North Coast Regional Water Quality Control Board

November 8, 2021

Ms. Andrea Thompson
264 Forest Trail
Brentwood, TN 37027
atrueraregem@gmail.com

Dear Andrea Thompson:

Subject: **Notice of Violation and transmittal of Site Inspection Memo, Thompson Property, 9000 Mill Station Road, Sebastopol**

File: Ms. Andrea Thompson, 9000 Mill Station Rd. Sebastopol, CW-264677, WDID No. 1B03013CNSO

This letter is to notify you of observed and documented violations of the requirements listed below for unauthorized discharges to waters of the state from Sonoma County Assessor's Parcel Number 061-142-005-000 (the Property):

1. California Water Code (Water Code) sections 13260, 13264 and 13376.
2. Federal Clean Water Act sections 301, 401, and 404.
3. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1.

Within 20 days of the date of this letter, please contact Regional Water Board staff to discuss your plan to address the observed violations.

The North Coast Regional Water Quality Control Board (Regional Water Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the north coast portion of the State of California. The Regional Water Board issues permits for discharges or threatened discharges of waste to waters of the state and Water Quality Certifications for dredge or fill activities within Waters of the United States, including wetlands.

On September 13, 2021, Regional Water Board staff participated in a site inspection of the Property (see Attachment 1, Site Inspection Memo, 9000 Mill Station Road, Sebastopol). The Property is located at approximate coordinates, latitude 38.4115 N and longitude 122.8632 W. The inspection report documents and provides evidence of unpermitted impacts to wetlands and stream channels that are waters of the state and/or United States at the site.

By this letter, we are providing you notice that such activities violate provisions of the California Water Code and the federal Clean Water Act, due to the unpermitted discharges and/or threatened discharges of earthen material, debris and vegetation into wetlands and stream channels, waters of the state and/or the United States (see Exhibit A, Regulatory Citations).

Property Background

The Regional Water Board issued a Water Code section 13267 enforcement letter to the previous property owner in 2003. The enforcement action was to address unpermitted impacts to waters of the United States and state (wetlands, riparian and creek channels) and restore the aquatic resources. As a result of the enforcement actions the landowner revegetated some of the previously impacted area and the site was delineated by the United States Army Corps of Engineers (US Army Corps)(September 2, 2003) to map the extent of the Waters of the United States that are subject to section 404 of the Clean Water Act (Figure 1).

September 13, 2021, site inspection

After an initial citizen complaint filed on July 19, 2021, that noted clearing of vegetation on the Property, Regional Water Board staff reached out to Sonoma County staff and attempted drive-by inspections to contact you. During a September 13, 2021, site inspection, Regional Water Board staff observed areas of the property where ground had been recently disturbed by machinery, sediment and debris had been piled up, and vegetation cleared, chipped and disbursed (see Attachment 1). Ground disturbing activities have caused excavation and fill within areas identified by the US Army Corps as a delineated and mapped wetland features (see Figure 1). As documented in Attachment 1, Regional Water Board staff observed areas of healthy wetland and riparian vegetation within the delineated area on the site as well as areas with wetland plants filled and covered by recent dispersal of sediment and or chipped vegetation. Regional Water Board staff also documented evidence of braided high flow side channels of Atascadero Creek where unpermitted riparian vegetation clearing, and ground disturbance had occurred. The recently disturbed area within the wetland, riparian areas and channels is predominantly made up of fine soil material that is a threatened discharge to Atascadero Creek which is a Salmonid creek and within a priority recovery area for coho salmon. Due to the site's low gradient and hydrologic connectivity to side channels of Atascadero Creek, this poses a downstream threat of fine sediment delivery during the rainy season. Clearing, chipping and ground

disturbance in the wetlands, riparian areas and channels was not authorized by the Regional Water Board or the US Army Corps or the California Department of Fish and Wildlife. These unauthorized impacts have caused ecological degradation and loss of functions within the wetlands, riparian areas and channels and threaten further degradation downstream.

Placement of fill material within the channel banks and bed of a water of the state including wetlands requires authorization from the Regional Water Board under section 13260 of the Water Code, as well as sections 401 (33 U.S.C. 1341) of the Clean Water Act and section 13376 of the Water Code, if the watercourse is also a water of the United States (see Exhibit A). You did not obtain authorization prior to this discharge and are currently in violation of these regulations. Additionally, the Water Quality Control Plan for the North Coast (Basin Plan) expressly prohibits the threatened discharge or discharge and/or placement of soil, slash and other earthen materials into a water of the state in quantities which could be deleterious to fish, wildlife, or other beneficial uses (Exhibit 1 Basin Plan Section 4.2.1, Prohibition 1 and 2). Attachment 1 clearly documents your activities have discharged and continue to threaten additional discharges of prohibited materials and are in violation of these prohibitions.

Regional Water Board staff explained that the site should be stabilized before winter to prevent downstream discharges to Atascadero Creek and brought into compliance. Staff explained that due to the impacts a forensic wetland delineation would be necessary to determine the extent of the impacts to wetlands before any further restoration or development work is conducted at the site.

Atascadero Creek

The wetlands and side channels flow directly into Atascadero Creek and are located within the Russian River Hydrologic Unit, Mark West Creek sub-area 114.11. The existing and potential Beneficial Uses of Atascadero Creek and its tributaries include:

- Municipal and Domestic Supply
- Agricultural Supply
- Industrial Service Supply
- Groundwater Recharge
- Freshwater Replenishment
- Navigation
- Water Contact Recreation
- Non-Contact Water Recreation
- Commercial and Sport Fishing
- Warm Freshwater Habitat
- Cold Freshwater Habitat
- Wildlife Habitat
- Rare, Threatened, or Endangered Species

- Migration of Aquatic Organisms
- Spawning, Reproduction, and/or Early Development

Atascadero Creek and its tributaries have been designated as impaired for sediment and temperature. Activities that may directly or indirectly impact beneficial uses of waters of the state require you to apply for a Clean Water Act section 401 Water Quality Certification and/or Waste Discharge Requirements (WDRs). These activities might also require input, consultation, and permits from other federal, state, and local agencies.

