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## North Coast Regional Water Quality Control Board

November 8, 2022

Mr. Geoffrey Wills  
4898 Fickle Hill Rd.  
Arcata, CA 95521

Dear Geoffrey Wills:

**Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for discharges to waters of the state, and transmittal of Site Inspection Memo, Wills Property, 4898 Fickle Hill Road, Arcata, CA.**

**File: Mr. Geoffrey Wills, 4898 Fickle Hill Rd. Arcata, Humboldt County**

### **THIS LETTER REQUIRES THAT YOU ACT WITHIN 20 DAYS**

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 Humboldt County Assessor's Parcel Number (APN) 502-091-013-000 (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.

According to our records, the activities conducted on the Property are not enrolled for coverage under either a Section 401 Water Quality Certification or a Waste Discharge Requirement (WDR).

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. Examples of surface waters of the State include but are not limited to isolated wetlands, coastal wetlands and mudflats, perennial, intermittent and ephemeral streams, their headwaters, riparian zones, and rivers, and lakes.

On October 4, 2022, Regional Water Board staff participated in a site inspection of the Property and observed dredge and fill activities that directly and indirectly impact waters of the State.

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).

## **Background**

LandVision records show that the Property was purchased by Geoffrey Wills on November 19, 2021.

On September 13, 2022, the California Department of Fish and Wildlife (CDFW) sent the Regional Water Board and County of Humboldt a letter summarizing their observations of activities at the site conducted in response to a complaint. On October 14, 2022, CDFW sent a Notice of Violation of Fish and Game Code Sections 1602, 5650, and 5652 to Geoffrey Wills.

On October 4, 2022, staff from the Regional Water Board, accompanied by CDFW and Humboldt County staff inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. During the inspection, staff observed un-permitted grading and other similar earth-moving activities.

Attached is a copy of the water quality inspection memo (Attachment 1 – Inspection Memo). Please review the inspection memo carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

## **October 4, 2022, site inspection**

During the October 4, 2022, site inspection Regional Water Board staff observed areas of the Property where ground had been recently disturbed by machinery, earthen material had been graded, and vegetation cleared (see inspection memo). Ground

disturbing activities caused excavation and fill within waters of the state and potentially United States. As documented in Attachment 1, Regional Water Board staff observed areas containing facultative plants typically associated with wetlands that were filled and covered by recent earth-moving activities. Regional Water Board staff also documented evidence of freshly graded roads and trails. The recently disturbed areas within the likely wetlands, riparian area and channel is predominantly made up of fine soil material that is a threatened discharge to Puter Creek, especially during the rainy season. Puter Creek is an anadromous fish bearing tributary to the Mad River. Clearing and ground disturbance in wetlands, riparian areas, and Puter Creek headwaters was not authorized by the Regional Water Board or the US Army Corps of Engineers 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 B, 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 Puter Creek and brought into compliance. 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.

### **Puter Creek**

The wetlands and side channels flow directly into Puter Creek and are located within the Mad River Hydrologic Unit, Blue Lake Hydrologic Area 109.10. The existing and potential Beneficial Uses of Mad River and its tributaries (including Puter Creek) include:

- Municipal and Domestic Supply
- Agricultural Supply
- Industrial Service Supply
- Industrial Process Supply
- Groundwater Recharge

- Freshwater Replenishment
- Navigation
- Hydropower Generation
- Water Contact Recreation
- Non-Contact Water Recreation
- Commercial and Sport Fishing
- Cold Freshwater Habitat
- Estuary
- Warm Freshwater Habitat
- Wildlife Habitat
- Rare, Threatened, or Endangered Species
- Migration of Aquatic Organisms
- Spawning, Reproduction, and/or Early Development
- Aquaculture
- Native American Culture

Mad River 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 Puter 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/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/).

