SAN FRANCISCO BAY CONSERVATION

AND DEVELOPMENT COMMISSION

ENFORCEMENT COMMITTEE MEETING

PARTIAL TRANSCRIPT - ITEMS 6-7

HYBRID IN-PERSON/TELECONFERENCE MEETING

HOSTED BY THE SAN FRANCISCO BAY

CONSERVATION AND DEVELOPMENT COMMISSION

375 BEALE STREET

SAN FRANCISCO, CALIFORNIA

WEDNESDAY, OCTOBER 22, 2025

9:30 A.M.

Reported by: Ramona Cota

APPEARANCES

Enforcement Committee

Marie Gilmore, Chair

Rebecca Eisen

Karl Hasz

John Vasquez

Cesar Zepeda

Counsel to the Committee

Shari Posner, Deputy Attorney General
Office of the Attorney General

BCDC Staff

Amanda Boyd, Enforcement Attorney

Isabel Chamberlain, Enforcement & Compliance Manager

Tony Daysog, Compliance Officer

Margie Malan, Legal Secretary

Anne Usher, Senior Enforcement Analyst

Respondents

Allen Kanady
Allen Kanady

Kittrell Estate
Derek Trost
Kathy Trost
Marchele Trost Turnage
Todd Trost

Members of the Public

Chris Lanzafame, Secretary
Reclamation District 1607

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PROCEEDINGS

9:56 a.m.

COMMITTEE CHAIR GILMORE: Item number 6 is a public hearing and vote on a Recommended Enforcement Decision to resolve Enforcement Cases, bear with me, everybody, ER2019.038.00, ER2025.001.00, ER 2025.002.00, ER2025.003.00 and ER2025.004.00.

The Enforcement Committee will now consider a Recommended Enforcement Decision, including a Proposed Cease and Desist Civil Penalty Order CCD 2025.001.00 issued to Thaddeus Woodin, Steve and Lesley Belcher, Allen Kanady, William Woodin and the Kittrell Estate for unauthorized fill and development in the Commission's jurisdiction, occurring at various properties adjacent to Montezuma Slough on Van Sickle Island, Solano County.

If this Committee votes to adopt this Recommended Enforcement Decision, then it will be put up for a vote of approval or rejection by the full Commission at an upcoming meeting.

After BCDC staff gives its presentation, the Respondents will be invited to present any remarks they wish to enter into the record. Then I will allow public comment on this item and then afterwards we, the Committee, shall hold our discussion and vote on staff's recommendation.

Presentations made by the parties, as well as any comments to follow shall be limited to responding to evidence already made a part of the enforcement record. Introduction of late evidence or oral testimony is only allowed under limited circumstances.

So, at this time I am going to ask the Respondents and/or their representatives to identify themselves for the record. So let's start with Thaddeus Woodin. Are you here, sir, or anybody representing you?

MS. USHER: I don't -- he has the link, as does Bill Woodin, but I don't see him on the call.

CHAIR GILMORE: Okay, thank you.

The Belchers, are you present either in person or virtually?

MS. BOYD: Similarly, Chair Gilmore, I do not believe the Belchers or their attorney are present today or on Zoom.

CHAIR GILMORE: Okay, thank you.

The Kanadys?

Not present either?

MS. MALAN: I believe --

CHAIR GILMORE: Hello?

MR. KANADY: Hello?

CHAIR GILMORE: Yes. Is that, is that a Kanady representative?

MR. KANADY: Yes, it's Allen Kanady.

CHAIR GILMORE: Okay, thank you, sir.

As previously stated, I hear that William Woodin is not present, either personally or online.

Okay, how about a representative from the Kittrell Estate?

MS. MALAN: Yes, they are in-person.

CHAIR GILMORE: I need them to identify themselves for the record, please.

MR. DEREK TROST: I am Derek Trost.

CHAIR GILMORE: And you are a representative for?

MR. TODD TROST (OFF MIC): Kittrell.

CHAIR GILMORE: Okay, thank you very much. And thank you for being here today and welcome.

Okay, so now we will hear the presentation by staff. And I invite our Enforcement Attorney Amanda Boyd and Enforcement Analyst Anne Usher to give their remarks.

MS. BOYD: Yes, thank you, Chair Gilmore. Please bear with me, everyone, while I share my screen. I am hopeful everyone can see the -- actually, it looks like it didn't quite go through.

COMMISSIONER ZEPEDA: I can see it.

CHAIR GILMORE: I can see it.

MS. BOYD: In Presentation view. Pardon me while I try to make that happen. Here we go. Okay, I am hopeful

that this will change too. Wonderful.

Yes, good morning, Chair Gilmore and Members of the Enforcement Committee. My name is Amanda Boyd, I am a BCDC staff attorney, and today I will be presenting on five separate but related enforcement cases. Involved in these five cases are six different Respondents, Thad Woodin, Steve and Lesley Belcher or the Belchers, Allen Kanady, William or Bill Woodin, and finally, the Kittrell Estate. These cases involve the placement of unauthorized fill and unauthorized development in the Commission's jurisdiction, occurring at various properties adjacent to the Montezuma Slough on Van Sickle Island in Solano County.

I just want to start today by mentioning it may be helpful as you are learning about these cases to envision this matter as a wheel. At the center of this wheel is Thad Woodin, who is one of the property owners on Van Sickle Island, who we learned in the course of our investigation, was the individual who placed the items you are going to learn about today across many different properties. Now the various spokes of this wheel in your mind are the other property owners on Van Sickle Island whose properties contain the fill placed by Thad Woodin.

And in broad strokes, this unauthorized fill consists of various large items including cars, boats, machines, trash, various debris, both in the Montezuma Slough and on

the adjacent shoreline, which is a fragile levee.

Now for your awareness, yesterday we have had a bit of a development. The Belchers through their attorney Larry Bazel and Commission staff agreed on a settlement amount to fully resolve their particular enforcement matter, which is identified as ER2025.001.00. Therefore, the Belchers and Commission staff will be requesting --

(Background conversation heard.)

MS. BOYD: Pardon me? Okay.

The Belchers and the Commission staff will be requesting later in this presentation that the Enforcement Committee direct Commission staff to prepare a revised Recommended Enforcement Decision which incorporates the terms of this settlement in accordance with our regulations. But first I am going to present on the other matters involving all other Respondents and will conclude this presentation with more information about that proposed settlement and revised Recommended Enforcement Decision.

Here is a quick overview of my presentation today. I will begin by discussing the locations of the violations, the timeline of the events, I will provide a summary of the violations, leading into the various defenses submitted by the Respondents as well as our rebuttals, and finally, presenting our recommendation as to the resolution of these cases.

These violations are located in the Suisun Marsh, which is in the primary -- in the primary management area under the Commission's jurisdiction and in the Commission's Bay and 100-foot shoreline band jurisdictions.

One violation is in the Montezuma Slough and five violations are across five privately-owned properties on Van Sickle Island, which borders the Montezuma Slough.

In an effort to orient the members of the Enforcement Committee I just include a parcel map here which is sourced from the Solano County Parcel Viewer, which is just merely intended to help organize in your minds where the properties of each Respondent is located. From left to right, you will see the Belcher's property, then Thad Woodin's, Allen Kanady's, Bill Woodin's, and finally on the far right the Kittrell Estate.

First, I will cover the violation -- the location, rather, of Violation One which consists of two vessels. The first is a 68 by 33-foot barge, which is completely submerged in the Montezuma Slough.

The second vessel is a 20 by 25-foot recreational vessel which is mostly submerged in the Montezuma Slough near these properties.

On the left is a picture taken by the Marine Patrol Division of the Solano County Sheriff's Office. It depicts the barge before it sank in 2017. Just so that the

Committee can have an understanding of what this structure looks like, it is the white structure on the bottom there.

On the right is a picture taken by Chris Lanzafame, who is the Secretary of Reclamation District 1607 in this area. In August -- it depicts this mostly submerged barge in August of 2017 as it was sinking.

Here are underwater pictures of the sunken barge captured by the Solano County Sheriff's Office. You can see the sunken barge encircled here.

As for the recreational vessel also included in Violation One, BCDC staff took this photo on a September 2024 site visit, which depicts the mostly submerged recreational vessel on the bottom there in the green space.

Moving on to Violation Two. Violation Two consists of four main items. Here are pictures of the car and silver trailer located on Thad Woodin's property. These pictures were taken during a site visit by BCDC staff on September, in September of 2024.

Violation Two also includes a boat which BCDC staff determined to be partially on Thad Woodin's property. This photo was taken by BCDC staff in November of 2022.

Finally, Violation Two also includes various trash and debris on Thad Woodin's property. These pictures also taken by BCDC staff on a September 2024 site visit.

Violation Three consists of two recreational boats

which BCDC staff contend in the Violation Report are on the Belcher's property, either fully or partially. These pictures taken by BCDC staff on a November 2022 site visit.

Violation Four consists of three main items located on Allen Kanady's property, an Argo, which I learned was an amphibious craft, depicted here in a photo taken by staff during a December 2024 site visit.

Also included in Violation Four are two boats pictured here in two photos taken by BCDC staff on a November 2022 site visit. Note that staff did observe a large lawnmower in the plants, completely obscured next to these boats. Unfortunately, due to it being completely obscured we do not have a photo to include.

Violation Five consists of four main objects on Bill Woodin's property. Here are photos of the green truck, silver car and ATV, depicted in photos taken by BCDC on a November 2022 and September 2024 site visit.

Violation Five also consists of four different boats. These pictures were taken on two separate site visits, November -- in November 2022 and December 2024.

Our final violation today is Violation Six, which consists of a silver truck on the Kittrell Estate property. Here are photos taken by BCDC staff on a November 2022 site visit.

On April 11 of 2025 BCDC staff actually walked the

levee road with Thad Woodin and captured in several videos, which were of course all included as exhibits to the Violation Report, statements, his statements of ownership and direct responsibility for the placement of the items identified in the Violation Report. I have included a handful of statements here for your awareness and review.

As uncovered in staff's years-long investigation, these items constitute unauthorized fill under the McAteer-Petris Act, which requires that any person wishing to place fill must secure a permit from the Commission.

Fill is defined broadly as any substance or material in our jurisdiction.

No Respondent has secured a permit from the Commission to place these items, and so the unauthorized fill are violations of -- is a violation of the McAteer-Petris Act.

Moreover, the items also constitute violations of the Suisun Marsh Preservation Act. Development within the primary management area where these items are located requires a permit from the Commission.

Development, similarly, is defined broadly as the placement of any solid material or structure and the disposal of any solid waste.

Again, no Respondent has secured a marsh development permit to place these materials or dispose of their waste. Therefore, all items constitute unauthorized development

under the Suisun Marsh Preservation Act and are violations of the same.

I prepared a table here which summarizes our previous discussion. It is just simply separated into violation, applicable Respondent, and a brief description of the items which constitute the violations of the McAteer-Petris Act and Suisun Marsh Preservation Act.

Next, I would like to turn to a timeline of the events which make up our investigation.

First, November 23, 2022, September 24 of 2024, and December 11 of 2024, BCDC staff inspected the properties and collected the photos we saw today depicting the fill.

On August 26 of 2017 the Solano County Sheriff's Office did respond to a report of Thad Woodin's barge sinking. The report on this incident found that Thad Woodin was solely responsible for the sinking of his barge.

On November 15 of 2024 staff urged Thad Woodin to remove the fill. He acknowledged owning the sunken barge and various items. He claimed he would remove the fill.

In February of this year BCDC sent initial contact letters to all other Respondents. This letter stated that each Respondent must clear the fill from their property.

Now, April of this year Solano County did advise BCDC that it had applied for funding to remove the sunken barge.

Later in April on April 11, BCDC conducted another

site visit with Thad Woodin. He reconfirmed ownership of all the items except one of the boats and said he would remove all of the items, however.