Wetlands adjacent to Atascadero creek

Wetlands in the North Coast Region including those at the site have the existing and potential beneficial uses of:

- Wetland Habitat
- Water Quality Enhancement
- Flood Peak Attenuation / Flood Water Storage

For information on permits for fill and excavation within waters of the state and/or United States, please consult our website here: https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/.

Non-compliance and enforcement

Please note that correcting the conditions of non-compliance at the sites does not preclude enforcement for the violations alleged in this notice. The following sections of the Water Code may apply to the activities: 13261(a), 13264 (a), 13265(a), 13304, 13350, 13385 (See Exhibit A). The Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions. Discharges or threatened discharges of waste, including earthen material, into waters of the state and/or United States that create a condition of nuisance or pollution may subject a person to a Cleanup and Abatement Order pursuant to Water Code section 13304. An actual discharge to waters of the state, including allowing fill to remain within a wetland, may subject a person to an administrative liability up to $5,000 per day of violation for each violation, or $10 for each gallon of waste discharged pursuant to Water Code section 13350. Unlawful discharges to waters of the United States and/or violations of the Clean Water Act may subject a person to up to $10,000 per day of violation for each violation, and up to $10 per gallon of waste discharged over 1,000 gallons not cleaned up pursuant to Water Code section 13385. The Regional Water Board retains its discretion to refer this matter to the Attorney General for enforcement. We will contact you upon further assessment of these violations to discuss any potential associated civil liability or other enforcement actions.

Recommendations

To limit the days that aquatic resources are impacted and therefore your exposure to financial liability, we recommend that you do the following:

1. **Within 20 days of receipt this letter**, contact Gil Falcone of the Clean Water Act section 401 Certification Unit at Gil.Falcone@waterboards.ca.gov to discuss your plan to correct the violations.
2. **By December 1, 2021**, Submit to: NorthCoast@waterboards.ca.gov and copy Gil Falcone at Gil.Falcone@waterboards.ca.gov, a sediment and erosion control plan prepared by a storm water professional to stabilize the site to prevent delivery of disturbed sediment into Atascadero Creek during the rainy season 2021 / 2022 winter. The plan should include removal, by hand, of any soils recently piled in or pushed into channels to prevent further discharges downstream.

3. Retain a qualified professional to perform a forensic wetland delineation and aquatic resources mapping and assessment to confirm the extent of impacts to wetlands, riparian and creek channels on the property, the location of wetland impacts and any filled channels. Due to seasonal requirements these are best done in during the growing season (Spring / Summer).

4. **By May 15, 2022**, submit a plan developed by a qualified professional to restore the wetland, riparian and creek impacts that have occurred to date. Include your forensic wetland delineation and aquatic resource assessment, permit application, restoration plan and permit fee for review and authorization, by May 15, 2022, to NorthCoast@waterboards.ca.gov and copy Gil Falcone at Gil.Falcone@waterboards.ca.gov.

5. In the event that you or your tenant(s) propose to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: “No person shall initiate any new discharge of waste or make any material changes in any discharge…prior to the filing of the report required by section 13260.” In addition, projects involving dredge or fill in waters of the United States are subject to regulation under Clean Water Act section 401. For more information about Water Board permits that may apply to proposed site development or land use activities, refer to this link:

   https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/

These activities might also require input, consultation, and permits from other federal, state, and local agencies. For information on permits for fill and excavation within waters of the state and/or United States, please consult our website here: https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/.

If you have any questions regarding this matter, please contact me at Gil.Falcone@waterboards.ca.gov or (707) 576-2830.

Sincerely

Gil Falcone

Digitally signed by Gil Falcone
Date: 2021.11.08 12:07:04 -08'00'

Water Boards

Gil Falcone
Senior Environmental Scientist Supervisor
Southern 401 Certification Unit

211108_GBF_dp_9000MillStationRoad_NOV

Figure 1: 2003 US Army Corps of Engineers wetland delineation

Exhibit A: Regulatory Citations

Attachment 1: Site Inspection Memo, Andrea Thompson Property, 9000 Mill Station Road, Sebastopol

cc: James Hansen, California Department of Fish and Wildlife, James.Hansen@wildlife.ca.gov
Tiffany Wolvek, California Department of Fish and Wildlife, Tiffany.wolvek@wildlife.ca.gov
William M. Connor, Army Corps of Engineers, William.M.Connor@usace.army.mil
U.S. Environmental Protection Agency, R9cwa401@epa.gov
Nathan Jacobsen, State Water Resources Control Board, Office of Chief Counsel, Nathan.Jacobsen@waterboards.ca.gov
Diana Henrioulle, North Coast Regional Water Board, Diana.Henrioulle@waterboards.ca.gov
Jackie Crawford, Sonoma County code enforcement, Jackie.crawford@sonoma-county.org

Figure 1: Wetland delineation of 2003, not the diamond areas on the map denoting waters of the US.

