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North Coast Regional Water Quality Control Board

October 27, 2022

Laura Allison Rowland  
Robert Gutierrez  
951 Hunts Drive  
McKinleyville, CA 95519  
[allisonblue@gmail.com](mailto:allisonblue@gmail.com)

Certified Mail No. 7021 0950 0001 6499 9156

Robert Gutierrez  
PO Box 225  
Bayside, CA 95524  
[Redwoodempireglass@gmail.com](mailto:Redwoodempireglass@gmail.com)  
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Certified Mail No. 7021 0950 0001 6499 9163

Dear Laura Rowland and Robert Gutierrez:

**Subject: Notice of Violation, Transmittal of Inspection Report for October 21, 2022 Inspection of Humboldt County Assessor's Parcel 507-440-001-000, and Requirement to Respond within 7 days**

**File:** Complaint Inspections, Humboldt County, October 21, 2022, CIWQS Place ID 883628

**THIS LETTER REQUIRES THAT YOU RESPOND WITHIN SEVEN DAYS**

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County Assessor's Parcel Number: 507-440-001-000 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Action Plan for Logging Construction and Associated Activities, Discharge Prohibitions 1 and 2
2. California Water Code (Water Code) sections 13260 and 13264 (a)
3. Clean Water Act section 301

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GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

According to our records, there is no history of regulatory coverage for the Property with the North Coast Regional Water Quality Control Board (Regional Water Board).

On October 21, 2022, Regional Water Board staff (Staff) inspected the Property and observed recent tree and stump clearing and grading, without permits, and in a manner that threatens water quality. The observations identified additional work resulting in additional threats to water quality, beyond those identified on September 27, 2022.

Accordingly, this letter directs you to address the violations noticed herein. Within seven days, please contact our Staff to discuss your plan to correct the observed violations.

## **Background**

LandVision records show that the Property was purchased by Laura Allison Rowland on October 19, 2021.

In response to a complaint, on September 20, 2022, California Department of Fish and Wildlife (CDFW) inspected the Property and identified recent grading and logging along a stream and in riparian areas located along a headwater tributary to Mill Creek, tributary to the Mad River.

On September 27, 2022, Staff inspected the Property, along with personnel from CDFW, California Department of Forestry and Fire Protection (CalFire), and Humboldt County Code Enforcement. Robert Gutierrez was present and provided verbal consent to Staff to inspect the Property.

On September 28, 2022, Humboldt County Planning and Building Department issued a Stop Work Order, noticing Laura Allison Rowland to cease work immediately. On September 28, 2022, Humboldt County Code Enforcement Unit issued a Notice of Violation and proposed Administrative Civil Penalty and a Notice to Abate Nuisance for violations associated with unpermitted development within a Streamside Management Area, unpermitted timber harvesting, unpermitted grading, and unpermitted shipping containers.

On October 6, 2022, Staff sent a Notice of Violation (NOV) and Inspection Report<sup>1</sup>, which identifies that site conditions observed on the Property violated the Basin Plan, the California Water Code, and the Federal Clean Water Act. The recent timber harvesting and grading activities, the placement of slash and stumps and felling of trees into the watercourse, discharge of fine sediment, and the placement of unconsolidated earthen fill where it can discharge to the watercourse, did not meet the requirements of the Basin Plan. Staff advised you to immediately hire a qualified professional to submit

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<sup>1</sup>[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2022/gutierrez\\_nov.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2022/gutierrez_nov.pdf)

an interim stabilization plan to prevent additional sediment discharges to waters of the state.

On October 11, 2022, Staff was contacted by representatives of SHN Engineers & Geologists, Inc. (SHN) indicating that they had been hired by Mr. Gutierrez to assist him with emergency erosion and sediment control efforts. Staff provided them with a copy of the October 6, 2022 NOV. On October 12, 2022, Staff met with SHN by video conference and discussed a near-term strategy to address the immediate threat of discharge to waters of the state. SHN would provide weekly workplans and daily site visits providing stabilization guidance and oversight.