Unfortunately, by July 8 all Respondents failed to show that they had resolved the violations fully, and so the Violation Report was prepared and mailed to Respondents on July 8.

The next day, the Belchers let BCDC staff know that they had removed the fill which was identified in Violation Three from their property, they had moved it to Thad Woodin's parcel.

We also received, up to August 12, all Respondents except for Thad Woodin had submitted timely their Statements of Defense. On August 18 BCDC received Thad Woodin's Statement of Defense, which unfortunately was not timely submitted.

You may recall we had originally scheduled this hearing for August 27. The day before, however, we did postpone until today due to a Respondent's medical emergency.

On September 22 of last month BCDC again went to the properties and learned that the fill, which was on Allen Kanady's property, was simply moved to Bill Woodin's property. Not Thad Woodin, but another Respondent in today's hearing. He had moved it to Bill Woodin property.

Here are some of the admitted allegations based on responses we received from the various Respondents' Statements of Defense.

I will just call out specifically, Bill Woodin did admit that the fill identified in Violation Five is on his property.

I also just want to direct the Enforcement Committee to an admission in Thad Woodin's Statement of Defense if it determines it would like to consider his arguments. He did admit that all of the items on neighboring parcels were his.

So, let's turn to the various defenses raised by Respondents as well as our rebuttals. Now, almost every Respondent did argue that they either had no knowledge of the fill on their property or argued that they shouldn't be held responsible because they didn't directly place the fill themselves.

Now, in reply we argue that BCDC may hold a landowner responsible for unauthorized fill placed on their property by third persons, whether the landowner knew of the fill or not. Now this, of course, is based on *Leslie Salt v. BCDC*, a case from 1984. The facts of this case, very briefly, are that:

Leslie Salt Company owned property in BCDC's jurisdiction containing construction debris, earth and

fill, even a barge-like structure.

The fill was placed on their property by third persons. The landowner didn't know the fill was on their property.

Still, BCDC issued a cease and desist order on the landowner to remove the fill.

And the court upheld this order. Held that BCDC is allowed to find a landowner responsible for the fill, even if it is placed by third parties.

Specifically, *Leslie Salt* imposes strict liability on landowners for violations of the McAteer-Petris Act.

Now turning to arguments from individual Respondents, we can start with the Kittrell Estate.

They argue that their property lines cannot be confirmed and question whether the silver truck was actually on their property.

Unfortunately, no contrary evidence was provided to challenge our determination. We contend Ms. Usher had a reasonable basis for determining that the silver truck was on the Kittrell Estate's property, and no evidence rebutting this was provided.

Next, the Kittrell Estate argued that because it had moved the truck within 35 days they shouldn't face penalties.

This, we contend, misunderstands the 35 day deadline

included in the Violation Report, which relates to when the Respondent needs to submit a Statement of Defense, not about penalties.

Finally, the Respondent argues that they didn't know they would face penalties.

We note for the Committee that the initial contact letter provided to the Kittrell Estate clearly states that they may face penalties.

The next Statement of Defense to address is Thad Woodin's. He did submit his Statement of Defense after the deadline, which was August 12. We did receive the Statement of Defense later on August 18. However, if the Enforcement Committee would like to consider his arguments we are happy to move through them as well as our rebuttals.

First, Thad Woodin argues that his -- the items included in the Violation Report aren't fill at all.

But we, in reply, argue that the McAteer-Petris Act defines fill quite broadly as any substance or material in our jurisdiction.

He separately argued that certain structures on his property were grandfathered in.

But the structures cited in his Statement of Defense, he included a house, a boat dock, these are not at issue in the Violation Report.

He next argues that a penalty would create an adverse

condition in his life.

Unfortunately, no supporting documentation was provided and we are unable to assess this claim.

Next, he argues that BCDC gave him the entire summer to clean up.

In reply we note that there were safety issues associated with removing the fill due to the fragile levee referenced at the top of the presentation. There were safety and environmental issues associated with removing the fill during wet season. But these, these safety issues were actually factored into the penalties through downward adjustments.

Finally, Thad Woodin requested confirmation as to whether this matter was brought before a judge before.

As this is an administrative hearing this was not brought in a court of law.

Finally, Thad Woodin also requested an opportunity to cross-examine Ms. Anne Usher.

However, this request should be denied by the Enforcement Committee for several reasons.

First, as a threshold matter, Ms. Usher did not submit a declaration made under penalty of perjury, as our regulations require for cross-examination.

Thad Woodin also failed to satisfy the requirements to properly request cross-exam, including stating the

information he was looking for on cross-exam and the reasons why the information he was looking for could not be provided by other form of written evidence.

And maybe it would be helpful for the Committee if I provided a quick overview of cross-examination under our regulations. Our regulations are clear. Cross is only allowed for witnesses who submit declarations made under penalty of perjury. And why is that?

Our regulations are also clear that this rule is concerned about hearsay, which are, in summary, out of court statements offered to prove the truth of the statements asserted.

Obviously there can be significant credibility issues with certain hearsay statements, which is why our regulations provide that certain hearsay can only be submitted via declarations made under penalty of perjury.

Declarations under penalty of perjury can be obviously very serious. A witness can be found guilty of perjury if they make a false statement.

But Ms. Usher did not submit a declaration made under penalty of perjury, and was she required to do so?

And the answer is no. Only hearsay which is offered to independently support a finding might require this kind of declaration. We do not rely on hearsay to -- hearsay alone to support a finding.

And our regulations are unambiguous. No cross-examination is permissible where a witness has not submitted a declaration under penalty of perjury.

Thad Woodin did not meet the threshold requirements for cross-exam because he did not state the information he was looking for on cross and failed to explain how the information he hopes to elicit on cross could not be provided in another form of written evidence and so this request should be denied.

So, turning away from the defenses and rebuttals and turning now to how the penalties were calculated in accordance with our regulations. Each violation was determined to be either minor, moderate, or major, in both gravity of harm and extensive deviation from the requirement to get a permit to place fill. So, depending on this determination, a daily penalty amount was assigned to each violation based on Appendix J. As you can see here, for each violation a daily penalty amount assigned.

Violation One started on August 26 of 2017, which means this violation persisted for at least 2,800 days.

All other violations persisted for at least 900 days.

This means, due to the length of time that has lapsed here, each violation has reached the statutory maximum of 30,000 for each violation.

However, we did determine that certain downward

adjustments were appropriate for each violation based on our regulations. Examples of this are perhaps the violation was a result of an accident or inadvertent omission, or a Respondent had a lower degree of culpability or made efforts to cooperate with our investigation, and so these downward adjustments are listed here by violation.

After the adjustments, the total penalty amount for each violation was determined. The Recommended Enforcement Decision previously mailed to the Committee contains the listed amounts by violation, as you can see on this slide. Though you may recall, we did enter into a settlement with respect for Violation Three for the Enforcement Committee's review.

With respect to Violation Three, we note that the penalty of $18,000 was previously included in that RED that you reviewed. As previewed at the beginning of the presentation, we have reached a proposed settlement of $3,500 with the Belchers to resolve their liability for Violation Three. We do feel this is a fair resolution, taking into account their particular circumstances, and this would provide that Thad Woodin would be solely responsible for the remaining $14,500 in penalties for Violation Three.

Altogether, the preceding slide and with this settlement in mind, the penalties would be $135,000

facing -- from all Respondents, taken together.

Given the proposed settlement agreement reached with the Belchers, I do want to be clear about what we are asking for today. We request that the Enforcement Committee vote to direct Commission staff to prepare a revised Recommended Enforcement Decision for the full Commission's consideration. This is in accordance with our regulations, and the revised Recommended Enforcement Decision would include a few new elements.

So first on the slide, the revised Recommended Enforcement Decision would include a Cease and Desist and Civil Penalty Order adjustment which would exclude the Belchers and clarify that Thad Woodin is solely responsible for $14,500 in penalties for Violation Three.

Second, an additional Stipulated Civil Penalty Order would be prepared for the Belchers in the amount of $3,500 in penalties in accordance with our proposed settlement.

Further this would clarify, in the unlikely event that the Belchers and Commission staff can't come to an agreement on the language of the Stipulated Civil Penalty Order and RED before the Commission meeting, next Commission meeting, the RED would include a provision that Violation Three would go back to the Enforcement Committee for full adjudication of this particular violation, being Violation Three.

Otherwise, to make it very clear, the revised Recommended Enforcement Decision and Cease and Desist Order which you reviewed for today for all other Respondents would contain the same provisions.

This includes timelines for the removal of the sunken barge by September 30 of 2026, with interim deadlines require regarding funding applications as necessary.

Also, there is a November 30, 2025, deadline for removal of all other unauthorized fill.

And finally, this, of course, includes a 30-day period to pay the penalties.

This concludes my presentation. Thank you, Chair Gilmore, and Members of the Enforcement Committee. I can take any clarifying questions.

CHAIR GILMORE: Thank you very much for that very thorough presentation. I am going to ask members of the Committee if you have any clarifying questions for staff. We will not yet be discussing this, but if you have any clarifying questions. Commissioner Hasz.

COMMISSIONER HASZ: This maybe I could take up in our discussion actually, because I am just getting into, I mean, what is the value of the property? Are the estimates all on him? It is probably more for our discussion. Can we have a discussion with the attorney?

CHAIR GILMORE: We will have that discussion after the

Respondents make their comments.

COMMISSIONER HASZ: Okay.

CHAIR GILMORE: But I just wanted any clarifying questions about any of the facts presented by staff.

Okay. I don't see any so we will move on to the Respondents' presentation. I would like to ask Mr. Kanady to address the Committee, please.

MR. KANADY: Can you hear -- can you hear -- can you hear me?

CHAIR GILMORE: Yes, we can, thank you.

MR. KANADY: Good morning, everybody. Thank you for letting me speak. So, do you want me to speak directly to the violations on my property?

CHAIR GILMORE: Yes, please.

MR. KANADY: Okay. Well, what Amanda stated that I simply moved the fill to Bill Woodin's property is not correct. Once I found out what is needed of me I hired a crew of five men, two 20-foot trailers, removed Thad's scrap metal, garbage, other small pieces, to a landfill at a cost of $8,000. Now, for the boat and trailer and the Argo, they apparently moved those to Bill Woodin's property, which they and I thought was Thad's property, so that, definitely I did that. And when I had a conversation with Bill regarding that, of course, he was upset at first. We chatted about the situation, and he agreed to take

responsibility for final removal of those two items.

So currently there is nothing on my property. None of Thad's garbage. There is nothing on my property at this time. That is all I have unless you have questions.

CHAIR GILMORE: Any questions from Committee Members?

Okay, seeing none, representative from the Kittrell Estate. Hello?

MR. DEREK TROST: Yeah, this is Derek Trost.

CHAIR GILMORE: Thank you. You may proceed.

MR. DEREK TROST: For one, when we were -- when we first were told or sent a letter about the truck being on our property we were not -- we were told we can't go out on the island levees at that point. So, we couldn't go out there and do it at first. And for second, it is not even our vehicle. It was dumped there and it wasn't easy to move. But we did put it back on their -- on to Thad's or Bill's. It was all Thad's property at one time so it was his garbage that put it there so we put it right -- we couldn't move it very easy, so we got it into what we thought was Thad's property, but apparently it is his dad's property. And we didn't give him the right to put it there in the first place. It was dumped there, obviously.

And we are getting fined. This is like bogus fines against us because we -- it has nothing to do -- our place is pretty clean except for a little bit of growth. There

is no garbage, no vehicles, no boats, no nothing. Our lot is clear except for a building in the back. And so I don't understand how we could get tied up into this guy's --

Somebody should have said something to him as he was moving all that junk onto this island. Somebody should have said -- the land -- the levee commission should have said, you can't just keep stocking stuff onto this lot and blocking the roads at times. But definitely not put it on our land or everybody else's land. It should have never happened. It should have never even got that far. And then now we are taking a fine for this.