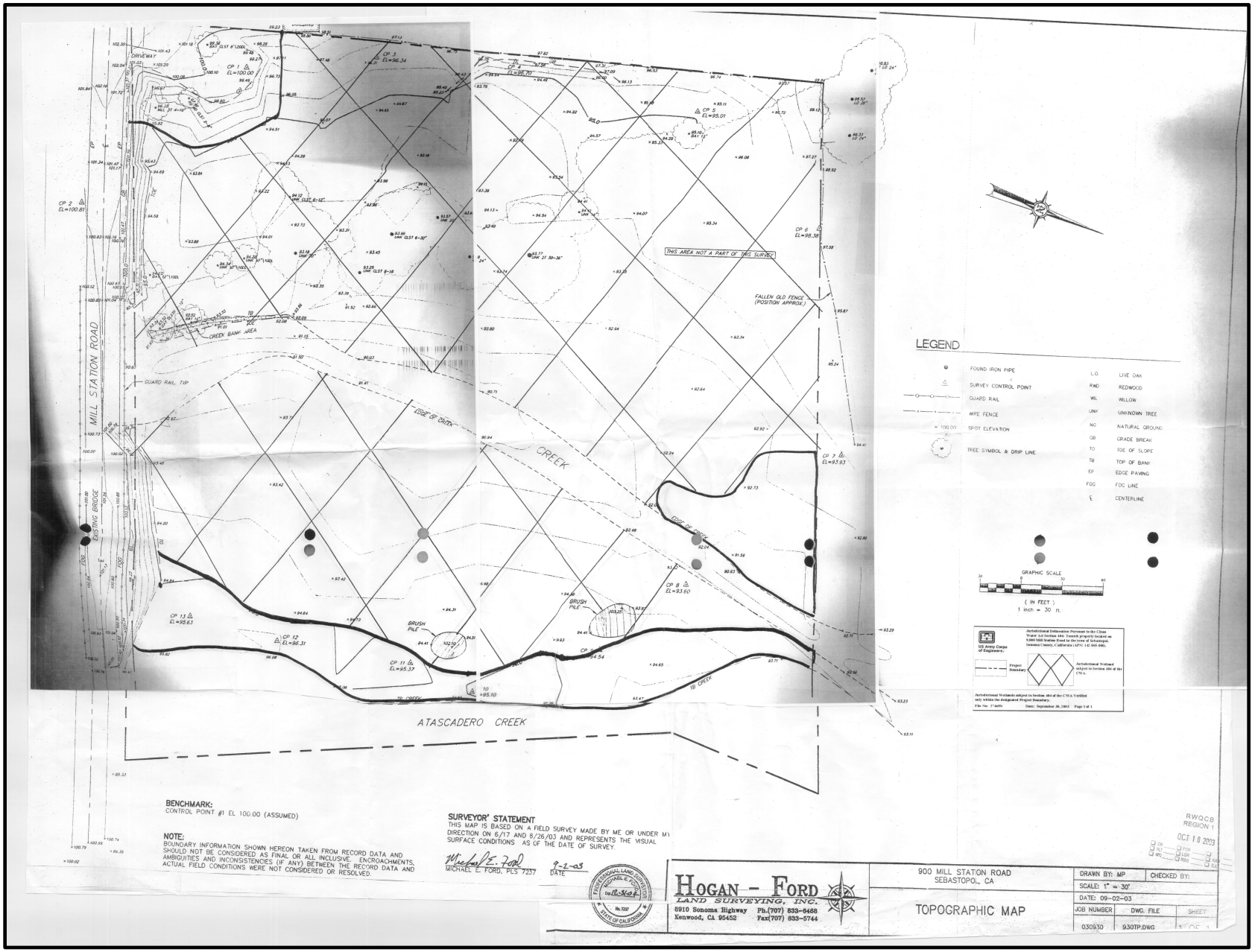


Exhibit A: Regulatory Citations:

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	Prohibits "[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses."
Basin Plan Section 4.2.1, Prohibition 2	Prohibits "[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses."
California Water Code Section 13260	"(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board: (1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system. (2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region."
California Water Code Section 13261(a)	"A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b)."
California Water Code Section 13264(a)	"No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:"
California Water Code Section 13265(a)	"Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense."
California Water Code Section 13304	"A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to

Regulatory Section	Citation
	create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts…"
California Water Code Section 13350	"A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)."
California Water Code section 13376	"A person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in Section 13260."
California Water Code Section 13385	"A person who violates any of the following shall be liable civilly in accordance with this section: (1) Section 13375 or 13376…(5) A requirement of Section 301…401…of the Federal Clean Water Act…"
Clean Water Act	Section 301 (a) (33 U.S.C. 1311), section 401 (33 U.S.C. 1341), and section 404 (b)(1) (33 U.S.C. 1344) of the Clean Water Act

North Coast Regional Water Quality Control Board

Inspection Memo

To: Gil Falcone, Senior Environmental Scientist, Non-Point Source and Southern 401 Certification Unit

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

Date: September 28, 2021

Subject: September 13, 2021, inspection of 9000 Mill Station Road, Sebastopol.

File: Andrea Renee Thompson, 9000 Mill Station Road, Sebastopol, Sonoma County.

Background

On July 19, 2021, a Sonoma County resident (Complainant), submitted a complaint to our office regarding recent heavy equipment activity at 9000 Mill Station Road (APN 061-142-005) in Sebastopol. The Complainant reported this work resulted in a roadway and cleared areas on a portion of the property that is visible from Mill Station Road. Additionally, the Complainant reported the property contains delineated wetlands based on a U.S. Army Corps of Engineers (USACE) evaluation in 2003. The delineation was performed in response to a grading violation in 2002 by the former property owner, John Tomich. The Complainant submitted a series of photographs taken from Mill Station Road documenting road work and vegetation clearing.

