

Inspection Memorandum

To: Jonathan Warmerdam, Environmental Program Manager I (Supervisor), Nonpoint Source & Surface Water Protection Division, North Coast Regional Water Quality Control Board (Regional Water Board)
Gil Falcone, Senior Environmental Scientist, Southern Nonpoint Source and 401 Certification Unit, Regional Water Board
Jim Burke, Senior Engineering Geologist Southern Nonpoint Source and Forestry Unit, Regional Water Board

From: Izaac Russo, Engineering Geologist, Southern Nonpoint Source and Forestry Unit, Regional Water Board

Date: September 9, 2021

Subject: Inspection Report 1-21EX-00634-SON, CalRecycle Utility Right of Way Exemption

I. INTRODUCTION

On August 18, 2021, Region Water Board staff participated in an inspection of a reported discharge into a tributary to Mark West Creek during operations on Exemption 1-21EX-00634-SON. During the inspection Regional Water Board staff were also informed of an unpermitted watercourse crossing that involved placement of fill in another tributary to Mark West Creek.

Also present during the inspection were:

- Patricia Nelson, California Governor's Office of Emergency Services (Cal OES)
- Amber Lane, Cal OES
- Jim Kelley, Tidal Basin
- Richard Lee, Tidal Basin
- Michael Noel, Tidal Basin
- Robert Galliano, Registered Professional Forester, Tidal Basin
- Allan Richmond, True North
- Zack Baldwin, Goodfellow-Teichert-Odin JV (GTO)

- Americo Garcia, GTO
- Osama Kanaan, GTO
- Dennis Wycoff, GTO
- Anthony Toto, Department of Resources Recycling and Recovery (CalRecycle)
- Lisa Garner, CalRecycle
- Scott Upton, CalRecycle (Contractor)
- Rebecca Spranger, Biologist, Michael Baker International (MBI)
- Fey Egan, CAL FIRE
- Jonathan Warmerdam, Regional Water Board
- Kelsey Cody, Regional Water Board
- Todd Podoll, Landowner

II. BACKGROUND

In 2020 the LNU Lighting Complex fires burned more than 350,000 acres in Sonoma, Napa, Lake, Solano, and Yolo Counties. Cal OES and CalRecycle initiated projects to remove dead and dying trees posing a potential hazard to public safety.

On April 23, 2021, California EPA Secretary Jared Blumenfeld signed an Emergency Waiver of certain Forest Practice rules for Exemptions related to removal of hazard trees. Specifically, the waiver allows in-lieu practices forbidden under Title 14 CCR 1104.1 (h), including the following:

- a. Bridging watercourses with trees that cannot be jacked and/or pulled away from the watercourse
- b. Operating equipment within the WLPZ in order to lift a bridged tree off the bed, bank or channel;
- c. Operating equipment within the WPLZ to conduct shovel logging (swing) and forwarder yarding operations;
- d. Permitting use of equipment within existing WLPZ landings; and
- e. Designated temporary crossings on all watercourse classes (temporary bridges, Spittle Crossings, Humboldt Crossing, Corrugated Log Crossings, Vented Rock Ford Crossings).

On August 11, 2021 Anthony Toto, Debris Group Supervisor of CalRecycle's Inland Branch, reached out to Jonathan Warmerdam of our office to notify us of a discharge of material into a tributary to Mark West Creek, a Class I watercourse, tributary to the Russian River. The Russian River HU is listed for Sedimentation/Siltation under the Clean Water Act section 303 (d).

of the operator's activities. Regional Water Board staff have not seen this video, but several stills are included as part of the Incident Document Compilation.

The incident report estimates roughly three cubic yards of dirt, slash, and small rock were discharged into Mark West Creek, rather than hauling off-site for disposal.

Work was stopped at the site shortly after the discharge was observed.

The report identifies the skid steer operator as Konstantin Rukavishnovik, an employee of SMCI. The report states that Mr. Rukavishnovik was acting on his own direction ignoring his training, though no record of his attendance in any kind of environmental training was available. As a result of this incident, Mr. Rukavishnovik's employment at SMCI was terminated and SMCI's contract for work associated with the debris and hazard tree removal projects was also terminated.

