



California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

October 8, 2002

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

CALIFORNIA WATER CODE SECTION 13267 REQUEST FOR REPORT, HWY 58 AREA PROPERTY, SAN LUIS OBISPO COUNTY

Dear Mr. Kelegian:

Ryan Lodge of my staff visited your property on October 1, 2002. The purpose of the site visit was to investigate vegetation clearing and potential associated water pollution sources. Our visit revealed issues of concern regarding extensive vegetation clearing that must be addressed.

Concerns include vegetation removal with no erosion or sediment controls in place (see photos 1 and 2). Ryan Lodge discussed our erosion concerns with David Williams of your staff. Mr. Williams indicated that a plan is in place to spread barley and rye grass seed over the area prior to the first rain. We believe that applying seed alone is not a sufficient erosion control measure. Established vegetation is a means of erosion control; thus, the seed must be nurtured into vegetation before runoff occurs to be effective erosion control. Additional erosion control measures must be implemented to avoid widespread erosion and sediment loss, and to reduce potential surface water impacts.

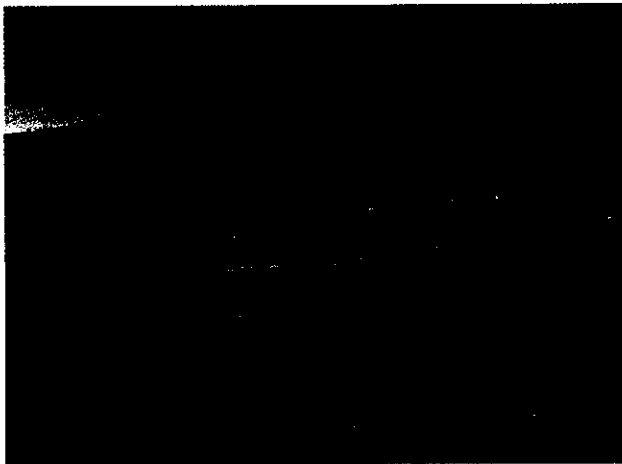


Photo 1 - Cleared hillside.



Photo 2 - Cleared hillside.

The extensive vegetation removal has created a significant potential for sediment discharge to Huerhuero Creek. We are concerned about water quality impacts from sediment discharges. The Huerhuero Creek is tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.

California Environmental Protection Agency



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Item No. 5 Attachment A
December 2, 2004 Meeting
Kelegian ACL
Order No. R3-2004-0125

The Regional Board is authorized to issue a Cleanup or Abatement Order pursuant to Water Code section 13304.

California Water Code section 13304 states, "Any person who ... 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."

Violation of a Cleanup or Abatement Order subjects the discharger to administrative civil liability of up to \$5,000 per day. The Regional Board will refrain from issuing a Cleanup or Abatement Order at this time pending receipt and implementation of an adequate erosion and sediment control plan. By this letter you are ordered, pursuant to Water Code section 13267, to provide a detailed erosion and sediment control plan addressing all disturbed areas.

Water Code section 13267, (b) states in part "...the regional board may require that any person who has discharged, discharges or is suspected of discharging or who proposes to discharge waste within its region, ...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

Pursuant to Water Code section 13267, the Regional Board requires a detailed erosion and sediment control plan with an implementation schedule addressing all potential site erosion areas. Failure to implement adequate erosion and sediment control measures prior to winter rains will create the potential for sediment discharges to Huerhuero Creek. The detailed plans and implementation schedule must be submitted to our office by October 21, 2002.

You are being required to submit this information because:

1. You are the real property owner that is the potential source of sediment discharge into the creek.
2. The actions taken to clear the land have created a potential pollution source. Photo documentation and a site visit by Regional Board staff indicate there is high erosion and sedimentation potential.
3. The Salinas River currently is listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.

It is critical that the issues discussed in this letter are addressed immediately. The wet season is upon us and impacts to the watershed from your property must be minimized.

If you have questions regarding this matter, please call Ryan Lodge at (805) 542-4642.

Sincerely,



Roger W. Briggs
Executive Officer

cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and
Building
County Government Center
San Luis Obispo, CA 93408-2040

David Williams
P.O. Box 320
Creston, CA 93432

Sarah Christie
926 J Street, Suite 416
Sacramento, CA 95814

Gordon R. Hensley
P.O. Box 6884
Los Osos, CA 93412

Jennifer Soloway, Office of the Chief Counsel
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

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Water\Construction\NOVs\CrestonNOVnonwell.doc





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Gray Davis
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November 12, 2002

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

REVIEW OF STORM WATER POLLUTION PREVENTION PLAN; KELEGIAN RANCH PROPERTY; SANTA MARGARITA

Dear Mr. Kelegian:

Regional Board Staff have reviewed the Storm Water Pollution Prevention Plan (SWPPP) for the above named construction site. These documents are required by Sections A and B of the General Construction Activities Storm Water Permit (General Permit). Included with this letter is the staff review sheet, which outlines the required elements for the SWPPP and Monitoring Program.


We have serious concerns regarding your erosion control measures. We believe that applying seed alone is not a sufficient erosion control measure. Established vegetation is a means of erosion control; thus, the seed must be nurtured into vegetation before runoff occurs to be effective erosion control. Additional erosion control measures must be implemented to avoid widespread erosion and sediment loss, and to reduce potential surface water impacts.

Please review this sheet and address any items checked off in the "Not Included" or "Incomplete" columns. These items of deficiency must be addressed in your SWPPP or Monitoring Program, as applicable. Your SWPPP is not complete, until it fully complies with the General Permit requirements. The applicable sections of the General Permit are indicated on the review sheet, for your reference. If an item is not applicable to your particular facility, please indicate as such in your SWPPP or Monitoring Program. You are not required to submit revised copies of the SWPPP and Monitoring Program; however, they must be maintained on site at all times. The revised SWPPP and Monitoring Program will be checked for completeness during our next site visit.

Please note that correspondence to our office after December 6, 2002 should be sent to 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 549-3698 or Jennifer Bitting at (805) 549-3334.

Sincerely,


cc: Roger W. Briggs
Executive Officer

Enclosure: SWPPP and Monitoring Program Review Sheet

California Environmental Protection Agency



cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

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STORM WATER POLLUTION PREVENTION PLAN AND MONITORING PROGRAM REVIEW SHEET

GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT
ORDER NO. 99-08-DWQ
NPDES PERMIT NO. CAS000002

CONSTRUCTION SITE NAME: Kollegian Ranch Property

WDID# 3

REVIEW DATE: 10-29-02

FACILITY CONTACT

Name Dave Williams
Title _____
Company Creston Real Estate
Street Address Hwy 58
City, State Santa Margarita CA
Zip _____

CONSULTANT CONTACT

Name Rachel Kovvodi
Title Project Manager
Company EDA
Street Address 1998 Santa Barbara
City, State San Luis Obispo CA
Zip 93401

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

		N/A	Included	Not Included	Incomplete	Pg. No. / Comments
Vicinity Map (narrative or graphic)		A.5.a.1				
Major roadways, geographic features or landmarks	A.5.a.1		X			
Site perimeter	A.5.a.1		X			
Geographic Features	A.5.a.1		X			
General topography	A.5.a.1		X			
Site Map (narrative or graphic)		A.5.a.2				
Site perimeter	A.5.a.2		X			
Existing and proposed buildings, lots, and roadways	A.5.a.2	X				
Storm water collection and discharge points	A.5.a.2	X				
General topography before and after construction	A.5.a.2	X				
Anticipated discharge location(s)	A.5.a.2	X				
Drainage patterns	A.5.a.2			X		
Relevant drainage areas	A.5.a.2		X			
Temporary on-site drainages	A.5.a.2	X				

