

# San Francisco Bay Conservation and Development Commission

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**Commission Stipulated Cease and Desist and Civil Penalty Order:**

CCD2026.001.00

**Effective Date:**

TBD [Effective upon execution by the Executive Director]

**Respondent:**

Robert Chiang

## To Robert Chiang:

### I. Commission Stipulated Cease and Desist Order

Pursuant to Cal. Gov. Code § 66638 and Cal. Code Regs. tit. 14, § 11322(i), Robert Chiang (“Respondent”) is hereby ordered to:

- A. Cease and desist from violating the McAteer-Petris Act and White Slough Protection and Development Act;
- B. Within 60 days of this Order’s issuance, remove any unpermitted fill, including but not limited to trash, clothing, and other forms of pollution, on Respondent’s parcels (APN 0051-010-460 and APN 0051-010-470) within BCDC’s jurisdiction; and
- C. Within 60 days of this Order’s issuance, submit, and obtain BCDC’s approval for, a written management plan detailing how Respondent will keep his parcels (APN 0051-010-460 and APN 0051-010-470) within BCDC’s jurisdiction clear of trash, pollution, and other unpermitted fill. Thereafter, Respondent shall implement and comply with the approved written management plan.

If Respondent fails to comply with the terms of the Stipulated Cease and Desist Order, BCDC is authorized to request that the Attorney General seek an injunction and civil penalties up to \$6,000 for each day in which a violation of the Order persists, pursuant to Cal. Gov’t Code §§ 66640 & 66641.

### II. Commission Stipulated Civil Penalty Order

Pursuant to Cal. Gov. Code §§ 66641.5(e) & 66641.6 and Cal. Code Regs. tit. 14, § 11322(i), Respondent is hereby ordered to:

- A. Pay an administrative civil penalty of \$2,500 to BCDC by cashier’s check made payable to the San Francisco Bay Conservation and Development Commission, to be deposited into the Bay Fill Clean-up and Abatement Fund, within 30 days of issuance of this Order.

If the administrative civil penalty is not paid within 30 days of issuance of this Order, BCDC is authorized to refer the matter to the Attorney General pursuant to Cal. Gov. Code § 66641.7(b).



### III. Findings

**Factual Findings.** This Commission Stipulated Cease and Desist and Civil Penalty Order (“Order”) is based on the findings summarized below. The enforcement record in support of these findings includes all documents cited herein and all documents identified at Cal. Code Regs. tit. 14, § 11370. A comprehensive set of findings is found in the Violation Report and Complaint for Administrative Civil Liability that BCDC issued on December 29, 2025.

- A. Respondent owns APN 0051-010-460 (the “northern parcel”) and APN 0051-010-470 (the “southern parcel”) in Vallejo. The northern parcel and southern parcel border the White Slough marsh, which falls within BCDC’s certain waterways jurisdiction under Section 66610(e)(6) of the McAteer-Petris Act (“MPA”) and BCDC’s White Slough jurisdiction under Section 66672 of the White Slough Protection and Development Act (“White Slough Act”).
- B. On November 29, 2023, BCDC staff discovered large amounts of trash in a creek that touches Respondent’s northern parcel and separates his two parcels.
- C. On August 23, 2024, BCDC staff discovered that the creek remained polluted with unpermitted fill, including a grocery cart, wood pallets, plastics, and other trash, and that a second creek cutting across Respondent’s southern parcel also contained trash, including clothing. Both creeks are connected to, and part of, the White Slough.
- D. The presence of the unpermitted fill violates Section 66632(a) of the MPA and Section 66681(b) of the White Slough Act, which require any person wishing to place fill, broadly defined as “earth or any other substance or material,” within BCDC’s jurisdiction to obtain a permit from BCDC authorizing the fill. Under *Leslie Salt Co. v. San Francisco Bay Conservation etc. Com.*, 153 Cal.App.3d 605 (1984), BCDC has the authority to hold a landowner responsible for unpermitted fill placed on their property by unknown third persons.
- E. On October 8, 2024, BCDC mailed Respondent an Initial Contact Letter to alert him to the unpermitted fill on both of his parcels, giving him a chance to resolve the violation before BCDC took formal enforcement action.
- F. On October 14, 2024, staff spoke with Respondent via telephone. During that conversation, Respondent acknowledged the pollution on his parcels and told staff that he paid a man named Nick Braden to clean his parcels every year and that Respondent believed the city of Vallejo had easements making it responsible for maintaining the creeks on his parcels. Ultimately, however, Respondent failed to provide any evidence in support of his claim that the city of Vallejo is responsible for cleaning the creeks on his parcels, and documents obtained by staff from Solano County indicate that although the city of Vallejo has easements on Respondent’s parcels, those easements do not make the city of Vallejo responsible for keeping the creeks on Respondent’s parcels clear of trash and pollution.
- G. On December 20, 2024, staff returned to Respondent’s property to measure, with Respondent present, the extent of his parcels. Respondent agreed to clean the parcels by January 3, 2025.