On October 12, 2022, Staff spoke to Mr. Gutierrez and Ms. Rowland on the phone and confirmed receipt of the NOV and reviewed it on October 11, 2022 and did not have questions about its content. The certified mail receipt was returned to the Regional Water Board on October 13, 2022, confirming delivery. Staff reviewed the conversation with SHN, advised that they follow direction of SHN and the work specified in the weekly workplans for immediate stabilization, and to avoid any additional equipment work or construction. Mr. Gutierrez indicated that he had not been operating equipment for the past eight days (October 4, 2022).

On October 12, 2022, CDFW sent a Notice of Violation of Fish and Game Code Sections 1602, 5650, and 5652 (CDFW NOV) to Laura Allison Rowland and Robert Gutierrez. Their letter identifies that 1.5 acres of riparian habitat has been disturbed by logging and grading, impacting 450 linear feet of a Class I stream habitat. The CDFW NOV identified that sediment, slash, root wads, stumps, and other debris had been pushed into the channel and onto the bank, and otherwise placed in locations where those materials could deliver to the stream. The CDFW NOV identifies that that they received complaints beginning September 18, 2022, and that their warden told Mr. Gutierrez to cease and desist on September 19, 2022, September 20, 2022, and September 23, 2022. The CDFW NOV directed you to cease and desist logging, grading, excavating, and or operating equipment within 100-ft of the stream, to submit for approval stabilization and winterization plans, and a Notification of Lake and Streambed Alteration.

On October 14, 2022, SHN provided Staff with an erosion and sediment control plan for work within 150 feet of the stream to include only handwork to remove loose fill and comingled organics, install silt fencing, and apply wood mulch, and indicated that work would begin and be completed the following week (October 18-21, 2022). On October 18, 2022, via telephone, Staff spoke to SHN and expressed support of the October 14, 2022 workplan, as did CDFW personnel via email on October 19, 2022. CDFW personnel advised that they had received reports that Mr. Gutierrez had been observed on an excavator and reiterated that he had been ordered to cease and desist and should not be operating equipment. SHN reiterated that they are involved only in the work within 150 feet of the stream using only hand tools.

On October 19, 2022, CalFire sent a Notice of Violation of Forest Practice Law (CalFire NOV), identifying Laura Rowland in violation of Public Resource Code (PCR) 4621.a for

failure to file a conversion application to the Board of Forestry, and identifying Robert Gutierrez in violation of PCR4571.a, for conducting timber operations without a license from the Board of Forestry, and if PCR 4581 for conducting timber operations without a timber harvesting plan. The CalFire NOV identifies that neither of these violations are correctable. The inspection notes identify that the CalFire inspector observed that 1.5 acres of mature second-growth timber had been cleared since 2020, and that Mr. Gutierrez said he had cut them down since July 2022 and that he had operated the heavy equipment used to clear the Property to utilize the Property, treat fire hazards, develop a walking trail, and for art. The CalFire NOV identifies that the number of trees cleared from the site could not be determined due to the subsequent stump removal, grading, and burying of materials.

On October 19, 2022, SHN provided a cursory stream impact assessment, based upon observations made walking the stream within the impacted reach on October 14, 2022. They identified new areas of impact, beyond those identified in Staff's September 27, 2022 Inspection Report.

On October 21, 2022, Staff reinspected the Property, along with personnel of CDFW, including Jonathan Hollis, John Fraley, and Matt Renner, SHN representatives Gwendolyn Erickson and Gretchen O'Brien, and the responsible parties Mr. Gutierrez and Ms. Rowland. Mr. Gutierrez included a private engineer Kevin McKinney by phone during a portion of the inspection.

The purpose of the October 21, 2022 inspection by Staff 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 and United States resulting from the unpermitted grading and logging activities.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report and Inspection Map and Photolog). Please review the inspection report 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.

On October 23, 2022, SHN submitted a summary of work which described that work did not start until October 21, 2022, and as of October 22, 2022, work conducted included pulling loose soil and slash debris from the stream bank using hand tools and installing silt fence at three areas with near stream disturbance (areas A through C as referenced on a drone-based aerial photo taken by SHN on October 21, 2022, just before Staff's inspection). They outlined work proposed for area D.