### **Non-compliance and enforcement**

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing

conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code and Basin Plan

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 Ryan Bey of the Clean Water Act section 401 Certification Unit at [Ryan.Bey@waterboards.ca.gov](mailto:Ryan.Bey@waterboards.ca.gov) to discuss your plan to correct the violations.
2. **By close of business December 16, 2022**, Submit to: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) and copy Ryan Bey at [Ryan.Bey@waterboards.ca.gov](mailto:Ryan.Bey@waterboards.ca.gov) a short-term sediment and erosion control plan prepared by a storm water professional to stabilize the site to prevent delivery of disturbed sediment into Puter Creek during the rainy season 2022 / 2023 winter.
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 variations and site specificity, these are typically best done in during the growing season (Spring / Summer).
4. **By April 15, 2023**, submit a long-term 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 April 15, 2023, to [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) and copy Ryan Bey at [Ryan.Bey@waterboards.ca.gov](mailto:Ryan.Bey@waterboards.ca.gov).

5. In the event that you 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/](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/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/).

If you have any questions regarding this matter, please contact me at [Ryan.Bey@waterboards.ca.gov](mailto:Ryan.Bey@waterboards.ca.gov) or (707) 576-2679.

Sincerely

Ryan Bey  
Senior Environmental Scientist Supervisor  
Northern 401 Certification Unit

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Certified Mail – Return Receipt Requested

**Exhibit A:** Regulatory Citations

**Exhibit B:** Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1.

**Attachment 1:** Site Inspection Memo, Geoffrey Wills Property, 4898 Fickle Hill Road, Arcata.

cc:

Michael Van Hattem, California Department of Fish and Wildlife,  
[Michael.VanHattem@wildlife.ca.gov](mailto:Michael.VanHattem@wildlife.ca.gov)

Kalyn Bocast, California Department of Fish and Wildlife,  
[Kalyn.Bocast@wildlife.ca.gov](mailto:Kalyn.Bocast@wildlife.ca.gov)

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U.S. Environmental Protection Agency,  
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Nathan Jacobsen, State Water Resources Control Board, Office of Chief Counsel,  
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Amanda Piscitelli, North Coast Regional Water Quality Control Board  
[Amanda.Piscitelli@waterboards.ca.gov](mailto:Amanda.Piscitelli@waterboards.ca.gov)

Jeremiah Puget, North Coast Regional Water Quality Control Board,  
[Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

Daniela Parada, Karen Meynell, Keith Ingersoll, and John Ford  
Humboldt County  
[DParada2@co.humboldt.ca.us](mailto:DParada2@co.humboldt.ca.us); [KMeynell@co.humboldt.ca.us](mailto:KMeynell@co.humboldt.ca.us);  
[KIngersoll@co.humboldt.ca.us](mailto:KIngersoll@co.humboldt.ca.us); [JFord@co.humboldt.ca.us](mailto:JFord@co.humboldt.ca.us)

## North Coast Regional Water Quality Control Board

### 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.”

Regulatory Section	Citation
California Water Code Section 13304	<p>“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 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...”</p>
California Water Code Section 13350	<p>“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).”</p>
California Water Code section 13376	<p>“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.”</p>
California Water Code Section 13385	<p>“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...”</p>
Clean Water Act	<p>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</p>

## Exhibit B: Water Quality Control Plan For the North Coast Region (Basin Plan)

### **4.2.1 Action Plan For Logging, Construction, And Associated Activities**

The following waste discharge prohibitions pertain to logging, construction, and associated activities in the North Coast Region.

1. The 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 is prohibited.
2. The 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 is prohibited.

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## North Coast Regional Water Quality Control Board

### Inspection Memo

**To:** Ryan Bey, Senior Environmental Scientist,  
Northern Nonpoint Source and 401 Certification Unit

**From:** Amanda Piscitelli, Environmental Scientist,  
Northern Nonpoint Source and 401 Certification Unit

**Date:** November 8, 2022

**Subject:** October 4, 2022, inspection of Assessor's Parcel Number (APN) 502-091-013-000

**File:** Geoffrey Wills, APN 502-091-013-000, 4898 Fickle Hill Road, Arcata, Humboldt County

### Background

On September 13, 2022, California Department of Fish and Wildlife (CDFW) staff Kayln Bocast informed North Coast Regional Water Quality Control Board (Regional Water Board) staff of a complaint alleging unpermitted grading and other activities at 4898 Fickle Hill Road, Arcata (Property) impacting waters of the State. Examples of surface waters of the state include but are not limited to isolated wetlands, coastal wetlands and mudflats, perennial, intermittent and ephemeral streams and rivers, and lakes. The e-mail notification included a letter (Attachment 1) describing grading in apparent wetland areas and placement of concrete in a watercourse to form a wet crossing. On October 4, 2022, Regional Water Board, Humboldt County, and CDFW staff conducted a complaint response inspection of the Property. A Notice of Violation was issued by CDFW on October 14, 2022. Currently, the Regional Water Board has no record of any active or historic permits for grading activities or crossing installation at the Property.