Items in second column refer to specific sections of the General Permit

Reviewer R Lodge

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

		N/A	Included	Not Included	Incomplete	Pg. No. /	
Drainage		A.5.b.1					
Drainage patterns	A.5.b.1			X			
Slopes after major grading	A.5.b.1	X					
Calculations for storm water run-on	A.5.b.1			X			
BMPs that divert off-site drainage from going through site	A.5.b.1			X			
Storm Water Inlets		A.5.b.2					
Drainage patterns to storm water inlets or receiving water	A.5.b.2			X			
BMPs that protect storm water inlets or receiving water	A.5.b.2		X				
Site History		A.5.b.3					
Description of toxic materials treated, stored, or spilled on site	A.5.b.3	X					
BMPs that minimize contact of contaminants with storm water	A.5.b.3	X					
Location of Areas Designated for:		A.5.b.4					
Soil or waste storage	A.5.b.4			X			
Vehicle storage & service	A.5.b.4			X			
Construction material loading, unloading, and access	A.5.b.4			X			
Equipment storage, cleaning, maintenance	A.5.b.4			X			
BMP Descriptions for:		A.5.b.5					
Waste handling and disposal areas	A.5.b.5			X			
On-site storage and disposal of construction materials and waste	A.5.b.5				X		
Min. exposure of SW to construction materials, equipment, vehicles, waste	A.5.b.5			X			
Post Construction BMPs		A.5.b.6					
Description	A.5.b.6			X			
Location	A.5.b.6			X			
Parties responsible for long-term maintenance	A.5.b.6			X			
Additional Information		A.5.c					
Description of other pollutant sources and BMPs	A.5.c.1		X				
Preconstruction control practices	A.5.c.1	X					
Inventory of materials and activities that may pollute storm water	A.5.c.2		X				
BMPs to reduce/eliminate potential pollutants listed in the inventory	A.5.c.2		X				
Runoff coefficient (before & after)	A.5.c.3		X				
Percent impervious (before & after)	A.5.c.3		X				
Copy of the NOI and WDID #	A.5.c.4		X				
Construction activity schedule	A.5.c.5			X			
Contact information	A.5.c.6		X				

No WDID#
just submit

Items in second column refer to specific sections of the General Permit

Reviewer R. Lodge

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

	N/A	Included	Not Included	Incomplete	Pg. No. / Comments
EROSION CONTROL		A.6			
<i>The SWPPP shall include:</i>		A.6.a-c			
Areas of vegetation on site	A.6.a.1		X		
Areas of soil disturbance that will be stabilized during rainy season	A.6.a.2		X		
Areas of soil disturbance which will be exposed during any part of the rainy season	A.6.a.3			X	
Implementation schedule for erosion control measures	A.6.a.4		X		
BMPs for erosion control	A.6.b		X		
BMPs to control wind erosion	A.6.c			X	
SEDIMENT CONTROL		A.8			
Description/illustration of BMPs to prevent increase of sediment load in discharge	A.8		X		
Implementation schedule for sediment control measures	A.8		X		
NON-STORM WATER		A.9			
Description of non-storm water discharges to receiving waters	A.9		X		
Locations of discharges	A.9			X	
Description of BMPs	A.9			X	
Name and phone number of person responsible for non-storm water management	A.9			X	
POST-CONSTRUCTION		A.10			
Description of BMPs	A.10			X	
Operation/Maintenance of BMPs after project completion (including funding)	A.10			X	
MAINTENANCE, INSPECTIONS, AND REPAIR		A.11			
Name and phone number of person responsible for inspections	A.11			X	
Complete inspection checklist: date, weather, inadequate BMPs, visual observations of BMPs, corrective action, inspector's name, title, signature	A.11.a-f		X		
OTHER REQUIREMENTS		A.12-16			
Documentation of all training	A.12			X	
List of Contractors/Subcontractors	A.13			X	

Limited erosion control

SECTION B: MONITORING AND REPORTING REQUIREMENTS

		N/A	Included	Not Included	Incomplete	Pg. No. / Comm.
Description of Site inspection Plans	B.3		X			
Compliance certification (annually 7/1)	B.4	X				
Noncompliance reporting	B.5	X				
Keep records of all inspections, compliance certifications, and noncompliance reports on site for a period of at least three years	B.6	X				

SECTION C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITIES

Signed Certification	C.9,10		X			
Indication of WDID #?	-			X		Per just No.

General Comments:

-Erosion control measures seem meager. Site will have problems if vegetation is not established immediately. The plan is to aerial seed prior to first rain. If first rain is substantial there could be widespread erosion.



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Gray Davis
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November 25, 2002

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; KELEGIAN RANCH PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY

Dear Mr. Kelegian:

On November 8 and 14, 2002, Ryan Lodge of my staff inspected the Kelegian Ranch Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed sediment being discharged into the Huerhuero Creek and an unnamed tributary to the Huerhuero Creek. The Huerhuero Creek and the unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment. Section A.2 of the Permit prohibits discharges of sediment to surface waters.

The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. We were assured by Dave Williams of your staff and by staff of EDA Design Professionals that erosion and sediment control would be in place prior to the first rain of the season as outlined in the SWPPP. However, no erosion control and minimal sediment control were in place after the first rains. Failure to implement erosion and sediment control measures is a violation of Section C.2 of the Permit.

Erosion from the hills above the Huerhuero Creek resulted in sediment discharge into the creek (Photos 1, 2, 3, 4). No sediment or erosion control was in place to prevent sediment on the hillsides and from flowing into the Huerhuero Creek.

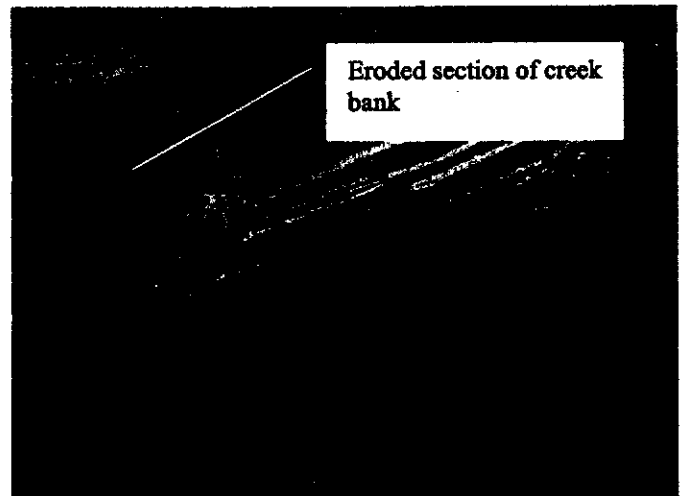
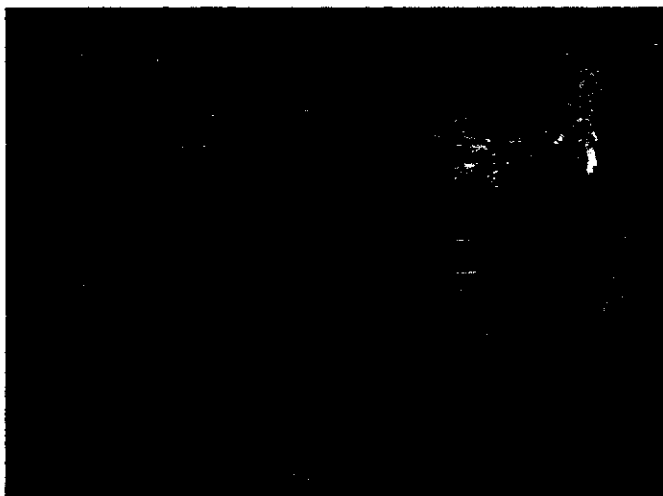


Photo 1 – Sediment flowed across road into Huerhuero Creek. Photo 2 – Sediment on road flowing into Huerhuero Creek.



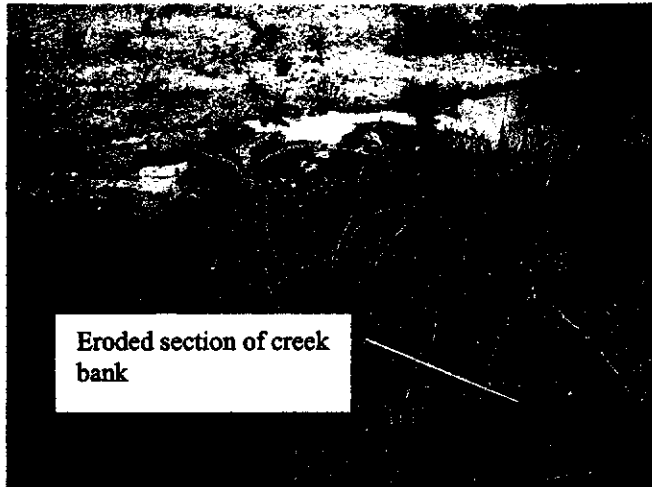


Photo 3 – Sediment and water from site in creek.



