

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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November 11, 2020

Via Electronic Mail  
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LTO# A11046

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P.O. Box 208  
Lotus, CA 95651  
LTO# A8657

Dear Mr. Ritter and LTO's:

Since October 28<sup>th</sup>, 2020, CALFIRE Forester Scott Bullock and I have been inspecting portions of the Timber Operations that your contractors/Licensed Timber Operators (LTO's) have been conducting since August of 2020. I am in receipt of your letter dated November 4, 2020. What I do agree with is that it's critical for CAL FIRE and PG&E to work together to help the utility come into compliance with numerous environmental regulations and prepare the ground you have been operating on since the fire for winter.

As we continue to inspect the Timber Operations that your company is directing, one of the most critical issues we have observed is the poor condition of what I estimate as over 17 miles of seasonal private roads that your operations have impacted. With rain forecast for this weekend and being almost 4 weeks into the designated Winter Operating Period, having this much road unprepared with the amount of use it is seeing is not appropriate. We received a slight amount of precipitation across the burn area this past weekend and more is forecast later this week. Given

*"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."*

that these roads are in Coho and Steelhead watersheds, several water districts and companies pull surface water downstream from your operations, the rainfall history of this portion of the Santa Cruz Mountains and the amount of loose sediment we've observed perched adjacent and above or within watercourses and WLPZ's, the potential for significant environmental damage is present.

Not watering seasonal roads on your operations is a common issue that we continue to observe. We see roads watered in one section one day with frequent use by your crews and no water truck returning for several days and other roads that don't appear to ever get watered. This has resulted in the loss of integrity of the road surface and excessive buildup of dust which is a significant source of sediment during initial rainfall events. We have observed this on just about all seasonal private roads associated with this operation. This is a violation of 14 CCR §§ 923.7(c). In addition to lack of maintenance of the road surface, lack of waterbar installations or cleanout of rolling dips was observed. As this is after the start of the Winter Period, this is a violation of 14 CCR §§ 916.6(a).



**Photo taken 11-4-2020 by S. Bullock Photo Point SB-2. Shows lack of road watering and waterbars on seasonal road. Note, this road segment is on Big Basin Water Co. Lands in the Boulder Creek watershed above numerous water intakes and Coho and Steelhead habitat.**

On October 30, 2020 I observed Mountain Enterprises Inc. equipment working on the westside of Swanton Road on the hill north of the Scott Creek Bridge near the old School House. The powerline parallels what appears to be a Class III watercourse for 150 yards. The current road is under the powerline and an old road bed is just west of it in a draw. Drainage has been diverted in the past into the old roadbed away from the new road and a channel has formed.

This channel meets the definition of a Class III watercourse and drains into Scott Creek 800' below. I observed evidence of runoff at this location following the slight rainfall this past weekend that transported sediment into Scott Creek which is a Class 1 stream. I observed logs deposited in the Class III channel and an excavator working directly in the channel. In discussions with the crew, they told me that they had not received any direction about dealing with the watercourse including a decision to either remove or stabilize the debris in the channel. This is a violation of both 14 CCR §§ 916.4(c)(1) and (3). It should be noted that this site is within the Coastal Zone.



**Photo taken 10-30-2020 by R. Sampson. Photo point RS-2. Shows operations in a Class III drainage.**

On October 30, 2020, while on the Redtree Properties LLC THP (1-18-179-SCR), I observed soil and debris deposited directly into Hyman Creek, a Class II drainage. Included in the grading project was a short (100') spur road on 50% slope leading to a new powerpole installed as part of the transmission line repair following the fire. The spur road had no waterbars or other drainage, was surfaced with loose fine soil and as graded storm runoff would drain down its entire length directly into Hyman Creek. There was no evidence of erosion control work at this site which normally would include removal of the soil from the stream channel along with straw or waterbars on the spur road. This is a violation of 14 CCR §§ 916.3(b).