The Property (APN 502-091-013-000) is approximately 18 acres and is located at 4898 Fickle Hill Road near Arcata in Humboldt County. LandVision lists Geoffrey Wills as the Property owner (accessed September 2022). The Property is gently to moderately sloped and includes the headwaters of Puter Creek (Figure 1). Puter Creek is in the CalWater Watershed Mad River Hydrologic Unit – Blue Lake Hydrologic Area, 109.10, and is a direct tributary to Mad River.

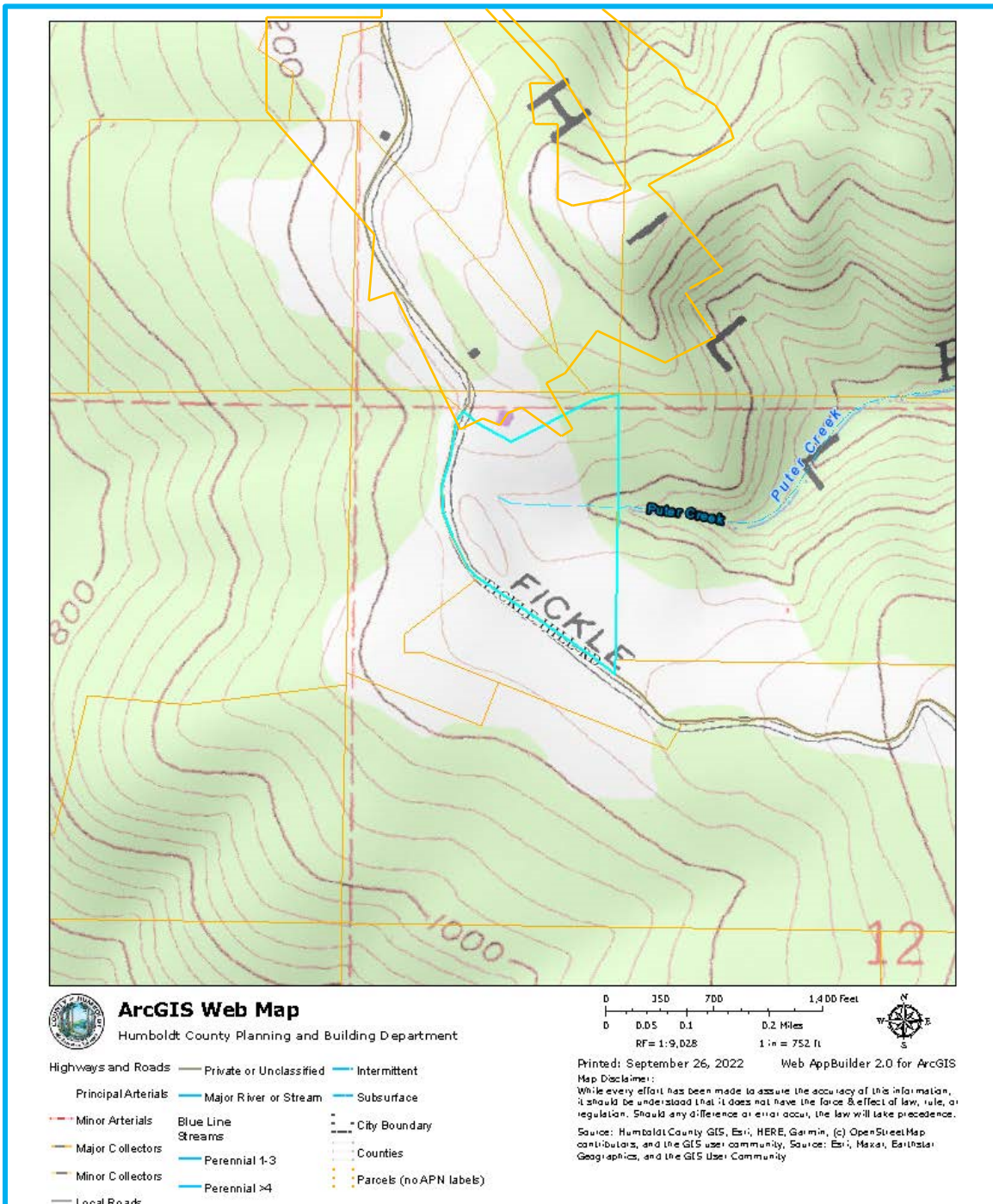


Figure 1. Topographic map and parcel (outlined in turquoise) from Humboldt County GIS. Puter Creek is shown as an intermittent stream. Additional dashed turquoise line shows approximate location of Puter Creek headwaters.

Review of historic imagery available on Google Earth shows road development on the property (Figures 2a and 2b). Road appears to have been installed in 2022 after property sale.



Figures 2a and 2b. Google Earth imagery from 2019 and 2022 showing extent of road development on property. Figure 2a from October 29, 2019, and Figure 2b from July 17, 2022.

## Inspection

On October 4, 2022 I participated in an inspection of the Property. Other participants included Geoffrey and Ali Wills (landowners), Daniela Parada (Humboldt County), and Kalyn Bocast (CDFW). The purpose of the inspection was to respond to a complaint alleging unpermitted grading and associated activities impacting waters of the state. The inspection was conducted on foot and included the hillslopes draining to Puter Creek and areas supporting possible wetlands.

Soon after the inspection commenced, I observed evidence of earth moving and grading activities on the slopes draining to Puter Creek. I also observed a matrix of earthen (dirt) tracks (roads) and numerous mounded earthen piles. Mr. Wills confirmed earth moving and grading had occurred on the Property and that those activities created a network of tracks and jumps, predominantly for motorcycle and bicycle use, throughout the property.

