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**California Regional Water Quality Control Board  
North Coast Region**

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**Arnold  
Schwarzenegger**  
Governor

**Complaint Inspection Report  
Rector Frocteau Property  
25820 Comptche-Ukiah Rd. Comptche**

Date: February 1, 2010

To: Mark Alpert, Senior Engineering Geologist  
Robert Klamt, Timber Harvest Division Chief

From: Stormer Feiler, Environmental Scientist;  
Paul Keiran, Water Resource Control Engineer

Subject: Complaint inspection of Rector/Frocteau Property

Landowner: Steve Rector and Anne Carole Frocteau  
Physical Address: 25820 Comptche-Ukiah Rd.  
County: Mendocino  
APN Parcel #: 125-280-73  
Mailing Address: P.O. Box 284, Comptche, CA 95427  
Phone #: (707) 489-1877

Watershed: Navarro River, N. Branch Navarro River, John Smith Creek  
Planning Watershed 1113.500601 (Cal Water Ver. 2.2)

Violations: Potential Violation of Prohibition 2 of the Water Quality Control  
Plan for the North Coast Region (Basin Plan) Action Plan for  
Logging, Construction, and Associated Activities.

**Inspection Attendance on January 14, 2009**

The weather was sunny at the time of the inspection.

Jeanette Pedersen-CAL FIRE Division Chief, Forester II  
Andy Whitlock-CAL FIRE  
Craig Pedersen-CAL FIRE  
Chris Curtis-CAL FIRE  
Grant Lindemann-CAL FIRE  
Bob Scaglione-Mendocino County Air Quality Management District

**California Environmental Protection Agency**

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Stormer Feiler-Regional Water Board  
Paul Keiran-Regional Water Board  
Derek Roy- Special Agent NOAA/NMFS  
Michael Huyette-California Geologic Survey  
Kevin Joe-Department of Fish and Game Warden  
Randy Jacobszoon-Registered Professional Forester  
Steve Rector-Landowner

## **Introduction**

This report provides a written record of the Rector/Frocteau property (Site) January 14, 2010 inspection observations and findings.

The Site is located at 25820 Comptche-Ukiah Road. The parcel, APN # 125-280-73, is sixty-seven (67) acres in size and is part of an approved Non-Industrial Timber Management Plan (NTMP) #1-00NTMP-001 MEN. The parcel is Timber Production Zoned (TPZ). The NTMP was originally submitted and operated by the Philbrick Family Partnership after approval by California Department of Forestry and Fire Protection (CALFIRE) in accordance with the Forest Practice Act requirements. The Site was sold out of the original NTMP to the Rector/Frocteau family and has been amended into the NTMP after the sale.

The inspection conducted on January 14, 2010 occurred in response to a complaint received from CAL FIRE (November 23, 2009) regarding parcel sales transferring ownership of portions of a Non-Industrial Timber Management Plan (NTMP) to multiple parties. The CAL FIRE complaint identified possible water quality violations on the parcels sold. This report details findings and observations only associated with the inspection of the Site. During the inspection, (5) parcels associated with the CAL FIRE complaint were reviewed. Individual reports will be developed for each property inspected.

The inspection was coordinated by CAL FIRE Division Chief Jeanette Pedersen. Consent to conduct an inspection was received from the landowner, prior to the inspection. Law enforcement staffs from CAL FIRE, DFG, and National Oceanic and Atmospheric administration (NOAA) were present on the inspection.

The inspection consisted of driving and walking on the property documenting observations of roads and a impoundment constructed in an ephemeral stream. In terms of the Forest Practice Rules ephemeral streams are generally defined as a Class III stream, which is a stream capable of transporting sediment to a higher order watercourse.

A map with waypoints is provided at the end of this report to identify locations discussed. Map Point 28 identifies the Rector–Frocteau impoundment.

This report identifies potential and existing violations of the Porter Cologne Water Quality Control Act as pertaining to the authority of the North Coast Regional Water Quality Control Board. The findings and recommendations are limited to this authority. It is possible that other state agencies will establish violations and/or a record of this inspection as pertinent to their respective authorities.

### **General Description**

The Site is wooded with primarily Douglas Fir, Redwood, and Tan Oak. The property discharge begins in the headwaters of an unnamed blue line stream flowing to Johnson Creek, a blue line stream on USGS Topographic Map (Navarro 12.5 minute quadrangle). Johnson Creek is tributary to John Smith Creek, which flows to the Navarro River. The Navarro River watershed is listed as impaired on the Clean Water Act section 303(d) list due to excessive sediment and high temperatures, and a final Total Maximum Daily Load (TMDL) for both sediment and temperature has been adopted. Steelhead trout and Coho Salmon are known to reside in these water-bodies.

Johnson and John Smith Creek(s) Steelhead Trout are listed as Threatened under the Endangered Species Act and are located in the Northern California Coast Evolutionarily Significant Unit, as defined under the US Endangered Species Act, by the National Oceanic and Atmospheric Administration (NOAA).

John Smith Creek is identified as a Coho Salmon stream as recently as 1994 through in-stream surveys<sup>1</sup>. John Smith Creek Coho salmon are listed as Endangered in the Southern Oregon Northern California Coast Evolutionarily Significant Unit, as defined by the US Endangered Species Act, and referred to in the Recovery Strategy for California Coho Salmon developed by the California Department of Fish and Game. The Coho Recovery Strategy identifies John Smith Creek for sub basin erosion control and large woody debris installations to improve and recover Coho habitat.

### **Observations**

Observations described in this section are characterized with photographs that identify specific concerns; all photos were taken on January 14, 2010.

#### **Pond**

The inspection team observed an in-stream pond, formed by constructing an earthen impoundment in an intermittent blue line stream (unnamed) tributary to Johnson Creek.

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<sup>1</sup> NOAA Technical Memorandum NMFS, Historical Occurrence of Coho Salmon In Streams of the Central Coast Evolutionary Significant Unit, B. Spence et. al., October 2005

According to the landowner, the impoundment was constructed about a year and a half ago using earthen fill materials. The landowner stated that he used designs off of the internet to construct the impoundment with help from a neighbor.

The impoundment was estimated at half capacity with the water line about 12 feet (slope distance) from the bottom of the spill way outlet. The previous year's high water mark appeared to be about 4 feet above the existing location. The impoundment did not appear to have ever reached full capacity. The downstream side of the dam surface evidenced tension cracks. The tension cracks did not appear to be recent; this is based upon spider webs observed in the interior of the cracks.

### Road Surface Drainage

The inspection team noted that the inside ditch along the main access road extended for a significant distance without interruption, increasing the potential for erosion that could result in delivery to waters of the state at ditch relief breaks or watercourse or swale crossings.. No regularly spaced ditch relief breaks were observed. The main access road also includes unmaintained watercourse crossings that likely erode during rainfall events. The main access road had been recently rocked and graded with a crowned road surface. At the time of this inspection no existing violations associated with the road drainage were noted.

## Inspection Photos



1/14/2010 Rector/Frocteau Property earthen impoundment approach and surface.



1/14/2010 Rector/Frocteau Property in-stream impoundment.



1/14/2010 Rector/Frocteau Property impoundment- The photo is from the base of the fill and woody debris looking up to the top of the impoundment, a slope distance that is estimated at approximately 35-40+ feet.

