



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

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



April 1, 2015

CERTIFIED MAIL:

7012 0470 0001 5095 3255

Mr. Christopher Cordes
101 South F Street
Pensacola, FL 32502

CERTIFIED MAIL:

7012 0470 0001 5095 3323

Incorp Services, Inc. (agent for service)
Mr. Christopher Cordes
Pacific Biodynamics
5716 Corsa Ave., Ste. 110
Westlake Village, CA 91362-7354

Subject: Notice of Violation of Fish and Game Code (FGC) sections 1602, 5650 & 5652

Dear Mr. Cordes:

On October 28 and November 7, 2014, the California Department of Fish and Wildlife (Department) staff visited your property, Assessor Parcel Number 041-300-35 (Property), located on unnamed tributaries to Doby and Duckett Creeks, both tributaries to North Fork Cottonwood Creek, in Shasta County. The Central Valley Regional Water Quality Control Board staff accompanied Department staff during the inspection conducted on October 28, 2014. During the inspections of your Property, Department staff observed the activities described below, each of which are subject to FGC section 1602.

- Substantial alteration of the bed, channel and banks of two unnamed tributaries to Doby Creek and an unnamed tributary to Duckett Creek by constructing or modifying stream crossings which contain either no culverts or an undersized culvert to pass flow. This includes changing and using material from the bed, channel and banks of the streams and depositing debris where it may pass into the streams.

FGC section 1602 requires a person to notify 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;

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- 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.

The Department has determined that notification was required because the activities described above substantially altered the bed, channel, and banks of unnamed tributaries of Doby and Duckett Creeks, which are all contributing waters to North Fork Cottonwood Creek.

In addition, Department staff observed the activities described below, each of which are subject to FGC section 5650.

- The substandard construction practices used on landing, road and crossing installations, with no regard for best management practices (BMPs), which have resulted in substantial sediment delivery to the streambeds and channels of the unnamed tributaries to Doby Creek.
- The placement of deleterious material (fine sediment and potting soil) directly into and placed where it can pass into the waters of the state.

FGC section 5650 states: "(a)...it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following: ... (6) Any substance or material deleterious to fish, plant life, or bird life."

Lastly, Department staff observed the activity describe below which is subject to FGC section 5652.

- The placement of refuse (e.g. tires and an older refrigerator/freezer that could contain chlorofluorocarbon) where it can pass into waters of the state.

FGC section 5652 states: "(a) It is unlawful to deposit, permit to pass into, or place where it can pass into the 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 cans, bottles, garbage, motor vehicle or parts thereof, rubbish litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird."

Any and all violations of FGC sections 1602, 5650 and 5652, specified above, may result in civil or criminal prosecution. In order to remediate the injurious effects of these violations and implement the necessary site restoration activities, you will need to complete the enclosed Lake and Streambed Alteration (LSA) Program's notification package and submit the complete package, notification fee, and a copy of this Notice to Senior Environmental Scientist (Specialist) Tobi Freeny at the Department, 601 Locust Street, Redding, CA 96001.

Restoration work shall include the following:

- Remove unauthorized stream crossings along with either:
 1. Re-establishing the natural alignment of the stream, including the bed, banks and channel to pre-project conditions; or

2. Plans for the re-installment of the stream crossings.

- Remove sediment and potting soil from areas where it has already entered the natural channel and from areas where it may be allowed to pass into waters of the state.
- Remove and dispose of, in a legal manner, the deposited refuse.
- Stabilize disturbed areas with appropriate erosion control.
- Reseed disturbed areas with native seed.
- An appropriately licensed professional shall manage and prepare the plans for the worked describe above.

The LSA notification shall be submitted no later than **30 days** from the date of this letter.

After the Department receives the LSA notification and fee, it will process the notification and issue a draft LSA Agreement as described in FGC sections 1602 and 1603. However, the protection measures the Department includes in the draft LSA Agreement will not be subject to arbitration in the event you disagree with any of those measures, and you and the Department cannot resolve the disagreement (FGC section 1614).

If the Department does not receive the notification and fee within 30 days from the date of this letter, the Department may pursue any or all of the following enforcement actions:

- 1) Refer the matter to the District Attorney's Office or the Attorney General's Office for civil or criminal prosecution;
- 2) Exercise the Department's authority to issue an administrative civil liability complaint pursuant to Fish & Game Code section 12025(e).

If you have any questions regarding this letter, please contact Warden Steven Crowl at (707) 333-4054 or by email at steven.crowl@wildlife.ca.gov.

Sincerely,



Neil Manji
Regional Manager

Enclosure

ec: Linda Barrera, Tobi Freeny, Rachelle Pike, Donna Cobb and Curt Babcock
Department of Fish and Wildlife
linda.barrera@wildlife.ca.gov, tobi.freeny@wildlife.ca.gov,
rachelle.pike@wildlife.ca.gov, donna.cobb@wildlife.ca.gov,
curt.babcock@wildlife.ca.gov

Mr. Christopher Cordes
April 1, 2015
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Yvonne West and Clint Snyder
Central Valley Water Quality Control Board
yvonne.west@waterboards.ca.gov, clint.snyder@waterboards.ca.gov