
Los Angeles Regional Water Quality Control Board

INSPECTION REPORT

DATE OF INSPECTION: April 12, 2017

DATE OF REPORT: April 13, 2017

REPORT PREPARED BY: Francisco Pineda, Environmental Scientist

REPORT REVIEWED BY: Pavlova Vitale, Senior Environmental Scientist; Enrique Casas, Engineering Geologist

PROPERTIES INSPECTED: Parcels 2821-002-023, 2821-009-030 and 2821-009-031

PURPOSE OF INSPECTION: To view from MRCA properties the parcels that had been graded by Mr. Wayne Fishback (parcels 2821-002-023, 2821-009-030 and 2821-009-031)

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD (REGIONAL BOARD) PRESENT DURING INSPECTION:

Francisco Pineda, Environmental Scientist and Enrique Casas, Engineering Geologist

MOUNTAIN RECREATION AND CONSERVATION AUTHORITY STAFF PRESENT DURING INSPECTION: Tony Scattaglia, Senior Ranger.

BACKGROUND:

The properties inspected are located in the Santa Susana Mountains, an unincorporated area in Los Angeles County. This area is located adjacent to Brown's Canyon Road, near land owned by the Mountains Recreation and Conservation Authority (MRCA), the Santa Monica Mountains Conservancy (SMMC), the Michael D. Antonovich Regional Park and other private properties. Mr. Wayne Fishback has been developing the parcels listed above as well as several other parcels not visible during the inspection. The development activities have consisted of clearing, grading, filling-in of natural stream courses, and disposing of construction debris. The Regional Board first inspected several of the parcels being developed on March 4, 2014. Subsequent inspections took place on May 4, 2015, on August 4 and 5, 2015, on August 10, 2015, on September 17 and 18, 2015 and on October 17, 2016. Mr. Fishback has conducted these activities without permits or authorizations from the Regional Board.

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The parcels inspected are located in the Los Angeles River Watershed, specifically in Ybarra Canyon above the confluence of Ybarra Creek and Devil's Creek. Ybarra Creek is an intermittent stream that flows through Ybarra Canyon and enters into parcels 2821-002-023, 2821-009-030, and 2821-009-031. During storm events, stormwater from large drainages on the properties flow into Ybarra Creek. Ybarra Creek is a tributary to Browns Canyon Creek, and is a water of the state and United States. The existing intermittent, and potential beneficial uses of Browns Canyon Creek are municipal and domestic water supply, ground water recharge, warm freshwater habitat, wildlife habitat, water contact recreation, and noncontact recreation. These water bodies also drain to the Los Angeles River which has beneficial uses of municipal and domestic supply, navigation, commercial and sport fishing, industrial service and process supply, groundwater recharge, warm freshwater habitat, marine habitat, wildlife habitat, migration of aquatic organisms, spawning reproduction, or early development, shellfish harvesting, wetland habitat, water contact recreation.

On February 24, 2017, in an Ex Parte Application for Clarification to the Superior Court of the State of California, County of Los Angeles – North Valley District, Mr. Wayne Fishback stated that significant soil erosion on steep terrain and hillside occurred on the property during two significant rain events that took place on February 10 through 12, 2017 and on February 17 and 18, 2017. Additionally, Mr. Wayne Fishback stated that a canyon was carved into the side of the slope on the property due to pooled water rushing over the edge of the slope. Mr. Wayne Fishback stated that this occurred due to a saboteur removing a key portion of a sandbag wall.

INSPECTION PROCEDURE:

On April 12, 2017 at approximately 9:20 AM, Regional Board staff accompanied by Mountains Recreation and Conservation Authority (MRCA) entered onto MRCA Parcels 2821-008-902 and 2821-002-905. MRCA Senior Ranger Tony Scattaglia gave consent for Regional Board staff to enter onto MRCA property and take pictures while on MRCA property. From MRCA-owned land, Regional Board staff remotely viewed Mr. Wayne Fishback's parcels 2821-009-030 and 2821-002-023, and Cepheid V, LLC owned parcel 2821-009-031, to determine the state of the property and if erosion was visible on the graded areas.

FINDINGS:

Prior to the start of the inspection Regional Board staff, Enrique Casas and I, Francisco Pineda, observed several large trucks containing what appeared to be sediment traveling on Browns Canyon Road to Mr. Wayne Fishback's properties and several large trucks traveling away from the properties.