Photo 4 – View from within the creek.

Widespread gully erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 5, 6). Some sediment control measures appeared to have been installed after the first rain event within the tributary creek (Photo 7). However, there was no erosion or sediment control on the cleared hillsides. Sediment and erosion controls should be in place to protect the creek. Installation of sediment controls within the creek trap the sediment in the water body itself, which is detrimental to the creek.



Photo 5 – Gully erosion from hillside.

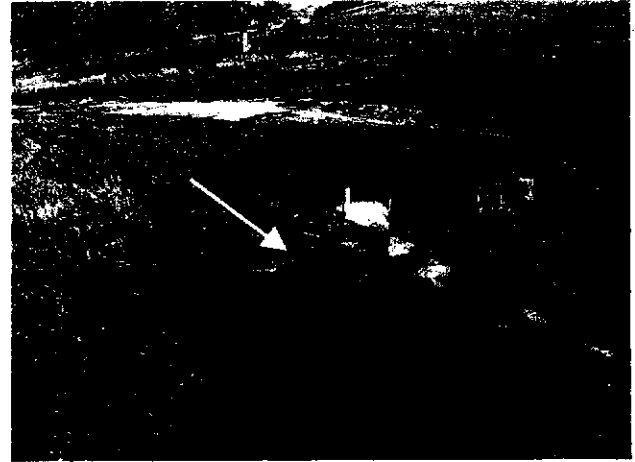


Photo 6 – Sediment flowed around check dam.

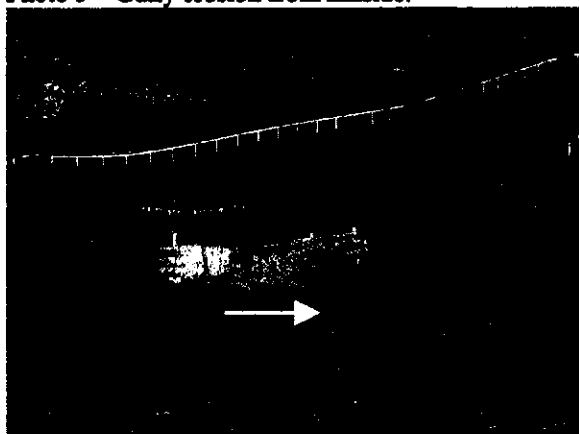


Photo 7 – Sediment in creek is lighter than surrounding soil.



General Permit Section A, paragraph 6, states in part:

"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites."

You have failed to implement an effective combination of erosion and sediment control as required by the Permit, resulting in surface water sediment discharges.

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

Please note that correspondence to our office after December 6, 2002 should be sent to 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,



For: Roger W. Briggs
Executive Officer

cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

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Gray Davis
Governor

March 11, 2003

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; KELEGIAN RANCH PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID #3 40S319350

Dear Mr. Kelegian:

On March 4, 2003, Ryan Lodge and Jennifer Bitting of my staff inspected the Kelegian Ranch Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed widespread erosion, and overwhelmed sediment control BMPs (Photos 1, 2). The nearby Huerhuero Creek and a nearby-unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.



Photo 1 – Eroded hillside draining toward creek.

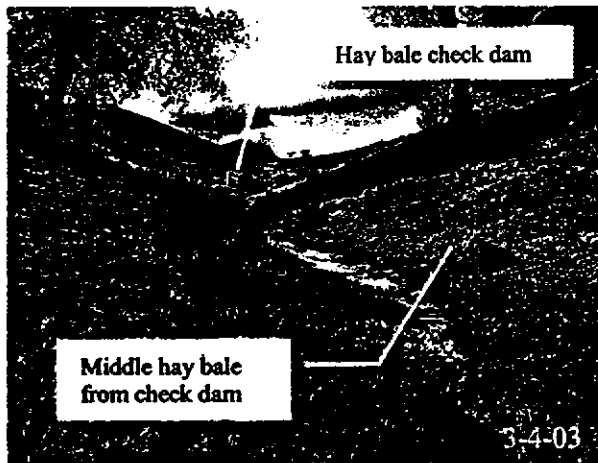


Photo 2 – Hay bale check dam in blue line creek, middle hay bale pushed downstream.

Site erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 3, 4). Some sediment control measures were installed within the tributary creek. Hay bales and straw wattles installed across the directional flow of water are not BMPs. Sediment and erosion controls should be in place to protect the creek. Installation of sediment controls within the creek trap the sediment in the water body itself, which is detrimental to the creek.

The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. Your site SWPPP indicates that you will:

- Install straw wattles as shown on the erosion control plan.
- Install enviroberm porous sediment control as shown on the erosion control plan.
- Remove accumulated sediment from berms and other sediment control devices.

California Environmental Protection Agency



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
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March 11, 2003

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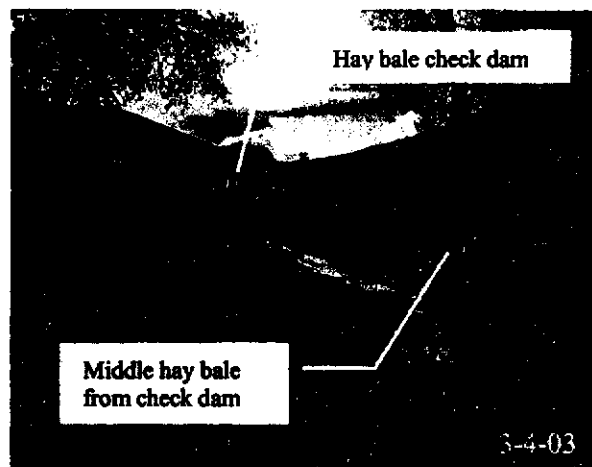


Photo 2 – Hay bale check dam in blue line creek, middle hay bale pushed downstream.

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- Install straw waddles as shown on the erosion control plan.
- Install enviroberm porous sediment control as shown on the erosion control plan.
- Remove accumulated sediment from berms and other sediment control devices.

California Environmental Protection Agency



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You have not installed straw wattles and enviroberm sediment controls as shown on the erosion control plan, or removed accumulated sediment from sediment control devices that are in place as outlined in your SWPPP. Sediment controls are ineffective once filled with sediment (Photo 3).

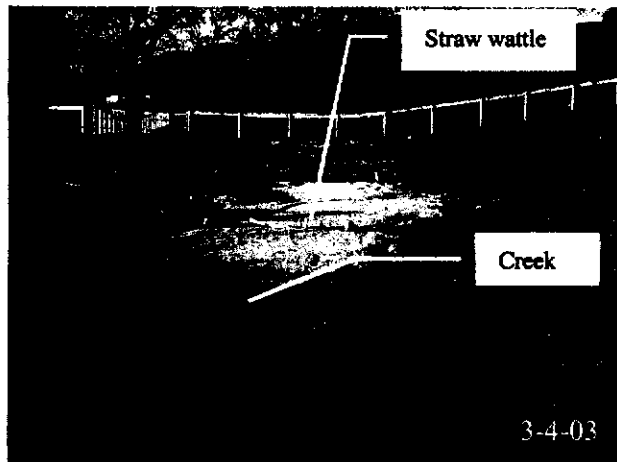


Photo 3 – Overwhelmed straw wattle in blue line creek.

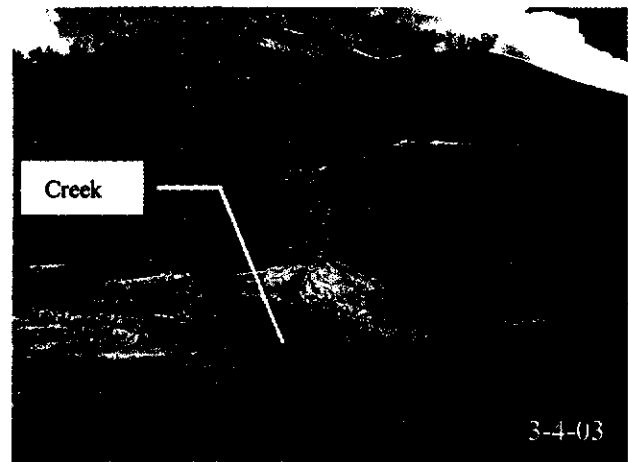


Photo 4 – Sediment from hillside flowing into creek. The creek flows from right to left.