**Photo taken 10-30-2020 by R. Sampson at Photo Point RS-3. Shows dirt and rocks from grading project on transmission line deposited directly into a Class II channel.**

During the period where active fire was burning in the San Vicente Creek area, I received reports of a crossing of San Vicente Creek, a Class I fishery, by a large tracked vehicle, possibly a bulldozer, by a PG&E contractor working to repair the transmission line. I received a photo from the Land Owner (San Vicente Redwoods, Nadia Hamey) showing evidence of that event (See below). Hamey told me that she took that photo when meeting with PG&E representatives to discuss how they were going to mitigate the damage the utility was responsible for.



**Post fire photo at Photo Point RS-4, taken by RPF Nadia Hamey. Shows track marks of equipment crossing of San Vicente Creek.**

On Friday November 7, 2020, I drove to that crossing and observed evidence of the unpermitted crossing. I also observed that some erosion control efforts had occurred to attempt to mitigate the damage to the creek and banks. I was able to observe evidence that a large tracked piece of heavy equipment had crossed through the creek and appeared to be going from east to west. This is a violation of 14 CCR §§ 916.9(e)(1), operations within a channel zone. It appeared that soil had been removed from the crossing evident in the earlier photo and that a single layer of Jute netting had been placed on the banks of the stream at the crossing site.

I recognized this site as an old abandoned crossing from an inspection I made for a THP in approximately 2003. At that time the RPF's for the 2 THP's I was inspecting told me that they were working with PG&E to stop any more use of that crossing and a restoration effort was included in those 2 plans to abandon this road. It appears to me that all of the mitigation work conducted in 2004 for those plans and over 15 years of recovery has been negated by this violation. That stream is not only a fishery but also serves as the water supply for the town of Davenport. All of this damage is within the Class I WLPZ for the current THP prepared by the landowners.

In addition, I saw evidence that the efforts to mitigate the recent damage to the watercourse were inadequate given current conditions at the site. Both approaches to this crossing are tractor roads on steep slopes with loose soil resulting from excessive use by heavy equipment without soil stabilizing measures. The amount of heavy equipment activity that occurred at this site since the fire has generated a deep layer of fine sediment that is perched upslope from this Class I watercourse.



**Photo taken 11-6-2020 by R. Sampson. Photo point RS-4. Shows tractor crossing of San Vicente Creek after previous corrective work. Note extent of jute netting only 15' each approach and bare soil not covered at base of left (west) approach.**

The hand dug waterbar on the west approach to the crossing is less than 4" deep and given the length and steepness of the skid trail above, that one stand alone, substandard waterbar is not adequate given conditions and events I've observed at that location during past winters. The eastern approach has deeper loose soils with poor drainage extending up the tractor trail for over 200'. I saw little to no filter capacity for the expected runoff. Standard protection measures required by the rules would require several waterbars that were at least 12" deep and straw mulch or slash packing to provide coverage from the channel out to the edge of the WLPZ boundary (100') on both sides.

PG&E shall provide a plan with a schedule for completion for a more appropriate level of protection for this unapproved Class I crossing of San Vicente Creek. This work should be coordinated with California Department of Fish and Wildlife and Regional Water Quality Control Board staff for any required permits from those departments.

It should be noted that THP 1-18-179-SCR, (Meylay) is an active THP and both Photo points RS-3 and RS-4 are within that THP. I talked to the RPF of record for that plan (Bissell) to confirm that the work that created the conditions that constituted the violations were not part of that Timber Operation, no work by the LTO for that plan occurred in those locations. It should also be noted that I observed road watering occurring within the plan area but I confirmed that it was only initiated by the LTO. Once the THP work had been completed, the only operational traffic on that road was by the Utility.

