WESTERN CHAPTER
International Erosion Control Association

Western Chapter News

SERVING EROSION CONTROL PROFESSIONALS IN ARIZONA, CALIFORNIA, NEVADA AND HAWAII

Volume 10, Issue 2 **Fall 2006**

Get Ready for Ahupua'a

The Western Chapter will explore erosion control and stormwater management issues in Hawai'i in context of the ancient Hawaiian concept of *ahupua'a*. The conference will be held December 12-15, 2006, at the Sheraton Waikiki in Honolulu.

Traditional Ahupua'a. Diagram courtesy of HawaiiHistory.com

Ahupua'a is an ancient Hawaiian land division representing from the "mountain to the sea." These land divisions, often entire valleys, radiated from the interior uplands, down through deep valleys, and past the shoreline into the sea, encompassing a watershed.

The zones within the ahupua'a provided a continuum of conditions in terms of rainfall, soils, and species of vegetation, provided diverse natural products, and supported a variety of crops and domestic animals. Each ahupua'a contained nearly all the resources needed for survival. Fresh water resources were managed carefully for drinking, bathing, and irrigation. Wild and cultivated plants provided food, clothing, household goods, canoes, weapons, etc. Many land and sea creatures utilized for food also provided bones, teeth, skin, and feathers for tools, crafts, and ornamentation.

At the Western Chapter *Ahupua'a Conference*, presentations by local and invited experts speakers will explore the theme of the relationship between the land and the sea with a focus on erosion and sediment control, and storm water pollution prevention to protect the soil and water resources.

Three conference tracks will focus on the Ahupua'a, Erosion Control Basics and Soils and Vegetation with about 10 technical papers in each. A field trip to Diamond Head will give attendees an opportunity to see demonstrations of the techniques discussed in the technical sessions. A highlight of the conference's social and networking activities will be a luau with traditional foods and entertainment.

In the Ahupua'a track we will follow the water down hill through the watershed exploring issues from mountain trail maintenance to native fish ponds and have speakers to detail the history of the ahupua'a.

The erosion control basics track will include presentations for beginner and intermediate erosion control professional and applied case studies in the Hawaiian landscapes from riparian corridor restoration to management of feral ungulates.

Finally, in the Soils and Vegetation track we will examine some of the issues associated with tropical soils and native plant restoration.°

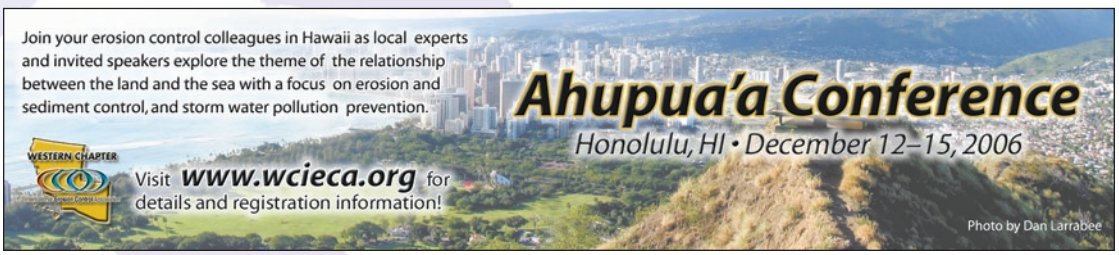
Sandy Mathews, *WCIECA Secretary & Director*
LLNL, (925) 423-6679, mathews6@llnl.gov

In this Issue...

We Need Your E-mail Address!

The WCIECA uses email to contact members concerning Chapter news, upcoming events and newsletter publication.

Please make sure we have your current email address, or make sure you check the web site regularly for information on Chapter events and news.



President's Message

Hope to see you in Hawaii!

"From the Mountains to the Sea," Ahupua'a in Honolulu, HI is fast approaching. Scheduled for December 13-15, 2006, this inaugural conference is sure to be an exciting venue. I encourage you to urge all of your erosion and sediment control professional associates to attend. Also, be sure to join us for the Scholarship Golf Tournament on December 12th, in Aiea, HI, prior to the conference. This fundraiser will make it possible for our Western Chapter Scholarship Program to assist a deserving college student majoring in the field of soil erosion control.