MR. TODD TROST: A $9,000 fine.

MR. DEREK TROST: I don't care if it's the smallest fine. We shouldn't be held responsible for this stuff. This is like bogus. And I kind of want to know what the future plans for this island are. I think there is something along here that is going to be big, that there's future plans here and nobody is saying nothing. Far as we know, the future plans is keeping it wetlands. Well, the biggest, the biggest refuge in the state of California is right next door and it's Grizzly Island. So, I think there is going to be a future plan for this island and I think the state wants it. That's all I've got to say.

MR. TODD TROST: Can I say some stuff?

CHAIR GILMORE: Who is speaking, please?

MR. TODD TROST: Todd.

CHAIR GILMORE: I'm sorry?

MR. TODD TROST: Todd Trost.

CHAIR GILMORE: Yes. Wait, wait, I am confused. Who just spoke before you?

MR. TODD TROST: Derek Trost.

CHAIR GILMORE: Okay, thank you.

MR. TODD TROST: My brother.

CHAIR GILMORE: Thank you.

MR. TODD TROST: Well, I just want to start by first saying that my dad worked hard to get that place there. And then you have a truck that is worth $1 and a guy dumps it on our property. We have no -- we can't even get -- we can't even get on to our place. The levee drops off like two feet and there -- and they had a gate closed at the end of the -- at the end of our property. So, we have to pull in and we had to back all the way out.

And the guys, the guy that dropped the thing, I think that they are pointing at all these laws and saying these laws mean this and that, and whatever. There should only be one law, and the law is when the guy who admits that it is his truck, he is responsible for it. Do what you got to do. Take his property. Do whatever you got to do and clean up the place. Pay to have it cleaned up. Don't go after everybody else for his crap. And I have a lot more

to say, but.

THE REPORTER: Mr. Trost who just spoke, what is your first name?

MR. TODD TROST: Todd.

THE REPORTER: Thank you.

MR. TODD TROST: Well, okay. I want to say that when we went -- when I told her -- we were supposedly going to be charged $9,000. And then Anne talked to us and I said, well, what if I move the truck back onto their property? It is only partially on our property. And she said, pretty much talked like that would be fine. And that I was led to believe that that would take care of it, would get us out of the mess that we are in. And then when I called her back and said that we moved it she said, well, we got a new boss now and that doesn't count. So I feel like the laws are just --

MR. DEREK TROST (OFF MIC): Making them up.

MR. TODD TROST: Making them up to work for somebody. And I don't know, I think there are some hidden agendas here and ulterior motives in play. And I don't know, we just had a little recreational place and now we are being drug into a bunch of -- this is, this is not right. This is like -- I don't know. It is elementary. It is a simple thing. Go after the guy whose it is. Instead, you guys are combining us with him like we are going to have to go

to him and he is going to pay.

MR. DEREK TROST (OFF MIC): Pay us back.

MR. TODD TROST: He is going to pay us back. Are we going to have to pay the full fine? Are we still going to get charged? Are we going to lose our property? And we don't have the money for lawyers and all this stuff. We just, we just want to hold on to our property, and we don't want to be hassled and harassed about something stupid like this. Just go pick up the thing with a little boom truck and take it away, or get Thad to do it, or take his properties and --

MR. DEREK TROST (OFF MIC): Do it.

MR. TODD TROST: And do it. Not drag everybody else into it. Well, we don't have all the money to do all this, BCDC whatever stuff. And it ain't right. So, that's what I've got to say.

CHAIR GILMORE: Okay, thank you very much, sir.

Do any Committee Members have any questions for any of the Respondents?

MS. MARCHELE TROST TURNAGE: Are you guys the Committee?

MR. DEREK TROST: You guys are the Committee, right?

COMMISSIONER HASZ: I do, Commissioner Hasz.

CHAIR GILMORE: Yes.

COMMISSIONER HASZ: Just two for each of the

Respondents. Mr. Kanady, did I pronounce that right?

MR. KANADY: Close enough. Kanady.

COMMISSIONER HASZ: How do you pronounce it? Just so I know.

MR. KANADY: Kanady.

COMMISSIONER HASZ: Kanady, pardon me. How long have you had your property? And I was just curious on the value of the property.

MR. KANADY: I purchased it approximately 40 years ago as a package when I bought my office building. I have visited that property twice in the 40 years, and then I visited about three times in the last six months. Talking to -- what is his name? My mind is not working very well these days. The gentleman who is closely associated with the Commission, very knowledgeable about the area, very helpful. He estimates that my property is worth upwards to $30,000.

COMMISSIONER HASZ: Okay. And it just came with a package of properties when you bought your building.

MR. KANADY: Yeah, somebody I think just wanted to get rid of it.

COMMISSIONER HASZ: In a sense you're kind of stuck with it.

MR. KANADY: Yes, exactly.

COMMISSIONER HASZ: Okay.

MR. KANADY: But if you want it you can have it.

(Laughter.)

COMMISSIONER HASZ: No, thank you. I'll explain later.

And then the Kittrells, just same question. How long have you had it? What did you pay for it? Have you ever tried to sell it?

MR. DEREK TROST: We have had it since the '60s, earlier '60s. And to tell you the truth, I think in the near future here I think it is going to be worth big money, because I think there is a plan and an agenda for this.

COMMISSIONER HASZ: We are not -- we are not -- we are not --

MR. DEREK TROST: Okay.

COMMISSIONER HASZ: -- in that. I don't know anything about that.

MR. DEREK TROST: I don't know what it's worth, but we know --

COMMISSIONER HASZ: That's not, that's not what I am asking. I am just, I am trying to get a gauge on penalties versus property value, right. And just what we are talking about here in severity.

MR. DEREK TROST: Okay, well.

COMMISSIONER HASZ: It has nothing to do with future. I know nothing about that.

MR. DEREK TROST: Okay.

COMMISSIONER HASZ: So, anyway, thank you. That was, that is all, really all I was after.

MR. DEREK TROST: Okay. Well, I don't know exactly what it is worth, but what's our penalties that they are trying to hit us with?

MS. MARCHELE TROST TURNAGE: I believe that we heard that Thad bought his for like 20,000, I don't know exactly.

CHAIR GILMORE: I am sorry, who -- there is a lady speaking.

MS. MARCHELE TROST TURNAGE: Oh, yeah.

CHAIR GILMORE: Could you just identify yourself for the record.

MS. MARCHELE TROST TURNAGE: My name is, my name is Marchele Turnage, Trost Turnage. I am going to be speaking in a little bit, so. But we don't know what the value is. We know what, you know, our dad bought it 23 years -- in '62 or '63.

MR. TODD TROST: And it shouldn't matter.

MS. MARCHELE TROST TURNAGE: And as far as the value, I am just kind of going by what we heard Thad bought his for. It was for like 20,000 or something.

COMMISSIONER HASZ: No, thank you.

MS. MARCHELE TROST TURNAGE: I don't know.

COMMISSIONER HASZ: I will give everyone just a little

background on why I asked. My mom had property up in the Delta, up by Isleton. Very rural as well. And when she moved close to me, we just could not even sell the property no matter what you valued it at. So anyways, thank you for your responses. That is all I have.

CHAIR GILMORE: Okay. I have a comment. Ma'am, you just spoke on behalf of I believe it is the Kanadys, and you said you wanted to --

MR. KANADY: No.

MS. MARCHELE TROST TURNAGE: No, Kittrell.

CHAIR GILMORE: Kitrell, I'm sorry.

MS. MARCHELE TROST TURNAGE: Yes.

CHAIR GILMORE: I'm sorry. And you, and you mentioned you had something to say. Is that part of the -- I raised my hand and then you guys started talking so I turned --

CHAIR GILMORE: Okay. But I didn't, I didn't want to cut any of the Respondents off if they had something else to say. I'm sorry, I thought the brothers were -- okay. So could you please say whatever it is that you wanted to say.

MS. MARCHELE TROST TURNAGE: So I'm Marchele Trost Turnage and through the Kittrell Estate.

The first thing, we have never been happy with what Thad has done out there. The first time we saw this we blew up and I said, you know what, if it is not legal what

he is doing the Reclamation District will let him know and they will not allow him to have all this stuff out here. And he just kept cluttering it up, cluttering it up, and I'm like, it must be legal because the Reclamation District didn't say anything to him.

And we never knew about the 100 year -- 100 foot -- we never knew nothing about that until we got -- until Annie sent us our first letter. We were never aware of that.

But we have a picture here. Our property is clean of all junk. Thad's truck was maybe on our foot like two -- I mean on our property for about, about two feet of it, of his truck. The whole truck was not on our property, it was about two feet. We weren't sure exactly where the line was. Somebody had told my brother and sister-in-law that -- the owner before Thad said, well, your line is about right here. So, we knew it was really close to where it was because otherwise we were going to confront Thad and let him know that you know --

MR. DEREK TROST: Get it back.

MS. MARCHELE TROST TURNAGE: -- he needs to get his truck off our property. But we were never able to really talk to him. But we have never been happy with any of that, of his garbage. I mean, he destroyed the island.

So, the work with -- so my brother and sister-in-law have been dealing with Annie and she -- so they would

always get a hold of me and say, this is what our discussion just was and duh-duh-duh-duh-duh-duh-duh. And so the last -- so the discussion after the first one was, okay, they are saying that Thad's -- and I got a -- I got a notice from -- actually I am the first one that got one from Annie. And then they let us know that Thad's truck was on our property. And we said, well, we knew it was really close, but so it must be on our property. So, they were dealing with Annie.

And then, and then we were told several times that Thad says he is going to get his stuff off the property. So, you know, it was stupid of us to wait, I know.

MR. DEREK TROST (OFF MIC): (Inaudible.)

MS. MARCHELE TROST TURNAGE: And so we waited, we waited for Thad to get the stuff off.

And then we get another letter saying, okay, you know, it was not removed so you guys --

MR. DEREK TROST: Eighteen thousand.

MS. MARCHELE TROST TURNAGE: You guys owe this money. And for one thing, we don't have the money. We are on Social Security, disabilities and -- but anyway. So, when we got that notice the island was flooding. The island -- we are getting letters from Chris Lanzafame, which was from the Reclamation District, and he is saying the island is flooding. The island --

MR. DEREK TROST: No access.

MS. MARCHELE TROST TURNAGE: You know, stay off the levees. So, you know, my brother and my sister-in-law let Annie know that we -- that we can't go out and get this truck off of our property. It wasn't all the way on our property, just a little bit on our property. And so we -- and they let her know that we are going to wait until the levee dries and it is safe for us to go out there. Because that is what Chris has been sending all the -- sending all the property owners anyways, do not go out there when it is not safe. And our levees have never really -- the levee along Montezuma Slough has never really been taken care of.

MR. DEREK TROST: The stretch between the houses.

MS. MARCHELE TROST TURNAGE: The stretch between the houses --

MR. DEREK TROST: Only there.

MS. MARCHELE TROST TURNAGE: -- has always been --

MR. DEREK TROST: No gravel, mud.

MS. MARCHELE TROST TURNAGE: Yeah. Even though they had stuff to fix it but they -- that was never really fixed. And we have been paying our property taxes. We have been paying the levee taxes since 1962. We weren't aware of the 100 foot anyway so we probably would have went to Thad and said, you need to remove all this stuff because this is illegal. You are not allowed to have this stuff

out there because you are not supposed to have all this stuff within 100 feet from the -- from the -- I guess the high tide levee. That is what I am understanding. So we are just finding out about all of this. This is all new to us. And anyway, so we have, we have photos here. We have a photo of our property. And then we have a thing typed out that where, where our complaints are, so.