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We accompanied MRCA Senior Ranger Tony Scattaglia into parcel 2821-008-902 which is owned by MRCA. Senior Ranger Tony Scattaglia led us to the fenced border of MRCA property to the west that is adjacent to parcel 2821-009-034, which is owned by the Alajajian Family Trust. From this point we were able to view parcels 2821-009-031 and 2821-009-030 and take photos of the erosion that had occurred on the parcels (Photo 1). The location of where we took the Photos 1, 2, 3 and 4 is shown in Map 1 labeled Photo Location 1.

We observed large trucks traveling uphill on the property to the northwest and a bobcat tractor working on a hillside on the property (Photo 2). We also observed the canyon that was carved into a graded slope during the February 2017 rain events that was referenced in the Ex Parte Application for Clarification (Photo 3). Sandbags that had fallen down the fill slope were visible (Photo 4). Photos of the slope during the October 17, 2016 inspection have been attached that illustrate the change in condition of the slope from October 17, 2016 to April 12, 2017 (Photos 5 and 6). Sandbags from the sandbag wall that had fallen down the fill slope were present during the October 17, 2016 inspection.

We proceeded to parcel 2821-002-905 which is owned by MRCA. From this parcel we were able to view Mr. Wayne Fishback's parcel 2821-002-023 to the south and southwest (Photos 7 and 8). From this point graded roads were visible running along a hilltop in parcel 2821-002-023 (Photos 7 and 8). These roads were noted in the October 17, 2016 inspection report. Deposited material that appeared to be crushed cement and sediment also was visible from this location on parcel 2821-002-023 near the access road (Photo 8). The location where we took Photos 7 and 8 is shown in Map 1 labeled Photo Location 2. Regional Board staff did not take pictures of the area shown in Photo 7 during the October 17, 2016 inspection.

END OF INSPECTION:

While attempting to leave parcel 2821-008-902 and travel to parcel 2821-002-905. Mr. Wayne Fishback pulled a pickup truck towing a trailer in front of Senior Ranger Tony Scattaglia truck. Mr. Wayne Fishback then exited his vehicle and spoke to Senior Ranger Tony Scattaglia while he videotaped the conversation using his phone. Mr. Wayne Fishback then moved to the vehicle carrying Enrique Casas and myself, while continuing to videotape. Mr. Wayne Fishback asked us who we were, and we responded that we were Regional Board staff. Mr. Wayne Fishback asked us if we saw any problems on his land. Enrique Casas responded that he saw some scouring on the slopes. Mr. Wayne Fishback then stated that was the only problem on his land. To which, Enrique Casas responded that it was difficult to determine if that was the only problem without going onto the property. Mr. Wayne Fishback also stated that a sandbag wall had been sabotaged which caused the canyon to be carved into the slope and that the inspection warrant the

