



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region
619 Second Street, Eureka, CA 95501
(707) 441-2075
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
JOHN McCAMMAN, Director



January 13, 2011

Mr. Jack Guccione
1305 Elizabeth Barcus Way
Fortuna, CA 95540

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

Dear Mr. Guccione:

On January 7, 2011, Department of Fish and Game (Department) Warden Ed Ramos visited your property (APN 200-48-101), and an adjoining parcel (APN 200-48-123) on Hillside Creek, Humboldt County. During his visit, Warden Ramos observed substantial alteration to the banks and channel of the creek, and potential sediment discharge. The activities described below are subject to Fish and Game Code (FGC) Sections 1602 and 5650:

- Excavation of a new approximately 265 foot-long stream channel approximately 20 feet south of the existing stream course, redirection of stream flow into the new channel alignment, and riparian vegetation removal.
- Deposition of sediment into the creek from channel construction activities and no erosion control measures.

FGC Section 1602 requires a person or entity 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; 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. Your failure to notify the Department before substantially altering the bed, bank, and channel of Hillside Creek constitutes a violation of FGC Section 1602.

In addition, 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: (2). Any substance or material deleterious to fish, plant life, or bird life. Sediment is a substance known to be deleterious to fish and wildlife. The deposition of sediment into the creek from construction activities at the site constitutes a violation of FGC Section 5650.

In this case, the Department has determined that notification was required because the activities substantially altered the bed, channel, and banks of Hillside Creek. To begin to address these violations, you will need to immediately stop channel excavation, and implement erosion control measures. If you have not done so already, complete the enclosed notification package and submit the complete package, notification fee, and a copy of this notice to Environmental Scientist Scott Bauer at the above address by February 13, 2011.

After the Department receives the notification and fee, it will process the notification and issue a draft streambed alteration agreement as described in FGC Sections 1602 and 1603. However, the protection measures the Department includes in the draft SAA 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 you have questions regarding this letter, please contact Mr. Bauer at (707) 441-2011 or by email at sbauer@dfg.ca.gov.

Sincerely,



NEIL MANJI
Regional Manager

Enclosures

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