MR. DEREK TROST: It's the cleanest lot in the photos.

CHAIR GILMORE: All right, thank you. Do any of the other Respondents have anything to add before we move on? I just want to make sure I don't miss anybody.

MS. MARCHELE TROST TURNAGE: Yeah, I think --

MR. DEREK TROST: I didn't get my three minutes.

CHAIR GILMORE: Sir, you got more than three minutes. But I just want to make sure, is there anything else you have to add that has a bearing on either the fill or the penalties? I just want to make sure you have said everything you wanted to say about that.

MR. DEREK TROST: Yes, I got one more little thing to say.

CHAIR GILMORE: Okay, please.

MR. DEREK TROST: The duck club next door, they got stuff that is in front of that, and I don't know how they knew that there wasn't a -- or that they needed permits on their Conex boxes that are way close to the levee. You can

see it in the pictures.

CHAIR GILMORE: Sir, sir, that that is not relevant to the issue at hand.

MR. DEREK TROST: Okay, the other side.

CHAIR GILMORE: We are dealing with your property.

MR. DEREK TROST: And the other side.

CHAIR GILMORE: The fill and the penalties. So does anybody have anything else to say about those things?

MR. KANADY: Chair Gilmore?

MR. DEREK TROST: Go ahead.

CHAIR GILMORE: Who is --

MR. KANADY: This is Allen Kanady.

CHAIR GILMORE: Yes, thank you.

MR. KANADY: Yeah, you bet. As far as the penalties are concerned, you know, obviously I am in agreement with everybody else who has been speaking. I think it is totally unfair for BCDC to be fining the property owners that didn't create this problem. If a penalty has to be paid I would hope and expect that it would be minimal. You have a proposed settlement with Steve Belcher for thirty-some hundred dollars. It just seems just totally unfair to be penalizing me and the other Respondents for a situation that we didn't create. Thank you.

CHAIR GILMORE: Thank you, sir.

John, do you have a question for Respondents or do you

want to start discussion?

COMMISSIONER VASQUEZ: No, no, no, I have just a question. The speaker was referring to Annie. Who is Annie?

MS. USHER: They mean me, Anne, it's okay.

COMMISSIONER VASQUEZ: Okay, because they kept -- without using your last name I didn't know who she was referring to.

MS. MARCHELE TROST TURNAGE (OFF MIC): Is it Annie Usher?

MS. USHER: Anne.

COMMISSIONER VASQUEZ: Thank you.

CHAIR GILMORE: Okay.

MS. MALAN: Chair Gilmore?

CHAIR GILMORE: Yes.

MS. MALAN: We have one more speaker for the Kittrell.

CHAIR GILMORE: Sure.

MS. KATHY TROST: Okay.

MS. MALAN: Please state --

MS. KATHY TROST: Okay. My name is Kathy Trost and I am Todd Trost's wife and this is about the Kittrell Estate. I'd like to explain this map that I have here. So, this is the Kittrell Estate here. This is the truck (inaudible). This is all the rest of Thad's belongings. Next door to us, these are the -- which is -- I am going to -- I have in

my letter. These are the two Conex boxes. This is the duck club here. And this is the duck club belongings that are on the side of their levee road. And this tape mark here is the gate which the duck club placed there that they keep closed a lot. So.

CHAIR GILMORE: So, for the benefit of -- I'm sorry. For the benefit of those online who can't see what you are referring to, are you trying to say that the duck club has a gate that also provides access to your property?

MS. KATHY TROST: No.

MR. TODD TROST: There is no way to turn around, it blocks the access to go down the levee.

MS. MARCHELE TROST TURNAGE: Once they raised the levee --

MS. BOYD: Sincere apologies for interrupting, Chair Gilmore. I just want to note for the record that this is a surprise exhibit document that was not provided in the Statement of Defense. I just want to make sure that that is included in the record and make sure the Enforcement Committee is aware that this is not something that was submitted in the Statement of Defense. Thank you.

CHAIR GILMORE: Thank you, I appreciate that.

MS. KATHY TROST: I did email it in yesterday.

CHAIR GILMORE: But the Statement of Defense was due months ago or weeks ago.

MS. BOYD: August 12. August 12, thank you.

MS. KATHY TROST: Okay.

MR. TODD TROST: We have a clean place.

CHAIR GILMORE: Okay. I'm sorry, we can't consider that because it is late presented. Well actually it is not even evidence. It is presented too late. It should have been included in your Statement of Defense.

MS. KATHY TROST: Okay. Well, I sent something in also yesterday because they asked, they said, if we had anything to send in that I could send in, so I -- we just wrote up some stuff. I just basically am going to read my letter that I submitted last night.

So, we feel that the violation and fines directed towards us should be reconsidered because as soon as we were notified in February 2025 that Thad Woodin's truck was a BCDC violation and was allegedly on our property and needed to be moved we promptly remedied the problem. The alleged violation was unintentional on our part, unknown to us that there was a violation of the truck allegedly on our property, and unknown to us that BCDC had been dealing with Thad Woodin for many years on his violations dating back to 2022 and prior. As soon as it was safe to access the levee road the truck was removed from our property.

BCDC has been using the argument that they have 100-foot shoreline band jurisdiction along the levee and that

is why Thad Woodin's truck has become our problem. If this is true, why has BCDC not enforced the 100-foot shoreline band jurisdiction with all property owners along the levee? BCDC violations have only targeted the parcels that have Thad Woodin's unauthorized fill. If BCDC is going to enforce its codes along the levee on Van Sickle Island then it needs to enforce these codes with everyone along the levee.

The initial complaint the BCDC received in April 2019 is a complaint against Thad Woodin only and his activities on the island. BCDC has taken that complaint and changed it to include the neighboring property owners of which Thad Woodin placed his belongings. This is unfair. We have been targeted to share the responsibility with Thad Woodin when he alone placed the unauthorized fill onto the island.

Just next to the Kittrell Estate property is the Concord Duck Club. As you can see in the picture, there are two Conex boxes well within the 100-foot shoreline band jurisdiction of BCDC, and several other items along the levee within 100-feet. This is just one example of other levee properties. Why haven't they been included in the violation of being within the 100-foot shoreline band jurisdiction?

There has been an issue with the section of levee leading to all of our properties in question for many

years. The levee has not been maintained by the Reclamation District. Resources for the levee have been distributed to other areas, and our section has been neglected.

Our neighboring property placed a gate across the levee.

MS. MARCHELE TROST TURNAGE: Well, I thought that she was going to send --

MS. MALAN: Chair Gilmore, her three minutes is up. Do you want her to continue?

MS. KATHY TROST: Well, you kind of interrupted me during my --

CHAIR GILMORE: How much, how much more do you have?

MS. KATHY TROST: Not too much. I'll read really fast.

CHAIR GILMORE: Please. Thank you, Margie.

MS. KATHY TROST: Put a gate across the levee road and for many years has kept the gate closed so we couldn't turn our vehicles around to exit once we drove in.

After a previous flood approximately eight years ago the levee was repaired in front of the duck club and the levee was raised one and a half to two feet along the front of our property, making it impossible to pull off the levee road onto our lot without getting stuck. This has made it very difficult to be able to access our property.

We had no prior knowledge of the problems with Thad Woodin's unauthorized fill. It was also the job of the Reclamation District to notify property owners of any problems on the island. So, for all these years we have no knowledge -- we had no knowledge that there was a problem. We had no knowledge that Thad Woodin's truck was allegedly on our property. No structural modifications were made, and no public access was obstructed. As soon as the levee was safe the truck was moved to Thad Woodin's property.

We request that the fines be dismissed against the Kittrell Estate based on these facts. There was no environmental harm. The truck did not discharge pollutants, disturb habitat or alter the levee. The levee was accessible to the public and there was no interference with navigation or shoreline access.

Involuntary circumstances. The placement of the truck was not known to us as being on our property. The truck is not ours. It is Thad Woodin's by admission. We are not part of its placement, use or change. Thad Woodin, who is the responsible party, did not remove the truck on his own. So, as soon as the levee was safe enough we removed the truck from our property onto Thad's, demonstrating good faith and full cooperation.

BCDC's own Enforcement Guidelines recognize that penalties should reflect intent harm and mitigation

efforts. The absence of harm, lack of intent and swift correction action weighs strongly against the imposition of any civil penalty. We respectfully request that the Commission dismiss the proposed civil penalty against the Kittrell Estate.

CHAIR GILMORE: Thank you.

MS. KATHY TROST: Thank you.

CHAIR GILMORE: I just want to caution Members of the Committee that the letter that was just read was not -- is not evidence, because it was submitted after the Statement of Defense was due. But I suppose we could consider it public comment, but it is not evidence. Okay.

Are there -- since we are into public comment, are there any other public comments on this matter?

MS. MALAN: Commissioner Vasquez has his hand raised.

CHAIR GILMORE: John, do you have a question for discussion or a question for a Respondent?

COMMISSIONER VASQUEZ: Just to clarify. I mean, the last speaker spoke about alleged, allegedly the truck was on there. Do we know in fact that it was on their property?

MS. BOYD: I can take a stab at addressing your question. We did have a reasonable basis for determining. Anne Usher had a reasonable basis for determining that the silver truck was on the Kittrell Estate's property. She

began by reviewing RealQuest property records. She, in correspondence with Chris Rodgers, a mapping technician from Solano County, understanding --

COMMISSIONER VASQUEZ: Okay.

MS. BOYD: The tax assessment maps as well, she reviewed those, as well as being on the ground on a December 2024 site visit to walk the property lines and assess where the fill was in relation to each property. And on this basis she determined that the silver truck was on the Kittrell Estate's property.

COMMISSIONER VASQUEZ: Well, thank you for clearing that up.

CHAIR GILMORE: Okay.

MS. USHER: Sorry, just to add, I also reviewed the grant deed and spoke to the State Lands Commission.

CHAIR GILMORE: Thank you. Okay. Do we have any other public comments? Because if we don't I am going to close the public comment portion of this meeting.

MS. MALAN: We do have a public comment online, Chris Lanzafame.

CHAIR GILMORE: Go ahead, please.

MS. MALAN: Chris, you have three minutes to speak.

MR. LANZAFAME: My name is Chris Lanzafame. I am the Secretary for the Reclamation District and I am, you know, out there quite often. I do manage paying the bills and

that sort of thing for the District.

First, I want to say Anne Usher has done an incredible amount of research in a very difficult situation. I commend her for all of her efforts. You have a real strong person doing this job and I just want to give her some credit for all of this.

The comments of the Kittrells. Some of them are a little inaccurate but many of them are true. The Reclamation District manages nine miles of levee with a budget of about $150,000; that is an incredible burden for us.

We are at the southernmost tip of Solano County. We get bashed with every winter storm. We flooded in 2017 and it took a lot of effort to get the levees rebuilt. We flooded again in 2023 during the national disaster that hit all of Northern California, which was declared an emergency and a FEMA related disaster.

The difficulty of getting through that stretch of property, there were 10 acres where all these properties are that are very narrow levee with large eucalyptus trees. It is a very difficult place for the district to service.

But I do agree that, you know, the district has some responsibility to make sure people don't block the levee and all this garbage that Thad had brought out there. We warned him. We warned some of the landowners that debris

was getting put on their property. But it was a very difficult period of time from 2023 until now for people to get this really heavy stuff and drag it off of their property, when in reality it was placed there by somebody who was collecting garbage. I think Thad was interested in scrap metal sales and this sort of stuff. The District does not have the budget to police this sort of thing where maybe a city would remove all of this debris and then put liens on the property.

And in answer to your question about the value of the property. Just so you know, typically the land, we have had recent appraisals done for property, $2,000 to $3,000 per acre is the going rate for a duck club. And some of these parcels are just an acre. The Belcher property is around three acres. But small pieces of property on the Delta might carry a higher value. So there really isn't a lot of monetary value here.