While assessing the northern hillslopes draining to Puter Creek, I observed several seeps within the larger graded area, in and adjacent to the dirt tracks, and at the base of the jumps. Small sedges and rushes were present within the seeps. Current conditions indicate wetland presence. It appears the earth moving activities conducted on the northern slopes, and the construction of the track and jumps, are potentially within a wetland. Wetlands are waters of the State. These activities were conducted without a

permit. Additionally, after comparing CDFW's photographs taken during their May 27, 2022 site visit with current on-site conditions, it appears earth moving activities have continued and expanded in area and extent (Photographs 1a and 1b). Straw was spread over much of the northern slope to provide erosion control.



Photographs 1a and 1b. Photographs showing ongoing and increased extent of ground disturbance on northern slopes. Photograph 1a taken May 27, 2022 by Kalyn Bocast, CDFW and Photograph 1b taken during October 4, 2022 site visit by Amanda Piscitelli. Note fill adjacent to standing water and possible wetland vegetation in 1a and seep and sedges at base of jump in 1b. Both photographs taken in same general location.

While assessing the dirt track, I observed heavy equipment tracks on portions of its surface. The surface was loose and unstable (Photograph 2). Mr. Wills informed the group the dirt tracks are tilled regularly, often as frequently as prior to each use because the loosened earthen material creates a more desirable running surface that improves the overall riding experience. The Mad River and its tributaries are Clean Water Act Section 303(d) listed as impaired for excess sediment. Fine sediment also negatively impacts wetlands. Tilling loosens the track's earthen surface and generates fine sediment. Portions of the dirt track matrix are hydrologically connected to possible wetlands and Puter Creek. During rainfall events, the freshly tilled track surface will erode, and fine sediment will likely discharge into adjacent waters of the State.



Photograph 2. Recently tilled dirt track. Note seep, ponded water, small sedges and rushes along track's edge. Note also graded jumps in background. Photographed by Amanda Piscitelli.