On October 25, 2022, SHN proposed scope for work at areas E and F, to include a sequence of hand removal of loose soil, installation of silt fencing, and application of mulch.

On October 26, 2022, the Regional Water Board sent you a Notice of

Noncompliance (NNC) for Failure to Obtain Coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009 as Amended by 2010-0014-DWQ & 2012-0006-DWQ, NPDES NO. CAS000002 (Construction General Permit). The Construction General Permit applies to any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre, and if the construction activity results in land surface disturbance of less than one acre if the construction is part of larger plan of development or sale of one or more acres of disturbed land surface. The NNC requires enrollment under the Construction General Permit within 30 days (November 26, 2022).

### **Relevant Requirements**

During the October 21, 2022 inspection, Staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

### **Observed Violations**

As documented in the October 21, 2022 inspection report, the site conditions observed on the Property resulting from new activities since the September 27, 2022, were in violation of the Basin Plan, the Water Code, and the federal Clean Water Act. The recent work resulting in these violations included removal of stumps previously placed in the watercourse resulting in damage to the stream bed, bank and riparian area, the placement of unconsolidated earthen fill into wetlands associated with the stream, pushing earthen fill closer to the stream resulting in new areas of threatened discharge of sediment to the watercourse.

The activities to create these conditions that threaten water quality were conducted without first seeking and obtaining authorization from the Regional Water Board, in violation of Water Code section 13260. The unauthorized discharge of waste to the watercourse is a violation of Water Code, section 13264 (a) and the federal Clean Water Act, section 301. Staff observed these violations at Property locations identified in the inspection report.

### **Additional Potential Liabilities**

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 Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office.

Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both, pursuant to Water Code section 13350. Failure to submit a required NOI for Construction General Permit coverage may subject you to an enforcement action by the Regional Water Board and the assessment of civil liability that is not less than \$5,000 per year of noncompliance or fraction thereof, pursuant to Water Code section 13399.33(a)(1). Violations of the Clean Water Act or Construction General Permit may subject the Discharger to administrative civil liability up to \$10,000 per day per violation, plus up to \$10 per gallon discharged over 1,000 gallons not cleaned up pursuant to Water Code section 13385.

### **Inspection Report Recommendations**

As mentioned above, the October 21, 2022 Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality.

**Within seven days of this letter**, please advise our Staff Adona White of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact our Staff Adona White by email at [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov) or by phone at 707-576-2672.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

You may also contact me at [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov) or by phone at 707-576-2835. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Jeremiah Puget  
Senior Environmental Scientist  
Enforcement Unit

Attachments: Attachment A – Regulatory Citations  
Attachment B – Facilities Inspection Report and Photo Appendix

Certified Mail – Return Receipt requested

**cc: North Coast Regional Water Quality Control Board**

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**California Department of Forestry and Fire Protection**

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## Attachment 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	<p>“(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:</p> <p style="padding-left: 40px;">(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.</p> <p style="padding-left: 40px;">(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.”</p>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under <a href="#">Section 13260</a> 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: (3) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies: (3) The issuance of a waiver pursuant to Section 13269.”

<b>Regulatory Section</b>	<b>Citation</b>
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term “discharge or dredged material” mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any potion of a water of the United States with dry land or changing the bottom elevation of any potion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 449459
Program Type: TH	WDID:	Order Number:
Scheduled Insp. Date: 10/21/2022	Actual Insp. Date: 10/21/2022	

**Discharger Information**

Party ID: 635580	Discharger Organization Name: Robert Gutierrez	
Address: Po Box 225	City, State, Zip: Bayside, CA 95524	
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

**Facility Information**

Place ID 883628	Facility Name: 951 Hunts Dr		
Address: 951 Hunts Drive	City, State, Zip: Mckinleyville, CA 95519		
County: Humboldt	Latitude: 40.92147	Longitude: -124.06702	Method: Map Interpolation (digital)