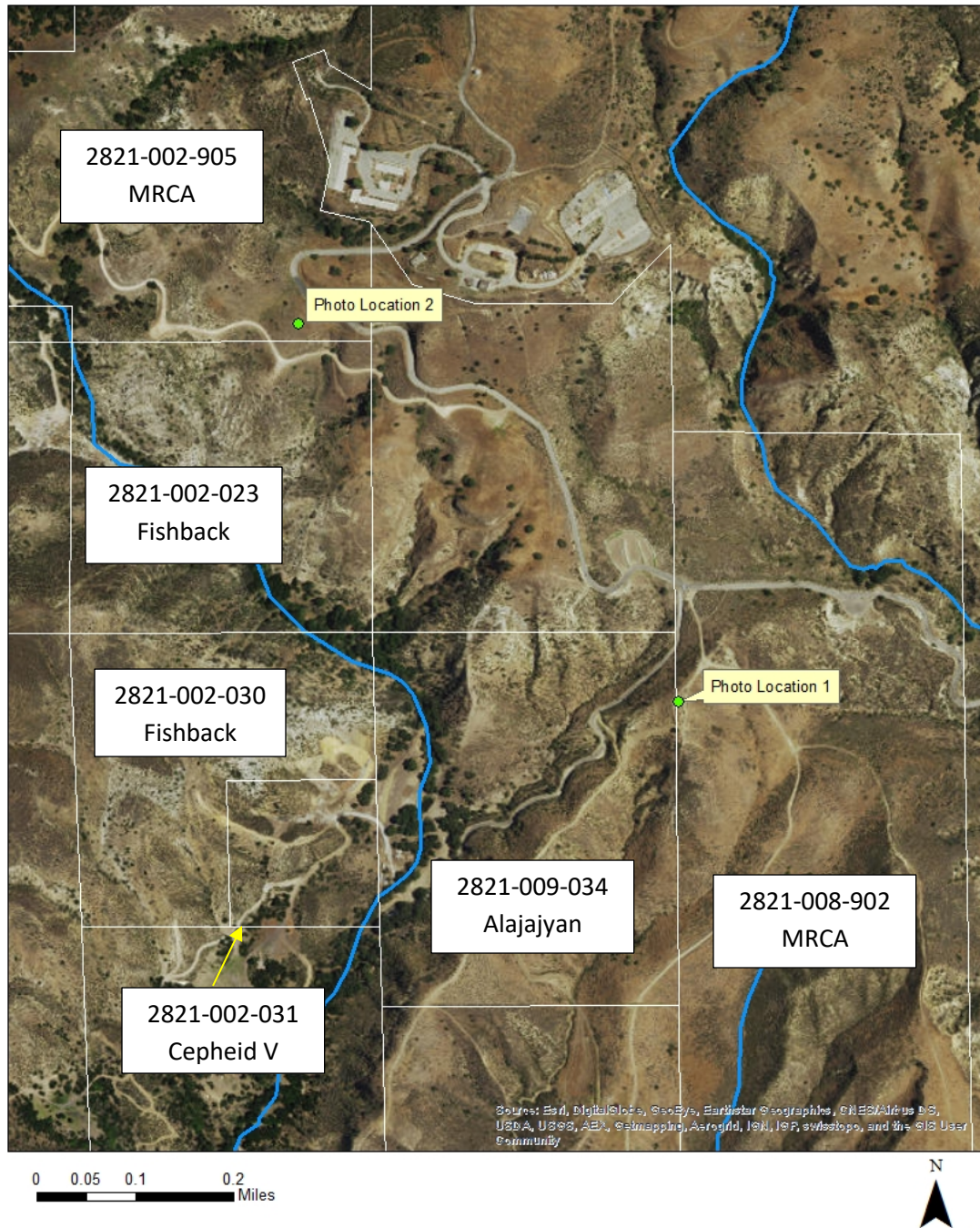
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Regional Board used for the October 17, 2016 inspection was illegal. I identified myself to Mr. Wayne Fishback and informed him that he should speak to Mr. David Coupe, Attorney for the State Water Resources Control Board if he had any questions. Senior Ranger Tony Scattaglia was able to drive around Mr. Wayne Fishback's truck and the inspection continued.

After reaching parcel 2821-002-905 we observed an SUV traveling and parking along the access road south of our location on parcel 2821-002-023. Mr. Wayne Fishback exited the vehicle along with one other person who appeared to be videotaping us. Mr. Wayne Fishback then got back into the SUV and left the area. We then concluded our inspection.

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Map 1.



Map1. Showing parcels locations, assessor identification numbers and owners. Locations of where photos were taken are labeled as Photo Location 1 and Photo Location 2, with Longitudes and Latitudes of -118 36 21.75 and 34 18 22.79, and -118 36 41.788 and 34 18 39.224, respectively.

Photo Log



Photo 1. View looking southwest from Photo location 1. Showing parcels 2821-009-030 and 2821-009-031, which are owned Mr. Wayne Fishback and Cepheid V, LLC respectively. The barbed wire fence is the border between Parcels 2821-008-902 owned by MRCA and 2821-009-034 owned by the Alajajian Family Trust. The photo was taken at Longitude -118 36 21.75 and Latitude 34 18 22.79 on April 12, 2017. The arrows indicate the location of close-up views in the following photos.