I would also like to thank past board members: Mike Chase, Joe Crea and Laurie Barnes for their dedication and service to our Chapter.

Congratulations to our new board members: Mike Alberson and Craig Benson. A special thank you goes to our re-elected board members: Sandy Mathews and Peter McRae, for their additional commitment to our board.

Participation in local events and chapter committees gives greatly needed support to the issues that concern us all. Join in and help raise public awareness of our great organization.

Tony Pitts, *WCIECA President & Director*
Earth Saver® Erosion Control Products, (530) 662-7700, tony@earth-savers.com

***Ahupua'a Conference* Quick-Links**
Conference Details and Registration Information
http://www.wcieca.org/conference/
Lodging
http://www.sheratonwaikiki.com/

Professional Listings

Marvin E. Davis & Associates, Inc., a provider of geotechnical engineering services in the Northern NV and Tahoe, CA areas, seeks experienced engineers, registered in NV and/or CA, for design and project management of geotechnical and materials testing projects. M.S. in geotechnical engineering and at least three years experience conducting geotechnical investigations required. Please fax resume to Personnel Manager @ 775-853-9199, or Email to MDA12000@aol.com.

Western Botanical Services, Julie Etra, Owner. 775-849-3223, 775-849-3303. WBS provides consulting services for design of erosion control, wetlands and riparian areas as well as botanical surveys and wetland delineations. Construction management services are also available.

° Sources used in the article *Get Ready for Ahupua'a*:

Web Sites:

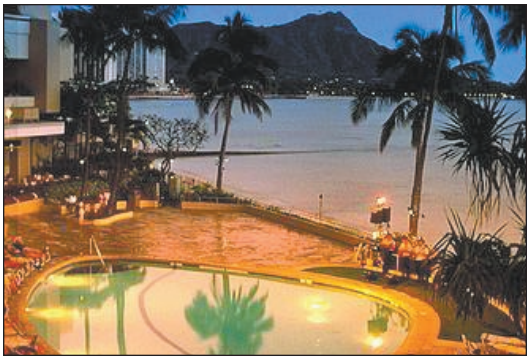
http://www.saveourseas.org/aboutAhupaa.htm
http://www.hawaiitimeline.com
http://www.cr.nps.gov/history/online_books/kona/history1g.htm

Books:

A Cultural History of Three Traditional Hawaiian Sites on the West Coast of Hawai'i Island

Attention to detail: *Ahupua'a Conference* Planning Committee members surfing the break before approving the Sheraton Waikiki as conference headquarters.

Cathy McPhillips of Earth Saver® serving on the WCIECA *Ahupua'a Conference* advance team which converged on Honolulu in November 2005 to scope out potential sites.



Poolside at the Sheraton Waikiki for impromptu break-out meetings.

The Return of *Flight of Discovery*

I had just finished teaching the CPSWQ review class with Carol Forrest in Denver at StormCon. We had been reviewing our performance over a glass of wine when Carol said to me: "It's too bad you're not going on the *Flight of Discovery* (FOD) this year, are you sure you can't go?" Well I had only been back 10 days from a 20-day whirlwind trip to England, Ireland and Italy. I had been in Denver for a week and the FOD was only four weeks away. I had previously participated in the FOD's 2004 Expedition that followed the Lewis and Clark National Historic Trail from St. Louis, MO to Astoria, OR. I told Carol I just wasn't sure how I could work it out for the full trip, which this year amounted to a two-week return trip from Astoria to St. Louis. I thought, just maybe, I could meet them half way. Carol spoke up: "That would be great because part of the water quality sampling crew has to leave at the Mandan Villages (New Town, ND) and you could take their place helping me sample from the helicopter."

The *Flight of Discovery* crew that flew the 2nd half of the Lewis and Clark Trail pose with local well-wishers who came out to greet the team and present a gift to mark the occasion.

I should tell you that the Flight of Discovery is a group of volunteer pilots and scientists whose goals are to use the framework of National Historic Trail system – from 2004-06 it's been the Lewis and Clark Bicentennial – to raise awareness of cultural and environmental issues. Through their expeditions the crew members provide educational opportunities for people along the flight routes. We've been doing these expeditions since 2004 and we use aircraft because they get us along the Trail quicker: Lewis and Clark took three years. Our trip typically takes 2-3 weeks. Aircraft, particularly helicopters, give us the unique ability to access remote areas for photography and sampling. From 1,500 feet one gains a perspective on the interconnected nature of the environment that you just don't get from the ground.