**Lead Inspector Information**

Lead Inspector Party ID: 526285	Lead Inspector Name: Adona White		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

**INSPECTION TYPE**

Inspection Type: Complaint inspection

**VIOLATIONS**Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1109529	Basin Plan Prohibition	10/21/2022	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 Discharge Prohibitions 1 & 2
1109530	Other Codes	10/21/2022	B	California Water Code Section 13260 for unauthorized land disturbing activities and threatened discharge of waste
1109531	Unauthorized Discharge	10/21/2022	B	California Water Code section 13264 (a) for unauthorized discharge of waste to waters of the state
1109532	Unauthorized Discharge	10/21/2022	B	Federal Clean Water Act section 301 for unauthorized fill placed in waters of the United States

Showing the first 4 of 4 violations

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Prevent any additional discharges of waste
2. Stop doing equipment work that threatens water quality. Place no more fill or use tractors in riparian zone.
3. Using handwork, immediately stabilize the riparian area in a manner to corrects the threatened discharges
4. Report any discharges
5. Enroll in the CGP
6. Comply with CalFire, CDWF, Humboldt County requirements

### GENERAL NOTES (OPTIONAL) (2000 character limit)

Gutierrez told us that SHN is working on the near stream area, with seven sites in the creek zone, identified as areas A-F. He said Site A had the most progress; Site is where the stumps were, but had been pulled out since my last inspection. He told us that for the rest of the property, KH McKenny was working on a grading plan and permit. Bob said he took an LTO course in the spring at College of the Redwoods. He said Koldstadt Surveying was hired three weeks ago to do topography, SHN flew the drone that morning (10/21/22). A new pond was constructed., which Bob said was constructed with a goal of sediment retention. Kevin McKenny on the phone: Said he visited site for first time one week ago (10/14/22). The mounds were here, they have slash under them. The pond was here, they did recompact pond. Said road needs work drain it to pond. He explained that for the pond outlet, they intended an 8" pipe out with 18" of freeboard. They will use angular rock to armor pipe. He said the earthwork was done and steeper on mound. He said he worked with Bob on berms and pond. Removing stumps that led to the pond. Stumps removed from stream by Buddy's Towing with cable.

My observations:  
 No stabilization or erosion control measures in place when we arrived other than one patch of straw applied in a portion of area A. Mulch from Wes Green was spread in an upland area.  
 Fill piles previously near stream had been pushed toward the stream and leveled with equipment, as evidenced by track marks and scale of earthwork since last inspection.  
 The mounds were larger. A pond was constructed with an inlet pipe, no out. Stumps were removed from the stream and denuded the bank. Lots of interior work. Slash is buried in the mounds. New sediment is in and near stream. New cut logs are in the channel.  
 New filled wetland by stream. Damaged stream form, impacted amphibian habitat.  
 New pond is ~7500 sq ft & ~10' deep; embankment is 150' from the stream bank. Mound is 80' from bank w loose fill.

For Internal Use (Optional)					
Reviewed By:	(1)	(2)	(3)		
CIWQS Entry Date:		Regional Board File Number:		CIWQS Inspection ID:	

Map and Photo Appendix  
 October 21, 2022 Inspection, Gutierrez and Rowland  
 CIWQS Inspection ID 49375787