Historically, this site had a County grading violation referred to our agency on November 25, 2002, that included removal of riparian vegetation along Atascadero Creek and in the adjacent floodplain and heavy equipment being used to grade lands in the floodplain adjacent to Atascadero Creek. In response to the referral, on November 26, 2002, the site was inspected with Regional Water Board staff and the owner Mr. Tomich, and the complaint was verified. A wetland delineation was performed by Ms. Katerina Galacatos and Mr. Martel with the USACE, and jurisdictional wetland habitat was mapped over a majority of the site and fill had been placed in the jurisdictional wetland area as well as a secondary channel of Atascadero Creek. In addition, a large amount of riparian vegetation had been removed from a secondary channel. The case was assigned USACE File Number 27469N and a jurisdictional delineation map was generated for the site dated September 30, 2003, showing the extent and location of USACE jurisdiction on the property (wetland Delineation Map dated September 2, 2003).

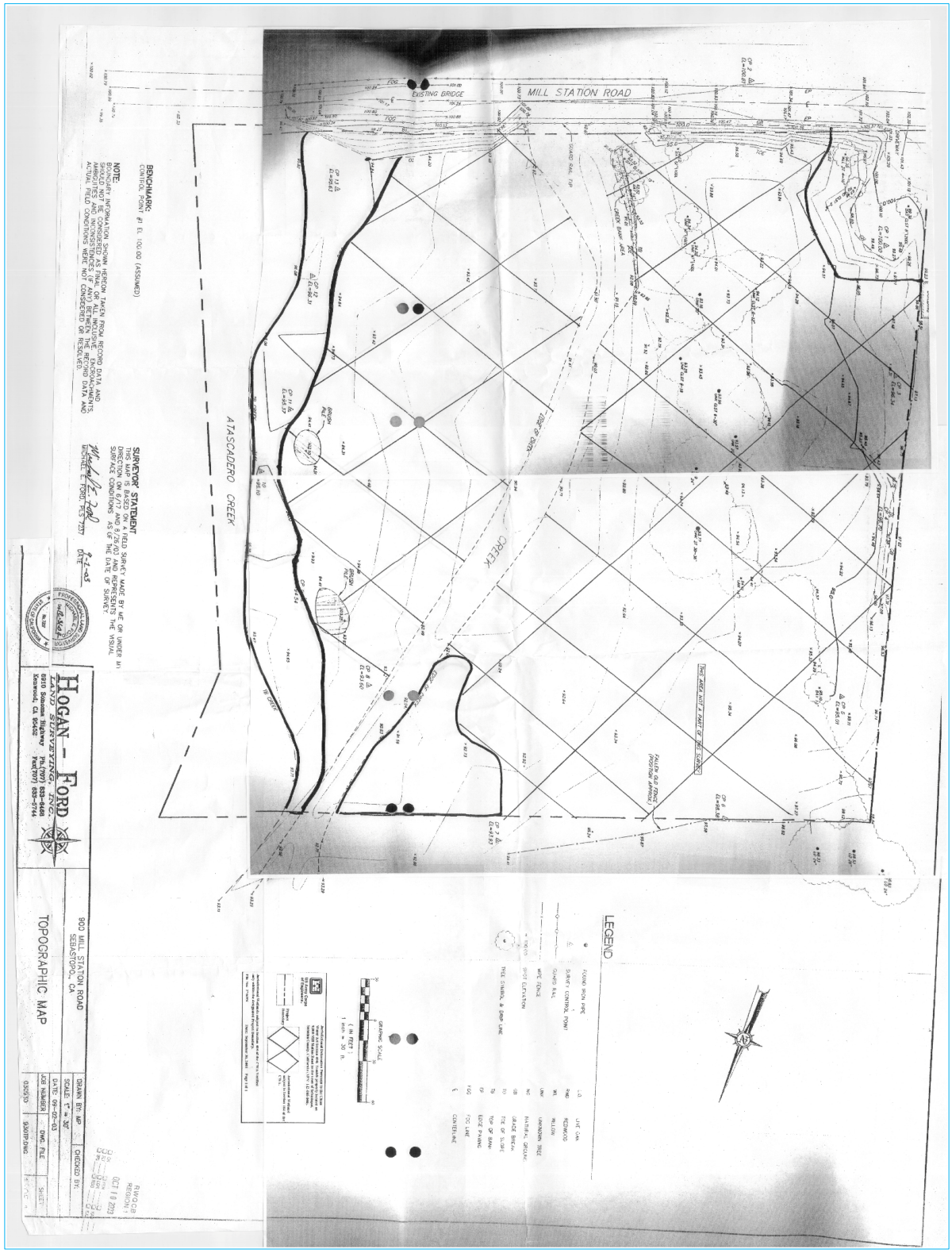
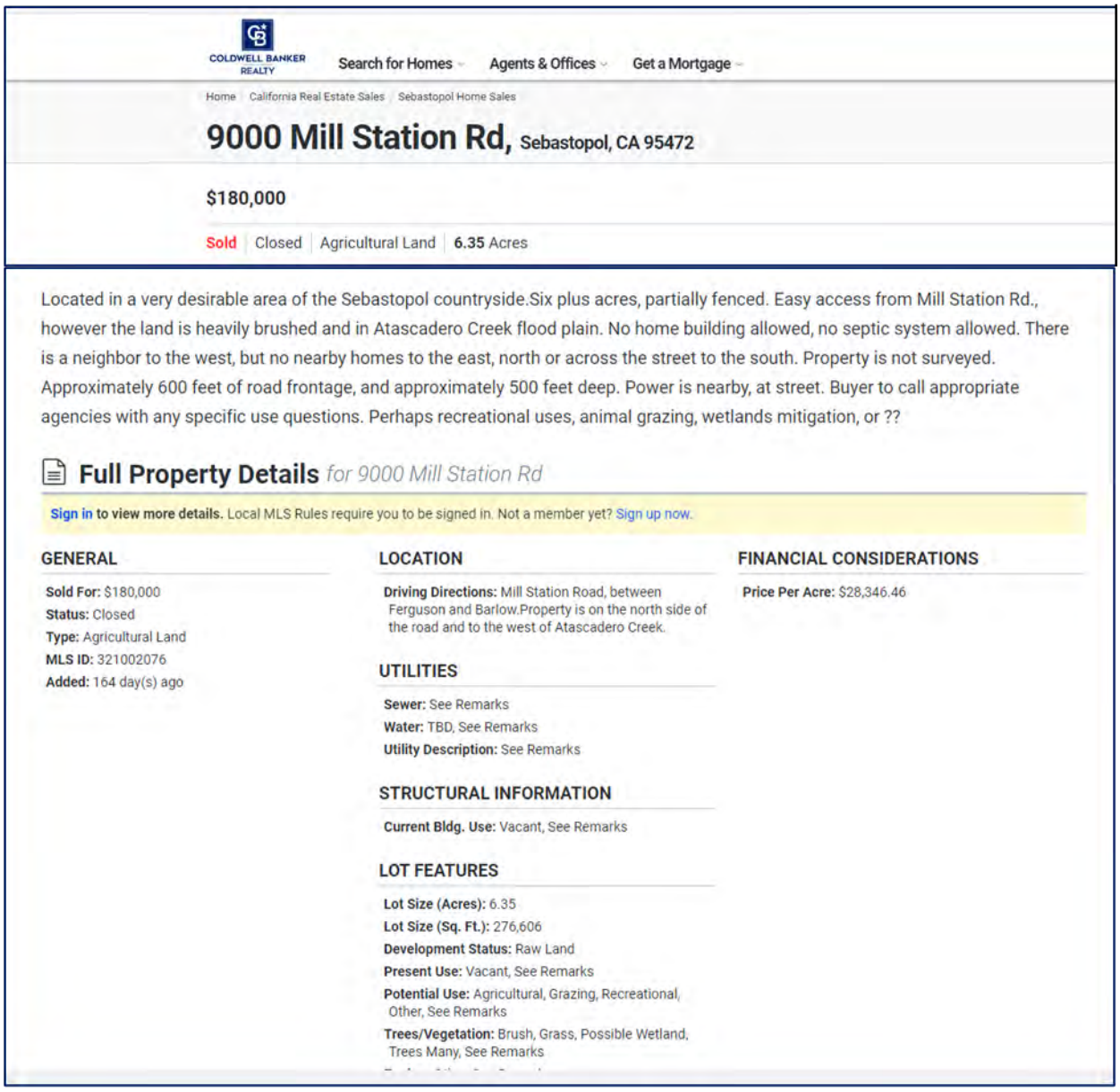