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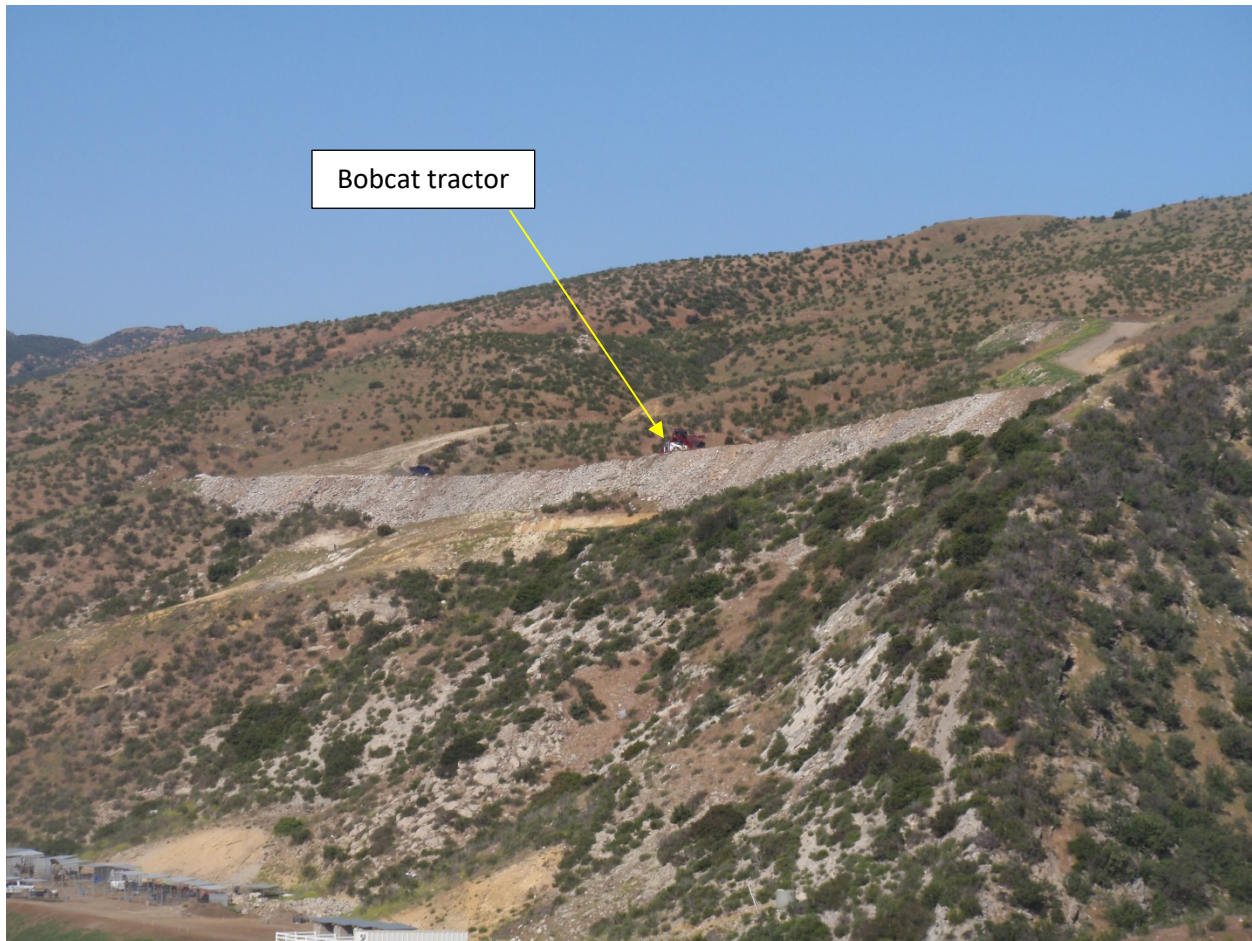


Photo 2. View looking Southwest from Photo Location 1. Showing the location of bobcat tractor doing work on a roadway previously constructed by Mr. Fishback in parcels 2821-009-030 and 2821-009-031, which are owned by Mr. Wayne Fishback and Cepheid V, LLC respectively. Haul trucks observed on Browns Canyon Road driving to the Site were seen driving to this location and discharging materials onto the roadway. The photo was taken at Longitude -118 36 21.75 and Latitude 34 18 22.79 on April 12, 2017.



Photo 3. View looking southwest from Photo Location 1. Showing canyon carved into slope in parcels 2821-009-030 and 2821-009-031, which are owned by Mr. Wayne Fishback and Cepheid V, LLC respectively. The base elevation of the large erosional scour is in the immediate vicinity of the Ybarra Creek bed. It can be inferred from this photo that all the stormwater scoured fill materials were transported into Ybarra Creek. The red arrow indicates the remnant sandbag wall, presumably the wall that Mr. Fishback alleges was sabotaged. The photo was taken at Longitude -118 36 21.75 and Latitude 34 18 22.79 on April 12, 2017.



Photo 4. View looking southwest from Photo Location 1. Close up of Photo 3. Showing the sandbags from the sandbag wall that have fallen down the fill slope. These sandbags are visible in Photo 6 and were present during the October 17, 2016 Inspection.

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Approximate location of the large erosional feature observed during the April 12, 2017 inspection. Note the sandbag wall along the slope break.

Photo 5. Showing the same area shown in Photo 3 during the October 17, 2016 inspection. Photo was taken at a different angle than Photo 3.