One of the many activities that were conducted on this year's expedition was Carol's "Native Waters Project". Mike Harding and Carol had conceived the idea of sampling and analyzing tributary waters all along the Lewis and Clark Trail; a total of around 75 major confluences, such as the Columbia-Snake Rivers, the Yellowstone-Missouri Rivers, to name a few. Carol and her flight instructor, Peter Simpson planned to swoop down in their Robinson-44 helicopter above the tributary branches of a confluence and then to the downstream mixing zone. A water quality technician in the back of the chopper would lower a probe to collect samples that would be analyzed for a variety of constituents. The idea was to provide the data to natural resource professionals so that they have additional information on which to make future policy decisions on the preservation or protection of our collective water resources.

As we finished our drinks I told Carol that I would have to shuffle some things around but that I would be able to join up with the crew at New Town, ND for the second week's sampling activities. She told me to contact Mike Harding, (her husband and FOD leader) when I got back and see if we could work it out. We continued to talk about stormwater, but the conversation always seemed to drift back to flying helicopters and airplanes.

When I got back home I called Mike and he was excited that I had decided to join the FOD for the second leg of the trip. I went to the preflight meeting on Wednesday August 9th for the San Diego-based planes. Coordination and logistics are always the key issues and this meeting was no exception. Details of each expedition are worked out well in advance, but it's always up to the crew to put them in motion. Mike led the fixed wing aircraft out of Montgomery Field in San Diego the next morning. Carol flew her helicopter out of Palomar Airport in Carlsbad with two other aircraft. Eventually, all the aircraft and ground crews arrived in Vancouver, WA on Friday evening August 11th and began preparations for departures up the Trail on Monday August 14th.

On Sunday morning August 13th, during a pre-expedition flight for photography purposes, two of the FOD helicopters flew to the Oregon Coast near Astoria. As Mike and other crew members waited on the shore for the aircraft's' arrival, Carol and Peter, along with videographer Todd Lilburn crashed into the ocean about a mile offshore.

That evening the Crew held a meeting back in Vancouver. Someone suggested that they take a vote as to whether to continue on, but Mike suggested that to go on or stay was equally courageous and not subject to a vote. "These expeditions are voluntary and have always been about individual choices and responsibilities," Mike said. "Whether you go on the ground or in the air, it's up to each one of you to make that decision". Mike suggested that the Crew should proceed onward but that he and his son Lee needed to stay behind to take care of the arrangements for Peter, Todd and Carol. The majority of the crew decided to continue on the Trail in order to complete the journey that Carol and Mike had mapped out for them and to honor those that were lost.

The crew departed Vancouver, Washington (Pearson Airfield) across the river from Portland Oregon on Monday morning the 14th of August. The flight was made up of two helicopters, two biplanes (an antique Stearman and a 1939 Waco... they really are different), a

Piper Cherokee and six Cessna's. The flight headed up the Columbia River across the Rockies and down the Missouri to Washington, MO near St. Louis were our journey for Lewis and Clark would end and a different journey would begin (more of that later).

The first night was spent at Lewiston, Idaho, Clearwater River Company Canoe Camp. Nez Perce Indians were friendly to Lewis and Clark and had told them not to go too early across the mountains. Lewis and Clark went anyway and almost died. The crew wound up in Salmon, Idaho the next night, the same place Lewis and Clark took weeks to get to and almost didn't make it. The crew was fed dinner at the Interpretive Center, and then allowed to wander the town. Baron's Statue, Chinook Indians, and South Survival Camp (the fort where Lewis and Clark stayed at for two years) were all part of the sights to see.

The confluence of the Big Sioux and Missouri rivers. Notice the color difference.

The second day of the expedition continued up the Clearwater, Lochsa and Bitterroot Rivers to Salmon, ID. The ground crew conducted soil sampling en route at designated areas with the help of the local State NRCS staff. Some members of the ground crew also participated in runs over various historic footpaths such as the Continental Divide at Lemhi Pass. The aircraft carried out photographic assignments gathering digital images of confluences, historic landscapes, cultural resources and dams and lakes along the National Historic Trail. The Flight regrouped at Great Falls, MT for two days where they were the guests of the City and the Lewis and Clark Interpretive Center run by the U.S. Forest Service as well as the Lewis and Clark Trail Heritage Foundation. On Friday August 18th the crew of FOD was off to New Town to join the Signature Event being held there. I joined them there.