Figure 1: Wetland Delineation Map dated September 2, 2003. Includes Jurisdictional Wetlands subject to Section 404 of the Clean Water Act verified within the designated Project Boundary shown as diamond pattern and within bold outlines. September 30, 2003.

The North Coast Regional Water Quality Control Board issued an enforcement letter to Mr. Tomich dated January 2, 2003, requiring he submit a report including a summary of all activities involved in the land clearing, vegetation removal, and permitting as well as a restoration and monitoring plan.

On April 15, 2021, John and Leslie Tomich sold the property to Ms. Andrea Thomson of Brentwood, Tennessee. Caldwell Banker Realty represented 9000 Mill Station Road, Sebastopol, with the following property description.



COLDWELL BANKER REALTY

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9000 Mill Station Rd, Sebastopol, CA 95472

$180,000

Sold | Closed | Agricultural Land | **6.35** Acres

Located in a very desirable area of the Sebastopol countryside.Six plus acres, partially fenced. Easy access from Mill Station Rd., however the land is heavily brushed and in Atascadero Creek flood plain. No home building allowed, no septic system allowed. There is a neighbor to the west, but no nearby homes to the east, north or across the street to the south. Property is not surveyed. Approximately 600 feet of road frontage, and approximately 500 feet deep. Power is nearby, at street. Buyer to call appropriate agencies with any specific use questions. Perhaps recreational uses, animal grazing, wetlands mitigation, or ??

Full Property Details *for 9000 Mill Station Rd*

Sign in to view more details. Local MLS Rules require you to be signed in. Not a member yet? Sign up now.

GENERAL

Sold For: $180,000
Status: Closed
Type: Agricultural Land
MLS ID: 321002076
Added: 164 day(s) ago

LOCATION

Driving Directions: Mill Station Road, between Ferguson and Barlow.Property is on the north side of the road and to the west of Atascadero Creek.

UTILITIES

Sewer: See Remarks
Water: TBD, See Remarks
Utility Description: See Remarks

STRUCTURAL INFORMATION

Current Bldg. Use: Vacant, See Remarks

LOT FEATURES

Lot Size (Acres): 6.35
Lot Size (Sq. Ft.): 276,606
Development Status: Raw Land
Present Use: Vacant, See Remarks
Potential Use: Agricultural, Grazing, Recreational, Other, See Remarks
Trees/Vegetation: Brush, Grass, Possible Wetland, Trees Many, See Remarks

FINANCIAL CONSIDERATIONS

Price Per Acre: $28,346.46

Figure 2: Property listing by Caldwell Banker Realty, property description including limitations on the property usage is shown above.

The Caldwell Banker property listing description states, “the land is heavily brushed and in Atascadero Creek floodplain. No home building allowed, no septic system allowed… Buyer to call appropriate agencies with any specific use questions. Perhaps recreational uses, animal grazing, wetlands mitigation, or ??”