General Permit Section A, paragraph 6, states in part:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites.”

You have failed to implement an effective combination of erosion and sediment control as required by the Permit, resulting in surface water sediment discharges. You are required to install effective erosion and sediment controls to protect area creeks immediately. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. You must submit an updated copy of your SWPPP, with an implementation schedule by March 21, 2003.

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

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Executive Officer

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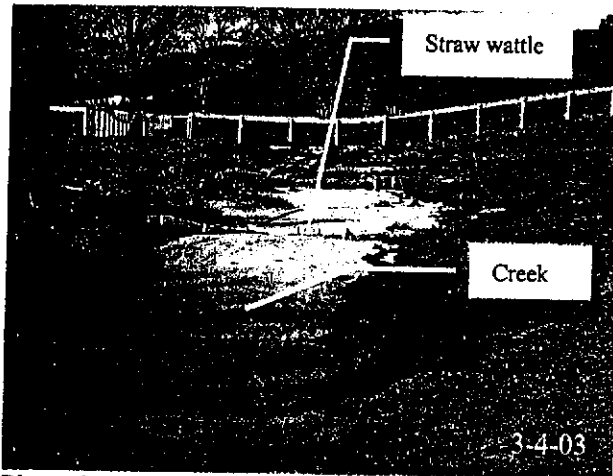


Photo 3 – Overwhelmed straw wattle in blue line creek.

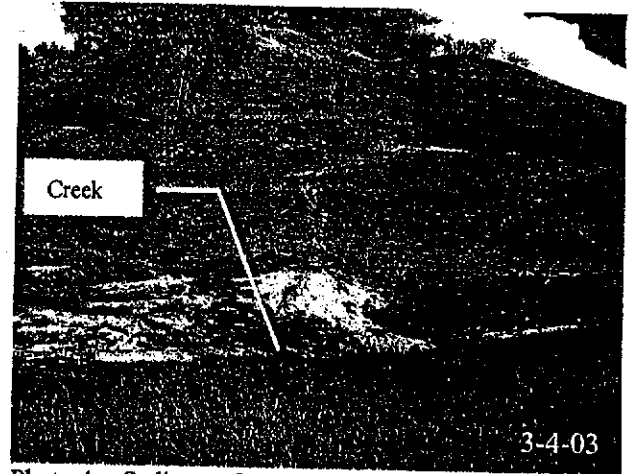


Photo 4 – Sediment from hillside flowing into creek. The creek flows from right to left.

General Permit Section A, paragraph 6, states in part:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites.”

You have failed to implement an effective combination of erosion and sediment control as required by the Permit, resulting in surface water sediment discharges. You are required to install effective erosion and sediment controls to protect area creeks immediately. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. You must submit an updated copy of your SWPPP, with an implementation schedule by March 21, 2003.

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,

Roger W. Briggs
Executive Officer

California Environmental Protection Agency



Recycled Paper

cc: **Todd Tognazzini**
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

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California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

February 21, 2003

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; KELEGIAN RANCH PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY

Dear Mr. Kelegian:

On December 17 and 20, 2002, Ryan Lodge of my staff inspected the Kelegian Ranch Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed sediment being discharged into the Huerhuero Creek and an unnamed tributary to the Huerhuero Creek. The Huerhuero Creek and the unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment. Section A.2 of the Permit prohibits discharges of sediment to surface waters.

We issued a Notice of Violation on November 25, 2002. The Notice of Violation outlined our concerns with the lack of site erosion and sediment control and summarized Permit violations. The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. However, minimal and inadequate erosion and sediment controls were in place as of the December inspections. Failure to implement effective erosion and sediment control measures is a violation of Section C.2 of the Permit.

Erosion from the hills above the Huerhuero Creek resulted in sediment discharge into the creek (Photos 1, 2). Minimal erosion and sediment controls were in place to prevent sediment on the hillsides from flowing into the Huerhuero Creek.

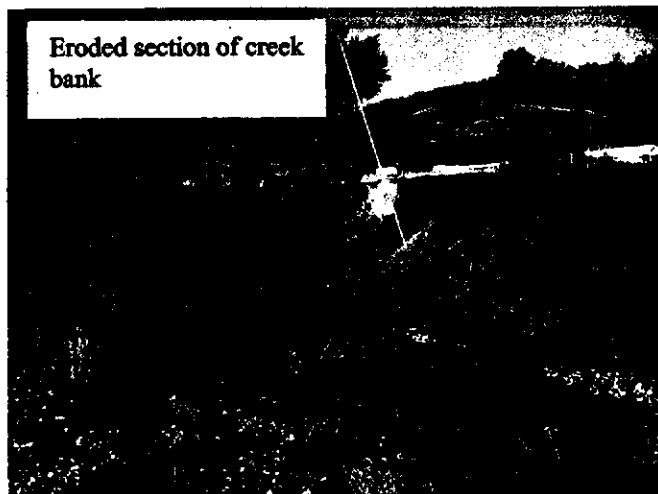


Photo 1 - Sediment flowed into Huerhuero Creek.



Photo 2 - Sediment overtopping check dam.

California Environmental Protection Agency



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Widespread gully erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 3, 4). Some sediment control measures were installed within the tributary creek. Hay bales and straw waddles installed across the directional flow of water are not BMPs. There was no erosion or sediment control on the cleared hillsides. Sediment and erosion controls should be in place to protect the creek. Installation of sediment controls within the creek trap the sediment in the water body itself, which is detrimental to the creek.

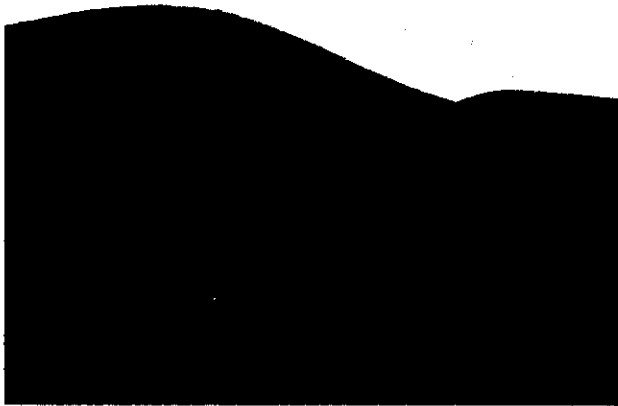


Photo 3 – Gully erosion from hillside.

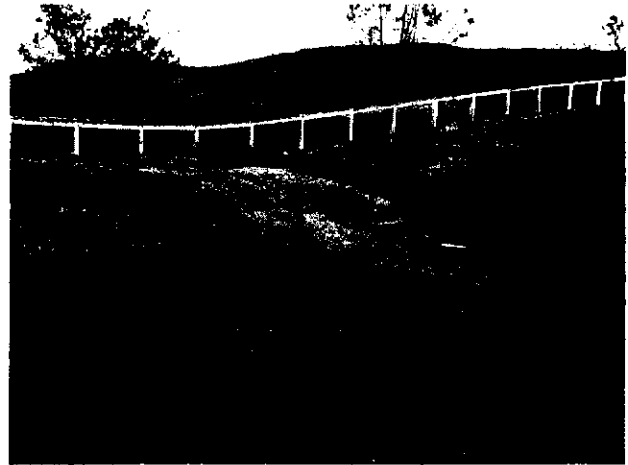


Photo 4 – Sediment overwhelmed hay bale check dam.

General Permit Section A, paragraph 6, states in part:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites.”

You have failed to implement an effective combination of erosion and sediment control as required by the Permit, resulting in surface water sediment discharges. You are required to install effective erosion and sediment controls to protect area creeks immediately. Erosion control BMPs may include bonded fiber matrix, blankets, mulch, straw, or other means that prevent erosion.

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,

Roger W. Briggs
Executive Officer

California Environmental Protection Agency



Recycled Paper

Widespread gully erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 3, 4). Some sediment control measures were installed within the tributary creek. Hay bales and straw waddles installed across the directional flow of water are not BMPs. There was no erosion or sediment control on the cleared hillsides. Sediment and erosion controls should be in place to protect the creek. Installation of sediment controls within the creek trap the sediment in the water body itself, which is detrimental to the creek.



Photo 3 – Gully erosion from hillside.