The week before I left had been full of turmoil, as it had been for the crew in general, but I knew I had a mission. I had hoped water and soil samples had been taken, but I was not sure what had been done. I only knew that one of the goals was to get water samples at all of the major tributaries and along the Missouri River. Sue Scott (my wife) and I flew into Bismarck North Dakota and drove to TTT Ranch. After 2.5 hours of driving we arrived with no luggage and we missed dinner, oh well! The ground crew was at the main house and the rest of the crew was at a secondary lodge located about a quarter-mile away. At that time, I tried to find the sampling equipment I knew they must have had but was only able to find the sampling bottles. The portable testing kits and electronic testing devices could not be found. I knew that the data collected would have mixed results because we were not able to do some of the specific analyzes we had planned. I was disappointed, but not deterred from the mission. I discovered, when talking to the ground crew that they had managed to start the water sampling at the headwaters of the Columbia River and the Missouri River (just a quarter-mile away). That was the beginning. The next morning, we saw the helicopter take off with the film crew and runners. A race was on! The rest of use drove via van and truck to New Town; the celebration was beginning!

This was one of the largest gatherings of the Indian Nations for the Signature Event. Over 1800 Indian dances had been performed over the prior three days. The ceremonial area was full of Indians. We enjoyed the ceremony and Amy Mossett honored Michael Harding and Carol Forrest by presenting the crew with a Star Quilt. Chin Tu our acting leader accepted the quilt on their behalf. At that point one of the elders gave a prayer in his native tongue in honor of Carol. The crew then presented a condor feather to Amy to honor and replace the eagle feather that had been lost in the crash. When the ceremony was over, we went to the Signature Event where the re-enactors were camped displaying the tools and materials of Lewis and Clark. There were replicas of the earth shelters and dug out canoes. It was quite a sight to see!

The next day we flew out of the small New Town airport. Now there were only two helicopters, one Steerman, a Cherokee and four Cessna's. Several of the aircraft that had been with the trip had departed for home. Our numbers had been reduced, but we would continue on our journey.

I was in a new Robinson 44 helicopter piloted by Avis, it's owner. We were flying low and watching the water, looking for the confluence. Just a little ways into the flight, we could see something on the surface of the water. It was schools of fish, big fish! I had seen fish schools before, but nothing like this! We tried to get pictures but could not do it justice, a 1000+ school of fish, each 2 feet or more in length. It's still hard to explain. We weren't sure if they were Coco Salmon or Walleye. We saw 5 or 6 sets of these fish. It was amazing! We continued to look for the confluence of rivers, but they were harder to find than I thought. It had been a very dry spring and summer and many of the confluences were very dry and it was difficult to take samples. If we had used a probe it would have been a lot easier, but we had to actually get on the ground to get the water sample.

We took five or six samples and marked them with GIS so we could find each spot in the future. After hours of flying, we headed on to the Circle H Ranch. On the way we flew over a beautiful 4-point buck deer leaping. His leaps covered 20 to 30 feet a bound. He was just bending, turning, and shifting, trying to fade away into the landscape. We would have liked to follow the buck, but time was short. Having been to Circle H before, I told Avis to look for the prairie dog holes near the tower and when we spotted them, we knew we were

close to the destination. When we were at the lakes, we knew we were there. It was a wonderful evening, the meal was awesome and our host was great.

Later that evening, we heard the Cherokee aircraft on approach. It was Chuck Yeager - I mean Roger Frazer and the crew! Due to efforts of Terrie Percel, Roger, Rogers's grandson, Terrie, and Kelly had gotten permission to land the Cherokee at Mt. Rushmore and tour the inside of Jefferson's head. Only a privileged few are allowed to complete this tour. We all enjoyed seeing the video of their tour that Kelly had taken. The next morning we had a great breakfast. At this time, two of the pilots left the FOD and headed home (Avis with his Robinson 44 and one of the Cessnas). They would be dearly missed on the balance of the trip.

Taking a water sample on the Nishabotna River in Nebraska.

