



Terry Tamminen  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Central Coast Region



Arnold Schwarzenegger  
Governor

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Phone (805) 549-3147 • FAX (805) 543-0397

November 8, 2004

Mildred Holmes  
30 Willis Road  
Scotts Valley, CA 95066

Dear Mildred Holmes:

### **NOTICE OF VIOLATION – WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR THE MANSON CREEK TIMBER HARVEST PLAN, THP 1-00-247 SCR**

On November 4, 2004, Regional Board staff inspected the Manson Property and found the site to be in violation of Resolution No. R3-2003-0082, Waiver of Waste Discharge Requirements (Waiver) for the Manson Creek timber harvest. The violations are as follows:

Regional Board staff observed Best Management Practices (BMPs) were in need of repair at many locations throughout the property (see Photos 1 and 2 below).

Paragraph 1b (page 2) of Resolution No. R3-2003-0082 states,

“Each Discharger shall conduct timber harvest activities in accordance with the approved Timber Harvest Plan and with all applicable sections for the Forest Practice Rules.”

The California Department of Forestry and Fire Protection (CDF) issued a notice of violation to the above referenced property on October 22, 2004 for not complying with the Timber Harvest Plan or the Forest Practice Rules. Regional Board Staff concurs with the findings in the CDF notice of violation.

Paragraph 5 (page 1) of the October 22, 2004 CDF letter states:

“Water breaks had been installed throughout the plan area; however many of these were in poor condition and appeared to have failed.”

Paragraph 6 (page 2) of the October 22, 2004 letter states:

“Crossing S1 has not been removed as required by the THP.”

During the field visit Regional Board staff inspected at the parcel and noted that some BMPs were not fully implemented or were not performing as implemented. Regional Board staff observed that BMPs required under the approved THP need to be properly implemented and additional BMPs will be needed to achieve compliance with the waiver.

Compliance with the waiver is required. Please inform the Regional Water Quality Control Board in writing when all BMPs are implemented. Please submit photo documentation of installed BMPs. If you have questions, please call Howard Kolb at (805) 549-3332 or Julia Dyer at (805) 594-6144.

***California Environmental Protection Agency***



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Sincerely,



Roger W. Briggs  
Executive Officer

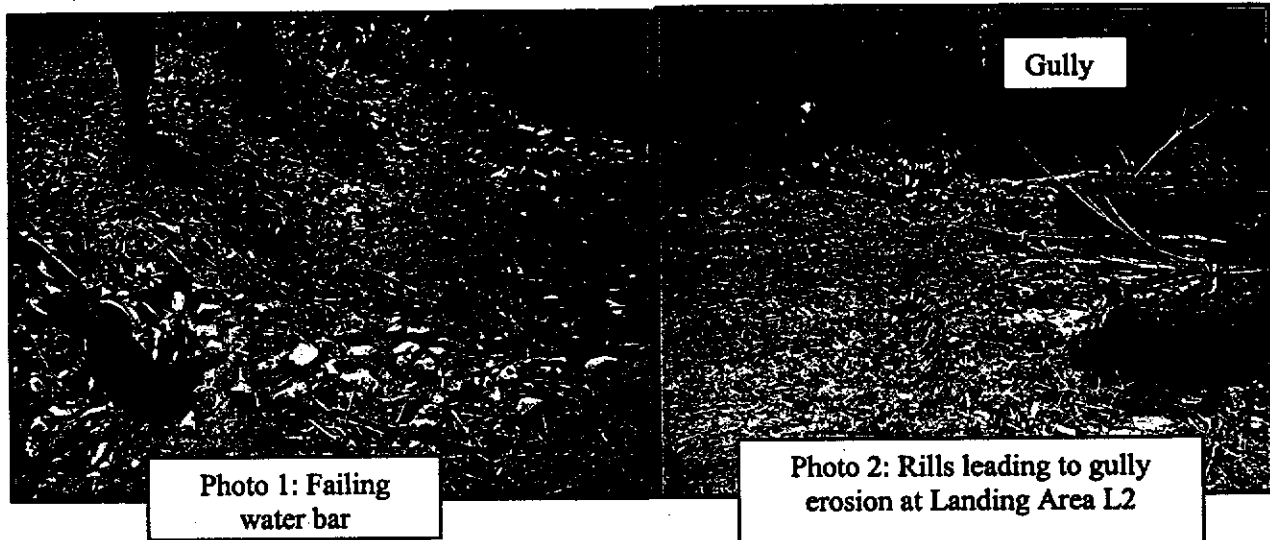
Attachment: Notice of violation issued to THP 1-00-247-SCR on October 22, 2004

Cc:

James Hildreth  
P.O. Box 1224  
Capitola, CA 95010

Rich Samson  
San Mateo – Santa Cruz Ranger Unit  
6059 Highway 9  
Felton, CA 95018

File Location: S:\NPS\Timber Harvest\1-00-247 Manson Creek THP\11\_05\_04 NOV.doc



STATE OF CALIFORNIA - THE RESOURCES AGENCY  
 DEPARTMENT OF FORESTRY AND FIRE PROTECTION

ARNOLD SCHWARZENEGGER, Governor



San Mateo - Santa Cruz Ranger Unit  
 P.O. Drawer F2 6059 Highway 9  
 Felton, CA 95018  
 (707) 335-6740

Section 4604 of the Public Resources Code (PRC) requires the department to inspect timber operations for compliance with the forest Practice Act and rules of the Board of Forestry.