- H. The violation, however, continued to persist. Therefore, on January 22, 2025, staff mailed Respondent a Notice of Violation to inform him that he was in violation of Section 66632(a) of the MPA for the unpermitted fill on his parcels and that if he failed to resolve the violation within 35 days, standardized fines would begin to accrue in accordance with Cal. Code Regs. tit. 14, § 11390(a).
- I. Although Mr. Braden managed a clean-up operation for Respondent on both parcels in mid-April 2025, staff returned to the property on April 25, 2025 and found that trash and pollution remained.
- J. Staff made a site visit on August 18, 2025 and found that trash and pollution remained on Respondent's parcels.
- K. On November 12, 2025, staff sent Respondent a Notification of Rescission that served as notice that BCDC was rescinding his opportunity to resolve the violation through the standardized fines process because he failed to take necessary corrective actions within 125 days of the Notice of Violation and the Executive Director determined that he did not make a good-faith effort to resolve the alleged violation, in accordance with Cal. Code Regs. tit. 14, § 11390(d).
- L. On December 5, 2025, BCDC staff made a site visit to confirm that trash and other forms of pollution remained on Respondent's parcels within BCDC's jurisdiction.
- M. On December 29, 2025, BCDC issued a Violation Report and Complaint for Administrative Civil Liability ("Violation Report and Complaint") in the amount of \$25,500. The Violation Report and Complaint alleges that Respondent violated Section 66632(a) of the MPA and Section 66681(b) of the White Slough Act by placing fill within BCDC's jurisdiction without obtaining a permit from BCDC. Specifically, plastic containers, trash, clothing, and other forms of pollution have been present in and alongside two creeks that extend from the White Slough onto Respondent's northern and southern parcels. In determining the amount of administrative civil liability, staff considered the factors set forth in Section 66641.9(a) of the MPA (Cal. Gov't Code § 66641.9(a)) and applied the penalty ranges and adjustment factors identified in Appendix J of BCDC's regulations.
- N. Staff and Respondent's authorized representative engaged in confidential settlement discussions and reached an agreement to resolve this case on February 10, 2026, the terms of which are reflected in this stipulated Order.

### Legal Findings

- O. The Commission finds that Respondent violated the MPA and White Slough Act by allowing the unpermitted fill described in Section III.M to accumulate and remain at the locations described in Section III.A within BCDC's jurisdiction without obtaining a permit from BCDC that authorizes the fill.
- P. The Commission finds that BCDC staff correctly identified one violation of the MPA and White Slough Act in this matter.
- Q. The Commission finds that Respondent is culpable for the violation due to his ownership of the parcels on which the unpermitted fill has been placed.

Robert Chiang  
CCD2026.001.00; ER2023.063.03

- R. The Commission finds that Respondent has received due process throughout this enforcement action.
- S. These findings are based upon Exhibits 1-16 of the Violation Report & Complaint that was mailed to Respondent on December 29, 2025, and Exhibits A-C of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on February 13, 2026.

**IV. Terms**

- A. The Executive Director may, at his discretion, grant an extension of time for demonstrated good cause to comply with any provision of this Order.
- B. This Order does not affect any duties, rights, or obligations established under private agreements or by the laws and regulations of other public bodies.
- C. This Order does not constitute a recognition of property rights.
- D. Full compliance with this Order immediately and fully resolves Enforcement Case ER2023.063.03.
- E. This Order is effective upon issuance thereof.

**V. Judicial Review**

- A. Under Cal. Gov. Code §§ 66639(a) & 66641.7(a), within 30 days after service of a copy of a cease and desist order and civil penalty order issued by the Commission, an aggrieved party may file with the superior court a petition for writ of mandate for review of the order pursuant to Section 1094.5 of the Code of Civil Procedure. As this is a stipulated order between the parties, Respondent hereby waives any rights he may have to file a writ of mandate for review of this order.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

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LAWRENCE J. GOLDZBAND, BCDC Executive Director

\_\_\_\_\_  
Date

Signed by:  
  
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 Robert Chiang, Respondent

2/11/2026  
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 Date

**APPROVED AS TO FORM:**

DocuSigned by:  
  
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 Arthur J. Liu, Respondent's authorized representative

2/11/2026  
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 Date