I was adamant about taking the water samples so I moved to Chin's jet turbine helicopter with Kelly who was doing the video. Over the next few days, I would gain a healthy respect for Kelly, the producer turned photographer. She was young, but fearless, just strapped into the helicopter with no door, jumping out of the helicopter ahead of me to capture a few minutes of me escaping to grasp a small insignificant water sample. She got some great shots of me climbing down banks, running through soybean fields, and the backyard of hard-to-get-to sampling sites. We took about thirty samples. It may not seem to be much, but I felt I had tried to accomplish some of the goals Carol had wanted to achieve.

Having flown into Council Bluff and spent the night, we flew on to Atchison, Kansas, where the team was enthusiastically greeted by about 150 local school kids. Here we gave talks about the trip and gave the kids rides in the aircraft. The kids were very excited.

We landed at Washington, MO and the trip was almost done, or so I thought! The water sampling was completed, but we still had to make the trip home. The crew spent the night with friends and old acquaintances. Mike Harding and Carol had missed the trip, but they were there in spirit and I we all knew the trip was a success.

The next morning we started out west but Mother Nature was not cooperating. 50 miles after take off we wound up in Cuba, MO (not exactly on course!). Bad weather had moved in, so we decided to have lunch. After lunch several of us decided to try to continue. The weather had improved marginally and it was minimal flying condition. Some of the crew wanted to wait, but others wanted to continue on home. We got close to Pier, OK, but about 50 miles out we encountered major thunderheads and had to work around them. I was flying with Kari and we were a little panicked. The clouds were approaching faster than we could move away. When my head hit the roof of the cockpit, and the controls bounced and moved in the other direction, I knew we had hit a major turbulence. We both grabbed for the controls to get the plane back under control and it worked. It was an unsettling experience, but we finally landed safely at Pier, OK.

The next morning when we tried to start the aircraft, the prop just turned over and over without starting. It was a major mechanical problem and the plane would have to remain on the ground until fixed. Kari would have to stay with the plane, while I was re-routed to meet up with Chin in Del Rio and ride in the helicopter the rest of the way home. Chin decided that this would be a great time to give me some helicopter flying lessons. I was not expecting to ride in the helicopter, much less fly it! I got in and Chin took off. The next thing he said was "it's yours". I had flown aircraft since 1974, but never a helicopter, Wow, it is really different! The helicopter did not cooperate at first. It was so bad that Glenn in the back seat asked, "When are the lessons going to end? I am getting sick!" Chin replied "in about 9 hours!" Everything got silent! I kept trying to control the helicopter. It's not as easy as it looks! About 30 minutes into the flight I began to gain better control of the aircraft, the nose calmed down and we settled into a calm and level flight. Three hours later we came to rest at an airport just south of Albuquerque, New Mexico, where we stayed for the night.

We had flown across three States (Oklahoma, Texas, and New Mexico) and had seen old homes from the 20's, chased antelope across the deserts of New Mexico and took photos of everything. We had flown the terrain at about 200 to 500 feet off of the ground.

There had been a lot of rain in New Mexico and Arizona over the last month and it showed with glowing yellows and greens.

Next morning as we were taking off we saw three sky divers floating towards the earth. We were down to two aircraft, a helicopter and a Cessna. We followed each other to another airport north of Phoenix where we had lunch and then moved on to Blythe in California. We said goodbye as the two aircraft separated heading to their home airports. On this final day, having crossed over New Mexico, Arizona, and Southern California, as we approached Julian, California, I realized I had been flying for almost 4.5 hours and was mentally and physically drained. I asked Chin to take over the controls and into Palomar Airport just 35 miles away. As I sat in the helicopter watching the urbanization go by, I realized that I had made the right choice by deciding to fly the Lewis and Clark Trail for the second time. I had helped accomplish the goals of the Flight of Discovery and the effort all seemed worthwhile.

Mike Alberson, *CPESC, WCIECA Director*
Eilar Associates, (760) 753-1865,
malberson@eilarassociates.com

Regulatory Update

Idaho Transportation Department And Contractor To Pay Total Of $895,000 To Settle Federal Storm Water Discharge Claims

WASHINGTON, D.C. – The Idaho Transportation Department (ITD) and contractor Scarsella Brothers, Inc. have agreed to pay $895,000 for violations of the Clean Water Act during the construction of the Bellgrove-Mica realignment of Highway 95 near Lake Coeur d'Alene in Northern Idaho, the Justice Department and U.S. Environmental Protection Agency (EPA) announced today.

