



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Region 1 - Northern
 619 2nd Street
 Eureka, CA 95501
 (707) 441-2075
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
 CHARLTON H. BONHAM, Director



March 23, 2018

Certified Mail:
 #7011 3500 0002 2331 2912

Mr. Thomas Morgan
 P.O. Box 212
 Bridgeville, CA 95526

Subject: Notice of Violation of Fish and Game Code Sections 1602 and 5650 in
 Conjunction with Marijuana Cultivation

Dear Mr. Morgan:

On March 13, 2018, Department of Fish and Wildlife (Department) staff visited your parcel (APN: 208-111-029) located on Unnamed Tributaries to Little Larabee Creek and then the Van Duzen River, southeast of Bridgeville, CA. During this visit, Department staff observed the activities described below (Table 1), which are subject to Fish and Game Code (FGC) sections 1602 and 5650. Staff also observed evidence of marijuana cultivation in conjunction with these activities.

Table 1. Violation location and description

Violation #	FGC Violation	Latitude/Longitude	Description
1	1602	40.4740, -123.7621	Undersized 12" square pipe used as culvert on Class II stream
2	5650	40.4738, -123.7617	Sediment and nutrient delivery from road surfaces and cultivation site delivered to a Class II stream
3	1602	40.4753, -123.7612	Unpermitted water diversion and associated impoundment structure within Class II stream
4	1602/5650	40.4732, -123.7637	Failing and plugged paired 12" square culverts at road/stream crossing with sediment delivery to the Class II stream

Fish and Game Code (FGC) section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an

Mr. Morgan
March 23, 2018
Page 2 of 3

activity subject to FGC section 1602 without first notifying the Department violates section 1602.

FGC section 5650 makes it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment

A person who violates FGC sections 1602 and 5650 in conjunction with the cultivation or production of marijuana is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of marijuana following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC section 1602, and \$20,000 for each violation of FGC section 5650. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e).) Also, the District Attorney or the Attorney General may enforce a violation of FGC section 1602 and FGC section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC section 1602 or 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602 and 5650 criminally. Under FGC section 12000, each violation is a misdemeanor.

As a first step to address this matter, the Department requests you contact Fish and Wildlife scientific staff at 707-441-5900 or Warden Joshua Zulliger at joshua.zulliger@wildlife.ca.gov within 14 days of the date of this letter. The Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for the activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC sections 1602 and 5650, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

The Department appreciates your cooperation.

Sincerely,



Lieutenant Steve White
Watershed Enforcement Team

Mr. Morgan
March 23, 2018
Page 3 of 3

cc: California Department of Fish and Wildlife
Steve White, Brad Padilla, Scott Bauer, Laurie Harnsberger, Curt Babcock, Jeremy Valverde, David Manthorne
steve.white@wildlife.ca.gov, bradley.padilla@wildlife.ca.gov,
scott.bauer@wildlife.ca.gov, laurie.harnsberger@wildlife.ca.gov,
curt.babcock@wildlife.ca.gov, jeremy.valverde@wildlife.ca.gov,
david.manthorne@wildlife.ca.gov

State Water Resources Control Board
Taro Murano
taro.murano@waterboards.ca.gov

Northcoast Regional Water Quality Control Board
Diana Henriouille-Henry, Yvonne West, Kason Grady, and Adona White
diana.henriouille@waterboards.ca.gov , Yvonne.West@waterboards.ca.gov,
kason.grady@waterboards.ca.gov, adona.white@waterboards.ca.gov

Humboldt County
Steven Santos, John Ford, Steve Werner, Robert Russell
sasantos@co.humboldt.ca.us, jford@co.humboldt.ca.us,
swerner@co.humboldt.ca.us, rrussell@co.humboldt.ca.us