On July 23 and July 27, 2021, drive-by inspections of 9000 Mill Station Road were performed. On July 27th I observed two workers with vehicles and heavy equipment on-site performing work. I spoke to them from Mill Station Road and explained the site is in the Atascadero Creek floodplain and delineated by the USACE as a wetland and work cannot be conducted without a permit. They assured me they were only working on clearing vegetation along the western property line out of the floodplain and nothing else. Looking past the workers, it appeared vegetation and road construction extended an estimated 150 feet into the interior of the property. The workers indicated they worked for “Andrea” and Permit Sonoma told Andrea it was alright for her to clear vegetation on her property. I advised workers to stop clearing vegetation and have Andrea contact me right away.

In an email dated August 30, 2021, Ms. Thompson proposed September 13, 2021 as a meeting/inspection date at 9000 Mill Station Road. Mr. Falcone accepted the proposed meeting date.

Inspection

On September 13, 2021, at 1000 hours, Mr. Falcone and I met with Ms. Thompson, the property owner and Tony Cohen at 9000 Mill Station Road in Sebastopol, APN 142-005-000 (Site). A new corrugated metal fence and gate had been installed at the property entrance since my July 27, 2021 inspection (Photograph 1). Ms. Thompson verbally granted Mr. Falcone and me permission to access the property and take photographs. The inspection started at the property entrance above the floodplain and descended onto the floodplain and into the riparian forest.

Photograph 1. New corrugated metal fence and gate installed at 9000 Mill Station Road, Sebastopol.

Inspection participants:

1. Andrea Renee Thompson (aka Andrea Renee Curtis), property owner, 9000 Mill Station Road, Sebastopol, CA, email atrueraregem@gmail.com, no telephone number given.

2. Tony Cohen, environmental advisor, email itstonycohen@gmail.com, (business card provided).

3. Gil Falcone, Senior Environmental Scientist, North Coast Regional Water Quality Control Board, 2220 Skylane Blvd., Suite A, Santa Rosa, CA, 95403, email Gil.Falcone@waterboards.ca.gov, (707) 576-2830.

4. Scott Gergus, Engineering Geologist, North Coast Regional Water Quality Control Board, 2220 Skylane Blvd., Suite A, Santa Rosa, CA, 95403, email scott.gergus@waterboards.ca.gov, (707) 576-2685.

Ms. Thompson explained she recently purchased the Site to construct a small "homestead" consisting of a small home, barn, livestock grazing area, and garden for raising her own fruits, vegetables, and flowers. Ms. Thompson stated she inquired with Permit Sonoma if she was permitted to clear vegetation on her property and she was

told she could but there was a 50-foot setback from streams. She explained that she was following Permit Sonoma's direction when clearing the property for her "homestead".

Ms. Thompson introduced Mr. Cohen as her environmental advisor. Mr. Cohen indicated he worked on environmental issues in Sonoma County, had knowledge of environmental regulations, and worked as an attorney but was no longer practicing; rather, he is now involved in facilitating legal issues.

Mr. Falcone explained that according to the USACE's wetland delineation, the majority of the site is within the Atascadero Creek floodplain and was delineated as wetland in 2003. The delineation and map are publicly available on the Permit Sonoma County website. Ms. Thompson was provided a Wetland Delineation Map of the Site authored by Katerina Galacatos with the USACE (Wetland Delineation Map dated September 2, 2003). The Site delineation map showed the only area on the property above the floodplain was located at the Site entrance and everything else was in the floodplain and delineated as wetland or jurisdictional waters of the United States. Mr. Falcone explained our agency has the regulatory authority and responsibility to protect wetlands and permit all excavation and fill work within wetlands under section 401 of the Clean Water Act. Additionally, Mr. Falcone explained that Ms. Thompson would have had to apply for a permit and comply with all conditions and requirements if she were to clear wetland vegetation, disturb wetland soils and possibly develop the site. Mr. Falcone explained requirements for avoidance and minimization and that mitigation would likely involve purchasing in-kind wetland credits in a mitigation bank or creating new in-kind wetlands somewhere else. Mr. Falcone also explained that Ms. Thompson would likely need to consult with and get prior authorization or permits for developing the wetland from the US Army Corps of Engineers and CA Department of Fish and Wildlife, regardless of permissions that Sonoma County may authorize. Mr. Cohen assisted with explaining our authority and mitigation requirements to Ms. Thompson.

The inspection team proceeded to walk the Site by descending 4.5 to 5 feet from the Site entrance uplands and down onto the floodplain and delineated wetlands (Photographs 2, 3, and 4). Once onto the floodplain and mapped wetland area, it appeared vegetation clearing was performed using chainsaws and heavy equipment. Generally, vegetation was dropped using chainsaws and then cleared either by pushing the slash into the riparian forest or by chipping and spreading. Vegetation on the west side of the Site included an abundance of sedges (*Carex sp.*) indicative of wetlands (Photographs 5, 6, and 7). Areas cleared of vegetation using heavy equipment and later covered in chipped vegetation had sedges resprouting from their underground root system indicating the cleared area is a wetland.

Photograph 2. Photographer is standing on the “upland” located at the Site entrance and looking north down a cleared corridor and into the Atascadero Creek floodplain and designated wetlands. Chipped vegetation has been spread on exposed soils disturbed using heavy equipment. Trees include willows, cottonwood, and Oregon ash, wetland and riparian species.

Photograph 3. The photographer is standing on the floodplain and looking south to the "upland" located at the Site entrance. The corrugated metal fence and entrance gate can be seen in the distance.

Photograph 4. The photographer is standing on the floodplain in the Site interior and looking south to the "upland" located at the Site entrance.

Photograph 5. Close to the western property line and looking west, chipped vegetation has been spread on soils disturbed by heavy equipment. Grass-like wetland vegetation seen are sedges and the trees are willows.