Today's settlement concludes a lawsuit which began in 2004, alleging that ITD and Scarsella Brothers failed to provide adequate storm water controls for a large highway project that later deposited many tons of sediment in Mica Creek, which flows into Mica Bay in Lake Coeur d'Alene.

Under the terms of the consent decrees, lodged today in the federal district court in Boise, Idaho, ITD will pay a penalty of $495,000 and Scarsella Brothers will pay a $400,000 civil penalty. As part of the settlement, ITD and Scarsella Brothers also have agreed to send their engineers and environmental inspectors to a certified storm water management training, and ITD has agreed to implement new construction management practices to help avoid future violations of the storm water regulations.

"The Idaho Transportation Department and Scarsella Brothers Construction Company failed to follow known best management practices and their actions had a significant impact on the receiving waters and on the Mica Bay portion of Lake Coeur d'Alene," said Assistant Attorney General Sue Ellen Wooldridge of the Justice Department's Environment and Natural Resources Division. "We are committed to enforcing environmental laws and to seeing that violators undertake the actions necessary to comply with storm water regulations in the future."

"Runoff from construction sites is a major contributor to water quality impairment in the U.S. EPA is aggressively enforcing federal regulations to help control this problem," said Granta Y. Nakayama, EPA's Assistant Administrator for the Office of Enforcement and Compliance Assurance. "This settlement will result in improved water quality and is a signal of the Agency's commitment to increased enforcement of our nation's environmental laws and regulations."

The penalty in these two cases is the largest EPA Region 10 has imposed thus far as part of its regional storm water compliance initiative. Although the initiative began in 2001 with several years of intensive outreach, including workshops, mailers, and an expanded website, it was not until 2005, after EPA stepped up its inspection and enforcement efforts, that the region saw a dramatic increase in compliance rates.

Between June 2004 and April 2005, the number of construction site operators in Idaho signed up for the Construction General Permit rose 112 percent. EPA inspectors have also noted that construction site operators are increasingly in compliance with the permit's requirements to design, install, and maintain storm water controls to prevent common construction site pollutants such as sediment, petroleum products, and concrete washout from discharging into nearby waterways. Since the initiative began, EPA has brought cases against more than 100 operators.

Michael Broadwater, *CPESC, WCIECA Treasurer & Director*
Vali Cooper & Associates, Inc., (951) 788-6028, mikeb@valicooper.com

Calendar of Events

December 2006

December 12 (Honolulu, HI) *WCIECA Ahupua'a* Pre-Conference Events: Scholarship Golf Tournament at the Pearl Country Club; CPESC and CPSWQ Exam Review Courses, Sheraton Waikiki. For details, visit http://www.wcieca.org.

December 13-15 (Honolulu, HI) *WCIECA Ahupua'a Conference*, Sheraton Waikiki. In the Hawaiian language, the term *Ahupua'a* is "mountain to the sea"; at the conference a series of local experts and invited speakers will explore the theme of the intimate relationship between the land and the ocean. The conference will include 1.5 days of technical papers and special sessions in three tracks (Ahupua'a, Erosion Control Basics, and Soils and Vegetation), a half-day of field demonstrations, and CPESC and CPSWQ tests on Friday. For details, visit http://www.wcieca.org.

January 2007

January 11 (Willits, CA) *CPESC Exam*; For details contact Thomas E. Spittler (707) 576-2949, tom.spittler@conservation.ca.gov. IMPORTANT! You must have approval from CPESC, Inc. to sit for the exam. Approval is gained through the CPESC Application process. For details, visit http://www.cpesc.org.

February 2007

February 12-16 (Reno, NV) *EC07 Environmental Connections*; see http://www.ieca.org for details. Conference includes opportunities to take the CPESC and CPSWQ Exam Review courses on Feb 12, and the CPESC and CPSWQ Exams on Feb 16.

Know of an upcoming training session or event that might be of interest to the Chapter members? Send your calendar items to Sandy Mathews, mathews6@llnl.gov. For the latest chapter event listings, visit the WCIECA web site at http://www.wcieca.org.