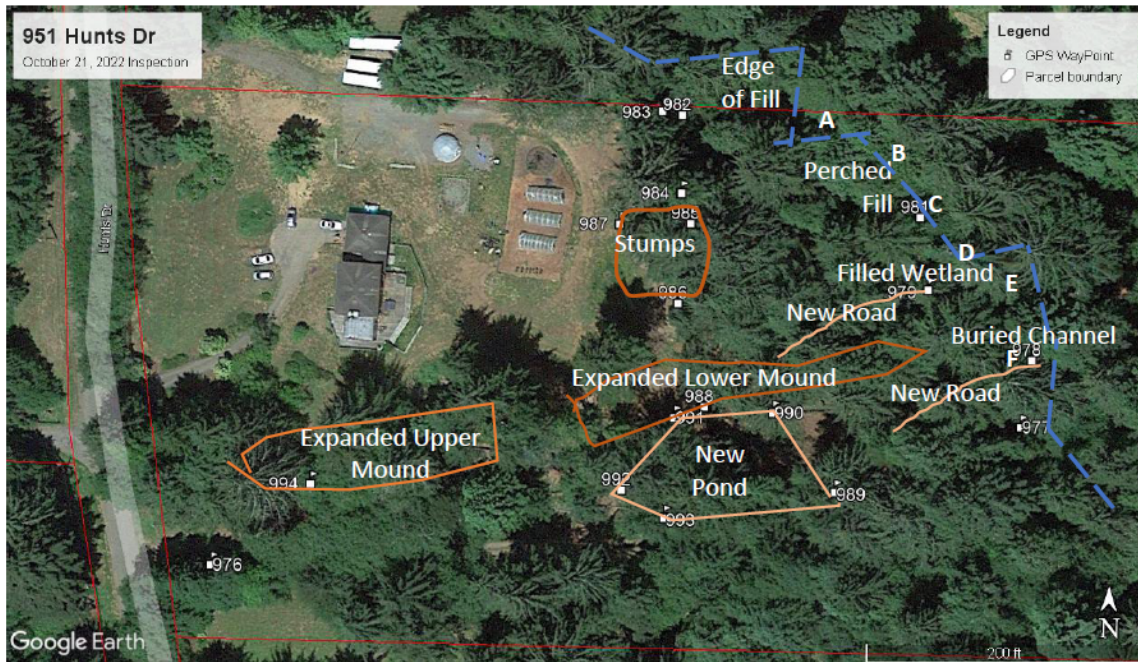


Figure 1. Parcel map with newly developed features identified with illustrations and labels, along with impact areas along the stream identified per SHN's submissions. GPS locations are shown by number.



Figure 2 Parcel map with newly developed features (since my September 27, 2022 Inspection), as identified with illustrations, along with impact areas identified per SHN. Outline indicates approximate extent of cleared and recently graded area.



*Figure 3. Drone image collected by SHN on day of inspection (10/21/22) and submitted on 10/23/22. Locations B-F correspond to the locations identified in Figures 1 & 2.*

## Inspection Photos

All Photos taken by Adona White on October 21, 2022, unless otherwise specified.



*Figure 4. View from gate of upper mound and access road that parallels the southern parcel boundary to the watercourse. The mound was larger than I observed last inspection. Mr. Gutierrez claims that the slash is buried in the mound.*



*Figure 5. View of upper mound and fresh fill pile. Mr. Gutierrez claimed that no material besides the mulch had been delivered.*



*Figure 6. View toward house from atop the upper mound.*



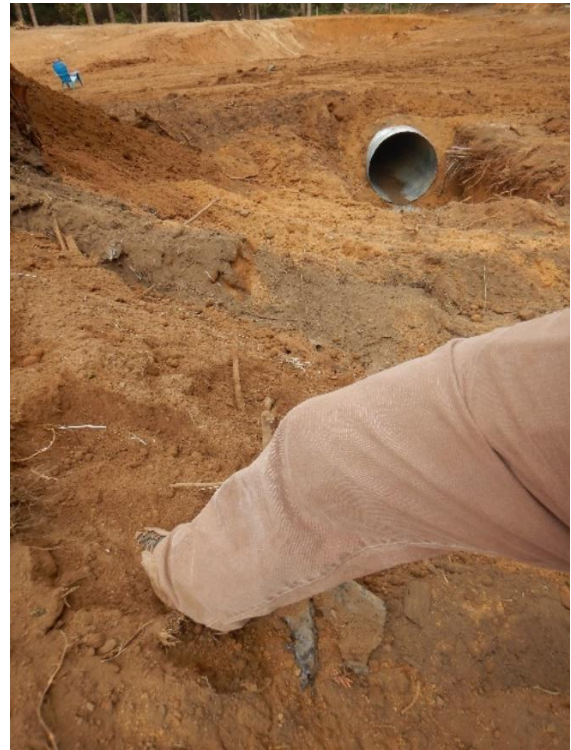
*Figure 7. View of access road from atop the upper mound. Mr. McKenny suggested that they were planning to define a swale between the mound and the access road to the inlet of the newly constructed pond.*