I think the burden of these people paying -- these innocent people paying for Thad's garbage is a little extreme. I have told that to Anne. I thought this was a little bit overreaching. I think you should consider. The ultimate goal of the BCDC would be to make sure that these problems are resolved, not fining people punitive damages for something that they did not do.

I would suggest that you review the fines and say,

look, let's, let's try to get the garbage out of there. And yes, it is -- the burden is on Thad. He does not have the financial resources to deal with this. And the property value if you try to sell all those properties probably wouldn't get enough money to cover all of this. So, the goal should be to remove this stuff, not fine the people. It has been a difficult couple of years.

We are doing work now with FEMA money trying to get the levees fixed up. Unfortunately, that stretch was not allowed to be using FEMA money because it wasn't damaged during this current flood, it has just been damaged for 50 years. So that is my three minutes.

MS. MALAN: Thank you, Chris.

CHAIR GILMORE: Thank you very much.

Do we have any other public comments?

COMMISSIONER HASZ: I'm sorry, I do have a question for Chris.

CHAIR GILMORE: Go ahead.

COMMISSIONER HASZ: Chris, Commissioner Karl Hasz. That waterway, Montezuma Slough, is that at all used for navigation? Do people have docks up there?

MR. LANZAFAME: Can you hear me?

COMMISSIONER HASZ: Yes.

MR. LANZAFAME: Okay. The slough is a continuous slough that surrounds the Suisun Marsh. It starts right

there on -- Montezuma Slough starts right near where this property is. And it goes north, around, all the way up to Suisun City and comes down by the -- where the mothball fleet used to be, where the bridge is going from Martinez over to Benicia. So, it is a very important slough.

There is a California -- the state of California has a salinity gate right there just north of this property. It is a critical area to keep salinity from coming up the Delta. It is a very complex set of circumstances, which you should all know being on BCDC about. The Suisun Marsh is a, is a pristine area.

This is a, this is a sad situation. But there's only a few houses on this, on this island, on the levee there, and it is just these small parcels. The 10 acres that are on -- were sold back in the early 1900s to the caretaker of the owner of the island and it got subdivided. It is just difficult to deal with moving stuff out of there. I don't blame the people for not being able to get things out. We have been flooded. The roads have been closed every winter. We are getting to that period now. We are supposed to get a big storm this weekend. I am not sure how that is going to impact that levee. It is not an easy task and I don't -- that is -- does that answer your question? I'm sorry.

COMMISSIONER HASZ: Well, my -- I am just curious on

the priority of removing the barge, right? Is it -- are there buoys out there marking it because people are going to run into it eventually?

MR. LANZAFAME: Yeah, there are. There are four buoys that -- the Sheriff's department had come out. I was the one who originally kind of made it known that there was this barge that had sunk out there. There was one prior to that that almost sank and we caught it in time, and it was removed. But this one sank. They marked the four corners with buoys. One of those buoys has gone away. It is a little bit off the center line of the channel. Most of the boat traffic in there is small vessels. Occasionally, Dutra brings a big barge up there. They are aware of the area. I am not sure how much depth is over it. But it does need to be removed. That is a huge, huge expense.

COMMISSIONER HASZ: Yeah. Okay, thanks, Chris.

CHAIR GILMORE: Okay, thank you.

MS. MALAN: That's all --

CHAIR GILMORE: Thanks, Margie. Last call.

MS. MALAN: That is all we have.

CHAIR GILMORE: Okay. So, I am going to close the public comment period, and I am going to open it up for Committee questions and comments. But before I do that, Amanda, can you put up, you had a matrix of all the violations and then -- and who was responsible. Could you

put that up, please.

MS. BOYD: Yes, just give me one moment here. Oh, goodness. There we go.

CHAIR GILMORE: Okay, great. I just wanted everybody to see this and refresh their memories. Unfortunately, when this is up I can't see hands, so Margie, I am going to rely on you for the next two or three minutes while everybody has a chance to review this for Committee questions.

MS. MALAN: Yes.

CHAIR GILMORE: Okay. I think before this came up I think Commissioner Hasz had his hand up.

COMMISSIONER HASZ: I did. I don't have a question on this component.

CHAIR GILMORE: Well, go ahead, ask whatever question you want.

COMMISSIONER HASZ: Okay, so this is -- Amanda, the question is, let's play this out how this goes forward, only focusing on Thad at this point. So, a $130,000 fine I am imagining is not going to get paid. I am also -- I have dealt with somebody like Thad before. They are not going to clean it up. They are probably only going to add stuff to it, putting in more fill. There is no way he can afford to remove a barge. I mean, that has got to be a couple hundred thousand dollars easily. And then the wrecked

vehicle, maybe you could get a tow truck to yank it out but that would be -- I would imagine you are going to damage the levee. So, we have some really overarching issues here of reaching our goal of cleaning it up. And so, okay, he can't pay the fine. The property sold will, if you could even sell it, isn't even going to come close to helping us out here. So, what happens at this point? What is the direction with Thad?

MS. BOYD: Well, we are hopeful that the sunken barge, the Solano County Sheriff's Office has communicated to us that there is a pending funding application, a pending grant application for the removal specifically of the barge. This correspondence was included as an exhibit to the RED. We are hopeful to hear back very shortly the result of that grant application. They estimate that should this grant be provided to them that they will be able to clear the sunken barge in the next year, hopefully by the end of next summer. So, we are hopeful that that will be a helpful resolution, at least to the sunken barge problem here.

But I would contend that as far as any future difficulties, of course I am not in a position to say whether Thad Woodin is going to pay any penalty should the Committee and ultimately the Commission find them appropriate for Thad Woodin.

I am not in a position to say whether he can pay them or not or clear the fill.

But I would say that it makes the issuance of a Cease and Desist and Civil Penalty Order that much more important to be able to have a legal mechanism by which to try to urge Thad Woodin to both clear the fill, which is of the utmost importance for this sensitive area, very environmentally important area, as well as pay the fines.

COMMISSIONER HASZ: No, I completely agree Cease and Desist moving forward, specifically at Thad. But just the nature of what I am seeing, and this is me, this is not official, right. I am just seeing that -- I am imagining it is not going to stop. And the last thing he is going to do is remove stuff, he is probably going to add more stuff.

And so what -- I mean, Cease and Desist, fine, he's ignoring it. Nothing happens. What happens from there?

MS. BOYD: In previous cases where we have had a Cease and Desist Order that has not been complied with we are able, under our statutory scheme, under the McAteer-Petris Act we are able to refer these cases to the Attorney General's Office to be able to file litigation on the matter.

COMMISSIONER HASZ: Okay. And then the road itself out there, is that a private road, a county road? Who owns the road?

MS. BOYD: I am not sure if -- you might want to comment on that.

MS. USHER: It is the private houses. But again, Chris can speak to this. It is managed by the Reclamation District.

I want to just very briefly add a little context specifically with Thad. Some things have changed out there, not a ton, in terms of movement of various objects. Just as a quick example, a silver Chrysler sedan that was part of, you know, Amanda's exhibits, that has been removed. One of the two big boats that were on Allen Kanady's parcel, one of those Thad has -- Thad moved it beyond the gate.

There are -- by the way, there are -- just a quick aside because this is important. I want everyone to understand that there are two gates, two ways to access. The main way to access these parcels is -- first, absolutely correct. This is -- the road itself is narrow. We did have seasonal concerns, which I want to address separately.

The gate, it has a lock, there is a code. Chris has that code. People use it to come and go. I have a large SUV. When I have gone out there to do site visits when it has been dry I have been able to drive it all the way down the parcel, back -- turn around near the duck club and go

back out.

Thad. I can't tell you, of course, what Thad will or won't do. I know that he -- when he moved the boat past that gate, the one I am referring to, the main gate, he claimed -- his father claims that as he moved it that far, his truck had some transmission problem, but he intended to be back out there today once it was fixed to fully remove the boat out of our jurisdiction. Again, I can't speak to what else gets moved, I just wanted to quickly address that element. There's other things I would like to add after.

MS. MALAN: Chris, you had your hand up?

MR. LANZAFAME: Yes. Just so you know, the gate -- the boat that was taken off the island and moved to the outside of the gate somehow mysteriously moved back inside the gate and the landowner there called to complain to me that the boat was on his property. Just so you know, the District has the right of way to manage the levee, and in some areas of the island the District has fee title of the, of the levee, in some areas it doesn't. So basically our role is to manage the levees and we don't get too involved in what people are doing on their property.

That's what I was -- in answer to your question, that stretch of the levee, the District purchased it in 1914. There is a 100-foot strip from the center line of the road. It is just so narrow there that what we are owning is right

now virtually underwater because we are flooded on the inside and there is the Slough on the outside. That's it.

CHAIR GILMORE: Thank you.

Amanda, can you stop sharing your screen, please.

MS. MALAN: Commissioner Eisen, you're up.

COMMISSIONER EISEN: Thank you. I am hearing all kinds of information in this, in this meeting. I don't know how much of it is evidence and how much of it is in the record but, you know, it is a little hard to sort of sort all of that out given what we are hearing from both staff and the folks that are in the room.

The biggest issue that I am seeing is that the Kittrells and the Kanadys both seem to contend that they didn't know until February 2025 that there was fill on their property; and that once they learned of it they moved it off their property. But I am reviewing the timeline and trying to figure out when they moved it off the property, because I can't see anything about the silver truck and when it was moved. I see that as of July, all of the violations were still occurring. So, if there is information in the record that I have somehow missed as to when the silver truck was moved and when the items on the Kanady property were moved off that property I would like to have that information.

I do understand that the 900 days penalty for both the

Kanadys and the Kittrells is going back before February 2025 obviously. It is going back to when this was first on their property. So, I am wondering if there has been any sort of effort to mitigate or to reduce the penalties assessed against the Kittrells and the Kanadys that is based on their knowledge of not having arisen until February 2025. I know that you have taken into account for mitigation that the properties were not accessible all of the time and the violations were minor in some cases. I know you have done all of that work. But they are still both facing significant penalties. And if they have moved the stuff off their property and did so reasonably soon after February 2025 it seems like there might be some room for mitigation there.

MS. MALAN: Thank you, Commissioner Eisen.

Anne Usher.

MS. USHER: Thank you. I wanted to provide some important context on this; and I understand your confusion.

And first I do want to say, I want to first thank you, say for the record thank you to all the Trosts for coming today and for all of your comments. Again, I just want to stress this, as I have said to them, and to some of them, many of them individually, that I have a lot of sympathy. And you are correct, you did not place the fill, in your case a truck.

So, I want to just -- when we -- when we sent the ICL -- I just want to, again, go over a sense of dates. We sent the initial contact letters to all Respondents on February -- I'm sorry. Around February 13, 2025. I think one of them received it a little bit later. I think actually you guys because there was some confusion over there were various Respondents' addresses. But around that time. And they are correct, they did respond very quickly.

The language in the ICL itself, I just want to read this for the record, it is brief. To the point of seasonality. The language says:

> "This letter serves as notice that BCDC believes that a violation has occurred. You must clear all illicit items of fill from your parcel. Note that due to the sensitive nature of the locale, we strongly urge you to engage the services of a qualified professional engineer to ensure that the removal work is conducted in a manner that does not damage the levee or threaten its integrity."

Along those lines, and I want to answer another question in tandem that they raised in terms of what was said and what wasn't said. They are right. At the time our previous -- our previous manager led me, I was led to believe that if they did this, you know, if they removed,

in their case, the truck, that they would not face a penalty. However, when we dealt -- when we sat down as a team very shortly thereafter, after -- and then later at this -- when Matthew Trujillo left, it was determined that based on our regulations, as owners of these parcels and given the scope when this became a Violation Report, I could not offer that to them any longer. And I, you know, we followed through accordingly and I followed the rules, our regulations in terms of determining fines.

