

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Commission

Stipulated Civil Penalty Order: CCD2025.002.00

Effective Date: TBD [Effective upon execution by the Executive Director]

Respondent: Steve and Lesley Belcher

To Steve and Lesley Belcher:

I. Stipulated Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6, Steve and Lesley Belcher (“Respondents”) are hereby ordered to:

- A. Pay administrative civil liability of three thousand five hundred dollars (\$3,500) 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 thirty (30) days of issuance of this Order. The administrative civil liability consists of:
 - 1. Three thousand five hundred dollars (\$3,500) for unpermitted fill within BCDC’s 100-foot shoreline band jurisdiction and the Primary Management Area consisting of (1) a blue recreational vessel and (2) a white and blue recreational vessel that is partially located on the Respondents’ parcel.

II. Findings

Factual Findings. This Commission Stipulated Civil Penalty 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. Respondents own a parcel located on Van Sickle Island, Solano County, as identified by Assessor Parcel Number (APN) 0090-120-030.
- B. Prior to November 23, 2022, fill consisting of two recreational vessels were placed by a third party within BCDC’s 100-foot shoreline band jurisdiction and Primary Management Area jurisdiction on the property described by Section II.A.
- C. The activities described by Section II.B constitute the placement of fill in BCDC’s jurisdiction under McAteer-Petris Act (“MPA”) section 66632(a) and no Commission permit under that section was obtained for the activities described above meaning that this requirement has not been met.
- D. The activities described by Section II.B also constitute development in BCDC’s jurisdiction under Suisun Marsh Preservation Act (“SMPA”) section 29500 and no



Commission permit under that section was obtained for the activities described above meaning that this requirement has not been met.

- E. Therefore, Respondents, as the property owners, are responsible for one violation of the MPA and SMPA.
- F. On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the property identified in Section II.A and collected photographic evidence depicting the fill.
- G. On February 5, 2025, BCDC staff mailed an initial contact letter to Respondents, describing the unauthorized fill and advising that the Respondents “must clear all illicit items of fill from your parcel.” BCDC staff indicated that the unauthorized fill potentially violated the MPA and SMPA and needed to be removed immediately.
- H. On February 13, 2025, BCDC staff communicated with Respondents via phone call, during which time staff reiterated the nature of the alleged violation and urged Respondents to remove the unauthorized fill.
- I. Prior to July 8, 2025, Respondents failed to demonstrate that the unauthorized fill identified in Section II.B was removed from BCDC’s shoreline band jurisdiction and from the Primary Management Area.
- J. On July 8, 2025, BCDC staff issued a Violation Report and Complaint for Administrative Civil Liability for the ongoing violations via electronic and certified mail.
- K. On August 12, 2025, Respondents filed their Statement of Defense (“SOD”) form.
- L. On August 26, 2025, Respondents waived their right to have a hearing within sixty (60) days of mailing the Violation Report and Complaint for Administrative Civil Liability under Government Code section 66641.6(b) and agreed to postpone the hearing scheduled for August 27, 2025.
- M. On July 9, 2025, Respondents via e-mail provided BCDC staff with photographs demonstrating that all of the unauthorized fill had been removed from their property.
- N. To date, Respondents have fully abated the MPA and SMPA violation at their property.
- O. On October 21, 2025, BCDC staff engaged in discussions with Respondents, through their attorney, regarding the violation and agreed to a proposed settlement for penalties.
- P. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondent on July 8, 2025, and the exhibits included in the Revised Recommended Enforcement Decision that is to be mailed to the Enforcement Committee on November 28, 2025.

Legal Findings

- Q. The Commission finds that Respondents violated the MPA and SMPA by failing to prevent and failing to abate the activities described in Section II.B at the location described in Section II.A within BCDC jurisdiction without obtaining a permit from BCDC.
- R. The Commission finds that BCDC staff correctly identified one violation of the MPA and SMPA in this matter.
- S. The Commission also finds that based on the factors provided by the MPA Section 66641.9, the proposed settlement penalty for this matter of \$3,500 for the violation is appropriate.

- T. Specifically, pursuant to Appendix J of the Commission's regulations (14 CCR), the Commission finds that for the violation, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove unauthorized fill is moderate.
- U. The Commission finds that Respondents are culpable for the violation due to their failure to correct the violation by removing the unauthorized fill.
- V. Respondents are the sole property owners and are responsible for maintaining their property in a manner consistent with the MPA and SMPA.
- W. The Commission finds that BCDC staff communicated to Respondents on February 5, 2025, and February 13, 2025, that they should not remove the fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result, Respondents refrained from resolving the violation. Respondents also cooperated with staff's investigation, responding in a timely manner, pledging to remove the unauthorized fill and inquiring about how best to do so. Further, the violation was the result of inadvertent omissions on the part of the Respondents to survey their property to identify and remove fill placed by a third party.
- X. Therefore, the Commission finds that this Order constitutes a reasonable settlement of the violation.
- Y. The Commission finds that Respondents' ability to pay is not in question.
- Z. The Commission finds that Respondents have received due process throughout this enforcement action.
- AA. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondents on July 8, 2025, and the exhibits included in the Revised Recommended Enforcement Decision that is to be mailed to the Enforcement Committee on November 28, 2025.

III. 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. This Order immediately and fully resolves Enforcement Case ER2025.001.00.
- E. This Order is effective upon issuance thereof.
- F. Respondents in their papers have denied liability and contested the factual and legal findings in this Order. Respondents are entering into this Order because they desire to settle this matter, and for that purpose are no longer contesting those findings.

IV. Judicial Review

- A. Under Cal. Gov. Code §§ 66639(a) & 66641.7(a), within thirty (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 of 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, Respondents hereby waive any right they may have to file a writ of mandate for review of this order.

FOR THE SAN FRANCISCO BAY CONSERVATION
AND DEVELOPMENT COMMISSION

Dated: _____

LAWRENCE J. GOLDZBAND
Executive Director

Dated: 11/15/2025

STEVE BELCHER

Dated: November 15, 2025

Lesley E Belcher
LESLEY BELCHER

Approved as to form: [Signature]

Lawrence Bazel
Attorney for Respondents