*Figure 8. Loose material on north side of upper mound. Photo by Jordan Filak on October 21, 2022.*



*Figure 9. View of base of upper mound on left, pond inlet at cone, pond berm between people on right, and lower mound beyond people on left. Photo by Jordan Filak on October 21, 2022.*



*Figure 10. The upper mound extends approximately to the inlet to a newly constructed pond (note mound fill to left of photo). The lower mound is located adjacent to and north of the pond, toward the watercourse from the blue chair in the photo. Photo by Jordan Filak on October 21, 2022.*



*Figure 11. Overview of pond, looking downslope toward stream, with inlet pipe in foreground, with berm in*

Map and Photo Appendix  
October 21, 2022 Inspection, Gutierrez and Rowland  
CIWQS Inspection ID 49375787

*distance. According to Mr. Gutierrez and Mr. McKinney, the outlet will consist of an 8" pipe with an outlet to the cluster of remaining trees beyond the berm, and to the north of the access road, on right of photo.*



*Figure 12. Looking downslope to pond berm.*



*Figure 13. Looking downslope to watercourse in distance, pond berm on right (160' from stream bank), and lower mound "tail" on left (80' from stream bank). Buried slash is poking through the mound.*



*Figure 14. Overview of the pond, looking upslope from the berm. The lower mound is on the right of and off the photo, the upper mound is beyond the inlet pipe. Note blue chair near pipe.*



*Figure 15. View of lower mound and piled logs and stumps, looking south. Note blue chair for orientation.*

Map and Photo Appendix  
October 21, 2022 Inspection, Gutierrez and Rowland  
CIWQS Inspection ID 49375787



*Figure 16. View looking south at lower mound. Since the last inspection, earthen fill is pushed toward stream and leveled out.*



*Figure 19. Looking at stump pile. Lower mound is to the right, and upper mound is behind the stumps.*



*Figure 17. View looking upslope from northeast of the lower mound.*



*Figure 20. View of stump and log pile, looking north, with shed in distance. Photo by Jordan Filak on October 21, 2022.*



*Figure 18. View looking north toward stump and log pile.*



*Figure 21. Tractor located near northern boundary between two shipping containers.*



*Figure 22. The area between the house and the northwestern corner of the parcel has also been cleared down to bare mineral soil. A pile of slash and fill is located near the fence.*



*Figure 23. Slash and stumps and fill are pushed closer to the watercourse upslope of area A.*



*Figure 24. Fill north of area A.*



*Figure 25. Fill area north of area A, with stump pushed over the break in a steep slope above the watercourse. View is down from edge of slope to area A, where the plastic is on the right bank, the person is on the left bank, which is gouged and denuded, and the channel form impacted. Photo by Jordan Filak on October 21, 2022.*



*Figure 26. Fill area north of area A, with logging slash and stumps pushed over the break in a steep slope above the watercourse. View is down from edge of slope to downstream of area A, where the plastic is on the right bank. Photo by Jordan Filak on October 21, 2022.*



*Figure 27. North of area A, where logging slash and stumps pushed over the break in a steep slope above the watercourse, and fill pushed on top of the stumps and slash. Photo by Jordan Filak on October 21, 2022.*



*Figure 28. Top of road to area A from edge of clearing from WP957.*



*Figure 29 . Oversteepened slash is pushed between the clearing and the road leading down to the watercourse at area A.*



*Figure 30. Mr. Gutierrez showing a piece of metal, suggesting that he was operating equipment in the evening, while tired and intoxicated; reportedly crashing the excavator in the vicinity of the oversteepened slash above area A, where the stumps were placed and then removed.*



*Figure 31. Looking downslope to road to area A. Downstream and north is to the left of photo.*