During the site visit I inspected an unpermitted wet crossing located at the upper reaches (headwaters) of Puter Creek. The trail leading to the crossing is not well maintained and partially vegetated. Mr. Wills informed the group the crossing was installed by the previous landowner, but that it is not currently used as a motorcycle crossing. While no distinct bed, bank or channel was identifiable at the crossing, the area was saturated and standing water was present. I observed approximately four concrete slabs in the wetted area intended to create a crossing. Each slab appeared to be approximately 4 feet by 5 feet (Photograph 3). Vegetation at the site included sedges (*Carex spp.*), rushes (*Juncus spp.*) and red alders (*Alnus rubra*). Overall site conditions indicate the likely presence of wetlands. Concrete has the capacity to alter the pH of downstream waters and negatively impact beneficial uses of water. Regional Water Board does not typically permit projects authorizing placement of concrete blocks in a wetted channel as a crossing. The debris should be removed from waters of the state during the 2023 construction season.



Photograph 3. Concrete slab pieces used for crossing in Puter Creek headwaters. The headwaters flow downstream to the right. Photographed by Amanda Piscitelli.

At the upstream end of the headwaters of Puter Creek is a dirt road approximately 20 feet wide. I observed sedges, rushes, horsetail (*Equisetum spp.*), and red alders on either side of the road suggesting the likely presence of wetlands. It appears portions of the road are also hydrologically connected to Puter Creek headwaters. During the site visit, Mr. Wills stated this was an existing road that he re-opened. The road appeared freshly graded/tilled. Portions of its surface were partially covered with straw to prevent erosion. The recently graded road surface is likely to erode during rain events. Because portions of the road are hydrologically connected, erosion will likely discharge eroded fine sediment into waters of the State, including possible wetlands and Puter Creek. It does not appear this rural road is being maintained to current acceptable standards.



Photograph 4. The track/road upslope of Puter Creek headwaters. Note vegetation indicating possible wetlands. Note also straw partially covering road's surface. Photographed by Amanda Piscitelli.

## Attachment 1 - Letter from CDFW emailed to the Regional Water Board

September 13, 2022

**Subject: Compliant - Geoffrey Wills, 4898 Fickle Hill Rd Arcata CA, 95521 (APN: 502-091-013)**

To Whom It May Concern:

California Department of Fish and Wildlife (CDFW) staff conducted a site investigation at the subject property on May 27, 2022, following receipt of a complaint related to unpermitted grading in wet areas and tree removal. While onsite, staff observed multiple violations of Fish and Game Code sections 1602 and 5650, along with degradation to wetlands, and over 0.6 miles of unpermitted grading.

FGC Section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake.

FGC Section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the State any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment.

While onsite, staff observed placement of concrete in a Class II stream, grading of a Class II stream at several locations, graded wetlands, and sediment delivery to waters of the State. Staff also documented multiple observations of northern red-legged frog (*Rana aurora*), a State Species of Special Concern, in the degraded areas.

Please see the site map (Figure 1.) that includes graded wet areas (yellow polygon), a portion of the newly graded road (black hashed line), unpermitted stream crossing (blue x), and species observations (yellow star). Photographs of site observations have also been included for your reference.

If you have questions on this matter, please feel free to contact me at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

Thank you,

Kalyn Bocast  
Department of Fish and Wildlife

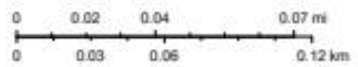
# Complaint Investigation APN 502-091-013



9/12/2022, 4:18:58 PM

- ★ Site Assessment v2.1 Data - SiteVisit
- Site Assessment v2.1 Data - AssociatedParcels
- ★ Site Assessment v2.1 Data - StreamCrossing
- Site Assessment v2.1 Data - HabitatAlterationPolygon
- Site Assessment v2.1 Data - MiscellaneousPoint
- - - Site Assessment v2.1 Data - MiscellaneousLine
- ☀ Site Assessment v2.1 Data - SpeciesObserved
- California Counties

1:2,257



Mapac, Microsoft

Figure 1: Map of parcel with field observations (identified areas of disturbance).



Figure 2. Graded wetland.



Figure 3. Redox soil observed in areas of disturbance.



Figure 4. A portion of the >0.6 miles of unpermitted road located on parcel.



Figure 5. Unpermitted stream crossing with concrete fill. Northern red-legged frog (*Rana aurora*), a State Species of Special Concern, observed in this location.



Figure 6. Unpermitted stream crossing resulting in water pollution and substantial alteration to the stream. Northern red-legged frog (*Rana aurora*), a CDFW Species of Special Concern, observed in this location.



Figure 7. Grading in the headwaters of a stream/wetland complex.