October 22, 2004

MILDRED HOLMES  
 30 WILLIS RD  
 SCOTTS VALLEY, CA 95066

«NOTICE OF VIOLATION OF FOREST PRACTICE LAWS»  
 For Harvest Document: 1-00-247-SCR

Violations may be cause for prosecution as a misdemeanor (Public Resources Code § 4601), action against a Timber Operator License (PRC §§ 4573 and 4576), injunction action (PRC §§ 4605 and 4606), or a combination of the foregoing actions. The following letter details code sections violated, mitigations required and date by which all work must be completed. Mitigation(s) of violation(s) is required.

Violator: Ken Pelphrey  
 Inspection Number: 5  
 Inspection Date: October 20, 2004  
 Person Contacted: NONE

LANDS OF HOLMES

Violation 1035.3(e)

The LTO did not comply with all provisions of the approved plan.

1035.3 Licensed Timber Operator Responsibilities

Each affected licensed Timber Operator shall:

1. Comply with all provisions of the Act, Board rules and regulations, the applicable approved plan and any approved amendments to the plan.

Violation 916.9(n)(1)(B)

The LTO did not complete treatments to stabilize soils within any ELZ or EEZ prior to the start of any rain that causes overland flow along the disturbed surface.

Within the WLPZ, and within any ELZ or EEZ designated for watercourse or lake protection, treatments to stabilize soils, minimize soil erosion, and prevent the release of sediment into waters in amounts deleterious to aquatic species or the quality and beneficial uses of water, or that threaten to violate applicable water quality requirements, shall be applied in accordance with the following standards:

1. The following requirements shall apply to all such treatments:

2. For areas disturbed from May 1 through October 15, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface.

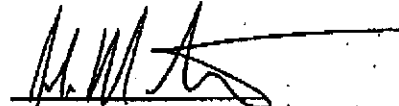
The purpose of this inspection was to verify the completion of erosion control facilities and treatments following the most recent rain event. Upon arriving on site, the following was observed: Water breaks had been installed throughout the plan area; however, many of these were in poor condition and appeared to have failed. This is following a significant rain event. It was also observed that no

straw mulch had been applied to disturbed areas both in the WLPZ and ELZ. Of the areas inspected, the following was found to be incomplete and in violation of this THP and the Forest Practice Rules:

Crossing S1 has not been removed as required by the THP. This plan has an extended winter operating plan. It was the decision of the RPF and LTO to leave the crossing in until those logs on the other side could be yarded. The size of the rain event (exceeding 4 inches) signifies the end of operations, as per the winter operating plan. The RPF and CDF recognize the need to remove the crossing as soon as possible. The RPF shall work with CDF to schedule an appropriate time to remove the Spittler/Humboldt Crossing at S1 during the next period of dry weather, prior to November 15<sup>th</sup>, 2004. There is an issue with areas of exposed soil, associated with this crossing, discussed below.

The winter operating plan states that an adequate supply of straw bales, straw blankets, or slash positioned near all crossings and other areas of exposed soil within an ELZ or WLPZ to facilitate the rapid application prior to rainfall. This was not done prior to the recent rain event. This is a violation of 1035.3(e). Those areas requiring treatment in the ELZ and WLPZ could not be completed as required under the plan and 916.9(n)(1)(B). This is a violation of 1035.3(e) & 916.9(n)(1)(B). There was a small amount of straw staged at landing L1; however, it was not utilized. During the October 20<sup>th</sup> inspection, straw bales were being delivered to the site. The LTO shall treat, with seed and straw mulch, those areas described under 916.9(n)(1)(B) of the Forest Practice Rules, and under part 6 of the winter operating plan. This shall be completed prior to October 23, 2004. Specifically, this would include all class III crossings on the main haul road, areas of disturbed soil within the WLPZ (L1, Crossing S1, and associated skid trails) and crossing S4.

CDF has spoken with both the RPF and the LTO regarding this inspection. The LTO has stated that all the necessary mulching has been completed (as of October 21). This has not been verified in the field. Please contact me at 335-6740 if you have any questions regarding this.

  
SIGNATURE  
John Martinez, RPF #2716  
Forest Practice Inspector/FCB