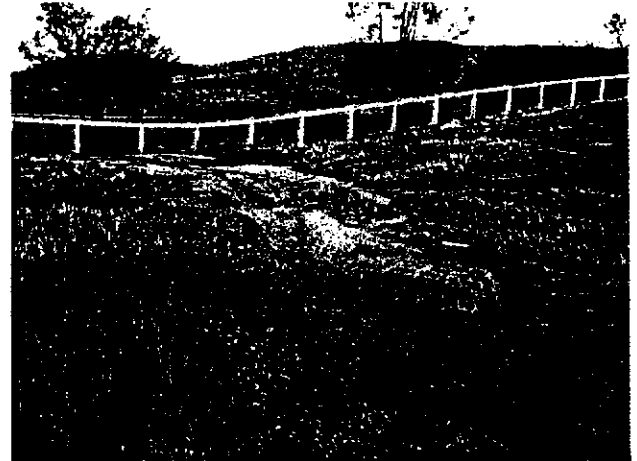


Photo 4 – Sediment overwhelmed hay bale check dam.

General Permit Section A, paragraph 6, states in part:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites.”

You have failed to implement an effective combination of erosion and sediment control as required by the Permit, resulting in surface water sediment discharges. You are required to install effective erosion and sediment controls to protect area creeks immediately. Erosion control BMPs may include bonded fiber matrix, blankets, mulch, straw, or other means that prevent erosion.

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If you have any questions regarding this matter, please call Ryan Lodge at (805) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,


Roger W. Briggs
Executive Officer

California Environmental Protection Agency



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cc: Todd Tognazzini
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San Luis Obispo, California 93401

S:\WB\Central Watershed\Storm Water\Construction\NOVs\Creston\KalegianNOV 2-11-03





California Regional Water Quality Control Board
Central Coast Region



file

Winston H. Hickox
 Secretary for
 Environmental
 Protection

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Gray Davis
 Governor

April 3, 2003

Haig Kelegian
 26 Sunset Cove
 Newport Cliffs, CA 92657

**REVIEW OF STORM WATER POLLUTION PREVENTION PLAN; KELEGIAN RANCH
 PROPERTY; SANTA MARGARITA; WDID# 3 40S319350**

Dear Mr. Kelegian:

Regional Board Staff have reviewed the Storm Water Pollution Prevention Plan (SWPPP) for the above named construction site. These documents are required by Sections A and B of the General Construction Activities Storm Water Permit (General Permit). Included with this letter is the staff review sheet, which outlines the required elements for the SWPPP and Monitoring Program.

Please review this sheet and address any items checked off in the "Not Included" or "Incomplete" columns. These items of deficiency must be addressed in your SWPPP or Monitoring Program, as applicable. Your SWPPP is not complete, until it fully complies with the General Permit requirements. The applicable sections of the General Permit are indicated on the review sheet, for your reference. If an item is not applicable to your particular facility, please indicate as such in your SWPPP or Monitoring Program. You are not required to submit revised copies of the SWPPP and Monitoring Program; however, they must be maintained on site at all times. The revised SWPPP and Monitoring Program will be checked for completeness during our next site visit.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 549-3698 or Jennifer Bitting at (805) 549-3334.

Sincerely,

For: Roger W. Briggs
 Executive Officer

Enclosure: SWPPP and Monitoring Program Review Sheet

cc: See attached list

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California Environmental Protection Agency



cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
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STORM WATER POLLUTION PREVENTION PLAN AND MONITORING PROGRAM REVIEW SHEET

GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT

ORDER NO. 99-08-DWQ
NPDES PERMIT NO. CAS000002

CONSTRUCTION SITE NAME: Keleogian Ranch Property

WDID# 3 405319350

REVIEW DATE: 4-3-03

FACILITY CONTACT

Name Dave Williams
 Title Developer
 Company Creston Real Estate
 Street Address _____
 City, State _____
 Zip _____

CONSULTANT CONTACT

Name Jeff Emrick
 Title PE
 Company EDA Design Professionals
 Street Address 1998 Santa Barbara St.
 City, State San Luis Obispo CA
 Zip 93401

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

		N/A	Included	Not Included	Incomplete	Pg. No. / Comments
Vicinity Map (narrative or graphic) <i>A.5.a.1</i>						
Major roadways, geographic features or landmarks	A.5.a.1		X			
Site perimeter	A.5.a.1		X			
Geographic Features	A.5.a.1		X			
General topography	A.5.a.1		X			
Site Map (narrative or graphic) <i>A.5.a.2</i>						
Site perimeter	A.5.a.2		X			
Existing and proposed buildings, lots, and roadways	A.5.a.2	X				
Storm water collection and discharge points	A.5.a.2	X				
General topography before and after construction	A.5.a.2		X			
Anticipated discharge location(s)	A.5.a.2	X				
Drainage patterns	A.5.a.2		X			
Relevant drainage areas	A.5.a.2		X			
Temporary on-site drainages	A.5.a.2	X				

Items in second column refer to specific sections of the General Permit

Reviewer R. Lohle

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

		N/A	Included	Not Included	Incomplete	Pg. No. / Comments
Drainage		A.5.b.1				
Drainage patterns	A.5.b.1		X			
Slopes after major grading	A.5.b.1	X				
Calculations for storm water run-on	A.5.b.1					
BMPs that divert off-site drainage from going through site	A.5.b.1			X		
Storm Water Inlets		A.5.b.2				
Drainage patterns to storm water inlets or receiving water	A.5.b.2		X			
BMPs that protect storm water inlets or receiving water	A.5.b.2		X			
Site History		A.5.b.3				
Description of toxic materials treated, stored, or spilled on site	A.5.b.3			X		
BMPs that minimize contact of contaminants with storm water	A.5.b.3			X		
Location of Areas Designated for:		A.5.b.4				
Soil or waste storage	A.5.b.4			X		
Vehicle storage & service	A.5.b.4	X				
Construction material loading, unloading, and access	A.5.b.4	X				
Equipment storage, cleaning, maintenance	A.5.b.4	X				
BMP Descriptions for:		A.5.b.5				
Waste handling and disposal areas	A.5.b.5	X				
On-site storage and disposal of construction materials and waste	A.5.b.5	X				
Min. exposure of SW to construction materials, equipment, vehicles, waste	A.5.b.5	X				
Post Construction BMPs		A.5.b.6				
Description	A.5.b.6			X		
Location	A.5.b.6			X		
Parties responsible for long-term maintenance	A.5.b.6			X		
Additional Information		A.5.c				
Description of other pollutant sources and BMPs	A.5.c.1	X				
Preconstruction control practices	A.5.c.1	X				
Inventory of materials and activities that may pollute storm water	A.5.c.2	X				
BMPs to reduce/eliminate potential pollutants listed in the inventory	A.5.c.2	X				
Runoff coefficient (before & after)	A.5.c.3		X			
Percent impervious (before & after)	A.5.c.3	X				
Copy of the NOI and WDID #	A.5.c.4			X		
Construction activity schedule	A.5.c.5	X				
Contact information	A.5.c.6			X		

NOI before
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was 0.4 but
NO NOI

Items in second column refer to specific sections of the General Permit

Reviewer K Lodge

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

		N/A	Included	Not Included	Incomplete	Pg. No. / Comments	
EROSION CONTROL		A.6					
<i>The SWPPP shall include:</i>		A.6.a-c					
Areas of vegetation on site	A.6.a.1		X				
Areas of soil disturbance that will be stabilized during rainy season	A.6.a.2		X				
Areas of soil disturbance which will be exposed during any part of the rainy season	A.6.a.3	X					
Implementation schedule for erosion control measures	A.6.a.4		X				
BMPs for erosion control	A.6.b		X				
BMPs to control wind erosion	A.6.c		X				
SEDIMENT CONTROL		A.8					
Description/illustration of BMPs to prevent increase of sediment load in discharge	A.8		X				
Implementation schedule for sediment control measures	A.8		X				
NON-STORM WATER		A.9					
Description of non-storm water discharges to receiving waters	A.9	X					
Locations of discharges	A.9	X					
Description of BMPs	A.9	X					
Name and phone number of person responsible for non-storm water management	A.9	X					
POST-CONSTRUCTION		A.10					
Description of BMPs	A.10			X			
Operation/Maintenance of BMPs after project completion (including funding)	A.10			X			
MAINTENANCE, INSPECTIONS, AND REPAIR		A.11					
Name and phone number of person responsible for inspections	A.11			X			
Complete inspection checklist: date, weather, inadequate BMPs, visual observations of BMPs, corrective action, inspector's name, title, signature	A.11.a-f			X			
OTHER REQUIREMENTS		A.12-16					
Documentation of all training	A.12			X			
List of Contractors/Subcontractors	A.13			X			