Now, one important piece of that, just let me say, one piece of that is that we took into account, and this is important, why it became a Violation Report is, frankly, the longstanding nature of these violations. And it is a bit, you know, they didn't know -- they haven't been out there. These violations have been in place, many of them if not most, since 2012. Reflected in a letter that is part of the record that Chris Lanzafame, Chris who is on the call, sent to Thad Woodin that year. I will note that Steve Belcher was actually at the meeting that precipitated that letter. Wherein it was noted just how many of these items Thad had accumulated on this fragile levee. So again, it was a longstanding issue.

But also we, as Amanda said, we accommodated and I used the -- as I have said to them, I used the -- I deducted by the biggest percentages that I was allowed

under our regulations, based on how cooperative they were and how -- and Todd did, immediately said, how -- you know, we want to work with you. What can we do about this?

Now at the time, just to stress the nature of this and I will keep this brief. As Chris mentioned, it was -- you know, on the one hand they had to remove the fill. On the other hand, we did have a legitimate concern because the levee road during the winter, and I went out there many times, was wet. It is fragile. We did not want trailers going across it when it was wet and muddy and further damaging the levee.

However, as I noted to them many times in discussions to Bill and others and Thad himself, that it dried up late spring, early summer. We had conversations over the summer and I basically said, okay, as soon as it is dry, green flag, open, you know, please remove these things as soon as possible. And they did. They moved -- well, they -- but they didn't remove it out of the jurisdiction. I understand it was hard to move that particular truck. They, they moved it onto -- fully, you know. I know there was a misunderstanding about whether it was on or off, but they moved it fully onto Thad's parcel.

I just also quickly want to note, in terms of permission to use this road and use it like say for instance from July onwards. There was a time when Chris

had posted a sign near the gate that most people could see stating that, please don't access this road. It is vulnerable, you know, because of the seasonal concern. I spoke to Chris about this and he again, we were very much in touch. He was very much aware of our desire to remove these objects and especially wanted them out over the summer before -- now here we are again and now we are in potential for yet more rain. And he said, no, I am giving them permission to remove those items. Please tell them that. I did convey that to them.

And -- sorry. And lastly is regarding the barge removal. The County has applied for $800,000 to remove it. Thanks.

CHAIR GILMORE: Okay. Do we have any other Committee questions?

COMMISSIONER EISEN: Just to, just to make sure I understood what Anne just said. When did they remove --

MS. USHER: Sorry. July, July 26 is when they removed the truck. Moved it, I should say.

COMMISSIONER EISEN: The same question with respect to the stuff that was on the Kanadys. Was that all removed in July?

MS. USHER: I think mostly August. I am trying to remember. August, September, roughly, late August.

MS. BOYD: I can shed light on this. We noted that we

received evidence from Mr. Kanady that he had moved the fill off of his property in late August, on August 29.

COMMISSIONER EISEN: Okay, thank you.

CHAIR GILMORE: Okay, any other Committee questions? Cesar.

COMMISSIONER ZEPEDA: Yeah, thank you. I am trying to follow us as well. That summary of violations slide in there. Can you tell us which of the violations? I know you have been answering already in pieces, but I am trying to follow. Which violations are still not removed and which ones have been moved as of today?

MS. BOYD: Yes, this is an excellent question; I am happy to clarify. So, Thad the -- obviously Violation One is, it remains, which is the fully submerged barge and the recreational vessel in the Montezuma Slough.

Violation Two persists as well. This is the fill on Thad Woodin's property.

Violation Three, which we have contended, the two boats which fully or partially on the Belcher's property, have been removed from their property and we have now, we proposed the settlement to the Enforcement Committee.

Violation Four, which -- the fill, the RED and Order sent out to the Enforcement Committee includes Mr. Kanady -- provisions, not just the civil penalty provisions, because he removed the fill to another

Respondent's property, which in another context we would contend would be a different violation, actually. So it wasn't on Thad Woodin's property, it was on someone else's property.

COMMISSIONER ZEPEDA: So then, so Four has been removed, right?

MS. BOYD: From Mr. Kanady's property to someone else's property.

COMMISSIONER ZEPEDA: Okay. I am just trying to go based on what we have here.

MS. BOYD: Of course.

COMMISSIONER ZEPEDA: So, somebody else's property, that was going to be another thing, okay. But Four is also removed. Okay, thank you. And then Five?

MS. BOYD: Violation Five is on Bill Woodin's property. And the fill, to our knowledge, the evidence last submitted to us, it remains on his property.

And of course Violation Six, which is the Kittrell Estate's property, the silver truck, we understand that that had been removed from their property.

COMMISSIONER ZEPEDA: Thank you. So, in summary, One, Two and Five remain, and there is a potentially new Seven sometime later, who knows when, that will be brought up again. So, One, Two and Five, right?

MS. BOYD: I would say that One, Two and Five have

been fully removed from the Respondents' property to Thad Woodin's property or out of our jurisdiction, or out of our jurisdiction. But Violation Four which is, I believe, you know, we are trying to clarify. It was removed from Mr. Kanady's property but it was put on someone else's property, so that is why we have not removed him from the Cease and Desist Order provisions.

MS. USHER: And a quick clarification, the truck was moved on to Bill Woodin's property. That is one of his two parcels. That is Thad Woodin's father.

COMMISSIONER ZEPEDA: Okay, thank you.

CHAIR GILMORE: Okay. I am going to kick off the discussion because I am troubled by a lot of these things. Well, actually I have, I have one question of staff. So, have any of the Respondents presented evidence other than verbally here today of their inability to pay any of these fines?

MS. BOYD: I can take that. I reviewed all of Respondents' Statements of Defense. None have submitted supporting documentation regarding their inability to pay.

CHAIR GILMORE: Okay, thank you.

The other thing that troubles me is that there have been statements on the record from various property owners about the fact that they have not visited their property in years, or in some cases, potentially decades. And I sort

of feel like if you are a property owner, you have a responsibility to visit your property periodically. I am not saying you need to go out there every month, every year, but something a lot less than 20 years, and probably, you know, something less than five years.

So, that bothers me because I feel like if you had been a property owner who visited your property at least semi-regularly you would have seen the fill and potentially been on notice and maybe have taken steps to deal with it before we got to this point. So that is just that.

But the thing that -- and I don't, I don't really know how to state this, but it bothers me that there is an inequality here because we have a proposed settlement by a Respondent who was sophisticated enough and had the resources to hire an attorney who guided them through this process. And as a result, and we can talk about the settlement later, if we accept the settlement, they are facing significantly less fines than what had been proposed.

And then on the other hand we have other Respondents who either weren't sophisticated enough to seek the advice of an attorney or maybe didn't have access to the attorney, who are facing significantly more fines. And that is an equity issue that I see here, and I just wanted to toss those things out for discussion.

And I see, John, you have your hand up.

COMMISSIONER VASQUEZ: Marie, I think in listening to you my comments are going to be fairly close to yours. Right now, I am of the opinion to move forward with staff's recommendation, have the whole thing go before the entire Commission, and have these folks speak again, because I think there are some policy discussions that need to be talked about. One of them is the equity part of it.

Yes, do you -- as a landowner do you have a responsibility to look at your property and maintain it? Certainly do. But given the fact that these fines are pretty high I am not, I am not right now willing to lessen anything unless it goes to the entire Commission. Which the entire Commission may refer it back to the Enforcement Committee with some direction, and that is what I would be looking for. I don't think, I don't think there's enough of us here as the Enforcement Committee to make those kinds of decisions. I think there are some policy questions that need to be talked about and some inherent equity questions that need to be talked about. Anyway, that's just my thoughts.

CHAIR GILMORE: Rebecca.

COMMISSIONER EISEN: To your concern, Chair, I am wondering if the Kittrells or the Kanadys have been invited to negotiate a settlement with the BCDC? And if so, was

that just fruitless? And could it occur now that their, you know, potential liability -- I mean, I guess we'd have to simply offer that to everybody is the opportunity to try to resolve this matter.

And I guess we could do as John suggests and go ahead and move the Staff Recommendation. And that does not preclude, that would not preclude anybody from trying to negotiate a settlement of the, of the Order. Am I right about that, Amanda? They could settle it even after the Cease and Desist is issued by the Commission, right?

MS. BOYD: This is an unusual situation. I will say to clarify, our Staff Recommendation today before the Enforcement Committee involves this proposed settlement. We have recommended that the Enforcement Committee direct us to prepare a revised Recommended Enforcement Decision and adjust the Cease and Desist Order as well as create a stipulated Civil Penalty Order which incorporates the proposed settlement. We do believe the proposed settlement was a fair resolution for the particular circumstances.

COMMISSIONER EISEN: No, no, that I totally understand. I am talking about a potential settlement with the Kittrells and the Kanadys. You know, to the Chair's point, they have not settled out as the other landowner did. Is it because we attempted to resolve this with them and we couldn't get anywhere? Or if they decided even

after this Order is issued that they do want to pursue a settlement, that that could still occur, right? Those who have not yet settled.

MS. BOYD: We are always happy to discuss a settlement with Respondents and can ascertain kind of the right procedure moving forward before going to the Commission. It may be that we just need to make sure we are doing it procedurally in a way aligned with our regulations. But of course we are always happy to discuss settlement. The only Respondent -- well actually the Belchers had approached us about a settlement initially. And as far as the Kittrell Estate, we were not similarly approached, to clarify.

COMMISSIONER EISEN: I see. And just one last sort of legal question. We are proposing penalties that they would be sort of jointly and severally liable for. Like $18,000 would be both the Kittrells and Thad. We are not asking for 18,000 from Thad and from the Kittrells, right? It is 18,000 from one or the other of them, or both of them split in some way that they come up with.

MS. BOYD: That is correct to say that we are not asking for 18,000 individually. We are, we are proposing an $18,000 -- with respect to Violation Six, let's take for example, 18,000 we are proposing as joint and several liability affecting Thad Woodin and the Kittrell Estate, correct.

COMMISSIONER EISEN: All right. So, they have rights against Thad if they wish to pursue them. They could take the position, you know, you should be paying all of this 18,000, not me, and pursue that against him, you know, in a separate action, right?

MS. BOYD: I am not sure about the --

MS. USHER (OFF MIC): (Inaudible) lawyer.

MS. BOYD: -- specifics of the legal claim, but --

COMMISSIONER EISEN: I am not asking whether there would be a viable claim. I am just saying, if they believe that he should pay the whole thing, they are not precluded from trying to state that position somewhere.

MS. BOYD: That may be an option available to them, but I am not certain.

COMMISSIONER EISEN: Okay, thank you.

MS. MALAN: Chair Gilmore, the Trosts would like to speak again. Would you --

CHAIR GILMORE: No, I'm sorry, we have closed the hearing for Committee discussion and so I am not going to be entertaining any more comments from the Respondents, thank you.

Thank you everybody for their comments. I am still very troubled by all of this. While I think Rebecca and I are thinking along the same lines about joint and several liability, I think the problem is, if you have

unsophisticated Respondents, or Respondents who don't have access to legal counsel such that it would not occur to them to come forward and say to BCDC, hey, could we work something out. Short of this discussion today I don't know that it would occur to them to potentially press any kind of claim that they may or may not have against Thad Woodin.

And to the suggestion of, well, you know, we should push this forward to the full Commission because there are potential policy questions. I understand that we should be discussing the policy questions. But if we push this forward to the full Commission it implies that we as a Committee think that the level of penalties and fines are the right thing to do. I don't know that I want to be in front of the Committee going, well, we pushed this forward at, you know, a majority vote saying you guys need to hear this but we are not really happy with the fines. Because that is kind of the sense I am getting here.