The PG&E Burns – Lonestar Transmission line parallels the west side of Empire Grade Road between its crossing of San Vicente Creek by Los Robles Road and a point where it crosses Empire Grade north of Camp Ben Lomond. Along that line the road had been regraded and numerous sections have fill perched adjacent of above watercourses. As the winter period started on October 15<sup>th</sup>, and there was more than 30% chance of rainfall on the day this was inspected (November 6, 2020) this is a violation of both 14 CCR §§ 914.6 and 916.9(n)



**Photo taken 11-6-2020 by R. Sampson. Photo point RS-5 looking east upslope. Shows Class III drainage with new rocky crossing but lower right is uncontrolled bare filled created during operations. Drainage across this fill (see next photo) is all directed down its length into the watercourse channel without breaks or filter.**



**Photo taken 11-6-2020 by R. Sampson. Photo point RS-5 looking south along the ROW.**

On San Vicente Redwoods property, east of gate 12, at Photo point SB-9, a known unstable area was inspected. The CAL FIRE Forester observed evidence of recently cut redwoods and equipment operations within the unstable area. This is a violation of 14 CCR §§914.2(d).



**Photo taken 11-7-2020 by S. Bullock Photo Point SB-9. Shows unstable area below Gate 12 Road.**

I noticed in some locations where violations were observed on my previous inspections contractors have initiated work to incorporate soil erosion measures before leaving the site. Most notably in the areas where I've observed Mountain Enterprises crews working, I've observed some restoration of waterbars and some strawing of bare soils. I understand that Mountain Enterprises brought in their own RPF to direct their crews in this effort. Unfortunately, I only observed that effort in a small portion of the areas where these operations occurred with Mountain Enterprises crews. If the same direction, effort and quality of work could be initiated in the rest of the work areas most of these violations would not be necessary.

The Forest Practice Rules require protection measures for Archaeological sites (14 CCR §§ 929) by Timber Operations. If a Utility ROW Exemption had been applied for, an Archaeological Records Check by the Utility would have identified at least one recorded site that currently has Timber Operations occurring on it. It is unclear if damage has occurred on that site but it is the understanding that the landowners representative informed PG&E staff about that site both prior to the fire but also prior to a majority of the disturbance to that site following the fire. Due to confidential requirements protecting Archaeological sites, the specific site location or description is precluded from being included in this letter. The Utility shall provide an accounting of what protection measures have been applied to protect this resource. During my last inspection, I noticed numerous pieces of heavy equipment still operating within the sites boundaries.

Due to the size of the CZU Lighting Fire, commitments by my staff on other issues related to the fire, this should not be considered a full accounting of all violations that exist on your operations. As time allows with other emergency work my staff is committed to, we will continue to do additional inspections. We will continue to issue our reports as we find issues.

In my previous letter dated October 30, 2020, several violations including PRC 4581, 14 CCR §§ 1104.1(c), 923.7(c), 914.7, were identified. As I pointed out, each violation that is observed and is continued to be observed on follow-up inspections would be treated as a separate count per violation per day. We are now exceeding 10 days of non-compliance with multiple violations.

Due to these violations, I must again inform you that continued Timber Operations without the appropriate permits or continued violations of the operational sections of the Forest Practice Rules could result in charges being filed with the District Attorney or Civil action by the department. I must also remind you that violations per PRC §§ 4601 and 4602 are considered misdemeanors and can be processed either criminally or civilly with penalties up to \$10,000 per count.

If you have any questions about these matters, you may contact me at the address below.