IV. FIELD OBSERVATIONS

8200 St. Helena Road

The inspection took place at roughly 12:30 PM at 8200 St. Helena Road, Santa Rosa (38.5202, -122.5917). The site of the discharge is an old house pad directly above the confluence of Mark West Creek and the unnamed tributary. The house apparently burned during the LNU Lightning Complex fires and the debris was hauled off site by CalRecycle. Anthony Toto of CalRecycle reported that the soil testing at the site came back "clean".

Conditions during the inspection were warm and with high smoke from the 2021 Dixie Fire.

As reported, approximately 3 cubic yards of mixed timber slash, soil, and rocks were pushed over the edge of the embankment towards the unnamed tributary to Mark West Creek. The majority of the material seemed to be still perched on the steep slope above the bankfull channel. Approximately 1 cubic yard of material had made it down to the bankfull channel bed, though no material was observed in the currently active, flowing channel. The area of the channel bed the material was deposited on appeared to be an overflow channel of the main channel during higher flows and there were a few areas of standing water and wet bed material in the vicinity of the discharge, though the area directly under the discharge appeared to be dry at the time of our inspection. Subsurface flow is likely occurring beneath the discharged material.



Site Map. 8200 St. Helena Road. 2012 Sonoma County Vegetation Mapping & LIDAR Program LIDAR.



Figure 1. View of discharge from within channel of unnamed tributary. Red line: approximate extent of discharge. Purple line: approximate bankfull. Blue line: Approximate path of side channel during higher flows.



Figure 2. View of discharge from within channel of unnamed tributary. Red line: approximate extent of discharge. Purple line: approximate bankfull. Blue line: Approximate path of side channel during higher flows.

7411 St. Helena Road

At approximately 1:30 PM, we arrived at the second inspection point at 7411 St. Helena Road, Santa Rosa (38.5235, -122.6071). The site is a temporary crossing of Class II or I watercourse. This crossing was not used for hazard tree removal under Exemption 1-21EX-00634-SON, but was used for CalRecycle's debris removal project, which is not subject to the California Forest Practice Rules.

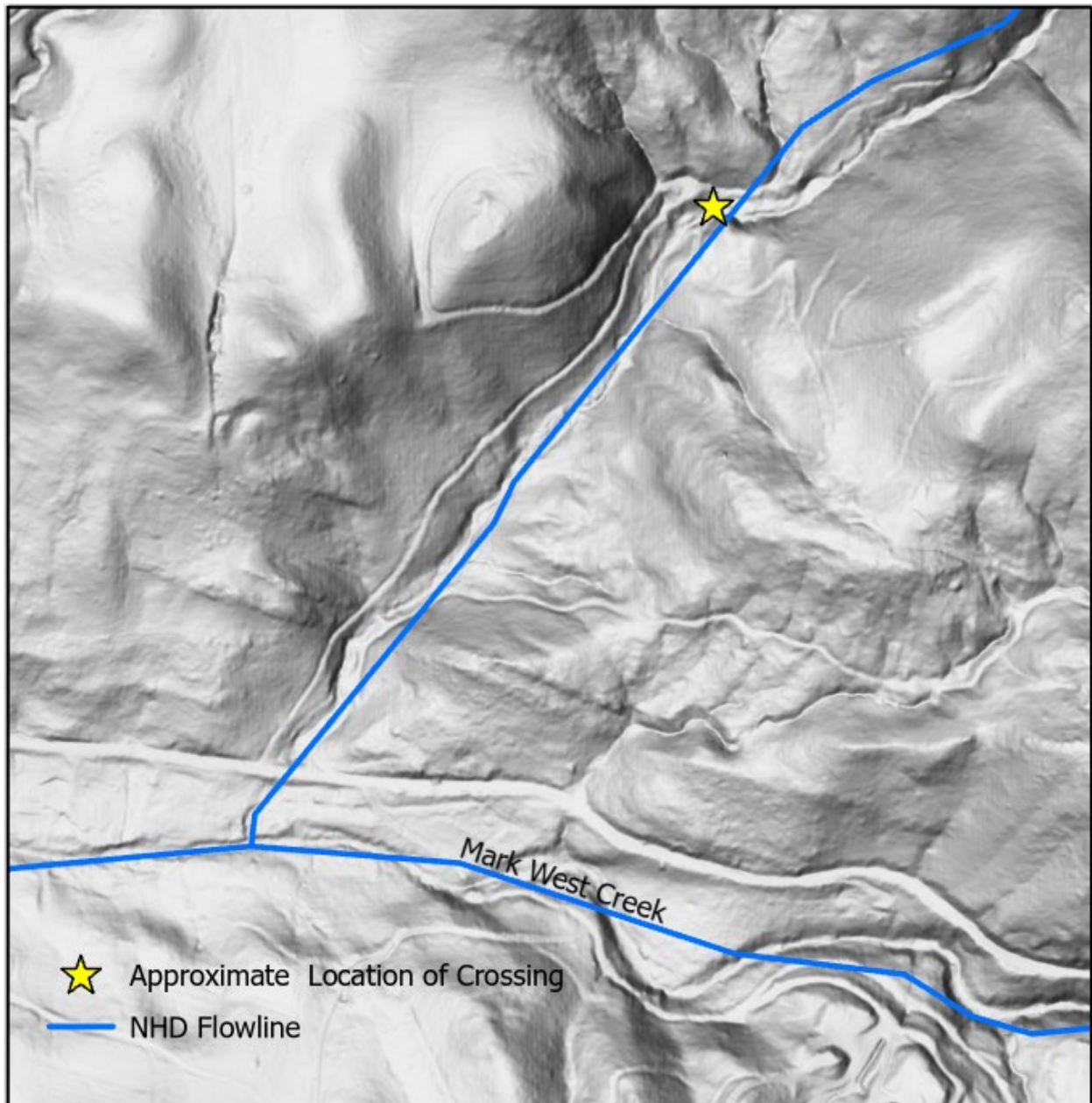
There was no existing crossing in place at this site and the landowner has reportedly been using the site of the bridge as a wet ford prior to the installation of the bridge. According to verbal reports from CalRecycle staff, their contractors has requested authorization to build a bridge crossing at this location and did not wait for that authorization before proceeding with construction. The contractors have filed for a California Department of Fish and Wildlife Emergency Lake and Streambed Alteration Agreement under Fish and Game Code 1610.