Photo 6. Close up of the sandbag wall along the slope break of the fill slope in Photos 3 and 4 during the October 17, 2016 inspection. The sandbag wall is above the large erosional scour that later developed during the February 2017 rainstorms. The photo shows that number sandbags from the sandbag wall have already fallen down the fill slope. The photo also shows that the sandbags, as of October 17, 2016, were deteriorated and releasing sediment so that they could not function as an effective best management practice (BMP) for subsequent winter storms.

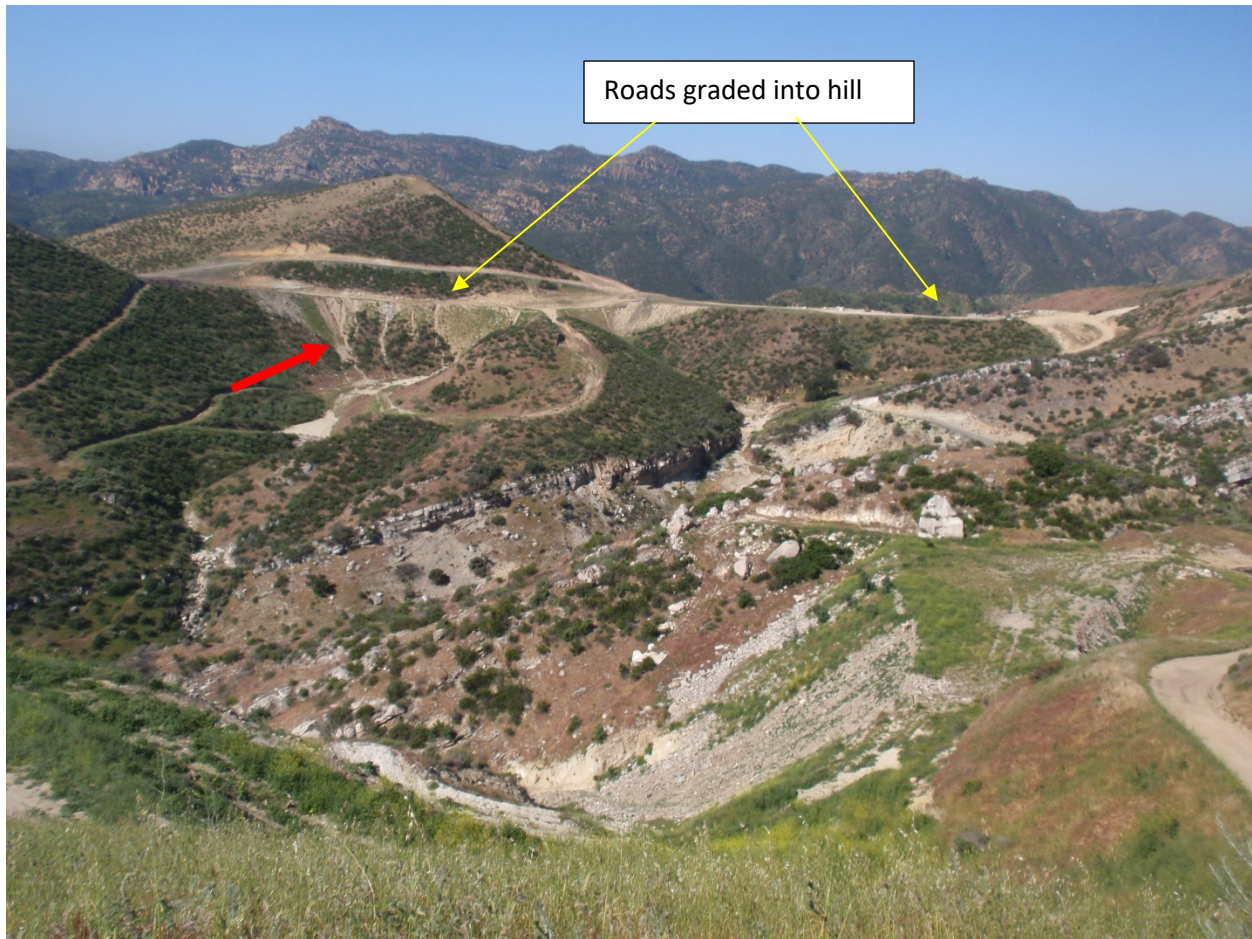


Photo 7. View looking south from Photo Location 2. Showing parcel 2821-002-023 owned by Mr. Wayne Fishback and roads graded onto hilltop in the parcel. The red arrow indicates where large erosional scours were visible in below graded roadways. The significant erosion indicates poor design or the lack of drainage controls to effectively convey stormwater from the roadways. This photo was taken from parcel 2821-002-905 owned by MRCA at Longitude -118 36 41.788 and Latitude 34 18 39.224 on April 12, 2017.