Items in second column refer to specific sections of the General Permit

Reviewer K. Lodge

SECTION B: MONITORING AND REPORTING REQUIREMENTS

		N/A	Included	Not Included	Incomplete	Pg. No. / Comments
Description of Site inspection Plans	B.3		X			
Compliance certification (annually 7/1)	B.4	X				
Noncompliance reporting	B.5			X		
Keep records of all inspections, compliance certifications, and noncompliance reports on site for a period of at least three years	B.6			X		

SECTION C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITIES

Signed Certification	C.9,10		X	---		
Indication of WDID #?	-		X			

Signed copy submitted 4-1-03

General Comments:

SWPPP has not been signed and does not contain inspection checklist training information, contact information. Some required parts of the SWPPP are not included and should be addressed whether they are applicable or not.

INTERNAL MEMO
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401

ORIGINAL SIGNED BY

TO: Chris Adair

FROM: Mark Angelo

DATE: April 1, 2004

SIGNATURE:

SUBJECT: Assessment of Sediment Conditions and Possible Impacts to Beneficial Uses from Sediment on the Kelegian and Pierson Properties

As you requested, I accompanied Jennifer Bitting and Bruce Paine from our office to the Pierson and Kelegian properties in order to assess sediment conditions and possible beneficial use impacts in watercourses that may have received excessive sediment from grubbing activities on the above properties. We visited the properties on Friday, March 26, 2004. Brad Hagemann from our office and the owners' representatives Jeff Emrick (Principal Project Manager) and Josie Joosten (Project Coordinator) from Engineering Development Associates, Inc. of San Luis Obispo also accompanied us.

My observations are given below for each property and my general findings are given in the last section of this memo.

Pierson Property

The Pierson property lies about 6 miles northeast of Santa Margarita in San Luis Obispo County just north of State Highway 58. The Pierson property consists of the Sec. 36, T.28.S, R.13.E, MDBM, Assessor's Parcel Number 043-291-001 (approx 674 acres).

Average annual rainfall for the property is 14 inches with elevations ranging from approximately 1160 ft along the Middle Branch of Huerhuero Creek to 1857 ft along the western boundary of the property. The property consists of steep canyons with intervening ridgelines with steep slopes along Middle Branch of Huerhuero Creek (see Figure 1). Soils found on the property are primarily coarse sandy loams on steep slopes. Natural vegetation consists of chaparral with oaks and pine in some areas. The soil erodibility factor (k-factor in Table 1) is a measure of the susceptibility of a soil to particle detachment and transport by rainfall. The possible range of values of the k-factor is 0.02 to 0.69. The higher the value, the more susceptible the soil is to erosion.

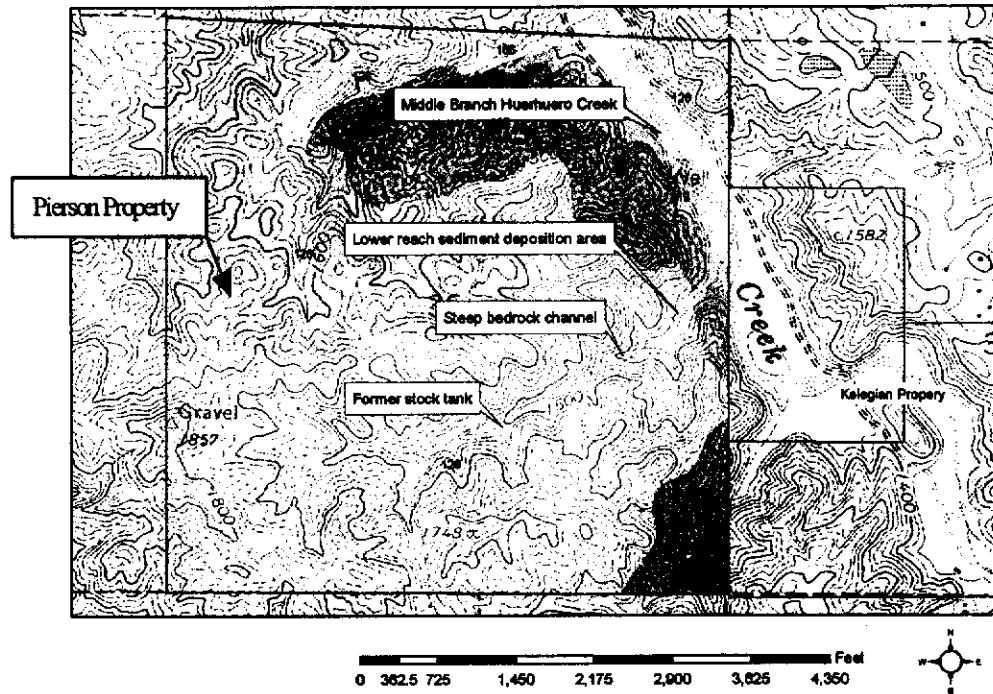


Figure 1 Pierson property showing soil units with 7.5-minute quad background (Soil Map Units on the map correspond to Soil Map Units in Table 1)

Table 1 Soils on Pierson Property

Map Symbol	Soil	Slope (%)	K-factor	Erosion Hazard	Approx Area (Acres)
126	Cieneba coarse sandy loam	30 to 75	0.24	Very High	346
127	Cieneba-Andregg coarse sandy loams	30 to 75	0.24, 0.24	Very High	96
128	Cieneba-Vista coarse sandy loams	30 to 50	0.24, 0.28	Very High	156
166	Metz loamy sand	0 to 5	0.17	Slight	4
212	Xerofluvents-Riverwash association				26

The area that was grubbed is the located along the ridgeline and steep slopes south of the unnamed tributary. Approximately 40 acres of the 674-acre site were grubbed during the summer of 2002.

I evaluated portions of an unnamed tributary to the Middle Branch of Huerhuero Creek (see Figure 1). Sediment deposits were noted in the lower reach, two small side channels and in an area of a former stock tank. The soils in the grubbed area are primarily Cieneba coarse

sandy loam that corresponds with the grain size of the sediment deposited in the unnamed tributary.

I observed freshly deposited, as well as previously deposited sediment in the lower reach of the unnamed tributary (see Figure 2 and Figure 3). The lower reach is defined as the area downstream of a section of steep bedrock channel and upstream of the confluence with the Middle Branch of Huerhuero Creek, and is approximately 1000 feet long. Unconsolidated sediment depths ranged up to 16 inches in the area depicted in Figure 2 and up to 10 inches in the area depicted in Figure 3. The width of sediment deposit in Figure 2 is approximately 21 feet and in Figure 3 is approximately 4.5 feet. Just downstream of the of the bedrock channel, there is an area that exhibited sediment deposition with subsequent downcutting (see Figure 4). The original deposition was 20 inches deep and 6.5 feet wide and was subsequently downcut a depth of 14 inches and a width of 5 feet.

Moving upstream, between the bedrock channel and the former stock tank, the slope of the watercourse is such that sediment is mostly transported through this section and not much sediment deposition occurs. The whole length of this section was not evaluated, but where it was evaluated (see Figure 5), small pockets of sediment were observed between areas where no deposition occurred. The length of this section is approximately 1200 feet.

In the area of the former stock tank, I noted sediment deposition in the unnamed tributary (see Figure 6) as well as a side drainage that drains part of the grubbed area (see Figure 7). A ranch road that runs parallel to the watercourse and two steep side roads intersect the main road adjacent to the stock tank (see Figure 8) contribute to the sediment load. A small gully system with headcuts has developed in the old sediment deposits within the former stock tank. The gullies form as the watercourse adjusts to a new base level caused by the breaching of the old earthen dam (see Figure 9).

Further upstream, where the ranch road crosses the watercourse, no new sediment deposits were observed. The area above this point had not been grubbed.

One last observation. Grubbing activities along the ridge may have functioned as a firebreak in the 2002 wildland fire that burned the adjacent watershed.