The crossing itself consists of steel plates, underlain by plastic sheeting to prevent soil falling through into the watercourse, laid across several logs spanning the watercourse. The road crossed the channel at an angle here and roughly one to two cubic yards of fill material, consisting of large cobbles to fine soil were placed in the channel in order to align the road. The fill material was removed from the bank above the road on the east side of the crossing. Biologist Rebecca Spranger with MBI showed us pre-construction photos of the site that showed a fallen tree with its root ball at the site the filled material was taken from. The contractor on site stated that in removing the tree, the bank material came down on its own and material was not intentionally removed.

Straw wattles and erosion fencing had been installed at the margins of the road and the watercourse.

While discussing the site with CalRecycle and CalOES representatives, it was determined that the construction of the temporary bridge, including the supporting fill materials that were discharged into jurisdictional waters, were not authorized through 2020 Statewide Fires - Environmental Protection Plan, nor the Secretarial Waivers issued by the California Environmental Protection Agency (CalEPA) and California Natural Resources Agency (CNRA). As such, the materials that were utilized to construct the supports for the bridge installation necessitated project specific permitting from applicable state and federal agencies, including the Regional Water Board.

Although the debris cleanup work beyond the bridge had already been completed, the CalRecycle and CalOES representatives were conducting a separate and additional incident report for the site because of the contractor's activities. Removal and stabilization of the watercourse crossing site must occur at the site in advance of the upcoming rainy period. CalRecycle and CalOES representatives informed Regional Water Board staff that the current contract to conduct work in the vicinity is scheduled to expire at the end of September 2021, so the authorization to remove the bridge and associated fill activities necessitate expedited permitting.



Site Map. 7411 St. Helena Road. 2012 Sonoma County Vegetation Mapping & LIDAR Program LIDAR.



Figure 3. View of east side of crossing taken from the west side of crossing. Purple line shows approximate location of bankfull depth of channel.



Figure 4. View of crossing taken from the west side of crossing. Purple line shows approximate location of bankfull depth of channel.



Figure 5. View of crossing from within channel, looking upstream