*Figure 32. Road steepens from the watercourse at area A and crests to the elevation at the edge of the clearing.*



*Figure 33. Road arrives at area A, where SHN and Ms. Rowland were preparing to begin sediment and erosion control work on the denuded stream bank.*



*Figure 34. Road arrives at area A, where SHN and Ms. Rowland were preparing to begin sediment and erosion control work on the denuded stream bank.*



Figure 35. View of the watercourse at area A, from the left bank, where the stumps were placed then removed after September 27, 2022. The left bank is denuded. SHN and Ms. Rowland were preparing to treat area A with near term erosion control measures, while I was inspecting on October 21, 2022.



Figure 36. September 27, looking at area A from right bank, with view of stumps in watercourse, and beyond those is the road leading from the clearing to the watercourse.



Figure 37. View of area A from right bank. The channel form has been impacted by the instream work to place and remove the stumps.



Figure 38. View of area A on October 14, 2022. Photo by SHN.



Figure 39. New road constructed to area D, included cut and fill from clearing to watercourse at WP979 for 48' from the crest to the stream.



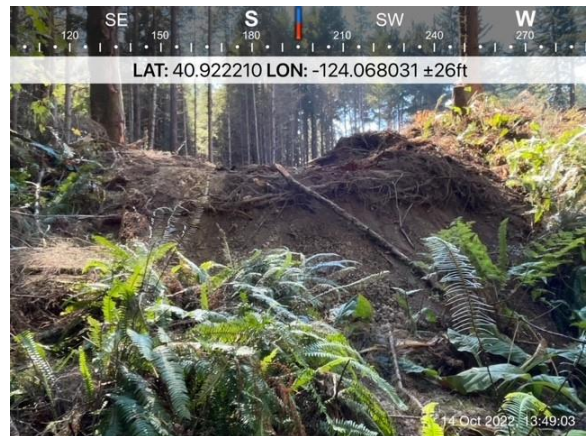
*Figure 40. Area D, where a new road had been punched to the watercourse, on the right bank, where it partially filled a wetland bench adjacent to the stream channel. The road fill covered 21' feet of the 29' wetland bench.*



*Figure 41. Area D. Channel is located where cut branch end is visible, left of center. Downstream is right to left. The new road fill is pushed from right, toward watercourse and onto a wet bench with skunk cabbage (obligate wetland plant).*



*Figure 42. View of area downstream of fill at area D. Toe of fill is on right.*



*Figure 43. View of area D on October 14, 2022. Photo by SHN.*



*Figure 44. Looking downstream to area E, the channel is covered in slash.*



*Figure 45. Photo Looking downstream toward area F, the log spanner is in upper right of photo. In foreground, channel and banks are impacted. Log is chopped into channel.*



*Figure 47. Area F as viewed from clearing, downstream is to left, log spanner is in front of person. Photo by Jessie Cahill on September 27, 2022.*



*Figure 46. Fill has been pushed toward watercourse since my last inspection. This is the log spanner.*



*Figure 48. Area F. Photo by Jordan Filak on October 21, 2022. Note log spanner behind person is in the same orientation as in Figure 47 above.*

Map and Photo Appendix  
 October 21, 2022 Inspection, Gutierrez and Rowland  
 CIWQS Inspection ID 49375787



Figure 49. Area F as photographed by SHN on October 14, 2022.



Figure 50. Area F as photographed by SHN on October 14, 2022.



Figure 51. The new road construction to area F not only pushed fill further towards the watercourse, but also cut down into the adjacent hillsides. View looking upslope into clearing, spanner is on the left of photo.



Figure 52. The fill at area F buried the channel for 14' long, and an estimated 3' deep.



Figure 53. At area F, the fill pushed into the riparian area for 27', road goes back 46' to clearing. When asked about the construction, Mr. Gutierrez responded that he did it by hand.



Figure 54. Photo by Jordan Filak on October 21, 2022. Person is standing at confluence, at the upstream extent of the obviously impacted reach. View is looking northwest toward clearing from right bank of flow.