Photograph 6. This photograph shows undisturbed riparian forest and sedge growing west of the of the cleared riparian forest.

Photograph 7. Sedge cleared by heavy equipment are re-sprouting from its underground root system indicating the cleared area is a wetland.

The inspection team proceeded down a road heading to the east towards Atascadero Creek. The road crossed one major overflow channel and several smaller overflow channels as it headed towards the creek (Photographs 8 and 9). The road had been cleared using chainsaws to fell trees and heavy equipment to push the felled vegetation into the riparian forest creating small clearings (Photograph 9). Several white translucent grow tubes 12 to 18 inches tall were seen where the road ended near Atascadero Creek and a small clearing (Photograph 10). Mr. Falcone and I presumed this area was cleared in 2002 by the previous owner and the grow tubes were for vegetation restoration. The road terminated in a small clearing an estimated 25 feet from the top-of-bank of Atascadero Creek (Photograph 11). The main creek channel contained pooled water covered in either algae or duck weed.

Photograph 8. The road crossed a major overflow channel as it headed towards Atascadero Creek. Riparian trees were felled using chainsaws and heavy equipment pushed the fallen trees into the riparian forest. Fill consisting of fallen and cut trees, understory vegetation, and soil had been placed in the overflow channel. Blue arrows show flow direction during high water.

Photograph 9. The road crossed several smaller overflow channels and small clearings where vegetation was pushed into the riparian forest. Blue arrows show flow direction during high water.

Photograph 10. Along the perimeter of a small clearing near the road termination, several white translucent grow tubes 12 to 18 inches tall were seen in the forest. Mr. Falcone and I presumed this area was cleared in 2002 by the previous owner and the grow tubes were for vegetation restoration. This area has been cleared of replanted riparian vegetation.

Photograph 11. The photographer is standing on the edge of a small clearing where the road terminates, and an estimated 25 feet from the top-of-bank of Atascadero Creek. Atascadero Creek can be seen in the center of the photograph covered with bright green algae or duck weed. Blue arrows show flow direction.

The inspection team continued back to the center of the property where the main clearing was located and proceeded from the south to the northern property line. The vegetation clearing was extensive, and the surface of the soil was devoid of vegetation and highly disturbed fine soil (Photographs 12, 13, and 14). Several large piles of woodchips were observed (Photographs 12, 13, and 14). Several large piles of scraped vegetation and soil were left in piles along the perimeter of the central clearing (Photograph 16). Thickly growing sedge was observed on the western side of the clearing with some individual plants quite large (Photograph 17). The cleared areas to the north contained scattered trees. Undisturbed areas on the west side of the property had a canopy of riparian trees and a thick undergrowth of sedge.

Photograph 12. Looking north, vegetation clearing was extensive, the soil surface was scraped of all vegetation and the riparian trees were chipped with large piles of woodchips deposited on the eastern side of the clearing (right side of the photograph).

Photograph 13. Farther to the north, again, vegetation clearing was extensive, the soil surface was scrapped of all vegetation and the riparian trees were chipped with large piles of woodchips remaining on the eastern side of the clearing (right side of the photograph).

Photograph 14. Looking south, the western edge of the clearing (right side of the photograph) is densely covered in sedge. The soil has been heavily disturbed by heavy equipment.

Photograph 15. Several large piles of scraped riparian vegetation and soil were left in piles along the eastern perimeter of the central clearing.

Photograph 16. Thickly growing sedge was observed on the western side of the clearing with some individual plants becoming quite large. This plant was located near the northern property boundary.

Photograph 17. A short, cleared length of road extended to the northern property line where a “no trespassing” sign was posted. The neighboring property was historically cleared and is currently used for livestock grazing.

The northernmost portion of the riparian clearing had the same features as the previous areas (Photograph 19). Riparian vegetation clearing and soil disturbance extended into a large overflow channel that significantly deepened and widened to the north (Photographs 20 and 21). Sonoma County LIDAR Imagery of 9000 Mill Station Road, Sebastopol, shows the large overflow channel to merge with Atascadero Creek near the northeastern property boundary (Figure 3). In addition, a network of small overflow channels had been cleared of riparian vegetation with fill deposited in them (Photographs 22, 23, and 24).

Photograph 18. Photographer is looking east, and the photograph shows a segment of the northern perimeter riparian vegetation clearing.