Figure 2 Pierson Property - Sediment deposition in unnamed tributary just upstream of confluence w/Middle Branch Huerhuero Creek (looking upstream)



Figure 3 Pierson Property - freshly deposited sediment in lower reach unnamed tributary - just upstream of section in Figure 2 (looking upstream)



Figure 4 Pierson Property - sediment deposition with subsequent downcutting in unnamed tributary - close-up



Figure 5 Pierson Property - Small areas of sediment deposition between clear areas – reach located between bedrock channel and former stock tank. Note moisture at bottom of photo. This was the only length of watercourse (approx. 10 feet) observed with surface water.



Figure 6 Pierson Property – Small gully with headcut in former stock tank with some sediment deposition in foreground.



Figure 7 Pierson Property - sediment deposition in side drainage to unnamed tributary just upstream of confluence at former stock tank



Figure 8 Pierson Property - Looking SE into unnamed tributary (former stock tank in middle distance)



Figure 9 Pierson Property - Earthen dam with breach at former stock tank (looking downstream)

Kelegian Property

The Kelegian property lies about 6 miles northeast of Santa Margarita in San Luis Obispo County a little ways off of State Highway 58. The Kelegian Property consists of the S $\frac{1}{2}$, Sec. 31, T.28.S, R.14.E, MDBM and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 31, T.28.S, R.14.E, MDBM. It is composed of Assessor Parcel Numbers (APN) 43-301-01 (approx 305 acres) and APN 43-301-02 (approx 107 acres). The total acreage of the property is approximately 412 acres.

Average annual rainfall for the property is 14 inches with elevations ranging from approximately 1180 ft along the Middle Branch of Huerhuero Creek to 1700 ft at some isolated spots along the southern boundary of the property. Steep slopes occur along the Middle Branch of Huerhuero Creek while the upper part of the property consists of gently rolling hills (see Figure 10). Soils found on the property are primarily coarse sandy loams with some fine sandy loams found along the intermittent blue-line watercourse on the upper eastern portion of the property. The soil erodibility factor (k-factor in Table 2) is a measure of the susceptibility of a soil to particle detachment and transport by rainfall. The possible range of values of the k-factor is 0.02 to 0.69. The higher the value, the more susceptible the soil is to erosion. Natural vegetation consists of chaparral with oaks and pine in some areas.

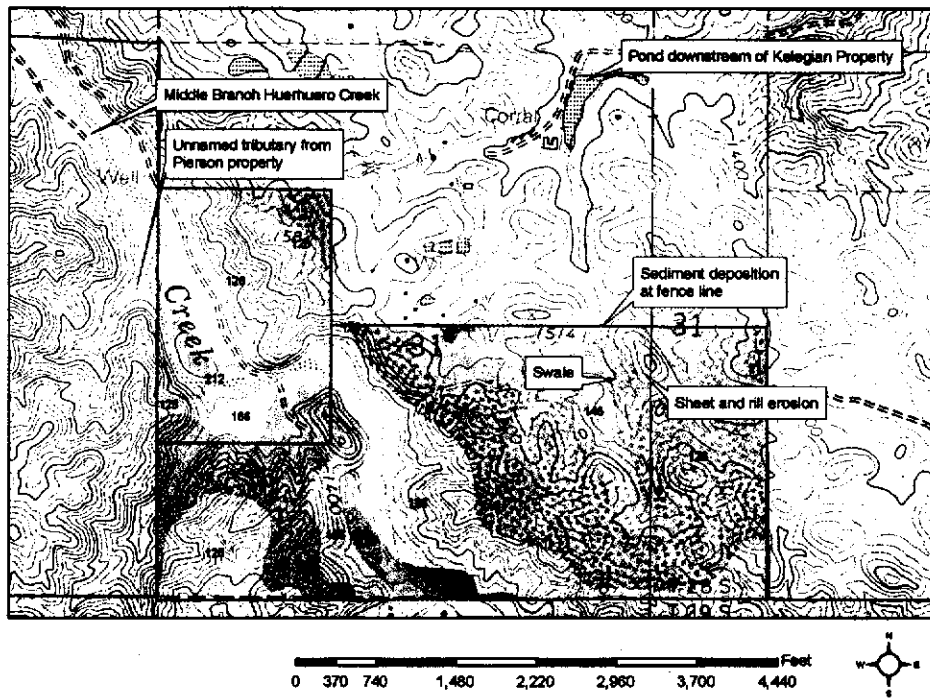


Figure 10 Kelegian property showing soil units with 7.5-minute quad background (Soil Map Units on the map correspond to Soil Map Units in Table 2)

Table 2 Soils on Kelegian property

Soil Map Unit	Soil	Slope (%)	K-factor	Erosion Hazard	Approx Area (Acres)
126	Cieneba coarse sandy loam	30 to 75	0.24	Very High	120
127	Cieneba-Andregg coarse sandy loams	30 to 75	0.24, 0.24	Very High	41
128	Cieneba-Vista coarse sandy loams	30 to 50	0.24, 0.28	Very High	104
148	Hanford and Greenfield fine sandy loam	2 to 9	0.24	Moderate	24
166	Metz loamy sand	0 to 5	0.17	Slight	19
211	Vista-Cieneba coarse sandy loams	15 to 30	0.28, 0.24	High	46
212	Xerofluvents-Riverwash association				22

The majority of the grubbed area on the Kelegian Property is located on the eastern side of the larger parcel with some occurring on a steep slope east of the Middle Branch of the Huerhuero Creek in the northeast corner of the smaller of the two parcels.

I evaluated two areas on this property. One area includes a blue-line watercourse that flows north to the East Branch of Huerhuero Creek across a fence line on the northern boundary of the property. As stated in the summary, the blue-line watercourse on the Kelegian property is more properly called a swale. It has no defined banks and it appears to be an ephemeral watercourse that runs only when run-off during storm events enters the swale. The other area was below a steep slope that drains to the Middle Branch of Huerhuero Creek.

I did not other evaluate two areas on the property that had been grubbed. These areas do not drain to the areas I evaluated, so any sediment contribution from these areas was not evaluated. These areas are located at the eastern edge of the larger parcel. On the northeast side, a grubbed area drains to the property to the north. In the southeast corner, an area drains to a blue-line watercourse that drains south towards Highway 58 and eventually to the Middle Branch of Huerhuero Creek.

I observed sediment deposits upstream of the fence (see Figure 11) located along the property line. It appears that organic matter was lodged against the fence and acted as a fairly effective barrier to sediment transport. Very little sediment was noted on the adjacent property north of the fence. The sediment deposit is fan shaped with the base located along the fence with a width of approximately 35 feet. The sediment deposit extends uphill from the fence approximately 300 feet (see Figure 12 for upper extent of deposition). Small areas of sediment deposition were observed in the swale above the larger deposit shown in Figure 11 and Figure 12. An example of the grubbed area upstream of the swale, as it appeared prior to revegetation is shown in Figure 13.

The steep slope that drains into the Middle Branch of Huerhuero Creek (see Figure 14) has been revegetated by the owner and a series of straw bale check dams have been installed to capture sediment prior to its entering the creek. No discernible impacts from this grubbed area were observed in the creek. A small length of vertical stream bank along the road below this area has failed, but this is not unusual in this type of system and it does not appear to be associated directly with the grubbing activity on the slope above.



**Figure 11 Kelegian Property - Sediment deposition along fence line, looking north to adjacent property
(Photo: Ryan Lodge March 3, 2003)**



**Figure 12 Kelegian Property - Swale upstream of fence line
(Photo: Ryan Lodge March 3, 2003)**



**Figure 13 Kelegian Property - Sheet and rill erosion prior to revegetation on slope that drains into the swale
(Photo: Ryan Lodge November 14, 2002)**



Figure 14 Kelegian Property - Grubbed area on steep slope

Comparison to Fire-Related Sediment Deposition

I have included a couple photos of watercourses that have received sediment from areas that were burned in the 2002 fire. These are presented so you can visually compare the watercourses on the two properties that I visited with the watercourse that has received increased sediment as a result of the natural disturbance regime of fire and post-fire rainfall. I did not attempt to take measurements or look at contributing areas to the watercourses in the photos below.