So, I guess I have a question for Amanda. Short of pushing this forward to the full Commission could we, I don't want to say reject this, but could we send this back to staff to discuss further with Respondents? Is that an option that we have? Or do we just -- is it a straight up or down vote on this recommendation? And maybe that is a question for Shari, I don't know.

MS. POSNER: I mean, I am happy to respond. I mean, I

believe that has been done in the past, to suggest that there -- if the Committee believes that there may be some further discussion that could occur between the parties it can direct staff to engage in that and then come back to the Committee. It may or may not change anything.

CHAIR GILMORE: Okay, thank you. Okay, well, I am, I am open to -- John, you have your hand up.

COMMISSIONER VASQUEZ: I kind of like that idea, Marie. Could we not continue it to another date that says, given the opportunity for the individuals to come and maybe meet with us and give them that second chance, or the first chance. Go ahead, Shari.

MS. POSNER: I was just going to say -- I mean, I was going to let you finish and I just wanted to -- when you are done.

COMMISSIONER VASQUEZ: Okay.

MS. POSNER: I just want to clarify.

COMMISSIONER VASQUEZ: All right. I am pretty much done.

MS. POSNER: I was just going to clarify. That would not -- if you -- I think what you are saying is sort of leave it open and to come back. But that would not change. It wouldn't -- it would -- it wouldn't open up the record for more evidence to come in. The administrative record is the administrative record at this point in time. But if

there is an opportunity for some sort of discussions for a resolution that you think there needs to be time for which would change the Recommended Enforcement Decision, I think that, I think, Chair Gilmore is that what you are talking about? But I just want to be clear that it doesn't open up the record for new evidence.

CHAIR GILMORE: Oh, no, no, no, no, no. I am talking about discussions between the Respondents and staff for a resolution. And thank you for reminding me. I wanted to go back to something that Commissioner Hasz said. I think we have to be clear about what our goal is, and our goal here is to get the mess cleaned up, right? And I think we have all acknowledged that the amount of fines is not necessarily going to do that, right? And I and I get the whole carrot and stick thing, but given the respective responsibilities of the parties, I feel like maybe we should give them an opportunity to go back and talk to staff. But that is just me. Commissioner Eisen, Rebecca.

COMMISSIONER EISEN: I just wanted to agree that your notion that we defer this for another 30, 60 days, not long, with the message that staff be open to and responsive to the parties with respect to any interest the parties have in trying to settle their own particular liability in this matter. I mean, it is clear that at least one party has had the benefit but didn't do so until fairly recently

to settle this matter. So, you know, another 30 to 60 days or something like that for the other parties to think about whether they want to also try to pursue a reasonable resolution.

And I totally agree that we can't open it back up for more evidence, especially given that I am going to have to go back to the record to figure out what evidence we really are considering given how much almost testimony we were hearing today, so. So, I agree with that approach.

CHAIR GILMORE: Okay, Cesar.

MS. MALAN: Chair Gilmore, actually Commissioner Hasz had his hand raised up first.

CHAIR GILMORE: Oh, I'm sorry. Karl.

COMMISSIONER HASZ: Thank you. Question for staff. I know a boatload of time has gone into this, so I appreciate everybody's efforts on this. It is the neighboring properties are getting caught in policy, right? But it is policy. Can I ask staff. On the Belcher's property, they were also notified in February, and do we know when they cleared their property?

MS. BOYD: Correct, they were notified, they received an initial contact letter from us in February. They did clear their property July 9, the day after the VR was sent out.

COMMISSIONER HASZ: Gotcha, okay. And the items on

property, on Kanady and on the Kitrell's, the areas where it is, it is on the levee, right? And we had to wait for it to get dry. Then they are notified and then we get it off in a month. In the month or two, whatever, whatever the timing was, I don't care if it is three months, but it is during summer before winter. In that time period are we saying that the levees were in imminent danger of collapse because of this stuff?

MS. USHER: During the summer it was not in imminent, the levee was not in danger of collapse as such.

COMMISSIONER HASZ: Okay.

MS. USHER: And the road itself had dried.

COMMISSIONER HASZ: Okay, got it. And then sort of reverting back not only to Thad but then his father. I saw in his declaration, 84 years old, you know, obviously fixed income at this point, and I couldn't read all of his responses. But has Thad responded to getting stuff off of his father's property as well?

MS. USHER: Thad and his father have been in very close contact about this issue, and at this stage they are trying to work together to -- they have said at least to me, again I can't make any promises for what will or will not happen. The expressed desire has been to remove all fill. Just to stress, when I went out there I did a site visit, many of them, but one of them was with Thad himself.

I want to say this: At the time Thad's intention, this was just after -- it was just at the stage in April. It was hard packed enough, I was giving it like a week or two. And he said, yeah, I can come out next week and get everything off. He then did not follow through.

I can say that it is very much Bill, his father, it is very much his desire to have all items removed off of -- again, one parcel had Thad's items on it. The other one had been cleaned before two boats were moved on to it, that particular parcel, from the Kanady parcel. He has reiterated he wants virtually everything off as soon as possible. Again, I don't know this will happen.

Just to note this too. Most of these items are on trailers. Trailers that can -- and the items are very close to the levee road. One is about 15, 20 feet off but I have surveyed it, it can be pulled off. Thad himself agreed it could be pulled off.

Thad, Thad is former -- most of his career, most of his life he has been a contractor, an extremely knowledgeable one. He knows, he knows -- and Chris can attest, Thad knows how to remove all these things.

The one thing that, you know, of course, the barge, he can't do that on his own and certainly lacks, lacks the money and equipment.

The small boat that is -- that is in -- mostly sunk.

He tried to use flotation devices at one point to pull that out. He failed but he has got another idea.

The point is, you know, virtually all of these things can certainly be moved, removed down that road, until it rains again and gets bogged down.

COMMISSIONER HASZ: So look, I am brand new to Enforcement, so I don't know the ins and out of process here. I am just going to make overarching comment on you have four members of the Kittrell family here. Obviously, time is more readily accessible than means to pay fines. I don't know Mr. Kanady's situation, but even 3500 on property that is maybe worth 20, 30 grand, I don't know. It all just feels like a heavy burden for folks that literally were dumped on, right. And so I just -- I know from my mom's property in the Delta, we had a person move on there in a trailer and started squatting and we didn't know that for at least a year and a half, two years. And she moved cars on there, same exact thing.

Then they had another property in Kern County. Again it was just sitting there. We hadn't been there in three, four years easily because we just never went up to that area. And again, somebody was squatting. They had brought junk on.

It is -- I am just -- I am having trouble here agreeing to any fines. Because in my mind, notified in

February, you can't move the stuff until probably June. By the time everything really dries out, July. We move stuff in August, September, even October. I am feeling that is actually timely. There was no immediate threat of collapse of the, of the levee.

Look, we all want to get it cleaned up, that is the purpose here. I don't think -- I am just having trouble here with the fines against the property owners other than Thad. I feel for his dad having to deal with it. Maybe he is a part of it, I don't know. But I just feel for the three neighbors that we are talking about here. And so I don't know where to take it from here, because I don't know the process of the Enforcement Committee. I will leave it to my fellow Commissioners, maybe a comment.

CHAIR GILMORE: Thank you. Cesar.

COMMISSIONER ZEPEDA: Thank you. I agree with Commissioner Hasz. Excuse me. I think that if the goal -- excuse me. If the goal is to clean up the area and it has already been cleaned up by at least half of these, I believe it is Three, Four and Five violation, that we should just get rid of those and say, you do not do anything else on the property that is illegal. And we move them out and we focus on the biggest one, which is Thad. I think all the time and energy should go into that property owner who obviously has done all the bad stuff there, and

we are going to be better off putting that time there, time and effort.

And then for the Kittrell Estate, it sounds like from what staff mentioned if I remember correctly, it is not all cleaned up. So maybe if we are going to bring this item back up in 30 days we say, you clean it up in 30 days then we move forward. And again we continue focusing on Thad because that is the one that has been and it sounds like potentially will continue putting garbage in the, in the, in the area. So, we focus on him instead of having to focus on five different groups or six different groups. But that would be my recommendation is to not issue if it is already cleaned up because if there was any damage it is already done. And unless we are going to use the fines to go in and do something with the levee, then we are not really helping the levee with those fines at this time. But it is almost 12:00 o'clock so I just wanted to --

COMMISSIONER HASZ: Commissioner, Commissioner, could I ask, would you also --

CHAIR GILMORE: Hold on, please.

COMMISSIONER HASZ: Oh, sorry.

CHAIR GILMORE: Thank you. Are you finished, Cesar?

COMMISSIONER ZEPEDA: Yes, thank you.

CHAIR GILMORE: Okay, thank you. Rebecca and then Karl.

COMMISSIONER EISEN: I think there, you know, it is always good to try to figure out what result we are trying to get to and how best to get there. But as the Enforcement Committee we have this kind of quasi-judicial obligation to work within the laws that have been assigned to us. We are allowed to take into account the ability to pay of the Respondents, but there is a process for doing that; and as I understand it, nobody has made an effort to make the claim that they are unable to pay. We are making a lot of assumptions --

CHAIR GILMORE: Right.

COMMISSIONER EISEN: -- about whether these people can or cannot pay. Their obligation when they are facing an order from this Commission is to say, you know, I can't pay and this is why; and give us the information which we will readily look at and take into account.

We are also able to reduce the penalties based on whether we think these are minor violations, et cetera, and the staff has done that. So, there is a little bit of second guessing of the work that has already gone into thinking about what the value of these various claims are.

And I think the Chair makes a good point that the law is that you are strictly liable for fill on your property. You are liable for it whether you visit that property or don't visit that property. That is your obligation as a

property owner that is in our jurisdiction. So whatever mitigation folks did once they got this notice, they were still the property owners at a time when there was fill on their property. That is the legal position that the Commission is supposed to follow. That is the, that is the state of the law that we are supposed to follow.

So, can this be resolved? Can it be settled? Yes, but I -- it takes, you know, it takes both us and the Respondents to work together towards that result.

I am not in favor of saying, you know, just drop, drop the claims against the folks who had fill on their property for many years and who have the opportunity to try to resolve this with staff and who had the opportunity to put in a claim that they were unable to pay, which they did not do. I don't -- I think that is setting a precedent that we don't want to go down. You know, we can be compassionate, but the places to be compassionate are in a settlement conversation and in the mitigation that the staff has already looked at. So we, you know, sitting here listening to this in the last couple of hours, simply have nowhere near enough information about these folks' wherewithal to make a determination that we should just drop certain claims. That is sort of where I'm leaning.

CHAIR GILMORE: Thank you, Rebecca, I couldn't have said that better myself. And I want to caution Members of

the Committee that since the Respondents did not offer evidence of their inability to pay as part of the record, we are making assumptions, and they can no longer offer that evidence before this Committee. Now that said, settlement negotiations are confidential and what happens in that settlement negotiation is exactly that, a negotiation.

Karl, I think you had your hand up.

COMMISSIONER HASZ: Yeah. And I'm sorry I should have clarified. I wasn't talking about waiving the fine in its entirety. I just would like to see -- I don't know if we do it by how many items were on property. Because, you know, Kittrell's, there was literally a quarter of a truck, or half a truck across property line. I don't know what Kanady's situation was or the Belchers. Like, how much stuff was there, how much stuff got moved. You know. I also don't like continuing to kick the can down the road, right? It is like, maybe we give it 30 days and then but that's it. Like we have to come to a decision. But I would be, I would be inclined to, we have a settlement with one group. It feels like that is the maximum cap that should be put on the other group, and then the bulk of the fine goes towards Thad, because precedence was set in a number. I don't know, that is, that is what I am leaning towards here. And then obviously the Cease and Desist goes

forward with Thad.