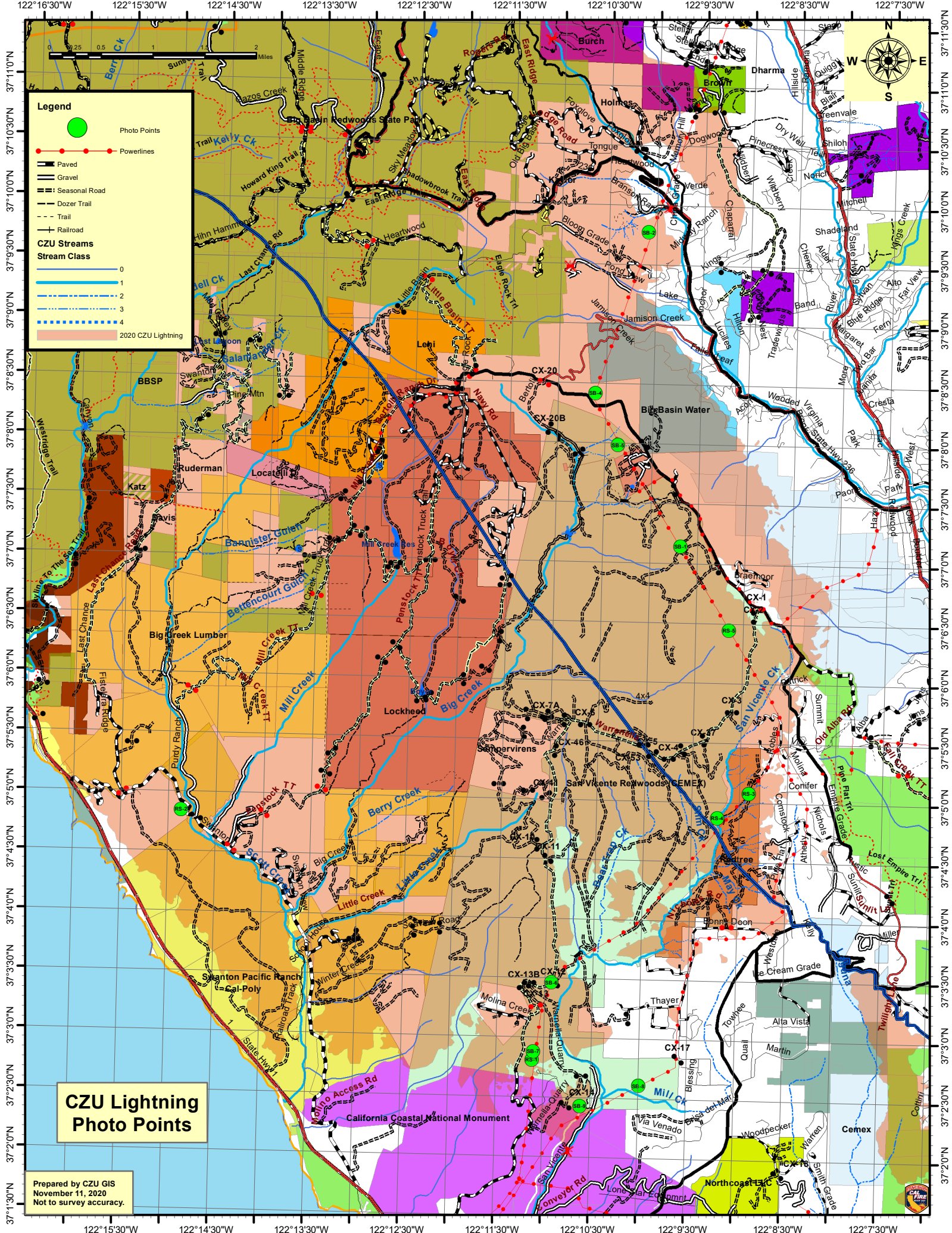
Sincerely,



Richard Sampson, RPF #2422  
Forest Practice Inspector  
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(831) 335-6740



Cc:  
Region  
Sacramento Program  
Santa Cruz County District Attorney  
California Department of Fish and Wildlife  
Regional Water Quality  
California Coastal Commission



**Legend**

- Photo Points
- Powerlines
- Paved
- Gravel
- Seasonal Road
- Dozer Trail
- Trail
- Railroad

**CZU Streams**

**Stream Class**

- 0
- 1
- 2
- 3
- 4

2020 CZU Lightning

**CZU Lightning Photo Points**

Prepared by CZU GIS  
November 11, 2020  
Not to survey accuracy.