Figure 15 Side drainage on south side of State Route 58 showing deposition and subsequent downcutting (sediment from burn area)



Figure 16 Sedimentation in channel adjacent to Route 58 at road crossing to side channel in previous picture

General Findings

The two unnamed watercourses that I evaluated on the Pierson and Kelegian properties are assigned the beneficial uses of Aquatic Life, Recreation and Municipal and Domestic Supply (MUN) as generically designated by our Basin Plan (Chap 2, Section I, p. II-1). For these watercourses, Aquatic Life has been interpreted to mean warm fresh water habitat (WARM). Sediment (settleable solids) would most likely impact the warm fresh water habitat beneficial use, so that is what this assessment addresses. I did not attempt to assess any impacts associated with suspended sediment because no suspended sediment data was available for the watercourses and there was no running water when I visited the properties.

Impacts to the beneficial uses in Huerhuero Creek downstream of the two properties were not assessed because no sediment deposits attributable to the grubbing operations were observed and no suspended sediment data is available. The beneficial uses assigned to Huerhuero Creek include:

1. Municipal and Domestic Supply (MUN)
2. Agricultural Supply (AGR)
3. Ground Water Recharge (GWR)
4. Water Contact Recreation (REC1)
5. Non-Contact Water Recreation (REC2)
6. Wildlife Habitat (WILD)

7. Cold Fresh Water Habitat (COLD)
8. Warm Fresh Water Habitat (WARM)
9. Rare, Threatened, or Endangered (RARE)
10. Commercial and Sport Fishing (COMM)

Potential impacts from sediment to beneficial uses in Huerhuero Creek include loss of habitat, direct smothering of aquatic organisms and, for suspended sediment, interference with feeding behavior for aquatic organisms, direct physical impacts to aquatic organisms such as clogging and/or abrasion of gills, or degradation of water due to high turbidity for MUN or AGR use.

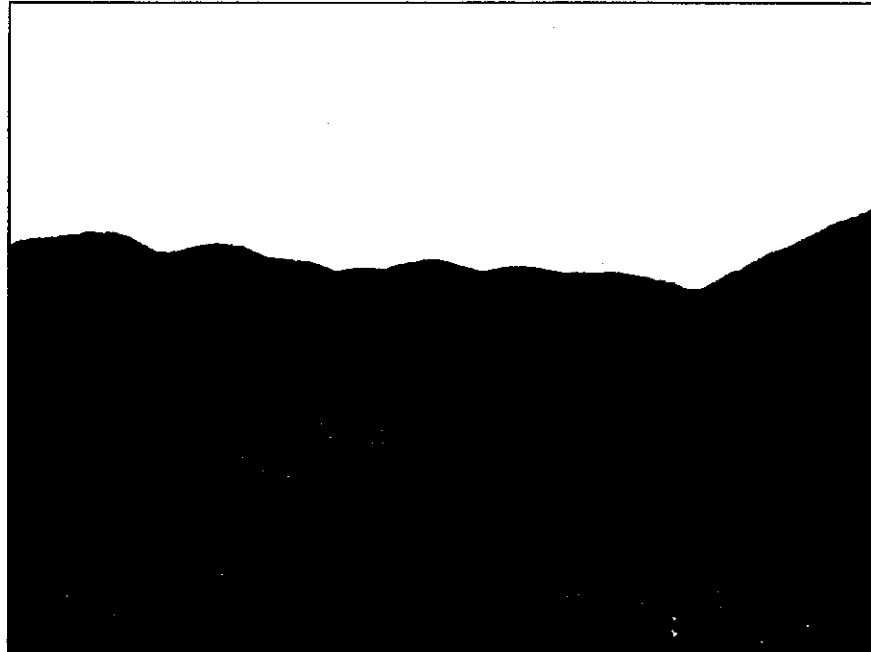
The blue-line watercourse on the Kelegian property is more properly called a swale. It has no defined banks. It appears to be an ephemeral watercourse that runs only when run-off during storm events enters the swale. The watercourse that was evaluated on the Pierson property is an intermittent watercourse. It may only run above ground during wet years, and may only do so in certain sections of the watercourse. More detailed descriptions can be found in the individual property write-ups.

Both watercourses that were evaluated contained sediment derived from the grubbing operations that were performed on the properties.

I have no knowledge of the type of aquatic community that would be found the watercourses that on the Kelegian and Pierson properties and developing this information is beyond the scope of this assessment. Without a direct knowledge of the life history requirements of the various members of the local aquatic community, no definitive statement of impacts of sediment deposition to that community can be made. That being said, potential impacts to the aquatic community include loss of specific types of habitat due to excessive sediment deposition or death of aquatic organisms due to smothering by sediment.

Although speculative in nature, some aquatic organisms may be adapted to a disturbance regime that includes periodic inputs of sediment. The area where these properties are located is subject to extremely high natural sediment inputs, especially after fires (see Figure 15 and Figure 16). Therefore, excessive sediment may cause a shift in the aquatic community in favor of those organisms that require a sandy substrate in order to flourish.

I did not observe any sediment deposits in the Middle Branch of Huerhuero Creek that I could directly attribute to the grubbing operations. This is because the creek transports naturally high sediment loads and it is not easy to discern changes to its bed composition that are caused by sediment inputs from the grubbing operations. The Middle Branch of Huerhuero Creek is approximately 200 feet across where run-off from the two sites would enter it. The creek bottom consists of particles ranging in size from fine sand to cobbles (see Figure 17). Steep cut banks supply sediment directly to the creek bed and all tributaries deliver various levels of sediment to the creek.



**Figure 17 Looking southwest from Kelegian property across Middle Branch of Huerhuero Creek at the confluence of unnamed tributary on Pierson Property (Note light green ridgeline in center of photo. This is one of the grubbed areas on the Pierson Property that has been revegetated.)
(All photos by Mark Angelo, March 26, 2004 unless otherwise noted)**

The East Branch of the Huerhuero Creek was not visited.

Observations of the main unnamed blue line watercourse on the Kelegian property and on the property just to the north of the Kelegian property led me to believe that no significant amount of sediment reached the East Branch via this watercourse. This is based on following observations:

1. Most of the sediment resulting from disturbance appears to have been deposited on the Kelegian property behind the fence at the property line,
2. Observed sediment deposits on the property immediately to the downstream and to the north is minimal,
3. There is a pond approximately 1/3 of a mile north of the property line the where most of the sediment that made it that far would settle out of the water column. Also, the distance to the East Branch of the Huerhuero Creek is approximately 1.5 miles from the northern property line along the watercourse course.

The source of the sediment in the bed of the watercourse on the Kelegian property is obvious since there is a direct connection between the grubbed land and the watercourse. The area where sediment has accumulated is limited.

On the Pierson property, the sources of the sediment are not always directly connected to the watercourse. Observations of two side drainages that were grubbed led me to believe that sediment from the grubbing entered the watercourse via these side drainages, which in turn received some of their sediment load from the grubbed areas. Other sources of sediment in this watercourse are from the ranch roads and possibly from a small area of the watershed that was burned in 2002 as part of a larger wildland fire. I observed sediment deposits in the lower section of the creek as well as at a point upstream where a side drainage enters an area that was previously used as a stock tank.

Recommendations

Some recommendations for future investigations of this type are listed below. These apply to watercourses where activities that may increase sediment supply to a watercourse have occurred:

1. Photos of watercourses should be taken. These should be taken prior to the rainy season, if possible. Follow-up photos should be taken after the rainy season. Monumented photo points should be used in order to develop a set of comparable pre- and post-rainy season photographs. The "Clean Water Team" protocol for photo documentation that has been incorporated into our Regional Sediment Assessment provides a good procedure for this.
2. An assessment of the watercourse bed conditions should be performed. This should be done prior to the rainy season, if possible. A follow-up assessment should be performed after the rainy season. This will allow for pre- and post-rainy season comparison to watercourse bed conditions. The appropriate assessment methodology would need to be selected based on the channel conditions at the site.
3. If pre- and post-rainy season data cannot be gathered, then a comparable watercourse that is not expected to have impacts from excess sedimentation should be found to use as a reference watercourse.
4. We need to develop a better knowledge base of the aquatic communities in the drier areas within our Region in order to be able to make more definitive statements of sediment impacts to Beneficial Uses.

cc. Brad Hagemann
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Jennifer Bitting
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