CHAIR GILMORE: Okay, so what I am hearing is it seems to be a consensus among members of this Committee that we send this matter back to staff for discussions with the Respondents, with the understanding that this is not an opportunity to introduce new evidence, and see if there is some sort of agreement that can be worked out between, between the parties. And that this should come back to us at a certain time. And I am I am looking at staff because I know there has been an incredible amount of work in this, and I want to get a sense of if we send this back to you, how much time do you think you would need before it could come back to us again?

MS. BOYD: This is off the top of my head. We have a EC meeting coming up November 12. I don't know that we are going to be able to meet the mailing requirements for sending out a new RED. And this would be a point of clarification for the Committee. If this is rejecting the RED proposed or rejecting our request to send this back to us to incorporate the proposed settlement. Just a point of clarification I think would be needed for us. But so -- and then we have an EC meeting December 10, I believe would be the final one of the year. So, if --

CHAIR GILMORE: Okay. So, I don't hear anybody saying that we are rejecting the EC. Is that correct, Committee

Members?

COMMISSIONER EISEN: Yes.

CHAIR GILMORE: That is correct, right? Okay, we are not rejecting that. I think what we are doing is we are sending it back to staff to give the Respondents an opportunity to engage in discussions regarding settlement if they wish.

MR. TODD TROST: Are we able to make a settlement offer right now?

CHAIR GILMORE: I'm sorry, I am not taking --

MR. TODD TROST: Because I am (overlapping) --

CHAIR GILMORE: Excuse me. Excuse me. I am not taking any comments from Respondents or the public right now. This is a discussion between Committee Members. Whatever settlement discussions -- if this is agreed upon, whatever settlement discussions will happen at some future time with staff, if this goes forward. So, the answer to your question is no, just to be clear.

Karl.

COMMISSIONER HASZ: Thank you. I think my last, well, hopefully my last comment on this whole thing. In going back and thinking about a settlement number and thinking about quantity of items by parcel. I don't know. To me it feels like there is a little bit of wiggle room here so it is not just a straight number that we come up with. But I

would just ask staff that we think about the severity of each one of these. But thank you.

CHAIR GILMORE: We are, we are not going to box staff in with a number because each case is different and I trust staff to be able to weigh the differences between the different cases. And in talks with each Respondent group come up, potentially have the ability to come up with some number, whatever that number is.

And I also want to tell staff I am willing to leave open, based on whatever your discussions are, if you come back and say, we have no change. So, I am basically saying to staff, the range is there. What I just really want to see is that the Respondents have an opportunity that the Belchers, because they were more sophisticated and had access to legal advice, took advantage of. That is all I want to see.

And I am looking for comments from my other -- oh, John. Actually, sorry, I think Rebecca had her hand up first. Rebecca, you're muted.

COMMISSIONER EISEN: Yeah, finding my unmute button is not easy in Italy for some reason. So, we have a December 10 Enforcement Committee meeting; is that my understanding of the calendar? I would maybe just ask that we receive, you know, either a new proposal or a -- or a status at that meeting. And that we can -- at that meeting, that'll give

everybody enough time to figure out if they can get a resolution going and how close they are to getting a resolution. And then if that is not flying then we go ahead and make our decision on December 10.

CHAIR GILMORE: Okay. John.

COMMISSIONER VASQUEZ: A question to Shari. Can we bifurcate this and move forward with a Cease and Desist and the agreement with the Belchers, and then just take the other part of providing an opportunity for the other Respondents to be able to sit down, meet with staff, give them that opportunity?

MS. POSNER: I think that would be similar to kind of what staff was asking originally, because they really were already asking you to send it back to them to bifurcate off the Belchers. Right, Amanda, if I am understanding correctly. So, they wanted a recommendation from you to send it back to them to bifurcate off the Belchers and then give a revised Recommended Enforcement Decision. So sorry. I am not sure there is anything that prevents that happening in the broader context when they come back on December 10. If I am, if I am, you know, if you -- what I'm saying. But I don't know. If you are saying, could you. I think to bifurcate off Thad Woodin right now would be very complicated. I don't think it would be impossible.

COMMISSIONER VASQUEZ: Okay.

MS. POSNER: But it would be, it would be really making on the fly amendments and then taking a vote. And it wasn't presented as separate. None of these were presented as separate violations. So, you'd really -- there is only -- like say One and Two are Thad-only, Five is Thad and Bill. And I think it would be very challenging, in this context, to bifurcate off by violation, which is, I think, what would have to happen. I just think it is too complicated. I think it is better to send it -- I mean, I can't make a recommendation on what you should do, but I think that would be complicated in this context. I don't know that it would be impossible, but I don't think, with the time that we have left, that that is really -- I don't think it could be done.

COMMISSIONER VASQUEZ: So, we could just continue this hearing until December 10, could we not?

MS. POSNER: Correct, correct.

COMMISSIONER VASQUEZ: Given staff has heard what everybody has had to say and so have the Respondents. So, it would provide an opportunity for people to get together again. And I like the fact Marie mentioned the fact that it is confidential, so we don't need to know whether, you know, what the status of people's incomes are. They can do that in a confidential -- what is the word I am looking for? Confidential setting to talk to staff about, you

know, can we get to something different, I guess.

MS. POSNER: That is correct. I mean, any settlement discussions would not be on this record.

CHAIR GILMORE: Okay. So, it sounds like what I am hearing is that we just continue the whole thing, including the Belchers, until the December 10 meeting to give Respondents and staff an opportunity to talk.

MS. POSNER: I think that is correct. I mean, I do think -- just dialing back. I guess since the staff, Amanda, you can chime in after I am done as well. Staff was seeking to have it sent back to bifurcate off the Belchers and then have it come back to you. The Recommended Enforcement Decision they wanted you to vote on would be without, in theory, the Belchers. And I don't know if -- I think it is possible they could come back with the full Recommended Enforcement Decision to the Committee intact with the Belchers bifurcated off because that was going to happen anyway but then report back on what happened to the rest. Was there a resolution? In which case there would be some, you know, other documents at some point in time. Or there is no resolution. What is the, you know, the Enforcement Committee's final deliberations and what do they want to do on it as presented with the Belchers bifurcated off. I mean, Marie, I am going to also defer to you, but I think that would be plausible. So, you

are not -- your direction is to keep open the portion with the exception of the Belchers.

CHAIR GILMORE: Well, wait, wait, wait, wait. I am confused. Let's talk about the Belchers for a minute. Do we have a date by which we have -- now that they have agreed to a settlement is that on its own track? Is there a date by which it has to be approved by the full Commission? Because what I am thinking is we just send the whole thing back to staff and tell the Belchers, you know, we have a settlement with you, we are not disputing that. It is just that we want to send the whole package to the full Commission when we send the whole package to the full Commission.

MS. POSNER: That would be the cleanest, and I am sorry if I made that more -- I do think that would be the least confusing and cleanest thing to do.

CHAIR GILMORE: Okay. Because that is what I am kind of thinking. I am kind of thinking that we continue the whole thing, including the Belchers, until December 10, so staff and the Respondents have an opportunity to have discussions. And then this comes back to us on December 10. And at that point in time the Committee makes a discussion on the Recommended Enforcement Decision and if we have any potential settlements, including the Belchers, and maybe any additions. That is what I am thinking.

Because I think that would probably be the cleanest for staff. Amanda, I am looking at you.

COMMISSIONER ZEPEDA: I will second that motion if that's a motion.

CHAIR GILMORE: Okay, hold on. I hope the court reporter got that but I don't think we are quite ready yet because Karl still has --

MS. BOYD: If I may just for the record, if I may just for the record, our request was to have the Enforcement Committee direct staff to prepare an Enforcement Committee Recommended Enforcement Decision incorporating the settlement for the full Commission's review. That would be the process in our regulations that we would have been required to follow if that was something the Enforcement Committee approved.

And it sounds like, though, the Enforcement Committee would like us to pause, for lack of a better word, this matter, to be able to have further discussion if that is appropriate, case by case, try to come to a resolution if possible, to go back to the Enforcement Committee with a refreshed RED and Orders as applicable for the December 10 hearing. I want to make sure I clarify initially what our request was and what has been proffered before, of course, a final motion and vote.

CHAIR GILMORE: Okay, great. Karl.

COMMISSIONER HASZ: Along the lines of Commissioner Vasquez's idea of bifurcating, not doing it with any of the violations, fines, anything like that, but how about the Cease and Desist? Can that move forward on Thad only?

CHAIR GILMORE: I honestly don't like that idea. I think it would be cleaner and less confusing to send an entire package to the full Commission. Because ultimately what I would like to see is like I would like to see the Cease and Desist Order, the Recommended Enforcement Decision, and whatever settlements, if any, presented to the Commission all at the same time.

COMMISSIONER VASQUEZ: Yes, gotcha.

CHAIR GILMORE: And I would like all of that to come back to us on December 10 so we can make a decision on it to move forward to the full Commission. Okay.

So, are there any other comments from Committee Members or any questions from -- Rebecca.

COMMISSIONER EISEN: My only question is, do we need a motion on that, or can we simply continue this? Do we have to have --

COMMISSIONER VASQUEZ: A motion to continue.

CHAIR GILMORE: Go ahead, John.

COMMISSIONER VASQUEZ: I said a motion to continue.

CHAIR GILMORE: Okay. Okay, hold that thought, John.

So, Amanda, I just want to ask, because it looks like

we are going to get a motion to continue. But I want to ask while we are here, is the Committee's direction clear to staff?

MS. BOYD: Yes, Chair, thank you.

CHAIR GILMORE: Okay, thank you. All right, now, who wants to make a motion to continue this matter until December 10.

COMMISSIONER VASQUEZ: I will make the motion.

CHAIR GILMORE: Okay, I need a second.

COMMISSIONER EISEN: Second.

CHAIR GILMORE: Okay, I need a second.

COMMISSIONER EISEN: I will second.

CHAIR GILMORE: Okay, a motion to continue this matter until December 10 made by Commissioner Vasquez, seconded by Commissioner Eisen. Isabel, can you please call the roll.

MS. CHAMBERLAIN: Yes. Commissioner Hasz?

COMMISSIONER HASZ: Aye.

MS. CHAMBERLAIN: Commissioner Eisen?

COMMISSIONER EISEN: Yes.

MS. CHAMBERLAIN: Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yes.

MS. CHAMBERLAIN: Commissioner Zepeda?

COMMISSIONER ZEPEDA: Yes.

MS. CHAMBERLAIN: Chair Gilmore?

CHAIR GILMORE: Yes.

Okay. Thank you very much to staff and the Respondents who made the journey here today. I understand that this was long, but these issues are very complicated. This matter will be continued until our meeting of December 10.

And now we are ready for adjournment. Can I get a motion and a second to adjourn the meeting, please?

COMMISSIONER ZEPEDA: Motion to adjourn.

COMMISSIONER VASQUEZ: Second.

CHAIR GILMORE: Okay, motion by Commissioner Zepeda and seconded by Commissioner Vasquez.

Thank you very much, everybody. Oh, and I am going to assume this carries unanimously. Everybody, raise your hands.

COMMISSIONER ZEPEDA: Yes.

(Show of hands.)

CHAIR GILMORE: Carries unanimously. Thank you, everybody for your time and attention, it was really appreciated. Good job, everyone. Thank you very much. Bye.

(Thereupon, the Enforcement Committee meeting was adjourned at 12:12 p.m.)

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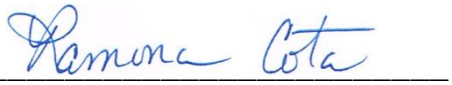
CERTIFICATE OF REPORTER

I, RAMONA COTA, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing San Francisco Bay Conservation and Development Commission Enforcement Committee meeting and that I thereafter transcribed the recording.

I further certify that I am not of counsel or attorney for any of the parties to said Committee meeting, or in any way interested in the outcome of said matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of October 2025.



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