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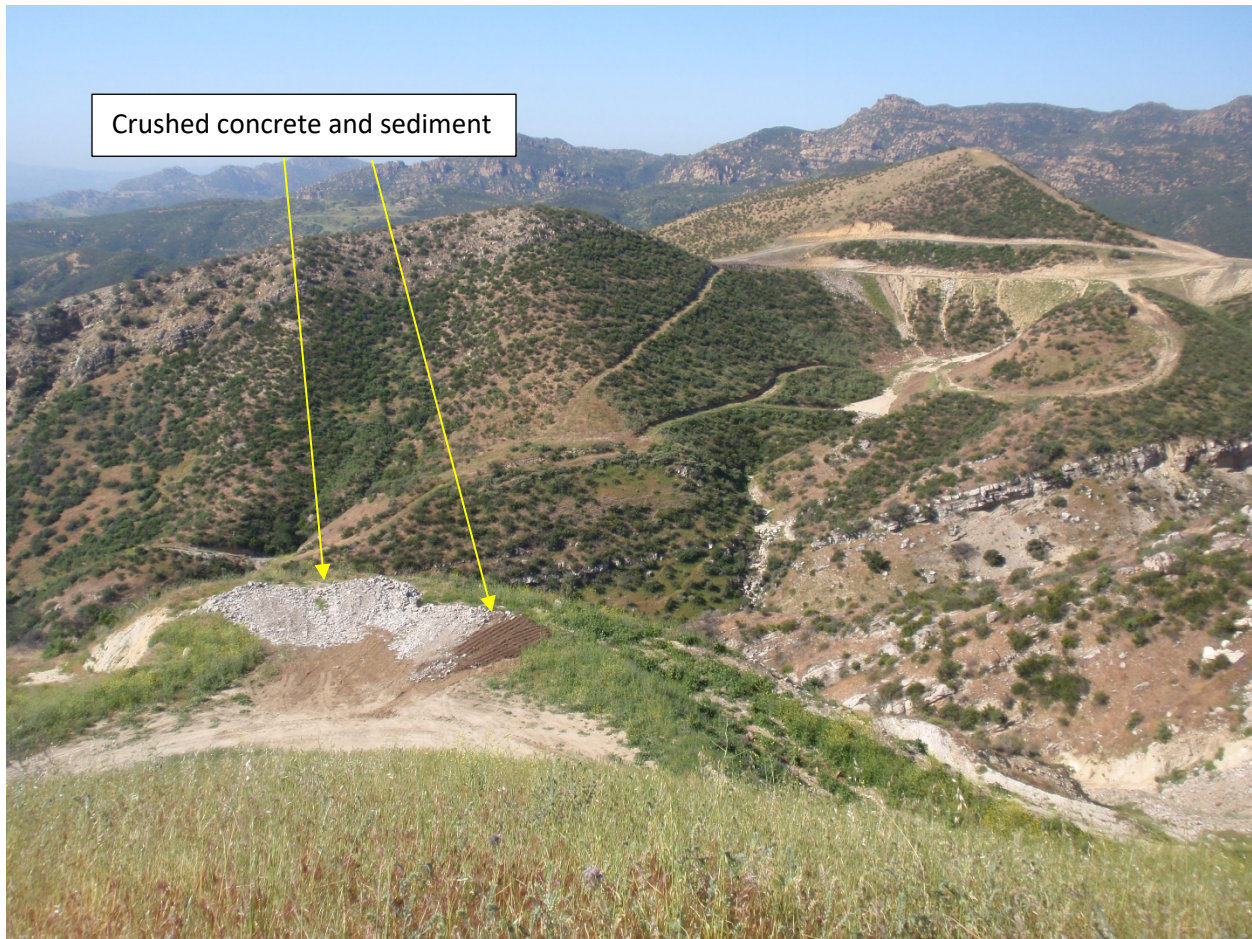


Photo 8. View looking south from Photo Location 2. Showing parcel 2821-002-023 owned by Mr. Wayne Fishback and what appears to be crushed concrete and sediment near an access road in the parcel. This photo was taken from parcel 2821-002-905 owned by MRCA at Longitude -118 36 41.788 and Latitude 34 18 39.224 on April 12, 2017.