold Creek Ranch. I thought this might be of interest to you, as it is to us. We may amend the CAO that we're reviewing now. Thanks.
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>
> Mona Dougherty, P.E.
> Senior Water Resource Control Engineer
> NPDES Wastewater and Storm Water Unit Supervisor
> North Coast Regional Water Quality Control Board
> 5550 Skylane Boulevard, Suite A
> Santa Rosa, CA 95403
> Office No.: (707) 570-3761
> Fax No.: (707) 523-0135
> Mona.Dougherty@waterboards.ca.gov<mailto:Mona.Dougherty@waterboards.ca.gov>
>
> Submit documents electronically to: NorthCoast@waterboards.ca.gov<mailto:NorthCoast@waterboards.ca.gov>
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>
> From: Gergus, Scott@Waterboards
> Sent: Friday, January 13, 2017 4:54 PM
> To: Dougherty, Mona@Waterboards
> Subject: new Cold Creek Ranch parcels and grading
>
> I observed this yesterday. The photograph colors have been adjusted to make the site visible and it is at high magnification.
> <1-12-2017 grading observation.docx>

Warden Reed provided Site information and the following four photographs of the site. Warden Reed verified Black Mountain Developers, LLC, owned APNs 141-060-018 and 141-060-012 and their project manager, Clint Gerber, can be seen in Photograph 2 speaking to Dan Cahill.

Photograph 2. This photograph was taken by Warden Reed and shows Lieutenant Haitt in the foreground, Mr. Cahill is speaking with the project manager Clint Gerber in the orange hat, and CDFW Wildlife Biologist Dodson standing in back of Mr. Gerber and hidden from view. Four greenhouses, 2 cargo containers, and 2 bulldozers are shown. An improperly installed and ineffective straw wattle is shown on the uphill side of the clearing.

Photograph 3. This photograph was taken by Warden Reed and shows a Caterpillar D6T bulldozer rented from Heavy Equipment Rentals in Healdsburg, (707) 431-1510. The bulldozer was outfitted with rippers that appear to be 1-foot long. A second bulldozer is parked left of the white greenhouse in the distance.

Photograph 4. This photograph was taken by Warden Reed and shows CDFW Wildlife Biologist Dodson standing in a 2-foot deep gully that has eroded under the wildlife exclusion fence on the downhill side of the clearing. Sediment has been deposited on the other side of the wildlife exclusion fence in the slash. A silt fence has been installed in front of the wildlife fence to capture sediment. A significant amount of sediment has been captured and is retained behind the silt fence.

Photograph 5. This photograph was taken by Warden Reed and shows hundreds of cannabis plants in various life stages in black plastic pots in a greenhouse on parcel 141-060-012-000 owned by Black Mountain Developers, LLC. Irrigation water is available on-site as evidenced by the black rubber hose and irrigation wand. This greenhouse has sloping sides and can be seen on the right side of Photograph 3.