



North Coast Regional Water Quality Control Board

February 19, 2019

Mr. Virgil Moorehead
Big Lagoon Rancheria
708 9th Street
Arcata, CA 95521
vmorehead@earthlink.net

Dear Mr. Moorehead:

Subject: Notice of Violation for Failure to Obtain Permit Coverage for Timber Harvest Plan 1-18-005 HUM

File: Timber Harvest Plan 1-18-005 HUM, "Big Lagoon THP" (CW-843660)

The purpose of this letter is to notify you that failure to obtain permit coverage from the North Coast Regional Water Quality Control Board (Regional Water Board) prior to commencement of timber harvest operations is a violation of California Water Code (CWC) Section 13260(a). Water Code section 13260 requires that any person discharging or proposing to discharge waste that could affect the quality of waters of the state shall file a report of waste discharge containing information required by the appropriate regional water board. In the North Coast Region, prior to beginning timber harvest activities, landowners must apply for coverage under Order No. R1-2004-0030, *General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (GWDR), Order No. R1-2014-0011, *Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Categorical Waiver), individual waste discharge requirements or an individual waiver. You or your Registered Professional Forester (RPF) failed to obtain permit coverage from the Regional Water Board for timber harvest plan (THP) 1-18-005 HUM prior to commencement of timber harvest operations.

Compliance with the General Conditions of the Categorical Waiver and Specific Conditions for Categorical Waiver F, including an inventory of controllable sediment discharge sources in an Erosion Control Plan and an annual inspection of the THP area, is intended to ensure compliance with water quality requirements as specified in the *Water Quality Control Plan for the North Coast Region* (Basin Plan). Please be aware that it is the landowner's responsibility to ensure permit coverage is obtained prior to commencement of timber

harvest operations. Receipt of an enrollment letter from the Regional Water Board Executive Officer ensures your plan has been enrolled.

Failure to obtain coverage under the GWDR, Categorical Waiver, or other applicable Regional Water Board permit, regardless of the reason, may result in administrative civil liability. Under California Water Code section 13261, failing to submit a report of waste discharge or obtain coverage under the GWDR when requested by the Board may result in administrative civil penalties as high as \$1,000 per day for every day the report is late or coverage has not been obtained. In addition, please note that landowners may be subject to administrative civil penalties of up to \$5,000 per day for unauthorized discharges of waste pursuant to Water Code section 13350.

After we determined that timber harvest operations had commenced without permit coverage, we notified your RPF, Stephen Hohman on January 2, 2019. On January 3, 2019, we received an enrollment request for coverage under the Categorical Waiver from Mr. Hohman. The THP was enrolled under the Categorical Waiver on February 14, 2019.

As the THP in question is now enrolled under the Categorical Waiver, no further action is required to resolve this violation. Please contact Dean Prat of my staff at 707-576-2801 if you have any questions or need more information regarding this matter.

Sincerely,

Jonathan Warmerdam
Division Chief
Nonpoint Source & Surface Water Protection Division

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cc: Mr. Stephen Hohman, shohman@hohmanandassociates.com