

# ATTACHMENT A

CDFW Notice of Violation



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 - Northern  
619 2<sup>nd</sup> Street  
Eureka, CA 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



May 22, 2020

**Certified Mail:**  
#7019 1640 0000 7872 7935

Margaret Belli  
P.O. Box 96  
Mad River, CA 95552

**Subject: Notice of Violation of Fish and Game Code Sections 1602, 5650 and 5652**

Ms. Belli:

On May 5, 2020, Department of Fish and Wildlife (Department) staff visited your property, Assessor Parcel Number (APN) 309-041-016 (Property), located on unnamed tributaries to the Eel River. During the visit, staff observed activities that are in violation of Fish and Game Code (FGC) sections 1602, 5650, and 5652.

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

In the Department's view, notification under FGC section 1602 was required for five (5) activities observed on the Property. However, the Department was unable to locate a notification for these activities.

FGC sections 5650 and 5652 make 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. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials.

*Conserving California's Wildlife Since 1870*

The Department also observed two (2) activities on the Property that are violations of FGC section 5650 and 5652. The locations and descriptions of these activities are provided below (Table 1).

Table 1. Summary and description of FGC violations documented during a Department staff visit on May 5, 2020.

Violation #	FGC Violation Type	Latitude*	Longitude*	Violation Description
1	1602 (Map point SA-1)	40.6385	-124.2222	Substantial alteration of the bed, channel and banks of a stream due to vegetation removal and channel excavation.
2	5652 (Map point PP-1)	40.6385	-124.2218	Abandon, dispose of, or throw away rubbish, litter or refuse (plastic tarps and bags) within and adjacent to waters of the state.
3	1602 (Map point SX-1)	40.6386	-124.2210	Substantial alteration of the bed, channel and banks of a stream due to construction and use of a road/stream crossing (18-inch diameter concrete culvert).
4	1602 (Map point SX-2)	40.6385	-124.2204	Substantial alteration of the bed, channel and banks of a stream due to construction and use of a road/stream crossing (8-inch diameter HDPE culvert).
5	1602 (Map point POD-1)	40.6384	-124.2203	Substantial diversion of water from an on-stream pond for pasture irrigation.
6	5650 (Map point PP-2)	40.6389	-124.2199	Deleterious substance (sediment from eroding road inboard ditch directed to stream by HDPE pipe) placed where it delivers to waters of the state.
7	1602 (Map point HA-2)	40.6390	-124.2195	Substantial alteration of the banks of a stream due to mature vegetation removal.
FGC Violation Totals: 1602 (5), 5650 (1), 5652 (1), Grand Total: (7)				

\*Units = decimal degrees. Datum = NAD 83

As a first step to address this matter, the Department requests you contact Senior Environmental Scientist Supervisor Scott Bauer at [scott.bauer@wildlife.ca.gov](mailto:scott.bauer@wildlife.ca.gov) within 14 days of the date of this letter. Mr. Bauer 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

Margaret Belli  
May 22, 2020  
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section 1602, 5650 and/or 5652, 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,



Matthew Wells  
CDFW Law Enforcement Division

ec: Department of Fish and Wildlife  
Matthew Wells, Matthew Renner, Scott Bauer, Laurie Harnsberger, Curt Babcock,  
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Humboldt County District Attorney's Office  
Steven Steward  
[ssteward@co.humboldt.ca.us](mailto:ssteward@co.humboldt.ca.us)

North Coast Regional Water Quality Control Board  
Stephen Bargsten  
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Army Corps of Engineers  
Kasey Sirkin  
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May 22, 2020

**Certified Mail:**

#7019 1640 0000 7872 7942

Tony DeFraga  
P.O. Box 716  
Loleta, CA 95551

**Subject: Notice of Violation of Fish and Game Code Sections 1602, 5650 and 5652**

Mr. DeFraga:

On May 5, 2020, Department of Fish and Wildlife (Department) staff visited your property, Assessor Parcel Number (APN) 309-041-016 (Property), located on unnamed tributaries to the Eel River. During the visit, staff observed activities that are in violation of Fish and Game Code (FGC) sections 1602, 5650, and 5652.

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

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The Department also observed two (2) activities on the Property that are violations of FGC section 5650 and 5652. The locations and descriptions of these activities are provided below (Table 1).

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Sincerely,



Matthew Wells  
CDFW Law Enforcement Division

cc: Department of Fish and Wildlife  
Matthew Wells, Matthew Renner, Scott Bauer, Laurie Harnsberger, Curt Babcock,  
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Humboldt County District Attorney's Office  
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North Coast Regional Water Quality Control Board  
Stephen Bargsten  
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Kasey Sirkin  
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