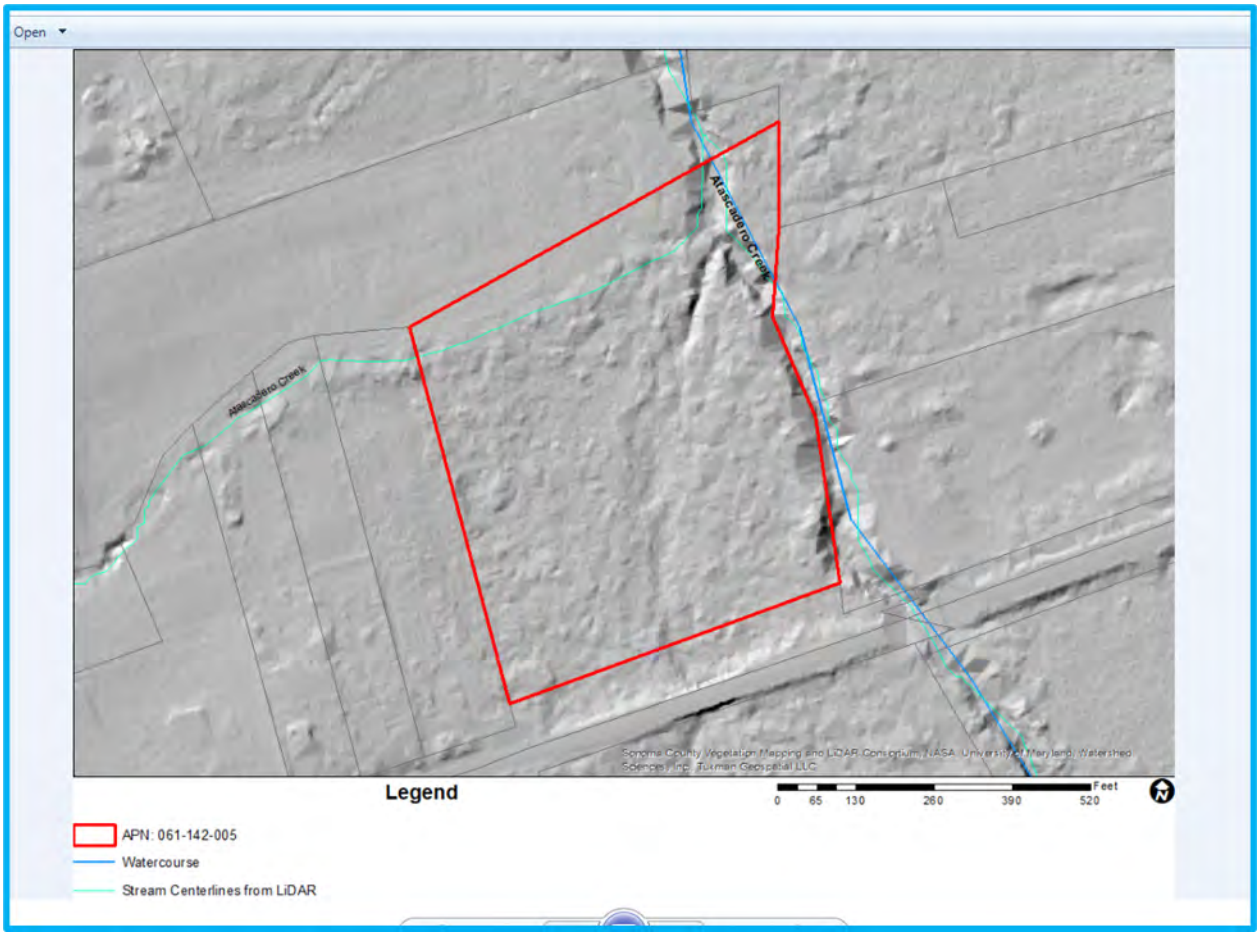

Figure 3: Sonoma County LIDAR Imagery of 9000 Mill Station Road, Sebastopol, APN 061-142-005 provided by Regional Water Board staff Brian Fuller. Very thick vegetation is interfering with the surface reflection. Property boundary shown on the LIDAR image is highlighted in red and is approximate. The image shows an overflow channel extending through the center of the property and merging with Atascadero Creek in the northeast corner of the property.

Photograph 19. Clearing and soil disturbance along the northern perimeter extended into a large overflow channel that significantly deepened and widened to the north. Sonoma County LIDAR Imagery shows the large overflow channel to merge with Atascadero Creek. The photo has been lightened to show the overflow channel and the channel circled in red. Blue arrows show flow direction during high water.

Photograph 20. Closeup photograph of the overflow channel immediately before it dramatically deepens to the north. Heavy equipment has placed disturbed fill in the channel.

Photograph 21. Photograph shows an overflow channel that had been cleared of riparian vegetation and surface soil highly disturbed.

Photograph 22. A network of small overflow channels had been cleared of riparian vegetation with fill deposited in them. Red arrow points to the fill.

Photograph 23. Photograph is looking south and shows an overflow channel cleared of riparian vegetation with fill deposited in it. A cleared road continues to the east (upper left side of the photograph) and ends on the top-of-bank of Atascadero Creek.

Photograph 24. The cleared road ended at the top-of-bank of Atascadero Creek. Appropriate setback from the creek was not followed.

Conclusions

Ms. Thompson's property at 9000 Mill Station Road (APN 061-142-005) in Sebastopol is shown by LandVision to be 6.35 acres in area. A majority of the site is in the Atascadero Creek floodplain and has been delineated as wetland as shown on the Wetland Delineation Map dated September 2, 2003. A significant area of the delineated wetlands has been cleared of riparian trees and understory wetland vegetation with disturbed soil, wood chips, and slash placed in wetlands, jurisdictional water of the United States.

Heavy equipment has pushed cut trees and riparian vegetation into large piles and into the riparian forest. Large piles of chipped trees are onsite, in other areas the chips have been spread, and other areas the ground has been left highly disturbed and exposed. Clearing and road construction has occurred in overflow channels with fill placed in currently dry channels. The disturbed soil material consists primarily of fine sandy loam Gold Ridge soils that are easily erodible. It appeared the area of impact is over approximately 1-acre.

The areas of disturbed fine soils in wetland and channels threaten to discharge downstream to Atascadero Creek with winter rains fast approaching. The fine sediment may threaten survival and reproduction of Salmonids (Steelhead and Coho) that are known to migrate and spawn in Atascadero Creek. The disturbed fine sediment and sediment graded into side channels should be stabilized and removed from channels to prevent discharges into downstream wetted channels before winter rains come.

Many wetland areas filled or disturbed are currently devoid of wetland vegetation but could be restored with replanting. Any short-term soil stabilization treatments may need to be augmented to facilitate long-term restoration of the wetland vegetation. Restoration of the wetlands and channels should be implemented until any future project is permitted to minimize the temporal loss of wetland and stream functions and beneficial uses currently caused by the activities highlighted in this memo.