Call for *Erosion Warrior* profiles!

In future issues of the WCIECA newsletter, we would like to highlight one of the many "Erosion Warriors" among our ranks. This will be a one paragraph profile with a photograph that celebrates an individual doing great erosion and sediment control work, product development, training, or other activity directly related to erosion and sediment control. The individual need not be a WCIECA member, but will want to become one after the profile comes out! Please submit the following to Craig Benson at cbenson@swsv.com:

- A photograph of individual
- The individuals name (self-nomination is okay)
- Job title or description (such as hydroseed applicator, heavy equipment operator, designer, consultant, government, educator, etc.)
- Company/agency name
- Town the individual lives in
- Years in the industry or profession
- Favorite project
- A burning question about, or recommendation for, erosion or sediment control
- Future plans
- Item of human interest (hobby, special interest, place of origin, etc.)

Example:

WCIECA Certified Erosion Warrior

Name: Steve Gomez
Environmental Technician

Company: Acme Landscaping
Yourtown, CA

6 years in industry

Favorite Project
Rush Creek Bank Stabilization

Burning Question
Why do even restoration projects have impacts?

Future Plans
I'm going to take the CPESC exam at the *Ahupua'a Conference* in Honolulu!

Interests
My new hobby is surfing.

Craig Benson, *WCIECA Director*
Schaaf & Wheeler Consulting Civil Engineers, (408) 246-4848, cbenson@swsv.com

Revegetation Success, cont'd from pg. 8

What to do? As indicated above, a better idea is needed, and it's needed by next Newsletter deadline. That's soon after we all return home from the *Ahupua'a Conference* in Honolulu December 12-15, 2006. I'm interested in ideas and specification language for implementing the ideas if at all possible. As no one else has got it right yet, don't be shy. You will be rewarded for effort, if not brilliance. Otherwise you risk having to hear about whatever idea I dream up by the deadline.

"Go contractors."

Peter McRae, *WCIECA Administrative Vice President & Director*
Quattro Environmental, Inc., (619) 522-0044, pmcrae@san.rr.com

c/o Quattro Environmental, Inc.
649 "I" Avenue
Coronado, CA 92118

Contractor's Corner

Debating "Who's Liable for Revegetation Success?"

Increasingly, contractors are being asked to guarantee the success of seeding projects. Never mind that the "low bid" contractor played no part in the design of the seeding effort. If "success" as defined is not achieved for one full growing season after re-vegetation, the contractor will be obligated to maintain, repair and re-seed the acreage until final inspection and acceptance.

With greatest respect to those who inspired this bright idea, your objective (to eke out a glimmer of native revegetation success on an otherwise bleak performance landscape) is laudable, but your strategy is both unreasonable and counter-productive. Better idea needed.

Flaw #1: To hold the prime contractor/seeding contractor liable for the success of a revegetation effort designed by a third party is patently unreasonable. So unreasonable and smacking of deceptive practices that it is in all likelihood unenforceable. This would not be the case if the circumstances called for a "design-build" contract. "Responsibility commensurate with authority" is a mantra learned early in Business Management 101. As anyone with a clue how to bring in a successful revegetation project knows well, one must first devise a bullet-proof revegetation plan; and second, one must implement that plan perfectly, all the while simultaneously juggling 8 balls in the air and flirting ever-so-carefully with Nature.

Throwing caution to the wind, I once offered to take on this all-inclusive challenge. The Federal agency technical specialist I was visiting promptly declared that he would pay me 5X the going rate for conventional revegetation practices, considering himself boatloads of cash ahead by doing so. I like this idea a lot, and so do a string of happy clients, although they don't throw quite so much money around as the agency man was prepared to do.

Flaw #2: Making the luckless seeding contractor the scapegoat for a failed seeding effort is not the most effective strategy to achieve seeding success. Many seeding designs call for practices and products that haven't a prayer of growing anything but weeds. Yet a seeding contractor is contractually expected to implement such designs however half-witted they might be. Second, even the best seeding designs rely on Nature's cooperation for ultimate success. *Force majeure* would run rampant over any client fool enough to hold an applicator (implementing the client's design) liable for what is invariably caused by an "act of God."

See **Revegetation Success**, pg. 7